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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF MARCH, 1998 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Kafoury and Sten, 4.

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

Agenda No. 328 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**Mayor Vera Katz**

- 319** Confirm reappointment of Charles Ford to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

- 320** Approve the Arena Finance Management Plan for the period July 1, 1997 through June 30, 2002 (Resolution)

**Disposition:** Resolution No. 35680. (Y-4)

- \*321** Pay claim of Gaetano Deleonibus (Ordinance)

**Disposition:** Ordinance No. 172083. (Y-4)

- \*322** Approve Memorandum of Agreement to modify the labor agreement between the City of Portland and the American Federation of State, County and Municipal Employees (AFSCME), Council 75, Local 189 (Ordinance)

**Disposition:** Ordinance No. 172084. (Y-4)

- \*323** Apply for a \$197,025 grant from the Paul G. Allen Charitable Foundation to purchase the professional range instruction simulator system (Ordinance)

**Disposition:** Ordinance No. 172085. (Y-4)

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**Commissioner Jim Francesconi**

- \*324 Contribute \$68,425 towards the purchase price of a property owned by Robin Henderson in southwest Portland adjacent to Marshall Park in the Tryon Creek Linkages Regional Target Area (Ordinance)

**Disposition:** Ordinance No. 172086. (Y-4)

- \*325 Contribute \$117,750 towards the purchase price of the Garrison property adjacent to the Springwater Corridor and Johnson Creek at the eastern foot of Powell Butte, a Regional Trails Project (Ordinance)

**Disposition:** Ordinance No. 172087. (Y-4)

**Commissioner Charlie Hales**

- 326 Accept completion of contract with Leed Electric, Inc. for the Skidmore ornamental street lighting project and make final payment (Report; Contract No. 31224)

**Disposition:** Accepted.

- 327 Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements in the NE 55th Avenue/Ainsworth HCD Local Improvement District (Resolution; C-9929)

**Disposition:** Resolution No. 35681. (Y-4)

- \*329 Provide penalties for occupancy of certain residential structures (Ordinance; amend Code Section 29.50.040)

**Disposition:** Ordinance No. 172088. (Y-4)

- \*330 Approve relocation of sign at NE 33rd and Broadway and waive applicable code provisions (Ordinance)

**Disposition:** Ordinance No. 172089. (Y-4)

- \*331 Agreement with Lloyd D. Lindley, ASLA to develop design criteria and standards for the North Macadam District (Ordinance; waive Code Chapter 5.68)

**Disposition:** Ordinance No. 172090. (Y-4)

- \*332 Authorize an Intergovernmental Agreement with Portland Development Commission to provide for construction on NE Martin Luther King Jr. Boulevard and Alberta streetscape (Ordinance)

**Disposition:** Ordinance No. 172091. (Y-4)

**Commissioner Gretchen Miller Kafoury**

- \*333 Contract with Central City Concern for \$22,556 to provide alcohol and drug intervention services and employment services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172092. (Y-4)

**Commissioner Erik Sten**

- 334 Accept completion of the Alder Basin Phase 3, Unit 1 sewer reconstruction, Project No. 5886, and authorize final payment to John L. Jersey & Sons (Report; Contract No. 31152)

**Disposition:** Accepted.

- \*335 Authorize a contract and provide for payment for the SE 28th Avenue and SE Harney Street sanitary sewer extension Project, Job No. 6324 (Ordinance)

**Disposition:** Ordinance No. 172093. (Y-4)

- \*336 Authorize application to the Environmental Protection Agency for a grant in the amount of \$800,000 for an ecosystem restoration pilot project of the Columbia Slough (Ordinance)

**Disposition:** Ordinance No. 172094. (Y-4)

- \*337 Authorize the continuance of negotiation for the purchase of easement required for the Fanno Basin pressure line; authorize the City Attorney to commence condemnation proceedings if necessary; and authorize the City Attorney to obtain early possession (Ordinance)

**Disposition:** Ordinance No. 172095. (Y-4)

- \*338 Authorize agreement with Kennedy/Jenks Consultants for \$145,500 for professional and engineering services to develop a Risk Management Plan for water treatment facilities (Ordinance)

**Disposition:** Ordinance No. 172096. (Y-4)

- 339 Authorize an agreement with KJM and Associates for an amount not to exceed \$50,000 to perform miscellaneous engineering services in the area of fiscal management and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading April 1, 1998 at 9:30 a.m.

- 340 Authorize an agreement with Beak Consultants, Inc. for an amount not to exceed \$50,000 to perform engineering professional services in the area of natural resources and provide for payment (Ordinance)

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**Disposition:** Passed to Second Reading April 1, 1998 at 9:30 a.m.

