

## MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, July 21, 1999

Expo, Building "E," Conference Rooms A and B

Members Present: Ed Washington (Chair), Bill Atherton (Vice Chair), Jon Kvistad

[Editor's Note: The Metropolitan Exposition-Recreation Commission (MERC) held its regular meeting prior to the Metro Operations Committee meeting, as reflected in the agenda that is part of the meeting record.]

Chair Washington called the meeting to order at 6:28 PM. He explained how the meeting would be conducted and asked those who wanted to testify to fill out testimony cards. He requested that discussions be kept focused on the issue and avoid becoming personal.

Mark Williams explained the reason for the public hearing. He said MERC operates several facilities other than Expo. He said MERC had contracted with PACE Entertainment for functions at some of those facilities and the company has proven to be fair and skilled. He said PACE had approached MERC recently proposing to build a small pavilion on the Expo property. MERC was aware that another, similar proposal had failed in the past, but it was also aware that this proposal was substantially different from that one. For example, the proposed pavilion would be much smaller (5,000 seats as opposed to 20,000 seats) and target an older audience. MERC was interested in this venture as a means of financing badly needed improvements at Expo without using taxpayers' dollars. MERC made clear to PACE that any project would need to be built without public money and include extensive public involvement. PACE had agreed.

Mr. Williams said the proposed pavilion would complement Expo's current schedule, which has featured most events in the winter; the music shows would be held only in the summer. Furthermore, Expo has an unused piece of property and a parking lot that could accommodate that use. MERC felt this deal would offer the region a quality facility while benefitting Expo. He said this was not a done deal by any means, and this hearing was only the beginning of the process.

Fran McFerran, PACE Entertainment, presented the company's qualifications. He said PACE is a wholly owned subsidiary of SFX Corporation, the largest entertainment company in the world. PACE manages 82 venues nationally, including 31 amphitheaters. (Mr. McFerran showed large photos of Harbor Lights, a pavilion in Boston that looks similar to what might be built at Expo.) He said the proposed pavilion would accommodate 5,000 reserved seats and offer 20 to 25 concerts a year. The type of artists that would be offered have tended to attract mature audiences. The average ticket prices would be higher than those for concerts geared to younger audiences. The food offerings would emphasize wine and cheese instead of beer and chips.

Mr. McFerran explained the criteria PACE seeks in siting a pavilion, which include sufficient acreage, good access to transportation, reasonable distance from residences, and zoning compatibility. He recounted the preliminary conversations PACE has had with the city, environmental groups, and neighborhood associations. (A packet of information outlining these efforts has been attached to the meeting record.) A pre-application hearing would be scheduled soon with the City of Portland. He said a team of experts had been assembled to evaluate the feasibility of putting this type of pavilion on this location. He said a field trip would be held, tentatively scheduled for the end of November, to the Boston facility to see that project.

John Nelson, Mitchell Nelson Group, Portland, Oregon, gave a brief history of his experience working on projects in the PEN-1 area. He said this project was different from the earlier, failed proposal, in several key ways. He displayed several aerial photos of the area and explained the environmental and geographical considerations in siting the project. He pointed out a 3-acre conservation zone on the 11-acre site and a small, low-quality wetland site that would need to be mitigated. He said the site was

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zoned general industrial and would require a conditional use permit. It also lies in a design overlay district, requiring a review process. It would also need to comply with the goals and intent of the natural resources management plan of 1997.

Mr. Nelson said the bulk of the site was composed of fill and rubble. None of the site lies in a flood plain and it is served by all necessary utilities. He displayed a series of conceptual drawings of the proposed project and surrounding site and pointed out the locations of environmentally sensitive areas that would need to be protected or mitigated. He said the company would investigate the possibility of creating a turf parking lot. He emphasized that these plans were in the very early stages of a feasibility study. He said that at this time the pavilion was envisioned to be on the south or southeast portion, with sound broadcast to the north/northwest. The company had hired a sound consultant to do the sound analyses and tests. The company was also working with a company in Boston that had actual sound readings from the Harbor Lights facility. He said the proposed facility would be lit, which some people feared would disrupt bird habitat. However, the concert season would begin after the nesting season for local birds ended, so the lighting would most likely not be a problem. Mr. Nelson emphasized that all seating would be reserved to discourage early arrivals. That help alleviate traffic problems. He said construction would be low impact, as this would be a tent structure and tent structures require little more than cement footings.

