



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF FEBRUARY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

On a Y-4 (Commissioner Saltzman was late) roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 241** Accept proposal of Pacific Coast Construction, Inc. to furnish CM/GC services for the renovation of the University Park Community Center for a total not-to-exceed fee of \$95,289 (Purchasing Report – RFP Bid 99582)

Disposition: Accepted.

Mayor Vera Katz

- 242** Confirm reappointment of Linly Ferris Rees to the Hospital Facilities Authority (Report)

Disposition: Confirmed.

- 243** Confirm appointment of Kevin Murphy and Kieu-Oanh Nguyen to the Hospital Facilities Authority (Report)

Disposition: Confirmed.

- 244** Authorize the Executive Director of the Portland Development Commission to conduct negotiations with North Macadam property owners (Resolution)

Disposition: Resolution No. 35864. (Y-4)

- *245** Authorize the Director of the Office of Finance and Administration to negotiate and enter into an agreement for professional services for a human resources system assessment (Ordinance)

Disposition: Ordinance No. 174182. (Y-4)

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- *246** Authorize a loan from the Oregon Transportation Infrastructure Fund for the NW Lovejoy reconstruction project (Ordinance)

Disposition: Ordinance No. 174183. (Y-4)

- *247** Authorize a loan from the Oregon Transportation Infrastructure Fund for the Portland area landslide repair project (Ordinance)

Disposition: Ordinance No. 174184. (Y-4)

Commissioner Jim Francesconi

- *248** Accept amended flexible service contracts with AGRA Earth & Environmental and Northwest Geotech, Inc. for additional scope of work (Ordinance; amend Contract Nos. 32128 and 32125)

Disposition: Ordinance No. 174185. (Y-4)

Commissioner Charlie Hales

- 249** Set hearing date, 9:30 a.m., Wednesday, March 22, 2000, to vacate an alleyway in Block 32, Portsmouth Addition (Report; C-9971)

Disposition: Adopted.

- 250** Set hearing date, 9:30 a.m., Wednesday, March 22, 2000, to vacate a portion of SW Multnomah Boulevard east of SW 24th Avenue (Report; C-9972)

Disposition: Adopted.

- *251** Amend agreement with the Oregon Department of Transportation to provide for the use of a loan from the Oregon Transportation Infrastructure Bank for the construction portion of the Lovejoy ramp removal and reconstruction project (Ordinance; amend Agreement No. 50920)

Disposition: Ordinance No. 174186. (Y-4)

- *252** Intergovernmental agreement with the Oregon Department of Transportation to provide for a loan from the Oregon Transportation Infrastructure Bank for the construction phase of the Lovejoy ramp removal and reconstruction project (Ordinance)

Disposition: Ordinance No. 174187. (Y-4)

- *253** Amend Intergovernmental Agreement with Multnomah County for additional technical and administrative review for the Lovejoy ramp removal and reconstruction project (Ordinance; amend Intergovernmental Agreement No. 51161)

Disposition: Ordinance No. 174188. (Y-4)

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- 254** Terminate an agreement with the Port of Portland to determine future transportation improvement responsibilities of the City and Port in the area around the Cascade Station/Portland International Center Plan District and the Portland International Airport (Ordinance; Contract No. 24922)

Disposition: Passed to Second Reading March 1, 2000 at 9:30 a.m.

- *255** Authorize agreement with and approve payment to the Union Pacific Railroad Company for lease of facilities related to the Steel Bridge Pedestrian and Bicycle Crossing Project (Ordinance)

Disposition: Ordinance No. 174189. (Y-4)

Commissioner Dan Saltzman

- *256** Contract with PowerWare, Inc. to provide programming and analysis services to replace the existing Info_Net and PTS systems for the Bureau of Environmental Services (Ordinance)

Disposition: Ordinance No. 174190. (Y-4)

Commissioner Erik Sten

- 257** Final payment to Stettler Supply Company for well maintenance and rehabilitation, ground water well sites 1, 6, and 11 (Report; Contract No. 32293)

Disposition: Accepted.

- 258** Final payment to NW General , Inc. for regulator vault replacement, SW Vista and SW Park Place (Report; Contract No. 32504)

Disposition: Accepted.

- 259** Final payment to Pacific Northern Environmental, Inc. for Westinghouse parking lot and site improvements (Report; Contract No. 32538)

Disposition: Accepted.

- 260** Authorize Mt. Hood Cable Regulatory Commission to develop and negotiate competitive cable and telecommunications franchise agreement or agreements (Resolution)

Disposition: Resolution No. 35865. (Y-4)

- 261** Authorize the City Attorney to intervene and participate in the Oregon Public Utility Commission's review of the application of Sierra Pacific Resource to acquire Portland General Electric Company (Resolution)

Disposition: Resolution No. 35866. (Y-4)

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- *262** Contract with City of Gresham for \$538,015 for the HOME Investment Partnership Program and provide for payment (Ordinance)

Disposition: Ordinance No. 174191. (Y-4)

- *263** Contract with Low Income Housing by Native Americans of Portland, Oregon for \$30,000 for the development of affordable rental housing and provide for payment (Ordinance)

Disposition: Ordinance No. 174192. (Y-4)

- *264** Contract with Neighborhood Pride Team for \$20,000 for the Neighborhood Pride Team's Entrepreneurial Training Program and provide for payment (Ordinance)

Disposition: Ordinance No. 174193. (Y-4)

- 265** Amend contract with Jeanne Lawson Associates for planning and public involvement professional services to protect the Columbia South Shore well field, at a cost not to exceed \$45,000 (Ordinance)

Disposition: Passed to Second Reading March 1, 2000 at 9:30 a.m.