- 341** Authorize a contract with the lowest responsible bidder for the Columbia Boulevard Wastewater Treatment Plant dragchain housing replacement, for the Bureau of Environmental Services, and provide for payment (Second Reading Agenda 296)

**Disposition:** Ordinance No. 172097. (Y-4)

- 342** Authorize the Mayor to submit two proposals to the Urban Consortium Energy Task Force for applied energy research and demonstration grants to: (1) export sustainable technologies and services (\$75,000) and (2) hold workshops and transfer information on Portland's fuel cell power plant (Second Reading Agenda 300)

**Disposition:** Ordinance No. 172098. (Y-4)

- 343** Authorize an agreement with Murray, Smith, and Associates, Inc. for an amount not to exceed \$50,000 to perform miscellaneous professional design engineering services and provide for payment (Second Reading Agenda 302)

**Disposition:** Ordinance No. 172099. (Y-4)

**City Auditor Barbara Clark**

- 344** Transmit Certificate of Completion for sidewalk improvements in NE Martin Luther King Jr. Boulevard/NE Wygant Street local improvement district (Report)

**Disposition:** Accepted.

**REGULAR AGENDA**

- \*328** Authorize the Purchasing Agent to receive quotations for cast iron street light poles from prequalified suppliers without advertising for bids (Ordinance)

**Disposition:** Continued to April 1, 1998 at 9:30 a.m.

- \*317** **TIME CERTAIN: 9:30 AM** - Amend Agreement with Portland Development Commission to transfer workforce development activities to the Workforce Development Board (Previous Agenda 237 introduced by Commissioner Kafoury; amend Agreement No. 31495)

**Discussion:** Commissioner Kafoury said this amends the contract and transfers money to the new Workforce Development Board.

John Ball, Workforce Development Board staffperson, said last year Washington and Multnomah Counties decided to approach workforce issues in a more comprehensive way, realizing that fragmented workforce programs prevented a comprehensive match between workers' and employers' needs. In October, 1997, the Workforce Development Board replaced the Private

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Industry Council (PIC) and the Regional Workforce Quality Council.

Janice Wilson, Chair, Workforce Development Board, said the 33-member Board determined that its mission is to create a worldclass work force with full employment, competition and innovation. The Board examined current programs and, after finding a number that did not meet standards, obtained a grant to assess the capacity of the organizations the Board contracts with to ensure that they can deliver the needed services. In a second phase, the Board became a broker of policy and funding rather than providing direct service delivery.

Ms. Wilson explained how the board is organized and noted that separate action teams have been assigned to focus on four areas: 1) welfare-to-work programs; 2) school- and youth-to-work programs; 3) community needs and capacity; and 4) strategic planning.

Steve Rudman, Bureau of Housing and Community Development (BHCD), said the budget for a full year is \$1.8 million, which will be contracted out for services through the Workforce Board. He said it is better to have the Board look at systemwide planning and delivery and not run programs directly as it puts them in a position to better evaluate and make sure programs meet changing community needs. He said between 10 to 15 percent of the Board's resources would come from City funds. A lot of work in the last six months has dealt with the transition of Portland Development Commission (PDC) workforce staff and there is still a lot to do to make sure PDC's work with industries connects closely with that of the Workforce Board's.

Felicia Trader, Director, PDC, said the experience of Wacker Electronics working with the City on employee training has been very successful but the company is concerned that things will get even tougher as the competition for skilled employees increases.

Mayor Katz asked what the biggest challenges are.

Mr. Ball said they are now reviewing best practices and how City resources can be aligned more advantageously. The school-to-work program is one of the biggest challenges as federal money for the local program has been cut. New funding sources are being sought and the City itself will be approached for \$50,000 to support that regional program. Another major challenge is to keep elected officials integrally involved in the policy development process. Finally, the City needs to take a leadership role in this effort as workforce development boards become the norm around the country.

Commissioner Kafoury asked if there were any savings from the staffing cuts in PDC made as part of this transition.

Ms. Trader cited three reasons for a the lack of significant savings: 1) closeout costs of moving the employees; 2) the need to hire temporary help to cover vacant positions; and 3) a revenue source that did not materialize.

Commissioner Kafoury asked if the work has been continuing.

Ms. Trader said yes, a big concern of PDC has been to keep their programs going.

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Mr. Ball said while the transition was a little chaotic, goals are being met. For instance, the goal for the JobNet program was 800 placements and, by midyear, 735 had already been made with similar results in meeting goals set for placement of residents in targeted neighborhoods and income groups. They are also actively integrating JobNet staff with the emerging one-stop career center.

