



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF APRIL, 1999 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 473** Accept bid of Courtesy Ford for five compact sport utility 4x4 vehicles for \$110,864 (Purchasing Report - Bid 99155)

Disposition: Accepted; prepare contract.

- 474** Accept bid of John L. Jersey & Sons, Inc. to furnish NE 122nd and SE Thorburn water mains for \$541,721 (Purchasing Report - Bid 99157)

Disposition: Accepted; prepare contract.

- 475** Vacate SW Montgomery Street between SW Fifth Avenue and SW Sixth Avenue, under certain conditions (Second Reading Agenda 449; C-9958)

Disposition: Ordinance No. 173238. (Y-5)

Mayor Vera Katz

- 476** Confirm appointment of Dick Frahler and reappoint Chuck Mello, Randall Crowe, Fred Vogel and Bhupindar Dhillon to the Electrical Code Board of Appeal (Report)

Disposition: Confirmed.

- 477** Approve the application of Cold, Inc. for a ten-year property tax exemption for a Transit-Oriented Development project located on NE Clackamas Street between NE 103rd and 104th Avenues, which includes 24 for-sale condominium units, known as the Gateway Condominiums project (Resolution)

Disposition: Resolution No. 35782. (Y-5)

- *478 Accept amendment to increase compensation and length of contract with Donnoe & Associates (Ordinance; amend Contract No. 31681)
Disposition: Ordinance No. 173239. (Y-5)
- *479 Authorize settlement of condemnation lawsuit for acquisition of property necessary to relocate parking from the site for the Chinese Classical Garden (Ordinance)
Disposition: Ordinance No. 173240. (Y-5)
- *480 Agreement to provide identification services to the Multnomah County Sheriff's Office for FY 98/99 (Ordinance)
Disposition: Ordinance No. 173241. (Y-5)
- *481 Pay claim of Judith B. Eckhart (Ordinance)
Disposition: Ordinance No. 173242. (Y-5)
- *482 Pay claim of Martina Hernandez (Ordinance)
Disposition: Ordinance No. 173243. (Y-5)
- *483 Authorize Limited Tax Revenue Bonds, Central City Streetcar Project, 1999 Series A (Ordinance)
Disposition: Ordinance No. 173244. (Y-5)

Commissioner Jim Francesconi

- *484 Amend agreement for Portland Parks and Recreation marketing services with BankCall LLC, dba Columbia Marketing Group (Ordinance; amend Contract No. 50879)
Disposition: Ordinance No. 173245. (Y-5)
- *485 Contract with PHI Construction for \$80,080 to construct a golf cart storage facility at Eastmoreland Golf Course (Ordinance)
Disposition: Ordinance No. 173246. (Y-5)
- *486 Declare surplus and authorize sale of property located at SE Blackberry Circle (Ordinance)
Disposition: Ordinance No. 173247. (Y-5)

Commissioner Charlie Hales

- *487 Provide penalties for occupancy of certain residential structures (Ordinance; amend City Code Titles 3 and 29)

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Disposition: Ordinance No. 173248. (Y-5)

488 Amend provisions of Title 24 related to stormwater to provide consistency (Ordinance; amend Code Sections 24.45.020 and 29.10.020)

Disposition: Passed to Second Reading April 21, 1999 at 9:30 a.m.

Commissioner Dan Saltzman

*489 Authorize the Director of the Bureau of Environmental Services to sign an easement with the Port of Portland for a water line for the Hayden Island outfall project (Ordinance)

Disposition: Ordinance No. 173249. (Y-5)

490 Consent to transfer of Jack Fleming Sanitary Service solid waste and recycling franchise to Moreland Sanitary Service, Inc. as a wholly-owned subsidiary of Waste Connections, Inc. (Second Reading Agenda 459)

Disposition: Ordinance No. 173250. (Y-5)

City Auditor Gary Blackmer

*491 Agreement with Multnomah County on the sale of tax foreclosed properties and the payment of City liens (Ordinance)

Disposition: Ordinance No. 173251. (Y-5)

REGULAR AGENDA

*471 **TIME CERTAIN: 9:30 AM** – Purchase and maintain surplus real property from Portland Public School District No. 1J (Ordinance introduced by Commissioner Francesconi)

Disposition: Commissioner Francesconi described the properties that are being acquired, which affect seven parks. He said taxpayers will benefit by this one expenditure, not only helping parks but also the schools. He said the purchase totals 60 acres of parkland, the largest amount that has come into the City for a very long time. The City has approximately \$2 million of the \$7.4 million allocated for this purpose remaining and staff is in active negotiations with the School District on other opportunities east of the Willamette.

Ruth Roth, Office of Finance and Administration (OFA), said last year the City allocated \$7.4 million to purchase surplus property from the Portland Public Schools. OFA took the lead in putting together an outstanding City team to negotiate sales agreements with the Schools District for the purchase. She named members of the team and said two large public meetings were held to get input from citizens about which parcels they wanted to purchase and how they would like them to be used. She said the sales prices were determined by independent, outside appraisers and the School District is receiving

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fair market value. The intention is to carry over the unspent money for the next fiscal year and the School District is anticipating getting the remainder.

David Judd, Parks Bureau and a team member, said they are exuberant about being able to make a 60-acre addition to Portland parks. He said the Parks Bureau owes a great deal to the partners, including the Portland Public Schools, the team members, the neighborhood associations, various Friends of Parks groups, Metro and the City of Lake Oswego. These properties will help deal with park deficiencies and provide a whole new range of services to the public.

Pam Brown, Director of Facilities and Asset Management for the Portland School District, said this was truly a team effort. She said the School Board approved the sale earlier this week.

Mayor Katz said this amounts to a contribution of \$12.9 million from the City to the Portland Public Schools over the past two years. In this particular case, the City got something valuable in return.

Commissioner Francesconi thanked the City of Lake Oswego for its cooperation in obtaining the Kerr site, which the Southwest neighborhoods lobbied strongly for acquisition. He noted that this property was not initially high on his list because it is surrounded on three sides by the City of Lake Oswego, but the neighbors' persistence and the willingness of Lake Oswego to contribute half the cost is what made this happen.

Doug Schmitz, City Manager, Lake Oswego, said this was made possible because of a \$6 million bond measure its residents passed last year for open space acquisition. He said the City Council in Lake Oswego unanimously supported this acquisition.

Kirkie Doblle, Chair, Southwest Neighborhood Coalition Parks and Community Center Committee, thanked Council for acquiring the Kerr property. She said many neighbors will become advocates for the new park land.

Jeanine Jones, East Columbia and Bridgeton Neighborhoods, said there is a 29-acre park in their neighborhood now owned by the School District which they hope the City will consider for future property acquisition.

John Alland, Crestwood Neighborhood Association, thanked Council for making the Dickenson property purchase possible, one of the few places available for an activity park in that neighborhood.

