



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF JUNE, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle, Koch and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

**CONSENT AGENDA - NO DISCUSSION**

Agenda No. 1008 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

999 Accept bid of Service Master SW Portland for janitorial services at City Hall for \$57,588 (Purchasing Report - Bid 116A)

**Disposition:** Adopted; prepare contract.

1000 Accept bid of Clearwater Construction Company for casing pipe installation, N Randolph Avenue, NW Balboa Avenue, and NW 9th Avenue for \$108,181 (Purchasing Report - Bid 125)

**Disposition:** Adopted; prepare contract.

1001 Accept bid of Colt Construction for 16 inch water main, Marine Drive Supply I for \$71,749 (Purchasing Report - Bid 126)

**Disposition:** Adopted; prepare contract.

1002 Accept bid of Ken Hood Construction Company for demolition of Hayden Island Wastewater Treatment Plant for \$179,200 (Purchasing Report - Bid 135)

**Disposition:** Adopted; prepare contract.

JUNE 6, 1990

1003 Accept bid of Automation Specialties, Inc. for Inverness Wastewater Force Main Cathodic Protection System for \$100,677 (Purchasing Report - Bid 136)

**Disposition:** Adopted; prepare contract.

1004 Accept bid of 2 KG Contractors for renovation of Overlook House Community Center for \$104,500 (Purchasing Report - Bid 140)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

\* 1005 Pay claim of Sharyn Atkins (Ordinance)

**Disposition:** Ordinance No. 163119. (Y-4)

\* 1006 Pay claim of Gilbert L. Fall (Ordinance)

**Disposition:** Ordinance No. 163120. (Y-4)

\* 1007 Authorize amendments to documents in connection with transfer of South Park Square, a project financed with revenue bonds (Ordinance)

**Disposition:** Ordinance No. 163121. (Y-4)

\* 1009 Amend contract with D. G. Carlson and Associates for data processing services at \$50,000 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163122. (Y-4)

**Commissioner Earl Blumenauer**

1010 Accept completion of the NE Schuyler St. and NE 148th Ave. Sanitary Sewer and make final payment (Report; Contract 25751)

**Disposition:** Adopted.

1011 Accept completion of the SE Glenwood St. from SE 97th Ave. West Sanitary Sewer and make final payment (Report; Contract 25618)

**Disposition:** Adopted.

1012 Accept completion of the Knott Park Sanitary Sewer System (Report; C-9685)

**Disposition:** Adopted.

JUNE 6, 1990

- \* 1013 Amend Ordinance No. 162427, which granted a Comprehensive Plan Map Amendment and Zone Change on property on the north side of SW Barbur Boulevard, at the 7500 block, from R7, Residential to C2SD, Commercial, with Sign and Design Review Overlay Zones, to correct the legal description (Ordinance; 7936-PA)
- Disposition:** Ordinance No. 163123. (Y-4)
- \* 1014 Grant permit to Harold A. and Kathleen M. Slater to continue to operate a construction office at 1416 SE 37th Avenue, for a period of five years, under certain conditions (Ordinance; 7983R)
- Disposition:** Ordinance No. 163124. (Y-4)
- \* 1015 Grant a revocable permit to Cascade Run Off to erect a timers scaffold over SW Front Avenue south of SW Ash on June 17, 1990 (Ordinance)
- Disposition:** Ordinance No. 163125. (Y-4)
- \* 1016 Grant a revocable permit to Lombard North Business Association to hang a banner across N Lombard Street at N Oatman Avenue June 11, 1990 through June 18, 1990 (Ordinance)
- Disposition:** Ordinance No. 163126. (Y-4)
- \* 1017 Grant a revocable permit to Rotary International to close and erect tents on SW Madison and Main Streets and on SW East and West Park Avenues on June 25th and 26th, 1990 (Ordinance)
- Disposition:** Ordinance No. 163127. (Y-4)
- \* 1018 Grant a revocable permit to the State of Oregon for a private sanitary sewer pressure line in NE 33rd Drive to serve the Columbia River Correctional Institute (Ordinance)
- Disposition:** Ordinance No. 163128. (Y-4)
- \* 1019 Authorize modification No. 1 to City Contract No. 24569 with Tri-Met for construction of Transit Transfers Site Improvements - Unit 2 Project (Ordinance)
- Disposition:** Ordinance No. 163129. (Y-4)
- \* 1020 Accept a street deed for the future widening of NE San Rafael Street east of NE 114th Avenue, granted by Charles R. Duncan and Carol A. Duncan, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163130. (Y-4)

JUNE 6, 1990

1021 Provide for time and manner of improving SW 47th Avenue, SW Vacuna Street, SW Coronado Street, and SW Buddington Street, and construction of a storm sewer system (Second Reading Agenda 988)

