

The Oregonian

Nick Fish and a broken promise: Editorial Agenda 2016

By The Oregonian Editorial Board

April 12, 2016

A few weeks ago, we wrote about Lents residents Robert Culver and Michael Cummings, who in 2009 reluctantly agreed to sell their house near Johnson Creek to the city of Portland with the assurance that they'd enjoy continued access to the site with their dogs. Nonetheless, the city told them a few years later to take their dogs elsewhere. Promises, schmomises.

Culver and Cummings could use an advocate on City Council, and the obvious candidate is Nick Fish, who oversees the bureau that owns what is now known as the Foster Floodplain Natural Area. Fish did, in fact, become very angry after reading our editorial about the city's dog-walking switcheroo. Unfortunately, he wasn't angry about the treatment his constituents had received. He was miffed at us. More about that below.

First, some background. The city bought a number of properties near Johnson Creek several years ago in order to prevent flood-related problems. The fact that Culver and Cummings agreed to sell their home "voluntarily with this very modest accommodation," former Mayor Sam Adams told The Oregonian/OregonLive editorial board via email last month, "saved City ratepayers tens of thousands of dollars: We avoided a costly court case using eminent domain."

A few years later, however, the city decided to ban all dogs from the Foster Floodplain Natural Area — including Culver's and Cummings'. The promise of continued access both they and the former mayor remember well apparently counts for nothing.

"BES staff does not recall making such a commitment," Bureau of Environmental Services director Michael Jordan wrote in a memo to Fish last July.

And Culver and Cummings, notwithstanding Adams' affirmation, have little leverage because they chose to trust officials to keep their word rather than insisting that the city guarantee continued access in writing.

They're not likely to make that mistake again.

As a result, Culver and Cummings may not use the paved path that runs from their neighborhood across the floodplain and connects, via a controlled crossing of busy Southeast Foster Road, to the Springwater Corridor — at least if they want to do so in the company of dogs. In that case, they're expected to use a roundabout route that includes an unmarked crossing of Southeast 112th Avenue, which is also quite busy. So much for Portland's commitment to pedestrian safety.

This is where a commissioner in Fish's position would get mad on his constituents' behalf. Instead, as he explained in a letter to the editor, Fish got mad at us for writing that Jordan's memo characterized Culver "as a pest and a crank." Not only did Fish fail to exhibit even a shred of sympathy for Culver and Cummings, but he dismissed Cummings' agitation as a "dispute with the city over the no-dog policy at Foster Floodplain Natural Area." In fact, Cummings' dispute involved a broken promise. Fish ignored the central issue entirely.

Fish still has an opportunity to do now what he didn't do then — stick up for his constituents — and honor a promise confirmed by a former mayor. To his credit, he told us via email that he spoke with Adams on April 4 and "discussed a number of options." Fish was, he wrote April 6, "doing some follow-up" and promised to call early this week. But when we touched base with him Monday, he responded curtly that he had "nothing new to report today" and ignored a follow-up email asking whether he'd be available to talk at any point this week. Hmm.

Here's hoping Fish was too busy figuring out how to patch things up with Culver and Cummings to respond. There are two reasons for doing so. The first is to live up to a commitment. The second is to affirm the city's trustworthiness. A number of letter writers and commenters have said Culver and Cummings should have required the city to guarantee access in writing, and in retrospect they should have. But what should Portlanders think about a city that ignores a commitment that may have helped it save money when living up to it becomes inconvenient — and when plausible deniability exists?

"Trust" and "good faith" aren't words that come to mind.

The Portland Tribune

Portland: Smart City, USA

By Shasta Kearns Moore

April 12, 2016

A city the size of Portland is almost like its own living organism: It has arteries of traffic, multiplication of buildings, and the respiration of buying and selling.

But could it also have a brain?

That's the new challenge that cities across the nation are scrambling to meet as technology described as the Internet of Things makes it possible to have "smart cities." The automation, sensors and data analysis could have huge impacts on citizens' daily lives in coming decades.