Amanda Fritz, West Portland Park Neighborhood Association, said giving this money to the public schools will make a huge difference to them and the Association is very excited about acquisition of the 10-acre Kerr School property, which they have wanted to acquire for 20 years. A very dedicated group is willing to work on this property in the future. She also thanked Council for appropriating money for natural resources management into the Parks budget.

Jay Mower, Columbia Slough Watershed Council, described a site visit he arranged to the Columbia Arboretum property, which one teacher, Betty Campbell, helped develop.

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He said everyone agreed this parcel had to be in public ownership and it is tremendous to see that this has now been accomplished.

Michael Roche, Multnomah Neighborhood Association, congratulated Council for its leadership and success in obtaining these properties. This has helped bring the community together and heal some of the wounds that resulted from a previous dispute. Val Humble, 1036 NE Meadow Drive, urged that the Columbia Arboretum property be preserved.

Commissioner Francesconi said those 28 acres are a part of this project.

Nancy Drace, 4205 SW Vesta, 97219, and West Portland Park Neighborhood Association board member, thanked everyone for working so hard to purchase these properties and said obtaining the Kerr site is an absolute miracle.

Commissioner Francesconi said the neighborhood school and the neighborhood park anchor our communities and what the City is doing today strengthens both. He thanked the many partners in this process, including the School District, which understood the importance of keeping these properties in public ownership.

Commissioner Hales said this is the result Council had hoped for and congratulated Commissioner Francesconi for achieving it. He said Portland succeeds because it has a collective vision that it sticks with, even though it may take 20 years or even longer to achieve.

Mayor Katz said it is very easy to come up with big ideas but the critical piece is execution, which takes a great deal of staff work. She noted that the number one community issue is schools and, in this case, the City has used its limited resources to come to their assistance.

Disposition: Ordinance No. 173252. (Y-5)

492 Accept bid of Pacific Coast Construction, Inc. to furnish Woodlawn Park improvements for \$247,400 (Purchasing Report - Bid 99123)

Discussion: Sue Klobertanz, Purchasing Director, said staff had recommended the award of this bid to Pacific Coast Construction but had a bid protest from Corp, Inc., which was the low bidder at the time of the bid opening but was found non-responsive due to the untimely submission of good faith efforts documentation. She said the staff recommendation is consistent with the Council direction received two weeks ago on the Linnton Pump Station contract. She said Purchasing is now reviewing its good faith effort program and some of the "may" and "shall" issues that have been raised. In this case, documents which were due 24 hours following the bid opening were not submitted by Corp, Inc. by the deadline. Instead, they submitted the documents five days later.

Brad Balder, Corp, Inc. Construction, said he also represents the subcontractors they intended to use on this contract. He said his firm is an emerging small business and this contract would also involve women-owned and minority businesses as well as another emerging small business. He believes this differs from the project discussed two weeks

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ago. In this case, the contract represents very close to 100 percent participation by minority, women and emerging small businesses (MWSBES). He said Council already knows about the "shall" and "may" issue and it is not necessary to deny the contract as this is an area that can be left for good judgment and common sense regarding the intention of the good faith efforts and Forms 3 and 4 which he unintentionally submitted late. He said the purpose statement of the good faith efforts program stresses the City's compelling interest in providing opportunities for MWSBES because of their past under-utilization.

Jeff Espidall, owner, Pacific Coast Construction, said good faith efforts and formal bidding procedures should be adhered to because of the bad precedent it sets if exceptions are made when bid documents are submitted late. All contractors involved in public bidding understand that the requirements are very stringent and granting exemptions in the good faith efforts area would open up the City to making exceptions in others.

Mr. Balder said the difference between "shall" and "may" is a big consideration. There is a place in the documents which states that if the forms are not submitted legibly, they may be rejected. He asked if his contract would be rejected because his penmanship was poor. Or is it the information that is given that is important?

Mayor Katz asked Ms. Klobertanz what she expected to come out of the review.

Ms. Klobertanz said Purchasing has two overriding concerns. First there must be a level playing field with the same set of rules applied consistently in each award. The staff has been very clear that these forms must be submitted 24 hours after the bid is accepted. The second issue is why Forms 3 and 4 are required 24 hours later. They consistently hear from contractors that bid shopping occurs once bids are opened, with the low bidder then phoning around to find subs who can work at the appropriate price level. If more than 24 hours is allowed, it opens things up to more of this activity. In the area of good faith efforts, federal law does not allow the City to pick and choose among contractors. Corp, Inc. Construction is a small emerging business and subbed approximately 30 percent of its work to women and emerging small businesses. Pacific Coast subbed approximately 15 percent to female and emerging small businesses. Neither one indicated any minority subcontractors.

Mayor Katz asked if Purchasing is also looking at the language in Forms 3 and 4 and use of "may" and "shall," and how that relates to state contracting law.

Ms. Klobertanz said the City Attorney's office told her that it makes very little difference what word is used but staff will continue to look at this.

Commissioner Saltzman asked what the City does if a prime contractor comes in with a lot of minority and women participation. What is the relevance of good faith effort in that type of a proposal?

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Ms. Klobertanz said it is legally impossible for the City to choose one contractor over another based on the results of the good faith effort.

Disposition: Accepted. (Y-5)

Mayor Vera Katz

***493** Establish a new classification and wage schedule for Utility Worker Apprentice in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Discussion: Commissioner Sten said because of high turnover in the Water Bureau due to many retirements, this is an attempt to train the next generation of workers and broaden opportunities to diversify the work force to reflect the City as a whole.

David Rees, Bureau of Human Resources, said the Water Bureau heartily endorses these two ordinances. Agenda Item 493 establishes the classification and wage schedule for Utility Worker Apprentice. Agenda Item 494 amends the District Council of Trade Unions (DCTU) contract to establish the wage rates and set working conditions for the apprentices. The Water Bureau and the Bureau of Labor and Industry worked closely to establish this apprenticeship program. The DCTU amendment reflects the collaboration of the union in determining what is appropriate for establishing apprenticeship programs in the City.

Mayor Katz said this took several years to put together because of some of the technical matters that needed to be worked out between labor and management. The Water Bureau has led the way in this area and the fruits of that work are now being shown.

Disposition: Ordinance No. 173253. (Y-5)

***494** Authorize the Mayor and Auditor to execute an amendment to a labor agreement between the City of Portland and the District Council of Trade Unions (Ordinance)

Disposition: Ordinance No. 173254. (Y-5)

***495** Intergovernmental agreement with Multnomah County Department of Community Justice to support the Youth Gun Anti-Violence Taskforce (Ordinance)

Disposition: Ordinance No. 173255. (Y-5)

Commissioner Jim Francesconi

***496** Accept a \$10,000 grant from Metro to support a Willamette Greenway Trail feasibility study for North Portland (Ordinance)

Disposition: Ordinance No. 173256. (Y-5)

*497 Contract with Ken Leahy Construction for \$3,048,132 to remodel Progress Downs Golf Course (Ordinance)

Disposition: Ordinance No. 173257. (Y-5)

Mayor Katz then adjourned the Council and reconvened it as the City Budget Committee.

