

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
APRIL 5, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:00 a.m. with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson and Sharron Kelley present.

Chair McCoy explained that R-5 was an extension of a contract which expires tomorrow and advised she would entertain a motion to have the unanimous consent items brought before the Board at this time.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Kelley, action on unanimous consent items R-5 and R-6 was UNANIMOUSLY APPROVED with Commissioners Anderson, Kafoury, Kelley and McCoy voting aye.

R-5 Ratification of Intergovernmental Agreement for Public Safety Management Services Between Housing Authority of Portland and Multnomah County

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-5 was UNANIMOUSLY APPROVED with Commissioners Anderson, Kafoury, Kelley and McCoy voting aye.

R-6 Budget Modification MCSO #1 Authorizing Addition of \$86,320 to the Sheriff's Office Budget to Fund the Housing Authority Community Policing Project at Columbia Villa From April through June, 1990

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-6 was UNANIMOUSLY APPROVED with Commissioners Anderson, Kafoury, Kelley and McCoy voting aye.

R-1 Budget Modification #DJS 20 Authorizing Transfer of \$1,200 Within Community Corrections Budget for Certain Computer Equipment and to Reclassify a Position

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Anderson, R-1 was UNANIMOUSLY APPROVED.

Commissioner Rick Bauman arrived at this time.

R-2 Approval of Notice of Intent to Submit a Grant Application with the National Institute of Drug Abuse (NIDA) to Establish a Central Intake, Assessment, Referral and Ongoing Care Management Unit for Drug Abuse Treatment Clients

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kafoury, R-2 was UNANIMOUSLY APPROVED.

R-3 Resolution in the Matter of Setting a Time to Consider Offers to Purchase Edgefield Property, Establishing Minimum Conditions of Sale and Procedures for Submitting Offers

Commissioner Anderson introduced item R-3 and advised she had a draft of conditions she would like added to the resolution.

Facilities and Property Management Division Director Wayne George outlined proposed conditions and staff recommendations for sale of portions of the Edgefield Farm property, excluding a 1.9 acre portion of parcel A to be set aside for future expansion of Animal Control; a 1 acre portion of parcel H to be used by Wood Village and Troutdale for a water supply system; and a 1 acre portion of parcel K to be used for a future underground storage tank. Mr. George advised that staff recommended setting a \$7,000,000 minimum sales price; that the terms be cash with a non-refundable bidder's fee of \$10,000; a \$500,000 earnest money deposit, of which \$250,000 is non-refundable. Mr. George advised that staff recommends that the purchaser be obligated to sell the existing Edgefield Children's Center property, which is approximately 6 acres of parcel E, to the Edgefield Children's Center for its continued use; and that parcel G, consisting of 30.2 acres, be excluded from any development by deed restriction. Mr. George further advised that staff recommends that offers be submitted to Facilities and Property Management by June 22, 1990 and that the Board publicly read the bids on June 28, 1990 and make a decision at that time.

Commissioner Kelley advised she had been talking with Greg Wilder of the City of Troutdale about her concerns over preservation of open space and recreational opportunities, and that according to the City, parcel G could not be developed anyway, so it would not be necessary to have that as a condition of sale. Commissioner Kelley advised she had a letter from the City of Troutdale which she would like submitted as part of the record.

Chair McCoy advised there were several individuals who wished to speak on the issue and that she would entertain a motion to have the matter brought before the Board.

Commissioner Bauman moved and Commissioner Kafoury seconded, for approval of R-3.

Troutdale City Administrator Pam Christian stated her entire staff had been working to assure that all the concerns in terms of recreation areas, buffering, the impact on the community and open spaces were addressed and advised that the City is willing to fairly negotiate with any potential developer, and would like the opportunity to do so without the County placing conditions on the property.

