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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9<sup>TH</sup> DAY OF FEBRUARY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 172, 178 and 186 were pulled from Consent. On a Y-4 roll call (Commissioner Francesconi was late), the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 162** Accept bid of Freightliner to furnish four 18,000 cab and chassis with flatbed body for Bureau of General Services for \$192,068 (Purchasing Report - Bid 99169)
- Disposition:** Accepted; prepare contract.
- 163** Accept bid of First Call to furnish Dial and Deliver System for Police Bureau for \$72,695 (Purchasing Report - Bid 99239)
- Disposition:** Accepted; prepare contract.
- 164** Accept bid of American Building Construction to furnish building renovation, Water Bureau Operations building, for \$64,498 (Purchasing Report - Bid 99588 SMP)
- Disposition:** Accepted; prepare contract.
- 165** Accept bid of James W. Fowler Co. to furnish Columbia Boulevard Wastewater Treatment Plant wet weather primary clarifier improvements for \$2,559,194 (Purchasing Report - Bid 99602)
- Disposition:** Accepted; prepare contract.
- 166** Accept bid of TG3 Electronics to furnish backlit keyboards for Bureau of Communication Services for \$69,999 (Purchasing Report - Bid 99603)
- Disposition:** Accepted; prepare contract.

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**Mayor Vera Katz**

- \*167** Amend contract with Booth Research Group to extend contract with the Police Bureau and to increase compensation (Ordinance; amend Contract No. 32279)
- Disposition:** Ordinance No. 174138. (Y-4)
- \*168** Amend contract with The Dully Company for Civic Stadium renovation (Ordinance; amend Contract No. 32771)
- Disposition:** Ordinance No. 174139 (Y-4).
- \*169** Amend contract with Boucher Mouchka Larson Architects for Civic Stadium renovation (Ordinance; amend Contract No. 32785)
- Disposition:** Ordinance No. 174140. (Y-4)
- \*170** Authorize contract with GBD Architects, Inc. for professional and technical architectural review services related to the Civic Stadium renovation project (Ordinance)
- Disposition:** Ordinance No. 174141. (Y-4)
- \*171** Execute an agreement with the Oregon Community Foundation for future conveyance of property described as Park Block 5, Lots 1-4, for development and use as a public park subject to the provisions outlined in the agreement (Ordinance; amend Ordinance No. 171996)
- Disposition:** Ordinance No. 174142. (Y-4)

**Commissioner Jim Francesconi**

- 173** Accept completion of Overlook House renovation project and release final payment to Ruffin Construction, Inc. (Report; Contract No. 32098)
- Disposition:** Accepted.
- 174** Accept contract with EC Company for two emergency backup generator systems as complete and make final payment (Report; Contract No. 32512)
- Disposition:** Accepted.
- \*175** Contract with Trauma Intervention Programs, Inc. for crisis intervention training for \$60,000 (Ordinance; waive City Code Section 5.68)
- Disposition:** Ordinance No. 174143. (Y-4)

**Commissioner Charlie Hales**

- 176** Declare the purpose and intention of the City to construct pedestrian improvements across the Willamette River in the River Access and Transportation Project Local Improvement District (Resolution; C-9976)

**Disposition:** Resolution No. 35861. (Y-4)

- \*177** Amend existing contracts with five plan review contractors, increase compensation and extend services for plan review and engineering services (Ordinance; amend Contract Nos. 32123, 32124, 32138, 32139 and 32141)

**Disposition:** Ordinance No. 174144. (Y-4)

**Commissioner Dan Saltzman**

- \*179** Authorize a contract and provide for payment for the construction of Taggart Basin CSO sump unit 6, Project No. 5495 (Ordinance)

**Disposition:** Ordinance No. 174145. (Y-4)

- \*180** Contract with CH2M HILL for professional engineering services for design of the Columbia Boulevard Wastewater Treatment Plant central control facility, Project No. 6613 (Ordinance)

**Disposition:** Ordinance No. 174146. (Y-4)

- 181** Consent to transfer of Sunset Garbage Collection, Inc. solid waste and recycling franchise to S & C Licensing LLC (Second Reading Agenda 143)

**Disposition:** Ordinance No. 174147. (Y-4)

**Commissioner Erik Sten**

- 182** Accept the project by Oregon Asphaltic Paving Co. to do roadway improvements in the Bull Run watershed as substantially complete as of September 8, 1999, authorize final progress payment No. 2 and release retainage (Report; Contract No. 32416)

**Disposition:** Accepted.

- \*183** Authorize a contract and provide payment for the construction of the new Whitwood Water Reservoir and demolition of the existing Upper Whitwood Reservoir (Ordinance)

**Disposition:** Ordinance No. 174148. (Y-4)

- \*184** Authorize a Letter of Understanding with AFSCME Local 189 for premium pay to Water Bureau Customer Account Specialist I and II employees who work during the Customer Information System transition period and authorize transfer of funds (Ordinance)

**Disposition:** Ordinance No. 174149. (Y-4)

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- \*185** Contract with Network Behavioral Healthcare, Inc. for \$30,000 for activities in the management and development of special needs affordable housing and provide for payment (Ordinance)

**Disposition:** Ordinance No. 174150. (Y-4)

**City Auditor Gary Blackmer**

- \*187** Assess system development charge contracts and Private Plumbing Loan Program contracts (Ordinance; Z0719, Z0720, T0034, T0035, K0019, P0049)

**Disposition:** Ordinance No. 174151. (Y-4)

**REGULAR AGENDA**

- S-\*172** Establish new classifications and adjust pay grades for specified Nonrepresented classifications and establish effective dates in accordance with the Personnel Rules adopted by the City Council (Previous Agenda 133)

**Discussion:** Commissioner Hales moved the substitute and Commissioner Saltzman seconded.

**Disposition:** Substitute Ordinance No. 174152. (Y-5)

- \*178** Amend City Code Title 18 to reflect additions to Title 33 regarding Open Space and correct errors (Ordinance; amend City Code Chapter 18.04 and 18.10)

**Discussion:** Mayor Katz said she discussed this with Commissioner Hales and there will be more testing around Civic Stadium on the impact of noise levels.

**Disposition:** Continued to February 16, 2000 at 9:30 a.m.

- 161** **TIME CERTAIN: 9:30 AM** – Adopt the recommendations in the draft Alberta Streetscape Plan (Resolution introduced by Commissioner Hales)

**Discussion:** Commissioner Hales said the activism and effort on Alberta Street shows the history and future of what a commercial street can be. Some of the oldest African-American businesses in the City are on this street and also some of the newest galleries and best Mexican food. The volunteers and staff of Sabin Community Development Corporation (CDC) have cleaned up and beautified the street. Entrepreneurs and property owners have invested their money and time, as have the Oregon Association of Minority Entrepreneurs and the North/Northeast Business Association, in support of emerging small businesses. Residents, neighborhoods, churches and schools have worked hard, too. It is also a model of how the City and other agencies can work collaboratively, the work being funded in part by a Transportation and Growth Management (TGM) State grant, and partnership with Portland Development Commission (PDC) and the Bureau of Housing and Community Development (BHCD). He said all involved were happy to announce they are talking about a project, in addition to the plan, because the funding is there for the entire length from MLK, Jr. Boulevard to 33<sup>rd</sup> Avenue.

