



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JANUARY, 1997 AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 55 Accept bid of Maskell-Robbins, Inc. for 36" high density polyethylene (hdpe) pipe for \$58,319 (Purchasing Report - Bid 97)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 56 Confirm appointment of Richard Wride to the Hospital Facilities Board of Directors (Report)

Disposition: Confirmed.

- *57 Pay claim of Ann Friday (Ordinance)

Disposition: Ordinance No. 170837. (Y-4)

Commissioner Charlie Hales

- *58 Authorize a contract and provide for payment for the renovation of University Park (Ordinance)

Disposition: Ordinance No. 170838. (Y-4)

- *59 Authorize a contract and provide for payment for the renovation of Lents Park (Ordinance)

Disposition: Ordinance No. 170839. (Y-4)

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- *60** Authorize continuance of negotiations for purchase of permanent and temporary easements required for the South Shore pump station project, authorize the City Attorney to commence condemnation proceedings, if necessary, and authorize the City Attorney to obtain early possession (Ordinance)

Disposition: Ordinance No. 170840. (Y-4)

- 61** Grant a ten-year property tax exemption to MLK-Wygant Housing, LLC, for new multiple-unit housing on the east side of NE MLK Jr. Boulevard between Going and Wygant Streets (Second Reading Agenda 35)

Disposition: Ordinance No. 170841. (Y-4)

Commissioner Gretchen Miller Kafoury

- 62** Accept contract with Todd Hess Building Company as complete for construction of the structural strengthening of Station No. 23 Drill Tower and make final payment (Report; Contract No. 30646)

Disposition: Accepted.

Commissioner Erik Sten

- 63** Accept contract with Bengé Construction Company for paving services for the Brentwood District water main project as complete and authorize final payment (Report; Contract No. 30509)

Disposition: Accepted.

- 64** Accept contract with Pacific Service and Supply Company, Inc. for furnishing and installing chlorine residual analyzers as complete and authorize final payment (Report; Contract No. 30726)

Disposition: Accepted.

- *65** Transfer \$17,500 within the General Fund from General Fund Contingency to the Office of Cable Communications and Franchise Management to provide financial analysis concerning the potential revenue impact to the City of telecommunications and energy deregulation (Ordinance)

Disposition: Ordinance No. 170842. (Y-4)

- *66** Authorize Columbia Boulevard Wet Weather Treatment Facility outfall project manager to indemnify Port of Portland on behalf of City for Bureau of Environmental Services actions and to acquire real property for public use by eminent domain (Ordinance)

Disposition: Ordinance No. 170843. (Y-4)

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- *67** Authorize execution of a Real Property Purchase and Sale Agreement for property on the southeast corner at the intersection of North Chautauqua Boulevard and North Columbia Boulevard and provide for payment (Ordinance)

Disposition: Ordinance No. 170844. (Y-4)

- *68** Authorize a contract and provide for payment for the West Burnside emergency sewer project, Park to 12th Avenue (Ordinance; Project No. 5486)

Disposition: Ordinance No. 170845. (Y-4)

- 69** Amend contract with Montgomery Watson for \$104,233 for Phase IIA & IIB of this contract to provide additional professional consulting engineering services to develop alternatives and 10% improvement plans and cost estimates for a new facility to replace Screenhouse #2 located at the Bull Run Headworks and provide for payment (Second Reading Agenda 44; amend Contract No. 29844)

Disposition: Ordinance No. 170846. (Y-4)

- 54** **TIME CERTAIN: 9:30 AM** - Authorize and direct City Bureaus to take specific actions to proceed with the development of a permanent homeless housing facility consistent with the adopted Shelter Reconfiguration Plan (Resolution introduced by Commission Miller Kafoury)

Discussion: Commissioner Kafoury said the Shelter Reconfiguration Plan is the latest piece in City efforts to deal with the homeless. She noted that the Plan calls for four equally sized shelters to be scattered around the core area rather than for one huge mass shelter. Two changes have occurred since the Plan was originally adopted. First, they initially thought that Shelter admissions staff could handle crisis intake but have found that they are still heavily dependent on the missions. Second, the numbers of homeless have not declined despite a booming economy and it remains a huge challenge to figure out what to do to remedy the problem.