Bob Maloney, attorney representing Tri-Met, advised they objected to a sale of the Edgefield property which would permit use as regional shopping center and recommended the resolution be amended to contain conditions which would prohibit such use; stating they felt it would be inconsistent with the County's Comprehensive Plan and would harm Tri-Met's planned joint venture with Winmar Pacific to develop a regional shopping center in Gresham. Mr. Maloney requested that the Board appoint a committee to study the effect of such a sale on the stated transportation goals and policies contained in the Comprehensive Plan and other applicable policies such as housing needs, which would consist of representatives of the County, Tri-Met, Metro, Department of Transportation and the cities of Portland, Gresham and Troutdale.

Mr. Maloney distributed written testimony and exhibits to each Board member and advised it is Tri-Met's position that final decision on whether and under what conditions to sell the Edgefield property is a land use decision. Mr. Maloney described Tri Met's "Break Even" project and explained that the project would be adversely affected if the purchaser of the Edgefield property were to construct a shopping center on that site. In response to Commissioner Bauman's questions as to how potential purchasers of the Edgefield property could jeopardize Tri-Met's project, Mr. Maloney advised they do not yet have signed, committed leases from the anchor tenants for the Gresham shopping center. In response to Commissioner Bauman's statement challenging Mr. Maloney's comment that the Break Even project would enable the Max light rail system to become self-sufficient and save a 2.8 million dollar annual subsidy paid through the local community tri-county payroll tax, Mr. Maloney agreed there was no guarantee that those dollars would go back into the community, but rather into other Tri-Met projects. In response to a question of Commissioner Anderson, Mr. Maloney advised that her proposed conditions of sale should also include a provision that the property not be used as a regional shopping center for at least 5 to 10 years.

Chair McCoy stated she had not heard of the Break Even project until a month ago, but the County had been trying to sell the Edgefield property for 8 years. Chair McCoy advised the County would follow statutory guidelines in selling the property, and stated she felt it would be inappropriate for the County to place restrictions on the use of the property, as that should be determined by Troutdale.

At 9:35 a.m., Chair McCoy recessed the formal meeting of the Board so they could hear the CBAC DHS Budget presentation, which had been given a 9:30 time certain. The formal meeting was reconvened at 10:06 a.m.

Tax Title Unit Manager Larry Baxter advised he was here today as a private citizen, and presented figures estimating the tax dollars which could have been realized had the Edgefield property been sold in 1982. Mr. Baxter urged the Board to consider the best interests of all the citizens of Multnomah County with an expeditious sale of the property.

Phil Bogue, Chairman of the Finance Committee on the Tri-Met Board of Directors, described upcoming Tri-Met projects, advised he was in favor of the County selling Edgefield and urged the Board to establish criteria for the conditions of sale.

Robert Liberty, senior staff attorney for 1,000 Friends of Oregon, recommended that the Board defer consideration of conditions on the sale until the consequences of development of a shopping center on the Edgefield property had been reviewed against Metro's regional land use and transportation goals; that the sale contain a condition expressly prohibiting the development of a regional shopping center on the site; that the Board ask Counsel to determine whether or not the sale is a land use decision; and that the County intervene in Troutdale's current rezoning process.

Bob Post, Tri-Met Assistant Manager, discussed the County's past efforts in coordinating land use and transportation issues which resulted in Max; and expressed concern that another regional shopping center would affect Tri-Met's Break Even project.

Paul Rinehart, Seattle attorney for SAFECO Corporation and SAFECO Properties, submitted a copy of its annual report to Chair McCoy; advised that they had presented a bona fide offer to purchase Edgefield for \$8,500,000 and that a check for \$50,000 in earnest money was on receipt with Facilities Management. In response to a question of Commissioner Bauman, Mr. Rinehart advised that Winmar is a subsidiary of SAFECO. In response to a question of Chair McCoy, Mr. Rinehart advised that they were not looking at the Edgefield property as a shopping mall. In response to a question of Commissioner Kelley, Mr. Rinehart advised that due to its diverse real estate background, his company purchases large tracts of land and is experienced in mixed use land developments, but that at this time it has no particular plans for the Edgefield property.

