

The Oregonian

Affordable housing in South Waterfront: Portland officials recommend decreasing goals

*By Brad Schmidt
November 10, 2014*

Portland officials want to dramatically decrease their goals for construction of affordable housing in the heavily subsidized South Waterfront District.

The city is already failing to develop the affordable housing it pledged in 2003, with just one low-income project among the high-end condos that tower above the Willamette River.

Now, rather than attempting to meet decade-old city goals, officials for the Portland Housing Bureau want to lower the bar.

City officials have recommended decreasing South Waterfront affordable housing construction to 434 units, a 25 percent reduction from the original target of 582.

To date, just 209 affordable units have been built.

The shortfall parallels Portland's track record in another urban renewal area, the River District, where The Oregonian recently found that developers would need to build 1,300 more affordable units to hit city targets.

Traci Manning, director of the Portland Housing Bureau, said officials are being pragmatic about the amount of affordable housing that can be built at the South Waterfront with public money.

"It feels like a realistic way to tell the community..., 'Here's what we can do,'" Manning said.

But given the lack of success so far, affordable housing advocates say it is maddening that city officials would roll back expectations.

"We don't think they should start backing down," said Debbie Aiona, the action chairwoman for the League of Women Voters of Portland.

Modest commitments

The recommendation to curtail goals for affordable housing comes as city leaders prepare to chart development of the South Waterfront for the next decade.

The City Council created the North Macadam urban renewal area in 1999 to fund up to \$289 million worth of redevelopment work.

The area south of downtown has transformed since then thanks to public investments that include a streetcar line, a new light-rail connection, an aerial tram and city parks.

City officials are now negotiating development agreements with the largest landholder in the South Waterfront District, the Zidell family, and Portland State University. The city is expected to spend tens of millions of dollars subsidizing development of Zidell and Portland State University properties.

In turn, development of Zidell's 33 acres is expected to help the city set aside \$31 million to \$40 million to pay for new affordable housing units in the area.

The City Council always had set modest commitments to deliver affordable housing in the neighborhood.

Portland's overarching housing policy calls for large redevelopment projects such as the South Waterfront to accommodate households with a mixture of incomes matching the whole city's. That aspiration calls for a big share of units with rents affordable to low- and moderate-income residents.

Replicating the city's income distribution when the South Waterfront started would have required 1,422 of the first 3,000 apartments and condos built to be affordable housing.

The City Council in 2003 adopted a goal to build less than half that amount, 582 units, for people or families earning up to 80 percent of the region's median income.

In explaining the decision, the city commissioner in charge of housing at the time, Erik Sten, cited competing priorities for city money in the initial phases of South Waterfront construction.

But the city would "build towards reaching those goals in the second 3,000" units, Sten said during the 2003 meeting where City Council adopted its housing strategy.

The second 3,000

A decade later, officials at the Portland Housing Bureau say they have no idea how many new units have actually been built.

A 2011 memo from a city task force to the Housing Bureau said that 2,576 new units had been built, most of them expensive condos. But a Housing Bureau spokeswoman said in an email that she couldn't speculate on the accuracy of that figure or what it might be currently.

Regardless of what's been built so far, city planning documents continue to call for a second wave of thousands of new housing units to be built after the initial 3,000.

That moment, a period Sten once envisioned as the city's chance to catch up to its affordability goals, is at hand.

But rather than amplifying efforts to produce affordable housing, officials have recommended shrinking the target.

In an Oct. 28 memo, the Housing Bureau recommended slashing its initial goal of 582 affordable units in the South Waterfront to 434 total. The new target would focus only on people earning up to 60 percent of the region's median income, with no specific goal recommended for people earning between 61 percent and 80 percent of the median.

With 209 units already built at the Gray's Landing project, which opened in 2012 with a \$28.7 million investment from the city, Portland would need only 225 more affordable units to meet the new, more modest goal.

Manning said she's confident the city can hit that target.

Commissioner Dan Saltzman, who oversees the Housing Bureau, is supportive of the recommendation to scale back goals.

The affordable housing recommendations are expected to head to the City Council for review in December as part of a broad package of amendments to urban renewal districts proposed by Mayor Charlie Hales.