472 **TIME CERTAIN: 10:30 AM** – Convene City Council as Budget Committee to vote on approved FY 1999-2000 Budget (Introduced by Mayor Katz)

Discussion: Mayor Katz explained that Council has reviewed the amendments to the second year of the biennial budget and has held a public hearing. At a recent work session, Council members identified issues they wish to talk about before the budget is formally adopted in June.

Mark Murray, Bureau of Financial Planning, requested two changes. One will change the budget for Finance and Administration and the Water Bureau and the allocation to contingency of resources freed up through the technical budgeting and overhead process. The second change revises the amount tied to the Public Safety General Obligation bond and indicates an increase in the urban renewal certification for the Lents Town Center district.

Commissioner Saltzman noted that the amount levied for total taxes shown on the first page is \$203,159,000. That differs from what is on the second page.

Mr. Murray said the figure on the first page is incorrect. The correct amount is \$203,970,426.

Mayor Katz asked about the special levy for the Downtown Waterfront District and Airport Way.

Ken Rust, Budget Director, Office of Finance and Administration (OFA), said a special levy has been authorized to be collected Citywide and spread among four urban renewal districts, starting at \$10 million the first year and increasing to \$15 million by the fifth year. Last year the City overcollected on the special levy authorized for the Central Eastside Urban Renewal District and, to correct for that error, a lesser amount will be levied this year, rather than making a tax refund to the affected property owners.

Mayor Katz asked for a motion to approve the budget, with the changes outlined. Commissioner Hales so moved and Commissioner Saltzman seconded.

Commissioner Francesconi said he especially appreciates the support this budget gives to the schools and parks.

Commissioner Hales said he is very happy to finally have the budget done on a biennial basis so that Council can discuss the big questions and community priorities every two years, with adjustments in between.

Commissioner Saltzman said he is very pleased with the family-friendly tone of the budget, including the appropriations for after-school activities.

Commissioner Sten said this responds to some of the issues, especially those connected to the Endangered Species Act, that have been raised since the two-year budget was approved.

Mayor Katz noted that it took about ten iterations of the budget just to make the adjustments, reflecting a change in some earlier assumptions. She said the City first took care of the business it is responsible for and then, to meet the challenges in the community, went beyond that to deal with some issues outside its usual purview. There will be some additional changes but this is a good beginning.

Commissioner Hales moved acceptance of the proposed tax levies. Commissioner Saltzman seconded and roll was called.

Disposition: Approved (Y-5)

Commissioner Charlie Hales

498

Consider vacating a portion of SE Knight Street west of SE 14th Avenue, as initiated by Resolution No. 35726, to help protect and add area to the Oaks Bottom Wildlife Refuge (Return Agenda Item 1745; C-9956)

Discussion: Linda Birth, Office of Transportation, said this property is at the top of the bluff overlooking Oaks Bottom. The City Engineer's report recommends approval with conditions and concludes the area is no longer needed for street purposes.

Jim Sjulín, Parks Bureau, said this vacation, coupled with the donation of some adjoining property, will add between 19,000 and 20,000 square feet to Oaks Bottom. Because of some opposition at the neighborhood level, staff held a meeting in the neighborhood in February. He does not know if there is anyone here to testify in opposition today.

Mayor Katz asked whether a petition in opposition was still pending.

Ms. Birth said that was determined to be invalid because the signatures were not notarized and there was not enough representation within the affected notification area.

Mr. Sjulín said the Sellwood Moreland Improvement League supports the vacation.

Disposition: Approved. City Engineer prepare ordinance. (Y-5)

Commissioner Erik Sten

499 Declare support for the federal Pacific Salmon Restoration fund proposal advocated by the four Pacific Coast Governors (Resolution)

Discussion: Commissioner Sten said this puts the Council on record in support of the Governors' request for federal funding to help with the salmon. Any money from Congress would go to the State and the Governor would then take the lead in allocating it to various projects.

Mayor Katz said she heard that if the \$100 million was allocated, it would require a match and she is unsure if the City's commitment to the Endangered Species Act would be considered a match.

Commissioner Sten said it depends on how the match is described. There is some hope of getting more than \$100 million

Disposition: Resolution No. 35783. (Y-5)

City Auditor Gary Blackmer

500 Intergovernmental agreement with Multnomah County to provide funding for the Portland Multnomah Progress Board and transfer of its staff to equivalent City job classifications (Ordinance)

Discussion: Gary Blackmer, City Auditor, said this is a request to transfer the Progress Board from Multnomah County to the City. He said the Progress Board, which is co-chaired by Mayor Katz and Multnomah County Commission Board Chair Bev Stein, tries to measure indicators it thinks are most important to citizens. Issues such as a strong economy, a healthy environment, a vital urban area and quality education are all important and those are four of the key areas the Progress Board looks at. Beyond that the Board has tried to develop measures, similar to what the Oregon Progress Board has done, to help the community reach those goals. The Board developed ten clusters of benchmarks which cover issues like health, education, special needs, safety, etc. What the board commits to with those benchmarks is measuring the results, not just what one agency does, but the impact on the community. He said the Board also hopes to align organizations so that all are pointing in the same direction. Ultimately what the Progress Board does is try to measure the effectiveness and efficiency of the agencies' efforts. It identifies, monitors and reports on the indicators and acts as a catalyst for all organizations to try to improve those benchmarks. The Board has active partnerships with many different organizations and relies on their data to help determine the benchmarks. As an example of what the Board tries to do, he described how it determined and measured Benchmark No. 24 which calls for an increase in the percentage of children entering kindergarten who meet specific development standards. As part of that work, they studied the impact of the many agencies which work with children to improve school readiness. Out of that the Board identified 34 strategies for improving readiness to learn and a number of entities since have taken actions to further that effort.

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Mr. Blackmer said the Board has been located in the Auditor's Office because of its experience with performance measurement, its independence and its record in helping initiate change. This agreement transfers the two staff persons from Multnomah County to the City Auditor's office and asks for approximately equal shares of the cost to fund the Board from both the City and County. In the past the City provided an extra \$20,000 but now the funding will become equal. The 1999 work plan includes increased educational efforts about the work of the Board and it is also committed to completion of the recidivism benchmark review and to a review of salmon recovery.

Mayor Katz said setting the salmon recovery benchmark is an enormous task which everyone on the Progress Board agrees needs to be done.

Mr. Blackmer said this issue will be looked at specifically from an urban perspective, which makes it a very different kind of challenge. The Board is also reviewing school success, another Progress Board priority, and plans to prepare brochures on some specific benchmarks for public discussion.

Commissioner Francesconi said help is needed to map all the organizations involved in youth employment efforts. He said the Leadership Roundtable declined to do this and asked if the Progress Board might consider doing that.

Mr. Blackmer said the Board discussed workforce development as a potential review area but it is an extremely challenging task.

