



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF MAY, 1993 AT 9:30 A.M.

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

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

Commissioner Lindberg recognized the volunteer efforts of those involved in the Community Gardens program.

Deborah Stammer, Friends of Community Gardens, said there are 21 gardens covering 8 acres within the City. She said the program has a long waiting list of those who wish to participate.

Agenda Nos. 617, 619, 632 and 641 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

608 Accept bid of Ingersoll-Rand Equipment Sales for furnishing one 7-ton double drum vibratory compactor for \$55,265 (Purchasing Report - Bid 128)

Disposition: Accepted; prepare contract.

609 Accept bid of Hessel Tractor for furnishing two tractor backhoe loaders for \$124,942 (Purchasing Report - Bid 130)

Disposition: Accepted; prepare contract.

610 Accept bid of Casper and Magera for Burnside East-North Sanitary Sewer for \$2,553,276 (Purchasing Report - Bid 132)

Disposition: Accepted; prepare contract.

May 5, 1993

611 Accept bid of Alliance Corporation for Powell Boulevard Sanitary Sewer for \$579,375 (Purchasing Report - Bid 134)

Disposition: Accepted; prepare contract.

612 Accept bid of Beaudoin Electric Company for parks pathway and roadway lighting for \$228,000 (Purchasing Report - Bid 138)

Disposition: Accepted; prepare contract.

613 Accept bid of Hessel Tractor for furnishing one 2.38 cubic yard articulated loader for \$59,941 (Purchasing Report - Bid 140)

Disposition: Accepted; prepare contract.

614 Accept bid of Portland Freightliner for furnishing two 21,000 GVW cab and chassis for \$56,704 (Purchasing Report - Bid 141)

Disposition: Accepted; prepare contract.

615 Accept bid of Pneumatic Construction, Inc., dba PCI Mechanical Construction, for Columbia Boulevard Wastewater Treatment Plant drag chain housing for \$103,622 (Purchasing Report - Bid 144)

Disposition: Accepted; prepare contract.

616 Accept bid of Moore Excavation, Inc., for NE 13th Avenue Basin Sump Unit 14, for \$283,986 (Purchasing Report - Bid 146)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

***618** Authorize Reserve Equivalent for Parking System Revenue Refunding Bonds, Series 1992 (Ordinance)

Disposition: Ordinance No. 166479. (Y-5)

***620** Amend contract with Executive Diversity Services, Inc., for multi-cultural diversity workforce training (Ordinance; amend Contract No. 27871)

Disposition: Ordinance No. 166480. (Y-5)

May 5, 1993

- *621 Amend contract with Debbie McCabe for Portland Future Focus services (Ordinance; amend Contract No. 27694)

Disposition: Ordinance No. 166481. (Y-5)

- 622 Adopt a Waste Reduction Program and enter into an intergovernmental agreement with the Metropolitan Service District so the City can receive Metro Waste Reduction Challenge Grant Funds (Second Reading Agenda 562)

Disposition: Ordinance No. 166482. (Y-5)

- 623 Authorize Bureau of Environmental Services Solid Waste & Recycling under an intergovernmental agreement with the Metropolitan Service District to pay Metro for the residential waste survey intergovernmental agreement with Portland State University (Second Reading Agenda 576)

Disposition: Ordinance No. 166483. (Y-5)

Commissioner Earl Blumenauer

- 624 Accept completion of the Columbia Boulevard Wastewater Treatment Plant primary backup emergency power and make final payment to Northwest Electric Company (Report; Contract No. 28010)

Disposition: Accepted.

- 625 Accept the improvement of Phase One of the Eastmoreland Neighborhood Traffic Management Project, approve Change Order No. 1, make final payment and release retainage (Report; Contract No. 28045)

Disposition: Accepted.

- *626 Create a Cable Fund (Ordinance)

Disposition: Ordinance No. 166484. (Y-5)

Commissioner Charlie Hales

- *627 Accept a grant from the State of Oregon in the amount of \$25,000 for FY 92/93 for the development of a playground at Ventura Park for disabled children (Ordinance)

Disposition: Ordinance No. 166485. (Y-5)

May 5, 1993

- *628** Accept a grant from METRO in the amount of \$2,500 for FY 92/93 for the development of environmental exhibits and materials at the West Clinton Backyard Wildlife Habitat Demonstration Site (Ordinance)

Disposition: Ordinance No. 166486. (Y-5)

- *629** Authorize application to ACTION, a federal volunteer agency, for a grant in the amount of \$25,000 for a student drug and alcohol prevention program (Ordinance)

Disposition: Ordinance No. 166487. (Y-5)

Commissioner Gretchen Kafoury

- *630** Contract with Sabin Community Development Corporation for \$30,000 for acquisition of residential property to house women and children, and provide for payment (Ordinance)

Disposition: Ordinance No. 166488. (Y-5)

- *631** Contract with Home Gardening Project, Inc., for \$16,275 to construct 35 raised bed gardens for low and moderate income city residents, and provide for payment (Ordinance)

Disposition: Ordinance No. 166489. (Y-5)

- *633** Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park for their annual festival from May 24 through June 23, 1993, or as approved by the Portland Parks Bureau (Ordinance)

Disposition: Ordinance No. 166490. (Y-5)

