



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF AUGUST, 1994 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 Chuck Bolliger, Sergeant at Arms.

Agenda No. 1391 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1368 Accept bid of Diamaco, Inc. for SW 1st and Jefferson parking garage roof deck repair for \$136,774 (Purchasing Report - Bid 1)

Disposition: Accepted; prepare contract.

1369 Accept bid of Waste Management of Oregon for portable comfort station rental/sewage storage unit services for \$66,410 (Purchasing Report - Bid 6-A)

Disposition: Accepted; prepare contract.

1370 Accept bid of Oregon Pacific Corp. for janitorial services for the NE Community Policing Center for \$25,452 annually for three years (Purchasing Report - Bid 7-A)

Disposition: Accepted; prepare contract.

1371 Accept bid of Brundidge Construction for 13th Avenue basin CSO Unit 17 for \$217,615 (Purchasing Report - Bid 9)

Disposition: Accepted; prepare contract.

1372 Vacate certain portions of NE 4th Avenue, NE 5th Avenue, NE 5th Place and NE Suttle Avenue, under certain conditions (Second Reading Agenda 1333; C-9852)

Disposition: Ordinance No. 168033. (Y-5)

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Mayor Vera Katz

- *1373** Create one Senior Engineering Associate, one Senior Engineer, one Office Clerk and one Clerical Specialist in the Bureau of Environmental Services; and one Principal Financial Analyst in Parks and Recreation in accordance with Personnel Rules adopted by Council (Ordinance)

Disposition: Ordinance No. 168034. (Y-5)

Commissioner Earl Blumenauer

- 1374** Declare the purpose and intention of the City to construct street and storm sewer improvements in the SE Valentine Drive LID (Resolution; Street; C-9836)

Disposition: Resolution No. 35305. (Y-5)

- *1375** Amend contract with Tri-Met providing for the design and construction of the transit transfer site improvements, Unit 4 (Ordinance; amend Contract No. 27887)

Disposition: Ordinance No. 168035. (Y-5)

- *1376** Authorize easement agreement in connection with the Willamette Shore Line right-of-way (Ordinance)

Disposition: Ordinance No. 168036. (Y-5)

- *1377** Accept a grant from the Oregon Department of Transportation in the amount of \$50,000 to develop a comprehensive Pedestrian Master Plan (Ordinance)

Disposition: Ordinance No. 168037. (Y-5)

- *1378** Agreement with Tri-County Metropolitan Transportation District of Oregon for operation of Westside Light Rail Replacement Parking Program (Ordinance)

Disposition: Ordinance No. 168038. (Y-5)

- *1379** Authorize agreements for long term reserve parking and special community event parking as a part of the Westside Light Rail Replacement Parking Program (Ordinance)

Disposition: Ordinance No. 168039. (Y-5)

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Commissioner Gretchen Kafoury

***1380** Contract with the YWCA for \$65,812 for assistance to victims of domestic violence and provide for payment (Ordinance)

Disposition: Ordinance No. 168040. (Y-5)

***1381** Contract with the Wetlands Conservancy, Inc. for \$11,650 to develop and carry out the North Portland Youth Conservation Corps Program and provide for payment (Ordinance)

Disposition: Ordinance No. 168041. (Y-5)

***1382** Contract with Portland IMPACT for \$21,824 for assistance to homeless families and provide for payment (Ordinance)

Disposition: Ordinance No. 168042. (Y-5)

***1383** Contract with Northwest Housing Alternatives, Inc. for \$40,000 to support affordable housing development and provide for payment (Ordinance)

Disposition: Ordinance No. 168043. (Y-5)

***1384** Contract with REACH Community Development, Inc. for \$40,000 to support affordable housing development and provide for payment (Ordinance)

Disposition: Ordinance No. 168044. (Y-5)

***1385** Contract with Franciscan Enterprise of Oregon for \$40,000 to support affordable housing development and provide for payment (Ordinance)

Disposition: Ordinance No. 168045. (Y-5)

***1386** Contract with Diamaco, Inc. for repairing and resurfacing the roof deck of the SW 1st and Jefferson parking garage for \$136,774 (Ordinance)

Disposition: Ordinance No. 168046. (Y-5)

Commissioner Mike Lindberg

***1387** Authorize a contract with the lowest responsible bidder for CBWTP outfall modifications, Project No. 5136, and provide for payment (Ordinance)

Disposition: Ordinance No. 168047. (Y-5)

***1388** Contract with Anne Symonds & Associates, Inc. for professional engineering services for Feasibility and Special Studies, Project No. 4846,

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and provide for payment (Ordinance)

Disposition: Ordinance No. 168048. (Y-5)

- *1389** Increase agreement with Elcon Associates, Inc. to provide additional engineering design services (Ordinance; amend Contract No. 28537)

Disposition: Ordinance No. 168049. (Y-5)

- *1390** Amend contract with CH2M Hill, Northwest, Inc. for a bond feasibility study and increase the contract amount (Ordinance; amend Contract No. 29295)

Disposition: Ordinance No. 168050. (Y-5)

City Auditor Barbara Clark

- 1392** Amend contract with Poorman Douglas Corporation for bill generation and mailing services (Second Reading Agenda 1360; amend Contract No. 28619)

Disposition: Ordinance No. 168051. (Y-5)

REGULAR AGENDA

- *1391** Intergovernmental Agreement with Multnomah County for monitoring and controlling rats within and originating from the City's wastewater collection system, respond to complaints and provide advice to property owners regarding rat control (Ordinance)

Discussion: Tom O'Keefe, United Community Action Network (UCAN), said when the City originally entered into this agreement, it decided to disconnect downspouts so that rats could not enter residences. To enforce this the City put dye tabs in downspouts so that when it rained it could identify homeowners who were not disconnected. He said if this were to happen again, UCAN hopes better records will be kept so that those who disconnect no longer have to pay stormwater drainage charges or can have their rates prorated if they have driveways. He said everyone who disconnected and put in dry wells 20 years ago is still in the dark about the drainage charges.

