

## **The Oregonian**

# **Man Accused of Threatening to Burn Down Portland Mayor's House if He Didn't Fire Cop Involved in Fatal Shooting**

*By Maxine Bernstein  
February 6, 2019*

A man accused of sending threats via Instagram to burn down the house of Mayor Ted Wheeler if he didn't fire a Portland cop involved in a shooting made his first appearance in federal court in Portland Wednesday.

Assistant Federal Public Defender Susan Russell argued that the actions of 39-year-old Kermit Tyler Poulson should have led to a mental health intervention, not a federal indictment. Poulson doesn't understand the allegation against him, she said.

"I'm not certain that he's competent to proceed," she said. "What we have here is a paraplegic man with mental health problems at best."

Russell further argued that Poulson's actions don't match the alleged crime of transmitting threatening communications with intent to extort.

Assistant U.S. Attorney Paul Maloney said Wheeler's wife first noticed the comments from Poulson's Instagram profile, "riot\_cop\_7," on Wheeler's Instagram account.

Poulson threatened to burn down the mayor's house if he didn't fire an officer involved in the fatal police shooting of Patrick Kimmons last September, Maloney said.

Portland police Sgt. Garry Britt and Officer Jeffrey Livingston shot Kimmons after confronting him in a parking lot in downtown Portland after they heard gunfire. Kimmons had shot and wounded two other men and ran toward the officers with a gun, according to police and video evidence. As he cut in between two parked cars, the sergeant and officer continued to fire at Kimmons, who died at OHSU Hospital. A grand jury found no criminal wrongdoing by the police.

On Oct. 9, Poulson urged the mayor to fire Britt in multiple posts to Wheeler's Instagram account, Maloney said.

"What are you doing about Patrick Kimmons?"

"We want Britt fired. Or your becoming a Defendant."

"Ever had a Molotov cocktail thrown threw (sic) your bedroom window at 4 a.m.?"

"Or your office building?"

"The cops can't protect you."

"What are you going to do? Fire Britt. No Molotov."

"Keep Britt. House on fire."

"You like your bricks? We can remove them from the house and throw them through a window."

When questioned by Portland police and members of the FBI-led Joint Terrorism Task Force, Poulson at first denied writing those messages and suggested someone may have used his account. Later, he admitted to posting them and wrote an apology letter to the mayor for making the threats, Maloney said.

Russell argued that jail isn't the appropriate place for Poulson. He was arrested Jan. 8 in Missoula, Montana and was transferred to a Nevada jail before he was returned to face the charge in Oregon. At the time of the Instagram posts, Poulson was homeless, living with an acquaintance in Portland, she said. He was diagnosed in the past as suffering from bipolar disorder, takes Prozac for depression and currently needs medical attention for a cyst, his lawyer said.

Russell suggested that Multnomah County's Crisis Assessment and Treatment Center, a secure psychiatric facility, would be the most suitable place for Poulson pending trial but noted that no bed was currently available.

U.S. Magistrate Judge Jolie M. Russo delayed Poulson's arraignment until Feb. 19 to allow him to get needed medication to stabilize.

## **Council Votes 4-to-1 to Approve Settlement for Fired Portland Police Sgt. Gregg Lewis**

*By Maxine Bernstein  
February 7, 2019*

The Portland City Council on Wednesday voted 4-1 to accept a settlement that would reinstate and give back pay to fired police Sgt. Gregg Lewis, who made inflammatory and racist remarks at roll call, and allow him to retire under the condition that he never wear a city police uniform again.

Commissioner Jo Ann Hardesty was the lone council member who objected, saying the city "should fight" any effort to overturn an officer's justified termination.

"I'm not willing to give up," she said.

Mayor Ted Wheeler and the three other commissioners reluctantly supported the settlement, saying they expected an arbitrator to dismiss Lewis' firing and wanted to ensure that Lewis never returns to the police force or holds a city job again.

