



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF MARCH, 1994 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; Harry Auerbach, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

380 TIME CERTAIN: 9:30 AM - Accept Downtown Street Musicians and Performers Partnership Agreement (Report introduced by Mayor Katz and Commissioner Kafoury)

Discussion: Lt. Ed May, Portland Police, said after this issue came before Council he contacted United Community Action Network (UCAN) to see if they would facilitate an agreement with the street musicians and representatives of the Police, District Attorney and other interested parties. The agreement by musicians to limit their playing to 60 minutes at any one location, with a maximum of two 60 minute sets per day, eliminated many of the issues. The Association for Portland Progress (APP) has issued a brochure that explains the agreement and also worked with Parks Bureau staff to establish a "free music" zone. The Downtown Security Network and APP agreed to work with the street musicians to solve any problems that might arise. He said people have been abiding by the tenets of the agreement over the last month even though the agreement has not yet been signed.

Paul Owens, Portland musician, thanked Council for this effort as he believes music is of far greater value than many people are aware of.

Colleen Larson, a street musician, said this agreement is very important and it is good for children to see musicians out on the street.

Zacharias, a street musician, said in Europe street musicians are considered artists but in this country they are often not that respected. With this agreement Portland musicians are finally getting the respect due them.

Rob DeGraff, Association Portland Progress, said this is community policing in its purest form and a demonstration of how the Police can

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find a solution that works for everybody.

Joe Keating, UCAN, said they were pleased to be able to help facilitate the process and called this a fine example of the City's livability.

Paul Herman, City Noise Control Officer, said it is nice to know the process can still work.

Scott Spencer Wolfe, Public Safety Chair for the Downtown Community Association, said they wholeheartedly support this.

Tom O'Keefe, UCAN, said they are happy to know the music continues, adding that the brochure is basically the conductor.

Mayor Katz thanked all the parties involved and said she hopes this agreement works.

Disposition: Accepted. (Y-5)

Agenda No. 396 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 381** Accept bid of K & R Plumbing and Construction for SE 166th and SE Haig Street sanitary sewer for the Bureau of Environmental Services for a total amount of \$42,535 (Informal Bid)

Disposition: Accepted; prepare contract.

- 382** Accept bid of Courtesy Ford for one pickup cab and chassis for the Bureau of General Services for \$42,735 (Purchasing Report - Informal Bid)

Disposition: Accepted; prepare contract.

- 383** Accept bid of Oregon Electric Construction, Inc. for medium voltage power system upgrade for the Columbia Boulevard Wastewater Treatment Plant for \$349,920 (Purchasing Report - Bid 106)

Disposition: Accepted; prepare contract.

- 384** Accept bid of Christenson Electric, Inc. for medium voltage power system upgrade, owner furnished and installed for Columbia Boulevard Wastewater Treatment Plant for \$258,960 (Purchasing Report - Bid 107)

Disposition: Accepted; prepare contract.

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- 385** Accept bid of DSU Peterbilt & GMC, Inc. for annual supply of General Motors truck parts and accessories for 7 percent off Fleet Users suggested parts price list (Purchasing Report - Bid 112A)

Disposition: Accepted; prepare contract.

- 386** Accept bid of Hessel Tractor and Equipment Co. for annual supply of John Deere parts and accessories for 20 percent above the John Deere parts dealer net price (Purchasing Report - Bid 114A)

Disposition: Accepted; prepare contract.

- 387** Accept bid of Ben-Ko-Matic Co. for annual supply of Elgin sweeper parts for 10 percent discount off Elgin price list (Purchasing Report - Bid 115A)

Disposition: Accepted; prepare contract.

- 388** Accept bid of White GMC Trucks of Portland for one 80,000 GVW conventional set-back truck tractor for \$60,250 (Purchasing Report - Bid 117)

Disposition: Accepted; prepare contract.

- 389** Accept bid of White GMC Trucks of Portland for one 100,000 GVW conventional set-back truck tractor for \$66,100 (Purchasing Report - Bid 118)

Disposition: Accepted; prepare contract.

- 390** Accept bid of Brundidge Construction for Bayard Basin CSO sump units 5-6 for \$668,486 (Purchasing Report - Bid 123)

Disposition: Accepted; prepare contract.

- 391** Accept bid of Robertson Utilities for Alameda Park sewer reconstruction for \$149,197 (Purchasing Report - Bid 125)

Disposition: Accepted; prepare contract.

