



CITY OF

## PORTLAND, OREGON

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF JULY, 1992 AT 9:30 A.M.

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

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

Agenda Nos. 1186, 1193, 1222, 1225 and 1229 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

### CONSENT AGENDA - NO DISCUSSION

- 1162** Cash Investment Balances for May 7 through June 3, 1992 (Report; Treasurer)

**Disposition:** Placed on File.

- 1163** Accept bid of Parker Northwest Paving Company for improvement of NW Belgrave Avenue from NW Aspen Avenue to 935 feet west, and construction of drainage facilities for \$79,688 (Purchasing Report - Bid C-9785)

**Disposition:** Accepted; prepare contract.

- 1164** Accept bid of Silco Construction Company for Portland Evidence Building improvements for \$166,000 (Purchasing Report - Bid 184)

**Disposition:** Accepted; prepare contract.

- 1165** Accept bid of Coliseum Leasing for one-year lease of approximately 25 used sedans for \$127,200 (Purchasing Report - Bid 185)

**Disposition:** Accepted; prepare contract.

JULY 8, 1992

- 1166** Vacate NE Wasco Street between NE 16th and NE 17th Avenues, under certain conditions (Ordinance by Order of Council; C-9766)

**Disposition:** Passed to Second Reading July 15, 1992 at 9:30 a.m.

**Mayor J. E. Bud Clark**

- 1167** Confirm reappointments of Jocelyn Cox, Larry Scrugs and Kerrie Standlee to the Noise Review Board (Report)

**Disposition:** Confirmed.

- 1168** Confirm reappointments of Larry Carson, Paul DuPont, John A. Van Bladeren, Darrel Burt, Jerry McCormick and Dana Sheets to the Heating and Ventilating Code Board of Appeals (Report)

**Disposition:** Confirmed.

- 1169** Confirm appointments of Randal R. Crowe and Steve Dyrnes, and reappointments of Pete Dryer and Chuck Mellow to the Electrical Board of Appeals (Report)

**Disposition:** Confirmed.

- 1170** Confirm appointments of Wayne C. Glasnapp and Ernest L. Grigsby, and reappointments of Ivars Lazdins and Kent Loofburrow to the Building Code Board of Appeals (Report)

**Disposition:** Confirmed.

- 1171** Confirm appointment of Anthony M. Rufolo and the reappointment of Loren Wyss to the Investment Advisory Committee (Report)

**Disposition:** Confirmed.

- 1172** Confirm appointment of Gary A. Toole and reappointments of Bruce Puntenney, Jack Howk and Carl Rice to the Plumbing Code Board of Appeals. (Report)

**Disposition:** Confirmed.

JULY 8, 1992

- 1173** Confirm appointments of Anne M. Anderson, Gaafar H. Gaafar, Douglas W. Leach and Kimberly S. McMillan, and reappointments of John D. Annand II, Mike Hayford, Michael Irish, Phil McCurdy, Donald R. Scott and Conrad M. Yuckert to the Advisory Board for Special Inspections (Report)

**Disposition:** Confirmed.

- 1174** Accept report on the sale of limited tax bond anticipation notes (Report)

**Disposition:** Accepted.

- 1175** Authorize an appeal to the Oregon Supreme Court from a Tax Court decision on tax increment financing (Resolution)

**Disposition:** Resolution No. 35011. (Y-4)

- 1176** Authorize reimbursement of expenditures with debt issuance (Resolution)

**Disposition:** Resolution No. 35012. (Y-4)

- \*1177** Authorize Intergovernmental Agreement with Metro, acting by and through its Metropolitan Exposition-Recreation Commission, for Police Services (Ordinance)

**Disposition:** Ordinance No. 165580. (Y-4)

- \*1178** Appoint Chief and former Chief Deputy City Attorneys to specified salary rates and authorize the transfer of appropriation (Ordinance)

**Disposition:** Ordinance No. 165581. (Y-4)

- \*1179** Amend contract with WEFA, Inc., for economic services (Ordinance; amend Contract No. 27164)

**Disposition:** Ordinance No. 165582. (Y-4)

- \*1180** Authorize a settlement between the City of Portland and William Wright in the amount of \$6,750 (Ordinance)

**Disposition:** Ordinance No. 165583. (Y-4)

JULY 8, 1992

- \*1181** Pay claim of StressCrete Limited and King Luminaire Company, Inc. (Ordinance)

**Disposition:** Ordinance No. 165584. (Y-4)

- \*1182** Amend City Code Chapter 4.50, Dependent Care Assistance Plan, to authorize additional employees to participate (Ordinance; amend Chapter 4.50)