Bill Hoffman, Bureau of Transportation Engineering, said there was excellent guidance and evaluation by the Citizens Advisory Committee. Other partners, Tri-Met and BHCD, besides the Oregon Department of Transportation (ODOT) and PDC, helped fund this project.

Lynn Weigand, Transportation Engineering, summarized the history of the street. She said today the street has become a destination point and still retains original roots, providing small business and community services and churches. Sabin CDC formed a Streetscape Committee and began long-term planning. A priority has been to increase the safety of pedestrian crossings and to slow traffic without moving it to nearby streets. The community recognized and wanted to continue to reflect the diverse cultural heritage and identity of the street and the project committee comprised a wide range of organizations and individuals. She said information was gathered by going door-to-door for businesses and residents; by listening to a younger viewpoint from Vernon school students and from neighborhood organizations; and by holding workshops and open houses. The recommended improvements will help slow traffic, improve pedestrian crossings, discourage cars from parking on the sidewalk, provide better lighting, add street trees, enhance the street's appearance and incorporate public art. MLK, Jr. Boulevard and 33<sup>rd</sup> Avenue form the entries to this section of Alberta and the plan will make these entryways prominent and unique to the Alberta Business district. The plant strip between the curb and sidewalk will be paved in the commercial areas to provide more sidewalk space and help deter litter build-up. Business and property owners will be able to design or purchase their own planters, benches or trashcans and there will be public art projects by local artists.

Elise Scolnick, Sabin Community Development Corporation, 1831 NE Going St., 97211, outlined the beginnings of the plan and noted the great many people and groups who were instrumental in its outcome.

Sumner Sharpe, 1108 NE Going St., 97211, said main streets belong to the community and vice versa and they want to have their own identity. He noted that continued success means the community needs to continue to support the businesses and vice versa. The small businesses need support to stay there to own their property and to invest in the community. They need resources to provide for start-up businesses from the community.

Sam Brooks, Oregon Association of Minority Entrepreneurs (OAME), 1130 NE Alberta St., 97211, said this plan began nine years ago with a meeting containing representatives from the City, county and state where the community presented their needs for the Alberta corridor. The idea was to create wealth in the community, use its natural diversity and make it an asset for the City.

Eric Wentland, President, Alberta Street Business Association, 5012 NE 28<sup>th</sup> Ave., said Alberta Street could be the poster child for neighborhood organizing. Forty new businesses have opened in the last three years.

Sam Brooks, in answer to Commissioner Francesconi's questions about how the Hispanic community was involved, said the OAME has been actively involved on a daily basis and there is an Hispanic Chamber.

Ms. Scolnick said the businesses were individually approached and translation was arranged if necessary.

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Mr. Sharpe said continuing contact is being maintained. The time invested by small businesses to keep the door open requires a lot of commitment.

Commissioner Francesconi asked why the market seems to be working better on Alberta than on MLK, Jr. and what the City can do to help small businesses.

Mr. Wentland said MLK was so long that it is difficult to give it an identity or its perceived history, where Alberta has a more human scale.

Mr. Brooks said Alberta is a walking street.

Mr. Sumner said MLK is a State highway and has been badly handled and needs to be looked at as an inter-regional arterial with opportunities for major investment in key nodes. He does not think it will ever be a main street.

Mr. Brooks said most small businesses need access to capital as in micro loans, which require the same amount of attention as large ones. Getting the services out from downtown to the people would help.

Mr. Sumner said there need to be opportunities for property ownership. Non-profits need to pay attention to these main streets and become players, as Sabin has. The City continues to have aggressive policies about housing opportunities which could be applied to main streets, and tax abatement could be used.

Ms. Scolnick said some of the building codes make it prohibitively expensive to rehab the buildings.

Commissioner Saltzman asked if there were some sort of incubator function for businesses ready to move out of OAME to the next growth stage.

Mr. Wentland said the smaller loans, particularly for retail or storefront businesses, are almost impossible to get for a variety of reasons.

Mr. Brooks said some incubation is already occurring, but more importantly there is an opportunity to develop an incubator along the Alberta corridor. Technical and capital support is needed.

Michael McElwee, PDC, said this plan has the full support of the Commission and Director Trader. He cited tools such as the storefront improvement program and pre-development program which bring professional assistance, such as architects, engineers, market analysts and real estate experts. Access to capital is very important and innovative approaches can be developed, such as the equity loan program, which has a deferred payment for five years or more. He said MLK's problem of length has been recognized with an attempt to shorten it in people's minds, draw customers from outside Northeast and prevent neighbor folks from shopping outside the area.

Lidwien Rahman, ODOT TGM grant manager, said this, the Barbur Boulevard and Tacoma Street projects can really make a livability difference.

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Ben Baldwin, Tri-Met project planner, 710 NE Holladay St., 97232, said this plan has their continued support.

Howard Cutler, BHCD, said in 1992, a survey along Alberta found 60 percent of the buildings were vacant, abandoned or blighted. In 1995, when Sabin CDC was funded for a revitalization process, only about five or six showed up for meetings. This is a wonderful model of bottom up. To date, public subsidy has been quite modest without a large infrastructure investment until now.

The following people, residents and business owners, testified about the street's history and comeback. They noted that this plan needs to be lived, revisited and valued and people have put an emotional investment and pride into the street, too. An increased tax base was suggested.

Roslyn Hill, 1438 NE Alberta, 97211

Brian Borrello, 2415 NE Alberta, 97211

Ben Rayle, 4728 NE 19<sup>th</sup> Ave., 97211-5810

Heidi Schweter, 4506 NE 19<sup>th</sup> Ave., 97211

Jennifer Chacon, 2726 NE Ainsworth St.

J. C. Kizak, Chair, Concordia Neighborhood, 5243 NE 29<sup>th</sup> Ave., 97211

Betty Walker, Sabin representative-Advisory Committee, 3124 NE 17<sup>th</sup> Ave.

Mayor Katz asked staff about extending the Urban Renewal area farther along Alberta and a PDC staff member said there are about six acres remaining for the whole Oregon Convention Center Urban Renewal area and they are assessing where it should be.

Commissioner Sten asked if it were possible to remove areas from the Urban Renewal zone and the Mayor answered, yes.

Commissioner Francesconi said every part of the City needs to share in the good economy. He noted that his background is actually on Alberta Street. About 40 years ago there were 6,000 African-American owned businesses in the City and today there are 1,000 in the State. Mr. Sharpe told him a few years ago that the school, the park and the main street form the heart of a neighborhood and he was right. The City needs to use its purchasing power beyond the construction industry to give small contracts to small businesses, as well as offering technical training and assistance. The City's economic strategy is only effective in a tax increment district.

Commissioner Hales said once-vital streets like Alberta slipped away throughout the country because of the malls, redlining and other phenomena of the '60s. He said the dynamic that is working on Alberta is the business owners' and residents' sense of ownership of the street and the public agencies' commitment to carry out the street owners' vision. He thanked all the participants who made this community success story real.

