



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF FEBRUARY, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

132 **TIME CERTAIN: 9:30 AM** - Create the SE Rex Drive, SE 45th Avenue and SE 46th Avenue Local Improvement District and provide for constructing a sanitary sewer (Second Reading Agenda 35; C-9806)

Discussion: Dan Vizzini, Assessments and Liens Manager, said the Auditor recommends that the improvement district be put on hold while other options are studied and Council identifies what it wants to do.

Mayor Katz said a policy decision needs to be made and suggested that Council hold an informal on the subject.

Mr. Vizzini said that after the hearing on January 13, staff held a meeting with the neighborhood to lay out the alternatives and get feedback as to their preferences.

Linda Dartsch, Bureau of Environmental Services, said they have identified about 65 pockets scattered throughout the City which remain unsewered. This translates to about 10-15 miles of sewer line, which would cost roughly \$10 million to finish. In contrast, Mid-County has 400 miles of sewer at an estimated cost of \$320 million. She said local sewers in the past have been constructed through the local improvement district process, the main drawback being that it depends on getting the approval of 51 per cent of the property owners. People with failing cesspools who cannot get majority approval are out of luck. While other options are available, such as the permit process, they typically are not very favorable to property owners.

Ms. Dartsch reviewed some of the options available to help residents finance sewers, including the sewer improvement program, placement of a cap at 200 percent of the Capital Improvement Program (CIP) and other financing plans which allow people to spread out their payments over 20 years or participate in deferral plans. She said in the case of Rex Drive these options are not sufficient and so the Bureau has come up with several ideas regarding both

February 10, 1993

financing and construction. One is using community development funds to build local sewers, something that has not been done in the past. Another option calls for the possible infusion of federal funds for infrastructure projects. A third option is the state-wide safety net program which currently applies only to state-mandated sewers but could possibly be expanded to include other projects. A City-operated safety net program is also a possibility. The minor-extension sewer program might also be modified to help people with failing cesspools but allow those who do not need an immediate sewer connection to hook up later. She said by next July they should have many of the answers they need to determine the feasibility of these options.

Commissioner Kafoury said Community Development feels it needs more time to study the option regarding spending community development funds as it does not want to contribute money to one project and then find it has inequitably penalized others.

Mr. Vizzini said the basic arguments they got from property owners concerned high costs and the fact that they had to pay even though they were not going to connect right away. He said they believe the cost for Rex Drive could be lowered to the average of sewer costs City-wide or even below. By overlaying that with means-tested assistance programs for low income people, affordability is also taken care of.

Commissioner Hales asked if the option of looking at the cost of forming an LID for all the remaining unsewered area in Brentwood Darlington was still in the works.

Mr. Vizzini said the bureau needs additional time to decide, if they take the CIP approach, how much of those funds would be needed.

Commissioner Hales said what he meant was to look at a larger LID that covered more property owners in order to bring down the average cost.

Mr. Vizzini said given the present level of support in Brentwood Darlington for an LID, the City could not reasonably form one larger than the one they already have, which has raised serious objections from the neighborhood. He said the only way to serve the area outside of Rex Drive would be by a program that involves the initial investment by the Bureau with ultimate reimbursement later through connection fees. The capital improvement approach is a possible solution for all Brentwood Darlington but the question remains how the bureau is to carve out enough money to do that kind of work.

Mr. Vizzini recommended that Council move to postpone action on the Rex Drive LID until July to see if any of these alternatives work.

Commissioner Blumenauer moved to overrule the remonstrances and set this over until July 14. Commissioner Kafoury seconded.

Commissioner Blumenauer said he totally supports doing this after the budget has been adopted and the City sees what is coming from both the legislature and Congress.

Disposition: Remonstrances overruled. Continued to July 14, 1993 at 9:30 a.m.