Disposition: Ordinance No. 168052. (Y-5)

- *1366** **TIME CERTAIN: 9:30 AM** - Create the Portland Utilities Review Board (Ordinance introduced by Mayor Katz and Commissioner Lindberg; amend Code Title 3 to add Section 3.123)

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Discussion: Jessica Marlitt, Mayor Katz's Assistant, said this project is a follow-up to a recommendation made by the Association for Portland Progress in 1991 to establish an independent, expert utility review board. Citizen testimony about utility rates, particularly in view of the Combined Sewer Overflow project, also reinforced the need for such a board. This Board would provide an outside review of the rates, what they mean and how they relate to specific programs. A 15-member volunteer panel is proposed and City staff is working hard to make sure it has appropriate staffing and resources. It is envisioned that the current Utilities Review Team operated by the Office of Finance and Administration would be the direct staff for the proposed Board. She noted a variety of citizen involvement in the process, including a public work session two weeks ago.

Tim Grewe, Director of the Bureau of Financial Planning, addressed the staffing issue. He noted that the Utilities Review Team (URT) was formed during the last budget process and reported to Council on the rate methodology used by both the Bureau of Environmental Services and the Water Bureau. The URT presented options adopted by Council which served to contain the rates. This proposal establishes a permanent citizens' group that will provide a greater degree of review and which the URT will staff for the time being. The overall staffing requirements of this Board are being reviewed as there is concern that URT not impair its analytical ability by assuming a tremendous administrative work load. He said they will return to Council with a work plan and discuss what other resources may be required to support this new board. He said he is optimistic that any costs incurred by staffing will be more than offset by the containment in rates and other identified efficiencies. For that reason, he views this as a no-cost action.

Charles Treinen, 2214 SE Ladd, 97214, criticized the lack of communication about this issue. He recommended that the City have boards like this where the citizens may participate. He said it needs broader coverage.

Joe Keating, Director, United Community Action Network (UCAN), said they are quite pleased with the City's efforts to structure an entity that has independence and allows citizens to be involved at an early stage in the decision making.

Tom O'Keefe, UCAN, said he is frustrated about the Oregonian's editorial today which slam dunks this committee without letting it have a chance, particularly after an earlier editorial called for inclusion of rate payers. He also expressed frustration about the paper's failure to cover the storm drainage charge issue.

Deborah Howes, 7315 N. Fenwick, representing the Pacific Party, said they believe this is a step towards good government and expressed hope that in the future some of the board members could be elected. It is especially

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important for the Board to help increase citizen understanding about the need to respect the land and its resources.

Frank Gearhart, President, Citizens Interested in Bull Run, Inc. (CIIBRI), Gresham, expressed concern about the restriction of board members to those residing or working full time within the City limits. He asked for representation on the Board from residents living outside the City limits as eventually what the Board decides affects the wholesale rate users as well. He said CIIBRI also believes the Bull Run system is a public trust given to the City for all citizens in the metropolitan area and that the City should focus on the Bull Run system first rather than looking at outside sources for its water.

Austin Collins, 6416 N. Curtis, 97217, said achieving greater accountability is one of his major concerns. He cited his involvement with a proposed contract with the Southern Pacific Railroad over the Jefferson Street Railway property, which he determined the people already owned except for several easements; the cost was significantly reduced as a result of his input. He said he would be interested in serving on the new Board.

Commissioner Blumenauer said he has no interest in adding to the bureaucracy and is operating on the assumption that this will be self-supporting and there will be no additional cost. He asked about the Bureau Advisory Committees.

Commissioner Lindberg said those committees will be eliminated.

Commissioner Hales said establishment of this board will fill a gap and provide citizen involvement in setting utility rates. He also likes the idea that while citizens have extensive authority, this does not blur the fundamental fact that the five elected Council members are ultimately responsible for setting policy on rates.

Commissioner Kafoury said she is glad to have more citizen representation in an area which has a huge impact on the community but where there seems to be little understanding.

Commissioner Lindberg said this is timely for four reasons, including the upward trend in rates, public skepticism about how government manages its services, the need for government to reinvent itself and the increasing desire of citizens to get good value for every dollar it spends on taxes and utility rates. He said citizens need to get involved in long term financial plans and capital needs.

Mayor Katz said during last year's budget hearings, the most contentious discussions occurred when Council reviewed the rate structure. While Council put a halt to large rate increases with the exception of those

imposed to meet the mandate on the Combined Sewer Overflow, the fact remains that between 1990 and 1994 utility rates went up 45 percent. Although a lot of increases in services were also provided, there was nevertheless a lack of scrutiny by Council and the City needs to get a much better handle on the rate structure and increase citizen involvement. She said this is Council's attempt to do that and it will be reviewed at the end of the year to see what changes may be needed.

Disposition: Ordinance No. 168053. (Y-5)

1367

TIME CERTAIN: 10:00 AM - Approve free speech policy for Pioneer Courthouse Square (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales said Pioneer Square is one of the landmarks of this region but it is time to reexamine policy for the Square so that it is open, welcoming and accessible to all citizens. To ensure that, he appointed a task force to review the free speech policy in the Square and its representatives are here today to present the new policy. He noted that the policy has been adopted by the Pioneer Courthouse Square Board of Directors and they would like Council approval as well.

Linda Brady Johnson, Executive Director, Pioneer Courthouse Square (PCS), said now that the Square has been operating for 10 years, it is time to review the public use policies. Because of the Square's heavy usage, the Board felt it necessary to revise the policy regarding freedom of speech, while at the same time ensuring that any policy be as fair and broad as possible to protect the rights of speakers while also protecting the rights of other square users and neighbors. The policy that was drafted has been unanimously approved by the Pioneer Courthouse Square Free Speech Policy Task Force, the Pioneer Square Security Policy Committee and the Square's Board of Directors.

Len Bergstein, Chair, Pioneer Courthouse Square Free Speech Policy Task Force, said the Task Force held spirited debates about the free speech policy and sought a balance among a variety of different rights and responsibilities that are involved in this kind of public space.

Wally Van Valkenburg, attorney and member of the Task Force, said this policy is a compromise between those who favor free speech and those who favor peace and quiet. He said the policy recognizes that free speech must be respected and, at the same time, it respects users of the Square who do not want to be assaulted by speech. It is also appropriate to recognize the interests of the Square's neighbors. The policy attempts to impose time, place and manner restrictions on speech, restrictions which are content-neutral. The most important part is the statement that regulating speech and other forms of expression will be done at the minimal level necessary to respect the interests of other users of the Square and of the Square's

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neighbors. Speakers are divided into two categories - those who do not wish to communicate beyond the immediate vicinity and those who do. There will be no restrictions on those communicating within their immediate vicinity but those attempting to communicate beyond a 10 foot radius will be subject to the rules regarding public performers. There is no limit on the number of times one can speak, unless there are so many public performers that the Square has to allocate time, in which case it will be on a first come, first serve basis. A 30-minute time limit is imposed which permits two consecutive performances followed by 15 minutes of silence. The City's noise ordinance also applies to the Square and there are different rules when the Square is under permit. He said he believes this is a fair and good compromise.

