



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JULY, 1995 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Lindberg and Mayor Katz, Presiding; Commissioners Hales and Kafoury, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Mike Holstun, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

**1090**

**TIME CERTAIN: 9:30 AM** - Appeal of a decision of the Noise Review Board granting conditional variance for two amplified concerts in the Washington Park Amphitheater on July 12 and 30, 1995 (Hearing; Report introduced by Commissioner Kafoury)

**Discussion:** Paul Herman, City Noise Control Officer and staff to the Noise Review Board, said the Board received a variance application for 16 concerts in Washington Park and concluded at its last hearing that it did not have enough information to address the concerns raised or render a decision on all 16. It rendered a decision on the two July concerts and expects to make a decision about the others at its next meeting. The variance for the July concerts was granted with conditions setting a maximum of 70 decibels at any receiving residence. It also prohibits music after 10:00 p.m., limits the time in which sound checks might occur and requires monitoring of sound levels. An appeal of that decision was subsequently filed by Michael Dowd.

Commissioner Lindberg asked if Council was to make a decision only on whether to uphold the Noise Review Board on the two July concerts.

Mr. Herman said yes but added that Council's decision on the first two concerts would give some direction to the Board about the remaining concerts. He said Council could also see a second appeal on the other 14. He said the Board was unable to reach a decision on those because of different opinions about the measurements and other unresolved issues.

Commissioner Lindberg asked his opinion about compliance with variances granted in past years.

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Mr. Herman said in his judgment, they have complied with the conditions. Measurements vary considerably because of the topography and some homes may be more impacted than others. Some measurements taken from the pavement indicate compliance while the occupants indicate that higher up the measurements increase. He said over the years there have been a number of complaints but it is hard to tell if everyone who has been bothered by the events has formally complained or if the complaints are still extant.

Frank Yost, Vice President, Arlington Heights Neighborhood Association, said this year there are almost twice as many concerts as last year. Last year there were eight concerts, half of which were free; this year only four (out of a total of either 16 or 14) are free. He said the Parks Bureau Director indicated that the concert series would last no more than two weeks. This year that has been interpreted to mean 14 days spread out over two months. Originally, when free concerts could no longer be provided, the agreement was that there would be one free concert for each paid one but that balance has now been tipped dramatically. The neighborhood supports concerts in the Amphitheater but would like to see smaller, family-oriented concerts rather than big name acts, such as Johnny Cash and Willie Nelson, which are too loud and inappropriate in a neighborhood park. He said he first became concerned about this issue when he found that the Rose Garden was closed off to the public in the afternoon because of a concert scheduled that evening. When he protested, he was told he faced arrest for trespass. He said to close off the Rose Garden at any time to anybody because of a concert next door is not appropriate.

Mr. Yost said when the Noise Review Board made its decision, the Parks Bureau passed out a list of concert supporters, many of whom are not in support. Neither the Goose Hollow Neighborhood Association or Neighbors West/Northwest are in support. He cited a petition signed by 61 area residents opposed to the current concert series.

Commissioner Lindberg asked if, on the day Mr. Yost was not allowed to use the Park, his understanding was that the Park was closed for the entire day.

Mr. Yost said from 3:30 p.m. on, not all day. He said the policy states a 4:30 p.m. closing time, but is not followed. He said he was told by the Police that he would be arrested if he did not leave immediately.

Michael Dowd, President, Arlington Heights Neighborhood Association, stressed that they could have collected hundreds of signatures in opposition if they had more time. He said it made sense for the Noise Review Board to approve the first two concerts but the neighborhood felt some of the information was misleading and the conditions of

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approval were too lenient. Because of inadequate parking, the 10:00 p.m. closing time means that it is much later until the neighborhood quiets down. They suggest a 9:00 p.m. closing time for concerts preceding week days. He said last year when he appealed the variance, he was told to consider getting ear plugs. He said the noise inside his house is so loud people cannot talk normally. He said the noise decibel level in the neighborhood is normally in the low 40s and they are asked to absorb 70 to 75 decibels, a much higher percentage increase than such commercial areas as Waterfront Park are asked to absorb. The neighborhood requests a maximum of 65 decibels. He said this is the sixth year in a row that the Neighborhood Association has had such discussions with the Parks Bureau and has had agreements that have been violated. He said it is not fair to place the impacts of the concerts on the neighborhood, particularly when the Bureau has had so much time to work out more reasonable scheduling and selection of acts. He asked Council for limits on the noise and the time.

Mayor Katz asked about a statement in one of Mr. Dowd's memos that none of the concerts have been held legally.

Mr. Dowd said that refers to use of the archery range as a parking lot, which is prohibited by the Zoning Code. Also, the current concerts are major event entertainments which are prohibited in parks in residential areas, unlike downtown. The Amphitheater has been grandfathered regarding the zoning but the neighborhood believes this has been exploited and has asked for reconsideration of its land use approval. He said the Fire Bureau indicates that it has never granted permits for parking in the archery range.

