



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

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

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners 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.

A progress report on the Downtown Economic Improvement District and their activities in association with The Rose Festival was made to Council. Participants included Ruth Scott, President of Association for Portland Progress; Bill Dickey, Chairman of Downtown Retail Council; and Gene Leo, Rose Festival Association.

The Mayor noted the death of pioneering landscape photographer Ray Atkeson and proclaimed Wednesday, May 30, as Ray Atkeson Appreciation Day.

950 TIME CERTAIN: 9:30 AM - Proclaim Great Blue Heron Week.

Discussion: Mayor Clark read a proclamation acknowledging community efforts to protect the heron and our natural environment. Mike Houck, Audubon Society, accepted the proclamation and related some of the events planned for the week. Pam Arden, Kenton Neighborhood Association, and Kevin Fitzgerald, Friends of Oaks Bottom Wild Life Refuge, described the activities their groups have planned during the week of June 2-10, 1990.

Agenda Nos. 956 and 982 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

- 951 Accept bid of Werbin West Contracting for N. Hayden Island Drive, 12-inch and 8-inch water main for \$142,103 (Purchasing Report - Bid 105)
- Disposition:** Adopted; prepare contract.
- 952 Accept bid of Landry's Commercial Floor Coverings, Inc. for Portland Building Lobby carpet replacement for \$72,789 (Purchasing Report - Bid 106)
- Disposition:** Adopted; prepare contract.
- 953 Reject bid of Eagle-Elsner Inc. for NE Fremont Bikeway from NE 102nd Avenue to NE 122nd Avenue (Purchasing Report - Bid 111)
- Disposition:** Adopted; bid rejected.
- 954 Accept bid of Tigard Electric Company for SW Oak St., SW Taylor St., and SW 2nd Ave. Twin Ornamental Street Lighting Project for \$482,147 (Purchasing Report - Bid 112)
- Disposition:** Adopted; prepare contract.
- 955 Accept bid of Rose Heating Co. for Portland Building penthouse cooling improvements for \$49,405 (Purchasing Report - Bid 113)
- Disposition:** Adopted; prepare contract.
- 957 Accept bid of Frontier Jeep-Eagle, Inc. for furnishing four used sedans for \$44,000 (Purchasing Report - Bid 119)
- Disposition:** Adopted; prepare contract.
- 958 Accept bid of S and L Landscaping Inc. for Buckman Field irrigation system for \$87,633 (Purchasing Report - Bid 124)
- Disposition:** Adopted; prepare contract.
- 959 Reject bid of Eagle-Elsner Inc. for SW Terwilliger Bikeway at SW Hamilton Terrace to SW Sam Jackson Road (Purchasing Report - Bid 127)
- Disposition:** Adopted. Bid rejected.

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- 960 Accept bid of Fuiten's Plumbing and Heating Company for construction of the CBWTP Drainage Storm Sewer System for \$156,850 (Purchasing Report - Bid 128)

Disposition: Adopted; prepare contract.

- 961 Accept bid of System Construction Company for construction of NE Failing Street - SE 136th Avenue Storm Sewer System for \$42,650 (Purchasing Report - Bid 129)

Disposition: Adopted; prepare contract.

- 962 Accept bid of Alliance Corporation for construction of Fanno Creek Pressure Sewer Replacement Project for \$212,000 (Purchasing Report - Bid 130)

Disposition: Adopted; prepare contract.

- 963 Accept bid of System Construction Company for construction of the SW 64th Drive Sewer Repair Project for \$38,018 (Purchasing Report - Bid 131)

Disposition: Adopted; prepare contract.

- 964 Accept bid of J. S. Perrott and Co. for Permit Center Remodel - Phase I for \$47,947 (Purchasing Report - Bid 137)

Disposition: Adopted; prepare contract.

- 965 Accept bid of K-2 Construction Co. for pedestrian bridge at SW 25th Avenue and SW Martha St. for \$244,591 (Purchasing Report - Bid 138)

Disposition: Adopted; prepare contract.

