



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF SEPTEMBER, 1991 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Kathryn Imperati; Senior Deputy City Attorney; Madelyn Wessel, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark proclaimed September 22-29 Alcohol and Drug Abuse Treatment Works Week and presented the proclamation to Pat Vanzo.

Commissioner Bogle presented an award to Chiefs George Monogue and David Norris, Bureau of Fire Rescue and Emergency Services, who described the progress of the Office of Emergency Management Volunteer Corps.

Commissioner Bogle moved for Suspension of the Rules in order to consider a report not placed on the agenda. Commissioner Kafoury seconded and the motion carried. (Y-5)

1621-1 Report on remonstrances to the assessment of the Downtown Economic Improvement District for the three-year period ending September 30, 1994 (Report; EID; C-9773)

Mayor Clark asked for comment, and there being none, closed the hearing.

Disposition: Accepted

Agenda Nos. 1625 and 1628 were pulled from Consent.

***1628** Contract with Northwest Community Development Corporation for \$100,000 for the development of plans for a Community Development Consortium and Hispanic Service Center and provide payment (Ordinance introduced by Mayor Clark and Commissioner Kafoury)

Disposition: Referred to Commissioner of Finance & Administration.

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

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CONSENT AGENDA - NO DISCUSSION

1626 Accept bid of Walsh & Sons Trucking Co. Ltd for furnishing sawdust for composting wastewater sludge for \$480,000 (Purchasing Report - Bid 12-A)

Disposition: Adopted; prepare contract.

1627 Vacate a certain portion of N Borthwick Avenue lying between N Halleck Street and the Oregon & Washington Railroad Lines, under certain conditions (Second Reading Agenda 1575, C-9746)

Disposition: Ordinance No. 164668. (Y-5)

Mayor J. E. Bud Clark

1629 Confirm appointment of Joan Brown-Kline to the Portland City Planning Commission (Report)

Disposition: Confirmed.

***1630** Establish two limited-term positions and four salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by City Council (Ordinance)

Disposition: Ordinance No. 164669. (Y-5)

***1631** Authorize an application to the Economic Development Administration, for a grant of up to \$125,000 (Ordinance)

Disposition: Ordinance No. 164670. (Y-5)

***1632** Contract with MFIA Inc., Consulting Engineers, for \$17,000 for mechanical and electrical engineering services for remodel of East Precinct Police Station, waive consultant selection procedures, and provide for payment (Ordinance)

Disposition: Ordinance No. 164671. (Y-5)

***1633** Increase contract with Honeywell Inc. by \$11,306 for The Portland Building Energy Management System (Ordinance; Contract No. 26408)

Disposition: Ordinance No. 164672. (Y-5)

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Commissioner Earl Blumenauer

***1634** Authorize the Purchasing Agent to sign a Purchase Order as a contract for Taulman Company to provide a two-speed out-feed device gearbox, and necessary related parts, for the composter at the Wastewater Treatment Branch and provide for payment (Ordinance)

Disposition: Ordinance No. 164673. (Y-5)

***1635** Accept a sewer easement for the NW Harbor Boulevard Sewer Reconstruction Project, granted by Charles Grossman and Helen Frost Grossman, authorizing total payment of \$360 (Ordinance)

Disposition: Ordinance No. 164674. (Y-5)

***1636** Authorize the Commissioner of Public Works to amend an Intergovernmental Agreement with the Metropolitan Service District (Metro) for Challenge Grant funds to be used to fund first-year local government waste reduction work plan activities (Ordinance)

Disposition: Ordinance No. 164675. (Y-5)

Commissioner Dick Bogle

***1637** Establish a petty cash account for the Bureau of Emergency Communications, Fund 115, in the amount of \$2,000 (Ordinance; Amend 152321)

Disposition: Ordinance No. 164676. (Y-5)

Commissioner Gretchen Kafoury

1638 Authorize an extension of the agreement with Portland Public School District No. 1 to pay the City \$10,280 for reimbursement of costs associated with employing a person as City-School Liaison (Ordinance)

Disposition: Passed to second reading.