Howard Shapiro, Suite 600, American Bank Building, 97205, said the Committee was very diverse and the public hearings very spirited, with strong differences of opinion regarding the rights of individuals and groups. He said the Committee was charged with trying to represent everyone who uses the Square, not just a few people, while at the same time protecting freedom of speech. He said the committee believes it has crafted as fair and equitable a policy as it could under the circumstances.

Mayor Katz asked why the policy was necessary and why Council is adopting this resolution.

Duane Wolcott, 10 NE Broadway, #412, 97209, opposed the policy, particularly its applicability to the sidewalks. He said there is a constitutional right to express free speech in public areas such as streets, parks and sidewalks, citing several Supreme Court cases to support his statement. He said Council should keep its present ordinance, passed in March, 1990, which states that each individual may speak for 20 minutes without amplification and free speech may always be exercised on the sidewalks.

Jim Webber, 44095 Trout Creek Road, Corbett, OR 97019, opposed this policy as unconstitutional, noting that he has been preaching in the City for 25 years and has never been convicted of any wrong doing. He said he has had less than five problems with the authorities in that time and all have been with private security guards. He said this allows private security guards, who are not qualified to make such judgments, to determine whether he is operating within his constitutional rights.

Kelly Ford, 12275 SW 2nd Street, Beaverton, 97005, said Council has no authority to act on this policy as it falls within the exclusive jurisdiction of the Commissioner of Parks. If Council does act, it can only be in an advisory capacity to Commissioner Hales. He said it does not appear as if Commissioner Hales has put this into force yet.

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Commissioner Hales said because of the controversy, the Pioneer Square Board thought it appropriate that Council review and approve this.

Mr. Auerbach said the policy is in force at this time because it was adopted by the Pioneer Courthouse Board. Commissioner Hales brought it to Council for review because it impacts the whole square and, if Council disagrees with the policy, it will be changed.

Mr. Ford said the policy is unnecessary as the City already has ordinances dealing with disorderly conduct, noise, interfering with Park permittees, etc. A separate policy that proscribes free speech is totally unnecessary. He said it would prevent all conversations between parties that are at a greater than 10-foot distance and would hamper parents, teachers, bus tour guides and friends who hail each other across the square. He said this violates the Oregon and U.S. Constitutions and is not the least restrictive means by which the City can accomplish a compelling government purpose, if there is one.

Dean Gilbert, 20296 S. Leland Rd., Oregon City, 97045, a street preacher, said his preaching has never interfered with any of the permitted activities and it grieves him that to see the freedoms of this country being curtailed.

Nancy Snyder, 309 SW 4th, #607, 97204, spoke in opposition, voicing concern about the rights of citizens to speak their minds on any subject. She said there is something wrong when one is able to sing about Jesus Christ but not to speak about him.

James Baker, 4911 NE 12th, 97209, questioned why this policy has already been implemented. He asked why speakers under the Burnside Bridge are blasting music so the homeless cannot sleep there. He contended that the policy is being implemented to appease business owners and West Hills residents who are attempting to sterilize the Square.

Paul Owens, PO Box 14272, 97214, said as a street musician he believes the speakers area designated under this ordinance is too isolated and too small, adding that it is almost as far away from the seating as one can get. He said all the musicians find this troubling as they have to communicate from more than 10 feet. He questioned how many street musicians were involved in the policy deliberations.

Martin Kennedy, 8977 N. Van Houton, 97203, a street preacher, said this is unconstitutional, particularly the sidewalk restriction. He also contended that security in the Square has been intimidating and questionable.

John Vorchek, 1117 SW Stark, 97240, said some of the preachers' idea of free speech is yelling at the top of their lungs and shoving their religion down other people's throats. He said people wanting to eat lunch in the

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Square or waiting for MAX are often screamed at when all they want is to have some peace and quiet.

Alan Grat, 222 NW Davis, 97219, Suite 402, poet, musician and lawyer, said governments should not fear freedom of expression, recalling an incident in Franco Spain when he was questioned by Police for performing in a public square. He said the City should not maintain a square attitude about the creative process and should encourage free thinkers rather than control them.

Commissioner Lindberg asked about regulating the substance of what people are saying versus the volume. He asked if Mr. Grat thought there should be any limitations on volume.

Mr. Grat said there should be some limitations, i.e. on loud speakers which infringe on people's peace and quiet. However, as someone who has filed two claims against the City for harassment of street musicians, he was never contacted about this policy and believes the Committee received one-sided input. He said he would like to see an approach that does not just limit but also encourages the artists, such as New York is doing in its subways.

Mayor Katz said Vancouver, BC has been recommended as a model for encouraging street musicians.

Richard Hamilton, 532 SE Ankeny, #11, said there should be no limitation of freedom of speech on the sidewalks, adding that the gospel cannot be regulated. He said he has been arrested and excluded from the park for obstructing the sidewalk, disobeying a Tri-Met officer, disorderly conduct, trespassing, etc. but every single time the complaint has been dismissed by the court.

Barbara Walker, 14001 SE 38th, Vancouver, 98684, member of Pioneer Courthouse Square, said it saddens her that this policy is looked at as a means of protesting free speech. She said its aim is to protect free speech and to protect the full diversity of the City. The policy does not deny anyone their rights, rather their rights are protected so that no one belief monopolizes all others.

Tom O'Keefe, UCAN, said silence is golden if one does business downtown.

Mick Smith, 305 NE 22nd, 97232, a Christian gospel musician, said he has tried to work with the staff and his opinion was sought regarding this policy but not considered in the final policy. An area has purposely been picked which cannot reach an audience of more than a few people. He said several other areas would have made better sense but they were excluded, adding that it is obviously illegal to regulate free speech on the sidewalk.

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Also, he argued, the staff in the Square does not know the City's noise ordinances.

Scott Spencer-Wolff, 71 SW Oak, representing the Downtown Community Association (DCA), said he was a member of the Free Speech and Security Committees for Pioneer Square. He said the DCA strongly supports this policy as the fairest way of dealing with the issue of volume. He said they believe this is a good policy for a tight area, allowing people to speak publicly two thirds of the time in a way that is audible to others within a wide area, while the remaining one third of the time will allow people not to be bothered by those expressing themselves beyond normal conversation.

