



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF APRIL, 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; Kathryn Imperati, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 505** Accept bid of DSU Peterbilt-GMC, Inc. for walk-in type air unit for the Fire Bureau for \$43,524 (Purchasing Report - Informal Quote)

Disposition: Accepted; prepare contract.

- 506** Accept bid of Battan's Construction for SE 166th and SE Haig Street sanitary sewer for the Bureau of Environmental Services for \$44,302 (Purchasing Report - Informal Bid over limit)

Disposition: Accepted; prepare contract.

- 507** Accept bid of Almac/MTI Systems for Document Imaging Systems for \$60,000 (Purchasing Report - Bid 108)

Disposition: Accepted; prepare contract.

- 508** Accept bid of NTA Contracting, Inc. for Mid-County test pits for \$43,295 (Purchasing Report - Bid 128)

Disposition: Accepted; prepare contract.

- 509** Accept bid of Wilbur-Ellis Company for furnishing annual supply of herbicides for \$37,978 (Purchasing Report - Bid 130-A)

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Disposition: Accepted; prepare contract.

- 510** Accept bid of Brundidge Construction for Chautauqua Basin CSO test sump project for \$297,073 (Purchasing Report - Bid 137)

Disposition: Accepted; prepare contract.

- 511** Accept bid of Pacific Rim Automation, Inc. for 102 MDS radios for the Bureau of Environmental Services for \$140,400 (Purchasing Report - Bid 147)

Disposition: Accepted; prepare contract.

- 512** Accept bid of Christenson Electric, Inc. for 100 Square D PLC RNIMs for the Bureau of Environmental Services for \$149,400 (Purchasing Report - Bid 148)

Disposition: Accepted; prepare contract.

- 513** Accept bid of Almac/MTI Systems for Digital Alpha servers for the Bureau of Environmental Services for \$149,110 (Purchasing Report - Bid 149)

Disposition: Accepted; prepare contract.

- 514** Vacate a certain portion of SW Whitaker Street, under certain conditions (Second Reading Agenda 468; C-9848)

Disposition: Ordinance No. 167519. (Y-5)

Commissioner Earl Blumenauer

- *515** Amend an agreement with Shiels & Oblatz to provide additional construction engineering services for the Portland Transit Mall extension project (Ordinance; amend Agreement No. 28514)

Disposition: Ordinance No. 167520. (Y-5)

- *516** Accept a grant from the Oregon Department of Transportation in the amount of \$224,312 for development of a Transportation Management Association in the Lloyd District and authorize up to top of pay scale for a limited term Program Manager II (Ordinance)

Disposition: Ordinance No. 167521. (Y-5)

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Commissioner Charlie Hales

- *517** Authorize application to the National Park Service for grants totaling \$250,000 for rehabilitation of park rest rooms and for an innovative benefits-based management project (Ordinance)

Disposition: Ordinance No. 167522. (Y-5)

- *518** Amend contract with the Portland Metropolitan Softball Association for concession privileges at Normandale Park through September 30, 1998 and increase liability insurance requirement (Ordinance; amend Contract No. 14163)

Disposition: Ordinance No. 167523. (Y-5)

- *519** Contract with DSU Peterbilt and GMC, Inc. for \$43,524 for purchase of an air unit replacement chassis for the Fire Bureau and provide for payment (Ordinance)

Disposition: Ordinance No. 167524. (Y-5)

- *520** Execute a contract with OTAK, Inc. for engineering services at the Fire Bureau Training Center for \$18,940 (Ordinance; waive Code Section 5.68)

Disposition: Ordinance No. 167525. (Y-5)

Commissioner Gretchen Kafoury

- *521** Amend Ordinance 167518 to grant Specially Attended Transportation (SAT) permit to TLC Transportation, Inc. (Ordinance; amend Ordinance No. 167518)

Disposition: Ordinance No. 167526. (Y-5)

- *522** Authorize the Mayor to submit a proposal to the Oregon Community Foundation for \$67,604 to implement the "Parent-School Involvement Project" (Ordinance)

Disposition: Ordinance No. 167527. (Y-5)

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- *523** Contract with Multnomah County for \$31,000 for intensive probation supervision for domestic violence offenders and provide for payment (Ordinance)

Disposition: Ordinance No. 167528. (Y-5)

- *524** Amend agreement with the Housing Authority of Portland to increase the amount by \$48,000 and provide for payment (Ordinance; amend Agreement No. 28382)

Disposition: Ordinance No. 167529. (Y-5)

Commissioner Mike Lindberg

- *525** Authorize the Energy Office Director to sign Portland General Electric's Terms and Conditions Agreement for cash rebates resulting from energy efficiency projects on City-owned facilities (Ordinance)

Disposition: Ordinance No. 167530. (Y-5)

- *526** Authorize the Mayor to submit a proposal to the Urban Consortium Energy Task Force for a technology transfer grant of \$25,000 to create sustainable business development workbooks and offer sustainable business development workshops for other U.S. cities (Ordinance)

Disposition: Ordinance No. 167531. (Y-5)

- *527** Authorize the Mayor to submit a proposal to the Urban Consortium Energy Task Force for a grant of \$75,000 to implement the "Green Fleets" program (Ordinance)

Disposition: Ordinance No. 167532. (Y-5)

- *528** Authorize the Mayor to submit a proposal to the Urban Consortium Energy Task Force for a \$75,000 grant to implement the "Electronic Thermostats: Apartment Comfort and Energy Savings Demonstration Pilot" (Ordinance)

Disposition: Ordinance No. 167533. (Y-5)

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- *529** Amend contract with Brown and Caldwell Consultants for professional engineering services and provide for payment (Ordinance; amend Contract No. 28815)

Disposition: Ordinance No. 167534. (Y-5)

- *530** Authorize negotiations for the purchase of two permanent and temporary sewer easements required for construction of the Summer Place No. 23 sanitary sewer project; begin condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 167535. (Y-5)

- *531** Authorize a contract with the lowest responsible bidder for Bid No. 147 to provide MDS radios for the PS auto remote project for the Bureau of Environmental Services (Ordinance)

