



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF NOVEMBER, 1994 AT 9:30 A.M.

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

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

Agenda No. 1794 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1784** Accept bid of Entrance Controls, Inc. for furnishing parking garage revenue control equipment for \$57,610 (Purchasing Report - Bid 44)

Disposition: Accepted; prepare contract.

- 1785** Accept bid of Brundidge Construction for Sullivan Basin Unit 2 for \$307,508 (Purchasing Report - Bid 45)

Disposition: Accepted; prepare contract.

- 1786** Vacate a certain portion of NE Mallory Avenue south of NE Winchell Street, under certain conditions (Ordinance by Order of Council; C-9862)

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

Mayor Vera Katz

- 1787** Reappoint Paul DePont and Dana Sheets to the Heating and Ventilating Code Board of Appeal (Report)

Disposition: Confirmed.

- *1788** Amend Deferred Compensation Plan by changing the rules with respect to the date benefits commence, providing for coordination with other plans, authorizing attachment of benefits in limited situations and expanding and clarifying existing rules (Ordinance; amend Code Chapter 4.44)

Disposition: Ordinance No. 168284. (Y-4)

Commissioner Earl Blumenauer

- *1789** Authorize the Purchasing Agent to sign a purchase order as a contract with PRC, Public Sector, Inc., for computer hardware and software for the Bureau of Emergency Communications (Ordinance)

Disposition: Ordinance No. 168285. (Y-4)

- *1790** Amend contract for CAD/PPDS Interface with Pacific Applied Technology, Inc. for an additional \$17,000 (Ordinance; amend Contract No. 20403)

Disposition: Ordinance No. 168286. (Y-4)

- *1791** Amend contract with Kurahashi & Associates, Inc. to increase scope and amount for Multnomah Street Lighting Project (Ordinance; amend Contract No. 29242)

Disposition: Ordinance No. 168287. (Y-4)

Commissioner Charlie Hales

- 1792** Authorize the City Attorney to exercise the City's statutory option with respect to the indebtedness of Multnomah Rural Fire Protection District No. 10 at the termination of the City's contract with the District (Resolution)

Disposition: Resolution No. 35333. (Y-4)

Commissioner Gretchen Kafoury

- *1793** Authorize contract with Centrec Elevator Corporation to modernize the SW Third and Alder garage for \$349,882 and provide for payment (Ordinance)

Disposition: Ordinance No. 168288. (Y-4)

- *1795** Contract with Multnomah County Legal Aid Service for \$25,495 for legal assistance for victims of domestic violence and provide for payment (Ordinance)

Disposition: Ordinance No. 168289. (Y-4)

Commissioner Mike Lindberg

- *1796** Call for bids for purchase of Benson and single bowl drinking fountains and appurtenances (Ordinance)

Disposition: Ordinance No. 168290. (Y-4)

- *1797** Call for bids for the construction of 12-inch, 8-inch, 6-inch and 4-inch water mains in SW Canby, SW Haines Streets and NE 141st Avenue (Ordinance)

Disposition: Ordinance No. 168291. (Y-4)

- *1798** Authorize a contract with the lowest responsible bidder for the SE Division, 3rd to 10th Avenues, sewer reconstruction project and provide for payment (Ordinance)

Disposition: Ordinance No. 168292. (Y-4)

- *1799** Authorize a contract and provide for payment for the Lents Basin CSO sump project - Phase 5 (Ordinance)

Disposition: Ordinance No. 168293. (Y-4)

- *1800** Consent to transfer of Loffink Sanitary Service solid waste and recycling franchise to Arrow Sanitary Service (Ordinance)

Disposition: Ordinance No. 168294. (Y-4)

- *1801** Contract with KCM, Inc. for professional engineering services for Tanner Creek Diversion - Phase 1 design and provide for payment (Ordinance)

Disposition: Ordinance No. 168295. (Y-4)

- *1802** Authorize a Settlement Agreement with Longview City Laundry & Cleaners, Inc. in connection with remedial action costs for cleanup of real property located at 2737 NW Nela Street (Ordinance)

Disposition: Ordinance No. 168296. (Y-4)

