

The Oregonian

Portland mayor says 'no excuse' for lack of progress on women/minority contracting

By Brad Schmidt

September 14, 2016

Portland is moving backward in its efforts to ensure minorities and women earn a larger share of construction jobs on city-funded projects, a volunteer commission told the City Council Wednesday.

The city's Equitable Contracting and Purchasing Commission scolded city leaders for failing to make meaningful progress since pledging to do better in 2012.

Officials set a goal that women and minorities would work 27 percent of hours on city-funded construction contracts. And while it appears that has happened, the numbers aren't heading up.

In 2011-12, the share was 31 percent. But in 2014-15, it dropped to 30 percent, according to The Oregonian/OregonLive's tally of raw numbers presented in Wednesday's report.

"We're actually going in the wrong direction," Maurice Rahming, one of the commissioners, told the City Council.

No one disputed a lack of progress.

"We have an unacceptable picture," said Mayor Charlie Hales, who formed the commission last year. "We haven't made the progress that we all want to make. And there's no excuse."

The Equitable Contracting and Purchasing Commission has become something of a bully pulpit for members to take city leaders to task, leading to several high-profile political problems. Earlier this year, for instance, city officials attempted to keep a no-confidence vote by the commission quiet. Later, city officials tried to disband the commission.

On Wednesday, commission members complained that the city wouldn't provide easy access to data needed for their report. Michael Burch said he felt "stonewalled" and noted that officials prevented members from looking into some issues and threatened to end their work.

Dante James, who leads the city's Office of Equity and Human Rights, said procurement officials have a problem with their software. Although numbers come into the city dis-aggregated, they're lumped together in the system, and pulling out data for a specific category – say, African American males – isn't easy.

"We can ask questions all day," he said. "But if we can't get the answers, because the data's not available or we have to work too hard to get it, we're not going to get where we need to get."

The commission presented slides Wednesday showing hours fell each year for African American men and women. For white women, the most recent annual totals were less than those from the first year of reporting. Even Latino men, who saw a big initial jump in the second year, saw declines.

Rahming said the numbers are even worse in some cases, as minorities' hours frequently come from jobs involving shovels, brooms or holding flags – not higher-paying electrical, mechanical and plumbing jobs.

Rahming said officials are "denying people that pathway" out of poverty and into stability when the city doesn't monitor its progress.

"I hope that this resonates with you," he said.

Members of the City Council acknowledged more could be done.

Commissioner Steve Novick said the city needs to figure out how to compile better data. Commissioner Amanda Fritz said she was "horrified" by the results. Commissioner Nick Fish said officials need to rethink the mission, role and staffing levels to help the equity commission do its job.

But Commissioner Dan Saltzman, who has worked under four mayors, offered perhaps the most sobering critique.

"Unfortunately, I think this is something that gets reinvented every four years," he said. "Every time we have a new mayor, there has to be a new mayoral stamp of approval to his or her solution to this problem."

Saltzman predicted another process under Mayor-elect Ted Wheeler, who takes over Jan. 1.

"Strap yourselves in," he said of the city's repetitive promises, "and we'll try to do better."

Portland mayor can't guarantee higher police pay will solve staffing woes

*By Brad Schmidt
September 13, 2016*

Portland's rank-and-file police union tentatively agreed to a new contract that offers pay raises while ending the so-called 48-hour rule, officials said Tuesday, capping tortuous talks that dragged on for months as Mayor Charlie Hales worked to sell the deal and cement his legacy.

Hales said he hopes the three-year agreement will help recruit and retain officers in the understaffed police bureau, but acknowledged success is uncertain.

Under terms of the deal, Portland would increase the top salary for officers and other positions by 3 percent a year for three consecutive years, taking today's maximum from \$81,640 to \$89,014 — not including annual cost-of-living raises. Officials have previously projected the pay raise will cost \$6.8 million a year once fully implemented.

In exchange, the union would drop 11 pending labor complaints and would give up a rule allowing officers to wait 48 hours before being interviewed by internal affairs investigators about the use of deadly force.

But many details remained murky — including plans for body cameras, the protocol for reviewing officers' use of deadly force and the U.S. Department of Justice's role in shaping a deal. Hales' office declined to publicly release a copy of the tentative agreement and other records, citing ongoing negotiations. The secrecy of the agreement irritated some watchdogs who wanted city leaders to push for broader reforms.

But Hales said the contract satisfies his top goals and he's hopeful it will set up the bureau for success under Mayor-elect Ted Wheeler, who takes over Jan. 1.

"We have to be able to manage the bureau, be credible to the public and be competitive," said Hales, who made the police contract a top priority for his final months in office.

The proposed deal must be approved by the Portland Police Association and City Council. Union membership is expected to vote during the next two weeks, with City Council set to consider the contract Sept. 28. It would take effect 30 days after approval and expire June 30, 2020.

Union President Daryl Turner issued a statement saying he's proud of the agreement but declined further comment.

"We are confident that this tentative agreement will start us on the road to resolving our staffing shortages and also ensure that we retain the well-educated, trained, experienced, and dedicated professionals of the Portland Police Bureau," he said.