Portland street fee: Hales, Novick to announce details of \$46 million proposal on Monday morning

*By Jeff Baker
November 09, 2014*

Portland Mayor Charlie Hales and Commissioner Steve Novick will propose a \$46 million street fee at a news conference Monday morning.

A public hearing on the controversial proposal will be held at 2 p.m. on Nov. 20. A final vote by the City Council is expected on Dec. 3.

An income tax on individuals and a flat fee on businesses have been discussed. Hales and Novick have favored approving the street fee without a public vote, while Commissioners Nick Fish and Dan Saltzman have objected to approving the fee without a public vote. Commissioner Amanda Fritz is considered the swing vote on the City Council.

Portland would pay \$47,500 to man struck by patrol car last fall, under city ordinance

*By Maxine Bernstein
November 08, 2014*

The city would pay \$47,500 to a pedestrian who was struck by a Portland police car last fall, under an ordinance that goes to City Council on Wednesday.

Johnny Oak suffered leg injury and back pain in the Nov. 20, 2013 crash.

According to the city's account, Oak was walking westbound in the crosswalk on Southeast Cherry Blossom Drive, crossing 106th Avenue.

A patrol officer driving a marked car was eastbound on Cherry Blossom, turning left onto 106th Avenue. Police said the officer had a green light and was traveling at a "slow speed" but did not see Oak, who was dressed in dark clothing. The officer did not see Oak until he was part way through his turn and wasn't able to stop to avoid hitting him.

Oak obtained attorney Todd Peterson who filed a notice of intent to sue the city.

With city attorneys, the proposed \$47,500 pay out was reached as a settlement to cover Oak's medical expenses.

"The investigation indicates there is a risk the City may be found liable," the ordinance reads. "Therefore in order to avoid the risk of an adverse jury award, we feel it is prudent to compromise the claim at this time."

Portland Mayor Charlie Hales explains why he chose out-of-state team and retired Chief Justice Paul DeMuniz to monitor police reforms

*By Maxine Bernstein
November 07, 2014*

Several out-of-state criminal justice academics with national expertise paired with retired Oregon Supreme Court Justice Paul J. DeMuniz make up right team to monitor the progress of Portland police reforms, Mayor Charlie Hales said Friday.

Hales, who serves as police commissioner, said the team led by Dennis Rosenbaum, director of the Center for Research in Law & Justice at the University of Illinois at Chicago, will bring in-depth experience analyzing policing practices from across the country. DeMuniz will provide the important understanding of the Portland community.

"That combination ... is really what's called for," Hales said. "I think we've got a team that will provide the necessary oversight."

Hales and Commissioner Amanda Fritz said they'll ask the City Council next week to select Rosenbaum and his team to fill the city's compliance officer-community liaison job, as required under the city's settlement agreement with the U.S. Department of Justice. They have the backing of Commissioner Nick Fish.

Rosenbaum's team was one of three groups of finalists for the job. Rosenbaum said he'd work closely with Geoffrey Alpert, a national expert on police use of force who is a professor of criminology at the University of South Carolina.

The mayor also announced that the city plans to hire a mental health specialist, who will be based in the Office of Neighborhood Involvement, to provide support to mental health consumers, serve as an adviser to staff and community volunteers and support the required reforms governing police encounters with people in mental health crisis.

"I think it's crucial because we don't have a lot of independent expertise within the city government," Fritz said.

The council's choice for the reform monitoring job veers from the recommendation of most members of a city selection advisory committee who favored finalist Daniel Ward based on interviews during a September forum. Several of the committee members were concerned that the Chicago academics weren't in touch with Portland.

"I understand that fear or concern," Hales said. "That's why Paul DeMuniz is a necessary and important part of this team."

Hales said that he liked the combination of having some outside experts who have "some distance" from the city and bring a national perspective, paired with a local leader.

Fritz agreed. "I believe the active involvement of Justice DeMuniz will provide the necessary well-grounded local leadership," she said.

She said DeMuniz will chair the new community oversight advisory board, and will be available in Portland once a week for community members.

The team would monitor the city's settlement agreement stemming from a 2012 Justice Department investigation that found Portland police engaged in a pattern or practice of excessive force against people with mental illness or perceived to have mental illness. The investigation also found that stun gun use by officers was unjustified and excessive at times. The negotiated settlement, approved by a federal judge in late August, calls for changes to Portland policies, training and oversight.

