



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF OCTOBER, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Kafoury, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

Commissioner Kafoury proclaimed Wednesday, October 21, as United Nations Day.

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1761** Return purchase report to Council and recommend that the bid of Tri-State Construction for Marathon Guilds Lake/Lincoln & Allen site remediation be rejected as amended (Purchasing Report - Agenda Item 1548)

Disposition: Accepted.

- 1762** Accept bid of Atlas Heating, Inc., for purchase and installation of noise abatement equipment for the Columbia Wastewater Treatment Plant for \$68,204 (Purchasing Report - Bid 27 - rebid)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

- 1763** Confirm appointment of Richard E. Jensen to the Adjustment Committee (Report)

Disposition: Confirmed.

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1764 Confirm reappointment of Robert Naito and Julie C. Sterling to the Housing Authority of Portland (Report)

Disposition: Confirmed.

1765 Amend the Rules for Travel and Miscellaneous Expenses (Resolution; amend Resolution No. 34857)

Disposition: Resolution No. 35056. (Y-4)

***1766** Pay claim of Kimberly Williams (Ordinance)

Disposition: Ordinance No. 165922. (Y-4)

***1767** Pay claim of Albert L. Drokes (Ordinance)

Disposition: Ordinance No. 165923. (Y-4)

***1768** Pay claim of Michael Jost (Ordinance)

Disposition: Ordinance No. 165924. (Y-4)

Commissioner Earl Blumenauer

1769 Accept completion of the Columbia Boulevard Wastewater Treatment Plant sludge bin outfeed modification, approve Change Orders 1 through 3 and make final payment to Pneumatic Construction, Inc. (Report; Contract No. 27007)

Disposition: Accepted.

1770 Accept completion of the North Vancouver CSO Sump Project No. 1 and make final payment (Report; Contract No. 27769)

Disposition: Accepted.

1771 Set hearing date, 9:30 a.m., Wednesday, November 25, 1992, and initiate the vacation of N Kellogg Street between N Charleston Avenue and the easterly edge of the Jersey Street Addition to St. Johns (Resolution; C-9818)

Disposition: Resolution No. 35057. (Y-4)

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- *1772** Release the City's interest in two slope easements lying south of SE Washington Street and west of relocated SE 96th Avenue (Ordinance)

Disposition: Ordinance No. 165025. (Y-4)

Commissioner Mike Lindberg

- 1773** Accept completion and approve Change Order Nos. 1 and 2 on contract with Lake Oswego Insulation for asbestos removal at Multnomah Art Center and make final payment of \$10,192 (Report; Contract No. 28057)

Disposition: Accepted.

- *1774** Authorize a lease with GTE Mobilnet of Oregon Limited Partnership for a portion of the Patton Tank Site for a monthly fee and other considerations (Ordinance)

Disposition: Ordinance No. 165926. (Y-4)

- *1775** Authorize payment from Queen Pump Co., for generator rental and purchase of barges, pumping and related equipment; waive bids, transfer funds and provide for payment (Ordinance)

Disposition: Ordinance No. 165927. (Y-4)

- *1776** Request the Multnomah County Commission to make a division of assets in territory withdrawn from Hazelwood Water District (Ordinance)

Disposition: Ordinance No. 165928. (Y-4)

City Auditor Barbara Clark

- *1777** Cancel system development charges (Ordinance; amend Ordinance No. 165783)

Disposition: Ordinance No. 165929. (Y-4)

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REGULAR AGENDA

- 1758** **TIME CERTAIN: 9:30 AM** - Recommend a "YES" vote on Ballot Measure 26-1, the Metro Greenspaces Plan (Resolution introduced by Mayor Clark)

Discussion: John Sherman, Metropolitan Greenspaces, said this is a 200 million dollar package to purchase green spaces before it is too late. The cost would be ten cents a day to the average home owner.

Commissioner Blumenauer said he is pleased that Council is taking a position of support of this regional effort.

Commissioner Lindberg said about 92 per cent of the region's green spaces are not protected by public ownership and expressed his overwhelming support.

Disposition: Resolution No. 35058. (Y-4)

- 1779** Recommend a "NO" vote on Ballot Measure 2 (Resolution)

Discussion: Marge Kafoury, Government Relations Director, said she analyzed all ballot measures and brought forward these for Council to consider taking a position on. She recommended a no vote on Measure 2, which would allocate Highway Trust Fund dollars to the State Parks.

