

The Oregonian

Portland still hasn't inked lease for Terminal 1 homeless shelter

*By Brad Schmidt
October 11, 2016*

Portland's housing division has yet to take over responsibility for a city warehouse that may be converted into a huge homeless shelter.

Two months ago, a divided City Council directed bureaucrats to hash out a lease agreement that was supposed to go into effect Oct. 7.

But that timeline came and went with no deal.

The holdup? Details of the lease -- like much of the proposal for the homeless shelter -- are still in flux.

The City Council voted 3-2 to support the shelter concept being pitched by developer Homer Williams. Williams pledged to raise private money, find an operator and open the shelter to as many as 400 people this fall.

But as it stands, two city bureaus have yet to agree on a terms to lease the property. And Williams' proposal -- now renamed Oregon Harbor of Hope -- is behind schedule and being scaled back to include three phases over 18 months.

It would initially provide shelter to 100 people, increasing to 200 after six months, according to the nonprofit's website.

The Bureau of Environmental Services owns the warehouse but has been directed to lease to the Housing Bureau. Environmental services is overseen by Commissioner Nick Fish, who voted against the plan, while housing is led by Commissioner Dan Saltzman, a proponent.

Environmental Services "stands ready to sign a lease once the terms are clear," said Jim Blackwood, a policy director for Fish. He said financial terms are still being hashed out.

A spokeswoman for the Housing Bureau didn't respond to questions Monday.

Separately, an attorney planning to challenge the lease has put plans on hold. Attorney John DiLorenzo originally hoped a Multnomah County judge would add the Terminal 1 deal to his pending lawsuit over questionable utility expenditures.

The Portland Tribune

Terminal 1, R2DToo deadlines missed

*By Jim Redden
October 11, 2016*

The city of Portland has missed deadlines on two well-known homeless projects. Key dates for opening a shelter at Terminal 1 and relocating the Right 2 Dream Too camp passed on Friday.

In the case of Terminal 1, that's when a lease authorized by the City Council to open a temporary shelter there was supposed to take effect. The council had authorized the Portland Housing Bureau to lease the 14-acre parcel in Northwest Portland from the Bureau of Environmental Services, effective Oct. 7. But the day came and went without the lease being signed.

The lease, which was authorized Aug. 10, is intended to allow developer Homer Williams to open a temporary shelter in a vacant warehouse on the property. Don Mazziotti, a consultant working with Williams on the project, says they received a proposed sub-lease for the temporary shelter on Friday and were still reviewing it on Monday to determine whether the terms and conditions will work.

Williams told the Portland Tribune on Friday that he does not expect the sub-lease to be signed for another week, at the earliest. Williams also said he is still raising the estimated \$500,000 to \$550,000 necessary to open and run the shelter for six months, and is close to lining up an operator.

"I hope to open it by the end of November," Williams said.

On Tuesday, a spokesman for the project said that \$300,000 has been raised to date and that over 20 people, business and social service organizations had agreed to donate supplies, materials and services.

The lease was approved by the council on a 3-2 vote, with Fish and Commissioner Amanda Fritz voting against it. They do not believe Terminal 1 is an appropriate site for a homeless shelter and believe the property should be sold to create industrial jobs, with the proceeds used to hold down future rate increases. The council had previously declared the property surplus and the BES was in the process of selling it when the lease was authorized. A few days later, BES said it had received seven bids, ranging from \$6 million to 10 million.

The other Friday deadline was for the relocation of the Right 2 Dream Too homeless camp in Old Town. It has now been extended until next April while the city explores rezoning the new site to allow it, according to the camp's lawyer, Mark Kramer.

The Portland Development Commission has purchased the quarter-acre block where the camp is located for redevelopment. The city also purchased a small parcel of industrial land in Southeast Portland as a new location for the camp with funds from Williams and other Old Town developers.

But Southeast business owners and others challenged the relocation at the state Land Use Board of Appeals, which blocked the move in late August, saying homeless camps are not allowed on industrial property. On Friday, the PDC board voted to extend the stay until April 7, 2017.

