

The Oregonian

Portland Street Fee: City eyes summer months for public involvement -- Portland City Hall Roundup

*By Brad Schmidt
June 30, 2014*

Portland Commissioner Steve Novick often likes to assign well-known rock lyrics to some of the governmental problems he attempts to tackle.

On Novick's controversial and delayed street fee, the best we can tell, there have been no such anthems.

Might we offer: Summer Nights.

Novick and Mayor Charlie Hales are busy scheduling summer meetings for the street fee before a City Council vote in November. The extended public process comes in response to pushback over their attempt to vote this month on a new residential and business fee to raise millions annually for street repairs and safety projects.

Outreach plans now include three work groups, with one focused on business, one on nonprofits and the final on residential, particularly multifamily and low-income charges, said Dylan Rivera, a spokesman for the Bureau of Transportation.

Those work groups are on top of an advisory committee that began meeting in February, although their sessions weren't open to the public. In coming months, the advisory group will draft a more detailed list of projects to be funded by the fee.

"There is a desire to see a larger list," Novick said.

All four groups will meet in July, Rivera said, although schedules have yet to be finalized.

Rivera said the city will also schedule additional public town halls, similar to the events last week. You know, before those summer days drift away.

Tell me more, tell me more ...

Was it love at first sight

Tell me more, tell me more ...

Who will put up a fight?

The Portland Tribune

City exceeded street maintenance pledge

*By Jim Redden
June 30, 2014*

Mayor Charlie Hales and Commissioner Steve Novick announced the city exceeded their pledge to maintain at least 100 miles of streets in the fiscal year ending today.

Hales and Novick made the announcement during a Monday morning press conference at a paving project in Northeast Portland, where they were joined by Portland Bureau of Transportation Director Leah Treat.

Appearing at the last paving project of the year on Northeast Holladay Street between Ninth and 13th avenues in the Lloyd District, the three noted the city will have maintained 103 miles of streets in the 2013-2014 fiscal year — more than double the amount maintained last fiscal year.

"We promised we'd get back to basics and we have," Hales said. "Thanks to the hard work of our maintenance crews, and using new techniques like fog seal, we have achieved our goal. Portlanders know we need to do more, and when we approve more funding for transportation later this year, we will be able to build on these achievements and get our streets back in the shape that all Portlanders deserve."

This year's work includes the return of maintenance projects to low-traffic neighborhood streets. The City Council voted to curtail such work in 2009 because of budget problems. Neighborhood work focused on streets around schools.

"Preventive maintenance saves money in the long run," said Novick, who is in charge of PBOT. "The more we can do to keep our roads in good condition, the more we can avoid more expensive rebuilds later on. We will continue to focus our limited resources on the meat and potatoes of our transportation network by prioritizing maintenance on our streets and other critical assets."

Novick also responded to a question he has repeatedly heard from the public.

"We know that sometimes people see us doing preventive maintenance on a street and they ask 'Why are crews working on that street when there's another nearby that's a lot worse?'" Novick said. "The truth is that we get the biggest bang for our buck doing preventive maintenance on streets that don't look bad yet but are beginning to show signs of wear. We get an additional 10 years of life on those streets for a fraction of the cost of a rebuild."

During the press event, the three officials also promised to preserve at least 100 lane miles of city streets for the 2014-2015 fiscal year that starts tomorrow. The goal includes 50 miles of paving on arterial streets, and 50 miles of so-called fog sealing on neighborhood streets, a cost-effective preservation technique that is new to Portland.

"I'd like to thank our maintenance crews who have done an outstanding job, exceeding our 100-miles goal," Treat said. "We have learned from our first season using the new fog seal technique and are focused on process improvements to become even more efficient in applying this technique next year. I applaud and encourage our employees in their efforts to find new and innovative ways to maximize resources and deliver much needed improvements to our transportation infrastructure."

During the past year, PBOT treated the 103 lane miles with a variety of techniques. Crews paved 47 lane miles of arterial or higher-traffic streets. They treated 53 lane miles of streets with fog seal. And crews dug up, repaired and repaved three lane miles of badly damaged street sections. A lane mile is one mile of street that is 12-feet wide.

"I also want to thank the public for their patience," Treat added. "We know that paving and fog sealing can be a short term inconvenience but the results serve our community for many years."