**Disposition:** Ordinance No. 163131. (Y-4)

\* 1022 Accept two temporary construction easements for the Englewood Sanitary Sewer Project, granted by Elsie A. Gyorog and Joanne A. Marrow, authorizing total payment of \$200 (Ordinance; C-9700)

**Disposition:** Ordinance No. 163132. (Y-4)

\* 1023 Accept two sewer easements for the Englewood Sanitary Sewer Project, granted by Lester J. Peterson and Beulah G. Peterson and Jarvis A. Chambers and Sheree Chambers, authorizing total payment of \$335 (Ordinance; C-9700)

**Disposition:** Ordinance No. 163133. (Y-4)

\* 1024 Accept a sewer easement for the SW Terwilliger Boulevard west of SW Bancroft Terrace Sewer Project, granted by Thelma E. Norris, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 163134. (Y-4)

**Commissioner Dick Bogle**

1025 Repeal Title 32 and replace with new title establishing regulations for the design, installation, and inspection of signs and awnings (Second Reading Agenda 994)

**Disposition:** Ordinance No. 163135. (Y-4)

\* 1026 Accept a grant of \$900 from the Oregon State Fire Marshall's Office for the Bureau of Fire, Rescue and Emergency Services (Ordinance)

**Disposition:** Ordinance No. 163136. (Y-4)

\* 1027 Contract with Konell Construction Co., Inc. for \$23,077 for the demolition and removal of the structure and underground tanks at 8250 NW Skyline Blvd. and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163137. (Y-4)

**Commissioner Bob Koch**

\* 1028 Pay claim totalling \$23.90, Sandra M. Johnson (Ordinance)

**Disposition:** Ordinance No. 163138. (Y-4)

JUNE 6, 1990

Commissioner Mike Lindberg

\* 1029 Authorize the Portland Amateur Baseball Association to expend \$10,144.62 from their concession account for the purchase of an automatic irrigation system for Walker Stadium (Ordinance)

Disposition: Ordinance No. 163139. (Y-4)

\* 1030 Authorize a contract with Multnomah County to hire a full-time Alternative Service Crew Leader and provide for payment in the amount of \$44,000 (Ordinance)

Disposition: Ordinance No. 163140. (Y-4)

\* 1031 Authorize the Mayor to submit a proposal for \$49,578 to the Urban Consortium Energy Task Force for a project to establish recycling programs for 150 multi-family buildings and estimate the associated energy savings (Ordinance)

Disposition: Ordinance No. 163141. (Y-4)

\* 1032 Authorize the Mayor to submit a proposal for \$20,000 to the Urban Consortium Energy Task Force for a transfer project on the Sustainable City Project (Ordinance)

Disposition: Ordinance No. 163142. (Y-4)

\* 1033 Authorize the Mayor to submit a proposal for \$66,969 to the Urban Consortium Energy Task Force for a project to investigate the effects of operation and maintenance training for on-site managers of low-income multi-family buildings (Ordinance)

Disposition: Ordinance No. 163143. (Y-4)

998 TIME CERTAIN: 9:30 AM - Accept interim report of City/County Plastics Waste Reduction Task Force (Report introduced by Commissioner Blumenauer)

Judy Wyers, Metro Councilor and Task Force Chair, said this interim report ties plastics waste reduction to recycling in order to cut the amount of plastics entering the waste stream. She said the Task Force found that information about what is recyclable, how it is recycled and what it can be turned into is changing daily. The Task Force was divided into three subgroups -- education, recycling and reduction -- and its final report is scheduled for completion in December, 1990.

JUNE 6, 1990

Quincy Surgarman, OSPIRG Environmental Advocate and member of the recycling subgroup, said her group recommends adding milk jugs to curbside collections but only after corrections are made to the collection system to increase participation rates.

Ms. Wyers said the education subcommittee recommends that the City establish a recycling education program for consumers and other educational programs targeted to businesses and to schools.

Jerry Herman, Task Force member, said the waste reduction subcommittee recommends requiring food vendors to use environmentally acceptable packaging and that a commission be implemented to develop criteria for approved recycling programs and to certify and monitor them.

Ms. Wyers said the Task Force would like Council to report its reactions to the recommendations back to them in some sort of formal way. She said Multnomah County Commissioners had asked the Task Force to study marketing efforts further and gather more information about coatings on paper products. She said she also wanted to put the question of financing before Council.

Commissioner Blumenauer said Council was just accepting, not adopting, the report today and that the Task Force would return later to Council with the final report.

Valerie Fitterer, 3124 NE Irving, a student at Portland State University, asked Council to support the report, particularly the recycling of milk jugs.

