



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF MARCH, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, and Lindberg, 4.

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

Mayor Clark welcomed members of the Girl Scouts of the U.S.A. and proclaimed the week of March 11-17 as Girl Scout week.

Because the Mayor had to leave at 10:15 p.m. Council agreed to hear the Consent agenda and the emergency ordinances first.

CONSENT AGENDA - NO DISCUSSION

- 392 Accept bids of Liberty Equipment and Supply and of Consolidated Supply Co for furnishing Brass Pipe and Bronze Fittings for \$77,826 (Purchasing Report - Bid 50-A)

Disposition: Adopted; prepare contract.

- 393 Accept bid of DSU Peterbilt-GMC, Inc. for Furnishing Six (6) 5-yard Dump Trucks for \$215,982 (Purchasing Report - Bid 62)

Disposition: Adopted; prepare contract.

- 394 Accept bid of Ultimaster Motor Corp. for furnishing three special purpose vans for \$51,555 (Purchasing Report - Bid No. 64)

Disposition: Adopted; prepare contract.

- 395 Accept Bid of Timberline Dodge, Inc. under State of Oregon Price Agreement No. 9726 for Furnishing Cargo Vans for \$81,139.66 (Purchasing Report - Bid No. 66)

Disposition: Adopted; prepare contract.

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Mayor J. E. Bud Clark

- 396 Confirm reappointment of Fran J. Matson to the Board of Central City Concern for a term to expire March, 1992 (Report)

Disposition: Confirmed.

- 397 Confirm appointment of Stan R. Amy to fill the unexpired term of Joe Angel on the Portland City Planning Commission through January 14, 1991 (Report)

Disposition: Confirmed.

- 398 Confirm appointments of Jane B. Glazer and Jose V. C. Martinez to the Urban Forestry Commission for terms to expire January, 1994 (Report)

Disposition: Confirmed.

Commissioner Earl Blumenauer

- 399 Transmit Certificate of Completion, Final Estimate and Change Order No. 1, 2, and 3, for improvement of Transit Transfers Unit 2; recommend that Change Order No. 1, 2, and 3 be approved and final payment be made (Report)

Disposition: Adopted.

- 400 Accept completion of emergency repair work at SW Yamhill and SW Broadway (Report; Ordinance No. 162246)

Disposition: Adopted.

- * 401 Authorize Commissioner of Public Works and Auditor to execute and deliver to Homestake Construction Co., a Quitclaim Deed releasing the City's interest in a portion of an existing easement for SW Oak Creek Drive west of SW 27th Avenue Sewer Relocation Project (Ordinance)

Disposition: Ordinance No. 162823. (Y-4)

- * 402 Agreement with the Oregon Department of Transportation, Highway Division, to provide for the Multnomah Boulevard Traffic Improvements Project from SW 22nd Avenue to SW 45th Avenue (Ordinance)

Disposition: Ordinance No. 162824. (Y-4)

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- * 403 Accept two street deeds for an identical parcel of land for the future widening of NE 148th Avenue south of Airport Way, granted by L. O. Owens, Evonne M. Owens, Daryl Owens, and Ellen L. Owens, at no cost to the City (Ordinance)

Disposition: Ordinance No. 162825. (Y-4)

Commissioner Mike Lindberg

- 404 Accept Contract No. 25606 as complete, and authorize final payment of \$25,103.58 (Report)

Disposition: Adopted.

- 405 A report on Contract No. 25740 with Gelco Space for furnishing two new mobile office trailers, acceptance of Contract No. 25740 as complete and authorization of final payment of \$8,385 (Report)

Disposition: Adopted.

- * 406 Call for bids for installation of casing pipe in N. Randolph Avenue, NW Balboa Avenue, and NW 9th Avenue, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 162826 (Y-4)

- * 407 Authorize contract for purchase of snow cat and transfer of \$34,000 within the Water Fund (Ordinance)

Disposition: Ordinance No. 162827 (Y-4)

- * 408 Call for bids for construction of 12-inch, 8-inch and 6-inch mains in NE Columbia Blvd., SW Lesser Road, SW 4th Avenue, and SW Collins Street, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 162828 (Y-4)

- * 409 Extend completion date to April 16, 1990 and increase the contract amount to \$128,864 for additional work on the groundwater collection main in NE Airport Way (Ordinance; Amend Contract No. 25885)

Disposition: Ordinance No. 162829. (Y-4)

REGULAR AGENDA

- * 417 Authorize execution of agreement with the Oregon Department of Environmental Quality regarding environmental issues at the Old Town Parking/Helistop Structure (Ordinance)

