



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF APRIL, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer (late), Bogle, Kafoury and Lindberg, 5.

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

Agenda No. 783 was pulled from Consent. On a Y-4 (Commissioner Blumenauer absent) roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 761** Accept bid of Harder Mechanical Contractors, Inc., for scum and sludge conveyance improvements at Columbia Boulevard Wastewater Treatment Plant for \$243,409 (Purchasing Report - Bid 116)

Disposition: Accepted; prepare contract.

- 762** Accept bid of Malar Construction, Inc., for SW 2nd and Taylors Ferry & SW 2nd and Boones Ferry for \$249,331 (Purchasing Report - Bid 122)

Disposition: Accepted; prepare contract.

- 763** Purchase five mid-size police patrol four-door sedans under State Price Agreement for \$61,540 (Purchasing Report - Bid 133)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

- 764** Appoint Richard M. Varner to the Lair Hill District Advisory Board (Report)

Disposition: Confirmed.

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- 765** Authorize application for amendment to the boundaries of the North/Northeast Portland Enterprise Zone (Resolution)

Disposition: Resolution No. 34985. (Y-4)

- *766** Authorize extension to Legal Service Agreement with Stoel, Rives, Boley, Jones & Grey (Ordinance; amend Agreement No. 27691)

Disposition: Ordinance No. 165354. (Y-4)

- *767** Authorize extension to Legal Service Agreement with Stoel, Rives, Boley, Jones & Grey (Ordinance; amend Agreement No. 27692)

Disposition: Ordinance No. 165355. (Y-4)

- *768** Agreement with Si-Lloyd Associates not to exceed \$10,903, for enhanced police services at the Lloyd Center (Ordinance)

Disposition: Ordinance No. 165356. (Y-4)

- *769** Amend agreement with HealthChoice Administrators, Inc., for the provision of premium administration and reimbursement account claims administration services (Ordinance; amend Contract No. 26928)

Disposition: Ordinance No. 165357. (Y-4)

- *770** Amend an agreement with Fred Meyer, Inc., for the provision of discounted pharmacy services to City of Portland benefit participants (Ordinance; amend Contract No. 27100)

Disposition: Ordinance No. 165358. (Y-4)

- *771** Amend agreement with William Mercer Incorporated, for the provision of employee benefits consulting services (Ordinance)

Disposition: Ordinance No. 165359. (Y-4)

- *772** Agreement with the Portland Trailblazers not to exceed \$33,643 for traffic control and police services at the Trailblazer games (Ordinance)

Disposition: Ordinance No. 165360. (Y-4)

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- 773** Amend City Code to adopt procedure to cancel Council meeting or move agenda items when the agenda is insufficient or has been continued (Ordinance; amend Code Sections 3.20.030 and 3.02.040)

Disposition: Passed to Second Reading May 6, 1992 at 9:30 a.m.

- *774** Agreement with Executive Diversity Services, Inc., to provide multi-cultural workforce diversity training (Ordinance)

Disposition: Ordinance No. 165361. (Y-4)

- *775** Authorize contracts with the Hartford Life Insurance Company for accounting and investment services in connection with the City's Deferred Compensation Program (Ordinance)

Disposition: Ordinance No. 165362. (Y-4)

- *776** Call for bids to replace the carpet in The Portland Building on the 15th floor, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165363. (Y-4)

- *777** Call for bids for painting the exterior of the Portland Building, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165364. (Y-4)

- *778** Call for bids to replace the carpet in the Justice Center building on the 1st and 15th floors, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165365. (Y-4)

- *779** Call for bids for a digital microwave system for the 800 MHz radio system, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 165366. (Y-4)

- *780** Call for bids to furnish telephone equipment, issue a purchase order and provide for payment (Ordinance)

Disposition: Ordinance No. 165367. (Y-4)

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Commissioner Earl Blumenauer

- 781** Accept completion of the Central Business District Storm Sewer, Phase 5, approve Change Orders 1 through 6 and make final payment (Report; Contract No. 27060)

Disposition: Accepted.