Mr. Auerbach said the Committee attempted to craft a policy that imposes acceptable minimal limits on free speech in order to further the City's interest in having the Park in the first place, which was to make it available to the greatest number of people for the greatest number of uses. The two issues that drove the process were complaints about noise and equal treatment for both street musicians and speakers. The original ordinance treated them differently and, after review, he determined that all people expressing themselves had to be treated on an equal basis. This ended up having a detrimental effect on the musicians but it was necessary to do so in order to protect the rights of the speakers. Regarding the sidewalks, which are both sidewalks and parks, in the past the use of sidewalks was not regulated but the problems presented by speech on the sidewalks had impacts throughout the whole Park and no basis could be found for differentiating between the two. He said many areas were preserved for people to express themselves in any manner as long as they communicate with people in their immediate vicinity. The consensus of the committee was that after 10 feet, communication begins interfering with other people's conversations and activities in the Square. People can also, if they wish to communicate from the sidewalk, cross the street and use the sidewalks surrounding the Park. Finally, people who want to address everyone may also get a permit on the same basis as everyone else. He said people need to express themselves but a significant number of people believe that the City is subsidizing a church in Pioneer Courthouse Square and feel they have to run a gantlet to get into the Park. The needs of all users must be balanced, not on the basis of the content of what people are saying but on the volume. He said the Task Force believes it has done this to the best of its ability but wanted to bring this to Council so that people could have their say. If Council disagrees, it should direct Commissioner Hales to do something different.

Mayor Katz asked who the sidewalk belongs to.

Mr. Auerbach said there are at least three layers of regulatory interest in the Pioneer Courthouse Square sidewalks: 1) as a sidewalk it has transportation functions; 2) by ordinance it has been made a part of the

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Park; and 3) Tri-Met regulations kick in where it has facilities on the sidewalks.

Mayor Katz asked Mr. Auerbach about his memo recommending that the City follow the federal model until clearer guidance comes from the Oregon Supreme Court where the law is a little murky.

Mr. Auerbach said the U.S. Supreme Court has recognized that the right to free speech is not limitless and that the time, manner and place can be regulated without regard to content. He said that is what has been done here as there is compelling governmental interest in managing the Square for the greatest number of uses and people. He said they tried to make minimal regulations that further those ends.

Commissioner Lindberg asked if anyone communicating with anyone else over 10 feet away would be in violation.

Mr. Auerbach said one could take any regulation to the bounds of absurdity. If someone shouts at their friend, there is not going to be a problem. If, however, people engage in private conversations that extend beyond the 10 feet this would have the same impact upon Park users that any other expressive activity has and they would be subject to the same limitations.

Commissioner Lindberg asked if Mr. Von Valkenberg represented the ACLU on the committee.

Mr. Auerbach said they asked the American Civil Liberties Union to find them a volunteer and they did but no organizational review was sought.

Mr. Von Valkenberg said he was a past ACLU president but this policy is not in any way blessed by the ACLU. He said he has been a strong supporter of free speech and finds it disconcerting to have people say this policy is repressive. He said it is clear under the law, which the ACLU has accepted, that time, place and manner restrictions are permissible and constitutional, and he feels quite comfortable with this.

Commissioner Blumenauer said he will support this but he is concerned that Council repeatedly has issues before it that take a great deal of time and money simply because people do not behave in a respectful fashion. If this policy for some reason does not work, he suggested naming an Advisory Committee of fourth graders from Sabin School, who could tell people they are not helping themselves by screaming.

Commissioner Hales said it is important that Council ratify the work of the committee. This Park is uniquely successful but in danger of being loved to death. The committee has gone a good job in balancing interests and

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this policy makes it as welcoming and open to everyone and offensive to as few people as possible.

Commissioner Kafoury said there is a difference between free speech and harassment and to romanticize some of the activity that goes on in the Square as free speech is ludicrous. She said she is very happy with the work the committee has done.

Commissioner Lindberg voted yes, adding that any steps to limit speech and religion must be taken with extreme care, which seems to be the case here. The issue is the regulation of sound, not substance, that can interfere with the rights of others and whether one person has the right to monopolize a public square. It is a matter of respect, with the speakers respecting the right of all people to use the Park.

Mayor Katz voted no, noting that they already have ordinances for volume control and people have been excluded from the Park on that basis. While she may personally find some kinds of conversations offensive, that is the price one pays for living in a democracy. She said she would have preferred to reach an agreement with the preachers similar to the one reached with the street musicians.

Disposition: Resolution No. 35306. (Y-4; N-1, Katz)

1393 Request from Clarence Bobbe to address Council regarding City golf course greens fees (Communication)

Discussion: Clarence Bobbe, Lake Oswego, said the greens fees on City golf courses have been a real hardship on golfers and the number of seniors playing at Progress Downs has been cut in half. He said if the increases had been done across the board, not just for non-residents, there would be no bad feeling and asked why such a surcharge could not be added to Blazer tickets.

Disposition: Placed on file for no further consideration.

1394 Accept bids of Holefield Construction Co. for \$70,526, Wakabayashi Construction Co. for \$42,339 and Kline Masonry and Remodeling, Inc. for \$28,000 for sidewalk repair services (Purchasing Report - Bid 3-A)

Discussion: Carleton Chayer, Purchasing Agent, said he is recommending the award to three firms for sidewalk repair work previously done by the Bureau of Maintenance. He said this has been a special project designed to provide greater opportunities for minorities, women and emerging small businesses. He said all three contractors are minority-owned firms and they plan to expand the program in the future. Purchasing worked with the contractors and bonding firms and also performed special

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prequalification tests. Also included in the specification is an accelerated pay provision so that these emerging firms can receive payment within 15 days of invoicing. He thanked all those who participated in this process.

Russ Gilbert, Operations Senior Manager, Bureau of Maintenance, thanked Commissioner Blumenauer for his support.

Dick Smith, Sidewalk Manager, said they also hoped to lower sidewalk repair costs for property owners and, as the bids came in, it was apparent that these contractors could do the repairs for less than the City could.

