



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF AUGUST, 1999 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda No. 1184 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1168** Accept bid of Bell and Howell to furnish lease of inserting system for \$188,350 (Purchasing Report - Bid 99210)

**Disposition:** Accepted; prepare contract.

- 1169** Accept bid of Triad Mechanical, Inc. to furnish Columbia Boulevard Wastewater Treatment Plant odor control project-sewer cleaning unloading area for \$119,600 (Purchasing Report - Bid 99262)

**Disposition:** Accepted; prepare contract.

- 1170** Accept bid of Werbin West Contracting for SW/NW Waterfront Park for \$129,765 (Purchasing Report - Bid 99268)

**Disposition:** Accepted; prepare contract.

- 1171** Accept bid of Advanced American Diving Service, Inc. to furnish Bull Run Lake fish habitat structures Phase II for \$48,678 (Purchasing Report - Bid 99321)

**Disposition:** Accepted; prepare contract.

**Mayor Vera Katz**

- 1172** Confirm appointment of Clark Brockman to the Portland Adjustment Committee (Report)

**Disposition:** Confirmed.

- 1173** Authorize Golf System Revenue Bonds (Ordinance)

**Disposition:** Passed to Second Reading August 25, 1999 at 9:30 a.m.

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- \*1174** Authorize Revenue Bonds to finance various projects (Ordinance)

**Disposition:** Ordinance No. 173652.

- \*1175** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Saga Software, Inc. for annual software maintenance (Ordinance)

**Disposition:** Ordinance No. 173653.

- \*1176** Authorize contractual agreement with Magellan Behavioral Health dba CAPE Employee Assistance Program to provide counseling services to the City of Portland's eligible employees and family members for 1999-2004 (Ordinance)

**Disposition:** Ordinance No. 173654.

- \*1177** Authorize contractual agreement with Alternare Health Services, Inc. to provide discounted chiropractic services to participants of the City's self-insured health plans and participants of the Fire and Police Disability and Retirement Plan for 1999-2004 (Ordinance)

**Disposition:** Ordinance No. 173655.

**Commissioner Jim Francesconi**

- \*1178** Authorize easement for access to fireboat on Hayden Island (Ordinance)

**Disposition:** Ordinance No. 173656.

- \*1179** Amend intergovernmental agreement with Oregon Health Sciences University for an additional \$8,962 (Ordinance; amend Contract No. 30982)

**Disposition:** Ordinance No. 173657.

- \*1180** Authorize the extension of agreements with Multnomah County and the Boys and Girls Club to continue the Outreach Pilot Program for FY 1999-2000 (Ordinance; amend Contract No. 51146)

**Disposition:** Ordinance No. 173658.

- \*1181** Accept a grant from METRO in the amount of \$10,000 for FY 1999-2000 to continue restoration of a pond in East Delta Park (Ordinance)

**Disposition:** Ordinance No. 173659.

- \*1182** Accept a grant from Multnomah County in the amount of \$67,643 for FY 1999-2000 for operation of an integration program for senior citizens who have mental retardation/developmental disabilities (Ordinance)

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**Disposition:** Ordinance No. 173660.

- \*1183** Authorize an agreement with the Friends of the Children's Museum to provide a grant for payment of the President of the Children's Museum for fiscal year 1999-2000 (Ordinance)

**Disposition:** Ordinance No. 173661.

- \*1185** Grant permits to provide Specially Attended Transportation services in the city to Tamarat Alumu, dba Tam's Trans, and Dewain Horger, dba Dewain's Transport (Ordinance)

**Disposition:** Ordinance No. 173662.

**Commissioner Charlie Hales**

- \*1186** Designate and assign a City-owned parcel of land as public street area (Ordinance)

**Disposition:** Ordinance No. 173663.

- \*1187** Authorize a cooperative agreement between the Oregon Department of Transportation, Tri-Met and the City of Portland to establish a regional committee to manage telecommunications infrastructure (Ordinance; supplement Agreement No. 50856)