Commissioner Francesconi said high risk youth employment is a part of a report coming to Council on efforts to reduce youth violence. He would like to see something, however, on the whole youth employment side. He noted that the Progress Board report shows that, while per capita income is up, the strong economy has not produced any substantial reductions in the number of people living in poverty. Workforce development is one of the best strategies to address that. One of his concerns with benchmarking is that while it is wonderful to have indicators and get the community on the same page as to the issues, there needs to be a tie to performance. What good is spending that time and money to determine benchmarks instead of spending resources on the strategies?

Mr. Blackmer said benchmarks help determine the best place to place the resources and apply the strategies. They provide both early indicators of problems and long-term feedback on whether progress is being made. This year there were six candidates for them to tackle but, with two staff persons, there are limited resources. He is hoping that as this succeeds, more groups will be drawn in as partners and will take on the role of long term follow through.

Mayor Katz said she had the same vision that Commissioner Francesconi did when this began. She hoped the Board would set benchmarks, see what the trends were and ask people if these were the right benchmarks. If the community is not reaching them, she had hoped the Progress Board would identify the most promising strategies for moving forward but she has not yet been able to convince it to do that.

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Mr. Blackmer said it is hard to get 65 organizations all at the table. He sees reports as a way to get people talking together and putting together strategies. He is more than willing to explore this further, however.

Disposition: Passed to Second Reading April 21, 1999 at 9:30 a.m.

501 Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through March 1, 1999 (Second Reading Agenda 468; Y1032)

Disposition: Ordinance No. 173258. (Y-5)

Communications

502 Request of Wendy Loren to address Council (Communication)

Discussion: Wendy Loren, no address stated, said that the only drug dealers allowed to sell heroin and cocaine in the area are Mafia members protected by local elected officials. She asked that these sales be legalized and that these drugs be categorized and sold as herbs, which have very low and safe dosages with explicit warnings.

Disposition: Placed on File.

503 Request of Jada Mae Langloss to address Council regarding a proposal to allow homeless people to work in exchange for basic necessities (Communication)

Disposition: Continued to April 14, 1999 at 2:00 p.m.

At 11:15 a.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF APRIL, 1999 AT 2:00 P.M.

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

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

503 Request of Jada Mae Langloss to address Council regarding a proposal to allow homeless people to work in exchange for basic necessities (Communication)

Discussion: Jada Mae Langloss, no address stated, described a grass roots community project in the Arizona mountains that does not worship automobiles.

Disposition: Placed on File

Commissioner Charlie Hales

506 Amend the Zoning Code to implement commercial restrictions in industrial and employment zones as required by Title 4 of the region's Urban Growth Management Functional Plan and amend the Comprehensive Plan Map and Zoning Map to change a portion of the Hayden Meadows site from EG2 to CG (Second Reading Agenda 470)

Discussion: Commissioner Francesconi said the quality of the staff work done on this matter was very impressive. This is an attempt to deal with some divisive issues regarding the industrial sanctuaries overall but it also highlights other issues that need to be addressed in the Central Eastside and Pearl District.

Commissioner Hales thanked Council for spending the time to sort out the issues involved in this policy.

Disposition: Ordinance No. 173259. (Y-5)

504 **TIME CERTAIN: 2:00 PM** - Accept and adopt the Lower Burnside Redevelopment Plan (Resolution introduced by Mayor Katz)

Discussion: Mayor Katz read from the beginning of the report which notes that this central bridge and major arterial to and from downtown Portland has come to represent the dark side of the City. It questions how one of the City's most conspicuous locations can be so underutilized and instead be known as a place with a sordid reputation that is less than livable. The Central Eastside Industrial Council (CEIC) reached the same conclusion she has – that it is time to do something about this. She said this is a planning document for the area between NE Couch and Ankeny, between 2nd and 12th Avenues, an area that is changing and where the businesses and neighborhood are ready

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for change. The Plan also links the Eastside River Bank to this vision, making an important connection.

Denyse McGriff, Portland Development Commission (PDC), Central Eastside Urban Renewal District Project Coordinator, said since this has been out for review, they have had calls from people interested in investing in the area, based on the documents that have been put together.

Mike Bolliger, Vice President, CEIC, said the team has come up with a very high quality vision plan which will be very positive for the City. He said PDC has purchased the blighted property next to the old Baloney Joe's and that will become the focal point for redevelopment, the initial step in making it a gateway into the City.

Rick Parker, President, United Finance Co., owner of a business at Union and Burnside for 75 years, said just about every property owner living in the district participated in this planning process. He said he was part of the Central City Plan completed in 1978, the first time the Central Eastside was included in the Central City and the first time Burnside was designated as a gateway. He said he did not think this would ever come to pass but is very happy to see this process begin. He said the Steering Committee held about 10 meetings and an open house to solicit input from the neighborhood.

Mayor Katz said Block 76 now belongs to the City and this document requests a Code change calling for ground level floor-to-ceiling heights of 15 feet. She said she would like to consider making them taller. She said the notion of using the building facade and lighting to emphasize the beautiful architecture of those buildings is important. She will be watching closely to see that this happens.

Commissioner Saltzman asked Mr. Parker what he would like to see on Block 76.

Mr. Parker said the neighborhood would like to see a headquarters company in that location, at least for some of the floors.

Mr. Bolliger said that area is zoned for 200-foot high buildings and they have discussed stair stepping away from the river so there would be unobstructed views.

Commissioner Saltzman asked what was contemplated regarding traffic through the corridor, especially for cars heading east on Burnside who want to make a left turn onto 7th or 8th.

Mr. Bolliger said they are discussing some intersection signals and turning lanes to improve the traffic pattern in that area.

Ms. McGriff said traffic was identified as one of the three critical problems in the Corridor and they have already begun discussions with the Portland Office of Transportation (PDOT) about various options that might be available.

Mr. Bolliger said the CEIC has already met with PDOT and a coordinator has already been assigned to the district to hammer out the best options.

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Commissioner Francesconi asked what the other two critical issues are.

Ms. McGriff said aesthetics and appearance is one and the other is revitalizing the area so that the corridor is once again a focal point. That is a little vague.

Commissioner Francesconi asked if there are short-term strategies to help with that.

Ms. McGriff said once the environmental evaluation is done on Bock 76, which is the lynch pin in the redevelopment efforts, they will then talk to people about developmental opportunities.

Commissioner Hales asked if what they need most from PDOT is flexibility or money. He noted that flexibility will be easier to come by.

Mr. Bolliger said flexibility along with some creativity is important. The intersection at Burnside and Sandy has been a problem for 40 years. The neighborhood would like to explore with PDOT the idea of a roundabout there.

Ms. McGriff said the roundabout is included in the Central City Plan. She said there are some real problems in this district that do not occur elsewhere in the City and they hope to come up with some creative options to deal with them and do what is best for that area.⁴

Commissioner Hales said if it comes down to a choice between the vision presented here and standard traffic engineering practices, it is no contest. The vision wins. However, raising the money to build these projects will take some bootstrapping as waiting for PDOT to get the money may mean this plan sits on the shelf. That is the unfortunate reality.

