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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF SEPTEMBER, 1998 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney and Kathryn Beaumont, Senior Deputy City Attorney; and Officer Larry Sievert, Sergeant at Arms.

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

**CONSENT AGENDA - NO DISCUSSION**

**1388** Accept bid of Eoff Electric Co. to furnish an annual supply of street light mast arms for \$30,371 annually for two years (Purchasing Report - Bid 98177)

**Disposition:** Accepted; prepare contract.

**1389** Accept bid of Dirtworx, Inc. to furnish improvements to NE Martin Luther King Jr. Blvd. from NE Fremont St. to NE Shaver St. for \$126,596 (Purchasing Report - Bid 99024)

**Disposition:** Accepted; prepare contract.

**1390** Accept bid of CMJ Construction, Inc. to furnish restroom renovations at Berkeley Park for \$44,617 and bid of Ruffin Construction to furnish restroom renovations at Powell Park for \$86,668 (Purchasing Report - Bid 99026)

**Disposition:** Accepted; prepare contract.

**1391** Accept bid of Baseline Industrial Construction, Inc. for Marquam Hill Pump Station #2 improvements for \$96,624 (Purchasing Report - Bid 99035 SMP)

**Disposition:** Accepted; prepare contract.

**1392** Vacate a certain portion of N Macrum Avenue north of N Junction Street, under certain conditions (Ordinance by Order of Council; C-9953)

**Disposition:** Passed to Second Reading September 30, 1998 at 9:30 a.m.

**Mayor Vera Katz**

\*1393 Call for bids for 1998/99 Fiscal Year annual supply contracts for City's bureaus and departments, authorize contracts and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172694. (Y-5)

\*1394 Authorize a lawsuit against St. Paul Fire & Marine Insurance Company (Ordinance)

**Disposition:** Ordinance No. 172695. (Y-5)

\*1395 Establish one Community Relations Assistant - Administrative Specialty in the Police Bureau in accordance with the Personnel Rules adopted by the City Council (Ordinance)

**Disposition:** Ordinance No. 172696. (Y-5)

**Commissioner Jim Francesconi**

\*1396 Authorize payment to B. J. Cummings for renovation of The Portland Building fourth floor elevator lobby for \$54,158 (Ordinance)

**Disposition:** Ordinance No. 172697. (Y-5)

\*1397 Authorize a contract with Beall Transliner for purchase of three 6,700 gallon elliptical stainless steel sludge trailers without advertising for bids, for a total cost of \$136,095 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172698. (Y-5)

\*1398 Amend contract with Jeanne Lawson Associates to include additional services in the amount of \$14,450 (Ordinance; amend Contract No. 31712)

**Disposition:** Ordinance No. 172699. (Y-5)

\*1399 Amend contract with Beery and Elsner, LLP to include additional services in the amount of \$17,180 (Ordinance; amend Contract No. 31698)

**Disposition:** Ordinance No. 172700. (Y-5)

\*1400 Contribute \$30,000 towards the purchase of the Hamid Djojonegoro property in southeast Portland adjacent to Rocky Butte Nature Park and Joseph Wood Hill Park in the East Buttes Regional Target Area (Ordinance)

**Disposition:** Ordinance No. 172701. (Y-5)

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- \*1401 Contribute \$230,000 towards the purchase price of the Brownwood property in southeast Portland adjacent to Powell Butte Nature Park, the Springwater Corridor and Johnson Creek in the East Buttes Regional Target Area (Ordinance)

**Disposition:** Ordinance No. 172702. (Y-5)

**Commissioner Charlie Hales**

- \*1402 Agreement with Oregon Department of Transportation to provide for the permanent closure of the railroad/highway grade crossing at SE Grand (Ordinance)

**Disposition:** Ordinance No. 172703. (Y-5)

- \*1403 Revocable permit to Portland State University Foundation / Kingston Saloon to close SW Morrison Street between 20th Avenue and 20th Place on September 26, October 10, 24, 31 and November 14, 1998 (Ordinance)

**Disposition:** Ordinance No. 172704. (Y-5)

- \*1404 Authorize Intergovernmental Agreement with Oregon Department of Transportation for payment of Phase I street improvements along NE Martin Luther King Jr. Boulevard (Ordinance)

**Disposition:** Ordinance No. 172705. (Y-5)

- \*1405 Authorize a contract and provide for payment for the NE Martin Luther King Jr. Boulevard street improvements, Contract 1, median removal (Ordinance)

**Disposition:** Ordinance No. 172706. (Y-5)

- \*1406 Agreement with the Port of Portland for the payment of Transportation System Development Charges (Ordinance)

**Disposition:** Ordinance No. 172707. (Y-5)

- \*1407 Authorize an Intergovernmental Agreement with the Port of Portland providing for the development and project management of the East Columbia-US 30 Bypass Connector Project (East End Connector) (Ordinance)

**Disposition:** Ordinance No. 172708. (Y-5)

**Commissioner Gretchen Miller Kafoury**

- \*1408 Contract with Fair Housing Council for \$21,431 for fair housing enforcement services and provide for payment (Ordinance)

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**Disposition:** Ordinance No. 172709. (Y-5)

- \*1409 Contract with REACH Community Development Corporation, Inc. for \$78,950 for the Community Builders Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172710. (Y-5)

- \*1410 Contract with Lutheran Family Services as fiscal agent for Family Works for \$20,000 to carry out organizing activities to develop a target area within a small designated area of the Parkrose neighborhood and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172711. (Y-5)

- \*1411 Contract with Low Income Housing for Native Americans of Portland, Oregon for \$56,927 to support affordable housing development and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172712. (Y-5)

**Commissioner Erik Sten**

- 1412 Accept completion of the Inverness Force Main, Section "E", Project 5838 and authorize final payment to Alliance Corporation, Inc. (Report; Contract No. 30810)

**Disposition:** Accepted.

- \*1413 Authorize the director of the Bureau of Environmental Services to approve an Intergovernmental Agreement with the US Army Corps for a General Investigation feasibility study of water quality improvements on the Columbia Slough (Ordinance)

**Disposition:** Ordinance No. 172713. (Y-5)

- \*1414 Authorize the director of the Bureau of Environmental Services to approve an Intergovernmental Agreement with Portland State for technical support during the US Army Corps' General Investigation study of water quality improvements on the Columbia Slough (Ordinance)

**Disposition:** Ordinance No. 172714. (Y-5)

- \*1415 Agreement with Murray, Smith and Associates, Inc. for \$300,000 for design and technical services for water main improvements and other design services as may be required (Ordinance)

**Disposition:** Ordinance No. 172715. (Y-5)

**1382**     **TIME CERTAIN: 9:30 AM** - Support and encourage pollution prevention and resource conservation as the key strategy to plan for and accomplish work in the City of Portland (Resolution introduced by Commissioner Sten)

**Discussion:** Linda Dobson, Bureau of Environmental Services (BES), presented pollution prevention awards to the following individuals: 1) Steve Beherndt, Wastewater Treatment Group, for fuel cell and methane reuse; 2) Paulette Rossi for citizen stewardship; 3) Tom Ullman, Maintenance Bureau, for mobile solar generator; 4) Pat Prendergast and Ed McNamara for environmentally sensitive development of the Buckman Heights Apartment project; 4) Dennis Wodtli, BES for a data analysis system; 6) Tom Davis, BES, for prevention strategies with Sulzer Bingham Pumps; and 7) Alison Stoll, Genny Seivers and Brian Goldberg, for a door-to-door bulky waste collection program.