- 966 Accept bid of Berning Construction Co. for bridge replacement - NE 47th Avenue Over Columbia Slough for \$214,167 (Purchasing Report - Bid 139)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 967 Ratify Robert W. Naito as a new appointment to the Housing Authority of Portland (Resolution)

Disposition: Resolution No. 34737. (Y-4)

- * 968 Agreement with C.M.S.I. Inc., to provide management consulting services to facilitate implementation of Community Policing, not to exceed \$150,000 (Ordinance)

Disposition: Ordinance No. 163098. (Y-4)

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- * 969 Amend Contract No. 23823 with William Mercer Meidinger Hansen for provision of employee benefits consulting services (Ordinance)
Disposition: Ordinance No. 163099. (Y-4)
- * 970 Pay claim of Jon C. Roberts (Ordinance)
Disposition: Ordinance No. 163100. (Y-4)
- * 971 Amend Agreement No. 26048 by increasing the amount of the contract by \$265, and transferring appropriations in the Housing and Community Development Fund (Ordinance)
Disposition: Ordinance No. 163101. (Y-4)
- * 972 Contract with InterWEST Systems Inc. for data processing services at \$45,000 and provide for payment (Ordinance)
Disposition: Ordinance No. 163102. (Y-4)

Commissioner Earl Blumenauer

- 973 Accept completion of improvement of traffic signal at NE 122nd and Shaver by W. R. Grasle Co. (Report)
Disposition: Adopted.
- 974 Accept the completion of the Arterial and Residential Street Light Conversion and Modification Project; approve Change Orders 1 and 2, and make final payment of \$5,330.95 to Tigard Electric, Inc. (Report; Contract No. 25405)
Disposition: Adopted.
- 975 Authorize Progress Payment Certificate No. 6 Release of Retainage (Report; Contract 25323)
Disposition: Adopted.
- * 976 Authorize execution of a lease agreement between the City of Portland and Rogers Construction, Inc. for 2,100 square feet of office space (Ordinance)
Disposition: Ordinance No. 163103. (Y-4)
- * 977 Authorize the City to enter into an agreement with Metropolitan Service District (Metro) whereby Metro will provide \$300,000 to the City of Portland for reconstruction of Martin Luther King Jr. Blvd adjacent to the Oregon Convention Center (Ordinance)
Disposition: Ordinance No. 163104. (Y-4)

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- * 978 Call for bids for the Sullivan Pump Station adjustable frequency drives retrofit equipment contract, authorize a contract, and provide for payment (Ordinance)
- Disposition:** Ordinance No. 163105. (Y-4)
- * 979 Accept two street deeds for the NE Grand Avenue north of NE Columbia Boulevard Street Improvement Project, granted by Pacific International Pipe Enterprises, Inc., and OK Sun Wildberger, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163106. (Y-4)
- * 980 Accept two street deeds for the SE Harold Street from SE 92nd Avenue to SE 102nd Avenue Street Improvement Project, granted by Donald J. Rosser, Mary E. Rosser, Wayne A. Smith, and Janet E. Smith, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163107. (Y-4)
- * 981 Accept two street deeds for an identical parcel of land for the SE Harold Street from SE 92nd Avenue to SE 102nd Avenue Street Improvement Project, granted by Leslie D. Parks, Larry Cover, and Rose Marie Cover, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163108. (Y-4)

Commissioner Dick Bogle

- * 983 Contract with Portland Security, Inc. for dispatching of towing services (Ordinance)
- Disposition:** Ordinance No. 163109. (Y-4)
- * 984 Contract with Retriever Towing, Inc. for towing, storage and disposal of abandoned vehicles (Ordinance)
- Disposition:** Ordinance No. 163110. (Y-4)

Commissioner Bob Koch

- 985 Accept mechanic's work area project at East Precinct Police Station as substantially complete and pay Russell Construction (Report; Contract 25808)
- Disposition:** Adopted.

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Commissioner Mike Lindberg

- 986 Approve Change Order #5 (Contract No. 25157) and accept the project as substantially complete as of September 23, 1989, and authorize final payment with release of retainage for Powell Butte Nature Park (Report)

Disposition: Adopted.

- * 987 Extend the deadline for substantial completion for the development of Piccolo Park to July 20, 1990 (Ordinance)

Disposition: Ordinance No. 163111. (Y-4)

REGULAR AGENDA

- 956 Accept bid of Service Master of SW Portland for janitorial services at the Justice Center for \$130,200. (Purchasing Report - Bid 115A)

Discussion: Cay Kershner, Clerk, said a substitute report had been filed by the Purchasing Agent recommending that the Service Master bid be accepted instead of denied. Commissioner Bogle moved substitution. On a second by Commissioner Koch, the motion carried.