Disposition: Ordinance No. 162830. (Y-4)

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- * 418 Authorize payment of \$75,000 to Portland House of Umoja, Inc. (Ordinance)

Disposition: Ordinance No. 162831. (Y-4)

Commissioner Earl Blumenauer

- * 419 Contract with CH2M Hill Northwest, Inc. for improvements to municipal pretreatment program at \$197,875, authorize a contract, transfer funds, and provide for payment (Ordinance)

Disposition: Ordinance No. 162832. (Y-4)

- * 420 Authorize a contract with Murray, Smith and Associates, Inc. to provide engineering services in connection with the preparation of the Hayden Island Storm and Sanitary Sewer Facilities Plan at a cost of \$54,677 and provide payment (Ordinance)

Disposition: Ordinance No. 162833. (Y-4)

- * 421 Authorize contract with Spencer B. Gross, Inc., to provide aerial mapping service for the Wheeler Basin and surrounding area in the northeast part of Portland, transfer funds, and provide for payment (Ordinance)

Disposition: Ordinance No. 162834. (Y-4)

- * 422 Authorize an agreement with the Oregon Department of Transportation for the design and installation of signal and channelization improvements at NE 148th Avenue and NE Glisan Street (Ordinance)

Disposition: Ordinance No. 162835. (Y-4)

- * 423 Call for bids for the SW 64th Drive Sanitary Sewer Replacement Project, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162836. (Y-4)

- * 424 Authorize purchasing agent to purchase SQD Programmable Logic Controllers without advertising for bids (Ordinance)

Disposition: Ordinance No. 162837. (Y-4)

Commissioner Mike Lindberg

- * 425 Reset hearing on withdrawal of territory from Valley View Water District, Palatine Hill Water District, Powell Valley Water District, Rockwood Water District and Hazelwood Water District at 9:30 a.m., March 28, 1990 (Ordinance)

Disposition: Ordinance No. 162838. (Y-4)

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* 426 Regulate conduct at Pioneer Courthouse Square (Ordinance)

Discussion: Commissioner Lindberg said the new regulations are being added on advice of the City Attorney because of the unique aspects of Pioneer Square as a park. The regulations will provide curb-to-curb authority to remove someone from the square, ban boom boxes, ball and frisbee throwing, and prohibit climbing and other activities on special features.

Commissioner Bogle said these steps will guarantee that Pioneer Square is as safe and as comfortable as possible.

Disposition: Ordinance No. 162839. (Y-4)

390 **TIME CERTAIN:** 9:30 AM - Support the City's Regional Rail Program, construction of the Westside Light Rail Project, and the development of public-private financial co-ventures to assist in the funding of the system (Resolution introduced by Commissioner Blumenauer and Commissioner Lindberg)

Discussion: Commissioner Blumenauer moved to adopt the amendments circulated prior to the meeting and incorporate them into the resolution. Commissioner Lindberg seconded. The motion passed (Y-4.)

Bob Stacey, Acting Planning Director, said Metropolitan Service District projections indicate that our population will grow by 500,000 in next 20 years but only about 15,000 will be locating in Portland. Their projections show the vast bulk of development occurring outside the City and assume that Portland's neighborhoods will not be places for new residents to locate but places for them to drive through on their way somewhere else. For Portland, he said, this is a vision of stagnation and decline we should not permit to come true. Portland has staked its plans, including 30,000 jobs in the Central City in next 20 years, but to make them happen we need a better transportation system. The proposed regional light rail network gives us the opportunity to meet our commercial and residential objectives and make our downtown the focal point for the region.

Mayor Clark excused himself from Council at 10:00 am and said he wanted to go on the record that he would vote for the resolution if he were present.

Pat LaCrosse, Portland Development Commission Director, said that our collective ability to enhance Portland as the center of the region depends more than ever on an aggressive transit development program.

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Bob Post, Assistant General Manager, Tri-Met, said Tri-Met views very favorably the City's attention to the light rail system. He said a vote of official financial support for the Westside rail system is in demonstrating to the federal government the commitment of local jurisdictions.

Barrow Emerson, Manager, Regional Rail Program for City, said the concept of the regional rail project will allow the community to absorb growth and focus community development.