Mayor Katz said a more creative urban architectural design is needed for Block 76.

Commissioner Francesconi said the Central Eastside is the most exciting part of the City right now and holds the key to the short-term future of the City. He said this plan bodes well for uniting both sides of the River, creating a central city that protects the environment and produces jobs as well.

Commissioner Saltzman said he hopes what is planned will finally happen this time. This report sends a strong signal that the Central Eastside is very much a part of the City.

Commissioner Sten said this is long overdue but it is the Central Eastside's turn now. While there is strong support from Council, that would not make any difference without strong business leaders and PDC staff. He expects to see dramatic changes here.

Mayor Katz said this started with trying to keep the District safe and clean. This is the obvious next step. This is a wonderful place for new jobs and housing and the future looks very bright.

Disposition: Resolution No. 35784. (Y-5)

505

TIME CERTAIN: 2:30 PM - Appeal of Samson Cheung, applicant, against Hearings Officer's decision to deny an eight-lot subdivision with a variance and adjustments, located at 2919 SE 90th Place (Hearing; 98-01057 SU AD VZ)

Discussion: Kathryn Beaumont, Senior Deputy City Attorney, noted that this is an on-the record hearing and that no new evidence or issues can be presented that were not heard previously by the Hearings Officer. She noted the order of testimony and the guidelines to be followed.

Mayor Katz clarified that the 120-day time line was not waived. Because the deadline is so close, a new proposal cannot be presented and Council cannot redesign this project.

Ms. Beaumont said that is correct as it would require reopening the record and additional time that the City does not have at this point.

Duncan Brown, Office of Planning and Development Review, described the project to divide 31,121 square foot site into eight lots with single, detached residences, open space tract and a private street, 20-feet wide and 158-feet long. An exception has been requested to reduce the required street width from 28 to 20 feet and a variance has been requested to eliminate the required turnaround. Adjustments are requested to reduce the side yard setback on Lot 1 and increase building coverage on all lots from 50 to 60 feet. He listed the applicable approval criteria.

Mr. Brown said in his appeal the applicant refers to increasing building setbacks to maintain separation as mitigation for the setback adjustment but since this was not part of the Hearings Officer's record it cannot be considered. The Hearings Officer denied the application because she found there was insufficient on- and off-street parking and no assurances that the 20-foot private street could be kept clear of parked vehicles. She also found there was no justification for the setback adjustment. The site is zoned R2 but at this time the surrounding area is entirely single family residential. It adjoins a stormwater detention pond owned by the Bureau of Environmental Services (BES) and the extreme west side of the lot is considered a flood area which is why the applicant has proposed an open space tract there. Mr. Brown said several years ago a row house project proposed by the same applicant was approved for this site. That allowed 10 housing units on the site and did not require the adjustments proposed now. He showed slides of the site and concluded by reading from the Hearings Officer's decision which states that it is not reasonable to approve a private street that is so narrow that the sidewalk has to be reduced from five to four feet and put on private lots in an easement. She added that there will not be adequate parking for the development as the separation on Lots 1 and 2 has to be reduced to where the purpose of the setback will not be met. She further states that it is unnecessary to further stretch the street, parking and development standards when other development options would provide as many or more units. Mr. Brown noted that this site, which is zoned R2, multi-family, can be developed with apartments or condominiums and there is an approved row house development that has not yet been platted but does not require adjustments to this extreme.

Mayor Katz asked what the difference is between this proposal and the one for 10 row houses.

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Mr. Brown said it is primarily the arrangement and size of the lots. The lots were a little narrower in the other proposal, which involved a hammerhead turnaround at the far west end and a number of other things.

Commissioner Hales said the Hearings Officer notes two reasons for not requiring a through street. One is the existence of the stormwater detention pond and the other is because there is another through street immediately to the south. That does not show on the zoning map.

Mr. Brown showed him where it is and noted that it is an improved, private through street connecting 90th and 90th Place.

Jeffrey Armstrong, representing the applicant, reviewed the issues raised by the Hearings Officer in her denial. The first item she identified was to waive the turnaround at the end of the private street. The second was to deny the two requested adjustments to reduce the setback on Lot No. 1 and increase the building coverage from 50 to 60 percent. He said private streets have been an acceptable means of access for years in the City, although not the first choice to serve properties. They are primarily used for infill projects where little space is left for public rights-of-way. If a 40-foot right-of-way with a 70-foot in diameter turnaround were required, this site would be undevelopable as it is only 140 feet wide. The private street is only 150 feet long without a turnaround, similar to other streets throughout the City and County. The Fire Bureau has submitted a letter stating that the proposed subdivision is acceptable. The Hearings Officer contends that the sidewalk is so narrow that it must be reduced in size, put on private lots in an easement and will not provide adequate parking. He said the applicant believes most private streets are built to a 20-foot width, with a four-foot sidewalk either in the tract or the easement. The sidewalk was not reduced. It was only after Transportation reviewed the proposal that the applicant had conditioned a five-foot sidewalk instead of the four-foot one he had proposed. The applicant could include that condition in the design. Regarding parking, the Hearings Officer contends parking will be inadequate. The development calls for one-garage units, with the garage set 18 feet back from the property line, allowing parking in the driveway. City Code only calls for one parking space per unit and there are no requirements for guest parking. In addition, the Code restricts the front pavement area to 20 percent in the multi-family zone which limits the number of garages and parking spaces that can be provided. The applicant maintains the Code parking requirements will be met with this proposal. Regarding the decision to deny the increase in building coverage from 50 to 60 percent, Mr. Armstrong noted that both Planning and the Hearings Officer agreed that with the open space allocation, coverage will be less than 50 percent. This is a challenging site because of the potential for flooding and full development is inappropriate. This design allows the detention pond to be expanded and, in exchange for helping alleviate the flooding problem, the applicant is asking for some adjustments in return. If any of the service bureaus had indicated there were any problems when the proposal was made, they would have tried to correct those. However, all supported the proposal and the Planning Bureau recommended approval, finding that all applicable criteria had been met. This proposal will not detract from the livability of the area and will provide opportunities for first-time homeowners to buy starter homes.

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Commissioner Hales asked if the common open space area was a design decision made by the applicant and not a City requirement.

Mr. Armstrong said the applicant proposed that based on the previously approved application.

Commissioner Sten asked if the width of the street had changed from the prior proposal.

Mr. Armstrong said no. That proposal was for a 20-foot wide street while this one is for 21 feet because they are providing curbs.

Commissioner Francesconi asked why the applicant cannot make the adjustments recommended by the Hearings Officer.

Mr. Armstrong said they could make the adjustments but are not allowed to because of his failure to sign the 120-day waiver.

Ms. Beaumont said if the waiver is not signed up front, then the appeal hearing is on the record and it is Council policy not to change that. On occasion Council has deviated from that policy.