- 266** Authorize an agreement with Alpha Engineering for \$300,000 for design and technical services for water system improvement projects and other design services as may be required (Second Reading Agenda 223)

Disposition: Ordinance No. 174194. (Y-4)

REGULAR AGENDA

- 237** **TIME CERTAIN: 9:30 AM** – Accept the Opportunity Gateway Redevelopment Strategy and Concept Plan as a guide to growth for the Gateway Regional Center and direct the Opportunity Gateway Program Advisory Committee to continue providing oversight for development activity in the district (Resolution introduced by Mayor Katz)

Discussion: Kenny Asher, Portland Development Commission (PDC), said this was truly a community plan. He said the Concept Plan is intended to be a 20-year vision for bringing growth to Gateway. Both the allocation of the 2040 funds, proposed by the Mayor, and the interim Right-of-Way Plan, introduced by Commissioner Hales, fit neatly into the Gateway redevelopment strategy. While PDC has been the lead, the project has been a model of interagency collaboration and co-management.

Abe Farkas, Director of Development, PDC, said a multi-bureau team has worked on the Gateway project for the past two years. This is an opportunity to realize the 2040 objectives and the redevelopment potential in Gateway, along with efforts in both Lents and Airport Way. It will be a transportation nexus for the airport light rail.

Commissioner Francesconi asked if Mr. Farkas thought Gateway should be a tax increment district.

Mr. Farkas said the citizens of the area are involved in that discussion now.

Mayor Katz pointed out that PDC policy requires the Urban Renewal designation to come from the community itself.

Dick Cooley, Chair, Program Advisory Committee (PAC), said PAC has passed a resolution to explore Urban Renewal, which requires Council, PDC and community support to make it successful. He said this plan is vision in which the Gateway area is transformed into a concentrated, cohesive regional center, destination for shopping, working and recreation, as well as homes. He noted the regional center contains 650 acres and stretches for two miles from Woodland Park on the north to the Adventist Medical Center on the south and mentioned commercial build-up locations. The district contains a huge transportation infrastructure, sitting at the intersection of two major freeways, bisected by four major arterials, with two light rail stations and will soon be directly connected to the Portland International Airport by MAX. By 2020, Gateway will be more readily accessible to more people than any other part of the City, including downtown. Mr. Cooley said the Concept map is a vision of the future of Gateway to serve as a guide for policy decisions, private plans and developments and a measure of certainty for adjacent residents. It is a tool, more easily ignored than implemented, and is a place to begin for those who see the potential of Gateway. The key transportation goal is to make the district work better for all modes of travel by emphasizing greater productivity and improved traffic management. The Gateway vision would improve 102nd Avenue as a boulevard, transform 99th Avenue into a significant north-south street with a local identity, develop open spaces and parks which would serve and define the regional center, develop the station areas, develop housing and a civic presence, insisting on good design for both public and private projects.

Bonnie McKnight, Chair of Community Involvement subcommittee, said she has been involved with many of the community efforts. This plan can assist change from a automobile-oriented environment with informed community participation. There soon will be a major community discussion of open space and the plan will be presented to all the impacted associations, mailed to entire mailing lists and other outreach.

Dorene Warner, Housing Director, Human Solutions, said her company is about to begin construction on Park Vista, 59 units of affordable housing in the Gateway area. She pointed out that, after affordable housing, the second highest risk factor for low income people is transportation to get to work, shop, take children to the doctor, and so much more. She said the second key strategy highlighted in the Concept Plan is to undertake selected improvements immediately. These projects must be supported by the community, consistent with the Concept Plan, have high visibility and livability, leverage private and public funding support and be cost-effective. There is a possibility of 2040 capital reserve funds for a project in Gateway and there are several properties that today stand out as urgent opportunities. The program advisory committee asked her subcommittee to acquire a highly-visible site as soon as possible. The ultimate target use would be a park, but the first project should have the capacity to leverage additional funds and move on a fast track.

Sharon Owen, Hazelwood Neighborhood Association and member of both the board and the land use committee, said Gateway has been a fairly featureless suburban area so one of the three most important parts in planning is design. A key piece of the strategy is a design overlay zone.

Arlene Kimura, Hazelwood Neighborhood Association land use co-chair and chair of the project reviews for Opportunity Gateway subcommittee, said a recent review was the Mall 205 remodeling for its compatibility with the Concept Plan. Opportunity Gateway reinforces neighborhood concerns about design, gives the community some professional expertise and validates the issue that good design, properly sited, promotes the evolution of the neighborhood without being dull.

Beth Baltz, Adventist Medical Center representative on the program advisory committee, said transportation is very important to the Center as it is the largest employee in the area. Access to the freeway from the area around it and the Center needs to be evaluated. Because she comes from a medical background, she thinks of infrastructure as the skeleton, the nervous system and circulation. Connectivity is crucial and the PAC has approved an interim right-of-way plan as the area develops, before the final plan is in place in 18 months.

Ted Gilbert, property owner in the Gateway Station area and member of the PAC, said the Gateway area presents an extraordinary opportunity for the entire region. This Plan describes phasing the renaissance of Gateway over 20 years, but citizens have asked what are they getting for their money and when will they see something tangible. So, the first proposed phase is Gateway Station, which is described by Metro as the most accessible location in the region.

Mr. Cooley said there are two companion items today – a resolution to dedicate \$400,000 of 2040 set-aside funds to begin to implement the Gateway Plan and a resolution to establish the interim right-of-way plan for new development.

Commissioner Sten asked what the \$421,000 will do.

Mr. Cooley said even before they knew there would be that money, the PAC decided that a key development strategy was immediate improvements, described on Page 27. They wanted to show the community what can happen, preferably a park acquisition.