Steve Abel, Portland attorney for Winmar Company and its parent, SAFECO Properties, stated that the offer to purchase Edgefield was made on March 26 and was premised upon using it for non-shopping center purposes. Mr. Abel advised that Winmar acquired the Gresham property some time ago and that it is not unusual for a large company to buy a property when the price is attractive. Mr. Abel advised that the offer to purchase Edgefield still stands and they would be willing to execute a covenant or deed restriction stating that the property would not be used for a regional shopping center.

Mike Ragsdale, real estate broker for Grubb & Ellis Company, suggested that the Board consider other marketing alternatives instead of going out for bid and that it might not be in the public's best interest for the County to obtain the highest dollar for the property.

Andy Cotugno, Transportation Director for the Metropolitan Service District, urged the Board to make sure that a transit supported land use development is considered in the sale of Edgefield property.

Gene Bui, Troutdale City Councilman and on behalf of Troutdale Business Association, advised that the City and the Association are interested in working with the Board on the sale of Edgefield.

Ron Burgin, Troutdale City Councilman, challenged statements made regarding subsidies and encouraged the Board not to be swayed by Tri-Met and to follow through on a sale with no conditions, for the highest and best use.

Troutdale Mayor Sam Cox advised that the City has adequate zoning for the Edgefield property; suggested that Tri-Met consider extending its light rail to Mount Hood Community College; and recommended that the County sell Edgefield for the highest and best use without conditions.

Chair McCoy suggested that County Counsel advise the Board on issues raised today and that the item be carried over.

Commissioner Anderson recommended carrying the matter over indefinitely and pursuing a marketing process as suggested by Mr. Ragsdale.

Commissioner Kafoury stated she felt some important points concerning conditions were raised today and that the County should have an interest in how the property is developed. Commissioner Kafoury recommended that the matter be continued for one month to give everyone time to get more information and study the issues.

Discussion over length of time matter should be carried over.

UPON MOTION of Commissioner Kelley that the Board prepare questions to submit to staff and that discussion of R-3 be continued for one week, seconded by Commissioner Anderson, the matter was APPROVED with Commissioners Anderson, Kelley and McCoy voting aye and Commissioners Kafoury and Bauman voting nay.

R-4 Second Reading and Possible Adoption of an Ordinance Extending the Legal Restrictions on Cruising of the City of Portland to the Unincorporated Areas of Multnomah County

Commissioner Kelley introduced the proposed ordinance and advised it would be compatible with Portland's ordinance.

Kymer Lynch of NE 30th, requested that the Board hold off action on the proposed ordinance; advising that everyone would be punished for the misdeeds of a few. Ms. Lynch asked the Board to work with her group to find an alternative to cruising which would not cause problems for residents.

Commissioner Kelley advised she would like the opportunity to work with the group but that the purpose of bringing the ordinance before the Board now is to have it in place prior to this summer. Commissioner Kelley noted that David Douglas and Parkrose School Districts are also working on cruising alternatives.

Commissioner Kelley moved and Commissioner Kafoury seconded, approval of second reading and adoption of R-4.

Chair McCoy read the ordinance by title only and advised that copies were available at the back table.

Shirley Boyce of NE 86th, testified against the proposed ordinance, stating she feels kids should be able to cruise. Ms. Boyce advised she was in favor of cruising alternatives.

Samantha Plante of SE Rural, testified against the proposed ordinance, stating she feels cruisers help the economy of businesses on 122nd and that most of the cruisers are out to be with friends, not to cause problems.

