



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF AUGUST, 1999 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

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

The Consent Agenda was adopted on a Y-4 vote as follows:

CONSENT AGENDA - NO DISCUSSION

- 1093** Accept bid of LRL Construction Company to furnish mitigation of the rockfall area at the intersection of W. Burnside and Tichner Drive for \$328,584 (Purchasing Report - Bid 99244)

Disposition: Accepted; prepare contract.

- 1094** Vacate a certain portion of SW Porter Street, under certain conditions (Second Reading Agenda 1075; C-9955)

Disposition: Ordinance No. 173606. (Y-4)

- 1095** Vacate a certain portion of N. Alberta Street, under certain conditions (Second Reading Agenda 1076; C-9960)

Disposition: Ordinance No. 173607. (Y-4)

Mayor Vera Katz

- 1096** Confirm reappointment of Mary Manilla to the City's Investment Advisory Committee (Report)

Disposition: Confirmed.

- 1097** Confirm appointment of Mary Ellen Buck to the Historic Landmarks Commission (Report)

Disposition: Confirmed.

- 1098** Confirm appointment of Steve Watkins to the Towing Board of Review (Report)

Disposition: Confirmed.

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1099 Confirm reappointment of Richard Jensen to the Portland Adjustment Committee (Report)

Disposition: Confirmed.

***1100** Pay claim of Thomas A. Cunningham (Ordinance)

Disposition: Ordinance No. 173608. (Y-4)

***1101** Pay claim of Patrick Shipley (Ordinance)

Disposition: Ordinance No. 173609. (Y-4)

***1102** Authorize application to Environmental Protection Agency for a grant in the amount of \$99,418 to conduct a reuse assessment for the McCormick & Baxter Superfund site (Ordinance)

Disposition: Ordinance No. 173610. (Y-4)

1103 Authorize Water System Revenue Bonds (Second Reading Agenda 1081)

Disposition: Ordinance No. 173611. (Y-4)

1104 Extend the City's existing contract with Airtouch Cellular for cellular telephone services and provide for payment (Second Reading Agenda 1082; amend Contract No. 40120)

Disposition: Ordinance No. 173612. (Y-4)

Commissioner Jim Francesconi

***1105** Contract for purchase of four fire apparatus for Portland Fire and Rescue (Ordinance)

Disposition: Ordinance No. 173613. (Y-4)

***1106** Accept donation of a thermal imager for Portland Fire and Rescue (Ordinance)

Disposition: Ordinance No. 173614. (Y-4)

***1107** Increase contract with Pacific Cascade Controls for the installation of energy management and control systems to Portland Parks community centers by the sum of \$2,724 (Ordinance; Contract No. 31364)

Disposition: Ordinance No. 173615. (Y-4)

***1108** Grant permits to provide Specially Attended Transportation services in the City to Mili's Transit and Vee's Transport (Ordinance)

Discussion: Ordinance No. 173616. (Y-4)

Commissioner Charlie Hales

- 1109** Declare the purpose and intention of the City of Portland to construct speed bumps in the NE 14th Avenue/Fremont Local Improvement District (Resolution; C-9967)

Disposition: Resolution No. 35810. (Y-4)

Commissioner Dan Saltzman

- *1110** Amend contract with K&S Madison, Inc. to extend term for land applying the City's bulk Class B sludge (biosolids) (Ordinance; amend Contract No. 27955)

Disposition: Ordinance No. 173617. (Y-4)

- *1111** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Thermo Remediation, Inc. for stormwater facility sediment dewatering, hauling and disposal services at an amount not to exceed \$180,000 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 173618. (Y-4)

- *1112** Contract with three consulting firms for design related services for ecological landscape design, riparian wetlands and uplands wildlife habitat restoration, technical assistance for development review for stormwater management and natural resources protection and public education and involvement (Ordinance)

Disposition: Ordinance No. 173619. (Y-4)

- 1113** Authorize contract to the lowest responsive bidder for the Tryon Creek wastewater treatment plant automation improvements project, Phase 2, Project 6063 (Ordinance)

Disposition: Passed to Second Reading August 11, 1999 at 9:30 a.m.

Commissioner Erik Sten

- *1114** Amend contract with Computer People, Inc. to change the company name to Ajilon Services, Inc., extend the contract term through December 31, 1999 and change the contract amount by \$75,000 (Ordinance; amend Contract No. 30747)

Disposition: Ordinance No. 173620. (Y-4)

- *1115** Authorize a contract and provide for payment for demolition of the Bleach Building structure at 642 N. Tillamook Street (Ordinance)

Disposition: Ordinance No. 173621. (Y-4)

- *1116** Authorize funds to continue a contract with Beak Consultants, Inc. to provide fisheries support services to address the requirements of the Endangered Species Act and the Clean Water Act (Ordinance; Contract No. 31789)

Disposition: Ordinance No. 173622. (Y-4)

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- *1117 Amend contract with Cornforth Consultants, Inc. to provide professional services associated with proposed relocation of Sandy River conduit crossings (Ordinance; amend Contract No. 30891)

Disposition: Ordinance No. 173623. (Y-4)

- *1118 Contract with Rose Community Development Corporation for \$57,500 for the development of affordable housing and provide for payment (Ordinance)

Disposition: Ordinance No. 173624. (Y-4)

REGULAR AGENDA

- 1120 Vacate a certain portion of SW 62nd Avenue south of SW Pomona Street, under certain conditions (Ordinance by Order of Council; C-9957)

Disposition: Passed to Second Reading August 11, 1999 at 9:30 a.m.

Mayor Vera Katz

- *1121 Further amend City Code to extend a prostitution-free zone, reauthorize current zones and add procedural protections and variances (Ordinance; amend Title 14.150)

Discussion: Mayor Katz said prostitution activity is concentrated in certain geographic neighborhoods and in 1995 the City Council identified three areas as prostitution-free zones. In 1997 a fourth zone was added on the west side and today Council will hear a request to expand one zone, where the numbers now support such an extension. Today Council has an opportunity to both extend the program, which would otherwise sunset, and expand one of the current zones.