Commissioner Sten said his concern was piecemealing this money which may not be very much to a plan like this, but is a tremendous amount from the General Fund and needs to actually get to projects, not more process. He believes this probably needs to head toward an Urban Renewal district to implement the vision and he wants the \$400,000 to leverage the big picture.

Mr. Cooley said they need to stabilize the situation now with concrete, immediate action and \$400,000 can do that.

Commissioner Francesconi said \$400,000 was not nearly enough for a park acquisition, so they are trying to get Systems Development Charge (SDC) money to patch it. If it is tax increment, it takes money away from the General Fund.

Commissioner Hales said a version of this issue came up during the Interstate Avenue discussions of the possibility for redevelopment sites – should we be buying options. The SDC is an important tool but is not sufficient. There is no mechanism to buy park sites before development. Some East Portland sites were deeded to the City from Multnomah County after they had taken them in foreclosure. Both Gateway and Hollywood need a mechanism because the land is gone once the SDC money comes in.

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Commissioner Saltzman said he was confused about the "key development strategy for immediate development" and Gateway station being the first phase.

Mr. Cooley said they are two different things. The 99th and Pacific corner is a beautiful, first phase project but not an immediate project. He said a successful regional center at Gateway is the most important role Portland will play in the 2040 Plan.

Mayor Katz said about four years ago David Knowles, the former Planning Director, said ballot measures 47 and 50 with force the City to do things differently. Council has an obligation to meet the 2040 goals but they will be undermined without a financial commitment, which undermines the ability to manage growth and maintain the commitment to the community. She took the advice seriously in crafting the budget and offered the creation of a 2040 fund. The money needs to be set aside to use when the opportunities come up. The \$421,000 was identified because of the size and scope of a regional center compared to main streets or a town center and the opportunity to immediately do something significant. This pretty much uses the 2040 fund and resources will have to be put aside again in the fund to manage growth. People in the community are beginning to realize that an Urban Renewal district has resource potential.

Commissioner Francesconi suggested authorizing the intersection project and Gateway and Hollywood getting together to come up with specific proposals.

Mr. Cooley said the transportation project would simply buy right-of-way to straighten 99th and Glisan and, hopefully, not cost \$125,000. He said they will bring Council a project that will have leverage associated with it and go a lot further than people expect.

Commissioner Hales said this is one of the most intelligent and cohesive plans by a neighborhood to chart its future that Council has seen. The problem is there is no responsible public agency to acquire the park land as PDC says this is not an Urban Renewal district and the Parks Bureau has no money. If Council gives money for general 2040 purposes and expectations that this is a real plan are raised, the real estate prices will also be raised and make it harder to buy the park. We, as a City, don't know how to buy the park first – before the prices rise. How can the park acquisition be solved in this great plan.

Mr. Gilbert said the beauty of the opportunity of a public square at Gateway Station is that it is already in the public domain. His company owns five acres close to the transit center and they plan to do a "village" of intergenerational housing, incorporating a green space in it. He cautioned about negotiating to leverage the \$400,000, as leveraging momentum is as important as leveraging money.

Commissioner Francesconi said Parks needs help from private sector funds and the Council needs to commit to do something to help Hollywood.

Mr. Cooley said the neighborhood would leverage the money. One place is non-profit through grants, another is private through contributions and a third is the park money itself. They would expect Parks to be a leverage partner by improving that park. He said land prices likely will not go up immediately.

Commissioner Sten said using the 2040 fund money to buy the Rosemont land was appropriate. He is comfortable putting money aside for that fund.

Mr. Asher said there is a capital improvement plan and a long list of projects and the committee has not been caught flat-footed by this gift, but it does want to be very deliberative.

Barbara Stickley, PAC team member, said she got involved for the future citizens living in the area who will be able to work and travel (by foot, too) there.

Mary Kowalsky, 10100 NE Prescott, 97220, PAC member and Education sub-committee Chair, said the committee brings educational entities together as well as community citizen representation for a long-and-short view conversation about education. The community college is the most trusted delivery system to supply a skilled work force and provide life-long learning opportunities to a range of citizens. This project has become part of the Mt. Hood Community College strategic plan.

Chuck, no last name given, said he was concerned the traffic may be pushed into the side streets, the property tax may rise and affordable housing become rare.

Bob Ueland, Hollywood Neighborhood Association and Hollywood Development Corporation, said the funds do get leveraged, such as someone requesting a \$4,000 grant for a \$12,000 improvement.

Pamela Alegria, Citizens Work Group for the Hollywood and Sandy Plan, said this was a beginning for an attractive town center.

Commissioner Francesconi said he looked forward to the "civic" presence that will be created in Gateway and hopes an educational and an arts center are developed. He said the lack of low income housing in this good economy was scandalous.

Commissioner Hales said this was a great grass roots effort to plan a healthy neighborhood for the future and the plan is a very sound one.

Commissioner Saltzman commended the work done with Multnomah County that located the child abuse center at 102nd and Burnside.

Commissioner Sten said it is probably underestimated how vital this area is to the region. He pointed out the need for a mixed-income community, as the danger of new development is that it is too expensive.

Mayor Katz congratulated the community's recognition that the community will change and that change will have to be managed. She noted that the small amounts given to neighborhoods and business communities have been leveraged into twice or more as much. The plan's future relies on the people who have worked on and created this plan to go out and communicate with the neighborhoods, and to keep doing so.

Disposition: Resolution No. 35867. (Y-5)

Authorize the Portland Development Commission to expend funds to further Region 2040 planning goals in the Gateway Regional Center and the Hollywood Town Center/Sandy Main Street (Resolution introduced by Mayor Katz)

Discussion: Mayor Katz cautioned that there were other target areas where planning is beginning to occur, all of which will raise expectations and require a funding strategy for those communities. She is going to try to set money aside for these communities for the next 20 years.