Commissioner Saltzman said this was a wonderful rebirth of a street.

Commissioner Sten said Alberta may be the most exciting change over the last decade and the most important work at the grass roots level. He said had the infrastructure funding come earlier, corporate interests might have come in and squelched the small business involvement. In addition to loans, the small businesses could use marketing to get the

customers there.

Mayor Katz said she asked what to do in North and Northeast Portland in 1992, which is a long time ago, but there can be a magic to timing. Economic or community development occurs from an incentive to the neighborhood and community-based organizations, and perhaps a small grant from a government entity, to bring them together to determine where they see themselves in 10 years. Credit needs to be given to community policing and those working with them and the tenacious business owners. After this, it is the bigger dollars that bring about the change. Transportation is a key element and has great importance to the community. It can be negative, as with MLK, too. Art is important in the mix. Hopefully, the community will be able to withstand any potential "gentrification."

**Disposition:** Resolution No. 35862. (Y-5)

186

Amend City Code "Affordable Housing Preservation" by deleting Sections 30.01.050-070 and replace them with new provisions to comply with state law (Previous Agenda 154; amend Code Charter 30.01)

**Discussion:** Commissioner Sten said this may be a quiet resolution to a long-standing problem. One of the pieces of the Affordable Housing ordinance passed about one and one-half years ago dealt with 88 buildings that are called project-based, Section 8 certificate buildings and house the very poor. For about the last 30 years, the Federal government has paid all the rent and it is a tough program because rent goes up every year and it has not been expanded for some time. Once the building is sold, the Section 8 status goes away. Most of the housing projects the City works on now are designed to buy down the cost and finance them in an affordable way, rather than pay the escalating cost of rent. The Federal government is willing to extend the contracts but the owners can sell the buildings. The previous ordinance required the owner to give a notice period of sale and give the City the first chance to buy it, at the appraised full price. If the owner turned the City down, then a fine structure went into place. This caused considerable controversy and there was a strong effort in Salem to overturn the ordinance since owners, who did not necessarily disagree with the goal, thought the fine structure too heavy-handed. A state law did pass, making the previous ordinance not legal. Conceptually, this ordinance is the same, with the major difference being if the City and owner do not come to an amicable agreement, there is a provision for the City to go through a condemnation process with a jury trial to determine worth. There is no fine. Six buildings have come up for sale since the previous ordinance and were amicably bought by the City. He does not think there will be many, if any, cases where the owner refuses to sell, but this protects both sides if that happens and gives predictability to the residents. Commissioner Sten said there is also the question of how to solve housing preservation aside from these 88 buildings. He will bring some ideas about a preservation trust and creative ways to save housing in the upcoming budget discussions.

Graham Pritchard, Board member of Community Alliance of Tenants (CAT), 2510 SE Belmont Street, said CAT is a grass roots organization working to protect the rights of all renters. He also represents the group of housing advocates that originally brought the preservation ordinance: CAT, Community Development Network, Northwest Pilot Project, Oregon Legal Services, Elders in Action, Network Behavioral Health, and Aging and Disability Services. He noted the vagueness of the language regarding tenant relocation assistance in the event a building is not preserved and he proposed new language to cover this, adding specific monetary language and continuing to actively leverage State and local



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resources for tenant relocation dollars. Another concern is the reality of saving housing with the housing investment fund almost gone. This ordinance lacks the means--money--to make preservation a reality.

John Grumwald, Executive Director, Multifamily Housing Association, urged caution with the notification process. He recommended using copies of the notification to Housing and Urban Development (HUD) to serve as City notification and urged support of the housing trust fund.

Martha McLennan, BHCD, said they have seen HUD making five-year renewals, instead of the 20-year contracts. In the Federal budget, it is easier to continue appropriating funds for occupied properties and cut in the realm of vouchers for hypothetical people.

**Disposition:** Passed to Second Reading February 16, 2000 at 9:30 a.m.

### **Mayor Vera Katz**

- \*188** Accept a \$46,000 grant from the State of Oregon Department of Transportation, Motor Carrier Transportation Division (Ordinance)

**Disposition:** Ordinance No. 174153. (Y-5)

- \*189** Accept a \$57,500 grant from the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms for G.R.E.A.T. regional training by the Portland Police Bureau (Ordinance)

**Discussion:** Merilee Laurens, Police Bureau, said officers from 36 different states and three countries were taught GREAT training. The full funding for the grant will be \$235,000, divided into increments this year because of Congress.

Sergeant Kevin Modica, Police Bureau, said the GREAT grant is the bread and butter of the prevention program and extends it throughout the western region and the United States. As other jurisdictions could not afford to send their officers to the original locales of Georgia and Arizona, the US Drugs and Firearms chose Portland as a regional site.

**Disposition:** Ordinance No. 174154. (Y-5)

### **Commissioner Jim Francesconi**

- \*190** Contract with Caribou Investments for \$83,700 to construct the Whitaker Pond shelter and grounds improvements project (Ordinance)

**Discussion:** Sergeant Kevin Modica, Police Bureau, said he did not hear the public safety piece in the discussion of the Alberta Streetscape Plan, but they have been involved since the early 1990s with increased patrols and increased neighborhood crime prevention efforts. He noted that Police had a partnership with Parks on the Springwater Teams on the Trail youth involvement and crime prevention and that could be templated on the Whitaker Pond project.

**Disposition:** Ordinance No. 174155. (Y-5)

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- \*191** Authorize application to Oregon Department of Forestry's Urban and Community Forestry Assistance Program for a grant in the amount of \$23,872 for FY 00-01 for the Portland International Raceway Urban Forest Restoration and Volunteer Involvement project (Ordinance)

**Disposition:** Ordinance No. 174156. (Y-5)

**Commissioner Charlie Hales**

- \*192** Authorize application to the Oregon Watershed Enhancement Board for a grant in the amount of \$200,000 for partial funding the replacement of a culvert at the intersection of SE Foster Road and SE 162nd Avenue (Ordinance)

**Discussion:** Commissioner Sten said this was a culvert blocking Johnson Creek which was bad for endangered species and hopefully the state will give some money as well.

**Disposition:** Ordinance No. 174157. (Y-5)

**Commissioner Dan Saltzman**

- 193** Amend City Code to modify the sewer user charges regulations for business and industry (Ordinance; amend Code Chapter 17.36)

**Discussion:** Kelly Hendryx, Bureau of Environmental Services, Industrial Source Control Section, said these amendments cover housekeeping and clarifications of several Code sections. They are moving to 24-hour extra-strength industrial discharge monitoring changes at more frequent intervals. Self-monitoring data can be submitted subject to the industrial wastewater discharge permit program. An added provision is that the City at its option may accept contaminated stormwater into the separated sanitary sewer at the sanitary sewer volume rate change with a generation of cost of services revenue.

**Disposition:** Passed to Second Reading February 16, 2000 at 9:30 a.m.

**Commissioner Erik Sten**

- \*194** Authorize settlement with Enron Communications (Ordinance)

**Discussion:** David Soloos, Office of Cable Communications and Franchise Management, said when franchises are granted or acquire facilities, they are required to provide two, two-inch duct for City use. Enron acquired facilities from TCG, Oregon, now known as AT&T Local Services, and when the wide-area network was being planned, the facilities were not there. When a franchisee acquires facilities, they must notify the City within about 10-30 days, but Enron did not.