Disposition: Accepted; prepare contracts. (Y-5)

Mayor Vera Katz

1395 Affirm support for bondholders and covenants in Ordinance No. 160276 and ordinances supplemental thereto (Resolution)

Disposition: Resolution No. 35307. (Y-5)

1396 Authorize Mayor to sign agreement conveying \$1.5 million to Portland Public Schools for core school police functions in 1994/95 fiscal year (Ordinance)

Discussion: Donald McElroy, Executive Deputy Superintendent, Portland Public Schools, described what the City's action in funding the school police will mean to the District, adding that every penny will be spent in the manner intended by Council.

Madelyn Wessel, Deputy City Attorney, noted a minor amendment to the agreement which gives authority to the City Auditor to audit the expenditure of the funds.

Mayor Katz asked if the sharing of domestic violence and child abuse information, which previously has been dealt with as a confidential manner, would change at all.

Mr. McElroy said he believes state and federal laws regarding the privacy of student information apply. He said they share as much information as they can on a regular basis with City police.

Mayor Katz said she would work with the City Attorney to see if another method of sharing such information can be worked out.

Tom O'Keefe, UCAN, said he wishes the City would spend \$500 to print 50,000 lists giving hotline numbers of available social services.

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Commissioner Hales moved to amend the agreement to include the provision regarding the City Auditor. Commissioner Lindberg seconded. Hearing no objection, the Mayor so ordered.

Disposition: Passed to second reading as amended August 31, 1994 at 9:30 a.m.

Commissioner Earl Blumenauer

***1397**

Amend City Code to allow employees of the Bureau of Emergency Communications to receive overtime pay when called in to work while on vacation (Ordinance; amend Code Section 4.16.050)

Discussion: Commissioner Blumenauer said this has been discussed thoroughly with union representatives and management and everyone is supportive. He said some people are facing tremendous amounts of forced overtime under very stressful situations and the feeling was that if they had the opportunity to at least volunteer, it would help. He said there is no financial impact and a sunset provision is included also.

Sherrill Whittemore, Acting Director, Bureau of Emergency Communication, said this suggestion came directly from the floor personnel.

Disposition: Ordinance No. 168054. (Y-5)

Commissioner Mike Lindberg

1398

Update from the Water Bureau on the water supply status (Report)

Discussion: Mike Rosenberger, Director, Water Bureau, described the status of conservation efforts, the well field and the supply situation. He said the water supply is looking good and they expect to see a decline in demand around Labor Day, adding that despite the very hot weather in August, demand has been down about 10 percent. He briefly detailed what is happening with the partnership program with other utilities and Bureau efforts to provide more information to customers. Regarding the well field, four wells were turned on August 2 to augment the supply and allow them to do some further analysis of the hydrology for the Department of Environmental Quality (DEQ) relative to new Safe Drinking Water regulations. The DEQ analysis shows the Bureau is meeting all its criteria, which means use of the well field may continue. He said their models show that they will be able to get through the season using just the Bull Run and current levels of well field water. The worst case scenario, which they believe unlikely, calls for additional use of the well field. The Bureau proposes to continue to operate as it is for two more weeks and then make a recommendation to the Commissioner at that time.

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Commissioner Lindberg said the extended weather forecast shows that September and October will be drier than normal, raising some concerns. The worst case scenario calls for a four billion gallon deficit requiring supplemental supplies through continued use of the well field and then turning to the Clackamas, Tualatin and other systems. He said all the planning has paid off and he believes the Bureau will be able to avoid any crises. He noted that block pricing went into effect August 1.

Tom O'Keefe, UCAN, said they are very happy with the progress the Water Bureau has made and congratulated Commissioner Lindberg and the Bureau.

Frank Gearhart, President, Citizens Interested in Bull Run, said it costs about \$50,000 a week to pump the wells, a sizable sum of money, which should be public information. Another issue is the water supply systems. He said his organization is a strong proponent of using the Little Sandy River resource, which has been entirely left out in the Bureau's supply options. He said the public should know that the Little Sandy is a good potential water source.

Disposition: Placed on File.

City Auditor Barbara Clark

***1399**

Create the SW Palatine Street Local Improvement District (Hearing; Ordinance; C-9831)

Discussion: Dan Vizzini, Auditor's Office, said total estimated cost of this project is about \$187,600 and involves 25 properties with assessments varying from \$2,100 to \$21,000. He said most of the properties are on very large lots so the assessments average between \$6,000 to \$10,000. He said two written remonstrances were filed and the Auditor is recommending that Council overrule the Fullbrook remonstrance but recalculate the apportionment to allow an adjustment for property (the Stockings) located in the Environmental Protection (EP) zone on the western edge of the project.

David Fullbrook, 11111 SW Boones Ferry Rd., said his property abuts Boones Ferry, not Palatine Road and prior to April, 1994 he had two accesses to his property, both on Boones Ferry, as well as an easement on the back portion which is the sole access for his neighbor to the north. He said he had no knowledge of the improvement to Palatine as he was not involved in the petition process conducted by neighbors, nor was he ever contacted by the City. When he learned about the project, he had been considering closing his southernmost access on Boones Ferry and extending his driveway to the easement, allowing him to use Palatine Road. In

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conversations about this with City Project Manager John Woods and a staff person in the Office of Transportation, he was told he was not in the LID and would not be assessed. On the basis of that information, he extended his driveway to the easement, which has not been completed yet. He said he still has a driveway onto Boones Ferry. He said he was very upset when he got an assessment notice and was told by Mr. Vizzini that, irrespective of the fact that he had extended his driveway, he was going to be assessed and that the decision to include him in the LID had nothing to do with his driveway. He said he does not oppose the improvement but believes he has been rooked by the City as he was incredibly misinformed by staff. He said he is prepared to pay for a portion of the improvement but not at the same pro rata basis as other residents.

Jeff Bachrach, attorney representing Mr. and Mrs. Stocking, said he learned on Monday that Mr. Vizzini would recommend a modification on their property. He said, however, an additional issue needs to be addressed. He said the Stockings' property is entirely encumbered by environmental zones and Mr. Vizzini has agreed there should be no assessment allocated on the Environmental Protection (EP) zone area but that the Environmental Conservation (EC) zone should be assessed. His clients, however, believe that EC parcels No. 1 and 2 should also not be assessed. He said he will drop the objection to No. 2 as Mr. Vizzini persuaded him to compromise on this one but felt there perhaps was a basis for convincing Council that No. 1 should not be included. The issue is that the City's unstated LID policy states that if your property touches the improvement you are included. Mr. Vizzini has now recognized that, with regard to the EP zone, there is no benefit even though it touches. Parcel one (EC zone) includes a 70-foot gorge and there is no way, if it ever is developed, that it would ever need to connect across to Palatine. He said the policy of "if you touch it, you are assessed" is unfair in this case. It would be more appropriate to say the possibility of that tax lot ever getting any benefit from SW Palatine is so remote that it should be left out. To ensure that this property never derives any benefit from Palatine, the property owners would agree to place such a restriction on the deed and also to state that they will never seek a density transfer. He said the extra cost to the Stockings of assessing this parcel would be \$8,000.