While the agreement would eliminate Portland's 48-hour rule – a political lightning rod – the city didn't seek enough concessions in the eyes of some observers. Portland has been under scrutiny by the U.S. Department of Justice since officials negotiated a 2012 settlement prompted by officers' pattern or practice of using excessive force when interacting with the mentally ill.

Dan Handelman, of Portland Copwatch, hoped the city would negotiate terms allowing the Independent Police Review board to compel officer testimony and have jurisdiction over deadly force cases, among other things.

"None of this happened in public," Handelman complained of contract negotiations, adding: "We're going to be stuck with a lot of the same barriers that we've had for so many years to getting true accountability."

Although the union's current agreement wasn't set to lapse until next year, Hales took the unusual step of beginning negotiations a year early — initially without the City Council's buy-in. Hoping to pay for higher police wages, Hales in May unveiled a controversial proposal to increase the city's business tax. But commissioners quickly shot it down.

At times it appeared Hales would fail, facing obstacles not only inside City Hall but also with the union. In recent weeks, Hales met directly with the union's executive board while also securing support from city commissioners.

"I needed to personally make the case to the police officers of our city that this is a good deal for everyone, including them," Hales said. "And they heard me."

Hales said removing the 48-hour barrier needed to be part of any contract agreement. But he cautioned that investigators still might not push to interview officers within the first two days after the use of deadly force.

"The symbolic value is important," he said.

While early negotiations focused on 4 percent raises, Hales said he found a sweet spot with a majority of City Council to support 3 percent increases. Hales is banking on votes from Commissioners Nick Fish, who confirmed his support, and Amanda Fritz, who said Tuesday she didn't have time to talk.

"The mayor has been tenacious about wanting to get this deal," said Fish, adding that a final agreement required flexibility from city leaders, the union and the Department of Justice.

"Persistence got us there."

City and union leaders thought they reached a deal last week, only to see it jeopardized when the Department of Justice balked over issues surrounding body-camera footage involving the use of deadly force.

Federal officials provided written guidance to Portland about an hour after last week's contract deadline, Hales said, prompting a "moment of tooth grinding followed by careful resolution"

City officials Tuesday declined to share a copy of the Justice Department's message.

"The Department of Justice has legitimate concerns about exactly how we implement body cameras. I understand that and I respect that," Hales said. "The Portland Police Association has legitimate concerns about exactly how we implement body cameras. At this point, this is all still speculative – we are not wearing body cameras yet."

"So I was bound and determined to make sure that this agreement did not founder on hypothetical questions about exactly how we'll do something that we're not doing yet," he added.

Whatever the specifics, city officials had no choice but to listen, Hales said.

"We are not going to resist the guidance of the federal government," he said. "There's a legitimate set of technical issues that need to get worked through."

And overarching details about Portland's planned body-camera policy – beyond those involving deadly force – must still be worked out, too. Hales offered no firm date for when officers would wear body cameras but said he expects it will happen at some point over the duration of the new contract.

"There's still a lot of work to do," he said.

As for staffing, time will tell if pay hikes improve police recruitment and retention. Salary increases would take effect Jan. 1, with subsequent hikes in 2018 and 2019.

Portland has about 950 sworn positions but 68 are unfilled, Police Chief Mike Marshman said. Numbers are expected to grow more dire as officers retire over the next five years. Marshman said Portland will need to hire about 75 officers a year – two to three times more than typical.

"I can't guarantee to you that this is going to work," Hales said of higher pay. "I'll admit to you it's a gamble."

Beyond a higher top salary, the starting pay for officers also will climb from \$49,837 to \$60,840. In addition, Portland will consider paying off some portion of student debt for new hires, will have the ability to temporarily rehire recently retired officers, and can offer signing and recruitment bonuses.

Officials also may explore creating a new job category – community service officers, who wouldn't carry guns – to address work that doesn't require police officers' attention.

"Put all those pieces together," Hales said, "and we think the Portland Police Bureau will be able to be competitive."

EPA says Portland may need short-term fix for lead in water

By Brad Schmidt

September 12, 2016

Federal regulators are turning up the heat on Portland's lingering lead problem and now say the Rose City may need to take interim steps to reduce exposure at the tap.

The Environmental Protection Agency, in a letter dated Friday, said it will review Portland's efforts to limit pipe corrosion to "ascertain whether more immediate action is warranted to protect public health."

The declaration comes as city officials study corrosion problems that cause lead release and consider water treatment options that may not be instituted until 2022 -- if at all.

Portland Commissioner Nick Fish, who oversees city water operations, downplayed the letter Monday and said it was "entirely consistent with the conversations we've been having with regulators."

"We're all committed to considering ways to improve corrosion control," he said.

Portland caught the attention of federal regulators this spring because its high-risk homes have the highest reported lead levels of any large water provider nationwide. Concerns have only escalated as testing across Portland Public Schools found high lead levels in virtually every building.

The Portland Water Bureau could add more chemicals to reduce the corrosivity of its water, which in turn would reduce leaching from lead solder in pipes and lead from brass faucets. But the state of Oregon, which has regulatory authority over Portland, approved a plan in 1997 that didn't fully treat the water to minimize lead levels.

Instead, state officials endorsed Portland's plan to partially treat water in conjunction with public education and outreach, free water testing and home lead-paint abatements.

Now nearly two decades later, Portland is an outlier, and pressure is growing after the lead crisis in Flint, Michigan.