Disposition: Ordinance No. 167536. (Y-5)

- *532** Authorize a contract with the lowest responsible bidder for Bid No. 148 to provide Square D PLC RNIMS for the PS auto remote project for the Bureau of Environmental Services (Ordinance)

Disposition: Ordinance No. 167537. (Y-5)

- *533** Authorize a contract with the lowest responsible bidder for Bid No. 149 to provide VAX Alpha servers for the Bureau of Environmental Services (Ordinance)

Disposition: Ordinance No. 167538. (Y-5)

- *534** Authorize a contract and provide for payment for the Willamette Basin CSO test sump project, Unit 7 (Ordinance)

Disposition: Ordinance No. 167539. (Y-5)

- *535** Authorize a contract and provide for payment for the Fiske Basin CSO sump project, Units 2-3 (Ordinance)

Disposition: Ordinance No. 167540. (Y-5)

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- *536** Amend contract with Brown and Caldwell for professional engineering services and provide for payment (Ordinance; amend Contract No. 28607)

Disposition: Ordinance No. 167541. (Y-5)

- *537** Amend contract with Black & Veatch for \$38,800 for additional engineering services for the headworks disinfection improvements and the Mt. Tabor, Washington Park chlorination improvements and provide for payment (Ordinance; Contract No. 28432)

Disposition: Ordinance No. 167542. (Y-5)

City Auditor Barbara Clark

- *538** Authorize the Purchasing Agent to issue a Purchase Order to Almac/MTI Systems to provide a document imaging system for the Auditor's Office (Ordinance)

Disposition: Ordinance No. 167543. (Y-5)

- *539** Cancel City liens which have been extinguished because of Multnomah County foreclosure or which are otherwise uncollectible (Ordinance)

Disposition: Ordinance No. 167544. (Y-5)

REGULAR AGENDA

Mayor Vera Katz

- *540** Amend City Code to implement a performance management system for employees not represented in collective bargaining (Ordinance; substitute Chapter 4.08)

Discussion: Laird Cusack, Acting Classification and Compensation Manager, said this ordinance will implement a pay for performance system for employees not represented by unions. It allows bureaus to set up a system which meets their individual needs as long as they do not give more than a 4.1 percent merit increase to their employees. This system also will change the rules regarding appointment rates for new and existing employees, allowing the bureaus more flexibility to make appointments within an open range. Bureaus will be able to appoint employees up to the midpoint of the range if they

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determine that is necessary - Council will make decisions for rates above the midpoint.

Mayor Katz said it gives managers the flexibility to give either no dollars for poor performance or up to four percent for good performance.

Mr. Cusack said each individual bureau will set up its own performance matrix, using the five levels of performance in the City's evaluation system. Each bureau must set up a system before the end of the year and report on it both to their employees and to Council.

Commissioner Kafoury said this is a much better proposal than the one originally proposed and the increase in flexibility for managers is appreciated.

Mayor Katz agreed with Commissioner Kafoury that this is a much better approach to rewarding the superior employee.

Disposition: Ordinance No. 167545. (Y-5)

Commissioner Earl Blumenauer

- 541** Report on Westside Light Rail Holdback Process and Replacement Parking Management Program and recommend a change to the Conceptual Design Report (Report)

Discussion: Commissioner Blumenauer said this permits an increase of about a third of a million dollars in the project contingency and permits construction of a rail line that will enhance the neighborhood and save a tree the neighborhood feels very strongly about in a much less costly way.

Karen Rabiner, Office of Transportation, said resolution of these final issues will allow Tri-Met to go ahead and issue a permit to the contractor.

Mayor Katz asked about the blasting that has been in the news and whether curtailing that activity might jeopardize these resources.

Commissioner Blumenauer said each contracted segment has a contingency amount that has been set aside and so far none of them has been invaded. The contingency will be used if an adjustment needs to be made on the tunnel segment that makes it more costly or changes the schedule. There is also an emergency contingency fund beyond that. Council will receive periodic reports

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but so far it looks as if things are okay.

Howard Glazer, Goose Hollow Foothills League, said Alex Wynstra, the Urban Forester, is dead wrong about the sycamore tree as everyone else agrees the tree is healthy and has an extensive life ahead of it even though it may be deformed. The Goose Hollow Foothills League is delighted to support this report and resolution and believes today's action is the final piece in making sure light rail is an asset rather than a liability for the neighborhood. He said the League still has trouble understanding Tri-Met's justification for any changes in the paving material, given the lower bid. However, they have agreed to compromise, based on an agreement that all the concrete in the trackway area from the end of the Belgian block to the portal will be dark-colored, and believe this will produce an aesthetically acceptable result.

Disposition: Approved. (Y-5)

- 542** Adopt an additional change to the Conceptual Design Report for Westside Light Rail project, LS-4C, Downtown/Goose Hollow line segment (Resolution)

Discussion: Karen Rabiner said this makes a change to the conceptual design which is consistent with the agreement made about the paving.

Disposition: Resolution No. 35263. (Y-5)

- *543** Authorize bureau directors to approve change orders adjusting the price and time construction on contracts, subject to certain limitations (Ordinance)

Discussion: Commissioner Blumenauer said he has been concerned with the lack of uniformity in how bureaus deal with change orders and this ordinance would bring some consistency to the process. However, he is asking for a continuation to allow staff time to address some of the questions that have been raised.

Mayor Katz said she would like information about how other jurisdictions and the State deal with change orders.

Commissioner Blumenauer said other jurisdictions have a uniform policy. He said what the individual bureaus are doing now is not illegal or irrational, just different from bureau to bureau. One issue that has been raised is the need for change orders in the first place.

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Mayor Katz said another issue is allowing them up to 25 percent of the contract amount.

Disposition: Continued to April 27, 1994 at 9:30 a.m.

Commissioner Mike Lindberg

544 Request from Dan Blazing to address Council regarding sewer connection fees (Communication)

Discussion: Commissioner Lindberg said Mr. Blazing is bringing an issue to Council that has been reviewed by the Bureau and been addressed by him personally.