- 392** Vacate a certain portion of SE 101st and SE 103rd Avenues south of SE Powell Boulevard, under certain conditions (Ordinance by Order of Council; C-9856)

Disposition: Passed to Second Reading March 23, 1994 at 9:30 a.m.

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Mayor Vera Katz

- 393** Confirm appointment of Mary M. Loennig to the Investment Advisory Committee (Report)

Disposition: Confirmed.

Commissioner Earl Blumenauer

- 394** Approve appointment of Matt Klein to the Vintage Trolley, Inc. Board of Directors (Resolution)

Disposition: Resolution No. 35261. (Y-5)

Commissioner Charlie Hales

- *395** Amend Ordinance No. 156133, which granted a zone change on property at SW Lancaster and Stephenson, between SW 19th and 25th Avenues, from R20 to R10, Residential, to delete some of the conditions and to amend Condition 8 (Ordinance; amend Ordinance No. 156133; 93-00658 SU PU EN AD)

Disposition: Ordinance No. 167456. (Y-5)

Commissioner Gretchen Kafoury

- 397** Accept construction of buildings and towers for the 800 MHz radio system as complete and authorize final payment to CEMS, Inc. for \$23,373 (Report; Contract No. 28131)

Disposition: Accepted.

- *398** Amend contract with ADCOMM Engineering Company for engineering services for the 800 MHz trunked radio system (Ordinance; amend Contract No. 27326)

Disposition: Ordinance No. 167457. (Y-5)

- *399** Contract with Kermit C. Robinson & Associates for \$60,364 to provide construction codes-related interpretive and administrative services to the Bureau of Buildings (Ordinance)

Disposition: Ordinance No. 167458. (Y-5)

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- *400** Authorize a lease agreement for space at Kliever Memorial Armory, located at 10000 NE 33rd Drive, for the Police Bureau (Ordinance)

Disposition: Ordinance No. 167459. (Y-5)

- *401** Authorize an Agreement with the Oregon Community Foundation in the amount of \$150,000 to support Neighborhood Partnership Programs to assist non-profit housing development organizations and provide for payment (Ordinance)

Disposition: Ordinance No. 167460. (Y-5)

Commissioner Mike Lindberg

- 402** Accept contract with Marshall Associated Contractors, Inc. for water mains in NE Bridgeton Rd. and NE Marine Dr. as complete and authorize final payment (Report; Contract No. 28812)

Disposition: Accepted.

- *403** Provide necessary documentation to close out contracts for Airport Way No. 2 and No. 3 wastewater pumping stations, including a Settlement Agreement with Triad Mechanical, Inc. (Ordinance; Contract Nos. 27584, 27585)

Disposition: Ordinance No. 167461. (Y-5)

REGULAR AGENDA

- S-*396** Agreement with Metro to share the services of ecologist Ralph Thomas Rogers on loan from EPA (Ordinance)

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

Disposition: Substitute Ordinance No. 167462. (Y-5)

Commissioner Charlie Hales

- *404** Authorize commencement of eminent domain proceedings for acquisition of land in Forest Park (Ordinance)

Discussion: Commissioner Hales noted a failed attempt to make a density transfer which then gave the City two options -- either to leave the property in private hands or proceed to try to acquire this isolated

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parcel which is wholly enclosed by Forest Park. He said he believes the City should acquire this property by eminent domain with funds supplied by the Friends of Forest Park.

Disposition: Ordinance No. 167463. (Y-5)

- 405** Amend Title 33, Planning and Zoning, to implement Interim Regulations for Westside Light Rail station areas (Second Reading Agenda 378; amend Title 33)

Disposition: Ordinance No. 167464 as amended. (Y-5)

City Auditor Barbara Clark

- 406** Assess property for sidewalk maintenance for period of July through September, 1993 (Ordinance; Y0510)

Disposition: Passed to Second Reading March 23, 1994 at 9:30 a.m.

- 407** Assess property for large lot deferral contracts through December, 1993 (Second Reading 377; L0042)

Disposition: Ordinance No. 167465. (Y-5)

At 9:55 a.m., Council recessed.