Local testing of high-risk homes, built between 1983 and 1985, regularly produces results just below the federal action level. But homes built between 1970 and 1985 are considered to be most at-risk from in-home plumbing with lead solder. An estimated 43,000 homes of that era received water from Portland, according to a tally this spring by The Oregonian/OregonLive.

City officials have yet to say if they'll add more chemicals to reduce corrosion and lead release, citing results from an in-progress study, but Fish has acknowledged Portland could do more. The City Council is expected to review results and vote next summer on potentially building a new treatment facility that would be expected to lower lead levels.

City officials have said it could take five years for the facility to become operational. EPA now says it wants the Oregon Health Authority to "establish a schedule that is as aggressive as technically achievable."

And even then, more action might be needed more quickly, according to the EPA.

"EPA will be requesting specific information from OHA and others to assess the current level of protection of public health, including any interim measures and/or modifications to current corrosion control treatment or operations that could result in some reduction of lead levels, while treatment modification efforts are underway," the agency wrote.

EPA also wrote that lead results, particularly in schools, underscore the need for a quick re-evaluation of Portland's approved treatment program, a decision by the state about "more protective" treatment and swift implementation by Portland.

And EPA, which for years has voiced concern about Portland's treatment program, reminded local officials it could step in "to take independent action" if necessary.

Fish said the letter amounted to a "non event."

EPA highlighted authority it already has while expressing a sense of urgency the Water Bureau shares, Fish said. Once final results of Portland's corrosion study are available next year, officials will decide what's next.

"We'll evaluate it and decide if there's any immediate action that's required," he said. "To me that's restating the obvious."

Portland needs earthquake retrofits before old buildings become deathtraps (Opinion)

By Alex Roth

September 14, 2016

Among the delights of Portland are its lovely historic buildings. Unfortunately, in an earthquake, many of these structures may become deathtraps, especially the 1,700 or so made of unreinforced masonry. These buildings are schools and churches and retail stores. Your favorite hip coffee shop or brewpub with exposed brick walls may very well be one of them.

Currently, there is no requirement to make these buildings seismically safe unless an owner undertakes major renovations.

Yet geologists say we are certain to experience a major earthquake sooner or later, and face at least a 37 percent chance of one in the next 50 years.

Last month the City of Portland unveiled a draft proposal that would require seismic upgrades for buildings with unreinforced masonry to lessen the likelihood of collapse and greatly reduce harm to occupants and bystanders. The thoroughness and timeliness of retrofits would vary by building type and use. One- and two-family homes would be exempted entirely. Evaluations would be required in three to five years, with most upgrades to be completed over 10 to 25 years, or sometimes longer. In most cases the retrofitted buildings would still be unusable after an earthquake, at least without major repairs.

Overall, it's a modest proposal of the sort that San Francisco, Los Angeles and other earthquake-prone cities adopted decades ago.

At a city-hosted forum on the subject last Thursday, most people who commented were property owners. Most expressed emotions ranging from disdain to fury. Many building owners seemed to see the proposal as a seismic shakedown that would hit their bottom lines like a ton of bricks.

Their caterwauling is not surprising. We heard similar lamentations from the car industry when seat belts were mandated. And we've heard it from opponents of virtually every other common-sense health and safety requirements including anti-pollution laws, heightened drunk driving penalties, handicap accessibility requirements and restaurant smoking bans.

Concern over the program's substantial costs is certainly understandable. But many property owners are simply being obstructionist.

One idea that Portland initially considered would have required disclosure of the unreinforced-masonry status of buildings to their buyers and tenants, as well as to building visitors by means of placards at entrances. Such disclosures would cost very little, and would inform building users of the hazards they may face. Greater awareness would also cause seismic improvements to be valued more highly by the market, helping to encourage upgrades. But these disclosure provisions were dropped from the current draft proposal, in part because the placard requirement was perceived as "punitive" to building owners. (How punitive, one wonders, compared to being pulverized under a masonry avalanche?)

As with any complex new policy, there's ample room to debate and refine its specifics. But continued wholesale objection to mandatory unreinforced-masonry retrofits in Portland makes sense only if you assume that an earthquake will not occur here. That is to say, it makes sense only if you live in a seismic fantasyland built on a bedrock of geological wishful thinking.

Willamette Week

Why Can't Portland Use the Gas-Tax Money to Paint Some Crosswalks?

By Beth Slovic
September 14, 2016

Flowers still lined a stretch of Southeast Hawthorne Boulevard three weeks after a gold Lexus slammed into 15-year-old Fallon Smart, making her the eighth pedestrian to die in Portland traffic this year. Portland police have blamed a speeding motorist who swerved into a turn lane to go around a car that had stopped for Smart, who was crossing Hawthorne legally.

After Smart's death Aug. 19, friends and neighbors painted white stripes at the unmarked crosswalks where and near where a driver struck her.

In the days that followed, Portland motorists would strike three more pedestrians, one fatally. Among the seriously injured was a Roosevelt High School freshman crossing North Columbia Boulevard on his way to his first day of school.

Those deaths raise questions. Here are some answers.

How many pedestrians have died this year in Portland traffic?

As of Sept. 2, eight pedestrians and four bicyclists had died in collisions on Portland streets. A ninth pedestrian died Sept. 4 on Southeast Division Street.