Other individuals speaking in support of the resolution included:

Ray Guimary, Eastmoreland Neighborhood Association
Larry Troyer, Lloyd Center General Manager
Bill Naito, Vintage Trolley President
Greg Parker, North Macadam Transport Task Force and
Schnitzer and Co.
George Starr, 909 NE 114th
Tom Novick, 3314 NE 65th
Dr. Larry Griffith, 12530 SE Knapp
Molly O'Reilly, 1414 NW 53rd
Pam Arden, 1817 N. Winchell
Ellen Vanderslice, Northwest District Association
Robert Liberty, 1000 Friends of Oregon
Keith Bartholomew, 1000 Friends of Oregon
Dan Saltzman, 7104 SW 5th
Kris McIvor, Bureaus Transportation,
Jonathan Ater, 1612 SW Upland Dr., Citizens of the Canyon

Supporters said regional light rail development will enable intelligent growth in the City, avert gridlock by providing a competitive alternative to cars, provide economic opportunities along the corridors, and lessen the percentage of land used for roadways.

Commissioner Blumenauer thanked all supporters and said this is an important step in continuing our progress.

Commissioner Bogle said there's no single step that Council can take that will mean as much to the survival of Portland in the decades to come as developing a viable light rail transit system that can become the spine of the City. It will aid access to jobs, help avoid daily gridlock and give property values a fighting chance of holding their own and therefore avoiding escalating deterioration of the liveability of our neighborhoods.

Commissioner Lindberg said this allows us a chance to design a community that reflects our values and the kind of future we would like to see. It gives us a choice of scenarios between one that relies on the auto and brings with it increased stagnation and congestion or one that relies on a good mass transit system. With so little help available from the federal government, we will have to take the initiative and develop our own plans.

Disposition: Resolution No. 34690 as amended.. (Y-3, Clark and Koch absent)

391

TIME CERTAIN: 10:15 AM - Request that Planning Commission study zoning pattern along St Helens Road and recommend changes to Council (Previous Agenda 340)

Discussion: Commissioner Blumenauer said this grew out of a previous land use appeal on St Helens Road (CU 64-89) where questions were raised about the way the property was zoned.

Bob Warren, Planning Bureau, said the Bureau intends to legislatively take a look at the whole corridor, which has an unusual interface between industrial and residential, and try to come up with a solution they can bring back to Council.

Marjorie Newhouse, NWDA Planning Chair, said this resolution will enable the City to prevent conflict by resolving incompatible uses between a residential neighborhood and heavy industrial area.

David Wrench, 3103 NW Wilson, speaking on behalf of Northwest Portland Advocates, a group of residents who objected to the Ike Bay proposal on St. Helens Road, asked for three additions to the proposed resolution: 1) add R10 to the second "whereas" clause after the reference to R5; 2) call for the involvement of a Citizens Advisory Committee; and 3) include an environmental overlay in the conflicting zones.

Commissioner Blumenauer said the additions are all acceptable and he would be happy to incorporate them in the resolution. Commissioner Lindberg so moved; Commissioner Bogle seconded. The motion was so ordered.

Steve Fosler, NWDA President, said NWDA supported the study and that as the neighborhood accepts higher density they will need help in solving other planning issues in the future.

Disposition: Resolution No. 34691 as amended. (Y-3)

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REGULAR AGENDA

- 410 Consider vacating a portion of NE 10th Avenue to eliminate an isolated parcel of street (Hearing; C-9726; introduced by Auditor Clark)

Disposition: Adopted, prepare ordinance.

- 411 Accept bid of Hessel Tractor and Equipment Co. for furnishing two tractor backhoe loaders for \$143,648 (Purchasing Report - Bid 61)

Disposition: Adopted; prepare contract.

- 412 Accept bid of Ingersoll-Rand Co. for furnishing a self-propelled Tandem Vibratory Roller for \$51,750 (Purchasing Report - Bid 63)

Disposition: Adopted; prepare contract.

- 413 Report on Minority/Female Business Enterprise use of construction for first half of fiscal year 1989/90 (Report; Purchasing Agent)

Carleton Chayer, Purchasing Agent, said this report and the following one show that subcontracts to minority business enterprises and to women have declined on large projects during the last six months, reflecting the Supreme Court decision in the Crowson case. While overall minority participation in the construction area appears to be high - 15.54% - this reflects one large contract with a minority firm which accounts for the majority of that percentage and somewhat skews the results.

Commissioner Bogle said out of five construction projects totaling \$2,384,824 there was MBE or FBE participation in only three. Minority firms got 1.37% of that or \$32,000 which shows what happens when you remove the hammer as the Crowson decision did. He said perhaps we should turn to friends in the business community and ask them out of fairness to consider involvement to a greater degree of both minority and female business enterprises.

Commissioner Lindberg said he was extremely disturbed by the report and suggested looking at semi-autonomous commissions such as the ER Commission to see what might be done there. He said he would be happy to help in any way to set up accountability systems so we don't just meet and say how bad it is every 6 months.

