

The Oregonian

Council approves short-term rentals in multiunit buildings; defers on enforcement

*By Mike Francis
January 14, 2015*

Observers might have expected sharp debate at Portland City Council Wednesday over the regulation of short-term rentals, such as the kind brokered by Airbnb, but it will have to wait another week.

Short-term rental advocates were prepared for a showdown over the city's efforts to boost licensing of hosts offering rooms on short-term rental platforms. But a technical issue related to the language of the proposed rules set the debate back another week.

At issue is the low rate of licensing of Portland hosts of short-term rentals on online platforms, such as Airbnb. Commissioners cited a figure of 93 percent noncompliance, meaning that only 7 percent of hosts have obtained the required license to rent the rooms they advertise online.

But the council did approve short-term rentals in apartments, condos and other multiunit buildings. That extends the approval it previously gave to short-term room rentals in single-family houses.

Approval came on a 4-1 vote, with Commissioner Nick Fish saying he couldn't support more short-term rentals without fuller cooperation from the companies that broker such rentals.

Allowing such rentals in non-complying, unlicensed rooms, Fish said, is "essentially sanctioning behavior that we know puts guests in harm's way."

City of Portland to foot \$260,000 'green' project at Laurelhurst School to keep runoff out of sewers

*By Brad Schmidt
January 14, 2015*

Can an unconventional city stormwater project benefit homeowners, ratepayers and school children?

Portland's Bureau of Environmental Services says it can.

On Wednesday, the City Council is expected to approve \$260,000 in ratepayer money for so-called "green" stormwater improvements at Laurelhurst School, in the well-to-do Northeast Portland neighborhood of the same name.

The project is supposed to help homeowners who are theoretically at risk of nasty sewer backups from a once-a-generation rainstorm. Ratepayers would benefit, officials say, because the school project is cheaper than increasing the capacity of existing combined sewer/stormwater pipes.

And students? They'll get a new "nature play area" atop existing asphalt.

Henry Stevens, who is managing the project, emphasized that the improvements will benefit the stormwater system first and foremost.

"The play area makes sense in that it helps reduce the amount of stormwater that's running into our system," he said. "It's helping with the problem."

Portland's green investments have previously been challenged in a 2011 lawsuit alleging improper utility spending. But a Multnomah County judge last year determined that the City Council can spend sewer and stormwater money on projects "reasonably related" to providing those services.

The Laurelhurst project is Portland's third notable investment at a Portland Public Schools' site. In 2003, the Bureau of Environmental Services spent about \$98,000 on a rain garden at Glencoe Elementary School in Southeast Portland. In 2007, work wrapped up on a \$523,000 project at Mt. Tabor Middle School featuring a rain garden, swale, planters and a drywell.

And now, at the K-8th grade Laurelhurst School, the Bureau of Environmental Services will convert about 2,000 square feet of asphalt to an "attractive landscape." Workers will also change the slope of about 9,000 square feet of asphalt to direct stormwater into landscaped areas.

At the same time, crews will plant 14 trees, install seven benches, disconnect gutter downspouts and build a 900-square-foot nature play area with engineered wood chips.

Stevens said city modeling targeted the neighborhood as an area of concern but underground pipes weren't in need of wholesale replacement. Officials looked to the school to devise ways to help keep stormwater out of the system.

"In some places," he said, "the stars align."

The project will keep about 700,000 gallons of runoff out of the combined sewer/stormwater system each year, Stevens said. But the city can't say what the reduction represents, in terms of the share of gallons entering the system from the Laurelhurst area, without running a computer model.

Had officials decided to increase pipe capacity to alleviate sewage risks, Stevens said, Portland would have dug up 11 segments of pipe – the smallest being 8 inches in diameter – and replaced it with new pipe at least 12 inches in diameter.

"These projects are highly targeted depending on where the sewer system needs the relief," said Stevens, who added that longtime Laurelhurst residents remember past problems but he's not aware of any sewer backups in the recent past.

If approved, the project should be completed in time for the 2015-16 school year.

While the Bureau of Environmental Services will pay for project and cover maintenance costs for the first two years, Portland Public Schools will own it and take over costs after that.

