

PARTNERSHIP AGREEMENT

DOWNTOWN STREET MUSICIANS AND PERFORMERS

I. MISSION STATEMENT

- A. Identify, and achieve a workable system whereby both street musicians and the Downtown Community are able to each have their needs met and addressed

II. MAJOR GOALS

- A. Establish a workable, enforceable and readily understandable system of performance zones.
- B. Determine the criteria and regulations for each classification of zone.
- C. Compile and make this information available in a way that allows people to know about it.
- D. Provide a process for facilitating assistance to musicians who want to identify appropriate places to play.
- E. Assess the appropriateness of making this a formal agreement.
- F. Establish a grievance procedure for disputes arising out of interpretation of this document. Disputes will be mediated by a volunteer mediator from the Mayor's Office.
- G. It is not the purpose of this agreement to address issues of artistic style.

III. RESOURCES AND ACTIONS FOR ACCOMPLISHING GOALS

- A. **Street Musicians/Performers**
 - 1. Act in good faith in the development and implementation of this agreement.
 - 2. Once consensus has been reached on the agreement, the street musicians/performers agree to abide by the tenets of this agreement.

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3. In the event of a dispute not involving a citation, the street musicians/performers agree to abide by the decision of the Central Precinct Lieutenant, or his/her designee, until the grievance procedure can be initiated. Then, the Street Musician(s)/Performers agree to abide by the decision of the arbitrator. Citations must be resolved through the regular court process.
4. Street musicians agree to make every effort at self-regulation before other options are initiated.
5. Musicians/Performers understand and agree that they will attempt to space themselves a minimum of a block apart. Opposing corners of an intersection are exceptions to the spacing rule if music levels are compatible.
6. Musicians/Performers understand that they are expected to rotate spots every 60 minutes (on public right-of-ways) exclusive of set-up and tear down time. After 60 minutes a street musician/performer will allow an hour's break before performing a second one-hour set on the same spot. Musicians/Performers will not play more than two sixty minute sessions at the same location, on the same day.
7. When Using Waterfront Park: musicians agree to only solicit funds inside the permit area. Parks Bureau cannot grant permission to solicit without permits. Should a Musician desire to play and solicit in another area, he/she must obtain the appropriate permit.
8. In recognition of the sanctity of the Japanese Memorial, musicians agree not to perform in a manner that any sound can be heard in the Memorial area (North of the Burnside Bridge.) Also, the same standard will be applied to the Police Memorial next to the Hawthorne Bridge.
9. While performing in Waterfront Park, musicians will adhere to the ordinance that requires that no sound should be audible from outside the park. Musicians also agree to space themselves so that one performer is not audible at the site of another performer.
10. Musicians agree not to perform adjacent to an existing event without the express permission of the event permit holder. This is consistent with Park Policy and includes the sections adjacent to the permit section (approximately three city blocks.)

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11. Musicians agree not to block passage along the Esplanade or any other right of way which would prohibit passage of fire trucks, park service vehicles or other emergency service vehicles, or participants in Walk/Run events.

B. The Police Bureau and/or Noise Control Officer

1. Agrees to serve as principal facilitator in the process of developing and implementing this Partnership Agreement. This includes coordination and communication about meetings.
2. Agrees to thoroughly educate officers about the tenets of this agreement and will make every effort to insure that this agreement is uniformly enforced.
3. Agrees to make available Neighborhood Liaison Officers or Neighborhood Response Team Officers to assist in various resource questions, such as obtaining permits, right of way issues, specifics about zones, etc.
4. Agrees to respond to issues involving street musicians/performers solely on the basis of citizen complaints. Officers will first issue informational material on the Partnership Agreement and give the musician/performer time to comply. The Police Bureau and other partners in this agreement recognize that some circumstances may surface which require immediate enforcement action. Performers in Waterfront Park who fail to comply will be excluded from the Park and not arrested unless they refuse to leave. Anyone excluded from the park will have the opportunity to appeal to the Codes Hearings Officer as explained on the Notice of Exclusion(Sample Attached).
5. Prior to calling the police the complainant may contact the street musician and attempt to resolve any complaint. Security Professionals agree to be courteous and professional, in a non-threatening or intimidating way. The person contacting musician will attempt to allow musician to complete song without interruption prior to making contact. If the situation is not successfully resolved within a 30 minute period, the complainant may contact law enforcement.

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6. Law enforcement will respond based on unit availability. Officers will contact both the complainant and the musician and make all reasonable attempts to resolve the situation, by providing information regarding this agreement and/or other pertinent information. If the situation cannot be resolved, the officer has the option of issuing a warning or a citation for the commission of any offense which is in violation of city or state laws. Nothing in this agreement permits individuals to violate existing laws/ordinances or absolves them from prosecution for criminal offenses.