Mayor Katz asked about the Fullbrook issue.

Mr. Vizzini said the assessment principles used were adopted by a resolution Council passed in 1986 and represent policies the City has used for almost 100 years.

Mayor Katz described them as "touch and pay".

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Mr. Vizzini said the problem was that at the time the petition was developed, the Fullbrook property, and the one north of it, did not access Palatine at all. Between the time of the petition and formal notification, the property to the north was partitioned, creating a landlocked parcel behind the parcel fronting Boones Ferry which served it as an easement from Palatine. What changed is that the property to the north (the Youngdahl property) of the Fullbrook property now abuts Palatine.

Mr. Vizzini explained that the Auditor's Office decided to include the Fullbrook property on the basis that sometime in the future, the owner might find it safer to access Palatine Road than Boones Ferry. Second, regarding the amount of the assessment, City policy is that every property is treated the same regardless of whether it is a deep or a fronting lot. He said the Fullbrook property was never assessed for street improvements on Boones Ferry, which was a county road until 1984.

Commissioner Hales asked if both the Swan and Youngdahl properties had waivers on Boones Ferry so they could be subject to an LID there in the future as well.

Mr. Vizzini said if the City decided to improve Boones Ferry and assess abutting properties for a share of the cost, the two-frontage discount would come into effect and those properties would be assessed at the discounted rate, taking into consideration that they had already participated in one LID.

Commissioner Lindberg asked about the incorrect information Mr. Fullbrook got from City staff about his inclusion.

Mr. Vizzini said the misunderstanding is unfortunate but Mr. Fullbrook is arguing that improving the drive and taking out one of the two accesses to Boones Ferry placed an additional burden in trying to prove his case. He said, however, it is irrelevant whether he put in the driveway or not. The fact remains that he is making the right decision in turning his driveway around to Palatine but the sequence of events was unfortunate as his preference would have been to wait for the Palatine improvement to be built and then access it. Then the City would have no recourse to assess him for part of the benefit.

Regarding the Stockings' problem, Mr. Vizzini said LID project staff is finally confronting the environmental zone overlays in street projects. The issue is whether an LID apportionment decision can be made independent of a land-use decision. He said they should be consistent but because there is no development plan for this area they relied on existing City policies to deal with this property. Since the Environmental Conservation (EC) areas can be used to increase density or be transferred, City policy calls for

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inclusion. However, one may ask whether it be a good compromise for the property owners to state they would never tap Palatine or transfer their development rights and in turn not be assessed on that portion of their property. Mr. Vizzini said that is a pretty good compromise as the neighborhood would probably raise holy hell if row houses were proposed here. However, by taking that piece out, assessments for everyone else are increased, which may be appropriate if it prevents greater development density along the hillside. The remaining issue then is how this property would be served as the Stockings would have great difficulty gaining street access. If an arrangement can be made with Transportation and Planning that would be great but his office has to start with current policy. In regard to the other parcel, that is developable on its own or in conjunction with the adjoining property, and there is no reason to take it out of the project.

Commissioner Hales said Bureau policies must be coordinated and if a 70-foot canyon makes access from parcel No. 1 to Palatine virtually impossible, Mr. Bachrach's suggestion, assured by a covenant barring access and the transfer of density, is reasonable.

Mr. Vizzini said if Council makes that decision, it will add a minimum of \$200 and a maximum of \$2,000 to the other parcels in the LID. The average would be \$600 to \$700.

Commissioner Hales said he understands that it would be necessary to renotify people. However, the issue for him is coordination of policy and it seems absurd to have the City say it will never allow you to develop this property or connect with the street system but you have to pay anyway.

Commissioner Kafoury said the letter of renotification should explain to property owners what the benefits are, particularly that there will not be higher density development here.

Mayor Katz asked if Council agreed with Commissioner Hales on this issue.

Council members indicated agreement.

Mr. Vizzini asked if Council accepted the Auditor's recommendation for the EP zone and in addition to pursue the compromise on parcel No. 1.

Council members indicated agreement.

Mayor Katz asked about the sense of the Council regarding the Fullbrook property. She asked Mr. Fullbrook if any of the information he was given was inaccurate.

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Mr. Fullbrook said the improved easement has been in place since 1991, it did not just suddenly appear. He said this is not a vacant lot but has a 50-year old house on it and the idea that the property will be redeveloped or reconfigured is unrealistic. He emphasized that he has a driveway onto Boones Ferry Road and does not understand why he is being assessed as much as the luxury property owners on Palatine who will get a paved road in front of their house while the improvement to his property is virtually nil and all he has is a 400-foot gravel driveway.

Commissioner Hales asked if Mr. Fullbrook would still be assessed if he did not have a legal easement and if his property did not otherwise connect to Palatine.

Mr. Vizzini said that is the point they really had a problem with in doing the district boundaries and notice. This is not a situation where it is clear that at present the property has an easement. On the other hand, the property to the north does have one all the way through which opens up the land and, whether Mr. Fullbrook admits it or not, he or some future owner will drive across it. He said the Auditor's Office took the position that whether or not Mr. Fullbrook has an easement across Swan's property, the likelihood in the future is that, because of the easement that serves Youngdahl, this property will eventually come around to Palatine. He said this is a stretch, but Youngdahl's property opened the door for acknowledging this possibility. This is essentially a dance around the issue of access but because Boones Ferry Road is dangerous it would be logical for Fullbrook to use Palatine.

Commissioner Kafoury said the easement is there and while it may not seem fair, it does reflect the City's consistent policy. She moved to overrule the remonstrance and refer this back to the Auditor's Office for reassessment and renotification.

Mr. Vizzini said they will renotify and there will be another hearing.

