



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JUNE, 1990 AT 9:30 A.M.

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

Mayor Clark said there had been a request to consider the budget ordinance first. Commissioner Lindberg moved to suspend the rules to consider it out of order. On a second by Commissioner Koch, the motion carried. (Y-4).

- * 1149 Adopt the annual budget of the City of Portland and establish appropriations for the fiscal year beginning July 1, 1990 (Ordinance)

Discussion: Mayor Clark read a statement about adoption of the budget in accordance with state law.

Commissioner Blumenauer said while this is the most positive budget he has seen since he has been on the Council, citizens should be aware that there are some storm clouds on the horizon, particularly if a property tax limitation measure is passed.

Commissioner Koch said the City should move forward in introducing a better mix of revenue sources, one not overdependent on property taxes.

Commissioner Lindberg said significant strides were made this year, particularly in increasing the reserves to ten percent and making the additional commitment to public safety.

Disposition: Ordinance No. 163156. (Y-4)

Agenda Nos. 1087, 1088, 1113, 1120, 1128, 1135 and 1141 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

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CONSENT AGENDA - NO DISCUSSION

- 1080 Cash and Investment Balances for May 10, 1990 through June 6, 1990 (Report; Treasurer)
Disposition: Adopted. Placed on file.
- 1081 Accept bid of Honeywell Inc. for upgrading the Energy Management System for \$89,877 (Purchasing Report - Bid 95)
Disposition: Adopted; prepare contract.
- 1082 Accept bid of Valley Equipment, Inc. for furnishing an impact crusher including options for \$120,970 (Purchasing Report - Bid 144)
Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 1083 Report on bids received for Limited Tax Bond Anticipation Notes, Series A and Series B (Report)
Disposition: Adopted.
- 1084 Report on bids received for Local Improvement Bond Anticipation Notes (Report)
Disposition: Adopted.
- 1085 Report on bids received for certificates of Participation, 1990 Series A (Report)
Disposition: Adopted.
- 1086 Preliminary approval of an Industrial Revenue Bond in an amount not to exceed \$6,000,000 (Resolution)
Disposition: Resolution No. 34743. (Y-4)
- 1089 Approve appointment of Elizabeth Normand as City of Portland Land Use Hearings Officer (Resolution)
Disposition: Resolution No. 34744. (Y-4)
- 1090 Certify that certain services are provided by the City of Portland for eligibility of state shared revenues (Resolution)
Disposition: Resolution No. 34745. (Y-4)

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- * 1091 Establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)
Disposition: Ordinance No. 163157. (Y-4)
- * 1092 Establish the nonelective contribution (Employee Beneflex Allowance) for the Cafeteria Fringe Benefit Plan for the Plan Year July 1, 1990 through June 30, 1991 (Ordinance)
Disposition: Ordinance No. 163158. (Y-4)
- * 1093 Amend contract with Prodata Inc. for data processing services at \$31,500 and provide for payment (Ordinance)
Disposition: Ordinance No. 163159. (Y-4)
- * 1094 Amend Contract No. 25481 with Southwest Neighborhood Information, Inc., to increase by \$986 (Ordinance)
Disposition: Ordinance No. 163160. (Y-4)
- * 1095 Amend Contract No. 25482 with Southeast Uplift Neighborhood Program to increase by \$902 (Ordinance)
Disposition: Ordinance No. 163161. (Y-4)
- * 1096 Contract with Neighborhood Association District Coalition Boards for the operation of seven (7) Neighborhood Office and Crime Prevention programs for the period July 1, 1990 through June 30, 1991, and provide for payment (Ordinance)
Disposition: Ordinance No. 163162. (Y-4)
- * 1097 Contract with the Northeast Coalition of Neighborhoods, Inc. for \$45,454 to provide the Graffiti-Employment Program and provide for payment (Ordinance)
Disposition: Ordinance No. 163163. (Y-4)
- * 1098 Contract with the Council for Prostitution Alternatives for \$176,700 and provide for payment (Ordinance)
Disposition: Ordinance No. 163164. (Y-4)
- * 1099 Contract with the Northeast Coalition of Neighborhoods for \$31,200 to conduct HCD-project related citizen participation activities in inner-northeast HCD-eligible neighborhoods and provide for payment (Ordinance)
Disposition: Ordinance No. 163165. (Y-4)

