

The Oregonian

Former Charlie Hales staffer suing city of Portland, ex-chief of staff Gail Shibley

By Andrew Theen

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Cevero Gonzalez, a former executive assistant to Portland Mayor Charlie Hales, is suing the city and Gail Shibley, Hales' former chief of staff, accusing them of harassing and discriminating against him because of a disability.

Gonzalez is seeking at least \$350,000 in emotional and economic damages.

The 51-year-old filed the lawsuit Tuesday in U.S. District Court alleging that Shibley and the city harassed and discriminated against him before and after learning of his disability. He identified his disability, in a complaint filed with the state in 2014, as being HIV-positive.

Shibley, in an email Wednesday, described the lawsuit as "specious and groundless."

The lawsuit is the latest development in a workplace dispute that dates to January 2013, days after Hales took office.

According to the lawsuit, Gonzalez disclosed his disability to Shibley and fellow staffer Rachael Wiggins only after months of pressure and questions about his use of a TriMet Honored Citizen pass. Seniors and people with physical or mental disabilities are eligible for the pass, which costs less than a regular pass and ensures access to priority seating.

After disclosing his condition, Gonzalez alleges, some of his work duties were shifted to Wiggins and other employees, and he "was not afforded additional leave that other employees received." He also was no longer asked to participate in policy meetings and "treated hostilely" by Shibley.

Shibley left Hales' office in July for an executive position with the Oregon Youth Authority.

She described Gonzalez as a disgruntled former employee whose previous complaints produced no findings of wrongdoing.

"His whole effort seems surely motivated by either personal animus or desire for money," Shibley said in an email. "Unfortunately, this forces me to have to consider my legal options to defend my proud, well-known and longstanding reputation as a champion for non-discrimination in all forms."

Shibley was Oregon's first openly gay legislator. She worked for decades in the federal and state governments before joining Hales' staff.

Gonzalez, who also worked for former Mayor Sam Adams and currently works for the Transportation Bureau, didn't respond to a request for comment. Andrew Teitelman, Gonzalez's attorney, also declined to comment.

In January 2014, Gonzalez filed a complaint with the state's Bureau of Labor and Industries against Shibley, the city and the city's human resources director regarding the TriMet pass issue. The Oregonian/OregonLive and other media outlets did not name Gonzalez at the time.

Gonzalez's attorney withdrew the complaint the following May and filed a tort claim against the state labor board alleging that the agency had caused Gonzalez "serious harm" by disclosing his name. A judge dismissed the entire case against the agency this summer.

The Portland Tribune

City tackles master plan for off-road bikes

By Steve Law

August 27, 2015

There's an informal truce in effect between mountain bikers and Portland officials, while the city creates a master plan for expanding off-road biking opportunities in town.

But now comes the hard part: Plotting new mountain biking paths within city parks and other natural areas that don't disturb nature — or arouse conflicts with hikers and other park users.

Mountain bikers, who are growing increasingly vocal and numerous in Portland, were enraged in 2010 when Portland Parks & Recreation decided against adding mountain biking trails in Forest Park. They grew livid on March 2, when Commissioners Amanda Fritz and Nick Fish abruptly banned mountain biking in River View Natural Area, which, with seven miles of dirt trails, was the city's best mountain biking spot.

Mountain bikers say they can't fathom why the commissioners would pull the plug on a trail-planning process under way on the 146-acre natural area, purchased in 2011 from River View Cemetery. But Fish and Fritz's March 2 letter may provide a clue: They announced a ban on mountain biking there until Portland completes a comprehensive master plan for off-road biking facilities in the entire city. The plan would cost \$350,000 and, by the way, the letter noted, "community advocacy will be necessary to encourage the mayor and Council to fund this request."

Voila!

In three months, a \$350,000 project the Parks Bureau had previously been unable to fund got the green light. Mountain bikers initially opposed the call for a master plan, but some came around to support it.

Mayor Charlie Hales asked the Planning and Sustainability Bureau, under his direction, to take charge of the plan instead of the Parks Bureau, under Fritz's authority.

His bureau assigned the task to Michelle Kunec-North, an avid bicyclist who does cross-country, racing, short-track and cyclocross.

Where will paths go?