Rich Gunderson, Recreation Manager, Parks Bureau, said this is an outgrowth of the old Washington Park Summer Festival free concerts, which went to 11:30 p.m. and attracted 8,000 to 10,000 people. Because of budget restrictions and a two-year hiatus the Bureau formed a partnership with Showman Inc., which agreed to hold one free event for each paid concert. Both Showman Inc. and the Bureau have worked closely with the neighborhood association to respond to its concerns. Many residents said holding concerts every night for two weeks in a row was too much and expressed a preference for spreading them over a longer period. Parking in the archery range is grandfathered in as it has been used since the 1960s for overflow parking to keep people from parking in the neighborhood. He said they will hold a meeting this fall with the neighborhood associations and conduct a mass mailing to area residents regarding next year's festival. Right now, due to contracts with national acts, the Bureau is tied in to the current format.

Sally Custer, Showman, Inc., said they have tried hard to work with the community and respond to every concern. She cited support from the

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Goose Hollow Neighborhood Association and others. She noted some of the world-class artists who have appeared in prior years and added that attendance has been capped at 4,000 limit, with 3,800 paying customers. She said she does not understand the complaint about using the archery range for parking as it takes parking off residential streets. She described how they take noise readings and the positive role the concerts series play in community policing efforts.

Laurie Smith, Portland Police Bureau, described her involvement in the concert series. At an earlier time, she worked with the Goose Hollow Neighborhood Association which received archery range parking revenues. She said she has made no arrests for vandalism or car prowls nor has she had any complaints from neighbors. She said Showman, Inc. has been very responsive to any concerns that arise.

Tom Robinson, Concert Sound, said they have worked hard to reduce the sound levels that go into the neighborhood. The Review Board has reduced the levels for about three years in a row and they are now on the theoretical limit of how low they can be. The concerts could not go on if a 65 decibel level was imposed. He said 75 decibels is relatively low although what occurs in neighborhood homes is considerably lower. He said he has been unable to meter anything above 60 at Mr. Dowd's residence. He said because of the quietness of the neighborhood virtually any noise at all is detectable.

Steve Reischman, Showman, Inc., said there have been minimum complaints until Mr. Dowd's and they have been unable to document any excessive noise beyond what is permitted. They have never held a concert past 9:30 p.m. and have done everything they can to be a good neighbor. He said they are not in violation of the noise standards. He said they tried to keep the Rose Gardens open but large crowds wandered in to hear the music for free rather than paying. They try to close them at the last possible moment on concert days, this year at 5:00 p.m.

Mayor Katz said closure of the Rose Garden is not directly related to this appeal. She asked about the concern raised at the Board hearing that certain music with a very strong bass component has a negative impact on the human body. Does the bass component travel farther and is it harder to keep out of dwellings?

Mr. Herman said lower frequencies do travel further and are much harder to stop. He said the Board's hesitation in passing judgment on the remaining concerts, however, had to do with differences of opinion about the sound level and not the lower bass frequencies which are almost a given in contemporary music. He said the "a" following the 70 decibels indicates consideration has been given to that aspect. He said

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there is far more bass in contemporary music than there was 20 years ago so it is more intrusive.

Commissioner Lindberg described some of the efforts he was involved in as Parks Commissioner to make these concerts a win-win situation. He noted how people have loved the free concerts in Washington Park and how sad they were when they ended. He said using paid concerts to subsidize the free ones was a creative solution. The Police Bureau was very supportive as they felt it was part of a community policing effort to take back the park. He said while complaints about the impacts must be addressed, there are many people who think this concert series is a great thing for the City. He said changes regarding spreading out the concerts could be made in the coming year, after the fall meeting with the community.

Commissioner Hales said it is clear there is more work to be done to meet the concerns but this is the kind of activity that the City wants to see in the Park. The devil is in the details, particularly with the increase in sound levels resulting from amplified music. He said the promoter is attempting to work with the community and stay under the thresholds, both for decibel levels and crowd size. He said he believes most normal people hear better than sound technicians who often have suffered hearing loss. He said he is concerned about charges that the Parks Bureau is not a reliable partner and pledged that it will work closely to resolve conflicts. He noted that Portland loves its summertime events but they must be managed so there is only a moderate level of disturbance to neighbors who happen to live next door to a regional resource such as Washington Park. He said the Board's decision must stand but more work is needed to try to get to "yes" with the neighborhood. The conflict will not be resolved on technical grounds such as decibel levels and land use approvals but rather on a common sense basis.

Commissioner Hales moved to uphold the Board's decision and grant the variance. Commissioner Lindberg seconded.

Mayor Katz said the neighborhood's concerns are legitimate. She suggested that free tickets be given to residents highly impacted by the noise as a gesture of good will. She supported the motion, but reluctantly as she thinks more work needs to be done by the Noise Review Board, the Parks Bureau and the promoters for future years.

