



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH 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; Harry Auerbach, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

663 **TIME CERTAIN: 9:30 AM** - Hearing on Combined Sewer Overflow project (Introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said this is the first of three public hearings on this topic. After the hearings, there will be two Council meetings in June which should culminate in a recommendation the City will make to the Department of Environmental Quality (DEQ) by July 1.

Bob Eimstad, Bureau of Environmental Services (BES), said they are in the process of evaluating alternatives, seeking public input and looking for policy direction in order to make a decision about the Combined Sewer Overflow (CSO) program. A draft facilities plan must be submitted to the DEQ by July 1, 1993, to that meets the requirements of the Stipulation and Final Order. The City is also looking at other options to solve the problem and ultimately arrive at a recommended plan. In the interim, the Cornerstone Projects will continue and, after DEQ review of the facilities plan, a decision will be made to either amend the Stipulation and Final Order (SFO) or leave it as it is now. After that the City needs to design and construct the facilities.

Mr. Eimstad said one of the big policy issues is the appropriate level of control. Today the yearly overflow from the combined sewer system is 6 billion gallons of combined sewage, of which approximately 85 per cent is storm water and 20 per cent untreated sanitary sewage. All of the alternatives being considered include Cornerstone Projects, which are cost-effective technically simple ways to reduce the size of the problem. As a benchmark for the City's policy, staff is considering federal policy which requires 85 per cent control of the overflows, which would result in about 1 billion gallons of overflow a year. The City's aim is to obtain a very high

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level of control on the Columbia Slough and approximately 85 per cent control on the Willamette. At that level, the City would typically still have about 10 hours of overflow in the summer and 100 hours in the wintertime. To reach that level of control would cost between \$625-750 million in capital costs for facilities.

Mr. Eimstad noted that there are places they can stop between this level of control and the level mandated by the State which requires that facilities capture all storms up to the 5-year winter storm and 10-year summer storm level, or a 99.6 per cent level of control. That would mean three overflows in ten years; in a typical year there would be no overflows to either the Willamette or Columbia Slough.

One of the major questions, Mr. Eimstad said, is the value of the Willamette River and Columbia Slough and how much the City should pay to ensure clean water. Another question is how many overflows would support that value. Rate impacts are very important as is determining who should pay. Depending on the level of control, the program is expected to increase rates from \$15 to \$25 per month. Other questions concern the schedule and location of the facilities. One plan includes a wet weather facility on the Eastbank of the Willamette River.

Commissioner Blumenauer said this is the culmination of three to four years work on the part of an outstanding team of City employees, consultants and citizen volunteers. He said he hopes that people in Portland appreciate how much progress has been made in the choices that are being given which will allow them to end up with a greener, cheaper alternative that will truly set a model for the country.

Don McClave, President, Portland Metropolitan Chamber of Commerce, and Chair of the Clean River Committee, described the work of the Committee, noting that the nine committee members met nine times to review the work of staff and also held one public hearing. He said there are meaningful choices in the way the City proceeds with the CSO control program involving different levels of overflow abatement, different control technologies, different funding mechanism and a variety of opportunities to support other City objectives such as economic development, waterfront access and comprehensive management of the watersheds. The least expensive of the CSO control options is expected to cost about \$625 million and take 18 years to implement. The Committee did not have sufficient time to grapple with all the issues in detail but focused on principles and preferences.

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Mr. McClave reviewed the 11 major points noted in their report. First, the CSO program should be placed in the context of other pollution control efforts that are being made by the City and by upstream jurisdictions. Second, the City should encourage control strategies, such as the Cornerstone projects, that enable residents and businesses to take individual actions that reduce overflows and keep the costs down. Third, given the City's existing investment in a combined sewer system, it is best to continue with a combined rather than a separate system. Fourth, in the Columbia Slough the CSO should be reduced to a higher level as stated in the SFO (99.6 per cent) because of the lack of circulation in the Slough and the inability of water there to clear itself. He said the City should be very clear about the benefits it is getting for the expenditures it makes, adding that there is no such thing as clean water, rather degrees of cleanliness and a price to be paid for it. Fifth, in the Willamette River a lesser level of control (85 per cent) would be appropriate if the beneficial uses are protected and State water quality criteria are met. Sixth, the Committee also recommends that the Bureau provide one or more additional alternatives for the Willamette and describe the costs and relative benefits of each. Seventh, the Plan should provide adequate and reliable funding with the costs distributed as equably as possible over the widest possible base. Eighth, CSO costs should be recovered through utility rates on all customers to recover system costs; operation and maintenance costs should be recovered based on use. Ninth, financial incentives should be encouraged that promote source controls to reduce sewage and drainage pollution. Tenth, cap utility franchise fees to prevent a windfall to the City and earmark a proportion of these revenues as a safety net reserve to provide rate relief for low-income citizens. Eleventh, actively pursue State and federal funds and explore joint funding projects with related public and private projects. This could include financial contributions from automobile use of roads and streets because the drainage over roads and streets is clearly a contributing cause of pollution in the River.

Mr. McClave ended by noting that while members of the Clean River Committee have completed their initial assignment, they are willing to remain available for consultation over the long term.

Commissioner Lindberg said he hoped that the Committee would remain on board in an advice and consulting role.

Mr. McClave reviewed the names and backgrounds of the Committee members. He said while the committee reached consensus on the basic

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issues, there are lots of points to be discussed on the relative amount of money to spend on CSO control versus protection of wetlands, daylighting streams and other related issues. There is also a lot of work to do with the State in negotiating a sensible compliance plan in a way that makes it possible to remain living here after it is done. He cited the disaster of cleaning up Boston Harbor where the benefits and effectiveness of the plan are now under serious question, resulting in homeowner sewer and water rates of \$100 a month minimum. He said this has resulted in people leaving the area, particularly those on fixed incomes. San Francisco and Seattle have started efforts to improve their water quality and seem to be going along on a more reasonable basis.

Commissioner Kafoury asked how the City can change the SFO with the State.

Mr. McClave said the City signed the SFO with the DEQ two years ago to resolve a dispute about water pollution levels. At that time there was no federal standard. Now there is one, which is evolving, and the two are very different. He said the question really is how clean does the water have to be at certain points in the river and what do you have to do to get it there. Both the State and federal numbers are arbitrary. Neither standard takes into account the ability of the waterways to clear themselves and different levels of control in the Willamette and the Slough probably makes a lot of sense.

Commissioner Blumenauer said under the terms of the SFO, the City has the right to reopen the issue with the State if it can prove to the State's satisfaction that it can achieve the goals in a more cost-effective way.

Mr. McClave said the overflows result mostly when one should not be swimming in the river anyway. Overflows typically last about 9 hours. The question is whether you want the river to be 100 per cent safe of overflows at all times. There is a price to that, and the decision comes down to whether it is worthwhile for the City to save \$750 million to have no days in the winter that you could not swim or water ski during rainstorms. Tradeoffs will need to be made.

Mayor Katz noted that the City needs to make a strong case to the Environmental Quality Commission.

Kay Durtschi, Clean River Committee member, said cost is the overriding concern of neighborhood people. Benefits have to be used as a selling tool to get them to accept higher rates and the public needs to see visible benefits, such as restoration or new development, if they are to buy into this project.

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She said water quality is a hard thing to sell to the public especially when upriver solutions are not being discussed. She noted that unless there is more done upriver there will only be a small percentage of change even with all this money being spent by Portland.

Commissioner Kafoury said she questions whether people are only concerned about costs.

Ms. Durtschi said they have passed out about 50,000 brochures about the project and still the answer comes back -- it just costs too much. Water quality is not a finite thing one can sell. She said two or three days a year of not being able to use the river does not seem like that big of a deal.

Commissioner Kafoury said she believes Portlanders place a high value on such environmental concerns such as trees and water.

