



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF NOVEMBER, 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; Harry Auerbach, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

The Mayor proclaimed the month of November as Epilepsy Month.

Agenda No. 1840 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1826 Accept bid of Alliance Corporation for construction of Englewood sanitary sewer system Unit 2 for \$1,249,019 (Purchasing Report - Bid C-9700-2)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

- \* 1827 Agreement between the City of Portland and Multnomah County to renew, amend and extend the agreement between the parties for operation of the Area Agency on Aging (Ordinance)

**Disposition:** Ordinance No. 163611. (Y-4)

- \* 1828 Pay claim of the estate of Stanley Runtz subject to approval of Multnomah County Circuit Court (Ordinance)

**Disposition:** Ordinance No. 163612. (Y-4)

NOVEMBER 14, 1990

\* 1829 Pay claim of The Halton Company (Ordinance)  
Disposition: Ordinance No. 163613. (Y-4)

\* 1830 Authorize an amendment to Contract No. 26198 with US West, adding Attachment "A", Price List for Service (Ordinance)  
Disposition: Ordinance No. 163614. (Y-4)

**Commissioner Earl Blumenauer**

\* 1831 Revocable permit to the Port of Portland to retain portions of a former grain elevator foundation in N Port Center Way (Ordinance)  
Disposition: Ordinance No. 163615. (Y-4)

\* 1832 Revocable permit to Oregon Public Broadcasting Foundation, Inc., to maintain banners on street light poles from January 4 to February 4, 1991 (Ordinance)  
Disposition: Ordinance No. 163616. (Y-4)

\* 1833 Grant a revocable permit to Portland Community College for emergency doors opening across the sidewalk of N Albina at 739 N Killingsworth Street (Ordinance)  
Disposition: Ordinance No. 163617. (Y-4)

\* 1834 Revocable permit to Carla S. Boivin for a private sanitary pressure sewer line to serve 2952 SW Fairmount Blvd. (Ordinance)  
Disposition: Ordinance No. 163618. (Y-4)

\* 1835 Revocable permit to Nichiei Corporation for a loading area turnout in SW 1st Avenue, SW Jefferson and SW Columbia Streets at 1 SW Columbia Street (Ordinance; repeals 141247)  
Disposition: Ordinance No. 163619. (Y-4)

\* 1836 Authorize a purchase order for sewer repair services with Gelco Insituform, Inc., without advertising for bids, and provide for payment (Ordinance)  
Disposition: Ordinance No. 163620. (Y-4)

**Commissioner Dick Bogle**

1837 Approve Change Order No. 2 for Permit Center remodel, Phase 1, accept as complete and authorize final payment with release of retainage (Report; Contract No. 26274)  
Disposition: Adopted.

NOVEMBER 14, 1990

**Commissioner Mike Lindberg**

1838 Accept Couch Park play equipment renovation and reconstruction as complete and provide for payment (Report; Contract No. 26286)

**Disposition:** Adopted.

\* 1839 Authorize an Agreement with Mike Behensky dba River City Skiff Co. for a boat tour concession at the Riverplace Marina and other City-owned docks, as approved by the Park Bureau, from October 1, 1990, to December 31, 1990 (Ordinance)

**Disposition:** Ordinance No. 163621. (Y-4)

\* 1841 Authorize Administrator of the Water Bureau to appoint Lorna Stickel at the one year rate of the Chief Planner/Water (3236) salary scale, effective December 3, 1990 (Ordinance)

**Disposition:** Ordinance No. 163622. (Y-4)

**REGULAR AGENDA**

\* 1840 Amend Contract No. 21428 with EMA Services, Inc., for professional services in an additional amount not to exceed \$169,400 for construction services for the Water Control Center Project and design and construction services for a Water Quality Laboratory and provide for payment (Ordinance)

**Discussion:** Commissioner Lindberg requested that this be held over for one week.

**Disposition:** Continued to November 21, 1990, 9:30 am.

Commissioner Blumenauer moved Suspension of the Rules in order to consider the following ordinance. Commissioner Bogle seconded and the motion carried. (Y-4)

\* 1841A Amend Ordinance No. 163093 for sale of surplus property at 1402 N River Street (Ordinance)

**Disposition:** Ordinance No. 163623. (Y-4)

**Mayor J. E. Bud Clark**

\* 1842 Contract with Northeast Community Development Corporation (NECDC) for the Nehemiah Housing Opportunity Program and provide for payment (Ordinance)

NOVEMBER 14, 1990

**Discussion:** Commissioner Lindberg said this is an outstanding program and that Portland is fortunate to receive these funds.

