



CITY OF

# PORTLAND, OREGON

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF FEBRUARY, 1992 AT 9:30 A.M.

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

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

Robert Eberle, Regional Administrator of the General Services Administration, announced that the Hamilton Hotel block has been chosen as the preliminary site for the new Federal Courthouse. He pledged to find replacement housing for those displaced by the new facility.

Agenda No. 357 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

## CONSENT AGENDA - NO DISCUSSION

- 351** Cash and Investments balances for January 16 through February 12, 1992 (Report; Treasurer)

**Disposition:** Placed on File.

- 352** Accept bid of Koll Construction for Water Control Center/Water Quality Lab for \$5,338,447 (Purchasing Report - Bid 45)

**Disposition:** Accepted; prepare contract.

- 353** Reject all bids for Cambridge Village Sanitary Sewer Project (Purchasing Report - Bid 64)

**Disposition:** Accepted.

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**Mayor J. E. Bud Clark**

- 354** Amend Portland City Code Chapter 3.10 relating to the duties and responsibilities of the Office of the City Attorney (Second Reading Agenda 296)

**Disposition:** Ordinance No. 165112. (Y-5)

- \*355** Call for bids to furnish long distance telephone service to the Bureau of General Services, issue a purchase order and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165113. (Y-5)

- \*356** Authorize a contract with Kaiser Permanente for the provision of health plan services to employees, self-pays and retirees of the City (Ordinance)

**Disposition:** Ordinance No. 165114. (Y-5)

**Commissioner Earl Blumenauer**

- \*358** Authorize an agreement with the Oregon Department of Transportation for correcting safety deficiencies at thirteen signalized intersections City-wide (Ordinance)

**Disposition:** Ordinance No. 165115. (Y-5)

- \*359** Authorize an agreement with the Oregon Department of Transportation for the implementation of a Traffic Safety Improvement Project at the intersection of NE Prescott Street and NE 102nd Avenue (Ordinance)

**Disposition:** Ordinance No. 165116. (Y-5)

- \*360** Authorize an agreement with the Oregon Department of Transportation for the implementation of a Traffic Safety Improvement Project at the intersection of NE Halsey Street and NE 148th Avenue (Ordinance)

**Disposition:** Ordinance No. 165117. (Y-5)

- \*361** Authorize an agreement with the Oregon Department of Transportation for the implementation of a Traffic Safety Improvement Project at the intersection of SE Foster Road and SE 110th Drive / 111th Avenue (Ordinance)

**Disposition:** Ordinance No. 165118. (Y-5)

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- \*362** Authorize an agreement with the Oregon Department of Transportation for the implementation of a Traffic Safety Improvement Project at the intersection of SE Woodstock Boulevard and SE 39th Avenue (Ordinance)

**Disposition:** Ordinance No. 165119. (Y-5)

- \*363** Authorize an agreement with the Oregon Department of Transportation for the implementation of a Traffic Safety Improvement Project at the intersection of NE Fremont Street and NE 122nd Avenue (Ordinance)

**Disposition:** Ordinance No. 165120. (Y-5)

- \*364** Revocable permit to the Grand Lodge of the International Order of Odd Fellows for a portion of a building foundation in the right-of-way at 3202 SE Holgate Street (Ordinance)

**Disposition:** Ordinance No. 165121. (Y-5)

- \*365** Revocable permit to Metropolitan Events to maintain banners on street light poles from April 3 to May 4, 1992 (Ordinance)

**Disposition:** Ordinance No. 165122. (Y-5)

- \*366** Revocable permit to Easter Seal Society of Oregon to maintain banners on street light poles from March 8 to April 6, 1992 (Ordinance)

**Disposition:** Ordinance No. 165123. (Y-5)

- \*367** Call for bids for the NE Rocky Butte Road Storm Sewer, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165124. (Y-5)

- \*368** Release one sewage easement near SW Cascade Terrace to Peter and Marianne Kraincock (Ordinance)