- *634** Grant revocable permit to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on June 5, 1993 (Ordinance)

Disposition: Ordinance No. 166491. (Y-5)

- *635** Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 12, 1993 (Ordinance)

Disposition: Ordinance No. 166492. (Y-5)

May 5, 1993

- *636** Grant revocable permit to the Portland Rose Festival Association to close portions of City streets prior to the Grand Floral Parade, from 5:00 a.m. to 12 noon on Saturday, June 12, 1993 (Ordinance)

Disposition: Ordinance No. 166493. (Y-5)

- *637** Grant revocable permit to the Portland Rose Festival Association to erect and maintain flags and banners on the ornamental light standards in downtown Portland from May 15 through June 27, 1993 (Ordinance)

Disposition: Ordinance No. 166494. (Y-5)

- *638** Grant revocable permit to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 9, 1993 (Ordinance)

Disposition: Ordinance No. 166495. (Y-5)

- *639** Grant revocable permit to the Portland Rose Festival Association to use propane cooking units in the festival center area from June 4 through June 13, 1993 (Ordinance)

Disposition: Ordinance No. 166496. (Y-5)

- *640** Grant revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks on June 5, June 9 and June 12, 1993 (Ordinance)

Disposition: Ordinance No. 166497. (Y-5)

- *642** Call for bids for construction of two buildings at the Police Vehicle Storage Facility, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166498. (Y-5)

- *643** Call for bids for remodeling Community Center at 5540 NE Sandy Boulevard, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166499. (Y-5)

- *644** Call for bids to lease used sedans and utility vehicles for a one year term for Police usage, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166500. (Y-5)

May 5, 1993

***645** Call for bids for alteration of traffic signal at the Police Vehicle Storage Facility, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166501. (Y-5)

Commissioner Mike Lindberg

***646** Authorize amendment to contract with Woodward-Clyde Consultants for \$165,000 (Ordinance; amend Contract No. 27806)

Disposition: Ordinance No. 166502. (Y-5)

***647** Authorize an addendum to two existing grants with the Oregon Department of Energy (Ordinance)

Disposition: Ordinance No. 166503. (Y-5)

***648** Call for bids for the Wastewater Treatment Branch Roofing Project Phase D, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 166504. (Y-5)

***649** Call for bids for the Columbia Wastewater Treatment Plant primary clarifier renovation, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 166505. (Y-5)

***650** Call for bids for the Columbia Wastewater Treatment Plant final clarifier modifications, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 166506. (Y-5)

***651** Call for bids to purchase an autoclave (steam sterilizer), authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166507. (Y-5)

REGULAR AGENDA

***607 TIME CERTAIN: 9:30 AM** - Authorize submission of National Pollutant Discharge Elimination System permit application to the Oregon Department of Environmental Quality and authorize the Director of Environmental Services to sign the Part 2 Stormwater permit application (Ordinance introduced by Commissioner Lindberg)

May 5, 1993

Discussion: Greg Greene, Bureau of Environmental Services, said as a result of a 1987 Congressional Order, the City is required to meet mandates regarding storm water pollutants. In determining how to pay for the program over the next five years, the City sought extensive public input as well as the participation of other bureaus and the five co-participants representing other jurisdictions. He said the Stormwater Management Plan is the most important piece, adding that the City is way ahead of most other cities in the country, having already met about half of the requirements. The Plan imposes 20 Best Management Practices (BMPs) on the City over the next five years to benefit water quality. He described components of the plan, including extensive educational efforts and structural controls. He said the estimated cost of the BMP program is between \$750,000 to \$1,000,000 for the first year, with half already budgeted by the bureau. If a negative ruling regarding the use of drainage fees is issued, the City may withdraw and reconfigure its permit application.

Rod McDowell, Vice President, Facility Services, OMSI, described the success of a biopill element which they have used in their new facility rather than the conventional system. He said they saved \$78,000 and also believe they have acted in an environmentally positive manner.

Joe Percival, Landscape Architect for Murase Associates, said the OMSI swale project was a group effort. Because this was a new project, the support of the City was crucial and has paved the way for other cities to adopt such systems.

Linda Bauer, citizen activist, said she likes the flexibility of the Plan.

Tim Hayford, Multnomah County Drainage District and Peninsula Drainage Districts No 1 and 2, said water has been abused in this area as a resource and the point of the NPDES process is to say "hold it". He said the co-applicants' permit process is evolutionary and called the Plan usable, workable and flexible. Public/private partnerships are being formed with the intent of stopping pollution at its source rather than dealing with pollutants already in the water. The next step is to seek the cooperative efforts of neighboring jurisdictions.

Michael Glowa, ESCO Environmental Specialist employee, described efforts ESCO employees have made to eliminate pollution at their company. He said the City needs to do a better job of educating everyone, corporate citizens as well as private citizens.

May 5, 1993

Commissioner Blumenauer said the sooner the multi-objective approach pioneered by the Bureau is implemented the better. He said a lot of hard work and public education must follow granting of the permit.

Disposition: Ordinance No. 166508. (Y-5)

- 617** Accept bid of Moore Excavation, Inc., for NE 13th Avenue Basin Sump Unit-15, for \$326,430 (Purchasing Report - Bid 147)

Disposition: Accepted as amended; prepare contract.

