



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF MAY, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

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

697 **TIME CERTAIN: 9:30 AM** - Report on recently adopted Business Plan for the Metropolitan Exposition Recreation Commission (Report introduced by Mayor Katz)

Discussion: Sam Brooks, Metropolitan Exposition Recreation Commission (MERC) Chair, said this plan is flexible and responsive to unforeseen circumstances. It will be reviewed and updated annually.

Pat LaCrosse, MERC General Manager, said a business plan for MERC is not a new idea but the loss of the Coliseum provided a special impetus for going ahead. The Plan is principally a financial one but also addresses the role of subsidies at the three facilities -- Portland Center for Performing Arts (PCPA), the Stadium and the Oregon Convention Center. The Convention Center loses a significant amount of money annually but the loss is subsidized through the hotel-motel tax. Regarding the Stadium, the Plan calls for it to break even without Coliseum support and is predicated on some key tenants to minimize the amount of subsidy. The PCPA, where revenues are very cyclical, needs an average of between \$600,000 to \$1,000,000 annually to underwrite its operation. With the loss of the Coliseum, however, those funds were not forthcoming and MERC began depleting its reserve funds which, without some intervention, will be exhausted in another year. Also, with the loss of the Coliseum, the Stadium has had to stand on its own and the costs have been more than was expected, particularly with the loss of the Beavers baseball team. However, MERC hopes to secure another AAA baseball team as a tenant and make the Stadium self-supporting within the next two years.

Mr. LaCrosse said the strategy for PCPA calls for a subsidy of \$800,000 the first year and \$600,000 the second. They have cut expenses and are working to increase revenue. In the future they propose a reallocation of the hotel-motel tax, currently reserved for the Convention Center, to add

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\$600,000 over three years to underwrite PCPA operations. This proposal has been approved by MERC and Metro and Multnomah County is expected to also support adjusting its hotel-motel tax ordinance.

Regarding the Stadium, they hope to increase the number of concerts as well as to secure a Triple A baseball team, which would ensure substantially higher revenues than a single A team. If unsuccessful, they will return to Metro and discuss alternatives.

Commissioner Hales asked what assistance might be needed from the City in order to attract Triple A baseball.

Mr. LaCrosse said they have been working on this for a year and have been negotiating with Calgary but have not reached a conclusion. Because time is getting short, MERC will set a deadline of next Monday, May 16.

Mr. Brooks said at some point the Commission may have to make a decision about other alternatives.

Commissioner Lindberg said when the Beavers slipped away, there was a feeling that City Hall should have taken a much more active role. The recruitment of Calgary, on the other hand, has involved both the Mayor and himself as well as the business community and Metro. He said this will not be a situation where opportunities are lost because of a lack of involvement.

Commissioner Hales asked if they anticipated any capital expenditures immediately and if they needed the City to step up and do anything in the short term.

Mr. LaCrosse said there are no financial issues outstanding with respect to Calgary, adding that MERC has committed to \$225,000 in capital improvements.

Commissioner Lindberg said this business plan makes MERC's finances more open and less mysterious. He said making MERC more entrepreneurial and raising additional revenue is also encouraging, adding that more creative merchandising offerings and advertising could be considered for revenue potential. An organized effort to name the two unnamed facilities will also help.

Mr. Brooks said he expects to see those items addressed as the business plan moves forward.

Tom O'Keefe, United Community Action Network, said UCAN fears that Calgary is using Portland as a pawn. He said the non-profits have lost quite a bit in contributions from fundraisers in the Stadium. He said it

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seems funny that a lot of people were laid off at the Stadium but the operation cost has increased. He said signage in the outfield is a huge revenue source for baseball teams, adding that currently Portland State has taken over that contract which he hopes is not for more than one year so that can be a negotiating point with baseball teams. He questioned the effect on baseball of allowing a promoter to control all concerts there rather than allowing a ball team to hold concerns after its games.

Disposition: Accepted (Y-4).

Agenda No. 704 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

699 Accept bid of Parker NW Paving for SW Caraway Court - SW 33rd for \$82,206 (Purchasing Report - Bid C-9835)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

***700** Agreement to provide photographic developing services to the City of Fairview (Ordinance)

Disposition: Ordinance No. 167624. (Y-4)

***701** Authorize appointment of John Worcester as the Recruitment and Selection Manager at the top rate for the classification pay grade (Ordinance)

Disposition: Ordinance No. 167625. (Y-4)

***702** Intergovernmental Agreement to provide an interim Public Safety Director to Portland Community College (Ordinance)

Disposition: Ordinance No. 167626. (Y-4)

***703** Amend Ordinance to facilitate the payment of the claim of Howard R. Woods (Ordinance; amend Ordinance No. 167580)

Disposition: Ordinance No. 167627. (Y-4)

Commissioner Earl Blumenauer

***705** Authorize continued negotiations for the purchase of a right-of-way required for the construction of a public street within the Airport Way Urban Renewal District, and authorize the Portland Development Commission as

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agent for the City, to commence condemnation proceedings and obtain immediate possession (Ordinance)

Disposition: Ordinance No. 167628. (Y-4)

Commissioner Charlie Hales

***706** Contract with David F. Weich, Sr. for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 167629. (Y-4)

***707** Contract with Alder Creek Lumber Company, Inc. for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 167630. (Y-4)

Commissioner Gretchen Kafoury

708 Accept contract with Honeywell, Inc. to furnish and install fire alarm system at City Hall and the Portland Building as complete; authorize final payment and release retainage (Report; Contract No. 26408)

Disposition: Accepted.