Is that number going up?

Not really. In 2015, seven pedestrians and one bicyclist had died as of Sept. 2. The previous year, 10 pedestrians and one bicyclist died as of Sept. 2, 2014.

Total traffic fatalities statewide are up, but pedestrian fatalities are up and down.

So far in Oregon, 330 people have died in traffic collisions, as of Sept. 5. About 12 percent have been pedestrians—38 people. Last year, as of Sept. 5, 285 people died on Oregon roads. About 18 percent were pedestrians, for a total of 51 people.

Isn't Portland's new gas tax supposed to be helping?

The initiative Portland voters approved in May is supposed to fund safety improvements along notoriously dangerous roadways. The language of the initiative said that the Oregon Department of Transportation could begin to collect a 10-cents-per-gallon tax on Portland's behalf as soon as this month.

But computer complexities at ODOT are preventing it from collecting the money. That means motorists won't start paying the tax—and Portland won't have the money to spend—until January, state officials say.

What is the city doing to make streets safer?

Last month, the Portland Bureau of Transportation installed cameras to catch speeders 24/7 along Southwest Beaverton-Hillsdale Highway. Portland hopes to install more speed cameras on other roads that have a lot of crashes.

The city also wants to lower speed limits on some streets.

Even though the city is responsible for repairing most streets in the city, state officials at ODOT control speed limits on all city roads. That means when Portland officials want to lower speed limits to make them safer, they need state permission. The process for doing this is slow and favors motorists. Portland would like to shorten the process and change the state's rules to allow it to consider how bicyclists and pedestrians use the streets.

What else do advocates say we should do to curb deaths?

They want the city to wrest control of state highways like Southeast Powell and Southwest Barbur boulevards away from ODOT. The state's transportation department has much more restrictive design standards favoring motor vehicles, says Rob Sadowsky, executive director of the Bicycle Transportation Alliance.

In a nutshell, the state prioritizes infrastructure that eases traffic for motorists, not other users—and advocates believe the city can reverse that, with policies such as "road diets" to reduce traffic lanes.

Why can't the city just paint more crosswalks at dangerous intersections?

It would take a lot of money to stripe all of the thousands of unmarked crosswalks in Portland. But there's another reason: liability. While pedestrians have the right of way even in unmarked crosswalks, not all crosswalks are created equal. The city doesn't want to suggest to pedestrians that a spot is safe by laying down white paint if it's not a preferred crosswalk.

"At some locations, a painted crosswalk alone actually makes the intersection more dangerous, by inspiring a false sense of security in pedestrians," says City Commissioner Steve Novick.

The Portland Mercury

Amanda Fritz Wants to Push Big Money Out of Portland Elections

*By Dirk VanderHart
September 14, 2016*

AMANDA FRITZ spent a recent Thursday evening doling out rhetorical red meat to a Northeast Portland gymnasium.

In a forum on Fritz's long-anticipated attempt to create a new system to fund campaigns with public money, the city commissioner boasted to cheering attendees that she'd kept enormous checks out of her bids for office (the largest contribution she's accepted in any of her four races is \$500).

"The biggest challenge we face is trust in government, and the lack of it," Fritz told more than a hundred people who appeared primed to champion her latest cause, dubbed Open and Accountable Elections. "[Citizens] may disagree with me... but they can't say, 'You made that vote because you're bought and paid for.'"

Fritz has been using pretty much the same line since 2006, when she tapped public financing to unsuccessfully challenge Commissioner Dan Saltzman. The suggestion, then and now, was that any politician who does take big donations leaves themselves open to questions about their motivations.

But while that plays great in a gym filled with would-be reformers, it's not likely to help Fritz win over her city council colleagues, all of whom accept the large checks that increasingly flow through Portland politics. There's a very real chance city commissioners will opt to push Fritz's proposal to voters in May, rather than passing it into law themselves—an option Fritz and others are hoping to avoid.

First, a rundown of the new proposal: Boosters of public financing have been hinting since 2013 that it was coming, and that it'd be different than the "voter owned elections" system that Portland voters killed in 2010.

In the old system, candidates could collect hundreds of \$5 donations to qualify for \$150,000 or \$200,000 in public funds, depending on which office they were seeking. Fritz was the only non-incumbent to win under the system, which eventually proved susceptible to fraud, but the general idea was to level the playing field between those already in power and potential challengers.

This new proposal has the same goal, with key differences. Based on a system New York City has used for decades, the policy would force interested participants to show they're viable by collecting at least \$2,500 total from 250 people for city commissioner races, or \$5,000 from 500 people for mayoral races.

If they can meet that threshold, candidates would get a 6-to-1 match for contributions up to \$50. In other words, each \$50 donation would generate an additional \$300 from the city's general fund (but multiple \$50 donations from the same person wouldn't count). Fritz's office has proposed earmarking 0.2 percent of the city's general fund budget for the program, which would translate to a little more than \$1.2 million of this year's \$602 million fund.

In exchange for the funding boost, candidates would have to limit contributions to \$250 and refuse donations from political action committees or corporations (though \$5,000 in "seed money" could come from anywhere). They'd also be forced to limit spending: a max of \$550,000 for city commission races between primary and general elections, and \$950,000 for mayoral races.

