



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JULY, 1992 AT 9:30 A.M.

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

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

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1258** Cash investment balances for June 4 through June 30, 1992 (Report; Treasurer)

Disposition: Placed on File.

- 1259** Accept bid of K & R Plumbing Construction Company for NE Halsey Street, NE 58th Avenue to NE 61st Avenue Sewer Reconstruction for \$297,994 (Purchasing Report - Bid 3)

Disposition: Accepted; prepare contract.

- 1260** Accept bid of Westinghouse Electric Supply for furnishing street light mast arms for \$39,990 (Purchasing Report - Bid 5-A)

Disposition: Accepted; prepare contract.

- 1261** Vacate a certain portion of NE Klickitat Street, under certain conditions (Ordinance by Order of Council; C-9790)

Disposition: Passed to Second Reading July 22, 1992, at 9:30 a.m.

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- 1262** Vacate certain portions of N Williams Avenue, N Hassalo Street and NE Hassalo Street, under certain conditions (Ordinance by Order of Council; C-9792)

Disposition: Passed to Second Reading July 22, 1992, at 9:30 a.m.

- 1263** Vacate NE Wasco Street between NE 16th and NE 17th Avenues, under certain conditions (Second Reading No. 1166; C-9766)

Disposition: Ordinance No. 165638. (Y-5)

Mayor J. E. Bud Clark

- 1264** Authorize City Attorney to file suit against Ecology House, Inc.; Will Anderson; and Paul Dendzinski (Resolution)

Disposition: Resolution No. 35015. (Y-5)

- 1265** Authorize City Attorney to file suit against Kasch's Garden Centers and Nurseries, Inc. (Resolution)

Disposition: Resolution No. 35016. (Y-5)

- 1266** Authorize City Attorney to file suit against Crossroads Square Limited Partnership (Resolution)

Disposition: Resolution No. 35017. (Y-5)

- *1267** Authorize purchase of property located at 4519 N Columbia Boulevard (Ordinance)

Disposition: Ordinance No. 165639. (Y-5)

- *1268** Authorize temporary loans from the General Fund to the Fire and Police Disability and Retirement Fund in an amount not to exceed \$13,000,000 (Ordinance)

Disposition: Ordinance No. 165640. (Y-5)

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- *1269** Authorize the issuance and sale of Tax Anticipation Notes, Series 1992 in an amount not to exceed \$13,000,000 (Ordinance)

Disposition: Ordinance No. 165641. (Y-5)

- *1270** Authorize a contract with Vision Service Plan for the provision of vision plan services to employees, self-pays and retirees of the City (Ordinance)

Disposition: Ordinance No. 165642. (Y-5)

- *1271** Authorize an intergovernmental agreement with Multnomah County to provide staff assistance to the Regional Drug Initiative (Ordinance)

Disposition: Ordinance No. 165643. (Y-5)

- *1272** Amend contract with Debbie McCabe for Portland Future Focus services (Ordinance; amend Contract No. 27694)

Disposition: Ordinance No. 165644. (Y-5)

- *1273** Authorize the purchase of custom-made safety vests for the Police Bureau Drugs and Vice Division from Bullfrog Designs, a City employee-owned company (Ordinance)

Disposition: Ordinance No. 165645. (Y-5)

- *1274** Call for bids to furnish some of the 1992-93 replacement City vehicles, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165646. (Y-5)

Commissioner Earl Blumenauer

- 1275** Accept completion of the Columbia Wastewater Treatment Plant Chlorination Facility, approve Change Orders 1 through 14, release Letter of Credit and make final payment (Report; Contract No. 26589)

Disposition: Accepted.

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1276 Set hearing date, 9:30 a.m., Wednesday, August 19, 1992, and initiate the vacation of a portion of NE 47th Avenue north of NE Cornfoot Road (Resolution)

Disposition: Resolution No. 35018. (Y-5)

***1277** Agreement with the Union Pacific Railroad Company to provide for the closure of the N Ramsey Boulevard rail crossing (Ordinance)

Disposition: Ordinance No. 165647. (Y-5)

***1278** Agreement with the Burlington Northern Railroad Company to provide for adjusting track surface level in connection with the placement of fill material for bridge approaches on the N Marine Drive Project (Ordinance)

Disposition: Ordinance No. 165648. (Y-5)

***1279** Contract with Winmar Pacific and PDC to have City construct oversizing capacity at NE Airport Way Water Quality Protection Facility (Ordinance)

Disposition: Ordinance No. 165649. (Y-5)

***1280** Authorize closure of SE Stephens between SE Grand and SE 6th Avenues and allow Goodwill Industries to improve as a public pedestrian plaza under a revocable permit (Ordinance)