Jim Whitty, Director, Oregon Retail Council, said the Council supports both the business and education recommendations. He asked for a study on the effect of packaging requirements on retailer and consumer. He said no alternatives currently exist for some products and that utility values cannot be entirely ignored.

Steve Brune, Division Manager, Southland Corporation, asked for formation of a retailer advisory group to provide balance and to study the impact of the recommendations on retailers and other business groups.

Bridget Flanagan, Public Relations Manager for Safeway Stores, urged Council to call a meeting of the Retail Waste Reduction Advisory Group, of which she is a member, to review Task Force recommendations. She said the group had only met once and only received the recommendations yesterday.

JUNE 6, 1990

270

Dennis Denton, Denton Plastics Inc., 4427 NE 158th, extended an invitation to the Task Force and Council to visit his business, the only post consumer plastic recycling company in the state, and see what is happening first hand.

Commissioner Koch recommended that a representative of the City Attorney's office be assigned to consider the specifics of all recycling recommendations before they come to Council.

Commissioner Lindberg said he was very impressed with the work that has been done and that he had not realized that so much plastic -- 10 percent by weight and 20 percent by volume -- was in the waste stream.

Commissioner Blumenauer said the next step will be to integrate some of the recommendations into the work that is going on now in Environmental Services. He said there will also be additional meetings of the Retail Waste Reduction Advisory Group.

Commissioner Bogle moved to accept the interim report. On second by Commissioner Lindberg, the motion carried. (Y-4)

**Disposition:** Adopted. (Y-4)

#### REGULAR AGENDA

- \* 1008 Establish the annual maximum contribution for the Medical Expense Reimbursement Plan (Ordinance)

**Discussion:** Barbara Clark, Auditor, asked that the matter be postponed and considered on Thursday, June 7. She said she was not convinced that reducing the medical reimbursement maximum from \$3,000 to \$1,000 was necessary.

Ron Bergman, Office of Finance and Administration, said the City is in the middle of open enrollment and the matter cannot be deferred.

Commissioner Blumenauer suggested continuing it to the afternoon session.

**Disposition:** Continued to June 6, 1990 at 2:00 p.m.

- 1034 Consider vacating certain portions of N Cook Street and N Montana Avenue to expand parking facilities (Hearing; C-9705)

JUNE 6, 1990

**Discussion:** Commissioner Koch moved to accept the engineer's report. On second by Commissioner Bogle the motion carried. (Y-4)

**Disposition:** Adopted; prepare contract.

1035 Appeal of Thayle Ford against denial of a permit to maintain more than six chickens and/or bees on his property at 2606 SW Luradel (Hearing; Report)

**Discussion:** Commissioner Koch said denial of Mr. Ford's permit for more than six chickens and to keep bees is based on complaints that he lets the chickens run free and also brings a rooster into the yard. The county's policy is to deny bees in residential areas.

Harry Auerbach, City Attorney, said the Code requires a permit to keep specified animals and that under an agreement with Multnomah County the County health officer acts as the City health officer for administration purposes and if applicants fail to meet the Code criteria, the Council is directed to deny or revoke the permit.

Erv Kauffman, Multnomah County Sanitarian, recommended that Mr. Ford be allowed to have six chickens but no more under certain conditions. He also recommended that bees not be permitted because they would interfere with the enjoyment of the abutting property owners.

Thayle Ford, appellant, said only one neighbor had complained and that three closer neighbors love the chickens. He said twelve chickens do not make any more noise than six and that the crows make more noise in his neighborhood. Mr. Ford said he got the bees to pollinate his apples and obtained the signatures of nine neighbors, the required two-thirds of adjoining property owners, who had no objections to the beehive.

Donald Botteron, 2626 SW Luradel, said he has counted as many as eighteen chickens on Mr. Ford's property and complained that the presence of the rooster only increases the noise.

Nicholas Fazzolari complained about Mr. Ford's barking dogs which he keeps in his front yard because of the chickens in the back yard. He asked Council to revoke Mr. Ford's permit to keep any chickens at all.

Commissioner Koch said Council can vote on the appeal itself or can overrule the recommendation of the Chief Sanitarian and eliminate Mr. Ford's ability to have any chickens.

JUNE 6, 1990

Commissioner Bogle moved to deny the appeal and upon a second by Commissioner Koch, the motion carried. (Y-4)

**Disposition:** Appeal denied (Y-4)

1036

Accept bid of Turblex, Inc. for Columbia Wastewater Treatment Plant aeration blower retrofit for \$375,000 (Purchasing Report - Bid 107)

**Discussion:** Carleton Chayer said three bids were received and while the apparant low bidder was Roots Division of Dresser, he recommended that it be rejected because it was nonreponsive and that the bid of Turblex be accepted. He said the City Attorney's office concurs with his recommendation and that Purchasing, Environmental Services and the City's consulting engineer, Brown and Caldwell, also recommend acceptance of the Turblex bid.