Paulette Rossi, no address stated, said pollution prevention programs break down barriers between government and citizens and show that both can effectively work together.

**Disposition:** Resolution No. 35728. (Y-5)

**1383**     **TIME CERTAIN: 9:45 AM** - Report on Central City Streetcar Phase I Project Local Improvement District remonstrances (Report introduced by Commissioner Hales)

**Discussion:** Mayor Katz said the streetcar is another link to the City's transportation system. Although this project applies to a relatively small geographic area, with the potential to enliven SW 10th and 11th Avenues, it is hoped it will eventually extend to east side neighborhoods as well. She congratulated Commissioner Hales and staff for making this happen.

Commissioner Hales said the streetcar is not just an innovative transportation project but a critical underpinning to neighborhood connectivity, allowing people choices about how they travel and enabling them to choose life styles where they do not have to drive.

Vicky Diede, Office of Transportation, reported that eight property owners, out of 1,781 tax accounts, objected to the Local Improvement District (LID) Project, representing 2.7 percent of the land area. Issues raised included the cost, circulation, pedestrian conflicts, parking loss, access to property, construction impacts and procedures. She said staff looked for very simple ways to do the project to keep costs down. The construction and traffic management impacts are indeed important and everyone involved is well aware of the issues. The Citizen Advisory Committee will continue to meet monthly to provide oversight and guidance as well. Ms. Diede noted that in August a resolution of intent acknowledged petitions from over 50 percent of the property owners and, because of the low objection rate, staff recommends that Council overrule the remonstrances.

Mary Sue Jones, 2058 NW Kearney, 97209, objected strenuously to her assessment. She said property owners in her neighborhood were notified about the project only a week before the hearing. The current bus service is good and more transportation services are not needed. She said this will be noisy and increase traffic problems in an area that is already congested. She said this appears to

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be a toy promoted by a developer who wants to build more expensive apartments in the area and she does not understand where Tri-Met got so much money to toss into the project.

Sarah Dix, Les Schwab Tire Centers, said this will make access to their store very difficult, blocking their only entrance and eliminating parking. The company would like the City Engineer to consider relocating the proposed stop at 19th and Northrup as it will take half of their parking lot.

Commissioner Hales said while the project is entering the final design stage, store owners should meet with the City Engineer to address their concerns. He said the streetcar and stations will not be on private property, only in public rights-of-way.

George Thomas, Les Schwab Tire centers, said Roger Shiels, the project manager, indicated otherwise in a meeting they held with him. Their major concern is blockage of their entrance.

Juliet Hyams, 2324 NW Marshall, 97210, said she felt her concerns were not seriously addressed and has concluded this is more a development project than a transportation project. She said she will not benefit from increased development which in recent years has degraded the neighborhood. The streetcar will invite people to park for free and ride it downtown. It could be a good project but does not benefit her, as sole property owner of a tri-plex. If the streetcar does run in her neighborhood, permit parking must be initiated to control commuter parking.

Commissioner Hales said the streetcar generally benefits commercial property by increasing property values.

Michael Feves, 2284 NW Thurman, 97210, said the money to cover the assessments will probably come from increased rents from people who can least afford them. While the trolley will look good, instead of benefitting transportation, it will slow auto traffic and take away parking spaces. He said residents living on the light rail line have been adversely affected and the noise has forced people to move away. He objected to placing a preponderance of the funding on a very narrow group of people.

Jay Woodworth, 1033 SW Yamhill, real estate broker, said light rail does not benefit any residential owners, only commercial, and because of the noise even finding commercial renters for office space can be difficult. He said it would be fairer to spread the cost among more people. Mr. Woodworth said there is nothing wrong with buses, which are a lot cheaper, and the money allotted to the streetcar could better be used elsewhere.

Barry Menashe, 621 SW Alder, said as the owner of two buildings in the district, his assessment is \$50,000. He said his biggest concern is noise and he will have a big problem if tenants start moving out because of that.

George Dock, 4320 SE Henderson, 97206, a member of the Old Church Board of Directors, said \$42 million is a lot of money for four trolleys and he sees no particular benefit that could not be just as easily achieved by using buses.

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Jordan Schnitzer, Jordan Schnitzer Properties, 1121 SW Salmon, 97205, said his company has six properties which will be assessed but he believes the streetcar will benefit them. He said the marriage of light rail and the trolley is a very good thing.

Joanna Isenberg, owner of an apartment building, said they received the first mailing two weeks ago and only then were told of their assessment. Most residential owners believe it will benefit business and retail owners but not them. She objected to the cost and increasing the noise level in an already noisy, overburdened area. She called on Council to look more closely at who benefits.

Lowell Johnson, Legacy Good Samaritan, said Legacy and Portland State University will pay roughly half the assessment. Legacy, from a strictly business standpoint, strongly supports the streetcar as it is diligently trying to get people out of their cars and onto other transit modes.

Ms. Diede said there will be noise when the streetcars turn at corners and staff is looking at cars that will not need to make such tight turns. In talking to Tri-Met about "wheel squeal" they learned that it is hard to tell where the noise is coming from but staff is committed to trying to find a solution. On a straight away the streetcars should be very quiet.

Commissioner Kafoury asked who is exempt from the assessment.

Ms. Dielde said owner-occupied single tax entities are exempted but multi-dwelling units, including tri-plexes, are not. However, it is possible to exempt one third of a tri-plex if the owner lives in one unit and staff will seek an equitable way to do that.

Commissioner Francesconi noted that the LID is capped so any cost overruns are not borne by property owners.

Mayor Katz asked about financing.

Ms. Diede explained how the \$42 million cost will be allocated and noted that revenue bonds will be issued, backed by City-owned parking garage funds, which are limited to transportation projects.