Christine Miles, a spokeswoman for the school district, said that while she didn't have specific details about the Laurelhurst project, such efforts represent a useful government partnership on property open to the public.

"It helps the whole community," she said.

Sean Green, the relatively new president of the Laurelhurst neighborhood association, said he wasn't aware of the project or city concerns that a 25-year-storm could flood the pipe system, pushing raw sewage into basements.

But he said residents have been frustrated when leaves block storm drains and create rain channels in the street. Anything that can help – and provide an outdoor play area for kids, to boot – is welcomed.

"It seems like a pretty straightforward project," he said.

Commissioner Nick Fish, who oversees the Bureau of Environmental Services, is supportive. The project, aide Jim Blackwood said, offers "a triple header of benefits that are ultimately cost-effective."

The Portland Tribune

Cabbies get in driver's seat, form alliance

*By Jim Redden
January 15, 2015*

Wynde Dyer worries how the poor will get to their medical appointments if Uber decimates the Portland taxicab industry.

Dyer makes a living driving Oregon Health Plan clients to and from their medical appointments for Green Transportation, a local cab company. Most have no money. Their trips are covered by the state.

In contrast, Uber requires its passengers to have a credit card and use a smartphone app to request a driver. The unregulated, paid-ride service is trying to break into Portland, where its drivers would charge less than city-regulated cab companies.

"All of my passengers are anxious, a lot of them are in pain, and some of them have mental issues. There's no way many of them could take Uber to their appointments," she says.

That's why Dyer has become active in the Transportation Fairness Alliance, a new coalition of Portland cab companies. It was scheduled to hold a rally in Pioneer Court Square on Tuesday afternoon with out-

of-service cabs from its members, including Broadway Cab, Green Transportation, Portland Taxi Cab Co., Sassy's Cab Co., Union Cab PDX, and Radio Cab.

The alliance was formed after Mayor Charlie Hales appointed a Private For Hire Transportation Innovation Task Force to develop new rules for taxis and other city-regulated private transportation companies, including limousines, pedicabs and shuttle services.

Hales appointed the task force as part of a negotiated settlement with Uber. It came after the city filed a lawsuit to keep the company from operating in Portland. Uber agreed to suspend service while the task force meets. Hales has promised the City Council will consider its recommendations at an April 9 hearing.

For now, however, the new alliance is as worried about the task force as it is about Uber. According to Radio Cab Superintendent Noah Ernst, no one in the city has told the cab companies what the task force is supposed to do. The task force does not include a representative from any of the cab companies, even though its recommendations could affect their employees' livelihoods.

"We believe everyone should play by the same rules. But for now, we're just trying to get a seat at the table. We've contacted the city to find out more, but no one's told us anything," Ernst said Monday, two days before the first meeting of the task force was announced to be held Jan. 14.

According to a news release issued by Hales' office on Dec. 18, the task force is going to study and make recommendations on the broad range of issues. They include "whether to continue to limit the total number of permits granted, whether to have a regulated pricing system, mandated criteria (including insurance, inspections and background checks), and accessibility. In addition, the task force will explore how regulatory changes could improve driver earnings and working conditions."

In fact, Ernst says he does not know why the task force is even necessary. The city has a Private for-Hire Transportation Board of Review that makes recommendations to the council for regulated taxis and other private transportation companies. Among other things, the board has long made recommendations about the rates the companies can charge, along with requirements on insurance, vehicle maintenance, and background checks for drivers.

"The review board looked at all the regulations just a few years ago. I don't know how anyone thinks a task force with no experience can come up with a whole new way of doing business in just a few months," Ernst says.

The controversy is just the latest twist in the council's attempts to come to grips with what has been dubbed the sharing economy by some and the renting economy by others. It includes companies like Airbnb that make money by running websites where people can rent out rooms in their homes. The council has spent months trying to come up with regulations to ensure the lodging are safe and their owners pay the transient lodging taxes required of hotels and motels.