The council declared a housing state of emergency after the LUBA challenge was filed intended to ease zoning restrictions for homeless camps and shelters. City attorneys did not argue that it applied to the Right 2 Dream Too relocation before LUBA, however.

The Southeast Portland site is located within the Central Eastside Industrial District. Fritz says they promised to propose alternative sites but have not done so. Of the original \$850,000 for the relocation, only around \$30,000 remains.

Bond would raise taxpayer cost for affordable housing

By Jim Redden

October 11, 2016

The affordable housing bond on the Nov. 8 general election ballot is easily the largest proposal the City Council has made to address the problems created by Portland's skyrocketing home costs.

If approved by a majority of the votes, the \$258.4 million in property taxes would be more than six times the \$40 million in general funds dollars the council pledged to affordable housing projects over the past two years. And it would be almost four times the additional \$67 million in urban renewal dollars the council committed to affordable housing projects last year.

With Portland in the grip of an affordable housing crisis that is widely believed to be increasing homelessness, it's no wonder that over 80 local elected officials, business organizations, labor unions, community advocates and social service agencies have endorsed Measure 26-179.

But the measure is much more than an additional source of money for affordable housing projects. Its passage also would radically transform the city's approach to providing such housing, making it the owner and landlord of the projects for the first time.

And it would guarantee that Portland taxpayers spend more on each unit than ever before. Because of a restriction in the Oregon Constitution, the city would not be able to partner with any other financial backer on projects financed by bonds, meaning it will pay 100 percent of the costs.

That restriction explains why the goal for the minimum number of units to be preserved or built is so low — just 1,300, for an average cost of nearly \$200,000 each, including administrative charges.

In comparison, the city announced in April that it would only pay \$47 million to preserve and build 840 affordable units in eight upcoming projects — for an average cost of just \$56,000 per unit. The difference is, each project includes funding partners that will pay the majority of the costs, which were estimated to average \$213,000 per unit overall.

Portland Housing Commissioner Dan Saltzman, who introduced the measure the council referred to the ballot, knows the city's per-unit cost will be significantly higher. But he argues the need for affordable housing is so great, the council must do everything possible to increase the supply, including proposing a constitutionally restricted bond measure.

In addition to the increased general fund and urban renewal spending, the council has passed a 1 percent construction excise tax to make builders help finance for more affordable housing projects. And it is considering an inclusionary zoning policy to require them to include affordable units in future residential developments.

"It's time we asked homeowners to pay, too," Saltzman told the Portland Tribune editorial board.

Costs explained

The city has repeatedly been questioned about the high costs of the affordable housing projects it helps finance. For example, previous Portland Tribune stories have compared them to those built by Home First, a nonprofit development company co-owned by affordable housing advocate Rob Justus.

Earlier this year, Justus wrapped up a 33-unit apartment complex at Southeast 143rd and Burnside that cost \$110,000 per unit. His previous projects have averaged \$80,000 per unit. Last Friday, ground was broken on a new project at 121 S.E. 146th Ave. that will cost \$85,000 a unit. Like most of the others, it is being done for Portland Habilitation Center Northwest, a nonprofit housing and service provider.

Justus is able to hold his costs down for several reasons. For one, he does not accept city funding because it comes with numerous requirements that increases project costs. And most of his projects are built in East Multnomah County, where land is less expensive.

Saltzman admits city policies and requirements can increase the costs of the projects it finances. But he says they have benefits that offset the increases — benefits that have been discussed and affirmed by the council over the past year.

According to Saltzman, the policies and requirements include paying workers the prevailing wage rates set by the Oregon Department of Labor, which are almost always identical to union wages and far above what non-union contractors pay their workers. In addition, Saltzman says the city makes sure preservation projects and newly constructed buildings will last at least 60 years, which is the minimum amount of time they must remain affordable. They must also meet the city's green building standards to reduce future energy costs. And instead of concentrating them on the eastern edge of the city, the projects are done in all parts of town, including along transit corridors in desirable inner neighborhoods where land costs are higher.