**Disposition:** Appeal denied. (Y-4)

Agenda No. 1100 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

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**CONSENT AGENDA - NO DISCUSSION**

**1094** Reject bid of Brant Construction, Inc. for NE/SE 122nd Avenue, sidewalks and curb ramps for \$258,184 (Purchasing Report - Bid 162)

**Disposition:** Accepted.

**Mayor Vera Katz**

**1095** Confirm appointment of Robert M. Ueland to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

**1096** Confirm reappointment of Carol Edelman, Roslyn Hill, Louis Mateo and Robert Scanlan to the Regional Arts and Culture Council (Report)

**Disposition:** Confirmed.

**\*1097** Amend contract with Ethix Pacific for managed care services for the City's self-insured medical plan for the FY 1995-96 plan year (Ordinance; amend Contract No. 50099)

**Disposition:** Ordinance No. 169026. (Y-4)

**\*1098** Adopt the revised Administration Plans for U.S. Economic Development Administration Revolving Loan Funds and authorize submittal to the Economic Development Administration for approval (Ordinance)

**Disposition:** Ordinance No. 169027. (Y-4)

**\*1099** Amend contract with Reid & Yates Physical Therapy for provision of worker reconditioning services (Ordinance)

**Disposition:** Ordinance No. 169028. (Y-4)

**1101** Amend the Code; Committee Membership, Meetings, Appointment of Citizen Advisors, the Rules of the Police Internal Investigations Audit Committee and the Quorum requirements (Second Reading Agenda 1046; amend Code Section 3.21.030(5))

**Disposition:** Ordinance No. 169029. (Y-4)

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**Commissioner Earl Blumenauer**

**\*1102** Contract with Kittleson & Associates to provide retiming for 79 traffic signals and design for five count stations (Ordinance)

**Disposition:** Ordinance No. 169030. (Y-4)

**Commissioner Charlie Hales**

**1103** Accept completion of contract for installation of playground by James V. Cassetta Construction Services, make final payment and release retainage (Report; Contract No. 29345)

**Disposition:** Accepted.

**\*1104** Contract with Burlington Water District for fire prevention and suppression services (Ordinance)

**Disposition:** Ordinance No. 169031. (Y-4)

**\*1105** Intergovernmental Agreement with jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties, Oregon, and Clark County, Washington, for regional Emergency Management and approve Regional Emergency Management Workplan (Ordinance)

**Disposition:** Ordinance No. 169032. (Y-4)

**1106** Letter of Understanding with the Department of Planning and Development, State of Victoria, Australia, providing for the exchange of city planners between the two agencies (Ordinance)

**Disposition:** Passed to Second Reading July 12, 1995 at 9:30 a.m.

**\*1107** Amend contract with Guy A. Altman by \$1,625 to include the design for Columbia Pool ADA improvements (Ordinance; amend Contract No. 29721)

**Disposition:** Ordinance No. 169033. (Y-4)

**\*1108** Agreement between Portland Parks and Recreation and kpff, Consulting Engineers for \$148,736 to provide design and consulting services for the Waterfront Park utilities implementation project (Ordinance)

**Disposition:** Ordinance No. 169034. (Y-4)

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**\*1109** Contract with Hatten/Johnson Associates for \$39,470 for renovations of Hillside Community Center (Ordinance)

**Disposition:** Ordinance No. 169035. (Y-4)

**\*1110** Agreement between Parks and Recreation and David Evans and Associates, Inc. for \$84,736 to provide design and consulting services for the renovation of Pier Park (Ordinance)

**Disposition:** Ordinance No. 169036. (Y-4)

**Commissioner Gretchen Kafoury**

**\*1111** Declare surplus property located at 915 NE Pacific (Ordinance)

**Disposition:** Ordinance No. 169037. (Y-4)

**\*1112** Authorize sale of property located at 915 NE Pacific (Ordinance)

**Disposition:** Ordinance No. 169038. (Y-4)

**\*1113** Authorize Intergovernmental Agreement with the METRO for access to the City's 800 MHz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 169039. (Y-4)

**\*1114** Amend Agreement with Reach Community Development to increase the amount of compensation by \$5,375 and extend the termination date to August 31, 1995 (Ordinance; amend Contract No. 29447)

**Disposition:** Ordinance No. 169040. (Y-4)

**Commissioner Mike Lindberg**

**1115** Approve the release of \$17,680 held in retainage to Richard L. Martin, Inc. and withhold \$1,000 pending completion of the Albina pump station remodel construction project (Report; Contract No. 29146)

**Disposition:** Approved.

**1116** Accept completion of the Sullivan Basin CSO sump project - Unit 2 construction project and authorize final payment to Brundidge Construction, Inc. (Report; Contract No. 29665)

**Disposition:** Accepted.



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**\*1117** Execute easement for drainage improvements across Tryon Creek Wastewater Treatment Plant property to the City of Lake Oswego (Ordinance)

**Disposition:** Ordinance No. 169041. (Y-4)

**\*1118** Authorize contract between Environmental Services and Studio Reedijk to develop interactive, computer-based information kiosks for the Combined Sewer Overflow program (Ordinance)

**Disposition:** Ordinance No. 169042. (Y-4)

**\*1119** Authorize Intergovernmental Agreement with Powell Valley Road Water District to provide plan review and inspection services (Ordinance)

**Disposition:** Ordinance No. 169043. (Y-4)

### **REGULAR AGENDA**

**1100** Establish one Secretarial Clerk I position in the Bureau of Buildings, one Program Specialist (Urban Forestry) and one Maintenance Worker position in Parks and Recreation in accordance with the Personnel Rules adopted by the City Council (Second Reading Agenda 1041)

**Discussion:** Cay Kershner, Clerk of the Council, said the Bureau of Personnel had requested that this be referred back to the Mayor's Office.

