

The Oregonian

Portland City Council wants to appeal federal judge's ban on excluding people from future council meetings

By Maxine Bernstein

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Portland city council members want to appeal a federal judge's ruling that ordered them to cease excluding people for months at a time from council sessions or City Hall.

The mayor and council members believe they can't conduct public business "in a safe and orderly manner if the council cannot exclude a person who disrupts a council session for one or more future council sessions," deputy city attorney Harry Auerbach wrote in a statement attached to a council resolution.

The Council will vote next Wednesday to challenge U.S. District Court Judge Michael H. Simon's permanent injunction, prohibiting the city from excluding people prospectively from council meetings. Commissioner Dan Saltzman will introduce the resolution, according to the council agenda.

Local activist Joe Walsh, who had been excluded three times from council meetings since September 2014, had taken Mayor Charlie Hales and the city to federal court.

Walsh succeeded in convincing the judge that the exclusions – two for 30 days and the most recent for 60 days – violated his First Amendment rights to free speech, assemble or petition the government to seek a redress of grievances.

In a 28-page opinion issued Dec. 31, Simon wrote that the mayor could still order someone who is disruptive during a council meeting out of the council chambers for the rest of that meeting but couldn't exclude someone from future sessions. Simon also said the city could rewrite its exclusion order to adhere to his ruling.

Simon pointed out that no federal appellate court opinion ever held that the First Amendment permitted such prospective exclusions. Simon said Portland could not "direct or enforce any prospective exclusions" that are based solely on past incidents of disruption during council meetings. He found that the city code, which allows for a complete and indefinite ban of an individual from council meetings or City Hall, was unconstitutional.

"A permanent injunction will protect the First Amendment rights of Walsh and other similarly-situated individuals without unduly burdening defendants," Simon wrote.

Hales, in an interview this week, said he didn't agree with the judge's ruling.

"Unlike Judge Simon, we don't have the right to throw someone in jail for contempt of court," Hales said. "Either way, we'll figure out how to manage this sideshow."

Walsh laughed when he heard of the mayor's and council's intent to appeal Simon's order.

"These people never learn," Walsh said. "They're going to lose again. With their money, they would not appeal. They're appealing because it's our money."

Deputy city attorney Auerbach wrote there would be "minor out-of-pocket expenses," because lawyers from within the city's attorney's office will handle the appeal.

Walsh promised to be at the council meeting on Wednesday to speak out against the planned appeal. The council meets at 9:30 a.m. in City Hall.

The appeal would go before the Ninth Circuit Court of Appeals.

The Portland Mercury

Day Storage For The Homeless: Coming Next Week Beneath the Steel Bridge

By Dirk VanderHart

January 7, 2016

See that box up above? It's the city's latest approach to easing the burden of homelessness.

Beginning next week, this large crate's going to be posted up below the west end of the Steel Bridge, welcoming belongings of the city's homeless. For the next six months or so, Portland's in the day storage business.

The crate's late. In August—months before the city formally declared a housing emergency—Charlie Hales announced a pilot project to help people stow their stuff. We reported on it here, along with the mayor's office's pledge to have two storage sites up and running by October.

October passed. No day storage. The city encountered delays in obtaining the two crates (total cost: \$36,000), and inclement weather didn't help, says Jen Clodius, spokeswoman for the city's Office of Management and Finance. On top of that, the city was wrestling with other aspects of the housing crisis—stuff like creating a new shelter in Southwest Portland, and contracting with a shuttle service to ferry people there every evening.

Now the city says it's ready to roll out its day storage experiment. At least part of it.

Come next Thursday, Clodius says, the West Side storage site will be open for business. It will include the 53-foot crate, restrooms, a dumpster, and a repository for dirty needles. The plan is to allow people to drop off their things from 6 am to 7:30 am, and pick them back up between 4:30 pm and 6 pm. Clodius says onsite staff from Central City Concern will photograph people with their belongings, and hold items for up to three days if they're not claimed. After that, it'll be shipped to a separate storage site on Southwest Barbur.

The city's also planning an Eastside storage site with the same features as the Steel Bridge location. It's hoping to put that on newly acquired land just north of the Hazelnut Grove homeless camp near the intersection of North Greeley and Interstate. It's sort of an odd spot for a service designed to stow people's things. People already live at Hazelnut Grove and keep plenty of stuff there. Plus, the city says it's planning to discourage all but a few dozen campers from living on the site in coming weeks.

Josh Alpert, Hales' chief of staff, says it's all part of experimenting.

"The idea of the Hazelnut Grove site is a little bit less about the storage piece—although they want safe storage was well—and more about providing the amenities that go with it," Alpert says. "Is there a model that we should be looking at for just providing those kinds of resources with storage for particular camps?"

Hales' office is also considering asking Hazelnut Grove campers to staff the storage site in the mornings and evenings. "The more that we can involve the homeless community in having some enterprise and control over amenities the better," Alpert says.

Vahid Brown, the camp's liaison with the city, says no one's formally asked if campers are willing to run the operation. He says the storage site "would certainly have some utility in the community."

Daily Journal of Commerce

Hales ends plan to establish demolition tax

By Garrett Andrews

January 7, 2016

After dropping his plan to charge developers \$25,000 for razing habitable single-family homes, Portland Mayor Charlie Hales is now looking for other ways to pay for affordable housing.

The week before Christmas, Hales' office sent a letter to stakeholders informing them that he was abandoning a demolition tax proposal he had formed to achieve two goals: discourage adverse developments in residential neighborhoods, and pay for ambitious efforts to tackle rapidly rising rents and homelessness.

