



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JANUARY, 2000 AT 9:30 A.M.

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

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

Item Nos. 96, 103 and 117 were pulled and, on a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 93** Accept bids of Columbia Road & Driveway, Lone Star Northwest, Ross Island Sand & Gravel, Wilkins Trucking and Morse Bros. to furnish aggregates for \$514,790 annually for two years (Purchasing Report - Bid 99593)

Disposition: Accepted; prepare contract.

- 94** Accept bid of Caribou Investments LLC to furnish Whitaker pond shelter and ground improvements for \$83,700 (Purchasing Report - Bid 99604)

Disposition: Accepted; prepare contract.

- 95** Accept bid of Platinum Construction Services, Inc. to furnish cement batch plant and drainage improvements for \$124,121 (Purchasing Report - Bid 99644-SMP)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- *97** Authorize a contract with Urban Watershed Institute at Clackamas Community College for erosion control training (Ordinance)

Disposition: Ordinance No. 174102. (Y-5)

- *98** Agreement with Remmick/McKeen for project management services to Portland's bridge lighting project for an amount not to exceed \$37,000 (Ordinance)

Disposition: Ordinance No. 174103. (Y-5)

- *99** Authorize intergovernmental agreement with Multnomah and Lane Counties and the Cities of Eugene and Roseburg for the purpose of pursuing legal action to resolve issues regarding Public Employees Retirement System Board administration of PERS accounts (Ordinance)

Disposition: Ordinance No. 174104. (Y-5)

- *100** Authorize terms and sale of revenue bonds for golf system (Ordinance)

Disposition: Ordinance No. 174105. (Y-5)

- *101** Authorize payment of money judgment to Natkin & Company in the amount of \$310,839 and Donald M. Drake Company in the amount of \$3,857, plus interest (Ordinance)

Disposition: Ordinance No. 174106. (Y-5)

Commissioner Jim Francesconi

- 102** Approve the annual review of the Basic Emergency Services Plan (Resolution)

Disposition: Resolution No. 35858. (Y-5)

- *104** Grant specially attended transportation permit to Tri-Star Medical Transportation, Inc. (Ordinance)

Disposition: Ordinance No. 174107. (Y-5)

Commissioner Charlie Hales

- 105** Accept contract with B L & B Contractors, Inc. for street improvements of The 4 Bikeways project as complete, release retainage and make final payment (Report)

Disposition: Accepted.

- *106** Amend contract with Copenhagen Utilities and Construction, Inc., increase contract amount to \$2,102,833 for construction on SW Capitol Highway and provide for payment (Ordinance; amend Contract No. 32381)

Disposition: Ordinance No. 174108. (Y-5)

- *107** Designate and assign City-owned land development control strips as public street areas (Ordinance)

Disposition: Ordinance No. 174109. (Y-5)

- 108** Amend agreement with the Port of Portland to define maintenance responsibilities for Port-owned traffic signals (Ordinance; amend Agreement No. 24920)

Disposition: Passed to Second Reading February 2, 2000 at 9:30 a.m.

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Commissioner Dan Saltzman

- *109** Authorize a contract with ValueCAD for electronic sewer easement mapping services and provide for payment (Ordinance)

Disposition: Ordinance No.174110. (Y-5)

- *110** Authorize agreements for the conveyance of one property from Olav and May Nordby and one property from Michael and Lana Dickson to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)

Disposition: Ordinance No.174111. (Y-5)

- *111** Authorize a contract and provide for payment for the construction of the NE 162nd Avenue pollution reduction facility fencing project, Project No. 6738 (Ordinance)

Disposition: Ordinance No.174112. (Y-5)

- 112** Accept agreement between the City of Portland and the Port of Portland for environmental services to provide in-stream and de-icing monitoring services in the Columbia Slough over a period of five years and receive total payments of \$199,456 from the Port of Portland (Second Reading Agenda 83)

Disposition: Ordinance No.174113. (Y-5)

