

The Oregonian

Why is PDC's former top exec suing Portland? (It's not job-related) City Hall Roundup

*By Brad Schmidt
March 27, 2015*

Don Mazziotti, the polarizing former top executive of Portland's urban renewal agency, is suing the city of Portland for negligence in a case unrelated to his employment.

Mazziotti is seeking at least \$458,179 from the city of Portland and a furnace-installation company over problems at his Southwest Portland home.

In a January lawsuit filed in Multnomah County Circuit Court, Mazziotti claims AAA Heating & Cooling Inc. improperly installed the furnace in his home and city inspectors didn't catch the problem when issuing a permit.

Mazziotti on Thursday declined to comment and referred questions to his attorney, who did not respond to a request for comment. An attorney representing AAA did not respond to a request for comment. Tracy Reeve, Portland's top attorney, said the city does not comment on pending litigation.

According to the lawsuit, AAA installed a new furnace at Mazziotti's home in June 2009. Three and a half years later, Mazziotti and his wife discovered a crack in their ceiling. A contractor later found that the furnace ventilation pipes weren't fully installed, spilling steam and carbon monoxide into the attic instead of outside, the suit claims.

Mazziotti blames the problem for extensive moisture and black mold in the attic of his home, which sits on a half-acre near the Oregon Zoo and is valued at \$959,000.

"Had defendant City of Portland performed its inspection as required, defendant City of Portland would have discovered the improper installation of the furnace," the lawsuit reads. "Defendant City of Portland was negligent in either failing to complete the necessary inspection, or completing the inspection and failing to notice the faulty installation."

Among other things, Mazziotti and his family wracked up about \$17,500 to live in a hotel for two months, according to the suit. Mazziotti's attorney also claims the family should be compensated for losing at least \$200,000 of value in their home.

Mazziotti, now 69, led the Portland Development Commission from 2001 to 2005 and worked for the city of Beaverton from 2009 to 2013.

During his stint with Portland, Mazziotti vowed to run the city's redevelopment agency like a business and scored high praise from outsiders. But staffers and commissioners weren't as flattering, and Mazziotti drew criticism when he billed the agency about \$13,000 for meals over three years.

Mazziotti led the PDC when city officials approved a redevelopment deal with Homer Williams to build out the South Waterfront. In Beaverton, he launched efforts to reinvest in the Round at Beaverton Central, a mixed-use project now home to city government.

Portland delays action on citywide Ban the Box proposal for former felons

*By Andrew Theen
March 27, 2015*

Portland is delaying action on a proposal to require that most employers wait until offering a prospective employee a job to ask about their criminal background.

Portland Mayor Charlie Hales is pushing the proposal, part of the nationwide "Ban the Box" movement to help remove barriers to employment for former felons. Getting and keeping a job is a key deterrent to recidivism.

The delay comes as the city lacked the backing of powerful interest groups like the chamber of commerce, which alleged the ordinance as written would create a new protected class, eliminating an employer's ability to choose their workforce.

Hales said he would wait about a month to further refine the policy idea before a City Council vote. During the next few weeks, Hales' staff will create a working group with city hall insiders and business and labor leaders to iron out a plan.

"It would be a splendid misery if the Legislature got there first and fixed this for us," Hales said, citing a similar proposal also moving forward in Salem.

Marion Haynes, vice president of government affairs for the Portland Business Alliance, told the council that Portland's proposal is "cumbersome" and "burdensome" compared to Seattle and Philadelphia's plans. Haynes said the city was "dangerously close to creating a new protective class."

Hales said the city isn't going back to the drawing board, just refining the original proposal to find a middle ground.

On Wednesday, Hales presented his revised plan with a couple changes -- the city would no longer grant aggrieved job seekers the right to sue an employer for violating the ordinance.

The so-called private right of action was one of the more controversial aspects of the original proposal -- with business leaders warning the city could open the door to countless lawsuits against businesses.

Another amendment allows applicants to voluntarily disclose their criminal background during an interview.

There are many unanswered questions, such as what city agency would be responsible for enforcing the ordinance, or should the city handle the enforcement in the first place?

Commissioner Nick Fish at a previous hearing asked whether the city would consider contracting enforcement to the State Bureau of Labor and Industries.

Commissioner Amanda Fritz brought that question back to the table on Wednesday, saying the city already needs beef up enforcement of its existing civil rights policies such as the Sick Leave Ordinance.

Tracy Reeve, City Attorney, agreed, saying her office is looking at how it can better enforce civil rights violations.

