

The Oregonian

Portland's contract to monitor police reforms will cost \$315,000 annually, records show

*By Maxine Bernstein
January 05, 2015*

The city of Portland would pay \$315,000 annually to a team of consultants hired to help monitor the Police Bureau's compliance with federal-mandated reforms to bureau policies, training and oversight, under an ordinance that goes before the City Council on Wednesday.

The ordinance adds another \$75,000 a year to the city's already approved \$240,000 annual contract with Rosenbaum & Watson, the Chicago-based team of academics selected to serve as the city's new compliance officer/community liaison. The academics will be paired with former Oregon chief justice Paul J. DeMuniz.

"In order to maximize opportunities for local contact and community engagement, the City will also reimburse team members up to \$75,000 per year in travel expenses," the ordinance says.

The city anticipates "substantial compliance" with the reforms outlined in a settlement agreement reached with the U.S. Department of Justice to occur by October 2017, but acknowledges it may take longer, according to material provided to council members.

The contract with Dennis Rosenbaum, director of the Center for Research in Law & Justice at the University of Illinois, will automatically end in January 2020.

The city's settlement agreement stemmed from a 2012 U.S. 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.

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.

Also on Wednesday, the city will seek additional money to help fund start-up costs for a new Community Oversight Advisory Board, chaired by DeMuniz.

The city expects to provide administrative support for the Compliance Officer/Community Liaison and the new 15-member Community Oversight Advisory Board. That includes office and meeting space, supplies, interpretive services, website development, staffing and other expenses, according to a city ordinance.

The City Council is scheduled to discuss and vote on these funding requests at 2 p.m. on Wednesday in City Hall's council chambers.

David Sarasohn: Steve Novick's street-fee struggle

*By David Sarasohn
January 03, 2015*

Traveling through Italy, some people are moved by the pasta, or the Chianti, or the views of the Mediterranean. On his honeymoon there a few months ago, Portland City Commissioner Steve Novick noticed something else.

Looking around Italy, Novick recalled last week, reminds you that "civilizations collapse all the time."

Just like the Portland road system.

Lack of maintenance, it seems, can have an impact something like barbarian invasions.

For the past few months, Novick may have felt besieged himself, as the transportation commissioner has sought a new tax stream to slow the crumbling of the city's roads — ideally without a detour to the ballot box. So far, he hasn't found a plan with either universal approval or a solid third vote on the five-member City Council.

So last week, Novick put forth a pick-one proposal: a residence-and-income-based formula that he hopes could pass the City Council and not spark a signature-driven ballot referral, and a Plan B — a progressive income tax that he would expect to fight out on the 2016 ballot.

The same ballot, of course, would also feature Novick himself, running for re-election, which doesn't bother him.

"Me campaigning for a progressive income tax to improve the streets," he calculates, "would be totally consistent with the rest of my career."

In fact, Novick would actually prefer Plan B — except that the first plan would let the city get started on its reconstruction sooner, a useful move when your arterial roads are beginning to resemble a Roman aqueduct.

There would certainly be clarity in putting whatever proposal emerges on the ballot, where it might be going anyway. Novick calculates that his Plan A might avoid the ballot, because unlike an income tax or a gas tax, no major group has threatened to take it there.

"It's generally an interest group that gets it referred," he says. "This proposal might offend few enough people that it doesn't get referred."

Assuming, of course, that it finds a third vote on the City Council Jan. 14. Right now, Novick has the support of only Mayor Charlie Hales.

If, as he suspects, there will be an income tax on the ballot next year, polling isn't terrific. Current support is around 55 percent, and support for a tax measure drops over the course of a campaign. Novick knows that general faith in government has plummeted over decades — and that events like the botched rollouts of Obamacare and Cover Oregon don't help — and that wage stagnation leaves most people with less disposable income.

Still, he thinks there are Portland groups that will show up for a progressive income tax campaign. And while council meetings like the one this Thursday will produce a wave of denunciation, people who come up to him in the streets say they hope he can get something done.

Even if a street fee is enacted — either Plan A or Plan B — Novick calculates that it would only slow the deterioration of Portland streets, like a foot stuck out to slow a runaway scooter.

Right now, he says, 12 percent of the major streets in the city are in poor condition. In 10 years, if no other revenue source is found, that number goes to 29 percent. Even if the city finds the additional \$43 million — by either Plan A or Plan B, plus a business tax that doesn't seem to be stirring a massive uprising — in 10 years the number projects to 19 percent. To get all the city's streets into good condition in 10 years would require an annual additional \$143 million, a figure not imagined even in nightmares — neither fiscal nor political ones.

Plus, Novick figures, the city should be spending more on infrastructure for earthquake preparation and its water and sewer pipes. After his first two years on the council, he says, "I feel like I've gone from a balcony seat to a fifth-row seat to the deterioration of American civilization."