Commissioner Sten said there is a lot of work going on with franchises and it was a volatile time. There will be a dizzying array of franchises in the next couple of months, largely due to the City keeping the market open on high-speed cable and other matters. The market will decide on the quantity of them. In a year or so, Council will have to revisit how to actually franchise all these things as some franchise schemes make sense but the technology has

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changed.

**Disposition:** Ordinance No. 174158. (Y-5)

**City Auditor Gary Blackmer**

- 195** Assess benefited properties for the cost of constructing speed bumps in the SE 71st Ave/Powell to Division Speed Bump Local Improvement District (Second Reading Agenda 155; Ordinance; C-9964)

**Disposition:** Ordinance No. 174159. (Y-5)

At 11:40 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF FEBRUARY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

**\*196** **TIME CERTAIN: 2:00 PM** – Amend the Central City Plan District of the Zoning Code to revise allowed uses in the Open Space zone (Ordinance introduced by Mayor Katz; amend Code Chapter 33.510)

**Discussion:** Susan Hartnett, Bureau of Planning, presented slides of various open spaces in the City, most of them in the Central City, and they were included to show the variety of activities and uses currently occurring on land zoned Open Space. Although a one-size-fits-all approach to Open Space is not the best, it was the best Planning could put together in 1991 when it was created. They hope to continue some of this as implementations of some aspects of the Parks 2020 planning effort which has begun. In the long term, they hope to have better Parks and Planning tools to define the variety of Parks functions and activities. She noted there are only seven sites on which additional uses can take place: Civic Stadium, O'Bryant Square, Pioneer Courthouse Square, Terry Shrunken Plaza, Ira Keller Fountain, Lovejoy Fountain and Holladay Park. In 1980, Planning created the Open Space designation, a designation which means what is hoped will happen at a site in the future, which may not be appropriate right then. No zone to implement it was created at that time. Only in the 1991 Zoning Code re-write project was the Open Space created as a zone and it was applied to all sites within the City with the Open Space designation. She gave the background and details on the above seven sites, some of which have retail sales and service uses and underground parking. The retail sales and service use was developed at a time when a site was commercially zoned and was an allowed use. Currently, that would be a conditional use and, under this proposal, would remain a conditional use as Planning is only proposing up to 2,500 square feet. The sites are all subject to the design review regulations, as well as the Central City Transportation Management Plan (CTMP) parking regulations and Council approval of a good neighbor agreement (GNA).

Ms. Hartnett outlined the recommended amendments from the Planning Commission, the first is that the additional allowed uses would be major event entertainment and commercial outdoor recreation allowed on sites of five acres or more and that are within 500 feet of a light rail station. The second would include one retail sales and service use up to 2,500 square feet in floor area and parking totally below grade. The third is a recommended amendment, which is not very liberal, to the sign regulations for these additional uses as they are extremely restrictive at present and could be requested through the design review anyway. She delineated the lengthy components of the GNA and the TMP text.

The Planning Commission asked Ms. Hartnett to propose two amendments, one to 33.510.115.c.3.d, which changes the language from "has included the elements of a good neighbor plan" to "has adequately addressed the elements of a good neighbor plan." The Commission wanted the proposals before Council to include a test of adequacy. The second amendment is from Kathryn Beaumont, Senior Deputy City Attorney, to change the purpose

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statement of Open Space Zone to amend 33.100.010, adding "enhance and improve park and recreational..." Commissioner Francesconi has amendments the Parks Bureau asked him to include, which Ms. Hartnett read out. One of them suggests changing the one retail sales and service per site to add the floor area may be up to 2,500 square feet but no larger than five percent of the site's area. Another amendment is to delete Item 2, which allows the parking totally below grade. Tim Ramis, attorney, submitted four amendments, one of which adds requirements for event coordination with nearby uses to minimize neighborhood impacts of concurrent uses and other venues' high-transit demands. He also suggested a change to the good neighbor agreement, adding transit and parking plans and that the good neighbor agreement be current at the time of permit issuance. In Code 33.510.115c.d., Mr. Ramis also suggested requiring a site plan, including all existing improvements that will remain after development of the proposed use and all improvements planned in conjunction with the proposed use and in the main clause adding if approved, the Council shall adopt the GNA and CTMP by ordinance. Amanda Fritz, Planning Commission, requests adding to the purpose statement a sentence something like some open spaces in the Central City provide traditional lawns and landscaping for recreation and visual relief or small habitat areas for songbirds and wildlife.

Commissioner Hales said it is good to finally get at the fundamental Zoning Code problem where Pioneer Courthouse Square, Portland International Raceway and Forest Park are zoned the same. He noted it may be, in trying for a common sense change to the Code, that one particular site, Civic Stadium, will override that. He said it still sounds like Forest Park in the purpose statement and does not provide public spaces for community purposes.

Ms. Hartnett said the Planning Commission had some concerns about cobbling together a patch for the purpose statement to apply City-wide without doing a more in-depth discussion. The original purpose statement seemed a little larger than was appropriate, so Ms. Beaumont suggested an in-between measure to acknowledge that it is not just open and natural area, but it can include improved and recreational areas as part of its function, without adding specific bullets.

Ms. Beaumont said the reason for her general purpose statement proposal was to make a link between the Open Space Zone and the more refined purpose statement before Council without opening the purpose for the Open Space statement too broadly before the Open Space Zoning is re-examined in its entirety, City-wide.

Commissioner Francesconi said there has been some concern that it sounds like we do not want natural areas, recreation and green spaces in the Central City parks, so the first amendment is to make this clear to everyone.

Tim Grewe, Office of Finance and Administration (OFA) Director, said Council has assigned the responsibility of the renovation of the Civic Stadium to OFA and to various negotiations with Portland Family Entertainment (PFE). He said he would concentrate his remarks on Civic Stadium and gave a brief history of the City's attempt to renovate Civic Stadium. For 75 years, the stadium has been the region's primary, multi-purpose outdoor facility for sports and a variety of outdoor events. The number of events in the past couple of years is below those of prior years, with about 180-200 events a year. After renovation, the number is anticipated at 125. In 1997, the Metropolitan Exposition Recreation Commission (MERC) convened a committee of representatives of the neighborhoods, users and governmental entities, which found the stadium did not comply with ADA or seismic

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requirements. It was found to have serious deficiencies which would impair business operations. In its present condition, it is unlikely the City could attract a Triple A baseball team. Without new events it would begin to operate with a deficit in the near future, requiring serious General Fund subsidies, which would grow over time as would the capital liabilities at the stadium.