- 782** Accept completion of the Triangle Lake Pump Station Modification Project, approve Change Order No. 1 and make final payment (Report; Contract No. 27117)

Disposition: Accepted.

- 783** Declare the purpose and intention of the City of Portland to construct the SW Lower Drive and Private Property Sanitary Sewer System (Resolution; Sewer; C-9759)

Disposition: Referred to Commissioner of Public Works.

- 784** Declare the purpose and intention of the City of Portland to improve NW Belgrave Avenue, from NW Aspen Avenue to approximately 935 feet west of NW Aspen Avenue and construct storm drainage facilities (Resolution; Street; C-9785)

Disposition: Resolution No. 34986. (Y-4)

- *785** Authorize execution of lease agreement with Columbia Corrugated Box Company for a certain area of SE Grand Avenue under Pacific Highway structure for vehicle parking use (Ordinance)

Disposition: Ordinance No. 165368. (Y-4)

- *786** Release the City's interest in utility easements located within portions of vacated NE Oregon Street, NE Pacific Street, NE 17th Avenue and NE 18th Avenue (Ordinance)

Disposition: Ordinance No. 165369. (Y-4)

- *787** Authorize agreement between the Office of Transportation, Bureau of Traffic Management, and the Portland Development Commission to provide funding for design and construction of a street lighting system on NW 9th Avenue in the amount of \$200,000 (Ordinance)

Disposition: Ordinance No. 165370. (Y-4)

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- *788** Agreement between the Portland Office of Transportation and the Portland Development Commission to provide funding for the design and construction of a section of NW Irving Street between NW 5th Avenue and NW 4th Avenue in the amount of \$280,000 (Ordinance)

Disposition: Ordinance No. 165371. (Y-4)

- *789** Call for bids for the Columbia Boulevard Wastewater Treatment Plant Crossover Conveyor System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165372. (Y-4)

- *790** Call for bids for the Rivergate Quarry Drainage System, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165373. (Y-4)

Commissioner Dick Bogle

- *791** Contract with David F. Weich for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 165374. (Y-4)

- *792** Call for bids for physical fitness equipment for the Bureau of Fire, Rescue and Emergency Services, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165375. (Y-4)

Commissioner Gretchen Kafoury

- 793** Amend Title 33, Planning and Zoning, to clarify several minor issues (Second Reading Agenda 755)

Disposition: Ordinance No. 165376. (Y-4)

- 794** Grant a ten-year property tax exemption to Gionet Development Company for new multiple-unit housing at the block between SW 10th, 11th, Columbia and Jefferson (Second Reading Agenda 754)

Disposition: Ordinance No. 165377. (Y-4)

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Commissioner Mike Lindberg

- 795** Accept contract with Benge Construction for installation of an 8-inch water main on NE Meadow Drive as complete and authorize final payment (Report; Contract No. 27699)

Disposition: Accepted.

- *796** Amend contract with David Evans and Associates at a cost of \$1,500 (Ordinance; amend Contract No. 26975)

Disposition: Ordinance No. 165378. (Y-4)

- *797** Authorize the Bureau of Water Works to exercise a real estate option for the purchase of property from Clark S. Hansen for additional Bull Run Watershed buffer area, authorize transfer of funds, acceptance of deed and provide for payment (Ordinance)

Disposition: Ordinance No. 165379. (Y-4)

- *798** Amend contract with Shelley Matthews to provide minority outreach services to artists and art organizations (Ordinance; amend Contract No. 27228)

Disposition: Ordinance No. 165380. (Y-4)

- *799** Call for bids for replacement of the heating system at Multnomah Art Center, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165381. (Y-4)

- *800** Call for bids for improvements to the Skateboard Park facility, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165382. (Y-4)

REGULAR AGENDA

- 759 TIME CERTAIN: 9:30 AM** - Accept report of the 1992 Governor's Conference on Aging (Report introduced by Commissioner Kafoury)

Discussion: Marion Sarles, Vice Chair, Commission on Aging, reviewed the priority issues identified by seniors at the Governor's Conference on Aging. She said minority concerns and the homeless are of special interest in the Portland area.