C. The Downtown Community

1. Agrees to abide in good faith with the tenets of this agreement.
2. Agrees to assist in the drafting and production of a written guide which can be used by police officers or other persons to disseminate information to Street Musicians/Performers as well as the general community, about this partnership agreement and/or other pertinent information.
3. Agrees to recognize the unique contribution street musicians/performers make to the overall character of the downtown community.

D. Members and Associates of the Downtown Security Network

1. Agree to abide in good faith with the tenets of this agreement.
2. Agree to assist in the drafting and production of a written guide which can be used by police officers or other persons to disseminate information to Street Musicians/Performers as well as the general community, about this partnership agreement and/or other pertinent information.
3. Continue to identify issues that may be resolved by arbitration or improvements in this agreement.
4. Agree to be courteous and professional, in a non-threatening way when communicating with street musicians or performers.

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E. The Parks Bureau

1. Agrees to issue a permit to Association for Portland Progress for sections B and C of Waterfront Park (Burnside Bridge to Morrison Bridge - see addendum) for the use of street musicians. This permit would allow the solicitation of funds by musicians in those sections only. The time of the permit will be 6:00 AM to Midnight. Solicitation within any city park is not allowed without a permit.
2. Agrees to waive the normal fees for such permits.
3. Agrees to forward any complaints to the Noise Control Officer or Central Precinct for resolution.
4. Work in good faith to implement this agreement. However, the Parks Bureau reserves the right to withdraw the permit should un-resolvable problems arise.
5. Musicians agree to abide by all city and state laws while in the park area.

F. The Association for Portland Progress

1. Agrees to be the permit holder for the street musicians Waterfront Park "free" space permit (see Section E1).
2. Agrees to maintain an up-to-date list of street musicians wishing to participate in the park permit program referenced in this agreement.
3. Agrees to provide and direct input from the downtown business community about potential refinements to this agreement to the appropriate entity.
4. Agree to print and distribute informational pamphlet regarding conditions of this agreement.

- G. It is understood by all parties that this agreement does not apply to any permitted event which has been authorized by a regular, standardized licensing process.**

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H. Partnership Agreement Signature Block

We, the below signing individuals, have agreed upon the mission and goals of this agreement. We have made a commitment to dedicate the necessary resources and actions from our respective organizations to ensure that the mission and goals stated in this agreement are successfully achieved.

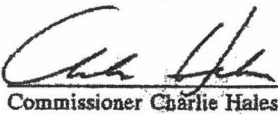
Forum Participants

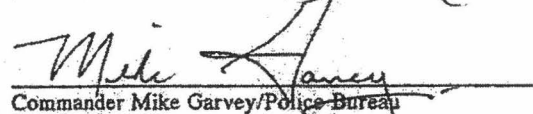
Lt. Ed May, Police Bureau
Scott Spencer-Wolff, DCA
Suzanne Whisler, Police Bureau
Rob Blanck, Police Bureau
Tom O'Keefe, U.C.A.N.
Joe Keating, U.C.A.N.
Sgt. Wayne Kuechler, Police Bureau
Paul Herman, Noise Control
Victoria & Colleen Larson, Street Musician

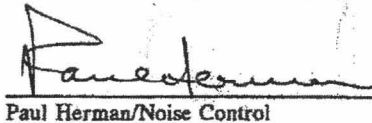
Zacharias, Street Musician
Rob DeGraff, APP
J. Patrick Done, Pioneer Place
Sheryl Hunter-Morales, Mayors Office
Paul Owens, Street Musician
Nancy Biasi, Commissioner Kafoury's Office
Susan DesCamp, Parks Bureau
Laurie Abraham, Mult. Co. DA

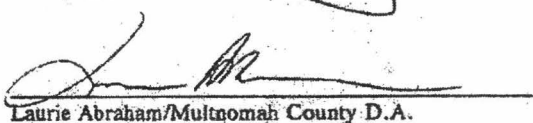

Mayor Vera Katz

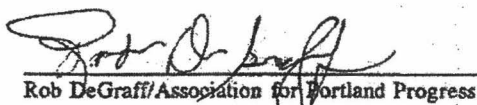

Commissioner Gretchen Kafoury

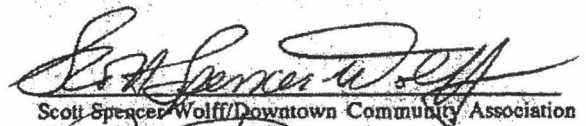

Commissioner Charlie Hales

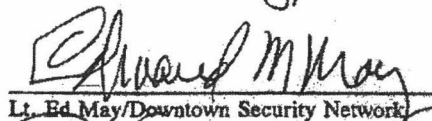

Commander Mike Garvey/Police Bureau


Paul Herman/Noise Control

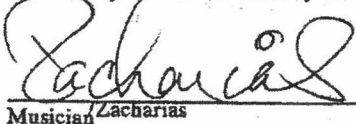

Laurie Abraham/Multnomah County D.A.