- 133** Create the SE McKinley Road and SE Jenne Road Local Improvement District and provide for constructing a sanitary sewer (Ordinance introduced by Auditor Clark; Hearing; C-9793)

Discussion: Dan Vizzini, Assessments and Liens Manager, said the Auditor's Office recommends discontinuation of this project based on the strength of the remonstrances. He said remonstrances were received from a majority of the property owners in this project, which was proposed by two property owners with large holdings which they wished to develop.

Bruce Bermeister, 5926 SE Jenne Rd., said he does not live in the LID but represents people opposed to it. He said the majority of people oppose the project because the cost would be outrageous. He asked why people who do not live in the neighborhood have more say than those who do not.

Commissioner Blumenauer moved to accept the Auditor's Office recommendation and reject the proposed LID but direct BES to work with the property owners who need sewers to see if there are less costly alternatives.

Commissioner Kafoury seconded.

Mr. Vizzini said there will be other opportunities to revisit infrastructure issues in this area at a later date.

Disposition: Tabled for no further consideration.

- 134** Assess benefitted property for the costs of the Vintage Trolley Improvement District (Ordinance introduced by Auditor Clark; Hearing; C-9601)

Discussion: Dan Vizzini, Assessments and Liens Manager, said the Auditor's Office received three remonstrances, representing a little less than two percent of property owners, on the final assessment of this project. He said in 1986 the City agreed to form an LID to raise \$500,000 to match \$1.8 million in federal dollars to build facilities to provide trolley service in this area. It has taken seven years to get this far because of concerns over using

February 10, 1993

old, refurbished trolleys instead of new ones, which are safer. He recommended overruling the remonstrances and passing the ordinance to second reading.

Mr. Vizzini said the remonstrances were from Metro Management, Weiner Investment Company and Jay Woodworth.

Commissioner Blumenauer moved to overrule the remonstrances and pass this to a second reading. Commissioner Kafoury seconded.

Disposition: Remonstrances overruled. Passed to second reading February 17, 1993 at 9:30 a.m.

Agenda Nos. 142 and 156 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

135 Request from Edgar Simmons of Tribal Survival Recycling to hold Council hearings on the desecration of sites sacred to Native Americans (Communication)

Disposition: Referred to Commissioner of Finance and Administration.

136 Accept bid of American Cast Iron Pipe Company for furnishing gate and tapping valves for \$91,516 (Purchasing Report - Bid 55A)

Disposition: Accepted; prepare contract.

137 Accept bid of Cedar Landscaping, Inc., for Brentwood Park site improvements for \$69,274 (Purchasing Report - Bid 77)

Disposition: Accepted; prepare contract.

138 Accept bid of McCoy Plumbing, Inc., for Wilson Pool filtration system replacement for \$95,464 (Purchasing Report - Bid 82)

Disposition: Accepted; prepare contract.

139 Vacate a portion of public right-of-way at the southeast corner of SE Holgate Boulevard and SE 30th Avenue, under certain conditions (Ordinance by Order of Council; C-9787)

Disposition: Passed to Second Reading February 17, 1993 at 9:30 a.m.

February 10, 1993

Mayor Vera Katz

- 140** Confirm appointment of Paul Schuback to the Portland City Planning Commission (Report)

Disposition: Confirmed.

Commissioner Earl Blumenauer

- 141** Accept completion of the N Willamette Boulevard Bridge railing installation, release retainage and make final payment to Coral Construction Company (Report; Contract No. 27879)

Disposition: Accepted.

- 143** Transmit petition to institute proceedings for the improvement of SW Caraway Court from 33rd Street to the east 500 feet (Report; C-9835)

Disposition: Accepted.

- 144** Direct the City Engineer to prepare plans, specifications and cost estimates for streets and storm sewer improvements on SW Caraway Court, from 33rd Street to 500 feet east (Resolution; C-9835)

Disposition: Resolution No. 35106. (Y-5)

- 145** Accept petition to institute proceedings for the improvement of SE Valentine Drive from SE 92nd Avenue to the I-205 east right-of-way line, and construction of sumps (Report; C-9836)

Disposition: Accepted.