REGULAR AGENDA

***1794**

Contract with the Portland Housing Center for \$67,000 for Project Down Payment, a fund to provide down payment and closing cost assistance to low and moderate income residents and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said after finding that a lot of families could not come up with the necessary \$1,000 to \$2,000 down payments, the Portland Organizing Project proposed putting together a million dollar revolving loan fund and in a very short time period was able to get \$1.2 million committed. Homeowners will repay the amount as part of their monthly mortgage. She said the City agreed to contribute \$200,000 over three years, a very small amount compared to what the private sector is doing. She noted that the other homestead program which rehabs homes and then resells them to families has been a very expensive one, running about \$40,000. For that reason they have been looking at other models to get better leverage for their money. She said this loan fund will help 200 to 300 families per year and is an incredibly cost-effective program. She also noted the participation of the real estate community for the first time.

Disposition: Ordinance No. 168297. (Y-4)

1803

Request by Sheri Ernst to address Council about parking on SE Ash Street between 55th and 57th Avenues (Communication)

Discussion: Sheri Ernst, 5574 SE Ash, said the City has been ticketing one of her two vehicles, both of which are parked on the street because they do not fit into her garage. She contended that her vehicle is being continually ticketed, while other cars are not, because a neighbor is using the City to harass her and another neighbor who do not have driveways. The City will not allow them to build bigger garages but will not let them have two cars parked in front of their houses. She said City staff told her that they only tag vehicles when there are complaints. She requested permission to either park two vehicles on the street or to build a bigger garage.

Mayor Katz said she thought there was an exception for some people, such as those who park their cars and ride the bus everyday. She added that she did not know if Ms. Ernst's vehicle ought to be tagged or not, however.

Betty Endres, Supervisor, Abandoned Auto Section, said the record indicates that this pick-up truck was cited last year on November 4, 1993 for "in lieu of garage" and again on November 9, 1994 of this year. The inspector's notes state that they have been monitoring the vehicle

which appears to be inoperable. Under the Code, an inoperable vehicle cannot be stored on the street.

Willie May, Field Inspector, Abandoned Auto Section, said after reviewing notes left by the inspector (who is on vacation) and making a site visit, it appears that the vehicle had just been pushed to a new position, not actually driven, since the November 9 inspection. He said the left front has no fender and appears to have motor problems which make it inoperable. The notes state that the owner has pushed the vehicle back and forth for almost a year.

Commissioner Blumenauer said he had provided Council a printout of enforcement efforts in this area in the past year. He noted that, because of the small staff, this is a complaint-driven process. He said he will followup regarding the enforcement differential and look into the long term solution, building a bigger garage. He proposed to do a fuller report to Council when the inspector returns from vacation and to work with Commissioner Hales and the Planning Bureau to outline what steps can be taken to have an adequately-sized garage.

Mayor Katz asked if she would have to move her car every day, for example, if she has a house with no garage and takes the bus. Could she provide information to Transportation to indicate she is taking another mode of transportation.

Ms. Endres said they monitor to see if the car is just not being driven every day or if it is being stored on the street. In that way they can avoid citing people who use mass transit.

Commissioner Blumenauer said staff engages in reasonable application of a standard. In most instances, if operable cars are not moved every 24 hours there is no problem. He said no instances of a regular commuter being harassed by having an operable car tagged have come to his attention. Where it becomes an issue is when neighbors see a car that appears to be inoperable and is never moved. He said in some neighborhoods there are not enough on-site parking spaces for operable vehicles and allowing people to store cars on the street exacerbates the situation.

Mr. May said field inspectors like to see that a vehicle is driven at least several times a week. He said if the valve stems appear to be in the same position after they make an initial inspection, as is the case with Ms. Ernst's vehicle, that shows them the vehicle is not being driven and the street is being used as storage.

Mayor Katz asked if staff took under consideration cases where there is a legitimate reason why the car has not moved for several days.

Mr. May said yes.

Commissioner Blumenauer said these cars are not being tagged under those circumstances.

Mayor Katz asked if the car is operable.

Ms. Ernst said yes. She said she drove it last weekend, adding that she has been unable to afford major repairs all at once or storage costs and is fixing it little by little.

Commissioner Blumenauer asked if she could understand why the neighbor could object when it looks like an eyesore. He said auto ownership carries responsibilities and he can see why, if something like this were parked across the street for six months, neighbors would be irritated.

Ms. Ernst said other vehicles on the street have not been tagged.

