



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JULY, 1993 AT 9:30 A.M.

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

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

Because only three Council members were present, the Consent Agenda was heard at the 2 p.m. session.

**REGULAR AGENDA**

- 1043** Vacate certain portions of NE 15th Avenue, NE 16th Avenue, NE Wasco Street, NE Clackamas Street and NE Halsey Street, under certain conditions (Second Reading Agenda 1024; C-9844)

**Disposition:** Ordinance No. Ordinance No. 166704. (Y-3)

- 1044** Vacate a certain portion of SW Thomas Street east of SW Condor Avenue, under certain conditions (Ordinance by Order of Council; C-9829)

**Disposition:** Passed to Second Reading July 14, 1993 at 9:30 a.m. )

**Commissioner Earl Blumenauer**

- 1045** Adjust rates for the sidewalks and driveways (Second Reading Agenda 1026; amend Code Section 17.28.140)

**Disposition:** Ordinance No. 166705. (Y-3)

**Commissioner Gretchen Kafoury**

- 1046** Transmit contractor bidding procedures for Walnut Park/North Precinct Community Policing facility (Report)

**Discussion:** Commissioner Kafoury said she had distributed a summary of the major pieces of the contract. She referred to the Tri-Met contract for light rail, noting problems that have arisen regarding minority contractors.

David Kish, Director, Bureau of General Services, said this responds to a request from Council in May to report back on what steps they have taken to

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ensure minority and female business participation. He said the Bureau has taken some innovative steps which it believes will serve as a model for future projects. He said originally the City had planned to put out a \$4 million contract but reduced that to \$2 million to allow more companies to qualify to bid. The Bureau has also established two mandatory pre-bid meetings and only people who attend those meetings can bid on the contracts. All prime contractors will be asked to actively solicit bids from minority subcontractors. The Portland Development Commission has also hired two people to help advise and assist minority contractors.

Mr. Kish said First Source requirements are also in place but in this case revised standards are in effect, defining a new job as one in which a person has not worked more than 800 hours. All subcontractors over 50,000 are held to First Source requirements. While the bid specs require 6 per cent minority and female participation, the maximum the City believes is legally defensible, they believe the actual participation will be much higher. Finally, \$175,000 has also been allocated for the City's share of a disparity study in connection with the Croson case.

Mayor Katz thanked Mr. Kish and Deputy City Attorney Madelyn Wessel and said she hoped this project and these provisions will set an example for future projects.

**Disposition:** Accepted. (Y-3)

**Commissioner Mike Lindberg**

**1047** Select a preferred alternative for the Bull Run Lake Environmental Assessment (Previous Agenda 1033)

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

**City Auditor Barbara Clark**

**1048** Assess benefitted property for the costs of the construction of street and storm sewer improvements on SW Palatine Street from SW 45th Avenue to SW 47th Avenue (Second Reading Agenda 1034; C-9783)

**Disposition:** Ordinance No. 166706. (Y-3)

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JULY, 1993 AT 2:00 P.M.

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

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

Agenda Nos. 1050, 1063, 1064 and 1072 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**1051** Accept bid of Gerry Hobson General Contracting, Inc., for new North Precinct asbestos abatement for \$52,900 (Purchasing Report - Bid 194)

**Disposition:** Accepted; prepare contract.

**Mayor Vera Katz**

**1052** Authorize advance refunding plan (Resolution)

**Disposition:** Resolution No. 35060. (Y-4)

**\*1053** Authorize a grant application in the amount of \$55,000 to the Federal Center for Substance Abuse Prevention on behalf of the Regional Drug Initiative (Ordinance)

**Disposition:** Ordinance No. 155707. (Y-4)

**\*1054** Authorize a grant application in the amount of \$446,490 to the Federal Center for Substance Abuse Prevention on behalf of the Regional Drug Initiative (Ordinance)

**Disposition:** Ordinance No. 166708. (Y-4)

**\*1055** Authorize contract with Linn A. Kucsek for Urban Services Canvasser services (Ordinance)

**Disposition:** Ordinance No. 166709. (Y-4)

**\*1056** Authorize contract with Megann Ratzow for Urban Services Canvasser services (Ordinance)

**Disposition:** Ordinance No. 166710. (Y-4)

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**\*1057** Authorize contract with James Morgan Ross for Urban Services Canvasser services (Ordinance)