Dan Blazing, 12231 SE Kelly, argued that the sewer connection fees the City is charging him are inequitable. He said everyone should be charged exactly the same for sewer connections. He suggested to the Council that they change the Code for commercial property or include those with unusual circumstances, which is his case, so that the same calculation used for commercially zoned property could be used. All he is asking for is fair and equitable treatment, which is what he had been promised.

Mayor Katz asked him to explain exactly what his situation is.

Mr. Blazing explained that the total connection charge for an apartment complex on Powell with six connections is \$1206 while another across the street with three is being charged \$1005 -- exactly what he is being charged for three connections. He said one is for his house and another is for a mobile home on a health hardship issued 14 years ago by Multnomah County. He said the County feels the mobile home can stay there as long as the health condition exists, after which it will revert back. In addition, there is an outbuilding under construction which has no sewer, lights or furnace, but eventually would become a home and at that time he would go through the necessary procedures. However, the City is driving him to hook that up now.

Mr. Blazing said it is unfair that one apartment complex is being charged one fee for six connections while he is being charged for three connections, adding that he has been pursuing equal treatment in this for six years. He said the Mid-County sewer people must go by the Code and it is up to Council to see that he is treated fairly. He said he is absorbed in this sewer business every minute of the day and sometimes gets up at three or four in the morning and

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makes speeches to the wall about it. He said he could make some wonderful speeches if he could just record what he said to the wall. He said he will pursue this to the very end because he knows he is right.

Linda Dartsch, Bureau of Environmental Services, said when someone joins the sewer system there are four separate charges and the one he is concerned about is the sewer connection charge. The charge on a particular property helps to pay for whole facility, including the treatment plant and the interceptor pipes, and the charge is based on the average water use of that type of property. If you have a house you would pay \$1005 and everything is based on what an average house generates. In Mr. Blazing's case, he is being charged for 2.8 connections, one for the house he lives in, one for the house under construction and .8 for the mobile home, which is being treated like an apartment. This 2.8 equates to about \$2,800.

Commissioner Lindberg asked if anyone lives in the house under construction.

Ms. Dartsch said yes. The mobile home is allowed under a health hardship and will be grandfathered in when this property is annexed to the City this summer. If no one complains, the mobile home may stay there as long as he wants. She said the County has no record as to how many other mobile homes have been granted similar permits but the City has so far seen only a couple.

Commissioner Lindberg asked whether it is true that commercial properties have lower connection charges for more sewer connections.

Ms. Dartsch said the low rates in this instance are due to the way the Code is written and because of errors made by a staff member. She said connection fees are based on average water usage for a particular use but it is a lot harder to set fees for mixed uses, where the Code calls for basing them on the historic water use for that piece of property.

Commissioner Lindberg asked about the property with six connection pipes.

Ms. Dartsch said they only build one branch to most properties, not one for each unit. Staff calculated the rate by looking at the historic water usage for the whole building and that came out to 1.2 times an average house. That is where the \$1,206 comes from. This was an error as each apartment should have been charged .8 and then the historic water usage could be used to set the commercial rate. Generally, commercial uses have very low water usage.

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Commissioner Lindberg said if the Code were strictly applied, Mr. Blazing would have to pay \$2,800.

Ms. Dartsch noted that the Bureau took this case to the Code Hearings Officer to see if that interpretation of the Code made sense and he supported the connection fees set for Mr. Blazing.

Commissioner Lindberg asked if any adjustments Council might make in this case would call for an adjustment of other connection charges.

Ms. Dartsch said the only issue would be the temporary mobile home under the health hardship permit. The Code does not talk about temporary uses and the City has no mechanism to see that the use is terminated once the reasons for the health hardship end.

Commissioner Lindberg asked what the monthly charge might be if some of the \$2800 could be Bancrofted or deferred.

Ms. Dartsch said that had never been an issue for Mr. Blazing, only the fairness.

Mayor Katz asked how the City treated other trailers within City limits.

Ms. Dartsch said they believe there are only two and they are now trying to get payment for the connections.

Commissioner Hales asked how an accessory rental unit on a single family lot would be treated.

Ms. Dartsch said as a .8, just like an apartment. The trailer is considered temporary right now and the Code considers temporary as one year.

Commissioner Lindberg said he is willing to be flexible and look at other options if Council desires, noting that the Bureau is trying to apply the Code uniformly.

Mayor Katz asked what Council could do now.

Kathryn Imperati, Senior Deputy City Attorney, said since there has been a determination by the Hearings Officer, the Council does not have the authority under the Code to overrule him. The Hearings Officer's order could be

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reviewed by Writ of Review in Circuit Court. The Council could identify areas where it may wish to direct further consideration by the Bureau and new policy directions about how trailers are treated.

Mayor Katz suggested that Commissioner Lindberg talk to staff and hear from Council members and then determine if some policy or Code changes need to be made.

Commissioner Lindberg asked if any Council members see an equity issue they would like addressed.

Commissioner Hales said the full spectrum of financial help available should be made clear to Mr. Blazing. He said he would also be open to some kind of exception for the County permits dealing with temporary uses in hardship cases, with the understanding that there are not many of these and they will not have a serious impact on the system.

Commissioner Kafoury agreed and said she liked the idea of exploring deferrals and other similar options, rather than changing the basic format.

Mayor Katz said the City needs to look at how to treat the trailers with hardship permits. She said Commissioner Lindberg will be the judge of whether to bring this back or not.

Mr. Blazing said this needs to be viewed in totality. He said the City wants to charge him \$3,000 while they are only charging \$1,000 to another building for the same thing. He said fairness should prevail and the same issue will arise even after he is gone.

Mayor Katz said Commissioner Lindberg will be working with staff to come back with recommendations for Council.

Disposition: Referred to Commissioner of Public Utilities.

545 Partially release retainage on the Berrydale sanitary sewer project (Report; Contract No. 28495)

Disposition: Approved. (Y-5)

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City Auditor Barbara Clark

- *546** Create a local improvement district to construct street, storm and sanitary sewer lateral improvements in SW Caraway Court (Hearing; Ordinance; C-9835)

Discussion: Dan Vizzini, Auditor's Office, said no written remonstrances were received on this project which was formed on the strength of a mixture of petitions and waivers, although there were sufficient petitions alone to form the district.