Mayor Katz said she would like clarification about what Council can or cannot do under these circumstances.

Don Olsen, 2930 SE 90th Place, 97266, who lives across the street from the project, said he is concerned about providing garbage service on streets that do not have turnarounds. In this case, all eight garbage cans and 16 recycling bins would be brought out to 90th for collection. Regarding the adjustment for the two-foot side property line, he said this means all the windows facing south on the existing house will be looking at a fire wall. He is also concerned about the parking overflow onto 90th Place.

Mayor Katz asked if the issue of fire truck access had been raised.

Mr. Brown said fire trucks would have to back out onto 90th Place to turn around. The Fire Bureau believes they can back up their vehicles when a dead end street is no longer than 300 feet. Garbage trucks have a policy of not going up private streets that lack a turnaround so residents would have to bring their garbage out to 90th Place.

In rebuttal, Mr. Armstrong said BES requires curbside service which allows property owners to bring garbage to a public street. The mail boxes will also be located on 90th Place. The applicant has agreed to add sprinklers to all the homes in case of a fire and there is a fire hydrant across the street from the property. Regarding the adjustment to reduce the side yard setback from five to two feet, the applicant plans to remodel the existing home to alleviate the proximity to the fire wall.

Commissioner Hales asked about the original staff recommendation from Planning and Transportation.

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Mr. Brown said staff recommended approval, but with an unusually large number of conditions, primarily dealing with final platting.

Elizabeth Papadoupoulos, Transportation Engineering, said in addition to the conditions Transportation had added, there are general requirements.

Commissioner Hales said he wants to encourage small lot, single-family development but to make that concept work on this site, it has to be tortured a lot. He said schlepping garbage to the end of the street gives him yet another reason to hate private streets. Although the Hearings Officer's denial focused on parking issues, there are other disconnections between the application and the intent of the zone and he recommends upholding her decision.

Commissioner Sten supported the Planning Bureau's original approval. He does not think Council can design this to solve those site problems and added that the private street is required because of the need to have the detention pond as well as small, starter homes. He believes skinnier streets are better in such circumstances because they take up less impervious surface and there is plenty of parking for people who live on the street. He noted that the street is only 150 feet long. This is a tough site and he believes this is as good a design as one can get.

Commissioner Francesconi asked if it is true the Code only requires one parking space.

Mr. Brown said yes, for multi-family housing, but that requirement is based on minimum street standards which require a 28-foot street and on-street parking.

Commissioner Francesconi noted that Transportation approved it.

Jamie Charbonneau, Portland Office of Transportation (PDOT), said this proposal meets the on-site requirements of one parking space per unit although on-street parking was eliminated when the street width was reduced to 20 feet. It was approved based on the fact that there are parking spaces in the garage driveways. Staff knew there were some trade-offs because of the site constraints and the need to balance the goal of providing housing against providing the services necessary to accommodate it. In this case they approved the development although they agree parking is a valid issue.

Mayor Katz asked about fire truck access if cars are parked on the sidewalk illegally.

Ms. Charbonneau said because no on-street parking is allowed, the Fire Bureau believes access is adequate. With a public street, the City has enforcement capabilities but private streets require self-policing. While "no parking" signs will be posted, the City does not have the ability to cite or tow violators. That is a trade off PDOT continually faces.

Commissioner Sten said if a car is parked on the street, it will only take up five feet of space so the fire trucks could get around it. He said the developer is adding sprinklers, which are not required.

Commissioner Hales said he agrees with the Fire Bureau's determination about accessibility.

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Commissioner Francesconi said he is confused about why the developer cannot make the adjustments suggested by the Hearings Officer that he is willing to make.

Ms. Beaumont said the reason why that cannot be allowed is because of the 120-day waiver policy. This is an on-the-record hearing but if Council wanted it could waive the 120 days, renotify the interested parties regarding the new design and hold an additional evidentiary hearing

Commissioner Francesconi said that is what he would like to do.

Commissioner Hales said he would like a better sense of what the design modifications would be.

Mr. Brown said the applicant would probably be looking for direction from Council. Staff would be looking for some additional on-street parking, perhaps a parking bay on proposed Lot 2.

Ms. Beaumont said if the applicant can modify the proposal to delete some of the additional land use approvals, such as an adjustment or setback, that will be fine but if the modification would require new adjustments or variances that is not something Council can consider. She believes he could modify the proposal to include a parking bay without triggering a new land use application.

Mr. Armstrong said he spoke to Mr. Brown about eliminating Lot 2 to provide parking spaces there and increasing the setback on Lot 1 from two to five feet. That would eliminate two of the requested adjustments.

Commissioner Hales proposed continuing the hearing for six weeks based on the willingness of the applicant to waive the 120-day rule and return with a revised proposal.

Discussion: Continued to Wednesday, May 26, 1999 at 2:00 p.m.

At 3:35 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF APRIL, 1999 AT 2:00 P.M.

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

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

507 **TIME CERTAIN: 2:00 PM** – Accept “A 25-Year Vision for Central Portland” (Report introduced by Mayor Katz)

Discussion: Mayor Katz said while it sometimes takes a long time for visions to be realized, the City is committed to achieving this one.

Brian Scott, President, Livable Oregon and co-chair, Central City Summit Vision Committee, described the visioning process which involved over 500 citizens. A clear vision has been developed with clear priorities for the Central City. Top priorities include quality schools, a clean river, complete neighborhoods, a prosperous region of creativity and imagination, and an urban environment that defines livability. The next step is to inventory what has been done so far to bring this vision together.

George Passadore, President, Wells Fargo Bank and Association for Portland Progress (APP) board member, urged Council to adopt this vision.

Julie Saltzman Lauvrey, Vice President, Oregon Pacific Investment and Development Company, and APP Board member, said complete neighborhoods with housing for all income levels are essential to ensuring long-term livability of the Central City and has long been a goal of APP. Complete neighborhoods was determined to be one of the three top priorities.

Hank Ashforth, President, Ashforth Pacific, said on the Eastside the vision shows what can be accomplished. In his four years in Portland, he has found that newcomers are welcomed and can truly make a difference here.

Mayor Katz expressed special thanks to Phil Kalberer for chairing APP, providing the leadership to bring the Central City Summit to fruition and for his future involvement in the inventory.

Art Lewellan, 3205 SE 8th, 97202, said he likes the architecture of the new buildings that are coming into town and believes it is very important for the Eastside to begin to receive the kind of investments being made downtown. However, he thinks there are some difficulties with the capping of I-405, beginning with the Broadway Circle. He also thinks the Ross Island Bridge should receive major repairs, more than what has been proposed by Transportation. Merely resurfacing it and replacing the railings is not enough.

Commissioner Francesconi said the summit recognizes that the Central City extends to the Eastside and includes both sides of the River. This report also reaffirms that schools are the top priority. He said he is interested in a cost of doing business survey, especially for small businesses, and hopes that public spaces can be created with private funds through formation of a Parks Foundation. Council needs to make more links and strengthen the connections between the central city, the neighborhoods and the suburbs.