The projected schedule includes completion of feasibility studies and technical analyses this summer, as well as workshops with the public. Preliminary planning might also begin. Design review and the permitting phase would take place in the fall. Approval would come in the winter and construction would commence in the spring, for a summer 2000 opening.

Councilor Atherton asked Mr. Nelson how important the shared parking component would be to the project.

Mr. Nelson said parking would be important and that the shared parking would be expected to accommodate about one-third of the total requirement. He said the amount of the proposed site that could be used for parking after everything else has been built would be inadequate by itself. Proximity to and use of Expo parking would be crucial. Proximity to the light rail would also be important.

Councilor Atherton said that if the pavilion were to be moved north into the area designated as the parking core, a larger area could be left as a green corridor to connect Force Lake and the Radio Tower site. He asked if the amphitheater could be constructed farther north.

Mr. Nelson said the placement of the amphitheater depended on having a dish shape for seating, with the stage lower than the back seats. The natural topography has a high point on the north side and a low point on the south. Taking advantage of this natural topography would minimize excavation. However, he said moving the pavilion northward might be a possibility and deserves consideration.

Dan Bean, PACE Entertainment, Seattle office, emphasized that the type of entertainment planned for the pavilion would appeal to mature audiences. He pointed out a brochure for Harbor Lights that gives examples of the types of shows that would be booked. (The brochure has been attached to the meeting record.) He said PACE recognized that other events scheduled at the Portland International Raceway (PIR) might conflict, so no music shows would be scheduled at those times. Representatives from PACE, PIR, and Expo had met on how they might coordinate schedules to avert traffic problems.

Mr. Bean said proposed facility might also be made available for a few community events, particularly in the off season. He said the community outreach had begun and would be more intense in the next few months. Several subcommittees would be created for citizens to participate and address particular issues, such as noise or traffic or environmental impacts. A member of each subcommittee would be invited to go to Boston for the field trip to see the Harbor Lights pavilion.

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### **1. CONSIDERATION OF THE MINUTES OF JULY 7, 1999, METRO OPERATIONS COMMITTEE MEETINGS**

Chair Washington postponed approval of the minutes until after the public hearing.

### **2. PUBLIC HEARING ON A PROPOSED MUSIC PAVILION AT EXPO**

Chair Washington opened the public hearing at 7:10 PM.

Richard Ellmyer, 9124 N. McKenna, Portland, OR, 97203, encouraged Metro to put the emphasis on protecting green spaces. He noted a document dated July 15 and published by MERC proposed protecting the small wetland on its property and putting in a nature walk between Expo and Force Lake. He praised that idea as consistent with Metro's ideals. He said MERC's Web site under "News Flashes" contradicts this. MERC's Web site shows the pavilion being sited on the southwest corner and states that it would cover the area MERC had promised to put in the nature walks and preserve as wetland. Mr. Ellmeyer recalled Metro's greenspaces bond measure that passed with considerable community support. He said for Metro to support development of any area proposed as a wetland and community resource would undermine its credibility in the eyes of the public. He warned Metro not to alienate its base of support.

Peter Teneau, 2715 N. Terry, Portland, OR, 97217, supported Mr. Ellmyer's testimony, but said he would be offering a different perspective. He said he was concerned with the site itself. Its value lies in its ability to connect Force Lake with the Radio Tower site. The ecological value of the two properties is enhanced by that connection, and it has been designated as a mitigation site. Furthermore, he said this was public land, and putting an amphitheater on it deserves public consideration. The public should be involved in all phases it, including the decision as to how the land should be used. He asked how Metro could justify purchasing new open space when it already owned open space but approved it for development. Mr. Teneau said that although the land had been disturbed, it could be restored as scrub shrub wetland and upland. He expressed concern about land being converted to surface parking, which would increase runoff into the Columbia Slough.