**Disposition:** Ordinance No. 165125. (Y-5)

- \*369** Release the City's interest in a permanent easement to Nauru Phosphate Royalties (Ordinance)

**Disposition:** Ordinance No. 165126. (Y-5)

- 370** Intergovernmental agreement with Multnomah County transferring solid waste and recycling collection responsibilities (Ordinance)

**Disposition:** Passed to Second Reading March 4, 1992 at 9:30 a.m..

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- \*371** Consent to change in certain residential solid waste and recycling collection franchise boundaries (Ordinance)

**Disposition:** Ordinance No. 165127. (Y-5)

**Commissioner Mike Lindberg**

- 372** Request for conditional application to Metro regarding Preliminary Agreement with HGW, Inc. (Resolution)

**Disposition:** Resolution No. 34961. (Y-5)

- \*373** Authorize an agreement with ACR Engineering Inc., for \$38,424 to provide design and consulting services for the replacement of the heating system at Multnomah Art Center (Ordinance)

**Disposition:** Ordinance No. 165128. (Y-5)

- \*374** Grant a revocable permit with conditions to Oregon Department of Geology and Mineral Industries for the installation of two seismic test wells on City property (Ordinance)

**Disposition:** Ordinance No. 165129. (Y-5)

- \*375** Call for bids to deliver sand for Parks and Recreation Golf Division, authorize contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165130. (Y-5)

**REGULAR AGENDA**

- \*S-357** Authorize an agreement with Portland Public School District No. 1 to arrange for provision of transmissions services to Portland Public School Police through the City's contract with Cellular One (Ordinance)

**Discussion:** Mayor Clark said a technical change to delete the word "police" and add "schools" was needed. Commissioner Blumenauer moved the substitute. Commissioner Bogle seconded and the motion carried. (Y-5)

**Disposition:** Substitute Ordinance No. 165131. (Y-5)

- \*350** **TIME CERTAIN: 9:30 AM** - Establish the Collector Recovery Program and create two full-time positions in the Bureau of Traffic Management (Ordinance introduced by Commissioner Blumenauer)

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**Discussion:** Commissioner Blumenauer said the Collector Recovery program is an attempt to slow down traffic on neighborhood collector streets where the liveability of the area is threatened. This ordinance designates two sites for pilot projects, on Cornell and on NE 15th to demonstrate the effectiveness of this approach. He said this program is included in the budget for next year but rather than wait until then, the Office of Transportation would like to get started now.

Linda Dartsch, Bureau of Traffic Management, said the Office has heard repeated complaints from citizens that cars are taking over their neighborhoods. She said in 1984 Council adopted the Neighborhood Management Program for local streets. In recent years they have heard that a similar program is needed for collector streets as well.

Ms. Dartsch said the Bureau does not yet know exactly what the Collector Recovery program will look like in its final form but will use the Neighborhood Management Program as a starting point and take a broad look at engineering, education and enforcement options. With the help of a citizens advisory committee, they hope to return to Council next fall with a structure and policies that strike a balance between vehicle mobility and neighborhood liveability. The two sites selected will be used as a testing ground for a variety of measures, some of which have never been tried before.

Joe Wilson, who lives outside Portland, said there is nothing wrong with the traffic on Cornell.

Speaking in support of the program were:

James Edwards, 2636 NW Cornell Rd.  
John Phillips, 2630 NW Cornell Rd.  
Robert Gibson, 2911 NW Cornell Rd.  
Howard Shapiro, 2621 NW Cornell Rd.  
Libby Albright, 3625 N. Willamette Blvd.

Cornell residents said neighborhood collectors are not meant to be used by Washington County commuters, who should be using major arterials. They spoke of their long-standing concerns with speed and volumes and called for physical changes to the road in order to decrease speeds.

Ms. Albright said Willamette Boulevard is being turned into a speedway and this program could be a great help in slowing down traffic and halting urban blight.

