



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

DUE TO THE LACK OF A QUORUM THE MEETINGS OF  
WEDNESDAY, MARCH 7, 1990, 9:30 AM AND 2:00 PM  
WERE CANCELLED

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
PORTLAND, OREGON WAS HELD THIS 8TH DAY OF MARCH, 1990 AT  
2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding;  
Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

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

Mayor Clark presented a proclamation to the Royal  
Rosarians and Portland Rose Society and declared March  
8-18 Rose Planting Week.

Commissioner Blumenauer presented Good Neighbor Awards  
to Holland, Inc. and Hosford-Abernethy Neighborhood  
Association for their joint efforts in achieving a  
Burgerville facility mutually satisfactory to both the  
developer and the neighborhood.

**CONSENT AGENDA - NO DISCUSSION**

340A A Resolution requesting the Oregon Transportation  
Commission to fund Highway Projects within the City of  
Portland (Resolution)

**Disposition:** Resolution No. 34688. (Y-5)

341 Cash and Investment Balances for January 18, 1990  
through February 14, 1990 (Previous Agenda 314)

**Disposition:** Adopted.

342 Accept completion of the Neighborhood Traffic Management  
Project, Unit 4 Improvement, and approve Change Order  
Nos. 1 and 2, and recommend final payment be made  
(Previous Agenda 316)

**Disposition:** Adopted.

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343 Accept bid of Dyad Construction Inc. for construction of Boyles Sanitary Sewer System for \$4,644,022 (Purchasing Report - Bid C-9695)

**Disposition:** Adopted; prepare contract.

344 Accept bid of Revcon Motorcoach Corp. for furnishing one hazardous materials decontamination vehicle for \$127,900 (Purchasing Report - Bid 54)

**Disposition:** Adopted; prepare contract.

345 Accept bid of Brooks Products Inc. for furnishing concrete meter boxes for \$36,198 (Purchasing Report - Bid 65-A)

**Disposition:** Adopted; prepare contract.

346 Accept bid of Valley Gun Distributors, Inc. for furnishing three hundred Glock handguns for \$95,502.96 (Purchasing Report - Bid 60)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

347 Inform Council of appointment of Pamela J. Brown to the City/County Plastic Waste Reduction Task Force as an alternate member with Betsy Brumm (Report)

**Disposition:** Adopted.

348 Inform Council of the appointment of J. Jane Kinnaman to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Adopted.

349 Confirm appointments of Myron Fleck and Rebecca Marshall to the Hospital Facilities Authority Board (Report)

**Disposition:** Confirmed.

\* 352 Amend contract with William Mercer Meidinger Hansen for provision of employee benefits consulting services (Previous Agenda 317)

**Disposition:** Ordinance No. 162791. (Y-5)

\* 353 Pay claim of Marion E. Lincke (Previous Agenda 318)

**Disposition:** Ordinance No. 162792. (Y-5)

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- \* 354 Authorize application to the US 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 (Previous Agenda S-319)
- Disposition:** Ordinance No. 162793. (Y-5)
- \* 355 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 (Previous Agenda 320)
- Disposition:** 162794. (Y-5)
- \* 356 Authorize adoption of the Declaration of Trust of the ICMA Retirement Trust (Previous Agenda 321)
- Disposition:** Ordinance No. 162795. (Y-5)
- \* 357 Create two positions in accordance with the Personnel Rules adopted by the City Council (Ordinance)
- Disposition:** Ordinance No. 162796. (Y-5)
- \* 358 Authorize a contract with Lindsay Hart Neil & Weigler for bond counsel services (Ordinance)
- Disposition:** Ordinance No. 162797. (Y-5)
- \* 359 Authorize contract with Bureau of Governmental Research and Service, University of Oregon, for process design and management services for the strategic planning project (Ordinance)
- Disposition:** Ordinance No. 162798. (Y-5)
- Commissioner Earl Blumenauer**
- \* 360 Grant a revocable permit to Tri-Met for a raised handicapped access ramp on the east side of NE 11th Avenue at Holladay Park (Ordinance)
- Disposition:** Ordinance No. 162799. (Y-5)
- \* 361 Grant a revocable permit to Portland Lofts Associates, Limited Partnership, for stairs, a wheelchair ramp, an elevated landing and call box in NW Park Avenue (Ordinance)
- Disposition:** Ordinance No. 162800. (Y-5)

