



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF OCTOBER, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Koch, 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.

Commissioner Blumenauer introduced Len Forsgren, Dean of the Oregon Consular Corps, who in turn introduced Peter Hammerstrom, Swedish Consul General.

Commissioner Koch proclaimed October as Domestic and Sexual Violence Awareness Month.

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

CONSENT AGENDA - NO DISCUSSION

- 1704 Accept bid of Oregon Fire Equipment Company for furnishing turnout coats and pants for \$47,892 (Purchasing Report - Bid 25-A)

Disposition: Adopted; prepare contract.

- 1705 Accept bid of Omnitek Computers for Local Area Network for the Auditor's Office for \$54,743.76 (Purchasing Report - Bid 26)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 1706 Authorize the City Attorney to take an appeal from an Order on Review entered by the Workers' Compensation Board in the matter of Kathleen M. Payne, Claim #890046; WCB #88-14535 (Resolution)

Disposition: Resolution No. 34778. (Y-4)

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Commissioner Earl Blumenauer

1707 Approve Change Order #1, accept traffic signal installations project as complete and provide for payment (Report; Contract No. 26243)

Disposition: Adopted.

* 1708 Accept two bus shelter easements for the Transit Transfers, Unit 3 Project, granted by J. R. Bentley, Ruth Bentley and Kienow's Food Stores, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163544. (Y-4)

* 1709 Call for bids for the NE Flanders Street and NE 113th Avenue sanitary sewer project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163545. (Y-4)

* 1710 Authorize wholesale sewer service agreement between City of Portland and Clackamas County Service District No. 1 (Ordinance)

Disposition: Ordinance No. 163546. (Y-4)

Commissioner Bob Koch

* 1711 Enter into a contract with SERA Architects, P.C., to provide architectural services for the renovation of The Portland Building lobby (Ordinance)

Disposition: Ordinance No. 163547. (Y-4)

* 1712 Authorize a contract with Koch Sachs Whittaker Aanderud Architects, AIA, for architectural services for Records Management Center expansion project and provide for payment (Ordinance)

Disposition: Ordinance No. 163548. (Y-4)

Commissioner Mike Lindberg

1713 Accept contract with Double T Forest Products to furnish timber and hardware for Bull Run bridges as complete and authorize payment (Report; Contract No. 26242)

Disposition: Adopted.

* 1714 Authorize an agreement with Portland General Electric Company for the sale of surplus water from the Bull Run watershed (Ordinance)

Disposition: Ordinance No. 163549. (Y-4)

City Auditor Barbara Clark

- * 1715 Contract with Phillip Grillo, Attorney at Law, to provide Hearings Officer services at a rate of \$21.43/hr. (Ordinance)
- Disposition:** Ordinance No. 163550. (Y-4)
- * 1716 Cancel systems development charge (Ordinance; amend 162728)
- Disposition:** Ordinance No. 163551. (Y-4)

REGULAR AGENDA

- 1702 **TIME CERTAIN: 9:30 A.M.** - Accept report of the Central City Trolley Advisory Committee (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said an Advisory Committee was appointed in May to investigate the feasibility of an expansion of the Vintage Trolley system into the central city. He said the vision expressed in the Committee's report of a central city trolley linking the South Waterfront area up through the Park Blocks into Northwest Portland is bold but not unrealistic. The Committee recognized parking and gridlock problems and addressed the need for the trolleys to function with the least disruption to City streets.

John Carroll, Central City Trolley Advisory Committee Chair, said the Committee viewed this not as a "boutique" operation with a cute little trolley on view for tourists, but as another piece in the mass transportation picture, one with a role in solving traffic and environmental problems.

Vickie Diede, Central City Trolley Project Manager, said the amendment adds three tasks to the work scope: 1) a communications process with property owners and other interested parties to finalize the route location; 2) resolution of design issues, including traffic controls, parking and access; and 3) development of funding strategies for both capital and operating costs.

Ms. Diede said approval of the contract will extend it to July 1, 1991, and increase the compensation by \$100,000 to \$200,000.

Bill Naito, President, Vintage Trolley, Inc., said extension of the trolley to Northwest Portland will stimulate development in the area.

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Commissioner Lindberg referred to his memo of October 16, 1990, and explained why the Parks Bureau opposes the Waterfront Park alignment.

Disposition: Adopted.