Mike Houck, Wetlands Conservancy, Urban Streams Council and the Audubon Society, said he has found a lot of support across the country for the approach Portland is taking, if the CSO is truly integrated with a basin-wide landscape ecology approach that cleans up the tributaries to the Willamette River as well. He said Portland's program should be coupled and explicitly integrated with basinwide watershed planning. In order to sell the program more easily, the CSO should be specifically linked to land-use planning, parks, green spaces and transportation. He said Oregon's Congressional delegation seems very interested in restoration of the Columbia Slough and the SCS said they would like to be involved with the City and Metro in restoration efforts which could create jobs for at-risk and minority youth. In addition to equability of costs, there are also social equity issues with the Columbia Slough for residents of Northeast Portland. Mr. Houck said the Willamette River greenway program has languished for many years. He suggested working with other urban communities, such as Eugene and Corvallis, and with federal and State agencies to look at a Willamette River ecosystem and restoration program.

Nina Bell, Director, Northwest Environmental Advocates, said the Clean River Committee has not been very effective to date, adding that the Committee was formed at the last minute and spent much of its time trying to get the participants up to speed. Critical information about the CSO program was not available, rendering its review of limited utility. In addition to the three options presented, the Bureau has acknowledged that it will provide, although reluctantly, more options in due course. That renders the current Council process of only partial value.

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Ms. Bell criticized the Bureau for making an explicit choice to paint the picture in black and white -- the expensive, almost 100 percent control option or the minimum allowed by law (Option 3). She maintained that it has been clear ever since Portland signed the SFO with the DEQ and EQC that it never intended to adhere to the SFO's extremely stringent level of control despite touting it to the public and even to the courts. It is now equally clear that the Bureau intends to force the Federal minimum down everybody's throat, including State regulators. It is neither appropriate or fair to manipulate State regulators or to assume that residents want the bare minimum even if it would not shortchange the environment and human health or keep the City from having to address the problem again. She said the City is hypocritical in pushing the image of itself as living on the clean Willamette River and wrapping itself in green. For example, the Bureau keeps insisting that Portland is conducting the most ambitious CSO program and is ahead of the rest of the country, referring to the SFO level of control it does not intend to meet. In doing so, it misleads many people into believing that Portland is already out in front of the 1200 communities in the country that have CSOs. She said this is particularly ironic because Portland has not lifted a shovel to reduce its over six billion gallons of annual overflow.

Ms. Bell said a black and white scenario does not work. It does not inform policy makers or the public about the benefits and costs of different fixes. It does not address the question of whether the proposed solutions meet State and Federal water quality laws. The remedy is to instruct the Bureau to present an adequate range of options, not restricted to the bacterial component but including the entire range of other pollutants. She said the Bureau should also be instructed to present accurate information about the CSO program to the public, arguing that BES in the past has put out false information, such as that the system only overflows during heavy rains. She said the Bureau cannot afford to alienate the citizenry by being obscure, manipulative or just plain wrong.

Another error made by BES, Ms. Bell charged, is failure to inform citizens that the waters into which the City discharges raw sewage are State waters and the decision as to what will be required is a decision not up to Portlanders but one the State must make. People downstream are affected by the pollution of Portland's CSOs and fish and wildlife are impacted by the toxic chemicals and heavy metals carried in the sewage overflows. The Federal Clean Water Act also requires the removal of CSO discharges regardless of whether the public supports such a move. She said her organizations will refrain from supporting any of the options presented until a clearer picture emerges about what those options really are. Until then,

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she urged Council to direct the Bureau not to obstruct an already extremely difficult process. Nothing should slow its work, however, in developing Cornerstone projects and removing CSO discharges from the Columbia Slough.

Finally, Ms. Bell disagreed with some of Mr. McClave's statements. The most important is that the issue should not be framed in terms of whether people should be able to swim in the Willamette in January. She said the issue is far broader than that, including fish and wildlife and values that the State has regardless of whether Portland supports them. She said she does not believe the 85 per cent level is meaningful because it would continue to allow summer overflows and because it is also a proposed Federal minimum which could go up and down.

Commissioner Blumenauer said Ms. Bell was inaccurate in stating that to date the City has not lifted a shovel to solve the problem. He said Council has spent \$60 million in the last five years to try and improve the system.

Ms. Bell said she supports the work done last year but that was not done for clean water. It was done to prevent basement backups in downtown Portland and because part of the sewer system was crumbling and to allow further development. She said all of the costs of all sewer-related issues should not be put on the back of the environmental problem we have now.

Commissioner Hales said he thought the City was going to assess performance based on volume of overflow. He said in terms of water quality management in general he understood you would use bacteria and turbidity and other measures to determine water quality but asked why the City would need to use anything but volume.

Ms. Bell said if the intent is to protect beneficial uses, one looks at the number of days at which one cannot use the river. Gallonage is important for some reasons but days of discharge, days when people cannot use the river is an issue in terms of bacteria. She said the only information the Committee received was about the bacterial component and it did not receive anything about other pollutants that would affect water quality in general or fish and wildlife, which are also termed beneficial uses under the law.

Commissioner Hales said he still did not see how you could measure the effectiveness of the CSO program with respect to anything other than volume and time. He said he thought she was talking about other technical measurements that might be used other than bacteria.

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Ms. Bell said one technical measurement is what is in that volume. The pollutants in that volume are the critical issue.

Ms. Durtschi said the Committee took a long look at where the overflows would occur to make sure that feeding fish would not be impacted adversely.

Commissioner Lindberg asked if Ms. Bell thought there was enough time and enough creative options to complete the work by July 1.

Ms. Bell said the Bureau has already announced that there would be more options. She said she and others on the Committee urged the Bureau to get a short extension in order to do the job right. She agreed with the Bureau that the submittal is just the beginning of the process, not set in stone. She said she had no idea how long it would take to produce other options.

Commissioner Lindberg said doing it right is the most important thing, noting his anxiety about meeting the July 1 deadline. One option is to say this is the beginning of the process. Another is to get an extension.

Ms. Durtschi said several people in her area wrote to the State and were told by them that this was the beginning of the process and that many changes could be made after the initial submission is made.

Commissioner Blumenauer said for the next five years there is no disagreement about starting those elements that everyone agrees should be done as fast as possible. For that reason, he does not think an extension would be good.

Ms. Bell said it is inappropriate to decide to go with 85 per cent and creep up from there. It is important to get the other options out there quickly and pull back from presenting this as a black and white situation.

Mayor Katz noted that she had asked for options at the first presentation but realizes it gets spendy to continue running a variety of options. She said Council, the Clean Rivers Task Force and staff told the EQC that there would be options. The question now is on timing as the public needs to understand that there is a range. However, how the City measures what it needs to achieve and what values it sets as a community are the important pieces for public discussion. She said the answer to the question of "Do we have to do it?" is absolutely yes.

Leonard Falpatrick, 716 N. Humboldt, objected to the increased rates to people on fixed incomes.

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Robert F. Shepard, 12730 NE Rose Parkway, asked what happened to the money from the \$3.00 charge for separating the water from the sewage initiated when Frank Ivancie was mayor. He said people in East County have dry wells and are not contributing to the water overflow problem and should not be charged stormwater drainage fees just because the City wants to spread the charges around. He said he has helped between 1,000-4,000 East County residents apply for the storm water drainage fee exemptions but it ought to be up to the City to send the applications out with the water bills. He said low-income senior citizens are also not aware of the discounts available to them and that information should be included in the water bills as well.

Commissioner Lindberg asked him for a copy of the information he was distributing.

Richard Steinfeld, President, Steinfeld Products and Chair of the Portland Chamber Sewer Task Force, said they are concerned with the 100 per cent discharge into the Columbia Slough. That means having to build the capacity to support a storm system that may occur once every ten years. He called for finding out the cost of various level of controls, noting that some businesses may find it a significant factor in deciding whether they are able to continue business in the City. Steinfeld's is in the top ten of water users in the City, with water and sewer fees exceeding \$160,000 a year. They have also spent over \$600,000 in capital improvements to try to remove pollutants before they reach the sewer system. He also encouraged Cornerstone projects aimed at businesses, not just residential, in order to reduce effluents on site so that they do not have to build larger facilities. The Chamber would also like a review of the utility tax rate as it does not believe the eight per cent fee should go to the General Fund.

