



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF AUGUST, 1992 AT 9:30 A.M.

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

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

Agenda No. 1458 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1437** Accept bid of Harris Farinon for digital loop-protected microwave system for \$645,759 (Purchasing Report - Bid 2)
- Disposition:** Accepted; prepare contract.
- 1438** Reject all bids for Police photo lab remodel for the Bureau of General Services (Purchasing Report - Bid 4)
- Disposition:** Accepted.
- 1439** Accept bid of Stanley Smith Security, Inc., for security service for Police Forfeiture Unit for \$78,325 (Purchasing Report - Bid 6A)
- Disposition:** Accepted; prepare contract.
- 1440** Accept bid of Power Conversion Products, Inc., for chargers for lead calcium wet cell batteries for \$85,708 (Purchasing Report - Bid 13)
- Disposition:** Accepted; prepare contract.

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- 1441** Accept bid of Oregon Electric Construction, Inc., for installation of hydra CSO monitoring stations westside and ultrasonic meters for \$67,036 (Purchasing Report - Bid 14)

Disposition: Accepted; prepare contract.

- 1442** Accept bid of Oregon Electric Construction, Inc., for installation of hydra CSO monitoring stations eastside and Columbia Slough for \$58,738 (Purchasing Report - Bid 15)

Disposition: Accepted; prepare contract.

- 1443** Accept bid of Northwest Elevator Company for elevator maintenance services for \$46,173 (Purchasing Report - Bid 16A)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

- 1444** Confirm appointment of Dave Emmons and reappointment of Steve Preston to the Towing Board of Review (Report)

Disposition: Confirmed.

- *1445** Pay claim of Rachel Abrams (Ordinance)

Disposition: Ordinance No. 165746. (Y-4)

Commissioner Earl Blumenauer

- *1446** Authorize application to the Oregon Department of Transportation for a grant in the amount of \$50,000 for constructing the SW Multnomah Blvd. Bikeway project between SW 71st Avenue and SW Barbur Blvd. (Ordinance)

Disposition: Ordinance No. 165747. (Y-4)

- *1447** Authorize application to the Oregon Department of Transportation for a grant in the amount of \$10,000 to develop a bicycle commuter map for Portland (Ordinance)

Disposition: Ordinance No. 165748. (Y-4)

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- *1448** Authorize application to the Oregon Department of Transportation for a grant in the amount of \$20,000 to develop a Comprehensive Bicycle Plan (Ordinance)

Disposition: Ordinance No. 165749. (Y-4)

- *1449** Authorize application to U.S. Environmental Protection Agency for a grant in the amount of \$3,000 for the development of a "Kid's Streamwalk" (Ordinance)

Disposition: Ordinance No. 165750. (Y-4)

- *1450** Authorize a contract with Parametrix, Inc., to perform an outfall mixing zone study of the Columbia Boulevard Wastewater Treatment Plant effluent outfall (Ordinance)

Disposition: Ordinance No. 165751. (Y-4)

- *1451** Amend contract with Weston Corporation for Geographic Information System planning by expanding the scope of work at a cost of \$19,400 (Ordinance; amend Contract No. 27600)

Disposition: Ordinance No. 165752. (Y-4)

- *1452** Agreement with the Oregon Department of Transportation, Highway Division, to provide for arterial overlays and reconstruction, Phase 10 Project (Ordinance)

Disposition: Ordinance No. 165753. (Y-4)

- *1453** Agreement with O'Brien-Kreitzberg & Associates, Inc., to supply qualified engineering project/program management and engineering personnel upon request (Ordinance)

Disposition: Ordinance No. 165754. (Y-4)

Commissioner Dick Bogle

- *1454** Contract with Trauma Intervention Programs, Inc., for crisis intervention training for \$25,000 (Ordinance; waive City Code Section 5.68)

Disposition: Ordinance No. 165755. (Y-4)

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- *1455** Contract with Ivars Lazdins, Architect, for professional services in the amount of \$30,000 (Ordinance; waive City Code Section 5.68)

Disposition: Ordinance No. 165756. (Y-4)

Commissioner Gretchen Kafoury

- *1456** Designate Margaret M. Mahoney as Certifying Officer for the City of Portland (Ordinance; amend Ordinance Nos. 161419 and 161817)