Paul Mortimer, 1630 N. Highland, Portland, OR, 97217, represented the Arbor Lodge Neighborhood Association. He recalled the previous, failed amphitheater that left a bad taste in everyone's mouth. He said this process had been much better. He said, however, it would have been nice if the neighborhoods had received more notice about this hearing. He expressed three concerns: 1) the environmental impacts on the wetlands; 2) the sound and noise impacts; and 3) that the profits and proceeds from this be reinvested in the community. He urged PACE to involve neighborhood people in actual sound tests and to establish a policy that would provide local control for sound during a concert, not just after the fact.

Steve Reischman, 3116 SE 11th, Portland, OR 97213, owner of Showman and a show promoter himself, said he did not oppose amphitheaters. He was concerned about having been left out of the conversations with experts on concert promotion. Mr. Reischman said he has promoted concerts in Portland for 18 years, including those at the Zoo. He noted that neither of the two other concert promoters in the audience had been consulted either. He expressed concern over the additional competition offering the same format and types of acts he promotes. He did not think the area could support it. He said the independent promoters already faced pressure from SFX, and many had been bought out by that company. He said SFX has no commitment to regional, independent promoters. He asked that local promoters be allowed to use the pavilion at a competitive price if it is to be a regional facility.

Barbara Fisher, 7204 N. Mississippi, Portland, OR, 97217, expressed concern over additional noise and traffic. She said she had recently chaired a committee on traffic calming for Albina and Ainsworth Streets. She said Albina is the first eastern street off of I-5. She said I-MAX construction would funnel more people through Denver Street and I-5. She questioned whether Expo would be the best place to put a

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regional music pavilion. She supported the idea of finding ways to expand Expo without using public dollars, but said traffic was a real concern.

Joseph Ingles, 1849 N. Kilpatrick St., Portland, OR, 97217, represented the Kenton Neighborhood Association. He said the association did not oppose a music pavilion in North Portland. He said the concern was that this might not be the best site for it. The association's specific concerns were whether there was a coordinated, long-term plan for the area and if so, whether an amphitheater fit with that plan. He asked how an amphitheater would fit with planned expansion of PIR, the Expo, Blue Heron Golf Course, Portland Meadows concerts, and a proposed Interstate light rail station. He asked how it would fit with the natural resources management plan and with the I-5 trade corridor. He said traffic was also a concern, as when events are held at Portland Meadows and Expo, traffic on I-5 and all feeder streets increases. The neighborhood also expressed concern about people using the neighborhood streets for parking. He did not think the suggested parking sounded adequate and wondered if the proposed site took advantage of the proposed light rail station. He also asked how the proposed amphitheater would directly benefit the Kenton neighborhood. He said the proposed site provides connection between natural resources and future wetlands. He asked if other sites had been considered.

David Leiken, 10 NW 6th, Portland, OR, 97209, is owner of and president of Double Tee Promotions and president of Oregon Ticket Company, which operates as Fred Meyer FasTixx. He expressed concern over a process that could get this far without his hearing about it. He said he had been working on developing an amphitheater in this community for several years--even on this property. He said he had questions about the financial details of the arrangement and also whether due diligence had been exercised when making the deal. He requested details to see if it appeared realistic and seemed fair. He expressed concern about the future of his companies based on this development, which in his view had taken place without a public process. He thought a development like this, on public land, should be put out for proposals. He said this pavilion would take from one-third to forty percent of his business. He said he employs hundreds of people in this community. He had been paying taxes and working in this community for many years. He felt it was wrong for a government agency to take business away from local companies without a fair process.

Nancy Bethurem, 1725 N. Schofield St., Portland, OR, 97217, testified in opposition to this proposal on all grounds. She said she did not want this or anything like it in her back yard. She said she already had noise from the raceway. She said the location might be perfect for PACE but not for residents of the area. She suggested putting the amphitheater near those who supported the idea. She said developers seem to get whatever they want in spite of the desires of the residents. She accused Metro of not listening and of defying the wishes of the citizens. She objected to a policy of developing every piece of vacant land. She said this appeared to be a done deal.