Mayor Katz said Council is very aware of the cost issues.

Richard Wiman, 4235 SE Division, 97206, said from 1988-1990 he was a pollution investigator for the Coast Guard Marine Safety Office in Portland. He said one of the things this project is supposed to do is put sumps down near the river in some of the storm drain outfalls. He said he was concerned about access for removal of drains so that pollutants do not leach into the soil. To determine the percentage of control in the CSOs, he said other contaminants entering the water from the storm drains need to be considered. Regarding the Slough, he said, to some extent the Columbia and Willamette are considered Federal waterways. He said he has never heard exactly what contaminants are in the Slough and to what degree, information which would help determine whether Federal monies are available. He said the State should look at what is going on in the State of Washington which

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has a double jeopardy standard of its own that allows them to issue fines independent of what the Federal government does.

Jim Patty, 1512 SE Holman Street, Patty Environmental Systems, said he finds the costs projected by the City to be extraordinary. He said his company, SEDCO, has the technology to clean up the river today, not 20 years from now, at less than \$100 million for a total system instead of the projected \$1.3 billion. He said his company has a factor rate of 95-100 per cent removal of storm water pollutants. He described the pricing mechanism used.

Mayor Katz asked him for a brochure and to comment on the viability of this approach.

Mr. Patty said he had contacted BES about the availability of his company's services but had no response. He said his company could treat the water for a cost of 15 cents per 1,000 gallons.

Mayor Katz said she would ask staff to respond.

Joe Keating, Director, United Community Action Network, (UCAN) 1951 West Burnside, 97209, said their main focus has been with the storm drain discount and disconnection plans as well as the impact on low income people. They are calling for, first, an aggressive communication plan regarding the storm drain discount program and inclusion of the discount application in the monthly bill. Second, a refund program should be initiated for those already disconnected or who have been billed incorrectly because the hard surface of their properties fall below the mean square footage. Third, storm water rates should not be lower for commercial users, who generally produce a more toxic flow, than for residential. He noted that Eugene currently charges commercial customers a higher rate than residential, an approach consistent with charging rates in relation to use. Fourth, the Code should be revamped to allow citizens to disconnect from the sewer system in an efficient and inexpensive manner. Fifth, State law requires one third participation by citizens eligible for financial relief or groups representing such persons be on the citizens advisory committees related to the finance of collection, disposal and treatment services. He said the current advisory committees should be reconstituted to reflect compliance with this statute. He said UCAN will continue to pressure BES to adopt these measures in order to provide a sewer system that is efficient, legal and fair.

Tom O'Keefe, UCAN, said thousands of homeowners are currently being overcharged on their storm water discharge fees. Many people, including entire neighborhoods, are unaware that they are eligible for a discount

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because they have less than 1500 square feet of hard surface on their property. He said this should not be kept a secret and said an application should be provided with the bills.

John Bonebrake, Consulting Engineer, said dry wells are a good, reasonable answer to the problem of stormwater overflows. He said the size of the sewer treatment plant must also be increased. He said he is familiar with the technical aspects of the system and believes the City has fallen far shy of taking care of things along the way and made too many mistakes.

Jane Rhodes, 3525 SE 80th, said if the public believes the costs are exorbitant, it may deep six the whole project even if the City believes the costs are fair and the project a necessity. She called for enforcement of existing Codes on stormwater holding, noting that a parking lot near her was required to have a holding tank for storm water. The Hearings Officer gave them six months to comply but that was five years ago and the water is still running into the Powell Sewer system. She also asked for the inclusion of money for maintenance on City street sump areas so that water does not flow right back into the sewers.

Ms. Rhodes declined to give the name of the offending parking lot owner. She said the Building Inspectors know it has not been done.

Mayor Katz said if that is the case, it is important for Council to know.

Myles Twete, 551 SE 15th, 97214, said the level of control is an issue as it is unclear exactly where the overflows come out and at what time of the year. He asked for water and sewers to be considered holistically, suggesting Cornerstone Projects as a possible way to do that. He said at the CR&C meetings he attended, little was said about how to control sources for industrial users except for putting in large underground sumps. What was not talked about, except in the form of dry wells, was above-ground storage which would address water issues as well. He said last year he started a business during the drought to install rain barrels. Other holistic solutions are composting toilets and the wider use of swale systems such as the one installed at OMSI.

Dan Aspenwall, 3565 SE Clinton, 97202, pointed out the differences between the City and Washington County Unified Sewer Agency where they have customers for all their sludge and wastewater. In Portland, even after a complete treatment regimen and without a sewer overflow, the wastewater is objectionable when it runs into the Willamette. Portland has to truck its sludge to Eastern Oregon and pay to dump it because residential sewer customers are subsidizing industrial pollutants which are allowed to flow into

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the treatment system. That cost should be passed onto the industrial customer. The CSO problem is basically about impervious surfaces which in turn is about roofs, parking lots and streets. One of the hidden issues in the CSO project is to what extent the residential sewer customer should subsidize the auto user. The CSO is also related to air pollution. He noted that a proposed Intel expansion was lost because of the threat that just a little more automobile pollution would push the area over the DEQ threshold into additional air pollution management controls. By spreading the cost of the CSO project among residential customers, the assumption is made that they all work in a polluting industry and drive cars. He asked that people with clean jobs who do not use their cars be rewarded, not charged to subsidize others who do. He said if the CSO cost is put squarely on the automobile, people will find plenty of reasons to use mass transit. He said we must make the polluter pay and not hide the cost of the automobile in the water bills.

Paul Richmond, PO Box 454, 97207, said he was concerned about East County residents who had to pay exorbitant fees to hook up to a system that they did not need. He said he believes this is because the City wants to industrialize the area and bring more businesses into it. He objected to having entrepreneurial government. He said General Motors and Firestone should be made to pay for the damage they did to the environment.

Judy Skelton, 1935 SE Harold, said more citizen input should be sought and suggested holding seminars for the public to provide information and more education. She said citizens have to feel that it is not a foregone conclusion that lots of money is going to be spent. Such meetings should also promote ways residents can reduce pollutants and provide alternative practices. She said she found she would have to get a permit to disconnect from the storm drain and put a rain barrel in.

Mayor Katz said Council has scheduled two evening meetings in the community on May 17 and May 24 in addition to the meeting set for June 2.

Disposition: Placed on file.

Agenda No. 668 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

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CONSENT AGENDA - NO DISCUSSION

664 Accept bid of Elf Atochem North America for annual supply of chlorine in tank cars for \$81,000 (Purchasing Report - Bid 120-A)

Disposition: Accepted; prepare contract.

665 Reject bid of Fuiten's Plumbing and Heating Inc., for Elk Fountain water supply modifications (Purchasing Report - Bid 135)

Disposition: Accepted.

666 Accept bid of Larson Inc., for Parklane Sanitary Sewer for \$2,745,218 (Purchasing Report - Bid 136)

Disposition: Accepted; prepare contract.

667 Accept bid of Landry's Commercial Floor Coverings, Inc., for Portland Building 9th Floor carpet installation for \$89,500 (Purchasing Report - Bid 148)

Disposition: Accepted; prepare contract.

669 Accept bid of Brundidge Construction, Inc., for Sump Upgrade Project Phase V, for \$232,975 (Purchasing Report - Bid 151)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

670 Accept completion of NW 13th Avenue improvement by Copenhagen Utilities, Inc., approve Change Order Nos. 1 through 7, and release retainage (Report; Previous Agenda 544)

Disposition: Accepted.