Lewis' remarks on Feb. 12, 2017, came just three days after the controversial fatal police shooting of an African American teen, 17-year-old Quanice Hayes. About 16 officers and three other sergeants were present at the 4 p.m. roll call in Central Precinct when Lewis said, "If you come across a black person, just shoot them," according to his termination letter.

Commissioner Nick Fish supported the settlement, "even though it offends me to the core to give money to this person."

He said it would cost taxpayers more money if the case went to arbitration because the firing likely would be thrown out. That's because the Police Bureau's own discipline guide sets the maximum punishment for inflammatory, derogatory language at a three-week suspension without pay.

"The blame lies with our discipline guide," he said.

Fish also criticized how the settlement proposal was presented to the council, calling it “confusing and disjointed.” According to the mayor, the presentation was prepared and done by the city attorney’s office.

“My patience with the way this was presented is running out,” he said.

Commissioner Amanda Fritz called Lewis’ remarks “appalling,” and Commissioner Chloe Eudaly said there was no question that Lewis should be fired.

“There’s no good fight to fight when the game is rigged,” Eudaly added.

Lewis made his comments while instructing officers how to place civil holds on people to take them to a detoxification center when they’re inebriated in public or in public garages. Officers also were talking about the police shooting of Hayes. One voiced dismay about comments posted online in reaction to an Oregonian/OregonLive article. The commenter contended officers shoot to kill black people but only wound white people.

“Officers began talking about this statement, and then I heard Sergeant Lewis state, ‘Well, let’s just go out and kill all the black people,’” according to his termination letter. “The officers appeared shocked and astonished. There was some uncomfortable laughter throughout the room, but most officers were quiet. This brought roll call to an end.”

Lewis was fired on Feb. 2, 2018, about a year after his comments were reported to command staff. Lewis told investigators he made the comment as an off-the cuff-joke, according to bureau records.

Under the settlement, the city will erase Lewis’ firing and pay him \$100,020.53 in back pay. Lewis will be considered retired, effective last Dec. 3, with the city ensuring he receives pension credits for his adjusted service time through his retirement date.

Donna Hayes, grandmother of Quanice Hayes, said she walked out of the council meeting with tears in her eyes once the settlement for the fired officer passed.

"I rather he go through arbitration and win and work with a target on his back than the city pay him off and send a message out that it’s all right to kill black people," she said.

## **The Portland Tribune**

### **Plan That Could Reshape Portland Neighborhoods Moving to Center Stage**

*By Steve Law*

*February 6, 2019*

#### **Residential Infill Plan could spur 24,000 more units in triplexes and fourplexes, but lead to more displacement in Lents, Brentwood-Darlington and east Montavilla**

Portland's ambitious and controversial bid to reshape residential neighborhoods by promoting more infill development and denser "missing middle" housing options is moving to center stage.

City planners released their staff report on the latest version of the Residential Infill Plan this week, along with a displacement analysis and interactive map that lets residents know if their block is affected.

Few issues have divided Portlanders this much in recent memory, with people on both sides saying the very nature of the city is on the line.

Critics say the plan will mar long-established single-family neighborhoods by jamming in too many triplexes and fourplexes, making it harder to find parking.

Supporters say Portland is fast-becoming a city of "haves" in exclusive single-family neighborhoods and "have nots" in apartments, and adding other housing options in existing neighborhoods is essential to promote affordability and diversity in the city.

By loosening restrictive zoning in single-family areas, the plan is projected to spur up to 24,000 new housing units in triplexes and fourplexes in the next 20 years, as well as 3,000 more accessory dwelling units.

Overall, city planners project the plan will reduce the rapid displacement of low-income residents in Portland that's been occurring and take away some of the incentives to demolish existing homes. However, planners acknowledge it could increase redevelopment pressure and cause more displacement in select neighborhoods such as Lents, Brentwood-Darlington and the eastern part of Montavilla.

"The conditions are ripe (there), where we have high concentrations of people of color, low-income renters and fairly active likelihood for redevelopment," said Morgan Tracy, project manager for the Bureau of Planning and Sustainability.