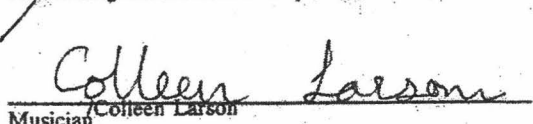

Rob DeGraff/Association for Portland Progress

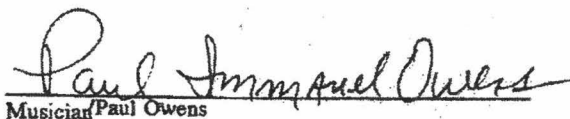

Scott Spencer-Wolff/Downtown Community Association


Lt. Ed May/Downtown Security Network


Joe Keating/United Community Action Network


Musician Zacharias


Musician Colleen Larson


Musician Paul Owens

Musician



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF MARCH, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

380 TIME CERTAIN: 9:30 AM - Accept Downtown Street Musicians and Performers Partnership Agreement (Report introduced by Mayor Katz and Commissioner Kafoury)

Discussion: Lt. Ed May, Portland Police, said after this issue came before Council he contacted United Community Action Network (UCAN) to see if they would facilitate an agreement with the street musicians and representatives of the Police, District Attorney and other interested parties. The agreement by musicians to limit their playing to 60 minutes at any one location, with a maximum of two 60 minute sets per day, eliminated many of the issues. The Association for Portland Progress (APP) has issued a brochure that explains the agreement and also worked with Parks Bureau staff to establish a "free music" zone. The Downtown Security Network and APP agreed to work with the street musicians to solve any problems that might arise. He said people have been abiding by the tenets of the agreement over the last month even though the agreement has not yet been signed.

Paul Owens, Portland musician, thanked Council for this effort as he believes music is of far greater value than many people are aware of.

Colleen Larson, a street musician, said this agreement is very important and it is good for children to see musicians out on the street.

Zacharias, a street musician, said in Europe street musicians are considered artists but in this country they are often not that respected. With this agreement Portland musicians are finally getting the respect due them.

Rob DeGraff, Association Portland Progress, said this is community policing in its purest form and a demonstration of how the Police can

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find a solution that works for everybody.

Joe Keating, UCAN, said they were pleased to be able to help facilitate the process and called this a fine example of the City's livability.

Paul Herman, City Noise Control Officer, said it is nice to know the process can still work.

Scott Spencer Wolfe, Public Safety Chair for the Downtown Community Association, said they wholeheartedly support this.

Tom O'Keefe, UCAN, said they are happy to know the music continues, adding that the brochure is basically the conductor.

Mayor Katz thanked all the parties involved and said she hopes this agreement works.

Disposition: Accepted. (Y-5)

Agenda No. 396 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 381** Accept bid of K & R Plumbing and Construction for SE 166th and SE Haig Street sanitary sewer for the Bureau of Environmental Services for a total amount of \$42,535 (Informal Bid)

Disposition: Accepted; prepare contract.

- 382** Accept bid of Courtesy Ford for one pickup cab and chassis for the Bureau of General Services for \$42,735 (Purchasing Report - Informal Bid)

Disposition: Accepted; prepare contract.

- 383** Accept bid of Oregon Electric Construction, Inc. for medium voltage power system upgrade for the Columbia Boulevard Wastewater Treatment Plant for \$349,920 (Purchasing Report - Bid 106)

Disposition: Accepted; prepare contract.

- 384** Accept bid of Christenson Electric, Inc. for medium voltage power system upgrade, owner furnished and installed for Columbia Boulevard Wastewater Treatment Plant for \$258,960 (Purchasing Report - Bid 107)

Disposition: Accepted; prepare contract.

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- 385** Accept bid of DSU Peterbilt & GMC, Inc. for annual supply of General Motors truck parts and accessories for 7 percent off Fleet Users suggested parts price list (Purchasing Report - Bid 112A)
- Disposition:** Accepted; prepare contract.
- 386** Accept bid of Hessel Tractor and Equipment Co. for annual supply of John Deere parts and accessories for 20 percent above the John Deere parts dealer net price (Purchasing Report - Bid 114A)
- Disposition:** Accepted; prepare contract.
- 387** Accept bid of Ben-Ko-Matic Co. for annual supply of Elgin sweeper parts for 10 percent discount off Elgin price list (Purchasing Report - Bid 115A)
- Disposition:** Accepted; prepare contract.
- 388** Accept bid of White GMC Trucks of Portland for one 80,000 GVW conventional set-back truck tractor for \$60,250 (Purchasing Report - Bid 117)
- Disposition:** Accepted; prepare contract.
- 389** Accept bid of White GMC Trucks of Portland for one 100,000 GVW conventional set-back truck tractor for \$66,100 (Purchasing Report - Bid 118)
- Disposition:** Accepted; prepare contract.
- 390** Accept bid of Brundidge Construction for Bayard Basin CSO sump units 5-6 for \$668,486 (Purchasing Report - Bid 123)
- Disposition:** Accepted; prepare contract.
- 391** Accept bid of Robertson Utilities for Alameda Park sewer reconstruction for \$149,197 (Purchasing Report - Bid 125)
- Disposition:** Accepted; prepare contract.
- 392** Vacate a certain portion of SE 101st and SE 103rd Avenues south of SE Powell Boulevard, under certain conditions (Ordinance by Order of Council; C-9856)
- Disposition:** Passed to Second Reading March 23, 1994 at 9:30 a.m.