***709** Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on June 4, 1994 (Ordinance)

Disposition: Ordinance No. 167631. (Y-4)

***710** Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 8, 1994 (Ordinance)

Disposition: Ordinance No. 167632. (Y-4)

***711** Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 11, 1994 (Ordinance)

Disposition: Ordinance No. 167633. (Y-4)

***712** 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 11, 1994, and for a float display area after the parade from 2:00 p.m. Saturday through 6 p.m. Sunday, June 12, 1994 (Ordinance)

Disposition: Ordinance No. 167634. (Y-4)

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- *713** Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park for their annual festival from May 23 through June 22, 1994, or as approved by the Parks Bureau (Ordinance)

Disposition: Ordinance No. 167635. (Y-4)

- *714** Grant a revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks on June 4, June 8, and June 11, 1994 (Ordinance)

Disposition: Ordinance No. 167636. (Y-4)

- *715** Grant a 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 28, 1994 (Ordinance)

Disposition: Ordinance No. 167637. (Y-4)

- *716** Grant a revocable permit to the Portland Rose Festival Association to use propane cooking units in the festival center area from June 2 through June 12, 1994 (Ordinance)

Disposition: Ordinance No. 167638. (Y-4)

- *717** Authorize the purchase of furniture and accessories through an Oregon State Price Agreement and provide for payment (Ordinance)

Disposition: Ordinance No. 167639. (Y-4)

- *718** Contract with Coalition of Black Men, Inc. for \$12,000 to carry out the Ojo Tuntun Mural Project and provide for payment (Ordinance)

Disposition: Ordinance No. 167640. (Y-4)

- *719** Correct a typographical error in Title 29, Housing Maintenance Regulations (Ordinance; amend Code Section 29.70.110)

Disposition: Ordinance No. 167641. (Y-4)

Commissioner Mike Lindberg

- 720** Accept contract with Advanced American Diving Service, Inc. for log boom replacement, Bull Run watershed, as complete and authorize final payment (Report; Contract No. 29039)

Disposition: Accepted.

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721 Accept completion of the Hayden Island sewer and the Lotus Isle pump station and make final payment to the Clearwater Construction Company (Report; Contract No. 28036)

Disposition: Accepted.

***722** Authorize intergovernmental agreement with Powell Valley Road Water District to upsize a water main in SE Foster Road and to provide payment in an amount not to exceed \$81,946 (Ordinance)

Disposition: Ordinance No. 167642. (Y-4)

***723** Amend an agreement with Pacific Power & Light Company for energy conservation assistance and provide for payment (Ordinance; amend Contract No. 28393)

Disposition: Ordinance No. 167643. (Y-4)

***724** Authorize a contract and provide for payment for the NE 148th Avenue and private property sanitary sewer system (Ordinance)

Disposition: Ordinance No. 167644. (Y-4)

***725** Authorize payment of \$60,000 to Oregon Association of Clean Water Agencies to help finance Willamette River Basin Water Quality Study (Ordinance)

Disposition: Ordinance No. 167645. (Y-4)

***726** Authorize a contract and provide for payment for the NE Airport Way, 138th to 181st sanitary sewer repair (Ordinance)

Disposition: Ordinance No. 167646. (Y-4)

REGULAR AGENDA

***704** Authorize the renaming of SW 27th Avenue/SW Palatine Street between SW Stephenson Street and SW Lancaster Road to SW 27th Avenue (Ordinance)

Disposition: Continued to May 18, 1994 at 9:30 a.m.

698 **TIME CERTAIN: 10:00 AM** - Endorse the River District Development Plan and direct the Offices of Transportation and Government Relations, Portland Parks and Recreation and the Bureaus of Planning and Environmental Services, in coordination with the Portland Development Commission, to assume responsibilities for both long-term and immediate

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actions in support of the Plan (Resolution introduced by Mayor Katz and Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said implementation of this plan is an exciting and unique opportunity for the City to accommodate more people with a fraction of the impact that would occur if they were scattered farther from the central City. This can alleviate pressure on the urban boundaries and help make the land use, transportation and design connections that are increasingly important as the City plans its future.

Bob Ames, River District Steering Committee member, said this is the first opportunity for Council to make a firm commitment to the Plan, which ensures that Portland gets its rightful share of the population growth that we know will occur. This resolution will elevate the River District from a vision into a real project and provides the basis for a public and private funding strategy. The toughest part of the proposal relates to the significant infrastructure improvements which are needed, but which will not be easily accomplished in the post Measure 5 era.

Greg Baldwin, architect with Gonsel Frasca, said the big question is how the River District fits in with all the other agendas the region is pursuing. The River District is central to the future of the region and is not only a good idea but a good deal.

Don Magnuson, Executive Vice President, U.S. Bancorp, said this plan is the evolution of a seven- or eight-year effort. He said U.S. Bank, the largest employer in the area, is fully supportive of this development as it wants more people living and working downtown.

