



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF OCTOBER, 1993 AT 9:30 A.M.

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

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

REGULAR AGENDA

1650 Accept bid of Snyder Roofing and Sheet Metal, Inc., for replacement roofs at two screenhouses for \$53,835 (Purchasing Report - Bid 10)

Disposition: Accepted; prepare contract (Y-3).

1651 Accept bid of Advanced Intelligence, Inc., for furnishing 28 personal computers for \$69,035 (Purchasing Report - Bid 12)

Disposition: Accepted; prepare contract (Y-3).

1652 Accept bid of Alliance Corporation for Rose City Sanitary Sewer Project for \$4,362,049 (Purchasing Report - Bid 16)

Discussion: Cay Kershner, Clerk of the Council, said the Purchasing Agent requested that this be returned to his office.

Disposition: Referred to Purchasing Agent.

1653 Accept bid of Brundidge Construction, Inc., for Albina Basin CSO Sump project Unit 5 for \$339,760 (Purchasing Report - Bid 22)

Disposition: Accepted; prepare contract (Y-3).

1654 Accept bid of Taylor Electric Supply, Inc., for annual supply of dry cell batteries for \$31,026 (Purchasing Report - Bid 23-A)

Disposition: Accepted; prepare contract (Y-3).

1655 Accept bid of Courtesy Janitorial Services for janitorial services/North Precinct and Annex for \$13,747 (Purchasing Report - Bid 24-A)

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Disposition: Accepted; prepare contract (Y-3).

- 1656** Accept bid of Oregon Pacific Corporation for janitorial services/East Precinct for \$16,104 (Purchasing Report - Bid 25-A)

Disposition: Accepted; prepare contract (Y-3).

- 1657** Reject bid of Landmark Ford for furnishing five mid-size four-door sedans (Purchasing Report - Bid 29)

Disposition: Accepted. (Y-3)

- 1658** Accept bid of Tice Electric for traffic signals, W Burnside and Macleay/Tichner for \$246,500 (Purchasing Report - Bid 30)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 1659** Confirm appointments of Gloria Gray, Anne Montgomery, Narcisa Pimentel and Hongsa Chanthavong to the Portland/Multnomah Commission on Aging (Report)

Disposition: Confirmed. (Y-3)

- S-1660** Authorize submission of FY 1993-94 Fall Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

Discussion: Cay Kershner, Clerk of the Council, noted that a Substitute had been filed. Commissioner Hales moved the Substitute; Commissioner Lindberg seconded and, hearing no objections, the Mayor so ordered.

Disposition: Substitute Resolution No. 35197. (Y-3)

- 1661** Authorize the Purchasing Agent to sign a purchase order in lieu of a contract with Advanced Intelligence, Inc., to furnish personal computer equipment (Ordinance)

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

- 1662** Authorize appointment of Eric Johansen at a rate of pay above mid-level (Ordinance)

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

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Commissioner Earl Blumenauer

1663 Authorize an Agreement with Tri-Met for providing bus priority at traffic signals (Second Reading Agenda 1642)

Disposition: Ordinance No. 167056. (Y-3)

1664 Consider vacating a portion of SE Lafayette Street, west of SE 26th Avenue, at the request of Fred Meyer, Inc. (Hearing; C-9839)

Disposition: Approved; City Engineer prepare ordinance (Y-3).

Commissioner Charlie Hales

1665 Authorize a contract with VM Pilip and Sons, Inc., to paint the interior of Multnomah Art Center for Portland Parks and Recreation (Ordinance)

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

1666 Authorize a contract with Snyder Roofing to roof various sites for Portland Parks and Recreation (Ordinance)

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

Commissioner Gretchen Kafoury

1667 Liquor license application for Teresita M. Antonio, dba Pogi's Hangout, 1622-D N Lombard, Retail Malt Beverage (RMB); new outlet; unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said the applicant requested that the application be withdrawn, although to date they have not received this in writing. For that reason they recommend that Council go ahead with the hearing. Staff concerns include a history of complaints at this location and the fact that it is directly across the street from Kenton School which opposes the application. The Multnomah County Health Department field team is also located in the same building and is concerned about sharing common areas because of the presence of alcohol and drug recovery patients. The other concern is that issuance of a liquor license would negate a neighborhood association agreement with the prior applicant that this type of operation would not go on in this building. There is a pattern of Code non-compliance by the landlord and the building owner has not lived up to the conditions listed in the neighborhood agreement. The Bureau is concerned that this is an end run attempt to get around the neighborhood agreement and put a tavern in this building.