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Mayor Vera Katz

- 393** Confirm appointment of Mary M. Loennig to the Investment Advisory Committee (Report)

Disposition: Confirmed.

Commissioner Earl Blumenauer

- 394** Approve appointment of Matt Klein to the Vintage Trolley, Inc. Board of Directors (Resolution)

Disposition: Resolution No. 35261. (Y-5)

Commissioner Charlie Hales

- *395** Amend Ordinance No. 156133, which granted a zone change on property at SW Lancaster and Stephenson, between SW 19th and 25th Avenues, from R20 to R10, Residential, to delete some of the conditions and to amend Condition 8 (Ordinance; amend Ordinance No. 156133; 93-00658 SU PU EN AD)

Disposition: Ordinance No. 167456. (Y-5)

Commissioner Gretchen Kafoury

- 397** Accept construction of buildings and towers for the 800 MHz radio system as complete and authorize final payment to CEMS, Inc. for \$23,373 (Report; Contract No. 28131)

Disposition: Accepted.

- *398** Amend contract with ADCOMM Engineering Company for engineering services for the 800 MHz trunked radio system (Ordinance; amend Contract No. 27326)

Disposition: Ordinance No. 167457. (Y-5)

- *399** Contract with Kermit C. Robinson & Associates for \$60,364 to provide construction codes-related interpretive and administrative services to the Bureau of Buildings (Ordinance)

Disposition: Ordinance No. 167458. (Y-5)

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- *400** Authorize a lease agreement for space at Kliever Memorial Armory, located at 10000 NE 33rd Drive, for the Police Bureau (Ordinance)

Disposition: Ordinance No. 167459. (Y-5)

- *401** Authorize an Agreement with the Oregon Community Foundation in the amount of \$150,000 to support Neighborhood Partnership Programs to assist non-profit housing development organizations and provide for payment (Ordinance)

Disposition: Ordinance No. 167460. (Y-5)

Commissioner Mike Lindberg

- 402** Accept contract with Marshall Associated Contractors, Inc. for water mains in NE Bridgeton Rd. and NE Marine Dr. as complete and authorize final payment (Report; Contract No. 28812)

Disposition: Accepted.

- *403** Provide necessary documentation to close out contracts for Airport Way No. 2 and No. 3 wastewater pumping stations, including a Settlement Agreement with Triad Mechanical, Inc. (Ordinance; Contract Nos. 27584, 27585)

Disposition: Ordinance No. 167461. (Y-5)

REGULAR AGENDA

- S-*396** Agreement with Metro to share the services of ecologist Ralph Thomas Rogers on loan from EPA (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, noted that a Substitute had been filed. Commissioner Blumenauer moved the Substitute. Commissioner Lindberg seconded and hearing no opposition, the Mayor so ordered.

Disposition: Substitute Ordinance No. 167462. (Y-5)

Commissioner Charlie Hales

- *404** Authorize commencement of eminent domain proceedings for acquisition of land in Forest Park (Ordinance)

Discussion: Commissioner Hales noted a failed attempt to make a density transfer which then gave the City two options -- either to leave the property in private hands or proceed to try to acquire this isolated

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parcel which is wholly enclosed by Forest Park. He said he believes the City should acquire this property by eminent domain with funds supplied by the Friends of Forest Park.

Disposition: Ordinance No. 167463. (Y-5)

- 405** Amend Title 33, Planning and Zoning, to implement Interim Regulations for Westside Light Rail station areas (Second Reading Agenda 378; amend Title 33)

Disposition: Ordinance No. 167464 as amended. (Y-5)

City Auditor Barbara Clark

- 406** Assess property for sidewalk maintenance for period of July through September, 1993 (Ordinance; Y0510)

Disposition: Passed to Second Reading March 23, 1994 at 9:30 a.m.

- 407** Assess property for large lot deferral contracts through December, 1993 (Second Reading 377; L0042)

Disposition: Ordinance No. 167465. (Y-5)

At 9:55 a.m., Council recessed.

