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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 4TH DAY OF SEPTEMBER, 1996 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

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

Agenda Nos. 1420, 1421, 1438 and 1440 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1417** Cash investment balances July 25 through August 21, 1996 (Report; Treasurer)

**Disposition:** Accepted.

- 1418** Accept bid of McCoy Electric Co., Inc. for Airport Way 1 and Cherry Park pump stations controller replacement and facility improvements for the Bureau of Environmental Services for \$213,791 (Purchasing Report - Bid 164)

**Disposition:** Accepted; prepare contract.

- 1419** Accept bids of Office Depot, Corporate Express and BT Office Products for furnishing office supplies (stockless) for approximately \$75,000 annually for each contract for three years (Purchasing Report - Bid 224-A)

**Disposition:** Accepted; prepare contract.

**Mayor Vera Katz**

- 1422** Confirm appointment of Domonic Boswell, Sally Landauer and Chuck Martin to the Urban Forestry Commission (Report)

**Disposition:** Confirmed.

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- 1423** Confirm reappointment of Scott Welch, Lowen Berman and Janet Kakishita to the Metropolitan Human Rights Commission (Report)
- Disposition:** Confirmed.
- 1424** Confirm appointment of Lisa McQuarrie to the Adjustment Committee (Report)
- Disposition:** Confirmed.
- 1425** Direct the City Attorney to file an amicus brief in Auer v. Robbins (Resolution)
- Disposition:** Resolution No. 35543. (Y-4)
- \*1426** Pay claim of Kenneth Dawkins (Ordinance)
- Disposition:** Ordinance No. 170504. (Y-4)
- \*1427** Pay claim of Melba Albert (Ordinance)
- Disposition:** Ordinance No. 170505. (Y-4)
- \*1428** Pay claim of the estate of Janice Aichele (Ordinance)
- Disposition:** Ordinance No. 170506. (Y-4)
- \*1429** Authorize Gas Tax Revenue Bonds (Ordinance)
- Disposition:** Ordinance No. 170507. (Y-4)
- \*1430** Contract with Griggs-Anderson Research, not to exceed \$35,650, for data collection services (Ordinance)
- Disposition:** Ordinance No. 170508. (Y-4)
- \*1431** Authorize the Purchasing Agent to negotiate a contract with Harris Work Systems to provide negative sloped keyboard trays and ergonomic keyboard support devices at an estimated amount of \$20,000 annually for three years without advertising for bids (Ordinance)
- Disposition:** Ordinance No. 170509. (Y-4)
- \*1432** Authorize a Contingent Loan Agreement with Housing Authority of Portland for Pearl Court Apartment project (Ordinance)

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**Disposition:** Ordinance No. 170510. (Y-4)

- \*1433** Authorize the City to resume paying employee contributions to the Public Employee Retirement Systems (PERS) for its nonrepresented employees and elected officials; discontinue the temporary pay schedule (Schedule B) established by Ordinance No. 168390; and specify the effect upon employees in the classifications involved effective August 22, 1996 (Ordinance; repeal Ordinance No. 170487)

**Disposition:** Ordinance No. 170511. (Y-4)

**Commissioner Charlie Hales**

- 1434** Transmit Certificate of Completion, Change Orders No. 1 and 2 and final estimate for slide debris removal project completed by Lloyd H. Kessler, Inc. (Report; Contract No. 30508)

**Disposition:** Accepted.

- \*1435** Accept a grant in the amount of \$50,000 from Bonneville Power Administration for FY 96-97 for summer 1996 Hydromania Science Camps to benefit 4th, 5th and 6th grade Portland low-income youth (Ordinance)

**Disposition:** Ordinance No. 170512. (Y-4)

- \*1436** Agreements for relocation of electrical lines at Portland International Raceway (Ordinance)

**Disposition:** Ordinance No. 170513. (Y-4)

- \*1437** Designate and assign a parcel of land as a Public Walkway Easement in connection with the N Kerby Avenue north of N Failing Street improvement project (Ordinance)

**Disposition:** Ordinance No. 170514. (Y-4)

- \*1439** Revocable permit to PSU Foundation/Kingston Saloon to close SW Morrison Street between 20th Avenue and 20th Place on September 14 and 21, October 12 and 19, November 2 and 16, 1996 (Ordinance)

**Disposition:** Ordinance No. 170515. (Y-4)

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**Commissioner Gretchen Miller Kafoury**

- \*1441 Contract with Bradley-Angle House for \$149,797 to provide assistance to victims of domestic violence and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170516. (Y-4)

- \*1442 Amend contract with Schommer & Sons, general contractors, by Change Order for North Precinct renovation (Ordinance; amend Contract No. 30708)

**Disposition:** Ordinance No. 170517. (Y-4)

- \*1443 Authorize \$125,000 loan from Facilities Services Fund to the Portland Development Commission for a pre-development loan to Gerding Investment Company for the Floyd Light apartment project (Ordinance)

**Disposition:** Ordinance No. 170518. (Y-4)

- \*1444 Contract with Technical Assistance for Community Services to provide strategic planning services to the Bureau of Buildings (Ordinance)

**Disposition:** Ordinance No. 170519. (Y-4)

- \*1445 Contract with Housing Our Families to oversee and distribute funds to mitigate soil contamination at 3971-77 N. Mississippi (Ordinance)

**Disposition:** Ordinance No. 170520. (Y-4)

**Commissioner Mike Lindberg**

- 1446 Confirm appointment of Thomas Badrick and reappointment of Darlene Brouillard, Mary Davis and Michael Mlynarczyk to the Mid-County Citizens Sewer Advisory Board (Report)

**Disposition:** Confirmed.

- 1447 Accept completion of the Willamette River basins test sump project, Unit No. 8, and authorize final payment to BL & B Contractors, Inc. (Report; Contract No. 30529)

**Disposition:** Accepted.

- \*1448 Contract with PacRim Geotechnical, Inc. to provide geotechnical design services for the South Airport sanitary trunk sewer project (Ordinance)

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**Disposition:** Ordinance No. 170521. (Y-4)

- \*1449 Contract with Kleinfelder, Inc. for professional engineering services for geotechnical design of the Tanner Creek sewer, Phase II (Ordinance)

**Disposition:** Ordinance No. 170522. (Y-4)

- \*1450 Contract with HDR Engineering, Inc. for professional engineering services for the Columbia Boulevard Wastewater Treatment Plant outfall line repair and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170523. (Y-4)

- \*1451 Agreement with Thomas/Wright, Inc. for design of the Fanno pump station and pressure line and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170524. (Y-4)

- \*1452 Issue a Purchase Order to the lowest responsible bidder to provide two VAX Alpha Servers for the Bureau of Environmental Services (Ordinance)

**Disposition:** Ordinance No. 170525. (Y-4)

- \*1453 Authorize a contract with the lowest responsible bidder for the PIR sanitary sewer system for the Bureau of Environmental Services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170526. (Y-5)

- \*1454 Authorize payment totaling \$87,676 on an informal contract to Dirt & Aggregate, Inc. for work completed under Federal Highway Administration flood recovery funding (Ordinance)

**Disposition:** Ordinance No. 170527. (Y-4)

- \*1455 Authorize contracts for completion of Federal Highway Administration funded flood damage repair work to be informally bid to a maximum value of \$80,000 until such work has been completed (Ordinance)