Reverend Alan Wilkerson, Kenton Presbyterian Church, said he was part

of the group that negotiated the earlier good neighbor agreement. In addition to concerns about noise and drinking, he said there are logistical concerns, noting continual violations of the parking aspects of the agreement, with trucks parked across the sidewalk.

Commissioner Hales moved to forward an unfavorable recommendation to the OLCC if this application goes forward. Commissioner Lindberg seconded.

Disposition: Unfavorably recommended (Y-3)

- 1668** Approve recommendations from the Housing and Community Development Commission regarding allocation of PILOT revenues (Resolution)

Disposition: Resolution No. 35198. (Y-3)

Commissioner Mike Lindberg

- 1669** Confirm appointment of Yvonne Williams and reappointment of Juanita Chereck, Vince Chiotti and Jim Dietz to the Mid-County Sewer Project's Citizen Sewer Advisory Board (Report)

Disposition: Confirmed.

- 1670** Authorize suit against the Rockwood People's Utility District (Resolution)

Discussion: David Johns, Water Bureau, said the Hazelwood Water District entered into an agreement several years ago to transfer its physical and some of its cash assets to the Rockwood PUD. Attempts by the City to negotiate for the assets both with Hazelwood and Rockwood have failed. Based on established City policy, the Bureau believes a water district which attempts to transfer assets to escape the effects of annexation is in violation of existing State and City policy. There are also some service problems in the area because of the irrational boundaries. Mr. Johns explained that the law provides that the City take the infrastructure assets in areas it annexes except for infrastructure that the remainder of the district needs to continue to operate. When Hazelwood attempted to transfer their assets to Rockwood they kept a large main which historically feed four smaller mains. This resulted in a series of mains that are isolated from a larger transmission main and reduce water flow to certain customers. The City needs to reintegrate Hazelwood as the transfer of assets has split up a system and created service problems. The City could build parallel infrastructure but this is an expensive alternative.

Commissioner Hales asked about fire flow.

Mr. Johns said four inch mains do not provide adequate fire flow unless

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they are on a dead end street. The Bureau also believes cash accrued by district should benefit the people the cash came from and be invested in new infrastructure rather than going to another utility.

Frank Josselson, Rockwood People's Utility District, said the district was formed about six years ago, succeeding the Rockwood Water District. He said they supply water bought from Portland to their customers at a price that is far less than what the Portland Water District charges. As a consequence, the Hazelwood District asked Rockwood to take over their system which they did by intergovernmental agreement, simply transferring the assets to the People's Utility District. He said they have attempted on numerous occasions, with absolutely no success, to negotiate rational boundaries with the City for Hazelwood on this and a host of other issues. He said this failure suggests an animus toward his client by the Water Bureau. He is very disappointed but does agree that this matter can only be resolved in a court of law.

Mayor Katz asked what the key unresolved issues are.

Mr. Josselson said everything from the very existence of the People's Utility District has been an issue.

Ruth Spetter, Senior Deputy City Attorney, said the City has watched with interest the creation of the utility district because of years of work by the City to provide urban services in this area. The PUD entered into intergovernmental agreements which transferred some assets and the City has questions about the legality of those transfers. The City entered into negotiations and worked on a daily basis with Hazelwood and then Rockwood's attorneys and then heard through the grapevine that Hazelwood had decided to transfer all its assets to the PUD. The City believes it has made every effort it can. The City's position is that if the PUD had not entered into these agreements, our annexations and withdrawals would have given the territory and the assets to the City.

Commissioner Hales said it seems to come down to a legal question as to whether 190 agreements can be used to frustrate the normal process of transferring assets to the annexing jurisdictions. He asked Mr. Josselson if he saw any other alternative for resolving this than going to court.

Mr. Josselson said it is not true that the assets transferred from Hazelwood to Rockwood are to be used outside the Hazelwood territory. Rockwood has agreed to invest the cash assets back into Hazelwood. He said Rockwood has participated in the water study now being conducted and is trying to work cooperatively with the City to develop a Columbia River water source, which is to everyone's best interest. He said they want to be responsible regional players and are sorry they are unable to resolve this issue, adding that they could negotiate rational boundaries between the City and

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Hazelwood if the City were prepared to sit down and talk to them about it.

Commissioner Lindberg said the City has spent several years trying to resolve this issue. Unfortunately, the result has been very poor service for some Portland residents because of the patchwork system in this area which is contrary to the intent of the annexation laws. And while regional cooperation may not be working in this particular case, it is working elsewhere.