**Disposition:** Ordinance No. 166711. (Y-4)

**\*1058** Authorize contract with Richard E. Spohn for Urban Services Canvasser services (Ordinance)

**Disposition:** Ordinance No. 166712. (Y-4)

**\*1059** Authorize contract with Beverly Jean McCall for Urban Services Canvasser services (Ordinance)

**Disposition:** Ordinance No. 166713. (Y-4)

**\*1060** Establish six salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

**Disposition:** Ordinance No. 166714. (Y-4)

**\*1061** Contract with CH2A and Associates to provide lead agency services under the City's First Source Hiring Program and Construction Trades Intern Program in the amount of \$73,308, for a period of six months (Ordinance; waive Code Section 5.68)

**Disposition:** Ordinance No. 166715. (Y-4)

**Commissioner Earl Blumenauer**

**1062** Accept the improvement of NW 9th Avenue at NW Front Avenue as complete, approve Change Order Nos. 1 through 4, release retainage and make final payment to Lakeside Industries (Report)

**Disposition:** Accepted.

**Commissioner Gretchen Kafoury**

**\*1065** Exempt from requirements of competitive bidding and authorize the negotiated purchase from ISC of high-speed frequency-agile RF Modems and video processors (Ordinance)

**Disposition:** Ordinance No. 166716. (Y-4)

**\*1066** Contract with Portland Housing Center, Inc., for \$86,610 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166717. (Y-4)

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**\*1067** Contract with the Northeast Coalition of Neighborhoods for \$36,883 to conduct HCD-project related citizen participation activities in inner-northeast HCD-eligible neighborhoods and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166718. (Y-4)

**\*1068** Contract with Oregon Outreach for \$15,000 for summer youth program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166719. (Y-4)

**\*1069** Contract with Portland IMPACT to provide for assistance to homeless families and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166720. (Y-4)

**Commissioner Mike Lindberg**

**1070** Accept completion of the Willamette Basin - Eastside Test Sumps, Units 4-6 and make final payment to Brundidge Construction, Inc. (Report; Contract No. 28654)

**Disposition:** Accepted.

**1071** Accept completion of the South Mid-County Interceptor, Unit 1 (Successor Contract) and make final payment to Tri-State Construction, Inc. (Report; Contract No. 25401)

**Disposition:** Accepted.

**\*1073** Authorize amendment to interagency agreement between the Bureau of Environmental Services and the Portland Development Commission for land acquisition service and project management personnel (Ordinance; amend Agreement No. 28470)

**Disposition:** Ordinance No. 166721. (Y-4)

**\*1074** Contract with Brown and Caldwell Consultants for professional engineering services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166722. (Y-4)

**\*1075** Authorize the continuance of negotiations for the purchase of a permanent sewer easement required for the SE Foster Road Project, authorize the City Attorney to commence condemnation proceedings and obtain early possession (Ordinance)

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**Disposition:** Ordinance No. 166723. (Y-4)

- \*1076** Amend Chapter 17.02 of the City Code to revise regulations concerning the management of residential solid waste fees (Ordinance; amend Code Chapter 17.102)

**Disposition:** Ordinance No. 166724. (Y-4)

- \*1077** Call for bids for the construction of the Headworks disinfection improvements in the Bull Run Watershed, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166725. (Y-4)

**City Auditor Barbara Clark**

- \*1078** Authorize intergovernmental agreement with the Port of Portland to provide exclusion hearings (Ordinance)

**Disposition:** Ordinance No. 166726. (Y-4)

- \*1079** Continue contract with Phillip E. Grillo from July 1, 1993 to September 30, 1993 (Ordinance; amend Contract No. 26563)

**Disposition:** Ordinance No. 166727. (Y-4)

**REGULAR AGENDA**

- 1049** **TIME CERTAIN: 2:00 PM** - Make certain determinations and findings related to and adopt the Fourth Amendment to the Oregon Convention Center Urban Renewal Plan (Ordinance introduced by Mayor Katz)

**Discussion:** Colleen Acres, Bureau of Planning, said the Planning Commission unanimously recommends adoption of the Fourth Amendment. Elements of the Amendment will accomplish the following: 1) encourage housing; 2) extend the Oregon Convention Center Urban Renewal Plan area to incorporate 91.55 acres of land located along Martin Luther King Jr., Boulevard (MLK) and Alberta into the original boundary; 3) adopt key Albina Community Plan elements; 4) extend bond indebtedness to the year 2013 to coincide with the 20 year framework of Albina Community Plan (ACP) and; 5) call for involvement of citizens groups in any further changes. The Commission believes this extension will play a key role in revitalizing this area in conjunction with the Albina Community Plan action charts.

