



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF MARCH, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

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

Item Nos. 315 and 319 were pulled and, on a Y-4 (Saltzman was late) roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 306** Reject all bids for 162nd Avenue pollution reduction facility fencing project (Purchasing Report - Bid No. 99653-SMP)

Disposition: Accepted.

- 307** Accept bid of Pacific Utility Equipment to furnish five 25,000 GVW truck cab and chassis with utility service and aerial device for \$463,380 (Purchasing Report - Bid No. 99688)

Disposition: Accepted; prepare contract.

- 308** Accept bid of Pacific Utility Equipment to furnish 15,000 GVW van cutaway cab and chassis with utility service and aerial device for \$149,767 (Purchasing Report - Bid No. 99689)

Disposition: Accepted; prepare contract.

- 309** Accept bid of Gresham Ford to furnish four Explorers for \$102,559 (Purchasing Report - Bid No. 99744)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- *310** Amend agreement between Multnomah County D.A. Office and the City of Portland for use of Local Law Enforcement block Grant funds (Ordinance; amend Agreement No. 50930)

Disposition: Ordinance No. 174221. (Y-4)

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***311** Authorize professional services contract with Jax Kneppers & Associates (Ordinance)

Disposition: Ordinance No. 174222. (Y-4)

Commissioner Jim Francesconi

312 Accept contract with J.P. Contractors, Inc. for Farragut Park improvements as substantially complete, authorize final payment and release retainage (Report; Contract No. 32376)

Disposition: Accepted.

***313** Amend contract with Schneider Equipment, Inc. to increase amount for irrigation well drilling at Sellwood Park by \$90,362 (Ordinance; amend Contract No. 32505)

Disposition: Ordinance No. 174223. (Y-4)

***314** Authorize acquisition of property at 8655 NE Sandy Boulevard for the Bureau of Fire & Rescue (Ordinance)

Disposition: Ordinance No. 174224. (Y-4)

Commissioner Charlie Hales

316 Accept completion of the NE 158th Ave. bridge over Columbia Slough and authorize final payment to K-2 Construction Co. (Report; Contract No. 32396)

Disposition: Accepted.

***317** Provide guidelines for inspection of open, unoccupied property (Ordinance; amend City Code Section 29.60.040)

Disposition: Ordinance No. 174225. (Y-4)

Commissioner Dan Saltzman

318 Accept completion of the Inverness Bike Path and authorize final payment of Vancouver Paving Company, Project No. 6510 (Report; Contract No. 32348)

Disposition: Accepted.

***320** Accept a grant from Multnomah County in the amount of \$29,777 for FY 1999/2000 to support delivery of community services by the North Portland Neighborhood Services for the Caring Community of North Portland (Ordinance)

Disposition: Ordinance No. 174226. (Y-4)

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- *321** Authorize the Purchasing Agent to sign a Purchase Order with the lowest responsible bidder for programmable logic controller equipment for the Columbia Boulevard Wastewater Treatment Plant and provide for payment, Project Nos. 6529, 6530 (Ordinance)

Disposition: Ordinance No. 174227. (Y-4)

- 322** Intergovernmental Agreement with the East Multnomah Soil and Water Conservation District to administer monies for the Columbia Slough Watershed Council, to be used for program development and watershed assessment, stewardship, revitalization and education projects (Ordinance)

Disposition: Passed to Second Reading March 15, 2000 at 9:30 a.m.

Commissioner Erik Sten

- *323** Authorize application to the US Department of Commerce for a grant in an amount up to \$400,000 for the Housing Clearinghouse Project (Ordinance)

Disposition: Ordinance No. 174228. (Y-4)

- *324** Authorize execution of agreement with the US Department of Housing and Urban Development for the Supportive Housing Program Grant Number OR16B901004 to provide special needs services to homeless individuals (Ordinance)

Disposition: Ordinance No. 174229. (Y-4)

- *325** Authorize a contract and provide payment for the construction of seismic upgrades and reroofing at the Groundwater Pump Station, pump and control buildings (Ordinance)

Disposition: Ordinance No. 174230. (Y-4)

- *326** Amend contract with Natt McDougall Company to establish a Guaranteed Maximum Price of \$4,340,650 for construction of the Headworks intake and control building project and provide for payment (Ordinance)

Disposition: Ordinance No. 174231. (Y-4)

REGULAR AGENDA

Commissioner Charlie Hales

- 315** Accept the report and recommendation for the N Albina Avenue/N, NE Ainsworth Street traffic calming projects (Report)

Discussion: Kris Ochia and Kathy Mulder, Transportation Engineering and Development, gave a presentation describing the project which will deal with the speeding traffic on these streets.