- 146** Direct the City Engineer to prepare plans, specifications and cost estimates for the improvement of SE Valentine Drive from SE 92nd Avenue to the I-205 east right-of-way line, and construction of sumps (Resolution; C-9836)

Disposition: Resolution No. 35107. (Y-5)

- *147** Authorize the City Engineer to enter into contracts and agreements for the transportation and disposal of regulated waste from authorized transportation projects (Ordinance)

Disposition: Ordinance No. 166218. (Y-5)

February 10, 1993

*148 Call for bids for the SE Bybee Boulevard from Milwaukie Avenue to 17th Avenue Sewer Reconstruction, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166219. (Y-5)

*149 Call for bids for the SW Columbia Avenue from 1st Avenue to 2nd Avenue Sewer Reconstruction, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166220. (Y-5)

*150 Call for bids for the SE Powell Boulevard Sanitary Sewer Project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166221. (Y-5)

*151 Call for bids for the SE Salmon Street from 15th Avenue to 16th Avenue Sewer Reconstruction, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166222. (Y-5)

Commissioner Charlie Hales

152 Appoint Ken Osuna, Diane Burns and Barbara Rutherford-Crest to the Consolidated Cable Communications Commission (Report)

Disposition: Confirmed.

Commissioner Gretchen Kafoury

*153 Amend agreement with Transition Projects, Inc., to provide \$8,000 for operation of the day shelter (Ordinance; amend Agreement No. 28104)

Disposition: Ordinance No. 166223. (Y-5)

Commissioner Mike Lindberg

*154 Grant a park-use permit to the Oregon Trail Coordinating Council to use the South Park Blocks for an Oregon Trail Anniversary Celebration encampment (Ordinance)

Disposition: Ordinance No. 166224. (Y-5)

February 10, 1993

- *155** Apply for an \$8,000 grant from METRO for FY 93/94 for the development of environmental education exhibits, materials and programs at the West Clinton Backyard Habitat Demonstration Site (Ordinance)

Disposition: Ordinance No. 166225. (Y-5)

City Auditor Barbara Clark

- *157** Cancel system development charge at 15014 NE Multnomah Street (Ordinance; amend Ordinance No. 161340)

Disposition: Ordinance No. 166226. (Y-5)

- *158** Reduce system development charge at 11715 SE Boise Street (Ordinance; amend Ordinance No. 165950)

Disposition: Ordinance No. 166227. (Y-5)

REGULAR AGENDA

- 142** Accept the HCD street improvement project of SE 18th Avenue from SE Clinton Street to SE Division Street, approve Change Order Nos. 1 and 2, make final payment and release retainage (Report; Contract No. C-9782)

Discussion: Cay Kershner, Clerk of the Council, said this needed to be carried over one week in order to advertise it.

Disposition: Continued to February 17, 1993 at 9:30 a.m.

- *156** Contract with Portland State University to conduct studies of the Bull Run reservoirs at a cost of \$19,987 (Ordinance)

Discussion: Frank Gearhart, 2103 NE 24th Court, Gresham, President of Citizens Interested in Bull Run, said earlier they had asked the Forest Service to conduct a study on erosion in the reservoirs and were told the erosion had occurred because of reservoir operations and the Forest Service would not assume any responsibility to undertake a study. Subsequently, they contacted Portland State about the possibility to doing such a study but were told that no funding was available. He said his committee is concerned because citizens are picking up the tab for research that should be the responsibility of the Forest Service because of the trashing that it did there. He suggested negotiating with the Forest Service to get it to pay their fair share.

Commissioner Lindberg asked staff to respond to this. He asked if there had been any effort by the Water Bureau to have the Forest Service share costs.

February 10, 1993

Dick Robbins, watershed hydrologist, Water Bureau, said to his knowledge they have not approached the Forest Service because the two agencies have agreed that Portland would have primary jurisdiction of the reservoirs, while the Forest Service would have primary jurisdiction in the uplands. He said they do not want to assume at this point that all the sedimentation is a function of Forest Service activities without first determining the amount of sedimentation in the reservoirs.