**Disposition:** Ordinance No. 165585. (Y-4)

- \*1183** Amend City Code Chapter 4.52, Medical Expense Reimbursement Plan, to authorize additional employees to participate (Ordinance; amend Chapter 4.52)

**Disposition:** Ordinance No. 165586. (Y-4)

- \*1184** Amend agreement with Aron Faegre and Associates, Architects, to provide additional services in connection with the Communications Shop portion of the new Public Safety Facility Master Plan (Ordinance; amend Contract 27519)

**Disposition:** Ordinance No. 165687. (Y-4)

- \*1185** Contract with Robert Evenson Associates Architects, AIA for \$17,650 for architectural services for remodel of Front and Davis/Old Town Garage, waive consultant selection procedures and provide for payment (Ordinance; waive Chapter 5.68)

**Disposition:** Ordinance No. 165588. (Y-4)

**Commissioner Earl Blumenauer**

- 1187** Set hearing date, 9:30 a.m., Wednesday, August 12, 1992, to vacate a portion of SW Texas Street (Report; Petition; C-9791)

**Disposition:** Adopted.

- 1188** Accept SW 11th Avenue, SW Washington Street and SW Stark Street Twin Ornamental Series conversion project as complete, approve Change Orders No. 1-7 and authorize final payment (Report; Contract No. 27110)

**Disposition:** Accepted.

JULY 8, 1992

- 1189** Accept completion of the SW 44th Avenue storm sewer, approve Certificate of Completion and make final payment (Report; Contract No. 27672)

**Disposition:** Accepted.

- 1190** Accept completion of the NE Rocky Butte Road, NE 92nd Tunnel storm sewer, approve the Certificate of Completion and make final payment (Report; Contract No. 27842)

**Disposition:** Accepted.

- 1191** Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements on SW Carson Street from the east line of SW 35th Avenue to approximately 305' east (Resolution; Street and Storm Sewer; C-9800)

**Disposition:** Resolution No. 35013. (Y-4)

- \*1192** Authorize execution of lease agreement with Bar Supply Brokerage, Inc., for a certain area of SE Grand Avenue under the Pacific Highway Structure for vehicle parking use (Ordinance)

**Disposition:** Ordinance No. 165589. (Y-4)

- \*1194** Amend contract with Arctic Slope Consultant Group, Inc., to extend termination date at no increase in contract amount (Ordinance)

**Disposition:** Ordinance No. 165590. (Y-4)

- \*1195** Authorize a contract with Golder Associates, Inc., to conduct a drainage sump study of existing and planned sumps in Portland and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165591. (Y-4)

- 1196** Agreement with the Metropolitan Wastewater Control Commission for the use of certain sludge handling equipment (Ordinance)

**Disposition:** Passed to second reading July 15, 1992 at 9:30 a.m.

- \*1197** Settle claim of Dave Wacker Sanitary (Ordinance)

**Disposition:** Ordinance No. 165592. (Y-4)

JULY 8, 1992

- \*1198** Authorize agreement to purchase franchised solid waste collection territory and issue a warrant for \$7,104 to Portland Disposal and Recycling (Ordinance)

**Disposition:** Ordinance No. 165593. (Y-4)

- \*1199** Amend affected Code titles to conform with and update references to the new Title 16, Traffic and Parking, and to make technical corrections (Ordinance; amend Titles 3, 14, 16, 17, 18, 31 and 33)

**Disposition:** Ordinance No. 165594. (Y-4)

- \*1200** Call for bids to retrofit and install 37 Sewer Level Remote Telemetry Stations, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165595. (Y-4)

**Commissioner Gretchen Kafoury**

- \*1201** Amend the Comprehensive Plan Map and change zone of property south of Tideman Johnson Park and north of SE Johnson Creek Boulevard, between SE 36th and 39th Avenues, from R7 and R10, Residential, to OS, Open Space (Ordinance; 92-00106 CP CU EN)

**Disposition:** Ordinance No. 165596. (Y-4)

- \*1202** Accept a grant under the HOME Investment Partnership Program of the US Department of Housing and Urban Development for the Multnomah County Consortium in the amount of \$4,297,000 and authorize execution of the grant agreement (Ordinance)

**Disposition:** Ordinance No. 165597. (Y-4)

- \*1203** Contract with Ecumenical Ministries of Oregon for the Portland Housing Center for \$76,500 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165598. (Y-4)

- \*1204** Contract with Community Energy Project, Inc., for \$86,902 for the Weatherization Workshop Project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165599. (Y-4)