On Wednesday, city attorneys did give a more detailed breakdown of what constitutes a violation of the ordinance.

If an employer decides not to hire the individual after learning of their criminal history at the point of a conditional job offer (or by voluntary disclosure), then fails to give the job applicant an "individualized assessment" indicating why their prior offenses are germane to the person's "ability to perform the duties and responsibilities" of the job - they could face a complaint.

City officials would receive complaints from individuals who allege a business violated the ordinance. The city would conduct an investigation and attempt to mediate the issue with the business. If those reconciliation efforts were unsuccessful, the city would bring the case before a hearings officer to determine whether the business acted appropriately.

The crux of the issue: determining whether a business made a good faith effort to give the job seeker a good faith shot despite their criminal background.

Portland Mayor Charlie Hales wants a second term. Will he be challenged?

*By Brad Schmidt
March 26, 2015*

Portland's 2016 mayoral race began exceptionally early this month when Charlie Hales announced his bid for a second term.

As political guessing games go, Hales' decision had been expected.

But the early announcement bucks a 20-year trend of incumbent mayors waiting until at least summer to spill the beans about re-election plans. And Hales' March 6 revelation came a full 2 ½ months earlier than his May 2011 declaration that he would compete for Portland's top political post.

Hales acknowledged his first two years have provided some easy ammo for critics, particularly a controversial street fee proposal that remains in limbo. But Hales said the early announcement was meant to confirm his long-term goals rather than to ward off any potential challengers - with Oregon Treasurer Ted Wheeler's name at the top of the list.

"I'm ready to serve," said Hales, the first mayoral incumbent to seek re-election since Vera Katz in 2000. "I think people deserve to know whether the things I'm working on are something that I'm going to try and hurry and get done in one term."

If history is any indicator, Hales' position is secure. No City Council incumbent has lost a re-election race since 1992 and no incumbent mayor has been unseated since 1984. Even so, Portland business leaders have reached out to Wheeler, who saw his political future upended as a result of Gov. John Kitzhaber's February resignation.

Wheeler, whose term as treasurer ends in 2016, had been considered a likely candidate to run for governor in 2018. But Kitzhaber's resignation thrust then-Secretary of State Kate Brown into the governorship and she now holds the catbird seat in 2016 to fill the remainder of Kitzhaber's term.

"I haven't ruled anything in and I haven't ruled anything out," Wheeler said of his political future, later clarifying that he has, in fact, ruled out a run for Secretary of State. "There's a lot of different possibilities."

Other big names bandied about seem unlikely or quickly quashed the rumor mill.

House Speaker Tina Kotek, D-Portland? "The Speaker has no intention of running for mayor in 2016," Kotek spokeswoman Lindsey O'Brien said in an email.

Portland Commissioner Nick Fish? He declined through an aide to comment, although he previously has said he's happy in his post.

Sandra McDonough, president of the Portland Business Alliance, the local chamber of commerce, said her group hasn't had any official conversations about the mayoral race but the speculative buzz has already started.

"When you're moving into an election season like this," she said, "this type of talk is natural."

Hales, now 59, convincingly won the hotly contested 2012 mayoral race while running on a back-to-the-basics platform. Hales positioned himself as a steady hand - with 10 years experience on the City Council, before resigning in 2002 - who would pave roads and cut the city's excessive reliance on urban renewal.

Just past the midpoint of his first term, Hales' results remain a work in progress.

The City Council is expected to approve changes to several urban renewal districts next week, Portland is paving more streets and Hales steered the city through a difficult 2014 fiscal budget. Hales also championed a plan to revive Old Town Chinatown, worked to minimize annual water and sewer hikes and has thrown financial support behind programs to help the city's African American community.

But Hales hasn't endeared himself to city commissioners, who recall former Mayor Sam Adams working hard to build consensus within City Hall. And perhaps more than any other issue, Hales wounded himself politically by trying to create new taxes or fees to tackle a growing transportation backlog.

After rolling out a proposal in May 2014, Hales and Commissioner Steve Novick, in charge of the Bureau of Transportation, went on to dramatically change course at least five times. Various iterations frustrated taxpayers, business owners and non-profit leaders alike.

Nearly a year later, Hales still has no plan. He delayed any City Council action until after the Legislature wraps up this summer - creating a politically perilous timeline for himself as the May 2016 primary election inches closer.

"I've probably sustained some political bruises for sticking my neck out on that issue," Hales said. "So be it. That will be true for anyone who wants to seek this office, because the problem is there whether you choose to face it or choose to ignore it."