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Gwen Harrison, member of the Commission on Aging Housing Task Force, said all the issues identified in a recent survey with seniors had a direct or indirect bearing on the availability of affordable and adequate housing. Crime and neighborhood safety were also of major concern.

Disposition: Placed on File.

- 801** Reject all bids for long distance telephone services (Purchasing Report - Bid 109)

Disposition: Accepted. (Y-4)

Commissioner Blumenauer joined the Council at this point.

- 802** Accept proposal of Festival Services, Inc., for Portland International Raceway Concessions for \$110,000 (Purchasing Report - RFP 123)

Discussion: Commissioner Lindberg said because of prior controversies regarding the award of bids to concessionaires, the services of attorneys Chris Thomas and Steve Moskowitz were retained to help with the process.

Chris Thomas, Consultant, said with expiration of the prior contract, Commissioner Lindberg felt this was a good time to develop an Request for Proposal (RFP) to select a concessionaire and see that Portland got the best deal possible. He said the RFP provided several options that allowed bidders to bid for either basic, supplemental service or both together. The RFP also calls for bidders to pay a percent of gross to the City and for a minimum guarantee. Other key provisions include requirement of a performance bond and increased emphasis on accounting and auditing practices.

Carleton Chayer, Purchasing Agent, described the bidding process, which included conducting a preproposal meeting with interested parties. He said six proposals were received and evaluated by the PIR Concessionaire Selection Committee, which has recommended that the bid be awarded to Festival Services, Inc.

Mitzi Scott, Task Force member, said members of the Committee had two major goals: 1) to pick a contractor who would provide a quality service and product and; 2) to bring a reasonable financial return to the City. She said they believe Festival Services will indeed provide a quality product, noting their emphasis on the training of personnel, particularly the underemployed, and the use of local products.

Ann Kelly Feeney, also a Task Force member, said they were impressed by success of the companies operated by the four principals in Festival Services.

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Lee Porcelli, 0314 SW Idaho, said if the Task Force had truly been concerned about financial stability, it would not have selected a group that John Vincent was involved with. He indicated that he and several other parties have cases in court against Mr. Vincent.

Peter Barnett, Festival Services principal, said his group has a vast amount of experience and the depth to handle this concession successfully.

John Vincent, Festival Services principal, said they outrated the second best bidder by 25 points. He said his dispute with Mr. Porcelli has no bearing on the ability of Festival Services to perform.

Disposition: Accepted. (Y-5)

- 803** Reject bid of Coliseum Ford and purchase thirteen mid-size four-door sedans under State Price Agreement for \$160,576 (Purchasing Report - Bid 132)

Disposition: Accepted. (Y-5)

Commissioner Bogle left the meeting at this point.

Mayor J. E. Bud Clark

- 804** File annexation in Lents with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-8-92)

Disposition: Resolution No. 34987. (Y-4; Bogle absent)

- 805** File annexation in Rockwood with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-9-92)

Disposition: Resolution No. 34988. (Y-4)

- 806** Abolish Metropolitan Human Relations Commission and authorize agreement with Multnomah County for creation of Metropolitan Human Rights Commission (Ordinance)

Discussion: Chris Tobkin, Assistant to Mayor Clark, said this ordinance abolishes the current Commission and adopts a new intergovernmental agreement with Multnomah County and a new set of by-laws. It incorporates many of the Task Force recommendations, including granting the Commission enforcement authority. She said the Task Force recommendation that the Commission have enforcement responsibility has not been incorporated at this time since the City has already contracted with the State Board of Labor and Industries for such services. Instead,

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the Commission will be asked to monitor the State's performance. It will also be called upon to implement the Future Focus diversity action plan.

Ms. Tobkin said because of persistent confusion between the role of staff and Commission members, the Commission has been restructured to focus more on external community issues and to encourage broader community involvement in its activities. Three issue committees will be created: 1) Hate Crimes Monitoring and Response; 2) Diversity Action Plan and; 3) Civil Rights Affirmative Action and Disabilities.