JULY 8, 1992

- \*1205** Contract with Ecumenical Ministries of Oregon for \$35,000 for the Shared Housing Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165600. (Y-4)

- \*1206** Contract with Catholic Community Services for \$16,000 to provide the Asian Youth Outreach Project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165601. (Y-4)

- \*1207** Contract with the YWCA for \$7,000 to provide assistance to victims of domestic violence and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165602. (Y-4)

- \*1208** Contract with Raphael House to provide assistance for victims of domestic violence in the amount of \$14,000 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165603. (Y-4)

- \*1209** Contract with Random Acts of Kindness for citizen participation and neighborhood crime prevention services for the period of July 1, 1992 through June 30, 1993 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165604. (Y-4)

- \*1210** Contract with Vada M. Grimsrud Crime Prevention for neighborhood crime prevention services for the period of July 1, 1992 through June 30, 1993 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165605. (Y-4)

- \*1211** Contract with MJM Consulting for citizen participation services for the period of July 1, 1992 through June 30, 1993 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165606. (Y-4)

JULY 8, 1992

**Commissioner Mike Lindberg**

- 1212** Accept contract with Copenhagen Inc., for construction of Conduit 3 Relocation, Phase 2, as complete, authorize final payment, release retainage and waive liquidated damages (Report; Contract No. 27052)

**Disposition:** Accepted.

- 1213** Accept contract with James V. Cassetta Construction Service for Leach Botanical Garden entrance gate and drive renovation as complete, authorize final payment and release of retainage for a total of \$2,867 (Report; Contract No. 27384)

**Disposition:** Accepted.

- 1214** Approve amended Articles of Incorporation and appointment of Directors for the Oregon Parks Foundation (Resolution)

**Disposition:** Resolution No. 35014. (Y-4)

- \*1215** Grant a park-use permit to the US Marines to camp in Tideman Johnson Park (Ordinance)

**Disposition:** Ordinance No. 165607. (Y-4)

- \*1216** Authorize contract with the Boys and Girls Clubs of the Portland Metropolitan Area to hire youth in work experience positions in the Water Bureau and provide for payment of \$44,000 (Ordinance)

**Disposition:** Ordinance No. 165608. (Y-4)

- \*1217** Lease certain spaces in the Multnomah Center with nine tenant groups from July 1, 1992 through June 30, 1993 (Ordinance)

**Disposition:** Ordinance No. 165609. (Y-4)

- \*1218** Authorize extension of Intergovernmental Agreement with Gilbert Water District (Ordinance)

**Disposition:** Ordinance No. 165610. (Y-4)



JULY 8, 1992

- \*1219** Accept a grant from the Oregon Health Division in the amount of \$25,000 for FY 92-93 for a summer recreation program at University Park Community Center (Ordinance)
- Disposition:** Ordinance No. 165611. (Y-4)
- \*1220** Grant a park-use permit to Ken Rose of Vets for Vets to use West Delta Park for a "Stand Down" encampment (Ordinance)
- Disposition:** Ordinance No. 165612. (Y-4)
- \*1221** Enter into an option agreement with Hayden Corporation dba Hillman Properties Northwest to accept the donation of 1.114 acres of land on Hayden Island for park purposes (Ordinance)
- Disposition:** Ordinance No. 165613. (Y-4)
- \*1223** Amend Ordinance No. 165411 to correct fund level appropriation in contract with Multnomah County Developmental Disabilities Program (Ordinance)
- Disposition:** Ordinance No. 165614. (Y-4)
- \*1224** Authorize an agreement with Cornforth Consultants, Inc., not to exceed \$58,000, to conduct a seismic hazard evaluation of Bull Run Dams (Ordinance)
- Disposition:** Ordinance No. 165615. (Y-4)
- \*1226** Authorize an agreement with Howard Angel for well use and payment of certain fees (Ordinance)
- Disposition:** Ordinance No. 165616. (Y-4)
- \*1227** Authorize a professional services agreement with William F. Wright for the Bureau of Water Works, without advertising for bids, and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165617. (Y-4)
- \*1228** Call for bids for renovation of Kenton Park and restrooms, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 165618. (Y-4)

JULY 8, 1992

**City Auditor Barbara Clark**

**\*1230** Cancel sidewalk assessment (Ordinance; amend Ordinance No. 165347)

**Disposition:** Ordinance No. 165619. (Y-4)

**\*1231** Reduce system development charge for 2424-26 SE 157th Avenue (Ordinance; amend Ordinance No. 165166)

**Disposition:** Ordinance No. 165620. (Y-4)

**REGULAR AGENDA**

**S-\*1186** Call for bids for construction of an Emergency Communications Facility, authorize a contract and provide for payment (Ordinance)

**Discussion:** Cay Kershner, Clerk of the Council, said a substitute had been introduced on this ordinance. Commissioner Blumenauer moved the substitution; Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Substitute Ordinance No. 165621. (Y-4)

**\*1193** Amend City Code to expand the storm water mitigation discount program (Ordinance; amend Chapter 17.36)

**Discussion:** Commissioner Blumenauer noted that fee discounts to commercial customers who mitigate for stormwater runoffs were implemented in February, 1992, retroactive to July. This ordinance extends the same cost-saving option to residential properties as well.