Commissioner Kafoury noted that for years people felt that PIC had a conflict because it tended to give priority to the programs it ran. She asked what happened to the people who were there before.

Mr. Ball said they are employees of the Workforce Development Board.

Mayor Katz asked why they worked for the Board rather than being transitioned to the community-based organizations.

Mr. Ball said the PIC employees who provide direct training services can be easily transitioned to community-based organizations and one-stop centers. PDC staff functions are much more entwined with program administration and service delivery so it is taking longer to sort those out. Some functions will remain with the Board and those decisions will be made soon.

Commissioner Kafoury said building capacity in the community is essential, although difficult.

Mayor Katz said the Board has much higher performance expectations than the federal government. This means the Board will have to work even harder with the community-based organizations to get that performance level up.

Commissioner Francesconi said pulling workforce development out of PDC was somewhat controversial. Was that the right thing to do?

Ms. Trader said her head said it was absolutely the right thing to do as she believes in the importance of the workforce in the regional economy. However, her heart had a very hard time because of the success of JobNet at PDC and the reaction of the business community, which felt something was being taken from them. She had to tell them the reorganization would be better over the long term, once they got through the transition period. A permanent director is needed as is better communication with the community.

Mr. Rudman said there were two different systems before, with PDC focused on the demand (employer) side, while PIC focused on the unemployed. Having a one-stop system makes a lot of sense although a lot of work still needs to be done.

Commissioner Francesconi asked how economic development will be addressed if the economy flattens out.

Mr. Ball said clearly the most problematic charge is to maintain a close working relationship between the economic development and the workforce training functions. He said the demand side (the economic development aspects) has to be totally integrated with the supply side (the workers). That is the basic challenge and charge.

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Ms. Trader said this reorganization creates a tight tie in a single organization between meeting the needs of employers and those of workers even though the words "economic development" might not be used.

Commissioner Francesconi asked how those young people who are the hardest to place will be served.

Ms. Wilson said they are looking at how best to serve three segments of the labor market: 1) the emerging workforce, which includes all those in school; 2) the current workforce, particularly the underemployed; and 3) individuals left out of the workforce. The latter group is where PIC focused its efforts.

Commissioner Francesconi asked if HCDC has a youth employment component outside of the Workforce Board.

Karen Belsey, HCDC, said yes, they also support the Youth Employment Empowerment Commission with approximately \$250,000 and give \$100,000 to the Open Meadow Crew Program. Additional dollars go to small prevention programs and HUD provides \$700,000 every 30 months for the Youth Build program.

Commissioner Francesconi said Latino youth and other groups are still not being served. He asked if other jurisdictions besides Portland give any flexible funds.

Mr. Ball said the City is the primary player in terms of outside revenue to the Board. He said one problem they had with the PIC program is that the federal funds are categorized, i.e. targeted to disadvantaged youth. It may be good to develop a broader strategy to see if those pieces, although inflexible, can be modified to meet City goals.

Commissioner Francesconi said the Workforce Development Board should request flexible dollars from other jurisdictions to address these issues in their areas. He said he will be making a one-time request for funds to assist Latino and Asian gang members.

Ms. Belsey said the Board is addressing access issues for those groups.

Commissioner Sten said he would like to see a breakdown of where the whole \$12 million that the Board has goes, not just the City's portion. He agrees with the change but would like to see how the pieces all come together and make sure all groups are being served.

Ms. Wilson said the Board has to look at the whole pool of resources to see if the dollars can be maximized. There is also a window of opportunity right now to get additional dollars, particularly from foundations.

Commissioner Francesconi said he will be happy to work with the Board in three areas: 1) employment as a juvenile crime prevention strategy; 2) the combined school-to-work and youth program; and 3) additional funding for after-school programs.

Commissioner Kafoury said the real focus should be on increasing the number of entry level training jobs because young people are becoming harder and harder to place because of their lack of skills.

Commissioner Sten said this is the right approach. In the last few years, he has come to believe that the focus should be on training workers. Producing jobs alone will not automatically employ those who need to be employed. He is also pleased to see a regional approach as poor people need to be linked to jobs throughout the region, not just in their neighborhoods. At the same time, however, the City needs to keep jobs in the City. He said kids need to get ahead of the curve on the new information-based economy by learning computers or there will be even more of a split between the haves and have-nots.

Mayor Katz said getting this together is very difficult work although everyone understands what needs to be done. One of the things the Board is struggling with is how high its expectations should be of the community-based organizations, the employers and the schools.