The finalists for the job were whittled from 12 applicants and attended a public forum on Sept. 29.

"We are acutely aware that we could be perceived by the community as 'outsiders,'" Rosenbaum's team wrote in material provided to the city. "In order to build trust and relationships, we will do everything necessary to provide a high level of in-person service to the public and the city."

Rosenbaum and team members Amy C. Watson, an associate professor of social work at the University of Illinois at Chicago who specializes in police handling of mental health issues, and Tom Christoff, a doctoral student working on a dissertation on police citizen interactions, have said they will travel to Portland regularly for meetings, interviews, observations and data compilation.

"Everyone on the Rosenbaum-Watson team is eager to spend as much time in Portland as necessary to see this project through to a successful conclusion," Rosenbaum wrote.

Portland senior deputy city attorney David Woboril has said the team would ensure the Police Bureau follows the settlement agreement, would oversee Police Bureau inspections and use-of-force audits, and promote community outreach through a new community oversight advisory board. The team members will create quarterly and semi-annual reports on the police reforms and provide annual updates to the judge on the bureau's progress.

To gain a local perspective, Rosenbaum said DeMuniz agreed to be on the team and chair the quarterly meetings of the city's community oversight advisory board. DeMuniz had served as a mediator between the city, the police union, the U.S. Department of Justice and the Albina Ministerial Alliance, helping each side come to a negotiated settlement.

Rosenbaum stressed their expertise in collecting data and advising dozens of U.S. cities on police practices. He said his team can check Police Bureau data and the bureau's conclusions and collect data to do their own analyses.

"We are science researchers," Rosenbaum said in September. "We can talk about best practices in other places. We don't have some set agenda about this."

Rosenbaum said he had not applied to monitor settlement agreements reached with Justice officials in other cities, but was interested in working with Portland. "I see Portland as a progressive place that could adopt innovation," he said. "I think there's a potential for a new model here that's driven by the people of Portland, not by Washington."

Watson told community members that she's worked closely with people who suffer from mental illness and have had encounters with police. She said she's worked to push Chicago police to better track their mental health-related calls, and said Chicago police have an advanced crisis intervention training solely based on encounters with juveniles.

Beckie Child, a mental health advocate who was on the selection advisory committee, has said she was disappointed in the pool of candidates and objected to each of the finalists.

The city has filed its appeal of U.S. District Court Judge Michael H. Simon's ruling governing the framework of annual hearings he ordered be held in his courtroom to update him on the status of the reforms. The city has argued that Simon lacks the authority to set the hearings, require who attends and what material must be presented.

Fritz said the city attorney's office has asked that the parties to the case enter into a mediation effort first to address the city's concerns.

The Portland Tribune

City begins holiday season taxi permit program

*By Pamplin Media Group
November 10, 2014*

Portland's Bureau of Transportation has launched a seasonal taxi permit pilot program, allowing companies and vehicles permitted to provide non-emergency medical transportation will be eligible to provide on-demand taxi service Fridays and Saturdays, from 5 p.m. to 4 a.m. each night.

The pilot program ends Jan. 2.

The change comes as the bureau prepares a top-to-bottom review of the city's regulations for taxis, limos, town cars and other services regulated by the Private for Hire Transportation Division.

New tracking software has identified times during which there is a shortage of taxis during periods of peak demand. During normal business hours Monday through Friday, there are plenty of Broadway and Rodio taxis available. On weekends, however, fewer taxis are available.

"As we enter the holiday season, the busiest time of the year for taxi companies, there is a pressing need for more cabs on weekend nights," said Leah Treat, Bureau of Transportation director. "Further review of how best to serve increased calls for on-demand, private for hire transportation service in Portland is needed. We're committed to look at ways to modernize and improve taxi service in Portland."

Through the seasonal taxi permit pilot program, about 100 vehicles are expected to be eligible to apply to participate.

Willamette Week

Hales and Novick Reveal Street Fee Structure Ahead of Dec. 3 Vote It's now called the "Portland Street Fund."

*By Aaron Mesh
November 10, 2014*

Today begins the end game for the Portland street fee.

Mayor Charlie Hales and City Commissioner Steve Novick will this morning unveil their final version of a tax they have long sought to fund road repair and safety projects.