**Disposition:** Ordinance No. 173664.

**Commissioner Dan Saltzman**

- 1188** Accept completion of the Inverness Force main, Section "F," Project No. 6372 and authorize final payment to John L. Jersey & Son (Report; Contract No. 31796)

**Disposition:** Accepted.

- \*1189** Authorize emergency bidding procedures and a contract and provide payment for installation of pipe protection for the Lents interceptor crossing Johnson Creek, project No. 6500 (Ordinance)

**Disposition:** Ordinance No. 173665.

- 1190** Accept a license agreement for the Inverness Trail project, granted by the Union Pacific Railroad Company, and authorize total payment of \$135,000 (Ordinance)

**Disposition:** Ordinance No. 173666.

- 1191** Consent to the transfer of Refuse Removal, Inc. solid waste and recycling franchise to Refuse Removal, Inc. as a wholly-owned subsidiary of Waste Connections, Inc. (Second Reading Agenda 1147)

**Disposition:** Ordinance No. 173667.

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- 1192** Contract with Global Diving & Salvage, Inc. for diving inspection services associated with the construction of the Columbia Boulevard wet weather treatment facilities outfall project, Project No. 5302 (Second Reading Agenda 1148)

**Disposition:** Ordinance No. 173668.

**Commissioner Erik Sten**

- \*1193** Authorize Commissioner of Public Works and Auditor to sign Memorandum of Understanding with Gresham, Oregon relating to ground water quality protection (Ordinance)

**Disposition:** Ordinance No. 173669.

- \*1194** Authorize an agreement with Kennedy/Jenks Consultants, Inc. for an amount not to exceed \$876,459 to provide engineering and construction monitoring services for the ground water pump station improvements (Ordinance)

**Disposition:** Ordinance No. 173670.

- \*1195** Authorize a contract with Advanced American Diving Services, Inc. for construction of the Bull Run Lake fish habitat structure Phase II for \$48,678 (Ordinance)

**Disposition:** Ordinance No. 173671.

- \*1196** Authorize a contract with Werbin West Contracting, Inc. to construct the SW/NW Waterfront Park package and provide for payment of \$129,765 (Ordinance)

**Disposition:** Ordinance No. 173672.

- 1197** Authorize the construction of a concrete batch plant at the Water Bureau's Interstate facility (Ordinance)

**Disposition:** Passed to Second Reading August 25, 1999 at 9:30 a.m.

- \*1198** Contract with Sabin Community Development Corporation for \$53,000 to undertake neighborhood revitalization activities along NE Alberta and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173673.

- \*1199** Contract with Oregon Human Development Corporation for \$28,087 to provide targeted resources and services to Hispanic residents at Glisan Street Shelter and Clark Center and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173674.

- \*1200** Contract with REACH Community Development, Inc. for \$27,500 for development of affordable housing and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173675.

- \*1201** Contract with REACH Community Development Corporation, Inc. for \$80,371 for the Community Builders Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173676.

- 1202** Contract with Low Income Housing by Native Americans of Portland, Oregon for \$25,000 to support affordable housing development and provide for payment (Second Reading Agenda 1160)

**Disposition:** Ordinance No. 173677.

**City Auditor Gary Blackmer**

- 1203** Approve Council Minutes for January 6, 1999 through March 31, 1999 (Report)

**Disposition:** Approved.

**REGULAR AGENDA**

- \*1184** Transfer the taxicab company permit of Broadway Cab, Inc. to Yellow Transportation LLC (Ordinance)

**Discussion:** Commissioner Francesconi acknowledged George Van Hoomisen, owner of Broadway Cab, for taking a bankrupt company and turning it into a vital part of the City's ground transportation system. Now he is asking to sell it to another company with a good reputation.

Jim Wadsworth, Director, Bureau of Licenses, said Yellow Transportation asked for permission to purchase Broadway Cab through a stock transfer. The License Bureau then did a technical, financial and legal review, essentially a due diligence effort, and found an excellent basis for approval of the transfer.

Terri Williams, Bureau of Licenses, said Yellow Transportation is a financially stable company and should not have any problems being a major player in the ground transportation system.