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- \* 362 Grant a revocable permit to the Muscular Dystrophy Association to close SW Columbia Street between SW 1st and Front Avenues on March 17 and March 18, 1990 (Ordinance; Waives Code 14.24.030)
- Disposition: Ordinance No. 162801. (Y-5)
- \* 363 Accept a Quitclaim Deed, granted by the State of Oregon, Department of Transportation, Highway Division, for the SW 62nd Avenue north of SW Douglas Street Project (Ordinance)
- Disposition: Ordinance No. 162802. (Y-5)
- \* 364 Grant a revocable permit to the Oregon Special Olympics to close SW Stark Street between SW 12th and 13th Avenues on March 16th through March 18, 1990 (Ordinance; Waives Code 14.24.030)
- Disposition: Ordinance No. 162803. (Y-5)
- \* 365 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 (Previous Agenda 322)
- Disposition: Ordinance No. 162804. (Y-5)
- \* 366 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 (Previous Agenda 323)
- Disposition: Ordinance No. 162805. (Y-5)
- \* 367 Amend an agreement with 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 (Previous Agenda 324)
- Disposition: Ordinance No. 162806. (Y-5)
- \* 369 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 (Previous Agenda 335)
- Disposition: Ordinance No. 162807. (Y-5)

- \* 370 Grant a permit to Albin E. Johnston and George Johnston, Jr. to continue overnight parking of seven semi-trailers at 1618 NE 1st Avenue, for a period of three years, under certain conditions. (Previous Agenda 336)

Disposition: Ordinance No. 162808. (Y-5)

- \* 371 Grant a revocable permit to the Portland Development Commission to maintain banners on street light poles from March 14, 1990 to April 30, 1990 (Previous Agenda 337)

Disposition: Ordinance No. 162809. (Y-5)

- 372 Authorize release of a recreational trail easement to the north bank of the Columbia Slough, east of NE 63rd Avenue at the Howser Steel Company property, at no cost to the City (Ordinance)

Disposition: Ordinance No. 162810. (Y-5)

- \* 373 Accept three sewer easements for an existing sewer pipeline in the subdivision of Panavista Park, in the vicinity of NW Reed Drive, NW 83rd Place, and NW Panavista Drive, granted by Security Pacific Bank of Oregon, Nicholas R. Veroske, Laura S. Finney, Gary H. Woodruff and Janice R. Woodruff, at no cost to the City (Ordinance)

Disposition: Ordinance No. 162811. (Y-5)

**Commissioner Mike Lindberg**

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

Disposition: Confirmed.

- \* 376 Extend Outside Counsel Legal Services Agreement for purchase of Springwater Line (Previous Agenda 326)

Disposition: Ordinance No. 162812. (Y-5)

**City Auditor Barbara Clark**

- 378 Assess improvement of SW Seymour Court from SW Macadam to approximately 380 feet west and construction of a sanitary sewer extension. (Second Reading Agenda 328)

Disposition: Ordinance No. 162813. (Y-5)

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## REGULAR AGENDA

Items #350, #351, #368, #374 and #377 were pulled from consent and considered on the Regular Agenda.

- 350 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 (Second Reading Agenda 329)

**Discussion:** Judy Shields, Bureau of Community Development, asked that the emergency clause be reattached. Commissioner Blumenauer so moved, Commissioner Bogle seconded and the motion passed by acclamation.

**Disposition:** Ordinance No. 162814. (Y-5)

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

**Disposition:** Ordinance No. 162815. (Y-4, N-Blumenauer)

- 368 Call for bids to construct NE Fremont Street Bikeway from NE 102nd Avenue to NE 122nd Avenue; authorize a contract, and provide for payment. (Second Reading Agenda 333)

**Discussion:** Commissioner Blumenauer said the Planning Bureau wanted more time to explore additional possibilities.

**Disposition:** Continued to April 4, 1990.

- 374 Confirm appointment of Lennie Edwards to the Board of Directors for Portland Cable Access (Report)

**Discussion:** Commissioner Lindberg said Council confirmation was not necessary.

**Disposition:** No further consideration.

- \* 377 Consent to replacement by Paragon Cable of security fund in the amount of \$100,000 with letter of credit, with conditions (Ordinance)

**Discussion:** A motion to amend the proposed ordinance by adding Page 3 was made by Commissioner Koch and seconded by Commissioner Lindberg. The amendment was so ordered.

**Disposition:** Ordinance No. 162816. (Y-5)

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- 380 Deny appeal of Ike Bay thereby denying a conditional use in order to excavate the hillside at 2425 NW St. Helens Road (Findings: CU 64-89)

**Disposition:** Findings Adopted; Appeal Denied (Y-3; N-2 Blumenauer and Koch)

At 2:15 p.m., Mayor Clark excused himself from Council.