A third area of concern is the size and composition of the committee. Ms. Tobkin recommended that the Commission membership remain at 15 rather than being expanded to 21 as recommended by the Task Force until the Commission's jurisdiction expands beyond Portland and Multnomah County. Regarding composition, the City will appoint 9 members and Multnomah County will appoint six, reflecting the 60/40 percent funding arrangement proposed in the new intergovernmental agreement. Also eliminated is the provision allowing the Commission to appoint members if vacancies go unfilled after 60 days. Direct appointment of the Chair by the Mayor and County Chair is also recommended, with personnel and budget administration to be a responsibility of the Commissioner in Charge but with staff required to serve the Commission according to an annual work plan.

Ms. Tobkin recommended that the second reading be delayed to May 20 to allow time to discuss the proposals with interested parties and prepare any revisions Council feels necessary.

Rodney Page, Ecumenical Ministries of Oregon Director and a member of the Task Force, supported the ordinance even though it does not have everything the Task Force recommended.

Bobbie Gary, Task Force member, said she is glad to see the changes proposed, particularly regarding accountability and more diverse representation on the Commission and Executive Board.

Disposition: Passed to Second Reading May 20, 1992 at 9:30 a.m.

- 807** Adopt the 1992-93 Affirmative Action Plan and repeal, replace or amend sections of the City Code (Second Reading Agenda 707; amend Section 3.90.060; 3.100.005; 3.100.010 through 3.100.023; 4.02.010 (1); 4.020.010 (23); 4.020.010 (44))

Disposition: Ordinance No. 165383. (Y-4; Bogle absent)

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760 TIME CERTAIN: 10:15 AM - Return Agenda Item 439 with recommendation from the Office of Transportation for further technical analysis on West Burnside Street as a part of the Westside Corridor Project Traffic Management Plan (Report introduced by Commissioner Blumenauer)

Discussion: Gail Newberg, West Burnside Traffic Management Committee, complained about the dangerous traffic situation due to the lack of a safe access onto West Burnside and the lack of signals and cross walks. She noted that West Burnside is identified as a principal pedestrian and bike route and yet there is no safe way to cross the street, even to catch the bus, by any mode of transportation. Ms. Newberg added that the lack of alternative routes and alternative forms of transportation, including bus service, make mitigation a necessity.

The Committee recommends that NW Macleay and NW Barnes be designated as neighborhood collector streets and that traffic signals and crosswalks be installed at the point these streets access Burnside. Until the signals and crosswalks are installed, she asked for the addition of signs slowing traffic and increased enforcement of speed limits.

Felicia Trader, Director of the Office of Transportation, said her office agrees with the seriousness of the concerns and will return to Council by August 1 with recommendations. She said that Transportation realizes that conventional solutions are not adequate in this case.

Commissioner Blumenauer said what sets this apart from 55 streets that are candidates for collector recovery is that there is no way that the concerns raised here can be solved using conventional means and he believes an already difficult situation will become worse with the proposed construction on Sunset. He said he is working with Tri-Met to determine mitigation and is also hoping that some extra resources may be available through the Oregon Department of Transportation.

Chris James, 2943 NW Imperial Terrace, described access problems onto Burnside for himself and his family. He said he would not allow his children to take the bus to Lincoln High School because of the dangers of crossing West Burnside to get to the stop.

Ellie Tatum, 4717 NW Barnes, representing neighbors on Barnes Road, described access and safety problems for residents. She requested placement of berms on Barnes as well as a traffic light.

Mayor Clark said he completely agreed with the concerns raised and believes a strong effort is needed to improve the situation.

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Commissioner Blumenauer asked if it would be possible to address the enforcement issue through the Police Bureau. He said he believes this is an ideal street for radar.

Mayor Clark said he would talk to Chief Potter.

Disposition: Accepted.