Although Hales didn't formally announce his decision to seek re-election until this month, his plans have been in motion since January.

Hales began accepting cash contributions on Jan. 9 and on Jan. 16 his campaign fund spent \$5,000 on a poll by California-based Goodwin Simon Strategic Research. Through Monday, Hales reported cash contributions of just over \$50,000, more than half of it from a developer-heavy list of seven donors.

At the end of January, Hales used his annual State of the City speech to lay down the most progressive agenda of his term. Hales advocated for a \$15 minimum wage for full-time city employees, tax credits for businesses that hire ex-cons and a pledge to ensure no veteran is homeless by Veterans Day.

In an interview, Hales said he still wants to tackle police and mental health reforms, with a psychiatric emergency center a top priority. He said he's unsatisfied with efforts to address homelessness. And he talked about expanding business improvement districts beyond downtown.

"People that care about those issues want to know whether I'm going to be around or not to work on them," Hales said.

Len Bergstein, a veteran City Hall lobbyist who also works as a political analyst, said Hales' early announcement is "a little strange." The last incumbent mayor to reveal plans so early: Bud Clark.

But Hales' confirmation also provides an opportunity to turn the page on his first two years, spent largely on issues he inherited, and now start talking about his vision for the city.

Depending on potential challengers, Bergstein said the mayoral race could be up for grabs because Hales is "not an unassailable incumbent."

"It's time for him to say to the voters, 'Whatever scorecard you've been keeping now, toss that one out. I'm running for mayor on the following premise,'" Bergstein said. "This is the narrative about the future of Portland."

Portland considering banning certain insecticides on city property

By Andrew Theen

March 25, 2015

Portland is considering banning from use on city-owned property a class of insecticides implicated in widespread bee deaths.

The ban would not apply to private property within the city.

Neonicotinoids, a wide-ranging class of insecticides, are controversial. They remain in the soil for long periods of time and are believed to pose a significant risk to pollinators.

The City Council held a public hearing Wednesday to discuss the proposal. Bee advocates, residents, biologists, conservationists and others overwhelmingly testified in favor of the plan.

Some studies link the insecticides as contributing factors in the wide-scale die-off of bee colonies. In 2013, state officials blamed the high-profile death of tens of thousands of bumblebees in Wilsonville on the insecticide. Just last month, state agriculture officials banned using the insecticides on certain trees.

A final City Council vote is expected April 1, but judging by the discussion Wednesday, the proposal is likely to pass. "I think it's appropriate for us to take this kind of action," said Mayor Charlie Hales, citing the city's track record of green policy proposals.

Commissioner Steve Novick said the city doesn't necessarily need a smoking gun linking the insecticides to bee die-offs. "The cautious thing to do is to get rid of them," Novick said.

If approved, Portland would join Eugene, Seattle, Spokane and the U.S. Department of Fish & Wildlife in taking actions to ban the insecticides.

Under the proposed ordinance, city officials wouldn't use or buy neonicotinoids or similar pesticides on city land or in city buildings and would urge stores to label products -- including plants and seeds infused with the common insecticide.

The proposal applies to city contractors as well.

Representatives from the Audubon Society of Portland and Xerces Conservation Society lauded the city for taking a small first step.

Commissioner Amanda Fritz, who oversees the parks bureau, introduced the proposal and agreed the proposal is just a start. "I would love to consider pushing this further," she said.

The proposed ban on neonicotinoids and neonicotinoids-like insecticides won't apply immediately to two city rose gardens. Officials say the rose midge, a pest, is difficult to kill without the insecticide. The city will look for an alternative method, using a pilot project at Peninsula Park in North Portland to test alternative non-toxic insecticides. That proposal would be phased in with a deadline of Dec. 2017 to eliminate all neonicotinoid-based products.

Lori Ann Burd, environmental health director for the Center for Biological Diversity, said "there's no question" the insecticides are causing significant issues for bees and other wildlife.

Micah Meskel, with the Audubon Society of Portland, said he supported the plan, but added that Portland should take a look at how it manages its famous rose gardens. "The idealized image of the perfect rose may be dependent on toxic chemicals," he said.

Not everyone supported the city's action. Scott Dahlman, executive director of Oregonians for Food and Shelter, opposed the city's proposal and criticized previous die-offs as the "terrible situations" where pesticides were misused.

Yes on body camera rules, but no on withholding the videos: Editorial

By The Oregonian Editorial Board

March 26, 2015

The challenge associated with so many police custody or use-of-force cases is in belief: plain acceptance that things happened as police say they did. Yet police officers suffer from the credibility gap as much as an at-times incredulous public: Slow reconstructions of controversial events from narrative accounts by witnesses and police can wring faith from a community by showing a murky result, satisfying no one.