Mary Nolan, Director of Environmental Services, said this clarifies the intent of the City's drainage utility, which has served the City since 1977, and extends the discount availability to all customers for on-site pollution control.

**Disposition:** Ordinance No. 165622. (Y-4)

**S-\*1222** Set fees for the Great Blue Course at Heron Lakes Golf Course at West Delta Park (Ordinance; Amend Code Section 20.20.010)

**Discussion:** The Clerk noted that a substitute had been filed which included a new title. Commissioner Lindberg moved the substitute;

JULY 8, 1992

Commissioner Blumenauer seconded and the motion carried. (Y-4)

Commissioner Lindberg said the original ordinance allowed the Superintendent of Parks to set golf fees but this has been deleted from the substitute as he wishes to defer a decision to a later time. The second change sets fees for the Blue Course at Heron Lakes.

**Disposition:** Substitute Ordinance No. 165623. (Y-4)

- \*1225** Authorize Bureau of Water Works to negotiate easements for well sites, transfer funds, provide for payment and authorize execution of easement documents (Ordinance)

**Discussion:** The Clerk noted that, since this ordinance amends the budget, it needed to be placed on the Regular Agenda.

**Disposition:** Ordinance No. 165624. (Y-4)

- 1229** Approve March and April sidewalk maintenance bills for assessment (Hearing on Report)

**Discussion:** The Clerk noted that the Auditor's Office recommended that the one remonstrance which had been received be referred to the Commissioner of Public Works and the balance be assessed. Commissioner Blumenauer so moved; Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Remonstrance referred to Commissioner of Public Works. Approved. (Y-4)

- \*1161 TIME CERTAIN: 9:30 AM** - Amend City Code to revise solid waste and recyclables collection regulations (Second Reading Agenda 1149; amend Title 17)

**Discussion:** Commissioner Blumenauer said public support seems to be on the side of supporting a rate reduction rather than an expansion of the yard debris service at this time.

Pamela Peck, speaking on behalf of OSPIRG, favored the rate reduction, stating that rates should reflect the savings that reduced waste collections represent. She said a reduction sends the public an important message that recycling will reduce rates.

JULY 8, 1992

Estle Harlan, TriCounty Council, said her organization supports the delay in expanded yard debris service although it believes it is unfortunate from an environmental standpoint.

Other citizens speaking against a rate increase included:

Edith Throckmorton, 1924 NE 46th  
Leonard R. Kilpatrick, 9605 N. Hodge

Opponents of a rate increase contended that garbage rates are already too high and that it is unfair to impose another increase after only three months.

Citizens speaking in favor of increased yard debris service and the higher rates included:

Lee Poe, 3911 N. Attu  
Don Stellges, 3144 NE 142nd Ave.  
Gretchen Hollands, 108 NE 24th Ave.  
Dan Kearns, Oregon Environmental Council  
John Garofalo, Sunflower Recycling  
Pat Merkle, 3637 SW Canby  
Pat Vernon, Department of Environmental Quality

Proponents contended that bimonthly yard debris service is needed if the program is to succeed. They argued that the modest rate increase is worth it because of the increased number of participants and higher amount of waste reduction that such service will achieve.

Commissioner Blumenauer suggested that Council adopt the revised rate schedule which imposes the rate reduction.

Mayor Clark said he believes increased service will be added eventually but that it is best to defer any rate increase for now.

**Disposition:** Ordinance No. 165625 as amended. (Y-4)

**Mayor J. E. Bud Clark**

**\*1232** Authorize Oregon Arena Project Revenue Bonds (Ordinance)

**Discussion:** Mayor Clark said he had some questions about the cost of the bonds and why they are above 34.5 million dollars.

