



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28th DAY OF FEBRUARY, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioners Blumenauer, Presiding; Commissioners Bogle and Koch, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer David Cook, Sergeant at Arms.

Commissioner Koch read a proclamation from the Mayor declaring the week of March 5 through 11, 1990 as Multnomah Hot Rod Council Awareness Week.

Mike Porter of the Oregon Hot Rod Council presented a plaque in appreciation of former Mayor Terry Schrunk and the City of Portland for their help in organizing the Council 35 years ago.

CONSENT AGENDA - NO DISCUSSION

Since four members were not present, all items on Consent were carried forward to Thursday, March 8.

- 314 Cash and Investment Balances for January 18, 1990 through February 14, 1990 (Report; Treasurer)

Disposition: Continued to March 8, 1990 at 2 pm.

- 316 Accept completion of the Neighborhood Traffic Management Project, Unit 4 improvement, and approve Change Orders Nos. 1 and 2, and recommend final payment be made (Report; Contract No. 25487; Ordinance No. 161839)

Disposition: Continued to March 8, 1990 at 2 pm.

Mayor J. E. Bud Clark

- * 317 Amend contract with William Mercer Meidinger Hansen for provision of employee benefits consulting services (Ordinance)

Disposition: Continued to March 8, 1990 at 2 pm.

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- * 318 Pay claim of Marion E. Lincke (Ordinance)
Disposition: Continued to March 8, 1990 at 2 pm.
- * 319 Authorize application to the U. S. Department of Housing and Urban Development for an Emergency Shelter Grant under Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987 in the amount of \$188,000 (Ordinance)
Disposition: Continued to March 8, 1990 at 2 pm.
- * 320 Contract with Home Gardening Project, Inc., for \$10,000 to construct 25 raised bed gardens for low income persons in Northeast Portland and to provide for payment (Ordinance)
Disposition: Continued to March 8, 1990 at 2 pm.
- * 321 Authorize adoption of the Declaration of Trust of the ICMA Retirement Trust (Ordinance)
Disposition: Continued to March 8, 1990 at 2 pm.

Commissioner Earl Blumenauer

- * 322 Amend Ordinance No. 148538, which established City zoning on the property located on the south side of SE Powell Boulevard, from SE 157th to SE 174th, to remove Condition 1B and add new conditions (Ordinance; CU 112-89/7963)
Disposition: Continued to March 8, 1990 at 2 pm.
- * 323 Accept a Public Walkway and Utility Easement for the NE Emerson Court Street Improvement Project, granted by Mark W. Cordell and Patricia R. Cordell, at no cost to the City (Ordinance)
Disposition: Continued to March 8, 1990 at 2 pm.
- * 324 Amend an agreement with the Oregon Department of Transportation, Highway Division, to pay City for additional preliminary engineering assistance on the East Marquam Bridge Interchange Project and amend the adopted budget (Ordinance; Amends Agreement No. 17502)
Disposition: Continued to March 8, 1990 at 2 pm.

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Commissioner Mike Lindberg

- 325 Confirm Michael Hill, to the Police Internal Investigations Auditing Committee Citizens Advisors (Report)

Disposition: Continued to March 8, 1990 at 2 pm.

- * 326 Extend Outside Counsel Legal Services Agreement for purchase of Springwater Line (Ordinance)

Disposition: Continued to March 8, 1990 at 2 pm.

City Auditor Barbara Clark

- 328 Assess improvement of SW Seymour Court from SW Macadam to approximately 380 feet west and construction of a sanitary sewer extension (Hearing; Ordinance; C-9664)

Disposition: Passed to second reading.

REGULAR AGENDA

Mayor J. E. Bud Clark

- 329 Contract with Southeast Uplift Neighborhood Program for \$15,000 to oversee development of neighborhood plans for the Brooklyn and Buckman neighborhoods with the Bureau of Planning (Ordinance)

Discussion: Since the ordinance appears on the calendar as a non emergency, Commissioner Blumenauer moved to delete the emergency clause to put it in conformance with the calendar. Commissioner Koch seconded and it was so ordered.