Body cameras do not fix everything. Least of all do they furnish uncontested truth. But their increasing embrace by departments nationally has yielded a new genre of public document: footage of engagement by police with suspects or others, as seen from the point of view of the officers wearing the camera. What is shown, typically, is believable. The body camera in that sense represents a documentary advance that, if managed wisely, can benefit the public and the police.

Portland embraces the new technology. Mayor Charlie Hales has made clear he wants body cameras to be available to all police officers while on duty by next year. Meanwhile the Legislature considers a bill that would establish ground rules to be followed by all Oregon towns and cities choosing to employ body cameras for their police officers.

House Bill 2571, sponsored by Rep. Jennifer Williamson, D-Portland, and others, draws a sensible baseline that allows communities to create their own protocols and policies governing body-camera use. Among other things, the bill requires that body-worn cameras record continuously, from the moment an officer develops a reasonable suspicion that an illegal action is about to occur or has occurred, The Oregonian/OregonLive's Maxine Bernstein reported. That means no editing, no gaps in the event record. That also means the officer must, amid the many sudden decisions to be made in critical moments, choose to activate the camera in the first place - a leap of faith in some situations, perhaps, and the target of critics who worry about the selective use of the cameras by police. And Williamson's bill correctly stipulates that all recordings would be the property of the law enforcement agency, not a third party hired to do so, safeguarding the public against contractors who might fail to recognize potential compromises to the personal privacy of innocent citizens. Who, if caught running nude from the shower during a domestic dispute, would want such footage to be released as a public document?

But that's where things get sticky. HB2571 would require that videos from police body cameras be exempt from public disclosure except under limited circumstances. While the bill is otherwise smart and should be adopted by the Legislature, its provision to keep the documents out of the public's review in most instances works against hard-won transparency provisions already in Oregon law and should be struck. The person caught running from the shower already enjoys protections against a damaging release.

The spirit of HB2571 aligns with actions underway in several other states. Arizona and Florida lawmakers, for example, have said they fear criminals could, using freedom of information laws, indiscriminately acquire police videos for uploading to the Internet only to extort those who are embarrassed and online. But that argument quickly falls apart: Several provisions already in Oregon law can be invoked to limit a document's release in the interest of protecting personal privacy or an ongoing criminal investigation. And it ignores the fact that detailed incident reports at the police station or videos captured by a police squad car's dashboard camera are public documents available for the asking.

Body camera videos are public documents and should be treated as such. To selectively withhold them is to address a problem that does not exist. Lawmakers should refashion the otherwise solid HB2571 to ensure body camera videos are readily available, passing the tests posed by so many exemptions on the books. The new law would then be a real gain in assisting communities in the complex task of having police officers reliably record their engagements with the public while bolstering their accountability as well as the public's.

The Portland Tribune

City gets ready to roll out parks bond cash, projects

*By Jennifer Anderson
March 27, 2015*

Portland Parks & Recreation is ready to get rolling with their \$68 million in voter-approved bond funds. The Portland City Council will consider an ordinance on Wednesday, April 1 to authorize its first issuance of up to \$29 million in general obligation bonds for the first phase of parks improvement work, to happen over the next two years.

The ordinance will also appoint an oversight committee for the parks bond projects, to include one appointee from each commissioner's office.

"Obviously, voters are aware Parks will watch their money carefully," Fritz says.

The schedule for the first phase of work will be fairly straightforward, Fritz says.

It will include 13 projects — most being urgent repairs like the mechanical systems at the Grant Pool and the Couch Park playground, which had to be closed due to safety issues.

That community has a discussion underway about whether they'd like to fundraise to build more than just a basic park.

Planning is also underway for repairs at Pioneer Courthouse Square. After the first phase of work, Fritz says about \$20 million will be left for projects in the second phase. A public engagement planning process for that would begin in fall 2016.

But there's still a huge gap in deferred parks maintenance, which Fritz says will be up for discussion during the city's budget process.

"We have a list of \$300 million in fixes that need to be made," Fritz says. "We definitely want engagement from the community to help prioritize what should be done in the second phase. By no means does this cover all the need."

Fritz says she's grateful to voters for recognizing the needs and supporting the parks whenever asked. "I think people understand we just need more funding," she says.

For more information, check the website <http://www.portlandoregon.gov/parks/65128>.