***1639** Establish uniform 30 day notice for lien assessment for nuisance abatement charges, derelict building fees, and reinspection fees (Ordinance; Amend Code Sections 18.03.035, 24.80.030, and 29.10.160)

Disposition: Ordinance No. 164677. (Y-5)

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Commissioner Mike Lindberg

1640 Accept contract with Werbin West Contracting, Inc., as complete and authorize final payment (Report; Contract No. 26599)

Disposition: Accepted.

1641 Approve Change Order No. 1 and accept contract with W.G. Moe and Sons as complete and authorize final payment (Report; Contract No. 27131)

Disposition: Accepted.

***1642** Call for bids for the purchase of screen assemblies for Reservoir 4 and 6, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164678. (Y-5)

***1643** Authorize an agreement with Community Energy Project for \$18,000 to administer the marketing and educational components of the Block-By-Block Weatherization Program and authorize payment (Ordinance)

Disposition: Ordinance No. 164679. (Y-5)

***1644** Enter into an agreement with the U.S. Forest Service to jointly fund retrieval of previously collected streamflow data by the U.S. Geological Survey at a cost of \$4,800 (Ordinance)

Disposition: Ordinance No. 164680. (Y-5)

***1645** Authorize Agreement with Portland Community College for the use of the Sylvania Campus Aquatic Facilities by the Parks Bureau Aquatics Section commencing September 28, 1991 through August 7, 1992 (Ordinance)

Disposition: Ordinance No. 164681. (Y-5)

***1646** Call for bids for the construction of the Lusted Road Water Main located east of Gresham, Oregon, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164682. (Y-5)

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- *1647** Accept and transfer a \$12,300 grant from Oregon Arts Commission to Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 164683. (Y-5)

- *1648** Contract with Gary Hirsch for the creation and installation of a public art project to be located at the Third and Alder Parking Garage and provide for payment (Ordinance)

Disposition: Ordinance No. 164684. (Y-5)

City Auditor Barbara Clark

- *1649** Cancel sidewalk assessment (Ordinance; amend 163918)

Disposition: Ordinance No. 164685. (Y-5)

- *1650** Reduce sidewalk assessment (Ordinance; amend 162365)

Disposition: Ordinance No. 164686. (Y-5)

REGULAR AGENDA

- 1625** Return Purchasing Report to Council and amend to allow American Business Machines to withdraw their bid and to allow rebidding (Purchasing Report -Previous Agenda 1443)

Discussion: Carlton Chayer, Purchasing Manager, said on August 13 Council awarded two contracts for copier maintenance service, but American Business Machines, the low bidder for Panasonic and Ricoh copier maintenance, discovered they had misinterpreted the bid. Chayer said legal review supports allowing the company to withdraw their bid and the City's rebidding only the two groups of copiers that American Business Machines was awarded. Chayer cited the company's good performance in the past.

Commissioner Bogle said there is precedence for this action.

Disposition: Accepted. (Y-5)

Mayor J. E. Bud Clark

- *1651** Declare surplus property located on SW Slavin Road near SW Corbett, and authorize exchange of property on Rocky Butte (Ordinance introduced by Mayor Clark and Commissioner Lindberg)

Disposition: Ordinance No. 164688. (Y-5)

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- 1652** Call for bids to furnish some of the 1991-92 replacement City vehicles, authorize a contract, and provide for payment (Second Reading; Previous Agenda 1579)

Disposition: Referred to Commissioner of Finance & Administration.

Commissioner Earl Blumenauer

- 1653** Return a communication from Ron McKemie and recommend that it be filed for no further consideration (Report; Previous Agenda 1182)

Disposition: No further consideration.