Commissioner Kafoury said some people support use of the gas tax for other services such as mass transit and asked how passage of this measure would affect that.

Commissioner Blumenauer said this does not speak to any transportation-related services but would reduce Transportation money coming to the City and would be big trouble to the City if it passes.

Disposition: Resolution No. 35059. (Y-4)

- 1780** Recommend a "NO" vote on Ballot Measure 7 (Resolution)

Discussion: Ms. Kafoury said this measure proposes a split roll in property taxes. She said there was an error in the 7th whereas clause which should read "all non-owner occupied residential and business

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properties" because the proposal would create a differential tax rate for all those properties.

Commissioner Bogle moved to add residential and business to the resolution. Commissioner Blumenauer seconded and the motion carried. (Y-4)

Disposition: Resolution No. 35060 as amended. (Y-4)

1781 Recommend a "NO" vote on Ballot Measure 9 (Resolution)

Discussion: Jeff Rogers, City Attorney, outlined some general considerations regarding impacts on the City if the measure passes. He said because of the large number of uncertainties about what ballot measure No. 9 would do, extensive interpretation would be required. He said that from a legal point of view, this measure is very poorly written and passage would result in a great deal of confusion and much litigation.

Madeline Wessel, Deputy City Attorney, cited her memo regarding the variety of federal constitutional and statutory provisions which they believe would come into play regarding the potential applications of Measure 9. She said some of the effects intended by the proponents of Measure 9 would also run into conflict with State constitutional guarantees, although recently adopted amendments tend to supersede other existing guarantees. Predictions are that it would have a strong impact on existing hate crime laws and on the identification of sexual orientation as a category for antidiscrimination protections.

Commissioner Lindberg asked if the other three categories identified with homosexuality -- pedophilia, sadism and masochism -- were criminal behavior in existing law.

Ms. Wessel said pedophilia was, adding that there was nothing the City has done which has any relationship to the other categories of behavior, criminal or otherwise, combined with sexual orientation in Measure 9. She said another potential effect could be substantial questions raised about domestic partnership legislation. Regarding government funds for promotion, Ms. Wessel said, they listed conceivable applications in this area.

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Commissioner Lindberg said he believes there are far more ramifications regarding the City's day-to-day business, such as with the Parks and arts grants. He said, for instance, the Gay Men's Chorus might not be able to use the publicly-funded Performing Arts Center and Parks employees might have to sign loyalty oaths. Concerns about the licensing of businesses have also been raised.

Commissioner Blumenauer said passage of this measure would put the City in a "never-never" land on censorship. He said another constraint would be on educational problems for the Police in dealing with gay and lesbian populations.

Commissioner Lindberg said passage would invalidate three ordinances - nondiscrimination among city employees, the neighborhood association ordinance and the civil rights ordinance.

Commissioner Kafoury noted a letter from Future Focus clarifying the Diversity Action Plan.

Disposition: Resolution No. 35061. (Y-4)

1782 Recommend a "YES" vote on Ballot Measure 26-3 (Resolution)

Discussion: Ned Look, a member of the Charter Review Committee, 1703 SW Myrtle, said this is a compromise Charter that does not please everyone but will substantially strengthen the role of Metro. He cited support from the City Club and the Oregonian editorial staff. He said the most controversial area involves bringing the local governments to the table, where many feel strongly that they belong, and the new Charter gives them a formal means to do so. Also controversial is the cut from 13 to seven commissioners which will give it a more regional perspective.

Disposition: Resolution No. 35062. (Y-4)

1783 Recommend a "YES" vote on Ballot Measure 26-4 (Resolution)

Disposition: Resolution No. 35063. (Y-4)

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- 1759** **TIME CERTAIN: 10:00 AM** - Report to Council on remonstrances to the final assessment of the Adventist, Montavilla and Linn Park Sanitary Sewer System Local Improvement District (Previous Agenda 1752; C-9743, C-9744, C-9745)

Discussion: Dan Vizzini, Auditor's Office, said the cost came in lower than anticipated and, with the new sewer assistance program, the cost is down an average of \$3,000-5,800 for the average home owner. He said his office tried to equalize the costs in neighborhoods where the development plan is very similar. However, the Portland Organizing Project has some concerns about how these assessments were reached and has asked for a one week continuance to allow further discussion. The Auditor's Office is willing to do so but since the contractors have been waiting patiently for release of retainage, it plans to file an ordinance so that they will not have to wait any longer and can get paid for work that is already completed.