Commissioner Erik Sten

- *113** Contract with Northeast Coalition of Neighborhoods for \$48,511 for the Humboldt TAD 00 and provide for payment (Ordinance)

Disposition: Ordinance No.174114. (Y-5)

- *114** Increase contract with Salvation Army by \$124,000 for additional funds for the women's emergency shelter and provide for payment (Ordinance; amend Contract No. 32727)

Disposition: Ordinance No.174115. (Y-5)

- *115** Authorize an agreement with Murray, Smith & Associates, Inc. for \$300,000 for design and technical services for water system improvement projects and other design services as may be required (Ordinance)

Disposition: Ordinance No.174116. (Y-5)

- *116** Agreement with CH2M Hill to provide hydrogeologic and computer modeling services for the Columbia South Shore well field, at a cost not to exceed \$100,000 (Ordinance)

Disposition: Ordinance No.174117. (Y-5)

- 118** Authorize a contract and provide payment for landscaping improvements to well sites #26, 29 and 32 (Second Reading Agenda 84)

Disposition: Ordinance No.174118. (Y-5)

REGULAR AGENDA

- *96** Establish new classifications and adjust pay grades for specified non-represented classifications and establish effective dates in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Continued to February 2, 2000 at 9:30 a.m.

- *103** Amend City Code to add a driver representative to Taxicab Board of Review (Ordinance; amend Section 16.40.110.A.2)

Disposition: Ordinance No. 174119. (Y-5)

- 119** Appoint taxicab driver Michael Tolley to the Taxicab Board of Review (Report)

Disposition: Confirmed.

Discussion: Commissioner Francesconi said this will be the first driver representative on this Board.

John Hamilton, Taxicab Supervisor, License Bureau, said Michael Tolley will be a good representative for the drivers. The Board voted to add this representative and determined it should be a voting position.

Michael Tolley, Radio Cab driver, said it was an honor to be selected. He plans to be an advocate for the drivers and provide for safe, fair and efficient taxicab services and hopes to gain information from a wide array of interested parties in an attempt to understand all points of view.

Disposition: Confirmed.

- 117** Authorize a contract and provide payment for landscaping improvements to well sites #2 and 10 (Ordinance)

Disposition: Withdrawn.

- *92** **TIME CERTAIN: 9:30 AM** – Adjust FY 1999-2000 Adopted Budget for Winter Budget Adjustments (Ordinance introduced by Mayor Katz)

Discussion: Mark Murray, Office of Finance and Administration (OFA), Financial Planning, said the \$10,000 for the closed captioning of the televised Council meetings covers this year only. The cost increases to \$46,000 when the grant runs out. The City has applied for a grant to cover the cost of equipment but does not know if it will be granted.

Larry Nelson, OFA, Financial Planning, explained the Budget Monitoring Report adjustments to the Budget.

Disposition: Ordinance No. 174120. (Y-5)

Commissioner Jim Francesconi

- 120** Authorize an agreement with Portland Metro Softball Association, Inc. to facilitate the operation of the Delta Park sports complex located at Delta Park through June 30, 2005 (Ordinance)

Discussion: Ron Boley, Parks Bureau, said this was a real opportunity to continue a partnership begun years ago. It is a way to save the City a little money and give the opportunity to continue to work with user groups to generate a little money which would go back into the facility and continue improving the maintenance at Delta Park. It will make it safer for those playing. Completion of the Strasser facility will mean additional revenues for the City.

Disposition: Passed to Second Reading February 2, 2000 at 9:30 a.m.

Commissioner Charlie Hales

- 121** Support the re-issuance of a revocable permit allowing work to be performed at the intersection of SE 9th Avenue and Sherrett Street for the community demonstration project "Share-It Square" and support the issuance of a future permanent permit for the redesigned "Share-It Square" (Resolution)

Discussion: Commissioner Hales said this was an innovative community project and this is the next phase, a four-year program of significant construction. As there is further engineering and design work, the permits have not as yet been granted. The Sellwood-Moreland Improvement League (SMILE) supports this, although the project has not been without controversy. There is no funding identified to build the project, but with this committed group of volunteers they are bound to seek grants and do fundraising.