Michael McElwee, Portland Development Commission, summarized the effect of the Amendment. He said when this district was first formed there were discussions about including this area but it was recommended that such

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inclusion should wait until consideration of the Albina Community Plan.

He said the reason the boundary is not a large block but instead has variations, is to avoid any concentration of single family homes. The amendment is intended primarily to support commercial revitalization with a focus on key commercial nodes on MLK. He said with the defeat of Measure 1, this Amendment is important because it provides a commitment to this area. Provisions for a 10-year property tax abatement for mixed-use housing projects and to allow the acquisition of key development parcels are included.

Richard Cooley, Chair, Planning Commission, said this is largely the product of the ACP planning project and is very important to that Plan. It increases the boundary and introduces into the urban renewal program the same goals and objectives as those in the ACP. It also provides opportunities for residential housing through property tax incentives, which should make a real difference.

Stephen Foust, King Neighborhood Association, said the general consensus in the neighborhood was that they wanted to do all they could to support existing and future businesses. Even without the hoped-for funding, there may be creative ways to get money to realize some of the Plan objectives and the Association considers the boundaries as a skeletal structure that will allow both for growth opportunities and reinforce the zoning.

Carl Talton, 3535 NE 15th, North/Northeast Alliance and Portland Development Commission said the tools of urban renewal are critical to the revitalization of MLK. Three commitments are involved: 1) focus on commercial development 2) determine boundaries through the ACP process and; 3) the urban renewal process will be driven by the ACP. It is important for both residents and businesses to know that the economic climate will become more stable.

David Schlagter, Executive Director, North/Northeast Business Association, said they agree with the proposed boundaries and urged adoption.

Sam Tomura, 254 NW Macleay Boulevard, said before agreeing to any urban renewal project she would have to know the maximum amount of money the City seeks, the interest rates to be charged and how many years taxpayers will have to pay this. She said she does not think taxpayers know that the Portland Development Commission is already authorized to tax at a rate of .91 cents per \$1,000. She said when the City attempted to pass Ballot Measure No. 1, not enough information was provided to allow the voters a chance to make an informed decision.

Mayor Katz clarified that the item before Council is an extension of an existing Urban Renewal Plan and does not allow the sale of any bonds at this time. She said Ballot Measure 1 only gave the City the authority to go to the

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voters for discussion of what the community would like to support in the form of general obligation bonds. She said that discussion has not started yet as no projects have been identified at this point.

Sheryl Donney, N. Portland, said she used to live near the Lloyd Center and what happened there was urban removal, not urban renewal. She said her rent was raised, forcing her to move to another area. She asked Council to address how one can have development without gentrification, noting the proposal for a tax abatement program for multi-housing developments. She said without a property tax moratorium or a cap, people will be forced to move to another part of town.

Commissioner Kafoury said that is a very good point but she does not believe this will cause escalating rents. She said the City is trying to guarantee long term affordability if City financial benefits are granted.

Mayor Katz said these are very difficult issues to address.

**Disposition:** Passed to Second Reading July 14, 1993 at 9:30 a.m.

**1050**

Accept bid of S-2 Contractors, Inc., for Powell Village Sanitary Sewer for \$5,363,000 (Purchasing Report - Bid 186)

**Discussion:** Carlton Chayer, Purchasing Agent, said the second lowest bidder, Alliance Corporation, has protested his report recommending award of the bid to S-2 Contractors. He said he has concluded that no bidder enjoyed an advantage over another, adding that all bids were received at the same time and all were kept in a secure file before the opening. Since no bidder benefited from the situation, he recommends awarding the bid to S-2.

Jan Sokol, attorney for Alliance Corporation, said this bid should be rejected. He said the S-2 representative did not indicate that his bid was missing when the other bids were read. He said there is no indication as to when the S-2 bid was received because there is no time stamp. He said they are upset with the process as the potential exists that improprieties may have occurred although they are not claiming that they did. However, they believe all bids should be rejected.

Joseph Yosbeck, representing S-2 Contractors, Inc., explained that one of their employees turned the bid into a Purchasing employee who put it in the locked bid drawer. At the bid opening, the S-2 employee noticed that the S-2 bid was not opened and immediately returned to Purchasing and asked what had happened to it. An employee found it and took it to the bid room to be opened. He said this is a simple case of minor mishandling and cited other cases where different Courts agree.