Michelle Hayne, Portland Development Commission (PDC), said the closure of Recovery Inn in 1988 resulted in construction of a temporary facility, The Shack, and the City then directed PDC to put together a siting process for a permanent men's shelter on the East side to replace it, plus 90 units of permanent, affordable housing.

David Nemo, PDC, discussed the siting process and the work undertaken by the 11-member Siting Task Force which inventoried available sites on the basis of four criteria: 1) a Central East side location; 2) appropriate zoning; 3) close proximity to mass transit; and 4) avoid overconcentration of social service agencies in one area. They believe the favored site, on Martin Luther King Jr. (MLK) Blvd., is the best choice based on its distance from residential/retail areas and its closeness to a pedestrian-friendly bridge and major bus routes. It is also the site furthest from the heavy concentration of social service agencies clustered around Burnside. PDC has an option to buy the property, which expires in February, and the Housing Authority of Portland (HAP) has been selected as the project developer. The project would require a zone change in conformance with the Comprehensive Plan. HAP is aware of the

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March, 1998 deadline for completion although it probably cannot meet it.

Ms. Hayne noted that the capital costs are covered in the Five Year Capital Plan. She said PDC will issue an RFP this spring for the 90-bed permanent housing.

Ray Espana, Manager, Department of Community Services, Multnomah County, said this shelter is a key piece in finding permanent solutions that move people out of homelessness. The Shack is regarded as a model for operations of this type and this model will be used in the new facility as well.

Steve Rudman, Bureau of Housing and Community Development (BHCD), said the City contributes about 20 percent of the \$7.5 million the County spends annually for emergency services. He said money for operations will be transferred from The Shack although they foresee some shortfall. Funding comes from a patchwork of 27 different sources and they hope to redesign the system in order to fill the gap.

Mayor Katz said she hopes homeless shelters will continue to be a County priority despite Measure 47.

Mr. Espana said the County is not backing away from that commitment to fund the operation.

Persons testifying in support of the recommended site included:

Sgt. Dave Poole, head of the Police horse patrol unit
Phil Kalberer, Old Town/China Town Neighborhood Association, 736
NW 5th
Bob Eaton, Coordinator of the Shack
Roger Shiels, Executive Director, River District Association
Jim Atwood, 33 SW 3rd, 97204
Chuck Currie, Transition Projects
Harry Bruton, 1515 SW 12th Ave., #605
Valerie Chapman, St. Francis Church, 330 SE 11th
Rob Justus, 1120 SE Oak, 97214
Genevieve Nelson, Sisters of the Road Cafe, 133 NW 6th, 97209
Brenda Graening, 1131 SE Oak, 97214
Robert White, 1117 SE Stark, #425, 97215
Jimmy Bacca, 310 NW 6th Ave., 97209
Karen Harper-Lenore, 3004 SE 18th, 97202
Nelson Abell, Pearl District Neighborhood Association
Joe Rastatter, 2006 SE 50th, 97213
Barry Joe Stull, PO Box 11008, 97211
Nancy Curry Bissett, 10204 NW 107th, 97231
Jada Langloss, no address stated
Lorraine Fisher, City Housing Inspector

Supporters stressed the great need for this facility, as well as for more affordable housing. They noted that the successful model used to operate the Shack is planned for use at the new facility. Many emphasized that any fears about safety and vandalism

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they had prior to the Shack's opening proved to be unfounded. Representatives from the River and Pearl Districts and from Old Town/China Town reminded Council of the City's commitment to the temporary nature of The Shack and to siting the permanent shelter on the East side.