**Disposition:** Ordinance No. 170528. (Y-4)

- \*1456 Pay claim of Tom Fellman of F & F Properties (Ordinance)

**Disposition:** Ordinance No. 170529. (Y-4)

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- 1457** Authorize addendum to Memorandum of Understanding with the US EPA extending provisions of the EPA Green Lights agreement an additional two years (Ordinance)

**Disposition:** Passed to Second Reading September 18, 1996 at 9:30 a.m.

**City Auditor Barbara Clark**

- \*1458** Cancel sewer system development charge assessment lien on property located at 5605 SE 120th Avenue (Ordinance; amend Ordinance No. 166362)

**Disposition:** Ordinance No. 170530. (Y-4)

**REGULAR AGENDA**

- 1420** Accept report of the Contract Coordinating Committee (C3) Mapping Task Force for the core City procurement process (Report by Committee of Council)

**Discussion:** Mayor Katz said this is one more piece in refining this process.

Carleton Chayer, Purchasing Agent, thanked the Mayor for her encouragement and persistence in this task.

Sue Klobertanz, Purchasing Bureau and member of the Mapping Task Force Sub Committee, said this report presents a map of both the formal and informal processes involved in construction and professional service contracts. She said there currently appears to be some overlap in what the City Attorney and Auditor's office review and perhaps that can be eliminated. This is the first time a large City process has ever been mapped to this extent and these maps provide clear guidelines for future efforts and will be of particular importance in improving minority and women contracting efforts.

Larry Robb, Auditor's Office, expressed the Auditor's Office's support and commended Sam Adams in the Mayor's Office for his leadership.

Frank Kalinowski, Quality Through Leadership, 19363 Willamette Dr., #234, West Linn 97068, said this was an outstanding job involving many different players.

Mr. Chayer said the next step will be involving other bureaus and determining how the committee's work can be folded into the disparity study recommendations is also critical.

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Mayor Katz said eventually all bureaus will be touched by this process.

**Disposition:** Accepted. (Y-4)

**1421** Confirm appointment of Amanda Fritz to the Portland City Planning Commission (Report)

**Discussion:** Liz Callison, 6039 SW Knightsbridge, 97219, questioned Ms. Fritz' credentials. She said Ms. Fritz lacks academic and professional experience in land use issues and the neighborhoods have no confidence in her ability to make impartial decisions as she is so closely linked with one neighborhood association and with one faction of the Bureau of Environmental Services. She asked that the appointment be kept open for several months.

Commissioner Hales said he sought someone with neighborhood experience to fill this position and does not agree that the appointee needs specific academic or professional qualifications. He interviewed a number of candidates and found Ms. Fritz to be the best choice. He said the Planning Commission includes developers, as well as downtown and neighborhood representatives, and he is pushing it to be bold about taking on issues it deems important. He believes Ms. Fritz fits into this tradition and that it is important to have people who have some history in the land-use area.

Commissioner Kafoury said she believes Ms. Fritz will be like Ms. Callison, not afraid to come to Council when she disagrees with an action. She said the City is looking for people who will not be toadies to Council and are willing to put in their time.

Commissioner Lindberg said Ms. Fritz is an activist willing to tackle the big issues. She is intelligent, has integrity and a detailed knowledge of community and environmental issues.

Mayor Katz said it is okay to have someone who does not always agree with everything and she believes Ms. Fritz will do an excellent job.

**Disposition:** Confirmed. (Y-4)

**\*1438** Amend Agreement with the River District Association and provide for payment (Ordinance; amend Agreement No. 29768)

**Discussion:** Vicki Diede, Office of Transportation, said this extends the agreement for one year and increases the amount by \$115,000 each for the City and the private sector. The City's share is split between the Portland Development Commission, the Office of Transportation and the Bureau of

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Environmental Services (BES). Its purpose is to support the creation of the infrastructure needed to achieve the desired density levels.

John Southgate, Portland Development Commission, said this fulfills various City goals and policies.

Mayor Katz said when this extension ends, the parties should not automatically propose another extension.

**Disposition:** Ordinance No. 170531. (Y-4)

**\*1440** Contract with Housing Development Center for \$23,529 to operate a support program for Minority Business, Women Business and community-based Emerging Small Business contractors and provide for payment (Ordinance)

**Discussion:** Berna Plummer, 13740 NE Fremont Court, asked how the City decided to award this contract to the Housing Development Center.

Commissioner Kafoury said the Housing Development Center is a non-profit organization that provides technical assistance and expertise to other non-profit housing groups. A decision was made to expand the scope of their work to help minority, women and emerging small business contractors. She said this is seen as a small but exciting step in putting the disparity study into action.

Ms. Plummer asked how much money is coming from the General Fund, as indicated in the ordinance. She said this should be postponed since it is not clear how much money comes from federal grants and how much from the general fund.

Mayor Katz said all the dollar amounts were approved as part of the budget.

Commissioner Hales said policy decisions on such matters are made during the budget hearings. He said the mix of federal and general fund dollars is not that important if the amount is approved in the budget.

Commissioner Kafoury said she has a great deal of confidence in this outstanding company.

**NOTE:** Later in the meeting, staff reported that the contract cost would be covered by federal grants and that no General Fund dollars would be used.

**Disposition:** Ordinance No. 170532. (Y-4)



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1414 **TIME CERTAIN: 9:30 AM** - Accept report and recommendation for the SE Market Street, Phase 1, Traffic Calming Project (Report introduced by Commissioner Hales)

**Discussion:** Donna Green, Office of Transportation, described the project which consists of four speed bumps and one slow point in front of Portland Christian School. She noted that the public involvement process included nine public meetings in the neighborhood. She said 22-foot speed bumps were chosen because Market is a fire response street and Tri-Met route. The Fire Bureau objected to the the final phases of the project, due to the use of speed bumps. Transportation staff, however, felt the City should proceed with the project, given certain restrictions. The portion of Market Street before Council today, Phase 1, has been approved by 67 percent of the residents who voted and is supported by the Mill Park Neighborhood Association. The Fire Bureau has also approved it, due to the fact that they have an alternate route they can use to avoid the speed bumps.

Joe Wallace, Fire Bureau, said the Bureau supports Phase 1 and will test a new design for speed bumps on the additional segment of Market Street. He said they are able to approve the project now based on use of a split speed bump which only goes to the center of the street, allowing fire trucks to turn.

Commissioner Kafoury asked what will keep cars from doing this, too.

Kathy Mulder, Traffic Calming Engineer, said the Fire Bureau and Tri-Met will be able to get over the speed bumps without much trouble. Automobile drivers will be deterred by about 50 feet of curb strips past the speed bumps. However, staff will test to make sure this is not a dangerous device.

Bill Phillips, Mill Park Baptist Church at 117th and Market Street, said the project is badly needed but not enough is being done at the school to slow traffic. He said speed bumps are still needed there and disagrees with the Fire Bureau. Just putting a divider in the middle of the street is not enough. He said most students are driven to school in private vehicles and few, if any, walk. When the divider is installed parking will be eliminated on both sides of the street and he fears that the streets will be blocked by cars dropping off students and by mail trucks.

Commissioner Hales noted the City's dilemma regarding speed bumps versus emergency response. He asked if lots of people are ignoring the stop sign at 117th and Market.