Imagine having a single smartphone app that would show you the fastest or most affordable route across any form of transportation — TriMet, Uber, bikeshare, car, walking, or a combination thereof — in real time.

Imagine walking alone at night and being able to shout "Help!" to a microphone in a lamppost and have a police car automatically routed to your location.

Imagine streets that could self-report potholes, or car crashes, or unusually high levels of air pollutants.

These are all dreams of the future, kernels of ideas that could be possible thanks to a new computer lab and data center being installed at Portland State University. Called FIWARE — for "Future Internet"-ware — this is the first time the open-source technology used all over the European Union for its smart cities will appear in the United States.

FIWARE is basically a group of standards, a platform for creating applications that would power a smart city. With it, nonprofit groups, private businesses, or teenagers in their garages can begin to build software that takes advantage of all the data being collected all around us. With

the open-source and widely used FIWARE as the parameters, these ideas could then scale up across the nation and the globe.

“There is a very large potential market,” says Portland State University research professor Wilfred Pinfold, who is leading the FIWARE Lab project. “Portland is incubating some very interesting businesses in this space. And not only at the big level, the Intel level, but all the way down to the start-ups.”

Pinfold believes that technologists and city planners are on the cusp of something as big as the Internet, mother of Google, Amazon and Facebook.

“Something of the similar ilk is going to happen, and right at the heart of that is smart cities,” he says. “This same opportunity is here, and as a city we want to be able to take advantage of it.”

Smart Cities Challenge

Portland is a leader in this arena, jockeying with only six other cities in the final round of a \$50 million prize to become the nation’s first federally funded Smart City.

Skip Newberry, head of the Technology Association of Oregon, says the push to develop standards for smart city technology began about a year and a half ago.

“The standards that would be established as part of this work could really position Portland as a global leader in this space,” Newberry says. The idea of the federal grant process, pushed by the Obama administration, was to bring a lot of players to the table to create a common language.

“The cities will start to come together and say: Here are some emerging standards. Private companies will then follow the needs of the cities,” Newberry says.

There are several possible ways the standards could still go in this country, but FIWARE seems to be leading the pack so far.

“FIWARE has already received considerable investment in Europe and has the advantage of not being tied to a particular company that may be more interested in sales than service,” Jonathan Fink, vice president for research and strategy at Portland State University, says in an email.

“Having Portland as the first U.S. city to implement FIWARE gives us some first-mover advantages in the highly competitive world of integrating big data with urban services.”

With the new FIWARE lab, Portland has also bolstered its position in the federal grant process called the Smart Cities Challenge. The U.S. Department of Transportation has put up \$40 million with billionaire Paul Allen of Microsoft fame offering another \$10 million. The city is one of seven finalists, with the final round of plans due May 24.

John Brady, spokesman for the Portland Bureau of Transportation, says even if the city doesn’t win, the process of bringing together stakeholders for its grant proposal has already catalyzed change.

“It’s fantastic in that respect,” Brady says. “The hope is, win or lose, we’re really laying the foundation for future collaboration.”

If they do win the \$50 million jackpot, PBOT’s proposal is to build a “personal mobility platform” currently called UB Mobile PDX. The idea is to take all the different forms of transportation currently available in Portland and mash them into a single app that will

calculate the best way to get from point A to point B, whether that's through TriMet, Uber, Lyft, driving, walking or biking.

The way to integrate all of that in a common network would be through Portland's FIWARE.

Surveillance state?

But as with any new technology, the potential for unintended consequences also exists. Critics of FIWARE say the technology could lead to a powerful government surveillance system and omnipresent law enforcement.

Pinfold, who is leading the new PSU lab, says the safeguard against that is to simply keep a priority focus on what the people of Portland want and what they don't.

"It's a matter of getting it right, and getting it right means we have to do what the people in Portland want us to do," he says, noting that technologists often don't understand cities in the way that city planners do — that they are a series of communities and neighborhoods. Solutions have to be unique because neighborhoods are.