At last week's forum, the idea was touted as a way to lure fresh faces into the political scene, decrease overall campaign spending, and force candidates to prioritize large groups of individuals, rather than moneyed interests. Candidates in the system "get small donations so they are accountable to many people," Fritz aide Cristina Nieves told the audience (another statement not likely to win over city councilmembers).

Former mayoral runner-up Jefferson Smith spoke in favor of the plan. Current city council candidate Chloe Eudaly, who's at a steep fundraising disadvantage to Commissioner Steve Novick, said she wished it was in place today.

Meanwhile, it's looking doubtful the proposal will even get passed this year. Fritz and a host of advocacy and labor groups are stressing that city council should pass the proposal outright, without voters' direct approval. They argue such a vote would be tantamount to trying to reform the big money system via the big money system.

"Sometimes it is appropriate to send things to voters and sometimes it isn't," Fritz told the Mercury the morning after the public forum.

She may face an uphill battle convincing her colleagues this is one of those latter times. Commissioners Nick Fish and Saltzman have been proponents of sending potentially controversial proposals to the ballot, as when they demanded a “street fee” proposal be put to voters in 2014.

The fact that voters narrowly scrapped public campaign financing once before will definitely enter into their thinking.

Saltzman hasn’t taken a firm stand either way, but his chief of staff, Brendan Finn, notes that he’s historically believed that “if voters have weighed in on a certain issue they should get the chance to do it again.”

Sonia Schmanski, chief of staff for Fish, offered a similar take.

“He’ll be asking three questions,” she says. “What’s the problem we’re solving, how will we pay for it, and given that voters repealed the last experiment, do we have an obligation to refer this to them?”

Statements from Mayor Charlie Hales’ and Novick’s offices say neither man has made up his mind on referring the policy.

Hales, who decided not to run for re-election partly to avoid long hours of fundraising, is an outright supporter. Novick has said he’s worried about the potential costs of the program at a time when the city’s already built a \$3.5 million hole into its next budget, and may be working toward a multi-million dollar pay increase for cops. That concern is shared by the City Budget Office.

Fritz says she’ll press her colleagues to adopt the policy outright in coming days. She notes she led the fight for a parks bond in 2014, and will push a citywide 3 percent pot sales tax in November. She clearly doesn’t relish the idea of another ballot fight.

“I haven’t had an opportunity to circulate the final proposal with my colleagues,” Fritz said September 9. “Anything they said today would be based on what they know today, which is not a full discussion.”

A council referral isn’t the only way Fritz’s proposal could land on the ballot. Anyone who opposed the policy—hint: the Portland Business Alliance (PBA)—could set about collecting enough signatures to force a public vote.

Conveniently (and probably not coincidentally) the PBA’s got a bigger fight on its hands right now. It’s busy mobilizing against Measure 97, the \$3 billion corporate tax hike voters will consider in November.

“Quite frankly, that’s probably why Amanda Fritz picked this opportunity,” says Jo Ann Hardesty, president of a local NAACP chapter and a long-time advocate for public campaign financing. “There’s this huge \$3 billion measure that the business community is really focused on.”

EDITOR'S NOTE: This article has been altered from its original version to remove reference to former city council candidate Ann Sanderson. Sanderson does not support the campaign finance plan, as originally stated.

City Council Will Soon Vote on Changes to Portland's Police Oversight System

By Doug Brown

September 14, 2016

PORTLAND'S POLICE discipline process has lately been earning reprimands of its own. Most everyone agrees it's not adequately doing the job it was designed for: punishing errant Portland cops.

Now, after Portland's auditor scrapped a controversial plan that could have pushed that discipline system behind closed doors, Portland City Council will likely vote next week on an alternate proposal to speed up the complaint process against police.

If approved by council, the plan will leave Portland's 11-member Citizen Review Committee (CRC) intact rather than merging it with the more secretive Police Review Board (PRB). That means people unsatisfied with how the police bureau handled their complaints will be able to air those grievances in public.

Now, though, Auditor Mary Hull Caballero says appeals should be heard in front of three-person panels—so hearings can happen more often without taking up more time for individual members. And most controversially, Hull Caballero wants to rein in the public comment segments that have been a mainstay of the sometimes-unruly appeals process.

As proposed, time for public comment—which is almost always in favor of the person complaining against the cops—would only be held during general CRC meetings. It'd be abandoned entirely from hearings that consider appeals.

Constantin Severe, director of the auditor's Independent Police Review (IPR), says the new proposal was one of three that came out of secret focus groups earlier this year, along with the idea to merge the CRC and PRB, and a proposal in which an administrative law judge would decide the outcome of appeals. Those models were trying to solve a basic problem: The complaint process needs to speed up so the city will be in compliance with US Department of Justice guidelines.

City council favored the original consolidated model, Severe says. CRC members essentially threatened mutiny.

"There was so much negative reaction to holding meetings in a non-public setting," says CRC member Jim Young. "There was so much backlash that the auditor came up with an alternative proposal."

The proposal that council will likely vote on next week, many say, is better than the old one. Still, some criticize it for not doing enough to address structural problems within the police accountability system. Others criticize the size of the panels that will hear appeals. All criticize the elimination of public comment during appeal hearings.