WEDNESDAY, 2:00 P.M., MARCH 16, 1994

DUE TO THE LACK OF AN AGENDA

THE COUNCIL DID NOT MEET

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**A RECESSED MEETING OF THE COUNCIL OF THE CITY OF
PORTLAND, OREGON WAS HELD THIS 17TH DAY OF MARCH, 1994
AT 2:00 P.M.**

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

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

Commissioner Gretchen Kafoury

- 408** Liquor license application for Elias and Cleopatra Karamanos, dba Elias
Grocery, 1806 NW Couch St., package store liquor license (renewal);
Favorable recommendation, with restrictions (Report)

Discussion: Mike Sanderson, License Bureau, said this outlet is in an
area frequented by street drinkers and staff is recommending that
restrictions be placed on this license banning the sale of problem
products associated with street drinkers. The fact that a street drinking
problem has been shown to exist near this store is sufficient under the
law to restrict the license. In addition, there is evidence that this store
has contributed to the street drinking problem by actually selling alcohol
to street drinkers, making the case for restrictions more compelling. The
restrictions would include banning the sale of wines with an alcohol
content of 13.8 per cent or above, malt liquors and beer in single
containers or those larger than 16 ounces. Staff also believes this
recommendation is consistent with community efforts to form
partnership agreements with liquor outlets aimed at reducing the
availability of alcohol to street drinkers.

Mayor Katz asked if Elias had signed the original neighborhood
agreement several months ago.

Mr. Sanderson said no.

Commissioner Blumenauer said he had heard complaints that young
people had obtained alcohol from this outlet.

Mr. Sanderson said he has not received any complaints that this is
occurring here.

Charles Duffy, 1529 NW 29th, President, Cathedral School Board, said
Elias poses a severe threat to the 198 children who attend Cathedral
school. He cited incidents of harassment of kids, public urination,
defecation and exposure by street people in the area. He said his target

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is not the street drinkers themselves but those who prey on them by selling them alcohol. He described some of the measures the school has taken to increase security, including having parents rake the bark dust under the play structure every day and search for broken glass and needles. He asked for an unfavorable recommendation from Council, rather than favorable with restrictions, and said they are willing to go to the OLCC to support that recommendation.

Bill Linden, 2541 NW Pinnacle Dr., Cathedral parent, said the availability of liquor serves as a magnet to draw the street drinkers to the neighborhood. He asked for an unfavorable recommendation.

Don Starnes, 1717 W. Burnside, 97209, supported the favorable recommendation, noting that there are between three and four outlets within a four-block radius where one can buy malt beverages and 40-ounce containers. He said a lot of street drinkers buy beverages elsewhere and bring them into the neighborhood. He said the people at Elias will not sell alcohol to people under the influence or to minors.

Commissioner Lindberg asked those representing Cathedral if they would still oppose granting the license if the licensee had been willing to limit the sale of problem products.

Mr. Duffy said he does not believe the owner is interested in being a good neighbor and has shown no willingness to cooperate. He noted that one of the other nearby stores had agreed to mark its bottles.

Commissioner Lindberg asked if the problem could be attributed to just this one store or are there others selling the same type of product.

Mr. Duffy said he does not believe it is the Hoyt Street Market. This store is the problem.

Mr. Linden said the Hoyt Street Market marks its bottles but Elias refuses to do so.

Sam Alvarado, resident of the Tudor Arms Apartments, supported a favorable recommendation, contending that it is unfair to blame all the problems on Elias. The churches are also a part of the problems as they offer support programs for the homeless which draws them into the neighborhood. He said it adds to his feeling of safety to have a business such as Elias open until 10 p.m. He said Elias has nothing to do with the drug problems or with someone shooting a gun in the neighborhood as described by Mr. Duffy.

Doug Fuland, 130 NW 19th, noted his previous opposition to liquor licenses but said the Karamanos family is kind and he has seen them

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tell people countless times to leave the store because they are intoxicated or do not have the proper identification. He said the drinkers who used to be in Old Town have been forced up farther in Northwest because of the drug market. He noted the presence of a number taverns nearby and said he would not be here if he thought the Karamanos were up to no good.

Rebecca Preston, 831 NW 25th, 97210, said she has been constantly harassed by drunks in Couch Park. She said drunk street people are showing up in increasing numbers and lowering property values.

Commissioner Lindberg asked if she favored taking liquor licenses away from all the grocery stores or limiting the type of product they can sell.

Ms. Preston said she has seen a dramatic increase in the problems in the Couch Street area. She said it is difficult to separate the homeless and street drinkers but selling fortified alcohol definitely adds to the problem.

Barbara Wagner, 1836 NW Couch, said Police records prove that Elias sells liquor to intoxicated persons and transients, noting 14 incidents in an 18-month period linking Elias Grocery with street drinking or drunkenness. She said that number does not begin to reflect the scope of the problem. She said she and her husband reside three houses away from the Elias Grocery and the area near this store has become a magnet for all the City's inner city problem drinkers. She cited many problems with disorderly drunks and vagrants and said neighbors should not be forced to erect fortresses around their property to protect themselves.