- *619** Agreement to provide photographic developing services to Washington County (Ordinance)

Disposition: Ordinance No. 166509 as amended. (Y-5)

- *632** Adjust salaries and anniversary dates of two employees within the Bureau of General Services (Ordinance)

Disposition: Referred to Commissioner of Public Affairs.

- *641** Call for bids for remodeling the Materials Testing Laboratory, authorize contract, and provide for payment (Ordinance)

Disposition: Referred to Commissioner of Public Affairs.

- 652** Accept bid of Portland Freightliner for furnishing eight 5-yard dump trucks for \$339,328 (Purchasing Report - Bid 129)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 653** Affirm the City's transition plans for compliance with the Americans for Disabilities Act of 1990 (Resolution)

Discussion: Jerry Bitle, Affirmative Action Director, said the Plan itself is merely a blueprint outlining the changes that might be required. He said there are avenues for the City to pursue when compliance in a particular facility presents a monetary hardship. The ADA does not require that programs be curtailed if the cost of modifications is prohibitive and not every facility must be modified to permit access. Parks is an example where services are being regionalized.

May 5, 1993

Jan Campbell, City Disability Coordinator, addressed the Council in sign language. She said the two plans being presented, one for the City and one for the Parks, will give disabled citizens equal access to facilities and programs. She said a wide range of people with disabilities reviewed the plan, which is just a beginning and by itself will not result in equality for the disabled. She said these changes will transform people's worlds.

Laurie Sitton, Chair, Metropolitan Human Relations Commission City/County Advisory Committee on Disability, said work on the plans have been an ongoing process for two years. She said accessible architecture will benefit not just the disabled but also the elderly and children, allowing them to participate fully in the community. She recommended adoption and implementation of the two plans.

Commissioner Hales asked who was responsible for improvements at leased facilities. He said he believed the lessor will be paying for most improvements, except alarms and park lighting.

Mr. Bittle said he understood that on leased facilities there are certain contractual obligations the City has agreed to in its leases.

Anna Kanwit, Deputy City Attorney, said there may a difference between the entire building and the portion the City leases. Both lessor and lessee may be liable. She said a lot of the terms need to be worked out and there may be facilities the City will no longer be able to lease because of access problems.

Commissioner Hales raised concern about spending money on ADA improvements on City Hall this year and then tearing it out next year because of massive remodeling.

Chrystella Byers, Office of Finance and Administration, said she would be happy to review the capital budget to see what it calls for in terms of major renovations.

Commissioner Kafoury said she will talk to David Kish, Bureau of General Services Director, noting that a group is working on this.

Disposition: Resolution No. 35135. (Y-5)

***654** Amend contract with Technology Management Group, Inc., for the Office of Finance and Administration and provide for payment (Ordinance)

Disposition: Ordinance No. 166510. (Y-5)

May 5, 1993

- 655** Authorize the Commissioner-in-Charge of the Police Bureau and the Chief of Police to enter into Memoranda of Understanding with the State, Federal, and/or local law enforcement agencies to coordinate the planning and deployment of resources needed for joint investigations of specified criminal activity (Ordinance)

Disposition: Passed to Second Reading May 12, 1993 at 9:30 a.m.

Commissioner Mike Lindberg

- *656** Authorize a grant from Portland General Electric Company for \$164,610 to augment the Multi-family Weatherization Assistance Program (Ordinance)

Disposition: Ordinance No. 166511. (Y-5)

City Auditor Barbara Clark

- 657** Assess property for sewer system development charges through March, 1993 (Second Reading Agenda 602; Z0425 through Z0431)

Disposition: Ordinance No. 166512. (Y-5)

At 10:40 a.m., Council recessed.

May 5, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF MAY, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, 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.

658 TIME CERTAIN: 2:00 PM - Adopt Natural Resource Inventory, ESEE Analysis and East Buttes, Terraces and Wetlands Conservation Plan; amend Comprehensive Plan and Title 33 of the City Code; amend Official Zoning Maps of the City of Portland (Ordinance introduced by Commissioner Hales)

Discussion: Tim Brooks, Planning Bureau staff, said this plan is essentially free of controversy and is supported by a broad-based constituency. He recommended hearing all oral testimony today and extending to Wed., May 12 the deadline for submitting written testimony. He said this is the seventh of eight natural resource protection plans under State Goal 5. Each of the eight plans covers a different section of the City.

Mr. Brooks said East Buttes covers 12 resource sites, including three buttes, seven terrace sites and two wetland areas which have recently been annexed into the City. He discussed concerns which the Planning Commission had raised and which staff and the Commission subsequently addressed, including the need to revisit several sites for possible inclusion. He said the one issue which remains outstanding is a study of mandatory fines or similar deterrents to environmental violations. Council could, if it wished, amend the plan to direct such a study. The Commission also supported but took no formal action on a conceptual proposal for transfer of development rights (TDR) at Kelly Butte. Staff believes the TDR could best be implemented as part of the Outer Southeast Neighborhood Plan.

Ken Benshoof, Rocky Butte Preservation Society, 2902 NE Rocky Butte Rd., 97220, supported the Plan with the recommended changes and particularly with recognition of Rocky Butte as the second most important view site in the City. The Society has three further recommendations: 1) make one person in the Bureau of Buildings responsible for environmental violations; 2) endorse a tree study and; 3) educate City staff about the importance of environmental concerns.