The master plan will map out potential sites for off-road and mountain biking that are sensitive to environmental protection and connect with existing bike routes, Kunec-North says. It won't be just narrow dirt mountain biking trails, known as single-track, she notes. The city wants to

foster off-road trails for people of all ages and abilities, including children. Some might be entry-level trails with little elevation gain. There also might be a “pump track” or skills center, where riders can pedal up and down bumps like a mogul run for downhill skiers, and work on sharp turns and other maneuvers.

No properties will be totally off-limits, Kunec-North assures. “We do want to look at Forest Park; we do want to look at River View.”

Other potential close-in sites include:

- Gateway Green, a budding park in East Portland’s Gateway neighborhood where organizers hope to create an off-road biking mecca.
- Powell Butte, another East Portland park that already includes several gravel and dirt trails.
- North Tualatin Mountain property north of Forest Park owned by Metro
- Oregon Department of Transportation property between Barbur Boulevard and I-5
- Red Electric, a rail-to-trails project parallel to the Beaverton-Hillsdale Highway in Southwest Portland
- A North Portland greenway that parallels the Willamette River

Kunec-North has been holding meetings to gauge peoples’ interests and ideas around town. By fall, the city hopes to award a \$200,000 contract to a consulting team that will take on much of the task, including a needs assessment, evaluation of specific sites and mapping. Hopefully, a plan and map will go to the City Council for approval after a year’s work, Kunec-North says.

An Oregon State Parks and Recreation survey found that about 11 percent of Multnomah County residents had done some form of off-road biking in the past year, Kunec-North says. That was more than the share who played basketball, football or soccer during that time. “It was twice as high as skateboarding.”

Rob Sadowsky, executive director of the Bicycle Transportation Alliance, didn’t even try mountain biking until three years ago, when he pedaled atop Powell Butte.

“I went from zero to fun in like 15 seconds,” Sadowsky says. “If it gets people out into nature, and appreciating the nature we have, I don’t see anything but good coming out of this.”

Mountain bikers say they

really want more trails in town that they can bike to, rather than having to drive for an hour or more out of town.

Conservationist views

But environmentalists are concerned that mountain biking can erode the habitat values in places like Forest Park and River View.

“There’s some areas that are so sensitive that you probably don’t even want pedestrian trails, let alone mountain biking trails,” says Mike Houck, director of the Urban Greenspaces Institute and a member of the Portland Planning and Sustainability Commission.

Houck recently complained when he saw a video of people biking on Ross Island posted on BikePortland.org, a popular blog. “We’ve got a great blue heron colony there,” Houck says, and that’s one of the reasons biking is banned there. Bike trails shouldn’t be allowed in places that cross streams and mar wetlands or other important habitat, he says.

Houck often leads biking, hiking, kayaking and birdwatching trips, and is concerned when he sees rogue mountain biking trails forged in sensitive natural areas. “People desire to go somewhere, so they just make their own damn trails,” he says.

Houck also has witnessed user conflicts on the trails, including a time when a trio of mountain bikers on Powell Butte nearly ran over a group of senior citizens he was leading on a birding walk.

Despite such concerns, Houck says he can envision appropriate mountain biking trails on the “periphery” of Forest Park and River View, so wildlife isn’t too disturbed.

Bob Sallinger, conservation director for the Audubon Society of Portland, says mountain biking is just one of many pressures on natural areas that the city needs to be concerned about, along with off-leash dogs, geocaching, weddings and other public events.

“There’s a steady stream of requests for using these areas. You load too much into a natural area and it ceases to function for the purpose we set them aside for.”

Sallinger also is concerned that political pressure from mountain bikers doesn’t rob from Parks Bureau spending in parks-deficient East Portland.

Nevertheless, Sallinger says Audubon wasn’t opposed to allowing some biking at River View, and he has observed “awesome examples of mountain bikers doing stewardship” to protect natural areas where they bike.

Mountain biker views

Mountain bike activists resent being stereotyped as rogue cyclists who tear up natural areas and do as they please.

“You can point to rule-breakers in every community,” says Kelsey Cardwell, board president of the Northwest Trail Alliance, a Portland-based group that has more than 1,000 members.

“We’re rule-abiding, and we want to ride on trails that are legal,” Cardwell says.

Volunteers from the Northwest Trails Alliance developed the family-friendly EasyClimb Trail at the Port of Cascade Locks. The International Mountain Biking Association partnered with the U.S. Bureau of Land Management to build the more challenging Sandy Ridge mountain bike trail network near Sandy. Bridges were built there to protect Sandy River tributaries, says Matthew Weintraub, a Portland resident who serves as Pacific Northwest associate regional director of the International Mountain Biking Association, which has about 1,300 Oregon members.