The announcement will start the clock toward a Dec. 3 vote—where City Council will have to decide on the fee, and if they'll send it to voters.

The Portland Bureau of Transportation announced last night that the latest version of the fee will collect \$46 million a year. It also gave the tax a new name: the "Portland Street Fund."

Public backlash to an earlier version of the fee caused Hales and Novick to delay a June vote. They spent much of the summer refining the plan through two citizen advisory groups.

But as late as last week, the structure of the fee remained uncertain—with two crucial blocs warring over who should be taxed, and where the money should go.

The Portland Business Alliance has lobbied City Hall to pass a flat fee on residents with a cap of \$20 a month—and to spend most of the money on road maintenance.

Meanwhile, a coalition of 14 left-leaning policy groups—including environmental advocates 1000 Friends of Oregon—has asked Hales and Novick to pass an income tax with the largest burden on the rich. This coalition wants City Hall to spend a larger portion of the money on safety projects, including new sidewalks.

Who won that tug-of-war should be revealed this morning. What's still up in the air: Whether City Council will refer the fee to a public vote.

Hales and Novick have said they don't want to send the fee to voters. Commissioners Nick Fish and Dan Saltzman say they want a public vote. And the fee's historic opponents—including the petroleum lobby—pledged in the spring that if City Hall didn't refer it, someone would.

Hales spent much of the summer wooing business interests, and those groups haven't said if they still plan to collect signatures for a public vote.

The Mercury

What the Portland Business Alliance Wants from the City's Street Tax/Fee/Fund

By Denis C. Theriault
November 10, 2014

In less than half an hour, Mayor Charlie Hales and Commissioner Steve Novick will unveil their revised plan for the Portland Street Fund (née "transportation user fund" (née street fee)). It's a big moment, because we'll see, for the first time, how Hales and Novick plan to balance their own differences as well as stake out a sweet spot between competing interest groups.

Those differences clouded a public council work session on the fund/fee/tax last month, the first general airing of efforts to levy a new income tax on residents alongside a dramatically reduced and graded fee for businesses.

How much would rich Portlanders have to pay? Novick was siding with advocacy groups and calling for a \$200 cap, in part to spare poorer and middle-income Portlanders. Hales floated a \$50 cap, heeding concerns from business groups and others who didn't want a tax at all, just a graduated fee. And how much should be spent on paving vs. safety projects? The idea, initially, was to spend roughly the same on both, with some new money carved out for unpaved roads.

It's been a month since that session, and there's been a lot of back-and-forth behind closed doors to try to figure some of those things out, and win at least three council supporters—ahead of what's now been advertised as a December 3 vote.

Those details could be the difference between a referral to next spring's ballot or quiet, grudging acceptance by critics. That's all provided Hales and Novick manage to thread the needle. To divine a sense of how difficult that might be, the Mercury reviewed a letter from the Portland Business Alliance from last month outlining where that lobbying group stood heading into the homestretch.

The good news for Hales and Novick? The group has declared itself okay, for the most part, with the revised non-residential fee.

We believe the non-residential mechanism is vastly improved and has reached an acceptable structure. While there may be technical issues that still need to be ironed out related to LLCs, we believe mechanisms are available to do so. We very much appreciate the sincere effort to accommodate the impact of the transportation user fee on businesses large and small.

But it also made clear it doesn't support an income tax, let alone one that charges super-wealthy Portlanders \$2,400 a year (less after tax deductions!). It especially doesn't like that the city has to exempt government pensioners.

On the residential side, our strong preference is for a fee that is tied to utilization of the system, as was originally proposed. We support an exemption for low income residents with the least ability to pay. The transportation system has always been funded based on use of the system, or a proxy for use of the system through gas taxes and registration fees. We are concerned with efforts to move toward an income tax based approach with all the inequities that brings, such as the issue with those with PERS income.

Moreover it wants far more money spent on paving, from the tax but also from existing revenues, despite polls that indicated safety projects as key to citizen buy-in.

Today's news, announced starting at 10:30, ought to reveal some compromises on both fronts. Check back for updates. Hit the full PBA letter after the jump!