Mr. Josselson asked for the names of individuals who have complained of poor service.

Disposition: Resolution No. 35199. (Y-3)

City Auditor Barbara Clark

1671 Reduce sidewalk assessments (Ordinance; amend Ordinance No. 166957)

Discussion: Dan Vizzini, Auditor's Office, said this is a case where the Bureau of Maintenance has adjusted an assessment for sidewalk repairs with a property owner.

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

1672 Assess property for private plumbing contracts through September, 1993 (Ordinance; P0001)

Discussion: Dan Vizzini, Auditor's Office, said a pledge was made to create a plumbing loan fund as part of the Mid County sewer project. This is the first group of property owners who have voluntarily come through the program and they are requesting a loan to help finance their plumbing connections to the sanitary sewer system. He said they expect to handle about 200 loan requests a year.

Disposition: Passed to Second Reading October 20, 1993 at 9:30 a.m.

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF OCTOBER, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council.

Commissioner Charlie Hales

1673 Amend Title 33 of the City Code relating to the Columbia South Shore Plan District, Environmental Zone, Adjustments, and Definitions, amend Official Zoning Maps, and adopt Natural Resources Protection Plan for the Columbia South Shore (Second Reading Agenda 1646)

Mayor Katz announced that a continuation has been requested by staff on this item.

Disposition: Continued to November 20, 1993 at 2:00 p.m. Time Certain

At 2:02 p.m., the meeting was recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF OCTOBER, 1993 AT 2:00 P.M.

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

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

REGULAR AGENDA

Commissioner Charlie Hales

- 1674 Direct the Planning Commission with the assistance of the Bureau of Planning to undertake Phase II of the Livable City Project through implementation strategies designed to encourage public and private investments consistent with the growth principles (Resolution)

Discussion: Commissioner Hales said today Council will accept Phase I of the Liveable Cities Project and consider a resolution directing the Bureau to undertake Phase II. The project is an important part of the City's effort to implement the growth management goal of Future Focus. This project looks at preferred ways to accommodate the City's share of the growth expected in the region in the next 20 years while improving neighborhood stability and liveability. Phase I included extensive public involvement, including the regional Visual Preference Survey and neighborhood pilot projects. To further implementation of the preferred visions that have emerged, Phase II will focus on encouraging the construction of demonstration projects which document the market acceptability and financial feasibility of these visions.

Anton Nelessen, Rutgers University, discussed the results of the Visible Preference Survey, which his firm conducted. He said the survey results in a vision of what people want their community to be, noting that Portland is about 20 years ahead of rest of country in its planning efforts. He said a new urbanism emerged in this survey which the majority of people think is positive. He urged support for the second phase of the project as demonstrations are very important if the vision is to become reality. He said the successes that Portland has will be important, not just for the City, but for the rest of the country.

Bill Boyd, 1900 NE 45th Ave., Richmond Neighborhood Association Chair and Co-Chair, SE Uplift Land Use/Transportation Committee, described the Division Street Project which tested the feasibility of the Liveable Cities

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Main Street concept to have commercial outlets on the ground floor with residential above. He said with infrastructure improvements, the project does seem to be feasible although they anticipate it would take ten or more years to see all the elements in place.

Don Jantzen, Professor of Architecture, University of Oregon, co-facilitator of the Northwest Project, said the aim of the project was to increase a sense of community. He thanked staff for its support and noted significant citizen involvement. With this plan, future developers will have a very good sense of what the community would like and how to achieve it. As part of the plan, they developed nine mixed-use subcenters that would allow additional density without making the whole neighborhood dense. Some of the areas, such as the Consolidated Freightways site, do not have many people there now and need input in terms of the kind of facilities that people need for daily life. They based their vision on the fact that if people could walk to their shopping or work they would not need a car.

Dan LeGrand, Northeast Portland resident and Task Force member, said he was part of a group looking at redevelopment opportunities in the Hollywood area. He said a corps of business people and community representatives have identified some very exciting ideas for intensified development here, particularly in an area close to the Hollywood transit station. They also identified an inventory of available land for other development. The Task Force feels it has made substantial progress and has gone beyond drawing beautiful pictures to seeking developers. He asked the City to provide resources and technical expertise through the Planning Bureau and Portland Development Commission (PDC).

Mayor Katz asked why PDC was not mentioned in the resolution.