Astrid Hanke, 2756 NE Fremont Dr., said there should be rules regarding cutting trees and suggested adding trails through the forest. She thanked the

May 5, 1993

City for restoring the stone structure on top of Rocky Butte.

Karin Pfenning, 2903 NE 89th, 97220, Rocky Butte Preservation Society, said green space must be protected from overbuilding.

Nick Steffanoff, representing two Rocky Butte property owners, Curtis Trailer and Larry Moyer, said both owners understand what is happening here and support it. Rather than developing their property, they would like to consider the transfer of development rights patterned after what occurred on Skyline. He said he hoped Council would direct staff to pursue such a step.

Annie Kwon, David Douglas High School, 4384 SE 122nd Ave., Apt. C-11, described how her students have used Beggars Tick Marsh in their environmental studies.

Mary Goldberg, 16047 E. Burnside, #20, stressed the need for humans to have green spaces. She supported the Plan with the changes recommended by Planning and by the Rocky Butte Preservation Society.

Students at David Douglas, members of the Ecology Club and or the Advanced Biology class, speaking in support of the Plan included:

Nadia Dixson, 11335 Se Boise
Laura Burton, 13315 SE Cora 97236
Stephanie Ko, 808 SE 136th, 997233
Sarah Weaver, 3911 SE 146th, 97236
Christy Chaloux, 7504 SE 117th Dr., 97266
Melinda Magleby, 3141 SE 129th, 97236
David Christianson, 13827 SE Ramona, 97236
Naomi Smith, 24 NE 113th Place., 97226
Raychel Robrecht, 3142 SE 116th, 97226

They called for protection of a diverse ecosystem and preservation of habitat. They said students realized during volunteer clean-ups at Beggars Tick that they could help protect the habitat of living species and also realized the importance of having clean ground water. They stressed the importance of such natural areas for hands-on studies of "real life" science.

Alice Blatt, 15231 NE Holladay, 97230, member of Wilkes Community and Friends of Wetland, Wildlife and What's Left, urged approval. She noted the dearth of natural resources and open spaces left in East Portland and the crucial need to protect remaining sites. She asked if there was a mechanism for expanding the sites included. Re Site 135, the Far East Forest, she contended that this is an important City water resource that needs protection.

May 5, 1993

Finally, she said, they found a streambed that runs through the High Wood neighborhood that was not currently designated as protected.

Ralph Thomas-Rogers, EPA employee on loan to the Parks Bureau, supported the Plan, calling particularly for protection of Beggar's Tick Marsh.

Steve Johnson, 3707 SE Johnson Creek Blvd., said with the establishment of the Springwater Corridor, his family began to think about uses of the adjoining areas. He said they sold off development rights to their property in order to protect 8 acres adjoining the Corridor which is needed as an incubation area as recreational uses increase in the Corridor. Destination points such as Beggar's Point are also critical.

Mr. Brooks said recommendations not included in the Planning Commission's report were directions to the Bureau of Buildings, the City Attorney and others regarding the enforcement of environmental regulations. He said he will probably file a substitute ordinance to include that provision as well as to direct Council to recognize the transfer of development rights and have them be formally considered as part of the Outer Southeast planning process.

Commissioner Hales said that is an important step to take and he appreciates the spirit of cooperation shown by the two property owners.

Mr. Brooks said the City Attorney has noted that since the Fanno Creek plan is on appeal, Planning may need to write an additional finding since one portion of the Fanno Creek Plan affects this plan.

Re Ms. Blatt's recommendation, he said he looked at the small creek she cited which is on property that was being developed at the time of his visit. He said he would be happy to take a closer look and return with a recommendation.

Commissioner Blumenauer noted that at one point the County planned to use Beggar's Tick Marsh as a landfill for dumping. He said the students raise the larger issue of green spaces and what should be put in public ownership. Council may need to reassess its priorities regarding the green space initiative and integration of park use and infrastructure.

Mayor Katz said Council should review some of its priorities and start setting a formal agenda on some of the issues, such as this one, that have been raised.

Disposition: Passed to Second Reading, May 19, 1993 at 2 p.m.

Council recessed at 3:15 p.m.

May 5, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF MAY, 1993 AT 7:00 P.M.

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

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

- 659** Adopt the Planning Commission recommended Albina Community Plan and 11 supporting Neighborhood Plans (Arbor Lodge, Boise, Concordia, Eliot, Humboldt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn) (Report introduced by Commissioner Hales)

Discussion: Commissioner Hales described the intent and goals of the Plan.

Michael Harrison, Planning Bureau staff, said these reports represent the combined recommendations of the Planning Commission, the Design Commission and the Historic Landmarks Commission. He outlined the new planning districts and zones that the Plan creates as well as design guidelines for use in the Albina community.

Ron Fossum, Chair of Concordia Neighborhood Association, and Marilyn Happold-Latham, Past President, North/Northeast Business Association, welcomed Council members to the neighborhood.

Richard Cooley, Planning Commission Chair, said the Commission held at least 20 meetings on the Plan. Guiding principles include: 1) stabilization of the neighborhoods; 2) support of existing businesses, 3) institutional growth; 4) support of existing programs; and 5) development of Martin Luther King Blvd. (MLK) as a gateway.