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- * 1100 Contract with Association for Portland Progress (APP) for the operation of neighborhood Crime Prevention program for the period of July 1, 1990 through June 30, 1991, and provide for payment (Ordinance)
- Disposition: Ordinance No. 163166. (Y-4)
- * 1101 Contract with Center For Urban Education (CUE) for \$32,500 for the Shared Housing Program and provide for payment (Ordinance)
- Disposition: Ordinance No. 163167. (Y-4)
- * 1102 Contract with the Northeast Coalition of Neighborhoods, Inc. for \$69,210 for the Youth Outreach Project and provide for payment (Ordinance)
- Disposition: Ordinance No. 163168. (Y-4)
- * 1103 Application to the Oregon Traffic Safety Commission for a continuation grant of \$104,282 for the DUI Enforcement Team (Ordinance)
- Disposition: Ordinance No. 163169. (Y-4)
- * 1104 Contract with Community Energy Project, Inc. for \$69,983 for the Weatherization Workshop Project and provide for payment (Ordinance)
- Disposition: Ordinance No. 163170. (Y-4)
- * 1105 Contract with Central City Concern for \$279,710 for the Hotel Rehabilitation and Repair Program and provide for payment (Ordinance)
- Disposition: Ordinance No. 163171. (Y-4)
- * 1106 Contract with Southeast Uplift for \$28,140 to provide the Anti-Racism Action Plan and provide for payment (Ordinance)
- Disposition: Ordinance No. 163172. (Y-4)
- * 1107 Contract with Southeast Uplift Neighborhood Program for \$31,200 to conduct HCD-project related citizen participation activities in Southeast Portland neighborhoods and provide for payment (Ordinance)
- Disposition: Ordinance No. 163173. (Y-4)
- * 1108 Contract with Franciscan Enterprises, Inc. (Franciscan) for \$30,000 to rehabilitate vacant housing in inner-northeast Portland to be rented to low-income individuals (Ordinance)
- Disposition: Ordinance No. 163174. (Y-4)

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- * 1109 Amend Contract No. 25662 with the Portland Development Commission by increasing the amount of the contract by \$56,035 to pay for staff costs to coordinate the City's Revitalization strategy (Ordinance)

Disposition: Ordinance No. 163175. (Y-4)

- * 1110 Authorize payment to Portland Development Commission not to exceed \$47,000 for renovation of a new facility for the Police Bureau's Mounted Patrol Unit (Ordinance)

Disposition: Ordinance No. 163176. (Y-4)

- * 1111 Authorize payment of judgment in favor of Industrial Laundry and Dry Cleaners, Inc., from 1989-1990 budget (Ordinance)

Disposition: Ordinance No. 163177. (Y-4)

- * 1112 Amend Agreement No. 25941 with Coopers and Lybrand (Ordinance)

Disposition: Ordinance No. 163178. (Y-4)

Commissioner Earl Blumenauer

- * 1114 Amend the Comprehensive Plan and change the zone of property at 1927 NW Lovejoy Street from RH, Residential, to C2, Commercial (Ordinance; 7987-PA)

Disposition: Ordinance No. 163179. (Y-4)

- * 1115 Amend the Comprehensive Plan Map and change the zone of property at 2736 NW Vaughn and 1935 NW 27th Avenue from RH, Residential, to M3, Manufacturing (Ordinance; 7982-PA)

Disposition: Ordinance No. 163180. (Y-4)

- * 1116 Amend the Comprehensive Plan and change the zone of property at 2145 NW Overton and 1311 NW 21st, from M3, Industrial and C2, Commercial, to RH, Residential (Ordinance; 7988-PA)

Disposition: Ordinance No. 163181. (Y-4)