Disposition: Ordinance No. 165757. (Y-4)

- *1457** Contract with Multnomah County for \$68,000 for emergency basic services and provide for payment (Ordinance)

Disposition: Ordinance No. 165758. (Y-4)

- *1459** Contract with the Housing Authority of Portland for the development of affordable housing for special needs population in accordance with priorities established in the Comprehensive Housing Affordability Strategy (CHAS) in the amount of \$80,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 165759. (Y-4)

- *1460** Contract with the City of Gresham for implementation of the 1992 HOME Investment Partnership Program activities relating to affordable housing development in the amount of \$261,815 and provide for payment (Ordinance)

Disposition: Ordinance No. 165760. (Y-4)

- *1461** Amend the Comprehensive Plan Map and change the zone of property at 4411 SE Belmont from R1 Residential to CM Commercial (Ordinance; 8010 PA)

Disposition: Ordinance No. 165761. (Y-4)

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Commissioner Mike Lindberg

- 1462** Accept contract with Teufel/Leahy for Heron Lakes Golf Course project as complete; authorize final payment and release of retainage (Report; Contract No. 27047)

Disposition: Accepted.

- 1463** Accept contract with Copenhagen Utilities and Construction, Inc., for construction of the Lusted Road Water Main as complete, approve Change Order No. 1, authorize final payment, release retainage and waive liquidated damages (Report; Contract No. 27473)

Disposition: Accepted.

- 1464** Accept contract with D.C. Hopkins Construction Company, Inc., for Sckavone Stadium reconstruction as complete, authorize final payment of \$717 and release of \$18,713 retainage for a total of \$19,430 (Report; Contract No. 27489)

Disposition: Accepted.

- *1465** Authorize agreement with The Musical Company for the management and operation of the Scene and Costume Shop (4337 N. Houghton) for theater productions operations (Ordinance)

Disposition: Ordinance No. 165762. (Y-4)

- *1466** Authorize the Bureau of Water Works to exercise a real estate option for the purchase of a parcel of property from Charles D. Stilson necessary for the Bureau's "Water Control Center" facilities; provide for payment; and authorize acceptance of a deed (Ordinance)

Disposition: Ordinance No. 165763. (Y-4)

REGULAR AGENDA

- *1458** Amend agreement with Franciscan Enterprise, Inc., to increase compensation by \$26,000 and provide for payment (Ordinance; amend Agreement No. 27838)

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Discussion: Cay Kershner, Clerk of the Council, said this had been removed from Consent because it amends the Bureau of Community Development's budget.

Disposition: Ordinance No. 165764. (Y-4)

1436 TIME CERTAIN: 9:30 AM - Fire Bureau Awards (Ceremony)

Discussion: Fire Chief George Monogue recognized citizens and employees for their special contributions to the welfare of their fellow citizens. Fire Chief Certificates were awarded to Jessica West, Greg Richter, Steve Palmer, Fred Chown, Mike Lynch and Joe Williamson. A letter of recognition was awarded to Cathy Freeman and letters of commendation were awarded to Captain Dave Sprando and Engines 4-C/shift and Rescue 3-C/shift. Medals of honor were bestowed upon Greg Stover and Ed Egging.

Disposition: Placed on file.

1467 Accept bid of Pacific Utility Equipment Company for furnishing one additional 5-cubic yard catch basin cleaner and sewer cleaner for \$177,115 (Purchasing Report - Bid 125)

Disposition: Accepted; prepare contract. (Y-4)

Mayor J. E. Bud Clark

1468 Approve standards for evaluating proposals to restructure government services (Resolution)

Discussion: Commissioner Kafoury asked what had been done to incorporate the suggestion made last week at the Council informal that proposals should be accessible and understandable to the public. She said she did not see it in the resolution.

Marge Kafoury, Office of Government Relations, said she tried to put what Commissioner Kafoury and Chief Potter had said about accessibility and the philosophy of partnership between citizens and government into Item 3 of the resolution.

Commissioner Kafoury said it is not just the citizens' right to make informed choices but their right to understand government services and who is delivering them. She noted that these are subjective standards and wondered how one could get any quantitative measurement.