Commissioner Hales said if this vision is to work, the State Legislature must recognize the importance of Portland's economic health to the rest of the state.

Commissioner Saltzman said he is very pleased to support this vision.

Commissioner Sten said, as Chair of the Housing Committee, he was very impressed with the talented people who participated. He said in some cases it is a lot harder to take something that is doing well but needs to go to the next level than it is to start from scratch.

Mayor Katz said she was pleased to see that some of the same citizens involved in the original 1972 plan participated in this one. She said this is about connections, across the River and with the neighborhoods, the region and the State.

Disposition: Accepted. (Y-5)

508

TIME CERTAIN: 2:30 PM - Amend Chapter 17.38, Drainage and Water Quality, to implement revised stormwater management policies and the Stormwater Management Manual (Ordinance introduced by Commissioner Saltzman; amend Chapter 17.38)

Discussion: Commissioner Saltzman said today the Bureau of Environmental Services (BES) is presenting its implementing regulations for stormwater management and the stormwater manual. These represent the City's compliance with the Clean Water Act which requires the elimination of polluting discharges into the nation's waters. During the first 20 years of the Act, wastewater pollution control was the primary focus but that emphasis has now shifted to treating water run-off, not just water that comes out of the pipes. The other issue is the larger quantity of water coming from impervious surfaces and its impact on water quality. This requires a new mindset for thinking about how to control stormwater. The stormwater manual sets a priority basis for residential, commercial, industrial and public works, with an emphasis on keeping the stormwater at its source, on site, and away from the rivers and streams. It presents ideas like roof gardens and bioswales to help contain runoff. He added that there may be some additional issues that need to be addressed before this is finally approved.

Dean Marriott, Director, Bureau of Environmental Services (BES), said this ordinance adopts the principles of stormwater management for the City and authorizes him to adopt and amend a stormwater manual to carry them out. This is the result of about three years of intensive public process. He noted that in 1997 Council adopted, based on the recommendation of the Stormwater Advisory Committee, three principles to guide stormwater management. Those are: 1) to manage stormwater as close to the source as possible; 2) to ensure that the quality of water leaving a development site is equal or better than what it was prior to development; and 3) to ensure that the quantity of water

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leaving a development site is equal to or less than what it was prior to development. He described the process for developing and reviewing the proposed manual and the Code changes. He hopes to get program approval from the National Marine Fisheries Service which will provide some assurance that the requirements of the Endangered Species Act are being met. He noted that the manual essentially addresses new development and significant redevelopment but does not deal with every stormwater issue the City faces. He said he hopes to adopt the manual by July 1 to allow enough time for everyone to review it and also proposes to establish a new Stormwater Policy Advisory Committee to monitor whether the manual is working and to help work through some of the unaddressed issues. He said formation of that committee is not currently included in the Code but could be added if Council wishes.

Becky Kreig, BES, showed slides to illustrate various ways of treating stormwater. The planting and retention of trees is very important and other treatments, such as planters, rooftop gardens, bioswales and "eco" roofs, can also contribute to better stormwater management.

Ron Smith, BES, discussed the proposed Code changes to Title 17 and gave an overview of each chapter of the manual and its contents. He said the manual includes four levels of stormwater management and gives advice to developers on how they might reduce the impervious area of a development site through mitigation. The four levels indicate what must be done when new impervious areas are created. The manual includes three design approaches, depending on the size of the projects and allows applicants to choose between a simplified, presumptive (with predetermined design criteria) approach and a performance-based one, which allows applicants to propose different design procedures. Best management practices are also identified for certain listed land uses, such as fuel dispensing facilities, vehicle parking areas and solid waste storage areas. Requirements for landscaping, aesthetics, fencing and access are also covered.

Ms. Kreig said following adoption of the manual, they will revise certain City Code requirements to bring them into conformance with the manual. The Bureau of Buildings will be the lead bureau regarding the establishment of erosion controls during construction. Facility and watershed planning is currently underway and they also plan to put together a group to address stormwater from existing and new development.

Mr. Smith said a training session will be conducted to prepare plan review staff to implement the manual regulations.

Mayor Katz said benchmarks and performance measurements need to be identified so the public knows what this means.

Mr. Marriott said an advisory committee will help BES establish those benchmarks. This manual will not cause a reversal in the condition of the watersheds but will prevent future harm caused by redevelopment and new developments. The issue of how to deal with existing development and redevelopment will come next.

Commissioner Saltzman said another specific benchmark will be how the private sector responds to these new rules. For instance, how widespread will "eco" roofs be two years from now. Those are things the City can measure but cannot control.

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Commissioner Francesconi asked if there is a plan to educate the public, particularly small developers, about these requirements.

Mr. Marriott said there is an existing network of 200 to 300 stakeholders that BES will continue to work with and, if Council adopts this, BES will immediately begin additional educational efforts.

Commissioner Francesconi asked about the cost of compliance and whether the new advisory committee would look at this issue.

Mr. Marriott said yes, the committee will look at cost but each site is unique and it depends in part on how early stormwater management is factored in. There will be some added costs for urban, downtown development but BES does not believe that cost will be prohibitive.

Commissioner Sten said the educational efforts must include all City bureaus involved. He has asked PDC to do a brochure on the Buckman Heights project to illustrate what can be done in a very dense development. He said discussing these requirements must go beyond BES.

Mayor Katz asked about the relationship between the manual requirements and development review and who will be in charge.

Commissioner Hales said they will be training development review staff about the new rules.

Mayor Katz said she feels strongly about the need to design facilities that get public support. She said it is important to talk about design early on so the City does not end up with "butt ugly" design.

Mr. Marriott cited the parking lot at the BES lab which is very attractive but did not require a significant investment.

Robert Degraff, Association for Portland Progress (APP), 520 SW Yamhill, #1000, 97204, stressed the need to keep outside parties involved in the implementation and address any problems that arise.

Thomasina Gabriele, Institutional Facilities Coalition, said she is pleased that the manual responds to some of their earlier concerns. She said an external review process and an appeals process are also important. She asked Council to keep asking how the goals for ensuring water quality fit with all the other goals and policies the City wants to achieve. As part of that, when this is implemented, they need to ask if the rivers really are cleaner. How will they know? The Coalition also supports including in the Code itself the formation of an outside advisory committee to help determine if the desired results are achieved and whether some of the unresolved issues are being addressed. One issue is the matter of incentives and credits.

Anne Nickel, Columbia Corridor Association, asked that establishment of the advisory committee be included in the Code and that the development community be involved. She said clear definitions are critical, i.e. "parcel" and "site" and "in lieu of fees." The other issues are the credit system and tracking. When citizens are involved, it usually takes a month to take a careful look at something as complex as this manual. She asked that staff give them time to do a full review of the manual.