Michael D'Angelo, 1016 SE Umatilla, 97202, said the mediation services Council gave them improved the project. The entire neighborhood in the affected area was invited to participate. Three proponents and three opponents were in the mediation process and took on the project maintenance plan, a process to evaluate and establish an aesthetic requirement and an outreach plan to involve and notify near and far neighbors. He explained the mediation process, which came to an impasse on some governance issues. The Friends of Sherrett Square sought an alternate approach.

Charla Chamberlain, 1325 SE Marion, 97202, described her experience with mediation which she found emotionally charged, but at the last session representatives from both sides did seem to come together.

Lee Leighton, 6113 SE 17th, 97202, showed slides of the square, indicating where the tea cart, the Bombay Café and other features were located on various corners. The Friends of Sherrett Square have put in a tremendous amount of work to make the workshop a

community focus. They implement the plan crafted by the broad neighborhood representation. There is agreement to emphasize environmental themes and water quality issues. Ideas for special paving such as mosaic walkways, a curbside community garden, a raised plateau design to elevate the intersection center and "minimalist" materials and design reflecting those of European squares. They have broadened participation and kept faith with Council's direction.

Pedro Ferbel, 8512 SE 8th, 97202, Board member of the Division/Clinton Business Association, said they were interested in this model for a commercial district, especially for its traffic calming and community development potential.

Joseph Christman, 4125 N. Mississippi Ave., 97217, said he was one of the six facilitators at the workshop which generated an amazing civic conversation about the vision for the community and the way the built-up environment can be affected.

Mark Lakeman, 8512 SE 8th, 97202, quoted his favorite "in the broadest sense, the goal of urban planning is to facilitate communication." He showed slides to indicate that the square has not negatively affected property values in Sellwood. The slides were of the way people used the square and the kinds of gatherings held. The vision for the future includes adding a fountain, a butterfly garden, rebuilding mural walls and adding curb extensions. One idea is to extend the project to include four blocks and turn it into a wildlife habitat. Other neighborhoods have become interested in modifying their public spaces -- they create a sense of place. The neighborhood received a Livability Award from Governor Kitzhauber.

Marcella Pena, 1136 SE Clatsop, 97202, said with the extensive use of the square, crime in the area has lessened. There has been some vandalism to the square, but most people respect it. It is a place to belong and linger, at no cost.

Alanna Quinn, 8605 SE 11th, 97202, said this provides a gentle integration into the neighborhood and helps people connect in a gentle way.

Patrick Bardel, 2300 SE Woodward, 97202, noted that art is required to complete us as individuals and communities. He would love to see this duplicated in other neighborhoods throughout the City.

Lucy Hinds, 3520 SE Clinton, 97202, said as a new resident about a year ago, she happened on the square and was charmed and blown away. It kept her from moving back to California.

Dylan Leeman, SE 10th and Umatilla, said he agreed that Mr. Lakeman was the most creative urban planner in the City.

Barbara Pereira, 1213 SE Umatilla, said the four corners have put so much energy into this and she is impressed.

Commissioner Francesconi said the City needs more piazza-type places. He commended them on keeping the square well-maintained and in good shape. He particularly liked two comments in testimony -- "it is not antiseptic, it is human" and "beyond property lines." Fundraising will be a tough challenge.

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Commissioner Hales said what is afoot here goes beyond materials and design. He likened it to the creation of Pioneer Courthouse Square in downtown, which was controversial and opposed by the business community. We can learn a lot from this project in enhancing open space and how people come together and relate as neighbors. He hopes someone is writing the story of Share-It Square.

Commissioner Saltzman said this was a great example of creative thought and he will be happy to work with the community on stormwater innovation and natural habitat.

Commissioner Sten said this was outstanding last year and even more so this year.