"With the CRC, you can safely say 100 percent of the members are against the elimination of public comment," says Young. (Young had a cup of water thrown in his face by an activist during the public comment portion of a particularly raucous meeting in March. That activist, Charles Johnson, was convicted last week of harassment and sentenced to seven days in jail.)

In a town hall meeting at Maranatha Church in late August, city attorneys Ellen Osoinach and Mark Amberg said they recommended axing public comment from appeals hearings because

cops could potentially file a grievance that the board improperly made a ruling based on something an audience member said.

Has that happened before? Nope, the scenario was purely hypothetical.

Portland Copwatch's Dan Handelman, one of the most respected and listened-to voices during the CRC's public comment periods, criticized the plan, comparing the first and second proposals to "getting hit in the head with a baseball bat" and "getting hit in head with a lead pipe."

"I don't want to get hit at all," he said. "Given the choices between private hearings we can't go to, or public hearings where we can't speak—that's not really a choice. We need to have public hearings where the public can have input, or else the whole system is not going to be trusted by the community."

At a meeting last week, CRC Chair Kristin Malone toyed with the idea of scheduling a general meeting directly after appeal hearings, so the body can at least get public comment after it casts a vote.

"But that's not a long-term measure," Malone said. "If one meeting needs to be adjourned and one needs to begin, so be it, but that seems like a bad idea."

The CRC's Julie Ramos criticized the size of the three-person panels that might decide the outcome of appeals, as they wouldn't reflect all the views of the relatively diverse board.

"I don't think a panel of three gives enough representation of this group," Ramos said last week. "I would like to see the panel grow a little bit to four or five members."

Young tells the Mercury that the new proposal doesn't do much to aid what's really hindering the CRC: that it's limited in what it can review. The CRC can only vote on whether the decisions made by police to clear their officers of complaints could have been made by a "reasonable person," regardless of whether members actually agree. What the committee really wants is to be able to rule on the cases based on available evidence.

The proposal "does not deal with the overall complexity of the situation or the standard of review," Young says. "It's a good interim step for a first initial band-aid. If they think this will solve all their problems, they're sadly mistaken."

City council will hear the new proposal on Wednesday, September 14. Barring any change, they will vote on whether to approve it on September 21.

Hall Monitor: The Mayor's Last Big Win?

By Dirk VanderHart

September 14, 2016

MAYOR CHARLIE HALES has sometimes found victories hard to come by during his four years at the helm.

Time and again, high-profile policy proposals—a "street fee," a raise on business taxes, a new stance on homeless camping, a demolition tax—have been beaten back by his colleagues' concerns, the public's ire, or both.

This was almost certainly on Hales' mind Tuesday, as sunshine poured through his office windows and he took me through what looks to be one of the signature victories of his administration.

After six months of thumping—and as the clock runs down on his time in City Hall—Hales is about to vanquish a much-despised police perk and make the deflated Portland Police Bureau more attractive to potential recruits.

“This one I wanted to bring home,” Hales said.

The mayor now has city council support for a police union contract that could eliminate the “48-hour rule,” which gives cops two days after shooting someone before answering internal affairs investigators’ questions. The agreement would also bolster pay by 9 percent over three years for most police bureau members, a raise that would add up to \$6.8 million in extra police spending every year by 2019.

As a result, Portland cops would be the highest paid in the state, though not the highest paid among comparable cities, Hales’ office says.

The tentative agreement, which the city’s human resources bureau has been hashing out with the Portland Police Association for months, was signed by city and union officials Monday night. Hales personally pitched it to the union weeks earlier, he said.

If it’s ratified by the PPA and approved by city council, Hales says the agreement will be transformational for a bureau that has hemorrhaged officers and struggled to attract new recruits. Staffing has reached such piteous levels, Chief Mike Marshman argues, that he is forced to slash specialty units for things like gang and traffic crimes just to staff basic patrol shifts.

Aside from the pay increase and 48-hour-rule deletion, the agreement would increase starting officer pay by around \$11,000, and erase 11 union grievances. It’ll provide for student loan reimbursement for cops, and create a program of “community service officers” who reply to low-level calls.

The agreement was first reported by the Oregonian.

The apparent willingness to consider the deal on council’s part is striking. In part, it’s a function of Hales, Marshman, and Human Resources Director Anna Kanwit haunting commissioners’ offices to impress the importance of a deal.

Still, while the agreement provides for a lower salary raise than past proposals, city commissioners have repeatedly balked at a raise for cops, citing the fact that no new money had been identified to pay for the raises. That hasn’t changed.

Meanwhile, the council has built a \$3.5 million hole into next year’s budget from commitments to pay for homeless services, and Commissioner Amanda Fritz is pushing a new campaign financing system that would cost around \$1.2 million a year. With the new police union agreement, the city would tack on nearly \$7 million in additional expenses in coming years.

I asked Hales how he reckoned we’d pay for it all.

“Look around. There’s a crane!” he said, glancing dramatically out the window. His point: Hales believes tax revenues are going to keep growing in Portland, and cops should reap some of the benefit.

“If I thought the city was headed for tough times,” he said, “I would not be as fervent about this.”

And with council’s sudden agreement, Hales, it appears, has his win.

City Council Just Voted to Save Downtown's Joyce Hotel. Here's Why That's Important

By Dirk VanderHart
September 14, 2016

Here's one stark fact to consider about Portland's loss of housing affordability.