Mr. Chayer said the Roots bid was determined to be unresponsive based on about three pages of exceptions to commercial specifications in the bid.

Curtis Krueger, Roots Division of Dresser Industries, urged the rejection of all bids because the bid documents are such that no major manufacturer will bid on them. The one company that did, Turblex, is misrepresenting itself as a manufacturer and making guarantees of unlimited liability with no time limit because it realizes it may never need to make good on them.

Susan Whitney, attorney for Roots Division of Dresser Industries, said none of the four bids are both responsive and responsible. She said the bid of Roots is nonresponsive because of its suggested modifications of conditions dealing with liability and consequential damages. However, she said the Turblex bid is unresponsive because it is a shell company, is not a manufacturer, and does not have the capacity to respond to consequential damages. She requested postponement of the award to allow further investigation in these areas.

Bill Riley, Riley and Co., representing Turblex, said the City has a mechanism to protect itself in the form of a performance bond to ensure responsibility. He said Turblex has a long history of successful installations and believes the competitors' objections are frivilous.

Mr. Chayer said the City chose to use the standard general conditions used on all contracts and that Brown and Caldwell did not disapprove their use. He said the specifications did not require that the successful bidder be a manufacturer.

JUNE 6, 1990

In response to questions from Commissioner Koch, he stated that a performance bond will be in effect for the length of the project and that a warranty is also required.

In regard to consequential damages, Ruth Spetter, City Attorney, said Roots wanted to protect itself from damages resulting from situations such as if the machines went down and caused a problem or if people got sick. She said the Dresser people attempted to change the owners' rights after the bids were open and this is what makes it unresponsive.

Harry Auerbach, City Attorney, said under product liability law the manufacturer would ultimately be responsible regardless of whether we made an agreement with them.

Commissioner Bogle moved to accept the bid of Turblex, Inc. On second by Commissioner Lindberg, the motion carried. (Y-4)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

Cay Kershner, Clerk, said that #1043, a report, should be considered prior to #1037. Commissioner Blumenauer asked that the remaining agenda items be considered before taking up these two.

1038 Adopt the City Wide Fuel Management Proposal as developed by an inter-bureau advisory committee (Resolution)

**Discussion:** Ron Bergman, Office of Finance and Administration, said this proposal deals with new federal and state requirements for underground storage tanks and also proposes a centralized fuel management system. This will provide for the engineer's study, the first step in implementation.

Commissioner Blumenauer read a proposed amendment providing that upon completion of the engineer's report a final report would be presented to Council with recommendations for implementation. Commissioner Koch moved the amendment and was seconded by Commissioner Lindberg. Hearing no objection, Commissioner Blumenauer as President of the Council, so ordered.)

**Disposition:** Resolution No. 34738 as amended (Y-4)

JUNE 6, 1990

\* 1039 Amend Agreement No. 25699 with Burnside Projects, Inc. by increasing the amount by \$14,520 for alcohol/drug-free housing, provide for payment, and extend the termination date to June 30, 1990 (Ordinance)

Disposition: Ordinance No. 163144. (Y-4)

\* 1040 Amend Agreement No. 26215 with United Way to provide funding for services at Baloney Joes, Ma's Community Inn, and the West Women's and Children's Shelter by increasing the amount by \$15,480, provide for payment, and extend the termination date to June 30, 1990 (Ordinance)

Disposition: Ordinance No. 163145. (Y-4)

\* 1041 Establish new rates of compensation for the Fiscal Year beginning July 1, 1990 for certain classifications represented by the District Council of Trade Unions (DCTU), Recreation Instructors, Local 483, and the City of Portland Planning and Engineering Employees Association (COPPEEA), establish effective dates, and provide for payment (Ordinance)

Discussion: Cay Kershner, Clerk, said an amendment to Page 4, Exhibit A had been distributed adding in a job classification that had been inadvertently dropped. Commissioner Koch moved the amendment; Commissioner Lindberg seconded and, hearing no objection, it was so ordered.

Disposition: Ordinance No. 163146 as amended (Y-4)

\* 1042 Authorize an agreement with Multnomah County for the Civic Action Teams Program in an amount not to exceed \$25,000 and provide for payment (Ordinance)

Discussion: Commissioner Blumenauer said he has reservations about using the Contingency Fund for this purpose but is willing to go ahead and support it because he understands it is part of a larger agreement between the Mayor and the County.