- *1654** Contract with Kramer, Chin & Mayo, Inc., to increase funds for Construction Administration Services for the Sullivan Pump Station, and provide for payment (Previous Agenda 1613)

Disposition: Ordinance No. 164689. (Y-5)

Commissioner Mike Lindberg

- *1655** Accept a U.S. Department of the Interior, National Park Service, Urban Park and Recreation Recovery grant in the amount of \$250,000 for Phase II improvements to the Matt Dishman Community Center (Ordinance)

Disposition: Referred to Commissioner of Public Affairs.

- 1622** **TIME CERTAIN: 9:30 AM** - Accept the Annual Report of the Portland/Multnomah Commission on Aging (Report introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury commended the Commission for thousands of hours of volunteer work performed each year.

Ruth Currie, Commission on Aging, described special projects started in the last year, including a survey identifying the need for health care education, transportation assistance and referral services for citizens in minority communities. Currie described a new fall prevention program and the Senior Center Task Force's stabilization of funding.

Gwen Harrison, Commission on Aging, said the Housing Task Force adopted eight issues for advocacy: 1) to increase the number of residents knowledgeable about available services; 2) to provide residents with assistance in daily living tasks; 3) to increase residents' sense of security and

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safety; 4) to increase transportation to residents; 5) to provide access to a telephone to reduce isolation; 6) to increase the responsiveness of building managers to residents' needs; 7) to increase the number of activities available in the building and in the community; 8) to increase participation in the congregate meal program.

Becky Wehrli, Executive Director, Commission on Aging, 5027 SE Salmon, described efforts to work with police and other agencies to investigate elder abuse and help senior victims of crime.

Mayor Clark commended the report as the best he'd seen.

Commissioners Bogle and Blumenauer expressed hope that future resources would allow the continuation of the Commission's work.

Disposition: Adopted. (Y-5)

1623 TIME CERTAIN: 10:00 AM - Prohibit discrimination in housing, employment and public accommodations on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income, and provide for enforcement (Ordinance introduced by Mayor Clark and Commissioners Blumenauer, Bogle, Kafoury and Lindberg; add Title 23, Chapter 1)

Discussion: Commissioner Bogle said the City should demand equal treatment for all people subject to discrimination.

Commissioner Blumenauer said he chaired the first legislative hearing on anti-discrimination 18 years ago, and supported anti-discrimination measures in City and County personnel practices.

Commissioner Kafoury said she had been working on the source of income provisions with people in the industry who suggested some changes. She moved to amend Exhibit A, paragraph B. 1 and 2 to delete the word "reasonable." Commissioner Blumenauer seconded the motion, and the motion passed. (Y-5)

Madelyn Wessel, Deputy City Attorney, said the City has authority under the Charter to create the civil rights legislation, she's examined other codes in the country and found over 100 that cover sexual orientation, and seven states provide protection based on source of income.

Madelyn Wessel said the ordinance is parallel to existing state protections under ORS 659, but creates new categories. Wessel said initial enforcement will be through the Bureau of Labor and Industries (BOLI), but later changes

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can be made. Wessel said the ordinance directs the City Attorney's office to study "substantial equivalency" and whether the ordinance should be expanded to meet HUD standards. Wessel said the ordinance also provides a private right of action. Wessel said enforcement provisions will be stayed pending contractual arrangements with BOLI.

Commissioner Kafoury moved to amend the Ordinance to clarify the private right of action on page 2, paragraph e, to say "The enforcement provisions contained at section 23.01.080 (A)-(D)" Commissioner Lindberg seconded the motion. (Y-5).

Wessel said the exceptions on page 2 relating to sexual orientation parallel State proposals to provide some exceptions specifically relating to the leasing

and renting of space and provide leeway to religious entities. Wessel said source of income provisions are similar to those in other states and allow landlords to examine the creditworthiness of renters.