Still, there are things that can be achieved. Talking to voters in east Portland during his campaign, Novick recalls, their highest transportation concern was more regular bus service. TriMet has told him that with the safety improvements in his package, it would run more frequent service along East 122nd: "So I would at least be able to cross off one thing that I offered in my Voters' Pamphlet statement."

And looking around at 2,000 years' worth of infrastructure ruins in Italy can send one message that might even be reassuring for Portland:

Even if your roads collapse, you can still eat pretty well.

Southeast Portland cyclist sues city for \$306,000 after crashing on uneven asphalt

*By Aimee Green
January 02, 2015*

A 51-year-old woman who was bicycling through Southeast Portland on a summer night has filed a \$306,000 lawsuit against the city, claiming a depression in the road made her crash.

According to her lawsuit filed this week in Multnomah County Circuit Court, Teri Briggs was pedaling along Southeast 20th Avenue near Southeast Pine Street at about 11:30 p.m. on Aug. 22, 2013, when one of her tires sunk into a depression in the road, next to a manhole cover. The depression caused her to “lose control of her bicycle, drive off the road, and into a chain link fence and metal post,” according to the lawsuit.

Briggs suffered multiple fractures to her nose, a traumatic brain injury and cuts or bruises to her face, left arm, right hand, torso and legs, the lawsuit states.

Briggs' suit faults the city and an unidentified company that city officials hired to pave the area. The suit claims that the “faulty paving design, asphalt mix, installation and/or maintenance of the asphalt pavement” around the manhole created a “dangerous condition for cyclists within the traffic lane.”

The suit comes just as Portland city commissioner Steve Novick and other city leaders are in the midsts of a months-long debate about how to come up with many millions of dollars needed to maintain the city's streets.

Nonetheless, Briggs' suit quotes from the Portland Bureau of Transportation's website in recognizing the importance of well-maintained streets and safety: “All of us -- whether we walk, drive, bicycle or use public transit -- rely on city streets that are in good working order to travel about safely for our daily activities, and businesses rely on this same system to deliver goods and services.”

The city doesn't comment on pending litigation. Briggs' Portland attorney, Rick Klingbeil, also couldn't be reached to answer additional questions about the suit.

Lawsuits against the city for failing to maintain its streets or sidewalks are rare. Earlier this week, however, a woman filed a \$58,970 suit after she broke a bone in her foot on an uneven section of ground around a tree well in downtown Portland. Bonnie Colaiuta listed the city as one of the defendants.

Briggs, the cyclist, seeks \$5,861 in medical bills and treatment costs; \$215 for damage to her bike; up to \$150,000 for lost future earning capacity because of her cognitive and physical injuries; and up to \$150,000 for sleeplessness, emotional distress and inability to enjoy normal daily activities.

Portland street maintenance, safety needs have no easy solution: Guest opinion

*By Guest Columnist Steve Novick
January 03, 2015*

Hi. I'm Steve Novick, city commissioner overseeing transportation. I hope I can get a few minutes of your time to address some of the issues involved in the Portland Street Fund discussion. Specifically, I want to address three questions:

(1) Previous City Councils have never raised such a fuss about transportation funding. Why don't you just let the matter drop?

The City Council has known since at least 1987 that we weren't investing enough in repairing and maintaining our streets. They also knew that there are parts of the city where, due to the lack of sidewalks and to dangerous intersections, it's not safe for kids to walk to school or for seniors to walk to transit stops. They considered trying a new fee or tax several times, but backed away when they realized there was no simple, popular solution.

I don't think it's responsible to back away. Every month we wait, the streets deteriorate further and become more expensive to fix. Eventually you won't be able to ride around town without damaging your car or bike on potholes. And I think it's unacceptable that it's unsafe for many children and seniors to walk in their own neighborhoods.

(2) Why don't you just send a proposal to voters?

The concern the mayor and I have about a public vote is that even the people who agree we need more money don't agree on how to raise it. Some people want a flat fee, some people want a gas tax, some want a progressive income tax. So it's quite possible that we could send proposal after proposal to the ballot, and all of them would lose – even though most people agree we need more money – because you can't get 50 percent-plus to agree on how. In such a case, the mayor and I think political leaders have a responsibility to make a decision and get the job done, even if no particular method is very popular.

The proposal that has the best chance to win approval in a public vote – and which is my personal favorite as well – is a progressive income tax. That would require a vigorous campaign, extending into 2016. The mayor and I are taking one last shot at passing a "user fee" through the council, but if that fails, I plan to campaign hard for an income tax that would be on the ballot either in May or November of 2016.

(3) Can't you find the money somewhere else?