No one doubts the plan could be consequential.

Release of the city staff report and accompanying studies sets the stage for final debate on the plan by the appointed Planning and Sustainability Commission, which could pass it on March 12 and send it on to the City Council for final action.

At its core, the plan is about using residential land more efficiently in the city. On the one hand, neighborhoods would be rezoned to allow more accessory dwelling units, duplexes, triplexes and fourplexes. On the other hand, the plan essentially bans the development of large "McMansion" homes on small lots, by restricting the size of new homes to 2,500 square feet. The plan also imposes lower height limits.

"Single-dwelling neighborhoods will continue to be mostly traditional detached houses, infused with other types of units over time," city planners state in their new staff report. "With nearly 150,000 existing houses, single houses will still account for more than 95 percent of the total housing stock in these neighborhoods."

While many critics doubt the plan will make a dent in the city's affordable housing crisis, planners suggest otherwise, while conceding that other policy changes also are needed to stem the crisis.

"The proposal will likely significantly reduce the cost of housing for the additional housing types allowed in single-dwelling zones," the staff report states. "This is a function of the smaller unit sizes as well as the ability to defray land costs across two, three, or four housing units as opposed to one unit."

Perhaps no provision has alarmed residents more than the prospect of allowing fourplexes on most single-family lots. Planners, based on an analysis by housing economist Jerry Johnson, project an additional 300 to 400 new triplexes and fourplexes a year. However, that's based on the theory that owners seek the most profitable use of their properties when redeveloping it, Tracy said, and most people moving to Portland don't come here to live in such units.

As Tracy sees it, there'll be less incentives for people to tear down perfectly good homes to build larger ones, because of the new size limits. But once someone decides to sell their home, there might be more incentive to replace it with a fourplex, he said, on the theory that's the "highest and best use" (and most profitable) for the property.

"When redevelopment happens, it's far more likely that it's going to be three or four units vs. a single unit," Tracy said.

But because of the new size limits, the resulting buildings might not take up the kind of space critics imagine. Currently, it's not uncommon to have a duplex of 6,700 square feet, Tracy said. Under the new limits, a duplex could be no more than 3,000 square feet. "We're talking about structures that are not as large as what you can build today."

So the main impact on the neighborhood is having more "doors" and more demand for parking, he said, and a broader mix of people who can live in a neighborhood.

"These new housing types will complement existing neighborhoods," planners state in their staff report. "Smaller in size, they provide more choices for first-time homebuyers, downsizing empty-nesters and middle-wage earners. Also, current homeowners that already have an ADU will be able to add another ADU. These smaller units can house young couples, students, grandparents or caregivers, offering an alternative to larger apartment buildings."

While city planners and those backing the plan have heard a lot of criticisms that they are wrecking neighborhoods, "that's not a new refrain," Tracy said. Similar comments were made in the 1990s when the city decided to liberalize its code and allow accessory dwelling units on nearly every single-family lot.

Those have turned out to be rather popular, even trendy.

Planners are very worried that the city is becoming unaffordable to large numbers of people and are concerned about what that might do to the city.

As such, many have concluded "there is a high cost of doing nothing," Tracy said.

Find out more:

To read the city planners' staff report and accompanying studies:  
<https://www.portlandoregon.gov/bps/78577>

To see if your home might be rezoned to allow denser developments:  
<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rip>

## **Let It Flow During Next Columbia River Flood?**

*By Steve Law*

*February 6, 2019*

**Some want to let the river flow onto nearby green areas rather than replace the levee that failed in the 1948 Vanport Flood disaster, but that might imperil Heron Lakes and PIR**

As Portland prepares to bolster the levee system protecting the city from Columbia River flooding, some say we should go back to the future and let Mother Nature takes its course.

And the place they want to do it is near the same leaky railroad embankment that triggered the disastrous Vanport Flood, which wiped out Oregon's second-largest city in 1948.

The idea, now under study by the city parks bureau, could allow the Columbia to flow onto open space beyond its banks, potentially over lands used for Heron Lakes Golf Course and Portland International Raceway.