Disposition: Remonstrance overruled; referred to City Auditor. (Y-5)

1400

Create the SW 41st Avenue Local Improvement District (Hearing; Ordinance; C-9799)

Disposition: Dan Vizzini, City Auditor's Office, said only 12 properties are involved in this project and the total cost is \$95,000. The City Engineer recommends that the one written objection from a waived property owner be overruled and also recommends a change in the apportionment because they found that three property owners on the corner of SW 41st fronting Comus are eligible for corner lot discounts because they participated in the

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Comus street improvement. This will raise the other assessments an average of \$200 to \$300. He recommended that they renotify and hold another hearing on this.

John Orlando, owner of a flag lot on SW Comus and one of the three affected properties, said their property abuts 41st on the west side although there is no access to 41st because of the terrain and he had to build their driveway off Comus. In addition, they found that Comus had been paved without City authorization and they had to put in a cement driveway because it abutted a paved road. He said there are some property owners, including one who wishes to subdivide his property, further on 41st who will directly benefit from this road but are not paying their fair share.

Mr. Vizzini, noting that Mr. Orlando was referring to the Pollock property, said that property has an assessment in excess of \$21,000 for its share of the improvement.

Mr. Orlando said Mr. Pollock will not get equal benefit but greater benefit than the neighbors.

Commissioner Hales asked if the project builds any of Pasadena Street.

Ms. Culp said no, the petition initially proposed to extend 41st to Pomona and to build Pasadena between 41st and 39th but the project was downsized, partly because of access difficulties in crossing the creek.

Mr. Vizzini said a creek bed courses through where Pasadena would be. The intent was that there would be no development over the creek.

Commissioner Hales asked if connectivity was being abandoned because of the EC zoning.

Ms. Culp said to connect 41st between Pasadena and Pomona would take about 15 feet of fill to make it work.

Mr. Orlando said essentially that gives Mr. Pollock a cul-de-sac.

Commissioner Hales said he realizes that and does not like it.

Mr. Vizzini said the City backed into this because it allowed houses to be built on 41st and now the City is in the situation of having to build out a local street to serve existing houses in addition to providing an opening for Pollock to develop his parcels adjacent to the EC zone. Development occurred before local improvements could be done in a logical way.

Commissioner Kafoury moved to set aside the objection and make the adjustments to the corner lots.

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Mr. Vizzini said the issue on the Orlando property is the contribution to the local system. This house was allowed to be built because the property was waived and the idea was that it would share in the cost of 41st despite the fact they knew this property would access Comus.

Commissioner Lindberg seconded the motion.

Disposition: Remonstrance overruled; referred to City Auditor. (Y-5)

At 12:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF AUGUST, 1994 AT 2:00 P.M.

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

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

***1401**

TIME CERTAIN: 2:00 PM - Amend the Comprehensive Plan map and change the zone of property near NE 122nd Avenue, between Glisan and Burnside, from RHt, Residential, to CGt, Commercial; from CO2t, Commercial, to CSt, Commercial; from R2t, Residential, to RHt, Residential; from R2t, Residential, to CSt, Commercial; and from RHt, Residential, to CSt, Commercial (Ordinance; 94-00287 CP ZC AD)

Discussion: Pete Kasting, Deputy City Attorney, described procedures to be followed for testifying and filing an appeal.

Mayor Katz asked for declarations of ex parte contacts and conflicts of interest.

Commissioner Hales said during various stages of this process he met with some of the applicants and neighbors regarding City policy objectives in this very difficult situation of attempting to provide mixed use in transit overlay zones. He said he does not believe those contacts would prejudice his ability to make a decision.

Mayor Katz said one of the principle players shared a comment in passing that this project was not moving fast enough.

Mr. Kasting asked if anyone wished to question Council members further regarding those contacts.

No one responded.

Mike Hayakawa, Planning Bureau staff, noted the applicable approval criteria. The project is a mixed-use development which includes Safeway and Target stores plus a mixed use retail component and 90 to 117 residential units for senior housing. This site is within a transit overlay which takes in five blocks to the north and south of East Burnside. This is significant because of the requirements for pedestrian amenities and to encourage pedestrian-friendly development. A significant part of this

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project was the parking adjustment as the t zone restricts the amount of parking within this zone. Because of historic zoning, the City already has auto-oriented development patterns in the area so what staff sought to do was to allow auto use, while making sure that all policies regarding transit-supported use and pedestrian orientation were met. The Hearings Officer and staff agreed that the original proposal for a General Commercial designation was inappropriate and that Storefront Commercial would be more appropriate. He said they looked at a number of adjustments and made findings based on whether proper mitigation was provided. Highlights of the mitigation include provision of a bus shelter near the Safeway entrance, a pedestrian plaza to the north of the site as well as along the Safeway building wall on 122nd, four pedestrian connections between NW Glisan and the buildings and 10-foot-wide sidewalks along the perimeters, providing enough width for two rows of street trees. There is also a significant housing mitigation because the area to the west of Target is zoned high-density residential. The applicants are required to build at least 90 residential units on site and propose to move the residential from its current location on the western end to a site on E. Burnside. One final mitigation piece is retention of several buildings housing existing retail outlets. Because these buildings are very close to the property line this will help maintain the storefront effect that exists on NE Glisan.

Mayor Katz noted this is the City's first transit overlay project.

Mr. Hayakawa showed slides of the site and described the proposal elements, noting that the applicant proposes to move the location of one of the existing driveways to the residential units from the site plan which was approved by the Hearings Officer. He also noted that the current sidewalks are very narrow and the improvement will call for the addition of street trees and landscaping to enhance the area.

Tim Ramis, attorney representing the applicants, said they believe this project is a creative response to the needs of the community as well as to the Code and Comprehensive Plan. He said this has been a two-and-a-half-year process involving a lot of people devoted to doing this project differently than what would be done in a suburban area. He described how the project evolved, beginning with a neighborhood meeting between Target/Safeway and the Hazelwood community. One of the key problems was how to deal with the housing component and for that they turned to the Portland Development Commission (PDC) for help. The critical housing problem was that rents in the area cannot support market-based housing and, with the assistance of the City, they came up with a solution by which the retail project would directly subsidize the housing. He said the project changed dramatically from the initial proposal, which called for removal of all existing buildings. The developer is now preserving the store fronts along Glisan and has reduced and shifted the parking spaces. He said

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while this is not vertical mixed-used in the sense that KOIN Tower is, it is a step beyond what was done at the Rose City Safeway site where housing and retail were combined. He said this project is a precedent which shows some creative things that can be done along transit lines. He thanked Planning Bureau staff for forcing everyone to find solutions to the transit and pedestrian questions and for forcing the negotiations along.