- 379 **TIME CERTAIN:** 2:00 PM - Recommend an increase in parking fines to the District Court (Resolution introduced by Commissioner Blumenauer)

**Discussion:** Anne Svoboda, Parking Patrol Division Manager, said parking fine increases are justified because of concerns with public safety, available spaces and overall compliance. She said current fines are not a deterrent as shown by the fact that the number of requests for compliance have more than doubled in the last year from 325 to 725 requests per month. Turnover rate has decreased in the downtown area because motorists are choosing to stay in their parking spaces.

Ms. Svoboda said parking fines have not kept up with other costs of parking. The last raise was in 1981, nine years ago, and our fines are tremendously low compared to other jurisdictions. Many community groups have written in support of the increases.

Commissioner Lindberg asked if we need more money for enforcement to ensure compliance.

Ms. Svoboda said no increase in enforcement is proposed right now and that the higher fines should increase compliance and thereby cut the workload. She said 50% of the fines are kept by the City and 50% go to the State Courts.

Commissioner Blumenauer said Council will have an opportunity to talk about patterns of investment when the Parking Patrol budget comes up for discussion.

Commissioner Koch asked if they had considered raising fines in certain areas and not others and then evaluating the deterrent effect in each.

Ms. Svoboda said this would be difficult to administer but they will evaluate calls for compliance by area and shift resources where they are most needed.

Commissioner Blumenauer said we only make a recommendation to the District Court which is already very concerned about the burden of administering the fines and unlikely to agree to having a double system in some parts of City and not others.

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Commissioner Koch said we don't know where City revenues are going.

Commissioner Blumenauer said the District Court has no say in where money goes and that the increases are intended to increase compliance not to raise revenues.

Leo Cross, President, Downtown Community Association said his group opposes the increases because of the financial inequities they impose on downtown residents. He said they would reconsider if a residential parking permit district for downtown residents was established as they had requested.

James E. Wikander, 3334 NE Oregon, said the meters should be there to benefit citizens. He said too many are for too short a time and that too often 90 minute spots or spaces in parking lots can't be found.

Claudia Efurd, Goose Hollow Neighborhood Association, said her group supports the increases. Because tickets don't exceed the cost of parking in private lots, many drivers overstay time limits and take away spaces from businesses and residents who have been issued permits.

Sandy Perry, Downtown Retail Council, said the DRC supports the increases because turnover rates for downtown meters have decreased indicating access to shoppers and visitors is on the decline. She said all forms of illegal parking are on the rise because the existing fine structure doesn't encourage compliance and this hurts retailers in terms of traffic flow, congestion, and accessibility. She added a plea to increase public awareness of the availability of low-cost parking in the seven downtown public garages.

Jay Margulies, 2421 NW Pettygrove, said he wanted to distinguish between places where parking is always illegal and places where parking is time-limited. He asked for a review of the fine structure, stating that simply increasing fines without considering other consequences, such as environmental factors and neighborhood goals, could have unfavorable consequences.

Ellen Vanderslice, 2951 NW Raleigh, representing Northwest District Association, spoke in support of the increases as a deterrent but said that increased enforcement would be the best deterrent.

Ms. Vanderslice also said the current proposed fines favor drivers over pedestrians and asked that the fine for blocking the sidewalk, crosswalk or curb ramp be raised from \$6.00 to at least \$25, instead of the proposed \$15.



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Len Davis, Chief Fire Marshall, said the Fire Bureau believes increasing fines would positively affect enforcement of the emergency vehicle access problem.

Commissioner Lindberg moved to change the recommended increases and raise the fines for blocking the sidewalk or crosswalk from \$6.00 to \$25 and for blocking the driveway from \$10 to \$25. Commissioner Bogle seconded. The motion carried. (Y-4)

Commissioner Blumenauer said the Oregon Motor Vehicle Code establishes a minimum fine for parking in a disabled zone and asked for an amendment to set the fine at \$100 to conform with state law. Commissioner Koch so moved and Commissioner Lindberg seconded. The motion carried (Y-4)

Commissioner Koch said he'd like to see a systemic approach so we can evaluate what acts as a deterrent. He moved to increase the fine for fire hydrant blocking to \$100. Commissioner Lindberg seconded. The motion carried (Y-4)

Commissioner Bogle said the major issue is equity, stretching the limited number of spaces to a large number of people.

Commissioner Koch said he would like to see a report in eleven to twelve months on the impact of these fines on deterrence so that we can evaluate their effectiveness.

Commissioner Lindberg said it will make it easier for people to find a place to park as well as increase the appeal of the public parking garages.