Commissioner Lindberg said he understood that because of sedimentation and turbidity problems the City cannot draw down the reservoirs. He asked if increasing sedimentation could affect practices in the Bull Run in the future.

Mr. Robbins said they should be able to draw some inference about the source of the sediment and when it was deposited, which they can compare with the logging record. He said this study will help determine the risk level of violating water quality standards by drawing down the reservoir levels.

Mr. Gearhart said this study includes a look at the delta on the Fir Creek drainage in Reservoir Two. He said they hoped that the study could get a good profile of a non-activity drainage as opposed to an activity drainage.

Mr. Robbins said that is a good suggestion and the study should be able to tell something about the sediment yield from the Fir Creek drainage, where there has been no logging, and compare it with sediment yield from a drainage which has been logged.

Commissioner Hales asked if a technical advisory committee was involved to supervise the study and if someone from the Forest Service was participating.

Mr. Robbins said there is no mention of a multi-agency technical advisory committee in the contract. It is solely a City project.

Commissioner Hales said he hoped there would be an opportunity for the Forest Service to buy into the intellectual side of the work even if they were not involved in the financial side.

Mr. Robbins said the Forest Service has reviewed the plan conceptually and agrees with the methods proposed so are unlikely to take issue with the findings.

Disposition: Ordinance No. 166228. (Y-5)

February 10, 1993

Commissioner Earl Blumenauer

159 Accept completion of the NE 13th Avenue Basin CSO Reduction Sump Unit 1 project, approve Change No. 1 and make final payment to Moore Excavation, Inc (Report; Contract No. 7764)

Disposition: Accepted. (Y-5)

***160** Amend City Code Section 17.36.022 to change the method of "Chargeable Area" calculations under the Mid-County Sewer Financial Assistance Program (Ordinance; amend Section 17.36.022 (B)(5))

Discussion: Bonnie Morris, Mid-County Sewer Project, Bureau of Environmental Services, said this attempts to fix the Code section for the financial assistance program by changing the calculations regarding Tract A and flag lots. She outlined what the changes would be.

Commissioner Blumenauer said what is happening now is that people with very similar lot sizes and similar homes have very different assessment amounts.

Ms. Morris said this would apply to all Mid-County projects built under Capital Improvement Project (CIP) funds. If Council approves this, adjustments will be made in some cases to what people have paid. Most people would be adjusted down but several may go up, although she expects only a few of these.

Commissioner Blumenauer said he had not understood that any increases would result from this ordinance. He said he thought it did not correct errors in calculation but changed the method of assessment.

Ms. Morris said this ordinance would not result in increases. What may result is an increase because of the review, which may identify a property that had previously been calculated incorrectly.

Mayor Katz asked if this ordinance would basically apply to the properties just identified for Council.

Ms. Morris said this clarifies the calculation methods in the original ordinance and cleans up some language. It also sets up a Citizens Advisory Board to review complaints and make recommendations in cases where people disagree with the calculation method.

Disposition: Ordinance No. 166229. (Y-5)

- *161** Contract with Alpha Engineering, Inc., OTAK, Inc., and W&H Pacific, to provide professional design and construction management services and provide for payment (Ordinance)

Disposition: Ordinance No. 166230. (Y-5)

- *162** Contract with Elcon Associates, Inc., for Phase Two, Ankeny Pump Station motor replacement and transformer upgrade services (Ordinance)

Disposition: Ordinance No. 166231. (Y-5)

Commissioner Gretchen Kafoury

- 163** Recommend granting a ten-year property tax exemption to Downtown Community Housing, Inc (Alder House Limited Partnership) for new multiple-unit housing at the southwest corner of the block between SW 13th Avenue, Stadium Freeway, Washington Avenue and Alder Street (Planning Commission Report)

Discussion: Mike Saba, Planning Bureau, said HUD has approved the Gresham-Multnomah County-Portland CHAS for FY 1993 which makes it eligible for certain competitive federal grants. He said this and the following item forward recommendations from the Planning Commission and Portland Development Commission for approval of a ten-year limited property tax exemption with conditions. He said this is the first new single-room-occupancy construction in the City.