Disposition: Continued to October 28, 1992 at 9:30 a.m.

- 1760** Assess benefitted property for the costs of constructing the Adventist, Montavilla and Linn Park Sanitary Sewer Systems (Hearing; Ordinance; C-9743, C-9744, C-9745)

Disposition: Continued to October 28, 1992 at 9:30 a.m.

Mayor J. E. Bud Clark

- 1778** File double majority annexation intent maps and written description with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 35064. (Y-4)

Commissioner Earl Blumenauer

- 1784** Consider vacating a portion of NE 67th Avenue, NE Multnomah Street and NE Clackamas Street as initiated by Resolution No. 35042, to consolidate property in order to construct a new juvenile detention facility (Hearing; C-9814)

Disposition: Approved. City Engineer prepare ordinance.

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Commissioner Dick Bogle

- 1785** Delete Chapter 16.48 from Title 16 and add Chapter 16.40, Taxicab Regulations (Ordinance; amend Code Title 16)

Discussion: Dennis Nelson, Bureau of Licenses Manager, described the main points of the ordinance which include adopting procedures for transferring ownership of taxicab companies, creation of a Taxicab Board of Review, increasing two fees to support additional enforcement by the Taxicab Supervisor and a housekeeping effort to bring this into compliance with Title 16. There were a number of public hearings, and extensive testimony on these provisions was given at the July 16, 1992 Council meeting.

Commissioner Lindberg asked if there were any areas of controversy within the taxicab industry regarding these proposals.

Mr. Nelson said he did not believe there were any major areas.

Following passage of this to a second reading Arthur Palmer indicated he wished to testify. Commissioner Lindberg moved reconsideration and Council allowed him two minutes to make a statement.

Arthur J. Palmer, founder of New Rose City Cab Co., said the taxicab industry has always touched a nerve in the black community and believes that the Cab Commissioner could put his company out of business.

Commissioner Lindberg said Council had no knowledge that this ordinance would have such an effect.

Commissioner Bogle said absolutely not. He said there is no desire or intent to take Rose City out of business.

Disposition: Passed to Second Reading October 28, 1992 at 9:30 a.m.

- *1786** Revise Title 31, Fire Regulations, by repeal, amendment and addition (Ordinance; repeal, amend, add to Code Title 31)

Disposition: Ordinance No. 165930. (Y-4)

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Commissioner Gretchen Kafoury

- 1787** Authorize the City Attorney to appeal the Beaverton City Council's approval of a comprehensive plan amendment adopting an urban services boundary between the cities of Beaverton and Portland (Resolution)

Discussion: Commissioner Kafoury said Beaverton told them earlier that it was not appropriate for one government to make a unilateral decision. She said she thought they had resolved the issue, including mediation through the State, but suddenly Beaverton has decided to adopt a boundary unilaterally. To protect City interests, the City Attorney should be allowed this recourse.

Disposition: Resolution No. 35065. (Y-4)

- *1788** Authorize acceptance of a grant from the State Department of Land Conservation and Development (DLCD) to provide alternative dispute resolution training to Bureau of Planning staff in the amount of \$3,000 (Ordinance)

Discussion: Mike Hayakawa, Bureau of Planning staff member, said they believe this training will allow staff to resolve disputes more easily.

Disposition: Ordinance No. 165931. (Y-4)

Commissioner Mike Lindberg

- *1789** Award a revocable permit to John D. Gray, dba Willamette Oaks Building, for non-park use of Bureau of Parks and Recreation property for installation and monitoring of underground test wells in Willamette Park (Ordinance)

Disposition: Ordinance No. 165932. (Y-4)

- *1790** Authorize an application to the Oregon Department of Transportation Interim Enhancement Program for a grant in the amount of \$3,000,000 for Phase I improvements to the Springwater Corridor (Ordinance)

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Discussion: Clerk said a substitute had been submitted. Commissioner Lindberg moved the substitution. Commissioner Bogle seconded and motion carried. (Y-4)

John Sewell, Parks Bureau, said changes are still being made regarding this program. He said Council earlier passed a resolution identifying this as a number one project.