Mayor Katz said when some young people recently asked her what she did as Mayor, her initial inclination was to list what she does daily. But, her truer response was that it was about creating a city, connecting people to their community and engaging the public to create places. She most likes the spiritual aspect of the community. She thanked all those involved, Commissioner Hales and the Transportation Bureau.

Disposition: Resolution No. 35859. (Y-5)

The Council asked Cay Kershner, Clerk of the Council, to address them as she was retiring and this was her last Council day. She noted that people often ask her about the individual Council members, whom they know of, which may be because of the Commission form of government which gives them responsibilities that people can connect with. A lot of the public do not know how dedicated each Council member is to doing good things for Portland. She and her parents were born here and when she was 18 she would argue with her father, a member of the James Blaine No-Growth Society, about Portland being a backward, pokey, dull place. She got more of her wish than he did. There is always that rule of unintended consequences and while the City is more vibrant and interesting there is the downside of congestion and sprawl. Ms. Kershner noted her time with the Council has been interesting.

At 11:55 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JANUARY, 2000 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Madelyn Wessel, Chief Deputy City Attorney; and Larry Siewert, Sergeant at Arms.

- *122 **TIME CERTAIN: 2:00 PM** – Substitute a new Portland City Code Chapter 14.44, "Personal Escort/Modeling" (Ordinance introduced by Mayor Katz)

Discussion: Madelyn Wessel, Chief Deputy City Attorney, said some technical amendments need to be made and are included in Exhibit B. In the process of redrafting with the bureau, they developed a clearer list of prior offenses for a basis for exclusion and inadvertently omitted three of the important ones.

Commissioner Hales moved the amendments and, hearing no objections, the Mayor passed the motion.

Mayor Katz noted that Ms. Wessel and staff need to be congratulated as the City won the Besaw case and there is now a full civil rights ordinance to protect men and women of different sexual orientation, which is also a victory on preemption issues.

Ms. Wessel highlighted the major changes that have been made to the ordinance which are in response to concerns raised by the industry. One concern from the industry is over the requirement that an open office be maintained during all regular business hours and all hours of operation. For some escorts the business office is their residence and that could pose personal safety problems. An extremely important change regards the definition of personal escorts and models and narrows the types of individuals and activities that would be regulated. The earlier version did sweep in activity that the License Bureau does not want to regulate in a heightened way. It could cover activities that had a relationship to free expression and a lack of relationship to criminal activity, namely prostitution and other types of illegal conduct under Oregon Statutes. Questions were asked about how a person would know an expressive activity was included in the ordinance. A provision has been adapted so anyone with a question about the applicability of the Code can request help from the License Bureau and get a speedy and accurate reading on their situation. Ms. Wessel said they are working hard to eliminate any action that might violate free speech guarantees. The showing of an identification card will only be applicable when actually working as an escort or model, not on demand. One rewrite clarifies that advertising must include a telephone number so the Bureau can locate the business or person in question. There is no requirement that a patron's personal telephone number be provided and recorded, but the call-back contact number must be. All of these provisions were designed by the Bureau because they frequently encounter terrible situations where an escort or model becomes involved in a violent and/or dangerous interchange with a patron. Unnecessary free speech restrictions have been eliminated. Regarding registration at a hotel or motel, if those establishments have guest policies requiring that, they must be complied with. A final important change is in the inclusion of an exclusive severability clause. These changes may cause litigation over the ordinance, so if any provisions are seen as problematic, they want

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to clarify that the intent of the Council was to continue with the fullest possible scheme that could be implemented.

Commissioner Francesconi asked about the argument that the ordinance imposes criminal penalties for failure to pay a non-income tax.

Ms. Wessel said it is within the clear, legal purview of the City to heavily regulate, through licensing and a fee, an industry, for instance pawnshops, which is so closely associated with criminal activity. It is an appropriate and responsible provision.

Commissioner Francesconi asked about the claim that this restrains free speech. Does the licensing scheme, without criminalizing, not rise to the level of an unconstitutional infringement on free speech.