Commissioner Hales said property owners are paying only one-fifth of the cost. He moved to overrule the remonstrances and adopt the report. The motion was seconded and, hearing no objections, the Mayor so ordered.

Commissioner Hales said change is not easy but Council must remember that 51 percent of the affected property owners along the line responded positively. He said he will vote for a little disruption during construction if it means less traffic pollution and that the City can retain the view of Mt. Hood. He acknowledge that staff needs to meet with every property owner about the engineering concerns and pay serious attention to the noise issue.

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Commissioner Kafoury said she sees the streetcar as a spur to enhance 10th and 11th and add more retail along those blocks.

**Disposition:** Adopted; remonstrances overruled. (Y-5)

- \*1384 Create the Central City Streetcar Phase I Project Local Improvement District to assist in funding the capital cost of the Central City Streetcar Phase I Project (Hearing; Ordinance introduced by Commissioner Hales)

**Disposition:** Ordinance No. 172716. (Y-5)

- \*1385 Amend agreement with Portland Streetcar, Inc. to carry out construction management and operation planning services (Ordinance introduced by Commissioner Hales; amend Agreement No. 31428)

**Discussion:** Commissioner Francesconi said he supports this for three reasons. First because three/fifths of the funds come from parking garage revenues and will be used to increase transportation circulation rather than building more parking garages. Second, the City needs more strategies that allow it to build more housing without so much parking. Third, after so many years of strategy and planning for the streetcar, Council needs to be consistent in its support. He has two reservations, however. The parking garage fund could be used in neighborhoods to relieve traffic congestion and improve roads there. Also, if there is a cap on LIDs there should also be caps on neighborhood LIDs. Second, the allocation of this money to the streetcar limits Council's flexibility to use resources for other projects that have been in pipeline for a very long time.

Commissioner Sten said this is an appropriate use of parking funds but acknowledged that the City has a lot of other projects on its plate. He said Council must prioritize those projects and that will be part of the upcoming budget deliberations.

Mayor Katz said the streetcar is part of the City's 25-year downtown plan that is near completion. Now Council needs to figure out its priority projects for the next 25 years and still maintain some flexibility in order to meet unanticipated needs. She refuses to accept that there is nothing one can do to relieve congestion in the neighborhoods. In the future this streetcar will cross the river and return to the neighborhoods it once served. She acknowledged that it is not easy to live in Northwest because of the parking, high rents and noise but what makes it special is its diversity and the ability to get around without a car.

**Disposition:** Ordinance No. 172717. (Y-5)

- \*1386 Contract with Stacy and Witbeck, Inc. to provide general construction services for the Central City Streetcar Project (Ordinance introduced by Commissioner Hales)

**Disposition:** Ordinance No. 172718. (Y-5)

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- \*1387** Memorandum of Understanding with Tri-County Metropolitan Transportation District of Oregon to finance Central City Streetcar Phase I operations and transit preferential street improvements (Ordinance introduced by Commissioner Hales)

**Disposition:** Ordinance No. 172719. (Y-5)

**REGULAR AGENDA**

**Mayor Vera Katz**

- \*1416** Ratify actions by the Portland Development Commission to accept a Gateway Transportation and Growth Management grant in the amount of \$61,000 on behalf of the City and authorize the Office of Financial Affairs to track and report this funding as part of the City's Federal and State Grants Fund (Ordinance)

**Discussion:** Mayor Katz said this grant is another piece in helping the City build neighborhoods. This one is for Gateway and reflects Council's decision to pull the resources of several City bureaus together to focus on this area.

**Disposition:** Ordinance No. 172720. (Y-5)

- \*1417** Ratify actions by the Portland Development Commission to accept a North Macadam Transportation and Growth Management grant in the amount of \$140,000 on behalf of the City and authorize the Office of Financial Affairs to track and report this funding as part of the City's Federal and State Grants Fund (Ordinance)

**Discussion:** Mayor Katz said the development of North Macadam is an important part of the City's vision for the next 25 years. This presents another opportunity for several bureaus to work together to manage the anticipated growth.

**Disposition:** Ordinance No. 172721. (Y-5)

- \*1418** Accept a \$59,650 grant from Oregon's Victims of Crime Act Program for the Crisis Response Team of the Portland Police Bureau (Ordinance)

**Disposition:** Ordinance No. 172722. (Y-5)

**Commissioner Charlie Hales**

- 1419** Consider vacating a portion of SW Hessler Drive, at the request of Warde H. Erwin (Hearing; Report; C-9918)

**Discussion:** Marcia Wilder, Portland Office of Transportation (PDOT), described the area where the vacation is requested and noted that all affected City bureaus concur in granting the request.

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Commissioner Hales asked if the original assumption was that the street would have an intersection here.

Ms. Wilder said it was platted that way but when development began it was decided not to improve it.

Jordan Schnitzer, 1215 SW Hessler, 97201, explained that the developer, Mr. Hessler, changed his mind when the development actually occurred but never went back and replatted the undedicated land to go with the houses. As a result his driveway and a third of Mr. Erwin's driveway need to be vacated to give them actual ownership. This property is totally separate, both from the public roadway and the 55 feet of dedicated roadway and everyone already assumes they own it. What was probably once a utility easement and is now described as a lane from Fairmount to Hessler Drive has been maintained and nothing has been done to affect it.

Warde Erwin, petitioner, said his petition involves a tiny piece of land about 20 feet wide which was never intended to be used for anything. Whoever platted the subdivision thought the street would go there but then built it to the south. No one has ever used the land or the lane, which has never been dedicated. The only thing that was ever dedicated were the streets. He said since this piece of land was not being used for anything, he and Mr. Schnitzer landscaped it, believing that would be non-controversial. They are not interested in taking anyone's land or rights away and do not understand the opposition.

Sharon Wood, Southwest Trails Group, said the City needs strategies to connect the community and provide more walking trails through the hills. She listed the conditions the Trails Group proposes if the vacation is granted. They include: 1) maintenance of the 10-foot lane to allow unobstructed pedestrian access; 2) removal of the fill material recently placed on the 10-foot right-of-way; and 3) agreement by the property owners to allow discreet trail markers to be erected in the 10-foot pedestrian right-of-way.

Commissioner Francesconi asked if these conditions were given to anyone before now.

Ms. Wood said no.

George Heider, 102 SW Hessler Dr., 97201, said the Hessler Heights Homeowners Association approved the vacation and he personally opposes a trail or pedestrian access through the right-of-way because there is no need for it. Second, he opposes anything that increases traffic on Hessler, which is a dead end street. There is already a problem at the intersection of Hessler and Northwood from people who park there at night to "enjoy the view."