Joan Brown Kline, Planning Commission member, explained the goals and strategies of the plan in the area of business growth and development. These include implementation of Project Alberta and support for start-up businesses.

Doug Van Dyk, Planning Commission member, outlined the housing goals. He said many interests need to be balanced and the prospect of increased rentals carries with it the connotation of transients and of problems with drugs and crime. He said stability is very important to allow property value appreciation to occur. He said the Commission heard the community when it said it already provides more than its share of rental properties. The ACP is designed to leverage citizen commitment and make it stronger. Increased growth in the region must also be planned for and the only way to avoid urban sprawl is to

May 5, 1993

become more compact. Also, to make transit work, a certain amount of density must be achieved and every section of the City must absorb its share. Gentrification, when it occurs, will also cause displacement. He said he believes the Plan achieves the first goal, stabilization, noting that the housing goal was decreased from the 10,000 originally proposed to 3,000 units. He described the affordable housing overlay, (the A overlay) which is projected to allow an additional 500 housing units over the next 20 years. The Plan is a good compromise and the A overlay is not calculated to change neighborhood character. He asked Council to protect the A overlay and to dedicate resources to implementation of the Plan.

Vivian Parker, Planning Commission member, summarized the major issues and strategies for Martin Luther King Jr. Boulevard. Issues included the median strip, disinvestment, lack of a critical mass of development as well as lack of retail and commercial services. Policy directions would create a series of development nodes and focus commercial development between Killingsworth and Alberta. Full block zoning, 200 feet deep, would be created on each side of King. They also want to ensure that new development is compatible with existing neighborhoods. Four housing nodes are proposed with design review for expanded zoning sites. Finally, the Commission recommends retaining the median but adjusting its configuration in connection with specific development projects.

Mr. Cooley said Commission members listened and made a lot of changes based on public testimony. He said they believe they have struck a delicate balance in a very complex plan.

Harold Ogburn, Director of Multnomah County Juvenile Justice Services, said the integrated service teams created in Multnomah County will be the vehicle used to meet the Plan's recommendations. He said they will ask the Multnomah County Commission to reaffirm its commitment in this area.

Giles Gibson, 2106 N. Willamette Blvd., Overlook Residents for Sound Planning Policy, said the accessory rental zoning component of the A overlay directly threatens neighborhood stabilization and asked that an amendment be adopted -- the All Overlook compromise proposal. He said the compromise has two components: 1) removal of the A overlay from Overlook and of the R2.5 row house designation on Willamette Blvd; and 2) liberalization of residential infill development, allowing rowhouse development on vacant lots. The concept involves adding residential infill regulations to the Albina Plan District regulations and expanding the Plan District into Overlook in place of the A overlay. This alternative would also apply design review to the Willamette Boulevard townhouse designation. He said this alternative will

May 5, 1993

advance housing density, affordability and owner occupancy, without jeopardizing neighborhood liveability or altering the changes proposed by the neighboring business community.

Others testifying in opposition to the A overlay and in support of the compromise included:

Chuck Foster, 2989 N. Willamette Blvd.
Mary Lou Munroe, 2544 N. Emerson, 97217
Stephana Georgoff, 4054 N. Longview Ave., 97227
Elizabeth Chadwick, 5819 N. Commercial
Cannon L. Donaldson, 2005 N. Webster
Deborah Zecic, 2034 N. Killingsworth
Konrad Daae, Arbor Lodge Neighborhood Association
Gordon Johnston, 2101 N. Portland Blvd., 97217
Jerry Johnson, 4005 N. Overlook Terrace, 97227
Maureen Ierulli, 1705 N. Humboldt, 97217
Julie Brown, 4615 N. Colonial, 97217
Paul Tinker, 7307 N. Foss
Earl Waldram, 7415 N. Wayland, 97203
Joe Waldram, 7019 N. Chase, 97217
Walt Waldram, 7338 N. Fowler
Heather Waldram, 7019 N. Chase, 97217
Bob Griffen, 3022 N. Ainsworth
Michael Fitz, 6310 N. Omaha, 97217

Opponents of the A overlay said it will adversely impact neighborhood liveability, resulting in too much traffic, too little on-street parking, overburdened schools and lower property values. They voiced concern about having too many renters in the neighborhood, resulting in too many problem homes, and about the unenforcability of owner occupancy regulations, resulting in flagrant violations. Questions were also raised about the accuracy of the census information, with a number of those testifying stating their belief that neighborhoods such as Overlook and Arbor Lodge were now beginning to attract more young families and would grow just as quickly, or more so, without the A overlay. Some opponents contended that few retired people could afford to build a new housing unit and have it pay off in their lifetimes. Many objected to imposition of the overlay to only this area of the City and called for it to be applied citywide, if at all.

May 5, 1993

Individuals speaking in support of the proposed A overlay included:

Julie Brown, 4615 N. Colonial, 97217
Carole Jackson, 1540 N. Blandena, 97217
Gregory DuFour, 3939 N. Overlook Blvd.

Proponents said the A overlay is a clever and fair way to make affordable housing available for those who need it and will help overcome the loss of population in the area. The inclusion of design review and owner occupancy clauses will provide the necessary controls to meet neighborhood compatibility requirements. They said a great deal of misinformation had been distributed about the supposed effects of the A overlay.