"We think the (FIWARE-based) services need to be available really at a community level," Pinfold says.

He says the new PSU lab also will include a "decision theater" that will help developers play with the data and see what's possible.

"When we talk about changing Portland," he says, "it's really about enhancing the things we love about Portland."

Willamette Week

Portland Auditor Wants to Slow Down City Hall's Revolving Door

*By Beth Slovic
April 12, 2016*

Portland's elected auditor, Mary Hull Caballero, wants to toughen the city's restrictions on city officials who leave their jobs, then become lobbyists at City Hall.

Right now, former city bureau directors, elected leaders and at-will employees of elected leaders face a one-year ban on lobbying their old bosses or colleagues. But there's an asterisk on that rule. The one-year ban applies only to subject areas the former city employee addressed "personally and substantially" while in city government.

That's a standard that's hard to police, says Deborah Scroggin, an administrator in the auditor's office who runs Portland's 10-year-old lobbying registration program. "If the intent of the program is to preserve public trust in government," says Scroggin, "we need to keep making the program as effective as possible."

A proposal the City Council will hear Wednesday, April 13, would extend the ban to two years and make it apply to any subject—not just those in which a former employee was directly involved.

Already the proposal is facing opposition, notably from the office of Mayor Charlie Hales, whose employees will soon be job-hunting.

Here are three examples of city employees whose later lobbying activity would be banned under the new rules that Caballero and Scroggin propose.

Ken Rust

What he did: Rust, then an 18-year veteran of Portland government, left his job in summer 2011 as Portland's chief administrative officer.

Where he went: In fall 2011 and winter 2012, he lobbied the city on behalf of an outfit called Columbia Biogas, which sought (but did not get) city funding for a privately operated green-energy plant in the Cully neighborhood. City attorneys ruled Rust violated no rules because he had not been involved "personally and substantially" in any deal with Columbia Biogas while he was a city employee. Rust returned to city government as chief financial officer in 2014.

What he says: Rust declined to comment.

Raihana Ansary

What she did: Ansary worked as a policy coordinator on economic development issues for then-Mayor Sam Adams for more than two years, until Adams left office in December 2012.

Where she went: In March 2013, she became a lobbyist for the Portland Business Alliance.

What she says: "Under the city's existing ordinance, I was prohibited from lobbying on issues that I had worked on in Mayor Sam Adams' office for one year after my employment ended with his administration," Ansary says. "We were scrupulous in following this rule, and I excused myself from alliance meetings with Portland City Council members if issues that I had previously worked on in the mayor's office arose in conversation."

Mike Reese

What he did: Reese retired as Portland police chief in January 2015.

Where he went: In January 2016, he became interim director of the Citizens Crime Commission, a nonprofit arm of the Portland Business Alliance that advocates for public safety on behalf of businesses. Reese is now a registered lobbyist for the organization. The new rules would bar him from lobbying until 2017, although some critics of the proposal would like to exempt nonprofits.

What he says: Reese said he had not read the proposed changes and had no comment.

Portland Will Pay \$25,000 to Settle Lawsuit by Former Aide to Mayor Charlie Hales

By Beth Slovic
April 11, 2016

The Portland City Council this week will vote to settle a pending federal lawsuit by a former aide to Mayor Charlie Hales who alleges that Hales' former chief of staff, Gail Shibley, pressured him into revealing he was HIV-positive, then verbally harassed him because of his illness.

WW, which first reported the allegations in 2014, is declining to name the ex-employee to protect his medical privacy. He filed the lawsuit in 2015.

If the City Council approves the settlement agreement on Wednesday, Portland will write a check for \$25,000 to the ex-employee's attorney to cover legal bills and other costs.

The former aide had sought \$350,000 in damages.

Documentation from the city shows Portland officials thought it would be cheaper to settle.