**Disposition:** Ordinance No. 172100. (Y-4)

- \*318 Contract with the Workforce Development Board to provide workforce development activities and to provide for payment (Ordinance introduced by Commissioner Kafoury)

**Disposition:** Ordinance No. 172101. (Y-4)

**Mayor Vera Katz**

- \*345 Authorize contract with Dotten & Associates for technical and administrative assistance for the Cities/County Consolidation Threshold Study Task Force (Ordinance)

**Discussion:** Kathleen Dotten, Dotten & Associates, Project Manager, Threshold Study Task Force, said the task force has been charged with analyzing the potential impacts of consolidation on overall costs, revenues, programs and services. The task force will then make a recommendation whether or not to move forward with consolidation and, if so, how to proceed. What it boils down to is whether consolidation will save money or improve services. The initial time frame has been extended somewhat and the final report is expected the first of September. A data collection model has been completed which will allow the task force to run different scenarios and information on industry standards for specific services will be compared with those in this region to see if there are some potential cost savings. The final "value added" component of the report will be the inclusion of recommendations for better delivery of services that may warrant a fuller look even though they fall short of consolidation. Prior consolidation studies are being reviewed as well so that earlier work is not repeated.

Rebecca Marshall Chao, President, Regional Financial Advisors and financial advisor to the City, said she represents any number of the entities involved in this process.

Commissioner Sten said he has supported consolidation because there has sometimes been an arbitrary split between services, such as Project Respond, which fall between two jurisdictions.



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Ms. Dotten said the final product will be a view from the 30,000 foot level, rather than a qualitative analysis comparing services between one jurisdiction and another. What can be included, however, is how such situations are resolved.

Ms. Chao said one difficulty is that the emphasis has been more on the numbers and potential savings and less on qualitative analysis.

Commissioner Sten asked what happens to Gresham if the government structure is changed.

Ms. Dotten said a number of options have been listed, including having Gresham become part of a larger entity and no longer a separate city with separate services. The other options have Gresham and the other eastern cities opting out, perhaps forming a separate county or joining a different one.

Commissioner Sten said it is obvious to him that Troutdale is not going to join the City of Portland in one government. He said he would like to narrow down some of the options rather than spending resources studying options that will never happen.

Ms. Dotten said the Task Force discussed that at length and chose not to do that, believing there was value in the process as set out.

Commissioner Francesconi said part of the reason to look at consolidation is to look at the quality of services, i.e. juvenile crime and housing. But looking at that from 30,000 feet is hard to reconcile with making a decision about whether or not to proceed with consolidation.

Ms. Dotten said the recommendation will be whether or not there is value in proceeding and, if so, how. She anticipates that if the recommendation is to move forward, it will call for further study, which will include quality of service comparisons. She said the depth of the questions that need to be addressed before moving forward is mind-boggling. If the recommendation is to move forward, some cost estimates of what it would take to do that will be included.

Commissioner Francesconi said it will take a pretty convincing report to lead him to conclude that the large government that would result from going with Option One is good for citizens. It will be even more difficult to convince the mayors of Gresham and Troutdale. Option Three, creating another county, is equally difficult as he supports the idea of creating more regional tools to address regional problems, rather than going in the opposite direction.

Ms. Dotten said while the Task Force will not be recommending any option, her firm is keeping a list of the questions that need to be addressed and the difficulties involved if Council decides to proceed with the study.

Commissioner Francesconi asked if another process will be needed to look at the governance questions, including the constitutional issues.

Ms. Dotten said she anticipates that would all be part of the next step, if the project moves forward.

Commissioner Sten said he would like a political reality check here. If the City is not serious about

doing something, it ought to pull the plug at the end of the study. He does not want to do an endless series of analyses. Either there is the political will to do this or not.

Ms. Chao said it is hard to project what savings there will be if one does not know what the structure will be. The report will probably give some sense of direction so that serious decisions can be made about what the governance will be like.

Commissioner Francesconi said he will vote aye reluctantly because he needs a clearer sense of where this will end up and a better understanding of how the financial analysis can help the City be more effective. Rather than spending time on the City's past consolidation efforts, it would be better to study the results in other cities and counties that have attempted this. He said he appreciated the candid answers, although they raised even more red flags in his mind.

Commissioner Sten said if the City and County had the same borders, one layer of taxation could be eliminated. However, there is a big question as to what the eastern cities will do and there are some fundamental political aspects that can undermine anything the City tries to do.

Mayor Katz said it is very frustrating to get requests for funds for programs in another jurisdiction when there is no accountability to the City about how those programs really work. She would have liked the City to move to consolidation before but realizes the work being done now would have to be done anyway. This information will have to be provided to the public so they could make an informed decision.