Mr. Grewe said the MERC committee recommended a \$45 million renovation, using funds from the State, City and private sector. When it seemed State funding was not likely, the MERC and the City had two options: 1) renovate the stadium at public expense, requiring annually increasing subsidies, probably from the General Fund and 2) attempt to reduce the public cost by seeking a private sector partnership and use the enhanced facility's revenues to fund the renovation. Through an RFP process, an inclusive committee chose Portland Family Entertainment (PFE) as the private sector partner. The City has negotiated a favorable financial arrangement with PFE to pay for renovation without recourse to the General Fund. Mr. Grewe said the arrangement with PFE will be in three major documents to be approved by Council: a redevelopment agreement, an operating agreement and a good neighbor agreement, each of which has a significant impact on issues to be heard today. The redevelopment agreement provides that construction cannot occur unless there are operating and good neighbor agreements approved by Council. Also, a comprehensive transportation management and parking plan, with increased parking enforcement during events, would need Council approval. The operating agreement will include: PFE will be required to operate the stadium to meet public goals, such as continued facility use for community events and PFE must also operate the stadium under a planned coordination with other facilities to minimize neighborhood impact. The good neighbor agreement, unlike others, is legally binding, more specific in limitations and requirements and a clear, powerful enforcement mechanism. This agreement has a few key elements, such as specific caps on the number of each type of event that may occur at Civic Stadium and prohibits some types of events, such as a monster truck show. It requires a comprehensive transportation management plan approved by Council. Noise levels will be established by the City's Noise Review Board with neighborhood involvement and operating hours will be limited. There will be an oversight committee with representatives from Goose Hollow and the Northwest District Association. The agreement also gives the neighborhood associations the ability to directly bring claim violations before a Hearings Officer, which will require a Code change and include significant dollar penalties for violation.

Mr. Grewe said the stadium renovation is planned to begin this June in order to allow a Triple A team to play in 2001. The schedule is critical for PFE to acquire a team and to the City's ability to service its public debt. PFE has an extension to obtain a team, but they have continued work toward beginning construction at their own expense. The City's intent to renovate has been well-publicized through intense media coverage and through the City's effort to keep the public informed and the neighborhoods have been well represented. Working with a private partner will accomplish renovation potentially without taxpayers' dollars.

Commissioner Sten said the number one concern he has heard is how the neighborhood gets something enforceable. One tool is a conditional use, which is not the case here, and another is the good neighbor agreement. He asked why the GNA is not being done before this change to see if it will be sufficient.

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Steve Janik, attorney, Ball Janik, said all documents began on different but parallel tracks and finished in their own schedule. There is a unique time track in what is being done today, because of another provision of the City Code, PFE cannot submit the drawings for design review approval until the zoning is corrected. If the zoning were clarified after the good neighbor agreement was completely done, all the other documents were done and ready to sign, the project would be pushed an entire season.

Mr. Grewe said within the redevelopment and operating agreements, there is a requirement that the good neighbor agreement be approved by Council before any debt is issued or before commencement of any construction on the facility.

Commissioner Sten asked the City Attorney if there is any legal way to start a design review process if the zone were not changed.

Ms. Beaumont said the only two options are to amend this portion of the Code as proposed by the Planning Commission or to have the Council simply waive these Code portions. The latter is less desirable for a number of reasons.

Mr. Janik said the design review takes three to four months and the good neighbor agreement will be done before the design review is done.

Commissioner Francesconi said in order to do this, the good neighbor agreement must have enough enforcement in it and asked about that.

Mr. Grewe said the level of specifics in the agreement itself is one factor, second is the fine, third is the oversight committee and fourth is going directly to a Hearings Officer with a complaint. There will also be administrative rules and provisions for repeat violations of decibel levels.

Commissioner Francesconi asked if there will be a procedure to waive the noise limits or an enforceable noise level in the final good neighbor agreement.

Mr. Janik said rather than picking a number out of the air, tests will be conducted during different atmospheric conditions and different times of year. The Noise Review Board would look at those results and, in a public process with the neighborhood associations and PFE, establish acceptable noise levels. Council asked them to look at two other issues – multiple noise events in a single performance and the problem of disconnect between the operator of the facility and the promoter who controls the amplifier switch.

Commissioner Francesconi said another big issue is parking and its enforcement. Does the City have adequate resources to police this. He asked about hours, the permitting process and other items in the transportation document.

Mr. Grewe said the enforcement mechanisms will be part of the study coming back to Council, but he did not have the scope of work at hand.

Commissioner Saltzman asked if this were the first time in a good neighbor agreement allowing citizens direct access to a Hearings Officer and what was the import of adopting the good neighbor agreement and transportation management plan by ordinance.

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Ms. Beaumont said, depending on the nature of the good neighbor agreement, it may or may not need to be approved by ordinance and the management plan is just a plan. If approved by ordinance, it may bind the City to make certain traffic mitigation measures that may or may not be appropriate or may or may not have budget resources. In answer to Mayor Katz' question if that can be looked at when it is all completed, she said yes.

Mr. Grewe said the draft categories of the transit study include encouraging people to use alternatives to the car, designing strategies to assist the flow and parking strategies.

Mayor Katz asked, regarding the cost, if the Visitors Development Initiative (VDI)--hotel/motel tax--was discussed and if some of those resources could be used to improve tourism and activities.

Mr. Grewe said the VDI agreement currently provides using lodging taxes for construction and operating costs, beyond which they are used to retire debt. Some of the operating costs will have to do with the good neighbor agreement, such as litter patrol and if there are parking enforcement responsibilities. The VDI does not say we can use lodging revenues to do community-type projects external to or unrelated to Civic Stadium, such as a parking structure.

Mayor Katz asked if there would be some flexibility in terms of available resources. She also asked if the fund that eventually builds up for tourist activities may or may not be appropriate for any of this.

Mr. Grewe said if the expense is a legitimate operating expense associated with the operation of Civic Stadium, yes. Regarding the fund for tourist activities, he said there will be a board of all the governments and parties involved to decide the allocation.

Mayor Katz said she asked those questions to indicate a possibility for the operational expenses to be funded through that process.

Ms. Hartnett cited amendments proposed by Jeanne Galick, such as additional uses allowed on limited sites, like plazas near light rail stations which are designed for intensive use such as performances and exhibits which would need little vegetation. She also suggests listing the park by name, rather than just referencing the map, and not to locate parking entrances and exits on the Open Space site and not impede pedestrian circulation.

Lili Mandel, 1511 SW Park Avenue, 97201, said she was concerned about retail uses in Open Spaces. She questioned allowing the Parks Commissioner to make such decisions without citizen input. She suggested waiving fees for a 2,500 square-foot retailer, rather than a by-right amendment and questioned the need for retail in an urban Open Space zone because people need a respite from offices and shopping. For instance, Park Block 5 will be totally surrounded by retail.

Commissioner Francesconi said this is why the amendment for a five percent of the area limitation is proposed and noted that Park Block 5, donated by Mr. Moyer, was not being discussed today.

Irwin Mandel, 1511 SW Park Avenue, 97201, said Mr. Moyer said to him that if he were king, he would have a zero percent retail on that block.



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Mayor Katz said there is a task force looking at Park Block 5 and there will be a competition to design it.

Mr. Mandel said the City had an emphasis on "green" buildings (ecologically friendly) and, rather than bricking over the Open Space, the greenery is really needed in the urban setting. Having parking underneath contradicts the support for people to use public transit. He said the Civic Stadium parking problem should be resolved in that area rather than people parking in the downtown Smart Parks and taking public transit to it.