Commander Stan Grubbs, Southeast Precinct, said the Bureau is asking for a three-year renewal of the current zones. He said the Police have found that these zones reduce street-level prostitution, increase neighborhood livability and decrease the fear of crime. The Police and residents believe these zones are an important tool in keeping communities safe. The Bureau is committed to using this ordinance correctly and any missions the officers conduct concentrate on both the customers of prostitutes and the prostitutes themselves. He noted the importance of the prostitution missions in recently identifying the Forest Park serial killer. He reviewed for Council, via a computer presentation, the results of their missions in the four prostitution exclusion zones, including the number of arrests, exclusions, trespasses and repeat offenders.

Officer Brian Dudey, Southeast Precinct, said in their four years of existence the zones have greatly reduced the incidence of street prostitution and businesses within the zones have been very happy with the results.

Richard Richter, Commander, East Precinct, said this ordinance also asks for an expansion of the current prostitution free zone on Sandy Boulevard from 82nd to 112th.

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Police Officer Tracy Bertalod, District Officer in the area of 82nd and Sandy Blvd., said all the prostitutes she has talked to are aware of the existence of the zones, including women new to town. She said the prostitutes take their customers into the areas close to Sandy as they feel safer there but unfortunately this puts them into family neighborhood. She has observed that prostitution activity has moved from within the current zone to just outside of it, starting at approximately 85th and going up to at least 112th and Sandy. She supported expansion of the zone.

Lt. Dudey said the men who are arrested cross the whole social scale, including ministers, policemen, etc. He said missions are conducted once a month and at the last one, of the 31 men arrested, 19 were from Portland and the majority of the rest were from the suburbs and Vancouver. Hotels and motels form the base of operations for prostitutes although most live there and serve customers in cars, not in the hotels. If the person arrested has a prior conviction, the Police can seize his car although if both the man and his wife's names are on the title, then the car is not seized.

Commissioner Hales said he believes the City should be more aggressive in seizing autos driven on the public right-of-way and used in the commission of a crime.

Lt. Dudey noted that customers may borrow or rent cars or buy junkers to protect their own autos from being seized.

Commissioner Sten asked about the effect of the zones on areas just outside them, i.e., at N.W. 18th and Couch where people are feeling overwhelmed by the activity.

Lt. Dudey said as they find more areas where prostitutes are moving, they will return to Council but they must do the groundwork and provide the statistics and numbers to show what is actually happening and justify the expansion.

Commissioner Francesconi asked if the displacement of prostitution from the zones has been tracked.

Lt. Dudey said it has been tracked but the Police have not seen proof of wide displacement from the main business corridors into the neighborhoods. If the Police notice a problem, they increase enforcement in that area.

Leah Christenson, Deputy District Attorney, Multnomah County, said the number of vice calls in the expansion area mostly represent calls from citizens about prostitutes near their businesses and homes. She said in East Precinct prostitution activity has remained concentrated mostly in the current zones, primarily because the johns need to know where to go.

Gloria Abraham, Deputy District Attorney for Central Precinct, said on the west side they are getting citizen complaints north of the current zone and Central Precinct will be looking at whether displacement is occurring towards Couch Park and that area.

Commander Grubbs said Southeast has had the largest zones and continues to monitor them, based on citizen complaints. Clackamas County is very jealous of this ordinance and is considering replicating it as the City's zone is causing displacement there.

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Wayne Stoll, President, Parkrose Business Association, said they fully support expansion of the prostitution-free zone because of the impact it has had on businesses in the area and would like to see it expanded all the way to 121st Place.

William Warren, Executive Director, Parkrose Business Association, said by 2001 the area will have a new transit line at 95th and Sandy and it is very important to consider banning adult businesses in the future. The argument some raise that prostitution is victimless is untrue as shown in the recent murders in Forest Park.

Jennifer Young, Chair, Parkrose Neighborhood Association and Parkrose School Board member, made a computer presentation to indicate the number of prostitutes frequenting the Sandy Blvd area, from 82nd east. She said calls from citizens are rated by the Police at Level 3 which means the officer has the discretion to respond or not respond. She requested that the zone be expanded beyond 112th Place in order to protect students at Parkrose High School.

Others speaking in support of the extension of the zones included:

Frank Bird, chair, Neighbors Northwest

Mira Ames, 1021 NE 33rd, co-chair Kerns Neighborhood Association

Norm Stoll, Hollywood Boosters

Emile Khallaf, Board member, Parkrose Business Association

Dinyar Mehta, 1810 NW Everett, #301, 97209

Elita Woodruff, Madison South Neighborhood Association, 2143 NE 95th Place

Supporters described how prostitution activity has impacted their neighborhoods and many asked for further extensions of the zones.

Mayor Katz asked Police to respond to the request to extend the zones to 121st Place.

Commander Richter said he would love to see the zone extended there but the numbers do not justify it now, partly because the reconstruction of Sandy has had a serious impact on traffic and has caused the number of vice calls to drop. The Police will continue to examine the area between 112th and 122nd as they expect the number to pick up now that construction is complete.

Ms. Christensen emphasized that the ordinance requires that there be arrest data to justify expansion. Currently the last arrest data only goes out to 104th Avenue.

Commissioner Francesconi asked how many variances have been requested.

Lt. Dudey said probably under 10 in the last year, mostly from men who are employed in or travel through the zones. Occasionally the Police get requests from women who have entered rehab programs located in the zones. There has only been one request for a hearing.

Commissioner Francesconi said 301 criminal trespass arrests seem high given 440 exclusions. Is there something tougher about the criminal trespass sanction than the prostitution sanction?

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Lt. Dudey said it would nice to have a stronger sanction for repeat offenders but right now the women know that if they are arrested for criminal trespass no jail time is involved.

Commander Richter said the advantage of being able to cite for trespass, as opposed to having to conduct a follow-up investigation in order to make a prostitution arrest, is a significant improvement as the Police then do not have to conduct surveillance or run a mission before arresting someone. He said some are cited again and again.

Mayor Katz said she is not sure these sanctions really work.

Commander Richter said if you compare Sandy Boulevard and 82nd Avenue today to the situation that existed five years ago, there is no doubt that these zones do work.

Mayor Katz asked what happens to the johns.

Commander Grubbs said they are arrested and excluded and their vehicles are towed away. It costs \$750 to retrieve a towed vehicle.