Pat Prendergast, 333 SW Fifth Ave., said private land owners are very enthusiastic about this initiative and are willing to go ahead and implement some of the things in the plan document. He said the district is about evenly divided between public and private land, noting that the public is vested in Union Station as well as in Port Terminal One. As a builder, his interest is extending the best of the Northwest area to the Hoyt Street yards and the River.

Bill Naito, 5 NW Front, said the risk to the City of backing this plan is not as great as one might think, citing major commitments to the area have already been made by Pendleton and ODOT, which is building its regional headquarters there. Completion of the transit mall extension to Union Station within the next month will also tie north and south downtown together and help ensure that people will want to live there.

Debbie Wood, President, Old Town/Chinatown Neighborhood Association, said this plan supports the values of a truly diverse community that works for everybody, especially in the area of housing. Low-income housing, if it is

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to be realized, will have to be a Citywide priority and economic tools such as bond financing and subsidies will be needed to put it on an equal footing with market-driven housing. She said the other priority for the Neighborhood Association is green spaces, adding that they hope that the Tanner Creek development will be a very natural-appearing space.

Jean DeMaster, Director, Transition Projects and Steering Committee member, said the potential for developing housing at all economic levels is very exciting and adding 5,500 new housing units reflects the goals of other major plans such as Future Focus. She said the key to ensuring that the 5,500 housing units represent economic diversity is implementing the housing strategy called for in the Plan.

Carol Smith-Larson, Vice President, Pearl District Neighborhood Association, read a letter from the Association supporting the Plan.

Steve Fosler, Chair, Citizens Advisory Committee, Central City Transportation Management Plan (CCTMP), said the River District is a critical building block in achieving the goal of 15,000 new housing units in the Central City. He said the pedestrian connections and bicycle improvements should be implemented early, especially the connections between the River District, downtown and Northwest. Direct and easily accessible transit service is also needed early in the process.

Gary Papers, Chair, AIA Urban Design Committee, said this is a truly new way of going about district planning, noting the emphasis on incremental development agreements with landowners. It will need to be carefully monitored and evaluated and Council has an obligation to make sure it is not dominated by private sector concerns. The Committee generally endorses going ahead with the public planning process but would like more staff support and review by the Design, Planning and Landmarks Commissions.

Marcy McInelly, AIA Urban Design Committee, said issues that still need to be addressed include defining the specific objectives and planning tools needed in the First Phase. For example, incremental agreements are being promoted as critical tools in the coordination of public and private investment over more conventional tools such as zoning. She cited the need to draft a model agreement early in the process. Another concern is how the site-by-site agreements will be coordinated. She said a district-wide framework is essential and can also help assure that the larger objectives of the plan will be incrementally advanced. Consistency must be maintained with other already successful Central City policies and plans. The Committee is concerned that the guidelines in the River District Plan will be difficult to use and apply. She identified other critical elements that should be addressed in the next phase and recommended that minimum density be assigned to each proposed block.

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John Fett, 510 NW 23rd, said while he finds some aspects troubling and others inspiring, overall this seems more appropriate for a theme park because of the emphasis on graphics such as signage and motifs. It is image over substance. He said the scale of the river basin is inappropriate and it will be difficult to cross Front Avenue to get to the River. Extension of the Park Blocks or Union Station would be more worthy. He said the Plan should proceed but with an emphasis on how its eloquent ideas will be transformed into three-dimensional objects.

Richard Lishner, 2545 SE 37th, supported the Plan but believes the housing goals should be made mandates and the City should demand more than goals from developers to get the density it requires. Another concern is not creating another area on the River unless it can be intimately connected with downtown.

Eriks Zrins, 7303 SE Mill, citing a number of earlier plans, called for a study to determine if the region needs a new Stadium and whether it should be included in the River District plan.

Bill Bach, Property and Development Manager for the Port of Portland, said the Port fully supports this plan. He noted that the Port had earlier designated 17 acres of Terminal One for non-marine uses but the remaining portions, as well as Terminal Two, will remain in marine and industrial uses. The Port would like to redevelop the 17 acres for housing and offices but is also committed to making sure that the transportation connections, both rail and roadway, are preserved. The Port also agrees to continue to negotiate the relocation of Centennial Mills.

Susan Emmons, Chair of the Housing and Community Development Commission, said they support the Plan and the concept for higher density mixed-use and housing that reflects income ranges in the City as a whole. One goal is increased housing density next to employment centers and it is important that people in low-paid service industry jobs find low-cost housing that allows them to walk or take public transportation to their jobs. Another concern is how the initial targets will be set and the Commission would like to be a part of that process. Regarding the Housing Implementation Strategy, she said currently there is nothing about how this relates to existing policies, such as the Comprehensive Housing Ability Strategy and the Downtown Housing Policy. She noted that the Portland Development Commission (PDC) is directed in the resolution to take immediate action to issue an RFP to develop 600 residential units on a portion of the Union Station property. She asked how that goal fits into the overall goal of 5,500 new units and requested that Council establish income groups for those 600 units in the resolution.

Roger Shiels, River District Plan consultant, summarized what adoption of the resolution would mean. He said it directs taking some immediate

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actions primarily at Union Station and also sets up the public process to amend the Central City Plan. Finally, this sets up a process to ensure that private development, particularly the Hoyt Street Yards, will proceed concurrently with any public investment. He stressed that there is very little public money available and a very important part of Phase Two will be identifying funding sources. He said they expect to come back to Council within 90 days with more specifics on that.