"The claim has been investigated by Risk Management Services and the Equal Employment Opportunity Commission and no violations of law were found," the report reads. "However, there is some risk that the claims in the lawsuit could proceed to a jury trial.

"Because of the costs of proceeding through litigation to trial would extend the controversy into the next mayor's administration and cost more than the negotiated settlement amount," the report continues, "Risk Management Services recommends the lawsuit be compromised for the total sum of \$25,000, inclusive of plaintiffs attorneys fees and costs, subject to the claimant providing the city with a release in a form to be approved by the city attorney."

The Portland Mercury

Hall Monitor: New Team, Same Problems

By Dirk VanderHart
April 13, 2016

BARRING A DRAMATIC CHANGE, Portland will have a brand-new team tackling its homelessness crisis in less than three months... it'll just be made up of a couple of old teams.

Tuesday morning, commissioners from Multnomah County and the City of Portland met in an exceedingly rare joint session, voicing unanimous support for a plan that was unveiled earlier this year: merging the homeless services provided by the city and county into a single office under County Chair Deborah Kafoury.

There are plenty of good reasons for this move. Portland and Multnomah County offer pretty much identical services for the homeless, but have long focused on different populations. The city's traditionally served single adults, while the county has worked with families, juveniles, and domestic violence survivors.

"We have two different contracting systems, two different offices, and two different data collection systems," City Commissioner Dan Saltzman, head of the Portland Housing Bureau, said at Tuesday's meeting. "This proposal will allow the new joint office to be more efficient, more nimble, and easier to navigate."

Cynics will yawn at the plan, rightly pointing out that the bureaucratic rejiggering doesn't have much bearing on the Portland they interact with every day.

That Portland is cluttered with people in economic and physical distress, who live in tents under our bridges and along our trails. They're there despite the work officials are talking about consolidating. The new "Joint Office of Homeless Services" will break down the silos that are so often bugbears of local governance, but it's no panacea.

And it's worth pointing out that the new office, as laid out for officials Tuesday, also represents only part of what Portland's fast-changing homeless fight looks like these days. The office will still have longstanding players in the fight—a handful of staffers in both the housing bureau and Multnomah's department of county human services—but not some of the newer efforts that Mayor Charlie Hales has tried of late.

As I've reported ["The City Has a New Front in the Fight Against Homelessness," News, March 16], efforts like syringe disposal, day storage sites, and organized homeless camps have landed in a new and novel home: the Portland Office of Management and Finance (OMF). And the OMF is nowhere to be found in the new plan.

It's a point Hales raised at the meeting. He said there are six people, either in his office or OMF, who spend at least half their time working on homelessness issues.

"It is an expedience that the mayor's office and OMF are doing this work," Hales said. "I am proud of it. But it is not necessarily guaranteed to continue. We need to address the question of where that work will be housed starting July 1."

That is a huge question, particularly at a time when the most likely candidates to succeed Hales next year have voiced misgivings about his strategies that take a lenient stance on camping.

No one could answer the question at Tuesday's meeting. Someone will need to soon.

As Kafoury put it: "This is a good start, but we have a long way to go."

Portland's Finally Going to Talk to Disadvantaged Folks About Their Filthy River

By Dirk VanderHart

April 13, 2016

WHEN FEDERAL REGULATORS announced April 6 that a long-awaited proposal for cleaning up the Willamette River's toxic bed would be unexpectedly delayed by weeks, it made a tight deadline even tighter.

Right now, the US Environmental Protection Agency (EPA) is rushing to finish up a plan to restore more than 2,000 acres of contaminated river bottom ["Everyone's Waiting on Instructions for Cleaning up the Willamette," News, March 30]. With a new president headed

into office next year, the agency badly wants to get that plan finalized by December 31. So the delay—a proposal isn't expected until the first week of May, at the earliest—means the process will be even more hectic. Enormous records requests filed by industrial polluters don't help.