Mayor Katz asked about the pimps.

Lt. Dudey said they are very much behind the scenes and in order to arrest pimps a prostitute has to testify against them and most fear for their lives and will not do it.

Denise Washington, Executive Director, Council for Prostitution Alternatives, opposed the expansion as she believes the effectiveness of the zones is inconsistent. When the Police focus on those zones, the activity is clearly displaced but once the attention subsides the women move back to the heavy commuter areas. Pimps compel prostitutes to make money and women will return to those areas once the pressure is off. She said the City should focus on the johns and on the pimps and consider the effect on women trying to leave prostitution who are unfairly targeted. This sends those women the message that they cannot go anywhere inside the zone, whether or not they are engaging in prostitution activities. She said society needs to support women and provide more services.

Jeri Sundvall, Jobs for Justice, 4702 SW Slavin Rd., said the City needs to put its energy into empowering women to get out of prostitution by giving them other options rather than putting up roadblocks.

Kate Lieber, Deputy District Attorney, Southwest Precinct, explained the circumstances under which people who have been excluded can get variances allowing them to move through the zones.

Commissioner Francesconi said these zones are working and should be continued. There is also enough evidence to allow a small expansion. He called this one of the best examples of community policing and one tool the Police need to protect area businesses.

Commissioner Hales said these zones are good medicine for healthy neighborhoods but can cause displacement. That is why he is calling for a review of the City's seizure policy. He believes the message should be that if you are caught with a prostitute in Portland, you lose your car. He agreed that better escape routes are needed for women who want to get out of

the business.

Commissioner Sten said the existence of these zones demonstrate a good partnership between the neighborhoods, the District Attorney and the Police. Making sure that this activity does not take over key parts of town, as it has on Sandy, is a reasonable approach as it seems to make a difference but does not seem to cause much displacement. While he is interested in seeing what can be done to help women get out of this life style, he noted the ratio of arrests show that three men are arrested for every prostitute so the law enforcement system seems to be recognizing the need to crack down on the johns.

Mayor Katz said with the District Attorney and the neighborhoods calling for action, this is a classic example of community policing as directed by citizens who have said "enough." She said pimps are the worst offenders as they terrorize the women and drive this industry. She would like the Police and District Attorney's office to think about how to go after them, even though they are far less visible

Disposition: Ordinance No. 173625. (Y-4)

Commissioner Jim Francesconi

- *1122 Accept contract of Brant Construction Company for \$189,000 for landslide stabilization of the NW Raleigh Street property (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said this needs to be amended to change the title to accept the contract, not the bid.

Commissioner Francesconi moved the amendment. Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Disposition: Ordinance No. 173626 as amended. (Y-4)

Commissioner Charlie Hales

- 1123 Adopt the Columbia Corridor Transportation Study Report and Recommendations (Resolution)

Discussion: Commissioner Hales said this is an area that has seen a lot of economic and transportation growth and to manage that success story, the City needs to prioritize its transportation system investments.

Laurel Wentworth, Portland Office of Transportation (PDOT), described the study area and outlined the recommendations. She noted that the area encompasses the Portland International Airport, an international center, major trucking and distribution businesses, the Columbia River and Slough, Expo Center and Bridgeton and East Columbia neighborhoods. She said as regional growth continues recreational users, residents and businesses have become concerned about their ability to compete for the same transportation capacity without a strategy for future transportation improvements. For that reason, PDOT developed a transportation concept plan for the Corridor that provides for all transportation modes and calls for use of underused facilities before building new ones. Other study goals were to

determine the ability of the transportation system to handle future growth, improve truck access, find ways to reduce the impact of truck traffic on neighborhoods and enhance recreational opportunities along NE Marine Drive. Their analysis of truck traffic indicated that 90 percent of trucks using Marine Drive are destined for businesses in the study area rather than passing through it. Trucks using Columbia Boulevard make both local and long-haul trips while Lombard is primarily used as a through route. Ms. Wentworth said an advisory committee and staff developed a list of 20 plus projects that will serve as a blue print for future transportation investments.

Walter Valenta, Bridgeton Neighborhood Association, said Marine Drive is a recreational corridor and a truck route. Bridgeton concluded that if the City wants to get trucks off Marine Drive, they need to be given a better route. If the Columbia Corridor study works, then traffic on Marine Drive can be incrementally calmed and slowed in order to discourage truckers. He said this study should be integrated with other plans for the area, such as the Airport and Rivergate expansions, and placed on the priority list. He realizes that some of these projects are many years from implementation but wants to make sure that the Bridgeton area gets some of the money. The Marine Drive calming program is one of a series of incremental changes that are not terribly costly and could greatly help the area.

Jane McFarland, Police Section, Port of Portland Policy Section, said the Port supports these recommendations and encourages implementation as a high priority.

Commissioner Francesconi asked for an explanation of Corridor-wide expanded transit service, specifically "paratransit," and van pools. Also, which of the 20 items on the list are the top priorities?

Ms. Wentworth said the Columbia Corridor Association is establishing a Transportation Management Association for the eastern portion and trying to provide for all types of transportation services. "Paratransit" in this case refers to transit modes that do not include regular Tri-Met service, i.e. jitney services, and to special services Tri-Met provides, such as small buses, not currently provided. She said it is more difficult to provide for pedestrians in industrial areas so they are trying to provide for more door-to-door services. Ms. Wentworth said the implementation schedule is broken out into five-year increments but they did not include specific priorities because, once Council adopts this, PDOT will then begin project development on all the projects, recognizing that many have longer time frames between design and construction while other projects can move forward relatively rapidly. They also will need to capture federal funds to do some of the large projects. For the trucking industry, the most important priority is the 82nd/92nd/Columbia/Lombard connector. The idea is that if truck traffic is more efficiently handled here, it is less likely to use Marine Drive. The overall goal is to use existing capacity to the extent practical, provide for transit opportunities first and then build on those systems. The resources to pay for these projects will come from the City's Capital Investment Program and the larger projects will include a combination of federal and State funds plus System Development Charges. The Northeast Marine Drive projects are actually programmed within Transportation's capital improvement budget and adoption of this study will allow staff to move forward on those projects.