Commissioner Kafoury said one concern is Council leadership on this issue as nowhere in the resolution does it say this is a City priority. She said this project should be used as model for how Council can exert political leadership in the community. She cited the need to ensure that the bureaus work together to provide efficient services to the business community, with Council working together as a board of directors.

Commissioner Blumenauer said in the next 90 days Council could refine its relationship more clearly and define how the individual bureaus will work together.

Commissioner Kafoury noted no specific reference in the resolution to the link with affordable housing. She moved several amendments to insert two whereas clauses on page 3: "Whereas, the success of Portland neighborhoods depends on a range of affordable housing options and mixed income development and; Whereas, public resources should be used to assure affordable housing for all citizens."

Commissioner Lindberg seconded. Hearing no objection, the President of Council so ordered.

Commissioner Kafoury reminded Council that the very poorest neighborhood in the City is within this District. Also, the one area where there are financial resources is low-income housing, where there are tax credits and the option to do revenue bonding. Lastly, the City should be aggressive in leveraging low-income housing with its other projects.

Commissioner Hales said there may be a problem in financing infrastructure when development occurs prior to the completion of those improvements. He asked if waivers of remonstrance will be required against future Local Improvement Districts (LIDs) when development is done prior to street or park improvements. He asked if there was a City policy that applied to early stages of development.

Mr. Ames said any successful massive urban development needs a careful balance between what is desirable and what can be practically accomplished within certain economic boundaries. He said he assumes any remonstrance would envision local improvement districts of finite scope.

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Commissioner Hales said the City cannot so rely on LIDs that the district gets priced out of the market.

Mr. Shiels said public improvements are being accomplished through LIDs on the current development projects.

Commissioner Lindberg said the \$24 million Tanner Creek project is to be integrated with the River District to make sure it is a seamless project. Second, he noted there is nothing in the resolution regarding the City's policy that art be integrated into all public work projects. He said that should be included in the next phase of the Plan. Third, there is a need to address how all the other advisory committees, policies and design guidelines will fit with this process. Finally, he questioned how low-income housing goals will be achieved as projects are built piecemeal.

Mr. Shiels said the resolution directs the Portland Development Commission and others to develop a housing strategy and that would become the model to follow in developing housing. The goal is to serve a variety of household incomes which reflect the diversity of the City. He said they did not attempt to develop a strategy at this point.

Commissioners Blumenauer and Kafoury said they want a balance in housing, not all low income.

Commissioner Lindberg also supported Commissioner Kafoury's comments about the overall management, noting that the resolution does not state who is managing all the managers.

Mr. Shiels said the last resolve suggests that the steering committee will come back within 90 days with an organizational structure.

Commissioner Blumenauer said this has the potential to be a national model but the challenge is to have balance, not to have the best plan in the country end up sitting on the shelf. Council now needs to figure out how to make this work.

Commissioner Hales said Council, as the board of directors for this project, is creating real opportunities for private property owners and real opportunity for benefits to the City. He has three areas of concern: 1) the need to create a real neighborhood here; 2) realistic and comprehensive infrastructure requirements, including things like parks, and 3) integration of planning efforts by all the agencies to address the District holistically. He said all parties need to be held to a very high standard in creation of the District. He said he will address the AIA's recommendations 1, 2, 3 and 5 regarding planning issues and believes the development agreements should be approved by Council as well as by PDC. He will direct the Parks Bureau to address financing strategies for the parks improvements.

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Commissioner Kafoury said all Council members are very committed to the project.

Commissioner Lindberg said the City has a long history of committing itself to projects such as this that take a long time to come to fruition. He said Council should ultimately be the steering committee that directs this project.

Disposition: Resolution No. 35274 as amended. (Y-4)

Mayor Vera Katz

727 Authorize submission of FY 1993-94 Spring Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

Discussion: Paul Richmond, PO Box 464, said no copies of the agenda items he requested were available to him and he questioned the legality of the proceedings.

Disposition: Resolution No. 35275. (Y-4)

***728** Accept a grant of \$105,709 from the Oregon Department of Transportation, Traffic Safety Division for DUII enforcement (Ordinance)

Discussion: Mr. Richmond repeated his complaint about being unable to obtain a copy of this ordinance.

Disposition: Ordinance No. 167647. (Y-4)

Commissioner Earl Blumenauer

***729** Agreement with RREEF WEST-VI ONE, Inc. to provide for the NW 23rd at W Burnside Street improvement project (Ordinance)

Discussion: Vic Rhodes, Office of Transportation, noted that the one outstanding element, the air quality analysis, has now been completed satisfactorily and the project can now go to bid.

Mr. Richmond repeated his concerns as stated above.

Disposition: Ordinance No. 167648. (Y-4)

***730** Authorize Bureau Directors to approve change orders adjusting the contract price and time construction contracts, subject to certain limitations (Previous Agenda 638)

Disposition: Referred to the Purchasing Agent.

Commissioner Gretchen Kafoury

731 Appeal of Bantu Towing against decision of the Towing Board of Review to suspend it from rotation under contract with the City for vehicle towing and storage (Hearing on Appeal)

Disposition: Continued to July 6, 1994 at 9:30 a.m.

***732** Amend animal control regulations (Ordinance; amend City Code Title 13)

Discussion: Commissioner Kafoury said the City believes it is appropriate to allow people to keep bees and other animals as long as there is no objection from the neighborhood or a danger to others.