Commissioner Blumenauer said, in the face of the passage of Ballot Measure No. 5, he worries about the commitment of a quarter million dollars in General Fund monies to administer this grant.

Judy Shields, HCD Coordinator, said this contract is for the remainder of the fiscal year and is not directly affected this year by Measure No. 5.

Commissioner Blumenauer said he is concerned about the difficulties the program could face in future years if there is a displacement of funding.

Commissioner Bogle asked if the program would be completed by the end of the fiscal year and if additional funding will be needed if it is not.

Ms. Shields said it was a three-year program and that the contract would be renegotiated next year. She said the Nehemiah grants come with no funds to administer them.

Commissioner Bogle asked if we could end up with half-finished projects.

Don Neureuther, Executive Director, Northeast Community Development Corporation, said if funding ended July 1, some houses would not be completed. He said today's request represents about half of what they anticipate will be needed to administer the program. He said they could certainly complete what they are doing now.

Commissioner Lindberg asked if block grant funds can be plugged into the General Fund.

Ms. Shields said that under the rules now in place, they could not.

Commissioner Blumenauer said he wants to know if any of the funds can be shifted if our priorities shift under the pressure of budget cuts. He said Council needs to focus on such issues and also consider what expectations it may be setting up for future years' funding. He said his personal bias is to approve this and try to get an idea of whether other sources of funding might be available for the remainder of the life of the grant.

NOVEMBER 14, 1990

The Mayor noted that under this program the City receives \$3,000,000 from the federal government as well as twelve to fifteen million from the state.

Commissioner Lindberg said the City needs to look at special funds to see what they can be used for.

Commissioner Bogle said this discussion raises the level of consciousness about what Council faces and indicates that nothing is sanctified.

**Disposition:** Ordinance No. 163624. (Y-4)

**Commissioner Earl Blumenauer**

**1843** Accept Report from Bureau of Environmental Services on Federal Compliance status of Portland's Industrial Pretreatment Program (Report)

**Disposition:** Adopted.

\* **1844** Amend the City Comprehensive Plan Map designation for the southern portion of property located at 11708 NE Sandy Blvd. from R2, residential, to C2, commercial (Ordinance)

**Disposition:** Ordinance No. 163625. (Y-4)

\* **1845** Amend the City Comprehensive Plan Map designations on portions of two Rocky Butte properties located on the east slope of Rocky Butte by applying the OS, Open Space, designation (Ordinance; P.C. 7647-PA)

**Discussion:** Mayor Clark said a replacement page had been distributed to correct a line on the map.

**Disposition:** Ordinance No. 163626. (Y-4)

**Commissioner Dick Bogle**

\* **1846** Transfer a donation from the IFCC Program Trust Fund to the Office of Public Safety for the purchase of a computer (Ordinance)

**Disposition:** Ordinance No. 163627. (Y-4)

**Commissioner Mike Lindberg**

\* **1847** Contract with The Wolf Organization for consulting services to the cultural plan process and provide for payment (Ordinance)

NOVEMBER 14, 1990

**Discussion:** Commissioner Lindberg said this is another situation demanding special attention in view of the election results. He said the City will receive \$74,000 in grants to cover the cost of this contract, with only \$19,000 coming from the General Fund. He asked Council to proceed with this as one of the contract's goals is to identify private funding sources.

The Mayor said he too is concerned about starting new programs but was lobbied very hard on this and will go ahead and support it.

**Disposition:** Ordinance No. 163628. (Y-4)

**City Auditor Barbara Clark**

\* 1848 Remove City assessment liens on properties sold by the Multnomah County Sheriff for the collection of delinquent property taxes (Ordinance)

**Disposition:** Ordinance No. 163629. (Y-4)

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

NOVEMBER 14, 1990

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

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Bogle and Lindberg, 3.

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

The Mayor welcomed exchange students from our sister city in Russia.

#### REGULAR AGENDA

- 1850 Appeal of Richard Michaelson, contract purchaser, against Hearings Officer's decision to deny variances in approving application of Marvin & Anita Witt for a subdivision at NW 28th & Upshur (Hearing; S 34-90)
- Discussion:** Mr. Michaelson requested a setover for one week because only three Council members were present.
- Disposition:** Continued to November 21, 1990, 2 pm
- 1849 **TIME CERTAIN: 2:00 PM** - Request for public comment on the 1990 Rose Festival activities (Hearing)
- Discussion:** Commissioner Lindberg said today's hearing follows through on an agreement to give the public a chance to comment on Rose Festival activities.
- Bill Hildick, Portland Rose Festival Association President, traced the growth of the Festival, noting that in 1990 it was a 24-day event with 70 activities.
- Gene Leo, Executive Manager of the Rose Festival Association, reviewed last year's events, particularly changes at the Fun Center, and outlined some of the changes proposed for next year. He cited recent efforts to extend the Festival to more segments of the community. These efforts have included adding the dragon boat races and an Afro-American gospel event.
- Ruth Scott, Association for Portland Progress, said changes made in the last two years have made downtown retailers much more supportive of the Festival.
- The following individuals protested the presence of nuclear-armed ships during the Festival. They said such ships endanger public safety and add an unwanted militaristic flavor to the Festival.