Commissioner Blumenauer said Ash Street should not look like an auto and body fender shop. He said his office will report back to Council and also look at the longer term solution of having a properly-sized garage.

Mayor Katz told Ms. Ernst to move the vehicle so she does not get fined.

Commissioner Blumenauer said while this may seem like a small item, it is a very important issue for neighborhood livability. He said he would appreciate suggestions for how to deal with limited parking space.

Mayor Katz noted two goals -- to get rid of abandoned cars but to also encourage people to use their feet, bikes or the bus.

Mayor Katz suggested referring this to Commissioner Hales to deal with the garage issue.

Commissioner Blumenauer said he would work with him on it.

Disposition: Referred to Commissioner of Public Safety.

Mayor Vera Katz

1804 Direct City Bureaus to identify existing and new resources to assist in implementing the City's role in Region 2040 (Resolution)

Discussion: Steve Dotterrer, Office of Transportation, said this is the resolution Council requested. It identifies three steps to help bureaus

move towards 2040: 1) look at existing work plans; 2) identify additional work efforts needed; and 3) identify the financial impact of those efforts. The inter-bureau planning committee will report to Council in September, 1995.

Mayor Katz said David Knowles will Chair an interbureau team.

Mr. Dotterrer said Tim Grewe and John Bonn from the Office of Finance and Administration will work on the financial implications.

Disposition: Resolution No. 35334. (Y-4)

Commissioner Charlie Hales

- *1805** Accept a grant from the State Historical Preservation Office in the amount of \$25,000 to augment the funding of an Economic, Social, Environmental and Energy (ESEE) analysis for primary significant properties in the 1993 Northwest Portland Historic Resources Inventory (Ordinance)

Disposition: Ordinance No. 168298. (Y-4)

- 1781** **TIME CERTAIN: 10:30 AM** - Accept report on Anti-Graffiti Action Plan (Report introduced by Mayor Katz)

Disposition: Accepted.

- 1782** Pledge cooperation of City Bureaus to eradicate graffiti from City-owned properties in a prompt manner (Resolution introduced by Mayor Katz)

Disposition: Resolution No. 35335. (Y-4)

- 1783** Add new Code Chapter 14.140, Graffiti Abatement (Ordinance; amend Title 14; introduced by Mayor Katz)

Discussion: Roger Sinnot, Central Northeast Neighbors Crime Prevention specialist, showed slides to illustrate problems associated with graffiti. He said a single place, such as a hot line, is needed to take care of all the graffiti problems. Also, it would be helpful to have a system that makes the merchant somewhat responsible for removing the graffiti. As part of the abatement program, the Police are using young people as volunteers to remove it. In addition, as many neighborhoods mount their own graffiti removal projects, a supply depot and a coordinating task force would be very helpful in getting people to work together.

Richard Bixby, East Portland District Coalition, said last fall, at a

meeting of citizens and agencies, it became clear that while many efforts were being made to clean up the graffiti, there was almost no coordination. He said the committee makes the following recommendations: 1) acknowledge that graffiti is a nuisance and should be eliminated; 2) establish a citywide hot line to coordinate efforts; 3) increase accountability for juvenile offenders and increase their involvement in cleanup efforts; 4) establish supply depots at fire stations and a central paint bank; 5) obtain voluntary agreement from major retailers to restrict the sale of spray paint to minors; and 6) create a citizen task force monitoring group.

Mayor Katz said graffiti is a signal of decay in a community that is out of control. It is a communications mechanism for gang members and the City should not tolerate losing its neighborhoods to graffiti. She said many of the recommendations made by the citizens' group were hotly debated, particularly the restriction on retail sales, but the plan now before Council is comprehensive, coordinated and truly a volunteer and citizen proposal. Many citizens have done cleanup on their own and without their help the City would be a lot worse off. This plan includes the key elements of prevention, cleanup and enforcement.

Mayor Katz said the "responsible retailer" program is the centerpiece of prevention efforts and noted the names of major retailers who have already voluntarily agreed to restrict sales of spray paint to minors and place it out of sight to deter shoplifting. She said initially it was decided to make this program voluntary but that will be reviewed later to see if it is working. The City will also work with SOLV to develop a graffiti education program.