Ms. Wessel said it was good to narrow that definition. The earlier definition posed potential problems. It was not the bureau's intent to intrude in areas related to free speech. The current definition still includes certain types of activities that could be viewed as sexually expressive conduct. It does not criminalize that conduct, but says that conduct, because of the incredibly close link to prostitution, can be closely regulated and subject to a licensing scheme. This ordinance does not direct itself in any shape or form to speech per se. It deals with conduct which, 80-90 percent of the time, is connected to outright criminal activity. Because of the close nexus and because the definition parallels the State prostitution statute, she is comfortable with this balance. There is nothing in the ordinance that targets speech or belief itself. It only addresses conduct. Hate crime laws have an impact on speech and free expression, but are valid as they really regulate conduct.

Commissioner Francesconi asked about the Fourth Amendment to the Bill of Rights, search and confidential records. He also asked why this is regulated by Police rather than the Health Department.

Ms. Wessel said because of the compelling links to criminal activity, they have tight schemes involving inspection of records. It is necessary to make sure the businesses are operating on the right side of the law. Regarding Police regulation, the issue is that abuse of minors, women and outright violation of State Laws are not occurring on a rampant basis.

Captain Jim Ferraris, Drug and Vice Division, Police Bureau, reminded Council when a number of major streets were frequented by prostitutes and their customers. Through the neighborhood associations, treatment and prevention programs and other techniques, street level prostitution has diminished. Consequently, there has been a marked increase in the so-called adult modeling/escort businesses, and the pimps and promoters are still lurking on the streets to collect money from the exploitation of adult and juvenile women and men. The proposed ordinance will be an effective tool to control this terrible crime, the life style it brings and its tragic results. Police will be able to intervene before the business gains a foothold. The Police hope to reduce the number of illegal businesses, which are nothing but fronts for prostitution. This ordinance is based on similar ordinances in other cities.

Commissioner Hales asked about the revocation process stated in the ordinance, referring to the permittee having "committed" prostitution. Why is it committed, not convicted.

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Sergeant Ed Brumfield, Drug and Vice, Police Bureau, said if an escort, out on a call, engaged in an act of prostitution, they would notify the License Bureau that she or he violated portions of the escort ordinance. The license revocation can be appealed.

Commissioner Sten said he does not quite see how this helps stop prostitution.

Sergeant Brumfield said it helps tremendously as it makes it difficult to operate an illegal enterprise. Once a person is arrested for prostitution it will be very difficult for them to get a job in the escort/modeling business as the owner could lose his license.

Commissioner Sten asked about the argument that this just drives it somewhere else and creates administrative costs to the City.

Sergeant Brumfield said because of the pressure on street prostitution and pimps, Portland is no longer considered a primary circuit city, but it is considered a recruiting place. This ordinance will complement the other tools such as prostitution-free zones, vehicle seizure and education programs.

Commissioner Sten asked where prostitution might move to next and is prostitution down after the crackdown on street solicitation.

Sergeant Brumfield said the women in the industry have told him they will either leave town, work somewhere else or get out of the business. He did not know if prostitution was down, but there has been a tremendous increase in escort/modeling services.

Captain Ferraris said no one is naïve enough to think this will end prostitution, but it is another tool to address the problem. They are trying to stay ahead of the curve.

Commissioner Francesconi asked how much this will cost, administratively and legally.

Captain Ferraris said there will be no additional funds from the general funds and it is the same case for the License Bureau.

Ms. Wessel said the cost of defending a particular case is impossible to predict, but this is an ordinance that the City Attorney's Office can comfortably defend and at less cost.

Commissioner Saltzman asked for clarification on the business license and how accessible will the records be. He asked if the rationale to have the records in the Police Bureau, rather than the License Bureau, is to keep them as protected as possible.

Ms. Wessel said this is a permit and a business license will be required under existing Code. An individual model or escort, not running their own business, will request an identification card.