Max Bennett, Chairman of the Mill Park Neighborhood Association, encouraged the Board to adopt the proposed ordinance; advising that the Association and the Cruising Task Force has repeatedly stated they want to resolve the situation and find cruising alternatives. Mr. Bennett related that innumerable laws and ordinances are being violated nightly on 122nd and that it is a fact of life that the majority is punished for the errors of a few. In response to a question of Commissioner Bauman, Mr. Bennett advised that he thinks there is no choice at this juncture but to declare the generic activity of cruising illegal. In response to a question of Commissioner Bauman as to why it would be easier to enforce the generic law if rape, assault and public nuisance laws can't be enforced, Mr. Bennett stated it is difficult to enforce or prevent rape, stabbing or other occurrences, but that if you can enforce and deal with the vehicle which may provide the opportunity for those crimes, those crimes could be reduced simultaneously. Mr. Bennett stated that it is not his group's desire to eliminate cruising, but to eliminate the undesirable activities associated with it.

Commissioner Kelley advised that the problem is in the volume; that there were an estimated 2,000 cruisers on 122nd during Spring vacation and that the situation is out of control. In response to Commissioner Bauman's question as to how one more law assist police agencies with enforcement, Commissioner Kelley advised that Portland's ordinance effectively reduced the number of cruisers on 82nd. In response to Commissioner Bauman's statement that all Portland's ordinance did was transfer the area of cruising, Commissioner Kelley stated that that is why efforts are being made towards finding crusing alternatives.

Commissioner Anderson advised that Multnomah County's ordinance would be compatible with Portland's ordinance and as 122nd happens to run in and out of the County and City limits, there should be uniformity along the entire street.

Commissioner Bauman suggested that the area should be annexed to the City of Portland.

Samantha's father, Dennis Plante, testified against the proposed ordinance, stating he felt young people need somewhere to go; they would find another street to cruise; and that the ordinance would just be one more unenforceable law on an overburdened police department. In response to Commissioner Anderson's statement that this area is likely to be annexed to Portland and the cruising regulations for the City will apply at that time, Mr. Plante advised that more time should be spent to find an alternative or something constructive for the kids to do rather than passing another ordinance.

Dennis Richey, Vice-Chair of the Mill Park Neighborhood Association, testified in favor of the proposed ordinance and advised the police stated very clearly that the number of cruisers need to be reduced so they can deal with the violence, intimidation and threats going on in the area. Mr. Richey advised he wants to reclaim his neighborhood and be able to get out and patronize the area businesses that are open late.

Ed Bates of SE Martin, testified against the proposed ordinance, stating his group is trying to get weeknight cruising stopped at midnight and weekend cruising stopped at 1:00 a.m. Mr. Bates advised that teens are being blamed but that many adults are cruising and vandalizing and that his group is trying to get clean up crews established.

Terry Henry of SE 122nd, testified in favor of the proposed ordinance, advising that adults are the majority of offenders and relating instances of criminal activity. Mr. Henry stated it is not a liveable situation, that the masses have to be cut down.

Doug Gilmer of NE Killingsworth, testified against the proposed ordinance, stating there is nothing to do that doesn't cost a lot of money except cruising. Mr. Gilber advised that he knows half the people out there and hasn't seen evidence of vandalism or fighting.

Mavis Holt of SE 115th, testified in favor of the proposed ordinance, stating she wants to see efforts continue towards developing cruising alternatives, that cruising is nothing more than a giant all night party and that the individuals don't understand they are inconveniencing others.

Chair McCoy stated that it sounds like if we could find something constructive for the young people to do, we could reduce the number of people on the street and then deal with the adults via the ordinance.

Commissioner Kelley encouraged the Board to pass the proposed ordinance and stated that the next piece of work to be done is to work with the young people for cruising alternatives.

Angie Westerberg of SE Powell, testified against proposed ordinance, stating that teens have been penalized for the misconduct of adult cruisers.

In response to Commissioner Bauman's request that Commissioner Kelley report to the Board the end of June on implementation of the ordinance; advise whether the problem was just transferred to another location; and a status update on the development of cruising alternatives, Commissioner Kelley advised she would be happy to do so.

Ordinance 648 UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 11:40 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH ROYERS

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