**Disposition:** Referred to Commissioner of Finance and Administration.

**1091** **TIME CERTAIN: 10:30 AM** - Designate a health and safety emergency and direct the Bureau of General Services to construct a temporary homeless shelter (Resolution introduced by Commissioner Kafoury)

**Discussion:** Commissioner Kafoury described the basis for these resolutions, including the April 1, 1993 adopted Shelter Reconfiguration Plan and other documents. One item that has not had much discussion is the Portland Development Commission Property Site Identification RFP that went out at the end of 1994. Zero responses were received. She said two weeks ago Council approved, in concept, the decision to place the shelter temporarily on this City-owned property.

David Kish, Director, Bureau of General Services (BGS), said the most important criteria they considered in looking for sites was that the shelter be open by November 1, 1995. They also wanted a site fairly close to downtown and one that required minimum land use approvals. He said they looked at about a dozen sites, focusing on this site, on NW

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9th in the River District, and one at NW 6th and Glisan. The NW 9th site is the only one that met the criteria. It does not need a conditional use approval but does require a Type II design review. An exemption from design review will be needed, however, in order to meet the November 1 deadline. The first resolution designates this as a health and safety emergency and would not require them to go through the formal design review process.

Mayor Katz asked if that is appealable.

Michael Holstun, Senior Deputy City Attorney, said it is appealable.

Commissioner Lindberg asked Mr. Kish if they had considered reviewing the recommended site with the River District Association.

Mr. Kish said he believes Commissioner Kafoury held discussions with them.

Commissioner Kafoury said she talked to Bob Ames, Chair of the River District Association, and the two major property owners, Homer Williams and Pat Prendergast. Mr. Prendergast faxed a letter opposing the site. This has not been a secret.

Mr. Kish said the preliminary construction budget may be \$30,000 short, according to the Office of Finance and Administration. Dick Ragland, the architect, has indicated that there may be some equally good alternatives that may be less expensive. Fencing was not in the budget and needs to be included. They plan to set up an Advisory Committee to keep the budget as low as possible.

Mayor Katz said they need to know today what items must be included and what are on the wish list.

Dick Ragland, project architect, described the new schematic design for the shelter, which has been amended to house more men than women and includes a day room, fencing and some other changes.

Commissioner Lindberg asked if this structure will be useless once the permanent structure is built.

Mr. Ragland said they are looking at either a metal building and a fabric structure. If they select the fabric structure, the shell will be completely reusable and does not require footings, making it less expensive than a metal building, which can also be reused.

Mayor Katz asked if there would be a bid on this and whether a decision has been made to use fabric or metal.

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Mr. Ragland said they intend to bid this out and expect to know whether the building will be metal or fabric in several weeks, working with the Bureau of General Services and the Advisory Committee.

Mr. Kish said their intent is to find the cheapest option and specify that in the bid specifications.

Mayor Katz said there appeared to be some disagreement about reuse of the building.

Commissioner Hales said either technology appears to be reusable.

Mr. Ragland said it is probably cheaper to go with the fabric but in either case both could be reused.

Mayor Katz asked the estimated cost for the fabric and metal coverings.

Mr. Ragland said as far as he can tell, the costs are about the same although the fabric structure can go up considerably faster.

Regarding the budget, Mr. Kish said they are trying to keep within the \$300,000 budget but agree with OFA that if they add the amenities suggested in the past few days, such as the smoking room, picnic area and day room, it will cost about \$30,000 more. Regarding an environmental analysis of the soil, he said PDC did an analysis several years ago and that has been referred to the City Attorney's office to see what might have to be done for mitigation. There would be some construction site mitigation but the environmental condition does not appear to preclude this type of construction. They have budgeted \$6,000 for testing.

Mayor Katz asked about the Bridgeport Hotel site.

Mr. Kish said they have asked Multnomah County to deed the City this site but in the current configuration, it would be hard to put a temporary shelter there by November 1. There is also some community opposition, both for a temporary and permanent shelter. He said the City's first application to transfer that property was rejected by the County, which sent a note saying that housing was not acceptable on the site at this point.

Mayor Katz said that site could not be used this winter but could be used much sooner than three years from now. She said the County needs to go through a second process to enable housing to be placed there.

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Rey Espana, Manager, Multnomah County Community Action and Development, said they understand the need for a flexible facility and, through their referral program with Recovery Inn residents, have determined how such a population could be best served. Specifically, they found that the program needs to ensure that people receive services and move on, rather than being a warehousing effort. He said they had known since January or February of the Salvation Army's intent to close Recovery Inn and had been considering viable options.