Disposition: Resolution No. 35868. (Y-5)

- 239** Accept report and recommendation of the city Engineer regarding the Interim Right of Way Plan for Gateway Regional Center (Report introduced by Commissioner Hales)

Disposition: Accepted. (Y-5)

- 240** **TIME CERTAIN: 11:00 AM** – Agreement with Multnomah County for Schools Uniting Neighborhoods (SUN) Schools initiative (Ordinance introduced by Commissioner Francesconi)

Discussion: Commissioner Francesconi said a brief update is timely, as now is when the money is transferred to Multnomah County. The City needs to talk with the County about integrating social services – to take a regional approach. He noted that after-school activities are very important.

Peter Hamilton, Director of Middle School Student Achievement for Portland Public Schools (PPS), said the program has recently been expanded to 11 schools. After school, during the weekends and summer, students need positive role models and recreation and additional help in the high poverty areas. At every site, the three-legged stool of academic support, recreation and social services is being fine-tuned. The City's support has tripled.

Michelle Winningham said she is a parent who has worked for the past year on the SUN school effort. As the Centennial district has no defined community, it is the school district that takes this role and the community is growing. They are already working to leverage the SUN school grant with the 21st Century Learning Center and the Safe School grants. A long-term, stable source of funding for the SUN program is necessary and crucial to leverage other funding.

Mike Verbout, James John Principal, said children did not lack intelligence, ability or skills but they often lack equal access. They are most vulnerable after school, weekends and summertime. It is very important to approach kids and families holistically as children's cognitive abilities are adversely affected when their personal domain is in disarray.

Vonnie Condon, an outer Southeast principal, said this program has made a huge impact on our families. She said the school building was in full use nearly 100 percent of the time and they are looking at opening on Saturday.

Van Le, Multnomah County Central Evaluation Research Unit, said her charge is to deliver to Council a good and high quality evaluation. Because this program is receiving national attention and there is an effort to seek national funding, an outside evaluator is important.

Shelley Kowalski, Multnomah County Evaluation Unit, said the process is collaborative, which mirrors the SUN initiative, and also ensures a lot of buy-in and support which not

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only helps them with evaluation but gives access to resources. It takes a minimum of three years to create an evaluation.

Commissioner Saltzman asked if they already hired an outside evaluator, for \$45,000 a year.

Ms. Le said yes, for the first year (they hire on an annual basis), which has created problems for them. Originally, 20 people around the country were interested in becoming the SUN evaluator and when they heard the \$45K, they only got six proposals and only one of those

was credible and high quality enough to go ahead. This is a nationally-recognized evaluation plan which unfortunately does not have the budget to carry through.

Commissioner Saltzman asked if the reason her unit did not do the evaluation rather than someone from the outside, was the issue of credibility.

Ms. Le said that was the main issue.

Commissioner Saltzman said the minimum of three years times the \$45,000 is considerable.

Ms. Le said the County was involved in the school attendance initiative, another complex project, and the one-year, outside evaluator cost \$100,000. This SUN project even has more outcome measures.

Commissioner Saltzman said he wanted to highlight his frugal concerns. He supports the program but of the \$300,000 appropriated, \$75,000 will go for County administrative expenses and another \$45,000 for an outside evaluator, a third is gone already.

Kathy Turner, Commissioner Francesconi's office, said the evaluation will be shared by all of the partners and the use of City dollars will go to direct services to kids as much as possible.

Commissioner Saltzman asked about the directive that the County should not use more than 25 percent of the City's money to pay for County administration costs.

Ms. Turner said there were sharing with the County.

Mayor Katz said this is part of the City's school agenda and has been shared with school boards throughout Portland. She mentioned it was no longer called "after-school program," but "an extended day." The importance of safe havens and additional academic time for children cannot be stressed enough and she cannot understand why year-'round schools have not become the norm.

Commissioner Francesconi thanked Mike Harris, Dianne Iverson and Krista Larson among others.

Disposition: Passed to Second Reading March 1, 2000 at 9:30 a.m.

Mayor Vera Katz

- *268** Authorize and accept Intergovernmental Agreement between Metro and the City of Portland for Concept Planning for the Pleasant Valley/Damascus area (Ordinance)

Discussion: Deborah Stein, Planning Bureau, said this would enable the City to participate in conceptual planning for the urban reserve areas, Nos. 4 and 5, in the Pleasant Valley area. These areas, added in 1998, are not affected by the recent court of appeals decision about urban reserves. Any impacts of urbanization in this area would affect Portland so it is important the City is at the table.

Commissioner Sten said this is the right approach as this is a critical area for the region's endangered species response and is the headwaters for one of the few spawning streams left.

Disposition: Ordinance No. 174195. (Y-4)

- *267** Amend City Code 14.44, Personal Escort/Modeling, to clarify covered conduct and intended disqualifying convictions (Ordinance)

Discussion: Madelyn Wessel, Chief Deputy City Attorney, said this ordinance was complicated and tricky and when it was being heard in a courtroom the judge asked the visiting school children groups to leave. The latter is relevant because in reality the industry for which she needs to craft regulations is one in which she does not have pragmatic experience. This amendment is required due to a potential application of the ordinance to the kind of conduct of which she was not aware. Usually when the City is crafting a regulation on a particular industry, that industry is willing to help craft that legislation. That is not the case here. Ms. Wessel said the definition of who is an escort or model does not apply to nude dancing or strip tease on stage. If a performer comes into the audience and, for instance, does lap dances or moves from the common public area to a cubicle, that has created questions. This amendment clearly excludes that type of activity.

Mayor Katz asked if the American Civil Liberties Union has taken this on.

Ms. Wessel said it had entered the case as an *amicus* and filed a brief yesterday.