Larry Mills, 1406 N. Winchell, Portland, OR, 97217, said he belongs to the Kenton Neighborhood Association but was there to represent himself. He had been a member of the citizen advisory committee on the jail siting process and learned through that about environmental impacts. He said the issue of environmental connectivity should be carefully addressed. He said he was currently serving on a citizen advisory committee for light rail, which has been grappling with the idea of putting a park-and-ride at Expo. He said this project would further complicate that situation. His final concern was for the lack of discussion and information on this issue. He just learned of this meeting but has not heard much about the project otherwise. He urged the company to involve citizens.

Jay Mower, 7040 NE 47th Ave., Portland, OR, 97218, coordinator for the Columbia Slough Watershed Council, said PACE had contacted his organization and met with them. However, they had not brought any of the drawings they brought tonight nor discussed the project in the kind of detail they had tonight. He said the Watershed Council operates by consensus rather than vote. It's obviously difficult to reach consensus on difficult issues. The Radio Tower site had been discussed in the past with regard to the jail, the previous amphitheater proposal, and PIR. The Council had discussed this project but had not reached consensus. The Council is concerned about PEN-1, however. The Council expressed concern about the need for more parking. He also said he liked the idea of shifting the site north. He said with all

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the developments in and near Expo, perhaps Metro should do a master plan for the area. In closing, he said to remember that PACE's job was to make a sophisticated presentation, but that did not mean it was a done deal. This was still a proposal that need not necessarily be approved.

Pam Arden, 1817 N. Winchell St., Portland, OR 97217, asked that citizens be given a timeline of the process so they would know when they would be allowed to provide input. She said she has been active in civic affairs for many years and is on many mailing lists, but she did not know that this project was in progress until today. She said she knew this was only a proposal, but the certainty with which the company presented its schedule concerned her. She said there was a lot of development in North Portland and each developer had high hopes for big profits. She said a concert at the Meadows last week received many noise complaints and was being investigated by the noise control officer. She said with all the activity in North Portland it had become difficult to have a quiet evening in her own backyard. She was not convinced that this would contribute much to the neighborhood. She asked that the residents of the area be part of the decision-making process, as they were the ones who would have to live with the consequences.

Magnus Bernhardt, 7639 N. Brandon, Portland, OR, 97217, expressed disappointment that there had not been better outreach on this meeting. The flyer he had seen billed this meeting as an informal one, not a formal public hearing. He asked to be kept informed and to be heard.

Mike Quinn, 3006 NE 9th, Portland, OR, 97212, owns a concert company that has been doing shows in Portland and Seattle for the past 15 years. He was disappointed that no request for proposals (RFP) had been issued for a project to be built on public land. He also said his company had produced eight of the acts on PACE's list. He said many of those acts had been featured at other MERC facilities. If those acts were booked by PACE, they would not appear at the other facilities and he would not produce them. He noted that PACE had stated that "good neighbors" in the community would be able to use the pavilion for community events at no or reduced cost. He asked if that courtesy would be extended to him.

Mike Frost, 1693 N. Jantzen, Portland, OR 97217, said that although he lives very near the proposed site, he had not been notified of this hearing and he had not heard about the project. Sound was his biggest concern. He had had a bad experience with the previous attempt to put an amphitheater out there. He had not been included in their sound tests. He said he agreed that local producers should have been given an opportunity to respond to an RFP. He agreed that there should be a local sound authority who could respond during a concert. He said the Harbor Lights looks like a fine facility, and the proposed project might be fine also, but he was not yet convinced and he was not convinced he was truly being asked.

Chair Washington closed the public hearing at 7:55 PM. He asked for comments from the panel.

Councilor Atherton asked the PACE staff about the reconfiguration of a road, referred to in an article in *The Oregonian*.