Ben Walters, Deputy City Attorney, said the ordinance revises the regulatory requirements for keeping bees inside the City, establishing certain minimum distances from a lot line, reducing it from 150 to 25 feet. It also establishes a hedge row requirement if the lot is less than 150 feet. The second modification allows people wanting to keep bees or animals within the City to apply for a variance, giving Multnomah County some discretion in modifying Code requirements.

Paulette Rossi, 3710 NE 147th, said she is concerned with the change that grants the Multnomah County Health Officer the authority to waive Code requirements or impose additional requirements in individual cases to protect the public from irresponsible pet owners. She said the health officer is not schooled in veterinary science.

Sheryl Johnson, owner of Ruhl Bee Supply, said this does not provide enough help to the bee-keeping industry. She said no bee industry representatives or businesses have ever been told in advance that any changes in City or County regulations were going to be made. She said more input from the industry is needed. She said permit fees should be lowered from \$75.00 and dropped entirely for those who have under three colonies, giving them the same exception other animals receive.

Richard Wyman, 4235 SE Division, 99206, clarified his earlier correspondence to Commissioner Kafoury. He said beehives should be afforded the same exemptions given to specified animals. He said the Code is unclear about what constitutes a nuisance as it pertains to a beehive and suggested using the 1977 Seattle ordinance as a model.

Commissioner Kafoury said the fees are set by the County, not the City, and urged people to work with the County on that issue.

William Ruhl, 11617 SE Madison, 97216, said bees are essential to growing crops and fruit trees. He said he is a beekeeper but does not keep them in

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the City except when he moves some into town to pollinate his fruit trees.

Torey Johnson, 12713 NE Whitaker Way, said the City should not pass ordinances that discriminate against bees. This item should go to the bee keeping community for input before anything is passed. He said the \$75 fee is outrageous, as is the insurance requirement.

Lew Wolfe, 4115 NE 15th, Secretary of the Tualatin Valley Beekeepers Association, said this is still too restrictive, even with change in the lot size. He said there has been insufficient input from beekeepers and this ordinance shows the lack of experience of those proposing it.

Commissioner Kafoury said the ordinance was written specifically to address the needs of the 50-foot lot owners and her office worked on it with the Oregon State Beekeepers Association. She said the aim was to make it much less restrictive than the previous 150 foot requirement.

Tom O'Connor, no address stated, said honey bees don't sting people if you don't bother them.

Paul Richmond, PO Box 454, 97207, again questioned the legality of voting on this ordinance without having a copy available to the public.

Albert Rouse, 7717 SE Lincoln, said bees are needed in the City and without them you can say goodbye to backyard gardens. He asked for the complaint statistics when setbacks were 10 feet.

Gloria McCleary, 5625 N. Campbell, 97217, said everyone in her neighborhood was very happy to let her have bee hives and she never had a complaint.

Roger Thompson, 4111 NE Thompson, questioned changing the regulations as there is no one who will enforce them when anything goes wrong. He cited a previous case involving an individual who kept birds and who signed a Stipulated Order but then did not carry it out. The City did nothing and almost two years ago it was taken under advisement by the Courts but still nothing has happened.

Commissioner Lindberg asked Commissioner Kafoury to comment on testimony which makes it sound like the City's regulations are still too restrictive.

Commissioner Kafoury said the goal is to allow bee keeping within the City limits which current regulations pretty much prohibit because of the lot size restriction. She said they have changed the procedure so that, unless there are complaints, the County does not get involved. She said this ordinance makes things considerably less restrictive.

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Mr. Walters said some people may want other changes, however, that are even more favorable.

Commissioner Blumenauer said some people have models that they think are better and also take exception to the fees charged by the County.

Mr. Walters said the permit fees will be back before Council for consideration in the future.

Disposition: Ordinance No. 167649. (Y-4)

733 Authorize a contract with Ad Department, Inc. to provide professional services for a public service campaign for Clean Rivers awareness and a public notification program for combined sewer overflows and provide for payment (Ordinance)

Discussion: Commissioner Lindberg asked that Tom O'Keefe be allowed to testify and then continue Council discussion to the afternoon session.

Tom O'Keefe, United Community Action Network, said this is basically the same ordinance that Commissioner Hales struck down last year. He said Council should make sure all the money is directed to education, not wasted on such things as revising the current logo, as people are totally in the dark about what is facing the community. Corporations and community organizations such as Tri-Met need to be activated to do their fair share of education too. He said a lot of money has been spent on education with no results, noting that a recent survey in the Piedmont neighborhood showed that 30 percent of home owners were already disconnected for storm drainage but had not been told they could decrease their bills through the storm discharge discount program.

Disposition: Continued to May 11, 1994 at 2:00 p.m.

Items 734 through 740 were also continued to May 11, 1994 at 2:00 p.m.

At 12:35 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF MAY, 1994 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

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

Commissioner Charlie Hales

- 744** Adopt Community and Neighborhood Planning as the primary vehicle for the update of the Comprehensive Plan Map and Plan District Review (Second Reading Agenda S-694; amend Title 33)

Disposition: Ordinance No. 167650. (Y-4)

- 745** Approve the Community and Neighborhood Planning Program (Previous Agenda S-695)

Discussion: Commissioner Hales moved the amendment distributed by Colleen Acres of the Planning staff. Commissioner Lindberg seconded and the motion carried.