Kevin Bates, 3114 SW Caraway Court, speaking on behalf of most of the neighbors on his street, said they have no objection to the LID or the process but they do question the cost. He said he has an estimate from a private engineering firm that is about \$50,000 less than the City's estimate.

Louie Durst, SW Caraway Court, said although the cost has increased considerably, the street is needed and this project should not be prolonged any longer. He said there is a water problem that requires storm sewers and if it is not done now, it will only cost more later.

Mr. Vizzini said the project is estimated at about \$150,000 and under existing City policies the City will pick up about \$10,000 of that cost in intersection and drainage improvements. The function of the LID process is to come up with an engineering estimate based on preliminary plans but the City can only assess actual cost of construction. Typically, staff hopes the estimates are somewhat overstated so that final costs are actually lower.

Teresa Culp, Transportation Engineering, said the cost has increased about \$30,000, a 27 percent increase to property owners, since the initial projections. This was due to the inclusion of sanitary sewers, storm drain laterals and a storm sewer system that goes the whole length of the street.

Mr. Bates said the private estimate considered all those factors and still came out \$50,000 cheaper than the City's. Also, when the City publishes its solicitation for bids it includes an estimate of the cost and he believes that damages the competitive bidding process as many companies might do it for less if no cost figures were stated.

Commissioner Hales asked if the private estimate took into consideration that this is a public works contract subject to prevailing wage requirements.

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Mr. Bates said yes, but that only accounts for about 10 percent of the cost.

Commissioner Blumenauer said the bidding process is to identify the order of magnitude for a project and then put it out to competitive bid. Anyone who knows they can do it more cheaply can bid and the lowest responsible bidder will get the contract. Any neighbor who knows someone who can do the job should encourage them to bid.

Commissioner Lindberg asked what happens if all the bids come in over the estimate.

Ms. Culp said all participants in a LID are notified that if the low bid is 10 percent over the estimate, the City will go back to the neighborhood and ask if it wishes to proceed or delay. She said rarely are the bids more than 10 percent above the estimates.

Mr. Vizzini said in two cases where mandatory sewer projects came in higher than expected, a six-month moratorium was placed on the LID while they reworked the bidding process to try to wring out additional savings. Council has also cancelled projects on several occasions based on cost alone.

Mayor Katz asked if there were any jurisdictions which did not include an estimate in their bid proposals who could be contacted to see if the cost dropped dramatically.

Mr. Vizzini said the cost estimate is part of the public record and even if not advertised any contractor would look at the record.

Commissioner Blumenauer said the cost estimate is for the protection of the participants in a LID so they know what they are getting into.

Mr. Bates said it is the City's responsibility to go to great lengths to find the lowest bidder.

Commissioner Blumenauer said that is what it is doing but if Mr. Bates does not trust the City he should get somebody else to bid.

Mr. Bates asked if the LID can be stopped at this point.

Mr. Vizzini said that is what today's hearing is about and no further stoppage point is envisioned now. What came up in the Marigold project last week,

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however, was the possibility of changing the Code to hold a second hearing if the bids came in above the estimates. Right now the decision to go ahead is made prior to the bidding process. Typically, the City tries to attract as many bidders as possible and if there are only two or three bidders that sends a red flag that something is amiss. The question today is whether this particular project is going to attract a significant enough number of bidders to drive the cost down. If there are companies who believe they can do the job for substantially less than the estimate, they should be encouraged to bid.

Ms. Culp told Mr. Bates she would be happy to send the contract documents to the contractor he had named.

Disposition: Ordinance No. 167546. (Y-5)

At 10:45 am, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF APRIL, 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; Adrienne Brockman, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

547 TIME CERTAIN: 2:00 PM - Adopt Community and Neighborhood Planning as the primary vehicle for the update of the Comprehensive Plan Map and Plan District Review (Ordinance introduced by Commissioner Hales; amend Title 33)

Discussion: Commissioner Hales said this more formally establishes the use of community planning as the primary tool for the City to update the Comprehensive Plan and establish an order of activity for areas around the City where it will be conducting district planning. It also establishes a base line for how fast this work will be done. He said there is support for accomplishing this work more quickly but this sets out the very least that should be done.

Doug Van Dyke, Vice President, Planning Commission, noted the two issues before Council today -- benchmarks and the order of the community planning process. While it wholeheartedly supports the use of benchmarks to measure accountability, the Commission found it very difficult to establish good benchmarks for community planning because of the many complex and competing public policy issues involved. He said it has tried to identify a few focused, measurable outcomes that can be used as standards.

Dick Cooley, President-Emeritus, Planning Commission, said most of the work on the community planning process was done in 1992 and the current Planning Commission did not want to review the sequencing again. It was primarily reviewed for benchmark purposes in 1994.

Mike Harrison, chief planner for Community Planning, said they are asking Council for approval of the Planning Program by resolution, recognizing that it will need to evolve over time to reflect different approaches in scope and methodology for each community plan. They also expect that the boundaries will need to be fine-tuned on a project-by-project basis. The sequence of community plans is based on being able to move through them fairly quickly,

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although the pace will depend on the funding available. He noted that the Planning Commission has recommended that Southwest be done next, followed by Peninsula, Northwest, Outer Northeast and Inner Southeast, based on where they expect significant growth to occur. They also wish to alternate plans for areas where block grant funds are supportable with areas where they are not. Several areas would like to be next even though in some cases the community planning is painful because they get into difficult zoning decisions.

Mr. Harrison said community planning provides a mechanism for updating the Comprehensive Plan and avoids the folly of single-issue planning studies when economic development, transportation, housing, etc. all need to be balanced at the same time. The process allows them to look at issues, such as light rail, which encompass more than one neighborhood. It also allows for a coordinated strategy for the delivery of services. He said one of the most important things such plans do is build a sense of community and to some extent this empowers neighborhoods to do things for themselves. It also enhances opportunities for business association involvement. Finally, this process allows them to update the Comprehensive Plan and Maps and address large-area issues such as increasing residential density gradually rather than all at once.