George Van Hoomisen, Broadway Cab, said when he decided to sell the company, Yellow Cab Transportation in Denver was the first company he called as he was convinced it was among the sharpest operators in the country.

Steve Fowler, President, Yellow Transportation, said they look forward to doing business in Portland and will keep the Broadway Cab name.

Commissioner Francesconi said under Council's direction more competition has been injected in the taxicab industry. The City is working with the Port on town car issues, particularly with regard to enforcing existing regulations. The bureau will report back with an enforcement plan and update on the system in the next several months.

**Disposition:** Ordinance No. 173678. (Y-4)

**Mayor Vera Katz**

- \*1204 Accept additional funds from the Oregon Department of Transportation to supplement police enforcement of High Occupancy Vehicle lanes (Ordinance; amend Contract No. 51107)

**Disposition:** Ordinance No. 173679. (Y-4)

- 1205 Adopt City of Portland 1999-2001 Equal Employment Opportunity Affirmative Action Plan (Second Reading Agenda 1129)

**Discussion:** Commissioner Francesconi said he has prepared several amendments as a follow up to last week's discussion. Rather than offering them now, he will introduce a resolution next week calling for evaluations of managers by the Commissioners as to their efforts in the affirmative action area. He said he has heard concerns about the evaluation forms but has left that for the Commissioners to decide. However, without some type of evaluation, he does not believe the City will be able to achieve the goals it has set in this area.

Mayor Katz said Commissioner Francesconi has raised some legitimate issues of accountability and she appreciates his holding back on filing the resolution until the procedures are worked out.

Commissioner Francesconi said this community has to do all it can to be inclusive and the City itself has to set the example. Despite its best intentions, the City has not yet become representative of all its people and has actually lost ground in some areas. For that reason, it needs to be tougher.

Commissioner Sten said he supports Commissioner Francesconi's efforts to find a more predictable way to monitor the City's efforts.

**Disposition:** Ordinance No. 173680. (Y-4)

**Commissioner Jim Francesconi**

- 1206 Liquor license application for Drive Thru Wake Up Deli, Inc. dba Drive Thru Wake Up Deli, 5633 SE Division Street, restaurant, liquor license (new outlet); Unfavorable recommendation (Report)

**Discussion:** Judy Ritt, License Bureau, said staff recommends an unfavorable recommendation based on City Code Sections which allow unfavorable recommendations if the licensing of the premises would not be in the best interest of the community. She said the staff report indicates two particularly relevant factors for the unfavorable recommendation. The first is the close proximity of this outlet to child-oriented facilities and the second is the history of the applicant at this location. She said the deli is located directly across from Atkinson Elementary and Franklin High Schools and in close proximity to Clinton Park. Ms. Ritt said Mr. Fares, the applicant, has indicated he wants the liquor

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license in order to be eligible for video poker machines and would not allow minors into the separate room where they are to be located. Entertainment would be limited to background music and alcohol sales will be limited to after 4:00 p.m., when Mr. Fares contends that school kids are not around. He also indicates that no kids are around the building on Saturday or Sunday which is inconsistent with observations from neighbors and staff. Mr. Fares has no apparent experience in the liquor business and the deli has a history of illegal sales of tobacco to minors. He recently was convicted of a tobacco sale to a Police Bureau juvenile decoy. Regarding an earlier illegal sale by an employee, Mr. Fares stated at a neighborhood meeting that he could not control his employees. For these reasons, staff concludes that he is a poor risk to comply with the requirements for lawful operation of a liquor establishment. It also believes the existence of alcohol will exacerbate existing negative impacts. The Police Bureau and Mt. Tabor Neighborhood Association also oppose granting this application. Mr. Fares did not sign the Franklin High School community partnership agreement and thus the Neighborhood Association sought not to pursue a good neighbor agreement with him. The Portland Public School District also opposes this application as do principals and PTAs from both Atkinson and Franklin. Katherine Anderson, a neighborhood crime prevention specialist, is opposed based on her experience approaching Mr. Fares about the issues of truancy and illegal tobacco sales. Representatives of the Reward and Reminder Program and many individual neighbors and parents have also expressed their opposition.