Commissioner Lindberg called the following people to testify in support of the civil rights ordinance:

Vera Katz, State Representative
Chief Tom Potter, Portland Police Bureau
Karen Keeney, Equity Foundation
Jann Carson, ACLU
Marilyn Coffell, Bureau of Labor & Industry
Steve Fosler, Future Focus
Carolyn Leonard, MHRC
Angela Kane, MHRC
John Baker, Right to Privacy
Phil Keisling, Secretary of State
Donna Redwing, Lesbian Community Project
Scott Nakagawa, Coalition for Human Dignity
Ellen Lowe, Ecumenical Ministries
Terry Rogers, Legal Aid
Helen Ellison, client of Legal Aid
Kelli Ross, client of Legal Aid
Phil Yates, Fair Housing Council of Oregon
Ruth Currie, Commission on Aging
Avel Gordly, State Representative

Proponents described the need to track bias crimes and to clearly denounce attitudes that lead to hate crimes. Proponents described their own and their clients' experiences with discrimination and their struggles in having to hide their relationships from the public for fear of reprisal. Proponents said sexual orientation and source of income are not factors in who will be a good tenant or good employee. Proponents described the difficulties of trying to

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find housing for their families when landlords labeled them welfare mothers or wouldn't accept Social Security income. Proponents described the Future Focus goal to promote diversity in the community and the need for Portland to serve as an example for the rest of Oregon.

Citizen testimony continued. The following individuals spoke in opposition to the ordinance:

Bill Casey, PO Box 20494, Portland
Steve Smith, P Box 20494, Portland
Annette Emerson, PO Box 20494, Portland
Gregg Gillett, PO Box 20494, Portland
Beth Augée, PO Box 5485, Salem
Michael W. Schenatzki, 6014 NE Alton, Portland
Priscilla Martin, 3751 NE 29th, Portland
Edward Casavant, 1912 SW 6th, Portland

Opponents said all Americans already have civil rights, and the legislation takes rights away from one group to give to another, creating special rights for a small percentage of the population. Opponents questioned whether new rights should be created where there had been no substantial testimony showing a pattern of discrimination for these additional groups. Opponents said landlords and employers should have the right to make their own choices, and their employees and family members shouldn't have to work with persons to whom they object. Opponents said homosexuality contributes to health hazards and the breakdown of families, and City Council and Future Focus have not addressed problems facing families raising children.

Gretchen Buener, PO Box 1233, Portland, OR, said she supports the other protections of the ordinance, but as an attorney representing landlords, she had concerns that the vague language covering the exceptions regarding source of income, on page 2, at (b)(1) and (2), would lead to litigation. She suggested a meeting with landlords and property owners before the next Council meeting on the ordinance.

Disposition: Continued to September 26, 1991 at 3:00 p.m.

***1624 TIME CERTAIN: 11:30 AM** - Contract with CH2A & Associates to provide Lead Agency services under the City's First Source Hiring Program and Construction Intern Program in the amount of \$160,730, waiving requirements of Section 5.68 of the City Code, and transferring appropriation (Ordinance introduced by Mayor Clark)

Discussion: Bishop A.A. Wells, First Vice President of Albina Ministerial Alliance, said he works with gang kids and unemployed fathers who previously were unable to get jobs at construction sites, but this ordinance will provide jobs for them.

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Bob Rodgers, Bureau of Labor and Industries Apprenticeship Program, said putting young people in apprenticeship programs is a commitment to lifelong employment for them.

Jim Francesconi, St. Andrews Church, Portland Organizing Project, said the City should no longer delay a first-source hiring policy to enable the Coalition of Black Men to assist black males develop respect within the community.

Commissioner Bogle and Kafoury commended Harold Williams for helping develop partnerships with Portland Community College and labor unions in addressing community problems.

Commissioner Lindberg commended all the citizens who had demonstrated persistence and creativity in implementing the program.

Mayor Clark thanked David Kish and Chris Tobkin for their hard work.

Disposition: Ordinance No. 164687. (Y-5)

At 12:00 noon, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF SEPTEMBER, 1991 AT 2:00 P.M.

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Pete Kasting, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

Mayor Clark proclaimed September 22-29 Portland Marathon Week. Les Smith, Race Director, and Bernie Reid, ODS, introduced runners from Germany and the Ukraine and a poster designed by NIKE.