Ray Boucher, 1224 SW Hessler Dr., 97201, supported the vacation without conditions and said he objects to anything that would increase traffic there. He opposes turning what now serves as a utility easement into anything more than what it is today. He said the street functions quite well now as a pedestrian street and people walk it as part of their daily routines.

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Barry Rose, 3104 SW Fairmont, 97201, said the lane, which runs right to his house, was intended to be a utility or fire lane from the beginning. He said the Nature Conservancy property is easily accessed by other means and he sees no reason to put a pedestrian access through three people's homes.

Sharon Nelson, 5333 SW 19th Dr., 97219, endorsed the Southwest Trails Committee proposal. The proposed pathway through the public right-of-way will benefit all urban walkers using the trail from Fairmount to Hessler Drive. This is a welcome shortcut to SW Northwood and the pathway should not be obscured by excessive landscaping and should include some modest signage marking the trail.

Don Baack, Chair, Southwest Trails Group, 6495 SW Burlingame Place, 97219, said they opposed the vacation before the Planning commission because there was no provision for pedestrian access. That has since been provided in the plat. He said this is a walkable trail but the vegetation needs to be pruned and some fill needs to be removed. In addition, a fence in the right-of-way should be removed. He said the Group's goal is to try to reclaim some key pedestrian routes and the alternative being proposed adds an additional quarter mile. Mr. Baack said this is one of the nicest walking areas in City and Council would be well-served to maintain these accesses to encourage people to walk for recreation.

Don Gardner, PDOT, said no one seems to disagree that it is all right for the piece of property that was originally intended to be a street but never replatted to go back to the property owners. Staff required that a 10-foot piece be kept to access the lane but it is unclear that the lane is public property. Transportation staff is currently working with Southwest Trails to develop a Master Plan trails system but right now they do not feel confident of their authority to require that the lane be dedicated for a public trail. While that is sorted out and they work with the neighbors on the Master Plan, they did retain a 10-foot strip to ensure they always have access to it. That would be connected to the lane.

Mayor Katz asked about the fill along the 10-foot lane.

Mr. Gardner said he believes the landscaping in question is not within the 10-foot area.

Commissioner Sten asked if the petitions would stipulate that they would remove any fill within the 10-foot area.

Mr. Schnitzer said yes. He said they were doing some unrelated maintenance work to the property and Mr. Baack came by and became very concerned. They then asked the surveyor to return again and he found that none of the two-foot berm between his house and Mr. Erwin's house is in the lane. There is no prohibition from doing landscaping in the lanes although he made sure that his berm was not in the lane. He said he is somewhat puzzled that the issue of a pedestrian accessway is before Council.

Mayor Katz said the issue is whether the lane can be required to be used for a pedestrian access and Council does not have the answer to that.

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Commissioner Francesconi asked if this is the right proceeding to deal with that.

Mr. Schnitzer said he believes that would be a separate issue to be addressed by the whole neighborhood association. He does not believe it would have supported the vacation with the proposed condition.

Commissioner Sten asked if a stipulation that no landscaping be done within the 10-foot area until this is resolved would be acceptable.

Mr. Schnitzer said they have no intention of doing any landscaping on the lane but should not be held to any different standard than anyone else with landscaping on easements.

Commissioner Francesconi said it is one thing not to infringe on the 10-foot lane but this condition puts an affirmative duty on the landowner.

Mr. Schnitzer said they have no problem fulfilling the requirements about what one can or cannot do on easements. But they do not want to be held to a different standard if they put barkdust or ivy there and someone complains.

Commissioner Sten said the stipulation calls for it to be maintained unobstructed. He said it is reasonable to request that this be looked at as a place to walk.

Commissioner Hales said the Southwest Trails Group has great vision but the question is whether these two property owners should be able to vacate a piece of right-of-way the City is not going to use for public purposes. The answer should be yes. They are not proposing to make the lane any worse than it is today because staff has rightfully asked that the 10-foot strip be maintained to access the lane. However, he is not willing to ask any one or two property owners to build part of the trails system until the City figures out how the whole system is going to be built. He does not think this is a good means to carry out a trails plan.

Mayor Katz asked Mr. Gardner what process would be used to determine whether the lane can be used as part of a trail.

Mr. Gardner said the City Attorney is looking at the plats and dedications but he believes this is private property with an internal easement. If this is determined to be a desirable part of the trails plan, they would like to find out if the property owners would voluntarily dedicate it to the public.

Mayor Katz said if he is wrong and the lane is public land, the next step would be to incorporate it into the master trail plan and any landscaping that obstructed the path would have to be removed.

Commissioner Sten said he is not proposing to put onerous conditions on this vacation but to see if voluntary agreements could be made to show everyone's intentions. This is more a matter of talking things out between the two sides until a permanent decision can be made.

Mayor Katz said right now Council probably should not do anything regarding this lane, although it is interested in building a trail system. Council is asking the property owners not to obstruct this potential pedestrian lane.

Both petitioners agreed.

Commissioner Hales move to approve the report and ask prepare an ordinance in support of the vacation. Commissioner Francesconi seconded.

Commissioner Francesconi said the City will need the cooperation of a lot of private property owners if to expand the trail system.

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

1420

Appeal of TRP Homes, applicant, against Hearings Officer's decision to deny a five-lot PUD and subdivision with environmental review and adjustments, located at 12126 SW 64th Avenue (Previous agenda 1239; 97-00373 SU PU EN AD)

**Discussion:** Commissioner Hales said because he was not at the initial hearing, he will not participate in today's discussion.

Mayor Katz said she had received a memo from Amanda Fritz requesting that comment be allowed on the adjustments that had been requested.

Kathryn Beaumont, Senior Deputy City Attorney, agreed that people should either be allowed to comment or that the record be left open to allow people to respond in writing.

Bob Haley, Planning Bureau, noted that at the first hearing Council asked staff to meet with the neighbors and developers to see if the issues raised could be resolved within 30 days. Major issues involved the adequacy of SW 64th and Lesser Road to serve the site and what kinds of minor improvements should be included. Other issues concerned the vegetative strip, the stormwater facility and its effect on the conservation zone near the spring and concerns about water coming over SW Lesser Road from the Portland Community College campus that was not included in the drainage calculations. Staff from Planning, the Bureau of Environmental Services (BES) and the Portland Office of Transportation (PDOT) met with representatives of the neighborhood and the applicants and walked the site to discuss the location of the stormwater facility, the extension of the private street to the south and the exact placement of the trees. Afterwards, the applicant submitted revised plans to the Planning Bureau, which then prepared some draft conditions to try to resolve these issues. That, however, does not appear to have happened. He said Colleen Culbertson, Chair of Far Southwest Neighborhood Association, submitted a list of conditions it would like to see incorporated into the project and he included as many of those conditions as he felt were relevant, reasonable and enforceable. The major revisions are removal of Lot 5 and relocation of the vegetated filter strip from the north to the south side of the property (where Lot 5 used to be). It is slightly steeper but located almost entirely outside the environmental conservation zone. It includes

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an overflow pipe which would help keep the vegetated strip from eroding. Relocation of the stormwater facility to the south better meets the approval criteria for environmental review as it will have less impact on the resources. He said revised findings have not yet been prepared, pending a decision by Council.