**Disposition:** Ordinance No. 172102. (Y-4)

- \*346 Amend contract with Regional Financial Advisors to provide additional analytical support for the Cities/County Consolidation Threshold Study Task Force (Ordinance; amend Contract No. 31327)

**Disposition:** Ordinance No. 172103. (Y-4)

- \*347 Authorize contract with KPMG Peat Marwick for technical and administrative assistance for the Cities/County Consolidation Threshold Study Task Force (Ordinance)

**Disposition:** Ordinance No. 172104. (Y-4)

- \*348 Accept a \$35,000 grant award from the Oregon Department of Justice, Criminal Justice Division for Marijuana Task Force (Ordinance)

**Discussion:** Captain Alamore, Police Drug and Vice Division, said this grant will pay for overtime for the Drug and Marijuana Task Force. The City has received this grant every year since 1995, when the Marijuana Task Force came into existence.

Lynnae Berg, Assistant Police Chief of Investigations, said when the Task Force was formed each

participating agency provided personnel but there was no budget for materials, services or overtime costs. This is an essential funding piece.

**Disposition:** Ordinance No. 172105. (Y-4)

**Commissioner Erik Sten**

- 349 Authorize contract for construction of the dry weather primary clarifiers and associated odor control facility at the Columbia Boulevard Wastewater Treatment Plant (Ordinance)

**Discussion:** Steve Farron, Director, Wastewater Services, Bureau of Environmental Services, said this project is a critical component of the City's response to the compliance order to remove Combined Sewer Overflows (CSOs) from the Columbia Slough.

Vu Han, Project Manager, BES, said the agreement between the City and the Department of Environmental Quality (DEQ) calls for only one CSO occurrence every five years during the winter months after December 1, 2000, and one every 10 years during the summer months. He described the location of the three major project sites and some of the components of the project, including sedimentation tanks, a conduit pipe and effluent pump station.

Mayor Katz asked if this is basically a treatment approach, to capture the water before it gets into the Slough.

Mr. Farron said in addition to dry weather primary clarifiers, BES is using disinfection facilities prior to pumping stormwater into the Slough. The pumping facilities have to be upgraded to handle the added capacity. An odor control facility will also be a part of the dry weather primary project.

Mr. Han explained the treatment process and noted that construction will take approximately two years.

Mayor Katz asked what the outcome will be.

Mr. Farron said CSOs that currently go into the Slough through 13 different outfalls will be intercepted and treated prior to discharge.

Mayor Katz asked what the water quality in the Slough will be, on a scale of one to ten.

Mr. Han said there will be no raw sewage going into it. It will all be captured and treated beforehand.

Commissioner Sten said the Bureau is taking a multitude of approaches to restore water quality in the Slough. In addition to technical changes to the system, it is also working to modify neighborhoods' behaviors through such programs as the downspout disconnect project, changing development standards along the Slough, seeking more cooperation from the Port and taking aggressive habitat restoration measures. He said all these measures will probably improve water quality up somewhere between the three to five range. Nothing else much matters when raw

sewage is being dumped into the river. The model for the Slough can also probably be used on the Willamette although it will be a lot more complicated there.

Mr. Farron said this project removes some of the obvious pollutants through engineering solutions but improving the overall water quality in the Slough will take some time.

Mayor Katz said the public needs to understand how all the different pieces go together so they may feel a little bit better about paying a higher bill.

Mr. Farron said this project will remove 60 million gallons of combined sewage that would otherwise go into the Slough.

**Disposition:** Passed to Second Reading April 1, 1998 at 9:30 a.m.

**City Auditor Barbara Clark**

- 350** Assess property for sidewalk repair by the Bureau of Maintenance for billings processed through February 17, 1998 (Hearing; Y1026)

**Discussion:** Frank Dufay, Assessments Manager, Auditor's Office, said the period for written remonstrances ended on March 13. However, because this is a hearing, if someone comes in at the last minute there is no one available from Transportation to respond.

George Farris, owner of property at 6219 SE Foster and other nearby locations, described ongoing problems resulting from his attempts to repair his sidewalks after receiving sidewalk repair notices from the City, beginning in December, 1994. In one instance, he was unable to get a final inspection and, in another, paving was done by City contractors without prior notification to him. He said the notices also cited different permit numbers which did not jibe with the correct addresses.

Commissioner Kafoury suggested that this be passed to second reading but that his assessment be pulled to give Transportation a chance to explain the situation.

Mr. Dufay said pulling it means it will go on next month's assessment list.