The vast majority of the city's "discretionary" money, its general fund, goes to police, fire, parks and housing. There doesn't seem to be much public support for cutting those services to pay for transportation. I personally think some things, like the mounted patrol, aren't especially good uses of money, but there isn't a big, long list of obvious things to cut.

Believe me, I wish that these transportation challenges didn't exist, or that there was some easy solution. But they do exist, and it is my job, as transportation commissioner, to do whatever I can to fix the streets and make them safer.

Make Portland a city that works: Editorial Agenda 2015

*By The Oregonian Editorial Board
January 04, 2015*

Someday, "Make Portland a city that works" may disappear from our annual editorial agenda. That day is not today, though. From a make-it-work perspective, in fact, 2015 will begin right where 2014 left off: with the Saga of the Street Fee. The year, of course, will hold many additional opportunities for Portland's five council members to guide a quirky and sometimes rambunctious city with a steady and sober hand, and voters should follow along closely. In May of 2016, three seats are up for election. They are held by Mayor Charlie Hales and commissioners Steve Novick and Amanda Fritz.

With luck – and some adult leadership – City Council will waste little time settling, finally, on a mechanism to pay for years of deferred road maintenance. The most sensible mechanism is one that requests as little from taxpayers as necessary, that is simple, that exempts only the poorest from paying, that devotes the bulk of new money to basic street infrastructure and, finally, that seeks voter approval.

We've argued consistently for a public vote not because we hope, as some have suggested, that Portlanders will kill whatever the council comes up with. Holding a vote, rather, requires commissioners to propose a funding package that is palatable to those who have to pay the bill. Taxpayers know Portland's streets need work, and they know that work will cost money. Meanwhile, they've shown time and again they'll dig deeper to pay for public services. Only two months ago, in fact, Portland voters gave overwhelming approval to a \$68 million parks bond. Why wouldn't they also support a reasonable street-funding proposal?

The path to a sensible funding mechanism has been winding and rocky, however, thanks largely to Novick, who oversees the city's transportation bureau and has been leading the street-tax effort. With the help of Hales, Novick pushed for the creation of a residential income tax, which, among other things, would have exempted a huge swath of public-pension recipients. When this proposal, opposed by local businesses, fell by the wayside, Novick said the city's chamber of commerce "would rather burn the city to the ground" than see a new income tax. And just last week, he proposed a new residential fee that would, again, be keyed to income. If this doesn't fly, he threatened, he'll seek a really progressive income tax in 2016. And around we go.

Enough. Novick is one commissioner among five. A city that works is one whose leaders are guided more by pragmatism than ideology, who find straightforward ways to pay for needed services, and who resist demonizing the very businesses that create Portland's unique vitality. Novick's colleagues should seize the street-funding rudder and change tack. Hales, who presumably will seek re-election in 2016, can only gain by such an assertion of adult leadership. And with any luck, a more pragmatic and centrist candidate will challenge Novick, whose seat is also up for election next year.

The coming months will bring other opportunities to demonstrate good leadership, including the tricky task of accommodating the "sharing" economy. Hales recently created a task force to address the city's antiquated taxi regulations, which prohibit popular ride-sharing service Uber from operating here. Uber's campaign to update the city's protectionist rules began more than two years ago and was met by relative indifference, spurring the company to begin operating late last year in violation of the law. If Hales' task force can, as he suggested, give commissioners an updated set of rules to act on by mid-April, the mayor will have accomplished something, indeed. A city that works is one that evolves.

Evolution need not involve capitulation, though, as demonstrated by the city's work with another pillar of the sharing economy, Airbnb. Under city regulations, property owners renting space through Airbnb are supposed to pay lodging tax and agree to safety inspections. Few have, and the city has proposed that Airbnb share information needed for enforcement. Airbnb has resisted, in part on privacy grounds, though its users advertise space openly on the Internet. Commissioners should hold firm: No enforcement information, no dice.

One editorial provides only so much space to preview some of the seemingly innumerable opportunities commissioners will have to make Portland a city that works – or not.

Will commissioners take reasonable measures to help energy company Pembina build a propane-export facility, or will they capitulate to environmental groups trotting out the fossil-fuel boogeyman? A city that works is a city that encourages the creation of jobs.

Will commissioners defend an unpopular minority from public-health zealotry and naked intolerance? If so, they'll say "no" to a proposal by the Portland Parks Board to ban tobacco and e-cigarette use in open-air public parks and public golf courses. The prospect is just, well, weird. Is this not the home of a huge naked bike ride and the seat of a county that just months ago supported marijuana legalization by a huge margin?

The answers to these and other questions, many unknown at this point, will determine how livable and functional Portland remains, not to mention how it's perceived by those who'd like to move here or sink money into local businesses. The answers also will help Portlanders decide how to vote in the spring of 2016, when they'll have a chance to create a City Council that works best for them.

