

The Oregonian

City refused to stop sewage spewing into apartment building, \$91k lawsuit claims

By Aimee Green

August 5, 2016

The owners of a Southeast Portland apartment building are suing the city of Portland for \$91,000 on claims that municipal workers refused to respond to sewage spewing into the building's basement because budget cuts prevented them from working overtime.

The lawsuit, filed last week, claims that the owners of the 52-unit Melcliff Apartments in the Belmont neighborhood discovered they had a problem at about 9 p.m. on Dec. 6, 2015. A city sewer line had clogged, and the resulting pressure blasted off the cap of a pipe in the building's daylight basement and was causing raw sewage to shoot into the air.

After trying to solve the problem for two hours, the owners called the city's emergency sewer line at about 11 p.m., according to the suit.

"It was a Sunday night in early December, raining like crazy," co-owner Tim Gray of Melcliff Associates told The Oregonian/OregonLive. "The raw sewage is gurgling up like three feet in the air. I kid you not, the city says 'We can't come out tonight. We've had budget cutbacks. We're not allowed to work overtime.'"

Gray said he hired the plumbing company Roto-Rooter to try to solve the problem, but to no avail.

After working throughout the night to try to stop the flow of sewage, the owners made their second call to the city the morning of Dec. 7 -- prompting the city to send out a private contractor because a city representative said the city was too busy to respond itself, according to the suit.

Of note, December 2015 was the wettest month in Portland in recorded history, and Dec. 7 was a particularly stormy day.

Gray said the contractor turned out to be Roto-Rooter, and once again the company's 100 to 150 long snake device wasn't long enough to reach the clog.

The owners called the city a third time, and this time the city sent its own crew, which arrived at about 10 a.m. -- 11 hours after the owners' first plea for help, the suit states.

"Within twenty minutes the city crew stopped the sewage backup from spewing into plaintiff's property," the lawsuit says. "The city worker handed a business card to the plaintiff and stated that the city was totally at fault and that risk management for the city should be contacted."

The clog was traced back to city property more than a block away from the apartments, which are at Southeast 11th Avenue and Alder Street.

Gray says that after filing a claim for his costs and waiting five months for an answer, the city told him it wouldn't pay.

"Stuff like this, it's abysmal," Gray said. "I think they should change the slogan on the sides of the trucks -- 'The City that Works?' ...It doesn't work."

Gray said the city's response to the sewage back-up and his request to be reimbursed stings even more given years of rate hikes to sewer and stormwater bills.

The city attorney's office declined to comment on the suit. In response to a question from The Oregonian/OregonLive about whether city sewer workers have been told budgets cuts mean they can't work overtime, city spokeswoman Megan Callahan wrote in an email: "We are required to respond to sewage overflows or backups."

The lawsuit seeks about \$41,000 for the costs of two weeks of cleanup; repairing or replacing floors, carpets, sheetrock and other damaged items; and offering rent reimbursements to several tenants who were displaced from their homes because of the smell, unsanitary conditions and flooding.

The suit also seeks \$50,000 for the city's alleged "outrageous conduct" and lapses in protecting "its citizens from health and safety risks."

Beaverton attorney C. Thomas Davis is representing the owners.

Read the lawsuit [here](#). It was filed in Multnomah County Circuit Court.

Willamette Week

Homer Williams' Proposed Homeless Campus Has More Rivers to Cross

*By Rachel Monahan
August 3, 2016*

The debate over whether to open a homeless shelter on the Northwest industrial waterfront heads to City Council next week.

Commissioner Dan Saltzman appears to have the three votes needed to secure the property for developer Homer Williams' proposed \$100 million homeless campus.

But Saltzman and Williams disagree whether City Council approval is the last step—or if the project still has more hoops to jump through.

Saltzman, who has championed the project at a site called Terminal 1, proposes that Portland Housing Bureau rent the Bureau of Environmental Services property for \$10,000 a month, as the Portland Mercury reported this morning.

"We are laying the groundwork for Homer to be able to fund-raise," says Brendan Finn, chief of staff for Saltzman.

Saltzman tells WW that the fate of the project hinges on a Sept. 23 decision by A Home for Everyone, the city-county agency overseeing housing and homelessness.

Williams says the vote in City Council is designed to block Commissioner Nick Fish from selling the Terminal 1 property to another bidder, but the Home for Everyone vote in September won't likely affect the project.

"It's my understanding that's more of a formality," says Williams.

The City Council vote, expected Aug. 10, could decide whether that the property would provide shelter for 400 people while the Housing Bureau weighs whether to proceed with a larger project, called the Oregon Trail of Hope, that would include services for the homeless.

Developer Homer William has championed emulating a \$100 million San Antonio homeless shelter.

Commissioner Nick Fish, who oversees the Bureau of Environmental Services, has opposed the project and put the property on the market earlier this summer.

The property is worth far more than \$10,000 a month, according to projections put together by Fish's office. The warehouse alone could rent for more than \$33,600 per month.

The Portland Mercury

Hall Monitor—The New (Old) Era of Charlie Hales

By Dirk VanderHart

August 3, 2016

YOU WOULDN'T have known it from the increasing panic over homelessness, but there was actual excitement over Mayor Charlie Hales' "safe sleep" policy.