WEDNESDAY, 2:00 P.M., MARCH 16, 1994

DUE TO THE LACK OF AN AGENDA

THE COUNCIL DID NOT MEET

MARCH 17, 1994

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF MARCH, 1994 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

Commissioner Gretchen Kafoury

- 408** **Liquor license application for Elias and Cleopatra Karamanos, dba Elias Grocery, 1806 NW Couch St., package store liquor license (renewal); Favorable recommendation, with restrictions (Report)**

Discussion: Mike Sanderson, License Bureau, said this outlet is in an area frequented by street drinkers and staff is recommending that restrictions be placed on this license banning the sale of problem products associated with street drinkers. The fact that a street drinking problem has been shown to exist near this store is sufficient under the law to restrict the license. In addition, there is evidence that this store has contributed to the street drinking problem by actually selling alcohol to street drinkers, making the case for restrictions more compelling. The restrictions would include banning the sale of wines with an alcohol content of 13.8 per cent or above, malt liquors and beer in single containers or those larger than 16 ounces. Staff also believes this recommendation is consistent with community efforts to form partnership agreements with liquor outlets aimed at reducing the availability of alcohol to street drinkers.

Mayor Katz asked if Elias had signed the original neighborhood agreement several months ago.

Mr. Sanderson said no.

Commissioner Blumenauer said he had heard complaints that young people had obtained alcohol from this outlet.

Mr. Sanderson said he has not received any complaints that this is occurring here.

Charles Duffy, 1529 NW 29th, President, Cathedral School Board, said Elias poses a severe threat to the 198 children who attend Cathedral school. He cited incidents of harassment of kids, public urination, defecation and exposure by street people in the area. He said his target

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is not the street drinkers themselves but those who prey on them by selling them alcohol. He described some of the measures the school has taken to increase security, including having parents rake the bark dust under the play structure every day and search for broken glass and needles. He asked for an unfavorable recommendation from Council, rather than favorable with restrictions, and said they are willing to go to the OLCC to support that recommendation.

Bill Linden, 2541 NW Pinnacle Dr., Cathedral parent, said the availability of liquor serves as a magnet to draw the street drinkers to the neighborhood. He asked for an unfavorable recommendation.

Don Starnes, 1717 W. Burnside, 97209, supported the favorable recommendation, noting that there are between three and four outlets within a four-block radius where one can buy malt beverages and 40-ounce containers. He said a lot of street drinkers buy beverages elsewhere and bring them into the neighborhood. He said the people at Elias will not sell alcohol to people under the influence or to minors.

Commissioner Lindberg asked those representing Cathedral if they would still oppose granting the license if the licensee had been willing to limit the sale of problem products.

Mr. Duffy said he does not believe the owner is interested in being a good neighbor and has shown no willingness to cooperate. He noted that one of the other nearby stores had agreed to mark its bottles.

Commissioner Lindberg asked if the problem could be attributed to just this one store or are there others selling the same type of product.

Mr. Duffy said he does not believe it is the Hoyt Street Market. This store is the problem.

Mr. Linden said the Hoyt Street Market marks its bottles but Elias refuses to do so.

Sam Alvarado, resident of the Tudor Arms Apartments, supported a favorable recommendation, contending that it is unfair to blame all the problems on Elias. The churches are also a part of the problems as they offer support programs for the homeless which draws them into the neighborhood. He said it adds to his feeling of safety to have a business such as Elias open until 10 p.m. He said Elias has nothing to do with the drug problems or with someone shooting a gun in the neighborhood as described by Mr. Duffy.

Doug Fuland, 130 NW 19th, noted his previous opposition to liquor licenses but said the Karamanos family is kind and he has seen them

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tell people countless times to leave the store because they are intoxicated or do not have the proper identification. He said the drinkers who used to be in Old Town have been forced up farther in Northwest because of the drug market. He noted the presence of a number taverns nearby and said he would not be here if he thought the Karamanos were up to no good.

Rebecca Preston, 831 NW 25th, 97210, said she has been constantly harassed by drunks in Couch Park. She said drunk street people are showing up in increasing numbers and lowering property values.

Commissioner Lindberg asked if she favored taking liquor licenses away from all the grocery stores or limiting the type of product they can sell.

Ms. Preston said she has seen a dramatic increase in the problems in the Couch Street area. She said it is difficult to separate the homeless and street drinkers but selling fortified alcohol definitely adds to the problem.

Barbara Wagner, 1836 NW Couch, said Police records prove that Elias sells liquor to intoxicated persons and transients, noting 14 incidents in an 18-month period linking Elias Grocery with street drinking or drunkenness. She said that number does not begin to reflect the scope of the problem. She said she and her husband reside three houses away from the Elias Grocery and the area near this store has become a magnet for all the City's inner city problem drinkers. She cited many problems with disorderly drunks and vagrants and said neighbors should not be forced to erect fortresses around their property to protect themselves.

Ed Wagner, 1836 NW Couch, showed Council some of the many beverage containers left on their property and cited the existence of hobo camps under their deck. He said Elias' supporters are not property owners in Northwest and do not have to deal with the problems the store creates. He said they were unable to find a single Northwest neighborhood property owner who thinks Elias should be allowed to continue selling alcoholic beverages to transients. He said the problems will not go away by banning the sale of these products at only Elias and asked Council to reconsider a Citywide ban on nuisance products.