Cathy Spofford, Program Manager, Multnomah County Community Action and Development, said they began conducting social service assessments with 116 people at Recovery Inn on May 10. Shelter was found for 68 while the remainder left or refused the type of services offered. They found that many people needed just a little help getting into housing. The other portion may need longer term case management and drug and alcohol services.

Mayor Katz said it sounds like the type of services previously provided were inadequate.

Ms. Spofford said the Salvation Army did a good job of providing basic food and shelter but no one from the social service community came in to access needs and offer services.

Mayor Katz said this adds a new dimension to the program.

Commissioner Lindberg asked if they began looking at options in January or February, immediately after they heard that Recovery Inn would close.

Mr. Espana said they began planning in February and in March proposed to the Homeless Advisory Committee that Recovery Inn residents be transferred to the Harbor Lights facility, coupled with housing placement and other programs. However, they then found that facility would have some difficulty complying with zoning regulations regarding density. They began a search for new sites but were unsuccessful until this site was identified within the last 30 days. A design team was convened to work on the program concept but that has not yet been put together with the architect's technical plan.

Commissioner Hales asked when the programming recommendation will go to the County Commissioners.

Mr. Espana said pending this resolution about a specific site, they will go to the County Commission in the next 30 days with a briefing report. He said they have set aside \$250,000 in the County budget for this activity.

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Commissioner Hales said the budget will need to be amended to carry out the plan.

Mr. Espana said they are proposing an annual operating cost of \$450,000, with a shortfall of \$200,000. They will be knocking on City doors as well as looking to the County but have not scheduled a return visit to the County at this time.

Commissioner Kafoury said that shortfall is for several years. For next year, it is about \$85,000.

Commissioner Hales said to the extent this proposal makes sense, it is because it carries out the Shelter Reconfiguration Plan, which means the City is responsible for providing the physical plant while the County is responsible for operating it. He said that is a line he is not inclined to cross or have the City step up and pick up the County's responsibility to meet operating costs.

Commissioner Kafoury said the City gets block grants and uses some of them to help the County with operating costs. She said emergency shelter for singles has always been considered to fall equally between City public safety services and the County. She said this decision does not commit the City to picking up those costs but she is not quite as rigid about this line as Commissioner Hales is.

Commissioner Hales said with this commitment by the City, the county now has some catching up to do.

Mayor Katz asked Mr. Espana if, after hearing that the facility would be closed in January or February, did it occur to anyone to try to keep Recovery Inn open with some enhancements rather than shutting it down and having nothing at all.

Mr. Espana said that option was discussed but the Salvation Army indicated it wanted to discontinue the contract.

Mayor Katz said Major Hogan has stated that if he had been offered some additional resources and a commitment that a permanent facility would be found, he would have considered keeping it open month by month. She asked who made the decision that the Recovery Inn would never open up again.

Mr. Espana said Commissioner Kafoury's office reviewed a number of sites and nixed continuation of Recovery Inn.

Commissioner Kafoury said in 1992, when the original contract with the Salvation Army was approved, she promised the Central Eastside that

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Recovery Inn would be kept open only one year before a permanent site was found. She said she has been adamant about closing it because she does not believe it is an adequate site and stands by her decision. They looked at the cost of continuing the contract but wanted to see what they learned from the team when they went into the building. If the team had said 120 people needed nightly shelter, that would have changed the proposal dramatically.

Mayor Katz said this is a temporary solution and over the last several weeks the picture has changed significantly regarding the Salvation Army site. She questioned why other options were not considered and asked if a permanent emergency shelter site will be needed in the City.

Mr. Espana said the Glisan Street facility under contract with Transition Projects is the only such facility presently. The Shelter Reconfiguration Plan intent is to downsize mass shelters and create more housing options, including a facility for women and for the chronically mentally ill. A 90-bed emergency shelter facility will be needed.

Mayor Katz said then a permanent facility will need to be created.

Mr. Espana said the private sector has also changed its requirements and the safety net has diminished since the Plan was first crafted.

Mayor Katz said she knows the picture has changed dramatically and asked if he was aware of the Bridgeport site and that it will be available

Mr. Espana said yes.

Carol Ford, Bureau of Financial Planning, said they analyzed the preliminary design proposal and reviewed available resources, including \$250,000 from the County and \$300,000 from the City's available ending fund balance. They reviewed the original \$300,000 cost estimate and identified some areas that were not included, such as the fencing and parking, that would increase the construction costs by \$30,000. Additional environmental mitigation was not included. A review of the County's operating plan identified some areas that needed further work. Operating costs annually are estimated at \$490,000; this includes about \$36,000 of startup capital costs not included in Mr. Espana's estimate of \$454,000. Over the next 30 months, the funding shortfall would be \$529,000. In the current fiscal year, 1995-96, that would be about \$116,000. She said an earlier briefing did not include the extra \$30,000 construction cost.

Commissioner Lindberg asked if the County said that they would not pick up the shortfall for this fiscal year.

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Ms. Ford said she did not know but assumed that \$250,000 would be available annually from the County.