- * 1703 Amend Agreement No. 26067, dated March 21, 1990, between the City of Portland and Vintage Trolley, Inc., to determine the feasibility of implementation and operation of the Central City Trolley (Ordinance)

Discussion: Commissioner Blumenauer said the added appropriation falls within the amount allocated.

Disposition: Ordinance No. 163552. (Y-4)

Commissioner Earl Blumenauer

- * 1717 Authorize emergency purchase order for sewer construction services with Copenhagen Utilities & Construction, Inc., without advertising for bids, and provide for payment (Ordinance)

Disposition: Ordinance No. 163553. (Y-4)

Commissioner Bob Koch

- * 1718 Increase contract with DIAMACO, Inc., by \$87,328 for the Portland Building ceramic tile joint restoration and sealing project (Ordinance; Contract No. 26264)

Disposition: Ordinance No. 163554. (Y-4)

At 10:00 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF OCTOBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Koch, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

1719 **TIME CERTAIN:** 2:00 PM - Appeal of Pacific Rim Investors, applicant, against Condition "A" and "C" imposed in approving application for a parking structure at SW Third and SW Barbur, and Corbett-Terwilliger-Lair Hill Neighborhood Association against Design Commission's failure to properly process this application (Previous Agenda 1549)

Discussion: Edgar Waehrer, Planning, said the heart of the appeal, both from the neighborhood side and from the applicant's side, has been withdrawn. He cited a letter dated October 12th from the neighborhood association indicating agreement with the developer on the landscaping issues. In addition, in a letter dated October 16th, the applicant withdrew its appeal of the Design Commission's decision in its entirety. What remains now is an appeal from the Corbett-Terwilliger Lair Hill Neighborhood Association on the other, more generalized Superblock issues.

Mr. Waehrer said in response to Council's request for a clarification of the Superblock issues, Mr. Kasting and he had prepared a memo dated September 10, 1990, outlining the Superblock regulations and the way in which this particular proposal meets or does not meet them.

Mr. Waehrer said results of a survey of the plaza area indicate that the space requirement has been met. He said the survey showed an area of 7819 square feet, which exceeds the minimum plaza requirement of 7400 square feet. He said a transportation analysis has been prepared by Charbonneau Engineering, consultants hired by the applicant, and noted that Lewis Wardrip, Office of Transportation, was also available to address Council today on these issues.

Mr. Waehrer concluded that as far as the Design Commission and staff is concerned, the project does meet the Superblock criteria and the criteria for the requested walkway adjustment.

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Commissioner Lindberg asked if it was necessary to go through the whole process again since other hearings had been held on this.

Pete Kasting, Chief Deputy City Attorney, said there was no need for full presentations but, since the record was not closed, those people who had not testified previously or who had comments on the new evidence, such as the survey, should be allowed time to speak.

Mr. Waehrer said Planning staff believes there is no merit in neighborhood association contentions that there are many misstatements of facts or that the Comprehensive Goals have been inappropriately applied.

Bob Gerding, one of the applicants, said he believes the project will benefit the neighbors, the owners and the City. He said they have been working with the neighborhood to try to ameliorate some of the issues regarding screening and types of trees. He said they have also agreed to provide parking to the YMCA at no cost prior to and after business hours and that this arrangement should substantially reduce traffic and parking problems in the neighborhood.

James Davis, 3338 SW Meade, said he has asked LUBA for a clarification as to whether the Superblock can be subdivided into separate ownership. In addition, he said Superblock criteria mandate that the proposed plaza at least be equal in size to nearby plazas, which is not the case here.

Commissioner Koch asked Mr. Kasting if Pacific Rim was required to provide the 2460 square feet of plaza referred to in the September 10, 1990 memo.

Mr. Kasting said the requirement in City Code section 33.91.030(d) is for one or more plazas, at least one of which is equal in area to five percent of the total Superblock area, including the vacated streets. He said he believes the 2460 number refers to the Pacific Rim proportional share of that plaza area.

Mr. Waehrer agreed, saying it would be five percent of their site only, not five percent of the entire Superblock. He said since there is an existing plaza on the Superblock that exceeds the 7400 square feet, that in fact does fulfill the requirement and was upheld by LUBA.

Commissioner Koch asked if the issue of separate ownership had been addressed by LUBA.

Mr. Waehrer said LUBA found this issue to be non-relevant as it is not part of the criteria. As long as the plaza is there, it does not matter who owns it.