Mr. Harrison said they are concerned about the pace of the community planning process and view the proposed 2010 completion date as a worst case scenario. He said they believe this process can be accelerated which should help protect historic resources. He described other efforts currently underway to find resources to do this work. He noted that the policy structure of the Comprehensive Plan is constantly being updated and amendments will continue to occur. One question that arose is how to decide when an issue is too big to be taken on in the community planning process and demands Citywide involvement.

Colleen Acres, Senior Planner, reviewed the program benchmarks recommended for adoption which will measure outcomes for community plans. She said this set of benchmarks is minimalist, adding that the Planning Commission spent four months on this and conducted an extensive public involvement process to get community feedback. The benchmarks are not part of the Comprehensive Plan or Title 33 but are an administratively approved procedure to determine whether the desired outcomes were attained. They are quantitative and implementation dates are also stated. She said these benchmarks are realistic, reliable and valid and the Planning Bureau already collects all the data needed to implement measurement.

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Mayor Katz asked if there were any benchmarks the Commission wanted to adopt but did not have the data to do so.

Mr. Van Dyke said yes, there were several but they need to find out if they can obtain the needed information. None of the benchmarks, for example, deal with how growth is absorbed in the community.

Mayor Katz said when the Portland Multnomah County Progress Board adopted their benchmarks they found there were benchmarks no one thought of because the work was never done to be measured. Because of their importance, some were adopted even though there was no measuring tool at this time.

Ms. Acres said they looked at the State and City-County benchmarks and decided that those already being measured on this level should not be duplicated. These are program specific.

Mr. Harrison said some topics, such as citizens' perception of enhanced livability and effective participation, were not included because staff did not have any effective methodology for measurement.

Ms. Acres said the Planning Commission wished to take a minimal approach and preferred to have benchmarks it knew could be measured to determine real change over time. She asked that the public hearing be closed today and continued to May 4.

Mr. Cooley said they are now doing the Outer Southeast Plan which they find to be remarkably different than the Albina Community Plan. He said the dynamic is jello.

Commissioner Hales said what is important about the benchmarks is that they are designed to be doable within the budget and resources available now. Some can be accomplished by performance of ongoing activities but others stretch staff by committing to specific numeric objectives and will not necessarily be easy to accomplish.

Commissioner Lindberg asked how much it cost to do the Albina Plan and what projected costs were for future plans.

Mr. Harrison said the Central City Plan cost \$1.67 million; the Albina Plan cost \$1.1 million and the Outer Southeast Plan is budgeted at about \$900,000.

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He said they want to continue to see if there are ways to do these plans more efficiently and faster although it is possible they are trying to do the Outer Southeast plan with too few resources.

Commissioner Lindberg asked if only one plan at a time is being done because of budget restrictions or because of the capacity of the entire organization.

Mr. Harrison said staff believes they could do two at a time even though they are extremely taxing on Planning and Historic Landmarks Commission members.

Commissioner Lindberg asked whether they thought it was the right thing for the City to take until 2010 to complete the plans.

Mr. Harrison said it would be vastly preferable to do it faster as there are development issues in all parts of the City that citizens would like to decide sooner rather than later. In the case of historic preservation, some community representatives believe resources are being lost because of the slow pace.

Mr. Cooley said 20 years is much too long but he reminded Council that as soon as you finish all of them you would have to start all over again because planning is an ongoing process. One limit is the ability of citizen volunteers to consider two at one time.

Commissioner Blumenauer asked if there was a way to develop some of these issues more holistically so that citizen volunteers do not have to deal with them case by case. He also asked if adoption of a 10-year cycle would save citizen time and frustration.

Mr. Van Dyke said one of the contradictions of community planning is that they plan for a large area and upzone for a long period of time without knowing exactly where the market wants growth to occur. If the zoning does not accommodate them, businesses who wish to grow will move to the suburbs, taking job and growth opportunities with them. He said the plans need to be flexible and respond to growth as it is occurring and not pretend that a huge community can be planned over 20 years.

Commissioner Hales said it is more complicated than just how much resource is dedicated to community planning. There are other means to address some of these issues that may be more efficient than the community planning process. He said revising Title 34, the Subdivision Code, will have City-wide

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benefits. And auto-oriented development issues may be resolved through the Transportation Planning Rule. The question is how much to allocate to community planning versus specific issues.

Commissioner Lindberg asked why the Southwest Plan could not begin in July 1994 instead of 1995 as proposed.

Mr. Harrison said because they will not complete Outer Southeast until June, 1995, based on the bureau's decision to do one at a time. He said they do not have the capacity to do two in the current service level budget although there is capacity in the agency.

Commissioner Lindberg asked about the issue of citizen involvement.

Mr. Van Dyke said the plans could be staggered so the Commission only saw one at a time.

Mr. Harrison agreed, adding that the Planning Bureau would need add packages in the budget if more than one plan is done at a time. He said they do not want to lobby the Council about the budget right now. Funding for community plans is quite complex as support comes from Transportation, Environmental Services, Community Development, etc.

Arnold Rochlin, PO Box 83645, 97283, said two things are needed - to devote enough resources and not underestimate the desire and talents of private citizens to participate. The time schedule is intolerable and the maps do not show the areas properly. If you are going to plan for a community, do it.

Margaret Labadie, Northwest District Association Planning Committee, said they favor community plans but want to be very sure they are not done at the expense of neighborhood plans. They urge a balance between the two if additional funds become available.

Ron Fossum, Chair, Concordia Neighborhood Association, urged adoption. Community Planning allows citizens to help determine what the City should be and to become aware of the many factors which shape neighborhoods and the City as a whole. He said the process creates stronger communities as people determine their destinies. Concordia participated in the Albina Community Plan and then developed its own neighborhood plan which has already brought about improvements that have increased property values and allowed young families and new businesses to move in. All these changes have

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caused some problems and, while the conflicts are being resolved, he recommended assigning a Planning staff person to act as an ombudsman.