JULY 8, 1992

Dick Hofland, City Debt Manager, said in the original discussions it was understood that the public improvement construction costs would be 34.5 million dollars but that in order to get that amount to spend on actual construction a number of other costs must also be covered. He said, for instance, that interest on the bonds must be paid prior to the time the City will be receiving project revenues. Other costs that will be incurred include funding of reserves, employment of an owner's representative, the discount to the underwriter and attorneys fees. Mr. Hofland said that in order to raise 34.5 million for construction purposes, the City anticipates selling bonds at a face amount of 43.2 million dollars.

Commissioner Blumenauer said, unlike the public subsidization of such facilities in other parts of the country, this reflects the City's commitment not to rely on any subsidy from property taxes or from the general fund. He said here the City is dealing with public improvements alone, things which the City could reasonably be expected to supply.

Commissioner Bogle said this keeps faith with citizens and protects the general fund. He said the City is fortunate in having partners like the Trailblazers.

Mayor Clark said he is thankful that Paul Allen is a billionaire which makes it possible for him to invest 180 million dollars in Portland.

Commissioner Bogle added that because this is a private construction contract, the Blazers have more freedom to enforce affirmative action in hiring employees and subcontractors and are committed to a strong equal opportunity program.

**Disposition:** Ordinance No. 165626. (Y-4)

**1233** Adopt a new classification and compensation plan for nonrepresented classifications and establish an effective date (Second Reading Agenda 1144)

**Discussion:** Paul Dungan, 4016 NE Hazelfern, objected to increasing the salaries of those who already have decent standards of living when there are so many people who are unemployed and increasingly desperate about their situation.

JULY 8, 1992

Mayor Clark said this measure is not a pay raise but is budget neutral for the first year. He said this will base pay on merit and ability rather than just seniority. He also noted Chamber of Commerce approval.

In response to Mr. Dungan's comments, Commissioner Bogle noted Council commitment to the Youth Empowerment program, a group most at risk because of the lack of job opportunities.

Commissioner Blumenauer said his one concern is giving a double bump to those in the middle and repeated his recommendation of the prior week that the pay increases be funded out of the cost-of-living increase.

Commissioner Lindberg said he was voting aye because the plan reduces classifications, sets compensation standards at the average of the private/public pay structure and narrows the gap between male and female wages. Noting that it is cost neutral during the first year, he said implementation will allow more equitable treatment of nonrepresented employees.

Mayor Clark said this puts the City on a more businesslike basis.

**Disposition:** Ordinance No. 165627. (Y-4)

**Commissioner Earl Blumenauer**

- 1234** Consider vacating certain portions of N Williams Avenue, N Hassalo and NE Hassalo Streets at the request of Trailblazers, Inc. (Hearing; C-9792)

**Disposition:** Approved. (Y-4) City Engineer Prepare Ordinance.

- \*1235** Authorize execution of a Stipulation and Final Order with DEQ in connection with settlement of Clean Water Act requirements associated with dry weather discharges from the City's combined sewer system (Ordinance)

**Disposition:** Ordinance No. 165628. (Y-4)

- \*S-1236** Authorize negotiations to purchase eight permanent sewer easements required for construction of the SW Lower Drive and Private Property Sanitary Sewer Project, and in the event that no satisfactory agreement can be reached, authorize the City Attorney to commence condemnation proceedings, and obtain early possession (Ordinance; C-9759)

JULY 8, 1992

**Discussion:** The Clerk said a substitute had been distributed. Commissioner Blumenauer moved the substitute; Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Substitute Ordinance No. 165629. (Y-4)

- \*1237** Continue negotiations to purchase a parcel of land for the Balch Creek Storm Water Management Plan, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

**Disposition:** Ordinance No. 165630. (Y-4)

- 1238** 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 (Ordinance)

**Discussion:** The Clerk noted that this was not an emergency ordinance and needed a second reading.

**Disposition:** Passed to second reading July 15, 1992 at 9:30 a.m.

- 1239** Amend existing sections of the City Code regarding Water Quality and Erosion Control (Second Reading Agenda 1094; amend Chapter 17.38)

**Discussion:** The Clerk said amendments were proposed to restore certain sections to the Code. Commissioner Bogle moved to accept the amendments. The motion was seconded and carried. (Y-4)

**Disposition:** Passed to second reading as amended July 15, 1992 at 9:30 a.m.

#### **Commissioner Gretchen Kafoury**

- 1240** Require building permits for clearing within designated areas, require erosion control within designated areas and require clearing permits (Second Reading Agenda 1095; amend Chapters 24.10, 24.50 and 24.70)

**Discussion:** The Clerk said a proposed amendment had been distributed. Commissioner Bogle moved the amendment and the motion carried. (Y-4)