Mr. Kasting suggested making a tentative decision. He said if the appeal is upheld, findings need to be prepared. If Council decides to uphold the decision of the Design Commission and reject the appeal, counsel for the applicant has already prepared revised findings, but a reasonable time for their review must be provided before final Council action.

Commissioner Bogle moved to tentatively uphold the Design Commission and deny the appeal. Commissioner Blumenauer seconded.

Mr. Waehrer suggested that the modification agreed to by the neighborhood association and applicant regarding changing the tree species be incorporated into the findings.

Mr. Kasting said if counsel for applicant could incorporate that and bring revised findings by the end of this week, that would provide adequate time for review.

Commissioner Lindberg said he had some concerns about this project but has now realized that the legal requirements for the Superblock have been met and there is no room for a judgment call by Council. He said he has also learned that, legally, the traffic impact cannot be considered as part of this decision.

Mr. Kasting announced that revised findings for review will be on file with the Auditor's office by the end of this week.

Disposition: Appeal tentatively denied; prepare findings for October 24, 1990, at 2:00 p.m. (Y-4)

REGULAR AGENDA

- 1720 Appeal of Corbett-Terwilliger-Lair Hill Neighborhood Association against decision to approve the landscape plan of Pacific Rim Investors for their proposed parking structure at SW Third and SW Arthur (Hearing; SB 2-90)

Discussion: Mr. Waehrer said the Design Commission inadvertently held two hearings on the same case and both decisions were joined together for today's hearing.

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Commissioner Blumenauer asked if, for procedural clarity, Council should deny the appeal and have it addressed in the other findings.

Mr. Kasting said it would be best to take a separate vote on this and that the Order of Council based on the findings can be written to reflect both appeals.

Robert Necker, 314 SW Meade, said he does not see how landscaping appropriate to a surface parking lot can be appropriate for a four or six-story building. He said the parking lot could serve the neighborhood, but not without a connection to the YMCA, and called the planned connection absurd, leading into nothing. He also labeled the process a sham and said he plans to appeal as far as he can.

Commissioner Bogle moved to deny the appeal and incorporate this vote and the vote on the prior appeal into findings for one Order of Council. Commissioner Lindberg seconded.

Disposition: Appeal tentatively denied; incorporate decision into findings on Agenda Item 1719, to be prepared for October 24, 1990, at 2:00 p.m.

At 2:35 p.m., Council adjourned.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF OCTOBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Koch, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 5.

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

Commissioner Bogle moved to Suspend the Rules in order to consider three ordinances. Commissioner Lindberg seconded. (Y-4)

- * 1724 Accept a 15-month grant in the amount of \$609,080 from the Office of Substance Abuse Prevention (OSAP) on behalf of the Regional Drug Initiative (RDI) (Ordinance)

Disposition: Ordinance No. 163555. (Y-4)

- * 1725 Authorize an intergovernmental agreement with Multnomah County to provide staff assistance to the Regional Drug Initiative pursuant to a federal Community Partnership Program grant (Ordinance)

Disposition: Ordinance No. 163556. (Y-4)

- * 1726 Authorize an agreement between the City of Portland and Northwest Regional Educational Laboratory to provide professional consulting services pursuant to a federal Community Partnership Program grant (Ordinance)

Disposition: Ordinance No. 163557. (Y-4)

REGULAR AGENDA

Commissioner Dick Bogle

- 1723 Transmit appeal of Secondhand Dealer Civil Penalties for Michael Knezevich, dba Alder Gold Exchange, 243 SW Alder Street; recommend denial (Report)

Discussion: The Clerk said the attorney for Mr. Knezevich was ill and had requested a continuance.

Disposition: Continued to November 15, 1990 at 2:00 p.m.

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1721 TIME CERTAIN: 2:00 PM - Adopt amendments to the Natural Resources Management Plan for the Columbia South Shore (Report introduced by Commissioner Blumenauer)

Discussion: After some discussion, Council decided to take additional testimony, vote on the amendments today and take a final vote on the ordinance on November 7.