One of the challenges facing PBOT is rising material costs. Asphalt, for example, cost about \$15 per ton 20 years ago and has quadrupled to around \$60 per ton.

The first two paving projects for 2014-15 will begin after the July 4th holiday weekend. First, 2.3 lane miles of Willamette Boulevard will be paved from North Portsmouth Avenue to North Woolsey Street.

Then, 2.5 lane miles of North Rosa Parks Way will be paved from North Delaware to Maryland avenues.

Fog sealing will begin once temperatures rise above 80 degrees and continue through September, as weather allows.

The mixture of emulsified asphalt and recycled rubber tires is highly cost effective, requiring about \$10,000 per lane mile as compared to paving which is roughly \$150,000 per mile.

In its first year, PBOT crews learned that the technique works for Portland streets even in our rainy climate, but requires warm and dry weather to apply.

PBOT crews will focus fog sealing on streets that are within one-quarter mile of schools and along neighborhood greenways, the low-traffic streets that are part of Portland's bicycling network.

More information is available at: www.portlandoregon.gov/transportation

Council to consider westside emergency operations center

*By Jim Redden
June 30, 2014*

The City Council is scheduled to consider land use changes necessary to convert a former U.S. military armory into Portland's first heavy equipment dispatch yard and an emergency response center west of the Willamette River.

The requested Comprehensive Land Use Plan map amendment will change the zoning at 7230 Southwest Multnomah Boulevard from Medium Density Multi-Dwelling to Mixed Employment. The change is necessary to allow the city to use the four-acre site that includes the former Sears Armory as an Auxiliary Emergency Operations Center.

At the present time, all of the city's heavy equipment is stored on the east side of the Willamette River when it is not in use. The main emergency center is on the eastside, too. City officials say converting the armory will allow the city to better respond to natural and manmade disasters that could make travel across the Willamette River bridges difficult or impossible.

The federal government is giving the former armory to the city under policies governing the disposition of unused surplus properties. The City Council had earlier approved the construction of a mixed-use housing project on the site, but financing proved too difficult.

The Mercury

City Attorneys Basically Dare Federal Judge to Reject Police Reform Deal over Procedural Imbroglia

*By Denis C. Theriault
June 27, 2014*

With just days before US District Judge Michael Simon gets ready to decide the fate of police reform in Portland, attorneys for the city and the Portland Police Association have submitted lengthy legal defenses of their attempt to push the case through without giving Simon precisely what he wants: annual courtroom updates from the city, the union, and the federal Department of Justice.

As the Mercury first reported this week, all three parties have suggested sending in the city's still-unhired reforms monitor instead. And as Simon considers that offer—he could agree to the change, he could insist on convening updates as he sees fit, or he could reject the deal altogether and go to trial—both the city (pdf) and the police union (pdf) decided warn him what might happen if they don't get their way.

Insisting on annual updates with everyone involved could be grounds for an appeal—tying up the effective date of the reforms even longer than it's already waited (it's been almost two years since the DOJ accused the city and its police officers of engaging in a pattern or practice of using excessive force against people perceived to be mentally ill).

Moreover, they wrote, proceeding to trial would all but certainly hand the city a victory in the case and threaten to undo almost all of the reforms that have already been put into place. Because so much time has passed, the city wrote, an all-new investigation would likely need to be started. And even that may falter, the city writes.

Moreover, from a pleading standpoint, the United States would be confronted with a Hobson's choice: rely on a complaint and investigation that is now almost two years old or conduct a new investigation. Plaintiff faces legal risk under either approach. The City has already implemented much of the substantive relief provided for by the Settlement Agreement. This aggressive implementation has furthered the public interest and the City's policy goals in achieving reforms without delay. But these positive developments would make it even more difficult for the United States to identify and prove currently

existing violations via a new investigation and would likely significantly reduce the scope of available relief if they attempt to prove older violations. A new investigation would require at least the same expenditure of resources as did the initial investigation.

The city also explained in the most detail we've seen yet why it doesn't want to send its attorneys back to court. It's worried the informational hearings Simon's looking to convene—attempts to learn about reforms and potential issues so they can be corrected—will become "adversarial." It's also arguing that the hearings somehow won't be transparent, by relying on lawyers and cutting out the city council and the reform monitor, otherwise known as the "compliance officer/community liaison" or "COCL".