Back in 2002, there were more than 1,000 "market-affordable" units downtown, according to the Portland Housing Bureau (PHB). That is: those units were affordable under normal market conditions, without any city subsidies or other regulations or covenants artificially lowering rents.

At the time, as today, the city had a "no net loss" policy in place for affordable units in the Central City, stating that the overall number of these kinds of units wouldn't be allowed to decrease.

The policy hasn't mattered.

Today, downtown Portland has only 91 market-affordable units left. And just one building, the 69-unit Joyce Hotel, now accounts for 76 percent of them, PHB Director Kurt Creager told Portland City Council this morning.

The decrepit Joyce has for decades been a last bastion for destitute Portlander trying to stay off the streets, and unable—because of criminal histories or other considerations—to find lodging elsewhere. Now the City of Portland's buying it.

City Council today formally voted to purchase the building for a price "not to exceed" \$4.22 million, after its owner closed up shop at the building earlier this year. Once it's fixed up by the PHB—which Creager says is exploring adding two floors to the property—the city promises the building will remain a resource for the city's poor.

"It's an uncommon opportunity and frankly a fleeting resource," Creager said this morning.

The loss of market-affordable housing has been felt throughout Portland's Central City. While there are more regulated affordable units today than there were in 2002, the overall number of affordable units has dropped. That's because the supply 2,896 market-affordable units in 2002 had plummeted to just 267 in central neighborhoods by last year.

Here are those numbers, from the State of Housing report the PHB released a year ago.

	Regulated Units		Market Units		Total Units	
	2002	2015	2002	2015	2002	2015
No Net Loss Rental Housing Units, 0-60% MFI						
Central Eastside	160	336	464	83	624	419
Downtown	3,197	2,878	1,048	91	4,245	2,969
Goose Hollow	548	440	785	83	1,333	523
Lloyd District	-	176	97	10	97	186
River District	1,485	2,555	502	-	1,987	2,555
South Waterfront	-	209	-	-	-	209
Central City	5,390	6,594	2,896	267	8,286	6,861

The failure of the no net loss policy is "a lesson for all of us" and one reason why the city's purchase of the Joyce is necessary, Creager tells the Mercury.

"We did not put into place the necessary tools to ensure that those 1,048 [downtown] market affordable units were preserved," says Creager, who took over the housing bureau in August

2015. He vows there will still be 69 affordable units "at minimum" at the Joyce when the city's completed renovations.

The Mercury's written about the Joyce several times over the years. In 2002, one of our writers spent (most of) the night there. And in January, we reported on what the loss of this dwindling resource would mean to 90 residents and the community at large.

We wrote then:

The Joyce, for lack of a better descriptor, is a flophouse. It's cheap—a hostel bed in a shared room will run you \$19 a night, or \$20 if you spring for a TV—and it has "low barriers to entry," meaning no one checks your criminal or rental history. It's also one of the few places that will accept IOUs from residents who receive state assistance, but don't have access to their own money.

To get a room all you need is an ID—they'll even accept a jail-issued version. For \$40 a day or \$214 for six days, pretty much anyone can get a private room with a TV and access to a shared bath.

"Single room occupancy" lodging like the Joyce has been largely erased in the city in recent decades. Sean Hubert, the chief housing and employment officer for Central City Concern, told council Portland's lost 75 percent of its SRO stock. That trend, both locally and nationally, has corresponded with a rising homeless population, Hubert said.

"The Joyce represents a critical and scarce option," he said.

This fact was widely agreed upon by city council members this morning, but not shared by everyone in the room for today's vote. Charles Johnson, an activist who frequently addresses council, noted: "We're talking about \$4 million to perpetuate a 69-bed flophouse."

Daily Journal of Commerce

PDC planning to demolish Centennial Mills feed mill

By Chuck Slothower

September 14, 2016

The Portland Development Commission, owner of the riverfront Centennial Mills property for 16 years, is still trying to figure out what to do with it.

The PDC's board is due to consider today a staff recommendation to spend \$1 million to raze a faltering feed mill at the Centennial Mills site.

The feed mill building rests upon the existing seawall. On-site personnel from KPFF Consulting Engineers, KLK Consulting and Northwest Demolition & Dismantling have observed the property settling and leaning.

Engineers are concerned that the building may not stay upright.

"There is no evidence that the seawall, once deprived of the structural support provided by the wharf itself, will be able to support the weight of the building without buckling and collapsing into the Willamette River," the PDC stated in a staff report.

The additional \$1 million will keep the project within its \$13.7 million budget, the report said.

The cost to save the feed mill “far exceeds any funding that PDC has available,” agency spokesman Shawn Uhlman said.

This past spring, when CBRE marketed the Northwest Portland parcel to developers, three firms made formal offers. Of those, two did not include the feed mill in their plans, and the third requested heavy subsidies that exceeded PDC’s budget, according to the report.

The PDC has notified the three bidders that it would not accept any of the offers, Uhlman said. For now, the parcel is in an extended holding pattern while the agency considers the feed mill demolition.

The property has 20,000 square feet of development potential, after accounting for preservation of the flour mill and providing open space. The site is 1.02 acres, with a height limit of 100 feet, plus a possible 75-foot bonus.

