



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

The Mayor proclaimed November 18-24 as Caregivers Week. Present to describe efforts underway to recognize and aid caregivers were: Marian Sarles, Commission on Aging; Beryl Mortensen, American Association of Retired Persons and Eileen Concannon, Good Samaritan Hospital.

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

Mayor J. E. Bud Clark

- * 1855 Authorize transition budget for Commissioner-elect Kafoury for the period November 19 through December 31, 1990 (Ordinance)
Disposition: Ordinance No. 163630. (Y-4)
- * 1856 Create three positions and establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)
Disposition: Ordinance No. 163631. (Y-4)
- * 1857 Amend City Code to allow police officers in line of duty to ride bicycles on sidewalks in the Metropolitan Traffic District (Ordinance; amend Code Section 16.42.095)
Disposition: Ordinance No. 163632. (Y-4)

NOVEMBER 21, 1990

- * 1858 Contract with the Salvation Army for \$25,000 for emergency and transitional housing services and provide for payment (Ordinance)
- Disposition:** Ordinance No. 163633. (Y-4)
- Commissioner Earl Blumenauer**
- * 1859 Grant revocable permit to Kaiser Foundation Hospitals to construct a building foundation in the right-of-way of the alley in Block 30 Multnomah Add. (Ordinance)
- Disposition:** Ordinance No. 163634. (Y-4)
- * 1860 Revocable permit to Kaiser Foundation Hospitals for a temporary parking lot in the rights-of-way of N Montana Ave., N Beech St., and adjacent alleys (Ordinance)
- Disposition:** Ordinance No. 163635. (Y-4)
- * 1861 Accept a street deed for the NW 9th Avenue Street Improvement Project, granted by the City of Portland, acting by and through the Portland Development Commission, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163636. (Y-4)
- * 1862 Accept a street deed for the N Port Center Way Street Improvement Project, granted by the Port of Portland, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163637. (Y-4)
- * 1863 Accept a street deed for the NE 101st Avenue north of NE Sandy Boulevard Street Improvement Project, granted by Miken Development Company, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163638. (Y-4)
- * 1864 Accept a utility easement for the NW 9th Avenue Street Improvement Project, granted by the Portland Development Commission, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163639. (Y-4)
- * 1865 Authorize the execution of a temporary construction agreement for the NW 9th Avenue Street Improvement Project, with the United States Postal Service (Ordinance)
- Disposition:** Ordinance No. 163640. (Y-4)

NOVEMBER 21, 1990

Dick Bogle

1866 Reject all bids for Columbia Boulevard Wastewater Treatment Plant crossover conveyor system (Purchasing Report - Bid 31)

Disposition: Adopted.

Commissioner Mike Lindberg

* 1867 Authorize agreement for public pay telephone long distance services with American Telephone and Telegraph, AT&T (Ordinance)

Disposition: Ordinance No. 163641. (Y-4)

* 1868 Designate and assign certain City-owned Water Bureau property in Mt. Tabor Park as public street right-of-way for the future widening of SE 60th Avenue and SE Division Street (Ordinance)

Disposition: Ordinance No. 163642. (Y-4)

* 1869 Contract with Joan Gratz and Joanna Priestly for creation of a public art project for the Inverness jail and provide for payment (Ordinance)

Disposition: Ordinance No. 163643. (Y-4)

REGULAR AGENDA

1870 Declare the City of Portland's recognition of World AIDS Day on December 1, 1990, and participation in global efforts to prevent transmission of the HIV virus and the further spread of AIDS (Resolution)

Discussion: The Clerk of the Council announced that this should be set over one week.

Disposition: Continued to November 28, 1990, 9:30 a.m.

Commissioner Earl Blumenauer

1871 Execute an agreement with Metropolitan Service District (Metro) and authorize sale of City property (Previous Agenda 1852)

Discussion: Commissioner Blumenauer moved to add an emergency clause to this ordinance which authorizes transfer of the St. Johns Landfill to Metro. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 163644 as amended. (Y-4)

NOVEMBER 21, 1990

- * 1872 Authorize the Mayor to enter into an intergovernmental agreement with the Metropolitan Service District (Metro) so the City can receive \$328,663 in Metro nonmatching "Challenge Grant" funding to implement the City's adopted Solid Waste Reduction Work Plan (Ordinance)

Discussion: Commissioner Blumenauer said this is an important step in moving forward on the recycling program and that a fuller presentation would be made to Council later.

Disposition: Ordinance No. 163645. (Y-4)

Commissioner Dick Bogle

- 1873 Approve agreement between Urban Renaissance, Inc., and Myrno and Olive Madden for the repayment of monies loaned by the City to the Evergreen Apartments (Ordinance)

Discussion: Commissioner Bogle recalled doing a story on the appalling conditions at these apartments years ago when he was a television reporter. He said under this agreement everyone comes out a winner -- the \$65,000 money loaned by the City will be repaid with interest, and the apartments will be improved and returned to the housing market.

Jenny Foster, 2650 NW Upshur, said she is glad to see the building rehabilitated but the losers are likely to be current tenants who will not be able to afford higher rents. She asked for a provision that it remain a low rent building or, if that is impossible, to require the developer to provide relocation services.

Disposition: Passed to Second Reading, November 28, 1990, 9:30 a.m.