"I think we have a big opportunity here," said Bob Sallinger, conservation director of the Audubon Society of Portland, one of the environmentalists pushing the idea. "We do have to modernize our levee system, and how we do that is important."

"Water finds a way" to get where we don't always want it, Sallinger said, so letting the Columbia flood onto nearby land may be cheaper, in the long run, than trying to channel it with big levees. "That's an example of 21st century strategy replacing 20th and 19th century strategies," he said.

So far, no one involved in the Levee Ready Columbia project that is trying to upgrade the region's 27-mile levee system is ruling it out.

### **Railroads not cooperating**

The two railroads running trains over the embankment — Union Pacific and BNSF — don't want the liability that comes from having their site do double-duty as a flood-control levee — though that's been the case since before the Vanport Flood. So Levee Ready Columbia has concluded that stretch needs to be replaced with a real levee, costing an estimated \$15 million to \$20 million.

Instead, Audubon and other environmentalists want to evaluate expanding the natural floodplain in that area, allowing flood waters to spread into Peninsula Drainage District No. 1, commonly called "Pen 1."

Most of the Columbia River floodplain in the Portland area has been heavily developed, with the likes of Portland International and Troutdale airports, the Oregon Air National Guard Base and a host of industrial parks, hotels, retail complexes and residences. It would be prohibitively expensive for local governments to condemn and purchase those properties to provide a larger natural floodplain, as the city did for homes along Johnson Creek to create a larger natural area for that creek to safely expand during heavy rains.

But three-fourths of Pen 1, which is between Interstate 5 and the railroad embankment, is owned by the city and is relatively less developed, such as the city-owned Heron Lakes Golf Course and Portland International Raceway.

"Pen 1 is the most obvious" place to try the natural approach the city has used with Johnson Creek, said Mike Jordan, director of the Bureau of Environmental Services. He predicts the city's efforts there, which have substantially reduced flooding of Foster Road and residential areas near Johnson Creek, will save the city money in the long run.

### **Blending gray and green**

Traditional approaches to flood control have largely relied on structurally constraining water, often dubbed "gray" for the heavy use of concrete dams. The Bureau of Environmental Services has been a national innovator in implementing "gray and green" approaches, which use more natural methods.

"We're on board with that, because we have a track record of doing that effectively," said Diane Dulken, spokeswoman for the bureau.

The city also used more green approaches in its Big Pipe project, designed to reduce untreated sewage flowing into the Willamette River and Columbia Slough.

Such green approaches can save money and improve water quality, Jordan said.

Allowing the city-owned facilities to flood might mean they could retain their current uses more than 99 percent of the time, Jordan said. Portland Parks & Recreation is now studying what occasional flooding might do to the land, he said.

The parks bureau is working with public and private landowners in Pen 1 "to assess the risks associated with flooding from stormwater drainage and river flooding," said bureau spokesman Mark Ross. "Alternatives might include modifying existing wetlands and drainage networks in order to manage flood risk and protect land in the area of the historic Vanport flood of 1948."

Not incidentally, the Pen 1 drainage district, one of four formed decades ago by landowners to pay for the 27-mile Columbia River levee system, is the one with high expenses but little wherewithal to pay for local upkeep, said Reed Wagner, executive director for the four drainage districts.

"That area of Pen 1 is so underfunded, we haven't been able to do much more than keep the pump running over the last two decades," Wagner said.

Leaders of Levee Ready Columbia, an intergovernmental team working to get the levee system recertified as required by federal officials, is open to studying natural alternatives near Pen 1.

"We don't yet know the scope of what that would require or what it would cost," said Jules Bailey, a former lawmaker and county commissioner who is convener of Levee Ready Columbia.

Pen 1 also includes wetlands, the Portland Expo Center, the control cabinets for TriMet's MAX Yellow Line and some industrial properties, said Colin Rowan, Levee Ready Columbia program manager.