- * 1117 Authorize the Commissioner of Public Works and Auditor to execute, record and deliver to Union Gospel Ministries of Portland, Oregon, a Quitclaim Deed releasing the City's interest in a portion of a certain utility easement in La Vona Park Addition (Ordinance)

Disposition: Ordinance No. 163182. (Y-4)

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- * 1118 Accept two Sewer Easements for the Boyles Sanitary Sewer System, granted by Melvin H. Flaming, Clarence R. Mulkey, and Marcia T. Mulkey, authorizing total payment of \$900 (Ordinance)

Disposition: Ordinance No. 163183. (Y-4)

- * 1119 Amend Contract No. 24831 with EMA Technologies for implementation of the Maintenance Manager System (Ordinance)

Disposition: Ordinance No. 1163184. (Y-4)

- * 1121 Accept a Pedestrian Bridge Easement for the SW 25th Avenue south of SW Martha Pedestrian Bridge Improvement Project granted by the Multnomah County School District No. 1, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163185. (Y-4)

- * 1122 Authorize continuance of negotiations for the purchase of a Temporary Easement required for a repair of a landslide along SW Multnomah Boulevard south of SW Troy Street, authorize the City Attorney to commence condemnation proceedings, and authorize the City Attorney to obtain early possession (Ordinance)

Disposition: Ordinance No. 163186. (Y-4)

- * 1123 Accept a street deed for the future widening of SW Nevada Court west of SW Capitol Hill Road, granted by the Greater Portland Bible Church, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163187. (Y-4)

- * 1124 Accept a Bargain and Sale Deed for six parcels of land, granted by Multnomah County, transferring jurisdiction to the City (Ordinance)

Disposition: Ordinance No. 163188. (Y-4)

- * 1125 Accept a street deed for the future widening of NE 47th Avenue and NE Crystal Lane, granted by Leatha M. Boyko and Monte C. Boyko (Ordinance)

Disposition: Ordinance No. 163189. (Y-4)

- * 1126 Accept a Traffic Signal Facility Easement for the SE Tacoma Street at SE 17th Avenue Traffic Facility Improvement Project, granted by Bitar Bros., and Frank A. Bitar and Associates, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163190. (Y-4)

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- * 1127 Extend use of Downtown Design Guidelines in the Central City (Ordinance; amend 161561)

Disposition: Ordinance No. 163191. (Y-4)

- * 1129 Grant a permit to Evelyne D. King to operate an auto body shop at 5518 SE 63rd, for a period of two years, under certain conditions (Ordinance; 7984R)

Disposition: Ordinance No. 163192. (Y-4)

- * 1130 Grant a permit to Rawley Stohr for a second dwelling unit at 6802 NE 63rd, for a period of five years, under certain conditions (Ordinance; 7990R)

Disposition: Ordinance No. 163193. (Y-4)

- * 1131 Grant a revocable permit to the City of Portland Water Bureau for drywell in NE Sandy Blvd at NE Skidmore Street. (Ordinance)

Disposition: Ordinance No. 163194. (Y-4)

Commissioner Dick Bogle

- * 1132 Accept assets and become charged with liabilities, obligations and functions of Multnomah County Rural Fire Protection District No. 1 (Ordinance)

Disposition: Ordinance No. 163195. (Y-4)

- * 1133 Modify Network Service Agreement (Contract No. 25851) with US West Communications for Enhanced 911 telephone system (Ordinance)

Disposition: Ordinance No. 163196. (Y-4)

Commissioner Mike Lindberg

- 1134 Transmit the 1989 Annual Report of the Cable Regulatory Commission (Report)

Disposition: Adopted. Placed on file.