The following individuals spoke in opposition to the additional buffers (an additional 25 feet for a total of 50 feet):

Art Spada, 13635 NE Clackamas
 Amil Spada, 4939 NE 188th
 Ben Altman, Altman Urban Solutions, representing Marvin Levin and Airport Way Associates Partnership
 Debbie Wallace, Columbia Corridor Association
 Laun Carlin, President, Sivers Company
 Steve Daneman, Bedford Properties
 Allen Kirk, 6303 SE 30th
 Bill Horning, Western Planning Associates, representing Columbia 205 Partnership

Opponents, many of them affected property owners, said it is unfair to force property owners to bear the additional cost of buffering the buffers. They said if the amendment to add to the buffers was adopted, 18 additional acres would be lost and a number of properties would be undevelopable. They urged adoption of the Planning Commission and the Portland Development Commission recommendations. Ms. Wallace presented a petition signed by several hundred persons in support of the present proposal.

Proponents of an additional buffer zone included:

Trudy Jones, 11923 NE Sacramento
 Linda Robinson, 1115 NE 135th
 Dennis Richey, 12060 SE Main, Co-Chair
 Jeff Bernstein, Northwest Environmental Defense Center, Executive Director
 Craig Rogers, 11010 SE Yamhill
 Myron Scott, 1321 SE Lexington, #3
 Bob Luce, 3441 SE 174th, President, Centennial Neighborhood Association
 Ralph Thomas Rogers, Environmental Protection Agency, 811 SW 6th
 Mike Houck, Audubon Society
 Alice Blatt, East County Coordinating Chair
 Helen Sherman Cohen, Wilkes Neighborhood Association
 Patricia Snow, Oregon Department of Fish and Wildlife

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Proponents of the 50-foot buffers said 25 feet is inadequate and cited the long-term need for more open spaces to protect water quality and wildlife. They noted that most of the environmental groups, including the Oregon Fish and Wildlife Department and the Environmental Protection Agency, support the 50-foot buffer zones. Ms. Blatt presented petitions signed by supporters of the additional buffers.

Citizens testifying on other issues included:

David Thoreson, Box 40752, Portland, said that without the requested .6 acre fill of Little Finger Slough he will be prevented from any realistic development of his property.

Jim Merrill, 5741 NE 138th, asked for exclusion of his property from the wetland designation on the basis of hardship.

Tim Ramis, 1727 NW Hoyt, asked for a reevaluation of nine areas by the Corps of Engineers to see if they qualify as wetlands (Issue No. 3). He said the Portland Development Commission has no objection to leaving the decision to the Corps.

Jeff Bachrach, representing the Urban Land Council, asked for a written response to nine questions he had submitted regarding Chapter 7, the implementation of standards.

Mr. Bernstein, in addition to his testimony in favor of the 50-foot buffers, said it would be bad public policy to exclude the nine suspected wetland sites (Issue No. 3). Others requesting inclusion of the wetland sites were Helen Sherman Cohen, Wilkes Neighborhood Association; Patricia Snow, Oregon Fish and Wildlife; Ralph Thomas Rogers, EPA.

Mr. Rogers also asked that the recreation trail (Issue No. 6) be outside the buffer zone, if the buffers were not increased to fifty feet.

Commissioner Koch suggested voting on the buffer issue first.

Commissioner Blumenauer asked for staff response to the buffer issue.

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Larry Brown, Portland Development Commission, said currently in the E-zone regulation of the area, there is an area of roughly 50 feet defined as a buffer which is subject to regulation, but that this is a distance and not a vegetative buffer; it is basically a setback without any requirement for enhancement or protection through replantings or restoration. He said the facts are unequivocal that the vegetated buffers called for by the Management Plan provide a form of buffering superior to a pure setback.

Larry Brown said the resource has been divided into separate "reaches" so that the distinctions between different kinds of resources are not glossed over for protection purposes. He said in the slough area they have found a very degraded situation in the 50-foot setback area where property owners can develop without being required to do any restoration or plantings. He said currently within the E-zone there is no requirement that a vegetated buffer be created unless it is part of a mitigation action where there is development within the fifty feet.

Commissioner Koch said Mr. Brown has made it clear that PDC sees itself as the savior of the slough but that if he thinks the residents of the City will allow the slough to become some sort of wasteland, he is not living in the real world.

Larry Brown said the Commission wanted a buffer form superior to the pure setback and felt that this would not happen unless the property owner is required to provide vegetation. He said that currently in the E-zone no buffer is required unless development occurs within fifty feet.

Commissioner Blumenauer said you can look at the slough and see that what Mr. Brown says about native vegetation is true and that as long as we allow real property owners to control what they plant this will continue in the foreseeable future.