The Portland Tribune

Police community liaison before City Council on Wednesday

*By Jim Redden
January 5, 2015*

The City Council is expected to consider a \$240,000 contract with a nationally-recognized law enforcement evaluation firm Wednesday to help implement the civil rights settlement with the U.S. Department of Justice.

A resolution before the council would approve the contract with Rosenbaum & Watson, LLP to serve as the Independent Compliance Officer and Community Liaison (COCL) required by the settlement agreement. The firm includes Dr. Dennis Rosenbaum and Dr. Amy Watson. It will subcontract with retired Oregon Supreme Court Chief Justice Paul DeMuniz to be a local leader and community advocate.

The contract requires Rosenbaum and/or Watson to hold in-person meetings every month with relevant stakeholders in the community, and to maintain weekly contact throughout the contract. DeMuniz will be available at least one day per week for community engagement, and for the first six months of the contract, he will be in Portland two to three days per week.

The contract also authorizes up to \$75,000 a year in travel expenses.

The settlement was reached after former Mayor Sam Adams and then-Police Commissioner Dan Saltzman invited DOJ to investigate the relationship between the Portland Police Bureau and the city's minority communities following the Jan. 29, 2010, police shooting death of African-American Aaron Campbell, who was having a mental health crisis. The investigation determined the police have a history of using excessive force against the mentally ill and proposed 187 specific changes, including the hiring of the COCL.

The agreement was accepted by a U.S. District Court judge in August. The city breaks the requirements in the agreement into five broad categories:

- **Accountability:** Requirements include further implementation of new discipline guidelines, standardizing use-of-force investigations to include more documentation, shortening such investigations to within 180 days, and increasing public review of new policies and directive.
- **Analysis:** Requirements include hiring four new analysts for the Strategic Services Division to increase data analysis in cooperation with the COCL and a new 20-member Community Oversight Advisory Board that will evaluate the progress of the compliance with the settlement agreement.

- Behavioral Unit: Requirements include more Crisis Intervention Team training to improve responses to people with mental health issues, including the creation of a Service Coordination Team for chronic offenders and the opening of a crisis center in cooperation with such funding partners as Multnomah County.
- Community Engagement: Requirements include developing and implementing a new community engagement plan in partnership with the COCL and COAB to improve communications, collaboration and relationships. Other responsibilities include updating the 2009 Plan to Address Racial Profiling.
- Training Division: Requirements include revising existing use-of-force policies, further assessing training needs, increasing scenario training, and tracking officer performance over time.

Council may sue Pabst over use of iconic sign

*By Jim Redden
January 5, 2015*

The City Council will consider suing the Pabst Brewing Company for copyright infringement involving the landmark "Portland, Oregon" sign at its Wednesday meeting.

The city owns the former White Stag sign in Old Town, including holding a registered state trademark on it. Last year the brewery used what the city is called a "confusingly similar version" of the sign to promote a concert in town called the Project Pabst Music Festival.

According to a resolution to be considered by the council on Jan. 7, Pabst sought permission to use the sign to help promote the city. The city declined the request because current policies does not allow it to be used on products and services that are not available to people of all ages.

The resolution says the city issued a cease-and-desist letter to Pabst, but the company ignored it. The company is already planing another Project Pabst Music Festival this year, according to the resolution.

Embattled sewer chief to resign, settle with city

*By KOIN 6 News
January 2, 2014*

The head of Portland's Bureau of Environmental Services Bureau, suspended since October, has agreed to resign his position and not sue the city.

The City Council is scheduled to vote on a settlement agreement that will give Marriott an extra \$47,000 plus his annual \$199,160 salary on Wednesday, Jan. 7. According to the agreement, that will be Marriott's last day at BES.

Marriott's legal team filed a tort claim against the city on Nov. 19, 2014, asserting his suspension was politically motivated and violated the Age Discrimination in Employment Act.

The City of Portland opted to place Marriott on paid administrative leave as BES director after a KOIN 6 News-prompted city audit found the construction of an employee building at the Columbia Wastewater Treatment Plant ballooned to more than \$12.5 million despite an original estimate of \$3 million.

Many of the cost increases over the course of the project were green-lit without approval from City Council, the audit found.

Marriott's tort alleged the audit on the building was "highly skewed and biased." The filing accused Portland City Auditor Lavonne Griffin-Valade and City Commissioner Nick Fish of maneuvering against Marriott and sought punitive damage from the both of them.

Stumptown no more

*By Steve Law
January 1, 2015*

Starting Friday, Portlanders need to think twice before chopping down trees on their property or pruning street trees in their parking strip.