Andre Tababoo, 1717 W. Burnside, said this is a witch hunt which unfairly targets this one store. He said the presence of transients is a community problem and the community itself should help these people so such situations do not occur. He said these people have no homes or yards to go to, adding that banning alcohol products Citywide would be unjust.

Marvin Pohl, Northwest District Association (NWDA), said in February they voted to request restrictions banning the sale in Northwest Portland

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of 13.8 malt liquors, beer in containers larger than 16 ounces or in single containers. He said only three outlets did not sign an agreement -- Elias, Hoyt Street and Northwest Market. He said Cathedral parents have the strongest voice here because the Oregon Administrative Rules allow for denial or restriction of a license if it can be shown that there are undue impacts because of proximity to schools and children. He said Council has the option of recommending a temporary license based on an agreement to stop selling the problem products. If the problems do not go away within three months the license could be called. He said Elias is not the cause of all the problems and cited a Central City update which shows an almost 24 percent increase in street drinking and alcohol and drug use in Zones 3 and 5. Much of this has occurred because of what is happening in Old Town and the problems associated with Elias are a little but very visible symptom of the alcohol problems in Northwest because the people causing the problems do not have homes. He requested that Council ask for a temporary license setting a time frame for solving the problem and, if that does not work, request pulling the license.

Peter Karamanos, 1818 NW Couch, son of Elias Karamanos and manager of Elias Grocery, said Mr. Duffy is unfairly singling out their business as the major culprit because of the transient problem in the neighborhood. He said Mr. Duffy exaggerates what is actually occurring at and around Elias Grocery, arguing that store personnel monitor people on or nearby their store on a daily basis, particularly when children get out of school. He said many of the street drinkers are mentally disturbed and would create problems even without being under the influence of alcohol or drugs. He said Elias Grocery is not responsible for homelessness, unemployment, the elimination of low cost housing, etc., and he does not understand why his business is being singled out for closure while other nearby taverns and outlets are not.

Commissioner Kafoury asked why Elias was unwilling to sign a neighborhood agreement.

Mr. Karamanos said there are still convenience stores in the area which sell fortified wines, which Elias voluntarily agreed in 1989 not to sell, adding that they have now begun marking their bottles. People suspected of being homeless must show a current rent receipt from a local area in order to purchase alcohol. However, he said he does not understand why taverns and liquor stores are not held to the same restrictions. He said Elias is ready to actively work in a collaborative effort to help combat the problems. However, they believe the restrictions outlined by the License Bureau will not have a dramatic effect on the transient population in this area. He said when his father agreed to stop the sale of fortified wine in 1989 it was done on the condition that other stores in the northwest and southwest area near

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Burnside also agree to do so. To date, however, this has not occurred, and that is why they are reluctant to agree to the restriction. He suggested a number of other measures that would diminish the problem, including a neighborhood watch, increased lighting and Police patrols, as well as posting no loitering signs.

Elias Karamanos, owner, showed fortified wine and liquor bottles found near the school, products that are not sold at his store. He said Mr. Duffy singled them out and mistakenly implied that they sell fortified wine. He said homeless people are coming into his area because of the nearby parking lots and other vacant areas, not because of his store.

Mark Trulin, 133 NW 18th, said he has never seen Elias sell alcohol to anyone obviously intoxicated or known to be a problem in the area. He has never seen drunks and drug dealers outside the store hassling kids on their way to school. He said, however, he has seen drunks stumbling out of the nearby taverns and more upscale places, making noise, vandalizing, etc. He said this is a misguided effort that presumes that by punishing an honest, hardworking citizen, the unfortunates can be relocated to another part of town. He said this is a problem of homelessness and self-destructive choices, not just a problem of alcohol, and recommended no restrictions.

Noreen Joynt, manager of the Carlotta Apartments, 1631 NW Everett, criticized church supporters for pinpointing Elias as the source of the problems and for trying to get a pay phone removed which she had requested. She said drunk Indians are the main problem because there are inadequate laws to put them in jail and keep them there. She said both she and Elias have cleaned out the problems around them and the church has to do so, too.

Hal Ultra, 19th and Davis, supported the Karamanos family and said banning the sale of alcohol here because of the homeless in the area will just move the problem somewhere else.

Commissioner Lindberg noted the applicant's willingness to agree to this restriction if other outlets in the area did. He asked if there is some mechanism for doing this so there is a level playing field.

Mr. Sanderson said the Police and Association for Portland Progress determined that the best approach was a voluntary agreement among all package stores in the impacted area. Holdouts would come to the surface if they contributed to the problem of street drinkers and could be dealt with when their licenses come up for renewal. He noted that the renewal date is June 30 for outlets south of Burnside while renewals are occurring for those north of Burnside right now and every outlet identified as a problem is being brought before Council.