Commissioner Earl Blumenauer

- 808** Return Agenda Item No. 708 and grant request of Shirley Field to address Council regarding the garbage franchise ordinance (Report)

Discussion: Cay Kershner, Clerk of the Council, requested that this be continued to the afternoon session to allow Sue Keil from the Bureau of Environmental Services to be present.

Disposition: Continued to April 29, 1992 at 2:00 p.m.

- 809** Recommend support for the MAX Level Boarding Advisory Committee's recommendation to support low-floor light rail vehicles for the MAX system (Resolution)

Discussion: Tom Walsh, General Manager, Tri-Met, said the need for level boarding cars on the West Side light rail emerged during the final steps of the environmental impact process. He said they realized, after the opening of MAX in 1986, that their ability to load disabled passengers is very cumbersome. Options considered were high-floor cars with high platforms, high-floor cars with a mini-ramp system and low-floor cars with low-floor platforms. He said Tri-Met and other advisory groups have concluded that a modified low-floor car should be adopted. He said existing East Side stations would be modified once the new cars arrived.

Mr. Walsh cautioned that no transit system in North America has such a system at this time and that there is some reluctance to be the first to proceed. There is also the additional expense, about \$600,000 more per car, or an additional \$32,000,000 for 39 cars. He said they are seeking additional federal funds to pay for them. He said a question also remains as to whether world-class manufacturers will agree to produce the cars.

Denny Porter, Tri-Met staffperson and Assistant Engineering Director for the Westside Project, reviewed results of a study of the three available options and showed slides to illustrate how the cars would work. The study concluded that low-floor cars, despite their highest cost, clearly meet ADA mandates, provide

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definite advantages in providing access to the physically impaired and speed up boarding times.

Bob Pike, Environmental Access, Inc., complimented Tri-Met for listening to the concerns of the disabled about the current system. He said they are looking for a universal solution that works for everyone, not just wheelchair users. He said the recommendations issued by the Walsh Committee call for having Tri-Met state its preference for adopting low-floor light rail vehicles as the single boarding technology for the MAX system. The most difficult hurdle is to determine a plan for funding the additional cost.

Nita Brueggeman, member of the MAX Level Boarding Advisory Committee, said a more accessible system is needed on MAX and this is the right one.

Jan Campbell, City Disability Project Coordinator and Chair of Tri-Met Committee on Accessible Transportation (CAT), said the Committee unanimously voted to recommend that the Tri-Met Board approve the Advisory Committee's recommendations. She said CAT agrees with the Advisory Committee that the ultimate goal of MAX is systemwide level boarding at every station and on every car.

Terry Moore, City Planning Bureau employee, thanked Tri-Met for its help and urged support for the resolution. She said efforts to find federal funding will continue.

Mayor Clark said he believes this is an excellent investment that will save money in the long run.

Commissioner Blumenauer said support of low-floor cars will require some hard financial decisions and there is some risk. With this vote, Council is tying itself to the decision and to being a part of the solution.

Disposition: Resolution No. 34989. (Y-4; Commissioner Bogle absent)

Commissioner Lindberg announced that he had to leave soon and Council agreed to hear the ordinances prior to hearing a presentation on Agenda Item 810.

- *811** Amend contract with CH2M-Hill Northwest, Inc., to provide professional engineering services to develop a Sewage System Facilities Plan/Combined Sewer Overflow Management Plan (Ordinance; amend Contract No. 26524)

Discussion: Commissioner Blumenauer said this is a significant action which he did not wish to rush through. He said Council members had been briefed

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but he wanted to make sure that everyone understood what was at stake and that anyone who wished to testify had an opportunity to speak.

Mayor Clark asked if anyone wished to speak. No one responded.

Disposition: Ordinance No. 165384. (Y-4)

- 812** Vacate a portion of SW Hall Street, under certain conditions (Second Reading Agenda 718)

Disposition: Ordinance No. 165385. (Y-4)

- *813** Call for bids for labor for the Arterial Street Light Upgrade Project No. 8568 (Ordinance)

Disposition: Ordinance No. 165386. (Y-4)

Commissioner Mike Lindberg

- *814** Authorize an application to the National Endowment for the Arts Challenge Grant Program in the amount of \$1,000,000 (Ordinance)

Discussion: Mayor Clark said he was very pleased that other entities will be participating, not just the City.