**Disposition:** Ordinance No. 165132. (Y-5)

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**Mayor J. E. Bud Clark**

- \*376** Authorize Urban Renewal and Redevelopment Refunding Bonds (Downtown Waterfront) Series L (Ordinance)

**Disposition:** Ordinance No. 165133. (Y-5)

- \*377** Transfer \$13,000 from unforeseen reimbursements to the Police Bureau for advance expenses of the National Community Policing Conference (Ordinance)

**Disposition:** Ordinance No. 165134. (Y-5)

**Commissioner Earl Blumenauer**

- 378** Amend Title 17, Chapter 17.36 of the City Code to allow for mitigation discounts to storm water charges (rates) in accordance with the biennial sewer user charge rate study (Second Reading Agenda 339)

**Disposition:** Ordinance No. 165135. (Y-5)

- \*379** Amend Title 17, Chapter 17.35.070 of the City Code to revise septic tank sludge disposal fees (rates) in accordance with the biennial sewer user charge rate study (Ordinance)

**Disposition:** Ordinance No. 165136. (Y-5)

- \*380** Competition for a new headworks and pretreatment building and an overall plant layout concept for the expanded Columbia Boulevard Wastewater Treatment Plant, authorize expenditure and provide payment (Ordinance)

**Discussion:** Commissioner Blumenauer said this is part of the 5-year capital plan and the potential to expand the headworks is also needed for possible CSO activity.

**Disposition:** Ordinance No. 165137. (Y-5)

- \*381** Call for bids for N. Willamette Boulevard Bridge Railing Installation, authorize a contract, provide for payment and transfer funds within a fund (Ordinance)

**Disposition:** Ordinance No. 165138. (Y-5)

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**City Auditor Barbara Clark**

- 382** Assess improvement of SW Coronado Street Local Improvement District  
(Second Reading Agenda 344)

**Disposition:** Ordinance No. 165139. (Y-5)

- 383** Assess property for sewer system development charges through December 31,  
1991 (Hearing; Ordinance; Z0135-Z0141, Z0144-Z0146)

**Disposition:** Passed to Second Reading March 4, 1992 at 9:30 a.m.

At 10:12 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF FEBRUARY, 1992 AT 2:00 P.M.

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

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

**384 TIME CERTAIN: 2:00 PM** - Accept report from the Metropolitan Human Relations Task Force (Report introduced by Commissioner Kafoury)

Gayle Preston, Vice Chair of the Metropolitan Human Relations Commission Task Force, reviewed the work of the Task Force. She said the budget they are requesting, \$450,000, is quite a bit larger than is currently allocated but the Task Force feels strongly that it is needed to provide adequate staffing. Regarding the requested resignation of all current Commission members, she said the Task Force believes there should be a new image and new focus, with no holdovers from the past. She said ongoing evaluation will be very important and it will be up to City officials to keep a close watch on it.

Becky Wehrli, member of the Task Force, said the Future Focus values statement on diversity served as the driving force for these recommendations. She said they believe the Commission should function as an information center on hate crimes, serve as a catalyst in focusing groups and coalitions on major events, and establish the capacity to mobilize rapid responses to incidents that demonstrate bigotry and intimidation.

Ms. Preston read from a letter by Kathleen Herron, Unlearning Racism workshop consultant, noting the need for realistic support for this agency.

Tom Potter, Police Chief, said the Commission is important both to implement Future Focus and to provide enforcement of the new civil rights ordinance. He said a clear distinction needs to be made between monitoring/reporting and enforcement. He said one of his concerns with the call for resignation of the current Board is the loss of continuity.

Scott Nakagawa, Coalition for Human Dignity, said there is a rising current of racial bigotry in our country today. He said some radical and drastic changes are needed and strongly recommended that the Task Force recommendations be adopted.

Iris Bell, 2424 NE Mallory, supported the need for a strong and visible Commission despite some reservations about specific recommendations.



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Carolyn Leonard, current chair of the MHRC, said the Commissioners agree with most recommendations, particularly that the Commission report directly to the Mayor and County Chair and that it have enforcement powers. She disagreed with recommendations calling for resignation of the current Commission, an increase in the membership, and having the Commission report temporarily to liaison Commissioners. She said she would not submit her resignation and stated her belief that one of the biggest problems has been communication with elected officials.