Disposition: Ordinance No. 165650. (Y-5)

***1281** Grant revocable permit to the US Department of Interior, Bonneville Power Administration, to extend existing communication conduits in NE 9th Avenue between NE Pacific Street and NE Lloyd Boulevard and in NE Lloyd Boulevard between NE 9th Avenue and approximately 150 feet west (Ordinance)

Disposition: Ordinance No. 165651. (Y-5)

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- *1282** Revocable permit to Robert Phillips, Jr., for a private, non-standard street, retaining wall and private water lines in the right-of-way of NW Vaughn Street approximately 500 feet northwesterly of NW 33rd Avenue (Ordinance)

Disposition: Ordinance No. 165652. (Y-5)

- *1283** Authorize short term loans of up to \$7,000,000 from the Sewer System Rate Stabilization Fund and \$6,000,000 from the Water System Construction Fund to the Sewer System Construction Fund (Ordinance)

Disposition: Ordinance No. 165653. (Y-5)

- *1284** Amend methods for determining dwelling unit equivalencies for changing sewer connection charges and making sewer user charge refunds (Ordinance; amend Title 17)

Disposition: Ordinance No. 165654. (Y-5)

- *1285** Call for bids for the NE 13th Avenue Basin, C.S.O. Sump Project - Unit 3, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165655. (Y-5)

- *1286** Call for bids for the NE 13th Avenue Basin C.S.O. Sump Project - Unit 4, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165656. (Y-5)

- 1287** Agreement with the Metropolitan Wastewater Control Commission for the use of certain sludge handling equipment (Second Reading Agenda 1196)

Disposition: Ordinance No. 165657. (Y-5)

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Commissioner Dick Bogle

- *1288** Apply to the Federal Emergency Management Agency for a grant for emergency management preparedness for fiscal year 1992 (Ordinance)

Disposition: Ordinance No. 165658. (Y-5)

- *1289** Amend contract with GTE Government Information Services, Inc., for an additional \$42,432 (Ordinance; amend Contract No. 27728)

Disposition: Ordinance No. 165659. (Y-5)

- *1290** Agreement for Regional Hazardous Material Emergency Response Team Services with the State of Oregon (Ordinance)

Disposition: Ordinance No. 165660. (Y-5)

Commissioner Gretchen Kafoury

- *1291** Authorize an agreement between the City of Portland, Multnomah County, City of Gresham and the Housing Authority of Portland for the administration and implementation of the Housing and Community Development Commission and a county-wide housing services delivery system and provide for payment (Ordinance)

Disposition: Ordinance No. 165661. (Y-5)

- *1292** Contract with Portland School District for \$16,543 for the TLC-TNT Program and provide for payment (Ordinance)

Disposition: Ordinance No. 165662. (Y-5)

- 1293** Contract with School District No. 1 (Portland Public Schools) for \$386,744 for the Home Repair Training Program and provide for payment (Ordinance)

Disposition: Passed to Second Reading July 22, 1992 at 9:30 a.m.

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- *1294** Contract with Franciscan Enterprise, Inc., for \$65,000 to rehabilitate vacant housing in inner-northeast Portland to be rented to low income individuals and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165663. (Y-5)
- *1295** Contract with Oregon Outreach for \$12,046 for summer youth program and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165664. (Y-5)
- *1296** Contract with the Senior Job Center for \$92,300 for the Senior Home Repair and Maintenance Program and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165665. (Y-5)
- *1297** Contract with Central City Concern for \$312,827 for the Hotel Maintenance Program and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165666. (Y-5)
- *1298** Contract with Central City Concern for \$218,356 for the Inebriate Pick-up Service and provide for service (Ordinance)
- Disposition:** Ordinance No. 165667. (Y-5)
- *1299** Contract with Bradley-Angle House to provide assistance for victims of domestic violence in the amount of \$14,000 and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165668. (Y-5)
- *1300** Contract with Transition Projects, Inc., for \$100,000 for emergency day and night shelter services and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165669. (Y-5)

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- *1301** Contract with the Northeast Coalition of Neighborhoods for \$35,923 to conduct HCD project-related citizen participation activities in inner-northeast HCD-eligible neighborhoods and provide for payment (Ordinance)

Disposition: Ordinance No. 165670. (Y-5)

- *1302** Contract with the Northeast Coalition of Neighborhoods for \$50,155 to provide the Graffiti-Employment Program and provide for payment (Ordinance)

Disposition: Ordinance No. 165671. (Y-5)

- *1303** Contract with Northeast Coalition of Neighborhoods for \$80,096 for the Youth Outreach Project and provide for payment (Ordinance)

Disposition: Ordinance No. 165672. (Y-5)

- 1256** **TIME CERTAIN: 9:30 AM** - Transmit the Portland Housing Center's annual report (Report)

Discussion: Commissioner Kafoury said the Portland Housing Center provides a missing piece in the public-private partnership effort to solve housing problems.