FROM: Sandra McDonough, Portland Business Alliance

Mayor Hales and Commissioners:

As you know, from the onset of the transportation user fee discussion this spring, the Alliance has been clear that we understand there is need for additional revenues to address the maintenance backlog on the city's road network. We have also been consistent that we are not opposed to a transportation user fee per se, but that the details matter. We have been pleased to be engaged in discussions about what a package may look like over the course of the past several months. We participated diligently and constructively in that process. As you move closer to considering an actual proposal, we want to take this opportunity to convey our priorities related to a transportation user fee.

First, the narrative around the kick off the transportation user fee was that there was a \$91 million backlog in deferred maintenance. This \$91 million backlog is for street paving. We know that investing in roads in the near term saves money in the long run as streets become exponentially more expensive to rehabilitate as they fall further into disrepair. We strongly support a preponderance of the revenues, up to 75%, collected through a transportation user fee to be focused on the identified need to maintain and repair city streets. Safety is also important and this still provides substantial dollars for important safety projects like Safe Routes to Schools that have matching dollars. A focus on paving will save money in the long run, which will free up resources for other important transportation priorities by avoiding more costly maintenance projects.

Second, on the residential side, our strong preference is for a fee that is tied to utilization of the system, as was originally proposed. We support an exemption for low income residents with the least ability to pay. The transportation system has always been funded based on use of the system, or a proxy for use of the system through gas taxes and registration fees. We are concerned with efforts to move toward an income tax based approach with all the inequities that brings, such as the issue with those with PERS income. A flat fee, or a modified flat fee, such as the proposal for a structured \$4, \$8, \$12, \$20 fee, while not ideal, is more in line with traditional funding models related to use of the system. We are concerned with additional unintended consequences, complications and administrative costs associated with instituting a never before used tax, such as the proposed income tax, in the city of Portland.

Third, we believe the non-residential mechanism is vastly improved and has reached an acceptable structure. While there may be technical issues that still need to be ironed out related to LLCs, we believe mechanisms are available to do so. We very much appreciate the sincere effort to accommodate the impact of the transportation user fee on businesses large and small.

Finally, we are still very interested in pursuing assurances that new and existing dollars for maintenance are restricted for that purpose so that we avoid finding ourselves in this situation in the future. We believe that is entirely doable and commit to continuing to work with the city in that regard.

The Alliance sincerely thanks the city and PBOT staff for taking the additional time this summer and fall to work toward an improved transportation user fee. We believe we are on the precipice of a proposal that will address the agreed upon problem – deterioration of the city's largest asset, our road network. We appreciate being involved in the process and look forward to additional engagement as this conversation continues.

Chicagoans Will Steer Portland Police Reform (But a Former Oregon Supreme Court Justice is Also On Board)

*By Dirk VanderHart
November 7, 2014*

Note: News Editor Denis "C" Theriault wrote much of this post, but was busy being important on the radio during this morning's press conference.

Reforming Portland's historically taze-happy and insensitive police bureau is one of the most important things going. And we now know who's going to make sure it stays in line.

Mayor Charlie Hales and Commissioner Amanda Fritz just officially announced a group of criminologists from Chicago and South Carolina as their pick for steering the court-mandated reforms home. The Oregonian first reported the selection this morning.

The group, led by University of Illinois-Chicago professors Dennis Rosenbaum and Amy Watson, is an intriguing choice. The pair are unquestionably national experts, and have done work in Portland before. But most of the Compliance Officer and Community Liaison Team (shorthand: COCL) lives thousands of miles away.

That would be a deal breaker, except that the team has also secured a local anchor in former Oregon Supreme Court Chief Justice Paul De Muniz, a respected voice whom mental health advocates have singled out as a desirable component to reform.

"I understand that fear and concern that experts from somewhere else might not have the grounding in Portland that's needed for this work," Hales said, noting Rosenbaum graduated from high school here. "That's why the critical importance of Paul De Muniz. He'll provide that link to the community, that deep understanding of Portland."

City council will vote on the appointment at next week's meeting.

Hales and Fritz this morning also announced a new position in city government, first reported in this week's Mercury: a dedicated mental health specialist to bolster the city's expertise.

Fritz, behind the scenes, has called for the mental health advocacy specialist for months. Her request will be added to next week's vote on adjusting the city's budget to account for a surplus of cash left from the last fiscal year. That job will be housed in the Office of Neighborhood Involvement, alongside the city's crime prevention coordinators, who already help bridge the gap between residents and police.