Commissioner Sten said some escort businesses are fronts for prostitution and the licensing will help the police. He is worried that the time and money spent on this is becoming a sinkhole.

Disposition: Ordinance No. 174196. (Y-4)

Commissioner Jim Francesconi

- *269** Accept recommendation of Director of Parks and Recreation to rename Progress Downs Golf Course to Redtail Golf Course (Ordinance)

Disposition: Ordinance No. 174197. (Y-5)

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City Auditor Gary Blackmer

- *270** Create the River Access and Transportation Local Improvement District (Ordinance; Hearing; C-9976)

Disposition: Ordinance No. 174198.

- 271** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through January 7, 2000 (Second Reading Agenda 232; Y1037)

Disposition: Ordinance No. 174199. (Y-4)

Communications

- 272** Request of Virginia Symonds to address Council on an issue involving the Water Bureau (Previous Agenda 156)

Discussion: Britta Olson, Council Clerk, said that Ms. Symonds asked that her request be withdrawn.

Disposition: Placed on File.

- 273** Request of Rey Cabral to address Council regarding Police records and automobile impoundment (Previous Agenda 233)

Discussion: Ray Cabral, 1011 NE Prescott Street, 97211, said he addressed this issue before Council in June, 1999. The records department for impounded cars should be sent to the building that has the Traffic Division. He said the charges to get copies and even to view the records are much too expensive and violate a person's civil rights. Access to these records needs to be fixed.

Disposition: Placed on File.

At 12:02 p.m., Council recessed.

FEBRUARY 23, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF FEBRUARY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

- 274 TIME CERTAIN: 2:00 PM** - Amend Portland City Code regarding occasional secondhand dealers and secondhand dealers (Previous Agenda 226 introduced by Mayor Katz; amend Code Section 14.37)

Discussion: Mayor Katz said after the last meeting on this issue, Captain Rose Sizer, Portland Police Bureau, and her team spent a lot of time continuing to work with members of the industry to make some amendments.

Chief Mark Kroeker said this has arisen as communities and police have identified the treatment of stolen property, which comes down to the legitimate pawnshop dealers and those exploited by the criminals who bring stolen goods to particular pawnshops. He noted that the code amendment was appropriate, especially as this code has not been amended in 11 years.

Judy Ritt, License Bureau, said the License Bureau worked in partnership with the Police Bureau to administrate the secondhand dealer program. Today's amendment addresses the issues to promote code compliance and the effectiveness of the permit program.

Captain Roseann Sizer said the Bureaus of Police and Licenses got together to discuss the proposed changes with each other and the communities. Changes were made from the feedback from business communities' representatives and from 19 of the secondhand businesses and also from the meetings with individuals and groups. Most participants felt this process was more collaborative and that they were better heard. The primary purpose of this ordinance is the recovery of stolen property. In 1996, Council recognized that the pawnshops present an extraordinary risk of being used to conceal criminal behavior, including the theft of property, which is present despite the best efforts of legitimate businesses. Identified property, such as silverware, jewelry and electronics will be in the code in the effort to brighten and tighten the line to protect businesses. Captain Sizer said the ordinance is written to bring arrest and prosecution to thieves and be an effective tool in the recovery of stolen property. The highlights of the changes are: expand the basis for permit denial; include a declaration of ownership with a thumbprint affixed; Xerox the identification or photograph of the seller; extend the hold period; and increase fees. The problematic definition of acceptable identification will include Oregon identification cards without any other identification. The industry asked about remanufactured items and language was inserted to accommodate that. The ordinance now, in conformance with State law, has more discretion about criminal history, by itself, being enough for a denied permit. Current permit holders will be grandfathered. The Police request for extending the hold period from 15 to 30 days and including a declaration of ownership and a thumbprint has not been changed. One store is digitally photographing sellers and has only had one objection since Christmas. The 30-day hold period will accommodate all the steps that need

to take place, which she detailed. A report from an investigator who attended a national association of property recovery conference found that thumb printing and 30-day hold periods are commonplace. Also, many states and municipalities have taken stronger steps than proposed here and shifted the burden of paying for the program to the businesses. Most of the law enforcement agencies in the metropolitan area wish to remodel their ordinances to mimic Portland. Captain Sizer said that most of the changes will go into effect 30 days after passage and, 120 days after passage, the provisions for a thumbprint and the 30-day hold will go into effect. Work to have electronic transferring of records from the shops to the Police is underway.

John Bradley, Multnomah County First Assistance in the District Attorney's Office, said when his office was asked what it needed to identify and prosecute these cases, the response was a fingerprint requirement and declaration of ownership. DNA is pretty good, photographs are not, but no two people have ever been found to have the same fingerprints. Also, fingerprints can exonerate a person as criminals steal people's entire identification. The declaration of ownership is vital to a successful prosecution.

Mayor Katz noted that when gun control was first being discussed, the point of fingerprint identification was brought up for the same reason.

Commissioner Sten asked how wide a range of businesses it is necessary to capture in this ordinance to solve the majority of the problem.

Captain Sizer said they identified the items most common to theft and talked to businesses. Determining the expense of the item does not take into account any sentimental attachment.

Commissioner Hales said it is good to look at how other cities deal with certain issues. It would be ideal to only regulate those businesses causing the problem, but in the imperfect world a good tool might be to allow them to "prove" themselves down to a lower level of regulation. Can the ordinance be customized.

Captain Sizer said the business would need omniscience to determine who might be a thief. They have looked at the language proposed for exceptions, but it opens the door farther than practical. Regarding a question to exclude a business which manufactures and buys used musical instruments, if that were allowed, there is a logical extension to many other areas, such as the manufacture and purchase of jewelry or bicycles. There has been criticism that such things as garage sales and antiques are not being regulated and that some ordinance-unidentified other shops take in regulated property.