Disposition: Substitute Ordinance No. 165933. (Y-4)

City Auditor Barbara Clark

1791 Assess property for sewer development charges through August, 1992 (Hearing; Ordinance; Z0189 through Z0200)

Disposition: Passed to Second Reading October 28, 1992 at 9:30 a.m.

1792 Assess property for sewer system development charges through August, 1992 (Second Reading Agenda 1751; Z0183 through Z0188)

Disposition: Ordinance No. 165934. (Y-4)

At 10:35 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF OCTOBER, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Kafoury, Presiding; Commissioners Blumenauer, Bogle, and Lindberg, 4.

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

1793 TIME CERTAIN: 2:00 PM -Appeal of Wilson Neighborhood Association and Bridlemile-Robert Gray Neighborhood Association against the Hearings Officer and Design Commission decisions to approve the application of Robert and Rafik Eskandarian for 14-unit PUD located at SW Terwilliger, near SW Westwood (Hearing; DZ 138-90/CU-123-90/S-61-90)

Discussion: Commissioner Kafoury said she understood the applicant had requested a continuance and that it had to be granted. She pledged to prepare an ordinance requiring that advance notice of such requests be required in the future so that large numbers of people would not arrange to come to Council only to find out the meeting had been postponed.

Richard Whitman, attorney with the firm of Ball, Janik and Novak, said the continuance was requested because the attorney for the applicants, Steve Janik, was tied up with negotiations on behalf of the City regarding the Blazer arena project. He pledged that no further continuances would be requested.

Commissioner Kafoury suggested that those who could not come to the next hearing might wish to make a statement for the record today.

John Holmes, Wilson Neighborhood Association representative, said it would be better not to give testimony today.

Disposition: Continued to November 5, 1992 at 2 p.m. Time Certain.

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Commissioner Gretchen Kafoury

- 1796** Tentatively deny, on LUBA remand, appeal of John A. Gilson against the City of Portland and approve proposal of GAPO, Inc., (Darian, Inc.) regarding Christina View, a 43-unit PUD on SW Viewpoint Terrace (Findings; CU 82-90/S 42-90)

Disposition: Findings Adopted. (Y-3; N-1, Lindberg)

- 1794** **TIME CERTAIN: 3:00 PM** - Accept Fourth Quarter Report and direct ordinance be prepared adjusting FY 1992-93 Adopted Budget (Report introduced by Mayor Clark)

Discussion: Tim Grewe, Bureau of Financial Planning, said the short fall in the balance should not be a problem this year as the total General Fund resources appear to be on target.

Commissioner Lindberg asked about the implications of having \$600,000 dollars less than budgeted.

Mr. Grewe said it does not make any difference only because there has been fairly strong growth in business license revenues, additional assessed value growth and lodging revenues.

Commissioner Lindberg said it looks as if projections of incoming revenues more than offset the \$600,000.

Mr. Grewe said yes, adding that their outlook is for continued growth at least through the middle of this fiscal year. One indicator of a slowing in the economy, however, is the regional increase in unemployment to six per cent.

He noted four types of adjustment in the fourth quarter report including a carryover of grants, program and project requirements, technical adjustments and, finally, some adjustments as a result of overexpenditures of last year's budget. With the exception of the Office of Neighborhood Association request, they recommend acceptance of all program and project carryovers. They recommend against the ONA request because Council policy has been not to rebudget in the following fiscal year any unexpended balance within a bureau's budget. The ONA request is to offset costs incurred in connection with the class

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compensation study. He said his office is conducting a citywide review of those costs, particularly their impact on smaller bureaus, and hope to be able to report on this in the very near future.

Regarding technical adjustments, he noted the transfer of \$126,000 to the Police Bureau from the Environmental Commission and Sister Cities. This appropriation had previously been frozen and at Council direction is now being transferred for the creation of additional Police officer positions.

In cases of overexpenditures, Mr. Grewe noted that when bureaus overexpend their budgets, equivalent reductions are required in their following year budgets. He said this occurred in six situations and the organizations involved have been notified about the future reductions.