Ed Wagner, 1836 NW Couch, showed Council some of the many beverage containers left on their property and cited the existence of hobo camps under their deck. He said Elias' supporters are not property owners in Northwest and do not have to deal with the problems the store creates. He said they were unable to find a single Northwest neighborhood property owner who thinks Elias should be allowed to continue selling alcoholic beverages to transients. He said the problems will not go away by banning the sale of these products at only Elias and asked Council to reconsider a Citywide ban on nuisance products.

Andre Tababoo, 1717 W. Burnside, said this is a witch hunt which unfairly targets this one store. He said the presence of transients is a community problem and the community itself should help these people so such situations do not occur. He said these people have no homes or yards to go to, adding that banning alcohol products Citywide would be unjust.

Marvin Pohl, Northwest District Association (NWDA), said in February they voted to request restrictions banning the sale in Northwest Portland

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of 13.8 malt liquors, beer in containers larger than 16 ounces or in single containers. He said only three outlets did not sign an agreement -- Elias, Hoyt Street and Northwest Market. He said Cathedral parents have the strongest voice here because the Oregon Administrative Rules allow for denial or restriction of a license if it can be shown that there are undue impacts because of proximity to schools and children. He said Council has the option of recommending a temporary license based on an agreement to stop selling the problem products. If the problems do not go away within three months the license could be called. He said Elias is not the cause of all the problems and cited a Central City update which shows an almost 24 percent increase in street drinking and alcohol and drug use in Zones 3 and 5. Much of this has occurred because of what is happening in Old Town and the problems associated with Elias are a little but very visible symptom of the alcohol problems in Northwest because the people causing the problems do not have homes. He requested that Council ask for a temporary license setting a time frame for solving the problem and, if that does not work, request pulling the license.

Peter Karamanos, 1818 NW Couch, son of Elias Karamanos and manager of Elias Grocery, said Mr. Duffy is unfairly singling out their business as the major culprit because of the transient problem in the neighborhood. He said Mr. Duffy exaggerates what is actually occurring at and around Elias Grocery, arguing that store personnel monitor people on or nearby their store on a daily basis, particularly when children get out of school. He said many of the street drinkers are mentally disturbed and would create problems even without being under the influence of alcohol or drugs. He said Elias Grocery is not responsible for homelessness, unemployment, the elimination of low cost housing, etc., and he does not understand why his business is being singled out for closure while other nearby taverns and outlets are not.

Commissioner Kafoury asked why Elias was unwilling to sign a neighborhood agreement.

Mr. Karamonos said there are still convenience stores in the area which sell fortified wines, which Elias voluntarily agreed in 1989 not to sell, adding that they have now begun marking their bottles. People suspected of being homeless must show a current rent receipt from a local area in order to purchase alcohol. However, he said he does not understand why taverns and liquor stores are not held to the same restrictions. He said Elias is ready to actively work in a collaborative effort to help combat the problems. However, they believe the restrictions outlined by the License Bureau will not have a dramatic effect on the transient population in this area. He said when his father agreed to stop the sale of fortified wine in 1989 it was done on the condition that other stores in the northwest and southwest area near

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Burnside also agree to do so. To date, however, this has not occurred, and that is why they are reluctant to agree to the restriction. He suggested a number of other measures that would diminish the problem, including a neighborhood watch, increased lighting and Police patrols, as well as posting no loitering signs.

Elias Karamanos, owner, showed fortified wine and liquor bottles found near the school, products that are not sold at his store. He said Mr. Duffy singled them out and mistakenly implied that they sell fortified wine. He said homeless people are coming into his area because of the nearby parking lots and other vacant areas, not because of his store.

Mark Trulin, 133 NW 18th, said he has never seen Elias sell alcohol to anyone obviously intoxicated or known to be a problem in the area. He has never seen drunks and drug dealers outside the store hassling kids on their way to school. He said, however, he has seen drunks stumbling out of the nearby taverns and more upscale places, making noise, vandalizing, etc. He said this is a misguided effort that presumes that by punishing an honest, hardworking citizen, the unfortunates can be relocated to another part of town. He said this is a problem of homelessness and self-destructive choices, not just a problem of alcohol, and recommended no restrictions.