Commissioner Mike Lindberg

- * 1874 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 (Previous Agenda 1840)

Discussion: Commissioner Blumenauer said he appreciates the commitment made to coordinate some of these programming activities with the Bureau of Environmental Services.

NOVEMBER 21, 1990

Commissioner Lindberg said the Water Bureau had outlined 25 areas where there is to be close coordination with Environmental Services.

Disposition: Ordinance No. 163646. (Y-4)

- * 1875 Accept and transfer a \$15,000 grant from the Oregon Community Foundation to the Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 163647. (Y-4)

- * 1876 Authorize an agreement with CH2M-Hill Northwest, Inc., for \$215,579 for engineering services for design of replacement pump stations at Calvary and Whitwood and rehabilitation of the pump station at Springville, and provide for payment (Ordinance)

Disposition: Ordinance No. 163648. (Y-4)

City Auditor Barbara Clark

- 1877 Assess benefitted property for the costs of constructing the NE 87th Avenue and Broadway sanitary sewer system (Hearing; Ordinance; C-9692)

Discussion: The Mayor asked for testimony from property owners on this project.

Roy Iverson, 2141 NE 90th, said City-hired contractors caused \$10,000 in damages to his driveway and sidewalk. He complained about the runaround he had been given by Risk Management and other City bureaus.

Eunice Monsrud, 8831 NE Eugene, said substantial damage had been done to her sidewalks and driveway by the same contractor who worked on Mr. Iverson's property.

Ron Sunnarborg, Environmental Services, said it is the opinion of Bureau staff, Risk Management, and the Commissioner's office, that the cracks Mr. Iverson is complaining about existed prior to the time of the construction work. He said the claim is being investigated by the contractor's insurance company.

Commissioner Blumenauer said his office reviewed the case and one of his staff members personally inspected the site. He said there was no evidence available at this point to prove that the contractor caused the damage. If Mr. Iverson has evidence, then he can pursue his case against the insurance company.

NOVEMBER 21, 1990

The Mayor noted that passage of this ordinance will not deter Mr. Iverson or his neighbor from their right to pursue a claim.

Commissioner Blumenauer said they would follow up on any evidence that would indicate the information they received was inaccurate.

Disposition: Passed to Second Reading, November 28, 1990, 9:30 a.m..

1878 Revise City's initiative and referendum provisions to update and clarify procedures (Second Reading Agenda 1854)

Discussion: The Clerk said that the Auditor had requested that this be referred back to her office.

Disposition: Referred to City Auditor.

At 10:05, Council recessed.

NOVEMBER 21, 1990

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST 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; Pete Kasting, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- 1880 Tentatively grant appeal of Winkler Scrap Metals against Planning Commission's interpretation of the zoning code to deny the operation of their scrap metal recycling business at 3365 SE 17th (Previous Agenda 1763)

Discussion: Cay Kershner, Clerk of the Council, said a setover had been requested by the Brooklyn Action Corps and Planning staff.

The Mayor so ordered.

Disposition: Continued to December 12, 1990, 2 p.m.

- 1881 Tentatively grant appeal of Thomas Mulflur against decision to deny application for a variance to increase building height from the maximum allowable 35 to 50 feet in order to build a single-family residence on property between 3461 and 3469 NW Thurman (Findings; Previous Agenda 1823)

Disposition: Findings Adopted. (Y-4)

- 1879 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 and Upshur (Previous Agenda 1850)

Discussion: Cathey Briggs, Planning Bureau, said at issue are two variances sought for an 11-lot subdivision: 1) to reduce the east side yard setback from eight to four feet for Lot 6 and; 2) to reduce the south rear-yard from eight to two feet for 4.25 feet of Lot 9. The Hearings Officer denied these two, out of four variances requested, on the basis that there were no practical difficulties, unnecessary hardship, exceptional circumstances or denial of property rights enjoyed by others.

Ms. Briggs said the design of the project was intended to provide a better solution for corner lots. The appellant indicates that these variances are necessary to allow owner-occupied rather than rental housing.

NOVEMBER 21, 1990

Rick Michaelson, 906 NW 23rd Ave., said they got half the project approved but cannot proceed unless the whole package is granted. He said the variances are not about size of building or density, but about where the property lines are going to be built. He said they could have gotten approval for a conventional rowhouse development but instead chose to respond to some of the criticisms they had heard about rowhouses. They tried to address concerns for more family housing and increased density, as well as design issues, particularly the treatment of blank corner walls. He showed slides to illustrate how this project differs from the typical rowhouse development.

Commissioner Blumenauer asked how his proposal would be treated under the new Code.

Mr. Michaelson said it would still require some adjustments, adding that the new Code does not deal adequately with concerns about how to go around corners.

Marjorie Newhouse, Northwest District Association, supported granting the variances. She said the overall plan is innovative and the neighborhood believes this project answers some of their concerns about blank faces on rowhouse corners.

Susan Sturges, 1717 NW Hoyt, an investor in the project and owner of a building diagonally opposite the site, read a letter of support from Al Feves, 2280 NW Thurman, who was not able to attend the meeting.

Commissioner Blumenauer said the design meets City objectives and the variances work as a unit.

The Mayor and Commissioner Bogle agreed.

Disposition: Appeal granted tentatively; Prepare findings for December 5, 1990, 2 p.m.

At 2:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

THURSDAY, 2:00 PM NOVEMBER 22, 1990

DUE TO A HOLIDAY
THE MEETING WAS CANCELLED