Commissioner Blumenauer said he was pleased with the contract on King Blvd. near the Convention Center which added targets for minorities and area residents in the bid specifications. He said he attended a meeting with potential bidders and got a strong response from Associated General Contractors who felt they could support putting these requirements in the bid specifications.

Commissioner Bogle said as major contractors come to us with arguments for development we can go to them with arguments for fair play in the job market.

Commissioner Lindberg said there are ways to fashion these construction projects through subcontracting to meet our goals.

Disposition: Adopted. (Y-3)

- 414 Report on Minority/Female Business Enterprise use for first half of fiscal year 1989/90 (Report; Purchasing Agent)

Disposition: Adopted. (Y-3)

Mayor J. E. Bud Clark

- 415 Transmit the Resolution approving a tax phase-in for annexation case A-12-89 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3)

- 416 Approve the tax phase-in for Annexation Case A-12-89 (Resolution)

Resolution No. 34692. (Y-3)

Commissioner Blumenauer asked Bob Rieck, Environmental Services, to report that we had nine bidders on the \$59,000,000 sewer bond sale. The bond ordinance allows Steve Bauer to award the bid so Council has only to receive the report.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF MARCH, 1990 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council and Pete Kasting, Senior Deputy City Attorney.

Commissioner Blumenauer asked Dick Hofland, Acting Debt Manager, to report on this morning's sale of \$59,240,000 in sewer revenue bonds. Mr. Hofland said a formal report will be filed with Council next week. The winning bid was from Chemical Securities Inc. with a true interest cost of 7.2314%.

Disposition: Continued to April 4, 1990

- 427 **TIME CERTAIN:** 2:00 PM - Appeal of Charles Schietinger against Hearings Officer's decision to approve application of Walter Remmers for a zone change and variance, with conditions, at 708 and 821 SW Maplecrest Court (Hearing; 7952 and 7953)

Discussion: Paul Norr, attorney for appellant requested a set over until at least four Council members are present.

Disposition: Continued to April 4.

REGULAR AGENDA

- 428 Appeal of George W. Hall, Jr., against Variance Committee's decision to approve application of Allana Bove and James Finn to increase the height of a fence from 6 feet to 8 feet at 1901 SW Kanan Street (Hearing; VZ 84-89)

Discussion: Mr. Hall requested the appeal be set aside until a full Council is available.

Disposition: Continued to April 11.

- 429 Grant appeal with conditions of Terry A. Cone, applicant, against decision of the Variance Committee to deny application for variances in order to legalize a parking area at 49 SE 60th (Findings: VZ 167-89)

Disposition: Findings adopted. (Y-3).

- 430 Grant appeal of Pleasant Valley Neighborhood and allow Michael and Alfred Obrist a revocable permit to store and maintain recreational vehicles in an existing stable at 6729 SE 162nd (Findings: 7959R)

Disposition: Findings adopted. (Y-3)

- 431 Grant appeal, with conditions, of Nauru Phosphate Royalties, applicant, against Conditions A, B, M and N imposed in approving conditional use and subdivision at NW Miller Road and NW Cornell Road (Findings; CU 99-89/S 37-89)

Discussion: Miriam Hecht, Planning Bureau, said the appellant's attorney, Stephen Janik, had asked for a continuance because of some concern with the findings and that they will reschedule it as soon as they can.

Disposition: Referred to Planning Bureau.

At 2:12 p.m., Council adjourned until 2:00 p.m., March 15, 1990.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF MARCH, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenaur, Presiding, Commissioners Bogle and Koch, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer David Cook, Sergeant at Arms.

- 433 Appeal of Secondhand Dealer Civil Penalties for Echols Doyle Ford, dba The Moneyman, 6614 SE 82nd Avenue (Previous Agenda 338)

Discussion: Dennis Nelson, License Bureau, said the public hearing was closed but the record was kept open through last Friday for additional written material.

Commissioner Blumenauer said we need to make today's vote a tentative one to give the staff and City Attorney an opportunity to use the supplemented record to make their findings.

Commissioner Bogle moved to deny the appeal of Echols Doyle Ford. Commissioner Koch seconded. This would be a tentative vote subject to the City Attorney's affecting the record.

Disposition: Appeal denied subject to City Attorney findings. (Y-3)

- 434 Appeal of Secondhand Dealer Civil Penalties for David C. Grigonis, dba The Moneyman, 6614 SE 82nd Avenue (Previous Agenda 339)

Discussion: Dennis Nelson said he understood the public testimony is now closed except to allow Mr. Grigonis to finish any comments he might have. The record was kept open through last Friday for additional materials.