Disposition: Passed to second reading.

- 330 Transfer \$26,000 within the General Fund Operating Contingency to the Office of Intergovernmental Affairs to continue funding of Washington Liaison Contract (Ordinance)

Disposition: Passed to Second Reading.

- * 331 Authorize amendment to Contract No. 25028 with Metropolitan Community Action, Inc. (Ordinance)

Disposition: Continued to March 8, 1990 at 2 pm.

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Commissioner Earl Blumenauer

- 332 Authorize the Bureau of Transportation Engineering to implement a bicycle route on portions of NE Knott Street in the Lower Northeast Bicycle Corridor (Resolution)

Discussion: Krys Ochia, Planning Bureau, said the Knott Street project is part of the corridor program put in place several years ago to develop a network of commuter bicycle routes in Portland. He addressed the need to promote the use of bicycles as an alternate transportation mode and said that to attract additional bicycle commuters some modification of on-street parking would be needed on Knott during the morning and evening commute periods. Total cost is estimated at \$11,180.

Susan Horkey, Member of the Citizens Advisory Committee said the plan will encourage safe biking by making streets safer for bikers and will also increase the quality of life by decreasing traffic and air pollution and improving energy conservation.

Commissioner Bogle asked how many daily commuters use the route?

Krys Ochia said their studies show between 50-100 commuters currently on Knott every day.

Ron Kernan, Chairman of Lower NE Corridor Task Force, said he had been involved in discussions of this for 10 years and feels this plan is a reasonable solution that has won acceptance from a group of property owners on Knott originally opposed to it because of removal of parking.

Commissioner Koch questioned Mr. Kernan about the notification process.

Mr. Kernan said notices were hand-delivered door-to-door from 42nd to the end of project.

Commissioner Bogle and Commissioner Koch asked about notifications to residents on the side streets and were told that only the house on the corner had been notified.

Speaking against the proposed route were:
Lee Dayfield, 2545 NE 39th, Chairperson of Grant Park
Neighborhood
Lucy Kaufman, 2644 NE 39th
Cutropia Duke, 1104 NE Knott
Mike Haggard, 37th & Knott
Charles Piatt, 3520 NE Knott

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Opponents were concerned with the impact on parking, lower property values resulting from the loss of on-street parking, and safety. They also criticized the timeliness and completeness of the notifications process. Ms. Duke presented a petition with 24 signatures of those opposed to the bike route.

Speaking in favor of the route were:
Rex Burkholder, 1912 NE 11th
Michaelin Wilcox, 3003 NE Knott

Commissioner Blumenauer said the link was important and that the compromise to remove parking for only limited hours a reasonable one.

Commissioner Bogle said a notification process that extended only to the house on the corner of Knott was insufficient. He said he detected an air of elitism from some bike owners--as if owning a bicycle was the answer to all pollution and traffic problems--and feels this proposal asks too much from too many to benefit too few.

Commissioner Koch voiced concern with the notification process and impact on residents of on-street parking restrictions during morning and evening hours. He said our policy clearly says we can't abuse residents' rights in favor of bicyclists' rights.

Disposition: The motion failed. (Y-Blumenauer, N-2; Clark and Lindberg absent.)

333 Call for bids to construct NE Fremont Street Bikeway from NE 102nd Avenue to NE 122nd Avenue; authorize a contract, and provide for payment (Ordinance; Contract 25507)

Discussion: Krys Ochia said Fremont Street would be modified to accommodate a five foot bicycle lane on each side of the street; this project would complete a key link of Metro Regional Bike Plan by connecting the existing I-205 bikeway with I-84 bikeway currently under construction.

Mr. Ochia said some affected property owners feel their property values will go down but the county assessor's office said there would be no effect on property values either way. Estimated cost is \$110,000 with ODOT providing a maximum of \$50,000.