Commissioner Blumenauer said it is important to focus on Council commitment to public safety as its top priority. He said the resolution he has introduced would dedicate the new revenues to complete hiring for the community policing program. He said he would like to return next week with a proposal demonstrating how the hiring can be achieved to permit hiring the full 57 officers. He said it is important for Council to make clear its commitment so other communities do not try to offload their responsibilities on the City thinking that it has "free money."

Commissioner Kafoury said the Budget Office and her office agreed to consider unfreezing part of the remaining money that was frozen in June.

Steve Bauer, Director of the Office of Finance and Administration, reviewed the chronology of Council budgetary actions. He noted the commitment to hire 40 additional Police officers this year and ten in each of the next two years. Plus, Council decided to fund the street lighting system, which had been funded under a separate levy, out of the General Fund over the next five years. He also discussed implications of losing the court case regarding tax increment financing and state-shared revenues. He noted that the City will have to pay about \$9,000,000 per year on the outstanding debt carried by the tax increment financing program. He reminded Council that all that does is pay the outstanding mortgage but provides nothing for future programs operated by the Portland Development Commission (PDC) in the past.

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Commissioner Lindberg said he understood that PDC could pay the debt on the bonds for two years.

Mr. Bauer said PDC paid the debt for the first year out of money on hand. Next Spring, Council will have to decide whether to ask them to pay the second year of debt service or whether to have the City cover some of that cost. He said the question becomes what will be left to rebuild and the problem of fixing both the debt and ongoing program costs still remains to be settled the following year. Other unanticipated costs includes seismic improvements on the Coliseum and costs related to construction oversight of the new Blazers arena which PDC had been paying. He also warned that Multnomah County may seek to fund additional programs from the property tax, thus dropping the City's share of the \$10.00 property tax apportionment. Actions to bring the City into compliance with the Americans with Disabilities Act are also expected to add to City expenditures.

Commissioner Lindberg noted that just the cost of bringing the playgrounds on City parks into compliance is estimated to be \$900,000.

Mr. Bauer said the one bright note is that assessed value in the County did increase and the City expects to receive under \$3,000,000 in additional property tax revenues this year and in ongoing years.

Mr. Bauer said the questions before Council are: 1) what to do with the funds frozen in June and July and not yet released and 2) what to do with the additional property tax revenue.

He recommended that only the really critical frozen funds be released and that the additional property tax revenues be reserved until Council has had a chance to deal with the issues he has identified today. Mr. Bauer reviewed charts showing the anticipated impact on future budgets because of the urban renewal debt service, street lighting, Arena expenditures and other program costs.

Commissioner Bogle asked about the infusion of money from reserves over the next two year period.

Mr. Grewe said in terms of the reserve draw, the anticipated withdraw would be about two million dollars over the two-year period, which

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would take the City only slightly below the Council-established policy level of ten percent and would be quickly restored in years three and four.

Commissioner Lindberg asked whether Parks was left out of the gap shown regarding ADA costs.

Mr. Bauer said Parks was left out of their projections and the costs were programmed at about \$250,000 a year so it understates the impact of the ADA.

Mayor Clark returned to Council at this point in the proceedings.

Commissioner Kafoury moved to unfreeze \$233,000 of the \$494,000 in approved budget items which were frozen in July. She said the money requested is one-time only money, including \$25,000 for ONA to allow hiring a part time person to train volunteers for the mediation center, plus additional funding for the Bureau of Community Development's domestic violence program, \$55,000 for Community Initiatives and \$100,000 for the Planning Bureau for the Liveable Cities Plan. Commissioner Bogle seconded.

Mayor Clark said he had no problem with unfreezing these funds.

Commissioner Blumenauer said he would like to vote on Item 3, the Bureau of Planning funds, separately.

Commissioner Kafoury amended her motion to have it cover funding of the items specified for ONA and the Bureau of Community Development. Commissioner Bogle seconded and the motion carried. (Y-5)

Commissioner Kafoury moved to approve the one-time only funding for the Bureau of Planning. Commissioner Bogle seconded and the motion carried. (Y-4; N-1, Commissioner Blumenauer)

Commissioner Blumenauer said he does not feel comfortable with proposing the long term enhancement of community policing and at the same time moving ahead with this.

Disposition: Approved as amended. (Y-5) Prepare Ordinance.