In answer to Commissioner Francesconi's question about bicycles, Captain Sizer said they have been in discussion with City Bikes, a cooperative. The major problem is that bikes are so commonly the subject of theft.

Commissioner Sten said City Bikes' proposal to allow a business to petition the Police Bureau for less regulation after three to five years of no problems seems to make sense as it will cut down on the huge amount of paperwork for the Bureau.

Ms. Ritt said City Bikes does not pay the seller of the property until after the holding period expires. She said if there were an exception from the Code parameters, the License Bureau would no longer be in a position to monitor the activities.

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David Lesh, Deputy City Attorney, said there is concern that the ordinance does not state a timeline for destruction of the fingerprints and so he submitted an amendment to Chapter 14.37.080.3 that directs the Police Bureau to destroy permitted secondhand dealers report forms, which has the thumbprint, immediately after the statute of limitations for the suspected crime has expired unless the form is needed for a pending criminal prosecution. A second sentence directs the Police Bureau not to use the secondhand dealers report forms for anything other than attempting to identify a suspect in a criminal case. Commissioner Hales moved the amendment and Commissioner Francesconi seconded.

John Herman, Cash Now owner, said taking a thumbprint, which he has been doing for gun purchases, is a matter of safety as he needs to physically be on the other side of the counter to roll the thumb. He said this ordinance is discriminatory as flea markets, professional garage sellers and jewelry stores that take trade-ins are left alone. It also does not have due process of law because of the civil penalties for dealer non-compliance, with the License Bureau Director as judge and jury. A typo on the pawn ticket could create a penalty. When property is seized, the dealer generally has to take the losses because the victim or child thief's parents do not want to press charges.

Mayor Katz said it seemed from Mr. Herman's remarks that he would support background checks at flea markets and professional garage sales for gun purchases.

Paul Schuback, Schuback Violin Shop, 3003 SE Powell, said bad guys do not play violins and he and staff can tell when a person first walks into the shop. Violins rarely have identifying marks and he and his staff are the people able to tell the police if one is valuable as well as the ones who know if it has been stolen. His shop manufactures violins and has been open for 30 years and only deals in stringed instruments. He said holding consignments would really hurt the business. Voluntary fingerprinting would work for them, but they do not want to ask an internationally known musician for one just to trade in a bow. Concerning stolen identification, why not have an access to records that indicate an identification is stolen. His industry wants the 15-day hold period to remain and they already do not pay on consignment until that time is over. Mr. Schuback proposed an amendment to reflect that a shop such as his would only deal in the kind of instruments they actually manufacture. His industry is always in communication, internationally, about stolen instruments.

Tim Calvert, City Bikes Workers' Cooperative, 734 SE Ankeny, said both computer disks and books are not on the ordinance list. He noted there was no benchmark for success. For instance, for all of last year, City Bikes did not purchase one stolen bike. A review of this ordinance should be scheduled to measure if it is having any effect besides generating vast amounts of paperwork. Secondhand, used markets are an important part of Portland's economy, plus there is more and more interest to promote reusing already-manufactured items.

Roger Noehren, City Bikes employee, said City Bikes began with the idea of recycling bicycles. They do not mind filling out the forms, but do object to the mug shots and fingerprinting.

Mark Lipe, City Bikes employee, said the ordinance establishes guilt by association. He submitted a proposal to exempt businesses with established histories of compliance from being subject to new regulations.

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Sara Stout, City Bikes employee, said unless a person has a receipt for a bike they are selling, the store holds it for two weeks. Customers have been polled about the fingerprinting and are unanimous in being against it.

Karen Blythe, 3630 SE 3rd, Gresham, 97080, Executive Director, Construction Industry Crime Prevention Program, said their program emphasis is theft prevention but they do work with police on theft recovery and prosecution. Her industry supports the ordinance, especially the 30 days which would improve the recovery of property.

Deek Heykamp, Next Adventure, 426 SE Grand Avenue, said he understood the premise of the ordinance is to recovery stolen property, but it does not partner with the shops to help them be proactive. For instance, they cannot buy a known stolen item or alert police that someone is trying to sell it.

Teresa Watts, 2267 NW Overton, Apt. B, 97210, said, as someone whose bicycle was stolen, she appreciates this ordinance, especially the thumbprint. She said flea markets should definitely be regulated, too.

Vicky Kidwiler, a jewelry store owner, at 304 SW Washington, said she could be put out of business with the 30-day holding period and thinks there should be allowance for a judgment call.

Mayor Katz said she wants a sunset clause in the ordinance to monitor how well it has worked.

Captain Sizer said staff and the shop owners caucused in the hall. She asked if Council wanted manufacturers of musical instruments to be excluded

Commissioner Hales said he wants to consider that.

Mayor Katz said Captain Sizer needs to think about whether or not such a change will undermine the entire ordinance and, if so, tell Council that.

Captain Sizer said they also thought Council was suggesting a two-tiered process based upon whether or not a shop cut a check at the time of purchase for a regulated piece of property.

Commissioners Sten and Hales said they were leaning to support on the three (stay with 15 days being the third) amendments.

Captain Sizer said a musical shop owner who does not manufacture instruments said he would be at a disadvantage with the waiting period. She is uncomfortable with customized standards for shops as thieves gravitate to lower standards.

Commissioner Sten said there are legitimate reasons why a business would not want to go through all this.

Commissioner Francesconi said he did not want to create a different standard, but approves of not paying cash until the holding period is up.

Mayor Katz asked staff to work on the notion where a shop does not pay cash before the 15-day (or 30-day) holding period and not fingerprint.

Mr. Lesh, when asked, said he was comfortable working with that suggestion, as the most legally acceptable compromise.