Fritz had been trying to convince Hales that the hire was worth doing. She was successful in making her pitch. Once the city council allocates money for the position, the commissioner says hiring will occur as soon as possible—potentially before the end of the year.

"The community will be involved in selecting whoever that person is."

In selecting the COCL team, Hales and Fritz had three viable candidates to go with. Local consultant John Campbell put together a sizable team of local experts, and Oregon Drug and Alcohol Policy Commission Executive Director Daniel Ward applied on his own, but made a compelling case—particularly with a backstory that includes his own lived experiences with mental illness. The various applicants made their pitches to a selection team in September.

In the end, the choice came down to De Muniz.

Fritz, in an interview with the Mercury, said she was "very impressed" with the former justice, who sat for an interview with Fritz and Commissioner Nick Fish late Tuesday, November 4. De Muniz, Fritz noted, was the Albina Ministerial Alliance Coalition for Justice and Police Reform's choice to mediate disputes over the reform deal between the city, the AMA, the feds, and the Portland Police Association.

The mention of a prominent jurisprudential figure like De Muniz had always intrigued commissioners. But his role wasn't quite clear in Rosenbaum's initial application, Fritz said. That lack of clarity was compounded in Rosenbaum's September presentation, in part because De Muniz wasn't available to participate. Having the chance to sit down with the former justice was one reason the COCL's selection was held back a week longer than initially indicated during a hearing in late October.

Having De Muniz on board satisfied one of the biggest concerns with Rosenbaum's team: that despite its dominance in statistical analysis and deep national experience working on police accountability issues, it seemed to lack a local face and champion with sufficient gravitas. That engagement piece had many members of the selection committee strongly drawn to Ward—even as others questioned Ward's lack of a team familiar with analysis and oversight.

In followup interviews, Rosenbaum's team was able answer concerns about its local face by emphasizing De Muniz. Ward, however, wasn't able to articulate who'd be on his team. He indicated, in answers to supplemental city questions, that he'd wait to do that until after getting the job. That job, however, is not small.

Beyond overseeing advisory board meetings, the COCL team is responsible for filing regular reports and auditing police use of force, as well as checking up on the bureau and city's overall progress with reforms. It's enough that a deputy city attorney joked to the city council that the COCL would probably always be in the midst of writing something. The COCL also must present findings to city officials and to a federal judge. The city was rapped by the US Department of Justice in 2012 with findings that Portland officers have engaged in a pattern or practice of using force against people with mental illness.

"What was persuasive to me was the experience and depth of expertise in police accountability that the Chicago team brings," Fritz told the Mercury. "The majority of the COCL's work is on police accountability—making sure what the police bureau says it's done it actually has done."

De Muniz, Fritz says, has pledged to spend one day a week helping do the COCL's outreach work, beyond chairing all oversight board meetings—and he's also promised to sit down with community members and experts including Maggie Benington-Davis and former state Senator Avel Gordly, and others.

Fritz stressed she saw "pros and cons" with all three finalists. She hopes that some of Campbell's experts might also want to work with Rosenbaum and DeMuniz. She also said, when the community was given one last time to weigh in last month, only three people signed up to speak.

"I didn't hear strong sentiments from folks that any of the three were unacceptable," she said.

That said, if there's a sudden groundswell of outcry next Wednesday—you'll have the opportunity to testify, if you'd like—things could slow down. Fritz doesn't think that'll be the case. And she's hoping city staff and attorneys quickly hammer out a final contract with Rosenbaum after Wednesday's expected vote to enter into exclusive negotiations. One big piece of that is ensuring that Rosenbaum's mental health expert, Amy Watson, is guaranteed a large role.

"We want to get going as soon as possible," Fritz said.

The Portland Business Journal

Mayor teases out details of \$46M street fund today

*By Wendy Culverwell
November 10, 2014*

Portland Mayor Charlie Hales and City Commissioner Steve Novck will outline a proposed \$46 million Portland Street Fund at a press conference at 10:30 a.m. today at city hall, 1221 S.W. Fourth Ave.

The new tax would "more than double" the city's pavement budget and set the stage for transportation safety improvements, with a focus on East Portland.

The public can weigh in at a hearing at 2 p.m. Nov. 20. The final vote is slated for 10 a.. Dec. 3.