### **Army Corps approach**

Sallinger of Audubon is concerned that the U.S. Army Corps of Engineers, which is working on a \$3 million study of alternatives to upgrade the levee system, will shortchange environmental concerns. They have a history of pursuing "structural fixes rather than environmental fixes," he said. "They like to build bigger and better walls where something working with nature would suffice."

Valerie Ringold, chief of the planning and economics section of the Army Corps' Portland District, said it's true that the agency's mandate from Congress here is "flood risk management." But the Army Corps is looking at four alternative approaches, and one of them, called the "non-structural alternative," includes more "nature-based features," Ringold said.

That might mean buying up some land to allow more natural floodplain, raising the elevation of some areas and other methods, she said.

"It's hard to do in such a highly altered environment to have it be completely natural," she said. But it may be more feasible in the Pen 1 area, she said.

Once the Army Corps develops its four alternatives, it would put them through a cost-benefit analysis, as required by Congress, and make one recommendation, probably by December or January, Ringold said.

Then, after getting public feedback, it expects to present the top alternative to Congress to qualify for federal assistance.

To the extent Levee Ready Columbia can get federal aid to bolster the flood control system, that's less money that will have to come from local taxpayers and property owners.

## **The Portland Mercury**

# **City Council Approves \$100,000 Settlement for Racist Cop**

*By Alex Zielinski  
February 6, 2019*

City commissioners have voted against defending the city's decision to fire a racist cop in exchange for a guarantee that the officer never works for the city again. It wasn't a decision made lightly.

"There is no good choice to make here today, and the community has every right to be angry," said Commissioner Chloe Eudaly. "I am angry."

In a 4-1 vote, commissioners approved a settlement agreement with the Portland Police Association (PPA) to offer \$100,000 in backpay to Gregg Lewis, a former PPB sergeant fired in February 2017 after making a "joke" during a Central Precinct roll call that ended with the comment, "If you come across a Black person, just shoot them." The comment came three days after a PPB officer fatally shot Quanice Hayes, a Black teenager.

Lewis was fired for these racist remarks by the City of Portland. His termination was quickly challenged by the PPA, a legal move that's entirely allowed under the city's current contract with police union. Based on the city's poor track record with winning cases against the PPA, however, the city attorney's office suggested the council avoid the pending arbitration process. According to deputy city attorney Mark Amburg, that's because a labor arbitrator would probably focus more on Lewis' entire history of misconduct with PPB than the single incident that got him fired.

"As egregious as the conduct was, we have a sergeant with 25-plus years with the bureau... who has an unblemished career," Amburg told commissioners last Wednesday. "We think there is a significant chance that the arbitrator will overturn the decision."

Instead of engaging in a hopeless (and costly) legal fight, city attorneys suggested that city council simply give Lewis a hefty payout, erase the firing from his record, and let him ease into retirement. In exchange, Lewis wouldn't be allowed to work for the PPB or the city ever again. This agreement, based on discipline standards baked into PPA's contract with the city, is what Eudaly called a "flawed system."

"The public blames us, and to a certain extent that's reasonable," said Eudaly last week. "But our power has been bargained away."

Neither Eudaly, Commissioner Jo Ann Hardesty, nor Mayor Wheeler were members of city council the last time the PPA's four-year union contract was negotiated in 2016.

Commissioner Nick Fish said he would vote in favor of the decision, "because it saves taxpayer money and because it insures [Lewis] won't ever work at the city." But he was quick to point out that the city commissioners and attorneys are the only people to blame for this imperfect agreement.

"Politicians are good at blaming other people. But the discipline guide was something we negotiated," Fish said, referring to the 2016 PPA contract. "The punishment that this officer will receive is something we agreed to."

Last week, Amburg noted that labor arbitrators usually side with the police union in these cases. Fish rejected that excuse.

"It's disingenuous to point the finger at the arbitrator," said Fish, calling Amburg's presentation "disjointed" and "muddied." Speaking directly to Mayor Ted Wheeler, Fish said that he believes the city's legal team is outmatched by the PPA's attorneys.