Commissioner Francesconi said he and the Park Bureau want to eliminate the provision about parking underground at this time. It could still be allowed under a conditional use. He wants more public involvement on that.

Marcus Simantel, 2024 SW Howards Way, #204, 97201, said he has been impressed with his Goose Hollow Neighborhood Association's positive activities for the neighborhood. He noted two mailings from "Neighbors for Reasonable Civic Stadium Use," an unknown, unreachable group, and questioned their ethics as the authors skirted the legitimate neighborhood association.

John Bradley, President, Northwest District Association (NWDA) and chair of the Planning Committee, 2350 NW Johnson Street, said on January 25<sup>th</sup> the Committee requested several modifications to the OS zone amendments, including an enforceable, legally-binding GNA and a CTMP. They want these two items in place before any of the allowed uses stated in the OS draft are enacted. The agreements should clearly state mitigation methods and meaningful penalties for breach of agreement. Also, a required updating of the GNA would answer the possible changes in accessory uses or when new building permits are issued.

Patricia Gardner, President, Goose Hollow Foothills League, 1445 SW Harrison St., 97201, said they concur completely about the GNA and CTMP and the required updating should be put in both documents. There should be a requirement to advertise the meetings in newspapers and information where people can pick up documents. With this process, they will protect the neighborhood livability by a collaborative, rather than adversarial, approach.

Tim Ramis, Harsch Investment, 1727 NW Hoyt, 97209, said his company wants to play a role in crafting solutions to some problems observed in the draft ordinance. They support the Planning Commission's suggestion that language be eliminated that would otherwise prevent the Council from performing a substantive review of the actual mitigation plans. He noted four amendments they favor: 1) the transportation portion needs to make sure event coordination does take place; 2) the transportation mitigation and good neighbor agreement should come to Council at the same time; 3) a requirement for a site plan along with the GNA, which would be the measure for changes; and 4) an ordinance for the enforcement of the GNA and CTMP.

Dr. John L. Butler, 2229 SW Kings Court, 97205, said they cannot park in front of their house despite their high taxes and 50-year ownership, particularly when there is an event at the stadium. The potential deterioration of the Kings Hill District could follow the increased use of the stadium if traffic management is not planned and implemented. The latter must have a dedicated source of City funding.

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Seigfried Barthelsdorf, said he was disappointed there was no evaluation of future plans, as in 50 years from now. He likened the growth to a cancer and said the stadium should be removed to a place where growth is healthy. Fines have little effect on noise, litter and vandalism.

Mary Dolich, 1000 SW Vista Avenue, 97205, said she was a resident of Kings Hill and also represented the owner of the Vista St. Clair Apartments at SW Vista and Park Place and was one of the authors of the letters mentioned by Mr. Simantel. She opposes the zoning code amendments. The GNA standing in lieu of a zone change or conditional use permit implies it will govern the stadium use as if it were a conditional use permit. The GNA will cap the number of events at the stadium, but if the zone is amended it will allow events every day of the year.

Commissioner Francesconi asked Ms. Dolich if the quote, "...outright use of Civic Stadium without ongoing neighborhood input," from her letter was true.

Ms. Dolich said as a resident and property owner, she would not know how to approach Council without going through the neighborhood association, which may not represent her interests.

Commissioner Francesconi also asked if she knew about the musical events 10-day cap and about the traffic management plan and, if she did, he noted it was not referred to in her letter, although he appreciated her coming forward.

Ms. Dolich said she knew about those issues, but she was concerned that what is being done now is not completed.

Gary Had, 2036 SW Main Street, 97205, said his and his neighbors strong concerns are about the parking and the noise.

Mayor Katz said if people feel neighborhood organizations do not work, they need to get involved. If they do not want to get involved, they can, through this GNA, appeal to the Hearings Officer as individuals.

Geri Smith, Manager, Vista St. Clair Apartments, 1000 SW Vista Avenue, 97205, said the building's parking garage is full and they have a waiting list.

Richard Leonetti, 1414 SW 3<sup>rd</sup> Avenue, said there are three parks that do not belong in the fight over Civic Stadium. They are Terry Shrunken Plaza, Ira Keller Fountain and Lovejoy Park. Several thousand residential units surround these parks and they are the only green for most of the year as Waterfront Park is in extensive use. He said there is enough parking around them and they do not need retail sales—they are surrounded by retail.

Doug Hardesty, Senior Vice President, Harsch Investment, 1121 SW Salmon Street, said his company owns Portland Tower and King Tower Apartments, adjacent to Civic Stadium. He has worked with the neighborhood associations and Portland Family Entertainment (PFE) on the good neighbor agreement and he urges Council to reject the amendments. Lacking that, the GNA must be strengthened significantly and become an ordinance. Citizens should keep rights of redress after the action as they have by law before it, with an appeal avenue to Circuit Court or that the City and PFE be willing to submit to binding arbitration by an

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independent arbiter in the event of a dispute. City staff has said the revenue generated by the stadium will be required to service the debt for the next 20-25 years, yet Multnomah County's approval of a motel/hotel room tax increase was predicated on other jurisdictions besides Portland participating in the proceeds. Mr. Hardesty said if there are additional proceeds in revenues, they should first be reinvested in the neighborhood for parking, traffic and noise enforcement short term and additional parking facilities long term. There should be a cap on all events, not just those over 12,500 as stipulated in the current draft. Currently, the agreement provides for virtually unlimited events of 8-, 10-, or 12,000 patrons.

Drew Mahalic, Director, Portland, Oregon Sports Authority, 700 NE Multnomah, 97232, said his organization is a private, non-profit with over 100 corporate partners, whose mission is to bring premier sports to Portland. The stadium needs to be operated as a stadium without undue impediments if Portland is to prosper.

Scott Andrews, Chairman, Portland, Oregon Sports Authority, Melvin Mark Companies, said Waterfront Park and Pioneer Courthouse Square facilities are also important to bring in these major events.

David Zier, President, Pioneer Courthouse Square Board, 715 SW Morrison Street, said he supports the proposed amendments, particularly the purpose statement to the Central City Plan District for OS uses. It was an inadvertent change in 1991 to place the downtown parks under the same zoning restrictions as the "green grass" parks.

Greg Goodman, President-elect, Pioneer Courthouse Square, said retail is an important part of Pioneer Square and Portland, Oregon Visitor's Association (POVA) is about to move to the Square.

Kinga Bernath, Chair, Downtown Community Association (DCA), PO Box 1534, Portland, 97207, said the Board of Directors opposes the amendments and the other properties should be addressed apart from the Civic Stadium. DCA would like to be a part of the GNA, as they are impacted.

Janiene Kellerman, DCA Land Use Chair, said five of the seven properties are within their boundaries and there are no good neighbor agreements with them. They are against removing the conditional use review process.

Commissioner Francesconi said his amendment removes the parking completely, which means there is still conditional use and explains why there is a five percent retail limitation—to protect the parks.