Disposition: Substitute adopted; prepare contract.

- * 982 Grant a temporary waiver of Section 16.26.110 of the City of Portland's Vehicles and Traffic Code to allow McArthur and Associates to place a postcard survey on the windshields of parked automobiles (Ordinance)

Discussion: Cay Kershner, Clerk, said an amendment had been filed changing the survey dates. Commissioner Bogle moved approval of the amendment. On second by Commissioner Koch, the motion carried.

Disposition: Ordinance No. 163112 as amended.. (Y-4)

- 988 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 (Hearing; Ordinance; C-9400)

Discussion: Linda Rock, 4717 SW Vacuna, said she was concerned with the method of assessment because people more directly affected are not being as heavily assessed as she is and also that the traffic pattern needs to be looked at.

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Cay Kershner, Clerk, said Commissioner Blumenauer in his report to Council had recommended that the remonstrances be overruled. Commissioner Koch moved that the remonstrances be overruled and on second by Commissioner Bogle, the motion carried. (Y-4)

Mayor Clark asked what a person did who felt he was being unfairly assessed.

Karen Rabiner, Transportation, said this particular property is being assessed according to an established formula as an "indirect" for a portion of the side street improvement. She said properties closest to the improvement are assessed at a larger amount.

Disposition: Passed to second reading.

Mayor J. E. Bud Clark

- * 989 Establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Discussion: David Shaff and Brenda Carpenter, Bureau of Personnel, said this is the ordinance filed annually for non-represented employees and is consistent with the 4.25% salary increases awarded other employee groups. This is 85 percent of the 1989 Consumer Price Index which was five percent.

Disposition: Ordinance No. 163113. (Y-4)

Commissioner Bob Koch

- * 990 Authorizing a Contract with Info-Com Consulting, Inc., to provide Telecommunications consultation and analysis. (Ordinance) (Previous Agenda 902)

Discussion: Cay Kershner, Clerk, said a substitute ordinance had been filed. Commissioner Koch moved the substitution and on a second by Commissioner Bogle, the motion carried.

Disposition: Substitute Ordinance No. 163114. (Y-4)

At 10:05 a.m., Council was recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF MAY, 1990 AT 2:00 P.M.

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

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

- 991 TIME CERTAIN: 2:00 PM - 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 a R10 zone located at SW Humphrey Blvd., near SW Humphrey Court (Hearing; CU 121-89/S 47-89)

Miriam Hecht, Planning, showed slides of the proposed site and reviewed the request and appellant's issues. She said Planning Bureau staff and the Hearings Officer recommended approval of the variances, tentative approval of the sub-division and preliminary approval of the planned unit development, all with several conditions. The appellant's issues focus on land suitability and traffic safety concerns on Humphrey Boulevard.

Lewis Wardrip, Transportation, said it is estimated the project would add forty cars per hour to the current level of 1230 cars. He said the Bureau believes there will be no added safety problems because of this development.

Herbert Anderson, attorney representing Mr. Bartels, said the site has a severe landslide hazard designation which makes it unsuitable for a 40-lot development, requires additional geotechnical reports, and did not receive approval from the Highway Division because of noise and visual impacts. He said the proposal to place thirteen lots west of the drainage is also dangerous. He also cited added hazards to the already dangerous traffic situation on Humphrey Boulevard.

Commissioner Koch asked if the City could issue any permits before the geotechnical reports were found to be sufficient.

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Ms. Hecht said this is a tentative and preliminary decision and no lots can be sold or improvements made until a preliminary development plan for the PUD has been approved, all service requirements have been met, and the geotechnic report and Oregon Department of Transportation approval had been received. She said that final approval is made by the Hearings Officer, the City Engineer and Planning Director based on a Planning Bureau staff report.

Pete Kasting, City Attorney, said that given one of the criteria in the Code -- 34.50.900 regarding land suitability -- Council needs to make a threshold determination now that the land is not unsuitable. The question for Council is whether there is sufficient preliminary information to conclude it is suitable for development.

K.C. Robbins, Geotechnical Consultant, said Council should seriously consider the viability of a development of this magnitude and the serious stability problems that may be caused by the magnitude of the cuts and fills this project will entail.