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Ms. Kafoury said because they are subjective, she was not sure exactly how the bureaus would apply them to proposals from the Governor's Task Force.

Commissioner Kafoury asked if these criteria were applied to the letter Council sent to the Task Force about the business license issue.

Ms. Kafoury said since Council had articulated policy in the past about how it ought to run it was easier to clarify its position in this case. Also, it was clear that the Governor's Task Force proposal was not going to withstand the tests contained in Items 1 and 2 of the resolution.

Ms. Kafoury asked if a standard should be added stating that any proposal should be consistent with already-existing City policy.

Commissioner Blumenauer said he would be reluctant to say that policy per se would be a reason for not examining a new proposal. He said if a proposal makes sense for the community, Council ought to be willing to examine and change policy. He said he agrees with Commissioner Kafoury's suggestion for an added standard even though Items 3, 5 and 6 allude to it.

Mayor Clark suggested adding the word "understand" to Item 5.

Commissioner Kafoury said one of the big themes raised about restructuring is that people do not know which government is providing which service. She said it makes sense to state that we do not want two different governments providing the same service.

Harry Auerbach, Deputy City Attorney, suggested adding to Item 3, after the words "in partnership with", the words "and in a manner easily understandable by the citizens".

Commissioner Kafoury moved to amend the resolution to add those words. Commissioner Blumenauer seconded and the motion carried.
(Y-4)

Commissioner Blumenauer said he hoped this could be treated as a work in progress. He said this sends a signal both to employees and to those who rely on City services of how Council will evaluate proposals.

Commissioner Kafoury said this helps Council in its attempt to measure government services and set standards.

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Mayor Clark said the Citizens Advisory Committees have wanted the City to do something like this for a long time.

Disposition: Resolution No. 35032 as amended. (Y-4)

Commissioner Earl Blumenauer

- 1469** Consider vacating a portion of NE 47th Avenue north of NE Cornfoot Road, as initiated by Resolution No. 35018, in order to consolidate property into the anticipated expansion of the airport (Hearing; C-9809)

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

- *1470** Select Century West/Carollo (CWC) for Phase I and Phase II of the Headworks project at Columbia Boulevard Wastewater Treatment Plant, authorize a contract for Phase I, and provide for payment (Ordinance)

Discussion: Commissioner Blumenauer said this will provide capacity in an environmentally sensitive manner. He said this is one hidden aspect of the Clean Rivers program that they hope to make less hidden.

Disposition: Ordinance No. 165765. (Y-4)

Commissioner Dick Bogle

- 1471** Authorize participation in Task Force to consolidate cable regulatory services (Resolution)

Discussion: Mary Beth Henry, Deputy Director, Office of Cable Communications and Franchise Management, said this resolution is being adopted by all the jurisdictions involved to ensure that there is agreement on the process. She said the Task Force is on a fast track and hopes to return with a joint commission proposal in early November.

Commissioner Blumenauer said this is one of the things that came out of the meetings with Multnomah County about consolidation held earlier in the year. He said the Cable Office's report made it very clear that the City was providing a service substantially less per subscriber than the County was. At that time Gresham Mayor Gussie McRoberts made it very clear that Gresham was going to realize such savings too.

Disposition: Resolution No. 35033. (Y-4)

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Commissioner Mike Lindberg

- 1472** Authorize an agreement with MAP Demand Side Management Consulting for services on the Block-by-Block Weatherization Program, Fuel Efficiency Drivers, Training Program and Water Conservation Program and authorize payment (Ordinance)

Disposition: Ordinance No. 165766. (Y-4)

City Auditor Barbara Clark

- 1473** Assess property for sewer system development charges through June, 1992 (Hearing; Ordinance; Z0158 through Z0173)

Discussion: The Clerk said a report on the remonstrances had been distributed with a recommendation that they be overruled.

Dan Vizzini, Auditor's Office, said this is the first group of property owners coming under the new Mid-County Capital Improvement Project. He said all three of the remonstrances received on over 1,000 contracts are from non-single-family residential properties and so are not eligible for financial assistance. He recommended that the remonstrances be overruled.

Commissioner Blumenauer moved to overrule the remonstrances. Commissioner Lindberg seconded and roll was called (Y-4)

Disposition: Remonstrances overruled. Passed to Second Reading August 26, 1992 at 9:30 a.m.