671 Implement Employee Computer Purchase Program (Resolution)

Disposition: Resolution No. 35136. (Y-5)

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***672** Establish the nonelective contribution (Employee Benefit Allowance) for the Cafeteria Fringe Benefit Plan known as "Beneflex", for the plan year July 1, 1993 through June 30, 1994 (Ordinance)

Disposition: Ordinance No. 166513. (Y-5)

***673** Pay claim of Mai Thi Bui (Ordinance)

Disposition: Ordinance No. 166514. (Y-5)

Commissioner Earl Blumenauer

674 Set hearing date for 9:30 a.m., Wednesday, June 2, 1993, to vacate N St. Louis Avenue west of N Bradford Street (Report; Petition; C-9817)

Disposition: Adopted.

675 Set hearing date for Wednesday, 9:30 a.m., June 16, 1993, for the vacation of an unnamed access road south of N Marine Drive (Resolution; C-9833)

Disposition: Resolution No. 35137. (Y-5)

676 Set hearing date for Wednesday, 9:30 a.m., June 16, 1993, for the vacation of an unnamed alley and a portion of SW Logan Street (Resolution; C-9821)

Disposition: Resolution No. 35138. (Y-5)

Commissioner Charlie Hales

***677** Authorize agreements with two parties for the conveyance of property to the Bureau of Parks and Recreation, authorize acceptance of deeds and payment of expenses (Ordinance)

Disposition: Ordinance No. 166515. (Y-5)

***678** Grant a park-use permit to the Bow and Arrow Culture Club to use East Delta Park for a Pow-wow and Encampment (Ordinance)

Disposition: Ordinance No. 166516. (Y-5)

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***679** Contract retroactively with the Association for Portland Progress for the delivery of crime prevention services and assistance to neighborhood associations in the target area for the period July 1, 1992 through June 30, 1993, and provide for payment of total compensation, not to exceed \$77,093 (Ordinance)

Disposition: Ordinance No. 166517. (Y-5)

***680** Contract retroactively with Lisa T. Horne for the delivery of crime prevention services in the North Portland target area for the period of October 1, 1992 through June 30, 1993, and provide for payment of total compensation, not to exceed \$25,397 (Ordinance)

Disposition: Ordinance No. 166518. (Y-5)

Commissioner Gretchen Kafoury

681 Establish \$106,356 as the maximum price for a newly constructed single family house eligible for limited tax exemption in a distressed area (Resolution)

Disposition: Resolution No. 35139. (Y-5)

***682** Authorize intergovernmental agreement with Portland School District No. 1, and Multnomah County to designate use of Payment-in-lieu-of-taxes funds and transfer of title to Kennedy School from the School District to City (Ordinance)

Disposition: Ordinance No. 166519. (Y-5)

***683** Accept a grant under HOME Investment Partnership Program of the US Department of Housing and Urban Development for the Portland HOME Consortium in the amount of \$2,831,000 and authorize execution of agreement (Ordinance)

Disposition: Ordinance No. 166520. (Y-5)

***684** Designate Steven D. Rudman as Certifying Officer for the City of Portland (Ordinance; amend Ordinance No. 165757)

Disposition: Ordinance No. 166521. (Y-5)

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***685** Contract with Technical Assistance for Community Services for \$30,000 for professional services to prepare a Community Development Plan (Ordinance)

Disposition: Ordinance No. 166522. (Y-5)

Commissioner Mike Lindberg

686 Accept completion of the SE Taylor Street, west of SE 162nd Avenue Sanitary Sewer Minor Extension, approve Change Order No. 1 and make final payment (Report; Contract No. 28496)

Disposition: Accepted.

687 Accept contract with Nutter Underground Utilities as complete for a total cost of \$107,599 and authorize final payment of \$8,310 (Report; Contract No. 28498)

Disposition: Accepted.

***688** Contract with the US Geological Survey for streamflow and water quality monitoring without advertising for bids (Ordinance)

Disposition: Ordinance No. 166523. (Y-5)

689 Amend the Intergovernmental Agreement for Phase 2 of the Regional Water Supply Plan, Ordinance No. 166426, to increase the City of Portland's base share of the project from \$528,055 to \$546,275 (Ordinance; amend Agreement No. 50045)

Disposition: Passed to Second Reading May 19, 1993 at 9:30 a.m.

***690** Amend contract with Beak Consultants at a cost of \$1,000 (Ordinance; amend Contract No. 28520)

Disposition: Ordinance No. 166524. (Y-5)

***691** Call for bids for the replacement of Dam 1 log boom in the Bull Run Watershed, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166525. (Y-5)

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City Auditor Barbara Clark

- 692** Appoint Emily Simon as Citizen Advisor to Police Internal Investigations Auditing Committee (Report)

Disposition: Confirmed.

REGULAR AGENDA

- 668** Accept bid of Zellerbach, a Mead Company, for janitorial paper supplies for the period May 1, 1993 through April 30, 1994 for \$75,054 (Purchasing Report - Bid 149-A)

Discussion: Cay Kershner, Clerk of the Council, said the Purchasing Agent had requested that this be returned to his office.

Discussion: Referred to the Purchasing Agent.

Mayor Katz left the meeting at this point in the proceedings. Commissioner Hales assumed the chair.

- 693** Request from Mark D. Turnham, Portland Postal Employees Credit Union, for Council review of sewer assessment (Previous Agenda 497)

Discussion: Dan Vizzini, Auditor's Office, said his office reviewed this appeal at the request of Commissioner Blumenauer and is returning it with a recommendation that the original assessment stand and that this be filed for no further action.

Commissioner Hales said the recommendation is based on the policy that these assessments are calculated on land area and that the use or circumstances in a particular parcel cannot be brought to bear on the assessment question without opening up precedents.

Mr. Vizzini said the entire apportionment method used in the City is built on a principle that the City is making a permanent improvement and any property that has access to that improvement is permanently benefitted. Current use of the property is considered a transitory factor and not germane to the permanent features of the improvement.

Disposition: Placed on File for no further consideration.

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694 Accept bid of White GMC Trucks of Oregon for furnishing two 55,500 GVW cab and chassis with 15 yard dump body for \$383,750 (Purchasing Report - Bid 127)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

695 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 (Second Reading Agenda 655)

Disposition: Ordinance No. 166526. (Y-4)

Commissioner Earl Blumenauer

***696** Amend contract with PRC, Public Sector, Inc., to increase total contract by \$425,676 for purchase of a computer aided dispatch system and related equipment (Ordinance; amend Contract No. 28320)

Discussion: Commissioner Blumenauer said this is an unusual situation in that a series of inter-related projects are coming together through BOEC regarding the 800 MHz system, the new facility, etc. He said there are some potential problems aligning all the pieces since the responsibilities are split between four different Council members and he needs help in identifying the scope of these problems. He said they just learned that there will be a 39 day delay in moving into the new Center and this may affect the cost. He said they are working with the Budget Office on a cost update and also hope to find other funding sources. Finally, he intends to report back to Council before final budget approval so everyone will know what the baseline is and he can get an indication of how Council wants this managed.

Commissioner Kafoury asked about having a project manager.

Commissioner Blumenauer said there is a project manager for each of the pieces but nobody for whom it is a full time task. Also, no one person is responsible for integrating all these pieces. He said he hopes to get resolution within the next two months.

Commissioner Hales noted the tight time line on all the facets.

Disposition: Ordinance No. 166527. (Y-5)

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Commissioner Charlie Hales

***697** Authorize amendment to a grant for the Livable City specific development plan projects with the State Department of Land Conservation and Development in the amount of \$12,000 (Ordinance)

Disposition: Ordinance No. 166528. (Y-5)

***698** Authorize amendment to a grant for the Livable City community education on infill and redevelopment project with the State Department of Land Conservation and Development in the amount of \$5,000 (Ordinance)

Disposition: Ordinance No. 166529. (Y-5)

699 Change City Code provisions relating to Historic Trees (Ordinance; amend Code Section 20.40.150)

Discussion: Commissioner Hales said there are some changes in definition and the designation of the Forestry Commission instead of the Landmarks Commission for decision making on historic tree.