Mayor Katz said she recommended that Council set aside \$300,000 in anticipation of this out of the General Fund but predicted that will go up to \$400,000 plus the gap between what the County has set aside and what will be needed to finance an upgraded operation, probably another \$250,000.

Ms. Ford said the \$300,000 construction cost is one time only available dollars. The recommendation talked about another \$250,000 if additional resources become available. She stressed that all these figures are based on some uncertainties about environmental testing, exterior lighting, etc. She said the metal structure is not as easily reusable as first assumed.

Tim Grewe, Director, Bureau of Financial Planning, said they will need to deal with the ongoing gap.

Mayor Katz said she will discuss that with County Chair Bev Stein.

Commissioner Kafoury said given the Salvation Army's budget constraints, they have done a commendable job.

Major Hogan, Salvation Army, 134 W. Burnside, said they have concern for continuing service to the homeless and hope to see some long term solutions. They would have agreed to short term continuation of Recovery Inn only if a long term solution was in sight.

John E. Lewis, 820 NW Front Ave., No. 6-G, 97209, speaking on behalf of McCormick Pier residents, said they were upset to read in the paper that the only residents close to the shelter would be horses. He also disputed the statement that there was nothing else to do. He said the \$550,000 might better be used to fix up the Salvation Army facility. He said they see the homeless every day and are concerned about the placement of this facility in a neighborhood that already has problems with the homeless. He suggested adding a grocery store and a laundry to the facility as well. He said the money should be given to the Salvation Army where the homeless are used to going.

Mark Whitlow, 2221 SW Columbia, Suite 1400, 97201, attorney representing the River District Association, requested a week's delay prior to Council action. He said they believe this is not a good way to begin implementation of the District plan but realize circumstances may require it and would like to have more time to discuss the mechanics of the proposal. They also have problems with the procedure. He said the City does not have a legal or factual basis to use the temporary

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activities chapter of the Code to site this facility here. Other options are available, such as improving the current facility on an interim basis.

Political difficulty is not an emergency. He said three years cannot be considered temporary and the Code does not allow permanent improvements, which the record indicates the City intends to make. He said applying that Code section to this proposal is a big stretch. He said the proposal will have to go through design review and comply with the base zone and other requirements. While this meets the service requirement it does not meet the siting requirement of the Shelter Reconfiguration Plan as this type of facility is supposed to be spread all across the Central City. This would put all such facilities in the River District.

Mayor Katz asked what a week's delay would do.

Mr. Whitlow said there are no assurances about the time length in the resolution and they would like to discuss that. If agreement cannot be reached, one week will not hurt.

Commissioner Lindberg said Roger Breazley's letter notes that, despite reservations, support could be given with further discussions regarding the Shelter Reconfiguration Plan. He asked if the intent is to take the week to look at conditions rather than refocusing on another site.

Mr. Whitlow said he could not say if they could find a permanent alternative site in a week but they might be able to find a mechanism to identify one. They are looking for commitment regarding the length of time the facility would be there.

Commissioner Hales asked what they think temporary might mean.

Mr. Whitlow said the shorter the better -- the longer the facility is there the harder it will be to get commitments from builders and lenders for River District projects. The River District Association would like to see something there for far less than three years but realizes that something is needed, although the need for a mass shelter is debatable. Something not to exceed a year might work but he has not had time to come up with specific solutions.

Mayor Katz asked if the River District will appeal the supersiting if this is not delayed a week.

Mr. Whitlow said that is up to the Association which has not yet met on this issue. However, there are significant reasons why litigation might be filed, with a good chance of success.



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Michael Holstun, City Attorney, said Mr. Whitlow's argument that the shelter does not meet the "temporary" provisions in the Code is debatable. He said the length of use that can be characterized as temporary is not cast in stone.

Mr. Whitlow said that part of the Code refers to a construction trailer in a residential zone. He said if the City entertained using trailers or mobile homes, it would have a better chance of meeting the Code.

Mayor Katz asked the City Attorney about use of the supersiting provision.

Mr. Holstun said characterization of this portion of the Code as a supersiting provision is Mr. Whitlow's, not his. This Code section would not allow supersiting for a permanent facility and applies only to temporary activities. He said it is true that some of the activities listed in the section are more temporary than what is being proposed today but there is another section of the Code which would allow use up to two years. Is Council exceeding its interpretative discretion if it sites this facility for the duration of the emergency? He said he believes the City has a good legal basis for doing so but he cannot guarantee that LUBA and the courts will agree even though they have granted local governments a good deal of deference in determining what their own Codes mean. In this case, the question is whether there is a health and safety emergency and whether this facility, for the duration of the emergency, is allowed under the Code.

Chuck Currie, Burnside Advocates Group, noted that he is part of a Legal Aid law suit regarding the anti-camping ordinance. He supported this facility as the best option and added that the permanent solution is to work with the County to carry out the Shelter Reconfiguration Plan.

Mayor Katz asked if he agreed that once the 90-bed men's facility is built, no emergency shelter will be needed.

Mr. Currie said he cannot tell as that depends on the existence of permanent housing, the state of the economy and housing prices.

