

5-16-1979

## Ordinance No. 147719

Portland (Or.). City Council

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the beginning of the new fiscal year and that was the only reason the emergency clause wasn't added.

SCHWAB You don't need it then, really.

GOLDSCHMIDT I see. You don't need it. That's fine. We'll pass it to third reading, then. Thank you.

By unanimous consent, the above Ordinance was ordered to be Passed to Third Reading as amended.

1526 Ordinance No. 147718, entitled "An Ordinance authorizing an applicatin to the Law Enforcement Assistance Administration for a grant estimated at \$94,221 in aid of the Office of Justice Programs, authorizing contracts, and declaring an emergency," was introduced by Mayor Goldschmidt and read twice.

GOLDSCHMIDT Discussion? Third reading.

The ordinance was then read a third time and declared passed by the following vote: Yeas, Commissioners Ivancie, McCreedy, Schwab and Mayor Goldschmidt, 4.

1527 Ordinance No. 147719, entitled "An Ordinance authorizing the acquisition of Block 179, City of Portland, by the City by June 30, 1979; directing the Department of Public Works to prepare a revocable permit; authorizing a laon of \$760,000 from the Revenue Sharing Fund to the Pioneer Courthouse Square Trust Fund; authorizing the Portland Development Commission to take necessary steps for the acquisition of land; authorizing the drawing and delivery of warrants pursuant thereto; amending the 1978-79 budget, and declaring an emergency," was introduced by Mayor Goldschmidt and read twice.

GOLDSCHMIDT Is there discussion?

IVANCIE Is this...

MC CREADY I just...

IVANCIE Go ahead, Connie.

MC CREADY It was just that I was a little neverous about some aspects but I guess with the value of the property and all we're all right. But, tell me, Mr. Attorney and Mr. Mayor, how can, I know it's true, but how can a verbal agreement be legally binding. Do you have to have lots of witnesses, or what?

GOLDSCHMIDT What are you looking at?

MC CREADY I know it can be.

GOLDSCHMIDT What are you looking at?

MC CREADY Well, for example the committment in paying back the loan, the advancement and this sort of thing, and there's a half a million committment from May Company at Meier and Frank's, for example. Well, I am sure, you know, their word is good and all that. It just raised the question with me, how does the verbal committment, I am asking for your - Mildred, you're a lawyer - legal expertise on why a verbal committment is legally binding.

SCHWAB Let's ask that brilliant City Attorney.

MC CREADY Oh, that's right. I didn't see you hiding over there behind.

HURTIG I think that we have all kinds of letters in the file as far as written documents to substantiate this. They have appeared at the Council meetings and also confirmed it. Basically, when the City changes a position based on their promise to do something, it is a legal and binding contract.

MC CREADY I see. Well, the memo that we had from either your store or whoever's it is says half a million based on their verbal agreement.

HURTIG They made a commitment right here, but I think we've got it in writing several places.

MC CREADY But it is legally enforceable.

GOLDSCHMIDT You are talking about May and Company?

HURTIG Yes. He stood right here.

GOLDSCHMIDT Yes, in fact we have it on the record, the pledge, and we also have a letter from them. What we do not have is a signed contract, and we have a closing date. What's happened is we have a closing date with the federal agency to take the money out that doesn't correspond with the rate at which the tax lawyers and corporations process their paper.

Further discussion? Third reading.

MC CREADY Frank, you had a question.

IVANCIE That's all right.

GOLDSCHMIDT Third reading.

The ordinance was then read a third time and declared passed by the following vote: Yeas, Commissioners Ivancie, McCready, Schwab and Mayor Goldschmidt, 4.

At this time, Commissioner Ivancie was excused from the Council Chambers.

1528 An Ordinance, entitled "An Ordinance authorizing an application to the Oregon State Office of Elderly Affairs for a grant in an amount now estimated to be \$2,742,783 for aging services under the Area Agency on Aging, Human Resources Bureau, authorizing contracts, and declaring an emergency," was introduced by Mayor Goldschmidt and read twice.

GOLDSCHMIDT Third reading. We will call the roll when Commissioner Ivancie returns.

The ordinance was then read a third time and held in abeyance. For disposition of this item, see following C.C. 1540.

1529 An Ordinance, entitled "An Ordinance authorizing an application to Defense Civil Preparedness Administration (DCPA) for a grant estimated at \$110,714 in aid of the identification of hazardous materials risk in the City of Portland and to prepare a plan to respond to hazardous materials accidents, authorizing contract(s), and declaring an emergency," was introduced by Mayor Goldschmidt