Commissioner Blumenauer said the amendment addresses assistance in Northwest Portland and makes sure that Inner Southeast is next in the district planning process.

Disposition: Resolution No. 35276 as amended. (Y-4)

- 741** **TIME CERTAIN: 2:00 PM** - Create High School Athletic Trust Fund, revise fees charged at municipal golf courses to include non-resident golf fee and establish effective dates (Ordinance; amend Code Section 20.20.010)

Discussion: Commissioner Blumenauer said interscholastic athletics impacts thousands of students and their families and dramatic reductions in these programs threaten educational quality, livability and public safety. The City could make a difference and allow 3,000 students to participate in athletics by charging fees to non-residents at the City's municipal golf courses, where fees currently are among the most reasonable in the region. He said he sees no reason why golfers from outside the City should not be treated the same way as City residents who are charged non-resident fees when they use the Clackamas swim center or the Tualatin Hills Recreation Center. Surcharges are applied to non-resident golfers in numerous locations. He said he found tremendous support for this and conducted a

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poll of 302 voters and found that the \$2.00 increase for non-residents was supported by a margin of more than three to one. It does not take away senior citizen or youth discounts. Other policy and administrative questions could be addressed at a later time.

Commissioner Hales said the Parks Bureau is his responsibility and today's proposal comes from Commissioner Blumenauer without input from that Bureau. He said another proposal was developed during the budget process to make a million dollar commitment, through a combination of General Fund money and a golf surcharge, to after-school athletics. That proposal was approved by Council, although not supported by Commissioner Blumenauer. He said the activities proposed for funding under Commissioner Blumenauer's ordinance are already funded under the Parks program, specifically the golf, tennis and swimming activities. He asked Parks staff explain the status of that program.

Commissioner Blumenauer said when Council passed the budget onto the next phase that information was not available and in his meetings with school personnel these issues had not yet been addressed.

Commissioner Hales said the budget directed that Parks keep working on this, adding that the budget was passed only a few weeks ago.

Charles Jordan, Superintendent of Parks and Recreation, said Parks' mission is not to replicate what the schools do but to fill a void and give young people options. He said one of the key issues the School District asked them to address was the minor sports -- golf, tennis and swimming -- and Parks came up with two options. One program would cost of \$135,000 to fund those three programs and expand activity in other sports, such as volleyball and basketball by creating some additional capacity. They will not have football, however. For \$100,000 the Parks Bureau believes it can fund golf, tennis and swimming and will ask the School Districts if they can do it for that amount. If they can, they will be given the option of providing the services themselves. He said they have put together a million dollar package and can guarantee that every kid who wants to participate in athletic activities will have that opportunity.

Rich Gunderson, Parks and Recreation, said there are currently four participation levels on the junior varsity level, one level of which is to be eliminated by the Portland School District. He said Parks proposes to expand club programs that would allow kids to compete in all sports on a Parks Bureau level.

Commissioner Hales said Council passed a budget which included a commitment to expanded recreational opportunities for Portland kids, regardless of what school districts they are in. He said Parks has followed through with an innovative program that will reach more kids than were

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reached in the previous year under the school districts' budgets.

Commissioner Blumenauer said there is a difference in terms of having interscholastic athletics where drastic reductions have already been made and where total elimination is foreseen in the following years.

Commissioner Hales said people should focus on the difference between this proposal and what the City is already doing through the \$1,000,000 commitment in the budget and the Parks Bureau's work with the school districts.

Commissioner Lindberg asked if the purpose of Commissioner Blumenauer's proposal was to fund all high school athletics in the future.

Commissioner Blumenauer said it is to have a trust fund to support interscholastic sports programs in Portland high schools.

Commissioner Lindberg said he understands the cost of overall high school scholastic athletic program is \$2.5 million and asked if the recommendation is that the City pay all of that.

Lynn Hewitt, Athletic Director, Portland Public Schools, said while an increase in golf fees is probably not the best way to fund athletics, right now it may be the only way. He noted the difference between Parks Bureau activities and interscholastic sports, which right now are one-half of one percent of the total school district budget. He said a year ago the district spent 2.9 million on athletic activities. With Measure 5 cuts, that was reduced to \$2.5 million and next year it will go to \$1.6 million. These figures include money raised from participation fees, fund raising and ticket revenue. In 1992, participation was 7,500 students but because of cuts, participation is now down to 5,900. Next year, they anticipate a drop to 4,500.

Commissioner Hales asked what the difference is between this proposal and the Parks Bureau's proposal.

Mr. Hewitt said the School District would first bring back golf, tennis and swimming because they were totally eliminated. The second priority would be to bring back the third level of junior varsity in sports such as soccer, football, baseball and track.

Commissioner Hales asked if the difference then was football as Mr. Jordan's proposal covered the other areas.

Mr. Hewitt disagreed that those areas were covered. He said they have no details as to whether the schools or Parks would run the program or whether as many students would participate in a Parks Bureau program because it is simply not the same as a competitive school program.

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Commissioner Hales said it sounds as if the School District would prefer that the City collect a fee and write a check to provide a program through a non-profit organization.

Commissioner Blumenauer said these two proposals do not conflict at all.