In the area of cleanup, Mayor Katz said the Police have established a 24-hour hot line for reporting graffiti. She explained that neighborhood coalition and neighborhood business association offices will contact victimized property owners and inform them of the options available to them, including the use of volunteer cleanup crews. The goal is to remove graffiti within six to seven hours as research indicates that the longer graffiti remains, the higher the rate of recurrence. She said they have also found that mandatory restrictions on the sale of spray paints escalates the use of other products that are even more difficult to remove.

Mayor Katz said the Fire Bureau is establishing supply depots for cleanup materials at nine stations which will be available free to property owners. Finally, regarding enforcement, if all these efforts fail and there is a recalcitrant property owner, the police should be able to cite property owners who do not remove the graffiti themselves or use volunteers to do so. A 60-day waiting period is called for before that piece becomes effective in order to see how long it takes to do the

cleanup from the time of the initial hot line call. She said the courts will be asked to divert less serious juvenile offenders to participate in the cleanup crews and legislation will be sought asking for legal remedy against parents of juveniles who intentionally cause property damage. A citizens graffiti removal task force will monitor this and return to Council with additional recommendations. She said the City and Tri-Met must also be responsible for cleaning up graffiti on their own properties.

Chief Moose said enforcement is just one piece of a comprehensive plan to reduce the fear of crime and increase neighborhood livability as well as to empower the community. Graffiti increases fear in neighborhoods and hinders neighborhood livability. This program also fosters community organization and sets up a process that can be used by everyone. Regarding enforcement, he stressed that the Police will continue their efforts to catch the perpetrators and impose consequences even though more violent crimes continue to be a higher priority. The Bureau totally supports this plan and will put whatever resources needed into it to make it work.

Officer Rob Blanck, Portland Police Bureau, said this has been a community-driven plan, adding that he spent considerable time looking across the country at various programs to see what might work best here.

Don McClave, Portland Chamber of Commerce, said this is absolutely the right thing to do as graffiti needs to be taken off the walls promptly in an atmosphere of strong public support. He said, however, given Portland's rainy weather, sensitivity must be shown about the time frame for enforcement.

Ray Mathis, Citizens Crime Commission, supported adoption of the program.

Jack McGowan, SOLV, said when graffiti first occurred here, the City thought it would be a minor problem but it was wrong. Both reactive and proactive measures are needed. He cited SOLV efforts to do graffiti cleanup and education, adding that it is ready to deliver a graffiti vandalism education project for use in the schools. He also commended the retailers.

Sol Menashe, Association for Portland Progress (APP), said APP believes graffiti is a major problem in the City and a sign of deterioration. Within the Downtown Clean and Safe area, 1,900 pieces of graffiti are removed every month and \$500,000 a year is spent on maintenance, a large part of which goes to graffiti removal.

Paul Richmond, PO Box 454, 97207, said finding that the most dangerous threat to livability is a bunch of kids with spray paint is absurd given the actions of Council members regarding destruction of the watershed and its actions in allowing the introduction of toxic chemicals into the area through its Enterprise Zone program.

Grant Coffey, Fire Bureau, said graffiti is a big problem and he is happy to work with this very committed group of people as the more citizens get involved the more these issues will be solved.

Val Thorneycroft, Hosford Neighborhood Association, described her involvement in volunteer neighborhood efforts to remove graffiti, beginning in 1989.

Chuck Martin, President, Northwest Industrial Neighborhood Association and Vice President, Alliance of Portland Neighborhood Business Associations, said business is 100 percent behind this program. He said the Alliance asked for three things: 1) agreement that if voluntary restrictions on retailers do not work, mandatory requirements will be imposed to level the playing field; 2) notification of business associations rather than the district coalitions when graffiti occurs on business property; and 3) citation of property owners when voluntary efforts fail.

Commissioner Blumenauer said he finds it a very positive sign that business is taking this on as its responsibility.

Mr. Martin said in the Northwest Industrial area they will not tolerate graffiti and are prepared to contact corporate headquarters if businesses do not concur.

Marie Anderson, crime prevention specialist, Southeast Uplift, described how this program will increase neighborhood participation and show people how they can make a difference.

Chuck Lawrence, 4430 SE Belmont, said support from the district coalitions has made the job of cleanup a lot easier for neighbor volunteers. He thanked the City for its support also.