The city's arbitrary closure of River View, which was used by mountain bikers long before the city bought the property, did breed discontent, advocates say. And the city's reluctance to add trails to Forest Park may have spurred people to develop a rogue trail there several years ago.

But adding formal trails will cut down on such activity and protect the environment, Sadowsky maintains. "If you've got a trail system, people will use it. They're not going to go off-trail."

Mountain biking groups can actually help serve to "police" activities that may harm their cause, Sadowsky says.

Advocates say trails can be designed to protect the environment and reduce conflicts, through vegetation clearing, speed controls, proper lines of sight, signage and other devices.

"Forest Park is full of existing trails that have been built with nature in mind," Cardwell says. "It's something that can be done."

But serious mountain bikers prefer to pedal on exciting single-track trails where they can go fast and don't have to share the trail with hikers.

"I think that's going to be a challenge," Kunec-North says. Some places around the country address that by designating some trails for pedestrians on certain days and for bicyclists on other days, she says.

And the earlier conflicts among users at Powell Butte have largely disappeared, Houck and Sallinger agree.

For now, mountain bike advocates are getting behind the master-planning process, though they realize it will take years to get some of the routes funded and built, Cardwell says.

Still, the issue remains politically sensitive. Fish declined to comment for this story.

Fritz didn't return a phone call seeking comments.

Portland Building options costly

By Jim Redden

August 27, 2015

The City Council inched nervously closer to renovating the aging Portland Building during a Tuesday morning work session. The council did not approve the project, currently estimated at \$175 million, but received a briefing that other options are more expensive.

Project advisors said the council has to do something about the city office building because rain is leaking in and it does not meet current earthquake standards. Constructing a new building would cost \$220 million or \$320 million, depending on where it is built. However, the \$175 million estimate is far from final, the council was told. It could cost more, depending on what additional research uncovers.

The council did not set a deadline for making a decision, but indicated it will be made sooner rather than later. At the same time, other future financial obligations include cleaning up the Portland Harbor Superfund site, renovating the Memorial Coliseum and buying the downtown U.S. Post Office.

The Portland Mercury

Sudden Safekeeping

The City's Finally Giving Homeless People a Place to Put Their Things

By Dirk VanderHart

August 26, 2015

AS THE CITY loses ground in its long battle with homelessness, Mayor Charlie Hales' office is looking to *The Wire* for inspiration.

Hales and other officials on August 20 announced a project advocates say has been sorely needed in the city for years: two new outposts—one on each side of the Willamette River—where members of Portland's growing homeless population can store their things during the day.

It's not a new idea. Portland's funded similar short-term storage in the past, and cities like San Diego and Vancouver, BC, have well-regarded systems for letting houseless people keep their valuables safe from theft or confiscation while they look for work or housing. Yet it was from the now-classic HBO police drama that Hales' staff pulled its latest proposal.

"What I had in my head as we were conceiving all this was *Hamsterdam*," says Josh Alpert, the mayor's chief of staff and point person on homelessness.

At first blush, it's a dicey comparison. "*Hamsterdam*," in the world of *The Wire*, was a cluster of abandoned Baltimore row houses where police allowed chaotic drug activity to carry on unabated—driving down crime in other parts of the city and giving social services easy access to people in need.

"Not the drug use," Alpert clarifies. "If we have services we know people will want, they will come there. These will get filled every day, immediately."

Pretty much everyone agrees day storage is overdue at a time when Portland's losing the fight against homelessness. A count earlier this year—an imperfect instrument that is nonetheless the best tool the city has—found the number of homeless people had risen roughly four percent since 2013. The count carried out in 2013 found a 10 percent increase over 2011.

All told, the best guess is there are nearly 2,000 people sleeping outside on any given night in Multnomah County.

"We could do almost unlimited storage," says Tony Bernal, development director at Transitions Projects, one of the city's leading housing providers for the destitute. "These are people's belongings, the only things they have, and they've got no security for it."

What little temporary storage exists for Portland's homeless is laughably insufficient. Transitions Projects has 100 lockers at its day center in Old Town's Bud Clark Commons, provided since the building opened in 2011. Those lockers have been full since day one, meaning people are constantly being turned away.