Kay Durtschi, Southwest Neighborhood Information, asked that the Southwest Plan be moved ahead to 1994 to keep vital resources from being lost. She objected to the statement that neighborhood plans will be emphasized only in neighborhoods eligible for federal block grant funds as her area would not be eligible. She said business associations also need to be better defined. Another concern is the statement that two or more community-based planning projects, but not neighborhood plans, can be carried on at the same time. She argued that the neighborhood plans need to be done first and any other plans for an area should be done in conjunction with them. Overall, however, the City should move ahead with community plans.

Commissioner Hales, referring to her statement about block grants, said he did not believe that was the intention.

John Alland, Land Use Chair, Southwest Neighborhood Information, said the time line is way too long and will result in a loss of resources if it goes to 2010. He agreed that citizen volunteers should be involved which would enable the City to do two plans at one time. One outstanding issue is the urban services boundary on the Westside and its implications.

Steven Faust, King Neighborhood Association Land Use Chair, said they have been frustrated in trying to implement and stand behind their neighborhood plan and believe passing this ordinance will help. Also, there will be more participation when people see that the plans are not just put on the shelf. He said King worked with business zoning concerns and believes they are as important as housing. He noted that economic well-being can make a difference in the amount of time residents are able to volunteer. He stressed the importance of the historic resource update and concluded by commenting that spreading out the service agencies throughout the City is very welcome to areas, like his, where there are so many already.

Regarding implementation, Mayor Katz said she is going to recommend a very high level of commitment from the bureau managers regarding their roles and budget priorities.

Commissioner Lindberg said he would like to see the Southwest Plan moved up if the resources can be found and if it can be staggered so the plans do not overlap with the Planning Commission.

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Mayor Katz said some issues may also be considered City-wide.

Commissioner Kafoury said she believes the process takes too long and not enough money has been allocated.

Mr. Harrison said they will explore ways to implement the Council's suggestions.

Disposition: Passed to Second Reading May 4, 1994 at 2:00 p.m.

- 548** Approve the Community and Neighborhood Planning Program (Resolution introduced by Commissioner Hales)

Disposition: Continued to May 4, 1994 at 2:00 p.m.

REGULAR AGENDA

Commissioner Gretchen Kafoury

- 549** 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 (Previous Agenda 409)

Discussion: Commissioner Kafoury said Council may want to consider changing the original favorable recommendation.

Mike Sanderson, License Bureau, noted that at the March 17 hearing, Council directed staff to work with the licensees to obtain voluntary restrictions on the sale of products associated with street drinkers. The store owners through their attorney have characterized staff efforts as harassment and coercion while continuing to stock and sell the problem products. He said the problems are continuing and the License Bureau has changed its recommendation to unfavorable because of the licensees' unwillingness to work with the City or take care of the problems created by their patrons. In this case, Senate Bill 126 provides grounds for cancellation of this type of license. The Northwest District Association also concurs with this recommendation.

Mayor Katz asked the licensee to respond to the change in recommendation.

Maria Song, co-applicant, denied that they are unwilling to work with the City to resolve the problem of street drinkers. She said after the March 17 hearing

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they agreed not to sell two items, St. Ives and Old English, which is what License Bureau staff had recommended they do. She said they also took a class from the OLCC and were taught how to sell and who to sell to but they were not told not to sell to homeless people. She said it is very hard to distinguish between the homeless and street drinkers.

Joseph Song, co-applicant, said since the hearing they have not sold even a can of beer to the homeless.

Mayor Katz said it looks like you are willing to sign a good neighbor agreement in order to get a favorable recommendation with restrictions.

Mr. Song said the License Bureau charges are a perfectly fabricated matter.

Mrs. Song said ever since the hearing they have been very careful and do not understand why the recommendation was changed yesterday.

Mr. Sanderson said the licensees understand that the problem products are not two brands but all malt beverages and beer in containers larger than 40-ouncers.

Mayor Katz asked if they had been offered a good neighbor agreement to sign.

Mr. Sanderson said his phone discussions with Mr. Song resulted in disagreement about what Mr. Song would or would not do and he would not agree to restrict the problem products. In addition, any further efforts were cut off by the attorney who charges staff is coercive and harassing.

Mayor Katz asked the licensees if they were willing to sign a good neighbor agreement.

Mrs. Song said they will not sign an agreement prohibiting them to sell individual cans or containers over 16 ounces unless all the other stores in the neighborhood sign. They displayed containers of such products bought from a nearby store, Handimarket on NW 21st.

Mr. Sanderson said Handimarket has not signed the voluntary agreement as the Bureau has zero reports to date about street drinkers obtaining alcohol at that store.

Commissioner Lindberg said he thought the policy was to ask all stores within

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a certain geographical area to sign an agreement.

Mr. Sanderson said three non-signers have been identified as contributing to the problems of street drinkers and there are five where there have been no reports of any illegal activity around the stores or sales to street drinkers. He said the Police know which stores have signed voluntary agreements.

Commissioner Kafoury asked if any of the licenses have come to Council from those who did not sign the agreement.

Mr. Sanderson said Elias was the last one. He said Council has dealt with them consistently on all its recommendations.

Commissioner Hales said he did not understand before that the City is only asking for the agreement from stores which have a demonstrable problem selling to street drinkers, not all stores in a prescribed area. He asked if all stores in the area are being asked to sign the agreement.

Mr. Sanderson said all stores.

Commissioner Hales said he thought that would involve 50 stores.

Mr. Sanderson said eight have not signed and this is the second among those. This applicant and Elias were the only two non-signees who were identified as having problems with street drinkers.

Commissioner Hales asked if you restrict store A, which is identified as having a problem with street drinkers, then won't the problems migrate over to store B, which has not had a problem in the past.

Mr. Sanderson said because of the OLCC process, the Bureau needs a basis for its recommendation. By dealing with stores where there is a demonstrable problem, the Bureau stays focused.

Commissioner Hales said he would like a better description of where things stand in the prescribed area. He said he would like to get to the policy issues first and the application second.

Commissioner Lindberg said he thought staff was going to get every store in certain zones to stop selling the problem products. Also, he would think that, to be equitable, staff or the OLCC would need to be there all the time to see

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who these stores are selling to.

