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 application 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,
McCready, 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
loan of $760,000 from the Revenue Sharing Fund to the Pioneer
Courthouse Square Trust Fund; authorizing the Portland Develop-
ment 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 commitment in paying
back the loan, the advancement and this sort
of thing, and there's a half a million commitment
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 commitment, I am asking
for your - Mildred, you're a lawyer - legal
expertise on why a verbal commitment is
legally binding.

SCHWAB Let's ask that brilliant City Attorney.
McCready: 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.

McCready: 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.

McCready: 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.

McCready: 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.

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.

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