Mr. Phillips said yes, they blow the stop sign frequently. He said perhaps a traffic light should be considered.

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Commissioner Hales asked staff if any improvements are being considered at this intersection. How do they feel about kids going through this intersection to get to Mill Park School?

Mayor Katz suggested calling the traffic police to see if they can enforce the stop sign.

Mr. Phillips said this is a dangerous area and just putting in a divider with no parking will produce some blindspots.

Earl Kidd, 10214 SE Market, said the police are doing their best to catch traffic violators but the street is becoming an arterial and he often finds it impossible to get out of his driveway. He supported the project as a much-needed effort, especially as more young families move into the area.

Commissioner Hales said he appreciates the Bureau's innovation in trying to find something that works. He said this project is a step in the right direction and balances the competing interests of traffic calming and the Fire Bureau.

Commissioner Lindberg suggested that neighbors concerned about traffic contact the precinct commander as new money has been budgeted this year for traffic enforcement.

**Disposition:** Accepted. (Y-4)

**1415 TIME CERTAIN: 10:00 AM** - Pledge City support for the restoration and preservation of the historic Hollywood Theater by the Oregon Film and Video Foundation (Resolution introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg said support for the preservation of the Hollywood Theatre will revitalize the Hollywood business district, save a 1500-seat theatre and support the film and video industry. He said the City has been assured of 100 percent protection on this loan.

Rick Metsger, Oregon Film and Video Foundation, said the Hollywood Theater has come to be an icon for the whole City. The Foundation plans to implement a fundraising plan immediately and needs to show potential donors that the City supports preservation.

Other individuals urging support for the theater's preservation included:

Brad Perkins, President, Hollywood Boosters

Paul Clark, 4122 NE Broadway

David Woolson, Executive Director, Oregon Film and Video Office

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Patrick Donaldson, a member of the Chiefs Forum and businessman with offices in the Hollywood District  
Berna Plummer, 13720 NE Fremont Court

Mayor Katz noted that the City is guaranteed repayment of the loan by December 31, 1996.

Commissioner Lindberg said an ordinance is needed to authorize the loan. This resolution indicates the City's intent to make the loan, allowing the Film and Video Foundation to indicate its intent to purchase the property by the September 10, 1996 deadline. He said this was looked at as an economic development and historic preservation project, not as an arts project.

Commissioner Kafoury said she is still troubled that the Portland Development Commission (PDC) is not more involved in such efforts as the film and video industry was selected by Council as a key, targeted industry. She said a better process for making such loans is needed as the current method of getting a Commissioner to make a special plea to Council is not good policy.

Commissioner Lindberg agreed about the need to discuss PDC's role in such efforts but said sporadic cases will always arise. He said PDC staff did assist but the Hollywood District was not identified as a target neighborhood. He said this is unique, not just another non-profit.

Mayor Katz said it may be best to revisit the target industries at the quarterly meetings with PDC.

Ruth Roth, Office of Finance and Administration, said their first recommendation was to process this through the Regional Arts and Culture Council, as had been done with the Portland Opera loan. The alternative was to take the money from Contingency.

Mayor Katz said Ms. Roth and Commissioner Lindberg should figure out the best way to go.

Commissioner Kafoury asked why they did not go through RACC.

Commissioner Lindberg said because they did not think of this as primarily an arts project.

Commissioner Hales thanked Commissioner Lindberg for his "just in time" leadership as the City would very much regret losing this historic building. He said because of its importance to the integrity of the district it does not matter whether it is an arts or economic development project.

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Commissioner Kafoury said it is a wonderful project but she would still like to have a process for dealing with this kind of situation.

**Disposition:** Resolution No. 35544. (Y-4)

**\*1416 TIME CERTAIN: 10:30 AM** - Authorize a contract and provide for payment for the Brookside Wetland and Stream Enhancement project (Ordinance introduced by Commissioner Lindberg; return Agenda No. 1300)

**Discussion:** Ivy Frances, Bureau of Environmental Services, showed slides and described the project.

Dawn Jana, landscape architect, Parks Bureau, said this was a multi-objective project, with a high degree of community involvement and encompassing flood storage, recreational activities and natural resource protection. She said the Brookside project marks an approach that is new both for the City and the nation. There are still some unknowns however, and the City needs to be sensitive to the added responsibilities.

Holly Michael, Department of Fish and Wildlife, said they fully support both the design of this project and the community support component.

Linda Bauer, no address stated, said she is encouraged to see that the City is taking steps to implement the Johnson Creek Basin Protection Plan.

David Francisco, 11727 SE Brookside Dr., property owner on the eastern boundary, said the success of this project could help solve a number of problems in Outer Southeast where there is currently a lack of understanding about City services. He said if this can be replicated elsewhere in Southeast it will change people's attitudes about being part of Portland. He noted that this adds green spaces in an area that has the least amount of park spaces of anywhere in the City. He expressed concern about the need to preserve green spaces to mitigate the impact on the airshed of extremely high-density development.

Rod Hensen, President, Brookside Stewardship Committee, said this project will provide flood control, wetland restoration, a wildlife refuge, a working environmental lab for three nearby schools and water quality enhancement. He said committee members went door to door in the neighborhood and gained the support of nearly all residents.

Cheryl Anchetta, no address stated, said she represents over 100 Brookside residents who support this project and who believe it should be implemented now.

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Commissioner Hales said he is impressed by this project's technical quality, the level of collaboration with the neighborhood and the clarity of today's testimony.

Commissioner Lindberg said the Bureau may need to communicate what the Bureau is providing to more people in the area.

Mayor Katz said she likes the low-tech solutions used here.

**Disposition:** Ordinance No. 170533. (Y-4)

- 1459** Encourage active participation in any planning process that affects the future of Portland State University in order to ensure an increased ability for PSU to serve the region (Resolution introduced by Mayor Katz and Commissioners Hales, Kafoury and Lindberg)

**Discussion:** Mayor Katz said she does not support getting involved in jurisdictional disputes.

**Disposition:** Resolution No. 35545. (Y-4)

- \*1460** Vacate a certain portion of right-of-way at the northwest corner of NW 9th Avenue and NW Johnson Street, under certain conditions (Ordinance by Order of Council; C-9915)

**Disposition:** Ordinance No. 170534. (Y-4)

**Commissioner Charlie Hales**

- 1461** Consider vacating a portion of right-of-way forming a triangle at the northwest corner of the intersection of NW 9th Avenue and NW Johnson Street, at the request of Hoyt Street Properties, LLC (Hearing; Report; C-9915)

**Disposition:** Approved; City Engineer prepare ordinance.

**Commissioner Gretchen Miller Kafoury**

- \*1462** Contract with Speed's Automotive, Inc. for dispatching of towing services (Ordinance)

**Discussion:** Marian Gaylord, Towing Coordinator, described the selection process and upgraded application that was used for this contract. She said the Tow Board decided to evaluate the applications, partially based on reports from her and from Debbie Hogan of the Police Records department.

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The application itself required a detailed description of the tow desk as the Bureau had to ensure that the winning contractor could be instantly up to speed, especially with regard to emergency procedures. Both she and Ms. Hogan felt that, of the three applicants, only Speed's demonstrated full preparedness and the Board unanimously recommended that it receive the contract.