Richard Helzer, attorney for Mr. Grigonis, said he had instructed his client not to continue his testimony. He wants the record to show it was his understanding that the matter would be considered by all five Council members.

Commissioner Bogle asked the City Attorney if his statement about continuing the hearing to a time when it was thought Commissioner Lindberg and Mayor Clark would be present and would have had a chance to review the proceedings on videotape jeopardized taking a three-person vote today.

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Ruth Spetter, City Attorney, said it was a courtesy to appellant but that he didn't have a right to have all five present and Council could go ahead and vote if they wanted to.

Commissioner Blumenauer said he would support a motion to deny the appeal and if the three of them all agreed that would provide the full 3-vote complement needed.

Commissioner Bogle moved to tentatively deny the appeal of David Grigonis, subject to findings based on the supplemented record. Commissioner Koch seconded. The motion passed. (Y-3)

Commissioner Koch said he found that there is a distinct relationship between Mr. Grigonis and people who have operated businesses illegally in the past and it was difficult to believe he was ignorant of these illegal practices.

Disposition: Appeal denied tentatively subject to findings by City Attorney. (Y-3)

REGULAR AGENDA

- 435 Application for East Portland Historic District Designation (Previous Agenda 238)

Discussion: John Southgate, Planning, said the major applicant had asked to continue the hearing rather than referring it back to the Planning Bureau. The Bureau had no objection.

Disposition: Continued to June 14, 1990.

- 432 **TIME CERTAIN:** 2:00 PM - Further ensure compliance by Secondhand Dealers (Ordinance; amending Chapter 14.37; introduced by Commissioner Bogle)

Commissioner Bogle moved to accept the substitute ordinance as submitted. Commissioner Koch seconded and the motion was so ordered.

Dennis Nelson, License Bureau, said this ordinance is an attempt to make it more difficult for people to profit from the enormous market in stolen goods. The ordinance incorporates recommendations made by a task force formed in 1989 to take a look at this problem.

Lt. Patrick Nelson, Portland Police Bureau, said passage of the ordinance will provide a level playing field for all dealers by making all shops dealing with this merchandise work in the same way.

Lt. Cyle Stites, Multnomah County Sheriff's Office and member of Task Force on Controlling Distribution of Stolen Property, said this is an important tool in dealing with crime and noted that the Multnomah County Commissioners had passed a similar measure that morning.

Jerry Billings, representing Don Wirf's America's Largest Antiques and Collectibles, said this ordinance could put them out of business and could destroy the whole antique show market in Portland because of the way it is written. He said they had no input into the Task Force at all.

Other individuals testifying against the ordinance included:

Terry Parker, 1527 NE 65th,
Sol Varon, 812 SW Washington, #625
John Adams, Chairman of Portland Swap Meet
Jon Gramstad, 1306 NE 153rd
Heber Thurston, 7536 N. St. John's Ave.
Steven Miller, 201 SE 12th, co-owner of Hippo Hardware & Trading Co.
Bert Bothwell, former owner of Halsey Gold & Silver

Opponents echoed Mr. Billings' concerns and said the ordinance forces legitimate businesses to prove their innocence every day, and cited the lack of participation in the process by antique dealers and those in the collectibles community, excessive paperwork and over-regulation as among the reasons for their opposition,

Individuals speaking in favor of the ordinance included:

Pat Beyer, SE Uplift Crime Prevention Policy Committee
Leslie Goldsmith, Den of Antiquity Shop
David Weiner, Attorney representing H & B Jewelry and Loan
Jodi Tompkins, owner of Happy's

Proponents said it was a realistic solution to a difficult problem, will curb the black market in stolen goods, separate secondhand from antiques dealers and will make it easier for honest dealers to compete.

Dennis Nelson, License Bureau, said those who sell at flea markets and swap meets, etc. are exempt from the secondhand dealers ordinance unless they do more than 14 days a year; only at that time would they become a business operation and need to get a business license. Garage and estate sales are also not covered. He said these exclusions were put into the business license code in cooperation with the trade show industry.

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In response to concerns about swap meets and similar operations, Mr. Nelson said the Task Force report indicates they will be taking a look at this in the future and will definitely involve the industry and not come forth with regulations that will drive legitimate businesses out of town.

Commissioner Bogle said anyone of us is subject to become a victim of crime and there is a parallel responsibility for each of us to do everything we can to fight crime in whatever arena we can.

Commissioner Blumenauer asked License Bureau staff to hold an information session for those with concerns about the ordinance so that if there are any glitches they could be worked out in advance of the next meeting.

Dennis Nelson said they will set up a session next week to respond to specific concerns.

Disposition: Passed to second reading.

At 3:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council