The following people testified. Their concerns were that traffic not wanting to deal with speed bumps will use other neighborhood streets. It was noted that only 40 percent of the

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returned ballots were positive. Pedestrian crossing was declared to be no problem or not a serious problem at present. Those living on these streets welcome the mitigation of the traffic impacts.

Charles Christensen, 5924 NE Garfield Avenue
James Hoyt, 5916 NE Garfield Avenue
Laura Clark, 6805 N. Albina Avenue, 97217

Barbara Fisher, 7204 N. Mississippi Avenue, 97217
Tracy and Tom Clark, 132 NE Ainsworth Street
Doris Olenberg, 7060 N. Albina Avenue, 97217

Ms. Ochia emphasized the traffic will not be moved to nearby streets.

Disposition: Accepted. (Y-5)

***332** Authorize a contract and provide for payment for construction of Phase I of the N Albina Avenue and N/NE Ainsworth Street traffic calming project devices (Ordinance)

Disposition: Ordinance No. 174232. (Y-5)

Commissioner Dan Saltzman

***319** Authorize contract with the lowest responsible bidder for the outfall site mitigation project at the Columbia Boulevard Wastewater Treatment Plant, Project No. 6763 (Ordinance)

Disposition: File for no further consideration.

Mayor Vera Katz

***327** Authorize a temporary event entertainment by the Cirque du Soleil (Ordinance; waive Title 33)

Discussion: The preproduction coordinator said the name means circus of the sun and noted it is without animals. He explained about its 1984 beginning in Quebec and their current international tour schedule.

Disposition: Ordinance No. 174233. (Y-5)

Commissioner Jim Francesconi

328 Liquor license application for Royal Family Ginseng, Inc. dba Royal Family Ginseng, 211 NW Davis St., New Outlet Package Store liquor license; Favorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said the store will sell a unique private label of ginseng wine and will not sell beer or other wines.

Brian Steed, Drugs and Vice Department, Police Bureau, said his Bureau recommends a favorable determination.

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Commissioner Francesconi moved a favorable recommendation and Commissioner Hales seconded.

Disposition: Favorably recommended. (Y-5)

- 329** Liquor license application for Long Nguyen dba Café Lang Du, 2218 NE 82nd Avenue, New Outlet Restaurant liquor license; Unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said the location operates as a pool hall and video game room and the owner wants to add beer and wine for on-premises consumption. However, the applicant did not list all his arrests and convictions, such as a conviction on a controlled substance, and criminal gang members frequent the business. Mr. Nguyen said he did not own the pool tables, which require a license, and later said he did. There is a serious issue of credibility. The Police Bureau forwarded an unfavorable recommendation.

Brian Steed, Drugs and Vice, Police Bureau, addressed the Police calls to the premises.

Commissioner Francesconi moved an unfavorable recommendation and Commissioner Hales seconded.

Disposition: Unfavorably recommended. (Y-5)

- *330** Intergovernmental Agreement with the State of Oregon, Oregon Department of Administrative Services, Publishing & Distribution Services for copy work for the Portland area State agencies (Ordinance)

Discussion: David Kish, Director, Bureau of General Services, said they already did printing work for other area governmental entities and described some of them.

Jan Lempke, State of Oregon, said they will get a quality product for a good price.

Disposition: Ordinance No. 174234. (Y-5)

- *331** Authorize application to the Department of Commerce Technology Opportunities Program for a grant in the amount of \$600,000 for the Integrated Regional Network Enterprise Public Safety/Lifelong Learning Project (Ordinance)

Discussion: Commissioner Francesconi said there was no obligation in accepting this grant.

David Kish, Director, Bureau of General Services (BGS), said the Integrated Regional Network Enterprise (IRNE) project has to do with the explosion of the fiber optics technology. Nancy Jesuale of BGS has done a lot of work on this. This will be similar to the City public radio safety system. About half of the customers are non-city customers. He described the application of this technology. Matching money, \$742,000, is available.

Commissioner Hales asked what if the \$742,000 was not spent.

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Mr. Kish said it would be spent in other way. The City pays tremendous amounts of money to vendors to provide service. Telephone data service is growing about 10 percent per year (with industry projections at 15 percent per year).

Disposition: Ordinance No. 174235. (Y-5)

City Auditor Gary Blackmer

333 Assess benefited property for the cost of constructing street, storm sewer, water and landscaping improvements in the SE Water Avenue/Caruthers Street Local Improvement District (Second Reading Agenda 302; C-9925)

Disposition: Ordinance No. 174236. (Y-5)

Communications

334 Request of Patti MacRae et al to address Council regarding health hazards on the Rose City Plating site at 7884 SE 13th (Communication)

Discussion: Patti MacRae, 1012 SE Malden Street, said she and neighbors were not opposed to cleaning up the site but they are concerned about the manner in which it will be done. It should be delayed until health and safety issues are resolved. It remains hazardous even after DEQ conducted a Brownfield investigation and removed 1,100 gallons of cyanide in August, 1999, four years after DEQ declared it had cleaned up the site.