Disposition: Ordinance No. 163147. (Y-4)

Commissioner Mike Lindberg

1044 Accept annual activity schedules for the Bull Run Watershed Management Unit, submitted by the Water Bureau and the US Forest Service, for the Water Year 1990 as complying with the requirements of the May 4, 1979 Memorandum of Understanding (Report)

Disposition: Adopted. Placed on file.

JUNE 6, 1990

- 1045 Repeal Resolution No. 34736 and approve Metropolitan Exposition Recreation Commission (MERC) Approved Budget subject to conditions (Resolution)

**Discussion:** Commissioner Lindberg said this resolves the dispute between the City, Metro and MERC. He said the positions that were in dispute will now report to the MERC Executive Director.

**Disposition:** Resolution No. 34739. (Y-4)

- 1046 Request adoption of the Film and Video Policies compiled by the Bureaus and City of Portland Film and Video Task Force as the operating policies of the City (Resolution)

**Disposition:** Resolution No. 34740. (Y-4)

Commissioner Lindberg moved to suspend the rules to hear an ordinance proposed by the Police Bureau. On second by Commissioner Bogle, the motion carried. (Y-4)

- \* 1046A Authorize agreement with Acme Productions for City loan of four used police cars for film production (Ordinance introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg read the title and said the vehicles are needed immediately.

Commissioner Bogle asked if the cars would be identified as Portland Police cars and said he was sensitive to movies that might make fun of police officers.

Commissioner Koch wondered if the vehicles should be given free to a very rich network.

Commissioner Lindberg recommended that it be continued to 2:00 p.m. this afternoon.

- 1043 Accept the Portland Planning Commission recommendation on the second amendment to the Central Eastside Renewal Plan (Report)

**Discussion:** Alf Siddal, Planning Bureau, said this amendment authorizes the acquisition of five parcels of property in the Central Eastside Urban Renewal Area. He showed slides and described the properties and their proposed uses. He said a condition has been added to the proposal for Parcel Number 5 calling for the Portland Development Commission to submit the Riverfront Park and Recreation Study prior to development.

JUNE 6, 1990

276

Commissioner Lindberg said purchase of the additional properties will be very helpful in terms of developing a park along the east side esplanade.

**Disposition:** Adopted. (Y-4) Placed on file.

1037 Make certain determinations and findings related to and adopting the Second Amendment to the Central Eastside Urban Renewal Plan (Ordinance)

**Discussion:** J. Ken Swan, Portland Development Commission, said the Plan was adopted in 1986 with three basic goals -- business retention development, public improvements and riverfront parks -- and that these parcels collectively meet these objectives.

Dean Ivey, OMSI, said OMSI strongly supports this amendment as it will facilitate traffic and allow OMSI to be partners with the City in the park development to the north.

Mike Shifton, 22423 SE 322nd Ave., Kent, Washington, spoke on behalf of his mother Bonnie Shifton, owner of two properties in Parcel 1. He said the structures are sound, in active use, and that the family has plans to improve them. He said that purchasing commercial property to redevelop it into commercial property seems redundant.

Commissioner Lindberg asked why, if the Shifttons plan to upgrade the property, not let the private section rather than the public sector do it.

Mr. Swan said he is anxious to work with the Shifttons and, if possible, incorporate their development plans with PDC's.

Commissioner Blumenauer said he is very impressed with the potential for development and integration of the property we have in the central east side.

**Disposition:** Passed to second reading.

At 12:05 p.m., Council was recessed.

JUNE 6, 1990

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF JUNE, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioner, Bogle, Koch and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- 1049 Grant appeal of Roger and Linda Brooks, applicant, for variances in order to add an exterior courtyard to an existing single-family residence at 2835 NW Cumberland Road (Findings; VZ 8-90)

Commissioner Blumenauer said he wanted to make it very clear that his approval is based on exceptional circumstances and is not meant to set precedents that undermine City policy.

**Disposition:** Findings adopted. (Y-3)

- 1008 Establish the annual maximum contribution for the Medical Expense Reimbursement Plan (Ordinance)

**Discussion:** Ron Bergman, Office of Finance and Administration, said the IRS has amended its rules for employee medical reimbursement plans and the City can no longer pay for insurance premiums other than those offered by the City. Also, the IRS now requires reimbursement up to the contribution level elected; in the past reimbursements have been made only up to the amounts accrued. OFA is recommending that the City cut its potential risk by reducing the total an employee can have in this fund from \$3,000 to \$1,000.

Mr. Bergman said only eighty-five employees who elect in excess of \$1,000 in the plan would be affected. He said the amount of risk was unknown but could be anywhere from a few thousand dollars to \$15,000 or \$20,000.