City grants boost NE neighborhood projects

*By Pamplin Media Group
March 27, 2015*

Six Northeast Portland community projects received grants this week through the Northeast Coalition of Neighborhoods.

The grants, approved March 17 by the coalition's board, provide \$2,000 for each project. The Northeast Coalition of Neighborhoods includes a dozen neighborhoods: Alameda, Boise, Concordia, Eliot, Grant Park, Humboldt, Irvington, King, Sabin, Sullivan's Gulch, Vernon and Woodlawn.

Portland's Office of Neighborhood Involvement provides funds for the coalition grants, along with the city's six other neighborhood coalitions.

The Northeast Coalition of Neighborhoods grants will fund:

- Know Your Rights Clinic, which will set up workshops for families of North/Northeast Portland students.
- Woodlawn Farmer's Market, to establish a farmers' market in the parking lot of Woodlawn School.
- Helping 500 boys and girls at eight schools develop skills to improve behavior and academic performance through the Chess for Success program.
- MLK Dream Run, a project of the North/Northeast Business Association to sponsor a 5, 10 & 15K USATF-sanctioned running event through the streets of North/Northeast Portland.
- Inside/Outside My Head, a Hair and Community in Black Portland project to use "hair workshops" to build community and provide a vision for the city's African American community.
- Vernon Gardens, a collaboration between the Vernon School PTA and community partners to design and build tables and benches for an outdoor classroom.

City's 'Ban the Box' proposal hits snags after hearing

*By Jim Redden
March 26, 2015*

Mayor Charlie Hales is appointing an ad hoc work group to address questions raised during the first public hearing on his "Ban the Box" proposal.

Hales wants the City Council to prohibit Portland employers from asking about the criminal backgrounds of job applicants until after they have made a conditional employment offer. The purpose is to reduce barriers to employment for those with criminal records, which is the goal of a national movement that Hales supports.

Hales made several changes to his original proposal in response to complaints by business organizations that the process could lead to lawsuits. Among other things, Hales replaced the right to sue employers in court with a city hearing procedure for applicants who feel discriminated against. And he exempted businesses with six or fewer employees from the restriction.

But other questions were raised during the hearing that could not be easily answered.

"The questions are process-oriented, not philosophy-oriented. We didn't hear folks say, 'Don't do this,' but we heard them say, for instance, 'Well, at temp agencies, there sometimes isn't a conditional-offer stage. How do we incorporate this?' " said Dana Haynes, the mayor's spokesman.

According to Haynes, the group will include staff members from the offices of the other council members, the city attorney's office, and representatives of business and labor organizations. Haynes believes it will work quickly and the proposal could return to the council in April.

At the beginning of the hearing, Hales said he planned to appoint such a group to assist with writing the administrative rules after the council approved the proposal. But Commissioner Amanda Fritz recommended appointing the group earlier. She talked about using one to work out problems in her

proposal requiring most Portland employers to provide paid sick leave to their employees before it was approved by the council in March 2013.

During the hearing, representatives of the Portland Business Alliance and the Oregon Restaurant and Beverage Association testified they supported the goal of the proposal, but felt it was constrictive. A representative of Brooks Staffing raised the issue of temporary employment agencies.

Hales' proposal prohibits employers from asking job applicants about their criminal backgrounds on application forms and during interviews. Employers could only conduct criminal background checks after they have made a conditional job offer. Employers could not refuse to hire someone simply because they have been convicted of a crime, but would have to consider the nature of the crime, how long ago it was committed, and the nature of the job to determine whether the conviction is relevant.

This process referred to as the "nature time nature" test during the hearing.

Under the proposal, anyone could complain to the city if they believe an employer is not conducting the test in good faith. A city hearings officer would contact the employer to determine when the applicant's criminal background first became an issue and whether the employer considered the nature and age of the crime in relation to the job. The hearings officer could not second guess the hiring decision if the test was conducted, but the could fine the employer \$1,000 for each violation if it was not done or conducted in good faith.

Hales' proposal has a number of exemptions. Employers can ask about previous convictions if applicants volunteer the information. And background checks can be conducted earlier for jobs that require them.

Hales says the proposal will require three-quarters of a full-time equivalent position to administer in the first year and he wants the council to approve \$500,000 for a program to educate job seekers and employers about it. The amount seemed high to Fritz, who thought only around \$50,000 was spent educating employers on the sick leave policy.