Jeff Liddicoat, Tribal Survival Recycling, 5403 SE Gladstone, said this still takes a piece-meal approach and does not adequately address the housing or related problems, such as drug and alcohol abuse, lack of job skills, etc. He said the bottom line is that we are still losing SRO space downtown.

Commissioner Kafoury agreed that a total plan would be nice but this allows the City to move when an opportunity arises rather than waiting until everything is laid out. She said she hopes to present a plan in March for how the City can move from mass shelters into transitional and permanent low income housing.

Disposition: Placed on file.

- 164** Grant a ten-year property tax exemption to Downtown Community Housing, Inc (Alder House Limited Partnership) for new multiple-unit housing at the southwest corner of the block between SW 13th Avenue, Stadium Freeway, Washington and Alder Streets (Ordinance)

Disposition: Passed to Second Reading February 17, 1993 at 9:30 a.m.

- *165** Amend agreement with Portland Development Commission by increasing the amount by \$4,141,604 (Ordinance; amend Agreement No. 28216)

Discussion: Commissioner Kafoury said this and the following ordinances represent about 500 new units of very low and moderate income housing, all of which comes out of the CHAS planning process. She said this is the first new federal money Portland has gotten since 1980. Federal block grant resources have decreased about 75 percent in the last ten years but are finally beginning to increase.

Disposition: Ordinance No. 166232. (Y-5)

- *166** Contract with the Portland Development Commission for implementation of the 1992 HOME Investment Partnership Program in the amount of \$1,569,426 and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said this is new money involving about 150 units. One of the goals of this new way of financing is that the City will allow both non-profit and profit organizations to bid on the houses the City receives.

Disposition: Ordinance No. 166233. (Y-5)

- *167** Authorize an agreement with the Oregon Community Foundation in the amount of \$150,000 to support Neighborhood Partnership Program to assist non-profit housing developers and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said this item will help the Neighborhood Partnership Program establish an outreach office with the Portland Community Design Center.

Disposition: Ordinance No. 166234. (Y-5)

- *168** Authorize application to the US Department of Housing and Urban Development for an Emergency Shelter Grant under Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987 in the amount of \$136,000 (Ordinance)

Discussion: Commissioner Kafoury said this and the following ordinances are for emergency shelter money.

Disposition: Ordinance No. 166235. (Y-5)

- *169** Amend agreement with Multnomah County to increase the amount by \$72,000 (Ordinance; amend Agreement No. 28211)

Disposition: Ordinance No. 166236. (Y-5)

- *170** Amend agreement with the Housing Authority of Portland to increase the amount by \$43,750 (Ordinance; amend Agreement No. 28382)

Discussion: Commissioner Kafoury said this will help the City keep better track of units that are being lost and allow staff to step in when closures are threatened on sub-standard housing.

Disposition: Ordinance No. 166237. (Y-5)

- *171** Amend agreement with YWCA of Portland to increase the amount by \$7,575 (Ordinance; amend Agreement No. 28074)

Discussion: Commissioner Kafoury said this increases the contribution for the Domestic Violence Program. She noted that she had informed Council during last year's budget process that funding for this program was woefully inadequate and this is a modest increase.

Disposition: Ordinance No. 166238. (Y-5)

- *172** Contract with the Oregon Human Development Corporation for the Hispanic Outreach Program in the amount of \$19,750 (Ordinance)

Discussion: Commissioner Kafoury said this is money the Police have saved and transferred for this program. This is a small step in trying to work with the Hispanic population in Old Town.