Mr. Sanderson said their experience has been that when you sell to street drinkers the problems come back to the store. He said they will continue to ask for voluntary agreements, however, even from stores where they have not yet documented a problem.

Mayor Katz said you seem to be saying that this is an OLCC process and that staff needs to document a problem before it can deny a license. She said Council would like some agreement from both staff and OLCC that they would view these geographic areas in total and say "no more" to all the stores within them.

Mr. Sanderson said in order to establish restrictions on products, he must demonstrate to the OLCC that a street drinking problem exists in that particular location. He said the approach is based on what can be sustained at the OLCC. He said there are places that are scrupulous in who they sell to but that is not the case with this store which is providing 40-ounce malt liquor to street drinkers who take it to the park. When a store is known to be selling to street drinkers, this is something more than an equity problem.

Commissioner Lindberg asked about the rationale for prohibiting the sale of single cans of beer.

Mr. Sanderson said since that had been identified as a problem, the prohibition was an attempt to address that.

Mayor Katz said this forces people to buy six packs.

Commissioner Kafoury said so far she has not had calls to her office from people unable to buy one beer. She noted unfavorable recommendations from the License and Police Bureaus as well as the NWDA. She moved to change the recommendation to unfavorable.

Mayor Katz said she may have a problem with the restriction on the single can as it forces people to panhandle for more money for a six-pack. She said the licensees should understand that the reason the other store is able to sell the problem products is because it does not currently have a problem with street drinkers. The minute a problem is created, a record will be built. She said if they are not willing to sign a good neighbor agreement, the recommendation will be unfavorable.

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Commissioner Hales said he needs to see a lot more documentation that there is a problem here before he will vote for an unfavorable recommendation. He suggested setting this over for several more weeks to see if an agreement can be signed or if there is more of a record to support the unfavorable recommendation.

Mr. Sanderson said the record includes public drinking reports plus citation of a store clerk for selling to a visibly intoxicated homeless person. The outcome of that has not been determined.

Commissioner Lindberg asked if it would take a year to deal with the store up the street if problems developed there.

Mr. Sanderson said since the Songs and the Elias Grocery have tightened up on who they sell to, staff is beginning to get reports that the street drinkers are moving up the street.

Mrs. Song said she asked for legal advice because the Police are targeting their store and using hidden cameras to prefabricate charges against them.

Mr. Song described an incident involving two gentlemen who showed up in their store, one with a camera, who they believe were trying to set them up.

Mr. Sanderson said this is not the kind of activity the OLCC, the Police or License Bureau would engage in. They have no idea who might be doing that.

Robert Kim, Korean Grocers Association, said this all came about after the voluntary agreement in Old Town to take problem products off the shelf. The transients then moved up to Northwest and as a result the Songs are in a way victims of City policy. There are eight small stores in this Northwest area, none of whom signed the partnership agreement. The places that signed are restaurants, coffee shops and supermarkets. He asked Council to consider the economic hardship for the Songs if malt liquor and 40-ounce sales are restricted. He said all the documentation of problems is hearsay. He said the other eight stores sell as much or more of these products as Mr. Song does. His is not the only store that contributes to street drinking problems and he should not be persecuted on so little evidence.

Commissioner Kafoury said when these licenses come up, the Bureau will continue making recommendations based on the same policy. The original recommendation was favorable with restriction on the sale of any container

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over 16-ounce.

Mrs. Song said they cannot survive if they are prohibited from selling single cans.

Commissioner Kafoury asked if that is consistent with what other stores are being required to do when they come up for renewal.

Mr. Sanderson said if there is no problem with the single container, that would not be banned in every location. The Bureau would have to make a case for it. Consistency is not one of the criteria for the OLCC.

Commissioner Lindberg asked why there would be so much economic hardship if single cans and large containers were prohibited.

Mr. Lee said these are convenience stores where people stop in to buy a single can of pop or beer and customers will not return if they cannot buy what they want. He cited a market in Old Town which voluntarily agreed to all the restrictions and whose sales dropped 80 percent. With the restriction on the sale of single cans, the Songs' store will probably close in two months.

Mayor Katz said the reason the other stores are not being dealt with yet is because there is no record that there is a problem with street drinkers or the homeless. But there certainly will be after this store and Elias have been dealt with.

Commissioner Hales asked where the language restricting the sale of single cans of beer came from and how many places it had been applied.

Mr. Sanderson said it came from his observations and photographs of the debris around Elias.

Commissioner Hales said if this restriction is accepted it then becomes a new policy that has not been applied yet to any store and would make the Songs the first to whom it would apply.

Mayor Katz asked if the single can had been done anywhere before.

Gary McGrew, License Bureau, said this is modeled after the community policing partnership agreement that they have been working on for almost two years with the Association for Portland Progress and Central Precinct.

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Commissioner Hales said that does not say anything about single cans.

Mr. McGrew said single cans have been recommended fairly consistently in the last year or two, although the partnership agreements do not mention single cans of beer.

Commissioner Kafoury asked that this be continued.

Commissioner Lindberg said he knows there is a street drinking problem but he has a bias against restricting the sale of single containers. He would support the other restrictions, however.

Commissioner Hales agreed, adding that he would like more consistency.

Commissioner Kafoury pointed out the difficulty of adding blanket restrictions unless they have the grounds to do so. She said staff will bring back a much more complete report.

Mayor Katz said it should include a history of the single can restriction.

Mr. Kim said he would be willing to meet personally with Council members.

Commissioner Lindberg asked if the grocery stores could provide more information about the economic hardship due to prohibition of these items.

Mr. Kim said 40 percent of sales at convenience stores are from alcohol products and a substantial amount of that 40 percent comes from the sale of 40-ounce bottles.

Disposition: Continued to May 4, 1994 at 2:00 p.m.