Sources Say: Hales can cross two names off list of mayoral rivals

*By Jim Redden
March 26, 2015*

Charlie Hales has two fewer potential re-election opponents to worry about. Oregon House Speaker Tina Kotek says she is not going to run for Portland mayor in 2016, and Commissioner Nick Fish tells the Portland Tribune he has no plans to run against Hales, although he did not rule out running for mayor if Hales unexpectedly does something else.

At the same time, Fish said he wasn't ready to endorse Hales, saying the mayor has not yet asked him for his support. Fish has been at odds with Hales over some of the mayor's priorities, including the proposed street fee and the reorganizing of the city's urban renewal district.

That still leaves state Treasurer Ted Wheeler as a potential opponent. Wheeler, who cannot run for re-election in 2016 because of the term limit on the office, has said he is keeping all of his options open for now.

Republicans think state no longer on track

Far more Oregonians believe the state is going in the wrong direction since the beginning of the year, according to recent polls taken by DHM Research.

The change has a partisan edge, however. Democrats feel about the same, despite the resignation of Oregon Gov. John Kitzhaber. But far more Republicans began feeling pessimistic about the future since Democrats increased their control of the Oregon Legislature.

The polls show that between September and December of last year, roughly 50 percent of Oregonians felt the state was going in the right direction and about 37 percent felt it was going in the wrong direction. But in February and March of this year, only about 40 percent felt the state was going in the right direction while 47 or so percent said the wrong direction.

A closer look reveals Democrats have not changed their minds, with the percentage of those thinking the state is going down the right road is still in the upper-60 percentages. The percentage of Independent Party and nonaffiliated voters who agree has only fallen slightly, from the mid-40s to the mid-30s. But the percentage of Republicans who think the state is headed in the right direction has tanked from the low 40s to the upper teens.

Age matters at the polls

Differences between younger and older voters were highlighted by DHM Research co-founder Adam Davis at the Oregon Republican Party's annual Dorchester Convention.

Among other things, 48 percent of voters between the ages of 18 and 30 are unaffiliated or registered with third parties. That's compared with only 17 percent of voters age 60 and older who are not registered as Democrats or Republicans.

Although there are a lot more younger voters, the older ones return their ballots at a much higher rate. In the November 2014 election, only 45 percent of voters between age 18 and 30 actually bothered to vote, compared with 80 percent of voters age 60 to 70.

But because there are so many more younger voters, the numbers were surprisingly close — 385,000 younger voters compared to 393,500 older voters. That suggests candidates who can motivate younger voters should do well at the polls.

City lauded for guiding growth; critics say honor is misguided

*By Jim Redden
March 26, 2015*

Portland has been honored for its work to increase citizen involvement in the draft Comprehensive Plan update process.

Land-use matters always generate controversy in Portland, however, and at least one vocal neighborhood critic is challenging the honor, claiming the city is not listening to residents who have problems with the Comp Plan process.

The state Land Conservation and Development Commission gave the Bureau of Planning and Sustainability a STAR Award for Citizen Involvement on March 12. The award recognizes organizations and individuals who have made exceptional efforts to actively promote and implement the values of the first of Oregon's land-use goals. It concerns citizen involvement, and reads, "To develop a citizens involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

State land-use planning laws require all cities to adopt a Comp Plan that guides future growth. Portland is updating its plan for the first time since the 1980s.

The update is staffed by the Bureau of Planning and Sustainability. It developed a process to increase citizen involvement that included mailings, meetings, and a help line with translation services provided in 10 languages. It also created two versions of a map-based online "Map App" that allows people to view and comment on current and proposed land-use plans throughout the city on their computers and smartphones.

"People were openly appreciative of the city's efforts. Different interest groups and communities expressed topics and concerns over an unprecedented range," reads a report prepared for LCDC's March 12 meeting.

But James Peterson, chairman of the Multnomah Neighborhood Association's Land Use Committee, says the award should be reconsidered. He and other MNA officials repeatedly have criticized the Comp Plan citizen involvement process, saying the BPS staff has continued to release reports and other documents related to the update after the final public hearings on it conducted by the Planning and Sustainability Commission that oversees the bureau. Peterson recently filed a public records request with the city

seeking emails between staff members and commissioners concerning the update that have not been released.

Four nominations were submitted to the LCDC for STAR Awards.

The other winner was the Center for Intercultural Organizing for its work on the Aloha-Reedville Study and Livable Community Plan. The two that did not win were the "What's Your Waterfront?" community engagement effort by the City of St. Helens and the "Plan the Heart of West Linn" effort by the city of West Linn.