- 1657** Tentatively deny after consideration of LUBA remand, appeal of John C. and Bess I. Bartels and grant application of Kelly and Barbara Bruun for a subdivision/PUD for Humphrey Heights (Findings; Previous Agenda 1516)

Discussion: John Bartels, PO Box 12496, Portland 97212, said the applicant's findings cover data and solutions already ruled inadequate for the application. He said the LUBA remand was for missing evidence on ground water drainage and soil analysis, but that has not been produced, and the applicant still has not demonstrated compliance with Title 33. Bartels said Council should require surety bonds for this project. Bartels said a transcript of a previous hearing quoted Commissioner Lindberg referring to calls received from West Hills people concerned about soil instability and landslides. Bartels requested the names and addresses of those people be put on the record.

Kelly Bruun, 12511 SE Callahan, applicant, said his project for 38 residential lots is within the guidelines for the urban growth boundary and he wants to get on with the project.

Commissioner Kafoury abstained from a vote on the findings because she was not present for the original vote.

Disposition: Findings approved. (Y-4; Abstain-Kafoury)

- 1656** Appeal of Dewey Lake and Ted Evans against Hearings Officer's decision to deny application for a 3-lot major partition with a variance located at SE 112th, south of Flavel (Hearing; 91-00125 SP)

Tom Bizeau, Planning Bureau, said the proposal is to divide 1.5 acres into three single-family lots ranging from 15,000 to 19,000 sq. feet, but because

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the zoning is R10 the applicant requested a variance to partition at less than 90 percent of the minimum required density. Bizeau said one home had recently been built on the land. Bizeau said the Hearings Officer and staff recommended denial of the major partition and the variance because Title 34(15) requires density equal to 90 percent of the maximum density and the required density of 90 percent is 5.9 units at this site in Powell Butte Plan District. Bizeau said most of the parcels in the area are within the zoning requirements of 10,000 square feet.

Bizeau said in 1979 a 5-lot development was denied based on lack of street connectivity, but the Office of Transportation no longer considers that an issue. Bizeau said a development proposal for 3-lot partition was approved in 1984, but it was never implemented, the approval lapsed and the new density requirement became effective on November 7, 1990. Bizeau said access has been reduced, but exists to five lots. Bizeau said additional costs do not constitute a variance hardship and profit from additional lots would compensate the applicant. Bizeau said the applicant submitted no proof to substantiate his claim there would be drainage problems.

Bizeau said the appellant contended no plan would adapt to the topography of the land, the property is damaged by being an undevelopable 1.5 acre parcel, the Hearings Officer assumed the appellant pre-planned the 3-lot partition to fit around the existing dwelling, and the appellant cites site constraints and poor planning.

Ted Evans, appellant, 265 NE 2nd, Gresham, said size, shape and topography of the property are not conducive to five lots, and 40 percent of the lots would have to be in long, narrow flags that no one likes, including traffic and fire people. Evans said the owner, Dewey Lake, did not pre-plan the setup so the City would have to go along with what he had already done. Evans said in 1984 the City approved three lots, so in 1989-90 Lake built his own residence and put in the services for two other potential lots. Evans said Lake has a good reputation as a contractor and there is no evidence he would operate that way. Evans said too many side issues unrelated to zoning have been thrown into the discussion. Evans said a significant number of lots in the vicinity are over 10,000 sq. feet.

Mayor Clark asked why the owner couldn't put each lot into separate ownership, so adding one or two lots would get closer to the 90 percent, with subdivision intended for the future.

Evans said they physically surveyed and measured the property, and the only solution they developed was worse than the 1979 proposal. Evans said because of the shape of the property the lots are only 85 feet wide, with a 15-foot setback, there is only a 55-foot building envelope. Evans said variances are for situations like this.

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Commissioner Lindberg asked Tom Bizeau to explain whether topography and layout prevent meeting the density requirement.

Bizeau said there are no observable site constraints on the property, and the applicant never provided evidence he couldn't put the five lots there.