Those testifying in opposition to this site included:

Roger Burt, Buckman Community Association, 237 SE 17th, 97214
Ann Kloka, co-owner, Portland Outdoor Soccer, 8251 SE 39th Ave.,
97202

Daniel Eggleston, co-owner, Portland Outdoor Soccer, 8251 SE
39th, 97202

Andrew Eisman, Buckman Community Association

Cynthia Milbracht, 2107 SE Yamhill, 97214

Anne Hughes, 400 SE 12th, 97219

Jim Morton, owner of 1305 SE Martin Luther King, Jr. Blvd., 97214

Opponents said the Buckman Community is not anti-homeless but is tired of having the solution to the homeless problem placed on the back of one of the poorest neighborhoods in the City and one already perceived to be unsafe. They questioned the selection of this site, which is very close to a battered women's shelter and only one block from a social services agency impact area. They asked that approval be delayed until operating funds were assured, particularly in the face of Measure 47 cutbacks. Several requested that, if the site is approved, a Police presence be established nearby, citing the positive effect the nearby location of the horse patrol unit had on The Shack. Others commented on the serious crime and drug problems resulting from operation of the St. Francis Dining Hall program for the homeless and the City's poor enforcement of the anti-camping ordinance.

James Edward Bailey, 3124 SW 2nd Ave., 97204, said his car had improperly been impounded by the Police and asked that it be returned.

In response to questions from Commissioner Francesconi about funding to operate the facility, Mr. Rudman said funding will be sought from 27 different sources and the County is committed to operating the east side facility in the same way as The Shack. He said a shortfall of between \$300,000 to \$500,000 is foreseen and he is not sure how much the County will pay. He said because the community can no longer rely on private missions to provide sufficient shelter, the need for an additional facility was identified. He noted that the City provides \$150,000 to the County for winter overflow and General Fund money is allocated for victims of domestic violence. He said the real budget impact will not be felt until 1998-99 and he expects to be back within six months with a plan for funding the shelter's operation.

Commissioner Francesconi said he would like to examine the roles of both the County and City and whether it makes sense for the County to take the lead on all operations while the City takes the lead on housing.

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Commissioner Kafoury said it is not unusual that there would be some confusion about funding 18 months prior to opening. She noted, however, that the County is operating The Shack now and plans to transfer that funding to the permanent facility when it is built.

Mr. Rudman noted that the County will either operate or oversee the new facility. Even if Multnomah County contracts it out, however, the operations will follow The Shack guidelines and the County will hold onto the assessment portion.

Mary Marson, Multnomah County Community Action Commission, said what they learned from operating The Shack is to focus on finding permanent housing as quickly as possible for the homeless clients.

Mayor Katz asked if demographic information was collected indicating whether the homeless came from Portland or other parts of the State or country. She said if it can be shown that many come from rural areas of the State it could provide a basis for requesting funds from the legislature.

Mr. Eaton estimated that 75 to 80 percent of The Shack's clients come from Portland, the State or the Northwest region. He said 40 to 45 percent are currently working while another 40 percent are actively looking.

Mayor Katz asked him to forward a breakdown of the geographic information.

Rachel Silverman, BHCD, said the City is committed to crafting a satisfactory good neighbor agreement between the Buckman community and the new facility. She noted the success they have had with similar facilities in other areas of the City.

Commissioner Francesconi said he is voting yes because of the overwhelming need, his faith in the leadership of Commissioner Kafoury, PDC and HCDC in crafting a good site selection process and because The Shack's emphasis on transitioning should be supported. However, he will not vote to operate the facility if the City and County's respective roles are not clarified over the next 18 months. He added that there is a regional issue that needs to be raised at the Metro level.

Commissioner Hales said he has learned how difficult it is to site new public facilities and believes that the community's responsibilities, not its fears, must determine his vote. He said the Turning Point, another facility about which there was so much fear, has turned out to be an asset to the Hillsdale community.