JULY 8, 1992

**Disposition:** Passed to second reading as amended July 15, 1992 at 9:30 a.m.

- 1241** Require erosion and water quality controls in new subdivisions within the Tualatin Watershed (Second Reading Agenda 1096; amend Title 34)

**Disposition:** Ordinance No. 165631. (Y-4)

**Commissioner Mike Lindberg**

- \*1242** Accept a \$3,000 grant from the Oregon Arts Commission to the Metropolitan Arts Commission (Ordinance)

**Disposition:** Ordinance No. 165632. (Y-4)

- \*1243** Authorize contract with the Private Industry Council to hire 30 youth in work experience positions in the Water Bureau, and provide for payment of \$64,500 (Ordinance)

**Discussion:** Mayor Clark noted that the federal government, in response to the Los Angeles riot, had authorized additional money for this program.

Commissioner Bogle commented on the valuable bridge such programs offer young people as they develop their careers.

**Disposition:** Ordinance No. 165633. (Y-4)

**City Auditor Barbara Clark**

- 1244** Assess improvement of NE 55th Avenue Local Improvement District (Hearing; Ordinance; C-9756)

**Discussion:** The Clerk said a remonstrance had been filed. Commissioner Bogle moved to overrule it; Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Remonstrance overruled; passed to second reading July 15, 1992 at 9:30 a.m.

- 1245** Assess improvement of streets within the NE Saratoga/Dekum HCD Improvement Project and construction of sumps (Hearing; Ordinance; C-9742)



JULY 8, 1992

**Discussion:** The Clerk said a remonstrance had been filed. Commissioner Bogle moved to overrule it; Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Remonstrance overruled; passed to second reading July 15, 1992 at 9:30 a.m.

- 1246** Assess benefitted property for the costs of constructing the NE Knott Street and NE 105th Avenue Sanitary Sewer System (Second Reading Agenda 1154)

**Disposition:** Ordinance No. 165634. (Y-4)

- 1247** Assess benefitted property for the costs of constructing the Richardson, Englewood and Floyd Light Sanitary Sewer (Second Reading Agenda 1155)

**Disposition:** Ordinance No. 165635. (Y-4)

- 1248** Assess property for sewer system development charges through May, 1992 (Second Reading Agenda 1156)

**Disposition:** Ordinance No. 165636. (Y-4)

At 10:55 a.m., Council recessed.

JULY 8, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF JULY, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer and Lindberg, 3.

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

- 1249** Tentatively grant appeal of Lewis and Clark College against Hearings Officer's decision to impose certain conditions in approving a conditional use master plan for the college at 0651 SW Palatine Hill Road (Findings; 92-00053 CU)

**Discussion:** John Southgate, Planning Bureau, said two minor changes needed to be made. The first would change the heading from "Order of .." to "Findings of .." and the second would substitute "Bureau of Traffic Management" for "Bureau of Transportation Management" on page 7 of the findings.

Commissioner Blumenauer so moved; Commissioner Lindberg seconded and the motion carried. (Y-3)

**Disposition:** Findings Adopted as amended. (Y-3)

- 1250** 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 (Findings; 91-00786 NU)

**Discussion:** Cay Kershner, Clerk of the Council, said no findings were filed and this should be continued one week.

**Disposition:** Continued to July 15, 1992 at 2:00 p.m.

The Clerk noted that a new President of Council needed to be elected. Commissioner Blumenauer moved the election of Commissioner Kafoury as President of Council to serve for the period, July 1 through December 31, 1992. Commissioner Lindberg seconded and the motion carried.

At 2:05 p.m., Council recessed.

**JULY 9, 1992**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF JULY, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer (late), Bogle and Lindberg, 3/4.

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

**REGULAR AGENDA**

**City Auditor Barbara Clark**

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

**Disposition:** Passed to second reading July 15, 1992 at 2:00 p.m.

**Commissioner Dick Bogle**

- 1252** Liquor license application for The Last Laugh, Inc., dba The Last Laugh, 1130 SW Main Street, Dispenser Class A liquor license (new outlet); favorable recommendation (Report)

**Disposition:** Favorably recommended. (Y-3)

- 1251** Liquor license application for TJ's Venture Inn, Inc., dba Venture Inn, 13900 NE Sandy Boulevard, Retail Malt Beverage license, change of location, favorable with conditions recommendation (Report)

**Discussion:** Henry Emrick, License Bureau, said there is strong neighborhood opposition to locating this operation near a residential area. While recognizing the potential for problems, the Bureau believes that the applicant adequately addresses neighborhood concerns and that his prior record demonstrates a history of compliance with liquor laws and proper management. Mr. Emrich said the Licensee has agreed to an addendum to his lease to restrict sales to go, limit operating hours and work with the neighborhood to combat problems. He said the Bureau believes the operation's impact on alcohol problems in Argay Park will be limited and recommends a favorable recommendation with the conditions described.