Steve Preston, Sergeant's Towing, said the Board cast its vote based on limited and, in some cases, incorrect information, adding that the majority of the Tow Board members had not seen the report. He said Ms. Hogan's statement that Sergeant's had the largest number of uncompleted items in its bid was incorrect and influenced the Board's decision to award the contract to Speed's. He noted that Sergeant's bid was much lower, at \$4.95 per call, while Speed's bid was \$7.00 per call. He said no testimony was allowed by the Tow Board Chair who said if they opened the meeting up for testimony they would be there for days. Mr. Preston said, as a member of the Tow Board for seven years, he had never heard that before. He asked Council to overturn the Tow Board decision and either award the bid to Sergeant's, the qualified low bidder, or return this to the Tow Board.

Mayor Katz asked him what questions were not answered at the Tow Board meeting.

Rick Johnson, dispatch manager, Sergeant's, said he is a former Bureau of Emergency Communications employee and also previously worked on the tow board at Speed's. He does not understand the Bureau's concerns as the information was there for the asking.

Mayor Katz said using words in the reports like "inadequate" is inadequate. Exactly what was missing from the application should have been clearly spelled out.

Ms. Gaylord said the application noted the need for a detailed description of the start-up, training, emergency and other plans. The Bureau was looking for very specific information and Sergeant's provided only 1-1/2 pages with a paragraph in each area.

Mayor Katz noted that Speed's was the highest bidder. She asked if Ms. Gaylord called Sergeant's to ask for more details.

Ms. Gaylord said she does not believe that would have been appropriate, based on the Purchasing Agent's instructions.

Mayor Katz asked if Sergeant's could do the job.

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Ms. Gaylord said she was not sure. She visited the site but did not see them operate the dispatch. She had concerns about staffing as Sergeant's said it would have seven people and a manager while she believes 8.4 people would be needed. She said both she and Ms. Hogan reviewed the applications and wrote their reports independently of each other.

Commissioner Lindberg asked why no testimony was taken at the Tow Board meeting.

Dennis Nelson, License Bureau Manager, said they believed allowing additional information to be presented at the meeting would be inappropriate, again based on the Bureau of Purchasing's guidelines. He said the License Bureau is trying to bring these contracts more in line with standardized City contracting procedures. This is the first time the Bureau has used a formal bid process and it set higher qualifications because of the emergency dispatch work. He said the Board was charged with making an award based both on the applicants' qualifications and the cost. The Board felt there was only one qualified bidder based on the information in the bid. He said concern was expressed about the lack of adequate information and about taking a risk when emergency situations are involved. He said it was not an easy choice to go with the highest bidder.

Mayor Katz asked for Ms. Gaylord's and Ms. Hogan's full reports.

Commissioner Hales said this is the third time Tow Board issues have ended up in messy situations before Council. He understands the need to increase the professionalism of the contracts but in making that transition the Bureau should be sure that everyone knows the rules.

Mr. Nelson said Ms. Gaylord held informational workshops on the towing contracts, though not on the dispatch. However, the bid package was very detailed in explaining what was required. He said he does not know what else can be done when an unsuccessful bidder does not provide the needed information. He said they cannot sit around and speculate if information is not in the bid document.

Mr. Johnson said he is very familiar with how to operate a Tow Desk.

Mike Porter, Tow Desk Manager, Speed's Towing, said it was very clear in the bid application what the City wanted. He said their bid of \$7.00 per call was based on the City's desire to have some costly new equipment. He said they are not making huge bucks on this contract and that allowing Sergeant's to change its application and add more information after the deadline is like allowing someone to come up after an exam and say he knew the answer even though he did not write it down.

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Commissioner Kafoury reminded Council that this is a dispatch function and the Bureau is trying to follow the City's bidding process.

Commissioner Hales said he is satisfied that a reasonable amount of information about the requirements was given to people ahead of time. He also believes that the evaluation of the bids was appropriate.

Commissioner Kafoury said it is critical for companies to meet the qualifications. This bid did not ask whether an applicant can at some future time do the job. If Council wants to build capacity in dispatch services, that is another issue.

Commissioner Lindberg said he likes the idea of more informal prebid work with potential bidders but the City cannot change the rules now.

Mayor Katz said she is very disappointed in Ms. Gaylord's and Ms. Hogan's reports as they did not spell out exactly what was missing. Words like "inadequate" are vague and inadequate. She said the City needs to begin building capacity for all towing businesses or it will narrow down the field as the professional standards are raised.

**Disposition:** Ordinance No. 170535. (Y-4)

At 12:37 p.m., Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF SEPTEMBER, 1996 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

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

Council voted to suspend the rules to hear Item 1463-1. Cay Kershner, Clerk of the Council, said a public notice had been mailed to interested parties.

**1463 TIME CERTAIN: 2:00 PM** - Appeal of Reed College, applicant, against Hearings Officer's decision of conditional approval of an amendment to a conditional use master plan to construct residence halls at 3203 SE Woodstock Boulevard (Hearing; 96-00205 CU AD)

**Discussion:** Marguerite Feuersanger, Planning Bureau, said the issues involved in this appeal have been resolved. She described the master plan update for Reed College and said the applicant had appealed three requirements: 1) right-of-way dedication on SE 38th Avenue and Knight Street and waivers of remonstrance for street and storm sewers; 2) sidewalks along SE Woodstock and SE 28th; and 3) a pedestrian plaza along the northeast portion of the campus. After the Hearings Officer's decision, Transportation and Planning staff met with college representatives and now offer three revised conditions. They recommend that the right-of-way dedication requirement (Condition B) be amended to require additional dedication on SE 38th and Knight only when street improvements are required. Street and storm sewer waivers are to be required for SE 38th and Knight Street only, not campus-wide. They also recommend revising Condition C to give more flexibility in the right-of-way in order to preserve existing trees and avoid expensive land work. Finally, regarding Condition D, staff agreed that another location, on SE Woodstock, would better serve users for the pedestrian plaza than SE Steele. Staff recommends adoption of this revised language for Conditions B, C and D and that Council acknowledge an attached letter of understanding outlining the assumptions which led to this agreement.

Ms. Feuersanger noted the approval criteria for the record. She added that one assumption made by Reed is that the street profile along SE 28th will be 32 feet curb-to-curb based on current conditions, including the proposed residence halls. If staff determines that SE 28th should be built out to exceed 32-square feet, Reed assumes that it will not be responsible for any

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additional cost nor required to dedicate additional land.

Steven Abel, attorney representing Reed College, thanked staff for being receptive to Reed's ideas. Regarding the street, he emphasized that anything in excess of 32-square feet would not be the College's responsibility, either in terms of cost or additional dedications. The letter also stresses the need for the College and City staff to cooperate to solve sidewalk alignment issues in a way that responds to the terrain, existing landscaping and roadway configuration.

Tom Brown, Land-Use Chair, Eastmoreland Neighborhood Association, asked whether the conditions apply to property the College owns farther north on SE 28th, towards Steele. He asked if the conditions negotiated apply to that property. If not, they should, as sidewalks are missing there.

Ernie Yuzon, Bureau of Transportation Engineering and Development, said the City would have an opportunity in the future to require street improvements on that property when the College sought building permits there. There are no conditions there at this time.