A center operated by the homeless outreach organization JOIN in Northeast Portland has 50 lockers. They're also constantly full, says Executive Director Shannon Singleton.

The new proposal—a six-month pilot project that might be ending, conveniently, right around the time the mayor's making his strongest pitch for re-election—will nearly double the capacity at those two centers. Alpert says the city's wrangling two shipping containers that will accommodate up to 65 people's belongings apiece, and sit beneath the Burnside Bridge and somewhere in the Central Eastside.

Beginning in October, the plan will allow people to drop off their things from 6 am to 7:30 am, and pick them back up between 4:30 pm and 6 pm. (Items that aren't collected, worryingly, would be sent to the same remote storage space off SW Barbur where items swept up in campsite cleanups are kept.)

"Watching belongings hinders people's ability to go to work, look for a job, go to medical appointments, or do other things during the day," reads a handout the mayor's office gave to media.

The Hamsterdam comparison revolves around the amenities Hales says will be available once the storage attracts people. The city's planning lighted restrooms, trash disposal, containers for used needles, and "information kiosks" with details on available social services.

The city says the program will cost roughly \$84,000 to run for six months. The mayor's office hasn't identified ongoing funding for the storage—or another newly announced plan that will spend nearly \$1 million trying to get 50 of the city's most entrenched campers into housing—so there's no telling if this is going to be a flight of fancy.

Hales' announcement last week was met with a mixture of enthusiasm and skepticism—the former from people who work closely with the homeless, the latter from people who want the city to focus its resources on affordable housing. After all, while they may be needed, Portland's Little Hamsterdams are likely to offer cosmetic fixes more than actual progress.

"It's something that's very important and will be used," says JOIN's Singleton, "but it's also not going to end anybody's homelessness. We need immediate solutions, but we also need housing."

Hall Monitor

Ban the Box, Banned?

By Dirk VanderHart

August 26, 2015

BACK IN MARCH, I would have sworn the job prospects for ex-convicts in Portland would be the sunniest in the state by now.

At the time, Mayor Charlie Hales was raring to push through a new "ban the box" policy he'd talked up for months. The law Hales had in mind would have strictly limited most employers' ability to ask about criminal records until after they'd offered someone a job.

The mayor was so enthused that he pressed his city council colleagues to push through the policy despite their lingering qualms—the fine points of the law could be worked out later, he

said. Then he reversed, backing off in the face of outcry from business groups ["Understand the Box," News, April 1].

Now, half a year later, it seems distinctly possible Portland won't take up the policy at all. That's a shame.

Sure, state legislators just pushed through their own form of "ban the box"—the shorthand given to the sorts of laws that eliminate the checkboxes on job applications asking about criminal history. That means ex-convicts in Portland are already somewhat shielded from the sort of inquiries that can lead to early and unfair stereotyping.

The problem is: Lawmakers balked at the same arguments from business groups that wore down Hales in March. The legislation that goes into effect January 1 is a dilution of the law that advocates like the Urban League of Portland and National Employment Law Project say is necessary.

The most important difference comes down to when employers may ask about a record. Under the state law, inquiries about your criminal past have to be left off an application, but there's nothing stopping employers from making it the very first question out of an interviewer's mouth. That makes it a lot harder to get an unbiased picture of a job candidate.

The policy Portland was floating in March would have pushed questions about criminal record until after the interview process, to when a conditional offer was made. The possibility infuriated the Portland Business Alliance (PBA) and Oregon Restaurant and Lodging Association (ORLA), but it's considered by advocates to be the strongest possible protection against unfair consideration.

This thing has eaten up plenty of city resources. Following the March hearing, city staffers spent untold hours in a special workgroup to tweak the law, and Hales' office finally put the proposal on the August 19 city council agenda. Then it disappeared.

"This is a little murky now," says Josh Alpert, Hales' chief of staff. There are uncertainties about how to enforce a Portland-only law, he says, though the Oregon Bureau of Labor and Industries says it'd be happy to do so. And there are the continued protestations of the PBA and ORLA, neither of which responded to my requests for comment. "We're just trying to take all that into account," Alpert says.

But others in city hall say the issue's not likely to re-emerge any time soon, which— again—is a shame.

"What I'm hearing is let's test drive [the state law] and see if it changes things for the better," says City Commissioner Nick Fish. "The city took the lead and forced a statewide conversation."