Disposition: Passed to Second Reading May 19, 1993 at 9:30 a.m

***700** Contract with Dames & Moore, Inc., for professional engineering services in the amount of \$24,000 (Ordinance)

Disposition: Ordinance No. 166530. (Y-5)

***701** Approve lease agreement with Powell Valley Road Water District for Bureau of Parks and Recreation to lease land and building at SE 136th Avenue for use as a maintenance facility (Ordinance)

Disposition: Ordinance No. 166531. (Y-5)

*******SUSPENSION OF RULES*******

The Clerk noted that the Mayor had distributed copies of an ordinance which she wished to have considered under Suspension of the Rules. Commissioner Kafoury moved Suspension; Commissioner Lindberg seconded and the motion carried. (Y-4)

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***701-1** Call for bids to purchase Glock 9mm pistols for the Bureau of Police, authorize a contract and provide for payment (Ordinance)

Discussion: Commissioner Hales said he believed this was to allow purchase of guns for the newly-hired officers.

Nancy Dunford, Police Bureau Fiscal Services Division, said this would allow the Police Bureau to add to its inventory of guns for resale to the officers. She said the money is budgeted for FY93-94 but there is a three-month lead time between when they go out to bid and the time the purchase order is prepared. The guns are for new officers and for those who are transitioning to the one fire-arm system policy the Bureau has established.

Commissioner Hales asked if, as a result of that policy, only the one gun was being stocked.

Ms. Dunford said that was correct.

Paul Richmond, PO Box 454, objected to the use of Glock guns by the Police. He said he did not see why Police needed a 19-round clip and contended that this weapon is not conducive to accurate shooting. He said Police need more training in shooting the gun in ways that do not kill people.

Disposition: Ordinance No. 166532. (Y-5)

At 11:45 a.m., Council recessed.

May 12, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF MAY, 1993 AT 3:00 P.M.

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

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

702

TIME CERTAIN: 3:00 PM - Adopt the Planning Commission recommended Albina Community Plan and 11 supporting Neighborhood Plans (Arbor Lodge, Boise, Concordia, Eliot, Humbolt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn) (Previous Agenda 659)

Discussion: Richard Cooley, Planning Commission Chair, said he was glad to see that the testimony at last Wednesday's meeting focused on far fewer issues than had originally been raised before the Commission. Regarding the A overlay zone, he said it is designed for home ownership and encourages people to invest in existing housing structures rather than tearing them down. He noted that the original A overlay was changed to reflect more emphasis on home ownership.

Jean DeMaster, Planning Commission member, said the plan has a mechanism to ensure that residents have opportunities for educational and career advancement. There is a linking of jobs and education and a committee will be designated to pursue these goals.

Margaret Kirkpatrick, Planning Commission member, said one of the major goals was to revitalize both neighborhoods and businesses. Among the issues were the limitations on expansion of existing businesses and declining business activity in the area. They tried not to downzone the property on existing businesses and to concentrate commercial activity in nodes along Martin Luther King rather than stringing them all along the street. They also increased the depth of the zoning for businesses. Regarding neighborhood revitalization, she said, concerns about the compatibility of new development were addressed by requiring design review. Increased housing densities were also a major concern and the Commission decided to return in 10-15 years and see what has happened in areas which were not upzoned.

Rick Michaelson, Planning Commission member, said this is the first significant expansion of design review into a neighborhood and into areas where it has never been applied before. Design review is intended to ensure

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the compatibility of new buildings but in some cases they are allowing developers to meet a list of objective criteria as an alternative. They also call for developers to meet with neighbors early in the design process as they believe that people are willing to accept high density if the designs are compatible. He said this is an experiment and will be reviewed to see if it should be expanded Citywide.

Bruce Fong, Planning Commission member, said the Institutional Residential (IR) zone is a key factor in stabilizing the neighborhood. The strategy of the IR zone is to foster the growth of anchor institutions, ensure compatibility and create more family wage jobs for residents.

Michael Harrison, Planning Bureau staff, said the basis for the alternative design A overlay zone was their belief the increased density would offset the problems of declining businesses and population. They also wanted to focus on infill without threatening the existing housing stock as many residents had asked for downzones and shift towards owner-occupied housing. The new Transportation Element adopted by Council last year also calls for increased density along transit streets. As it went through the Planning Commission, the A overlay was transformed into an incentive program in exchange for a greater commitment to compatible design. It offers one additional dwelling unit but the project must comply with additional compatibility standards. One element of the A overlay, the accessory living unit, allows the building of two units on lots which have been vacant for five years while another allows the rebuilding of existing multi-unit dwelling units if they are destroyed by fire or disaster.

Peter Wilcox, American Institute of Architects and developer of Ten Essentials for the AIA Housing Committee, supported the A-overlay, claiming that much of the controversy is based on misunderstanding. He also supported supplemental design compatibility standards.

John Friginesee, Metro Land Use Manager, supported the ACP and said Metro looks forward to a partnership with the City in encouraging efficient use of existing land resources rather than pushing out the urban growth boundary.

Tom Walsh, Tri-Met Director, said they are committed to meeting the action items in the Plan that are directed to Tri-Met. The key request is providing increased direct service from Albina to employment centers and training centers. He said they hope for such moderate increases in density as proposed in the ACP in order to meet their own strategic plan of increasing ridership.

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Commissioner Blumenauer asked for a one page summation of Tri-Met's goals in this area.

Jack Bierwirth, Portland Public Schools Superintendent, said he is pleased with the recognition that one part of the system, such as education, can not move forward without inclusion of other elements. He said he is committed to site councils at individual schools and would hope to involve others in this partnership, school by school.

Don McGuiness, Portland Community College, described the close relationship they have had in working with Planning staff and their own master plan for the Cascade campus. He said they strongly support the proposed IR zone and look forward to working with area high schools.

Commissioner Hales asked Mr. Bierwirth to provide information on school capacity.

Mr. Bierwirth said he did not have the exact figures but did not think the schools in the Albina area would be able to pick up large numbers of additional students.

Mr. Harrison said Planning predicts that even with the 3,000 additional housing units called for in the Plan, there will be a loss in population of 650 people. Demographics indicate that population would generally be an aging population.

Mr. Bierwirth they are looking at a 5,000 student increase district wide and 2500 in dropout retrieval which they will have a hard time accommodating. If the plan were to change significantly, it would helpful for the School District to know quickly.

Jaki Walker, Executive Director, Northeast Community Development Corporation, supported use of the 10 Essentials as a construction standard. She expressed concern about the negative effects of added density and multi-family units in certain areas, often because private landlords defer current maintenance.

Linda Krugel, 2967 N. Willamette, 97217, asked that the A overlay not be applied until there are standards for the zone and potential impacts have been analyzed. She charged that this has turned into a political issue, with some neighborhoods for it, some against.

Mayor Katz asked if she would feel as strongly negative if it were applied Citywide.

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She said she basically supports the concept but is concerned about targeting certain areas.

Commissioner Kafoury said Council in the past has directed that zone changes be done as part of the community planning process and that is the reason why this is being done in this area first.

Commissioner Lindberg asked about the time line for applying this citywide.

Mr. Harrison said the Comprehensive Plan update would be done in about 10 years unless Council directed that it be accelerated.

Commissioner Kafoury said part of the reason for starting Liveable Cities was to enable a Citywide move on some of the density commitments.

Commissioner Lindberg asked why there was so much opposition.

Ms. Krugel said many people affected by it did not know anything about it, arguing that Planning staff worked too closely with leaders of neighborhood associations, contacting maybe 100 persons. People consider the A overlay a rezoning without notification and also believe that Northeast Portland has been specifically targeted for this.

Mayor Katz asked about direct mailings.

Mr. Harrison described their attempts to reach every resident, including flyers and workshops. He said they were a lot more cost-effective than direct mailing.