Commissioner Francesconi said the ability to move freight efficiently is one of the best things the City can do to retain jobs. He said the City also needs many more door-to-door

transit services as "paratransit" can offer more potential even than light rail and can certainly complement it.

Commissioner Hales said the transportation problems in this part of the City are very challenging and this study gives everyone something coherent on which to base solutions.

Disposition: Resolution No. 35811. (Y-4)

- *1124** Reorganize Portland Office of Transportation, rename bureaus and make associated Code changes (Ordinance; amend City Code Title 3, 16, 17, 33 and 34)

Discussion: Commissioner Hales said the PDOT management team has come up with a very creative reorganization strategy which he strongly supports. He said this reorganization is called for because the City is not winning the battle against the increase in congestion and in the number of vehicle miles traveled (VMT).

Vic Rhodes, Director, PDOT, said this was a group effort and staff is committed to seeing it through. He said the City cannot build itself out of traffic congestion but rather must optimize use of its system and respect all modes of transportation. He said they met with a variety of advocacy groups about the proposal and they generally endorse the concept, with some concerns about losing the focus and momentum that have brought national attention to Portland. He believes this model will continue to put the City in the national spotlight and that it will expand the focus on alternate transportation. Mr. Rhodes noted that VMTs are doubling at twice the rate of population growth in the area and it is time to make it easier and reward transit users, bicyclists and pedestrians. He said PDOT's transportation priorities need to be focused on Metro 2040 goals and used to create great places in town centers and main streets. He said what is built in the public realm greatly influences what is built in the private realm and that largely dictates how the transportation system is used. Finally, PDOT needs to make sure that all transportation modes are integrated in its capital projects to assure maximum accessibility to the main streets and town centers.

Mr. Rhodes highlighted the major changes in the organization. These include restructuring the Bureau of Traffic Management into the Bureau of Transportation System Management. Traffic Management will continue to be one piece of that but the real cutting edge will be in Travel Management Division. This is where they will focus on making other travel modes easier to use and try to make it "cool" for young people to ride bikes. Another change will be integration of the bicycle and pedestrian master plans into the Transportation System Plan which will come to Council soon. To do that, bicycle and pedestrian modal specialists have been folded into the planning group. A project management division is being formed in Engineering and Development to better manage projects and a Strategic Initiatives Team is being named to get at core issues, i.e. utility cut damage and the effect on street maintenance. Five years from now, under this reorganization, PDOT expects to see a better bicycle and pedestrian network with fewer missing links and more people using those modes. They also hope to see a leveling off of congestion growth, less reliance on the automobile and some results from creation of town center and main street concepts. They plan to be flexible in order to make midcourse corrections when mistakes are made and to be open to new ideas.

Individuals testifying about the reorganization plan included:

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Kathe Koretsky, 1542 SE 36th Ave, 97214
Pamela Alegira, President, Willamette Pedestrian Coalition (WPC)
Catharine Ciarlo, Executive Director, Bicycle Transportation Alliance (BTA)
Lenny Anderson, Chair, Swan Island Business Transportation Committee, and
Bicycle Transportation Alliance
George Schreck, 9733 NW Fleishner, 97229
Rex Burkholder, Bicycle Transportation Alliance
Drew Gardner, 2157 NE 28th Ave
Keith Liden, Chair, Bicycle Advisory Committee
Ann Gardner, Chair, Access Committee, Association for Portland Progress
Greg Baldwin, 320 SW Oak, 97204
Larry Miller, 3109 NE 46th Ave., 97212
Mia Birk, 2345 SE Clinton, former head of City's Bicycle program
Gil Johnson, 3711 NE 66th Ave, 97212

Many of those testifying stated their support but with reservations about how the reorganization might affect the bicycle and pedestrian programs and questioned why the City would want to dismantle programs that are working so well. Members of the Bicycle Transportation Alliance and others testified that the bicycle program is a national model and stated their fears that it will lose its focus and become marginalized if mainstreamed. Ms. Birk stressed the need to recognize the important role of the dedicated but under-appreciated Pedestrian and Bicycle Advisory Committees as, with the diffuse structure, they can play a larger role and should be used as a checkmark for approval of any program changes.

Mr. Rhodes said PDOT staff is well aware of the issues raised today. He has told both the bicycle and pedestrian advocacy groups that when citizens call a transportation modal specialist, they will get someone who knows what they are talking about. Other staff will be trained to direct calls appropriately so that one person will not be overloaded. He has also told the Bicycle Transportation Alliance that if one bicycle specialist turns out to be insufficient another one can be added. PDOT needs to focus on urban design so that staff becomes more aware of the elements needed for good pedestrian, transit and bicycle access. With respect to institutional memory, he does not have a problem writing a policy that calls for retaining modal specialists as those are the very people PDOT wants.

Commissioner Francesconi asked if there were clear benchmarks to measure the bicycle transit program and ways to evaluate them.

Mr. Rhodes said staff is working hard on how to measure success in the Travel Management group.

Commissioner Francesconi said he will support this as he does not want to second guess management and the City needs to look at how it spends dollars to lower the VMT numbers, which are doubling. He thanked the BTA for its thoughtful recommendations, not just opposition. He said staff should focus on the benchmarks and if they are not met, PDOT should take another look at the BTA recommendations.

Commissioner Hales said those testifying today focused on a small part of a bigger plan. He said Council has a credible source in Mr. Rhodes and should watch for the results, noting

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that recently, under PDOT's lead, a county bridge painting project got morphed into bike lanes.

Commissioner Sten said he too was impressed by the caliber of the BTA testimony and approach and knows it will be watching the results on this. He said he is quite confident this reorganization will work.

Mayor Katz said the notion of change needs to permeate through the entire organization. Any major institutional change is hard and the next step is to deal with the little things.

Disposition: Ordinance No. 173627. (Y-4)

- *1119 Contract with the lowest responsible bidder to remodel the 7th, 8th and 9th floors of The Portland Building and provide for payment (Ordinance introduced by Commissioners Francesconi and Hales)

Discussion: David Kish, Director, Bureau of General Services said this ordinance has two parts. The first moves the Cable, Energy and Risk Management offices back into the Portland Building as people there move into the new Development Services building. The other piece is related to the PDOT reorganization, most of which was not approved in budget, except for the Parking Patrol Division which is moving back into the Portland Building. The total cost of the PDOT remodel is \$2.9 million of which \$546,000 million was approved in the budget. PDOT will reduce its total square footage by about 5,000 square feet which will produce rent savings of \$130,000 a year with the remainder to be financed over seven years.