"Mayor, I hope you think boldly about this," Fish said, hinting at the inadequacies of the city's legal team. "I believe in the process but I also believe in a fair fight."

City council was scheduled to vote on this settlement last Wednesday. But, after hearing testimony from family members of Black Portlanders shot by police and strong opposition from Commissioner Jo Ann Hardesty, Wheeler decided to push the vote to today. Hardesty remained the sole vote in opposition to the settlement.

"I would much prefer arbitration," Hardesty said today. "We have a responsibility as a representative government to fight for the people and not just do [what's] most convenient. It is absolutely not right that this man gets one penny extra from the City of Portland."

## OPB

# Portland Extends Contract With Group That Reviews Police Shootings

*By Ericka Cruz Guevarra  
February 6, 2019*

Portland city councilors voted Wednesday to extend a contract with an independent group that reviews police shootings and in-custody deaths.

The vote comes days after the California-based OIR Group released its most recent review of police shootings, which included an analysis of the 2017 Quanice Hayes shooting.

The group's analysis was hailed by Hayes' grandmother, who testified about the city's plan to renew its contract with the independent experts.

"This report gave me a whole lot of information that I didn't know — that no one took the time out to give me," Donna Hayes said. "I think they're [OIR Group] of value to this city. And I think it's necessary to keep them."

The \$200,000 contract extends the group's work with the city through Jan. 31, 2020. It's also \$60,000 more than the group's last contract with Portland.

While commissioners appeared to agree over the value of a third-party analysis of shootings by Portland Police, it remained unclear whose responsibility it is to implement the roughly 300 recommendations OIR has handed to the city over the years regarding police training and policies.

"I think it would be helpful for us as a council to have a checklist as OIR or any successor organizations come forward," Mayor Ted Wheeler said. "We have that ability to actually say: What was the response, and what was actually done, and who is to be accountable for that action?"

The Police Bureau has largely been in agreement with the recommendations from OIR. Portland Police Chief Danielle Outlaw told councilors the bureau could take the lead on tracking progress of implementation.

“We can turn that into an action plan and share that. We can come together and see if what we come up with is the best plan or if there are tweaks that need to be made,” Outlaw told councilors.

Commissioner Chloe Eudaly described many of the recommendations as matters of culture change at the bureau. For example, the most recent findings indicate Portland police sergeants have a tendency of jumping into tactical positions during shooting incidents.

The experts made 40 recommendations to the city in its January 2019 report. They include videotaping interviews in police shooting investigations and engaging officers involved in more than one deadly force incident to see if patterns between events could be addressed with training.

Constantin Severe, director of the Independent Police Review, said reports from the OIR Group over the years have led to more timely administrative investigations into police shootings and the ability for IPR to review all police shootings and in-custody deaths. He also said the reports create opportunities for the public to leverage facts during reviews of police shootings and advocate for themselves.

“The recommendations by OIR have led to a significant amount of changes at the Portland Police Bureau,” Severe said.

## **Portland Approves Payout For Officer Who Made Racist Remark**

*By Amelia Templeton  
February 6, 2019*

The Portland City Council voted 4-1 to approve a controversial settlement with a police officer who made a racist remark about killing black people.

With the settlement approved, Sgt. Gregg Lewis will get \$100,000 of back pay and a three-week unpaid suspension in exchange for his forced retirement. Lewis won't be eligible to work for the city again.

Commissioner Nick Fish voted for the settlement, but criticized the city attorneys who presented the deal to Council.

He said they had failed to inform the City Council that the real problem with the city's case against Lewis is the discipline guideline the city has agreed to in its contract with the police union.

That guideline states that the maximum penalty for an officer who makes racist remarks is three weeks without pay — a point omitted by the city's attorneys, and brought to Council's attention last week by local police reform activist Dan Handelman.

“Until we change the discipline guide, the outcome in a case like this is almost foreordained,” said Fish, thanking Handelman for raising the issue.