- * 1136 Authorize an agreement with Clipper Cruise Lines, Inc., St. Louis, Missouri, for docking privileges at the seawall in Tom McCall Waterfront Park from May 1, 1990 to December 1, 1990 (Ordinance)

Disposition: Ordinance No. 163197. (Y-4)

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- * 1137 Authorize an agreement extending Ordinance 159542, with the Portland Metropolitan Softball Association for the exclusive privilege of operating all concessions at the Delta Park location for a period commencing April 1, 1990 and terminating March 31, 1993 (Ordinance)
- Disposition:** Ordinance No. 163198. (Y-4)
- * 1138 Authorize an Agreement with Burlington Northern Railroad Company for Use of Steam Locomotive SP&S 700 (Ordinance)
- Disposition:** Ordinance No. 163199. (Y-4)
- 1139 Authorize Superintendent of Parks to issue permit for removal of trees within an easement in Forest Park (Ordinance)
- Disposition:** Passed to second reading.
- * 1140 Agreement with the Oregon State Employment Division for the Oregon Youth Conservation Corps (OYCC) program at Forest Park and other Bureau of Parks and Recreation locations and amending the FY 90-91 Budget (Ordinance)
- Disposition:** Ordinance No. 163200. (Y-4)
- * 1142 Authorize an agreement with Suzie Dale-Stiles, dba Willamette River Services, Inc., for a boat tour concession at the Riverplace Marina and other City owned docks as approved by the Park Bureau from June 15, 1990 to December 31, 1990 (Ordinance)
- Disposition:** Ordinance No. 163201. (Y-4)
- * 1143 Authorize an intergovernmental agreement with the City of Gresham for construction of the NE Sandy Blvd. Waterline Project and provide for estimated payments of \$114,941 (Ordinance)
- Disposition:** Ordinance No. 163202. (Y-4)
- * 1144 Amend Chapter 7.14 of the Portland City Code to implement change in license fee base of telecommunications utilities (Ordinance)
- Disposition:** Ordinance No. 163203. (Y-4)

City Auditor Barbara Clark

- 1145 Approve Council Minutes for January 31, 1990 through May 24, 1990 (Report)

Disposition: Adopted. Placed on file.

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- * 1146 Cancel systems development charge (Ordinance; amend 162351)
- Disposition:** Ordinance No. 163204. (Y-4)
- Items pulled from the Consent Agenda were as follows:
- 1087 Recommend adoption of Ordinance electing to receive State Revenue Sharing (Report)
- Discussion:** Mayor Clark noted that he had read the required statement about adoption of the budget.
- Disposition:** Adopted.
- * 1088 Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for FY 1990-91 (Ordinance)
- Mayor Clark said the Budget Hearing served as the first of two required hearings, with this representing the second.
- Disposition:** Ordinance No. 163205. (Y-4)
- 1113 Approve Process for Community Input and Complaint Resolution for Trolley Operation by Lake Oswego on Jefferson Street Branch Rail Line (Resolution)
- Discussion:** Commissioner Blumenauer said Lake Oswego officials met with interested parties for their input in developing this process and that it has been reviewed by City staff and found to be satisfactory.
- Roger Millar, Transportation, outlined the responsibilities Lake Oswego assumes in operating the trolley and said they were sensitive to the need to involve all affected parties in the decision-making process. He said several amendments are being made today as a result of meetings between City staff and Johns Landing residents to resolve their concerns.
- Commissioner Blumenauer said the amendments guarantee the right of City residents to appeal to Council to resolve complaints and also provide a means to keep them plugged into the process.
- Ed Sullivan, 101 SW Main, attorney representing residents of the Johns Landing Homeowners Association, said the amended resolution recognizes that the City of Lake Oswego and the operator are subject to review if operations fall below the level of expectation stated in the lease and also recognizes an expected level of communication between Lake Oswego, the operator and Johns Landing residents.

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Guy Woods, 5922 SW Riverdale Lane, objected to the noise and proximity of the trolley to his residence and asked that trolley operations be limited to daytime hours and that the serving of alcohol be forbidden.

Ernie Munch, Assistant Project Manager, City of Lake Oswego, reviewed their meetings with neighborhood groups and residents living along the line and said they had tried to draft the process to reflect the concerns of these groups.

Jeff Jennings, Johns Landing area resident, said the trolley invades his privacy and is also a safety problem for children.