Barbara Clark, Auditor, asked Council to reject the ordinance because it sends a negative message to employees and said OFA has the ability to track what dollar losses, if any, the City may suffer during the coming year.

Commissioner Lindberg moved to amend the ordinance and restore the \$3,000 amount and evaluate this for a year. Commissioner Koch seconded.

Ms. Clark said the IRS position on medical insurance for spouses is not well established and urged that the whole ordinance be rejected.

Commissioner Blumenauer called for a vote on the motion on the floor and it carried. (Y-4) He said a decision on removal of payments for non-City insurance premiums has to be made today because the Plan must go into effect immediately. He said in view of previous difficulties with the IRS he would support this change in order to bring it into conformance with IRS requirements.

Jeffrey Rogers, City Attorney, said IRS regulations are very clear on their face and this is not a reimbursable expense.

**Disposition:** Ordinance No. 163148 as amended.. (Y-4)

- \* 1046A Authorize agreement with Acme Productions for City loan of four used police cars for film production (Ordinance introduced by Commissioner Lindberg)

**Discussion:** Commissioner Koch and Bogle said their concerns about the ordinance were resolved. Commissioner Koch said he hoped the City would not get in the habit of giving away equipment and that Council should address this.

**Disposition:** Ordinance No. 163149. (Y-4)

- 1047 **TIME CERTAIN:** 2:00 PM - Appeal of Ron McCarty, applicant, against the Hearings Officer's decision to deny a Comprehensive Plan Amendment, zone change and a variance in order to continue to use the house as a residence and office located at 1821 NE 122nd (Hearing; 7968-PA)

**Disposition:** Carey Hampton, Planning Bureau, said Mr. McCarty's request was made to allow the continued operation of a tax office in part of a single-family residence and a variance was requested to allow two parking spaces in the front yard. He said the Hearings Officer found that granting this request would result in a spot zone and contribute to strip commercial development along 122nd and could adversely affect the character and appearance of nearby residential areas. He said appellant believes the decision damages his interests, that the facts were misrepresented and wrong conclusions drawn, and that 122nd is one of the most used streets in Oregon.

JUNE 6, 1990

Ron McCarty, applicant, said the zone change is very important to his livelihood while the effect of the change on the community would be very little. He said he is on a very busy street and located across the street from the Home Club, one of the busiest businesses in town. He said there are thousands of residences with business occupations all around him.

Barbara Haynes, Parkrose Heights Association of Neighbors, said they support the Hearings Officer's decision not because they wish to single out Mr. McCarty but because they want everyone to conform with the rules.

Charlie Gilbert, 10626 NE Knott, supported Mr. McCarty's request because that part of 122nd already is a business district.

Lois Lovely, 1841 NE 120th, supported the Hearings Officer, and said Mr. McCarty blatantly defies the rules and they have had to put up with illegal use of this property since January, 1986.

Judy Bouchard, 1832 NE 121st, said with the increase of businesses in the area the impact of traffic alone on the street is almost unbearable and that another business is not needed.

Erv Flaig, 12051 NE Hancock, said locating a business at Mr. McCarty's residence will add to an already very difficult traffic problem and that no more cars are needed.

In rebuttal, Mr. McCarty said people like Sandy Barr and Walter Senn are being put out of business in the name of zone change. He said he cannot control an admittedly difficult traffic situation but is willing to cooperate with neighbors and do what is necessary to make a good situation out of a bad one.

**Disposition:** Appeal denied (Y-4)

#### REGULAR AGENDA

- 1048 Appeal of John C., Bess I., and John Bartels against approval of the application of Kelly and Barbara Brunn for a 40-lot PUD and subdivision, with variances in an R10 zone located at SW Humphrey Blvd., near SW Humphrey Court (Previous Agenda 991)

**Discussion:** Commissioner Koch said he would like to hear the City Engineer's preliminary evaluation of the geotechnical report and suggested that the three Council members present today who had been present at the May 31 hearing, express their intent today.

JUNE 6, 1990

Bill Freeman, Geotechnical Engineer with the Bureau of Buildings, said he has not had time to do much more than read through the Rittenhouse-Zeman report and had not gone through the other reports.

Commissioner Koch asked if the geotechnical report submitted by the developer was sufficient to give Council reason to believe there is a possibility that building permits can be issued.

Mr. Freeman said based on what he had read, the reports are probably not complete enough to give Council that confidence.

Kelly Bruun, applicant, asked for a decision today and said they will be happy to continue to give the staff geotechnical information as they do not want to build in an unsafe area either.