Lita Curtis, 2160 SW Main Street, 97205, said the camel's nose is not under the tent, the camel is in the tent. The Kings Hill residents would like to see the stadium turned into the crown jewel of a jewel-like neighborhood. The parking plan needs a dedicated source of funding.

Robert Schneider, 1928 SW Mill Street Terrace, 97201, said as an attorney he was taught the condition of the appearance of impropriety, which applies to the stadium. At the most recent Planning Commission meeting, Ruth Scott qualified her vote of yes by saying intelligent neighbors were at the meeting and she knew they would be protecting

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themselves. He thought there was a contradiction in secrecy and expecting feedback from the neighborhood involved in this process.

Phyllis Johanson, 2237 SW Market Drive, 97201, said they are familiar with Civic Stadium noise and parking impacts after living there for 40 years. They would not mind the very big events five or six times a year, but not several times a week. Unless parking is free, parking will always impact the neighborhood. She noted the big pornographic store three blocks from the stadium.

Peggy West, Portland Tower, 950 SW 21<sup>st</sup> Avenue, said there has been a variety of large events, but not every week or weekend. It takes the spectators about two hours to leave after the event is over and the stadium lights stay on until very late.

Sheila Brown, Manager, Portland Tower Apartments, 950 SW 21<sup>st</sup> Avenue, said she works for Harsch Investments, is also representing King Towers, 901 SW King and on the Board of Directors for the GHFL. She noted there are over 400 neighbors in a three-block vicinity of the stadium. The residents have four specific concerns: 1) parking management; 2) the type and number of events; 3) capping the noise level; and 4) neighborhood noise as people leave the events.

Daniel Anderson, 2144 NW Flanders Street, said it was inappropriate and unwise to strip traditional land-use controls for high impact activities in residential areas. This is an incremental path and does not evaluate all the pieces holistically. There are material uncertainties about the GNA. It may be unilaterally amended and has enormous enforcement problems. The City has difficult budget choices, so any approval should be conditioned on the continued availability of funding sufficient to implement adequate mitigation.

Commissioner Francesconi noted the omission of Civic Stadium in the first Open Space notice and that a corrected notice was sent later.

Mr. Anderson said the history of notice methods in this area, with the preponderance of multi-family dwellings, is that they are ineffectual.

Steve Butterfield, Civic Apartments, 635 SW 19<sup>th</sup> Avenue, said there is gridlock even for the 4:30 p.m. time. The fumes from vehicles waiting to exit parking garages is terrible and will be worse. There does not seem to be concern for the people living in the area or for Fred Meyer accessibility. The best location for a stadium would be next to the MAX line west of Beaverton. The current location will create a parking lot ghetto.

Mitchell Bailey, 335 NW 19<sup>th</sup> Avenue, said there should be a Rose Quarter to the Stadium shuttle which would help the traffic in Northwest.

Ms. Hartnett said Patricia Gardner raised the issue of advertising in the newspaper and John Bradley's amendment addressed that.

Mr. Janik emphasized that there could be no major entertainment uses in Civic Stadium until Council has approved the GNA and the CTMP. The GNA gives exactly what Mr. Hardesty asked for -- binding arbitration.

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Commissioner Saltzman asked if the GNA and CTMP will specify binding arbitration without Council specifically approving that condition today. The Hearings Officer's decision is not binding arbitration.

Mr. Janik said it is better than that. The Hearing Officer's ruling is enforceable.

Commissioner Saltzman asked how the attendance cap of 12,500 was determined.

Keith Witkosky, PDC, said that cap is currently in the existing guidelines between MERC and the GHFL.

Ms. Gardner said they began negotiations with the existing agreement with MERC. The noise process and the alcohol management plan were also pre-existing. There was discussion on the 12,500 cap.

Mr. Witkosky noted that in the current agreement, there could be events capped at 12,500 on 365 days a year.

Ms. Gardner, answering Commissioner Francesconi's question about the total number of events, said they want more public comment before coming up with a new draft. The current agreement draft has been handed out to everyone in the neighborhood, is available on the coalition web site and there are ongoing public meetings.

Mr. Witkosky said that after holding several public meetings and GHFL board meetings, the GNA and CTMP will come back to Council in April, along with an implementation piece from PDC.

Commissioner Sten said he has two sets of issues. This is a pretty monumental redevelopment and is being done quickly. He is not interested in allowing retail in downtown parks, except, perhaps, for Lovejoy Park. He does not want major changes on Open Spaces and does not see a correlation with the seven parks on the list. There is logic between Pioneer Courthouse Square and Civic Stadium.

Commissioner Francesconi said another approach is to eliminate all the green space parks and leave the hard surface parks.

Mayor Katz noted the amendments have addressed the parking. She is concerned about parking under Park 5 -- the design elements particularly.

Zari Santner, Park Bureau, said parking is allowed now at only two parks, and the Bureau wants it left that way. Any change should involve public input. Urban park retail is conditional use. Small concessions related to the park, such as towels at Ira Keller, draw people to parks and enhance the urban area.

Commissioner Sten asked if Parks crafted these proposals and Ms. Santner said no.

Commissioner Francesconi said that Parks only added his amendments.

Commissioner Sten said he would not vote to make major changes when Parks is working

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on the fly like this.

John Sewell, Park Bureau, said that temporary retail like coffee or food carts are allowed through a revocable permit. The Planning Bureau discussed these proposals with Parks, so they had opportunity for comment. They did struggle with the parking.

Commissioner Francesconi asked Commissioner Sten if he would approve if they dropped the green area parks and left the hard surface parks, still including the five percent limitation.

Mayor Katz asked Ms. Hartnett to explain how they identified the handful of parks.

Ms. Hartnett said they looked at all the open spaces in the Central City, their existing uses and locations, and met with the Parks Bureau to explore the potential of small retail sales and service and parking at the seven sites. They asked, if parking were included, would there be other desirable sites. Ira Keller has the potential of access from the parking garage across the street. Lovejoy Park could also be approached underground.

Commissioner Sten said this has been a quick process because of Civic Stadium and citizens have not had the chance to review the argument that parking under the parks is desirable.

Ms. Hartnett said during the Council discussion of City-wide parking ratios, underground parking was favored. Presently, parking in/under parks is prohibited.

Commissioner Sten said he does not see the tie between the need to get Civic Stadium's design review underway and making these major changes in a number of parks. Is there a way to nail down the GNA concurrent to making these other changes.

Ms. Santner said there are certain types of retail which may be appropriate and she thinks it is important to have food in parks, as it draws people. Also, a vendor is the eyes and ears in the park.

Commissioner Francesconi said they could limit this to certain parks or just to food.

Ms. Santner said it should be allowed by a conditional use, not allowed outright.

Ms. Hartnett said City-wide in the OS zone, retail sales and service in conjunction with a park and open space use is allowed only through a conditional use review.

Mr. Sewell, in response to Commissioner Saltzman's question about revenue, said Parks gets less than one-half a million dollars a year from sales and service.

Commissioner Francesconi moved to amend the purpose statement that there be more green than hard surface, 2) in addition to the maximum of 2,500 square feet of commercial use allowed by Planning, further limit the amount of commercial use to the maximum of five percent in the site area only for the purpose of selling food and only in the two following parks: O'Bryant Square and Pioneer Courthouse Square; and 3) strike out commercial underground parking. Commissioner Sten seconded.