Mayor Katz said this was not simple or easy and she thanked everyone for their work. She noted that the issue of prevention brought up by Mr. Heykamp is important. She noted that the record is closed.

Disposition: Continued as amended to March 8, 2000 at 2:00 p.m.

- 275 TIME CERTAIN: 3:00 PM** - Adopt amendments to the Interstate MAX Conceptual Design Report to incorporate the recommendation from the Interstate MAX Bicycle Task Force, and modifications to the location of the Overlook Station and the Going Street Station (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales said the meeting is moving from crime and punishment to a street named desire. He said the work on this involves accommodating a lot of different transportation choices and not enough right-of-way.

Steve Iwata, Transportation Planning, said the 100-foot right-of-way on Interstate Avenue includes light rail, cars, pedestrians, bicyclists, parking and retail needs and has been a challenging design process. He proposed three amendments to the conceptual design report Council adopted in October, 1999: 1) a design change from the Bicycle Task Force; 2) relocating the Overlook Station northbound platform per community request; and 3) relocate the Going Street Station to Prescott, again per community request. Council has requested a look at more off-street parking and relocating the bike lanes to an alternative north/south route with strong east/west connections to MAX stations. The Task Force has been under a very tight time schedule as Tri Met is seeking to finalize the design by the end of this month in order to proceed into final engineering. They need to commit to the federal transit administration to complete 80 percent of final design by this summer to meet the federal funding requirements. The Oregon bicycle law requires bicycle facilities on any major new road reconstruction project, with an exception that an alternate access be provided. The Task Force recommends North Denver Avenue as the regional north/south bicycle route, requiring that the bike lanes be kept on Interstate from the Steel Bridge to Willamette Boulevard, no lanes between Willamette and Dekum, and continue the lanes from Dekum into the Kenton district. This design increases on-street parking from 25 to 65 spaces. The Pedestrian Advisory Committee expressed concern about the sidewalk width along Interstate, which falls short of the 15-foot width called for in the design guidelines for main streets. Kaiser Hospital requested that the Overlook Station be closer to their facility for staff and patients, supported by Overlook and Boise Neighborhood Associations. The last recommendation is to move the Going Street Station to Prescott because of concerns about the heavy truck route to and from Swan Island at the Interstate and Going intersection.

Jeff Warner, no address given, said he got involved as a building owner at Interstate and Portland Boulevard. He noted a diverse group came up with Plan 5, which he, as a business owner, endorses, especially as on-street parking will be retained.

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Commissioner Hales asked if the sections with just seven feet of sidewalk have the condition to add three feet of setback with any new development.

Mr. Iwata said that is correct.

Commissioner Francesconi asked if any alternative was considered by the committee.

Mr. Warner said at each meeting there was a plan review and recommendations and Mr. Iwata would come back with the findings and this plan was accepted unanimously.

Todd Lasher, 5632 N. Atlantic Avenue, 97217, said he was an eight-year bicycle commuter and this is better than the original proposal. He noted that, at the connection to the new Greeley and Interstate bike lane, the plans do not show a pedestrian or bicycle westbound crossing and at the new Denver viaduct over Columbia Boulevard the proposal has a combined sidewalk and bike lane northbound. It is narrow and will be a maintenance problem as the homeless use it back and forth from Delta Park and they litter. The new Columbia Slough rail bridge would be a great opportunity to get pedestrians across to the new 40-mile loop section from Kenton Station. Mr. Lasher suggested looking into making the bicycle commute from Vancouver as easy as possible.

Jane Eichenberger, 6937 SW 10th Avenue, 97219, Board member of the Transportation Alliance and the Bicycle Advisory Committee, said she has been a year-round bicycle commuter for over five years. She noted two minor concerns: 1) the bicycle detour on Interstate is to provide for business on-street parking, but those spaces will be used by commuters to catch MAX so she suggested something like two-hour signage; and 2) the need to add a lot of bicycle parking at the stations and even bicycle lockers.

Barney Speight, Director of Public Policy for Kaiser Permanente Hospital, 500 NE Multnomah, Suite 100, 97232, said the North Portland Kaiser is a six-building campus which logged 440,000 member visits during 1999 and is staffed by more than 1,100 people. A very large percentage of both the members and staff use public transportation to this facility.

Ellie Godfrey, Kaiser Permanente Hospital, said her facility appreciates the collaborative approach that Tri Met has taken.

Larry Hampsten, 1630 SW Clay, No. 4G, 97201, said as bike lanes are not necessary on Interstate he suggests widening the travel lanes by one or two feet and improve bicycle access at Interstate intersections and nearby I-5 interchanges.

Ray Cabral, 1011 NE Prescott, 97211, questioned how Tri Met and Oregon Department of Transportation (ODOT) are replacing the Argyle bridge.

Lenny Anderson, 2934 NE 27th Avenue, 97212, Interstate Bicycle Task Force, said there needs to be a way, perhaps through Portland Development Commission (PDC), to accommodate the rehabilitation facility.

Larry Mills, 1406 N. Winchell, 97217, said the Argyle crossing at the Slough will require two crossings. The fact that pedestrians and bicyclists need to cross the light rail tracks

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twice should be examined. On-street parking south of Going Street may well become a serious issue.

Catherine Ciarlo, PO Box 9072, 97217, Executive Director of the Bicycle Transportation Alliance (non-profit), said the through commuter needs are met at the station, but the local are not, although the east/west is good. Her organization supports this only if the entire proposal goes through. She supported connection to the 40-mile loop and bicycle parking at the stations.