Disposition: Ordinance No. 173628. (Y-4)

- *1125 Accept one permanent slope screening easement for the W. Burnside Road at SW Tichner Drive landslide repair project granted by John C. McLean and authorize total payment of \$23,580 (Ordinance)

Disposition: Ordinance No. 173628. (Y-4)

- *1126 Authorize the continuance of negotiations for the purchase of one permanent slope screening easement and one temporary access easement required for the W. Burnside Road at SW Tichner Drive landslide repair project, authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 173630. (Y-4)

At 12:30 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF AUGUST, 1999 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; 4, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

- 1127 **TIME CERTAIN: 2:00 PM** – Direct the North Macadam Steering Committee and affected City Bureaus to develop recommendations implementing the Framework Plan to achieve the vision of a vibrant, mixed-use urban riverfront neighborhood (Resolution introduced by Mayor Katz)

Disposition: Continued as amended to August 11, 1999 at 2:00 p.m.

- 1128 Approve the North Macadam Urban Renewal Plan (Ordinance introduced by Mayor Katz)

Discussion: Mayor Katz said today Council will be briefed on the framework and urban renewal plans for the last large remaining portion of this area. She thanked citizens who participated in the work groups, the Portland Development Commission (PDC) and the other bureau staff, all of whom have worked collaboratively.

Felicia Trader, Executive Director, PDC, reviewed the foundation of this district along Macadam, the first street built in Multnomah County. She said it had been a place for industry, commerce and good jobs but when I-5 and I-405 were built it became isolated, train service was withdrawn and businesses began moving out. In 1981 the zoning was changed from industrial to mixed use and then an urban renewal district was created. Two years ago PDC was asked to put together a development plan and consider a Urban Renewal District to help the City meet its job goals here. The goal now is for 8,500 to 10,000 jobs, a significant number. The plan also calls for the inclusion of housing, streetcars and a tram connecting to Oregon Health Sciences University. She said while the document represents a consensus, there are outstanding issues that need to be addressed. However, the PDC board has unanimously approved the framework plan.

Rick Michaelson, President, Portland Planning Commission, reviewed the framework plan and said the area cannot be developed either purely by the private sector or by the public sector. The Plan calls for a substantial expansion of the greenway, for a significant number of quality jobs as well as for 3,000 housing units and an improved street system. Given the transportation constraints, he noted that the area would develop only at very low density without a public contribution to the transportation system. He said the Steering Committee is also proud to bring forward a marketing and financing plan and has concluded that, by using Tax Increment Financing, the public will come out ahead as studies show that the amount paid in property taxes will be higher, over the long run, than what is spent for services.

Ric Saido, Urban Renewal Plan Citizens Advisory Committee, described how the Urban Renewal Plan's boundary of about 410 acres was determined and noted that it is somewhat

smaller than the framework plan area. He reviewed some of the Plan goals, including urban revitalization and job creation.

Chris Scherer, PDC Financial Officer, reviewed the financial issues, including the return on investment and the effect on City finances of establishing the Urban Renewal District. He said the City needs to be very aggressive in pursuing private financing in order to make the District work. Regarding the City's return on investment, he said he reviewed the Hovee study to see if the return justified the expenditure and also to see if the City's investment would lead to an unjustified rate of return on the part of the private sector. He said he concluded that the expected rate of return is justifiable.

Tim Grewe, Director, Office of Finance and Administration (OFA) and member of the North Macadam Steering Committee and other related committees, said he has concluded that the projections underlying the plan are reasonable and that tax increment financing represents a good public investment and will leverage far more in private investments. Formation of the district will also enhance the area by expanding the greenway and adding parkland and affordable housing. The overall revenue projections seem to be adequate to meet the added cost of service and he does not believe private investors will get a huge return on their investment. He expects the return for developers to range widely, from three percent to 21 percent. The average rate would be about 12 percent, which is typical for these types of developments and also typical for other types of investment tools. He believes this is a good investment on the City's part because it will achieve public goals, although much work remains because of the multiplicity of property owners with whom the City will need to hammer out development agreements.

Commissioner Sten asked what Council is actually adopting today in financial terms.

Mr. Scherer said this will give PDC the authority to put tax increment mechanisms into effect. However, Council is not adopting specific fund allocations today as those will be part of a full budget hearing at a later time.

Commissioner Sten asked if the public will have another opportunity to look at those numbers. He said it is unacceptable to hand out specific numbers only three days before a public hearing. The public has to have some sense about when they can weigh in on specific allocations as, while people are very supportive of the district, they do have quibbles about some of the allocations.

Mr. Michaelson said the numbers in today's report are best guesses. They demonstrate only that the plan is feasible.

Commissioner Sten asked about the timing between this action and the signing of development agreements.

Mr. Scherer said the first time the Urban Renewal District will be before Council will be as a budget item for FY2001. He believes the numbers noted in this report are in the ballpark but need to be defined much more carefully.

Mr. Michaelson said it will take a year to work out the details.

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Commissioner Francesconi said he is concerned, because the proposed land use code is not yet in place, that developers could go ahead now and do things that are not in the overall public interest.

Mr. Michaelson said he believes they will look toward the framework plan if they are looking for any City money or assistance. The vast majority of property owners are planning to do much larger projects under the framework plan than they could under today's land use regulations.

Commissioner Francesconi asked if people could have a little more time to review the Hovee report and testify on the return on investment aspect.

Mr. Michaelson said he does not think Council is doing anything today that deems a specific rate of return appropriate.

Mayor Katz asked if property owners would build today under the current zoning.

Mr. Saito said they are aware they can but the district is in the state it is today because no one can figure out how to do it. From the landowners' standpoint this plan is seen as a real opportunity to accomplish what they have not been able to do individually. They welcome developer agreements so that everyone will know what kind of benefits are being extended both from the private and public side.