Commissioner Saltzman said it seems to be precipitous to rule out underground parking for something that is not even a threat at this point and he could see no reason to limit retail

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sales to food.

Commissioner Sten said he is unwilling to allow parking as an outright use. To want underground parking does not mean it should be put under the couple of blocks left that can support green spaces in downtown.

Commissioner Hales said at this point Council would more likely get together on a minimalist approach than one solving other problems. Originally, he wanted to try to solve other problems as there is a tradition of trying to fix other things in the neighborhood when working on a section of Code because it is often years before a subject is revisited. He feared from the beginning that whatever good they might do to a dumb code would be lost in the strident concern over Civic Stadium. Commissioner Hales noted that in 1980, every bit of public space, whether it had race cars, bricks or trees on it, was colored with the same little color crayon from the zoning kit and called OS. There should be a PS, Public Space, zone.

Mr. Janik said regarding existing parks with existing parking, the change to OS many years ago made those non-conforming uses. He recommended making the change to allow parking for existing parking.

Ms. Hartnett said the only drawback to adding that is putting another date in the Code, which they try to avoid. She stated Commissioner Francesconi's amendment change as: "underground parking that exists as of February 9, 2000, is an allowed use." Ms. Beaumont concurred. She recommended something more expansive than just food sales for the retail recommendation: "one retail sales and service use such as flower, food and drink stands and other similar pedestrian-oriented sales per site is allowed, limited to 2,500 square feet or five percent of the total space." Ms. Hartnett asked for clarification from Commissioner Francesconi on his proposal to amend map 5.10-10 to eliminate all sites except Civic Stadium, O'Bryant Square, Pioneer Courthouse Square and Terry Shrunken Plaza. He said that was it.

Commissioner Hales said if they are not trying to fix some fundamental problems, they should not make more. He asked if the Chinese Classical Garden that is now being built were going to be zoned OS or stay CX?

Ms. Beaumont and Ms. Hartnett repeated the amendments and the Mayor gavelled them down.

Mr. Mandel said there is a law of unintended consequences from something that on the surface seems harmless but has potential ill effects. He agreed with Commissioner Sten that there should be public hearings on the other parks, just dealing with Civic Stadium today.

Ms. Hartnett restated an amendment to Code 33.510.115.c.3.d to replace the word "included" with "adequately addressed," and 33.510.115.d.3.c. to again change the word "included" to "adequately addressed." Mayor Katz, hearing no objections, so ordered. For Code 33.100.010, Ms. Beaumont proposed adding the words "and enhance" as well as "improved park and recreational" to the purpose statement of the Open Space zone. Mayor Katz, hearing no objections, so ordered.

Ms. Hartnett read Tim Ramis' amendments regarding traffic/transit.



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Mr. Janik said this was precisely the kind of issue the CTMP will look at and Council agreed to look at Mr. Ramis' amendments then.

Ms. Hartnett said the second amendment is to add the CTMP as an element of the GNA.

Mr. Janik said, as both the CTMP and GNA will be adopted at the same time and they are two, different kinds of documents—one an agreement and the other a plan—to include one in the other is not good public policy.

Ms. Hartnett said she would make it "permissive," not "required" in the Code to hear them both at the same time. She read the change for 33.510.115.c.3.d., after the first sentence, "the applicant must request City Council to consider both the CTMP and GNA at the same hearing." And 33.510.115.d.3.c., after the first paragraph, insert "the CTMP must be considered at a hearing held to also consider the GNA." Regarding Mr. Ramis' third amendment, Ms. Hartnett said his suggestion to file a site plan for any building permit begins to look like a Master Plan approach, which the Planning Commission has already rejected, as the most minor change cannot be done until the GNA has been reviewed and updated.

Ms. Gardner said there must be some kind of language regulating further building, but to have it in the GNA is fine, rather than in the zoning code.

Mr. Bradley said no restriction is a major loophole for accessory uses, such as a restaurant.

Mr. Janik agreed that "improvement" is not defined. He said this should be put in the GNA and the concept is agreeable. Regarding the fourth amendment, the GNA and CTMP to be adopted by ordinance, he said something to be adopted by ordinance must be carefully crafted. An agreement does not exactly fit an ordinance, neither does the CTMP. Anyone can challenge either a resolution or an ordinance.

Mr. Ramis said their first concern is enforcement and a Hearings Officer cannot enforce something called an agreement—it must have ordinance stature.

Mr. Janik said that concern was anticipated and will be addressed in the Code amendment to establish the Hearings Officer as the authority.

Ms. Beaumont said her concern was that, at the moment, the CTMP is not drafted, but adopting this amendment binds Council to adopt it by ordinance with the force of law and there may be pieces of the CTMP that would bind future Councils to future budget appropriations. It is practical, with the City being a party to the current GNA, that it will come by way of ordinance for Council to authorize a City official to sign off on that agreement. She would like to see this Council have the flexibility to approve either document by whatever method is appropriate, rather than bind itself to a particular form.

Commissioner Sten said his inclination is to do it by ordinance because they are taking away the conditional use. He flagged the Hearings Officer's authority and suggested calling it something other than a GNA. If the GNA, by definition, is enforced by the Hearings Officer it is almost an oxymoron.

Mr. Janik said the code sections will be narrowly focussed, they do not intend to create a



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generally-applicable situation.

Ms. Gardner said, regarding the newspaper notification, many interested people are out of the standard 400-foot range. Ms. Hartnett said at the end of the clause for 33.510.115.c.e.1, they would add "notice must also be published in a recognized newspaper." The 1,000 feet

for neighborhood notification will also be used for residential notification.

Mr. Bradley said since we have something now, groups such as the Downtown Community Association and Hillside Neighborhood can be involved and they can get information from them.

Commissioner Francesconi said it is important that Civic Stadium be used for Portland State games, high school athletics, soccer and practicing. He said a funding plan is needed.

Commissioner Hales said after this the absurd Open Space zoning code is a little less absurd. He mentioned that if you like either laws or sausages, you do not want to see either of them made.

Commissioner Saltzman said he wanted to clarify that turning apartments into parking garages is not part of this deal.

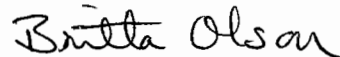
Commissioner Sten said given the speed in bringing these amendments to Council, it is wise to limit this action. He believes all the parties are working in good faith but if there is a problem, the GNA provides functionally the same form as a conditional use permit.

Mayor Katz said she now knows why no one wanted to take this issue on for years and years. The Civic Stadium is a public/private partnership and does not include General Fund dollars. It is part of a plan integrated with the hotel/motel tax paid by tourists who do not pay sales tax and saves the taxpayers money. The stadium is a wonderful asset to the City, such as watching the Little Leaguers. The Council has committed to help lessen the impact on the neighborhood. She thanked staff, the neighborhoods and all those who had worked so hard on this.

**Disposition:** Ordinance No. 174160 as amended. (Y-5)

At 6:03 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland



By Britta Olson  
Clerk of the Council