Nathan Cogan, 1639 SW Skyline, urged that no one be asked to resign and that the Commission move to the Mayor's portfolio now, rather than Commissioner Kafoury's. He also opposed increasing the membership.

Cheryl Perrin, P.O. Box 42121, agreed with Ms. Leonard's and Mr. Cogan's criticisms about the Task Force recommendations. She said there is serious hate crime out there and a strong Commission is badly needed.

Barbara Clark, City Auditor, reported for the Future Focus policy group, noting that there was more citizen enthusiasm for building cultural diversity than any other of the six priorities. She said she never heard people say that MHRC was not credible even though they might not be sure what it did. She said it was not essential that the present members be asked to resign.

Ghisao Hata read a letter from Frances Matteo Denhart, a current member of the MHRC objecting to the call for the blanket resignation of current members.

Charlsie Sprague, 2234 NE Clackamas, said financial support and public will is required if a Commission like this is to work. She said maybe it is time to start over with a new Commission.

Gary Wilson, 20 NE 31st, pastor for Metropolitan Community Church, a largely gay congregation, called for the resignation of the current Commission and implementation of all Task Force recommendations.

Judith Mowry, 4032 SE Belmont, noted the tremendous increase in hate crimes and urged support of the Task Force recommendations.

Ken Klepper, 8735 SE 11th Ave., Interracial Network, said the growing multicultural nature of the City makes formation of a strong Commission necessary and urged adoption of the report in total.

Ms. Hata, speaking for herself, said that whatever happens, the Commission should have the authority and strength to do the work at hand.

Rabbi Emmanuel Rose, Task Force member, urged adoption of the recommendations as quickly as possible in order to confront some very dangerous situations. He said membership should not be the focus.

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Commissioner Kafoury said she needs feedback from Council.

Mayor Clark said he would like to see action as fast as possible. The amount of money will be discussed in the budget committee. He said he will accept oversight of the Commission.

Commissioner Bogle asked the City Attorney if this meant that MHRC would be assigned to the Mayor in perpetuity and asked if this was legal.

Adrianne Brockman, Assistant Deputy City Attorney, said she would research this and respond later.

Commissioner Lindberg asked about the renaming and resignation of the Commission. He asked Ms. Preston to comment on Chief Potter's belief that some continuity was important.

Ms. Preston said they believe it would be better for all the members to be trained at the same time, starting from ground zero. Former members could be involved in the training of new members and any current members could reapply.

Ms. Wehrli said Portland Future Focus envisioned MHRC as a hub with links to other organizations. In their interviews with these organizations, the Task Force learned that they did not feel comfortable with the current Commisison.

Mayor Clark said the whole idea is to strengthen the Commission and give it a new image and a new direction.

Commissioner Kafoury said overall she is extremely pleased with the recommendations even though this has been a difficult situation and many people are angry with her and unhappy about the process.

At 3:10 p.m., Council recessed.

**February 27, 1992**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF FEBRUARY, 1992 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Deputy City Attorney; Peter Kasting, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Commissioner Bogle moved consideration of the Four Fifths Agenda Commissioner Lindberg seconded and the motion carried. (Y-5)

### **Four Fifths Agenda**

- \*388 Lease agreement with Howard Weiner for approximately 9,000 square feet of building space at 520 SE Salmon for a Skateboard Park (Ordinance introduced by Commissioner Lindberg)

**Disposition:** Ordinance No. 165140. (Y-5)

- \*389 Concession agreement with Howard Weiner for City Skate (Ordinance introduced by Commissioner Lindberg; waive Code Section 5.32.070)

**Disposition:** Ordinance No. 165141. (Y-5)

### **Commissioner Dick Bogle**

- 387 Liquor license application for Jean Manor, Inc., dba Jeanne Manor Deli, 1431 SW Park Avenue, #116, Package Store liquor license (new outlet); favorable recommendation (Report)

**Discussion:** Cay Kershner, Clerk of the Council, said John Werneken, License Bureau, had submitted a letter from the applicant stating that he wished to withdraw his application. The Mayor so ordered.