Peg Malloy, Director, Portland Housing Center, said the Center demystifies the home-buying process for people of modest income by counseling prospective home-buyers and offering classes. In its second year the Center intends to work with employers, provide services to different ethnic groups, provide on-line translation service, and provide classes on refinancing, crime prevention, landscaping and other topics.

Commissioner Kafoury said the County is working with the program to provide emergency funds for people in danger of losing their homes.

Disposition: Accepted. (Y-4)

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***1257** **TIME CERTAIN: 9:45 AM** - Add a new section to the City Code to grant the Commissioner-in-Charge the authority to find that a water shortage exists and to authorize the Administrator of the Water Bureau to adopt rules to restrict water use; provide for enforcement of violations (Ordinance; add Chapter 21.32 to Title 21)

Discussion: Commissioner Lindberg said for the first time in 100 years, the Water Bureau has to declare a water shortage and enforce mandatory restrictions. He said the City is preparing for the worst, because the rain-dependent water supply must last until the winter rains begin, and voluntary conservation has been only marginally successful. He said a balanced approach is planned to alleviate the financial impact on industries using water such as landscaping, lawn maintenance and power-washing businesses, and voluntary compliance will be sought before resorting to fines.

Commissioner Blumenauer said efforts at conserving other resources such as recyclable materials and gray water may be linked to water conservation efforts.

Mike Rosenberger, Administrator, Portland Water Bureau, said the ordinance authorizes Commissioner Lindberg to make a finding of a water shortage emergency and direct the Water Bureau to implement rules. He said they have taken a conservative approach to conserve and stretch the water supply because the backup ground water supply is unavailable. He said the Water Bureau has also increased staffing in customer services to provide information to citizens.

Mr. Rosenberger described the proposed restrictions, which include: 1) no watering of established lawns; 2) watering of trees, shrubs, flowers and vegetables between 6:00 p.m. and 10:00 a.m.; 3) hoses with shut-off nozzles; 4) and no washing of hard surfaces. He said the restrictions carry a series of progressive penalties and there will be an appeal process, with the Hearings Officer as the court of last resort.

Mr. Rosenberger said wholesale contractors are cooperating by passing ordinances, so there will be identical enforcement procedures for everyone on the Bull Run system.

Commissioner Bogle inquired about the status of the well system.

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Mr. Rosenberger said they are spending about one million dollars to test the water quality and should have results by mid-August. If test result allow access to the well field, it will be used but the Bureau is not counting on additional water.

Commissioner Lindberg asked about other efforts to get additional supply.

Mr. Rosenberger said contractors have brought supplemental sources on line and the Bureau plans to contract with the Clackamas Water District to bring six to eight million gallons of treated river water into the system. He said they are also testing wells on Hayden Island and some wells from the Parkrose Water District.

Commissioner Blumenauer asked about the City's own progress in conserving water.

Mike Rosenberger said the Fire Bureau is changing its schedule for testing hydrants, is browning out its stations, and has stopped washing trucks. The Maintenance Bureau has cut water use 50 percent and the Parks Bureau is browning out acres of parks, except for Water Front Park and a few other locations with reseeded lawns.

Commissioner Blumenauer suggested a regular report to demonstrate water conservation efforts for the duration of the emergency, and recommended public participation.

Mike Rosenberger said he would provide biweekly briefings.

Commissioner Lindberg suggested holding a water fair to demonstrate products, methods and ideas for conserving water. He said they do not know exactly how to determine a reasonable water-limit goal for each household, as going over 100 million gallons a day does not mean people are violating standards.

Commissioner Bogle asked if cloud-seeding has been considered.

Mr. Rosenberger said the Water Bureau will consider it.

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David Tappert, a Portland resident, questioned whether he could water his backyard for his wedding.

Mr. Rosenberger offered to meet with him about it.

Disposition: Ordinance No. 165673. (Y-5)

Commissioner Lindberg read a declaration of the water shortage: "Pursuant to 21.32.030, a water shortage exists, and it threatens seriously to disrupt or diminish the municipal water supply. I hereby authorize the administrator of the Water Bureau to adopt rules, procedures and forms to restrict water use in a manner that accomplishes the City's policy to provide clean, healthful and plentiful water to its customers. The rules are to be consistent with the City Charter, the provisions of City Code Chapter 21 and all other relevant provisions of the Code and protective of public health and safety. This finding of shortage and the rules adopted pursuant to it are both immediate and in effect indefinitely since failure to act promptly will result in serious prejudice to the public interest."