Disposition: Ordinance No. 166239. (Y-5)

City Auditor Barbara Clark

- 173** Create a local improvement district to acquire rights-of-way for the future construction of the NE Multnomah and Hassalo Streets Connection Project (Ordinance; Streets; C-9832)

Discussion: Dan Vizzini, Assessments and Liens Manager, said this project is on a fast track. All the affected property owners have signed a petition to form this district and have waived their rights to a public hearing. If Council agrees, the district will be formed upon final passage next week and the City will immediately begin to acquire rights-of-way.

Mayor Katz asked if waiving their rights to a public hearing meant that people could not testify today.

Mr. Vizzini said the waiver process is intended to facilitate quick formation of a district. He said the remonstrance period was removed.

Disposition: Passed to Second Reading February 17, 1993 at 9:30 a.m.

February 10, 1993

- 174 Assess property for sewer system development charges through December, 1992 (Second Reading Agenda 126; Z0271 through Z0304)

Discussion: Myles Tweete, 551 SE 15th, said the City should look at other least-cost options for people who are not connected with the sewer system.

Disposition: Ordinance No. 166240. (Y-5)

- 175 Deficit assess benefitted property for the costs of constructing the Boyles Sanitary Sewer System (Second Reading Agenda 127; C-9695A)

Disposition: Ordinance No. 166241. (Y-5)

- 176 Assess property for sewer system development charges through November, 1992 (Second Reading Agenda 128 as amended; Z0249 through Z0270 and Z0343)

Disposition: Ordinance No. 166242. (Y-5)

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

February 10, 1993

WEDNESDAY, 2:00 PM, February 10, 1993

**DUE TO LACK OF AN AGENDA
THE PORTLAND CITY COUNCIL
DID NOT MEET**

February 11, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF FEBRUARY, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Lindberg, 4.

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

REGULAR AGENDA

Commissioner Charlie Hales

- 177** Liquor license application for Ronald & Colleen Rains, dba Ronnie's Original Chili Burger, 4835 SW Pomona Street, restaurant liquor license (new outlet); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said this license is for a restaurant, not a tavern, and no beer and wine sales "to go" will be allowed. The Bureau found that the applicant had no history of conduct which would justify an unfavorable recommendation and believes that issuing the restaurant a license to sell beer will not negatively impact the neighborhood.

Disposition: Favorably recommended. (Y-4)

- 178** Liquor license application for J.T. Barringer's, Inc., dba J.T. Barringer's, 519 NW 21st Avenue, Dispenser Class A liquor license (new outlet); favorable recommendation with conditions (Previous Agenda 130)

Discussion: Henry Emrich, Bureau of Licenses, said the Bureau believes the most effective way of dealing with issues of late-night noise and disturbances is to reach a voluntary agreement between the licensees and the neighborhood. He said after meeting with the Northwest District Association (NWDA) Board and this licensee, five conditions are proposed to lessen the impact on the neighborhood. Mr. Emrich reviewed the conditions, noting that the licensee agreed to all but the fifth condition, which would bar all happy hour drink promotions after 6:00 p.m. However, Mr. Emrich said, the Bureau believes that all five conditions should be added to the license.

Mr. Emrich also noted that all liquor licensees in the Northwest are meeting regularly with OLCC to fashion a plan to deal with these problems overall.

February 11, 1993

Robert A. Rice, 6850 SW Gable Parkway, 97233, said they agree to all conditions except number 5, regarding pricing of the product. He said by accepting 1:00 a.m. closing hours they believe they have already agreed to operate at a substantial competitive disadvantage. He said they have made no decision as to whether they would have price promotions but they want to retain that alternative. He said they have a long history of having such promotions at their facilities and have never been a problem to local jurisdictions or the OLCC. He also questioned why the neighborhood never brought this up as an issue until the conclusion of the February 8th NWDA meeting when the License Bureau was presented with this list of conditions.

Commissioner Hales asked what kind of price promotions this would restrict, given the OLCC prohibitions on price promotions.

Mr. Rice said OLCC allows no advertising of happy hours outside the premises. For regular customers, however, temporary, short-term price reductions are offered on both drinks and food. He said they have an 18-year history of doing this on a regular basis.