Disposition: Ordinance No. 165387. (Y-4)

- *815** Prescribe the rates and charges for water and water-related services by the City of Portland during the fiscal year July 1, 1992 to June 30, 1993 and fix an effective date (Ordinance)

Discussion: Commissioner Lindberg said a presentation about the rates had been made during the budget hearings.

Disposition: Ordinance No. 165388. (Y-4)

City Auditor Barbara Clark

- *816** Create a local improvement district to improve SW 49th Avenue from SW Vermont Street to approximately 550' south of SW Vermont Street and construct sumps (Hearing; Ordinance; C-9784)

Disposition: Ordinance No. 165389. (Y-4)

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Commissioner Lindberg left the meeting at this point.

- 810** Recommend adoption of light rail station locations in the Goose Hollow neighborhood and appoint a Special Development and Housing Task Force to coordinate and assist with housing development at the Civic Station site and other related recommendations (Resolution)

Discussion: Karen Rabiner, Bureau of Transportation Engineering, said as a result of an additional study on the location of light rail stations in the Goose Hollow area, an additional station located at SW 18th and Salmon is recommended. It is also recommended that the Civic Stadium station be planned to incorporate commercial and residential development. The estimated cost of the additional station is \$500,000.

Bob Stacey, Planning Director, said this proposal provides some excellent opportunities for helping the City accommodate some of the region's projected population growth. He said Goose Hollow has indicated that they would much rather see a well-designed development at the Stadium site than an empty plaza and accordingly City officials will meet with Tri-Met to identify how to achieve this in ways which are compatible with the Goose Hollow neighborhood.

Howard Glazer, Chair of Goose Hollow Light Rail Committee, noted previous disagreements between the neighborhood and Tri-Met about the impact of light rail and said he was pleased with the successful outcome of consultant Roger Shiel's efforts to obtain agreement for a plan that both minimizes the negative effects of light rail and offers distinct positive contributions. He emphasized the importance of constructing the station concurrently with the total system.

Lew Delo, Multnomah Athletic Club, said the Club supports this mitigation process and the construction of the station on SW 18th. It believes the station will be a strong incentive for Club members to use mass transit.

Mayor Clark said he is very pleased with the idea of a station at this location, despite the fact there are two stops close to each other.

Disposition: Resolution No. 34990. (Y-3 Commissioners Bogle and Lindberg absent)

At 11:55 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF APRIL, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

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

- 808** Return Agenda Item No. 708 and grant request of Shirley Field to address Council regarding the garbage franchise ordinance (Report)

Discussion: Shirley Field, 7525 SW Kelly, said the garbage and recycling ordinance rips off the public, particularly the finance charge on services that have not even been performed.

Sue Keil, Environmental Services, said she would meet with Ms. Field about her concerns.

Disposition: Placed on File.

- 817 TIME CERTAIN: 2:00 PM** - Hear report on the Citizens Convention sponsored by the Coalition for Responsive Government (Report introduced by Mayor Clark)

Discussion: Arlene Collins, American Federation of State, County and Municipal Employees (AFSCME), Local 88, said this Convention will get elected officials to listen to the people who elected them. The idea is to allow voters to decide if they are getting their money's worth and to see if there is a better, less expensive way to operate. Ms. Collins called for Council support of Ballot Measure 26-6 which calls for convening such a Convention.

Pauline Anderson, Multnomah County Commissioner, said the Convention is a truly grass roots, citizen-directed effort, which will allow voters a chance to chart their own government. She said there is no preconceived agenda, only a mandate that any government restructuring must provide the greatest benefit to all at the lowest possible cost.

Sharon Kelley, Multnomah County Commissioner, said the County Commission considered the Convention for a number of weeks in order to resolve some of the issues, including the timing and the use of political districts for delegate selection. She said nothing in the ordinance prevents decisions being made in the meantime about any city\county consolidation measures.