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Commissioner Earl Blumenauer

- 1795** Dedicate new resources from increase in assessed value growth to the Police Bureau to fulfill City Council's commitment to implementing Community Policing (Resolution)

Discussion: Commissioner Blumenauer said he would like to have more opportunity for public testimony and asked that it then be continued to Wednesday morning, October 28.

Individuals speaking in support of spending additional funds to hire additional Police officers included:

P.J. Mulcavy, 1759 SW Blaine Drive, 97006

Fred Stickel, Publisher of the Oregonian and Chair of the Citizen's Crime Commissioner

Pat Prendergast, 121 SW Morrison, representing Association for Portland Progress

Debbie Engel, Vice-Chair for the Inner Northeast Public Safety Action Committee and Co-Chair for the Northeast Business Association Public Safety Committee, 4035 N. Vancouver Ave., 97227

Charlie Hales, 3501 SW Illinois, candidate for City Commissioner

Paul Dolbey, Southwest Neighborhood Coalition Crime Prevention Specialist

Kay Durtschi, 2230 SW Caldew, Southwest Neighborhood Information Office

Chuck Dimond, 3036 NE 20th, candidate for City Commissioner

Marthella Bailey, 4530 NE Mason

Individuals said strengthened law enforcement is the only way to tackle the crime problem, the public's number one concern, and ensure the City's continued liveability both downtown and in the neighborhoods. They stressed that, compared with other cities in the country, Portland is very understaffed and the need for more Police personnel is paramount if the community policing program is to succeed.

Commissioner Kafoury asked where the City stands in the hiring of Police officers and when realistically these proposed positions could be filled.

Charlie McKinney, Police Bureau, said all but one of the 43 authorized new positions having been filled and are in the training pipeline. He

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said it takes about a year from the hiring date before they work independently on the street.

Commissioner Kafoury asked what they could do if given new money in the next month.

Mr. McKinney estimated that, at the very least, they would be able to fill all vacancies occurring between now and June 30 plus 19 beyond the current authorized strength. Between July 1 and March, 1984, all 57 positions could be filled as well as taking care of normal turnover.

Commissioner Blumenauer said he hoped to have additional information about this next week so people will not have to guess.

Commissioner Lindberg said he would like to see the fiscal impact statement.

Commissioner Bogle asked if there was a plan regarding the assignment of officers.

Mr. McKinney said that information would be provided.

Mayor Clark said he may submit another resolution next week reflecting his concern for the long term financial stability and health of the City. He said he would hate to see the City have to lay off Police officers later, as happened when he first took office, and criticized the political motives behind some of the testimony given today. He said balanced decisions need to be made, not just what catches the public eye.

Commissioner Blumenauer said he is absolutely committed to not having Council approve anything that ends up compounding the City's problems.

Disposition: Continued to October 28, 1992 at 10 a.m. Time Certain.

At 4:30 p.m., Council recessed.

October 22, 1992

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF OCTOBER, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

REGULAR AGENDA

Commissioner Gretchen Kafoury

- 1799** Deny the Comprehensive Plan Map amendment and zone change for property on the north side of the N Marine Drive and N Vancouver Way intersection, east of the I-5 Freeway interchange, from IG2h, Industrial to CGh, Commercial (Findings; 92-00209 CP ZC)

Disposition: Continued to October 29, 1992 at 2 p.m.

- 1797** **TIME CERTAIN: 2:00 PM** - Transmit report from the Drug House Enforcement Work group (Report)

Disposition: Placed on File.

- 1798** Amend Title 14, Public Peace, Safety and Morals to include a Chronic Nuisance Property Chapter (Ordinance; amend Sections 14.110.010 through 14.110.090)

Discussion: Commissioner Blumenauer said this is a tool to keep people from feeling besieged in their neighborhoods. He added that next week Council will hear about a traffic management plan for NE 14th Place that introduces the concept of using traffic management as a tool for preserving public safety.

Denny West, Housing Authority of Portland (HAP), said they have been involved primarily because of the regulations of Section 8 which allows HAP to issue certificates to people who can use them to pay a landlord for a portion of the rent. Currently, when problems arise with a rental,

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the question arises as to who has the authority to break the lease, the landlord or HAP. He said this process will help them deal with some of these issues.