Commissioner Blumenauer said if the District Court approves the increases the Parking Patrol Division can prepare a report in six months to see if there's been a change in compliance patterns.

**Disposition:** Resolution No. 34689 as amended. (Y-4)

**Mayor J. E. Bud Clark**

\* 381 Authorize amendment to Contract No. 25028 with Metropolitan Community Action, Inc. (Previous Agenda 331)

**Disposition:** Ordinance No. 162817. (Y-4)

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**Commissioner Earl Blumenauer**

- \* 383 Amend Columbia South Shore Plan District (Previous Agenda S-309)

**Disposition:** Ordinance No. 162818. (Y-4)

**Commissioner Dick Bogle**

- 388 Liquor license application for Robert Daryl Bennett, dba Beer Nutz, 6526 SE Foster Road, Retail Malt Beverage license, New Outlet, favorable recommendation (Report)

**Discussion:** John Werneken, License Bureau, said the application is being treated as a new outlet because there has been no liquor license in use at this location for some time. A remonstrance was received based on severe problems in the past. The issue now is whether Mr. Bennett is likely to suffer similar problems and both License and Police Bureau staff have concluded he will run a completely different kind of operation and therefore recommend a favorable endorsement.

Jerry Billings, 6605 SE 36th, said that the previous operation attracted dope pushers and sellers of stolen goods and he has no reason to believe the same crowd won't return.

Robert Daryl Bennett, Beer Nutz applicant, said the difference between the previous operation and his will be as night from day and that having the space occupied instead of vacant would be a positive benefit to the neighborhood.

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

**Commissioner Earl Blumenauer**

- \* 384 Authorize an agreement with the Oregon Department of Transportation for the design and installation of signal and channelization improvements at seven intersections (Ordinance)

**Disposition:** Ordinance No. 162819. (Y-4, Clark absent)

- \* 385 Authorize an agreement with the Oregon Department of Transportation for the design and installation of traffic volume sampling detectors at twelve locations (Ordinance)

**Disposition:** Ordinance No. 162820. (Y-4, Clark absent)

- \* 386 Authorize the execution of an Agreement with Lake Oswego Apartment Associates Limited Partnership and James River II, Inc., in connection with the development of private property adjacent to the Tryon Creek Wastewater Treatment Plant (Ordinance)

**Disposition:** Ordinance No. 162821. (Y-4, Clark absent)

**Commissioner Mike Lindberg**

- 389 Grant a franchise to American Telephone and Telegraph Company for period of ten years (Second Reading Agenda 182)

**Discussion:** David Olson, Cable Communication and Franchise Management, presented a copy of the check from A.T.& T. to Commissioner Lindberg. He said this franchise fee represents \$1,100,000 in unbudgeted discretionary revenue to the general fund.

**Disposition:** Ordinance No. 162822. (Y-4, Clark absent)

**Commissioner Dick Bogle**

- 387 Liquor license application for Gary L. and Eun Sil Grace Lowe, dba Triple Crown Food Market, 8203 N. Denver, Package Store License, Change of Owner, unfavorable recommendation (Report)

Henry Emrich said this store is in an area with a history of liquor-related problems and that the License Bureau and Kenton Neighborhood Association had worked out a voluntary "Good Neighbor" agreement with three package stores in the area to ban the sale of fortified wines. Mr. Lowe refuses to sign such an agreement even though he is not presently stocking fortified wines and without such a restriction the License Bureau recommends an unfavorable endorsement.

Harold Williams, CH2A and Associates, representing Gary Lowe, said Mr. Lowe believes forcing him to sign an agreement not to sell fortified wines when others in the area do so penalizes him and implies that he has done something wrong.

Commissioner Koch asked if he knew that Council can't impose restrictions until licenses come up for renewal.

Henry Emrich said no one else in that area of the block is allowed to sell fortified wine and the other package stores have signed the agreement.

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Commissioner Bogle told Mr. Lowe that if he wants a liquor license it comes with a provision that he sell no fortified wine. If he doesn't sign this agreement he doesn't get any liquor license at all. If he does sign, the License Bureau will change its recommendation to favorable.

Mr Emrich obtained Mr. Lowe's signature on the agreement and said the License Bureau would now like to change its recommendation to favorable with the restriction on selling no wines greater than 14%.

Commissioner Koch moved to accept the revised License Bureau recommendation of favorable with a condition on restriction on sale of fortified wine. Commissioner Lindberg seconded. The motion carried. (Y-4)

**Disposition:** Recommendation changed to favorable.  
(Y-4)

At 3:30 pm., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council