Commissioner Hales asked him if, after the 90-bed facility is built and operating, he sees any obstacle to having the City close this facility.

Mr. Currie said this facility should not stay there for more than two or three years. A plan is in place and if its goals are met there should be no need for another mass shelter.

Commissioner Hales said the fear is that this will stay open and not be temporary.

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Peter Fry, Central Eastside Industrial Council (CEIC), said the permanent solution is the Shelter Reconfiguration Plan which anticipates a 45-bed men's facility on each side of the River. He said he found a site for the women's facility and has been looking at sites for the men's facility. The Central Eastside also agreed to accept up to 150 beds for SRO units and up to 1,000 housing units. He said this points up that there is a lot more going on than a basic shelter in transition. He said the CEIC would support design review for a temporary facility and would hope that the City would apply it to all temporary facilities, particularly those that seem to stay year after year and do not fit in very well. He questioned the assertion that this resolution is appealable as this is a permitted use outright. The public perception of homeless facilities must be changed because, if such a facility undermines the development potential of an area as powerful as the River District, what will that perception do to weaker neighborhoods. The CEIC does not like the Bridgeport Hotel site but has committed to accepting it if another site cannot be found.

Mayor Katz asked if the CEIC checked the availability of the other sites.

Mr. Fry said all the sites have different problems; all are privately owned and the Portland Development Commission has been looking at one of them.

Mayor Katz asked him if the CEIC would object to the Bridgeport site if none of these sites work out.

Mr. Fry said the CEIC may argue that it should not be its burden to deal with a State and regional problem but recognizes that Recovery Inn was there for 25 years. He said they hope that suburban areas will help stop the flow into the downtown area but cannot directly oppose that site. He said his mission is to find a site other than the Bridgeport.

Bill Naito, 5 NW Front, said business people need to be involved in determining how this temporary shelter should look. He said a trailer park could be completed in several months and then could be sold or leased. He said there is a business solution that might be better than what is proposed and another week's time would help everyone.

Paul Richmond, self-described Court Jester, said the homeless should be recognized as constituents too. Arguing about how this will be paid for seems small minded considering the money the City has spent settling law suits, remodeling City Hall, etc. Something is substantially wrong if the City cannot come up with the money for the homeless.

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David Browning, 521 SE 18th, supported this resolution as well as the Shelter Reconfiguration Plan and said this is a perfect opportunity to move ahead with siting a permanent men's facility.

Mayor Katz asked him if, when the proposed Royal Palm and women's and men's facilities are completed, an emergency shelter will be needed.

Mr. Brown said it sounds to him as if one would not be needed.

Eileen Byrnes, Albina Ministerial Alliance, said an emergency shelter will still be needed. The Reconfiguration Plan is for singles and there is no plan for families who will still need assistance. She said their funds have been cut back 25 percent and she has concerns about allocating another \$550,000 to the temporary facility when singles are allocated a disproportionate amount compared to homeless families. A broader view should be taken.

Mayor Katz asked if the elimination of the general assistance program and curtailment of the two-parent family program will impact her program.

Ms. Burns said yes and she foresees a catastrophe with rents going up in Northeast, which used to be the area with affordable rents.

Mayor Katz said she raises the question over and over about the need for an emergency shelter because she believes one will still be needed.

Evelyn Smith, receptionist at Albina Ministerial Alliance, said she is getting 50 calls an hour requesting housing assistance. She described some of the situations they are unable to help with.

Jimmy Baca, Visions in Action, Sisters of the Road Cafe, said everyone needs shelter, a job and education. Yes, they will need an emergency shelter as long as there are poor in the community. Poverty causes homelessness and that is the issue that needs to be dealt with.

Commissioner Kafoury said the Reconfiguration Plan defines four emergency shelters for specialized populations which hopefully can be moved into more permanent housing.

Marge Illy, Housing Authority of Portland and the Housing Commission, noted the intent to shift from temporary shelter to permanent housing. The number of shelter beds will be limited while resources will be put in permanent housing. She said the City should be flexible as possibly some permanent housing could be used to house temporary residents.

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Doug Stiles, non-resident, no address given, said neighborhoods do not want homeless people, who have no where to go, and listening to people bash homeless people makes him angry. He said the community where the temporary facility is to be built should work with the City.

Mayor Katz noted the request for a week's delay. She said she will support that if that will allow the partnership with River District to continue to flourish, but there is no need to go beyond a week. She said work is already going on to ensure that a shelter will be available by winter.

Commissioner Kafoury asked what would be going on during the week's delay.

Mayor Katz said if a week's delay is granted, she will bring all the partners together. The River District would have a chance to discuss what is meant by temporary -- last week the Council said two years, this resolution says three. She said a permanent solution is needed as long as the camping ordinance is on the books.

Commissioner Hales said he accepts Commissioner Kafoury's recommendation but believes it should be for two years so they can move on to the next stage of the Plan. A commitment to a permanent solution must be a part of this. He said the City's commitment is to build both the short term and long term facilities but not to operate them. He said he is amenable to a week's delay but does not know how that will help.