The Portland Mercury

Hailing the Future

The Uber Discussion Has Raised an Overdue Issue: Equal Access

By Shelby R. King

March 25, 2015

WHEN SUE STAHL reserves a ride with a local taxi company, she often waits hours for pickup.

Dependent on a rolling walker/wheelchair to help her get around, Stahl calls for one of Portland's limited supply of vehicles compliant with the Americans with Disabilities Act (ADA). For Stahl and other Portlanders reliant on the specialty fleet, patience is a must.

"It's not uncommon to see wait times between two and four hours," says Beth Kaye, coordinator for the city's Disability Equity Program. "It's unbelievable. It's second-class service."

This has been the case for years. But now, as Uber and other so-called "transportation network companies" prepare to enter Portland—bringing with them concerns over handicapped accessibility—the city's finally paying attention.

Stahl is a member of Portland's Private For-Hire Transportation Innovation Task Force—a stakeholder group convened by Transportation Commissioner Steve Novick to review and evaluate regulations for cabs and incoming companies like Uber.

Portland City Code currently requires that 20 percent of cab companies' vehicles offer storage for wheelchairs, and comply with other standards for accessibility set by the ADA. At a moment when cabbies are insisting Uber and others play by the rules, that's a potential sticking point: Since Uber doesn't have a fleet of its own to regulate, it may be impossible to make the same requirement.

As part of its work, the task force is brainstorming options to avoid giving ride-share drivers an unfair competitive advantage by not paying for expensive ADA-compliant vans. And at a March 19 meeting, the group tossed around a possibility that would allow Uber to essentially hand off code requirements: Ride-share drivers could opt to contract with companies that own ADA-accessible vehicles, passing riders along to them.

It's potentially a start, but Stahl says it isn't enough.

"We're talking about basic civil rights here," she said at the meeting, in an admonition that got audience applause. "With all due respect, we're doing 20 percent now and it's not working... this is a huge issue with the community, with transportation, and with society."

Long wait times are an old problem, says Bryan Hockaday, a spokesman for Novick's office. He says the 20 percent requirement is an imperfect solution.

"We've known since 2012, when we did a study of for-hire transportation in Portland, that there are a lot of issues that need to be addressed," Hockaday says. "The 20 percent, from everything I know to be true, is a pretty arbitrary number."

Stahl says it's "time to change our way of thinking and start focusing on response times."

At the meeting, she introduced a new report issued by Lewis and Clark Law School students who studied more than 100 jurisdictions that are either already regulating, or considering how to regulate, web-based services that connect drivers with fares—like Uber.

The report suggests allowing taxi and ride-share companies a 24-month period to determine and correct the disparity in response times between non-handicap and handicap ride requests. If any company fails, the group suggests the city yank its business license.

"We propose a heavy penalty for non-compliance: a 12-month suspension of the offending company's license to operate in the city," the report says. "License suspension is a more effective enforcement mechanism than a financial penalty that may incentivize larger and more financially secure companies to 'pay-away' their offenses."

The report also suggests allowing ride-sharing companies to contract with existing companies that already own ADA-accessible vehicles—something cabbies oppose.

Wynde Dyer, a driver with Green Transportation, worries that the ride-share companies would get an unfair advantage by not having to invest in expensive specialty vehicles, and by saving money on gas by operating only economy cars.

"It's a federal regulation," she said. "How would it be if someone opened up a new restaurant downtown and said, 'I don't want to put in wheelchair ramps, but I'll pay this other restaurant owner some money and they can go there?'"

For now, answers are months off. Uber has agreed to stay out of Portland until April, and the task force is scrambling to make some decisions before they take to city streets. Those initial recommendations won't solve the ADA inequity. Hockaday says the committee plans to arrive at an answer by July.

Hall Monitor

Coming Soon: Right 2 Dream Too—East?

By Dirk VanderHart
March 25, 2015

TRENA SUTTON had gone to Mayor Charlie Hales' offices to ask the usual questions.

It was Monday, March 16, and Sutton, a longtime advocate for the homeless on Portland's eastern fringe, wanted to talk about the camping sweeps that have become commonplace—along with campers—on the Springwater Corridor trail.

She also took up a timeworn refrain: that East Portland needs to have a dedicated outpost for an ever-growing homeless population.

"I'm doing my usual begging, but I can be very tough," says Sutton, recalling the meeting. That's when Josh Alpert—a key aide to the mayor on homeless issues—surprised her.

At a time when officials are still struggling to find a new home for homeless rest area Right 2 Dream Too, Alpert said Portland might have room for a second, similar site. He even had a piece of land to suggest—an undeveloped plot near SE 52nd and Woodstock.