Commissioner Kafoury said she didn't want to set a precedent for avoiding density requirements within the urban growth boundary because something has already been developed.

Mayor Clark said he would vote no on the basis of topography and the previous decision to allow the 3-lot development.

Commissioner Kafoury moved to adopt the Hearings Officer's recommendation, Commissioner Bogle seconded, and the motion passed.

Disposition: Appeal denied; Hearings Officer's decision approved. (Y-4; N-Clark)

REGULAR AGENDA

Mayor J. E. Bud Clark

1658 Communication from citizens regarding Mid-County Sewer Project (Communication)

Discussion: Linda Riley, Portland Organizing Project (POP), 4442 NE 91st, said POP represents 55,000 homeowners in Mid-County who want Council to listen to their testimony about the problems homeowners are encountering with rising sewer costs. Riley said commissioners' staff members have not been sympathetic to the homeowners' situation. Riley expressed concern that after the Cost Alternative Task Force submits recommendations on November 1, there is no plan of action.

Chris Kresek, 2234 SE 189th, said POP proposed three next steps for Council: 1) commitment to attend a community meeting in October so Council members could personally hear homeowners' testimony; 2) commitment for ongoing communication between Council and the homeowners prior to any decision-making; and 3) commitment to act on the recommendations of POP and the Task Force before the end of the year.

Commissioner Lindberg questioned why the group thought the Task Force would not produce a plan of action.

Kresek said the group doesn't know what happens after the Task Force reports and when decisions will be made.

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Commissioner Lindberg said he would respond to the three proposals by Friday.

Commissioner Kafoury asked why Council couldn't wait until after the recommendations from the Task Force.

Kressek said POP believes Council should hear from homeowners face-to-face rather than rely on reports about Task Force meetings.

Commissioner Kafoury agreed to attend the meeting and to be accessible to the group after the Task Force's recommendations are published.

Mayor Clark objected to being pressured into responding immediately to the three proposals. Clark said he had been to POP meetings and had been sensitive to issues, but this communication was extraordinary. Clark said he would respond eventually, but not immediately.

Commissioner Blumenauer said he would commit to a decision by the end of the year and continue to meet and talk with people. Blumenauer said he prefers to do things right rather than meet a certain timetable.

Kressek said the sewer bills are due in December.

Mayor Clark said Council has been doing everything possible to reach a solution, but he's concerned POP only wants to demonstrate and not accomplish anything.

At 3:00 p.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 SEPTEMBER, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Barbara Clark, Acting Clerk of the Council; Kathryn Imperati; Senior Deputy City Attorney; Madelyn Wessel, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark introduced students from Kiev.

- 1659 TIME CERTAIN: 2:00 PM** - Presentation to Council of the Consultants' report for Arts Plan 2000 Plus (Report introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg remarked on the number of public and private groups collaborating on the project. Lindberg said Lincoln High School and Buckman Elementary School created art for the commissioners. Buckman students presented masks and sang a song about Portland.

Bing Sheldon, Chair of the Arts 2000 Plus Task Force, presented the report and recommendations.

Kathleen Johnson-Kuhn of Commissioner Lindberg's staff was especially recognized for her part in this project.

Dr. Thomas Wolf, author of the consultant's report, stressed the need for improving cultural diversity in the arts and for increased funding from both public and private sectors.

Disposition: Placed on file.

- 1661** Adopt the Portland Future Focus Strategic Plan and pledge Council efforts to accomplish goals, and direct City bureaus to review (Resolution)

Disposition: Continued to October 16.

- 1660 TIME CERTAIN: 3:00 PM** - Prohibit discrimination in housing, employment and public accommodations on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income, and provide for enforcement (Ordinance; add Title 23, Chapter 1) ** See Agenda Item No. 1623

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Discussion: Mayor Clark announced the second reading would occur on Thursday at 1:00 p.m., with no public testimony.

Commissioner Gretchen Kafoury and Madelyn Wessel, Deputy City Attorney, introduced amendments to clarify the housing implications of the ordinance.