At 4:07 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF APRIL, 1994 AT 7:00 P.M. AT KING ELEMENTARY SCHOOL, 4815 NE 7th Avenue, Portland, Oregon

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

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

550 TIME CERTAIN: 7:00 PM - Adopt a revised Police Bureau Community Policing Strategic Plan (Resolution introduced by Mayor Katz)

Discussion: Police Chief Charles Moose said the key piece in this plan is to actively continue to encourage community involvement. He said this is not a program but a philosophy which the entire bureau must be involved in. The key focus is to increase neighborhood livability by reducing crime and the fear of crime. He said the plan is a roadmap and, while not everything in the plan will be done, it provides a dream that stretches the envelope.

Beverly Stein, Multnomah County Chair, said Multnomah County offers itself as a full partner in the plan and in working to make better connections with its family and children's services as well as correction facilities. She said community policing will be linked with schools and the new family support centers which are being set up in six County districts. She asked that an officer be assigned to each district liaison team and also recommended including the Multnomah County benchmarks as a framework for action. Other recommendations are to form a Public Safety Council to address the issue of school safety and to set up an extended diversion program to deal with juvenile crime.

John Campbell, Police Bureau consultant, gave a short overview of how the plan was developed, emphasizing citizen participation and input. He said this plan clarifies the role of Police Bureau staff and spells out the lines of accountability. It also clarifies the bureau's approach to livability issues and solving neighborhood problems. Citizens also wanted more emphasis on solving traffic issues and earlier intervention.

Commissioner Lindberg asked if citizens had input in setting up priorities for the use of resources. He asked if the neighborhood communicates with the district liaison when an issue arises.

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Mr. Campbell said yes but the Bureau will take feedback from any quarter.

Rob Blanck, Central Precinct, described methods that had been used in Oldtown to make it safer at night and decrease crime. He noted the formation of several partnership agreements as well as a graffiti abatement program that affects three precincts.

Shelly Kirkland, North Precinct, described the turnaround that occurred at the Piedmont Plaza Apartments when Police entered into a partnership agreement with residents.

Sylvia Evants, Piedmont Neighborhood Association, said this partnership agreement was a lifesaver to the neighborhood.

Commissioner Hales asked if the trespass exclusion was working.

Ms. Kirkland said all tenants need to sign off on such an agreement and then the Police are empowered to act for management. Now, tenants who violate the agreements can be excluded and then arrested if the behavior is repeated. She said this has proved to be a good tool.

John Cox, East Precinct, described drug and other problems at the Villa De Clara Vista Apartments which were abated following a partnership agreement with the non-profit owners, the Cully Neighborhood Association and others.

Buzz Ortiz, resident of the Villa De Clara Vista Apartments, said reducing fear among the apartment complex residents has been the greatest achievement there and has stabilized an entire neighborhood.

Scott Spencer-Wolff, Chairman, Downtown Safety Community said he is proud of this community policing vision in which all citizens are stakeholders.

Chareundi and Joseph Van-Si, citizens active in public safety partnerships with the police, stressed the need for more cultural sensitivity. They said Asians do not want to be left out but want to be part of the solution.

Jordis Jensen, Northeast Public Safety Action Committee, described her involvement with community policing at the coalition, neighborhood and individual level. She appreciates the fact that the coalition can get direct feedback from the Police Chief, adding that the presence of a district liaison officer who knows the neighborhood is very important to improved safety.

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Richard Brown, Chief's Forum, said police cannot do these things by themselves and depend on the involvement of the community.

Paul Richmond, Box 454, 97207, said his problems with this plan are based on his belief that government in general has gone beyond the stage where it can function effectively with the existing structures on a local level. He said his problem with community policing is that it is originating at the federal, not the local level, and is a principal part of the Clinton Crime Bill which contains models which infringe on civil liberties. He criticized certain recent Police staff appointments.

Larry Harper, 3724 NE 6th Ave., 97212 said without the confidence and cooperation of the community, this document will not be effective. He said he constantly hears shots coming from Irving Park, adding that people should not have to live this way. He said he has given cultural diversity workshops and offered to help.

Leon Fox, Executive Director, Lazarus Art Society, 11919 N. Jantzen, No. 110, 97217, said building more jails and putting more police on the streets is not the answer to stemming crime and applauded the roads community policing is taking in crime prevention and alternative programs. He described some of the programs undertaken by the Lazarus Art Society.

Helen Ellison, 2727 NE Wygant, 97211, a community activist in Concordia Neighborhood, said her experience with community policing in the Humboldt neighborhood has been very rewarding. She questioned retaining all the current staff at North Precinct when the new precinct in Northeast opens. She supported expanding the training for community liaison officers as currently, when the officers are off duty, the linkage is lost. She also asked that better information be made available to citizens about who to talk to when they have a problem.

Chief Moose said one of the Police Bureau's goals is to be more service-oriented and making information available about who to call will be a part of their customer service efforts. Regarding staffing of the North and Northeast Precincts, he said Commander Orr and some of his key staff will stay at the North Precinct, based on individual choice as far as possible. They also plan to give more training to the liaison officers.

Mavis Holt, 1235 SE 115th, 97216, said through her volunteer work in this neighborhood she had lost her fear of people of a different color.

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Peter Fry, 733 SW 2nd, supported this plan, adding that the Police have been an extremely important partner over the past 14 years in making the inner eastside a safer place. He said he also assumes that business districts are also included under the heading, Neighborhood Partnership Agreements, not just neighborhood associations. He also called for stable community policing staffing in order to build effective relationships with the neighborhood.

Mayor Katz confirmed that business districts are partners, as are neighborhood associations.

Jim Peschka, Brentwood Darlington Homeowners Association said community policing is working well there but asked that they be allowed to keep their current liaison officer rather than having him reassigned.

Tom Walch, Coordinator, East Portland District Coalition of Neighborhoods, complimented the Police on their efforts and said the final plan is an improvement over the initial one. The strategic plan represents a strong partnership between neighborhoods, the neighborhood crime prevention program and the coalition offices. It promotes communication and demonstrates the importance of innovative techniques to address crime prevention.

Kay Collier, Advisory Committee Chair, East Portland District Coalition, said she heads the Cherry Park Neighborhood Patrol and feels such patrols are a very important part of community policing. She said the crime rate in her area has been reduced 70 percent since the walking and mobile patrols were started.

Disposition: Resolution No. 35264. (Y-5)

At 8:58 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council