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Richard C. Levy, Co-Chair of the Joint Citizens Budget Advisory Committee, said the only cost to government would be to check the addresses of prospective delegates submitting their nominating petitions.

Mark Abrams, the other Committee Co-Chair, said this is a great opportunity to rebuild a bridge between government and citizens. He said the Multnomah County Commission has bound itself in advance to respond to specific recommendations which guarantees that the time will be well spent.

Commissioner Blumenauer asked about the cost of implementation, such as putting a measure on the ballot.

Mr. Levy said any recommendations to be voted upon would be put on the ballot during a regular election with other measures.

Commissioner Blumenauer asked if there was a budget to implement the cost of any suggestions.

Mr. Levy said the County Board of Commissioners would not proceed unless it would result in less costly government and more effective services.

Commissioner Blumenauer asked if anyone had any idea what the cost of reviewing these recommendations and possibly referring them would be.

Mr. Levy said he did not think the cost would be any different from what occurs when any citizen group brings an issue to the attention of a legislative body.

Commissioner Lindberg asked how the Convention would relate to other groups, including 11 other committees, currently studying consolidation. He cited the Committee recently appointed by County Commissioner McCoy to study consolidation as well as the newly-created Institute for Metropolitan Studies which is expected to take on consolidation as its first major project.

Ms. Collins said the difference with the Convention is that it will give the public a voice, not just elected officials and special interests.

Commissioner Bogle said this sounds like another opportunity for citizen volunteers to become a part of the process.

Ms. Kelley said she suspects, because of the complexity of the issues, that there will be very little duplication between the agenda chosen by the Convention and the agenda chosen by the Institute.

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Cecil Tibbits, Executive Director, Oregon AFSCME, said the state executive board of his union has endorsed this measure and encouraged Council support.

Commissioner Bogle noted that no ordinance was before Council today, only a report which required no Council action.

Mayor Clark ordered that the report be accepted.

Disposition: Accepted.

Commissioner Gretchen Kafoury

- 818** Amend Title 33, Planning and Zoning, to increase height limit to develop the Blazer Arena (Ordinance)

Discussion: Susan McKinney, Bureau of Planning, said this is a request to increase the height limit for the proposed new sports arena. She said the Planning Commission approved the height increase, which exceeds the 100 foot height limit by approximately 30 feet, on April 14. Because height adjustments are prohibited under the Central City Plan and height bonuses are not available for the area, it is necessary to amend Title 33 by changing map 510-3, which is part of the Central City Plan District.

Disposition: Passed to Second Reading May 6, 1992 at 2:00 p.m.

- 819** Clarify substandard lot provisions (Ordinance; amend Chapters 33.291 and 33.910)

Discussion: Jessica Richman, Bureau of Planning, said this ordinance attempts to clarify substandard lot provisions and reflects policy changes relating to what constitutes a buildable substandard lot. She said tracts are generally created in three ways: 1) through subdivision/partition; 2) sale of pieces of property which were recorded but may or may not have met the zoning code in effect at the time and; 3) juggled lot lines where small portions are sold off without official approval. She explained the difference between Type A and Type B substandard lots, noting that development is allowed outright on Type A's while Type B's require a Type II review procedure to determine compatibility with the neighborhood. Before 1979, when new regulations went into effect, Ms. Richman said partitioning regulations were often inconsistently applied and inadequately recorded. In the interests of fairness it has been agreed that lots which met the zoning regulations at the time but did not go through the subdivision or partition process would be grandfathered in while those that did not would be considered Type B and

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required to go through a land use review. West Portland Park is exempted, however, and all lots in that area will go through review.

Ms. Richman also described other issues regarding the division of ownership on contiguous lots and aggregation of small lots to make larger tracts. She said the ordinance needs to be amended to add a sixth item to read "which is currently vacant" to 33.291.020 (b) in Attachment A of Appendix A. She said they meant the currently vacant language to apply to all Type B substandard lots.