Commissioner Blumenauer moved to adopt the amendments that strengthen the oversight provisions. On a second by Commissioner Lindberg, the motion carried (Y-4)

Disposition: Resolution No. 34746 as amended. (Y-4)

- * 1120 Authorize agreement with CH2M Hill for a sum not to exceed \$165,500 to provide engineering services to reconstruct, restore, and resurface 30 centerline miles of concrete streets for the Bureau of Maintenance (Ordinance)

Discussion: Commissioner Blumenauer moved that the substitution be accepted. On a second by Commissioner Lindberg, the motion carried. (Y-4)

Disposition: Ordinance No. 163206 as substituted. (Y-4)

- * 1128 Create two clerical positions in the Bureau of Traffic Management, Parking Patrol Division and amend the FY 91 Budget (Ordinance)

Discussion: Commissioner Blumenauer said the District Court approved the City's recommended parking fine adjustments with a few minor modifications but was concerned with the administrative structure. He said these two positions are needed to cope with the new process.

Disposition: Ordinance No. 163207. (Y-4)

- * 1135 Lease certain spaces in the Multnomah Center with 8 tenant groups from July 1, 1990 through June 30, 1991 (Ordinance)

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Discussion: Cay Kershner, Clerk, said a substitute ordinance changing the number of tenant groups from eight to seven had been filed. Commissioner Koch moved to accept the substitute. On a second by Commissioner Lindberg, the motion carried. (Y-4)

Disposition: Substitute Ordinance No. 163208. (Y-4)

1141 Grant a franchise to Pacific Telecom Cable, Inc. for a period of ten years. (Second Reading Agenda 1076)

Discussion: Cay Kershner, Clerk, said this needed to be continued to July 25 because it requires thirty days between the first and second reading. The Mayor so ordered.

Disposition: Continued to July 25, 1990 for second reading.

1077 **TIME CERTAIN: 9:30 AM** - Accept petition for the construction of the Royal Highlands Sanitary Interceptor Sewer Local Improvement District and recommend that the following Resolution be adopted (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said this recommendation comes from the Task Force that was named to address citizen concerns that challenged Environmental Services initial proposal.

Molly O'Reilly, Chairman of the Task Force, said the Task Force was given two charges: 1) to propose cost effective facilities to correct existing violations of state water quality standards, and 2) to propose an appropriate level of urban development for the Balch Basin based on those facilities. This report addresses the first charge. The Task Force rejected housing as the ultimate best use of the Basin because of its fragile environment and the high subsidies that would be needed to provide necessary improvements. They concluded that the Basin is an important natural resource and that it would be best to pump sewage out of the basin and not put in an infrastructure that would result in development. She said there is ninety percent consensus in support of this proposal.

Ms. O'Reilly said the second charge, the appropriate level of urbanization, will be dealt with this fall in form of a Planning Commission report for environmental zones overlays.

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Logan Ramsey, 3026 NW Skyline Boulevard, said when his property was annexed to the City at the same time as the Royal Highlands property they were told that an orderly extension of services would be provided. He said he believes it is unfair for the Forest Park Neighborhood Association to make no distinction between property owners within the City and those outside who believe if additional services are provided they will then be annexed into the City. He said because certain services are not readily available this will be used as a justification for downzoning.

Colin McDonald, 425 NW Royal Highlands Boulevard, said he has overseen operation of sewage treatment plant in Royal Highlands neighborhood for the past four years and said 95 percent of the Royal Highlands neighborhood is in favor of the proposal.

Commissioner Blumenauer recommended that Council members take a tour of the area before fall when this issue returns to Council.

Disposition: Adopted.

- 1078 Directing the City Engineer to prepare plans, specifications and estimates for the construction of the Royal Highlands Sanitary Sewer System (Resolution introduced by Commissioner Blumenauer)

Disposition: Resolution No. 34747. (Y-4)

- 1079 Adopt the "Royal Highlands Interceptor Sewer Facilities Plan" for submission to the Oregon Department of Environmental Quality for an Environmental Protection Agency Grant. (Resolution introduced by Commissioner Blumenauer)

Disposition: Resolution No. 34748. (Y-4)

REGULAR AGENDA

- 1147 Consider vacating part of SW 60th Avenue south of SW Lesser Road at the request of Heritage Development Company (Hearing; C-9722)

Disposition: Adopted. City Engineer prepare ordinance.