Commissioner Francesconi asked if there is enough public benefit to justify the City's investment of \$150 million and whether the private sector is unduly profiting. Is staff saying that without incentives the property owners will not make the investment.

Mr. Michaelson said if the City does not put that much money in it will reap much less in tax revenues. He said City expenditures will steer investment to this location. Otherwise the private dollars will be spent along Kruse Way or in Vancouver.

Commissioner Francesconi asked if other parts of the City are being hurt by directing so much money here.

Mr. Grewe said by making expenditures and concentrating development here, the City will see a large increase in tax roll returns in 25 years.

Commissioner Hales asked when this area joined the Central City and how much redevelopment has occurred since then.

Mr. Michaelson said it was added to the City 18 years ago and two new buildings have been constructed since then. He said development has not taken place there because of the transportation constraints.

Supporters of the Plan included:

Roger Gertenrich, former Mayor of Salem, 2008 SW River Place Square, 97201
Ken Dietrich, 111 SW Fifth, 97204
Dan Safier, Pegasus Development, 350 Bridge Parkway, Redwood City, CA

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Rob DeGraff, Association for Portland Progress, 520 SW Yamhill St., #1000, 97204
Robert Reed, Grand Industrial Supply, 3838 SW Macadam, 97219
Peter Koehler, Oregon Health Sciences University
John Liljegren, representing Westwood Development, 3030 SW Moody, 97219

Supporters emphasized the need for a development plan for this area, where very little development has occurred despite all the growth elsewhere in the metropolitan area. He said buildings are just as expensive to build here but to make investments worthwhile developers have to get market rental rates. They said an adequate road and transportation system are essential if this area is to reach its development potential.

Individuals testifying about the need to protect and enhance the River included:

Anne Mavor, Keepers of the Waters, 2712 SW Hume Court, 97219
Jane Keating, Keepers of the Waters, 5150 SW Martha, 97221
Amanda Fritz, 4106 SW Vacuna, 97219
M.J. Riehl, 1726 SE 22nd, 97214
Martin Slapikas, President, Corbett Terwilliger Lair Hill Neighborhood Association,
Shane Latimer, 1605 SE 36th Ave., #3, 97214
David Nadal, 4507 SW Vermont, #207-A, 97219
Carl Simons, 0350 SW Dakota, 97201
Jeanne Galick, 7006 SW Virginia, 97219
Jada Mae Langloss, Box 3346, 97208
Corrine Paulson, League of Women Voters
Doug Weir, Friends of Terwilliger
Jerry Retzer, 5115 SW Alfred, 97219
Jerry Ward, 7409 SW Fulton Park Blvd., 97219
Terry Parker, 1527 NE 65th Avenue
Joe Poracsky, 1826 SE 22nd, 97214

Many stated that they want to see a world class development here but believe the 50- foot greenway setback currently proposed is inadequate and called for extending it at least to 75 feet and preferably to 100 or 150 feet. Some cautioned about building in the flood plain and others called for lowering building heights adjacent to the greenway to protect the views and for the dedication of a neighborhood park of at least three acres next to the greenway. They suggested expanding the Steering Committee to include more public representation and to add an expert on fish recovery. Mr. Parker objected to the fast track approach this has taken, allowing developers to build on the flood plain and handing out candy to developers while increasing the tax burden on others. He also objected to funneling so many transportation dollars to this area at the expense of other neighborhoods who are forced to finance their improvements through Local Improvement Districts. Opponents agreed that development should be allowed only after the river is adequately protected. Ms. Mavor and Ms. Keating called for creation of a water park.

Tasha Harmon, Community Development Network, requested adoption of a housing implementation strategy as well as a process for reviewing the development agreements by a diversified group of stakeholders before they come to Council. She said a process for purchasing property should be also developed and called for adding permanent affordability clauses for subsidized housing in the framework plan to ensure that this remains a diverse place for a long time.

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Commissioner Francesconi asked about housing targets for low income persons.

Ms. Harmon said, realistically, no housing for those below 30 percent median income can be built without subsidies but that is a problem everywhere in the City. She said there is no clear commitment that moderate income housing will happen or stay affordable and there simply is not enough of it. She said they are trying to match income categories in North Macadam with those in the City as a whole but the housing allocation has now been reduced by \$35 million and the current plan calls for 800 subsidized housing units while the rest will be at market.

Ann Gardner, chair of the Transportation and Infrastructure work group, reported on some of the issues of concern to this group. She said an informal group is meeting now to look at larger regional transportation issues in response to concerns about the impact of increasing traffic on Macadam. Regarding infrastructure, she said development here provides a terrific opportunity to showcase state of the art technology for stormwater treatment.

Commissioner Francesconi noted that the plan includes \$9 million in unfunded transportation improvements and said he wants to make it clear that he does not want that money to come from the general fund.

Mayor Katz asked Ms. Gardner about the streetcar alignment and about Corbett/ Terwilliger/Lair Hill Neighborhood Association concerns about traffic.

Ms. Gardner said the transportation issues in Southwest are regional and they hope to look at the problems on a more systemwide basis.

Pat Scruggs, Chair of the Jobs Committee, said the jobs strategies provide the basis for tax increment financing. She said because no one can predict what kind of jobs will be here in 20 years, the jobs plan needs to be flexible and focused. They plan to use proven incentives that will not cause displacement and believe having the strategic infrastructure needed for technology is crucial. They also hope to make connections to neighboring industries and promote the advantages of being able to live and work in the district. For this reason, the housing and jobs strategies go hand in hand.

Barbara Walker, Chair of the Parks Group, said the Greenway width will be doubled thanks to incentives offered to developers to build farther back. She described the landscaping and other provisions for encouraging salmon recovery and also indicated the location of four proposed parks.

Commissioner Francesconi asked her to explain why the Parks Group found that 50-foot setbacks from the River are adequate.

Ms. Walker said the group felt that 50 feet were adequate, given the circumstances, to get a widened greenway and still have room for development, and to acquire a neighborhood park. Regarding height, she said there are two options. One creates a diversity of heights, with an average of 75 feet, that will encourage development to be spaced out and take advantage of the view. The group did not want a wall of buildings along the greenway and believes this option offers the greatest potential. She said it would be wonderful to add another waterfront park but that would mean the City would not reach its jobs, housing or Metro 2040 goals. She described

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the goals for the neighborhood park, which they want to locate close to housing, and the options they considered before agreeing on this recommendation. Ms. Walker noted that this park requires a lot of further work and that PDC is now negotiating with property owners about this and working to complete the design.