Doug Hartman, Interstate Avenue Association, also supported the proposal for Overlook as accepted by the Planning Commission. He added that the focus of their recommendation is based on 30 square blocks proposed for redevelopment, noting that they had agreed to rezoning of the CG properties to residential, a difficult compromise but one which they accepted. He said design review is the most reasonable proposal for ensuring trust between various groups.

H. Donald Fink, 2105 N. Willamette, 97217, supported the Overlook compromise and questioned why the design review requirement was included. He said there is no architectural consistency in Overlook and most accessory rental units are illegal and not in compliance with the Code.

Charles Hindman, 22 Othello, Lake Oswego, opposed the proposed zone change from EXd to R1 on property he owns on Williams Avenue. He said the only way to keep any value of the property is to retain the EXd zone, noting that there has been no single-residential housing constructed in his area for many years.

Whitcomb Crichton, 6204 N. Depauw, asked that property he owns on N. Mississippi be rezoned from the proposed EXd and residential to industrial. He said the current zoning makes for an impossible situation regarding any development or use. He described prior appearances before the Planning Commission regarding appropriate zoning for his two-block area.

James Sassalos, Overlook Family Restaurant owner, 1332 N. Skidmore, supported the proposed Plan, stating that the proposed zoning will take away all the problems he has had in the past and give him an opportunity to expand his restaurant.

May 5, 1993

Susan Phipps, 3416 NE 23rd, opposed rezoning to R5a in Irvington and Alameda. She said that added density is not advisable in that area, that there are no vacant lots there and that rents for converted units would not cover the costs of providing added services to existing dwellings.

Mr. Harrison noted that the A overlay is not being recommended for application to the Irvington and Alameda areas.

Ron Fossum, Chair, Concordia Neighborhood Association, 5533 NE 30th said the Association recommends adoption of the plan with one change regarding the development of housing on the Kennedy School site. He said they do not believe this is an appropriate housing site and, while they are committed to additional low cost housing in the neighborhood, they would rather see it interspersed throughout. He cautioned Council about the immense amount of work implementation of the Plan will take.

Ed Calhoun, Calhoun & DeJong Inc., 3907 N. Interstate, 97227, thanked Planning staff and the Planning Commission for listening to his previous complaint and fixing the situation for him regarding a zoning designation.

Diane Farmer Linkhart, 4045 N. Missouri Ave., Mississippi Historic District, noted overwhelming citizen support for the historic districts and asked for Council approval as well.

Michael Morris, 7015 N. Concord, 97217, objected to the portion of the A overlay proposal that allows for the addition of duplexes. He said this could create 24 units on 12 existing vacant lots and will create housing in an area where there is no parking, the number of transients are growing and the schools are maxed out.

Walter Valenta and Tom Kelly, representing Bridgeton Neighborhood Association, requested that the proposed R1 zone shown for Bridgeton be rezoned to CM. They said this request has broad neighborhood support and the mix of commercial and residential would support City density and pedestrian-oriented development goals.

Max Runyon, 10 NE Bridgeton Rd., 97211, asked for reevaluation of the proposed zone and overlay along the Columbia Slough. He said further flexibility is needed there and the proposed zoning would be too restrictive.

Mr. Harrison noted that the Planning Commission briefly discussed CM zoning for that area but its official position is for R1 zoning.

May 5, 1993

Dan Kearns, 111 SW 5th, attorney representing Helen Elsasser, said his Client owns two tax lots at the confluence of MLK where the present zoning is EXd and the proposed designation is "view open space" and identifies the block as a neighborhood gateway. He asked if adoption of the Albina Community Plan would rezone his client's property to open space and affect her ability to develop it according to the current EXd designation.

Mr. Harrison said the ACP proposal is not related to the zoning designation. It is a proposal for possible future public acquisition and, until such time, the property would be perfectly free to be developed under the current EXd zoning. He said the suggested open space is for that vicinity, not necessarily that exact piece of property.

Dennis Stoecklin, representing Concordia College, supported the Plan, particularly the revised institutional zoning and proposed Concordia Neighborhood Plan.

Harold Jeans, 15341 S. Springwater Rd., Oregon City, 97045, said he owns 13 acres at Marine Drive and I-5, originally zoned as farmland before it was annexed in 1972. He said they have been unable to develop the property after 24 years of hoping to come to an agreement and find out what they can build there, if anything. They oppose recommended R1 zoning, especially with the noise overlay which reduces it to R10 and practically wipes out its use.

Susan Wainwright, 12911 NE 22nd, Vancouver, opposed the RH zoning proposed on property she owns on MLK between NE Morris and Cook Streets, arguing that MLK is a major arterial and a logical source of commercial, not residential, development.

Other opponents of the proposed RHd zoning along MLK included:

Bill Leigh, N. Mississippi, an area real estate broker
Charles Wainwright, 6120 SW Huber, owner of property on MLK
Nick Steffanoff, 66 NE Meikle Place

Opponents took issue with the proposed downzoning to RH of all property between Broadway and Monroe except the Nike store. They argued that the existing buildings do not lend themselves to conversion and that the existing commercial operations are signs of healthy economic growth. Downzoning will only create a lot of nonconforming uses.