Mr. Williams said Randall Road, the road referred to in the article, would be reconfigured as part of the reconstruction of Expo Hall "D," regardless of what happens with the pavilion. It is an Expo road, not a public one.

Commissioner Norris asked Mr. Williams to summarize the anticipated process.

Mr. Williams said the project faces a number of steps. This meeting was to gather information only. There would be a pre-application process with the City of Portland, wherein city permitting officials would provide PACE with a list of concerns that would need to be addressed. The contract language had not yet been agreed upon. If and when the contract wording has been agreed upon, the contract would then need to be approved by MERC and the Metro Council. A conditional use permit would need to be obtained and several public hearings would need to be held in conjunction with that.

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Councilor Atherton asked if there was a master plan for the Expo area. Mr. Williams said no, although the possibility had been discussed.

Councilor Atherton asked if MERC had a policy on when it issues RFPs. Mr. Williams said MERC had followed state law on this. In this case, PACE had approached MERC as part of a real estate transaction. MERC contacted Metro's legal counsel to see if an RFP were needed. The answer was no, because this was part of a real estate transaction. Aside from the legal aspects, MERC thought that because this idea had come from PACE, no RFP should be issued. He said if MERC were to put out to bid every idea offered by an entrepreneur, entrepreneurs would quit offering ideas. He said with regard to the business deal, he was convinced it was fair and would withstand public scrutiny.

Councilor Atherton suggested that there might be a way to include the local producers in this project. Mr. Williams said he was not certain how that would work; he would have to think about it more.

Chair Washington asked that discussions on contracts be held at another time and place.

Councilor Kvistad said that as a small-business owner himself, he was sympathetic to the independent producers and the competition they would face. He suggested that issue be addressed in committee. He thought Metro should pay closer attention to the implications of its policies or lack of them in these areas.

Chair Washington promised to put this issue on a Metro Operations Committee agenda soon.

Ms. Arden asked why a contract was being negotiated if this was only a feasibility study.

Councilor Kvistad said that contract negotiation might not be the correct term. He said that in order to discuss a project, you need to have something concrete to discuss. That does not imply approval of the project. He said use of the term "contract" in a public context was different from that in a private one.

Commissioner Bell said the public had raised some good questions and this proposal would require much more work. He said the commission was aware of the previous proposal for an amphitheater. MERC had asked PACE to be sure to involve the public. He said PACE had tried to do that, but obviously needed to do better. He promised that future meetings would be better publicized and that people would be involved.

Chair Washington thanked everyone for coming and assured them that their comments were being heard.

### 1. CONSIDERATION OF THE MINUTES OF JULY 7, 1999

**Motion:**

Councilor Kvistad moved to recommend adoption of the minutes of the July 7, 1999, meeting of the Metro Operations Committee.

**Vote:**

Chair Washington and Councilors Atherton and Kvistad voted aye. The vote was 3/0 in favor and the motion passed unanimously.

There being no more business to come before the committee, Chair Washington adjourned the meeting at 8:16 PM

Prepared by,

Pat Emmerson  
Council Assistant

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**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 21, 1999**

The following have been included as part of the official public record.

<b>TOPIC</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT NUMBER</b>
<b>Music Pavilion</b>	7/12/1999	PACE Entertainment Presentation Outline	072199mop-1
	1999	PACE Entertainment's Summer Show Guide for its Harbor Lights Pavilion in Boston, Massachusetts	072199mop-2
	5/17/1999	E-MAIL from Gary Adams to the Metro Council and MERC expressing opposition to siting a music pavilion in North Portland	072199mop-3

**Testimony Cards**

Richard Ellmyer, 9124 N. McKenna, Portland, OR, 97203  
Peter Teneau, 2715 N. Terry, Portland, OR, 97217  
Paul Mortimer, 1630 N. Highland, Portland, OR, 97217  
Steve Reischman, 3116 SE 11th, Portland, OR 97213  
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Nancy Bethurem, 1725 N. Schofield St., Portland, OR, 97217  
Larry Mills, 1406 N. Winchell, Portland, OR, 97217  
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