Sergeant Brumfield said all the information from the application, the fingerprint cards and photographs are kept in a separate file. The fingerprints are only checked against the fingerprint data base, not entered into it. Only police in the Vice detail, four officers in total, who are conducting investigations into a escort/modeling business can access them. The records are a safety issue for the business, but to get them is a very regulated process, ending with the City Attorney's Office determination of releasing or not. The License Bureau does

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not keep records, only the permit number and expiration date. If someone asked the License Bureau for the permit number, he would be referred to the Drugs and Vice Division.

Captain Ferraris said every request is subject to the State public records law and the likelihood of access is very remote. These will be protected as their investigative and informant files are kept -- very securely.

Commissioner Saltzman asked about the information on and use of the identification card and if it is necessary to have personal information on the back of it.

Sergeant Brumfield said the card needs to be shown only to the Police or License Bureau staff. The front of the card has a photograph, a stage name and a permit number. The back of the card has the real name and height and weight information. If an officer is called to a dispute at 3:00 a.m., the files cannot be checked. The personal information confirms she is who she says she is.

Commissioner Sten asked why not put the escort business name on the card, rather than the person's real name.

Sergeant Brumfield said one escort/model can work for a number of businesses. There would be a problem with someone loaning a card to another.

Commissioner Sten asked for the ordinance's definition of a personal escort/modeling business.

Ms. Wessel said the primary changes are to use language of the existing prostitution law. The purpose is to narrow the scope so the activity is only described in terms of conduct rather than things that have speech-based connotations, such as entertain.

Commissioner Saltzman said he was bothered by the risk factor of having the person's name on the card.

Captain Ferraris said they are confident that the name is needed on the card. It is no more uncommon than to carry a driver's license, social security or credit card.

Commissioner Sten said he is still bothered with the requirement of the person's name on the card, especially for the legal escort/model whose callers very likely think the person is a prostitute.

Ms. Wessel said the Code itself does not describe all of the aspects of the card. The Bureau will produce the card and require the information. If Council does not want this information on the card, it can be changed.

Those speaking in opposition to the ordinance are:

Jennie Clark, PO Box 42655, 97242
Kelly Moore, Scarlet Letter, 539 SE 39th Ave., 97214
Lyla Hamilton, Scarlet Letter, 539 SE 39th Ave., 97214
Rita Meter, Scarlet Letter, 539 SE 39th Ave., 97214
Sarah Conner, Scarlet Letter, 539 SE 39th Ave., 97214

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Morgan LeFey, Scarlet Letter, 539 SE 39th Ave., 97214
Shannon Cost, Scarlet Letter, 539 SE 39th Ave., 97214
Severina, 350 W. Burnside
Circe Rose, 15 NE Monroe
Jada Mae Langloss, no address stated

The above people said this was unconstitutional and against civil rights and calls for jail time for failure to pay a fee. As much as \$700 in fees is required in advance, before a person will make any money. The behavior of nude dancing and drama and role play is a form of expression, which is protected by the Oregon Constitution. The determination of the activity is being made by the License Bureau rather than a judge or court. Clients should not have their privacy invaded. They suggested removing the Police from the permit process and go through the County Health Department, which has indicated its support. Mostly women, from late teens through late 40's, work in the sex industry and are daughters, sisters, mothers and neighbors. This ordinance will put them, who are already on the fringes, in harm's way. Some testimony described the formation of four support groups to increase the safety of sex workers, which shows the level of awareness they have. Not one of the groups was contacted before the ordinance was created, introduced or passed. Sex workers are afraid of the police as there is a history of stigmatizing any kind of sex worker. The workers will find alternative ways, more clandestine, underground and less safe, to find clients without the City's intervention. The countries with the most restrictive legal system for sex workers have the most problems with violence against and exploitation of prostitutes. Local sex workers have established a good relationship with health departments for on-the-job disease prevention. The validity of the charge that 80-90 percent of the escort/model workers were prostitutes was questioned. A sex worker asked Captain Ferraris on the phone if future employers in non-sex industry fields would access the Police records and he said he would give the records to whomever requested them, as they are public records. Sex workers have a valid fear of the police. A suggestion of a round table discussion with authorities and workers is promising. Ms. Cost listed 15 recommendations from the Scarlet Letter they want included. Ms. Langloss said prostitution has gone on through eternity and some prostitute themselves through marriage.