Fish, himself an attorney, said city leaders have been too quick to blame arbitrators for what has been the city's own failure to negotiate over officer discipline with the union .

“I think we've been frankly outmatched for a long time,” he said. “I am a lifelong trade unionist. I believe in the process, but I also believe in a fair fight.”

Commissioner Jo Ann Hardesty cast the sole vote against the settlement, concurring with Fish's criticisms.

"I have watched this City Council negotiate police contracts that were woefully inadequate to protect the public over and over and over again," she said. "It is absolutely not right that this man gets one penny additional from the city of Portland, and I maintain my no vote."

Mayor Ted Wheeler, Commissioner Chloe Eudaly and Commissioner Amanda Fritz also voted in favor of settling the case.

After the vote, Hardesty consoled a woman who started sobbing in response: Donna Hayes, the grandmother of a black teen shot and killed by police the same week as the officer's remark.

## **Portland, Harbor Of Hope Celebrate New Homeless Shelter, But Questions Remain**

*By Amelia Templeton*

*February 5, 2019*

Backers of a homeless shelter funded by the CEO of Columbia Sportswear held a brief ceremony with Portland Mayor Ted Wheeler Tuesday and say they are days away from breaking ground on the project.

Whether that's true is unclear.

The ceremony went forward in spite of the inch of snow blanketing Portland, but it didn't involve any actual ribbon cutting or shovels hitting the dirt. The site, once a rail yard, remains an empty lot, and no construction equipment was visible at the groundbreaking Tuesday.

The nonprofit Oregon Harbor of Hope hopes to open its navigation center in June, with a goal of providing 100 chronically homeless men with beds, showers, space for pets and health and addiction treatment services.

Transition Projects, a nonprofit service provider that has existing contracts with the city and county to provide emergency shelter for homeless people, has agreed to operate the center.

"This moment doesn't just mark the most ambitious public-private partnership on homelessness yet," Wheeler said. "This moment is also an important message about what we can and what we will achieve when we work together."

But the project has faced a series of obstacles, including cost overruns and a legal challenge from a neighboring property owner. On the day of the groundbreaking, Harbor of Hope was still negotiating a sublease agreement with the city for the land beneath the planned navigation center.

That site, under the Broadway Bridge, belongs to the economic development agency Prosper Portland.

Its leaders have agreed in principle to let Oregon Harbor of Hope use the land for up to five years. Longer term, Prosper Portland plans to expand nearby rail lines or use the property as part of a major public redevelopment of the Broadway corridor.

On Monday, Prosper Portland officials signed an agreement to lease the lot to the city's Office of Management and Finance, with an understanding that OMF will sublease it to Harbor of Hope.

OMF provides financial and logistical support to city bureaus and has played a role in managing a number of other pilot projects to address homelessness, including the Kenton Women's village.

Prosper Portland's spokesman, Shawn Ulman, said the arrangement between OMF and his agency isn't unusual.

"It manages a number of properties on our behalf, including Union Station, which is immediately adjacent to the navigation center," Ulman said.

But the five-year lease between Prosper Portland and OMF shows that more public dollars are being invested in the project that Oregon Harbor of Hope has revealed.

Prosper Portland has agreed to contribute \$100,000 to the soil cleanup work on the site, which will be paid to Harbor of Hope "in recognition of savings that may be realized in connection with a subsequent development of the property due to removal of certain contaminated soil," according to the master lease.

Oregon Harbor of Hope is working on an agreement to sublease the property from OMF.

"It's a legal arrangement requested by the owner of the land," said Don Mazziotti, Harbor of Hope's director. "We at Oregon Harbor of Hope are fine with that arrangement."

Mazziotti, who ran Prosper Portland when it was known as the Portland Development Commission, declined to explain why the city agency does not want to directly lease the land to his group.

He initially said that work preparing the ground for construction of the homeless shelter would begin "tomorrow." That work includes bringing in fresh soil and pouring a concrete cap over much of the site.

Other Oregon Harbor of Hope staff said work will begin when the nonprofit finalizes its sublease agreement with OMF, probably next week.