In a nation where there's an increasing acknowledgment that criminalizing homeless people for being homeless is wrong, Hales' six-month experiment—which formally allowed small groups to sleep on sidewalks or camp on "remnant" properties, since there was nowhere else for them—looked like something to watch.

And not only in February, when Hales' office unveiled the much-discussed policies. Just last Wednesday, July 27, national advocates were thinking hard about the safe sleep experiment.

Eric Tars, a senior attorney with the National Law Center on Homelessness and Poverty, was at a conference in Washington, DC, that day. He told me he'd been planning on spotlighting Portland as a national leader in not criminalizing homelessness for a talk he was giving.

The problem: Hales had recently announced a massive sweep of the Springwater Corridor.

"Whereas we would have given Portland a very ringing endorsement before... now we have to say that we're watching the situation much more closely to see how it develops," Tars said.

And now we know how it develops. A little less than six months after it was introduced, Hales announced Tuesday that the safe-sleep policy is officially dead—effective immediately. (Local homeless advocates had advanced warning of the plan.)

"The guidelines caused confusion," Hales' office said in the announcement. "People believed that camping was made legal, and outreach workers and law enforcement struggled to educate people about the difference between a safe night's sleep and unsanctioned camping."

While Hales offered assurances he "remains committed to the principles behind the Safe Sleep Guidelines," it's impossible to ignore a glaring distinction: Of a raft of new policies Hales has put in place in the face of the homeless crisis, this is the only one that's getting the axe.

The mayor is extending access to two shipping containers for day storage, and will continue to place dumpsters and portable toilets in areas frequented by homeless Portlanders, he says. He'll modify, but continue, plans to establish more organized encampments around the city. And he'll tweak a system that collects complaints about homelessness in one place.

But the safe-sleep policy, arguably the most radical—and, some said, rational—of the mayor's actions on homelessness, is gone.

This isn't out of the blue. Hales had recently told the Mercury the policy hadn't worked out as he'd hoped. The mayor also says he'll still prioritize enforcement in certain areas more than others, and will try to revamp the policy with experts' input.

What's hard to ignore, though, is how much this feels like an older version of Hales—one who'd planned on running the city for another four years.

Those plans ended last October, and the months since have been full of a willingness to boldly experiment. For a variety of possible reasons—changing staff, increasing public pressure—that era seems to be waning.

As Hales' press release Tuesday noted: "The public should be aware that the City's camping ordinance was and remains in effect; unsanctioned camping is not permitted in the City."

Officials Have Ogled More than 120 Properties as Possible Homeless Shelters

*By Dirk VanderHart
August 3, 2016*

WHEN MAYOR Charlie Hales abruptly pushed back a planned sweep of Springwater Corridor campers last week, he didn't just quell a promised lawsuit.

The month-long delay, to September 1, also gave local officials time to find more spaces that might serve the hundreds of homeless people who, we're told, will be pushed from the margins of the Southeast Portland multi-use path for good.

So we asked Hales: Did he think the extra month would yield new possibilities for shelter space or more organized camps—somewhere for people to go?

"I certainly hope so," he said. "There are people in my office who are literally up every night thinking about where we can put more shelter space."

The product of all that spent midnight oil reveals a lot.

Data the Mercury obtained via a public records request show Hales' so-called Housing/Homelessness Initiative Team, along with Multnomah County staff, has scrutinized more than 120 plots since the city declared a housing emergency last October, scouring land listings and zoning maps to figure out where Portland's next shelter or sanctioned encampment might fit.

A couple of those properties have since come to fruition, most recently a 200-bed shelter in the former Multnomah County Sheriff's Office headquarters at NE 122nd and Glisan.

Others—the city-owned parking garage beneath downtown’s O’Bryant Square, for instance, or a vacant lot on NE MLK, or an old school building out on SE Stark—are presented as potential contenders.

But the vast majority will never house a single homeless Portlander.

A spreadsheet Hales’ office sent the Mercury on July 27 lists properties that fall into eight categories—ranging from “high priority” plots that are coded with vibrant green, to more than 50 sites marked in gray that officials have ruled out completely. (Be sure to click on the top left of the map below for a legend explaining what each number means.)

As you’d expect, the data include many interesting tidbits. Here are a few observations:

Officials are considering reusing a controversial zoning opinion to site camps.

In April 2015, the outcry was swift when Hales and Commissioner Amanda Fritz announced they’d move homeless rest area Right 2 Dream Too (R2DToo) to a vacant lot in the Central Eastside. Immediately, business groups began questioning how a homeless camp was allowed on land zoned for industrial uses.

Months later, when the city produced an opinion from its code enforcers suggesting a camp was a fine fit for that plot, detractors warned that the same justification could open up huge swaths of town to homeless camps.

They were partly right.

While developers and businesses are still challenging the R2DToo zoning opinion, the spreadsheet shows officials are actively anticipating how it might be used on other plots of land. Time and again, the ruling is cited on the spreadsheet as a potential means of placing new camps in Northwest, Northeast, and Southwest Portland.