Commissioner Koch said he is comfortable making a tentative decision today based on the understanding that no building permits can be issued until the City's geotechnical expert approves them.

Commissioner Bogle asked if the visual impact on the Canyon can be considered.

Kathryn Imperati, said she was not sure there is any room to consider that under the PUD or subdivision criteria but that since a PUD is a conditional use it might be considered under that criteria.

Ms. Hecht said the City does not presently have any adopted policies to recognize the Canyon as a scenic resource.

The Commissioners decided to go ahead and vote today with Commissioner Blumenauer abstaining.

Kathryn Imperati said in order for the appellant to prevail three affirmative votes were needed and that if a motion to grant the appeal failed by a two to one vote it could not set it over for future hearing.

Council took an informal poll to see how they planned to vote.

Commissioner Bogle said his concern is with the visual impact, but believes the Bruuns need a signal and so he will vote no for the appeal and yes for the developer.

JUNE 6, 1990

Commissioner Lindberg said he believes that while it will have some negative impacts, he does not think Council can turn it down under the criteria given, and he intends to vote no.

Commissioner Koch said regardless of Council's vote the final determination on the geotechnical issues will be left to the experts.

**Disposition:** Appeal denied tentatively (N-3; Blumenauer abstaining); Findings for June 20, 1990.

Cay Kershner, Clerk, said three emergency ordinances had been submitted on the 4/5ths agenda for the June 7, 1990 session before it was learned that only three members would be present at that meeting.

Commissioner Koch moved to suspend the rules to allow consideration of these items. On second by Commissioner Bogle, the motion carried. (Y-4)

- \*1052 Revocable permit to Kaiser Foundation Hospitals for a parking lot in the right-of-way of N Webster Street near N Delaware Avenue (Ordinance introduced by Commissioner Blumenauer)

**Discussion:** Commissioner Blumenauer said this will let the parties involved move ahead on a non-controversial construction project.

**Disposition:** Ordinance No. 163150. (Y-4)

- \*1053 Advertise for consultants to submit qualifications for a facility needs assessment and recommendations related to improving emergency communications and expanded City service delivery areas (Ordinance introduced by Commissioner Koch)

**Discussion:** Commissioner Koch said this allows the City to go forward on a new City facilities planning methodology already approved by Council.

**Disposition:** Ordinance No. 163151. (Y-4)

- \*1054 Grant a temporary permit to Pacific Telecom Cable, Inc. (Ordinance introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg said he is not familiar with this particular item but is willing to go ahead and grant it based on David Olson's recommendation.

**Disposition:** Ordinance No. 163152. (Y-4)

At 3:25 p.m, Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JUNE, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer and Koch, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

REGULAR AGENDA

Mayor J. E. Bud Clark

- 1051 Return Council Agenda Item No. 132 for 1990 regarding economic redevelopment of the Sandy Boulevard area and recommend Council accept the report (Report)

Discussion: Mayor Clark requested, and the Council so ordered, referral of this item back to his office.

Disposition: Referred to the Office of the Mayor.

- 1050 TIME CERTAIN: 2:00 PM - Adopt the recommended draft of the zoning code rewrite project (Planning Commission Report)

Discussion: Commissioner Blumenauer said the current zoning code dates from 1959 and that this draft, the result of three years' work and an extensive review process, is a substantial improvement over the existing Code and warrants Council's support.

Mayor Clark announced that this is the first of three scheduled hearings to enable public testimony and that following these sessions Planning staff will prepare a document incorporating the amendments recommended at these hearings. The City Council will then review the amendments and vote on its adoption.

Bob Stacey, Planning Bureau Director, said this is the third draft of the Code rewrite and represents two full rounds of public hearings by the Planning Commission and an enormous amount of public involvement. This is a major effort to resolve complexities in the current Code and eliminate a lot of confusion.

Martha Peck Andrews, Planning Commission President, said the Commission held over eight public hearings and over thirty work sessions also open to the public. She said the rewrite accommodates new uses unknown in 1959 and is much clearer and easier to understand.

JUNE 7, 1990

Ms. Andrews said there were a handful of issues, including home occupations and site review, that were controversial. She said the Commission decided to allow home occupations but to limit the comings and goings and the number of employees and customers. Ms. Andrews said the site review process was eliminated after the state legislature added requirements making the process more cumbersome but that the objectives of the Site Review process were retained through the inclusion of clear and objective standards in the new Code.

David Cooley, Vice President, Planning Commission, said one of the biggest tasks was redefining and remapping all the commercially zoned property in the City. He said the new Code merits approval for three reasons -- it is simpler and easier to deal with; it reinforces some improved policy goals especially regarding residential and pedestrian-oriented uses, and it sends a message that new and thoughtful development is welcome in the City.