Hales introduced the one-of-a-kind idea in September. Public hearings were held Oct. 14 and Nov. 25, and the proposal went to a vote Dec. 2. Three commissioners expressed opposition – Steve Novick, Amanda Fritz and Nick Fish – but the mayor left the meeting committed to identifying revisions that could win over a majority of commissioners.

Ultimately, he couldn't find any.

"In subsequent conversations with commissioners, Mayor Hales concluded there are no reasonable changes to the proposal that will satisfy a majority of the City Council," the mayor's policy director, Jillian Detweiler, wrote in the letter. "As a result, he will withdraw it."

The mayor's office now plans to put forward two proposals addressing negative impacts of demolition – one revising infill development standards to make new houses compatible with existing neighborhoods, and the other promoting the use of deconstruction over demolition to lessen environmental damage.

After Hales announced his tax proposal, building groups and others responded with stark opposition. Oregon Home Builders Association CEO Jon Chandler called the idea a "stunt" that would violate a state law banning cities from establishing excise taxes on construction activities.

Some building industry professionals and neighborhood association members expressed concern that the proposal would misfire and actually increase construction costs and rents, according to Paul Grove of the Home Builders Association of Metropolitan Portland.

“I think the council was very thoughtful on the proposal and understanding about the impact to affordability it would have had,” he said.

In recent months, Hales and Dan Saltzman, the commissioner in charge of the Portland Housing Bureau, have helped set aside \$204 million to meet affordable housing goals. New, permanent funding sources are still being sought, the mayor’s spokeswoman, Sara Hottman, stated in an email.

Portland Business Journal

Nike \$10M Portland bike share contribution buys plenty of exposure

By James Cronin

January 8, 2016

The city of Portland is getting a great deal for its bike share program with Nike as a sponsor. Then again, the company is getting some pretty good exposure as well.

Nike announced it would provide \$10 million for the program, enough money to kickoff in July with 1,000 bikes that will operate in a specific service area, which you can see here, in the city's bike share plan.

The service area will expand now that the company increased the number of bikes, originally set at 600.

Nike is also expected to provide \$100,000 in marketing and design services for the bike share program annually. The Nike funding announcement accompanies a federal launch grant of \$2 million the city had in hand. According to the Portland Bureau of Transportation, no city money will be used for program operations.

But it’s not just a big giveaway. Nike is getting plenty in return in the form of brand exposure.

Just look at the bikes in Cathy Cheney’s photos. Nike worked closely with city officials to design the bikes, branding them from hub to hub with swooshes. The company helped come up with the name of the program (Biketown) and the color of the bikes (orange in honor of the first Nike shoe, and for safety).

Of the company’s 9,200 employees around the state, 5,700 live in Oregon, said Jorge Casimiro, Nike’s vice president for global community impact. This is Nike’s home state, he said, so the company wanted to get involved.

“Our focus in global community impact has always been supporting physical activity,” Casimiro offered.

“(Our employees) live here or come to visit, so it was a natural connection between what the city was looking for, which was active transportation, sponsorship for Portland bike share and our commitment to supporting physical activity,” he added.

“It made perfect sense. What was great about the relationship was not just the dollars ... but also bringing the design and brand expertise into the process.”

The relationship could also help bolster Nike’s image as a less-than-progressive company when it comes to commutes.

Despite moving Portland's two-wheeled transit program forward, a filing from late 2014 related to the company's campus expansion plans said Nike's own employees are focused on the four-wheel type. Business Journal reporter Matt Kish found that 90 percent of Nike workers drive to work. Just 6 percent of Nike's workforce rides public transit and only 3 percent walk or bike to work.

GoLocalPDX

Hales Kills Demolition Tax

By GoLocalPDX News Team

January 8, 2016

After multiple missteps, false starts and changes to the bill Mayor Charlie Hales’ idea for a demolition tax has finally been demolished itself.

Hales last promised to bring the tax back during a council meeting in December. The idea had been introduced the measure numerous times, each time being modified after sustaining tough criticism.

It was designed to hinder the “demolition crisis” that many resident and neighbor groups have claimed are ruining the city’s aesthetic appeal.

"Growth is creating a lot of positive things in Portland, but I'm less happy with the demolition of great old houses that are being replaced by more expensive ones," Hales said at a hearing regarding the tax in December.

As GoLocal reported, Hales originally proposed a \$25,000 tax on any developer who tears down a home in September.

Hales’ faced difficulty in October, when he was forced to narrow the scope of that tax earlier this week and announced it would only be applicable for developers who replace one single-family home with another single unit. Developers who replaced a single home with a multi-family unit or apartment complex would be eligible for a full rebate of the tax.

In November, the December 2 vote was set. By that point, the newest incarnation of Hales’ tax showed similarities to the original measure.

The latest version would have enforced a \$25,000 tax on all viable homes demolished and replaced with one or more new homes. Only homes being purchased by the city to restore flood plains and affordable housing replacement project would be exempt from the tax.

The failed tax had seen staunch opposition since its introduction. Some at the hearing complained that the tax would only serve to make homes in Portland more expensive.

The Oregon Home Builders Association previously argued that the tax is illegal, while United Neighborhoods for Reform, a neighborhood coalition, wanted a higher tax. Others warned of unforeseen consequences and worried that the tax would lead to more infill development.

An amendment proposed by Commissioner Steve Novice that would have reduced the tax for demolitions that would be replaced by less expensive homes was rejected by the City Council. Hales indicated that the amendment may be revised as the tax begins to be enforced.