

RESOLUTION No. 36909

Direct Office of Neighborhood Involvement and Police Bureau to formally notify Oregon Liquor Control Commission of City's opposition to issuing liquor license to food cart areas, and authorize the City Attorney's Office to participate on behalf of the City of Portland (Resolution)

WHEREAS, on February 8, 2012 the Council adopted Resolution No. 36905 identifying a range of public safety concerns regarding liquor licensing of food carts and food pods, and taking a formal position of opposing applications for annual liquor licenses for such businesses by the Oregon Liquor Control Commission (OLCC); and,

WHEREAS, the City of Portland has undertaken on-going serious and good faith efforts to engage citizens and licensees to address problems related to alcohol, representing a significant investment of public resources; and,

WHEREAS, there is an application pending before the OLCC for the annual licensing of a food cart within a food cart pod submitted by Roger Goldingay and Carol Otis, operating under the assumed business name of Cartlandia for a location on SE 82nd Avenue within the City of Portland, Oregon; and,

WHEREAS, the OLCC staff report on the application indicates that the City of Portland made a favorable recommendation on the application, however, the City staff position was vacant when the application was being processed so no formal response was submitted to the OLCC by the City; and,

WHEREAS, the City of Portland has on-going concerns regarding issues related to liquor sales and consumption, such as disorderly behavior, noise, and alcohol related crime, in the area around the proposed food cart licensed site; and,

WHEREAS, the OLCC does not currently have administrative rules that govern the annual licensing of exclusively out door premises, such as the pending Cartlandia application; the OLCC staff has recommended "best practice" guidelines for the proposed license. However, if the licensee failed to conform to the guidelines, the OLCC lacks any corresponding enforcement mechanisms. As voluntary guidelines, the recommended "best practice" guidelines will be wholly inadequate for addressing any resulting public safety concerns, and

WHEREAS, any restrictions sought and obtained for a location are imposed on a case by case basis, representing a significant amount of work for City and OLCC staff, and may be lifted at the OLCC's discretion without notice to the City; and,

WHEREAS, there are almost 700 active food carts currently operating within the City of Portland; and,

WHEREAS, there are legitimate public safety concerns that with 9 enforcement agents for three counties, the OLCC does not have adequate resources to monitor and enforce the approximate 2,800 currently issued liquor licenses within the City of Portland, let alone an additional possibility of overseeing 700 mobile locations; and,

WHEREAS, there should be a full and open public discussion regarding the significant public safety concerns posed by the possible addition of a large number of additional licenses, issued to a range of mobile vendors; and,

WHEREAS, the OLCC has not been formally notified of the Council's recently adopted policy position regarding the pending application; and,

WHEREAS, it is in the best interests of the City of Portland to participate in the OLCC's licensing proceeding and fully engage the Commission in a discussion of the potential issues and concerns posed by this application.

NOW, THEREFORE, BE IT RESOLVED, that the Office of Neighborhood Involvement and the Portland Police Bureau shall formally notify the Oregon Liquor Control Commission of the City of Portland's opposition to the application for a liquor license for the Cartlandia location; and,

BE IT FURTHER RESOLVED, if the Cartlandia application changes to move alcohol service into the structure on the site, the City of Portland reserves the right to consider the application as a new application according to ORS 471.166, and will review the application as a traditional liquor license application for a structure, and

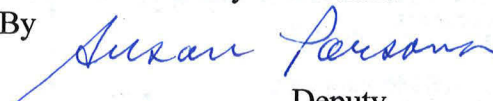
BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized and directed to participate and represent the City's interests in the Oregon Liquor Control Commission proceeding, and to take such other legal action as may be necessary to protect the City's interests.

Adopted by the Council: FEB 29 2012

Commissioner Amanda Fritz
Prepared by: T.Marchetti/B. Walters
Date Prepared: 02/22/2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Fritz</p>	<p>CLERK USE: DATE FILED <u>FEB 24 2012</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>Financial</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>Susan Parsons</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: ONI Bureau Head: Amalia Alarcon de Morris <i>Alarcon</i></p> <p>Prepared by: J. Marchetti/ B. Walters Date Prepared: 2-23-12</p>	<p>ACTION TAKEN:</p>
<p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date 2-29-12 <i>Benjamin Walters</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 15
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	