Ms. Krugel said she never got a flyer even though she was looking for it. She said in other cities where this has been tried it has been adopted citywide.

Steve Waldram, 3332 N. Lombard, 97217, requested retention of commercial zoning on property he owns at 3515 N. Lombard rather than rezoning it to R1 in order to build a dental office. He said he has approval from Neighbors North and the neighborhood business association.

Michael Henniger, 2138 NE 16th, 97212, former manager of the Model Cities Plan and a planning consultant, strongly opposed the A overlay zone. He said it violates State building codes, adding that the Bureau of Buildings would be unable to deal with owner-occupied guarantees. He pointed out that housing in Northwest Portland has not become more affordable as accessory rental units are added.

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Beverly Brooklin, Portland Institutional Coalition, 811 NW 19th, Suite 20, 97209, supported the ACP, particularly institutional zoning which will allow for future expansion and give certainty to both institutions and neighbors. It also provides more flexibility to respond to changing conditions. She added that they are proposing minor changes which they have reviewed with the Planning Bureau.

Larry Weiss, 173 NE Bridgeton, 97211, requested CM zoning in the Bridgeton area to enhance this marine area.

Mayor Katz asked Mr. Harrison about the cost of accessory units.

Mr. Harrison said they believe the units will be costly enough that there will not be all that many of them. However, they also believe they will be less expensive than new apartments would be.

Pam Geis, 2405 N. Alberta Street, 97217, opposed accessory rental zoning and said the Overlook Association's division proposal does not represent the majority view.

Charles Flake, NE Coalition of Neighborhoods, 4815 NE 17th, 97211, asked Council not to overlook renters.

Grant Watkinson, President, Paulsen and Roles Laboratories, 1836 NE 17th, 97212, asked that the Plan be amended to delete the buffer overlay zone on Lots 6, 7, 8 on Block 252. He said they requested EXd on Lot 7 and 8 in order to expand and the Planning Commission recommended it for Lots 7 and 8 but then accepted a staff recommendation to add a buffer zone to the eastern portion of Lots 7 and 8. He said there is a contradiction in that the B overlay zone requires setbacks while the D design zone prohibits them.

Michael Sonalectner, 5905 N. Montana Ave., 97217, representing RH Negative, Light Rail Positive, said he lives in a corridor which is slated for light rail. He said RH zoning would utterly destroy the neighborhood and make it effectively a rental area. He said they are also worried about the increase in traffic and crime that will come from such high density.

Dean Gisvold, 2815 NE 17th, 97212, Irvington Community Association, asked that all of Irvington be made a historic neighborhood and that a separate advisory board be established. Regarding supplemental compatibility standards, the Association recommends removing provisions giving developers the ability to avoid meeting any of the standards. They also oppose any R2.5 zoning in Irvington and propose amendments to the A overlay to ensure that growth will be compatible with the neighborhood.

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Regarding the Paulsen and Roles property, they recommend that it be rezoned to RH and that the City prevent the expansion of an industrial use into the neighborhood.

Lowell "Andy" Anderson, 1935 N. Willamette Blvd., 97217, opposed the A overlay, particularly the accessory rental unit. He said an overwhelming majority of Overlook residents oppose it, with over 900 signing a petition against it. He added that the owner occupied provision cannot be enforced as there are not enough housing inspectors to deal with violations already.

Dorothy Holland, 2314 N. Emerson, 97217, opposed the A overlay and supported the Overlook compromise, citing concerns with parking and traffic.

Mathies Kemeny and Roger Jauch, Co-Chair North/Northeast Business Association, said the zone changes they are asking for were requested earlier in the process. He said restrictive provisions should be applied Citywide rather than only to the ACP in order to maintain the area's competitiveness. They also believe that it is best to develop standards as needed rather than generating a bunch of rules for something that may never happen.

Commissioner Hales asked if they are suggesting that any regulatory provision either be not applied or suspended.

Mr. Kemeny said there is one regulation that is restrictive that is not being applied Citywide.

Commissioner Lindberg said it has to do with buffers adjacent to residential areas.

Doug Hartman, 4615 N. Colonial, 97217, said the ACP plan is carefully crafted and does not degrade the neighborhood. He said what broke the mediation (in Overlook) was a specific issue regarding how the compromise would be carried forward and some provisions attached to it which they did not feel were made in good faith. The second factor was the fear of threatened legal action.

Howard Loucks, 22 NE Graham, 97212, said the buffer requirement should remain to ensure appropriate protection. He urged approval of amendments passed by Eliot Board, including a reduction to zero in the number of design exceptions allowed. He also supported the A overlay zone.

Mike Matteucci, 214 NE Thompson, 97212, said Eliot supports higher density that takes into consideration critical mass and compatibility. He said new

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housing potential has been decreased due to changes in the plan by the Planning Commission. He asked that the zoning not be watered down.

Commissioner Hales said there have been specific proposals that would decrease housing in the area but none that would increase it in Eliot.

Susan Hartnett, 28 NE Graham, 97217, asked that the Plan be adopted with no changes. She asked for extension of said the design overlay, the buffer overlay, and for language which would deter intrusion into the residential area.

Steve Rogers, 533 NE Brazee, 97212, Eliot Neighborhood Association, described extensive outreach by the Association to reach people. He said Eliot accepted greater density in return for historic district zoning and xxx. They support reducing from 3 to zero units the housing threshold in a historic design zone and zero exceptions to supplemental standards. They also call for a citizen-based evaluation process and a process for monitoring the plan.

Barbara Davis, 2426 NE 16th Avenue, 97212, said no zone changes should be imposed with the idea of increasing density.

James E. Stilwell, Harder Mechanical Contractors, Inc., opposed rezoning of property at 2120 NE MLK because of the negative affect it would have on his business. He questioned placing limits on one of the more sucessful businesses on MLK in order to get a lot that has no real value residentially.

Betty Walker, Sabin Community Association, 3124 NE 17th, 97212, said the Association had reaffirmed its approval of the A overlay which they believe will help with affordability in their neighborhood. She said they were concerned initially to find that half of Sabin was to be rezoned R2.5 and believe the overlay would better suit the neighborhood. She also favored design review on King Boulevard and for the urban renewal extension.

Dave Lohman, Port of Portland, said with respect to rezoning in the Bridgeton area, the Port believes the area, now zoned CG, is not suitable for residential zoning as proposed in the ACP because it is in the noise contour. If residential building is allowed, there will be endless disputes about noise. With the CM zone proposed by the neighborhood, one-to-one residential to commercial would still be required. Regarding transportation, the Port believes the relation between transportation and land use will not be clear until the Columbia Corridor Transportation study is completed.

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Commissioner Hales asked whether the residential development just across the harbor was not within the noise zone.

Mr. Lohman said there have been great problems with people living there regarding noise and they do not want to add to them.

Herbert Althouse, 703 Broadway, #605, Vancouver, Wa, 98660, opposed the OS zoning overlay north of the Columbia Slough in the Hayden Island area. He said this conflicts with transportation, job creation and employment goals in the Albina Community Plan.

Julie Ann Rogers, Overlook Community Association, 3914 N. Longview Ave., 97217, described the character of the neighborhood and actions taken by the Association regarding the ACP. She said Overlook has the largest amount of vacant land currently zoned for single family use of any of the 13 Plan neighborhoods. She said the neighborhood hashed over all the issues many times and helped find innovative solutions working with Kaiser Permanente and community businesses. For the neighborhood to support increased density, it had to be convinced that the City was committed to the alternative design density zone as a tool with citywide applicability and while they are still concerned about the Rh zoning designation north of Killingsworth, between I-5 and Interstate, they hope to promote home ownership to make the Rh zone economically unfeasible. She called for keeping the ACP intact as each portion has been carefully balanced to improve the liveability of the Overlook neighborhood.