Mike Dowd, 2722 SW Rutland Terrace, said he is part of an effort to establish architectural offices in two currently derelict buildings. He asked for support of EXd zoning on their property, the only zoning that will work there, and for

May 5, 1993

correction of two technicalities regarding application of the buffer overlay zone and the parking requirement. He also asked that this property be included in the urban renewal extension.

Steven Foust, King Neighborhood Association Land Use Chair, said they generally support the overall plan, including the design guidelines. He requested adoption of King Neighborhood plan, noting that support for higher density around commercial nodes was traded off for less density elsewhere. He expressed hope that The 10 Essentials booklet would be used for review of single lot development in the King neighborhood.

Paul Richmond, Ad Hoc Coalition, PO Box 454, 97207, said this Plan is either delusional or a smoke screen for something else. He objected to entrepreneurial government and asked for money for SROs for the homeless.

Information requested by Council members for staff included: the definition of home occupancy; the anticipated impact of the A overlay on parking and schools; census projections for the area; the percentage of people owning homes who could afford to build rental units and a list of property owners along MLK where RH zoning is proposed.

Disposition: Continued to May 12, 1993 at 3:00 p.m. Time Certain.

- 660** Adopt the Portland Design Commission City-wide Goal 12 Urban Design Goal, Policies and Objectives and Albina Community Design Zones and approve for use the adopted Albina Community Plan Design Guidelines (Report introduced by Commissioner Hales)

Disposition: Continued to May 12, 1993 at 3:00 p.m. Time Certain.

- 661** Adopt the Portland Historical Landmarks Commission recommended City-wide Goal 12 Urban Design Goal, Policies and Objectives and Albina Community Plan Historic Design Zone/Neighborhood Conservation Districts and approve for use the adopted Albina Community Plan Design Guidelines (Report introduced by Commissioner Hales)

Disposition: Continued to May 12, 1993 at 3:00 p.m. Time Certain.

At 10:05 p.m., Council recessed.

May 6, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF MAY, 1993 AT 2:00 P.M.

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

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

662 TIME CERTAIN: 2:00 PM - Liquor license application for the Oregon Arena Corporation and Fine Host Corporation, dba Oregon Arena Corporation, 1401 N Wheeler Street, Dispenser Class A liquor license (change of owner and change of privilege); favorable recommendation (Report introduced by Commissioner Kafoury)

Discussion: Henry Emrich, License Bureau, said the only significant change proposed in this change of ownership and privilege application is to allow alcohol consumption in the arena itself. He said public concern is very high and raises broad public policy questions. OLCC has indicated an interest in the Council's opinion on both the broader issues and the specifics of this application. He said the Bureau had two concerns: 1) would the proposed changes increase liquor-related problems and; 2) if it does, is there a plan or measures that would prevent an increase in problems. He said staff checked with similar operations in other cities and found no statistical evidence to indicate any difficulties at any of the arenas. However, anecdotal evidence indicates there have been some difficulties, especially when lax management policies are present. The License Bureau, however, believes that the plan as proposed with additional restrictions will successfully prevent a significant increase in liquor-related problems. Restrictions include no sales or vending in the seating area, restricted container sizes, a maximum of two drinks sold per customer and restricted hours on sales. A ban on alcohol sales will also be imposed on events oriented to minors.

Harry Glickman, President of the Portland Trail Blazers, 334 SE Spokane, said historically there has been a policy of not permitting alcohol in the Coliseum stands. However, the Oregon Arena Corporation is today asking for a modification to permit customers to take alcoholic beverages to their seats. He said the Memorial Coliseum is the only arena in the NBA, and possibly in the country, where such service is not permitted. He said they will provide strong and responsible management to ensure no negative impacts. He read a letter from the manager of the Delta Stadium in Salt Lake City in support of the policy the Blazers are seeking, adding that the OLCC would be able to judge them on their track record when the license comes up for its annual renewal.

May 6, 1993

Mike Elimah, 3 SW Lincoln, General Manager for Facilities at the Oregon Arena Corporation, said they plan to use Team Techniques to promote responsible consumption by adults and discourage consumption by minors. He reviewed the policies and procedures that will apply regarding sale and consumption.

Gary Hansen, Multnomah County Commissioner, said increased liquor availability is not a good idea, given the \$60,00,000 a year Multnomah County spends on liquor-related problems. He said while this request is primarily symbolic it does not send a good message when other groups are being asked to tighten up availability.

Commissioner Blumenauer asked if the County was extending this policy to the Expo Center.

Mr. Hansen said the County is in the process of transferring the facility to Metro so would no longer have jurisdiction at Metro. He noted that the County had stopped the sale of wine at the Salmon Festival primarily because of the symbolism.