**Disposition:** Passed to Second Reading April 1, 1998 at 9:30 a.m.

- 351** Create a local improvement district to construct street and sewer improvements in the revised SW Evans Street/19th Avenue Local Improvement District (Previous Agenda 313; C-9911)

**Discussion:** Lola Gailey, Portland Office of Transportation (PDOT), Bureau of Transportation Engineering, said this was continued in order to try to resolve two outstanding issues. The first concerned cost savings to property owners if sidewalks were built on only one side of 19th Street. The second was a request for trip generation information so the connection at SW 19th and Moss could be evaluated. Ms. Gailey noted a handout indicating the cost savings per homeowner if sidewalks on one side were eliminated, both for 19th Street and for the entire project. The savings would be fairly low, averaging \$113 for residential property owners on 19th and \$235 for the entire

project. She said Transportation believes the benefit for pedestrians exceeds the cost to property owners.

Ms. Gailey summarized the trip generation information. Traffic counts on both Evans and 19th (up to Moss) indicated there were 485 trips during a 24-hour period. Twenty percent of those trips used the connection of 19th to Moss and the other 80 percent used Evans. If both streets are improved, it is reasonable to assume the traffic counts will remain much the same. However, if only Evans is improved, some traffic would shift over to the new paved street. She said 19th is a local street and high traffic volumes are not expected. But there are many other benefits of connecting up to Moss - residents gain alternative routes, a second access is provided for emergency vehicles and an alternative to Barbur Boulevard is provided for pedestrians and cyclists. Ms. Gailey said if only Evans is improved, the people along 19th and Evans will all drive out Evans to Barbur Boulevard. But if a connection is also built up to Moss Street, many more convenient routes are opened up for residents, accomplishing City goals in terms of connectivity and traffic dispersement.

Jean Craycroft, Tax Lot 11, said 95 percent of the water in her yard comes from the rear of Moss Street and the 19th Street Local Improvement District (LID) will do nothing to help her. She asked why the problem on Moss was not addressed before it washed out the lower half of 19th and compounded the problem on SW Evans.

Kurt Weindorf, owner of Tax Lot 19, said owners of three of the four lots on the northern portion of SW 19th oppose this and were not invited to any of the neighborhood meetings where the boundary expansion was discussed but were simply told that the project had enough favorable votes without them. He said the 20-foot dedication PDOT requires for the expansion of 19th is not a currently existing dedication and the City would have to buy the property from the owners. He also questioned why Tax Lot 1 has been excluded from the project as it has a large frontage on SW 19th. He suggested just doing Evans Street since clearly a majority of property owners favor the improvement there. It was PDOT that included SW 19th, where the project is opposed by 63 percent of the property owners, disregarding waivers. It is only by combining the two streets that the City can come up with a 53 percent favorable vote for both.

Mayor Katz left the meeting and Commissioner Sten assumed the chair.

Louise Reynolds, 7915 SW 19th, objected to her inclusion in the LID. As a single mother with three children, the \$30,000 assessment is far more than she can afford. She said there is an ongoing problem with water that this project will not fix and if it does go forward, the utilities should be undergrounded rather than taking this band-aid approach.

Michael Roche, Land-use Chair, Multnomah Neighborhood Association and Southwest Neighborhood Association, said this is a gerrymandered district, which started off with Evans, about which there is no argument, and was then extended to 19th, where people were included even though not invited to the meetings. To really address the problems this project must include Moss because there is so much water coming down it. He said Council must also address the use of LIDs to fund stormwater improvement projects as they are the most costly portion, not sidewalks, and the assessments will cause hardship for many people.

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Commissioner Francesconi asked Mr. Roche if he still wanted to fund this despite the benefits outlined by PDOT staff such as pedestrian access and minimizing traffic access.

Mr. Roche said at best, this is too little and, at worst, it impacts people who will be financially hard hit before the funding problem has been fully addressed.

Commissioner Sten noted that the project originally included Evans and half of 19th Avenue, not Evans alone. The other four lots on 19th were added on the theory that it did not make sense to do only half the street. Now the question is why not do Moss too. Eventually one must decide either to draw the line at some point or not do this kind of work unless the whole system is done.

Mr. Roche said at this point just Evans should be done as those residents support it, although the problem ought to be addressed more forcefully and systematically.

Commissioner Sten said he is not sure what their reaction would be if the apartment buildings on 19th are taken off the hook.

Christopher Brand, attorney representing the Edwards family, repeated their objections to the formation of this LID on the basis that Lot 124 will receive no special benefit from these improvements. He said the initial LID was driven by residents on SW Evans and then, as the waived properties showed up, the boundary began creeping outward.

Commissioner Kafoury moved that this be continued to allow Ms. Gailey to respond to these issues next week. Commissioner Francesconi seconded and, hearing no objections, the Council so ordered.