**Disposition:** Application withdrawn.

Commissioner Blumenauer asked to have his resolution considered at the same time as the drug free zone ordinance so that those testifying could address both items.

- S-\*385 TIME CERTAIN: 2:00 PM** - Add new Chapter 14.100 to Title 14 of the Code of the City of Portland that allows for the use of 90-day exclusions in designated drug free zones in the City, establishes procedures and lists initial drug free zones (Ordinance introduced by Mayor Clark; Title 14)

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**Discussion:** Commissioner Blumenauer said his resolution will ask the county courts to consider the negative community impact when sentencing drug dealers. He said they filed a substitute resolution this morning that would call for action now. Commissioner Blumenauer said this will help any neighborhood that suffers from the effects of repeat offenders who deal drugs, particularly those where streets dealers have figured out how to use the sentencing matrix to beat the system. He said this is a Citywide proposal and does not apply only to Old Town. Currently, he noted, drug dealers must have six convictions before they do any jail time. The resolution also calls upon the State legislature to mandate longer jail terms.

Dan Noelle, Police Captain, said the ordinance is designed to deal with the specific situation in Old Town (District 830), which he described as a "drug supermarket", noting that this one district had nearly four times the number of distribution and possession cases as any other in the City.

He said what is being requested is the establishment of an exclusionary zone in an area of public streets. He described how the process would work, noting that those arrested for selling drugs would be given an exclusion notice, with a five-day waiting period to allow for appeals. After that, the person could not return to the drug free zone for 90 days.

Captain Noelle said this gives the Police a tool to keep people from immediately returning to the streets. He said Police met with social service agencies to satisfy their concerns about persons in drug treatment programs and a system of variances is being proposed to meet these concerns. To meet concerns about due process, those arrested are given five days to file an appeal with the Code Hearings officer. Another concern was with displacement, spreading the problem outward to adjoining neighborhoods. Captain Noelle said Police met with groups from these areas and agreed to return to Council in six months and ask that the ordinance be stricken if they find it is creating a bigger problem for neighborhoods than it solves.

Commissioner Kafoury asked if the information regarding the appeal would be issued in Spanish as well.

Captain Noelle said yes.

Commissioner Kafoury suggested having the ordinance sunset in six months or expand the subjects to be considered to cover over more issues than just displacement.

Captain Noelle said he did not think sunseting would be effective but said they would be willing to review it anytime.

Bill Naito, Co-Chair Old Town Steering Committee, said he thinks the City should try this and see what happens. He said people are afraid to go to Old Town because of the drug dealers and it damages the liveability of the area.

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Al Jasper, 19 NW 5th, entered a petition into the record containing 14,223 signatures calling for the City to rid Old Town of drugs. Mr. Jasper, owner of Marco Polo restaurant, said the area has had a severe problem for the past four years. He said passage of this will send a message that something can be done to rid the City of drugs and, if this works, it could be applied in other areas as well.

Commissioner Blumenauer moved the substitute ordinance; Commissioner Bogle seconded and the motion carried. (Y-5). Commissioner Blumenauer moved the substitute resolution; Commissioner Lindberg seconded and the motion carried. (Y-5)

Individuals testifying in opposition to the ordinance included:

Jeff Liddicoat, 408 SW 2nd, #425  
Ed Paquin, 335 NW 19th, #1006  
Paul Richmond, PO Box 454, 97207  
Chuck Currie, Burnside Advocates Group  
John Duke, Outside-In  
Richard Koenig, 1827 SE Oak  
Jean DeMaster, Transition Projects  
Dotti Ann Blakemore, volunteer activist in Old Town  
Genny Nelson, Sisters of the Road Cafe, 133 NW 6th

Opponents expressed concern about civil rights infringements and the way the variance system would work. Ms. DeMaster said Transition Projects believes that the exclusion order should come from a court officer, not a police officer. Ms. Nelson called for including buyers in the ordinance also.