Noreen Joynt, manager of the Carlotta Apartments, 1631 NW Everett, criticized church supporters for pinpointing Elias as the source of the problems and for trying to get a pay phone removed which she had requested. She said drunk Indians are the main problem because there are inadequate laws to put them in jail and keep them there. She said both she and Elias have cleaned out the problems around them and the church has to do so, too.

Hal Ultra, 19th and Davis, supported the Karamanos family and said banning the sale of alcohol here because of the homeless in the area will just move the problem somewhere else.

Commissioner Lindberg noted the applicant's willingness to agree to this restriction if other outlets in the area did. He asked if there is some mechanism for doing this so there is a level playing field.

Mr. Sanderson said the Police and Association for Portland Progress determined that the best approach was a voluntary agreement among all package stores in the impacted area. Holdouts would come to the surface if they contributed to the problem of street drinkers and could be dealt with when their licenses come up for renewal. He noted that the renewal date is June 30 for outlets south of Burnside while renewals are occurring for those north of Burnside right now and every outlet identified as a problem is being brought before Council.

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Mayor Katz asked if the Hoyt Street and Northwest Neighborhood markets sell problem products.

Gary McGrew, License Bureau, said three stores, including Hoyt Street, Elias and Northwest Neighborhood Market, have been identified as problems and that is why they are being brought into Council.

Commissioner Blumenauer asked about the merit of a temporary license, as suggested by NWDA.

Mr. McGrew said temporary licenses are issued only when a license has expired and the investigation is not complete. He said the City could request restrictions immediately if it wished.

Commissioner Hales asked what it would take to recommend denial instead of restrictions.

Mr. McGrew said in the case of the Northwest Neighborhood Market denial was recommended because six violations had occurred. In this case there have been no written violations by the Police or citations issued by the OLCC. That is why they are recommending restrictions rather than denial. The Bureau would also recommend denial for an outlet in a neighborhood impact area where violations continue after a Letter of Warning is issued.

Commissioner Kafoury asked what the difference is between a Police report and an actual citation.

Greg Hendrickson, Central Precinct, said officers can write reports based on their own observations or those of other citizens and these are submitted to the License Bureau and OLCC for review. Or officers can elect to issue a citation if they have probable cause to believe a liquor law violation has occurred. That is a criminal offense and historically officers have not routinely taken such action but that will begin to occur on a routine basis in the future because of a handful of licensees who refuse to cooperate or recognize the problems they create by selling certain products. He said they have assurances that the District Attorney will prosecute such citations and the OLCC is required, after a certain number of citations, to impose fines and pull a license for a specified period of time.

Mr. McGrew said if they were going to make an unfavorable recommendation they would use Senate Bill 126 as the basis because of the negative impact of store patrons on the neighborhood.

Commissioner Blumenauer said while the applicant is right in stating he is not solely responsible for the problems, he has not expressed any

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willingness to go the extra mile to solve them. He said it is appropriate to look at the store's immediate proximity to a church and school and at the evidence presented here and take a different recommendation to the OLCC. He suggested recrafting the report to make an unfavorable recommendation and request the OLCC to condition the temporary license with immediate restrictions on problem beverages.

Mr. McGrew asked if Council wanted to vote to change to an unfavorable recommendation today or have the License Bureau return next week with a new recommendation.

Commissioner Blumenauer said he was willing to do it now but would prefer to wait a week if a stronger case can be made and there is unanimous agreement.

Commissioner Hales said the Council has three policy objectives: 1) protect neighborhood livability; 2) signal that liquor licenses are a privilege and not a right; and 3) maintain credibility by providing a solid basis for Council recommendations. If the basis for changing is Senate Bill 126 that is fine but the OLCC has been clear in telling the City that it should not use liquor licenses as a surrogate for land use objectives. He said if the proximity effect envisioned by the new legislation allows the Council to deny this license, then presumably it will be saying the same thing to others in the area; in effect creating a no-liquor availability zone. He said Council should think about where it is headed before starting down that path.

Commissioner Kafoury said another factor is the licensee's willingness to comply with voluntary restrictions and she would be willing to vote for an unfavorable recommendation based on the new legislation and the failure of the applicant to work with the neighborhood and License Bureau. She noted that many other stores have agreed to sign without waiting until everyone else signed.

Commissioner Lindberg said it was a mistake on the part of the store owner not to sign this voluntary agreement but noted the punitive effect of taking away the license of a business that has been there for 39 years. He asked if the restrictions could be imposed immediately so as to stop the sale of problem products to street drinkers.