They’re also willing to tap

the city’s “state of emergency” status.

Each property on the city’s list includes the number of people who could bed down there under normal conditions, and a higher number that’d be allowed under zoning changes being mulled by city staffers. But the document also contemplates how many people could fit there if the city invokes its homelessness state of emergency in order to get more people indoors.

Sometimes that distinction makes a big difference. For instance, a city-owned parking garage at 800 SW Stark that’s been considered as an overnight camping space could fit 100 people under normal conditions, but 411 people in an emergency. And an enormous space on SW Barbur that could typically host 100 people might fit more than 1,000 under an emergency declaration.

Sara Hottman, Hales’ spokesperson, says the city has no hard plans to use the emergency in this manner. It seems clear it’s a possibility, though.

“The idea is that [kind of use] would only be in true emergency situations, but of course a true emergency situation is open to interpretation,” Hottman says.

Officials are looking to place people where you'd expect.

Nearly a quarter of the sites are in or near downtown and the inner Eastside, and roughly one-fifth are east of I-205.

Meanwhile, well-to-do Eastmoreland—where Hales lives and which was a focus of attention in recent days after activist Jessie Sponberg said he'd bring homeless campers there—isn't anywhere to be found. The Southeast Portland corridors that contain bustling strips on Belmont, Hawthorne, and Division are barren of potential sites. The Pearl District, site of a bitter fight over R2DToo in 2013, doesn't have any plots.

That's a fact likely to garner angst from neighborhoods like Lents, which argue they've borne the brunt of the homelessness crisis. But it's also true that some areas of town are better situated—due to existing services or transit access—to lend a hand than many of the excluded neighborhoods.

The list is out of date.

It's supposed to be current as of July 26, but the city apparently hasn't followed up on some of its prospects. For instance, the property at the very top of the spreadsheet is a building at 816 NE Grand that formerly housed a restaurant, then a payday loan operation. It's sat vacant for nearly five years but was recently promised to a neighboring Range Rover dealership, owner David Slawson tells the Mercury. What's more: Slawson never heard the city was interested.

"I never had any discussion regarding housing homeless people there," he says. "I'm not sure how it got on the list. They probably just said, 'There's a vacant building.'"

Slawson says it's possible the city contacted his broker about the property without his knowledge.

It's also incomplete.

Notably missing from the spreadsheet is a Bureau of Environmental Services site near SE 104th and Reedway that, as first reported by the Mercury, the city is hoping to turn into a camp.

And it's missing Terminal 1, the city-owned Northwest Portland property that appears poised to host an emergency shelter in coming weeks.

Asked about this, Hottman acknowledged the spreadsheet was redacted "because information relating to real estate negotiations is exempt from public records until the transaction has ended."

Even if the city and county could find amazing properties, there's not necessarily money for them.

Austin Cain, a broker at the Portland firm New & Neville Real Estate Services, happily showed off an old charter school building near SE 181st and Stark to county officials in mid-July. The 17,500-square-foot building might have been ideal for 100 people, the city's spreadsheet shows—perhaps even 200.

But even in a year when \$47 million has been allocated to fight homelessness, money for shelter space is scarce. Cain says he got an email not long after the showing that revealed A Home for Everyone, the coalition strategizing to slash the county's homeless population, "had no additional funding at this time to move forward with another shelter."

Marc Jolin, head of the county's Joint Office of Homeless Services, says officials have been working toward more than 430 new year-round shelter beds in the area. Given the expense of that effort, money's tight.

"We are having to be very intentional about where and what type of additional capacity we spend our remaining shelter dollars on," Jolin says.

The Daily Journal of Commerce

PDC chooses Branam as next executive director

By Chuck Slothower

August 3, 2016

The Portland Development Commission has chosen Kimberly Branam to be its executive director.

The move, not formally completed yet, is an in-house promotion for Branam, who has served as the economic development agency's deputy director since 2011.

The PDC's board will meet Monday in executive session to discuss contract terms, and is expected to then convene a regular session to direct staff to execute a contract with Branam.

No contract offer has been made or accepted, but the commission decided to announce the news Wednesday as word of the choice was leaked out.

In an email to PDC staff, Chairman Tom Kelly said, "I firmly believe that Kimberly has the vision, commitment and skills to lead PDC into the future."

Branam was previously named a finalist, along with Odis Jones, chief executive of MVP Partners in Detroit and a former CEO of Detroit's Public Lighting Authority; and Elissa Gertler, planning and development director for Metro and a former PDC economic development manager.

Commissioners weighed Branam's and Gertler's local knowledge and against Jones' expertise in big real estate deals and executive experience.

Branam has deep institutional knowledge at the PDC and helped write its business plan. Before joining the PDC, she worked on economic development issues under then-Mayor Sam Adams. The PDC previously has promoted internal candidates, including Patrick Quinton, who worked at the agency for three years before he was named executive director in 2011.

Quinton announced in February that he would step down, setting off a search for his successor. June 8 was his last day. Faye Brown, the PDC's chief financial officer, has filled in as interim director.

Branam is a third-generation Portlander. She graduated from Grant High School before earning a master's degree in public policy from Harvard University's Kennedy School of Government.