Christopher Gniewosz, PO Box 25190, 97298, said he is the Executive Director of the Polish Chamber of Commerce and an active member of the historic Polish library building and St. Stanislaus Church on Interstate. He noted those buildings were the hub of the Polish community and the use of them by the Polish and others is rapidly growing. Over the past number of years, public parking has severely diminished. Public access, which includes public parking, is essential for growth and, if they are to remain a viable contributor to the community, the current level of public parking must be maintained and consideration must be made for public parking which, through public policy, has been diminished in the past. They ask for compensation for any loss of street parking by provision of new, additional off-street parking. Mr. Gniewosz added that a unique, citizens' initiative for the creation of a significant, multi-use redevelopment project for the southern end of Interstate is being worked on.

Commissioner Hales asked if the new Overlook Station did a better job regarding parking at his facilities.

Mr. Gniewosz said he was not sure because of the several variations he has seen.

Commissioner Hales said they would try to straighten that out.

Mayor Katz asked what the initiative was.

Mr. Gniewosz said this was an initiative by citizens, not contractors or any other major groups, which has been under discussion for about a year. They are looking at what can be done to make what has been called "wastelands" into treasures for the City.

Marek Stepień, PO Box 393, Beaverton, 97075, member of the Polish library, church and annual festival at Interstate Avenue, encourages Council to not consider the IMAX proposal eliminating all on-street parking on their side of Interstate. He said that the services at this location help immigrants, at no cost to the public.

Eva Malachowski, 11990 SW Butner Road, 97225, Vice-President of the Polish Library Association, said as Americans with European backgrounds, they certainly understand the importance of mass transit, but the loss of parking will adversely impact the many events and use. They request the City to secure a written agreement (they now have a verbal) with Kaiser for use of their parking under amenable terms.

Bożena Giedwojny, President of the Polish Library Association, said the original Interstate MAX design and later revisions included parking spaces along Interstate. She noted their complex will need safe crossing of the MAX tracks to Overlook Park.

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Steve Rogers, 533 NE Brazee Street, 97212, Task Force member, said the committee did seriously consider many alternatives. The bicycle system reinforces the light rail as a transportation system.

Douglas Hartman, 4615 N. Colonial, 97217, IMAX Advisory Committee member, recommended that Council postpone the decision not because it is bad, but because it is premature, as the committee never resolved their concerns about bicycle lanes before the deadline for their recommendation. After that, a new task force to address the bike lanes was formed and four alternatives to Interstate were discussed. One of those, which was discounted, was the North Denver/Going Street proposal. The unproven assertions that the footbridge's incline would be costly to change and not safe were never looked at. He noted that the intersection of Interstate and Going is dangerous without bike lanes and, currently, bicyclists use Denver for safety.

Mark Smith, 7114 N. Oatman, 97217, member of the bicycle task force, said he supports the bicycle lanes on Interstate. Parking for businesses on Interstate became the task force's major focus – to maximize parking along this strip. He said this resolution is an excellent compromise for parking, bicyclists and residential road improvements.

Pam Arden, 1817 N. Winchell, 97217, Board member 40-Mile Loop Land Trust, said she approves of this plan but is concerned about where it stops, at the Denver and Interstate intersection by the Paul Bunyan statue. She agreed the Denver bridge over Columbia Boulevard and the Slough is dangerous and unpleasant and is the major pinch point in the 40-mile Loop.

Ariela Jefferson, 3804 N. Gantenbein, 97227, said she came to thank Council for the City bicycle lanes.

Commissioner Hales said there are issues about parking control once the MAX line is actually operating, parking at St. Stanislaus Church, bicycle parking/lockers and bicycle and pedestrian crossings north of Paul Bunyan.

Mr. Iwata said Tri Met is providing eight bike lockers per station, required by zoning code. They are working with PDC to locate a bicycle central facility at the Portland Boulevard Station.

Mayor Katz asked if parking meters had been considered, or was that premature?

Mr. Iwata said it was premature. Typically, signage for short-term parking is effective. Meters reduce on-street parking as a certain distance is required between them and takes more time to install. Providing left-turn lanes into the neighborhoods requires an extra lane at those locations, cutting on-street parking, so it is not just the bike lanes that make a difference.

Commissioner Hales said, for the church, there may be other solutions, such as angled parking or shared parking.

Mr. Iwata said angled parking requires one-way traffic.

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Michael Fisher, Tri Met, said there are existing trees in front of the church north of Failing Street. When there are existing trees, there is a choice of taking them down and putting new, different ones in the sidewalk, or providing on-street parking.

Mr. Iwata pointed out that, at least psychologically, parked cars protect pedestrians from the fast-moving traffic. Regarding Mr. Hartman's comment about the Going Street overpass, there is no detailed engineering analysis of it, but both the bicycle planner and architect looked at it and decided it was not a good route for the main through route. The corkscrew ramp is good for pedestrians, but not bicyclists and to straighten it out would require some displacement of single-family homes.

Neil McFarlane, Tri Met, said the connections north from Argyle have been looked at and the project does include both bicycle and pedestrian connections north all the way across. This is a good interim solution but they are willing to find something better, if possible.

Commissioner Francesconi said part of the strategy here is to have small businesses succeed by bringing in more people, which requires parking.

Commissioner Hales said about 50 years ago, in this neighborhood, the government dug a big ditch and put in a freeway without anything like this – community discussions. Community collaboration is a long process, but well worth it. He thanked all the staffs and the community volunteers.

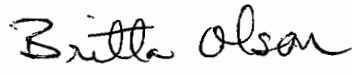
Commissioner Sten said the issues brought up here were solvable and, in the bigger picture, he emphasized the opportunity to connect to the north area and the trail.

Mayor Katz said this was not easy for the bicycle coalition but they have been responsive to everyone's needs.

Disposition: Resolution No. 35869.

At 5:17 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland


By Britta Olson
Clerk of the Council