But it turns out this latest hiccup may also result in an unanticipated positive. After weeks of outcry from groups keeping tabs on the process, the City of Portland has agreed it should do more to educate the public about the cleanup and what's at stake—like potentially billions of dollars and decades of chemically tainted fish.

Specifically, the city has quietly agreed to spend an as-yet unknown amount of money to reach out to marginalized communities who rely on the river more than others. Advocates say those groups have been harmed most by the century-long befouling of the Willamette, but have been cut out of a cleanup process that's lasted more than 15 years.

"The public needs to be aware of the Superfund situation," says Cassie Cohen, who works with the Portland Harbor Community Coalition (PHCC), a collection of 12 groups that work with a range of communities in the city (homeless people, recent immigrants, tribes, minority groups). "Largely, folks have no clue. It was not a good public process for the city, period."

Last week, the PHCC held a press conference at Portland City Hall, then delivered a letter [PDF] to city council members excoriating what they say has been a botched outreach effort.

"Despite a legal and ethical mandate, the City of Portland has failed to conduct meaningful public engagement with underrepresented groups," the letter read. "Without directly engaging those most impacted, it is unlikely that these groups will benefit from cleanup/redevelopment."

The PHCC isn't the first group to voice concerns. Earlier this year, when the city unveiled a public survey aimed at gauging Portlanders' opinions on river cleanup, organizations like the Audubon Society of Portland and Willamette Riverkeeper refused to even send it to their members. They took issue with language on the survey, and said it was too little, too late.

Like those groups, the PHCC says the city waited until the absolute last minute to engage with Portlanders. They worry that an uninformed public won't show up to demand a strong cleanup plan during a 60-day comment window the EPA is planning. That could give a leg up to the more than 150 polluters, the City of Portland included, that might have to chip in for up to \$2.5 billion in cleanup—and who will undoubtedly make their opinions heard.

"I'm pushing the city to do more innovative, creative solutions as opposed to the bare minimum, which is what they've been doing," says Edward Hill, executive director of Groundwork Portland, which looks out for the interests of minorities and low-income Portlanders on environmental issues like the Superfund site.

Hill knows all about communities that rely on Portland's rivers.

Several weeks back, he says, he was discussing Portland's toxic harbor with a staffer at the Asian Family Center in Northeast Portland. The conversation touched on warnings about local fish—state officials say some Portland Harbor species are toxic enough that healthy adults should only eat a maximum of eight ounces a month. Hill also mentioned similar warnings about fishing in the Columbia, which is when the trouble began.

"He had to take a moment and step back," says Hill. "He said, 'We're Vietnamese, Cambodian, and Laotian. All we do is fish... I know 20 people who have refrigerators full of fish.'"

It's not just Southeast Asian immigrants relying on local rivers, Hill and Cohen argue. Other immigrant groups also frequently fish. So do some homeless residents.

But the PHCC says these groups are among the least prepared to stand up and push for robust cleanup of the Portland Harbor, which stretches roughly from the Fremont Bridge to the Columbia River.

The group has the city convinced. Michael Jordan, director of the Portland Bureau of Environmental Services, agreed on Monday to spend city Superfund dollars on a last-minute outreach push, aimed at the groups the PHCC represents. Jordan tells the Mercury that plan's still in the works. So is the dollar figure, though he said \$50,000 isn't out of the question (the city spends millions a year dealing with the harbor).

"The amount of money is not the issue," Jordan says. "It's what we're going to be doing that's important."

Does he agree with the chorus of advocacy groups taking the city's efforts to task?

"I've been involved in lots of public outreach processes," Jordan says. "I haven't been involved in one yet that wasn't criticized for not being enough."

The Daily Journal of Commerce

City Club of Portland calls for action on housing

By Chuck Slothower

April 13, 2016

Portland's housing affordability crisis is as bad as the media makes it out to be, the City Club of Portland says in a new report.

"The fact that this is a complex problem that resists an easy, comprehensive solution should not dissuade Portland and Oregon from acting," the report states.