- 1474** Place a measure on the November 3, 1992 ballot to amend City Charter to revise Charter procedures for making and financing local improvements (Resolution)

Discussion: Barbara Clark, City Auditor, said this is a housekeeping measure rather than a policy change. It removes outdated provisions, makes the Charter easier to understand and provides for timely updates of rates and procedures.

Disposition: Resolution No. 35034. (Y-4)

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1475 Initiate foreclosure action to collect delinquent City liens as recommended by the Committee on Delinquent Assessments (Ordinance; Assessments; Foreclosure)

Discussion: Auditor Clark said this is the second foreclosure list proposed by her Office. She said the last one was so successful that no properties had to be sold as everyone settled their accounts. She said they have high hopes for this one as well as the City does not want into the property business, but only to collect what it is owed.

Commissioner Kafoury said one issue that arose in the last meeting of the Committee on Delinquent Assessments is responsibility to the neighborhoods, noting that some of these properties are not good neighbors. She said if the City does foreclose on some of the properties, it will ask the City Attorney to see if there are ways to give them to non-profit groups.

Commissioner Lindberg added that the committee also voted to eliminate itself.

Disposition: Passed to Second Reading August 26, 1992 at 9:30 a.m.

At 10:12 a.m., Council recessed.

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WEDNESDAY, 2:00 PM, AUGUST 19, 1992

DUE TO LACK OF AN AGENDA

THE MEETING WAS CANCELED

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF AUGUST, 1992 AT 2:00 P.M.

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

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

REGULAR AGENDA

Commissioner Dick Bogle

- 1476** Liquor license application for Larry and Helen Hamlin, dba Wopatoos, 4144 SE 60th Ave., Retail Malt Beverage liquor license (renewal); favorable, with letter of warning recommendation (Report)

Discussion: Mayor Clark asked if anyone wished to speak against this recommendation.

Mark Linn, 6035 SE Boise, said he does not believe the tavern is compatible with the neighborhood. He said it is in a residential neighborhood that has over 30 children living within 300 feet.

John Werneken, License Bureau, said this is basically a commercial operation in a residential area. He said the applicant originally indicated that it would be run as a reception hall, not a tavern, but the Bureau felt that to the extent it was run as a regular tavern, the applicant should be warned that he would be required to take effective measures to make sure the surrounding neighborhood was not harmed.

Mr. Werneken said the license was originally granted last year and at that time the operation was presented as a reception hall. The License Bureau believes that, because of the location and its potential for operating seven days a week, that it should remain a reception hall or take other special measures to protect the neighborhood.

Commissioner Lindberg asked what the distinction is between a tavern and a reception hall.

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Mr. Werneken said the license is the same but the hours for a reception hall would not be 7 a.m. to 2:30 a.m. seven days a week but more likely Saturdays and Sundays with weddings and similar events.

Larry Hamlin, applicant, said it is a reception hall which is open seven days a week because of events scheduled there. He said a reception hall does not necessarily mean just Saturdays and Sundays, noting that there are pool and dart tournaments and that it is also a museum. He said he has never called it a tavern even though there is alcohol on the premises.

Coleen Linn, 6035 SE Boise, contended that Wopatoos has been operating as a regular tavern rather than a reception hall. She said there are problems with parking, litter and drunkenness.

Mayor Clark asked if it were open seven days a week no matter what.

Ms. Linn said she did not know what the hours are but knows that anyone can go in and drink there, just like a tavern.

Tom Miller, 6103 SE Cora and owner of Foster Gold and Silver, said he was very impressed with the astounding decor and quiet clientele. He said it is a good place to go and an asset to the neighborhood.

Gloria Schunk, part time employee of Wopatoos, said it is a very neighborhood-oriented place which does not open until 3 p.m. and generally closes by 11 p.m. on week nights.

Helen Hamlin, co-owner, said they used to rent it as a warehouse but got so many requests to see the inside that they decided to open a reception hall. She said this operation is nicer now than what was there before they opened up and said she had heard that other operations on Foster were following their lead and cleaning up their act.