Commissioner Hales asked if that is because those properties are not subject to the conditional use master plan.

Ms. Feursanger said that property is included as part of the Reed College campus.

Mr. Yuzon said this may be something staff overlooked. However, the City is still not precluded from asking for the improvements when the master plan comes up.

Mr. Brown said that property is shown as part of the master plan and is a small and important linkage to the sidewalk system.

Mr. Abel said the College intends to have the condition apply to that edge of the campus along 28th all the way to Steele Street. They agree with Mr. Brown.

Mr. Yuzon said technically Transportation did cover it.

Commissioner Hales moved to uphold the Hearings Officer's decision, deny the appeal and adopt the changes to the conditions contained in Marguerite Feuersanger's September 3, 1996 memorandum and further acknowledge the understanding contained in the Stoel Rives letter of September 3, 1996. Commissioner Lindberg seconded.

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**Disposition:** Appeal denied; Hearings Officer's decision upheld as amended. (Y-4)

### SUSPENSION OF THE RULES

**\*1463-1** Amend Ordinance No. 158765 which granted a Comprehensive Plan Map Amendment and Zone Change at SE Powell Boulevard and 90th Place, from cHR-1 (Residential) to C2 and C2B (Commercial), to amend Condition 1 and add conditions (Ordinance; LUR 96-00391 CP ZC)

**Discussion:** Marguerite Feuersanger, Planning Bureau staff, said the applicant seeks an amendment of Ordinance 158765 in order to waive Condition C-1 which called for a buffer zone along the northern 20 feet of the site, construction of a sound wall 20 feet south of the north property line, and landscaping of the buffer zone area between the sound wall and the north property line. When the Ordinance was passed in 1986, the proposed use was for a fast food restaurant so the sound wall was never built. Applicant now proposes to build a motel along the northern portion of the property and believes a sound wall is no longer needed.

Ms. Feuersanger said staff found the site conditions for requiring a sound wall had not changed but found no justification for placing it 20 feet back from the property line. The Hearings Officer's decision required that the wall be placed within 10 feet of the north property line. One resident has testified that he wants the sound wall placed further back to allow for solar access. However, maintenance of solar access is not required for existing multi-family development and there is a buffer of mature trees between the development and applicant's property which will block solar access for most of the year. Staff recommends that an eight-foot masonry sound wall be required but that it be placed anywhere within 10-feet of the north property line and that the area south of the wall be landscaped.

Commissioner Hales asked why, from a policy standpoint, a sound wall is needed at all.

Ms. Feuersanger said staff believes conditions requiring a sound wall have not changed. Staff believes it will mitigate the noise from Powell Boulevard for the residential properties and protect the existing residential development north of the commercial zoning. There is a buffer zone which does not necessarily require the 20-foot setback.

Spencer Vail, representing Bitar & Associates, said the sound wall requirement was added when the applicant proposed to put in a drive-through fast food restaurant. That was never built and the motel now proposed will not have the same impact. The Hearings Officer agreed that

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the wall could be moved back to the property line on the north but took exception to applicant's belief that it was not needed at all. He described the site plan and said the only thing to the rear of the property will be yard space. The area was included in the Outer Southeast Community Plan and at no time did the City consider a policy to protect residential areas with sound walls. He said imposing one here is not consistent with these other plans. The Hearings Officer, however, figured it was City policy because it was adopted at a Council hearing on the appeal of the fast food restaurant and did not recommend a change, although she did allow a shift. He said they do not mind putting a wall in but requiring an eight-foot tall masonry wall is overkill. He asked Council to modify the Hearings Officer's decision on the masonry wall and allow them to build some other combination of fence and landscaping.

Commissioner Hales asked staff if the options are to build a sound wall 20 feet from the property line, move it right up to the property line or decide it is unnecessary. He asked if a landscaping standard automatically kicks in when commercial is next to residential.

Mr. Vail said they volunteered at the hearing to put in the landscaping that would normally be called for in a buffer zone in the most restrictive instance and not argue, as they could, that only rear yards need it.

Ms. Feuersanger said for property that abuts residential land, the requirement calls for five feet of landscaping, which is basically a high hedge with trees every 20 to 30 feet.

Doug Brenner, 3306 SE 90th Place, said the Hearings Officer's recommendation was for a sound wall eight-feet tall and 10 feet back from, rather than at, the property line.

Commissioner Hales said the recommendation states "within 10-feet".

Mr. Brenner said not all the trees and shrubbery Mr. Vail talks about are on his property. Some are on the applicant's.

Mayor Katz asked if he wanted the sound wall.

Mr. Brenner said yes, preferably 20 feet back from the property line.

Commissioner Hales asked him if he really wanted an eight-foot masonry wall right on his property line. That is what will happen if this condition is approved.

Mr. Brenner said that is why he is opposing it. The original ordinance

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required 20 feet back. He said the criteria is that any amendments should be equally or more supportive of the Comprehensive Plan. He said the buffer zones on adjacent properties to the west and east are 20 feet or more so it is not outrageous to ask for 20 feet on a property that is 235 feet deep. He said under Goal 3.6 policy, a minimum of 11 feet and maximum 14 feet for the building setback is required, yet the plans show an eight-foot setback. The Hearings Officer states in her report that the buffer zone on 90th will remain in place to restrict access to the site. However, the plan indicates access to SE 90th Place. The existing retail site is also owned by Frank Bitar and that does not show on the zoning plat. After Ordinance No. 158675 was passed, applicant tried to gain access through a variance, which was denied. Yet the plan shows this access, clearly an end run violating the intent of the ordinance, which should be denied. According to the plan, they are also closing off a second existing access to Powell on the southeast corner. Ten new homes going in on 90th will add to the traffic problems, making it impossible to turn left onto Powell. He asked that the buffer zone and the wall be extended along 90th Place. Mr. Brenner requested that applicant meet the City's solar access requirements. He also recommended amending the original ordinance to deny any access to 90th Place from this property or through other properties.

Commissioner Hales said he is somewhat confused, based on the previous record.

Ms. Feuersanger said this proposal does not include approval of a site plan, which will occur later. She said it appears that the entry on 90th Place is outside the buffer zone, which extends just to the parking area and would therefore be allowed.

In rebuttal, Mr. Vail noted a clarification from the Hearings Officer as to where the wall would be located. He agreed that the entry on 90th Place is outside the buffer zone and said the applicant is not seeking any adjustments to that. He said the main function of buffer zones is to prohibit vehicular access through them. This triggers a certain amount of landscaping but does not prohibit buildings within the buffer zone area. They request being allowed to put in a wooden or other type fence rather than an eight-foot tall masonry wall.

Commissioner Hales said he did not notice any buffer zoning in place along Powell when the City did the Outer Southeast Plan. He said where there is an interface between commercial and residential there ought to be some landscaping and fencing requirements to ensure there is not too much friction between uses. However, an eight-foot tall masonry wall seems excessive here, even though the buffer zone should still be honored with some sort of combination of fencing and landscaping. Putting a wall a long way --

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20 feet -- from the property line is unreasonable. He asked Ms. Feuersanger to craft a condition that exceeds the normal landscape requirement for commercial next to residential, possibly a six-foot fence plus L-1 landscaping standards.