A new city tree code that's been years in the making finally takes effect on Jan. 2. It brings new protections to trees on both public and private property, along with stricter, but easier-to-use regulations — and tough penalties for those who don't heed them.

It takes away a lot of the confusion about what you can do with trees, says Portland landscape contractor Greg Schifsky. "It also sends a message that we treasure our trees."

Schifsky was part of a core group of neighborhood activists who started lobbying the city back in 2005 to 2006 to improve its jumbled tree-cutting regulations. For a city that prided itself on its greenery, a lot of important trees kept disappearing, he says, "and a lot of them were being taken down for not very good reasons."

Developers also were frustrated, because patchwork tree regulations were embedded in many parts of the city code. Regulations were inconsistent and administered by seven different city bureaus, which in Portland can seem like seven different local governments.

"The department of transportation would tell you to take out a trees and the planning department would say 'No, we don't want you to do that,' " says Justin Wood, associate director of government relations for the Home Builders Association of Metropolitan Portland.

After several years of citizen pressure, stakeholder meetings and public hearings, the City Council adopted a new tree code back in 2011. But implementation kept getting delayed — until now.

Though some homebuilders still don't see why a city tree code is necessary, "as tree codes go, I think it's a pretty fair tree code," Wood says.

Permits will be needed

Probably the biggest shock will come from homeowners, he predicts, who aren't accustomed to being told they can't cut down trees on their property. One-third of all the trees in the city are on single-family lots, and most of those previously were unregulated.

"The old tree code was not consistent and as fair as it could be," says Meryl Redisch, who worked closely on the tree code as a member of the city's Urban Forestry Commission. It had very different treatment for trees in development situations and those that aren't, Redisch says.

The new code seeks to change that, but it may make some people unhappy.

From now on, residents will need to apply for a \$25 city permit before taking down any tree on their property with a diameter of 12 inches or greater, measured 4.5 feet off the ground. They will have the right to remove up to four trees per year from their yard if the trees have a diameter of 20 inches or less — though that will require permits. Residents may be required to plant a higher number of replacement trees elsewhere, so the city doesn't see its overall tree canopy reduced.

Permits also are required before pruning tiny branches off street trees with diameters of a quarter-inch or greater. Generally, the city will only allow full removal of street trees on the public right of way if they're dead, dying or dangerous. Residents won't be able to take them down just because they produce a lot of leaves, make too much shade, or obstruct views.

"A big part of it is going to be education," Redisch says. City arborists will seek to counsel residents who might otherwise be too hasty about removing trees from their property, she says. Neighbors will be notified of some tree-cutting permit applications, giving them a greater voice in protecting iconic trees in a neighborhood.

The message from the new code is that saving big trees has benefits that extend far beyond an individual homeowner, applying to future generations on that property, neighbors and the city as a whole.

Why preserve trees?

The benefits of saving trees are numerous.

“What we get are air-quality improvements, shade, stormwater benefits, wildlife benefits, beauty, enjoyment — those are the easy ones,” says Redisch, the recently retired executive director of the Audubon Society of Portland.

Trees also have been shown to reduce asthma, make people calmer and absorb pollutants. Perhaps most importantly, they counteract climate change by absorbing carbon dioxide and producing oxygen.

A greater tree canopy over Portland also can help lower the “urban heat island” effect, which makes the city much hotter than surrounding areas because of the loss of tree canopy here and preponderance of roads, sidewalks, parking lots and rooftops that retain the sun’s rays. That’s expected to become more significant as the climate warms.

The new tree code will preserve more trees on developable land, says Jeff Fish, a homebuilder who was involved in framing the regulations. But the code is more flexible in some cases than before, he says, an acknowledgement that meeting the city’s goals of boosting density means building more homes.

“We have to take some trees down to build a house,” Fish says. If the ordinance makes it much harder to do infill and other development in the city, it will cause more sprawl — and greater tree removal — on land outside the urban growth boundary, he says.

But Fish and others still wonder how well the advice of stakeholders and citizens gets put in practice.

“We’ll find out as we implement this in January how good the code-writers wrote the code to make this work,” he says.

Contrary to stereotypes, homebuilders often recognize the merits of preserving trees.

“A tree can add \$2,500 worth of value or more” to a home on the market, Fish says, “so most of us don’t take down any more trees than we have to.”

It also can cost them up to \$2,000 to \$4,000 to chop down and remove a large Douglas fir.

Better customer service?

By design, the new tree code should help meet the city’s goal of having one-third of its land area covered with tree canopy. The city estimates the new code will preserve one to two acres of tree canopy on private property per year and result in the planting of six to 30 acres of new tree canopy each year.