Tom Markgraf, Chair, Piedmont Neighborhood Association, 2038 N. Kerby, 97217, said they are very proud of the success of their efforts to stabilize their neighborhood, get rid of drug houses and increase home occupancy rates. He said they support most of plan but disagree with the R1 housing designation on MLK, which precludes commercial development on the ground floor and instead support a compromise, recommending that zoning between NE Holman and Portland Boulevard be zoned R1. They also recommend CM zoning on Portland Blvd and N. Holland. Piedmont also has problems with the design overlay as it is specified for an upper end housing area as well as the historic district. They object to cutting up quality homes for apartments and do not believe garages provide quality homes. He said they believe it is too vague to be enforcement and have problems about safety and parking. If imposed, they request stringent design guidelines. They also request the historic district for their neighborhood.

Linda Chaplik, 2036 N. Willamette Blvd., 97217 opposed the A overlay and presented a petition signed by over 800 persons who are opposed.

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Steve Telfer, Legacy Health System, Emanuel Hospital, 1919 NW Lovejoy, 97215, supported the plan as proposed.

Kevin McGee, 3809 NE 21st Ave., 97212, opposed the A overlay zone in the Irvington neighborhood.

Thomas H. Bentley, Alameda Neighborhood Association, 3121 NE 26th, 97212, said the Board supports leaving the rezoning as it is in the overlap area. The Irvington Board has petitioned to reverse that position but Alameda stands behind the wishes of residents in the overlap area who want to leave the zoning as it stands now.

Boris Georgeff, 2237 N. Skidmore, 97217, opposed the A overlay and supported the compromise. He said the Plan does not adequately address the impact of increased traffic south of Going.

Jim Rogers, 3914 N. Longview Ave., 97227, supported the ACP as a vehicle to deal with land use problems which will arise whether or not there is a Plan.

Neil Patel, 4801 N. Interstate, 97217, supported the A overlay for Albina and for the City as a whole as a way of managing increased growth. He also called for retaining the design overlay.

Commissioner Blumenauer noted that we have 30 per cent fewer residents in these neighborhoods than we used to and schools are much less crowded today than they have been in the past.

Teresa M. Cunningham, 1730 NE Thompson, 97212, said the strategies to reach the maximum number of residents were not followed. She opposed application of the A overlay and presented a petition with 266 signatures in opposition.

Charlotte Uris, 2526 NE 10th, 97212, opposed application of A overlay zone, arguing that if not done Citywide, it would constitute class zoning. She contended that internal conversion is a much better way to encourage additional housing units.

Commissioner Lindberg asked Planning staff for information on the potential for internal conversions.

Chris Gerber, 4637 N. Colonial Ave., 97217-3324, supported the A overlay.

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Stephen Bailey, 1927 NE Tillamook, 97212, opposed the Irvington Neighborhood Association Board stand in support of the A overlay. He said many who opposed it were ignored by the Board and non-Board members are fighting mad.

Larry Mills, 1406 N. Winchell, co-chair of the Kenton Action Plan, said the revised Plan presents a workable compromise but the proposed I-5 transit corridor upzoning from RH to R5 should not be approved. He said they believe the A overlay proposal is reasonable and want compatibility of new housing within the neighborhood.

Pam Arden, Kenton Neighborhood Association, 1817 N. Winchell, 97217, supported the Plan with adoption of the historic district and creation of an advisory committee for their neighborhood. She supported Dr. Waldham's request for a zone change to build a dental building. She said the stockyard site is a major concern and they question whether something decent will go there. The A overlay sounds okay, despite some concerns about monitoring and their desire to eliminate the garage conversion portion. Design and compatibility standards are needed because of the number of vacant lots there that could have row houses built on them.

Blanch Berry, 1615 N. Highland, 97217 supported the proposed Plan.

Norm Lindstedt, 4081 N. Overlook Blvd., 97227, said the A overlay is unnecessary and will allow every house to become a duplex. It is not good planning to project increased density for Overlook based on the prospect of increased light rail transit. He urged support for the compromise.

Sandy Trapnell, 6743 N. Villard, 97217, objected to the lack of communication from City. She said the uniqueness of the homes should be preserved and North Portland residents should not be used as guinea pigs.

Bill Weismann, Woodlawn Neighborhood Association, 1720 NE Buffalo, 97211, supported the ACP, including the Woodlawn Neighborhood Plan and Woodlawn Historic District. He noted that Woodlawn felt that density should be considered Citywide and, after conferring with the Planning staff, the A overlay zone in their area was reduced significantly.

Mary Sauter, John Palmer House, 4314 N. Mississippi, 97217, called for preservation of historic buildings and support of the historic districts. She said design overlay must be retained if the historic district is to endure.

Martha Burnett, 976 N. Oneonta, 97217, supported the ACP.

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Chris J. Winkley, 4132 N. Missouri, 972127, said he felt the Planning Bureau had done a good outreach in Boise, adding that the Plan received a lot of media attention. He said he is excited by the formation of seven new historic districts and looks forward to implementation.

Dave Stover, 3008 NE 14th, 97212, opposed the A overlay, contending that infill is a slow process that happens incrementally and that slowly neighborhood will slip away. He said the overlay, while well intended, will have effects that no one anticipates.

Jerry Van Horton, 4008 N. Mississippi, #5, 97227, said the Eliot Neighborhood is Board is racist because it represents only one per cent of residents and underrepresents the minorities who live there. He argued that no one's property should be rezoned unless the owner wants it and the area will be better off. He said seven of the eight properties his family owns are subject to rezoning and a design overlay is proposed for the eighth one.

Leah Van Horton, Custom Marble, 3451 SW Canby, 92719, opposed the zone change from General Commercial to high density residential on their property. He said this will defeat efforts to revitalize businesses in the area.

Carole Colie, 2332 NE 16th, 97212, said she saw nothing in the slides which made her think that the garage conversions would be compatible and houses last too long to say this idea is worth a try.

Allan T. J. McInnis, McInnis Commercial Real Properties, 2090 SW Cedar Hills Blvd., said the viability of zoning for multi-family housing along I-5 and Marine Drive is questionable so close to the airport because of the noise impacts.

Charles Wainwright, Commercial Property Business Owners on MLK Jr., Blvd., 6120 SW Huber, 97219, opposed the proposed RH zoning on MLK, calling for retention of CG zoning. He said placing residential housing there is unreasonable because of traffic, noise and other aspects. H said the businesses there now are viable and should be supported.

Laird Heater, 1316 N. Alberta, 97217, real estate broker, said at the lower end of economic scale the renter, not the landlord, can become the intimidating factor. He has seen a great change in Overlook in the last year and said he believes its ability to attract families will revitalize the neighborhood and resolve density problems there.

Glenn Havener, 2045 N. Skidmore Terrace, 97217, former Overlook Board member, said he would like to share some observations about process if a

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debriefing ever takes place. He strongly supported the A overlay and protested the single issue politics surrounding that issue. He said the proposed EXd zone in Overlook is a significant part of plan, providing some business expansion potential and that the IR zone also provides good protection, although design overlay is needed to make it work.

Commissioner Blumenauer said it would be a good idea to have a debriefing when the dust has settled.

Isadore Maney, Humboldt Neighborhood Association, said young couples are now moving into their neighborhood. He complimented Planning staff for their help in putting together public forums. He said one problem is parking and he would not like to see more density.

Bob Huggins, 5124 NE Cleveland, Chair of Humboldt Neighborhood Association Land Use Committee, said this is a racially diverse neighborhood with slightly over 50 per cent African-American. He said the neighborhood wants to promote home ownership, support local businesses, decrease crime, and add some green space. They believe increased density will work against these goals.

Whitney Boise, 2205 NE 16th, 97212, opposed the A overlay, arguing that internal conversions are preferable to external ones which would destabilize the neighborhood. He said Irvington Board members were the only ones there who favored the A overlay, while all other residents opposed it.

David Greene, 6326 NE Mallory, 97211, supported formation of the Piedmont historic districts. He opposed the A overlay because of the lack of control, increase in traffic and lack of parking.