REGULAR AGENDA

Commissioner Lindberg asked that item 1308 be moved up on the agenda because it related to the previous discussion.

Commissioner Mike Lindberg

- *1308** Authorize contract to purchase filtered, chlorinated drinking water from the Clackamas Water District (Ordinance)

Disposition: Ordinance No. 165674. (Y-5)

Commissioner Earl Blumenauer

Joan Engert, acting Council Clerk, noted that an item had been submitted for inclusion on the agenda. Commissioner moved for suspension of the rules, the motion was seconded and carried. (Y-5)

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SUSPENSION OF THE RULES

- 1303-1** Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements on SW Palatine Street from SW 45th Avenue to SW 47th Avenue (Resolution)

Disposition: Resolution No. 35019. (Y-5)

- *1304** Contract with Waste Matters Consulting for \$26,860 to conduct a Time and Motion study to measure efficiency variables affecting solid waste, recycling and yard debris collection costs (Ordinance)

Discussion: Mayor Clark questioned the additional fee for people living in hilly terrain.

Sue Keil, Bureau of Environmental Services, said instead of relying solely on haulers' figures, they are now conducting an authoritative study of whether the terrain charge is valid. She said it is not just a West Hills issue, as other areas of the City are affected also. She said hilly terrain provides less population density, more wear on brakes, and more expense of fuel and time in providing service. She said some haulers exclusively handle hilly areas and may incur extra expense in serving their territories.

Disposition: Ordinance No. 165675. (Y-5)

- 1305** Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District, the Metropolitan Service District and Washington County to provide \$6 million in local match to Federal funds for financing the Westside Corridor Project and provide for payment (Second Reading Agenda 1238)

Discussion: Mayor Clark said if the September Supreme Court decision does not favor the City, the City will be short six million dollars in match money. He said this is another Ballot Measure 5 issue that threatens tax increment financing for light rail.

Disposition: Ordinance No. 165676. (Y-5)

- 1306** Amend existing sections of the City Code regarding Water Quality and Erosion Control (Second Reading Agenda 1239)

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Discussion: Mayor Clark said Mike Houck, Portland Audubon Society, had questioned a lack of standards for making exemptions and inquired whether necessary amendments had been made.

Steve Kenworthy, Bureau of Environmental Services, said amendments had been incorporated into the document before Council. He said they intended to establish standards administratively.

Commissioner Blumenauer asked that administrative rules be shared with Council.

Disposition: Ordinance No. 165677 as amended. (Y-5)

Commissioner Gretchen Kafoury

- 1307** Require building permits for clearing within designated areas, require erosion control within designated areas and require clearing permits (Second Reading Agenda 1240)

Disposition: Ordinance No. 165678 as amended. (Y-5)

City Auditor Barbara Clark

- 1309** Assess improvement of NE 55th Avenue Local Improvement District (Second Reading Agenda 1244)

Disposition: Ordinance No. 165679. (Y-5)

- 1310** Assess improvement of streets within the NE Saratoga/Dekum HCD Improvement Project and construction of sumps (Second Reading Agenda 1245)

Disposition: Ordinance No. 165680. (Y-5)

- 1311** Substitute a new Title 22, Code Hearings Officer, of the Portland City Code, for the current Title 22 (Second Reading Agenda 1255)

Disposition: See 2:00 p.m. agenda.

At 11:00 a.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JULY, 1992 AT 2:00 P.M.

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

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

Joan Engert, Acting Clerk of the Council, noted that item 1311 from the morning agenda contained an amendment that Council hadn't approved, and Council must vote to reconsider the item.

Commissioner Bogle moved for reconsideration. Commissioner Kafoury seconded and the motion carried. (Y-5) The Clerk read the agenda item.

1311 Substitute a new Title 22, Code Hearings Officer, of the Portland City Code, for the current Title 22 (Second Reading Agenda 1255)

Commissioner Blumenauer moved to amend page 11 of Exhibit A, Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Passed to Second Reading as amended. (Y-5)

Commissioner Gretchen Kafoury

***1312** Amend Title 33, Planning and Zoning, to clarify several issues (Ordinance)

Discussion: Commissioner Kafoury said these amendments to Title 33 address problems that have arisen over the proposed light rail line in the Goose Hollow neighborhood and bring siting decisions into compliance with the Federal Fair Housing Act. She said there will be continued debate as the law is applied, and they will rework policies if there is adverse impact on neighborhoods.