- 1148 Consider vacating part of SW 60th Avenue north of SW Douglas Street at the request of Heritage Development Company (Hearing; C-9721)

Disposition: Adopted. City Engineer prepare ordinance.

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Mayor J. E. Bud Clark

- * 1150 Amend the FY 1989-90 budget; transferring appropriation within several City funds to prevent overexpenditures in controlled expenditure categories (Ordinance)

Disposition: Ordinance No. 163209. (Y-4)

- * 1151 Levy taxes for the City of Portland for the fiscal year beginning July 1, 1990, subject to certification by the Multnomah County Tax Supervising and Conservation Commission, and direct the City Auditor to certify said levy to the County Assessors of Multnomah, Clackamas, and Washington Counties (Ordinance)

Disposition: Ordinance No. 163210. (Y-4)

- * 1152 Close five City funds and transfer the remaining balances effective June 30, 1990, modify the names or purposes of four funds effective July 1, 1990, and create one City fund effective July 1, 1990 (Ordinance)

Discussion: Mayor Clark commended Tim Grewe and all those who helped him. He said the Tax Supervising Commission had commented that this was one of the best jobs they had ever seen.

Disposition: Ordinance No. 163211. (Y-4)

- * 1153 Application to the Bureau of Justice Administration for a grant for \$479,635 titled "Community Partnerships - A Community Policing Model for Drug Demand Reduction" (Ordinance)

Disposition: Ordinance No. 163212. (Y-4)

- * 1154 Contract with Multnomah County Alcohol and Drug Program for \$35,000 for the Inebriate Pick-up Service and provide for payment (Ordinance)

Disposition: Ordinance No. 163213. (Y-4)

- * 1155 An agreement between the City of Portland, Oregon (City and School District No. 1) to provide the Home Repair Training Program (Ordinance)

Disposition: Ordinance No. 163214. (Y-4)

- * 1156 Contract with Multnomah County for \$52,000 for operation of a chronically mentally ill shelter and provide for payment (Ordinance)

Disposition: Ordinance No. 163215. (Y-4)

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- * 1157 Contract with Multnomah County for \$79,000 for the Emergency Shelter for Homeless Youth and provide for payment (Ordinance)
Disposition: Ordinance No. 163216. (Y-4)
- * 1158 Contract with Multnomah County for funding the Council for Prostitution Alternatives (Ordinance)
Disposition: Ordinance No. 163217. (Y-4)
- * 1159 Contract with REACH Community Development Corporation, Inc., (REACH) for \$100,000 for the Vacant Property Reclamation Project and provide for payment (Ordinance)
Disposition: Ordinance No. 163218. (Y-4)
- * 1160 Contract with Burnside Projects, Inc. for \$87,000 for emergency night shelter services and provide for payment (Ordinance)
Disposition: Ordinance No. 163219. (Y-4)
- * 1161 Contract with Portland Development Commission for \$6,213,209 for portions of the FY 90-91 Housing and Community Development Program and provide for payment (Ordinance)
Disposition: Ordinance No. 163220. (Y-4)
- 1162 Authorize an intergovernmental agreement with the Oregon Department of Environmental Quality for financing of sewers in Mid-Multnomah County (Ordinance)
Disposition: Passed to second reading.

Commissioner Mike Lindberg

- 1163 Transmit from the Office of Cable Communications and Franchise Management a report regarding Electric Lightwave, Inc. (Report)
Discussion: David Olsen, Director of Cable Communications and Franchise Management, said this is the second of two ten-year franchises and is a part of the rapidly developing telecommunications scene in Portland. He said his office worked over a year to provide a good compensation methodology that provided a fair return for the City and was fair to other similar franchisees.