Peter Madden, 1628 NE Thompson, 97212, said the Irvington Board went for A overlay because it could then get RH changes it wanted. Because of its small impact there, the overlay does not increase density in Irvington.

Garry Papers, AIA Urban Design Committee, 2311 NE 10th, 97212, said the proposed I-5 and Interstate light rail alignments are the wrong choices for the district and should go through the heart of Albina, on either King or Williams. Placing light rail along the freeway is wrong and contradicts all of the objectives for transit-oriented development. The Committee also believes the proposed EXd and CGd zoning along MLK is a big compromise and that the design review component is absolutely essential to protect established neighborhoods and provide needed service nodes that are pedestrian oriented. They oppose linear, auto-commercial zones of more than four blocks. He said design review along King is crucial to the success of the entire plan to

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assure that it does not become the next 82nd Avenue. Regarding housing, he said they are disappointed to see the Plan respond only to NIMBY testimony and decrease the housing target even further than the staff's already reduced recommendation of 6,000 new units. He said the target, 3,000 new housing units, will create no net increase in population in the next 20 years. Albina will continue to have 30,000 fewer residents than it had in the 1960's and do little to absorb the incoming people. It also sets a bad precedent because Albina does have available land. He said they believe housing density could be increased via sensitive infill and in general support the A overlay. Regarding urban design, they believe the big issues have been sidestepped or deferred to other planning projects. These include increasing usage of bikes, transit and walking and decrease dependency on the auto. Decisive planning for future population growth is also missing. The Plan, though well intended, is largely a collection of small, important objectives and many, many compromises which reinforces the status quo of an auto-dependent inner city district and encourages incompatible strip development through its heart.

Commissioner Blumenauer asked why the Committee thinks that Williams would be preferable to Interstate for the proposed light rail. He asked for a one page analysis of what the consequences will be in 20 years if the rest of the region grows and the Albina community has the same or a smaller population.

Catherine Galbraith, Bosco-Milligan Foundation, PO Box 14157, 97214, supported the formation of historic districts, which have obtained strong grass roots support. New construction must be reviewed for compatibility and called for the district advisory boards to be retained. Adequate staffing in City Landmarks Commission is also badly needed.

Joanne Wu, 2145 NE Hancock, #1, 97212-4742, opposed the A overlay and supported internal conversions instead. As a renter, she said that would be more inviting to her and also cheaper. She suggested experimenting with internal conversions and if that does not work, try something else.

Disposition: Continued to May 13, 1993 at 3 p.m.

703

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 (Previous Agenda 660)

Disposition: Continued to May 13, 1993 at 3:00 p.m.

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704

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 (Previous Agenda 661)

Disposition: Continued to May 13, 1993 at 3:00 p.m.

At 8:25 p.m., Council recessed.

May 13, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF MAY, 1993 AT 2:00 P.M.

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

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

705 Convene Council as Budget Committee to approve FY 1993/94 Proposed Budget and FY 1992/93 Supplemental Budget and hold State Revenue Sharing Hearing (Hearing)

Discussion: Tim Grewe, Office of Financial Planning reviewed the increases in the budget which Council directed during its budget hearings. The Budget notes incorporate the decision that any additional revenues be placed in the capital fund dedicated to infrastructure improvements. First priority will be given to meeting ADA requirements.

Commissioner Blumenauer said he thought Council made a commitment to do all the ADA compliance requirements.

Mr. Grewe said they are preparing a plan to use debt service to finance the improvements so that all the commitments can be met.

Mayor Katz asked about seismic problems in City buildings and about the potential cost.

Mr. Grewe said that is another of capital improvements called for. He noted that the budget responds to priorities established last January, including adding 38 Police positions, funding for the new Police precinct station, continued transition of the city lights program into the General Fund and paying the City's share of Westside light rail.

Roby Roberts, Vice Chair, Portland Public School Board, said they are cutting \$42 million from their budget this year and would like to expand cooperative efforts with the City on problems of mutual interest.

Mayor Katz said Council members urged a conversation with Jack Bierwirth about coordinating Parks and Public Safety programs with the schools.

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Mr. Roberts said they should have more definite numbers by mid-June.

Commissioner Blumenauer suggested a joint meeting after mid-June when both the School District and the City have its final budget numbers.

Commissioner Blumenauer said he has some issues he would like to continue to pursue. He said if there is additional money of \$1 million or more, rather than putting it toward other unspecified capital projects, he would like Council to consider putting it in programs for children. Another concern is partial cost recovery for the Planning Bureau through fee increases. Capping the utility franchise is another priority and could help meet the needs of low-income residents when water and sewer rates are increased. Neighborhood emergency preparedness also needs funding as do a vast number of unmet transportation needs. He said he was also concerned with the decentralization of the accounting function which will have severe impacts on bureaus.

Commissioner Hales said he believes this budget takes steps towards better management and better customer relations and also made progress in terms of neighborhood liveability. He said the zero based budgeting concept has had limited success but continued use will help the City live with the results of Ballot Measure 5. He said the budget process was more open this year than some years in the past and recognizes the needs to act more regionally.

Commissioner Kafoury said she is concerned about returning to the goals Council set in January and addressing healthy families and children issues. She is also concerned about the level of funding for the Planning Bureau, which could be covered logically with a fee increase. She called for moving more aggressively in forming partnerships with other jurisdictions.

Mayor Katz said the budget reflects the fact that there are fiscal uncertainties. It meets Council goals set in January, which are also community goals. She said she heard concern about excessive fees and regulations that will create barriers for people who want to work and this budget begins to address some of those restraints. She said they have an incredible job ahead of them if the City is not successful at the ballot box in June.

Mayor Katz read a statement regarding State Revenue Sharing and invited public testimony.

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Mr. Grewe noted a bill in the legislature rededicating current State Revenue funds to the State general fund to pay for the health insurance bill which could deprive the City of \$7.4 million, not including \$600,000 in beer and wine revenues.

Disposition: Adopted. (Y-5)

702

TIME CERTAIN: 3:00 PM - Adopt the Planning Commission recommended Albina Community Plan and 11 supporting Neighborhood Plans (Arbor Lodge, Boise, Concordia, Eliot, Humbolt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn) (Previous Agenda 659)

Discussion: Kurt Widmer, Widmer Brewing Company, 929 N. Russell, 97217, said he believes his company has created a momentum for revitalization of the area.

Michael Harrison, Planning Bureau staff, said the Widmer building is within a proposed historic district in the Albina District.

Steve Pfeiffer, Kaiser Foundation Hospitals, 900 SW 5th, said they fully support the proposed institutional zone with the elimination of some ambiguities. With regard to density, Kaiser's experience has been that the denser the neighborhood the better off the institution will be. Kaiser supports the effort to enhance density.

Chad Debnam, C & M Debnam Construction, asked that property he owns on Martin Luther King retain its commercial designation rather than being rezoned for residential as proposed.

Commissioner Blumenauer asked if there any new issues that had surfaced today. The only one he found was the downzoning requested by the Humboldt Neighborhood Association.

Commissioner Hales said if some zoning requests were granted to individual property owners, this would raise policy issues for some neighborhood associations. There is a similar problem in Bridgeton.

Commissioner Blumenauer said he would like to spend time talking with Council on the overall vision for Albina. He said he does not think the hearings have advanced things very far and would prefer not to go through this process again.

Mayor Katz noted that there will be a Council Informal to decide the major policy issues, including the A overlay and other proposals. Planning needs to

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for another hearing or to rubber stamp the Planning Commission report. If major changes are made, then they may want to go out to the community again.

Disposition: Continued to June 30, 1993 at 2:00 p.m. Time Certain

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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 (Previous Agenda 660)

Disposition: Continued to June 30, 1993 at 2:00 p.m. Time Certain

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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 (Previous Agenda 661)

Disposition: Continued to June 30, 1993 at 2:00 p.m. Time Certain

At 2:35 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council