Jessica Richman, Bureau of Planning, said the first amendment changes the definition of household to comply with the Act, avoid discrimination and provide reasonable accommodation for those with special housing needs. She said household currently is defined as one or more persons who are related, plus not more than five additional persons who live

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together in one dwelling. She said a household will now include "one or more handicapped persons as defined in the Fair Housing Amendment, plus not more than five additional persons." She said handicapped will be treated the same as family, and there are no limits on the number of related persons who may live together.

Ms. Richman described the other three amendments, starting with the distinction between drive-through and quick vehicle servicing. She said uncertainty arose in the Kaady Car Wash case as to which Code provision ruled and whether all drive-through businesses are restricted or just those near light rail lines. She said they want to clarify that the intent had always been to not permit drive-through businesses within 100 feet of light rail, including proposed lines after the environmental impact statement has been done. She said this amendment only applies within the Central City Plan district.

Ms. Richman said the next amendment provides for replacement parking in Goose Hollow, which Council already approved by resolution. She said Tri-Met has agreed to replace some parking lost to construction and proposed three land parcels. However, the Central City Plan prohibits such parking, so the current amendment allows conditional use. She said substituted language contained in her July 10 memo to Council reflects discussion with the neighborhood and proposes conditional use subject to a hearing and meeting approval criteria.

Ms. Richman said the final amendment involves increasing the floor area ratio in a small portion of the Goose Hollow Neighborhood along the light rail line. She said the Central City Plan stepped down building intensity around the edges of the plan district, but inadvertently stepped it down to an FAR 3 to 1 in an area completely surrounded by 4 to 1, thereby creating a density valley along the light rail line. She said the amendment increases the FAR by 1, removes the valley and adds density along the line.

Mayor Clark said that since he is in that density valley, he should probably abstain.

Lew Delo, 5784 SW Taylor, 97221, trustee for the Multnomah Athletic Club and member of Goose Hollow Foothills League light rail

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subcommittee, said the League supports the proposals. He complimented Planning staff for accommodating the neighborhood and reaching a good compromise.

Jim Wrigley, Legal Aid, 310 SW 4th, #900, 97204, thanked the City for bringing the zoning ordinance into compliance with the Fair Housing Act, as the law requires.

Peter Fry, Central Eastside Industrial Council, 733 SW 2nd, 97204, presented a letter from the land use committee regarding the distinction between drive-throughs and quick vehicle servicing. He said the CIC argues this is a significant policy change that should be debated at the Planning Commission level. He said the policy change goes from a light rail street, which is a street with a light rail line in it, to an alignment, which is a street or public right-of-way that has a light rail in it or has been designated as a preferred alternative light rail alignment. He said an alternative light rail alignment is defined as a street or other right-of-way designated as a future light rail alignment. He said this changes the situation from regulating a street with tracks in it to regulating a street where tracks are intended. He said the definition should be tied to the Comprehensive Plan so that a developer would know the street is designated as a light rail alignment. He said the staff report also mentioned inappropriate development without defining it, and CIC is concerned about Grand Avenue, MLK or the railroad line, all of which are currently viewed as good streets for light rail or trolley. He asked if trolley alignments are considered light rail alignments if tracks on the street are used. He asked that the two definitions be taken back to the Planning Commission for further discussion.

Joe Angel, 1410 SW Jefferson, said the Goose Hollow issues might have an impact on how drive-through uses are defined citywide. He said he participated in a Planning Commission study that determined that high density uses which encourage pedestrian traffic should be encouraged within walking distance of a light rail station. He said they wrote a policy that within 100 feet of the station there should not be uses like gasoline stations that are not consistent with a pedestrian environment. Mr. Angel said he was surprised that the Code changed to a concept of staying 100 feet away from alignment. He said this policy provides that if the property is within 100 feet, but 400 feet deep, the property can't involve a use that might impact the line. He said such a policy should exist around stations, but not on auto-oriented streets such as Grand or

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Union Avenues where it would prevent businesses from expanding or remodeling. He said the issue needs to be debated further before the Planning Commission.

Mayor Clark said this amendment was a response to a specific problem and was not developed as a policy issue.

Commissioner Lindberg asked if Mr. Angel opposed restrictions on drive-throughs and related businesses on the same street within 100 feet of stations.

Mr. Angel said he would not be opposed it if it was restricted to uses 100 feet away from the station. He said the current language excludes the whole property if it is within 100 feet, adding that the City should restrict the use but not the whole property.

Commissioner Lindberg asked if he were against regulations pertaining to drive-throughs along light rail alignments on those streets

Mr. Angel said yes.

Commissioner Lindberg asked if Mr. Angel had property in that neighborhood or whether it was an overall property issue.