Uber makes money by charging 20 percent of the fares that its drivers collect from passengers. It does not employ drivers directly and does not register as a private for-hire transportation company in any of the cities it operates. This has led to protests from taxi companies around the world. Some governments also have banned Uber from operating, including the state of Nevada, where a court ruled the company violates state laws regulating private for-hire transportation companies.

Uber's business model violates Portland's private for-hire transportation regulations. Among other things, its drivers do not obtain permits from the city or meet the same insurance requirements. Uber stayed out of Portland while discussing the situation with city officials for a while. Then it abruptly declared its drivers were serving Portland on Dec. 5.

The city filed suit to bar Uber operations a few days later in Multnomah County Circuit Court. Uber was able to move the suit to federal court because it is an out-of-state corporation, but it then negotiated a deal to suspend operations in exchange for the city promising to consider new private for-hire transportation regulations by April 9.

Ernst wonders why Uber is getting so much respect from the city officials, including Hales.

"Radio Cab has been complying with all the city regulations for many years and we can't find out what the task force is going to do. Uber operated illegally in Portland for a couple of weeks and we read in the news they're meeting with the mayor's staff," Ernst says.

The task force is scheduled to hold two more meetings before sending its recommendations to the council.

Sources Say: It isn't hard to figure why street fee isn't on ballot

*By Jim Redden
January 15, 2015*

Mayor Charlie Hales and Commissioner Steve Novick usually waffle when asked why they won't put their proposed street fee on the ballot, saying they were elected to make tough decisions. Senate President Peter Courtney (D-Salem) was more blunt when talking about state transportation funding measures at last week's Business Leadership Summit in Portland.

"Voters always vote them down. That's why we don't put them on the ballot," Courtney told the business and government leaders gathered at the Oregon Convention Center.

According to Courtney, state voters have rejected more than a dozen measures to increase gasoline taxes and motor-vehicle registration fees over the year. Because of that, lawmakers who support increased transportation funding seek backing from groups like the Oregon Business Council, which sponsored the summit, and make sure the bills to increase the taxes and fees are bipartisan to deflect criticism.

"We need your help," Courtney told the crowd, saying he was committed to trying to push another transportation funding package through the 2015 Oregon Legislature.

Don't look at me

Local economic consultant Robert McCullough has received a lot of attention for his criticisms of the nonresidential portion of the proposed street fee — so much, in fact, that people are urging him to run for the City Council in postings after online news stories about the fee hearings.

McCullough is discouraging the speculation, however. "One City Council member from Eastmoreland sacrificing his annual salary for public service is probably enough," says McCullough referring to Mayor Charlie Hales.

McCullough is chairman of the Eastmoreland Neighborhood Association and president of the Southeast Uplift neighborhood coalition board. It obtained internal Portland Bureau of Transportation spreadsheets for the nonresidential fee calculations, which McCullough then analyzed.

In a report presented to the City Council at its Jan. 8 street fee hearing, McCullough says the spreadsheets are riddled with errors that overcharge small businesses while large transportation companies pay less than their fair share. Commissioner Steve Novick promised to review PBOT's work.

SEUL obtained the spreadsheets through a public records lawsuit. It is appealing the \$2,5623.32 the city is charging to process them for release. "We're fascinated by the 32 cents," McCullough says.

Merkley won one, but unlikely to repeat

Sources was wrong when it reported that Oregon U.S. Sen. Jeff Merkley failed to persuade his colleagues to pass the Employment Non-Discrimination Act, which he sponsored to prevent LGBT Americans from being fired simply for who they are.

The U.S. Senate approved the anti-discrimination bill by a margin of 64-to-32 votes on Nov. 7, 2013, the first time it passed since being introduced in 1994.

But the larger point of the item also was true.

The Republican-dominated U.S. House failed to take up the measure, and Merkley is going to have a harder time getting the U.S. Senate to pass anything like it again now that Republicans are in control there and he's in the minority.

The Skanner

New Portland Police Chief Talks Trust, Recruitment

*By Donovan Smith
January 15, 2015*

With 28 years logged into the Portland Police bureau, newly appointed Chief Larry O'Dea may be fresh in his position but certainly knows his agency well. Starting first as an officer in the gang enforcement team in the 1980's, the New York State native at 52-years-old has worked his way up the ranks to captain of the traffic division, and most recently assistant chief. He holds 11 medals of valor and received 75 letters of commendation.