Richard Stein, Hillsdale resident, described formation of the Hillsdale Vision Group which was formed to try to change an area that is now a strip mall with a five-lane highway through the middle into a community center with a real neighborhood feeling. Thirteen people have been meeting regularly since April and have held three town hall meetings with 50 people at each of them. They appreciate the availability and the interest of City staff and have been selected as one of eight Metro Design Image sites, the only one within the City. The project attempts to show what an area might look like with additional density and more focus on pedestrians and transit. He said they found that people are very concerned about quality of life which they interpret as being able to walk to stores and schools safely. With some of these changes, growth can actually benefit an area and things that have been messed up can be corrected.

Douglas Terrell, Hillsdale business and property owner, said this project has been a great success in drawing people in and Liveable Cities is a good example of how growth can be dealt with without having the quality of life

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go downhill. It is a way to keep things neighbor friendly. The ultimate goal is to teach the small business districts how to plan and manage growth concepts.

John Carroll, River District Steering Committee, said the neighborhood outreach process has been tremendous as planning has been taken down to a level where citizens are not intimidated. The River District is well along in its planning process to develop a vision for some 150-200 acres in north downtown. They will bring their final plan to Council early next year and hope it will demonstrate that density can be increased without sacrificing quality of life.

Mayor Katz asked about the timeline for bringing in the plan, with recommendations for financing.

Mr. Carroll said they expect to get a price tag for infrastructure improvements very soon as well as the private contribution. He said strategies for financing will be the backbone of their plan.

Commissioner Hales commended Mr. Nelessen and citizens for the work they have done. By approving this Council is indicating that it is willing to roll up its sleeves and work with neighborhoods to make these ideas happen.

Wendy Smith Novick, Outreach Coordinator, Regional Rail Program, Office of Transportation, stressed the role the Liveable Cities Project plays in coordinating efforts and making sure that the City is working with Tri-Met and Metro's Region 2040 on all the land-use and transportation issues affecting the City.

Mary Volm, Office of Transportation, talked about the relationship of Liveable Cities to transportation and noted a groundswell of support for having individuals take responsibility for their communities. She said it is very important to move ahead with the demonstration projects so that people can see how mixed-use development can work.

Jay Mower, 777 SW Chestnut St., 97219 and member of the Hillsdale Vision Project, said the Liveable Cities Project has planted a lot of seeds but staff support is needed to implement the things that have been dreamed up.

Commissioner Hales suggested making it clear that the intent is for the Planning Bureau to be the lead bureau among the interdisciplinary team that will carry out this work.

Mayor Katz said there is a need to pull the pieces together and incorporate the transportation planning piece, PDC and other partners such as State agencies.

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Bob Stacey, Planning Bureau Director, acknowledged strong support from Transportation, PDC and most particularly from the sponsoring state agency, the Department of Land Conservation and Development. He said many of the partnerships alluded to in the resolution are in place and are very important to implementation.

Mayor Katz asked about public funds for the construction of higher density housing along light rail stations.

Mr. Stacey said they are engaged in station area planning on the West side and hope to be a successful candidate in the congestion management air quality project that the Department of Environmental Quality has sponsored using federal resources. That program would provide opportunities to build demonstration projects to show how mixed-use development can reduce congestion caused by single-occupant vehicles. The idea of using transportation dollars to help encourage such building is a landmark program. The Planning Bureau hopes to encourage the selection of one of Portland's neighborhoods as one of those demonstration projects.

Commissioner Hales said if for any reason the partnerships fail to happen, the time and effort of both the citizen activists and professionals will have been wasted. He said Council needs to make it clear that it expects its policy objectives to be carried out by working in collaboration with other agencies.

Disposition: Resolution No. 35200. (Y-3)

Commissioner Gretchen Kafoury

1675 Liquor license application for Nu Tran, dba How R You, 4806 SE Stark Street, restaurant liquor license (new outlet); favorable recommendation (Previous Agenda 1634)

Discussion: John Werneken, License Bureau, said they have been unable to reach agreement between the applicant and the neighborhood. The Bureau's recommendations remain favorable with a restriction that would propose a 9:00 p.m. closing hour and ask for notice to the City if there is a request to change or remove it. This is an unusual recommendation because in this case there has been no record of serious problems at this location and because the owner does not fully agree with the proposal. He noted the pioneering restrictions Council placed on the Dublin Pub despite applicant's contention that the disturbances were inevitable. He said in this case the neighbors and owners have tried in good faith to reach agreement but the owner is uncomfortable with the requirement for an early closing hour, partly because she believes it might be very difficult to change in the future. Most of the neighbors would like to see some record of operation before later hours are requested so it may come down to good will on the

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part of the applicant. The Bureau wants to give the applicant a chance to show that problems will not result and then let the applicant request later operating hours. This recommendation makes the City more proactive in licensing cases.