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Mayor Katz asked if the Hoyt Street and Northwest Neighborhood markets sell problem products.

Gary McGrew, License Bureau, said three stores, including Hoyt Street, Elias and Northwest Neighborhood Market, have been identified as problems and that is why they are being brought into Council.

Commissioner Blumenauer asked about the merit of a temporary license, as suggested by NWDA.

Mr. McGrew said temporary licenses are issued only when a license has expired and the investigation is not complete. He said the City could request restrictions immediately if it wished.

Commissioner Hales asked what it would take to recommend denial instead of restrictions.

Mr. McGrew said in the case of the Northwest Neighborhood Market denial was recommended because six violations had occurred. In this case there have been no written violations by the Police or citations issued by the OLCC. That is why they are recommending restrictions rather than denial. The Bureau would also recommend denial for an outlet in a neighborhood impact area where violations continue after a Letter of Warning is issued.

Commissioner Kafoury asked what the difference is between a Police report and an actual citation.

Greg Hendrickson, Central Precinct, said officers can write reports based on their own observations or those of other citizens and these are submitted to the License Bureau and OLCC for review. Or officers can elect to issue a citation if they have probable cause to believe a liquor law violation has occurred. That is a criminal offense and historically officers have not routinely taken such action but that will begin to occur on a routine basis in the future because of a handful of licensees who refuse to cooperate or recognize the problems they create by selling certain products. He said they have assurances that the District Attorney will prosecute such citations and the OLCC is required, after a certain number of citations, to impose fines and pull a license for a specified period of time.

Mr. McGrew said if they were going to make an unfavorable recommendation they would use Senate Bill 126 as the basis because of the negative impact of store patrons on the neighborhood.

Commissioner Blumenauer said while the applicant is right in stating he is not solely responsible for the problems, he has not expressed any

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willingness to go the extra mile to solve them. He said it is appropriate to look at the store's immediate proximity to a church and school and at the evidence presented here and take a different recommendation to the OLCC. He suggested recrafting the report to make an unfavorable recommendation and request the OLCC to condition the temporary license with immediate restrictions on problem beverages.

Mr. McGrew asked if Council wanted to vote to change to an unfavorable recommendation today or have the License Bureau return next week with a new recommendation.

Commissioner Blumenauer said he was willing to do it now but would prefer to wait a week if a stronger case can be made and there is unanimous agreement.

Commissioner Hales said the Council has three policy objectives: 1) protect neighborhood livability; 2) signal that liquor licenses are a privilege and not a right; and 3) maintain credibility by providing a solid basis for Council recommendations. If the basis for changing is Senate Bill 126 that is fine but the OLCC has been clear in telling the City that it should not use liquor licenses as a surrogate for land use objectives. He said if the proximity effect envisioned by the new legislation allows the Council to deny this license, then presumably it will be saying the same thing to others in the area; in effect creating a no-liquor availability zone. He said Council should think about where it is headed before starting down that path.

Commissioner Kafoury said another factor is the licensee's willingness to comply with voluntary restrictions and she would be willing to vote for an unfavorable recommendation based on the new legislation and the failure of the applicant to work with the neighborhood and License Bureau. She noted that many other stores have agreed to sign without waiting until everyone else signed.

Commissioner Lindberg said it was a mistake on the part of the store owner not to sign this voluntary agreement but noted the punitive effect of taking away the license of a business that has been there for 39 years. He asked if the restrictions could be imposed immediately so as to stop the sale of problem products to street drinkers.

Dennis Nelson, Manager, Bureau of Licenses, said the restriction approach would have solved the problem at hand, which was street drinking. He said the applicant has the choice now between an unfavorable recommendation or a favorable with restrictions, based on his voluntarily entering into an agreement right now. If not, the Bureau will be happy to return next week with an unfavorable recommendation.

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Commissioner Blumenauer said it should be with the understanding that if he enters into a voluntary agreement the Police will be citing them, not the OLCC. He said it looks to him as if there are things in the file which would allow the citations right now.

Dan McNeill, Regional Coordinator with the OLCC, said the applicant is currently operating under a letter of authority while the OLCC waits for a recommendation from local government. He said the OLCC could restrict their privileges under that letter of authority but any restriction would also have to give the licensee due process. He said if the OLCC has sufficient evidence to support the City's recommendation for restrictions, it could move forward with that restriction but the applicant would have the right to challenge that in a hearing.

Mayor Katz asked what happens if the Police cite the licensee and the District Attorney prosecutes him.

Mr. McNeill described the penalty schedule involving both fines and suspensions and noted that after the fourth violation in a two-year period the license is pulled.

Mayor Katz asked if a finding of guilty is needed.

Mr. McNeill said if a licensee goes through the court system and is found guilty that is sufficient to pull a license. The OLCC can also hold an administrative hearing.

A recess was called while Bureau staff talked to the applicant about signing a voluntary agreement to restrict problem products.