Mayor Katz noted a lot of discussion about how the riverbank should be treated and asked if there is only one choice for bank treatment.

Ms. Walker said a lot of people told her group about new bio techniques that can help enhance the riverbank while others stressed the need to stabilize the bank. The committee cannot make those technical decisions and identified at least seven different bank conditions to deal with. They agreed that they want to achieve as high a degree of bank stability as possible and provide the highest possible protection for the natural resources and fish. She said they wanted to provide enough flexibility to account for new solutions and felt that dictating a solution today would be a mistake.

Commissioner Sten asked what will happen in the sections where the setbacks are only 35 feet.

Ms. Walker said only three sections are designated for 35 foot setbacks. She described their locations and the reasons behind determining that width was sufficient.

Ms. Scruggs added that those three areas are very constrained and would inhibit their ability to be developed.

Ms. Walker said they want the greenway to be an episodic experience and have a pedestrian scale.

Commissioner Sten asked what percentage of the greenway has setbacks less than 50 feet.

Ms. Scruggs said about 30 percent is in the reduced configuration and described what was included to reach the overall average.

Zari Santner, Bureau of Parks and Recreation and a member of the Parks group, said the committee agreed that creation of a diverse greenway that provided unfolding diversity was an important goal. While many were very interested in having a wide greenway, that outcome has to be weighed against the other goals, i.e., providing opportunities for public access to the river. While this Plan offers a lot of potential, the next step, implementation, is what is most important. Decisions about what kinds of amenities to provide and how the greenway trail relates to development will need to be made then. She said the committee sees this as an opportunity to create a fantastic greenway.

Commissioner Sten said he is not prepared to formally support the greenway recommendations because there seems to be some dramatic differences among committee members about the specifics, although not the goals.

Ms. Walker said no framework plan suggests that Council adopt a land use plan, which is the forum to address those.

Mayor Katz asked about the possibilities for further discussion of greenway widths.

Mr. Michaelson said as the framework recommendations move forward, that will be an appropriate subject for debate. He believes the committee can justify the proposed setbacks in an appropriate forum at a later date.

William White, representing Denny West, chair of the Housing Committee, said to the surprise of all members, the committee achieved consensus on a housing goal of 3,000 units that supports the district's job and transit goals. He said while they could not achieve their goal of matching housing units with proportionate income levels they did agree on 800 units of affordable housing, with the balance at market rate. He said they also attempted to match housing with the types of jobs likely to locate there and focus on those more likely to use mass transit. Low-income housing targets are based on public investment while middle-income housing will be provided through voluntary agreements with owners who agree to provide a certain percentage of housing units at the lower end. Second, they would like to see shared parking structures and mixed use development there and look for a linkage between successful development and additional funds to provide housing. He described some of the steps that remain to be accomplished if they are to reach their goals.

Jim Jones, Harbor Square Associates, owner of the Landing Building, said his property is not located within the Framework area but at the extreme southern end of the district. He requested that the boundary be amended to exclude it.

Ms. Trader agreed that it could be excluded and said she has prepared language to amend the boundary.

Mayor Katz read the amendment removing the Landing Building from the district boundary. Commissioner Francesconi moved the amendment, Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Mayor Katz noted that testimony had been heard about what the ideal greenway width would be, with reduced density. She asked if the Committee had done any cost estimates on what the impact would be.

Mr. Michaelson said the group's working assumptions were that the top of the bank would stay about where it is and be kept in as a natural a state as possible consistent with a stable bank. They did not feel they had the scientific expertise to pick solutions and if there were any that increased the risk of bank instability, then the liability issue needed to be addressed. He also noted that the group felt that a 50-foot greenway would be about as far as it would be fair to go from a regulatory point of view. To go beyond that would affect development potential and there would be a loss of development rights that would need to be paid for. If more money goes to greenway acquisition, then there is less money to meet affordable housing and other goals.

Abe Farkas, PDC, demonstrated the impact on development if the greenway was 150 feet from the top of the bank. He said in that case there would be 11.5 fewer developable acres or about 15 percent of the net developable land in the area. The impact on housing construction is estimated at between 850 and 1,100 fewer housing units. That would also require realignment of the river parkway, a redesign of the transportation grid system and reconsideration of the Marriott Hotel design, which has already been approved.

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Mayor Katz asked what it would cost in terms of public investment to purchase the additional acres for the greenway.

Mr. Michaleson said the Marketing and Finance Committee figured that the developers' contribution would be \$3 million for every 25 feet. In the financing study the assumption is that the initial 25 feet would be donated in order to get to the 50 feet for the whole district. The studies were based on before-development land values.

Commissioner Francesconi said as he understands it, this is private property and the owners have voluntarily agreed to an extra 25 feet. He asked if the City would have to compensate them for anything in addition to that.

Mr. Michaelson said the assumption is that today's regulatory requirements will be used as the expectations on developers. Beyond that it will be consensual. At a certain point property owners would have to be compensated but he does not know where that line is.

Commissioner Francesconi asked if they had calculated the cost of lost development opportunities.

Mr. Farkas said no, but they can do that based on the number of units.

Mr. Michaelson said if the greenway is moved back, height adjustments may also be needed that impact the property owner. He said there are a lot of trade-offs.

Commissioner Francesconi said he is assuming a change in the greenway width could cause the agreement with developers to unravel and everything would need to be recalculated.

Mr. Farkas said the tax increment calculations would have to be recalibrated because assumptions were made on a certain amount of build-out, including approximately 3,000 housing units.

Mr. Michaelson said it is quite clear that if the greenway were made wider, unless heights were raised, it would reduce development potential and the amount of funds available for other projects.

Mayor Katz said it is important to take a look at the impact of imposing 100- or 150-foot setbacks and lowering building heights so that the public understands the reasoning behind what the Steering Committee has recommended. They need to know what the cost would be and what kind of gains and losses in tax increment financing would result. She would like that information by next week.