Kelly Bruun, applicant, said this is a high quality development which will benefit the neighborhood. He said the issues boil down to soils and traffic. He said soil stability is dealt with in the contingency within the Hearings Officer's approval. He said the report prepared by his consultants show that the site is geotechnically suitable and that, as for traffic, according to City police reports, there are very few accidents on Humphey.

Mr. Bruun said the neighborhood association (SWRL) did not oppose the project and that Planning Bureau staff and the Hearings Officer had recommended approval with conditions.

Mr. Bartels requested that the record be left open to give him a chance to respond to the geotechnical report he had just seen.

Terry Craven, Geotechnic consultant with Land Development Consultants, said his studies show that, subject to proper development, this project could be constructed as shown.

Craig Petrie, P.O. Box 42188, 97242, said a 12-inch water line will be brought in to replace the current 6-inch lines as part of this project and this will solve current severe water problems. He said the property owner has a right to enjoy his property as long as he can adhere to the Hearings Officer's decision just as adjacent property owners have been doing for years.

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Barbara Devine, 2276 SW Humphrey Park Road and SWRL Board member, said SWRL neither approved or disapproved the project. She said the site is unstable and prone to landslides and objected to variances decreasing setbacks to less than the 30 feet required by the Code.

Esther O'Grady, 4520 SW Humphrey Court, said applicants were manipulating the information, especially regarding the incidence of traffic accidents. She objected to the project based on noise, lot size, building in the drainage swain and emergency vehicle access.

In rebuttal Mr. Anderson cited the engineer's report which recommended that there be no development west of the ravine where the applicant proposes thirteen lots.

Mr. Bruun said no lots smaller than 7,000 square feet are proposed and that a great deal of open space will remain as only forty lots are proposed in an area where the overall density calls for fifty-three. He said he has no problem meeting the geotechnical requirements.

Mr. Bruun said the traffic issues result primarily from enforcement and signage problems and that the addition of the new roadway may actually slow traffic.

Mr. Craven said there was nothing in the two geotechnical reports to indicate that the western slope is unstable.

After consultation with Pete Kasting, City Attorney, regarding the amount of time that must be granted when new information is presented at a land use hearing, Mayor Clark announced that both sides have seven days to provide written rebuttal to the geotechnical reports but that no new information is to be submitted. Council will review the rebuttal and vote at the session on June 6, 1990 at 2:00 p.m.

Disposition: Continued to June 6, 1990.

At 3:20 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF MAY, 1990 AT 2:00 P.M.

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

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

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- * 993 Grant a revocable permit to James L. Hansen and Kim S. Chevalier to construct and maintain a fill in a City sewer easement (Ordinance)

Disposition: Ordinance No. 163115. (Y-4)

REGULAR AGENDA

Commissioner Dick Bogle

- 994 Repeal Title 32 and replace with new title establishing regulations for the design, installation, and inspection of signs and awnings (Ordinance; repeal Title 32 and replace with new Title)

Disposition: Passed to second reading.

Commissioner Koch moved to suspend the rules to consider three items on the 4/5ths agenda out of the usual order. On second by Commissioner Bogle, the motion carried. (Y-4)

A motion to consider the 4/5ths Agenda was then made by Commissioner Koch, seconded by Commissioner Lindberg, and approved. (Y-4)

- *995 Authorize application to the U.S. Department of Housing and Urban Development for a grant under Title I of the Housing and Community Development Act of 1974, as amended, in the amount of \$6,699,000 for fiscal year 1990-91 and authorize a contract (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163116. (Y-4)

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- *996 Authorize the Personnel Director to sign a Memorandum of Understanding between the City of Portland (City) and the District Council of Trade Unions (DCTU) regarding health and welfare benefits for certain represented employees (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163117. (Y-4)

- *997 Ratify a Memorandum of Understanding between the City of Portland (City) and the Portland Police Association (Association), signed on behalf of the City by the Personnel Director, regarding health and welfare benefits for certain represented employees (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 163118. (Y-4)

- 992 TIME CERTAIN: 2:00 PM - Appeal of Sandy Barr, applicant, against decision of the Hearings Officer to deny the revocable permit to continue operating a secondhand business/flea market at 8501 and 8725 N. Chautauqua (Previous Agenda 795)

Discussion: Jessica Richman, Planning Bureau, said this is a proposal to legalize and continue a flea market which has been operating on the site for twenty years for an additional two years. She said that in March, 1990, Mr. Barr had agreed to cease all outdoor activities except for parking.