Commissioner Lindberg stressed the need to move ahead and make emergency beds available this winter. He said he is willing to take another week for more discussions but supports this site and views the delay as allowing time to work on terms and conditions, not another site.

Mayor Katz said back in February, agreement could probably have been reached with the Salvation Army to continue operations rather than ending up with the "gun-to-the-head" situation Council now faces. Unfortunately that time has passed and she is satisfied that there must be a temporary facility in the River District. The question is what it will look like, how long it will last and how much it will cost. The cost will be higher because it was not addressed earlier. The options today are very limited but options for other permanent sites must be pursued.

Commissioner Lindberg said he believes the two-year time frame is still possible to achieve.

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Mayor Katz said if it is not, Council needs to know why not. She said she is also concerned about the legal standing.

**Disposition:** Continued to July 12, 1995 at 9:30 a.m.

**1092** Authorize the Bureau of General Services to negotiate and execute a Lease Agreement for \$1/year with the Portland Development Commission for temporary use of a site at Union Station for a homeless shelter (Resolution introduced by Commissioner Kafoury)

**Disposition:** Continued to July 12, 1995 at 9:30 a.m.

**\*1093** Authorize contract with Richard E. Ragland for architectural services for a homeless shelter for a fee of \$15,700 and provide payment (Ordinance introduced by Commissioner Kafoury)

**Disposition:** Continued to July 12, 1995 at 9:30 a.m.

## **REGULAR AGENDA**

### **Mayor Vera Katz**

**\*1120** Accept a \$27,206 grant funded by the Edward Byrne Memorial State Grant Program for Domestic Violence Reduction (Ordinance)

**Disposition:** Ordinance No. 169044. (Y-4)

### **Commissioner Earl Blumenauer**

**1121** Consider vacating portions of SW Capitol Hill Road, SW 19th Avenue and SW Nebraska Street as initiated by Resolution No. 35399, which set the public hearing for 9:30 a.m., Wednesday, July 5, 1995 (Hearing; Report; C-9889)

**Disposition:** Approved; City Engineer prepare ordinance. (Y-4)

At 12:50 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JULY, 1995 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales and Kafoury, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

**\*1122** **TIME CERTAIN: 2:00 PM** - Designate ten Heritage Trees in the City of Portland (Ordinance introduced by Commissioner Hales)

**Discussion:** Jane Glazer, Urban Forestry Commission, expressed appreciation for recent passage of the Urban Forestry Management Plan. She said with the addition of these ten trees, there will be 57 heritage trees. She noted that 16 trees were proposed -- one was eliminated by the City Forester and five property owners declined to sign a consent, including Oaks Park. She showed slides and described the significance of the 10 selected trees.

Harry Auerbach, Deputy City Attorney, noted that this was an emergency ordinance and could not be passed without four votes.

**Disposition:** Continued to July 12, 1995 at 2:00 p.m.

**1123** Authorize the Livable City Housing Council to obtain City General Fund allocation from Livable City Housing Investment Fund and enter into a redevelopment and loan agreement with HOST Development Corporation in a set-aside amount not to exceed \$400,000, including a direct loan not to exceed \$160,000, to finance construction of the Woodlawn, North Foss and Columbia Boulevard subdivisions with repayment due from HOST Development Corporation upon sale of units of each completed subdivision (Resolution introduced by Mayor Katz, Commissioners Hales and Kafoury)

**Discussion:** Mayor Katz said this needs to be referred back in order to prepare an ordinance, rather than a resolution.

**Disposition:** Referred to Commissioner of Finance and Administration.

**1124** Join the State of Oregon in opposition to the shipment of foreign research reactor spent nuclear fuel through Portland (Resolution introduced by Commissioners Hales, Kafoury and Lindberg)

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**Discussion:** Mark Zoltan, Commissioner Hales' assistant, said he was contacted by concerned citizens about the U.S. Department of Energy (DOE) plans to ship spent nuclear fuel through Portland to Hanford. He said a public hearing on May 25 attracted hundreds of people, most in opposition. The reason for this resolution is because the Department of Energy does not state why it is logical to store more spent fuel at Hanford.

Bob Robison, Commissioner Kafoury's assistant and former State Department of Energy employee, read testimony from the Assistant Director of the State Department of Energy opposing the transport of spent nuclear fuel to Hanford unless local emergency responders are properly trained and the shipments are done under the proper conditions. Because such fuels are present at Trojan that may one day need to be moved, the resolution should not state that such material should never be moved.

Bill Henly, Hazardous Materials Coordinator, Fire Bureau, said the Bureau's primary concern is that there is nothing concrete in the DOE's statement indicating that emergency responders would have the proper training or equipment to deal with hazardous wastes. Everyone in the emergency response community agrees that is needed.

Commissioner Hales said this is not a never, under any circumstances, approach. Rather, the City is saying that proper steps have not been taken to ensure the safety of such shipments and, in addition, more spent material should not be sent to Hanford. This leaves the door open for legitimate shipments at a later date.

**Disposition:** Resolution No. 35418. (Y-3)

At 2:35 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Council Clerk