"We know we need to really figure something out," says Alpert, confirming Sutton's version of their recent meeting. "It's truly Lord of the Flies out there, and numbers are swelling."

It's the first time we've heard acknowledgment from Mayor Charlie Hales' people that the R2DToo model—lauded for the discipline and stability it offers to those seeking a path out of poverty—should maybe be expanded in Portland. And while similar talks have gone on behind the scenes in the last year, this latest one's got legs.

And challenges.

The proposed property, which Alpert wouldn't give specifics on, fell into his lap only recently. An Oregonian reader saw an article about the difficulties of relocating R2DToo, and offered up the land for sale.

But Woodstock may as well be Antarctica, as far as the rest area's reliable core of downtown social services is concerned. The group passed, Alpert says.

Sutton, initially hearing Alpert's suggestion, had similar qualms. The people she advocates for live nowhere near the Woodstock property. They camp in out-of-the-way places, and congregate at the Clackamas Service Center, a meal provider close to the Springwater and nearly three miles southeast of the proposed site.

"It's kind of like scorched earth," she said of the Woodstock property days after her meeting with Alpert. "My people don't have any money for bus passes."

But now she's not so sure.

Since Alpert suggested the plot, Sutton's discussed the idea with some of her regulars. At a time when campers are being swept off the Springwater more quickly than ever, she says there's a sentiment that maybe the Woodstock location's viable.

"It's a far piece, but that's okay," she said on March 24. She'd left Alpert a message the night before to talk more seriously about the deal, and was hoping to put together an agreement with TriMet that might offer short-term subsidized bus service to the site.

There's a lot still in the air, yes, but it's also the most solid possibility East Portland's homeless have had in a long, long time.

The theoretical rest area even has a name—a tribute to the curt NIMBYism that tends to follow such efforts around town.

"We're going to call it 'My Backyard,'" Sutton says.

Mayor Charlie Hales' Wonky Redevelopment Tweaks Have Been Delayed Again. That's Good For Affordable Housing Supporters.

*By Dirk VanderHart
March 25, 2015*

Mayor Charlie Hales' plans to shake up redevelopment in this city have been put off once again.

In a set of tweaks introduced last year, the mayor proposed altering the city's Urban Renewal Areas—special pockets of the city taken off the normal tax rolls so that money can be spent on projects within their bounds. URAs have been successful in eliminating blight in areas like the Pearl District. They're also sometimes criticized—by Hales and others—as policy-makers' ATMs.

Hales' plans—changes to six of the city's 13 URAs—have drawn lengthy testimony and testy interactions on city council, but they've yet to come to an actual vote. That was supposed to happen this morning, after commissioners hashed out a set of amendments two weeks ago.

There wasn't a vote, though, and the reason should be welcome news to advocates of affordable housing.

Council held off because of a resolution Commissioner Nick Fish plans to introduce tomorrow, involving a potentially controversial district that encompasses the South Waterfront. The mayor's proposal would expand that "North Macadam URA," and the Portland Development Commission—after some wobbling—has pledged to build 200 units of affordable housing (priced at 60 percent or less of median family income, by the PDC's lights) at one of its properties.

But advocates have argued a more-substantial commitment is necessary. Fish's resolution offers one up. Sources say it would direct the Portland Housing Bureau and the PDC to buy at least one acre of land for another affordable housing development within the next eight years.

The move would help Portland meet a goal it set more than a decade ago for affordable housing in the North Macadam district: 166 units priced at a maximum of 30 percent of median family income.

That's a small part of nearly 800 price-controlled units that are supposed to pop up in and around the South Waterfront—plans that have taken a backseat to luxury development. Here's a table of aspirations the city released in 1999, not remotely close to reality today.

1999 Framework Plan Subsidy Assumptions for Affordable Units

% of MFI	Affordable		Total	Subsidy Projections	Per Unit Funding*
	Rental	Ownership			
0-30%	166	0	166	\$7,140,461	\$43,015
31-50%	211	0	211	\$8,019,828	\$38,008
51-80%	205	0	205	\$4,703,592	\$22,944
81-100%	129	43	172	\$2,977,374 & \$1,208,2100	\$23,080 & \$28,098
101-120%		34	34	\$950,535	\$27,957
TOTAL	711	77	788	\$25,000,000	

*Based on analysis of PDC's housing portfolio

Anyway, Fish's resolution, along with the rest of the changes, will come before City Council next week. It looks like we might finally see a vote on the mayor's proposals.