Mr. Angel said they tried to keep Burnside residential, with commercial only at the nodes. Streets like Union and Grand have historical patterns of commercial use and cars there are not necessarily going to lead to problems.

Ms. Richman said the policy debate on this issue occurred during development of the Central City Plan. She said they decided to prohibit drive-through businesses within 100 feet of a light rail street. She said light rail regulations apply to the entire line because in the Central City almost everything is within 100 feet of the stations, there is much more within 100 feet of the station than outside it and the stations are close together. She said the only change in the Central City Plan is to alignment, which means protecting streets once routes are picked. She said if they draw those circles, they have bits and pieces of land left in between. She said the Central City Plan is not being changed here, it says drive-throughs are prohibited within 100 feet of a light rail street, and the only change is to alignment, which means protecting it when

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the environmental impact statement picks that route, one to two years before construction begins. She said no protections have been placed on streets not yet identified as light rail alignments.

Commissioner Kafoury said Grand Avenue and Union are not designated routes yet, so there would not be prohibitions there yet.

Commissioner Blumenauer said it just applies to the downtown Goose Hollow subdistricts.

Ms. Richman said they are prohibited anywhere within 100 feet of a light rail alignment within the Central City Plan district.

Commissioner Lindberg asked what in the Plan is being amended now.

Ms. Richman said the reference to light rail line alignment and provisions about placement of quick vehicle servicing. Conflicting language about drive-throughs has been eliminated and prohibitions on quick vehicle servicing are being dropped so that the prohibitions on drive-throughs rules.

Commissioner Lindberg asked if it were correct to say that quick vehicle serving would not be allowed on any street with a light rail line or a designated alignment in the Central City.

Ms. Richman said it would apply only to those that went through the environmental impact review process. The two differences are that they will restrict development along those streets earlier, not after the line is actually built, and that all drive-throughs are prohibited. She said this was directed by Council after the Kaady Car Wash case; it is not a policy change but a clarification of Central City Plan intent. She said the Code does not apply to low capacity district level or excursion level transit service such as trolley lines. She said tying it to the Comprehensive Plan would mean having to amend the Plan map every time they designated an alignment after an environmental impact statement, which would be expensive and cumbersome. She said if they changed the alignment, they would have to do another impact statement, which is a more onerous procedure, and they currently do not have to tie the alignments to the Comprehensive Plan, just zoning.

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Commissioner Blumenauer said he would like to study the potential interaction with streetcar alignments that might have unintended spillover effects, such as near the new OMSI site where there might be auto-related uses.

Ms. Richman said that area might not be in the Central City Plan district. She said auto- and truck-oriented businesses are not prohibited, just the drive-through, and industrial zoning will allow automotive service that isn't drive-through. The concern about part of a site extending more than 100 square feet does not prohibit anything but a drive-through within 100 feet of the light rail.

Commissioner Blumenauer said he does not want to pass something that might have unintended consequences.

Ms. Richman said this is an emergency ordinance because the increase in floor area ratio in Goose Hollow directly affects the building of a Multnomah Athletic Club parking lot and because they want to enact the fair housing amendments as soon as possible. She said replacement parking needs to be addressed.

Commissioner Kafoury recommended referring the contested item back.

Commissioner Blumenauer moved to delete the provision regarding drive-throughs from the ordinance. Commissioner Kafoury seconded and the motion carried. (Y-5)

Commissioner Blumenauer asked what complaints are anticipated once the handicap definitions are adopted the limit on unrelated people living together is removed.

Ms. Richman said because funding for group living is still so tight they do not expect to see a lot of new facilities, but there are concerns about facilities locating without any possible review. She said experience indicates there are few negative impacts from such facilities and more options for special housing will allow people to remain in their own neighborhoods.

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Commissioner Kafoury said there already are problems with too many related people living in houses designed for small families. They hope the Fair Housing Initiative will develop some processes for working with the neighborhoods.

Disposition: Ordinance No. 165681 as amended. (Y-5)

- 1313** Tentatively grant appeal of Glisan Street Associates, Ltd., applicant, and amend Hearing Officer's decision approving, with conditions, a request to change a nonconforming use in order to remove the existing building and construct a new one at 2301 NW Glisan Street (Continued; Findings; 91-00786 NU)

Disposition: Continued to July 22, 1992 at 2:00 p.m.