Police Officer Calder said when Mr. Fares was cited for illegal sale of tobacco to a minor, he was hostile and uncooperative to the officer. His statement that he could not control his employees shows that he will continue to be a compliance risk.

Individuals testifying in opposition included:

Patty Kosderka, administrative vice principal Franklin High School  
Adrienne Armstrong, Student Body President, Franklin High School  
Patricia Wisener, 2122 SE 57th, 97215  
Debby Churnside, Chair of the Reward and Reminder Program  
Pearl Jacobson, 2204 SE 55<sup>th</sup> Avenue, 97215  
Katherine Anderson, City Crime Prevention Specialist  
George Brummer, President, South Tabor Neighborhood Association  
Siri Dullum, Franklin High School student and Reward and Reminder program participant  
Paul Leistner, President, Mt. Tabor Neighborhood Association  
Heather Derby-Clark, 2234 SE 55<sup>th</sup> Avenue, 97215  
Maxine Fookson, President, Atkinson PTA  
Raymond McDaniels, Mt. Tabor Middle School student

Opponents said the close proximity of the outlet to Clinton Park and a popular Dairy Queen encourages kids to congregate there and the availability of alcohol will be yet another attractor. They said hundreds of children pass by this store and, after the current owner purchased it, there have been nothing but problems and the owner has been unwilling to cooperate with the neighbors or the schools in solving any of them. They said initially the neighborhood was excited about the opening of a coffee shop here but shortly thereafter Mr. Fares began aggressively selling and advertising cigarettes in order to make his business more successful. Ms. Wisener presented a petition signed by neighbors opposing this application.

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Police Office Kevin Warren said he has conducted two stings at the Wake Up Deli and on both occasions Mr. Fares was hostile and unwilling to work with the Police or neighbors.

Adnan Fares, applicant, explained how he came to operate this business and added that there is no proof of illegal activity and that he has a lot of support from neighbors. He explained how much money he has already invested in this operation and said he would go out of business if he is unable to sell cigarettes or alcohol. He emphasized that he will not serve beer to kids and there will be no bottles for them to buy and take to the park. He said he has tried to cooperate by limiting the hours of operation and by hiring employees who are over 21. He said he tried to operate the business as a coffee shop but found he was unable to pay his overhead and believes the neighbors just do not understand what it takes to run a business. He said it is the neighbors' own kids who cause the vandalism and many of the other problems cited by opponents. In response to a question by the Mayor, he explained that he was hostile to the police officer because he used a bad word towards him and he has witnesses to back this up. He said the property has been commercial for the last 60 years but the neighbors do not seem to want him to operate any kind of business there.

Commissioner Francesconi moved to forward the unfavorable recommendation.  
Commissioner Saltzman seconded.

Commissioner Francesconi gave three reasons for voting for an unfavorable recommendation. First, he supports the effort to protect youth given the outlet's close proximity to schools and the park. Second, there is a preponderance of evidence in the record that the applicant has been uncooperative and, finally, Mr. Fares has a prior history of having sold cigarettes to minors.

Commissioner Saltzman said he is concerned about the illegal sale of cigarettes.

Commissioner Sten when there is a dispute between an operator and the neighborhood and there is no good neighbor agreement, then Council is forced to pick a side.

Mayor Katz said a liquor license is a privilege, not a right. She said Mr. Fares should ask the neighbors what he can do cooperatively with them as they are his clients and if he needs to resort to tobacco, liquor and video poker then something is missing. She suggested he sit down and discuss this with the community as there are coffeehouses that do very well.

**Disposition:** Unfavorably recommended. (Y-4).

#### **Commissioner Charlie Hales**

- \*1207** Revocable permit to St. Stanislaus Church to close North Failing Street between Interstate and Montana Avenues on September 24 through 27, 1999 (Ordinance)

**Disposition:** Ordinance No. 173681. (Y-4)

At 10:45 a.m., Council adjourned.



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GARY BLACKMER  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council

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**WEDNESDAY, 2:00 PM, AUGUST 18, 1999**

**DUE TO THE LACK OF AN AGENDA**

**THERE WAS NO MEETING**