Dean Alterman, attorney for TRP Homes, said since the last Council hearing the applicant has submitted an alternate plan removing Lot 5 and responding in a reasonable manner to the overall issues raised by staff and neighbors. The stormwater treatment facility has been moved to the south rather than the north, adding \$2,000 to the cost of each lot. That results in taking all of the filter strip out of the conservation zone and greatly reducing the amount in the transition zone. Now that Lot 5 is no longer a building site and the number of units has been cut by one, more open space is provided which connects to the conservation zone. This change also eliminates the issue about storm water drainage from Lot 5. The revised plan also retains the benefits to neighbors on the street. He said the applicant has identified which houses will benefit from upgraded water pressure and better fire protection as a result of a new hydrant and more screening. He said his client has reviewed the alternate plan submitted by staff and agrees with all but two items. First, TRP would like A-6, the requirement to plant trees around the edge, to be modified so it can count existing trees as screening trees. Second, regarding removal of non-native vegetation (B-3), from the area around the spring, TRP is willing to do that but fears removing the English ivy and blackberries would subject the slope to erosion. He asked Council to approve the alternate plan or the original plan with a condition adding one on-street parking space to comply with the Code objection raised at the last hearing.

Colleen Culbertson, Land-Use Chair, Far Southwest Neighborhood Association, said while the first meeting went well, Mr. Haley had to prepare the draft conditions on very short notice when the applicant failed to do them. She said the neighborhood had asked for another meeting and things are missing from the draft conditions that had been agreed to at the first one. She said Council asked them to negotiate with the development but the neighborhood believes TRP has not been at all cooperative. She said the environmental conservation zone is not correctly designated on the drawing submitted by the developer and is at least 25 feet off. She said the neighborhood's concerns have not changed and pointed out that 22 of their 25 suggested conditions were requested at the first hearing and are no surprise. She said the neighborhood is interested in public safety, the connectivity called for in the Transportation Planning Rule, proper stormwater management and preservation of existing resources. They do not see adequate provisions for those at this point.

Commissioner Francesconi said in the September 23 memo from the neighborhood, there is a list of things which were supposedly agreed to at the prior meeting. He asked which of those items are not included in the staff's recommended conditions.

Ms. Culbertson went through the conditions agreed to at the meeting, including numbers 1, 8, 11, 12 and 13. Two and six were discussed but no final decision was made. She said the reason they want the non-native vegetation removed is to give the native vegetation three years to grow.

Commissioner Francesconi asked which of the conditions not agreed to are priorities.

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Ms. Culbertson said erosion (6) and bank control are important because they will affect all the lots. Tree preservation (8) is vitally important as is the road condition (14).

Commissioner Kafoury asked Mr. Haley which of the conditions agreed to are not included in his drafted conditions. She said the neighborhood is talking about 14 other conditions, some of them allegedly agreed to. Are they in the staff findings?

Mr. Haley reviewed their conditions and indicated how each had been addressed. He said in some cases, questions arise about the level of detail needed for tentative approval versus final construction plan approvals, including construction staging areas, stockpiling, etc.

Commissioner Kafoury asked about erosion.

Mr. Haley said the revised mitigation plan has the environmental zone in the wrong location but it is shown correctly on the tentative plat (Exhibit C, 1-b). The construction management plan shows a silt fence along the bottom which would allow access by animals.

Commissioner Sten asked if the map showing the environmental zone in the wrong place becomes part of the record.

Mr. Haley said under condition D-e, the final plat submission requires the location of the environmental zone boundary and resource area to be shown in detail. He said the findings could specifically approve the planting plan but not the environmental zone boundary.

Commissioner Kafoury asked about stabilization of the banks.

Mr. Haley said the grading plan applicants submit for review must show how that is stabilized. The perimeter setbacks for a PUD match those of the base zone. There are five-foot setbacks between the buildings on Lots 3 and 4 but within a PUD those setbacks can be adjusted as these lots are quite small, resembling R5 lots. The internal lots are closer to R5 but the perimeter setbacks are those of the R10 base zone. Regarding the trees, staff could add a condition requiring bonding for tree protection although none is required now. Condition B-6 calls for a final protection plan to be reviewed by staff. Regarding the gravel dump, that refers to the place where applicant plans to place some gravel along SW 64th and Lesser Road. There was no agreement. The neighborhood would like to require that the applicant and future property owners provide for the annual maintenance of those gravel areas. PDOT, however, believes that all property owners will benefit from these improvements and that it would be too much of a burden to require the four future property owners to maintain 64th on an annual basis. Regarding the condition calling for no disturbance prior to final plat, that can be a condition of approval but staff is requiring several other conditions which they thought might meet that concern. The accidental gravel spill and debris areas must be removed to the satisfaction of the Bureau of Buildings and BES prior to final plat. Regarding Condition 13 requesting no removal of non-native vegetation, Mr. Haley said that is already a City standard. Condition 14 concerns the public right-of-way and should be referred to Transportation Engineering, but the City will install the water line and the applicant will pay the upgrade.

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Commissioner Kafoury said many of the requested conditions seem to already be covered by City standards. She asked whether Condition 14 was discussed in the earlier negotiations.

Mr. Haley said he believes the neighborhoods requested that TRP pave the road but it has decided that is beyond its ability to do so. It comes down to what is reasonable to expect a developer to pay for. He said he just saw the list from the neighborhood at the beginning of this meeting.

Commissioner Kafoury said it sounds like the two sides are a lot closer than what has been indicated.

Mr. Haley said staff is fairly comfortable but the arguments now concern the level of detail needed to make the findings.