Commissioner Lindberg asked if a wooden fence and vegetation would provide adequate sound buffering to meet the goals.

Commissioner Hales pointed out that the motel building is what will provide the sound buffer between Powell and Mr. Brenner's property. Landscaping and fencing should protect from noises generated by the motel.

After Council discussion, Commissioner Hales moved to amend Ordinance No. 158675 to require at least a six-foot tall fence and at least an L3 landscaping standard along the northern boundary. This is a tentative decision and findings will be needed. Commissioner Kafoury seconded.

Ms. Feuersanger asked if the condition should prescribe the depth of the landscaping.

Commissioner Hales said his intent is to have this be a richer landscaping standard than normally required. The fence should be at the property line.

**Disposition:** Tentatively approved as amended; prepare findings for September 25, 1996 at 2:00 p.m. (Y-4)

At 3 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF SEPTEMBER, 1996 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Senior Deputy City Attorney; and Officer Jim Stegemeyer, Sergeant at Arms.

**\*1464 TIME CERTAIN: 2:00 PM** - Amend the Comprehensive Plan Map and change the zone of property between N. Columbia Boulevard and Bank Street, Barr Street and Oswego Avenue from OS (Open Space) and R5 (Residential) to R2 (Residential) (Ordinance; LUR 96-00234 CP ZC SU)

**Discussion:** Linda Meng, Senior Deputy City Attorney, outlined the procedures to be followed.

In stating possible conflicts of interest, Commissioner Kafoury said a member of her staff, Eric Sten, serves on the HOST Board and she has worked with HOST on a number of projects and had a vague briefing about this months ago when planning was in the formative stages. However, she has not been contacted about this specific proposal.

Mayor Katz and Commissioner Hales described visits to the site.

Duncan Brown, Planning Bureau, said that because persons who testified before the Hearings Officer had not been notified of this hearing, today's hearing would be continued to September 19, 1996 to allow them to testify before Council.

Commissioner Hales noted that Council would not make its tentative decision until after all the testimony had been heard on the 19th. Since this is an emergency ordinance, findings would not be adopted until September 26, when Commissioner Lindberg is present.

Mr. Brown described the proposal for a Comprehensive Plan amendment zone change from Open Space and R5, single family residential, to R2, multi-dwelling, for a subdivision on approximately 13 acres into 104 lots. Eight of the 13 acres is owned by the City, while the remainder is owned by the Portland School District which has declared it surplus property. He said R2 zoning requires a minimum 4,000-square-foot-lot size for single dwellings. Detached residences are planned for 103 of the lots, although multiplexes

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and duplexes are allowed in the R2 zone. Lot 104 will not be built on as part of this proposal, but will be reserved for future development. He said under the proposal the detached lots will range in size from 4,000 to 8,989 square feet. The development is planned in three phases, with development of 69 lots in the first phase, the remaining residential lots in the second phase and Lot 104 in the final phase. Lot 104 will remain in an acreage tract into the foreseeable future, in part because of the infrastructure costs involved with this development. The internal street system will ultimately connect to N. Ziegler, N. Charleston Avenues and Columbia Boulevard.

Mr. Brown said three lots do not meet the R2 zone standard because they do not meet the minimum lot depth requirements and will require adjustments. A variance is required to eliminate the turnaround on a cul-de-sac. He noted the approval criteria that must be met. Planning Bureau staff recommended approval and the Hearings Officer approved the Comprehensive Plan Amendment and zone change with conditions and also approved the subdivision, with additional conditions. The major change between the staff and Hearings Officer's recommendations was that she added a condition that development be limited to single family residences on lots of at least 4,000 square feet in size, based on service availability. He showed slides to illustrate the physical characteristics of the site.

Commissioner Hales noted that the application does not state how Lot 104 is going to be developed. He said it looks as if a dedication would be required on a portion of the property in order to build a street as Bank Street appears to be too narrow.

Mr. Brown said it would be required either from the applicant's site or from sites to the south if they develop.

Mayor Katz asked if there were any conditions on Lot 104 regarding configuration of the housing.

Mr. Brown said there are currently no plans for its development and no conditions listed in the Hearings Officer's decision dealing with that, other than requiring that they be single-family dwellings.

Mayor Katz noted some concern about multi-family use and wanted to clarify that, even on that lot, such development will not occur.

Mr. Brown reviewed the purpose of the current Open Space and R5 zoning designations. He noted that the Parks Bureau originally intended to develop the land as a neighborhood park but, with Pier Park nearby, concluded that this portion of the site is no longer needed for park purposes. He said the



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Portland Public School District owns the R5 zoned land and originally planned to build a school here. It has now concluded a school is no longer needed and considers this surplus property.

Mayor Katz said she would like to know whether the School District site has yet been declared surplus and what assessed value has been placed on it.

Mr. Brown said the Hearings Officer details compliance with the criteria needed for approval of a Comprehensive Plan amendment. The first criteria is to find that the requested designation is, on balance, equally or more supportive of the Comprehensive Plan as a whole than the current zoning designation. The Hearings Officer's approval was based particularly on the proposal's advancement of the following policies: 2.1, population growth; 2.2, urban diversity; 2.9, residential neighborhoods; 2.12, transit corridors and 2.18, utilization of vacant space. She found, however, that the current designation better supports Policy 2.6, Open Space, on the portion of the property zoned as Open Space, than the proposed change does. Regarding Goal 3, Neighborhoods, he said preservation of the status quo of the site does not necessarily mean preservation of neighborhood stability. The proposal will increase density while providing home ownership for a wider range of people close to an industrial area, attracting long-term residents and enhancing the City's economic vitality. Regarding Goal 6, Transportation, North Columbia Boulevard, which is immediately adjacent to the site, is designated a major City traffic and transit, bicycle and pedestrian street.

In summary, Mr. Brown said the Hearings Officer found the proposed change to be more supportive overall of the Comprehensive Plan than the current zoning and concluded that services are available to serve the proposed subdivision. He noted that the subdivision is designed for integration into the neighborhood and provides through-streets in a way that encourages local access but discourages through traffic. He described the three development phases and the street improvements that will be involved. He noted that the final phase will allow the development of property along N. Ziegler that cannot be developed now because of lack of street and sewer access. He noted that with or without this approval, the School District's property could be developed at R5 density and a maximum of about 50 homes placed on the site. If this is not approved, the Open Space land would remain undeveloped for the foreseeable future as no Parks money is budgeted for this purpose. There would be no connectivity and it might prove too expensive to extend services to the School District site because it would have to be done through the Open Space. However, with approval, there would be development on both sites, allowing for at least 103 houses and development of the acreage tract and the lots on Ziegler. What is not an option at this time is a school and a park.