Ms. Gailey said all the issues raised are covered in the Engineer's report, except for the inclusion of Moss.

Commissioner Francesconi asked if Council had asked that the LID be expanded beyond Evans.

Ms. Gailey said when the request came in from residents on Evans, staff looked at the southern portion of 19th, a dead-end street with apartment units at the end and a significant stormwater runoff problem, and decided it made sense to include that piece. They also tried at that time to do the northern portion of 19th but there was not enough support to do everything. Staff then decided to cut back to midblock between Evans and Moss and brought the design for that project to Council last May. Council questioned why it was not being built up to Moss to fully address drainage problems. Staff then redesigned the project to include that portion. Ms. Gailey noted that while they would prefer to do the whole thing, the people on Evans very much want their street improved and, with the inclusion of the southern portion of 19th, staff felt that was better than nothing. Delaying this a year, which the Evans residents agreed to, has increased the cost.

Commissioner Francesconi asked if it would be possible to assess the cost based on value of the property rather by the amount of square footage.

Ms. Gailey said there are other possible assessment methods, such as frontage or equal share. But

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assessing based on area seems to be the most equitable method for the most number of people.

Mr. Dufay said if you assess based on value of the property, it becomes a tax.

Ms. Gailey said the City has always considered future potential use of the property.

Commissioner Francesconi said he would like to know what other options might be possible.

**Disposition:** Continued to April 1, 1998 at 9:30 a.m.

### **Communications**

- 352** Request from Paulette Rossi to address Council regarding the "best things in life being free."  
(Communication)

**Discussion:** Paulette Rossi reported her observations after a year of monitoring the recycling bins on the 7th floor at Interim City Hall. She said people are still using too much colored paper and making too many single-sided copies.

**Disposition:** Placed on File.

At 12:05 p.m., Council recessed.

**MARCH 25, 1998**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF MARCH, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Kafoury and Sten, 4.

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

Commissioner Kafoury moved consideration of the two items on the Four-Fifths Agenda. Commissioner Sten seconded and the Mayor so ordered.

**FOUR-FIFTHS AGENDA**

**352-1** Contract with Donnoe and Associates and the Portland Police Bureau of assessment center services not to exceed \$22,500 (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 172106. (Y-4)

**352-2** Approve a Memorandum of Agreement which modifies the labor agreement between the City of Portland and the Portland Police Employees Association (PPA) (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 172107. (Y-4)

**353** **TIME CERTAIN: 2:00 PM** - Accept Report and Recommendation for the SE 52nd Avenue Traffic Calming Project (Report introduced by Commissioner Hales)

**Discussion:** Lolita Allen, Traffic Calming Program, Bureau of Traffic Management, described current traffic conditions and the planned improvements on SE 52nd between Division and Lincoln Streets. Speeding and cut-through traffic were identified as primary concerns by a traffic committee composed of residents, a majority of whom have voted in favor of the project. It has also been endorsed by the Mt. Tabor Neighborhood Association.

Citizens testifying in support of the project included:

Clifford Swan, 2365 SE 52nd Avenue, 97215  
Patricia Wisener, 2122 SE 57th, 97215  
Molly Hilts, Mt. Tabor Neighborhood Association, 5436 SE Hawthorne, 97215  
Timothy Gillis, 2142 SE 52nd, 97215



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Supporters said the project is a dream come true for residents who have long been troubled by excessive speeding and cut-through traffic. They also asked for more enforcement of traffic regulations and for greater use of photo radar and radar guns.

**Disposition:** Accepted. (Y-4)

At 2:25 p.m., Council recessed.

**MARCH 25, 1998**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF MARCH, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Kafoury and Sten, 4.

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

**354 TIME CERTAIN: 2:00 PM** - Liquor license application for Chris Chung, dba King Food Mart, 3510 NE Martin Luther King Jr. Boulevard, Package Store liquor license (change ownership); Unfavorable recommendation (Report introduced by Commissioner Francesconi)

**Discussion:** Mike Sanderson, License Bureau, said although this store is within an Inner Northeast Impact Area where staff has consistently recommended against granting new licenses, this new applicant hopes his proposal will cause Council to reverse its previous unfavorable recommendation in July on the application of Elaine Rho. To date the OLCC has not taken action on that, believing that if Mr. Chung is granted a license, the earlier recommendation becomes moot.