Commissioner Hales said this program, which will generate \$400,000 to \$700,000 a year, will also be a token effort.

Lee Hill, Golf Advisory Committee, said the Committee strongly opposes the non-resident fee increases. He noted that three years ago the Youth Trust Fund was established which put a fifty cent surcharge on all golfers and through that, and other programs, they have contributed over one million dollars to the City. Last month additional fee increases were approved as well as the diversion of 25 cents from the maintenance program to the Youth Trust Fund, almost tripling, to approximately \$800,000, the annual contributions to the Fund. The Committee also believes the non-resident fee will cause a back lash that will dig deep into revenues. Non-residents, who comprise about 50-55 percent of the golfers on Portland courses, already pay more as a portion of their greens fees go to the Portland schools now. Mr. Hewitt said the City is attempting to address a huge problem with a very small program and suggested that a panel be formed to address the City's overall responsibility to the public schools and work out some kind of program that draws from a larger base. While many other cities charge out-of-town fees, the fees go back to the courses themselves where there is a real need for additional capital improvements. He said golfers want to help but want to see an effort that goes beyond just golfers.

Charlotte Cook, member of the Citizen Budget Coordinating Committee for the Portland Public Schools, said the tragedy of Measure 5 is not only monetary, it is the fact that communities have been stripped of their right to care for their children locally. She said the School District has already cut \$80 million and has nowhere to cut now except in teachers and direct services to kids. She said while academics must come first, for some students sports is what keeps them in school. She said these increased fees will help kids and bring back a glimmer of local control for Portland which, because it contributes so much to the State general fund, is helping kids in other districts.

Craig Jorgenson, Athletic Director, Parkrose School District, said decreases in athletic programs cut the amount of quality time average student athletes spend in activities with adults. He supported formation of a foundation, adding that he was not contacted about the Parks Bureau proposal.

Roby Roberts, Portland School District Board member, said the School District appreciates the \$1 million commitment but has not seen the Parks

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proposal and does not know how it will impact the kids. He said with the cuts in all after school programs for high schools and middle schools, the Parks proposal will be no way near enough. He said they have cut more than \$70,000,000 in the past three years and next year will cut another \$50,000,000. Commissioner Blumenauer's proposal to start a trust fund is a proactive vision to fund an essential program. He said he believes there is plenty of room for both the Parks program and this one.

Commissioner Hales said one question for Council is where does the City stop. Because the school system is in crisis, should it find all the chewing gum and baling wire it can to hold things together for a few years. He asked, for instance, if the City should increase the business income tax to pay for mathematics or add a gas tax to take over student transportation.

Mr. Roberts said the ultimate piece of bad government is defunding the schools by 50 percent. He said this proposal is not part of the bigger fix; it is a little piece that helps right now, even though it may not be the best piece of public policy in the world. However, right now he does not see any other way.

Commissioner Lindberg said he understands the school district budget will zero out high school athletics in the next several years. He asked if the School District will be coming back and asking the City to fund the rest.

Mr. Roberts said if this foundation gets started, they believe that will provide helpful momentum.

Commissioner Blumenauer said he wants to get this started and use it as a launching point to find other sources in the community and not keep coming back to the City for more.

Supporters of the proposal included the following:

Amy Miller, Cleveland High School
Jessica Miller, Cleveland High School
Laura Krewson, Cleveland High School
Nick Herschberger, Cleveland High School
Jessica Price, Cleveland High School
Chu Han, Cleveland High School
Oana Butnaru, Cleveland High School
Sara Mabe, Cleveland High School
Nadia Khater, speaking for a group at Lincoln High School and presenting
a petition with over 360 names in support.
Depo Sobamehin, Whitaker Middle School
Deshawn Holden, Fernwood Middle School
Brad Lockett, Fernwood Middle School
Ricky Harrison, Whitaker Middle School

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Trai Riley, Tubman Middle School
Tunde Sobamehin, Tubman Middle School
Shaunte Davis, Whitaker Middle School
Jim Westwood, NE Portland resident
Carla Bangert, 3615 NE Boehmer, 97220
Julie Gustafson, Grant High School
Patrick Fong, Grant High School
Marlene Sledge, Grant High School
Maketta King, Grant High School
Lisa Wood, Grant High School
Mike Saling, Athletic Director, Grant High school
Mark Cotton, 3214 NE 40th, 97212
Roz Tucker, 4195 NE Alameda, 97213
Dan Wood, 2700 NE 43rd
Ross Lisle, President, Cleveland High School Boosters Club
Ed Kreipe, 9321 SW 4th, 97219
Andy Kreipe, 9321 SW 4th, 97219
Howard Barnett, co-captain, Franklin High School football team
Jack Blalack, Franklin High School wrestling team
Lee Aronson, 6276 SE Taylor Court, 97215
Russell Plaeger, 3025 NE 36th, 97212
Page Mesher, 91909 SW 18th, 97201, Benson High School coach
Terry Rommel, 39 Garibaldi, Lake Oswego, 97035

Proponents stressed the importance of interscholastic athletic programs, arguing that they provide benefits that club sports programs, such as those sponsored by the Parks Bureau, cannot duplicate. Many students testified to the importance of sports programs in keeping them in school. Supporters said without quality programs, parents will move or send their children to private schools and the public schools will begin a decline similar to those in Seattle and Los Angeles.