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Tim Ramis, attorney for the applicant (HOST), said the neighborhood has raised a number of broader policy questions for Council's consideration. These include whether staff misunderstood Council's intention with respect to Metro 2040 housing targets, whether HOST overvalued the importance of single family home ownership here, and whether the Parks Bureau failed to exercise good stewardship over public properties. However, his purpose is to address some of the more specific concerns raised by the St. Johns Neighborhood Association (SJNA). He said the neighborhood is wrong in inferring that this is some kind of "bait and switch" proposal where the applicant proposes single-family housing but later comes back with multi-family housing. He said multi-family housing is specifically prohibited on the site and a restriction will be placed on the plat requiring only single-family development. The record also shows that HOST has a long history of over two years of dealing with the SJNA, which had previously indicated support for the project. He said since then there has been a change in the Association's leadership but HOST cannot be faulted for that. He said the record is clear that this project does not take away land critical for parks and schools. The Parks Bureau clearly states that this land is not slated for development and the School District land has been declared surplus and appraised and a deal has been struck for the sale. He said the assertion that conversion of this land to single-family housing will decrease neighborhood livability and increase crime is also incorrect. This site has been the scene of numerous crime violations and putting family homes here will decrease the opportunity of crime here. He said HOST builds homes that include architectural details that match the character of the community in which they are built.

Ted Gilbert, President, HOST, said in 1994 they began working on the design with the SJNA Land-Use Committee. Subsequently SJNA representatives voted to endorse the project, and committed to it in writing. HOST has since spent \$50,000 in engineering and City fees and now, two years later, has been advised that there has been a change in the neighborhood association leadership and they have changed their minds. He questioned the message this sends to the real estate community, at a time when the City is encouraging more housing, if decisions can be so easily reversed because of a turnover or political turmoil in a neighborhood association. A second question is whether the City should sell surplus land when Metro is buying land for open spaces. He said the decision should be based on the merits of each individual case and the question is whether it is more desirable to leave this property as is or return it to the tax rolls and meet a community need for affordable home ownership, while preserving as many as the mature trees as possible. He also noted that the proceeds from the sale will be reinvested in existing park resources in the area. He said that seems to him to be good public policy and illustrates good stewardship of

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public resources. He noted support for this project from Mike Burton, Executive Director of Metro, as a means of adhering to the growth concepts and improving the neighborhood. He said as the goals of the 2040 plan are implemented, Council will be faced with such choices again and again. Many people will be against having more homes and more cars and losing trees but if, after a lengthy land-use process and due consideration, Council hesitates when it encounters some resistance, the 2040 Plan goals will be a fantasy. He asked Council to approve the project.

Susan Hathaway-Marxer, Property Manager, Bureau of Parks and Recreation, said the Bureau supports the Hearings Officer's decision in this case. She said North Portland is an area with abundant park and recreation resources, including Pier, Chimney, St. Johns and Cathedral Parks. The Bureau is very sensitive to proposals for the sale of surplus land, particularly for non-park use, and denies most such requests. However, in this case, the funding for this site has been related to its status as unimproved park land and its potential development was always hooked to the building of a school at the site. She said the Bureau does not consider this site to be a park and has never encouraged its use as a park. There is no identifying park signage, recreational programs or amenities. She said this is not a park, merely land assigned to the Parks Bureau. Two years ago, the Bureau was notified that the School District had declared its site surplus and for sale. She said the original agreement between the District and the Parks Bureau in 1963 called for development of the park as a playground in conjunction with the school and stated that the City's obligation to maintain its property for park and playground use would terminate if the School District abandoned or sold the site. The School District's decision triggered an evaluation and a determination by the Parks Bureau, based on the abundant existing park resources and the addition of at least 50 new recreational acres in North Portland, that this site was a candidate for another use.

Ms. Hathaway-Marxer said Parks was informed by the Bureau of Housing and Community Development that the School District was negotiating with HOST for the sale of its property. HOST told them that the neighborhood had approved the housing development proposal so Parks said it would support the change in zoning but would expect reasonable compensation and establishment of a community garden. She said if the sale is approved, the Bureau will obtain an independent appraisal of the property's value and will recommend that proceeds from the sale be used for improvements to existing parks in North Portland. She said the Bureau simply cannot develop every portion of green space in the City into a park.

In response to a question from Mayor Katz, she said the School District has had its land appraised and a purchase agreement has been negotiated.

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Mayor Katz asked for information about the appraisal and the terms of the agreement.

Ms. Hathaway-Marxer said if the land use approvals are obtained, the Bureau will get an independent appraisal and then file an ordinance declaring the property surplus. It will then either ask Council to approve a sales agreement or request authority to negotiate a sale within certain perimeters.

Mayor Katz said there is no legal requirement to go out to bid but the public has a right to know the appraised value and the terms of the agreement.

Ms. Hathaway-Marxer said they expect the land to be sold to one of the Portland Development Commission's housing programs rather than to HOST itself. She said the School District must sell surplus property to a public agency.

Mayor Katz said she wants to think about that.

Mike Duffy, 3821 NE 71st, 97213, supported the project as it will allow development on lots he owns on Zeigler, which are currently useless because they lack sewer connections.

Leora Mahoney, 9571 N. Tioga, 97203, said there are still people in St. Johns who support this project because they want to encourage home ownership, not multi-family low-income housing. She said HOST is keeping its promise to the neighborhood association and agreed to sign an agreement that they would not go below 4,000 square-foot lots and not access from Charleston onto Columbia Boulevard.

Mayor Katz asked if the changing of the guard at the neighborhood association occurred because of this issue or others.

Mr. Mahoney said the upheaval was triggered by the Parks Bureau's proposed tree cutting and renovation of Pier Park. She said the requirements placed on the HOST home buyers, including not to sell the houses for five years and to put in 50 hours a year of community service, are great.

Larry Hollibaugh, 8006 N. Oswego Ave., 97203, said if Johnswood is a park, so is every other vacant lot in Portland. He said there have been no improvements here since 1953 and today it attracts illegal dumping, transients and crime. He said this project would create a stable neighborhood of 103 families and balance the high-density rental housing

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currently in the area. He said charges that HOST wants to build apartments on 2,000 square-foot lots are untrue as the requirements call for a minimum of 4,000 square feet and no multi-family dwellings. He said HOST has an excellent reputation for providing affordable owner-occupied homes and selling it the land would be far better than selling it to the highest bidder.

Peter Mason, 9004 N. Oswego Ave., 97203, said there are already adequate recreation opportunities in North Portland while the major activities on this property are drinking wine and stripping cars. With its proximity to the Rivergate industrial area, this development provides an opportunity to have jobs and homes close together. He said if growth is to be contained within the Urban Growth Boundary, the City needs to walk its talk.

Howard Nolte, Executive Director, HOST, said all the people who buy HOST homes are very responsible, employed people who are active participants in their communities.

Dennis Keepes, Chair, St. Johns Neighborhood Association, said it is untrue that the SJNA ever approved this project. He said the SJNA opposes the change to from Open Space to R2, which means one unit for every 2,000 square feet. He said in June, 1996, the general membership, with approximately 100 people attending, voted overwhelmingly to oppose it at a meeting. He said the neighborhood's central argument is that, with so many people moving into the area, a greater need will be created for a school site and a park. He noted a letter from Lloyd Keefe, former Portland Planning Director, arguing that this remains an ideal site for a park and that it is shortsighted to sell this property now. Mr. Keepes said it is also premature to take this property out of Open Space before completion of a St. Johns Master Plan. He noted that the Hearings Officer in her report found that inadequate studies had been done to support the full R2 zoning status and the applicant has not met the burden of proof to support the change. The Hearings Officer then suggested that this be a conditional R2, which seems backwards. He said this proposal should either meet the requisites of R2 or be denied instead of adapting the R2 to meet the specific plan. The Hearings Officer also found that no analysis of park availability or need was before her. He said Goal 5 requires an inventory and analysis of Open Space and Goal 8 requires a recreational needs analysis. Neither has been done.