Mr. Sanderson described the background of the new applicant, Chris Chung, and what he proposes to do. He will operate with the same hours, same inventory and same alcoholic product mix and container sizes as the current licensee. The applicant proposes uniformed security from 5 p.m. to midnight and other security measures to overcome the difficulties this location has posed in the past. Mr. Sanderson corrected the record to show that the felony charge noted against Mr. Chung was in error and had been reduced to a misdemeanor (criminal mischief two) conviction. He stressed, however, that the operating proposal is the core issue, not the applicant's police record. Mr. Sanderson said the King Mart has a documented history of problems and staff believes nothing in Mr. Chung's marginal operating plan will change the negative dynamic at this outlet. This intersection has caused nothing but problems for the City and both the Boise and Eliot Neighborhood Associations oppose this application. An unfavorable recommendation is proposed by both the License and Police Bureaus for this change of owner.

Perry Christiansen, Portland Drug and Vice Division, cited police data which document large increases in the incidence of drug sales, possession and usage in the immediate area as well as increases in incidents of drinking in public, garbage and litter, trespass, disturbance and noise.

Other officers testifying in support of the unfavorable recommendation included Jim McCausland and Doug Halprin of Northeast Precinct and Arnold Aaron, Portland Tri-Met Unit. Mr. Aaron cited the safety fears of bus riders when intoxicated people get on the bus carrying open containers of alcohol. He said the Unit gets lots of calls for service at this intersection.

Commissioner Sten noted that the applicant is being asked to solve problems that are pervasive in the neighborhood and asked if there is anything the applicant can do to overcome that and make this outlet work.

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The officers said because of the availability of alcohol and the location of the large parking lot next to the King Mart, neighborhood problems tend to gravitate there and the security measures are insufficient to control matters. The situation is beginning to improve as more and more neighbors are complaining.

Mr. Sanderson said it would be very difficult to allow any new liquor outlets into this area until current problems are addressed. Right now both bureaus see multi-year problems with the same outlets.

Mike Lee, attorney representing Chris Chung, outlined his client's operation plan for the King Mart. He said the situation has improved since Mr. Chung hired professional security in September. The applicant knows full well the problems at the intersection and believes he can turn the situation around without revoking the liquor license or leaving an empty building there. He said there are many examples of turnarounds, citing Union Market as one example. Mr. Lee said what determines a problem location is not the presence of alcohol but the commitment of management. He said the Police and OLCC believe the current owner contributed directly to the problem with half-hearted efforts and failure to follow through on prior commitments. Mr. Chung is not responsible for these past problems and has the experience and commitment necessary to aggressively manage the outlet in a responsible manner. He reviewed the compliance plan agreed to by Mr. Chung which includes agreeing to have two people on duty at all times.

Chris Chung, applicant, said he has had extensive business experience in this neighborhood and believes he can handle this situation. He said the current operator's problems have nothing to do with him.

In response to a query by Mayor Katz about ownership, Mr. Sanderson said this is a proposed change of ownership as no one will enter into a purchase agreement unless it is contingent on getting a liquor license.

Commissioner Sten asked if the current owner will continue to operate the Mart if the OLCC rules against Mr. Chung.

Mr. Sanderson said she will have a substantial amount of time for appeal but will be under a great deal of pressure to maintain order during this process. Neighbors have been battling these alcohol-related problems for two decades and have become hardened to the lengthy OLCC process.

Commissioner Sten asked if it would be preferable to go with Mr. Chung than to continue with Ms. Rho.

Mr. Sanderson said the License Bureau's position is that this proposal falls far short of dramatically changing the current situation. The Bureau believes the record should lie with the current applicant.

Commissioner Sten said since there has been no change for the better in the last nine months, he would like to know what the best bet is.

Officer Christiansen said an emergency suspension by the OLCC related to public safety might be

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one solution, although that is difficult to do and takes a long time. The chronic nuisance ordinance might also possibly apply.

Individuals testifying in support of the unfavorable recommendation included:

Diane Frank, 301 NE Ivy  
Tracy Cooper, Boise Neighborhood Association  
Brad Ness, 4723 N. Borthwick  
Skip Hack, 3303 NE 7th Avenue  
Kenneth Edwards, Crime Prevention Specialist, North/Northeast

Those opposed to granting this liquor license said neighbors badly want change here and believe Mr. Chung has not demonstrated enough experience or expertise to manage the situation even though there has been some improvement and they recognize that all the problems do not lie with the King Mart.

Commissioner Kafoury moved to forward an unfavorable recommendation to the OLCC.  
Commissioner Sten seconded.

Commissioner Francesconi said he is not convinced Mr. Chung's experience is strong enough to overcome all the negatives here.

Commissioner Sten said he would like to see a better operating plan.

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

At 3:10 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland



By Cay Kershner  
Clerk of the Council