The report sets forth a number of recommendations, including for the city of Portland to set aside money to buy distressed properties and then rent them out at affordable rates, according to an embargoed draft that was shared with media.

"There's no one factor that got us into this mess that we're in," said Nels Johnson, who served as chairman of the City Club committee, citing cash offers for housing and increased population.

"There's no single solution that's going to get out of this, either," he added.

The City Club formed the committee last summer to study affordable housing in Portland. The committee widened its mandate to consider the larger question of housing affordability, not just the narrow definition of affordable housing used by the city.

The committee's findings will be presented at the City Club's Friday Forum.

Local and state governments have become more involved because of a lack of federal housing dollars, creating a patchwork of regulations and incentives.

Overall, the report calls for a striking amount of intervention from local government.

“Our conclusion was the city should do more than it’s doing,” said Johnson, a lobbyist for **Thorn Run Partners**.

Many of the committee’s conclusions are not likely to be embraced by multifamily developers. The city is already pursuing some, such as streamlining design review for some projects.

The recommendations include:

- exploring rent control and rent stabilization on a “limited, local basis;”
- the city of Portland banning no-cause evictions;
- instituting measures to encourage voluntary inclusionary zoning;
- the city implementing a rental registration system to aid data collection; and
- the city, Portland Development Commission and Metro salting away money to purchase distressed properties during the next downturn.

Johnson acknowledged there was a “robust back and forth” during committee meetings. A minority report recommends changing Portland’s zoning to encourage greater housing diversity within neighborhoods.

Mike Westling, a communications consultant and committee member, will present the minority report on Friday.

“This isn’t the final word on housing in Portland,” Johnson said of the committee’s work. “This is an important step in the larger discussion.”

The Portland Business Journal

Why now is the time to speak up about smart cities, digital equity and open data

By Skip Newberry

April 11, 2016

As someone who is passionate about open data, digital access, civic innovation and smart city projects, the past month or so has been pretty incredible.

This week promises more twists, turns and excitement. Read along for more context and ways you can get involved.

Smart Cities

In case you missed it, on March 12, Anthony Fox, the Secretary of the U.S. Department of Transportation announced that Portland was one of seven finalists chosen for a smart city challenge that will culminate later this spring in one city being awarded \$40 million from the federal government and another \$10 million from Paul Allen’s Vulcan Ventures in Seattle.

Each of the finalists is vying “to become the country’s first city to fully integrate innovative technologies — self-driving cars, connected vehicles and smart sensors — into their transportation network.”

Digital Equity

Last week, the Portland City Council voted unanimously to adopt a Digital Equity Action Plan. This plan is the culmination of more than a year’s-worth of work on the part of the city’s Office of Community Technology and other bureaus, as well as Multnomah County and several nonprofits.

The plan outlines numerous policy and operational proposals to advance digital equity throughout Multnomah County in the coming years. According to the action plan, more than 15 percent of Portland households do not have access to the Internet.

The primary reason for this is cost, followed by lack of training and devices. During testimony at city council, Mayor Charlie Hales noted that the action plan greatly bolsters the city’s efforts to win the U.S. Department of Transportation Smart Cities Challenge. The city’s first-round application linked transportation and climate outcomes with equity and inclusion.

Open Data

This week, at 6 p.m. on April 14, Portland City Council will hear testimony regarding the city’s proposed Comprehensive Plan.

Why should the tech industry care about a land use planning document? Because members of the Portland Planning Commission are recommending to City Council for the first time that open data be treated as a priority in the city’s Comprehensive Plan.

Lee Van Der Voo recently explored this topic in an article for InvestigateWest where she frames some of the key issues. If you have an opinion about open data and what it means for efforts related to smart cities and digital equity, I encourage you to share your thoughts with the City Council either in writing or in-person on Thursday evening.

If nothing else, the Planning Commission has stoked the fires of a critical debate that will be playing out in cities around the country and world for years to come as municipalities look to balance obligations concerning public safety and privacy with innovation, transparency and equity.