Individuals speaking with concern about displacing drug sales to other areas included:

Don MacGillivray, Buckman Community Association  
David Browning, Chair, Buckman Neighborhood Association  
Norm Stoll, 1201 SW 12th  
Helen Stoll, 1201 SW 12th

Individuals speaking in support of the ordinance included:

Dan Merrill, 1020 SW Taylor, Suite 330  
Mike Roberts, Old Town Cafe  
Tom Berry, Northwest Natural Gas Co.  
Dan Lambert, East Precinct Officer  
Joanne Ferrero, 230 E. Burnside  
Jack Fawcett, Sounds on Wheels, 635 E. Burnside  
Lee Lacey, Downtown Community Association  
Howard Weiner, 213 NW Couch  
Trutz Kronke, 503 NW Everett

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Dennis Gilman, 1313 SE Oak

Margaret Moreland, 811 E. Burnside (speaking also for Shan J. Karia,  
managing partner of the Travelodge at 949 E. Burnside)

Rebecca Flaming-Martin, 4005 SE Main

Greg Wentworth, Central Eastside Industrial Council

Larry Horowitz, 6645 W. Burnside

Lisa Andrew Miller, Volunteers of America

Harvey Freeman, former businessmen at 5th and Davis

Assistant Police Chief Wayne Inman

Bud Erland, Chair, Kerns Neighborhood Association

Supporters described the negative effects of predatory drug dealers on businesses and liveability in Old Town. They spoke of their frustration over the failure of other efforts to halt drug sales in the area.

Individuals speaking specifically in support of the resolution included:

John Campbell, 319 SW Washington, #802

Katherine Rouzie, 4530 NE 15th

John Hoover, Multnomah County Drug Enforcement

Patrick Donaldson, Citizens Crime Commission

Supporters described the need for longer sentences for drug dealers and said this resolution is a creative new tool to help assure sure and swift punishment for drug dealers. Mr. Hoover said Council needs to start building support among judges for including the impact of drug dealing on a neighborhood as a factor in sentencing guidelines.

Joseph Kilroy, 1019 SW Morrison, #1, said he had no opinion.

Commissioner Bogle said it is imperative that the City try something to deal with the 575 counts of illegal sale of dope and 1,284 counts of illegal possession in one year in one small area of the City.

Commissioner Kafoury said that, although she has many concerns about due process and constitutional rights, she does not have any answers any more for these problems and all that can be done is to keep trying new things and hope they work. She said she wants to see a real assessment of the program in six months to see how well its working and whether there has been displacement. She also wants to see if Spanish-speaking individuals are able to access the hearings process.

Commissioner Lindberg said he shared many of Commissioner Kafoury's concerns. He said, however, he will vote for the ordinance because of the severity of the problem and because there is much to gain and little to lose in trying this pilot program. He said he also believes this neighborhood has

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carried a very special and heavy burden. He emphasized the need for an evaluation in six months to look at the impact of this plan to see if it has caused a creeping dispersal problem.

Mayor Clark said down the line the City should consider having a Hearings Officer dedicated to dealing with the exclusions. He said the drug problem is extremely serious and added that street enforcement is not the only area where action is being taken, noting other programs to improve the social and economic condition of the nation.

**Disposition:** Substitute Ordinance No. 165142. (Y-5)


**S-386** Request the Multnomah County District Attorney's Office and Multnomah County Courts to consider the negative impact of drug dealing on a community when sentencing drug dealers and establishing City County support for amendments to the State Sentencing Guidelines in the 1993 legislative session to provide longer jail terms for all convicted drug dealers (Resolution)

**Discussion:** (See testimony under Agenda Item S-385)

**Disposition:** Substitute Resolution No. 34962. (Y-5)

At 4:05, Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

  
By Cay Kershner  
Clerk of the Council