Mayor Clark asked about the Landlord Advisory Committee.

Mr. West said they just had their first meeting last month.

Commissioner Blumenauer acknowledged and thanked members of the work group.

John Campbell, Landlord Training Program, said there needs to be a stick to force the landlord to take action. This ordinance requires that after three incidents of specifically proscribed behaviors within one month, the owner of the problem property will be notified by the Police and instructed to take action within a specific time period. He said the kinds of problems described are ones the Police normally do not take reports about so there is no record of the problem. This ordinance will help document these problems and is designed to deal with liveability issues.

Commissioner Blumenauer said this is a problem-solving mechanism so people are not terrorized or trapped in their homes.

Deputy Chief Charles Moose, Portland Police, said this is a critical piece to the community policing program. With regard to proposed Action No. 4, the Police have agreed to share information on a weekly basis about where enforcement activity has taken place. He said the current criminal justice system is overstressed and this would allow a judge the authority to keep disruptive people out of a neighborhood, to direct mediation or to find some other remedy.

Individuals speaking in support included:

Gordon Hieronimus, 4105 N. Borthwick, 97217.

Anthony A. Leyra, 2306 N. Kilpatrick, 97217

Doug Heckman, 236 N. Kilpatrick, 97217

Emily Cedarleaf, Multifamily Housing Council of Oregon

Supporters described their frustration at not being able to get rid of drug dealers and other disruptive parties. They spoke of being afraid to live in their neighborhoods.

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Ms. Cedarleaf said landlords have told her about what they call a "black hole" preventing them from getting the information they need from the beginning. She also asked Council support for a state legislative amendment of the landlord tenant law.

Opponents of the ordinance included:

Douglas Squirrel, 5216 NE 20th, 97211
Paul Richmond, PO Box 454, 97207
Ed Paquin, 2577-A NE Rene, Gresham, OR
Floyd Ferris Landrath, 3125 SE Belmont
Blue Whale, 714 NE 30th
Myles Twete, 551 SE 15th
Bernie Lowenthal, PO Box 1392, 97217
Tom O'Connor, homeless
Dan Handelman, 4535 N. Congress, 97217
Shoshana Jocheved, homeless
Jeff Liddicoat, homeless
Lisa George, 5515 NE 15th

Opponents said this ordinance harms the poor and stressed that the problems of poverty need to be solved first in order to solve the problems of drug houses and gangs. They said it is unfair to rate all proscribed behaviors on the same level, adding that some of the behaviors cited, such as harassment and disorderly conduct, are very vague and elastic. They expressed concern that this would be enforced in an oppressive and racist fashion, contending that laws already exist to deal with these unlawful behaviors.

Commissioner Blumenauer moved to adopt the substitute. He said they are taking this to the neighborhoods and the Chief's Forum and expect that further amendments dealing with specificity will be forthcoming. They would then return to Council in two weeks.

Commissioner Bogle suggested amending the substitute to refer to any precinct rather than citing specific precincts in Section 14.110.040 in the event another precinct is added in the future.

Commissioner Blumenauer said he would be happy to accept an amendment that would read "in charge of a precinct". Mayor Clark noted a substitute had been moved and seconded with an additional change in the language of the substitute.

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Commissioner Lindberg said he had about eight different concerns about the ordinance which he will pass on to Commissioner Blumenauer in several days. He asked if additional testimony would be taken in two weeks.

Commissioner Blumenauer said additional testimony could be taken if Council wished since others, who could not be present today, have indicated their wish to speak.

Commissioner Bogle said he felt there had been a good airing of both sides today but would be interested in seeing additional written testimony.

Commissioner Blumenauer said their testimony will be submitted in written form and the ordinance will come before Council in two weeks for a work session.

Commissioner Lindberg said he would like to hear more testimony from both sides as this is a very complex issue.

Commissioner Blumenauer said he is willing to process the information presented and then have a work session with Council at which time Council can decide whether it wants to take more testimony. He said he thinks it will take three readings before it is passed and Council might take more testimony upon the date of final passage.

The substitute was accepted as amended (Y-4). The Clerk noted that a major land use hearing was scheduled two weeks from today and suggested continuing this three weeks.

Disposition: Substitute Passed to Second Reading as amended November 12, 1992 at 2:00 p.m.

At 3:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council