Engineers have known about the feed mill’s structural problems for months. In May, Matt Johnson of KPFF said at a Centennial Mills open house hosted by the PDC that “an extraordinary effort” would be necessary to save the feed mill.

If the PDC’s demolition plan were approved, officials would need to obtain an updated demolition permit for the site.

“The primary issue is getting in there and recognizing exactly what’s happening with that foundation,” Uhlman said.

The PDC also has scaled back an effort to salvage materials at the site. The quality of the timber, safety and other concerns led to salvaging only about 300,000 board feet of timber, most of which was sold to Pioneer Millworks.

Environmental regulators have also raised issues with construction in the floodplain that touches Centennial Mills. The property was inundated by the 1996 Willamette River flood, and even the “ordinary” high-water line covers a portion of the property.

The floodplain makes underground parking on the site infeasible, Uhlman said.

Under terms of the spring offer, any potential development would have to accommodate 200 feet of the Willamette River Greenway on the site, along with a public easement to allow access from the neighboring Pearl District and Slabtown areas.

The PDC acquired the property from ADM Milling Co. in 2000. In March 2013, the PDC and Jordan Schnitzer’s Harsch Investment Properties signed a nonbinding memorandum of understanding to work toward a binding development agreement for the site. The PDC let that MOU expire last year, and later began seeking new proposals for the property.

Centennial Mills sits within the River District urban renewal area.

Framework tower, two other projects approved

*By Beverly Corbell
September 13, 2016*

The Portland Design Commission last week approved three projects, provided advice for another appearing before the commission for the first time in more than two years, and weighed in on plans for a project at the east end of the Burnside Bridge.

The Framework tower, in the works for 430 N.W. 10th Ave., in the Pearl District, is designed by Lever Architecture. This iteration of the 11-story apartment building received unanimous approval in fewer than five minutes, with no preliminary discussion.

More than an hour, however, was devoted to Holst Architecture's design for a large mixed-use project in the Lloyd District. Plans call for two six-story apartment buildings with 12 live-work units on the ground floor, close to 40,000 square feet of retail space and structure parking for 536 vehicles.

The superblock, now a parking lot, will be intersected by a diagonal pedestrian driveway, with plazas sprinkled on the site. Eventually, the commission granted approval.

Commissioner Tad Savinar said his only concern about the project is a future decision about a 14-foot-by-30-foot interactive art piece in the main plaza. Its budget is \$500,000, and Savinar said he didn't want to see "rubber balls and a string."

Consultations with an international artist are in the works, Holst principal Dave Otte said, and assurance has been granted that only top-quality materials will be used.

"We talked about the lifeline of the art," he said.

Savinar responded that he was concerned with the word "interactive," and suggested that the request for proposals for the art should stress longevity.

"Interactive doesn't mean anything," he said. "Insert the word 'timeless artwork' so it's not just a wall."

The Design Commission also approved Modera Davis, a market-rate apartment building designed by SERA Architects. The 12-story tower planned at 205 N.W. 10th Ave. will have 204 units and 5,500 square feet of retail space.

City planner Jeff Mitchem said the design team had addressed issues previously raised by the Design Commission. Terraces and glazing were added, elements were infused to better reference the adjoining Deschutes Brewery building, balconies were added on the west elevation and oriel windows were simplified by reducing the number of mullions and adding glass.

"The issues have been resolved to staff's satisfaction and we are recommending full approval," he said.

But approval wasn't unanimous. Savinar voting no, even though he congratulated design team lead Kurt Schultz, a principal at SERA Architects.

"It's just too much building for this half-block for me and the (verticality) is expressed just too much," Savinar said. "It's just squeezing too much into this site and I would have preferred to see something stepped back."

Also on Thursday, the Jantzen Apartments – designed by SERA Architects – appeared before the Design Commission for the first time since a design advice hearing in 2014. Plans call for a six-story building at 518 N.E. 20th Avenue with 230 market-rate units (21 with stoops), 4,200 square feet of retail space along Northeast Glisan Street, 92 underground motor vehicle parking spaces and 272 long-term bike parking spaces.

Mitchem said the delay was because of a change in ownership. Although the previous design advice meeting had been "directional," he noted, it hadn't gone far enough to resolve several issues concerning design exceptions and approvability issues by the Portland Bureau of Transportation and the Bureau of Environmental Services.

“The PBOT and BES issues are mostly resolved,” he said.

The plan for approximately 20 ground-floor units is an issue, Mitchem said. City staff suggested making those creative office or live-work units instead. Other recommendations were to add ground-floor canopies and centering the main residential entry more.

In addition, the Design Commission provided design advice a second time for a Gerding Edlen project at 5 S.E. Martin Luther King Boulevard, at the southeast end of the Burnside Bridge.

City planner Benjamin Nielsen said a continuing staff concern is whether the building is characteristic of Central Eastside development and whether it is “a counterpoint to nearby development at the bridgehead.”

Nielsen said staff questioned whether the L-shaped, 12-story tower atop a five-story plinth building should be given more balconies and if the sloping landscaping should be brought to ground level.

The building is being designed by GREC Architects of Chicago. It will sit across the bridge from the 21-story Yard and the Fair-Haired Dumbbell. Both are under construction.