The day before his swearing in ceremony Jan. 2, where he would take over as police chief, replacing Mike Reese, O'Dea visited The Skanner News' offices in North Portland and talked community relations.

The Skanner News: Everybody's all about community and police relations all over the country. What is your agenda for your first year in this position?

O'Dea: The first one is it's critical to me that we focus on building trusting relationships in all parts of the community. Every day it keeps making more sense to me that if we focus on having all of our bureau from the top down, building relationships in all parts the community---not just most-- not just some--and working together on [their] priorities we can meet people's needs so that we can police in a reflective way. The needs of the business community Downtown are very different than the needs of the folks out at Cully and Killingsworth, which are different from Albina and Killingsworth.

The other part of my priority is to continue to diversify the police bureau and its leadership. For those of us in the police bureau, that causes us to think, learn, and do things differently and grow richer by having a diverse police bureau and continuing our education around equity, institutional racism, and implicit bias.

TSN: I know that Chris Uehara is going to be the new commander of North Precinct. Who else are you bringing in that you're excited about?

O'Dea: I'm really excited about the whole team.

Part of what I'm doing is restructuring, going from three branches to four branches in the Chief's office. I'm doing that specifically so all of my Assistant Chiefs have the time and capacity to be engaged with the community. I look at all the advisory committees I've been a part of and different opportunities in the community and it matters when there's an assistant chief at the table; it matters, and it's important. All my assistant chiefs will have more capacity to do that; this is going to be top down. We're going to be engaged in the community.

TSN: The majority of the City's spending goes to Fire and Police. One of the things that spending goes to is police officers' overtime pay, which is a lot of money. So it's not just overtime, it's over worked. Is there any plan in place to kind of pull back the amount of time officers have to work?

O'Dea: Part of last year's budget process was a direction from Council from an outside group come in and look at our staffing level and look at how we are structured. The last cuts that we took the year before last, we lost 55 positions. So we're down about 130 positions from where we had been in the past. So when you're staffing short, to a certain level you have to work more overtime. This group is going to be coming up with a report here with some recommendations pretty [soon].

When that report comes out then we'll present it to the Mayor and the Commissioners and kind of work through what's the process to kind of 'right size' the police bureau. Part of that is because we know what's going to stay in the final draft is them saying you're too short and you need four instead of three [in the Chief's office] so that's a change I've already been able to make based off the information from the staffing report as well. As we go forward this year, having that conversation around staffing study about the right size of the bureau and the right structure will continue.

TSN: How often do those review boards ever find that officers act out of policy because all it ever looks like to us—from the outside looking in—the Independent Police Review board and all these other people never sustain complaints?

O'Dea: Oh no, not at all. Twice a year, there is a report this about all the Review Board cases and the names are redacted out but it tells you what happened in the cases, the recommendations and results.

Sometimes there is a minimum recommended and sometimes termination is recommended. Sometimes in those cases, you'll see things are grieved by the police union and they'll go further to a bargaining process. I think there's sometimes a little bit of a perception that the union always fights everything, and I don't see that necessarily as the case. I think that they have a role to defend their members. But one of the things I've noticed is whenever they feel that one of their members has not been truthful they never take those things forward. Truthfulness is the core of our job. So much of what we do, people can go to jail for what we say versus what they say. If you violate that truthfulness you can't do your job and you don't have credibility with your peers. Nobody wants to work with you if they can't believe and trust you.

TSN: Are there any numbers around how much recruitment comes from your local municipalities trying to get into the Portland bureau?

O'Dea: California's police academy has been considered the equivalent of our academy. So somebody can go through that academy and we can hire them right in, they don't have to go and do another 16 weeks because the quality and the type of training is on-par and we would do our own Portland-specific training. So it offered to us a little bit of success to our way diverse recruiting. The downside though is now with the economy going better and better that opportunity isn't going to be there. So we've got find our new strategy because we've still got to continue our diverse recruiting

[Our] best chance at having someone stay here, be here, be connected, and have the support are the folks who live here and grow up here. So we're looking at what are our best strategies for recruiting right here in the metro-area so we're not pulling people away from their families and support systems, they're here and connected to the community already.