"They are built to last with good materials, not just on the eastern outskirts but throughout the city, near good schools and transit," Saltzman told the editorial board.

According to Saltzman, although the city will own all of the preserved and new units financed by the bond, they will be managed by nonprofit organizations contracted through the Portland Housing Bureau.

Wider interest

The affordable housing bond measure was first proposed by the Welcome Home Coalition, an advocacy group supported by 134 anti-poverty, housing, environmental justice and other organizations. According to director Jes Larson, the organization was formed around three years ago and spent the first two surveying what other cities are doing to increase affordable housing and polling voters in the region about what they would support.

"We found that the best opportunity was a general obligation bond in Portland," Larson says.

Other governments are interested in the concept, however. Larson says he has met with officials from Metro, the elected regional government, and has fielded inquiries from Clackamas County. If Measure 26-179 passes on Nov. 8, Larson believes that at least some other governments will consider referring something similar to their voters.

And Saltzman says the council will likely ask voters to approve additional bond measures once enough projects have been completed to demonstrate their success.

How it would work

What: Measure 26-179 — Portland affordable housing bonds

How much: \$258.4 million

Tax rate and cost: 42 cents per \$1,000 assessed value, about \$75 a year for average home

What will it do: Preserve (25 percent) and build (75 percent) a minimum of 1,300 units of affordable housing

Who will they house: All residents must earn less than 60 percent of the Median Family Income (\$25,000 a year for a family of four); 600 units will be for those earning less than 30 percent MFI

Cost saving provisions: 7 percent cap on administrative costs; five-member Community Oversight Committee appointed by the City Council

To learn more, visit <http://www.yesforaffordablehomes.com>

To read a previous Portland Tribune story on the issue, visit <http://tinyurl.com/gr9w4zh>

City Council says 'no' to public attendance

*By Nick Budnick
October 11, 2016*

Audience members who disrupted a Portland City Council meeting last week with yelling and swearing caused the city to close council chambers to the public during deliberations over a proposed new police union contract.

The city's move was unprecedented in recent memory. It probably also was unlawful, according to Jack Orchard of the law firm Ball Janik. A top expert in Oregon Public Meetings Law, Orchard said that "The clear intent of the law is that the public officials and the public are in the same place at the same time."

In one sense the city's extreme move shows how successful activists were last week in getting the attention of officials as well as the news media. It also reflects officials seeking an alternative to the politically unappealing prospect of mass arrests at City Hall.

As it was, the decision to lock down the building on Wednesday and arrest just two of the activists drew major media coverage, as did the decision to halt the the regularly scheduled council meeting and continue it the following day.

The contract is scheduled for a final vote Wednesday. A spokesman for the mayor said he doesn't believe another closed-door meeting will be necessary, "but that decision has not been determined."

The police contract spearheaded by Mayor Charlie Hales has drawn opposition from elected Auditor Mary Hull Caballero, as well as Independent Police Review Director Constantin Severe.

Much of the audience Wednesday did not disrupt the meeting. The audience included a wide array of activists including many from the group Don't Shoot Portland.

However, a small group of police activists continued a tactic of disruption that has become familiar to local officials.

Police activists say they are just using their right to free speech and employing standard civil disobedience.

But the trend has caused concerns at other public bodies in recent months, causing officials at times to consider closing off public access to police oversight meetings or limit most of the

public to viewing a live online feed from a remote location — the same approach the City Council pursued Thursday.

Amy Watson, a consultant who monitors the city's compliance with a federal oversight agreement while working with the Community Oversight Advisory Board, in June complained in an op-ed in *The Oregonian* that the mental illness claimed by some of the more vocal individuals was not an excuse. "This small group of mean-spirited individuals cannot be allowed to dominate meetings and drown out other community members."

Access to the City Council meeting on Thursday was granted only to members of the media, some city staff and selected other members of the public, including a few people who weren't able to complete their testimony the day before. Other would-be attendees could watch live video of the meeting from an adjacent building, city officials said. A plan to allow public testimony to occur remotely fell victim to technical difficulties.

Police activists then were allowed access to the meetings one by one after signing up to testify on agenda items other than the police contract.