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Mr. Olson said annual revenues, five percent of certain specified gross revenues, initially will be small until the system is built and customers are in place. They expect revenues to grow to \$50-100,000 after three or four years.

Commissioner Blumenauer said this is an important part of the communications infrastructure and provides a model that allows the City flexibility in dealing with small, start-up companies.

Disposition: Adopted.

1164 Grant a franchise to Electric Lightwave, for a period of ten years (Ordinance)

Disposition: Passed to second reading August 1, 1990.

At 10:35 a.m., Council adjourned.

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WEDNESDAY, 2:00 PM, JUNE 27, 1990

DUE TO A LACK OF AGENDA
THE MEETING WAS CANCELLED

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF JUNE, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Koch and Lindberg, 3.

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

TIME CERTAIN: 2:00 PM - Four requests for exemption from the polystyrene foam ban (Hearings)

Commissioner Blumenauer said these were the only exemptions that have been requested in six months and that most businesses had gone the extra mile to comply with the ban.

Catherine Fitch, Environmental Services, explained the procedures involved in requesting exemptions and said staff recommended denial of all four requests because they believe adequate alternatives exist.

Commissioner Blumenauer said he would like to hear the requests from West Coast Bento and Spooner's Yogurt first.

- 1167 Deny request of West Coast Bento, 2340 NW Westover Rd., Portland, for exemption from polystyrene foam ban. (Y-3)

Discussion: Ms. Fitch said owner Dan Mosley uses a traditionally shaped Bento box and believes non-polystyrene boxes do not provide adequate insulation and will significantly add to his costs.

Ms. Fitch said staff found two boxes with similar shapes and believe the insulation factor is not significant and that increased costs are not to be considered as a hardship.

Commissioner Koch said since the appellant did not bother to come and testify he would vote aye.

Disposition: Appeal denied. (Y-3)

- 1168 Deny request of Spooner's Yogurt and Muffins, 3520 NE Broadway, Portland, for exemption from polystyrene foam ban.

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Discussion: Ms. Fitch said the owners wish to continue to use eight different polystyrene products based on their need for greater insulating quality, storage demands, the shape of alternative products and increased cost.

Shar Rogers and Marilyn Sangmeister, owners, said they have been able to replace all but four of their products. Ms. Rogers said their biggest concern is providing sufficient insulation for yogurt orders that are taken home.

Ms. Fitch said polystyrene is preferred for its insulating qualities but that most yogurt shops have switched to other products without injury to their business.

Commissioner Blumenauer voted yes to deny the appeal in order to keep faith with those who have complied with the ordinance.

Commissioner Koch said given the uniqueness of this operation and the efforts made by the owners to comply, he would vote no.

Commissioner Lindberg said he would vote yes for the reasons stated by Commissioner Blumenauer.

Ruth Spetter, City Attorney, said three votes are needed to uphold an appeal and that this appeal fails with a two to one vote.

Disposition: Request for exemption denied. (Y-2; N-1 Koch)

- 1166 Deny request of Oriental Fast Bowl Restaurant, 300 SW Taylor, Portland, for exemption from polystyrene foam ban.

Discussion: Ms. Fitch said this and the following request are for an identical product, a 22-ounce bowl with lid. The alternatives available are either 16 or 32 ounces. She said staff recommends a switch to the 32 ounce.

William Parker, Attorney for the Oriental Fast Bowl, said the larger size is not appropriate and there is no substitute that provides adequate insulation and can be used in the microwave. He requested a three month exemption to allow time to find an alternative, perhaps custom-made.

Commissioner Blumenauer said it is not inappropriate in this case to grant a limited exemption because there is no comparable product.

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Commissioner Koch moved to overturn the denial and grant a ninety-day exemption. On a second by Commissioner Lindberg, the motion carried. (Y-3)

Disposition: Denial overturned; 90 day exemption granted. (Y-3)

- 1165 Deny request of Happy Bowl Restaurant, 414 SW Washington, Portland, for exemption from polystyrene foam ban.