TSN: You said it's a critical time to become police chief. In the wake of Ferguson, Eric Garner, and so many others connecting back home what do those national cases, mean to you?

O'Dea: They send me a very powerful message. What I see out of these incidents, are segments of the community don't have a trusting relationship with their police department. So it is critical to build that trust.

So I think that it is critical to me that it just reflected to me that throughout this country there's still segments of the community—largely in the minority community—that don't have the trusting relationship with their police department that they should. And that's where our work lies. And connected to that work is having a police department reflective of the community and having a police department that is focusing on the communities' priorities.

GoLocalPDX

Scott Bruun: The Problems With Portland's City Government

*By Scott Bruun
January 14, 2015*

So maybe they just need a little field trip, right? Portland State University's Mark O. Hatfield School of Government is only a short walk from City Hall. And while visiting, hopefully they can even make the time to sit in on a class or two. Maybe even take a refresher course on "resource prioritization" or catch a lecture on "proper policy implementation."

The School is a great resource after all, designed to help teach good governance. And looking at Portland's street fee disaster-in-progress, the City Council could use all the help it can get.

Let's recall how we got here. For years, the City Council has focused its attention and our resources on the types of transportation modes that the majority of Portland commuters do not use. Think of the Portland Streetcar, as one example.

Over those years, with resources going elsewhere, the Council stood by and watched as our streets and roads were slowly ground-down to near ruin. This totally foreseeable circumstance has now left the City unable to meet the basic needs for the type of transportation that the majority of Portland commuters actually do use. Like driving cars or riding busses. On streets.

Not only has the City Council long misspent transportation resources, it has also deprioritized transportation investments in general. Meaning, resources that should have gone toward transportation infrastructure and street repairs have been diverted, for years, to other priorities. Priorities like the

Regional Arts & Cultural Council, the Portland Center for Performing Arts, downtown beautification and affordable housing in the Pearl District.

Well, there is little argument about the positive role city government can and should play toward arts and beautification. Quality of life, a priori, should be one of the City's functions. But should it consistently take priority over core municipal functions like public safety and transportation infrastructure?

Seems like the City of Portland should build and maintain a strong house before it spends taxpayers' money to buy pretty drapes. But now here we are. Pretty drapes and busted streets.

The difference between proper street maintenance, we are told, and the dismal condition that we find our streets in today, is about \$41 million-a-year or so. At least this is what Portland residents are told, and maybe it's true.

What's also true is that the City of Portland's annual budget is around \$1.8 billion. So consider that the difference between bad roads and better roads, \$41 million, is only about 2.3% of the City's annual budget. Or in other words, our city leaders are either incapable or unwilling to prioritize a little over two cents on the budget dollar. They can't or won't find a little over two cents on the dollar to redirect toward the most basic and necessary of city government functions.

So Portland residents are stuck with a Faustian choice between bad roads or more taxes. Some choice.

But wait, it gets worse. Instead of designing and then voting on a new tax or fee structure themselves, the Council now seems inclined to send "options" out to Portland voters in a sort of "non-binding" referendum. Not an 'up-or-down' vote, mind you. But instead, an open menu of half-baked tax and fee ideas designed to find the least-worst plan.

To save the City Council from its own bad choices, it wants to toss voters a bunch of "solutions" while simultaneously passing responsibility to those voters for the inevitable bad outcome. Or in other words, throw everything on the wall, from new gas taxes to new income taxes, see what sticks, then leave the mess for others to clean up.

It's the pasta puttanesca of policy. And it's a complete abdication of leadership.

So now, with all this going on, chances are the Council won't find time to take that field trip. Touring the Hatfield School at PSU will have to wait. That's too bad, but all is not lost. You see the actual students of government at that school itself can still benefit. They just need to take a long look down the street at Portland City Hall, and take some notes.

Looking there, those students will find everything they need to write a thesis titled "What Not to Do in City Government".