Ms. MacRae and the following people said the developer, Loren Waxman, had not responded to questions regarding the method of demolition and whether or not he was aware of what was on site and what toxics had permeated the structure and ground in its 40-year history. There has been a high incidence of cancer in the neighborhood.

Sandra Steiner, 1005 SE Malden Street
Terry Olson, 944 SE Malden Street
Ardy Dunn, 1011 SE Malden Street

Dan Hyster, Environmental Protection Agency (EPA) loan executive to the Portland Brownfields showcase, said the issues are very real as chemicals were illegally stored. DEQ has spent \$2 million on the site to date.

Commissioner Saltzman said neighborhood and agency meetings need to occur well before demolition begins.

Mayor Katz was concerned that DEQ standards may not be high enough.

Disposition: Placed on file.

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335 Request of Amalia Quintana to address Council regarding the high rate of interest on building violations (Communication)

Discussion: Britta Olson, Council Clerk, said Ms. Quintana did not want to speak.

Disposition: Placed on file.

At 12:55 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF MARCH, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

336

TIME CERTAIN: 2:00 PM – Amend Title 33, Planning and Zoning, to clarify and improve readability without substantial changes to policy or intent of the original regulations (Ordinance introduced by Mayor Katz)

Discussion: Susan Hartnett, Planning Bureau, said this ordinance is designed to improve the usability of the Zoning Code without changing policy or intent. The relatively simple changes, 100 amendments, clarify the existing wording, reduce conflicts, correct grammatical errors and change outdated references. This will provide better customer service. Her presentation had detailed information on the changes. Ms. Hartnett noted a new proposal on site grades which, after discussion, the Planning Commission recommended. The Office of Planning and Development Review (OPDR) has concerns about actually being able to apply this proposal. Mayor Katz asked for that piece to be brought back at a later date after further work.

Kermit Robinson, OPDR Land Use Review, Planning Development Manager, said any code change on site grade needs to have more public and Design Commission review.

Susan Feldman, Planning Bureau, noted concerns from Margaret Mahoney, Director, OPDR, about entrance/egress on transit streets, which needs clarification in the Code. She said the sewer utility easements were also clarified.

Connie Keiner, 97219, said she lives in the Johns Landing area which has had a great deal of infill. A code of "consideration" needs to be added as it now seems to favor new construction at the expense of established residents.

Linda Bauer, President, Powell Valley Neighborhood Association (PVNA), said basic utilities in development need to be a conditional use with approval criteria or a developer will literally dump on the neighbors.

Amanda Fritz, 4106 SW Vacuna Drive, 97219, said it made no sense to group basic utilities in the same category as fire stations and reservoirs. Pipes should be in the right-of-way as much as possible.

Leonard Gard, 7688 SW Capitol Highway, 97219, said he supports the proposed height language, but the grade issue must be looked at.

Jerry Ward, 7409 SW Fulton Park Blvd., 97219, addressed the height issue, noting that "finished grade" will adversely affect the height limits. Existing Code uses the original or existing lowest grades to establish building height.

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Mike Bolliger, President, Central Eastside Industrial Council, said the Planning Commission made some adjustments to the caretaker provision after small business owners expressed concern.

Beryl Turner, 7580 SW Fulton Park Blvd., 97219, said citizens want to know the Code is consistent, makes sense and promotes neighborhood livability. No one could understand how a house at such a height and with double retaining walls could be allowed.

Anne Marsh, 0206 SW Idaho, 97201, said neighborhoods need to have some part in the process. Neighborhood character is at stake.

Jim Worthington, 3232 SE 153rd, 97236, said the real estate market has changed drastically in the last ten years while the Code stayed the same. Citizens used to have more say in development in the past, but some safeguards have been taken away and it seems the bureaus have more say.

Commissioner Hales said the Code has not changed much in the past ten years, but the market is red hot and moving faster than more detailed regulations. He noted some positive Code changes, such as permits to cut trees, required design review and E (environmental) overlay zones.

Steve Fancher, Bureau of Environmental Services (BES), described how the drainage was dealt with for MacGregor Heights on Powell Butte and said the quantity was no larger than predevelopment.

Mary Stephens, BES, said they support natural drainage whenever possible.

Ms. Harnett suggested a small focus group, consisting of developers, OPDR and Planning staff and a citizen representative, talk about the full range of grade issues.

Ms. Feldman was concerned about fixing one small thing where a bigger design policy issue might still exist.