## **JULY 9, 1992**

Kyle Zigler, Crime Prevention Coordinator, East Portland District Coalition, and former chair of the Argay Neighborhood Association, said the location of this tavern does not support neighborhood liveability because it will be located in a problem area, close to a child-care facility. She recommended an unfavorable recommendation.

Residents speaking in opposition to approval of this application included:

Tina Scarborough, 13236 NE Shaver St.  
Rose Hankel, 13440 NE Sandy Blvd., #P-4  
Susan Hughes, 12800 NE Sandy Blvd., #27  
Charles Henry, 4167 NE 125th Place  
Larry W. Rosen, 3973 NE 143rd  
Paul Miller, 3555 NE 133rd  
Henry Rassi, 13131 NE Fremont  
Dr. A. David Donnelly, 3509 NE 138th  
Arleigh Black, 4545 NE 125th Place  
Patricia Sandoval, 10820 NE Sandy Blvd.  
Valerie Hill, 3721 NE 134th  
Terry Sasser, 3818 NE 139th  
Craig Irby, 14340 NE Alton  
Mel Hill, Chair of Argay Neighborhood Association, 3721 NE 134th  
James Batman, 4134 NE 131st  
Candace Chisolm, 321 NE Bridgeton Rd.

Opponents said this is the wrong location for a tavern and that it would be a detriment to the neighborhood. They also noted potential problems with drunkenness and increased criminal activity, including prostitution and drug activity. Opponents cited a lack of adequate parking and the proximity of the tavern to a child-care facility and to Argay Park, where neighbors have made extensive efforts to reduce criminal activity. They contended that the addendum is nonenforceable and nonbinding.

Terry Emard, applicant, said the tavern will be sports oriented and that they expect to do about 30 per cent of their business in food sales. He presented a petition signed by 240 persons favoring this location and noted their clean record and the agreement they had worked out with neighbors.

Jeff Biddings, 4727 NE 74th, co-applicant for Venture Inn, said they hope to establish a positive relationship with the neighborhood. He said

**JULY 9, 1992**

they looked at 40 possible locations with the Port of Portland staff after being forced out of their previous location in order to allow additional airport access.

Others speaking in support of the applicants included:

Adrian Greek, 3300 NE 138th Place

Anne Greek, 3300 NE 128th Place, Argay Park homeowner and mother of applicant Terry Emard

Brian James, 4467 NE 139th

Supporters noted the experienced management of Venture Inn and stressed the applicant's ability to control alcohol sales and consumption. They said the tavern would be located in an almost vacant shopping mall, next to a federal highway.

Mayor Clark said he believes the applicants are very good managers but does not believe this is a good location. He said there are already sufficient outlets in the area and he would vote against this application.

Commissioner Bogle said so much as been done in this area to upgrade the neighborhood that he too would vote against it.

Commissioner Lindberg said this is an unfortunate and unfair situation for the applicants but this is the wrong location.

Commissioner Bogle moved to vote against the recommendation of the License Bureau. Commissioner Lindberg seconded and the motion carried. (Y-3)

Council then recessed. Commissioner Blumenauer was in attendance after the recess.

Commissioner Bogle moved to reconsider item 1251. Commissioner Lindberg seconded and the motion carried. (Y-3)

Commissioner Bogle moved that an unfavorable recommendation be forwarded to the OLCC. Commissioner Lindberg seconded and the motion carried. (Y-3)

**Disposition:** Unfavorably recommended. (Y-3)

**JULY 9, 1992**

**1253** Liquor license application for Bong Chun Lee, dba Sukie's Market, 202 W Burnside Street, Package Store liquor license (renewal); unfavorable recommendation (Report)

**Discussion:** John Werneken, License Bureau, asked that both this and the following applications be heard together because of their close proximity. He said the objections they have received to renewal of these licenses relate to questions of public policy as well as compliance with the law because of the unparalleled problems this section of Old Town has related to drugs and alcohol. He said last year these two operations initiated new policies regarding alcohol sales in an effort to reduce public drinking. While these brought about an immediate reduction in such problems, lately the Bureau has learned from Police and area businesses that the public drinking problem has worsened again. He said Council may wish to consider a policy of no tolerance for licensed businesses supplying alcohol in this problem area if they are allowing it to flow to those who cause crimes and disturbances. He said the problems will continue unless additional restrictions are enacted, such as banning the sale of malt beverages, 32 and 40-ounce containers and single sales of 16-ounce containers. For these reasons unfavorable recommendations have been made.