Commissioner Kafoury said while she was troubled by the significant opposition, she believes they can make this work and cobble together stable funding by the time the new facility opens.

Mayor Katz complimented Commissioner Kafoury for making the Reconfiguration Plan a reality but said there may be a better way to organize the government structure other than splitting the responsibilities between PDC, BHCD and the County, as is currently done. She said while there is opposition on the East side, the new facility will be managed at the same high level as The Shack and the City will consider

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establishing a Police contact office there as well, although she makes no promises.

Disposition: Resolution No. 35584. (Y-4)

REGULAR AGENDA

Commissioner Charlie Hales

- *70** Authorize execution of Permit of Entry with David Douglas School District for City's entry onto District's property to construct East Portland Community Center and associated project site work (Ordinance)

Disposition: Ordinance No. 170847. (Y-4)

Commissioner Erik Sten

- *71** Authorize continuance of negotiations for purchase of a temporary construction easement, required for construction of the Lymann Park No. 42 sanitary sewer project, authorize the City Attorney to commence condemnation proceedings and to obtain early possession (Ordinance)

Disposition: Ordinance No. 170848. (Y-4)

- *72** Accept a grant from the Environmental Protection Agency in the amount of \$1 million for FY 1996-97 (Ordinance)

Disposition: Ordinance No. 170849. (Y-4)

City Auditor Barbara Clark

- 73** Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending January 7, 1997 (Hearing; Ordinance; P0022)

Disposition: Passed to Second Reading January 22, 1997 at 9:30 a.m.

- 74** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through December 10, 1996 (Hearing; Ordinance; Y1013)

Disposition: Passed to Second reading January 22, 1997 at 9:30 a.m.

- 75** Assess property for sewer system development contracts for the mid-County sewer project for the period ending December 10, 1997 and non mid-County for the period ending December 10, 1996 (Hearing; Ordinance; Z0643, Z0644)

Disposition: Passed to Second Reading January 22, 1997 at 9:30 a.m.

At 12:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JANUARY, 1997 AT 2:00 P.M.

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

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

76 **TIME CERTAIN: 2:00 PM** - Appeal of Mike and Ardele Obrist, applicant, against Hearings Officer's decision to deny application for a 25-lot major land division and planned unit development with environmental review located south of SE Foster Road and west of SE Barbara Welch Road (Hearing; 95-00661 SU PU EN AD)

Discussion: Kathryn Beaumont, Senior Deputy City Attorney, outlined the procedures to be followed at today's hearing.

Al Burns, Planning Bureau, said staff and the Hearings Officer initially turned down this application because information was missing about several areas of concern. These included: 1) proposed development, including a stormwater facility, on unstructured fill deemed unsuitable for development; and 2) the design standards for stormwater detention and water quality. Applicant has since provided evidence to address these concerns and staff now recommends approval with conditions, along with a new site plan and map. He noted that applicant's only reservation is about Condition AA dealing with solar compliance. He said since there is a nice row of lots with a southern exposure, there is no reason why the PUD cannot meet the solar orientation standard. He said he believes the issue is that for this particular portion of the PUD applicant prefers manufactured rather than built-on-site units. However, there is no technical reason why manufactured units cannot be designed to meet the standard and their use does not justify either a solar exemption or solar adjustment.

Commissioner Francesconi asked how much time Planning staff spends helping people meet the Code requirements.

Commissioner Hales said staff spent quite a lot of time helping this applicant and while it is more expensive for the City when a lot of time is spent on a case like this, the Bureau's objective is to help people get to a favorable decision whenever possible.

Mr. Burns said this was a missing information problem, not a bad plan.

Pamela Emmons, WB Wells & Associates, said the applicant is troubled by the solar design standard because the lots are already small and there is not enough room to reorient the manufactured homes to meet the standard. She said they would prefer that it be removed. Except for that, they are comfortable with the remaining revised conditions.