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Commissioner Blumenauer said written documentation on the impact no parking limits have on property values is needed.

Gene Waddle, 11530 NE Fremont, protested the loss of his parking and said it will dangerous for him to get in and out of his driveway.

Ann Vehrs, 11835 NE Fremont, said she's concerned with property values and with safety of bicylists on a street with so much traffic.

Disposition: Passed to second reading.

At 10:50 a.m. Council adjourned until 2:00 p.m.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF FEBRUARY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Bogle, and Koch, 3.

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

REGULAR AGENDA

Two items from Wednesday morning's Consent Agenda were carried over for Council consideration.

- 315 Accept bid of Utility Equipment Co., Inc. for furnishing one 11,000 G.V.W. cab and chassis with utility service body, for \$36,859 (Purchasing Report - Bid 59)

Disposition: Adopted (Y-3, Clark and Lindberg absent)

- 327 Assess improvement of SW View Point Terrace from Iowa Street to approximately 300' north of the south line of Iowa Street (Second Reading Agenda 300)

Disposition: Ordinance No. 162790. (Y-3, Clark and Lindberg absent)

- * 334 Amend the Columbia South Shore Plan District adding new setback and landscaping requirements (Previous Agenda 309; Substitute Ordinance)

Discussion: Doug Butler, PDC, asked that it be continued to Thursday, March 8.

Disposition: Continued to March 8, 1990

At 2:10 p.m., Council adjourned.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF MARCH, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle, and Koch, 3.

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- * 335 Grant permit to Tri-Met to waive the requirements for paving the gravel portion of the site and to waive a portion of the exterior and interior landscaping on the site, used as a park-and-ride accessory to the Gateway Transit Station, at NE 99th Avenue at NE Pacific, for a period of five years, under certain conditions (Ordinance; 7931R/SRZ 68-89)

Disposition: Continued to March 8, 1990

- * 336 Grant permit to Albin E. Johnston and George Johnston Jr. to continue overnight parking of seven semi-trailers at 1618 NE 1st Avenue, for period of three years, under certain conditions (Ordinance; 7961R)

Disposition: Continued to March 8, 1990

- * 337 Grant a revocable permit to the Portland Development Commission to maintain banners on street light poles from March 14, 1990 to April 30, 1990 (Ordinance)

Disposition: Continued to March 8, 1990

REGULAR AGENDA

Commissioner Dick Bogle

- 338 Appeal of Secondhand Dealer Civil Penalties for Echols Doyle Ford, dba The Moneyman, 6614 SE 82nd Avenue (Report)

Commissioner Bogle requested that copies of all records the Commissioners received on the two appeals be turned into the Clerk for the record. He also asked them to declare any ex parte contacts and said the vote on both appeals would be continued to March 15 to allow the two absent Council members to review the proceedings on videotape.

John Werneken, Business Licenses, reviewed Bureau findings in support of the fine against Mr. Ford including operating a secondhand dealership without a permit. He said the evidence in support of the violation included sale of regulated merchandise to an undercover police officer, tags found on 24 items of regulated merchandise indicating purchases made in violation of the Code, and a large inventory of regulated merchandise on the premises.

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He said the Bureau believed that the sale of shoplifted merchandise was as much a violation as the sale of burglarized items. He said Mr. Ford made conflicting statements regarding the source of his property and that he has a history of disregard for the law.

Lt. P.J. Nelson, Portland Police Bureau, placed a set of photographs taken at The MoneyMan into the record. He said Mr. Ford was unable to produce paper work to explain the source of his merchandise and made conflicting statements about where he had obtained it and about his business relationship with Mr. Grigonis. At one point Mr. Ford told him he believed he was operating under the secondhand dealer permit of either David Grigonis or James Weaver.

Sergeant Tom Seipert, Portland Police Bureau, summarized statements Mr. Ford made to him about his business operations, including his relationship with David Grigonis and James Weaver. He said Mr. Ford told him he had no written contract with them although they'd talked about one and also had no secondhand dealer permit but believed he was operating under either Mr. Grigonis' or Mr. Weaver's permit.