"Flip a coin as to whose quote it is you'll use," Mazziotti said in response to the differing timeframes.

The navigation center also faces an ongoing legal challenge from developer Jim Winkler.

Winkler owns the adjacent lot, one of the last large undeveloped parcels of land in the Pearl District. It's worth an estimated \$13.8 million, according to Multnomah County tax records.

He's filed a petition in Marion County Circuit Court challenging the Oregon Department of Environmental Quality's decision to approve the soil remediation plan Harbor of Hope proposed.

The shallow soils on the old railway site are moderately contaminated with several potentially dangerous chemicals, including arsenic, lead and crude oil.

Oregon Harbor of Hope plans to pour a concrete cap to cover the parts of the site where people will be sleeping and working, and to bring in fresh topsoil for areas that won't be paved.

"We have approval of the remediation plan from DEQ, and we believe that his objections are without merit," Mazziotti said.

Winkler's attorneys contend that DEQ has held other neighboring property owners to a higher cleanup standard, and that the state's own 1998 evaluation of the site spells out the need for a more rigorous cleanup to protect human health.

Attorneys with the Oregon Department of Justice contend that DEQ's approval of the cleanup plan was appropriate and argue that Winkler doesn't have legal standing to challenge it.

A judge has scheduled a hearing on whether to proceed with the case in March, court records show.

The proposed navigation center stands out as a measure of the Portland business community's growing concern about homelessness, and as an example of the city's ongoing struggle to find appropriate locations for shelters as land prices rise.

Columbia CEO Tim Boyle and his wife Mary Boyle have almost single-handedly financed the project's capital costs, donating \$3.3 million to Harbor of Hope.

The couple first committed \$1.5 million to get the project off the ground, then increased their donation after the costs associated with environmental remediation went up.

Columbia Sportswear CEO Tim Boyle and Portland Mayor Ted Wheeler attend the groundbreaking ceremony for the new Harbor of Hope homeless center in Portland, Ore., Tuesday, Feb. 5, 2019.

Columbia Sportswear CEO Tim Boyle and Portland Mayor Ted Wheeler attend the groundbreaking ceremony for the new Harbor of Hope homeless center in Portland, Ore., Tuesday, Feb. 5, 2019.

In a brief press conference celebrating the groundbreaking, Boyle said homelessness is "what we do not want our city to be known for," and urged others in the business community to support the work of local governments and nonprofits.

"Ending homelessness can't just be the government's job," he said.

The project also secured critical support from Portland Mayor Ted Wheeler and Multnomah County Chair Deborah Kafoury, who announced earlier this month the Joint Office of Homeless services will reallocate \$1 million in public money to fund the shelter's first year of operations.

Developer Homer Williams had initially committed to funding the shelter's first year of operations through private philanthropy, but that will now be covered by the city and county.

Unlike most of the city's shelters, the navigation center will not be first-come, first-served. Instead, its 100 beds will be reserved for homeless people identified by street outreach workers and first responders — with the goal of getting vulnerable, chronically homeless men inside and connected to services.

The Joint Office For Homeless Services views the project as a cost-effective way to gain more permanent shelter beds as several temporary shelters the office has invested in are slated to close.

The city will net 25 shelter beds by moving funding from facilities that are closing into the navigation center.

"We've been lucky that property owners have stepped up to donate temporary spaces repeatedly over the years, but this is the first time something's been constructed thanks to millions of dollars in donations," said Denis Theriault, a spokesman for the Joint Office.

Theriault said that while the Joint Office has committed to providing that operating funding, there aren't any amendments yet to Transition Projects' contract, nor is there a use agreement for the facility.

Mayor Wheeler said the navigation center is worth public investment because it could help catalyze future private support for the city's campaign to end homelessness.

"My belief is when Tim and Columbia Sportswear and his family step forward, that's going to inspire others in the private sector to do likewise," Wheeler said. "Here's the key though — we

have to deliver on this model. We have to show that the partnership is successful and the outcomes are real.”