Other individuals testifying against this application included:

Dr. John Stephens, M.D. 7740 SW Canyon Drive., 97225

Nancy Wolfe, 4035 NE Sandy Blvd, #211, 97202, Mothers Against Drunk Driving (MADD)

Marie Brown, 4035 NE Sandy Blvd., #211, 97202, MADD

Sue Ziglinski, Regional Drug Initiative

Judy Cushing, Oregon Federation of Parents

Faye York, 6013 SW 36th

Sandy Anderson, Oregon Federation of Parents, 18818 SE Mildred, Milwaukie 97217

Dan McLean, 18000 SW Shaw, #8, Aloha, 97007

Paul Potter, representing numerous organizations

Robert Hostetter, 14295 SW Wilson Dr., Beaverton, OR 97005

Norma Jaeger, Manager of Drug Programs for Multnomah County

Michael Sweeney, President of the Oregon Council of Alcoholism and Drug Addiction, 4506 SE Belmont

Laureen Oskochil, 2425 NE Everett

Robin Ross, 4193 Imperial Dr., West Linn, 97068

Jack Wagner, 3335 SE Falcon

Gary Smith, RDI committee member, 15775 SW Village Lane, Beaverton, 97005

May 6, 1993

Opponents said this is the wrong message to send young people and that it is bad public policy to support this change given the burden of alcohol-related problems on society. They contended that many related incidents of rowdy and drunken behavior go unnoticed by management and expressed concern about increasing the number of drunk drivers on the road. They opposed sale of large-size containers and contended that the intervention techniques described by the Blazers' management will be ineffective, particularly regarding under-age drinking.

Pam Arden, Kenton Neighborhood Association, said the Association opposes this proposal, adding that approval would effect a double standard in the City since neighborhood grocery stores are being told they can not sell 40 ounce containers.

Grant Ritchie, 2100 SE Main, 97214, spoke in support, contending that the majority of drinkers are responsible and he would rather take his drink to his seat than have to drink it hurriedly in order to get back to the stands after intermission.

Mike Fennell, attorney for the Oregon Arena Corporation, said there is no evidence this will have any negative impacts. The plan includes specific monitoring techniques to prevent sales to minors and sellers will be trained by the OLCC. Additional people will also be brought on board to monitor consumption. A promoter who disagrees with the policy will have an opportunity to request that it not be in force for a particular event. He asked Council for the opportunity to establish a good track record.

Commissioner Blumenauer asked staff about problems at the Civic Stadium where alcohol consumption is allowed in the stands.

Mr. Emrich said they did not see a significant record of alcohol-related problems. Two disturbances last year resulted in Police reports. He noted that hawking alcohol in the stands is permitted at the Stadium but will not be at the Coliseum

Chuck Bolliger, Police Drug and Vice Officer, noted that both the Coliseum and the Stadium have their own security forces which usually can handle any problems which arise quite well. He said often their security would take such people directly to DUII so no report is filed with the Police.

Dennis Nelson, Manager, Bureau of Licenses, said staff is unable to lay its fingers on anything that says there is a problem with such a policy. When

May 6, 1993

problems have arisen it is because management has fallen down on enforcement. The biggest problems seem to arise when alcohol is sold in the stands but, where there are strict controls, there do not seem to be problems.

Mayor Katz noted that one of the actions requested is the transfer of ownership from MERC to the Arena Corporation and the Fine Host Corp.

Linda Meng, Chief Deputy City Attorney, noted that one of the matters was the transfer of the licensee and along with that, because MERC is a municipal corporation and has a special kind of license, the community events dispenser license needs to be changed to a Class A dispenser license.

Commissioner Kafoury moved to approve the change of ownership and the motion carried. (Y-5)

Mayor Katz said the other issue is the change of privilege from a community events dispenser license to a Class A liquor license.

Commissioner Kafoury asked if that was what allowed liquor to be brought into the stands.

Ms. Meng said the issue would be the restrictions, if any, that would be placed on the Class A license.

Commissioner Kafoury moved to approve the Class A license with the restriction that alcohol not be allowed in the stands. There was no second.

Commissioner Blumenauer said he is uncomfortable with this issue, noting his fights against irresponsible management and also the theory that you cannot have a good time without alcohol. He said assuring responsible management is the appropriate posture for Council to take. He said this is an economic decision for the Blazers and they have taken steps to manage it responsibly. If this is abused, he will move to remove the license entirely but when there is no evidence of mismanagement and when the proposal meets City standards, Council needs to be consistent and not act on symbolism.

Commissioner Hales said we are discussing not whether alcohol will be available but where it will be available in the Coliseum. He said the answers are No to all the following questions: 1) Are there problems at this location; 2) Is the applicant a deadbeat; and 3) Is there significant neighborhood disruption. He said he is uncomfortable about mingling such sales with the presence of young people and if he were the OLCC he would turn it down. But within the boundaries upon which the City bases its approval, he will have to approve it.

May 6, 1993

Commissioner Kafoury said Council should exercise leadership and make clear what its policies are. She said she polled her friends and talked with a variety of people and found universal opposition. By recommending the new service, Council is sending the wrong public message to our children and to the public about alcohol.

Commissioner Lindberg said he does not view this as major change. He believes the License Bureau and Police have done a good job in the past and he will vote in favor of this for three reasons: 1) the alcohol management plan developed by the Blazers; 2) lack of negative results in other arenas; and 3) his belief in the good faith of the Blazers. He said there will be additional opportunities to deny this if it does not work.

Mayor Katz reviewed her past involvement with drug and alcohol issues, adding that alcohol and tobacco are the most vicious legal drugs we have. The issue is expansion of a privilege and she too believes Portland should be a leader in this area and turn this down.

Disposition: Favorably recommended with restrictions. (Y-3; N-2, Kafoury and Katz)

At 3:30 p.m. Council adjourned

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council