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Mayor Katz asked what applicant would do if Council required that the solar standard be met.

Ms. Emmons said they would do their best to meet it. She said she was told by one of the manufacturers that windows can be installed with a film, which would meet the criteria for a certain amount of glazing on the south-facing side of the buildings and reduce the "u" rating.

Commissioner Hales said the standard does not have to be met on all lots, just 80 percent.

Mr. Burns noted that the multi-family unit is exempt as are existing structures.

Ms. Emmons said 11 would face south and only five would be oriented in another direction.

Commissioner Hales said from the standpoint of solar access, most of the units are oriented "wrong" because they are oriented east/west. He said the question for Council is whether there is some special reason to exempt these homes from the standard. Just the use of manufactured housing is not reason enough.

Brad Schleining, engineer, WB Wells & Associates, said there are few alternatives for manufactured houses, either regarding window glazing or roof pitch. It is like buying a car off the lot. They have no say on the roof pitch but the applicant will try to work with whatever Council decides.

Ms. Emmons noted that any time there is a change in the normal model, the cost increases.

Mr. Burns said staff recommends that Condition AA be retained regarding the solar standard. He noted that no special design requirements can be placed on manufactured homes that are not required on built-on-site homes. But that is not the case here, as the solar orientation is required for those homes as well.

Mayor Katz said she has no problem accepting the staff recommendation.

Commissioner Hales moved to tentatively accept the revised conditions of approval, overturn the Hearings Officer's denial and approve the application with those revisions. Commissioner Kafoury seconded.

Commissioner Hales said the City has tried to build as much flexibility as possible into the solar standard and the fact that the applicant can meet the regulation with this many east/west lots demonstrates there is some flexibility in the rules. It will also do the cause of manufactured housing a disservice if the City has to lower its requirements in order to approve it. While in this case special windows for some units may be needed in order to meet the standard, adding to the cost, it would probably be a false economy not to do so.

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Disposition: Tentatively grant appeal and approve with conditions (Y-3); applicant prepare findings for February 5, 1997, at 2:00 p.m.

Commissioner Charlie Hales

***77**

Amend the Comprehensive Plan Map and change the zone of property between N Columbia Boulevard and Bank Street, Barr Street and Oswego Avenue from OS (Open Space) and R5 (Residential) to R2 (Residential) (Findings; LUR 96-00234 CP ZC SU)

Discussion: Ms. Beaumont recommended that the findings be amended to delete all references to the Staff Report and Recommendation to the Hearings Officer on Page 1. She said these findings ask Council to adopt about four different documents as Council's findings and at least one, the Staff Report, can be eliminated as it repeats much of what is in the Hearings Officer's report. She also proposed to delete the last paragraph on Page 4 and the first sentence on Page 5. What precedes that is an adequate Code interpretation and what is contained in paragraph 4 probably goes a little farther than is necessary.

Commissioner Hales moved to adopt the findings with the deletion on Page 1 of references to the Staff Report and Recommendations to the Hearings Officer and deletion of the last paragraph on Page 4 and the first sentence on Page 5. Commissioner Kafoury seconded.

Commissioner Francesconi abstained as he was not on the Council when this appeal was heard.

Commissioner Kafoury said she gets a little crabby when the findings are handed out so late, although she is sure they are just wonderful. She said she hopes the Planning Bureau can get them to Council ahead of time although she knows the City is depending sometimes on private attorneys to do the work. At the legislature, they were a lot more sticky about this and many times refused to vote on things they had not had time to read and study beforehand.

Mayor Katz agreed with Commissioner Kafoury. She received letters months and months ago saying there were changes in the findings and they did not seem to be consistent with what had originally been done. She asked staff to try to get the material in on time.

Disposition: Findings adopted as amended. (Y-3; Francesconi abstained)

At 2:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kerschner
By Cay Kerschner
Clerk of the Council