When Council reconvened, Mr. Nelson said an agreement had been reached. However, after the Mayor summarized the agreement Mr. Karamanos changed his mind and said he would not sign. Mr. Nelson then requested a one week continuance in order to prepare a report changing the recommendation to an unfavorable one.

Disposition: Continued to March 23, 1994 at 2:00 p.m.

409

Liquor license application for Joseph Byung Song and Myung Hee Song, dba Hoyt Street Market, 1830 NW Hoyt St., package store liquor license (renewal); Favorable recommendation, with restrictions (Report)

Discussion: Mike Sanderson, License Bureau, said this market is across the street from Couch Park and sufficient evidence exists to show this is an area frequented by street drinkers. In addition, evidence shows that this outlet furnishes alcohol to street drinkers. Staff is forwarding a favorable recommendation with restrictions, which would

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ban the sale of wines with an alcohol content of 13.8 percent or above, malt liquors and beer in single containers or in containers larger than 16 ounces.

Joseph Song, applicant, said some of the problems attributed to his market are not provable, but he voluntarily agreed to discontinue sale of 40-ounce containers and malt liquor. He said the Police sit in front of his store all day long and he does not know why. He said his manager checks i.d. very carefully and does not sell alcohol to homeless people.

Mayor Katz noted the police reports and a citation noted in the report.

Commissioner Kafoury asked if Mr. Song was willing to sign the voluntary agreement as the City is requesting of all the outlets in the area. She said she understood he had not agreed in the past.

Mr. Song said they did not agree in the past but have now discontinued sale of the 40-ounces, which are the main problem.

Commissioner Kafoury asked if there were more things that would be discontinued.

Mr. Sanderson described the restrictions contained in the voluntary agreement which include not selling single containers of beer. The minimum would be a six-pack.

Mr. Song said the restriction on the sale of single containers would hurt his business a lot as 90 per cent of his customers buy a single can when they are driving by.

Commissioner Kafoury moved to set this over for several weeks to allow the staff to make sure the applicant understands the agreement. Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Disposition: Continued to April 6, 1994 at 2:00 p.m.

410 Liquor license application for Kim T. Bui, dba Cafe Mai, 1809 NE 39th Ave., restaurant liquor license (renewal); Unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said Cafe Mai's record of violent incidents and liquor law violations, especially concerning sales to minors, is the basis for the unfavorable recommendation. He said despite repeated warnings, a compliance plan and several citations, the licensee failed to comply with the law.

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Police Officer Perry Christianson reviewed the findings of the Police Bureau investigation. He said the issue in this case is one of public safety, adding that he had documented 18 incidents occurring in and outside Cafe Mai during the last 18 months which involved Police Bureau action. He described some of the incidents, including fights involving Asian gang members and minors, vandalism and a shooting. Police strongly urge an unfavorable recommendation as the potential for violence is extremely high and the licensee is unable or unwilling to maintain orderly and lawful premises.

Commissioner Kafoury moved to adopt the report and forward an unfavorable recommendation. Commissioner Hales seconded.

Disposition: Unfavorably recommended. (Y-5)

At 4:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council

3

**PORTLAND CITY COUNCIL
COMMUNICATION REQUEST
Wednesday Council Meeting 9:30 AM**

Council Meeting Date: November 25, 2015

Today's Date November 16, 2015

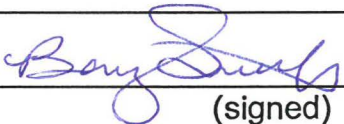
AUDITOR 11/16/15 PM 3:45

Name BARRY JOE STULL

Address
10852 SE STARK ST #5 PORT. OR 97216

Telephone no phone/disability Email cannabisboo@
yahoo.com

Reason for the request: PARTNERSHIP AGREEMENT:
STREET MUSICIAN FREE MUSIC ZONE


(signed)

- Give your request in writing to the Council Clerk's office to schedule a date for your Communication. Use this form or email the information to the Council Clerk at the email address below.
- You will be placed on the Wednesday official Council Agenda as a "Communication." Communications are the first item on the Agenda and are taken at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting. Communications allow the Council to hear issues that interest our citizens, but do not allow an opportunity for dialogue.

Thank you for being an active participant in your City government.

Contact Information:

Karla Moore-Love, City Council Clerk
1221 SW 4th Ave, Room 130
Portland, OR 97204-1900
(503) 823-4086

email:

Karla.Moore-Love@portlandoregon.gov

Sue Parsons, Assistant Council Clerk
1221 SW 4th Ave., Room 130
Portland, OR 97204-1900
(503) 823-4085

email:

Susan.Parsons@portlandoregon.gov

1214 -


Request of Barry Joe Stull to address Council regarding Partnership Agreement:
Street Musician Free Music Zone (Communication)

NOV 25 2015

PLACED ON FILE

Filed NOV 17 2015

MARY HULL CABALLERO
Auditor of the City of Portland

By  Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		