Commissioner Blumenauer moved the amendment. Commissioner Kafoury seconded and the motion carried. (Y-5)

Arnold Rochlin, Forest Park Neighborhood Development Committee, opposed the ordinance as proposed unless it is amended. He said nowhere does this proposal consider whether or not a lot was created by a lawful process. He also objected to the Planning Commission recommendation which presumes that the development of lots which have been downzoned should proceed whether or not the zoning had been changed. He disagreed that owners of contiguous Type A lots should be allowed to develop them as if there was no zoning on them. He said grandfathering should be allowed only when there is a compelling reason and not be used to protect speculation.

Mr. Rochlin said the Commission proposal gives equal status to unrecorded lots and eliminates the advantage of selling off adjoining lots, but only if they are Type Bs. He said points 4 and 5 under 33.291.020 (c) contradict each other, addressing lots which are at the same time recorded and yet not a lot of record. He said the Code definition of a lot of record is one that has been recorded. He proposed amendments which would not allow any abutting substandard lots under common ownership and which would cancel the proposal to give substandard lot status to unrecorded tracts. He said if a property is not recorded, it should not be treated as a lot.

Commissioner Lindberg asked what impact the neighborhood association was most concerned about.

Mr. Rochlin said they think the City should be very cautious in making exceptions to the zoning policies and that this particular way of addressing substandard lots is wrong.

Ms. Richman said the current Code definition of "lot of record" is identical to that of "lot" which is unfortunate and not intended. She said they are amending "lot of record" to say it is a tract of land created and recorded before July 26, 1979 which met the dimensional requirements for new lots at the time it was

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created. She said there is nothing whatsoever in the package that would give any rights to unrecorded tracts.

Ms. Richman also addressed the question of why tracts created through the subdivision or partition process should be grandfathered in. She said it is because deedholders who divided their property complied with law at the time, which was then changed on them. She said they are not giving such tracts blanket approval but are requiring that those below a certain square footage go through a compatibility review.

Mayor Clark said this has to make sense to the public.

Ms. Richman said this actually makes it somewhat tougher to grandfather in lots that do not meet Code.

Commissioner Lindberg asked what the impact of passage would be and if this meant that many smaller lots will be created.

Ms. Richman said this will make it easier to develop lots that met Code at the time they were created but more difficult to develop those that did not. She said the applicant will be required to document the regulations in existence at the time.

Commissioner Kafoury said she had asked Ms. Richman to meet with Mr. Rochlin to clarify this.

Mr. Rochlin asked if Ms. Richman would agree to delete the words "a lot" wherever they appear in the same phrase with "a lot of record". He said in that case there would be no confusion.

Ms. Richman said under the current Code the two terms "lot" and "lot of record" are defined the same but the proposed ordinance would differentiate between those created through subdivision/partition and those created through other methods.

Mayor Clark said he would like to be able to understand it too.

Disposition: Passed as amended to Second Reading May 6, 1992 at 2:00 p.m.

At 3:05 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF APRIL, 1992 AT 2:00 P.M.

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

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

REGULAR AGENDA

Commissioner Dick Bogle

- 820** Liquor license application for BP Oil Company, dba BP Food Mart No. 11033, 425 NE Broadway, Package Store - P liquor license (new owner); favorable recommendation (Report)

Discussion: Henry Emrich, Bureau of Licenses, said the applicant approached the neighborhood for suggestions and offered to incorporate them in its plan. Because of this, the Bureau believes the licensee will operate with minimum negative impact to the neighborhood and recommends a favorable recommendation.

Lee Perlman, Eliot Neighborhood Association Land-Use Chair, said they had concerns about the wisdom of combining gasoline and liquor sales. They are also concerned by the density of liquor licenses in the area. However, in regard to this particular license, the Committee has taken no position but has three conditions, which the licensee has agreed to. These include restrictions on the amount of space devoted to alcohol sales, prohibition of individual container sales on alcoholic beverages and cessation of liquor sales at midnight.

Disposition: Favorably recommended. (Y-4)

At 2:15 p.m., Council recessed.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council