Ms. Richman said both Planning staff and the Hearings Officer recommended denial of the revocable permit because of negative impacts, particularly traffic and parking, to the neighborhood. She said they believe the business does not comply with the intent of the Code regarding revocable permits which are intended to be temporary and be of trivial detriment to the surrounding area.

Paul Norr, Attorney for Sandy Barr, said Mr. Barr had already scaled his business back twenty-five percent in an effort to meet neighborhood concerns and asked if Council really thought the business, which had operated up until last year without complaints, caused enough problems for the neighbors to merit shutting it down and putting people out of work. Mr. Norr said fifty-eight nearby residents had indicated their support of Mr. Barr and that an additional 4,000 signatures had also been filed.

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Sandy Barr, appellant, said he had discontinued all outdoor sales and complied with every request the City has made regarding fences, removal of vehicles and the collection of vendor fees. He said he had never been a secondhand dealer and that moving to a new location would not allow him to continue in business because of the higher rents.

Reena Heijdemann, President Portsmouth Neighborhood Association, said the neighborhood opposed it based on traffic problems, health hazards, litter, noise and public safety. She said the size and scope of the business is not in compliance with the C4 zone and that the coming and going of two to three thousand cars on weekends places an unbearable burden on neighbors who are unable to enter or leave their own property.

Individuals speaking in support of Mr. Barr's appeal included the following:

Vasana Vongthongth, 6909 N. Rochester
Don Owens, Sports Arena, N. Chautauqua
Paul Lechevalier, 6024 SE Lambert
Tim Ferguson, 636 SE 3rd
Leslie Bodkin, 1839 Claxter Rd., #21, Salem
Betty Walker, 3205 SE 28th
Joanne Temores, 8524 N. Druid
Eric DuBois, 2112 SE 11th
Dave Bloomquist, PO Box 4802
Norman Wicks, 1727 NW 25th

Supporters said the flea market provides a service and is the only source of income for many vendors who would otherwise not be able to earn a living.

Individuals speaking against the appeal included the following:

Michael Vernon, 4052 N. Attu
Eugene James, 8306 N. Chautauqua
Adele Kaptur, 6841 N. Newcastle
Mary Gilbertson, 7664 N. Chautauqua Blvd.
Don Gilbertson, 7664 N. Chautauqua Blvd.
Ron McCoy, 7569 N. Chautauqua
Pam Arden, Kenton Neighborhood Association,

Opponents said the market is not in compliance with the zoning regulations, that it has outgrown its present location, and that traffic, litter and other problems are lowering property values in the area.

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In rebuttal, Mr. Norr said it was unfair after twenty years to blame Mr. Barr for all the problems. He said the neighborhood was not solely residential as indicated by the the presence of an armory, a bowling alley and a supermarket. He said closure of the business will have an adverse economic impact on a lot of people and that neighboring businesses also benefit from their proximity to the flea market.

Mr. Norr said only two people living within two blocks of the business opposed it while fifty-eight supported it and drew Council's attention to the large number of supporters attending the Council session.

Ms. Heijdemann said that up until a year ago no group had organized to oppose Mr. Barr who they found unwilling to work with them. She said many residents were unable to come to Council because they worked while Mr. Barr had offered his supporters a free bus ride and lunch to attend today's Council session.

Council asked how many days Mr. Barr would have to continue in business if the permit were denied.

Ms. Richman said thirty days.

Commissioner Bogle said the business is much more than a trivial detriment to the neighborhood and cited the negative traffic impact as major reasons why he opposes the appeal.

Commissioner Lindberg said the market is a great idea but in the wrong location.

Mayor Clark said this business should be relocated as it is clearly not in compliance.

Commissioner Koch said he would vote to deny the appeal and moved to allow Mr. Barr six months to relocate. The motion did not receive a second.

Commissioner Bogle moved to allow Mr. Barr ninety days to relocate. On second by Commissioner Lindberg, the motion carried. (Y-4)

Disposition: Appeal denied. (Y-4)

At 3:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council