Ms. Wessel said the most important comment is to give the City specific recommendations about the continuing need for public health services. There is no incompatibility with the police, who steward the community interest in law enforcement, working with County health.

Mayor Katz asked if the ordinance could require that the County provide health information.

Ms. Wessel said this ordinance is not the vehicle for that, but she can work on an Intergovernmental Agreement with the County. Testimony today has been from strong and independent people. But, the police deal daily with people in the industry who have been victimized, are vulnerable and exploited by pimps and others. The State Criminal Code defines prostitution. Regarding the comment on the lack of notification, Sergeant Brumfield took and made hundreds of calls during the process. Regarding the issue of impact on patron privacy, there is nothing in the ordinance requiring a patron to give their true name, address or any other information. There is a provision that the contact number the escort or model calls back to is written into the business records. The Bureau will not make copies of the business records, although the business must keep them. Regarding nude dancing, this

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ordinance has nothing about nude bars or entertaining. It deals with one-on-one between an escort/model and a patron.

Commissioner Saltzman proposed postponing putting the real name on the identification card for at least a year and then re-evaluate.

Captain Ferraris said he believes it is important to have the real name on the identification card for the reasons he already stated. The purpose of having a permit is to fully identify a person to be the permittee.

Ms. Wessel said Council can direct dropping the name on the identification, which is not even in the ordinance itself.

Commissioner Sten said that the identification issue could be less contentious than it is. Commissioner Francesconi said he wants the Bureaus to work hard to determine if the name can be left off without lessening the impact, the real-world effect.

Mayor Katz said she wants to know what the consequences would be if an officer came in to protect the worker or client and the name were not on the card.

Sergeant Brumfield noted that three people might use the same stage name. When a business is considering hiring a person, it would be helpful to have the real name.

Commissioner Sten said, if the percentages are right, he is concerned about the legal 20 percent working cooperatively with the City.

Ms. Wessel said the ordinance has a 30-day delay. Council could direct the Bureau to come back to them within 30 days either with a report or another ordinance for a short hearing to cover this issue. There could be a one-year delay on requiring the real name.

Mayor Katz reminded Council there was still an ordinance on the books, which needs to be amended. The name on the card issue can come back to Council in the time before the ordinance goes into effect.

Captain Ferraris said he would work out the administrative issues when the ordinance passes.

Ms. Wessel said the code which would be adopted by this ordinance simply does not speak to the front or back of the identification card. It requires the issuance and display of the card only.

Commissioner Francesconi said he is voting for the ordinance contingent on a person's real name not being on the card for a year. This ordinance is a tool to protect society and especially the women. When there is a law for something such as prostitution it must be supported, and not just in the street but underground and behind doors, too. This is such a complex issue and some problems cannot be solved.

Commissioner Hales said with the assurance there is no name and address on the identification card, he will vote aye. With this new ordinance, they have tried to craft a

better balance between privacy/civil rights and illegal prostitution. Forbearance on the name for now is a fair concession.

Commissioner Saltzman said delaying the name on the card will help the assessment of this ordinance. If the County can come up with a better ordinance, he will be happy to consider repealing this one.

Commissioner Sten said this is a difficult issue for him. Much of the debate is about how society should approach the commodification of women and sex. It is true that women are heavily victimized. He sympathizes with the police trying to enforce the law, even though prostitution will never be stopped. This ordinance will be a workable tool. There is some organization of the sex workers and that should help discussion. Some percentage of the escort/modeling business is clearly illegal and some is not.

Mayor Katz said as long as prostitution is a crime, the City must enforce it. If the Police Bureau finds it cannot wait a year to not have the name on the card, they will have to come back to Council.