Amanda Fritz, 4106 SW Vacuna, 97219, said she only received the information about the revisions on Monday and requested that the record remain open unless Council votes to deny this application. She said Council should deny it based on the Hearings Officer's decision that three main criteria were not met and the conditions of approval being discussed do not take care of those. There has been a major change in the location and type of the stormwater system since the last hearing. At that time Council was assured that the system proposed was the least detrimental alternative and now Council is being assured that the new proposal is the least detrimental. However, there has been no staff assessment, as required by the Code, as to which is the least detrimental alternative. The second area where the Hearings Officer found the criteria were not met concerned the adequacy of public services. There is an inadequate street to serve the subdivision and dumping gravel there will not make it adequate or help it meet the criteria for a Planned Unit Development. Third, the parking requirements are not met. At the last hearing, the applicants removed one on-street parking space and now have one space for all these lots. The Hearings Officer was clear that even two spaces did not provide enough parking in the subdivision and that this would result in parking on the inadequate streets, creating a hazardous situation for children. For all these reasons, the proposal should be denied.

Greg Winterowd, land-use planner representing Anne Radcliffe, 305 SW Palley Court, 97219, said his client has presented four conditions of approval which she would like Council to adopt. The first one concerns the inaccurate environmental zone map which needs to be changed. Ms. Radcliffe suggests a condition that the stormwater facility be placed outside the resource area, although it is all right to place it within the transition area. The second issue has to do with connectivity. The three properties located directly to the south of this proposal have over 60,000 square feet of lot area and it is possible to put three more houses there under R10 zoning. They believe the street should be extended to provide access to those properties and have looked at the idea of either extending a public street or a pedestrian accessway to connect to the ODOT property which would then connect onto Haines. That would relieve the tremendous traffic problems which currently exist on 64th and Lesser Way. He said they have prepared both public and private street conditions relating to this. The third issue concerns perimeter trees. Applicants propose a 10-foot setback and Ms. Radcliffe believes they have misidentified the location of the trees on their property adjacent to the house, as well as misidentifying the locating of her house itself, which is five feet from the property line, not 12 to 14 feet as they suggest. If they place the houses within 10 feet they will probably have to

knock down some trees because the Code allows tree removal within five feet of the house. Ms. Radcliffe is proposing a 20-foot setback in order to preserve the trees. The final issue is parking. The Code interpretation seems to say that even though there are 20 homes, all you need is one on-street parking space.

Dan LeFevre, Bureau of Environmental Services (BES), said he has reviewed the new plan and found that applicant's proposed method for handling stormwater is quite similar to the previous one except that the treatment has been moved further south, lessening the encroachment into the environmental zone by quite a bit. It also has an overflow pipe which would decrease the chance of failure and of causing erosion. If all the stormwater treatment is located outside the environmental zone, then all the stormwater will go over a rather steep slope to the creek bottom, creating more erosion problems. He said the applicant's proposal is adequate to meet current stormwater policies which he believes are as stringent as those likely to be proposed in the new stormwater manual.

Glen Pierce, Transportation Engineering and Development, said SW 64th and Lesser Way are not currently maintained by the City because they were never improved to any standard acceptable to the City. The maintenance responsibility rests with the adjacent property owners. The minor improvements proposed to enhance the pull-out areas call for regrading the existing shoulder areas. While the road is not up to City standards, it serves present residents and staff believes it can adequately serve four more residences until the neighbors elect to form a Local Improvement District and bring it up to full City standards.

Commissioner Francesconi asked if the parking is adequate for four residents.

Mr. Haley said the PUD criteria state that where on-street parking is not allowed, one more additional space must be provided per unit in a common parking bay. The proposal has been amended to provide an on-street parking space and that means there is no longer any requirement for another common parking bay. They still have to provide one on-site parking space per unit. Each of the units has a garage with an 18-foot setback so realistically the duplex could have two spaces on-site each and the single families would have a total of four off-street parking spaces, two in the garage and two in the driveway. Staff believes the common bay Code requirement was intended mostly for larger PUDs, especially as it states that the bay must be located 20 feet from the perimeter of the PUD.

Commissioner Francesconi asked about protection of the perimeter trees and maintenance of vegetated buffers.

Mr. Haley said Condition B-6 calls for a final tree protection plan which shows which trees should be maintained and which removed. It also states that no trees further than five feet from any setback line shall be removed. There are many conditions that call for a certified arborist to look at any tree further than five feet from any structure. The perimeter setback is 10 feet now so any trees within five feet of the perimeter will automatically be retained.

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Commissioner Kafoury said perhaps some more work can be done on the parking and noted there was a request to hold the record open. She moved to hold this appeal over one more week and adopt tentative findings then.

Ms. Beaumont suggested continuing this one week and allowing the record to remain open until 4:30 p.m. Tuesday, September 30, to allow people to respond to any of the new evidence submitted.

Mayor Katz said with so many sets of recommendations, she would probably have voted no today. This needs to be cleaned up.

**Disposition:** Continued to September 30, 1998 at 9:30 a.m.

**Commissioner Gretchen Miller Kafoury**

**\*1421** Accept a \$47,000 grant from the Federal Emergency Management Agency (Ordinance)

**Disposition:** Ordinance No. 172723. (Y-5)

**\*1422** Accept a \$15,000 grant from the Federal Emergency Management Agency (Ordinance)

**Disposition:** Ordinance No. 172724. (Y-5)

**1423** Establish new City Code Title 30 Affordable Housing and Chapter 30.01 Affordable Housing Preservation and authorize implementing procedures (Second Reading Agenda 1380; add Code Title 30)

**Discussion:** Commissioner Kafoury said several amendments are needed for both the resolution and ordinance.

Madelyn Wessel, Chief Deputy City Attorney, presented some minor amendments to ordinance which respond to questions dealing with condemnation under State law. These clarify exactly what is intended. The first concerns Section 30.01 070, which talks about replacement requirements for owners who have had federally subsidized properties. It states that the replacement fee is triggered by the property owner's refusal of the offer in conjunction with a decision by the owner to opt out of the program. The new language clearly specifies that the fee trigger kicks in when the property owner decides to opt out after the City has made a fair market offer to buy the property. The other amendment, to Section 30.01.110, plugs in a standard provision on severability and attempts to point out that nothing in this chapter is meant to restrict City use of standard State statute-authorized condemnation procedures.

Commissioner Kafoury moved the amendments. Commissioner Francesconi seconded and, hearing no objections, the Mayor so ordered.

Commissioner Francesconi said he is very concerned that the City gain the support of property

owners in helping it get the legislative solutions needed for Category A and more money for Category C. He was interested in seeing if condemnation could be used only when owners of Section 8 property want to keep their property and convert it to some other use. He has been exploring options that would make this more palatable to property owners but has found no alternative. If the City resorted solely to condemnation it could end up displacing the tenants and the very purpose of the ordinance is to prevent that.