On development lands, the code is projected to preserve 44 acres to 88 acres of tree canopy a year, and result in the planting of 48 acres to 96 acres a year. Some of that is because the old standards only applied to single-family developments, while the new tree-cutting restrictions apply to all developable land. The city also is setting tree-density requirements; developers who don’t meet those can put money into a city tree-planting fund.

City officials delayed implementation of the new code until they could afford seven new city staff members to enforce it. As a result, the city is promising improved customer service.

The Bureau of Development Services and Portland Parks & Recreation will administer the ordinance, down from seven bureaus before. Two staff members will be stationed at the city Permit Center downtown to answer questions and issue permits.

A new hotline and website will serve as a clearinghouse for information about the new rules.

And, not surprising, stiff new fines will be imposed for those who don’t obey the new rules, including \$1,000 for those who fail to get permits.

The city has promised to go easy on enforcement in the early days at least, until Portlanders learn about their new responsibilities.

City Commissioner Amanda Fritz, who oversees both bureaus managing the program, has appointed a citizen oversight committee. That group, which includes Fish, will monitor how well the tree code is working out, and suggest any needed changes. It will make regular reports to the Urban Forestry Commission, now led by Redisch.

Willamette Week

Brushed Aside

Two public schools in Portland find the city has cut them out of arts-tax money.

By Beth Slovic
December 31, 2014

Leah Maurer is a Portland mother of three, ages 3, 7 and 9. That means she knows a lot about teaching how to share.

The city of Portland? Less so.

Portland voters approved the city's arts tax in 2012, a \$35-per-adult tax that has raised \$8.5 million this year, mostly to help pay for art and music teachers at public elementary schools in the city, including charter schools.

But Southwest Charter School and Ivy Charter School recently learned they won't be getting arts-tax money any longer, even though both are public, lie within city limits and serve Portland students. City officials, citing a quirk in the measure's text, have decided to send the schools' collective \$36,000 a year elsewhere.

"It's frustrating," Maurer says. "My kids are missing out."

The 2012 measure, as it appeared on the ballot, said arts-tax money would pay for instruction "for kindergarten-through-fifth-grade students at local public schools attended by Portland students." A message from then-Mayor Sam Adams assured voters the tax would serve Portland students "within the six Portland school districts."

Jessica Jarratt Miller, former executive director of the Creative Advocacy Network that backed the tax, says Ivy and Southwest were meant to be included. "They weren't purposefully excluded," she says.

But a city employee examining enrollment numbers for the two schools found they both had been issued their charters by the Oregon Department of Education—and not part of any school district.

According to the tax's fine print, schools that get arts-tax revenue must be under the umbrella of one of the six local school districts that draw Portland students—Centennial, David Douglas, Portland, Parkrose, Reynolds or Riverdale.

That includes six other charter schools inside Portland Public Schools' boundaries that have elementary-school students—but not Ivy or Southwest.

Thomas Lannom, director of the city's Revenue Bureau, defends the decision to cut off Southwest and Ivy. He says his office made a mistake by giving the schools the first half of their annual payments.

Lannom argues they don't qualify under city code and rejects the complaint of parents that their children don't benefit from the arts tax. "Many parents in private schools are paying the arts tax and not getting the benefit," he says.

But Ivy and Southwest are public schools. Southwest, located in the city's South Waterfront, was formed by parents in 2007 after Portland Public Schools closed Smith Elementary and others. Parents tried to charter the school through PPS. But the district, having just closed several schools, rejected their application. Parents had the state education department charter the school.

Ivy, with campuses in the Eliot and Beaumont-Wilshire neighborhoods, also went to the state for its charter after PPS wanted a cap on the school's enrollment.

The two schools got pennies from the arts tax compared with what the larger Portland districts received. But the money meant a lot to the small schools' communities. For Ivy, with 240 students, that had so far amounted to \$11,597.74. For Southwest, with 185, the arts money so far came to \$6,382.97.

Charter schools don't enjoy universal acclaim in Portland, where they're seen as a drain on neighborhood public schools. They also face criticism from organized labor because the schools aren't required to hire a faculty that's fully licensed or represented by teacher unions.

Southwest and Ivy aren't entirely independent from the Portland district. The money to run Southwest and Ivy comes from the state. But the two schools cooperate with PPS to offer services for students with learning disabilities.

The city's argument rests on a narrow reading of what it means to be "within the district." Stephen Bachara, an Ivy dad, interpreted that to be something geographical.

"When we were voting on the tax, I was told that all charter schools would be included, and find it troubling that two charter schools in PPS geographical boundaries are not included," Bachara wrote in a recent email to city officials.

The City Council has made changes before to the arts tax, but members have also said they don't want to make big switches that would require sending the tax back to voters.