Commissioner Koch moved to grant a ninety day exemption. On second by Commissioner Lindberg, the motion carried. (Y-3)

James Gamble, Attorney for Happy Rice Bowl, asked for longer than ninety days to find an adequate substitute. He said the three companies they talked to said it would be at least six months before they would have a comparable product.

Commissioner Koch said they should get together with the owners of The Oriental Fast Bowl restaurant to see what can be found.

Disposition: Denial overturned; 90 day exemption

REGULAR AGENDA

- 1169 Appeals of Donald and Mary Gilbertson and Adele Kaptur against decision of the Hearings Officer to approve a conditional use to build a parking lot in Columbia Park at 7701 N. Chautauqua Blvd. (Previous Agenda 948)

Discussion: Commissioner Lindberg said the Park Bureau informed him that no compromise has been reached on a modification of the parking lot that meets everyone's needs. He recommends withdrawal of the application and redirection of the funds back into the Parks Levy Reserve. He said he has received letters outlining other needs at the Park and one of the things he would like to do is go back to neighborhoods and see if some of these needs can be addressed.

Disposition: Conditional use application withdrawn.

Commissioner Dick Bogle

- 1170 Liquor License application for Tumay Corporation, dba Portland International Tacqueria, 231 SW Ankeny Street, Dispenser Class A license, change of ownership, unfavorable recommendation. (Report)

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Discussion: John Werneken, License Bureau, said the issue here is when does a record of serious and persistent problems at one location, Goldies, and concern for worsening conditions at another location, justify turning an applicant down.

He said the P.I.T. is in the heart of a troubled part of the City and that the License Bureau, Police, Downtown Community Association and Historic Old Time Committee are not reassured by Mrs. Tuite's plans to prevent the reoccurrence of the kind of problems that Goldies had.

Individuals speaking in opposition to granting the liquor license included:

Louis Wachsmuth, Dan and Louis Oyster Bar
John Abrahamson, New Market area businessman,
Steve Hussman, Downtown Community Association

Opponents said they feel incorporating the same operation the owners had at Goldies at the P.I.T. will increase late night problems in the area.

Jerry Tuite, applicant, said they did their best at Goldie's to control their customers but after eight years made a settlement agreement to relocate their license to another location. He said his biggest mistake was catering to the Black community because, as everyone told him, sooner or later he would be closed down.

He said they did have some fights and noise but that police records show that most of the incidents occurred in a two month period around the holidays and that their security people had handled them.

He said his wife was not an active licensee of Goldies and Goldies' record should not be used against her.

Sara Tuite, president, Tumay Corporation, said it is not her intention to relocate Goldies but to try her own ideas that she believes will be beneficial to the neighborhood. She hopes to establish a power lunch concept and also a piano bar in the evenings at P.I.T.

Commissioner Lindberg asked her why she would need to stay open til 4:00 a.m. if she was just having a piano bar.

Ms. Tuite said the entertainment would differ from Goldies but that she did not think a restriction should be placed on her that was not placed on other Class A licensee.

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Jerald Marshall, Security Director for Goldies, said 150 to 175 customers at the P.I.T. are people that are barred from Goldies and that he has told people that when he relocates, his bar list is going with him so he won't have the same problems with these people.

Chuck Bolliger, Portland Police Bureau, said Mr. Tuite told him that despite the fact they did not want the same clientele at the P.I.T., they were already there.

Commissioner Lindberg said he was inclined to give them another opportunity but believes a specific management plan is needed. He raised the possibility of giving them a week to come up with one.

Commissioner Koch said there seems to be a change of attitude and there was no testimony that the P.I.T. is having anywhere near the same problems that Goldies did.

Commissioner Blumenauer said the matter would be held over one week to allow Ms. Tuite to prepare a management plan.

Disposition: Continued to Thursday, July 5.

Commissioner Blumenauer said a new Council president needed to be elected effective July 1.

Commissioner Lindberg nominated Commissioner Koch to be President of the Council for the next six months. On a second by Commissioner Koch, the motion carried. (Y-3)

At 3:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council