Opponents of the measure included:

Chuck Lattanzi, 3829 SE Vanwater, 97222
T. V. Sanden, 12914 SE Vernie, Milwaukie, 97222
Mike Brady, 5627 SE 62nd, 97206
Mike Salmon, 3345 NE Academy, 97220
Terry Fortino, 11850 SW Lanewood, 97225
Walt Cooney, 8006 SE 32nd, 97202
Jim Myers, 12341 SE 41st Court, 97222
Walter Morris, 4125 NE Ainsworth, 97211
Rod Bird, 5230 SW Texas, 97219, President, Progress Downs Mens
Association
Jack Raleigh, 7225 SW Northvale Way, 97225
Roger Pfaltzgraff, 5245 NE Wistaria Dr., 97212
Rick Sahli, 17287 Oakenshield Court, Tigard, 97224

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Brian Posewitz, 888 SW 5th, 97204
Tom O'Connor, no address stated
Phil Franey, Progress-area resident

Opponents called the proposed fees unfair, particularly because of the other recently-imposed increases, and said non-residents should not have to fund a problem that residents are unwilling to pay for themselves. They said golfers should not be singled out and suggested that other funding sources be explored. Many contended that non-residents, rather than paying the increased fees, will go to courses outside Portland, thus decreasing revenue to the City. Others suggested that schools look to the State legislature for funding, not the City.

Disposition: Passed to Second Reading May 18, 1994 at 2:00 p.m.

733

Authorize a contract with Ad Department, Inc. to provide professional services for a public service campaign for Clean Rivers awareness and a public notification program for combined sewer overflows and provide for payment (Ordinance)

Discussion: Dean Marriott, Director, Bureau of Environmental Services, (BES) said the scope of this is quite different from last year's contract because at that time more public involvement was being sought because the Stipulated Final Order had not been negotiated yet. As part of that process, it became clear that the public needs to be educated about what combined sewer overflows (CSOs) are, how the notification process works and how the public itself contributes to the problem.

Commissioner Kafoury asked whether BES had more permanent public relations staff now.

Joan Saroka, BES, said no positions have been added.

Disposition: Passed to Second Reading May 18, 1994 at 9:30 a.m.

Commissioner Mike Lindberg

***734**

Authorize non-financial Agreement with David Douglas School District for participation in the Bureau of Environmental Services Youth Environmental Action Team, youth employment and training program (Previous Agenda 684)

Discussion: Dean Marriott, BES, said this program provides not just money, but help, guidance and logistical support for some young people.

LaVerne Brooks, BES, said this and the following non-financial agreements will allow them to recruit 12 students for paid work experience.

Disposition: Ordinance No. 167651. (Y-4)

- *735** Authorize non-financial Agreement with Parkrose School District for participation in the Bureau of Environmental Services Youth Environmental Action Team, youth employment and training program (Previous Agenda 685)

Disposition: Ordinance No. 167652. (Y-4)

- *736** Authorize non-financial Agreement with the Portland School District No. 1 for participation in the Bureau of Environmental Services Youth Environmental Action Team, youth employment and training program (Previous Agenda 686)

Disposition: Ordinance No. 167653. (Y-4)

City Auditor Barbara Clark

- *737** Specify elections provisions to provide procedures for nominating and electing candidates to implement changes in City Charter (Ordinance; repeal existing Code Chapter 2.08; add new Chapter 2.08)

Discussion: Dan Vizzini, Auditor's Office, said this and the following ordinance are intended to implement changes if the Charter amendments pass.

Disposition: Ordinance No. 167654. (Y-4)

- *738** Clarify assessment collection and foreclosure procedures to implement changes in City Charter (Ordinance; amend Code Chapters 5.30 and 5.31)

Disposition: Ordinance No. 167655. (Y-4)

Commissioner Charlie Hales

- *743** Amend the Comprehensive Plan map and change the zone of property at 1901-1917 NW 26th Avenue from RH, Residential, to CM, Commercial/Residential (Previous Agenda 692; 94-00034 CP ZC AD)

Discussion: Susan McKinney, Planning Bureau, described the intent of these changes, noting that the proposal involves an existing commercial building, located at NW 26th and Upshur, built during the Lewis and Clark Exposition. The developer proposes to refurbish it and add 10 levels of residential units with parking. The Neighborhood Association strongly supports this project.

Disposition: Ordinance No. 167656. (Y-4)

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Auditor Barbara Clark

739 Assess property for sewer system development charges through March, 1994 (Z0570 through Z0574; Second Reading Agenda 689)

Disposition: Ordinance No. 167657. (Y-3)

740 Assess property for large lot deferral contracts through March, 1994 (L0045; Second Reading Agenda 690)

Disposition: Ordinance No. 167658. (Y-3)

Mayor Vera Katz

742 Recommend approval of Oregon Business Development Fund Loan for Grand Masters Colour, Inc. for \$50,000 (Resolution)

Discussion: Wally Zwingli, temporary loan officer with the Portland Development Commission, said this is a startup company in the North/Northeast Enterprise Zone. The City will participate with the State by granting a \$50,000 loan through the City Loan Commission.

Commissioner Kafoury asked why this came to the City.

Mr. Zwingli said the revised State statute requires approval by resolution.

Disposition: Resolution No. 35277. (Y-3)

At 5:00 pm Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council