Rod Mincone, Vice President, G.I Joes, said they are glad to participate in the responsible retailer program although they are concerned that not all are participating. In the future a mandatory program should be considered. They are also concerned that parents may complain when spray paint is not sold to their children. He said it should be stressed that this is good for the overall community and is not intended to penalize responsible youth.

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Sharon McCormick, Office of Neighborhood Associations, Crime Prevention Program, said the task force will be very helpful in monitoring efforts and fleshing out business/neighborhood partnerships. She stressed that while there are wonderful volunteers now, this is an opportunity for others to become involved too.

Mayor Katz said she hopes it can be organized so that groups can conduct cleanup efforts on a regular basis.

Commissioner Blumenauer said he is pleased to vote aye but is concerned that the way it is worded does not convey the gravity of the problem, which is destruction of private property and an issue of control and intimidation. He suggested toughening up the language to convey that.

Commissioner Kafoury congratulated Mayor Katz for building on citizen efforts.

Commissioner Lindberg said partnerships between agencies and the community do not happen on their own and congratulated the individuals involved.

Mayor Katz thanked the citizens who have pushed and pushed on this for years and years. The next task is to get as many retailers involved as possible and spread the word that there are opportunities for volunteers to help with the cleanup.

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

At 11:40 a.m., Council recessed.

NOVEMBER 16, 1994

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF NOVEMBER, 1994 AT 2:00 P.M.

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

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

***1806**

TIME CERTAIN: 2:00 PM - Accept Oregon Trail Coordinating Council's gift of a \$250,000 memorial for Chapman Square (Ordinance introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg thanked members of the Oregon Trail Coordinating Council and Metropolitan Arts Commission for their flexibility in allowing the acceptance of a heartfelt gift to the City from generous contributors all over the State. He said the memorial will be in a place of high visibility and public access.

Pat Harrington, Chair, Metropolitan Arts Commission, urged Council to accept the statue, The Promised Land, for the City's permanent art collection.

Mayor Katz said she is very glad this has been resolved.

Disposition: Ordinance No. 168299. (Y-4)

Commissioner Gretchen Kafoury

1807

Liquor license application for Jay Irvin dba John Wayne's Restaurant, 6526 SE Foster Road, Dispenser Class A liquor license (change of location); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said some neighbors have objected to this application, adding that this stretch of Foster Road has had some of the most serious and persistent drug and alcohol problems over the years. The applicant proposes to relocate his successful restaurant in Sellwood to Foster Road. Mr. Werneken noted that one of the remonstrators, Mr. Smith, changed his mind after viewing the restaurant in actual operation and no longer opposes it. A letter from Reverend Hiltz, however, expresses concern about the granting of liquor licenses because of the continuing problems of crime and disturbances in the area. Because the Bureau sees this as basically a restaurant, staff believes this application should receive a favorable recommendation.

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Mayor Katz noted that the application states there will be live music on occasion.

Jay Irvin, applicant, said they plan to have a live jazz brunch on Sundays when they are established.

Disposition: Favorably recommended. (Y-4)

FOUR FIFTHS AGENDA

Commissioner Kafoury moved acceptance of the Four Fifths Agenda and Commissioner Lindberg seconded. Hearing no objection, the Mayor so ordered.

- *1808** Adopt a Supplemental Budget for FY 1994-95 of \$252,095,555 and make budget adjustment in various funds (Ordinance; introduced by Mayor Katz)

Disposition: Ordinance No. 168300. (Y-4)

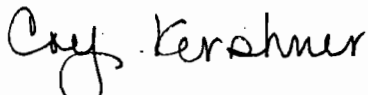
- *1809** Authorize execution of an agreement with First Interstate Bank to guarantee with HOME funds the repayment by the Housing Authority of Portland of a \$450,000 first mortgage on the St. Francis Hotel at the expiration of the loan term.

Discussion: Neyle Hunter, Portland Development Commission, said this is actually a technical adjustment to an ordinance Council passed several weeks ago. In the original ordinance, it was construed by the lender that perhaps the City was guaranteeing the repayment of funds during the term as well as at the end of the term. This clarifies that the guarantee occurs only at the end of the term, at which time the City will buy out the loan from the bank.

Disposition: Ordinance No. 168301. (Y-4)

At 2:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council