Several testified on the city's proposed acquisition of a bridge crane, for example, stressing the importance of public input on the bridge crane decision while raising concerns about police.

Attendance is a right

Orchard is sympathetic with officials trying to get the public's business done in an orderly way. Nobody has the right to halt the public from having its business conducted in public, he says.

The move to close off Portland City Council proceedings appears to be at odds with guidance in the Attorney General's Oregon Public Records and Manual which states that "public attendance" to public meetings is a "right." It also says public meetings should be "open to the public ... meetings are accessible to persons wishing to attend."

Portland City Attorney Tracy Reeve defended the city's actions last week, saying that watching the meeting from a remote location over a video feed meets the definition of public access, in her view.

But Orchard noted that watching a video feed is qualitatively different from seeing a public meeting in person.

The only provision in the law for audience members to access the meeting from a remote location is when the meeting is being conducted by telephone or other electronic means, according to the state's public meetings manual.

And the only time the law doesn't require open meetings is when a special closed-door executive session is authorized under a limited menu of lawful reasons, such as real estate transactions. Last week's meeting concerning the police contract did not qualify for that treatment.

Oregon's public meetings law doesn't guarantee access to everyone, according to the Attorney General's Oregon Public Records and Manual. "Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser," says the manual.

Said Orchard, "There certainly are times and circumstances when, to carry out public business in a timely basis, that there have to be limits placed on general public attendance or specific public attendance at a meeting."

At the same time, he added, “you need to exclude only those people who indicate by their actions that they intend to disrupt the public’s business.”

The Portland Mercury

City Hall Will Be Locked Today Because of a Police Contract Vote Tomorrow

By Dirk VanderHart

October 11, 2016

A vote over a much-derided contract [PDF] with the city's largest police union isn't scheduled until tomorrow, but City Hall will be locked today.

In advance of a planned protest of the contract by Don't Shoot Portland and other groups this afternoon, Mayor Charlie Hales' office says the center of Portland governance will shut down to the general public beginning at 1 pm, according to mayoral spokesperson Brian Worley.

Don't Shoot Portland had sent word it planned to begin a protest at 3 pm today, and would remain at City Hall all night. That follows weeks of unrest over the proposed contract (and a related "tentative agreement") with the Portland Police Association.

The deal would raise officer pay by 9 percent and does away with a controversial provision giving cops 2 days after a shooting to speak with internal affairs investigators. That rule has long been a target of police accountability advocates, but since the deal was announced, many have called for more oversight of police. Hales has forcefully defended the contract, saying it marks progress and will help correct a police staffing shortage.

The agreement also touches on a draft police body camera policy many are concerned by.

There's not much chance tomorrow's vote to ratify the contract will occur without incident. Two weeks ago, advocates and activists packed City Council chambers to voice unified dissatisfaction with the deal Hales had crafted. They want the new contract delayed until Mayor-elect Ted Wheeler takes office.

Last week's city council hearing on the contract—scheduled as more or less a formality to adopt an amendment—was even more fraught. After repeated outbursts and activists' refusal to leave, Hales canceled the hearing. He rescheduled it for the following day, but wouldn't allow the general public into council chambers for the contract matter. That led to a situation where activists attempted to criticize Hales' handling of the police deal under the guise of testifying on an item about a bridge inspection crane. #bridgecrane was born.

It's unclear if Hales plans to similarly shut out the public from tomorrow's vote, which as of last week was expected to come out in favor of the new contract. City Attorney Tracy Reeve has argued state law doesn't demand that City Council hearings offer public comment, and that it satisfies state law to stream a live video feed of hearings into a public building, as opposed to allowing citizens to view it in person. Even if that's the case, that's a marked departure from Portland's normal process.

In a release last night, Don't Shoot Portland accused Hales of tamping down dissent.

"The mayor's office has gotten word of our protest and has begun the usual tactic of silencing black and brown voices in regards to policing," the statement read. "We at Don't Shoot Portland believe that locking the public out of our own building and then calling it business as usual is outrageous."