Regarding the sale, Mr. Keepes said Oregon statutes and the City charter require a competitive process for disposing of surplus property and while the SJNA opposes the sale, if the City approves it, the neighborhood would like to see all offers considered. He said granting this zone change is unsupported by the facts and premature without additional studies. He asked Council to deny the application.

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Commissioner Kafoury said Council agrees on the need to get a better understanding about the process for disposing of the property, noting that the Mayor has already asked for that information.

Mayor Katz said the Charter allows the sale of property by negotiation, bid or auction. The method selected is a decision for Council to make, as is the decision on whether this is surplus property.

Commissioner Lindberg noted Mr. Keepes' references to multiplex housing.

Mr. Keepes said the R2 zoning is considered multiplex in the Code. He said without the conditions imposed by the Hearings Officer, rowhouses or duplexes could be built on each lot.

Commissioner Lindberg said HOST projects are for single-family dwellings with home ownership. The Hearings Officer's conditions do require that.

Commissioner Kafoury, noting the requirements on the developer, asked Mr. Keepes what makes him think there would be rowhouses or apartments.

Commissioner Hales asked Mr. Keepes if he would be happy if the City had an R4 zone requiring 4,000 square foot lots. He asked if the concern is with the density itself or with the quality of the guarantee.

Mr. Keepes said they welcome HOST into St. Johns but the issue is the tremendous gap between R2 and an open space park. He asserted that the immediate neighbors received late notification, only 30 days prior to the hearing, and reiterated that the Neighborhood Association never gave its approval. He said the property needs some help as right now it is a little worse than undeveloped but all it really needs is to be mowed. He said Open Space (OS) has value by itself although the R5 could be developed as R5. The strongest resistance is to changing the OS to R2. Regarding Commissioner Hales' question, there is not that much difference between R4 and R5 and that can be discussed but going from OS to R2 is beyond discussion as far as the SJNA is concerned. He said this site is across the road from the St. Johns landfill and people often threw their garbage across the street if they were upset about the price being charged. The park is not full of trash now.

Mayor Katz asked if clarifying and guaranteeing the single-family requirement and lot size would help meet some of the objections voiced by the neighborhood.

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Mr. Keepes said there is a SJNA meeting on September 9 and invited Council to attend.

Commissioner Hales said the major consideration here is whether this amendment advances the goals of the Comprehensive Plan as a whole more than the status quo. He asked Mr. Keepes why he believes the community would be better off if the property is placed on the auction block and goes to the highest bidder, rather than having the City negotiate and control development of the property. He said he was surprised to hear that argument.

Mr. Keepes said they oppose the map change and declaring the property surplus. Finally, they oppose the process used for the sale as they believe there should be a competitive process.

Commissioner Hales said he would like to hear more about that point later as it puzzles him.

Mayor Katz said the Charter identifies some options for Council in disposing of surplus property. At times it is an advantage to negotiate while at other times it is better to seek competitive bids. Council needs to think through that. She said she hopes Mr. Keepes can go back to the SJNA on the conditions of an R4 under an R2.

Commissioner Hales said he is trying to understand if the neighborhood opposes 103 units or the potential for whatever R2 would yield if there were no restrictions. If this property is developed, are 4,000-square foot lots the right or wrong size?

Commissioner Kafoury asked Mr. Keepes where the neighborhood feels there is insufficient detail regarding the conditions on development. She said she thought there was quite a bit of detail. She understands their opposition to changing Open Space but does not understand why they do not believe there are sufficient guarantees against multi-plexes.

Citizens testifying against the proposed zone change included:

Russ Farrell, 3144 NE 43rd, 97213  
Al Clark, 3147 SE 129th, 97236  
Anthony Boutard, 1640 SW Davenport, 97201  
Mary Ann Halinen, 2322 N. Williams, No. 312  
Linda Hual, 10176 N. Charleston, 97203  
William Lobdell, PO Box 83161, 97283  
Tom Cropper, 2534 NE 63rd, 97213

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Bill Mathieu, 8704 N. Swenson, 97203  
Liz Callison, 6039 SW Knightsbridge Dr., 97219  
Chuck Duffy, 1529 NW 29th, 97210  
Leonard Garoutte, 10302 N. Charleston  
Kevin O'Sullivan, 7624 N. Kellogg, 97203  
Marian Drake, 6110 NE Prescott, #21, 97218  
Lawrence Watters, 1616 SW Elizabeth, 97201  
Steven Bailey, 2738 SE 19th, 97202  
David Schwabe, 2113 SW Edgewood Rd., 97201

Opponents questioned selling surplus park property at a time when growing numbers of people are moving into the area, increasing the need for future schools and open space to counteract the effects of higher density. They stressed the importance of preserving publicly-held Open Space and opposed forfeiting it for development. They disputed testimony by Ms. Hathaway-Marxer to the effect that the Parks Bureau did not list this property as a park, stating that it had been listed as a park in both the 1987 Parks Futures inventory and in the Metro 2040 regional plan. Some suggested that the City buy the school land and add it to the park. Several cited the need to have a policy for disposing of surplus Parks property while others said the reason there is no policy is because disposal was not contemplated as the City's goal is to increase parkland. Other issues cited by opponents were increased traffic on Charleston, narrow streets with inadequate emergency access, loss of mature trees, inadequate traffic studies, lack of access to MAX, and an inadequate sewer system.

Mr. Mathieu said the plan calls for possible use of Sprague Street later to connect to apartment housing but the only reason to justify the narrow streets in this development is to serve single families. He also said that in order to access Pier Park one has to walk through the middle of Johnswood.

Mr. Duffy said the wrong message is sent when public land is disposed of through a negotiated deal and called for a public bid process.

Mr. O'Sullivan questioned Commissioner Kafoury's participation because a member of her staff serves on the Board of HOST.

Council members identified issues for staff responses.

Commissioner Hales asked what the idea was behind the stubbed-off section of Sprague Street to the east. Is there an assumption that it will later connect to Iris or something else and is it proposed this way to serve existing or potential development? He also asked whether the sidewalk connection to Pier Park from the west side of Lot 96 to the edge of Pier Park on the



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northwest side of Iris Street is a condition of approval.

Mayor Katz said she would like to know the conditions on Lot 104 as there was some concern that multi-family would be permitted in that area. She asked for any documentation that might be available that the SJNA approved the project with an R5 zoning designation. She asked if an agreement had been signed by HOST with the School District and what the financial agreement was. She also asked for clarification of the definition of conflicts of interest so that Commissioner Kafoury is not put on the spot. Regarding the property's tax exemption status, she said she would like to make available the information about those sections in the City, considered to be "distressed areas," where such status is allowed for affordable housing. She noted that the exemptions are only for construction and not for the land. She asked how this property is described in the 2040 and Parks Futures plans and for Council options regarding the disposal of surplus property. Another question is what can OS be used for.

Commissioner Lindberg said he would like the tapes of the next hearing as he will be out of town.

Commissioner Hales said the public hearing will close on the 19th and Council will make a tentative decision on the 26th, when Commissioner Lindberg is present.

**Disposition:** Continued to September 19, 1996 at 2:00 p.m.

At 4:40 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council