Jim Andrews, 2533 SE Taylor, 97214, an architect, said he sees both the value of good stormwater management and also the challenges of building it. Wherever possible the concepts need to be simple and intuitive so they can be understood by everyone who builds and uses them. There is a lot of interest in taking steps to restore salmon runs and clean rivers but people need to believe it will make a difference if they pay more. The cost should be borne equally and not only by new development and redevelopment. He noted that since most of the City is already built, there would still be a big problem even if new development did not contribute a single molecule of additional pollution to rivers and streams. While it is harder to impose new costs on existing property owners, the City cannot expect regulations on new development to correct existing problems. In reviewing the manual, he still does not understand what pollutants enter the system from rainwater falling on a roof. If roof water has to be treated, the water quality treatment facility will have to be sized larger. The manual seems to treat roof water as impervious surface.

Amanda Fritz, 4106 SW Vacuna, 97219, said noncompliance is not an option under the Endangered Species Act (ESA) and the new manual and Code changes are much improved over the previous version and should be adopted with a few small changes. One change is needed in Title 17 to delete the word significant from Section 17.025 (d) because BES needs firm direction that water quality and quantity treatment should be provided that improves the situation whenever any development occurs over 500 feet. There are a number of problems with the manual. First, residential development needs to meet Management Level 3. There is also a need to require, not just recommend, better aesthetic standards. She agreed with the need for a Code-certified advisory committee and said there needs to be an advocate for the fish on the external appeals board. She would like to see more green solutions required and in Chapter 5.51 she would like Council members to delete predevelopment versus post development calculations for run-off. If they do not, there will be hardly any water quality treatment for new construction or redevelopment. There is a water quality problem from roof runoff because of the particulates used to treat roofs. She said what an area looked like before is irrelevant. What needs to be done is treat all the run-off. The manual uses the same facility to address quality as well as quantity, often using a swale to do both. It is critical that the facilities be sized appropriately.

Jay MacPherson, Managing Director, Confluence, LLC, said as an environmental engineer he believes BES has done an exceptional job and been willing to compromise. He supported the testimony of the Columbia Corridor Association and asked that their recommendations be considered.

Gregg Weston, OTAK, Inc., said the City really needs to move forward with this as it has been a long time coming. Stormwater quality cannot be addressed by enforcing a manual as one must remain flexible and creative. He asked that Council stay involved as this is

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extremely important to the future of water quality. Regarding the expense, he said this is not an inexpensive process although it will be less costly if it is planned for from the beginning. He said the money should be spent on what is most effective and it is extremely important that maintenance be continued.

Mayor Katz asked how one would know what is most effective.

Mr. Weston said when looking at individual sites, it important to look at "in lieu of fees," proposals, especially downtown.

Jere Retzer, 5115 SW Alfred, 97219, said this is a very important issue for many people because of the degradation of streams, much of it due to stormwater run-off. He said the goal of not doing anything worse than we have already done is not good enough when so many streams are already on the Clean Water Act listing and steelhead and cut-throat are listed under the ESA. The manual takes a number of good steps but his biggest concern is redevelopment. Under the current policy, if a parking lot is redeveloped, no stormwater management would be required because the surface is already 100 percent impervious surface. If sites are redeveloped, stormwater management should be required. The policy should require that developed or redeveloped sites must provide adequate stormwater quantity and quality management. That would not be a difficult thing to do. He also believes the best contemporary standards for pollution control should be applied and those call for 80 percent removal of total biosolids. This is already required by many other cities and would be easy to adopt and implement.

Michael Long, Oregon Department of Transportation (ODOT), said ODOT was pleased to participate in the Stormwater Advisory Committee and comment on the development of the manual. ODOT strongly supports the general goals. However, ODOT has two issues of concern. First, is the "in lieu of fees." In November, 1995, the Oregon Transportation Commission (OTC) directed ODOT to treat stormwater run-off on highway projects that add traffic capacity. For projects that do not add capacity or are used for non-motorized modes, such as bicycles, the OTC recommended that ODOT not provide specific stormwater treatment. This policy conflicts with the City's stormwater requirements which call for treatment on surface areas greater than 500 square feet. While ODOT staff is aware that it may be possible to pay the "in lieu" fee under the proposed Code changes or to provide treatment off-site, this still may conflict with OTC policy. In most cases, the Federal Highway Administration will not allow federal funds to be used for such fees but as an alternative may allow ODOT to construct facilities of its own that mitigate impacts from more than one project. ODOT's second issue regards the development categories. ODOT projects are funded on a four-year cycle and it has found that planning for stormwater management for a group of projects can result in more environmentally beneficial stormwater management facilities as well as significant cost savings. Mr. Long said ODOT staff believes it might be difficult to determine requirements for specific projects as they may fall into more than one development category and might be phased over several years. It might be more appropriate to provide stormwater management in a combined facility rather than on a project-by-project basis. ODOT requests that a provision be added to the Code that includes acceptance of a master plan for facilities so that mitigation for groups of projects or the phasing of large projects can be accomplished.

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Brian Lightcap, 13342 NW Newberry Road, supported ODOT's idea of combining projects for a better master plan approach.

Bob Grimmel, kpff Consulting Engineers, said the prescriptive nature of the manual is an issue for him as he believes there should be more room for intuitive decision-making by BES staff. Stormwater design is and should be fun and allowing new ideas to be presented is important as the technology is changing very quickly. One should not be more concerned about not breaking a rule than about effective and good design that may lead to better solutions.

Commissioner Saltzman said he would like Council responses now and if there are any new amendments this will be continued. Otherwise it will go to Second Reading. He said BES will codify the external advisory committee.

Mayor Katz said she understands the City may be hurting itself if it is too prescriptive about things that may require more intuition. She would like to hear more on that issue.

Commissioner Sten said he likes the idea of an advisory committee but would like more specifics about costs. He noted that originally BES wanted to offer much more flexibility but the development community cried out for specificity. He said there does need to be a balance as the City does not know all the answers and does not want to get stuck with an outdated manual. It is important to know how this fits into the overall strategy concerning downspout disconnects, watershed councils, regional efforts and other pieces. In this case, not making the situation worse is all the City can ask of development.

Mayor Katz said citizens would like to know what they can do. Staff needs to think about engaging them without adding a terrible financial burden.

Mr. Marriott said the manual has an outlet for those who want to propose their own options. He noted the concern raised about applying the manual regulations to all redevelopment. That was not the intent but at some point a discussion is needed as this is a decision for Council.

Commissioner Francesconi said he needs to know the pros and cons of applying this to redevelopment.

Mr. Marriott said the committee labored for a long time over this issue but there was no consensus.

Commissioner Francesconi said he would like to know more about roofs and what pollutants need to be removed. He would also like to see where private, public and regional facilities fit into this. That question was raised by ODOT and he would like to know how these regulations fit in a regional context.

Disposition: Passed to Second Reading April 28, 1999 at 2:00 p.m.

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At 4:15 p.m. Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

Cay Kershner
By *Cay* Kershner
Clerk of the Council