NOVEMBER 14, 1990

Sue Blanton, 546 N. Baldwin  
Ann Huntwork, 2116 NE 18th  
Mary Anderson, 2816 NE Ridgewood Drive  
Elizabeth Furse, 921 SW Morrison  
Nancy Christie, 012 SW Lowell  
Joe Keating, Citizens for Peace and a Rational Energy  
Policy  
Bill Bezyk, Greenpeace Action Committee, 1437 SW  
Columbia  
David Trainer, 1422 SE Tacoma  
Betty McFarlane, 1000 NW Winter Lane  
Bob Wolfe, 3104 SE Caruthers  
Dr. Charles Grossman, 9507 NW Roseway  
Margaret Thomas, 5306 SW Hewett  
Jack Saemann, 159 SW Florence Ave., #25, Gresham  
Karen James, 7400 SW 142nd Ave., Beaverton  
Roger Ferguson, 930 NW 25th Place  
Linda Stein, 6316 SE Stephens  
Jo Augenbach, no address given

Don McClave, President, Chamber of Commerce, said the economic information presented today understates the economic benefit to the community. He said the Navy has clearly been a part of the Festival for years and suggested that perhaps additional public education is needed as he believes there is very little risk of an accident.

Maylon Brousseau, no address given, spoke in support of the crowds drawn to the Fun Center, even though others may label them as intimidating.

Ed Mohney, 1923 SE 21st, supported the presence of the Navy ships.

Commissioner Lindberg noted that this was an informational hearing to gather input prior to the start of negotiations with the Rose Festival Association.

Commissioner Bogle noted that the testimony had been very one-sided and wondered if it would be worthwhile to seek an advisory vote about the ships.

Commissioner Lindberg asked Mr. Leo if the question had been asked in the public opinion surveys conducted by the Festival.

Mr. Leo said they could build it into their market research for next year.



NOVEMBER 14, 1990

Mayor Clark said the greatest national security issue today is the health of our children and while he does not like nuclear weapons he does believe in a strong military that is able to react quickly.

**Disposition:** Placed on file.

At 3:35 p.m., Council recessed.

NOVEMBER 15, 1990

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

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

### REGULAR AGENDA

#### Commissioner Earl Blumenauer

- 1851 Adopt Scenic Resources Inventory, ESEE Analysis, Scenic Resources Protection Plan, amend Comprehensive Plan and amend Title 33 of the City Code by adding a Scenic Resource zone, Rocky Butte plan district and amending Central City plan district height limits (Previous Agenda 1762)

**Discussion:** Jeanne Harrison, Planning, asked that this be referred back to the Planning Bureau for some additional work based on new information that has been submitted.

**Disposition:** Referred to Public Works.

- 1852 Execute an Agreement with Metropolitan Service District (Metro) and authorize sale of City property (Second Reading Agenda 1824)

**Discussion:** The Mayor said this should be continued to next week in order to add an emergency clause.

**Disposition:** Continued to November 21, 1990, 9:30 am.

#### Commissioner Dick Bogle

- 1853 Appeal of Secondhand Dealer Civil Penalties for Michael Knezevich, dba Alder Gold Exchange, 243 SW Alder Street; recommend denial (Previous Agenda 1723)

**Discussion:** John Werneken, License Bureau, reviewed the two cases involving imposition of civil penalties on Mr. Knezevich for violations of the secondhand dealer Code, both of which have been appealed. In the first case the City contends that Mr. Knezevich purchased a valuable diamond from an unlicensed private party, a transaction which he should have known was regulated and needed to be reported. The Bureau recommends that the full \$1,500 fine be assessed and the appeal be denied.

NOVEMBER 15, 1990

The second transaction concerns a regulated purchase of gold and diamonds by Mr. Knezevich on May 30, 1990. The Council adopted a secondhand dealer Code on March 22, 1990 which made purchases by all types of licensed businesses, including secondhand dealers, subject to reporting. Mr. Knezevich contends he was confused by the notice he received.

Mr. Werneken said Mr. Knezevich and his attorney had suggested a settlement but both the License and Police Bureaus believe these were violations of the Code and should be enforced unless otherwise directed by Council.