Commissioner Sten said he does not believe a 150-foot greenway setback is realistic, although it does not hurt to take a look. He noted that the Oregon Department of Fish and Wildlife has stated that if one looks at the setbacks strictly from a biological standpoint, 150 would be ideal but recognizes that is probably not feasible. However, 25-foot setbacks are completely inadequate so he would like to see if some middle ground can be found. For example, he would like to see what it would cost to have 50-foot setbacks without any 35-foot exceptions for a third of the area. He would also like to explore raising the heights as he does not think there can be both a wider greenway and shorter buildings. He said no one knows what the National Marine

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Fisheries Service will require in the way of fish protection and the City needs to talk with them as they could slap this down tomorrow. He said a way has to be found to provide for both environmental protection and development.

Mr. Michaelson said this will really depend on individual discussions with property owners as to what the effects will be and that will take some time.

Mayor Katz said she believes Council is obligated, as it hears the concerns, to clearly explain what a change in the greenway width means. She agrees with what has been done here but the flip side is finding out what will be lost and what gained if 100-foot and up setbacks are required. She hopes, however, that the Committee and PDC will discuss possibly tinkering with a smaller change in the width, i.e. between 35 and 50 feet.

Ms. Trader said PDC can provide very clear information next week about the effect on property owners of removing the 35-foot setbacks.

Commissioner Francesconi said he believes, except for the issue of financial return on investment, all the right people were at the table on this plan, which was not the case with the River District. He noted that the Parks Bureau identified the neighborhood park as the key public benefit and even though PDC was not pleased with that, it made some accommodations to provide them. He realizes there is disagreement but given the process and expertise that was brought to the table, he would be cautious about reopening this. However, he would like to see the numbers for some of the alternatives.

Mayor Katz said she agrees with what has been done although there are still some issues to be discussed and she would like to have an analysis of the data so that some of them can be put to rest.

Commissioner Hales moved to amend Exhibit A, Page 3, Item 2 to recommend that a committee appointed by the Commissioner-in-Charge of the Office of Transportation, which will include members of the North Macadam Steering Committee, will report back within 120 days to the Portland Streetcar, Inc. (PSI) board and City Council regarding the future alignment of the Central City streetcar from the current terminus at SW 10th and Market into and including the North Macadam district. The current recommendation from the district is for the Moody/Bond alignment but there is some interest in PSI's part in having River Parkway be considered for the alignment. Commissioner Hales said there are some very significant routing problems that need to be resolved.

Commissioner Francesconi said he cannot support the amendment language that includes the word "into" as there are the same kind of issues with the greenway and other issues and he questions whether he should create more committees to look at those.

Mr. Michaelson said that working group should also report to the North Macadam Steering Committee before it reports to Council.

Mayor Katz said she would prefer having the Steering Committee have the final discussion on the alignment through North Macadam since it has been dealing with this issue over the last year and a half.

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Commissioner Hales said the final say on the streetcar alignment will be made by Council and it is not his intention to avoid input from the Steering Group but he wants to make sure PSI is involved in the streetcar alignment decision as these are the people who have designed the system and will have to make it work when it is extended into North Macadam.

Commissioner Sten said he is not sure the amendment is needed but he will second it. Hearing no objections, the Mayor so ordered.

Commissioner Sten said he is delighted with the framework plan but thinks it is appropriate to see if it can be improved a little. He wants to keep talking about the greenway issues although he is not worried about bank treatment. However, he does believe that if the City is building a brand new area, its housing stock should reflect the City as a whole. To only achieve a 42 percent match of housing units with proportionate income levels is not adequate. He would like to have the housing group continue to see what other strategies might work as he could well vote "no" next year when the budget comes up for a vote if housing is still only at 42 percent.

Commissioner Francesconi asked if land purchases were based on predevelopment or post development values.

Mr. Michaelson said that is a subject for negotiation between the City and private property owners. The framework strategy talks about early acquisition of sites in order to tie them up for those specific uses.

Ms. Trader said purchase price offers are based on appraised values and then it is a matter of negotiation.

Commissioner Francesconi questioned whether the role of the Parks Bureau in greenway planning is clear.

Ms. Trader said the work plan calls for Planning to take the lead now because of the regulatory aspects of the greenway plan.

Commissioner Francesconi said he is not quite satisfied with that as the amenities on the greenway and the access points are more the role of the Parks Bureau.

Mr. Michaelson said an interdisciplinary, collaborative approach is needed and that matters more than who is in the lead. He added that the quality of the space is more important than the size.

Commissioner Francesconi noted that he had an amendment that he was prepared to propose regarding Parks' role.

Ms. Trader said that in No. 9, Page 204 of the addendum (Exhibit A), it suggests that a collaborative approach be undertaken to understanding how all the elements that go into riverbank and the 50-foot setbacks work together.

Mayor Katz said one of the goals has been to have everyone at the table in a collaborative approach. She does not want to move away from that and make assignments to specific bureaus. In this case, she would expect the Parks Bureau to drive what is done on the design of the greenway.

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Mr. Michaelson agreed that Parks Bureau staff has given the most help to the subcommittee and the regulations have followed.

Commissioner Francesconi said he has heard concerns from some property owners about how the area will be maintained and designed and wants Parks to get moving on that. He wants to be clear that is what Parks will be doing, but not in isolation.

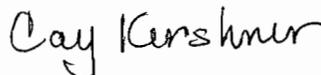
Mayor Katz said two years ago she noted that planning North Macadam would be difficult and contentious as people had different visions about what this area should be and what would be doable. This is only the beginning and Council will continue to struggle through and refine the issues raised today by the public and Council.

Commissioner Hales said he is proud to see that the street plan sets the framework for the district. It is important to remember that if the City does not lay down any structure here, it will get suburban development patterns, with a lot of gating and a confused public realm. Regarding neighborhood traffic concerns, he is committed to a third phase of traffic calming on Corbett Avenue next summer. He also thinks formation of a neighborhood transportation alliance is a great idea. He said urban, not suburban, solutions are needed not just for land use but also for transportation planning and those solutions are more important than blindly following current standard practices. He said he supports both the ordinance and resolution.

Disposition: Passed to Second Reading as amended August 11, 1999 at 2:00 p.m.

At 6:00 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council