Peter Powell, Powell Development Company, 737 Market Street, Kirkland, WA, said they relied on the help of PDC to do the housing component as they are shopping center developers and there are very few people out there capable of doing total mixed-use projects. He noted they took out much of the existing parking at the retail outlets right next to Glisan, adding sidewalks and closed many curb cuts on Glisan and 122nd. They tried to keep the whole project pedestrian-oriented. The shopping space is 22,000 feet overlaid with multi-family housing. He said they are requesting a minor change from the site plan approval by the Hearings Officer to move an entryway on Davis from the corner of Safeway to the middle of the street in order to increase pedestrian safety. By shifting the driveway 100 feet they can provide a pedestrian walkway all the way through for residents. He said they feel very lucky that the transit station is there and have concluded that without the transit they could not have made this project work. He thanked Dan Steffey, who was responsible for the housing component, neighborhood representatives and staff for all their help.

Dan Steffey, 808 SW 3rd, Suite 580, said the willingness of Safeway and Target to make modifications and the vision of the Powells to work all the issues made this project possible. Regarding the housing, there are four levels above the ground floor retail with approximately 90 units targeted for elderly residents.

Mayor Katz asked if these are subsidized.

Mr. Steffey said if they use the State bond program as their funding source, they will be required to reserve 20 percent of the units for those at 50 percent or below median income. There was also the subsidy in terms of the commercial development making space available for the housing. He described the building design amenities and parking facility.

Mr. Ramis asked that the revised site plan be referenced if Council approves this proposal which shows the shift in access to the family units.

Sharon Owen, 1317 NE 111th, 97220, chair of the Hazelwood Neighborhood Association, said this proposal enjoys a maximum of community support. She said Hazelwood residents believe this will provide an economic boost to the neighborhood and are very excited by the senior citizen housing. The proposed move of the entrance to the west is an improvement as it will

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prevent potentially awkward maneuvering on NE Davis.

Dennis Ritchie, 12060 SE Main, said this has been a model for other neighborhoods and developers, adding that Target and Safeway put in countless hours to work the neighborhood's suggestions into the plan. It fits in with the 122nd Improvement Plan and the Hazelwood Comprehensive Plan which call for senior citizen housing and regaining retail units lost to the area because of the cruising problem. This is one big positive step in the right direction for 122nd.

Kim Nause, Tri-Met, said this has been a very productive process. Tri-Met particularly supports four components of the project - mixed-use residential, pedestrian access to light rail, opportunities for great shopping and higher density along light rail. She said Tri-Met hopes to see more projects of this nature in other parts of the City and region.

Dave Marquis, Target Stores, 33 S. 6th Street, Minneapolis, 55402, said they were intrigued with the idea of moving into Portland and saw an opportunity to fill a gap in the market. As Target typically locates in suburbia, the City hammered them down a bit in order to make sure they did not disrupt the character of the neighborhood. This is seen as a home run for Target and they can hardly wait to get the doors open.

Bill Jackson, Store Development Director, Safeway Stores, 16300 SE Evelyn Street, Clackamas, 97015, said they are very excited about being able to expand in the Portland market, noting the difficulty is finding sites of adequate size. He said this is a step forward from the Rose City site, where they had apartments next door, to one that incorporates housing onto the retail. He said it is difficult for a store of their type to be a part of these kinds of projects but he is excited about being able to do this one. They are also looking to put compressors and other equipment underground to lessen noise for residents.

Mayor Katz thanked him for his involvement in the Rose City project as well as this one.

Commissioner Hales moved to amend the application to reflect the revised site plan. Commissioner Lindberg seconded and the motion carried.

Commissioner Blumenauer said this will make this quadrant safer because of the elimination of curb cuts and it provides a tremendous redevelopment opportunity. He said there is a revolution going on nationally regarding downtown retail opportunities, noting particularly Safeway's willingness to push the envelope. This is an opportunity to show that projects can work which enable the region to meet its growth objectives, improve the economy and provide better neighborhoods.

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Commissioner Hales said collaborative development and decision-making is the way to get some of the rancor out of complex development cases. He said retailers and developers, as well as City employees, need to get away from doing things the way they have always done them. He said in this case he could not be more pleased with the result, one that is good for the community and advances City objectives. He said he thinks this project will be an immense credit to the people who made it happen and to the neighborhood.

Commissioner Kafoury said this is very exciting because it signals that the private sector is taking responsibility to make these things work financially. She said governments do not have a lot of hard, cold cash anymore and here is a project that will pay for itself in a very creative way. She said this is a great model.

Commissioner Lindberg said what is so encouraging is that this project puts together land use, economic development, transportation and housing and makes it work. The process too should serve as a model for the rest of the community.

Mayor Katz said this has been a breakthrough and a signal that the community is ready to do business a little differently. She thanked the retailers who did not just say they could not do it but were willing to try to figure out how it could be done. She asked Target and Safeway to return with any additional creative ideas about housing and pedestrian-friendly development as it is critical for the City to meet its growth and housing objectives. She added that as cities mature, there will not be large sites and developers will be tempted to keep moving farther out. The challenge to retailers is to reexamine what they can do within the City.

Disposition: Ordinance No. 168055 as amended. (Y-5)

REGULAR AGENDA

Commissioner Charlie Hales

1402

Deny appeal of West Hills Homes, Inc. and Larry and Nina Lindstrom against Hearings Officer's decision to deny application for a Planned Unit Development and Subdivision located between SW Arnold and Coronado and between SW 44th and 39th Avenues (Findings; Previous Agenda 1326; 93-00591 PU SU EN)

Discussion: Cay Kershner, Clerk of the Council, noted that the findings had not been completed and that a week's continuance was requested.

Disposition: Continued to August 31, 1994, at 2:00 p.m.

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Commissioner Gretchen Kafoury


1403 Liquor license application for Ngoc Le Enterprises, dba Ambrosia Restaurant & Lounge, 1125 NE 82nd Avenue, retail malt beverage liquor license (new outlet); Favorable Recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said the decision was made to bring this in as a retail malt beverage liquor license rather than a restaurant license in order to keep minors off the premises. This will make it accessible only to adults and make it much easier to control gang behavior. Objections received about the noise seem to be concerned mostly with the parking lot. The owner will build a fence and add hedges along the backside of the parking lot where most of the residences are. Because of these measures, one of the initial opponents called to reverse his opposition.

Disposition: Favorably recommended. (Y-5)

At 3:07 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Council Clerk