Commissioners—responding to criticism that it was too regressive—revised the tax to apply only to Portlanders over 18 who earned more than \$1,000 a year. Mayor Charlie Hales also reworded the tax to clarify that people living on Social Security and Oregon public employee pensions are exempt.

No elected official, it seems, wants to touch the arts tax again. Ivy and Southwest parents have asked Hales for help but haven't gotten anywhere. The mayor's office referred WW's questions to Commissioner Nick Fish, who is liaison to the Regional Arts & Culture Council. "We have no plans to amend it," Fish said in a statement.

Commissioners Dan Saltzman and Steve Novick say they're not interested in a fix. Commissioner Amanda Fritz says she would consider including Ivy and Southwest only if the City Council would review the entire arts-tax question.

Anne Gurnee, Southwest Charter School's education director, says she hopes city officials change their minds.

"It's a simple fix," says Gurnee. "I don't think the City Council when crafting this intended to leave us out."

Portland Environmental Services Director Dean Marriott Resigns

*By Aaron Mesh
January 2, 2015*

Longtime Portland bureau director Dean Marriott has agreed to resign in the wake of a Bureau of Environmental Services building project that went out of control.

Marriott, who has spent 20 years atop the city's sewer and stormwater bureau, will receive one year's salary—\$199,160—plus \$49,000 in legal expenses, according to the terms of a deal announced in the City Council agenda and confirmed by City Hall sources.

In return, he will agree to drop his threat of a lawsuit. His last day will be Jan. 7, sources tell WW. City Commissioner Nick Fish placed Marriott on paid leave in October as the result of a city audit into the Columbia Wastewater Treatment Plant services building, which tripled in costs to \$11.5 million.

Fish asked for the audit after WW and KOIN-TV reported how the city turned what was supposed to be a utilitarian office building, originally estimated at \$3.2 million, into a "poster-child facility" for wastewater engineers in North Portland.

The audit showed bureau managers approved a design so ornate and inadequate that it required 85 change orders during construction, mostly to fix design problems like the ecoroof covered in wetland grasses.

Marriott threatened to sue the city last month, saying Fish and then-City Auditor LaVonne Griffin-Valade conspired to end his career. He was scheduled for a hearing next week to determine if Fish had the authority to send him home.

That career was marked by one crowning achievement: Marriott oversaw the Big Pipe project, a \$1.4 billion series of huge sewer pipes that mostly prevent raw sewage from spilling into the Willamette River.

Marriott was also the target of criticism over the cost of projects, with then-City Commissioner Charlie Hales once describing his department as "the Bureau of Excessive Spending."

In 2005, then-Mayor Tom Potter asked Marriott to resign, while forcing out three other bureau chiefs. Marriott refused to resign, and Potter couldn't make him leave because he had civil-service protection that meant he could be fired only for cause.

UPDATE, 1:21 pm: City Commissioner Nick Fish's office confirms Marriott's resignation.

"Commissioner Fish will be moving rapidly to begin a national search to replace the director of the Bureau of Environmental Services," says Fish staffer Jim Blackwood.

Reached by WW at his home, Marriott declined comment.

The Portland Business Journal

Portland's Blue Ribbon mission could punish Pabst for using Old Town sign likeness

*By Andy Giegerich
January 5, 2015*

Did organizers of last summer's Project Pabst festival overlook a fairly significant marketing detail?

Portland's City Council is exploring whether to sue Pabst for trademark violations regarding the Portland Oregon sign that sits on the Burnside Bridge's west end.

The Oregonian first reported the story, pointing out that the city has a process for those hoping to license use of the sign.

The Council, on Wednesday, will consider whether "to institute legal proceedings against Pabst Brewing Company to recover damages from Portland, Oregon sign trademark violations and enjoin future unauthorized use."

The festival featured performances from the likes of Modest Mouse and Tears for Fears.

Google says Fiber initiative could benefit from FCC oversight before hitting Portland, other cities

*By Gina Hall
January 5, 2014*

As Google considers adding its high-speed Internet services to Portland and other cities, the company wants to be treated like a regular telecom.

In a letter to the Federal Communications Commission on Tuesday, the company observed that Google Fiber should receive access to utility poles and utility infrastructure if the company is to be treated as a telecommunications company under Title II, according to the Wall Street Journal.

The access to utility poles could yield substantial savings for the Google Fiber initiative. Wiring homes would cost about a tenth of the price of what it would to dig trenches across streets and sidewalks, according to Reed Hundt, former FCC chairman.

The [Washington Business Journal](#) has more on the topic.

Portland's downtown plan: Goose Hollow gets a boost as city seeks more West End investments

*By Andy Giegerich
January 2, 2015*

While the city's sprawling West Quadrant Plan features detailed looks at seven downtown-area neighborhoods, its section on what could happen in the Goose Hollow neighborhood over the next 20 years might rock residents', and developers', worlds.