Wessel read the new phrasing for the exceptions into the record:
"23.01.040. Section 1. Inquiry into and verification of a source or amount of income. Section. 2. Inquiry into, evaluation of and decisions based on the amount, stability, security or creditworthiness of any source of income. Section 3. Screening prospective purchasers and tenants on bases not specifically prohibited by this chapter or state or federal law."

Commissioner Kafoury moved to approve the three amendments, and the motion carried. (Y-5)

Commissioner Lindberg said he wanted to establish legislative intent for the record. He said modified language explicitly spells out that landlords may still conduct routine inquiries into sources of income; however, changes in no way suggest that public assistance income is unsuitable or insecure. Lindberg said Council's intent is to eliminate discrimination based on such sweeping judgments.

Citizen testimony continued. The following individuals spoke in opposition to the ordinance:

Scott Lively, Oregon Citizens Alliance, 9150 SW Pioneer Ct., Wilsonville
Rodger Van Zanten, 2210 NE 82nd Ave.
Sandra Nelson, 13370 SW Barberry Ln., Beaverton
Mike Lowry, 10202 SW 52nd Ave.

Opponents said homosexual values are not compatible with the values of mainstream culture in this community, the gay community should disclose their real agenda so the community could respond, and homosexuals are exploiting legitimate minorities to achieve their goals.

Roger Jones, 2936 SE Taylor St., speaking for the Portland Housing Coalition, said Council had responded to his concerns about the source of income provision with the recent amendments.

David Halseth, 4000 Kruse Way Place, Lake Oswego, said his tenant screening organization supports the heart of the issue, but requests further discussion of ways to eliminate potential burdens on landlords.

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Commissioner Kafoury asked about his concerns, and Halseth said the current ordinance appears to mandate acceptance of Section 8 contracts. He said landlords should have the right to determine the terms of their contracts.

The following individuals spoke in support:
Teri Duffy, Multnomah County, 1004 SW 4th Ave.
Rod B. Campbell, 35 NE Morris
Margaret Strachan, 2352 NW Marshall
Chuck Dimond, 3036 NE 20th
Ann Shephard, 2538 SW Hamilton St.

Proponents cited valuable relationships with homosexual friends and relatives, said illegal discrimination continues despite federal legislation, and said tenants covered by the federal Section 8 program also receive other forms of public assistance and need protection.

Council requested testimony specifically on the subject of source of income, particularly Section 8.

David Rand, 4023 NE 32nd Ave, said landlords who don't accept Section 8 don't like the contract the government requires. Rand said he has to be very careful about screening Section 8 tenants because they are hard to evict if they create problems.

Commissioner Blumenauer asked if Section 8 causes a significant hardship for small-scale landlords. Rand said landlords lose rent while waiting for Section 8 contracts to be processed by the government, are not adequately compensated for damages and cannot easily get out of the contract although the tenant can. Rand said there's no problem for volunteers, but landlords shouldn't be forced.

Helen Barney, Housing Authority of Portland, stated that the proposed ordinance could have the effect of forcing Section 8 contracts on landlords whether willing or not. Barney said there are currently 3860 Section 8 households within the City, and 3500 families on a waiting list for the assistance. Barney said at least 75 percent of the Section 8 households are also on welfare, so excluding Section 8 might unintentionally discriminate for source of income.

Tom Oxley, 4300 NE Broadway, rental property owner and manager, said he favors the ordinance, but has major problems with Council compelling a contract. Oxley said the contract is open-ended and requires expensive and capriciously ordered repairs, the compensation process for damages and appeal is slow, rental deposits are unrealistically low, compensation is frequently inadequate, the tenant may walk on the lease at any time, and

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the owner must have cause and possibly go to court to break the lease. Oxley said the contract effects rent control.

Jim Nicolaison, rental property manager, cited different federal and state obligations regarding landlord/tenant law, and requested Council's further deliberation.