Randall Kemp, Attorney for Mr. Knezevich, said both these appeals involve the dealer-to-dealer ordinances that Council passed in March, 1990. He said his client considered the first violation, involving sale of a stolen diamond, as a dealer-to-dealer transaction which, at the time of purchase, was not required to be posted. He said Mr. Knezevich had no reason to doubt the seller's statements that she was a dealer and that his client immediately retrieved the diamond at his own expense once Police contacted him. He said Mr. Knezevich believes the \$1500 fine impinges on the honor and integrity of his name.

Mr. Kemp said the second citation, for failure to report a regulated transaction, is also unfair. He said a reasonable reading of the notice about the new regulations sent out by the City could well have led his client to believe the effective date of enforcement was not until June 23, 1990. Again, when he was contacted by the Police, he cooperated to the full extent.

Mr. Kemp said his client believes he is a victim of circumstances and asked that his appeals be granted.

Mr. Werneken said on the second incident they assessed a penalty of \$1,000, \$500 of which is for premature alteration of the gold by melting it down. He said since they cannot prove that, they recommend that portion of the fine be abated.

Commissioner Blumenauer asked Lt. Patrick Nelson, Police Bureau, if other dealers had experienced the same confusion about the effective date.

Lt. Nelson said he had not experienced any other problems with any other shops on this matter. He said the City did not grant a 30-day grace period before the regulations went into effect, as the County did, because the City was already covered by the ordinance and the County was not.

NOVEMBER 15, 1990

Commissioner Bogle said he did not believe there was room for confusion in this matter.

**Disposition:** Appeal denied. (N-3)

**City Auditor Barbara Clark**

1854 Revise City's initiative and referendum provisions to update and clarify procedures (Ordinance; change Code 2.04)

The following individuals spoke in opposition to the proposed six months limitation on initiative petitions:

Jim Smith, 1606 NE Buffalo  
 Phil Dreyer, Citizens for Fair Share, 742 SE 39th  
 Greg Kafoury, 320 SW Stark  
 Cherie Holenstein, 6141 SE Steele  
 Andra Holenstein, 5806 NE 24th  
 Lois Stranahan, 2934 SE 26th  
 Phil Mitchell, Chair, Multnomah County Chapter of the  
 Northwest Farmers Union

Opponents said such a limit places a terrible handicap on those who rely on volunteers to collect signatures. They said such a limit would stifle grass roots efforts, making it difficult for the initiative process to work and increasing citizen frustration with the democratic process.

Commissioner Blumenauer asked each individual testifying if they had been personally involved with any City initiative that took more than six months for signature collection. None of them had. He questioned Mr. Kafoury about whether he thought it appropriate to have some time limit on initiatives once they have been filed. He also asked if the difference in scale between the state and the City would have an effect on the process, making it easier and cheaper to do an initiative on the City level.

Mr. Kafoury said he thought between elections is limit enough but that no one should be able to collect signatures for ten years. Each election should be a time to start over again but no artificial limit beyond the election process should be added. He said he felt that any steps taken to increase the difficulty of placing initiatives on the ballot was a diminution of the process.

The Mayor asked if anyone had objections about other aspects of the proposed new regulations. No one responded.

NOVEMBER 15, 1990

Barbara Clark, Auditor, said the six months limitation was proposed to end confusion and bring our regulations into conformance with Multnomah County, which has a six months deadline. She said administrative convenience, now that we are operating under Measure 5, is a very good reason to enact a six months deadline, and will cut down on City costs.

Commissioner Blumenauer asked Ms. Clark if it would be possible to get a sense of what difference adding the deadline would make to her office.

Mayor Clark said since there had only been four initiative measures that have made it to the ballot in 20 years, that the six months seemed like a moot point to him.

Ms. Clark said there are already time limits for referendums and recall. She said the six-month deadline was added because the Code's silence on the subject has caused a lot of confusion. She cited the Huss petition on the street name change, noting that since they were unable to make the election they had originally intended, they wanted to target the next election and keep on gathering signatures until they had enough.

Commissioner Blumenauer said he is trying to balance the concerns expressed by those testifying against the pressures on the Auditor's Office.

Regarding the impact on her office, Ms. Clark asked which options Council wished her to consider: a) no limit; b) six months and c) one year.

Mayor Clark said his preference was for either alternative a) or c). He expressed an interest in following up on Mr. Kafoury's suggestion about limiting the time frame to between elections.

Ms. Clark said she will report back on the fiscal impacts of a one-year limit or no limit.

**Disposition:** Passed to second reading, November 21, 1990, 9:30 am.

At 3:00 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council