Disposition: Ordinance No. 174121 as amended. (Y-5)

Mayor Vera Katz

- 123 Hear appeal of Catherine Georgetown to the Police Internal Investigations Auditing Committee, #99-23 (IAD #99-187), per City Code 3.21.085(4)(d) (Report)

Disposition: Continued to March 22, 2000 at 2:00 p.m.

Commissioner Saltzman left the meeting.

- 124 Discuss and approve Police Internal Investigations Auditing Committee quarterly monitoring reports per City Code 3.21.085(5) (Report)

Discussion: Dr. Michael Hess, Police Internal Investigations Auditing Committee (PIIAC) Examiner, said they have resurrected the quarterly PIIAC reports.

Robert Ueland, Chair, Monitoring sub-committee, PIIAC, said there is a new Examiner and a new captain in Internal Affairs Division (IAD) and things are going well. They accepted 25 appeals during 1999 and an additional 19 closed investigations were monitored by the Monitoring Committee. Timeliness is always a critical issue. Captain Bret Smith has instituted management procedures to improve it and he obtained a Bureau of Justice Assistance grant for non-sworn staff to help with the intake process. Still, the average time from intake through completion is 13 months. The average yearly complaints have stayed steady, about 340 per year. PIIAC suggests immediate additional staffing to IAD, but understand it costs money. Brochures and complaint forms in eight languages are now issued, with two more to be added -- Hmong and Mien. Mr. Ueland said the committee recommends that the use of profanity be included in the report. There have only been a handful of cases in the year where disparate treatment was specifically alleged and none were proven or founded. Treatment based on race has come up in several recent cases, mostly from African-Americans, whose complaints totaled 25 percent of all complaints. They urge additional police diversity training and more education about diverse cultures.

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Because of the insidious and damaging consequences of even the appearance of disparate treatment, PIIAC recommends a diversity training refresher course in the annual, in-service training. He noted there is serious misunderstanding in traffic stops. Captain Smith went to the training people and a more effective communication approach is in place.

Mayor Katz said she understood that in some jurisdictions there is an actual, verbal script for traffic stops.

Captain Bret Smith, IAD, Police Bureau, said he was not aware of that. In basic training, there is a role play exercise about traffic stops. The State Police have developed a video as instruction.

Mayor Katz asked Captain Smith to check best practices, especially in Canada. She is concerned about the use of profanity and rudeness, although it is allowed in some cases under the General Order.

Captain Smith said every complaint case is looked at individually. How, what and the manner in which things were said is considered.

Mayor Katz said she would talk to the new Police Chief about using profanity as a system of control.

Dr. Hess said the Advisors have said there are other ways to gain control. Using profanity too quickly can escalate a situation. It can go to insults, which is not acceptable.

Dan Handleman, Portland Copwatch, PO Box 42456, 97242, said 25 percent of the complaints come from African-Americans, who have a population of about eight-nine percent. PIIAC has begun to summarize their cases and he would like all the cases summarized. He cited a case when the officer used profanity and called the person a "mental." The ordinance that says officers should not denigrate people because of their religious background should also say because of physical or mental abilities. He recommended not using such big words as "bifurcate." The 13 month time line is unacceptable, even with the turnover in IAD, and seems to be getting worse.

Dr. Hess intends to have a report which gives the statistical breakdown of complaints by race, area and other factors.

Commissioner Hales moved to accept the report and Commissioner Francesconi seconded.

Commissioner Francesconi appreciated the quick response in putting the material in other languages. There is a need to recruit minorities.

Mayor Katz thanked the Citizen Advisors for their hard work. An idea in cutting down the workload is to shift a lot of that responsibility to the precincts, which does not necessarily satisfy the complainant. The Public Safety Coordinating Council is looking at the disparate percentage of minority stops and arrests all the way to court disposition. Courtesy is an issue that needs constant attention.

Disposition: Approved.

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

GARY BLACKMER
Auditor of the City of Portland

Britta Olson

By Cay Kershner
Clerk of the Council
(Prepared by Britta Olson)