**Disposition:** Passed to Second Reading as amended September 30, 1998 at 9:30 a.m.

- 1425** Declare intent to purchase Preservation Projects and direct the Office of Finance and Administration to research options and recommend a financial strategy to purchase Preservation Projects pursuant to City Code Chapter 30.01 (Previous Agenda 1381)

**Discussion:** Commissioner Sten moved the amendment to the resolution which changes the date the strategy is due to December, 1988, not 1999.

Commissioner Kafoury seconded and, hearing no objections, the Mayor so ordered.

Commissioner Francesconi asked if the resolution includes any additional legislative strategies.

Commissioner Kafoury said the ordinance sets out the legislative strategies.

Commissioner Sten said his intent is to explore non-financial strategies.

Mayor Katz said she hopes that when the Office of Finance and Administration returns with the strategies they will be incorporated with the City's legislative package.

**Disposition:** Continued as amended to September 30, 1998 at 9:30 a.m.

#### Commissioner Erik Sten

- 1424** Accept the Bureau of Environmental Services Plan for Achieving Recycling Goals in 2000 and 2005 and direct the Bureau to develop and present language mandating the separation of food waste for recycling by certain businesses as of July 1, 2001 (Resolution)

**Discussion:** Commissioner Sten said this is an important update to the City's recycling plan. Basically, it sets a date to add food waste recycling to the mandatory provisions of the recycling plan.

Anne McLoughlin, Bureau of Environmental Services (BES), said in April, 1997, Council adopted new recycling goals which included 54 percent recycling by the year 2000 and 60 percent by 2005. She explained the provisions of the new plan devised to achieve those goals. The primary focus of the plan will be on businesses as they generate 78 percent of the waste in the waste stream. There are also residential targets to see if people can be persuaded to recycle more and move down to

smaller cans. Co-mingling is expected to increase recycling levels as well although the question of exactly how co-mingling will work is yet to be decided. Commercial recycling is where the big changes have to take place as the target must move from the current 49 percent recycling to 55 percent by 2000 and 63 percent by 2005. Commercial targets include increased collection of paper, promotion of construction recycling, and the composting of food waste from large generators, which comprises about 27 percent of the commercial waste stream. Today's resolution would mandate the separation of food waste within the next three years, putting the private sector on notice that it needs to develop the facilities and collection systems for the collection of food waste. Staff also wants to look at residential food waste collection to see if it can be done along with yard debris. Right now, however, none of the yard debris processors are equipped to take that material. The highest priority, overall, is waste prevention in the first place.

Paulette Rossi, member of the Public Utilities Rate Board, supported all efforts to reduce residential food waste. People should be taught meal planning, food rotation and the use of residential composting and worm bins. Pricing must reward those who use best food management practices.

Darryl Lyons, Waste Management Inc., said his company worked as a team on a pilot project with Metro and 27 Safeway stores to collect large volumes of produce from a large generator. The produce is then compacted and transported to the regional land fill where the material is composted on a specially designed pad. He said they hope to expand the project to include other large generators of food waste to see what the impact will be.

Jeanne Roy, recycling advocate, expressed strong support for commercial food waste collection. She agrees with the City's approach to mandate separation of food waste as it will assure a supply for entrepreneurs interested in the composting business. She also urged the City to undertake a pilot project for residential food waste collection as there are many questions that need to be answered before collection is required Citywide. She said the main weakness in the City's plan concerns the commercial newspaper collection program. She said increased enforcement and brochures are not sufficient. The City needs to undertake a major media campaign to let all employees know they need to recycle at work as well as at home.

**Disposition:** Resolution No. 35729. (Y-4)

**1426** Grant a franchise to WCI Cable, Inc. for a period of ten years (Ordinance)

**Disposition:** Passed to Second Reading September 30, 1998 at 9:30 a.m.

**1427** Authorize the Bureau of Environmental Services to enter into a Memorandum of Agreement with the Automotive Services Association to seek compliance with Code Chapter 17.34 and subsequent Administrative Rules through the Best Management Practices of Automotive Repair Shops (Previous Agenda 1347)

**Disposition:** Ordinance No. 172725. (Y-4)

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**1428** Authorize the Bureau of Environmental Services to enter into a Memorandum of Agreement with the Pacific Automotive Trades Association to seek compliance with Code Chapter 17.34 and subsequent Administrative Rules through the Best Management Practices of Automotive Repair Shops (Second Reading Agenda 1348)

**Disposition:** Ordinance No. 172726. (Y-4)

At 12:45 p.m., Council recessed.

SEPTEMBER 23, 1998

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF SEPTEMBER, 1998 AT 2:00 P.M.

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

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

**1429 TIME CERTAIN: 2:00 PM** - Apply the Central Employment designation and EXd zone and Urban Commercial designation and CM zone to selected properties in the Lents Urban Renewal District (Ordinance)

**Discussion:** Colleen Acres, Planning Bureau, said this affects the heart of the Lents urban renewal area and modifies the zoning in a way that removes existing barriers to development in Lents and responds to Metro's 2040 designation of this area as a regional transit center and pedestrian district. The proposed change will affect two clusters of property. The first ranges between Reedway Avenue on the north, Woodstock on the south, SE 88th on the west and SE 92nd on the east where existing zoning is General Commercial (CG) and Urban Commercial (CM) and where Central Employment (EXd) is proposed. The second cluster includes four properties on the south side of the intersection of SE 92nd and Woodstock, where the current zoning is residential. They are proposed to be rezoned to CM which requires that 50 percent of development be in the form of housing. There is no net loss in housing from the second cluster but a potential loss on the first cluster of about 79 units. That loss could be met either with the development of 39 housing units or through rezoning to increase the residential potential on lands not currently zoned residential or which have a lower density requirement at this time. Making up this potential housing loss should not pose a problem as Rose Community Development has plans for much more housing in the area than currently exists. The Portland Planning Commission unanimously recommends approval of the changes.

David Nemo, Portland Development Commission, said the current inconsistent and split zoning on these properties has hindered development here. The community supports this as a way to facilitate the first major development in downtown Lents.

Teri Duffy, Rose Community Development Corporation, supported the zone changes as a critical tool in the realization of outer southeast community's vision for mixed-use development supported by public transportation and increased job opportunities near SE Foster and 92nd.

Louis Martinez, Lents Neighborhood Association, said the Neighborhood Association unanimously supports formation of the urban renewal district and looks forward to seeing the results.

Randy Dagel, owner of the Lents Body Shop, 8530 SE Foster Blvd., supported zone changes and noted that his property currently has three different zones, making it difficult to pull things together.

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D.W. Owens, 8834 SE Reedway, said these zone changes will keep development on track and make the highest and best use of this property.