James Esterkin, attorney for Mr. Ford, asked Commissioner Bogle to recuse himself on this case. He said the seven items purchased from the undercover agent were all new and not used and thus not in violation of the Code. He questioned the lack of specificity in regard to the 24 tagged items the Bureau asserts had been conditionally purchased. He said that since Mr. Ford was not a secondhand dealer he was not required to keep the kind of records secondhand dealers must keep. He criticized the lack of fair play in the proceedings, citing lack of access to police records, subpoena powers, examination under oath and right to cross-examination.

Commissioner Koch asked Sergeant Seipert how they tracked information about purchases made at second hand stores. Sgt. Seipert said Police track this information on the computer and the Council requested the Bureau make information on the computer runs relating to this case available within the next two weeks to both sides.

- 339 Appeal of Secondhand Dealer Civil Penalties for David C. Grigonis, dba The Moneyman, 6614 SE 82nd Avenue (Report)

Commissioner Bogle made a disclaimer and said he would render a decision based solely on the information presented in the hearing.

John Werneken, Business Licenses, said the key point in this case is that the Code says that any property owner who has reason to know that a secondhand dealership is being operated on his property must take action or be in violation of the Code. He said David Grigonis' involvement as shown by his cash flow relationship with Mr. Ford was more than casual and circumstantial. He noted that Mr. Grigonis owns five properties in Multnomah County, every one of which has a secondhand dealership on the premises and stated that Mr. Grigonis had intentionally sought out two locations where such businesses existed and had personally participated in establishing new or different secondhand dealerships there.

Lt. P.J. Nelson, Portland Police Bureau, reported Mr. Ford's statements to him stating his belief that he was operating on Mr. Grigonis' or Mr. Weaver's permit.

Sergeant Tom Siefert, Portland Police Bureau, said Mr. Ford told him he had no written agreement or contract with Mr. Grigonis although it had been discussed.

Commissioner Blumenauer said the record would be held open for one week for supplemental information either side wished to add.

Richard Helzer, attorney for Mr. Grigonis, said Mr. Grigonis was a landlord only with no interest in store ownership. He objected to Mr. Werneken's introduction of new information about the purchase of dealerships at two locations -- NE 169th & Division and 122nd. He said none of Mr. Grigonis' other secondhand stores were in violation and that he had tried to avoid any violation at the MoneyMan through the stipulation in his lease with Mr. Ford that such activity was unlawful without a permit. He said the store contained property that was unregulated, such as tires and rims, and that there was no evidence Mr. Grigonis permitted Mr. Ford to operate in violation of the ordinance.

Mr. Helzer also objected to the lack of procedural safeguards and said the City was attempting to impose criminal penalties under the guise of civil fines.

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The following individuals, personal friends and fellow church members of Mr. Grigonis, spoke in his support:

Charlyce Knight, 3971 SE Lincoln
Rod Lafollette, 5301 SE Rhone
Harley Poole, 302 NE 57th
Jeff Van Horn, 2617 SE 60th
Thom Clock, 2365 SE 47th
Mary Plumb, 816 SE 55th
Bob Van Atta, 2424 SW Hume
Lee E. Davis, 3112 SE 73rd

Marc Zwerling, an attorney for Mr. Grigonis, said Mr. Werneken had substantially mistated the facts about the acquisition and establishment of 2nd hand dealerships at 169th and 122nd.

David Grigonis, 5010 SE Bush, said he thought that by placing the clause in the lease prohibiting secondhand dealer activities he would avoid the kind of troubles he had with the previous tenant, J.D. Northouse. Under questioning from Commissioner Koch, he attempted to explain a \$1505 rental payment in November 1989 on the 82nd Ave. property by a Mr. Northouse to Gary Sergeant, seller of the property to Mr. Grigonis.

Disposition: The hearing was ended for public testimony; the vote was deferred to March 15, 1990.

At 4:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council