Sharon Fleming Barrett, 2361 NW Pettigrove, rental manager, distributed a sample Section 8 lease and cited a provision that landlords could only evict tenants by court action and that is the reason many landlords choose not to participate. Barrett said these problems should be resolved at the federal level.

Mayor Clark departed from Council Chambers at this point.

Commissioner Blumenauer said he was concerned that Section 8 is problematic for small-scale landlords, and Council has not adequately reviewed those issues.

Terry Rogers, Multnomah County Legal Aid, 310 SW 4th, said an ordinance similar to the one under discussion has been in force in Washington DC without landlord problems. Rogers said exception for Section 8 would negate the effectiveness of the source of income provision, as most Section 8 tenants also receive other public assistance.

Charlsie Sprague, Portland Community Housing Resource Board, Inc, 2234 NE Clackamas, said Section 8 should not be exempted. Sprague said income screening is frequently a ruse for discriminating against persons from other protected classes.

Commissioner Kafoury moved for acceptance of technical amendments provided in a memorandum from Madelyn Wessel to Council. Commissioner Lindberg seconded, and the motion passed. (Y-4)

Gile Downes, 811 SW Front, attorney for the Portland Housing Coalition, introduced an amendment to 23.01.040 that allows landlords to refuse any contract under 42 USC § 1437f, 12 USC § 1715z, 12 USC § 1701q, and 12 USC § 1715-1(d)(3). He said the issue isn't where the money comes from, but all the strings attached to government housing programs. Downes said the amendment also requires landlords to provide the City Attorney with written reasons for refusing the contract.

Commissioners Bogle and Kafoury said they recognize Section 8 presents difficulties for landlords, but support protection of welfare recipients covered by Section 8.

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Commissioners Blumenauer and Lindberg said they could not see jeopardizing the whole civil rights ordinance for one issue that needs more analysis.

Commissioner Kafoury moved acceptance of the Portland Housing Coalition amendment, with the clear understanding that the issue will be revisited within 30 days. Bogle seconded. (Y-4)

Commissioner Bogle departed.

Commissioner Lindberg questioned the Coalition's exempting other sections than Section 8.

Madelyn Wessel said just that day an attorney had alerted her to other statutory programs similar to Section 8, but involving subsidies for buildings rather than to the tenant or rent.

Commissioner Kafoury moved for substitution of Madelyn Wessel's amendment excluding just Section 8: "B.(4) refusal to contract with a governmental agency under 42 U.S.C. § 1437(f)(a) 'Section 8'. A written statement containing the reason or reasons therefor should be sent to the Office of the City Attorney, 1220 S.W. 5th Ave., Portland, Oregon 97204." Commissioner Lindberg seconded, and the amendment was adopted. (Y-3)

Commissioner Lindberg requested that public testimony continue. The following individuals testified.

Roger Fleming, 5334 SE Bybee - con
Barbara Adler, Oregon Apt. Assn., 18960 SE Richey Rd. - pro
Sheryl McGuire, 3110 SE 164th - con
Ben Merrill, 215 SW Washington, #200 - pro
Shirley Barnard, 8734 NE Beech - con
Jeff Stull, 6785 SW Vermont St. - con

Opponents cited biological reasons for sex between males and females rather than persons of the same sex, the potential suffering of the public from homosexuals spreading AIDS, lack of exceptions for schools, churches and health care providers, and the availability of law enforcement to handle hate crimes and harassment.

Proponents described clients' losses of jobs and residencies due to sexual preference and cited the religious right's attempts to impose church on state matters.

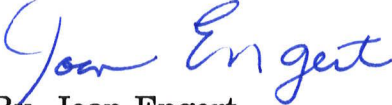
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John Campbell, Portland Police landlord program, expressed support for any source of income protection that does not tie additional strings to the landlord. He said his training program for landlords encourages them to enter into the Section 8 program with their eyes open about the complexities.

Disposition: Passed to second reading as amended, to be specially scheduled for Council discussion 1:00 p.m. on Thursday, October 3.

At 5:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Joan Engert
Acting Clerk of the Council