Commissioner Kafoury asked Mr. Werneken what the Bureau's report meant by stating that if they operated as reception hall it would be better for the neighborhood. She said it is clear it is not operating as a reception hall, noting that it is open to the public. She asked what approval with a letter of warning means.

Mr. Werneken said the City's recommendation to the OLCC is that it renew the license but adds a letter of warning to inform both the licensee and OLCC that there are serious concerns about the possible negative impact on the neighborhood. He said the Bureau did not have

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a great deal of information to prove that the impact on the neighborhood was negative but did have five or six people stating that it would become so if the hours were extended. He said it is an unusual place for a tavern but there is no record of illegal or unacceptable activity. He said they will be monitoring it closely to see if there are complaints.

Commissioner Kafoury said the applicants are clearly operating, not as a reception hall, but as a tavern. She said if it is a tavern it ought to be called a tavern.

Mr. Werneken said he would like to amend the record and delete the reference to reception hall. He said this does not change the Bureau's recommendation because it has no record of disturbing activity.

Commissioner Kafoury said she is very nervous about this vote but will vote aye based on the Bureau's assurance that it does not have a lot of complaints and that it will be monitored. She said she is concerned about the duplicitous use of the name reception hall.

Commissioner Lindberg voted yes.

Mayor Clark said he agreed with Commissioner Kafoury that the applicant was misleading because he tried to get around calling a tavern a tavern. For that reason, the Mayor said he would vote no as a warning.

Linda Meng, Chief Deputy City Attorney, noted that three votes were needed to make a recommendation. She said it could also go to the OLCC without a recommendation if Council wished.

Commissioner Kafoury moved to send the application to the OLCC with no recommendation. Commissioner Lindberg seconded.

Disposition: No recommendation. (Y-3)

1477 Liquor license application for Dennis Kay, dba Sewickly Addition, 4901 SE Hawthorne Blvd., Dispenser Class A liquor license (renewal); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said until a few moments ago he had very little specific information to support neighborhood concerns about the renewal of this longstanding license. One of the remonstrators has now provided a short list of incidents he

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has recorded that would be of concern. Based on this evidence, he suggested amending the recommendation to add a letter of warning. However, he said there is no evidence to show this license should not be renewed.

Commissioner Kafoury said if the remonstrance is correct it indicates a number of contacts with the Police, noting that the Bureau's report does not imply any contacts.

Mr. Werneken said the Police officer who reviewed this found no reason why this should not be renewed. However, Police may respond at the request of an operator or because of problems he was allowing and it not be recorded in a way the Bureau can easily discover.

Robert Koski, 1337 SE 49th, said he has observed people urinating and drunken behavior outside Sewickly's. He said he has tried to talk to Mr. Kay but only gets an "if this were a perfect world" response.

Diana Moen, owner of the Hops and Barley tavern, said Mr. Koski came into her tavern and accused her customers of causing the problems he is now accusing Sewickly's of doing.

Others testifying in support of Mr. Kay included:

Al Stanton, a customer of Sewickly's
Albert Crispi, 1324 SE 50th
Mike Burgess, neighbor and regular customer
Derek Whitmore, neighbor living on SE Madison
Charles Galinski, 1110 SW 11th
Carol Craig, customer and Hawthorne district resident
Dallas Renfrew, 1412 SE 41st

Supporters said it would be impossible to tell where people are coming from since there are three taverns and two clubs in the area. They described Mr. Kay as a very responsible tavern owner who closely monitors his customers and the area.

Dennis Kay, owner/applicant, said he has owned the place for the last 10 years and never had problems until the last several years. He said he has tried to rectify these problems through such measures as voluntarily giving up holding blues jams, keeping both an inside and outside log, and using table tents to discourage drunk drivers. He said the parking lot is monitored every 15 minutes.

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Mayor Clark said he was impressed with the logs and the table tents. He said he would support the license with reservations.

Commissioner Kafoury said she hopes the License Bureau will follow up on the documentation presented by the neighbors. She said the burden of proof would still be to show that these disturbances come from this particular tavern.

Mayor Clark said perhaps there should be a coalition of licensees in that area to clean up their act so as to diminish the kinds of activities the neighbors are objecting to.

Disposition: Favorably recommended. (Y-4)

At 2:50 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council