Heath Silberfeld, 2336 NW Pettygrove, President, Northwest District Association, said NWDA completely agrees with the staff report, adding that it plans a long-term study of the concerns they have raised. She said they are willing to go with the 1:00 a.m. closing but are very concerned with dollar drinks and special promotions because they attract persons who drink large amounts of liquor in a short period of time. She said none of the other drinking establishments on NW 21st offer such drink specials. She said they do not subscribe to the "business as usual" argument since they believe they have lost their neighborhood "as usual". She said they hope to gain support for their position from the OLCC.

Matthew Witt, 1611 NW 32nd, 97210 noted that drink promotions are restricted after 6 p.m. but are not banned entirely. He said the neighborhood association is not trying to be obstructionist but is trying to build a bridge between the regulatory apparatus, which can be arbitrary, and free enterprise.

Commissioner Blumenauer asked if February 8th was the first time this condition surfaced.

Ms. Silberfeld said neither she or Mr. Witt are certain but remember hearing that Barringers was noted for dollar drink specials.

Mr. Witt said all of the conditions were presented just several days ago.

February 11, 1993

Mayor Katz asked if Council wished to hear more testimony from neighbors, noting that technically the public hearing had been concluded last week.

Commissioner Lindberg asked that testimony be limited to comments on the conditions.

Candace Cobert, 529 NW 21st, said she is two doors down and fears Barringer's will add a patio in the back, compounding present problems.

Mayor Katz noted that her letter was in the record.

Helen Greganis, 2123 NW Hoyt, said her concern is the lack of parking. She said there is no reason to bring more people into the area when there is no place for people to park now.

Mr. Rice clarified that at the last meeting Commissioner Hales asked the neighborhood association and the License Bureau to try to work out something. He said Barringer's asked if they could join in that dialogue, listen and respond to their concerns. He said they were specifically precluded from attending the meeting and addressing the Board but were instead presented with a list of conditions.

Commissioner Hales said he understood the Bureau would come back with a revised set of conditions but it was not his intention that NWDA and the applicant would have to reach agreement before coming to Council.

Mr. Rice said their only response to these conditions has been in Council today as the Board had simply submitted the pricing condition.

Mayor Katz asked if this was a regular board meeting.

Ms. Silberfeld said they called an emergency meeting last Thursday which in no way was a closed-door meeting as they fully realize that it would have to be open to the public.

Commissioner Hales said he understood that the role of Council was to make recommendations to the OLCC, noting that Council does not control the issuance of liquor licenses. He said Council is trying to increase the stature of the City's role in this process, and speak to such issues as having too many licensees in certain neighborhoods. He said the price issue is a sensitive one but not really Council's concern and recommended a modification that would allow happy hour drink promotions until 9:00 p.m. He moved that the license be approved with the conditions proposed by staff except for the change to 9:00 p.m. in Condition 6.

February 11, 1993

Commissioner Lindberg seconded for purposes of discussion. He said he does not believe Council should get into price regulation for private businesses.

Commissioner Blumenauer said he would like to have a Citywide policy regarding the density of licenses but does not believe the City should penalize people for being cooperative and put more restrictions on them than on those who stonewall the City and go to the OLCC directly. He said he believes if the applicants had done that they would have gotten their license without any of these conditions. He asked to divide the question and vote on the fifth condition separately.

The vote on Condition 5 as amended by Commissioner Hales to offer no drink promotions after 9:00 p.m. was Y-1 (Hales), N-3). The motion failed.

Commissioner Hales moved adoption of the staff recommendation with the deletion of Condition 5. Commissioner Lindberg seconded and the motion carried. (Y-4)

Mayor Katz said there is no question but that a lot of neighborhoods have been impacted by the number of liquor licenses and she hopes to get some resolution in the legislature to move on this issue.

Disposition: Favorably recommended as amended with added conditions (Y-4)

At 2:40 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council