The following individuals proposed amendments:

Rhonda Huston, 1604 NE 153rd Place, speaking on behalf of the Wilkes Community Group and seven other East Portland neighborhood associations, asked Council to adopt the Site Review Overlay amendment and reject the Community Plan amendments.

Jane Baker, 1885 SE 104th, said the City committed to retaining Site Review four years ago when portions of east Multnomah County were annexed into the City. She said the Planning Commission vote on Site Review was very close, four to three, and that Site Review is a good tool which will keep mid-county from having to be revitalized in years to come.

Whitcomb Crichton, 6204 N. Depauw, asked for a zone change on property along N. Mississippi Avenue to M2 or its current equivalent instead of the more restrictive EX category proposed by the Planning Commission.

Charles Hales, 3501 SW Illinois, representing the Homebuilders Association of Metropolitan Portland, asked Council to avoid the pitfall of open-ended Site Review requirements and instead rely on clear and objective standards. He said they will be proposing an amendment to allow row houses on corner R5 lots.

JUNE 7, 1990

Tim Ramis, 1727 NW Hoyt, and a member of the Retail Task Force, said the Task Force believes the Planning Commission made the right choice in eliminating site review and substituting specific criteria instead. He said, however, that he did not think the Task Force would object to a compromise approach to preserve some sort of site review for the annexed areas in Multnomah County as long as it remained purely administrative.

Mark Whitlow, Attorney with Bogle and Gates, submitted comments on the rewrite submitted by the Retail Task Force. He asked that a proposed study of the new commercial zoning be made a priority and that the Bureau go slow on remapping until the study is finished.

Craig Stanford, 4765 SW 173rd, Rooftown Balloons, asked for a modification of the Sign Code to allow use of cold-air balloons for up to thirty days per year for grand openings and sale promotions.

David Rasmussen, 3404 SE 14th, asked for a mixed-use designation, possibly EX, instead of a proposed EG2 rezone on property he recently purchased in the 4700 block of SE Milwaukie Ave. and currently zoned M3.

Fr. Leslie Sieg, 2411 SE Tamarack, and pastor at St. Phillip Neri church, protested the recommended zone designations for the West Clinton area of the Hosford Abernethy neighborhood. He said the designations will increase industrial encroachments and asked for rejection of these recommendations and for further study.

Allison Santos, 2711 SW Spring Garden, said she is a fiber artist who works at home and requested an amendment to allow her to weave and dye fabrics in her backyard, activities that the proposed Code will not allow.

Augusta Amato, 2818 SE 15th, requested a change of zoning to R2 for property at this address. She said the current M3 zone is being misused and the presence of Hyster lifts and other heavy equipment causes noise and pollution. She also asked for preservation of three homes at 2818, 2828 and 2836 SE 15th at their present location.

Bill Ryals, 2717 NE Stanton, urged timely adoption so that projects will not be put in indefinite limbo. He said the new parking requirements all but eliminate hopes of development without variances for owners of small properties.

JUNE 7, 1990

John Darling, representing Hoffman Industries, owner of two-thirds of a block in NW Portland at 24th between Quimby and Raleigh in an existing 3M zone with a proposed CM designation, said they hope to reach an accommodation with staff to ensure continued and future use of the property.

Charles Richards, 308 NE Ainsworth, said he sought clarification of the over-height hedge and fence ordinance. He said it was unfair to require a property owner to obtain a variance on the basis of one neighbor's complaint.

Brian Campbell, Port of Portland, said the Port supports getting rid of Site Review because of the added time and costs involved. He requested a Swan Island Plan district.

Robert Stuva, 1634 SE 29th, said he was concerned about the livability of the West Clinton area and with the violation of City codes by one company in the area. He asked for a buffer zone to alleviate the situation.

Jon Denney, 5050 SE Stark, requested a zone change at the above address, a nursery, to G3.

Wendy Goddard, 4142 SW Corbett, representing Dwight and Karin Cummings, objected to proposed rezoning from C2S to C02 on property the Cummings own on SW Corbett. She said the proposed zoning will restrict future rental options for the owners and asked that grandfather rights be granted for the whole building not just to separate rental units within it.

Lawretta Morris, Planning Commission Past Chair, said the basic issues of concern boiled down to home occupations, bed and breakfasts, site review and mapping issues. She asked Council to remember that the Commission did try to balance and weigh all sides.

Laun Carlin, 4730 SW Macadam, urged Council not to add Site Review in the South Shore area where he owns eighty properties. He asked that environmental zones be replaced with natural recreation areas.

**Disposition:** Continued to June 20, 1990 at 2 p.m. and 6:30 p.m.

At 4:00 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council