The idea is for the city to capitalize on several opportunities in the neighborhood that surrounds Providence Park. One of the highest-profile ideas in the Plan, for instance, is to cap parts of Interstate 405, which effectively bifurcates the neighborhood from downtown.

"Capping portions of I-405, particularly where the freeway network creates a barrier for bicyclists and pedestrians, would improve connectivity, reduce noise and air pollution, and allow the city to reclaim valuable public space for parks and new development," planners wrote in the document, which goes to Portland's City Council in the next few weeks.

The city's also looking to encourage "complimentary development" around Providence Park. The wish list includes theaters, restaurants, hotels, pubs, cafes and galleries. Planners could, according to the document, seek to "expand the frequency and range of event types" at the home of the Portland Timbers.

Why Goose Hollow?

Because it's a "mixed-use district with diverse residential, commercial and institutional uses," planners wrote. "There is an eclectic mix of building types and ages, including a number of historic landmarks."

It already has three light-rail stations, along with a smattering of retail outlets that serve residents who live in single- and multi-family housing. There are enough development possibilities in the neighborhood to add 3,000 new housing units and 2,000 new jobs there by 2035.

The West Quadrant Plan also encourages leaders to look into redeveloping the Lincoln High School site "to include improved educational facilities, new compatible uses, better connections through the site, a robust street presence, and new, green public open space and recreational facilities."

Portland's downtown plan: 30K new jobs, 20K housing units and, possibly, 1 capped freeway

*By Andy Giegerich
January 2, 2015*

The latest Portland quadrant plan takes a shot at redefining the way parts of downtown will look 20 years from now.

The West Quadrant Plan is set to go to Portland's City Council for approval as a "non-binding resolution." A public hearing on the plan takes place Feb. 4. The plans, part of the Central City 2035 Project, update the city's 1988 Central City Plan and include design ideas that, in many ways, shape economic development and housing within Portland's five geographical areas.

The plan is 238 pages and, for anyone remotely interested in planning and commercial real estate, is a must read. It contains ideas, some of which may come to fruition (many don't), that affect an array of businesses.

For instance:

- One idea is to spur "a true 21st Century urban riverfront, with additional development along an enhanced Naito Parkway and a rejuvenated Waterfront Park with improved trail facilities." The long-held call for a healthier and vibrant river is also back in play.
- The city could seek more zoning tools that increase flexibility when possible. That would mean "more mixing of office, retail and residential within buildings and specific districts than previously possible." The strategy could, in particular, boost activity — "increased investment and vibrancy" — in Goose Hollow and the West End.
- Streets and rights-of-way comprise 40 percent of the Central City's land area. Portland officials could seek more opportunities to create "quieter and greener" shopping streets that encourage traffic from pedestrians, bicyclists and transit vehicles.
- A "Green Loop" was presented as one of the Plan's "big ideas." The loop would "safely and conveniently connect parks, attractions, civic institutions and employment centers throughout the Central City. "

All told, planners hope their ideas can help create 20,000 new households and 30,000 new jobs in the quadrant's area. The neighborhoods include downtown, West End, Goose Hollow, the Pearl District, Old Town/Chinatown, South Waterfront and South Downtown/University.

Along with the "Green Loop," the current ideas include adding a "Times Square" for Portland at the intersection of West Burnside Street and Broadway.

"Many cities have a signature civic space at "Main and Main," the intersection at which the major east-west and north-south thoroughfares intersect. In Portland, this key intersection would be Broadway and West Burnside," planners wrote.

"The Central City's uniquely aligned grids meet at West Burnside, creating a dynamic area with different street configurations, irregular lots and a unique feel. In the heart of downtown's core, the area could additionally connect to activity in Waterfront Park and Saturday Market along a unique, pedestrian-oriented Southwest Ankeny."

GoLocalPDX

Portland BES Director to Receive \$250,000 Following His Resignation

By GoLocalPDX News Team

January 3, 2015

The City of Portland will look to pay embattled Bureau of Environmental Services Director Dean Marriott close to \$250,000 following his resignation and the settlement of his civil service employment claim.

Marriott was put on administrative leave in October after media reports out-of-control spending on a new BES office building in North Portland began to surface.

Marriott and his staff also rent the most expensive private offices in the city's portfolio.

City officials confirmed that under the agreement Marriott would receive a year's pay, plus the attorney fees that he has incurred, in return for not pursuing a tort he filed in December of this year.

Marriott, an administrator with over 20 years of history, was the last bureau director at the city covered under civil service labor protections. Marriott claimed he was unfairly suspended and his complaint was scheduled to go before the Civil Service Board.

The City Council will vote on the agreement on Jan. 7.