Commissioners Francesconi and Hales preferred a narrow and quicker fix to a real problem and that the other issues could be taken care of in another process.

Commissioner Sten was concerned that this had not caught all the environmentally sensitive sites.

Ms. Stephens said the things currently not in the environmental zones are part of the larger process when creating a subdivision. It goes through the process for utilities, water, sewer and transportation routes.

Commissioner Saltzman said as it reads now, drainage could be put into a stream bed, as it is a public drainageway.

Ms. Feldman pointed out something like that would probably have an e-zone on it.

Ms. Hartnett asked Council to sever the two pieces and pass the Code maintenance package.

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Mayor Katz directed Ms. Hartnett to pull the height issue (but address it soon), leave the transit doors as is and add the stormwater retention regulations.

Disposition: Passed to Second Reading March 16, 2000 at 2:00 p.m.

Mayor Vera Katz

S-337 Amend Portland City Code regarding occasional secondhand dealers and secondhand dealers (Previous Agenda 274; amend Code Section 14.37)

Discussion: Mayor Katz said, due to the substitute, this issue will open as a public hearing.

Captain Rosie Sizer, Police Bureau Detective Division, said they made two changes pertinent to the last discussion. If a business agrees to not pay for the received regulated property until after the 15-day hold period, it can avoid the thumbprinting, photographing or xeroxing the presented identification and the 30-day hold period. The business will still complete the declaration of ownership on the Secondhand Dealers report. The second change is the sunset provision. A periodic review of the ordinance will occur in odd numbered years to review the impacts.

Commissioner Francesconi asked how many transactions Mr. Schuback of Schuback Violins has had which would be affected by this ordinance.

Ms. Sizer said Mr. Schuback had four secondhand reports for stolen property, ending in December, as compared to City Bikes with just under 500 and All That Glitters with 18,000. The latter has already enacted the thumbprint and it is going well.

John Herman, owner of Cash Now, noted what was required of him as a firearms dealer. Previously, he had to fingerprint all the fingers, creating a mess when handling papers. He believes the thumbprint is demeaning and unsafe. He said the Police have a "perceived" need for more identification requirements which will help prosecute the thieves. People are only interested in recovering their property, not in prosecution. Often the dealer is victimized by not being reimbursed when property is returned to the initial victim.

Dan Sabatino, Christenson Electric, encouraged Council to assist law enforcement officers to help in businesses losses. He noted that they do prosecute when their stolen items are found.

Mayor Katz noted that non-residential theft is going sky-high, most of which is from construction sites.

Robert R. Stoll said he has had his small musical instrument business since 1986. He questions the logic of this ordinance as it will drive the items to other jurisdictions. The picture and thumbprint are intrusive and are not required in flea markets or garage sales. Much of his business is trade-ins.

Commissioner Saltzman said a proposed amendment today is that no thumbprint or photo identification is required if no money is paid for 15 days. He asked Mr. Stoll if that is all right.

Mr. Stoll said, for various reasons, many people need the money at the time of sale.

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Gary Beckham, Tool Magic Repair, said not all businesses operate in the same way. He asked about purchases from auctions, out-of-state auctions and private business-to-business transactions. This is being discriminately applied to a small percentage of businesses, those visible on traffic streets. It is an unreasonable expectation for these few to do police work.

Paul Schuback, Schuback Violin Shop, said there has been one stolen instrument problem in the last three years. Violins are not that large a secondhand issue.

Detective Sergeant Ron Keller, Police Bureau, Special Property Investigation Division, said the ordinance is designed to recover the stolen property, identify the seller and/or individual responsible for the taking of the property and oversee the secondhand businesses to verify they are operating under the ordinance guidelines. An extended holding period beyond the 15 days would allow the Police to recover additional property it now occasionally is unable to in that short time. Fingerprints allow positive identification regardless of other identification used.

Roger Norman, City Bikes, SE Ankeny Street, said their practice has always been to defer payment for more expensive bikes, such as mountain bikes, those more likely to be stolen, or when they feel uncomfortable about the seller. They suggest an exception for cheaper bikes, for people with receipts in their name or people who are trading up.

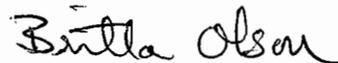
Deek Heykamp, 426 SE Grand Avenue, asked Council, if they do, to approve this with the understanding of the flaws in the system.

Captain Sizer said this compromise is workable as most thieves and burglars are desperate for money, often fueled by drug addiction. Some factors which would lead to greater recovery are better data bases for serial numbers and marking jewelry at the point of sale. Part of the review when this comes back in the odd-numbered year will be who the Police partnered with and what the partnership should achieve.

Disposition: Substitute Passed to Second Reading March 15, 2000 at 9:30 a.m.

At 5:25 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council