**Disposition:** Passed to Second Reading September 30, 1998 at 2:00 p.m.

At 2:40 p.m., Council recessed.

SEPTEMBER 24, 1998

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24 DAY OF SEPTEMBER, 1998 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

**1430** **TIME CERTAIN: 2:00 PM** - Moratorium on placement of memorials in Parks (Resolution introduced by Commissioner Francesconi)

**Discussion:** Commissioner Francesconi said for some time he has felt there should be a moratorium both on the siting of memorial on parks land and on the sale of parks property. However, he thought it best to first resolve the Holocaust issue under existing law before proposing the moratoriums. Now it is time to reevaluate the mission of parks and to do that a citizens group will be created but, in the meantime, his recommendation is to not site any more memorials in the parks or sell any more parks land. This does not apply to pre-existing projects.

Commissioner Kafoury asked why it is being done this way rather than establishing a procedure with criteria for siting memorials.

Harry Auerbach, Deputy City Attorney, said the City has a policy for siting memorials in parks but the experience of the Holocaust Memorial has highlighted some of its weaknesses. That policy needs to be reevaluated and they also hope to get a better grasp of the criteria regarding the sale of park land. Approving the criteria now would set the cart before the horse because they have not yet done the work needed to come up with the product.

Commissioner Kafoury asked about the timing.

Commissioner Francesconi said the time line for both is two years. On the memorial siting policing, there is currently no provision for considering alternative sites. The other issue is saturation and how parks are used.

**Disposition:** Resolution No. 335730. (Y-5)

**1431** Moratorium on sale of Park lands (Resolution)

**Discussion:** Michael P. Roche, Southwest Neighborhood Association, said last night the Association voted to support both moratoriums. He asked that neighborhood coalitions be contacted regarding appointments to the citizens task force.

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Lewis Marcus, 7318 N. Syracuse, said he had requested an amendment to this resolution listing the specific properties to be excluded from the moratorium on sales of park lands. He has not been able to obtain such a list from Parks but described those he believes are to be excluded. He said the sale of Forest Park property has been blocked and legal remedies have not been exhausted for Johnswood or Floyd Light Parks. He said it is wrong to sell parks without a plan unless the City has already signed a legally binding agreement and he believes none of the parks he has described are at that point.

Liz Callison, 6039 SW Knightsbridge Dr., questioned the need for another hand-picked committee with a vague mission to decide on the necessity of selling parks in the future. The public is not at all vague in its expectations for parks. The parks and undeveloped green spaces are not a land bank into which the Council can dip when the City needs spare cash. She said she would like to know the intention of the original donors of each of the park lands scheduled for sale. She hopes the neighborhood coalitions can elect their own representatives to serve on the task force although such a task force is not as important as a pledge by the City and Metro Councils not to sell park land. She also hopes the moratorium on sale of parks land can become permanent.

Josephine Pope, 1852 SW Highland Road, 97219, supported both moratoriums. She described how the mission of parks has changed over time and explained that since 1965 the emphasis has been on open space. Now, she believes, a new period is beginning which will focus on how people lead their lives outside their homes and offices.

Rose Marie Opp, 11135 SE Yamhill, said for a long time the message from citizens to the Parks Bureau has been that parks are not for sale or trade. She said even when there is a plan, Council ignores it. There is a bad history of about four years of abuse of public park lands and she understands two parcels in Ed Benedict Park are to be sold because Parks needs more money. Natural, undeveloped parks have less operating costs than the intensely developed ones Council seems to favor.

Merilee Tillstrom, 3233 SE 24th, a member of Hosford Abernethy Neighborhood Association (HAND), said a year ago HAND passed a resolution asking that there be no sale or trade of parks land. Parks are a legacy, not real estate, and do not have to be full of things. HAND is incredulous that people would ask to buy parks land.

Mr. Marcus said he has just been provided with a list of the parks to be excluded from the moratorium and asked for an additional minute to testify.

Mr. Auerbach listed the parcels identified as being under consideration for sale or trade. These include: 1) two surplus lots in Benedict Park; 2) a portion of Floyd Light Park being exchanged with the David Douglas School District in order to construct the East Portland Community Center; 3) the undeveloped Johnswood site; 4) a buildable lot fronting SW Broadway Drive and; 5) a parcel initially acquired from Multnomah County with hopes of linking it to Forest Park, which cannot be accomplished. He said it is unlikely the lots in Benedict Park will be sold as the money most likely

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will have to be returned to the federal government. The Floyd Light parcel is the subject of an agreement between the City and the David Douglas School District. As to the other sites, he is unfamiliar with their current status.

Mr. Marcus said he is glad to hear that historic Kingsley Park is not to be sold. The language pertaining to Forest Park is inaccurate as he successfully went before the Planning Commission to block sale of this parcel, which is contiguous to Forest Park.

Commissioner Hales said under the Charter the Commissioner-in-Charge is responsible for all the affairs and properties of the Bureau. He questioned why the Commissioner would want to have the whole Council adopt a policy limiting his authority and asked how that would work under the Charter.

Mr. Auerbach said the Charter also provides that only Council can buy or sell City property. This resolution merely expresses Council's intent not to consider selling any parks land until a policy is adopted.

Commissioner Hales acknowledged that no individual Council member can buy or sell land so this basically says that the Parks Commissioner will not be able to bring forward any proposal to buy or sell land for the next two years.

Mr. Auerbach said because this is a resolution, it can be amended or repealed.

Commissioner Hales said if this has any meaning then, in effect, it says the Commissioner cannot bring forward a proposal to buy or sell land.

Commissioner Francesconi said because it is the Council that buys and sells land he thought this was permissible. He could, of course, do this on his own but he thought it would be better to have a public discussion about it, rather than just instituting the policy himself.

Commissioner Hales said that is what he would prefer.

Commissioner Francesconi said this resolution does not authorize the sale of the properties listed. It just says from this point forward there will be no more. This resolution has no effect on the legal or political processes that preexist on those properties. It merely sends a clear message to citizens about where the City is going.

Mr. Auerbach said in order to sell any City property, there must be a public hearing.

Commissioner Kafoury said given the intensity of the debates about such sales, this action is appropriate.

**Disposition:** Resolution No. 35731. (Y-5)

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REGULAR AGENDA

Mayor Vera Katz

- 1432 Hear appeal of George Kneszevich (#98-07) to the Police Internal Investigations Auditing Committee per City Code 3.21.085(4)(d) (Report)

**Disposition:** Referred to Commissioner of Finance and Administration.

At 2:40 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

By Cay Kershner  
Clerk of the Council