Commissioner Blumenauer said he supported the recommendations of the Planning Commission and PDC in regard to the buffer zones, even though he knew such support would not be popular in some environmental quarters. He said other things need to be considered besides just keeping the area green and cited a need for balanced development and for establishing job-providing industrial areas within easy commuting distance. He said if you look at what you can do now under the E-zone as compared with what we will be requiring under the Management Plan, you will see that the Plan is better for the environment. He asked for clarification of the 50-foot buffers for the record, to show that comparing our 50-foot buffers with other cities such as Tacoma is like comparing apples and oranges.

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Larry Brown said this was true and that their consultants noted that different parts of the country have different kinds of resources, different species, circumstances and goals.

Commissioner Blumenauer said he understood that part of the resource with a zero buffer was a large forested area and that he did not believe a large buffer around it was needed. He said what has been done with this Plan is to recognize different, competing interests.

Larry Brown said that in all the discussion before Council, no one came forward to say they preferred the 50-foot setback to what is proposed by the Plan. Everyone has asked for a 50-foot vegetated buffer; no one has asked for retention of the E-zone as it currently exists.

Commissioner Koch said better than two years ago a proposal for a 100-foot buffer was compromised down to 50 feet and now Council is saying that did not mean anything. He said the vision of a protected Columbia Slough is very powerful and he cannot believe nothing positive will happen unless we compromise again. He said he was disappointed with the present proposal and could not support it.

Duncan Brown said a yes vote on Issue No. 5 would be for adoption of the Natural Resources Management Plan and the amendments outlined on page 11, with the exception of the first point having to do with the aerial photo.

Commissioner Blumenauer noted that the Mayor had already written of his strong support for the Plan as recommended by the Planning Commission and the Portland Development Commission.

Commissioner Lindberg said he saw more scientific evidence in support of the environmental groups such as the State Fish and Wildlife and E.P.A. who favor the 50-foot buffers and believe adoption of the plan will result in serious degradation of the environment. He said the cited loss of 300 jobs out of 20,000 does not seem unreasonable if the trade-off is the long term preservation of natural areas. He said he favors the 50-foot vegetated buffer.

Commissioner Blumenauer said Commissioner Lindberg is talking not just about adding a buffer to the existing E-zone, but about incorporating all the other requirements of this plan in terms of natural plantings, etc., as well.

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Commissioner Lindberg said yes. He said what he has not addressed is what happens in the transition area between the 50-foot buffer and the building site.

Duncan Brown said for the most part the Environmental overlay zone is presently drawn to a distance of 75-feet from the edge of the resource and that allows 50 feet of buffer area and 25 feet for a transition area. This allows some construction for enclosed activities and parking, if the area is screened.

Commissioner Bogle said he will support the compromise plan because it offers the best balance between economic development and environmental needs, even though he knows it will not please everyone.

Commissioner Koch said that adds up to three votes (for the PDC and Planning Commission recommendation).

Commissioner Blumenauer said we cannot have final approval because it does not include the administration portion or the map.

Kathryn Imperati, Senior Deputy City Attorney, said the ordinance before Council is incomplete and on November 7 a clean substitute ordinance must be submitted for a first reading and final action will not take place until a week or two after that. She suggested that Council vote today on the individual amendments in the matrix in order to give staff the direction they need to prepare a complete and final ordinance.

Duncan Brown said he wanted to make it clear that they need to enter into the record Exhibit D, the proposed amendments to Chapter 7, and also the map depicting the natural resource boundaries as presently protected under the E-zone. These will be available for public review in the Planning Bureau and written testimony on these two items will be accepted until Thursday, October 25th at 5 p.m.

Commissioner Blumenauer moved to carry over Issue No. 5 on the buffers and Issue No. 7 on administrative review and to approve the staff recommendation on all the other issues in the matrix and incorporate them into the final document. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Issue Nos. 5 and No. 7 continued to November 7, 1990, at 2 p.m. All other amendments approved. (Y-4)

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1722 Adoption of a Natural Resource Management Plan for the Columbia South Shore area (Previous Agenda 1630)

Discussion: Commissioner Blumenauer moved to accept the substitute ordinance, carry it forward to November 7, 1990 with such additional findings as are necessary. Commissioner Lindberg seconded. (Y-4)

Disposition: Continued to November 7, 1990, at 2:00 p.m.

At 4:20 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council