Mayor Katz asked them to share any ideas for improving the process.



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Commissioner Blumenauer asked if the City Attorney wanted to add anything.

Chief Deputy City Attorney Linda Meng said they believe Mr. Chayer's recommendation is appropriate.

Nancy Ayres, Deputy City Attorney, said she reviewed the facts of the case and she believes the conclusion reached by the Purchasing Agent is correct and that the facts clearly support that no advantage was given one bidder over another.

Commissioner Blumenauer said an insubstantial error should not penalize an innocent bidder.

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

- \*1063** Approve revocable permit with conditions to US West Communications, Inc., for non-park use of park property at Mt Tabor Park (Ordinance)

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

- \*1064** Contract with two Neighborhood Associations and the Association for Portland Progress for the operation of three neighborhood office programs, including citizen participation and crime prevention, for the period July 1, 1993 through June 30, 1994, and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading as amended July 14, 1993 at 9:30 a.m.

- \*1072** Amend contract with Woodward-Clyde Consultants to develop a long term Johnson Creek Resources Management Plan and construct early action projects in the Johnson Creek Watershed as part of the Clean River Program (Ordinance; amend Contract No. 27619)

**Disposition:** Ordinance No. 166728. (Y-4)

**Commissioner Earl Blumenauer**

- \*1080** Amend agreement between the Association for Portland Progress and Portland Downtown Services, Inc., to provide additional security services during construction of the Portland Transit Mall Extension Project (Ordinance)

**Discussion:** Commissioner Blumenauer said there has been an increased amount of undesirable behavior in this area and these amendments are an attempt to improve the situation quickly. Actions taken include adding a maintenance person and more lights, lowering fence heights and increasing

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the number of Association for Portland Progress (APP) guides in the area.

Ann Abraham, 625 NW Everett, said this action is needed right now as residents have worked very closely to rid their block of drug dealers but have just recently noticed an increase again.

Ron Noes, 232 NW 6th, Inscapes, said they located recently in the Sally McCracken building and have witnessed a number of situations involving drug activity. He said businesses such as his require safe conditions for their customers and any additional security that can be provided is absolutely essential.

Martin Soloway, 624 NW Everett, manager of the Everett Street Lofts, said because of the construction, serious problems with tenants are occurring and this help is needed, not just from APP, but from the Police as well.

Paul Richmond, no address stated, asked who will be guarding the guards to make sure these people do not cause as much damage as they are protecting us from.

Jenny Nelson, Sisters of the Road Cafe, described two recent incidents where staff was threatened on the streets. When the fences went up, the already fragile public safety situation worsened. She said they are not interested in creating a police state but a community that is safe.

Commissioner Blumenauer said this is simply an effort to make sure that the construction efforts now underway do not make the situation worse.

Commissioner Kafoury said Tri-Met is helping as well as the business community.

Mayor Katz said public safety in Old Town is a top priority for her and for the new Police Chief.

**Disposition:** Ordinance No. 166729. (Y-4)

**Commissioner Gretchen Kafoury**

**S-\*1081** Waive City Code and authorize Bureau of General Services to begin construction of 800 Mhz microwave/radio tower, subject to conditions (Ordinance)

**Discussion:** Commissioner Kafoury moved the Sub.

Commissioner Kafoury said legitimate concerns were raised about this tower and this is an attempt to fashion a more appropriate process.

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David Kish, Bureau of General Services, described the tower site and stressed the essential need for locating the tower at the Forest Park site. He described other sites that were looked at and reviewed the criteria involved in the selection of this one. He said in each case the Willalatin site came out at least tied for number one, noting also that its location on City land makes it the least costly option. Because the City water tower is already located there, no new access road will need to be built.

Mr. Kish said there is a prohibition on construction in the West Hills from October through May which makes it essential to move ahead in order to get the tower up by the January 1, 1994 date set for completion of the new emergency communications center. He noted that in addition to waiving the Code in this instance, the Planning Bureau plans to bring a Code revision to Council later this year which would exempt emergency radio facilities from current Code regulations.

Kathryn Imperati, Senior Deputy City Attorney, said Council had directed the City Attorney's office to identify options to allow the tower to proceed quickly. This is one part of a two-part solution. She said the Substitute reflects a concern raised by Arnold Rochlin.

Arnold Rochlin, Forest Park Neighborhood Association, said they too want improved emergency services and accept the reasons stated by the City as to why this site is the best one available. Regarding the legality, he said the real test is whether the City's attention to its own Code has been improved.