Speaking in support of the applicants:

Frank H. Arnette, Foster Apartments  
John Roscoe, 205 NW Couch St., #8  
Stephanie G. Pierce, 219 SW Ankenny  
Howard A. Nelson, 205 NW Couch, #39  
Jim Choi, 4872 SE Casa Del Rey, Milwaukie  
John Rho, 3510 NE Union, Korean Business Association  
Bob Atkins, 205 NW Couch, #2  
Jung Lee, 2521 NW Savier  
Ken Martin, Gresham resident  
Bo Pak, applicant, Ray's Grocery

Supporters said applicants were concerned and conscientious owners who have worked with the neighborhood to address the concerns that had been raised. They said the incidence of street drinking and public drunkenness has decreased and that the owners ask for identification and rent receipts before selling alcohol.

Mr. Choi, Mr. Rho and Mr. Lee alleged that the Korean community is being unfairly used as a scapegoat by the OLCC for problems that are not its responsibility. They asked for fair and equal treatment.

**JULY 9, 1992**

Supporters of the unfavorable recommendations included:

Donald Chavez, 532 NW Everett, #325

Lou Wachsmuth, 205 SW Ankeny

Susan Brown, 15 SW 2nd

Al Jasper, owner of Marco Polo restaurant

Lee Lacey, 910 SW Park, Old Town/Chinatown Neighborhood Association

Scott Spencer Wolff, 71 SW Oak, Old Town Neighborhood Association board member

Jim Atwood, 33 SW 3rd

Martin Fairley, Downtown Community Association, Safety Committee Chair

Opponents said people launder food stamps through these businesses in order to buy alcohol and that while street drinking and other problems improved for awhile, recently they have increased again. They cited large quantities of large sized malt liquor containers stacked on the premises and contended that the only time the owners are involved in the neighborhood is when their licenses are up for renewal.

Thomas Walsh, Attorney for Korean Grocers Association and for the owners of Ray's and Suki's, argued that following the implementation of various restrictions the number of alcohol-related problems has decreased and the real problems are now drug-related. He said these markets provide a valuable service to area residents and the percentage of liquor sales is lower than at most other markets in the City. He disputed allegations that beer containers are stacked high in these stores and contended that the applicants have exhibited good faith and should not be deprived of their livelihood.

Commissioner Bogle said he is impressed with what the owners have done in the past and will vote for favorable recommendations. He said Council cannot expect operators to resolve on their own one of society's worst social problems.

Commissioner Blumenauer asked if it would be possible for the Korean Grocers Association and the licensees to see if an accord can be reached with the neighborhood. He said he is troubled with the record, which indicates that the problems are less severe than they were and that the applicants have complied with the requirements against sales to non-residents. He noted the presence of an OLCC outlet nearby with fewer restrictions.

**JULY 9, 1992**

Commissioner Lindberg said these applications involve very good people operating in the wrong location. He said he would uphold the License Bureau recommendation, noting OLCC's adoption of the problem area rule which provides a basis for denial and the recent deterioration of the area related to alcohol sales at these locations.

Mayor Clark said more progress must be made in Old Town and said he liked Commissioner Blumenauer's suggestion that the parties get together to see if these problems can be resolved.

Commissioner Bogle said the important thing is to be responsive to neighborhood concerns and at the same time not impair ability of owners to earn an income. He said he is not sure the Bureau knows today what measures would be acceptable.

Commissioner Blumenauer suggested that they deal with such questions as stocking and merchandising patterns as well as the quantity of alcoholic beverages for sale. He said a list of people who ought not to be sold liquor should also be developed.

Commissioner Bogle moved that this application be referred to his office. Commissioner Blumenauer seconded and the motion carried.(Y-4)

**Disposition:** Referred to Commissioner of Public Safety.

**1254** Liquor license application for Bo Won Pak, dba Ray's Grocery, 2 SW 3rd Avenue, Package Store liquor license (renewal); unfavorable recommendation (Report)

**Discussion:** Commissioner Bogle moved that this application be referred back to his office. Commissioner Blumenauer seconded and the motion carried. Y-4

**Disposition:** Referred to Commissioner of Public Safety (Y-4)

**At 4:25 p.m., Council adjourned.**

**BARBARA CLARK**  
**Auditor of the City of Portland**

*Cay Kershner*

**By Cay Kershner**  
**Clerk of the Council**