Mayor Katz asked if they would make the same recommendation for other establishments in the future.

Mr. Werneken said they have been directed to propose policy on some of these issues and they are trying to experiment with some different things.

Wendy Garbart, 736 SE 48th, said Ms. Tran had not agreed to comply with the 9:00 p.m. closing time that had been part of the Good Neighbor Plan and that caused concern. She said they compromised that closing hours could be extended once a week. She said so far the restaurant has been welcome since it is nicer than a closed-down gas station but they do feel strongly about not extending the hours beyond 9:00 p.m. on a regular basis. They have no strong objection to the clause about occasionally extending the hours but had consensus that this was not the time to extend the hours on a regular basis. They first want to see how the operation goes with the liquor license.

Nu Tran, applicant for How R U restaurant, proposed a 10:00 p.m. closing time, arguing that the earlier time is unreasonable and objecting to being singled out as a guinea pig to test certain concepts about how the City wants to proceed with future liquor licenses. She said the 9:00 p.m. closing is not based on any evidence that there have been or will be problems. Rather it is based on unsubstantiated fear. She said she would like the option of staying open until midnight but is willing to compromise with 10:00 p.m.

Commissioner Hales asked whether other restaurant licensees had closing hours this early, at 9:00 or 10:00 p.m.

Mr. Werneken confirmed that this is unusually early but noted that the restaurant currently closes at 9:00 p.m. and plans to continue doing so for some time. However, there are a number of example of facilities in residential communities with later hours where there has been constant friction. If the Bureau is allowed to play Solomon, it can say start with 9:00 p.m. and if there are no problems, it can move to 10:00 p.m. He noted there is no record of any problems at this location.

Commissioner Hales confirmed that the good neighbor agreement had not been signed and this issue was the holdup.

Ms. Tran said yes.

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Commissioner Hales asked what would happen to the good neighbor agreement if Council resolved the time issue.

Ms. Tran said the signing of the agreement has not been discussed because of the disagreement about closing, although they had reached accord on the other issues.

Mayor Katz asked if the owner requests the later closing hour in January, for instance, how would this approval be given.

Mr. Werneken said the proposed additional language would put a cap of three to six months for the 9:00 p.m. closing and then Ms. Tran could notify the OLCC she is planning on making a change to a later hour. The request would normally be approved but the City would be notified and could set up a neighborhood meeting. He added that the neighborhood group has indicated they would not oppose later closing hours unreasonably. The meeting provides a check point in case there are any real problems.

Mayor Katz asked how long it would take for the applicant to get a response to her request if she wanted to extend the closing hours.

Mr. Werneken said about three weeks. There was no objection to the applicant requesting extending the closing hours for an occasional banquet as long as it remained occasional, defined as less than weekly.

Harry Auerbach, Deputy City Attorney, reminded Council that what it does is advisory to the OLCC, which is responsible for imposing any conditions. As a restaurant owner he would have qualms about being at the mercy of a neighbor as to whether he could stay open later.

Mayor Katz said she would prefer to place an element of trust on the applicant since there is no negative history but allow the community to respond to whether the applicant met the conditions of a good will agreement, which has not been signed yet, and look at a 10:00 p.m. closing but not wait for a whole year before revisiting this. She said the applicant should be given an opportunity to show she will run a decent neighborhood restaurant.

Mr. Werneken said the Bureau could get feedback from the neighbors and return with a report to Council at any time.

Commissioner Lindberg said he would prefer a fixed time of 10:00 p.m., rather than have something that moves around and becomes an administrative nightmare.

Commissioner Hales agreed, noting that this is a restaurant, not a tavern, which is potentially more dangerous to a neighborhood. There is also an

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enormous paperwork hassle in making a change and, finally, a 10:00 p.m. closing time is more sustainable at the OLCC level.

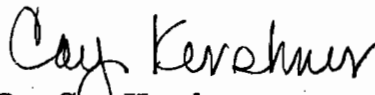
Mayor Katz said Council fears that because the standards are not clear the process will be a nightmare for all parties when the applicant seeks an extension for a special event.

Commissioner Hales moved to accept the report with the modification to change the closing hours to 10:00 p.m. Commissioner Lindberg seconded.

Disposition: Favorably recommended as modified. (Y-3)

At 3:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council