The City's objection to extensive ongoing court proceedings has always been that ultimate accountability for ensuring the terms of the Settlement Agreement are implemented rests with the City's elected representatives. As the Court has acknowledged, it does not have the ability to require any party to do anything in response to information it would receive at these proceedings. The City and the COCL would be significantly burdened in having to review, investigate, and respond to materials generated by and for an adversarial court proceeding. Moreover, by allowing the parties and enhanced amicus to make direct presentations to the Court, the elected officials and the Community Oversight and Advisory Board would be cut out of an important feedback loop. The parties' presentations would be directed at the performance of various City bureaus, and only the City has the authority and responsibility for managing those bureaus. Whatever benefit the Court might gain by allowing the parties and enhanced amicus to make presentations is significantly outweighed by the damage to public accountability that would result from the inability of the Court and the City's elected officials to meaningfully respond.

Interestingly, the Department of Justice—despite still endorsing the notion of sending in the COCL, to avoid appeals—wrote its own legal brief (pdf) laying out an alternative path for Simon to get what he wants.

Because Simon will retain jurisdiction over the settlement agreement even after dismissing it, with prejudice, the case will remain on his docket. And any judge, the feds argue, is free to order status conference hearings on the cases on his or her docket whenever she or he wants.

Courts do not distinguish between the inherent power to manage a case on active versus inactive dockets. Even when a case is on a judge's inactive docket, the matter is still within the court's jurisdiction and subject to the exercise of the court's inherent power.

Simon will close the book on arguments after July 2. And a decision may appear at any point after.

The Daily Journal of Commerce

Mayor delays vote on proposed charter amendment

*By Jeff McDonald
June 30, 2014*

Portland Mayor Charlie Hales, facing increased opposition over a planned street fee, last week tabled a vote on a proposed charter amendment that would dedicate street fee revenues toward road and sidewalk maintenance.

Dana Haynes, spokesman for Hales, said the charter amendment proposal was confusing both the public and the local media. The amendment, which would have gone to a public vote on the Nov. 4 ballot if City Council had passed it, is now on hold until after the street fee gains approval, Haynes said.

"The mayor said, 'I don't want any confusion,' " he said. "Let's pull it off and get it out of the way for now. We want to make sure that people are getting the message."

The message, Haynes said, is essentially that the city's roads and sidewalks need fixing. Approximately 40 percent of the city's 5,000 lane miles were in "poor to very poor condition," he said.

Hales wants a public vote on the charter amendment because it will help rebuild citizens' trust in how government spending. The problem was that the amendment began to be conflated with the overall message that the streets need fixing, Haynes said.

Public opposition to the proposed street fee, which would generate approximately \$127.8 million from Portland residents and businesses over three years, has grown stronger in recent weeks. Recently, close to 75 people spoke at a pair of town hall meetings, and leveled mostly harsh criticism.

"We heard over and over again about the regressive nature of the street fee," Haynes said.

The mayor's office and Commissioner Steve Novick are forming three work groups to address that issue. They will work with homeowners, business owners, and nonprofits and public institutions, according to the city.

The Portland Business Journal

Short-term rentals highlight Portland City Council agenda

*By Andy Giegerich
June 30, 2014*

Portland's City Council will tackle a light schedule during its normal Wednesday morning meeting this week. The afternoon meeting, though, could be a different story.

Here's a look at the Council's schedule.

For 10 minutes, the Council will hear about a Hacienda Community Development Corp.'s proposal to install solar panels on the Ortiz Center's futsal court. The facility's located at 6736 N.E. Killingsworth St. The proposal is part of Portland's Solar Forward program.

The two largest spending items on the agenda are a \$2.3 million outlay for police cars and \$2.6 million for sewer rehab work in the Kenton neighborhood. The Council will also consider two contract amendments with the Portland Streetcar. One of them would extend an engineering services agreement and boost a payout to Oregon Iron Works by \$119,170.

At 2 p.m., the council will spend three hours examining "land-use regulations related to accessory short-term rentals.

It's a dive into codes that could get pretty deep in the weeds. Still, it could have implications on the operations of companies such as Airbnb that dabble in the short-term rental trade.