Mayor Katz said this is not the most delicate solution, but it is doable.

**Disposition:** Substitute Ordinance No. 166730. (Y-4)

**1082** Liquor license application for A B Industries, dba The Old Market Pub, 6959 SW Garden Home Road, Brew Pub liquor license (new outlet); favorable recommendation (Report)

**Discussion:** John Werneken, License Bureau, said there is no record of any problems at this location or with the applicant. However, the community has made clear there is concern with the complicated intersection and the applicant has attempted to respond to these concerns.

Police Officer Larry Siewert said there is no evidence of traffic problems at this site, which has a large parking lot. The only concern would be with speed.

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

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**1083**

Liquor license application for Pizzicato Northwest, Inc., dba Pizzicato Restaurant, 505 NW 23rd Street, Restaurant and Package Store liquor license (new outlet); favorable recommendation (Report)

**Discussion:** Henry Emrich, License Bureau, said this applicant has submitted a business plan which attempts to meet concerns raised about late-hour noise problems. He said they have no record of any problems with this type of outlet and recommend a favorable recommendation.

Police Officer Larry Siewert concurred.

Mayor Katz asked about the carry out service.

Mr. Emrich said the outlet plans to have beer and wine for sale to go with the pizza.

Thomas Reed, 2324 NW Hoyt, 97210, said his concern is with the liveability of the neighborhood if alcohol is both consumed on the premises and available for take out. He said he is worried about the noise created from the take out and opposes this favorable recommendation.

Mayor Katz requested that he let Central Precinct know any time there is noise that impacts the quality of life because of the activity at this outlet. She said the only way something can be done is if people make complaints as she has been told that very few complaints are received.

Matthew Witt, Northwest District Association Public Safety Committee, said the Board voted to recommend this on condition that it be required to observe the closing hours indicated in its proposal, 9:00 p.m. on weekdays and 10:30 p.m. on weekends.

Mayor Katz asked if they had developed a good neighbor policy.

Mr. Witt said the Board voted to designate two members to enter into negotiations regarding good neighbor agreements. He said this is very much a work in progress but the current centerpiece focuses on some sort of security feature to help curb disruptions. He said he is optimistic that something effective can be worked out.

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

**1084**

Liquor license renewal application for Restaurant Concepts, Inc., dba The Gypsy, 625 NW 21st Avenue, Dispenser Class A liquor license (renewal); favorable recommendation (Report)

**Discussion:** Henry Emrich, License Bureau, said information received from citizens and the OLCC indicate that a noise problem exists in the area but it

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is unclear that any one outlet is more responsible than any other. For that reason, the neighborhood is trying to fashion an agreement with all the licensees to address the problem. Both the License Bureau and the Police Bureau recommend a favorable recommendation.

Mayor Katz said she hoped part of any such agreement would be the inclusion of a set closing time so that one outlet does not have an economic advantage over another.

Mr. Emrick said they have been informing new outlets that such restrictions may be imposed.

Police Officer Larry Siewert said he analyzed the crime reports and found that the Gypsy's did not exceed those of other nearby places. He said Police have told him this operator has been very cooperative.

Mr. Witt said he agrees that a collaborative approach is best. He said he believes agreement can be reached on the key feature, how to determine liveability.

Mayor Katz said she would vote yes reluctantly, noting the problem with noise at this location. She said she hopes it can be dealt with neighborwise and urged Northwest residents to call and complain if they are disturbed.

Mr. Witt said there is confusion about how to register complaints with the OLCC. He said he hopes to arrange a meeting with OLCC to clarify this.

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

At 3:40 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council

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**THURSDAY, 2:00 PM, July 8, 1993**

Mayor Katz and Cay Kershner, Clerk of the Council, were present to announce the rescheduling of Agenda Item 1085.

**1085 TIME CERTAIN: 2:00 PM** - Consider the LUBA remand of the application by the Housing Authority of Portland for conditional use, essential service provider and an interim resource protection review, in order to construct a 31-unit residential building to provide short-term housing, located at SW Bertha Boulevard near SW Chestnut (Rescheduled to July 22, 1993, at 2 p.m., Time Certain)

Mayor Katz announced that, at the request of the attorney for the Wilson Park Neighborhood Association and with the prior agreement of Council and the attorney for the applicant, this item would be continued to July 22, 1993.

No one with an interest in this item was present.

**Disposition:** Continued to July 22, 1993, 2:00 p.m., Time Certain.