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

JULY 16, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF JULY, 1992 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

1314 TIME CERTAIN: 2:00 PM - Recommendations concerning Radio Cab Company's appeal of the Taxicab Supervisor's decision not to permit additional taxicabs in Portland (Report; Hearing on Appeal)

Discussion: Dennis Nelson, Manager, Bureau of Licenses, said the Taxicab Supervisor conducted a biennial study of the taxicab industry to determine the number and type of vehicles that should be operated in the City and found no demand for increased numbers of conventional taxis since 40 new permits were awarded two years ago in anticipation of the opening of the Convention Center. He said demand for accessible transportation is growing. Recognizing the needs of the disabled community, regulators want each fleet to be 20 per cent accessible, instead of the current 12 per cent. He said the supervisor decided to: 1) issue no additional permits for the next two years; b) give New Rose City Cab until June 30 to bring its fleet up to required numbers or lose those permits they are not using; 3) emphasize the 20 per cent accessible goal. He said Radio Cab appealed this decision, asking for 15 additional wheel-chair accessible cabs due to greater demand for both conventional and accessible service.

Mr. Nelson said the Supervisor, following an inspection of each company, recommends reducing the maximum number of cabs that may be operated by New Rose City from 19 to 16, with three of the remaining to be accessible, and giving those three permits to Radio Cab conditioned as wheelchair accessible. He also recommends giving Broadway Cab until Oct. 16 to have its number of required accessible cabs in place or lose those permits. He said these recommendations will not increase the number of cabs, but do increase the number of accessible by three and bring Broadway into compliance.

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Jeff Merrick, attorney for Radio Cab Company, 1001 SW 5th Ave., Portland, described the special transportation needs of persons with physical limitations. He said the regulations should define an accessible cab, because only vans with lifts are fully accessible, but vans fitted merely with ramps cannot accommodate some scooters. He recommended requiring fully accessible vehicles so everyone can use them. He said all Radio Cabs are fully accessible, but Broadway Cab has only two or three with lifts, and neither Portland Cab nor New Rose City have any fully accessible vehicles. He said Radio Cab is providing the best service, carefully screening its drivers and using only Department of Transportation-approved straps and tie-downs. He said demand has risen for accessible service from 383 calls per month to 1723, and Radio Cab is running at full capacity. He requested 12 wheelchair accessible permits for Radio Cab, not three, noting Broadway Cab's failure to meet conditions calling for half its fleet to be accessible by August, 1990.

Commissioner Lindberg asked how many taxis are now retrofitted.

Mr. Merrick said 12 in Portland, two in Beaverton and one in Gresham, all with lifts and DOT tie-downs.

Commissioner Lindberg asked what percentage of time those vehicles are used for accessible purposes.

Mr. Merrick said he does not have statistics, but knows demand has grown tremendously.

Patricia Montgomery, New Rose City Cab Company, said they think the City's current arrangement is good.

Anthony Caspio, Manager, Broadway Cab Company, 1734 NW 15th Ave., said Radio Cab has made inaccurate, misleading assertions. He said Broadway Cab was in disarray when it was managed by an elected board of cabdrivers and had to file Chapter 11 but has made major managerial improvements recently. Its response time is the best ever and customer complaints are down. He said they are weeding out drivers with different standards from management's and moving towards a more stable, responsible workforce. He said the company is upgrading sedans and has replaced 61 vehicles, or 45 per cent of the fleet. He said the van fleet only diminished for a short time.

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Gene Brown, Broadway Cab driver, 1734 NW 15th Ave., said granting more permits to Radio Cab will affect all cab drivers because there are already more cabs than necessary. He said Radio Cab wants more vehicles in their fleet to make more money, not to provide better service. He said Broadway bought accessible vans for drivers who did not have the money, and Radio Cab could buy vans for drivers driving old lorries.

George Van Hoomissen, President, Broadway Cab, said Radio Cab has no commitment to the mobility-impaired and is using an opportunistic ploy to sell permits to gullible entrepreneurs. He said the taxi supervisor determined Radio Cab had the lowest percentage of its fleet accessible out of all four taxi companies. He said Broadway Cab has operated the largest fleet of accessible taxis in the City, and although the fleet has temporarily declined, it is being restored to full strength. He said they will add five vans within the next two weeks, and the required number in no more than 90 days. He said if Radio Cab were required to meet the same 12.5 per cent accessibility standard Broadway is required to meet, Radio would have 15 vans which is one more than the Bureau recommends they have and four more than they have now. He said they can convert existing sedans to wheelchair vans, just as Broadway is required to do.