Dennis Nelson, Manager, Bureau of Licenses, said the restriction approach would have solved the problem at hand, which was street drinking. He said the applicant has the choice now between an unfavorable recommendation or a favorable with restrictions, based on his voluntarily entering into an agreement right now. If not, the Bureau will be happy to return next week with an unfavorable recommendation.

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Commissioner Blumenauer said it should be with the understanding that if he enters into a voluntary agreement the Police will be citing them, not the OLCC. He said it looks to him as if there are things in the file which would allow the citations right now.

Dan McNeill, Regional Coordinator with the OLCC, said the applicant is currently operating under a letter of authority while the OLCC waits for a recommendation from local government. He said the OLCC could restrict their privileges under that letter of authority but any restriction would also have to give the licensee due process. He said if the OLCC has sufficient evidence to support the City's recommendation for restrictions, it could move forward with that restriction but the applicant would have the right to challenge that in a hearing.

Mayor Katz asked what happens if the Police cite the licensee and the District Attorney prosecutes him.

Mr. McNeill described the penalty schedule involving both fines and suspensions and noted that after the fourth violation in a two-year period the license is pulled.

Mayor Katz asked if a finding of guilty is needed.

Mr. McNeill said if a licensee goes through the court system and is found guilty that is sufficient to pull a license. The OLCC can also hold an administrative hearing.

A recess was called while Bureau staff talked to the applicant about signing a voluntary agreement to restrict problem products.

When Council reconvened, Mr. Nelson said an agreement had been reached. However, after the Mayor summarized the agreement Mr. Karamanos changed his mind and said he would not sign. Mr. Nelson then requested a one week continuance in order to prepare a report changing the recommendation to an unfavorable one.

Disposition: Continued to March 23, 1994 at 2:00 p.m.

409 Liquor license application for Joseph Byung Song and Myung Hee Song, dba Hoyt Street Market, 1830 NW Hoyt St., package store liquor license (renewal); Favorable recommendation, with restrictions (Report)

Discussion: Mike Sanderson, License Bureau, said this market is across the street from Couch Park and sufficient evidence exists to show this is an area frequented by street drinkers. In addition, evidence shows that this outlet furnishes alcohol to street drinkers. Staff is forwarding a favorable recommendation with restrictions, which would

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ban the sale of wines with an alcohol content of 13.8 percent or above, malt liquors and beer in single containers or in containers larger than 16 ounces.

Joseph Song, applicant, said some of the problems attributed to his market are not provable, but he voluntarily agreed to discontinue sale of 40-ounce containers and malt liquor. He said the Police sit in front of his store all day long and he does not know why. He said his manager checks i.d. very carefully and does not sell alcohol to homeless people.

Mayor Katz noted the police reports and a citation noted in the report.

Commissioner Kafoury asked if Mr. Song was willing to sign the voluntary agreement as the City is requesting of all the outlets in the area. She said she understood he had not agreed in the past.

Mr. Song said they did not agree in the past but have now discontinued sale of the 40-ounces, which are the main problem.

Commissioner Kafoury asked if there were more things that would be discontinued.

Mr. Sanderson described the restrictions contained in the voluntary agreement which include not selling single containers of beer. The minimum would be a six-pack.

Mr. Song said the restriction on the sale of single containers would hurt his business a lot as 90 per cent of his customers buy a single can when they are driving by.

Commissioner Kafoury moved to set this over for several weeks to allow the staff to make sure the applicant understands the agreement. Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Disposition: Continued to April 6, 1994 at 2:00 p.m.

410 Liquor license application for Kim T. Bui, dba Cafe Mai, 1809 NE 39th Ave., restaurant liquor license (renewal); Unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said Cafe Mai's record of violent incidents and liquor law violations, especially concerning sales to minors, is the basis for the unfavorable recommendation. He said despite repeated warnings, a compliance plan and several citations, the licensee failed to comply with the law.

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Police Officer Perry Christianson reviewed the findings of the Police Bureau investigation. He said the issue in this case is one of public safety, adding that he had documented 18 incidents occurring in and outside Cafe Mai during the last 18 months which involved Police Bureau action. He described some of the incidents, including fights involving Asian gang members and minors, vandalism and a shooting. Police strongly urge an unfavorable recommendation as the potential for violence is extremely high and the licensee is unable or unwilling to maintain orderly and lawful premises.

Commissioner Kafoury moved to adopt the report and forward an unfavorable recommendation. Commissioner Hales seconded.

Disposition: Unfavorably recommended. (Y-5)

At 4:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council