The following people spoke in favor of Radio Cab's appeal:

Bonnie Matsler, 2219 SE 68th, Box 25, Portland 97215

David Gaines, President, Chin-up Club

Ann Davis, 9515 NW Leahy Rd., Portland 97229

Mike Sadewhite, 1034 N. Jantzen, Portland

Bill Muir, 2044 N. Webster, Portland 97213

Ellen Latterman, 3530 SE 84th, #214, Portland

Marilyn Mork, 2116 NE 49th, Portland 97213

Laurie P. Sitton, 4721 SW 38th Ave., Portland 97202

Proponents said service for the disabled is inadequate and described dangerous procedures they had encountered in securing wheelchairs and tying down passengers. They also emphasized the need for lifts rather than ramps. They cited positive experiences with Radio Cab, including ready service, vans with lifts, and commitment to clients needing special services.

Mike Sadewhite, cab operator, said the City should require lifts and DOT-certified tie-downs on all accessible taxis.

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Laurie Sitton, City-County Advisory Committee on the Disabled, said they support the request for additional accessible permits to provide reliable transportation and encourage disabled persons to get out and participate in the community.

Commissioner Lindberg asked about the allegation that Radio Cab wanted 15 additional permits to make more money, not to provide more accessible service.

Mr. Nelson said there is no evidence supporting the Radio Cab claim. He said regulators feel strongly there are enough cabs on the street, with the goal of making 20 percent of them accessible. He said the Bureau's recommendation giving them the three permits from Rose City, is a compromise. He said companies should start first by converting current cabs to reach the goal, and then make sure they are being utilized for that purpose.

Commissioner Lindberg asked if testimony today attesting to the need for service accurately reflects gaps in service as well as quality and safety issues.

Mr. Nelson said service to the disabled is still lacking in quantity, timeliness and other aspects. They are highly concerned about safety standards.

Commissioner Kafoury asked what the City is doing to address safety standards and suggested that there be an office for people to call and a forum other than Council to debate these issues and consider complaints.

Mr. Nelson said he is proposing a review board to debate the issues and his office inspects cabs in response to complaints. He said currently ramps are acceptable but a review of ODOT standards is needed.

Mayor Clark said it is important to develop safety standards, noting that there is no maximum on the number of accessible vehicles.

Disposition: Accepted. (Y-4)

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1315 **Recommendations of the Taxicab Supervisor concerning taxicab regulatory policies and practices (Report)**

Discussion: Dennis Nelson, Manager, Bureau of Licenses, said last fall the Bureau began a study to determine the appropriate number of cabs and to review regulatory policies relating to market entry, rates, public safety and service quality. He said demand for cabs is increasing and while the current system is relatively good, there is not enough enforcement, not all company and rider concerns are being addressed, and a forum is needed for resolving issues. He asked Council to consider formation of a taxi review board with rule-making and disciplinary authority. He said they also propose an increase in staffing from a part-time to full-time position funded by increased fees.

Commissioner Kafoury said perhaps not everyone is aware they can contact the taxicab regulator's office.

Dennis Nelson agreed lines of communication should be improved. He stressed that companies handle most complaints, and the City receives only a small number considering all the business the industry handles.

Commissioner Lindberg asked how a competitive market can operate with City regulations. He asked how regulators arrived at the conclusion there are enough taxis now in Portland.

Mr. Nelson said marketing strategy and service quality are biggest indicators. He said the supervisor looks at airport travelers, convention delegates, public mass transit ridership, population increases and decreases and measures how much change has occurred. He said they do a preliminary report for public comment and they look at the lineup at the airport and at the Hilton stand. The taxi supervisor also gets comments from citizens. He said the situation is not working well, but it could be a lot worse, and there are no quick remedies.

Jim Roysden, 4515 NE 77th, Portland, said he saw a need for reform in the taxi business. He said a new contract assessed drivers a weekly fee before they could collect their money and implemented impractical rules and guidelines.

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Marilyn Mork, 2116 NE 49th, said after she discussed problems with Broadway Cab, the Commission on Aging decided to send the City a letter, but it took a week to discover the proper person to whom to send it.

Bill Muir said a review board should include two representatives of driver organizations and one of the special needs population. He said the current system is not working well.

Laurie Sitton suggested that the review board include a representative from the disabled community who is involved in a regularly meeting committee.

Disposition: Accepted. (Y-4)

***S-1316** Delete Chapter 16.48 from Title 16 and add Chapter 16.40 (Ordinance; amend Title 16)

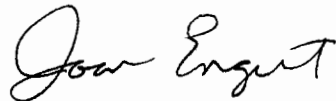
Discussion: Commissioner Bogle said the Council needs to meet with License Bureau personnel to discuss safety issues.

Dennis Nelson, License Bureau Manager, said the City Attorney needs to clean up some of the Code language and other issues can also be resolved.

Disposition: Referred to Commissioner of Public Safety.

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

BARBARA CLARK
Auditor of the City of Portland



By **Joan Engert**
Acting Clerk of the Council