

## The Oregonian

# Portland Arts Tax Overhead Costs Exceed Voter-Mandated Limits

*By Jessica Floum  
September 14, 2017*

Portland has fallen short of its pledge to spend 95 percent of arts tax revenue on music and art programs.

City officials have devoted almost 8 percent of the funds on administrative activities, exceeding the 5 percent cap promised to voters who approved the tax in 2012, a report presented to the city council Wednesday showed.

The difference has amounted to \$1 million from 2012 to 2015. The city also learned that about a quarter of Portlanders are not paying the tax, which brings in about \$10 million each year – \$2 million less than anticipated.

The tax pays many art and music teachers in schools, supports arts organizations in the community and funds grants to expand access to the arts.

"This 5 percent thing is really important to me because it's a bellwether on how we're spending the dollars," Mayor Ted Wheeler said. "If you're spending it on overhead, that means you're not spending it on access and equity issues around an arts education."

Portland's Chief Revenue Officer Thomas Lannom said that the high overhead spending is a "pretty good deal" and necessary to maximize revenue for the city through collections.

The city spends about \$850,000 a year to collect the tax. Costs include employees to answer phones and contact delinquent taxpayers, flyers educating the public about the tax and notices of delinquency.

Lannom said spending only 5 percent on overhead costs was an unrealistic goal. He asserted that voters would prefer spending more to collect more money to ensuring 95 cents of every dollar collected goes to the arts.

Commissioner Dan Saltzman said he did not buy that argument. He said the city should pose that question to voters before eliminating or changing the cap.

"Nobody wants to go there because nobody wants to ask the voters to reconsider the arts tax because everybody is afraid they'll can it," Saltzman said.

The city projected how much it should spend on overhead based on expectations that it would make \$12 million in revenue each year, said Commissioner Nick Fish, the city council's liaison to the Regional Arts and Culture Council that staffs the tax's oversight committee. Because it fell short of that by \$2 million, Portland's administrative costs exceeded the 5 percent cap, Fish said.

Fish suggested spending "a couple hundred thousand" dollars from the city's general fund of taxpayer money to help boost the tax's average annual collection rate above 74 percent.

He urged the council to not "prejudge" the dilemma at Wednesday's city council meeting.

"I know we're going to have strong feelings and a very good debate," Fish said.

Lannom plans to propose changes to the spending rules before the council in a few weeks.

Many Portlanders have already been skeptical of paying the \$35 tax voters approved in 2012 to fund arts education and programs.

It has drawn concerns, and a legal debate before the Oregon Supreme Court, about whether or not it violates Oregon's Constitution. The Constitution prohibits a "head tax." Retired attorney George Wittemyer argued in court that the arts tax violates this rule because it imposes a fixed amount per person.

The Oregon Supreme Court is still considering whether the tax is legal.

Update: This post has been updated to correct and clarify some information about tax collections.

## **Portland Ends Investigation into Uber's "Greyball," Uber's Regulator-Dodging Software**

*By Elliot Njus  
September 15, 2017*

Portland's investigation into Uber's use of software to avoid regulators, which escalated dramatically when the city subpoenaed the ride-sharing company for records, came to an unremarkable conclusion Thursday.

The city found no evidence that Uber had used the piece of software the company called "Greyball" to avoid regulators or deny service to other riders since it started operating in Portland under an agreement with the city.

A New York Times report earlier this year revealed that Uber had identified certain users as likely city regulators and fed them false information during a period in 2014 when it was operating in Portland illegally. That allowed drivers and the company to avoid hefty fines.

A video from The Oregonian/OregonLive at the time showed the software in action, as regulators trying to hail an Uber were repeatedly denied service.

The company acknowledged having used the software in 2014, but said it stopped after an agreement cleared the way Uber and other ride-hailing apps to operate in Portland.

It offered some details on the use of the software, but city Commissioner Dan Saltzman, who oversees the Transportation Bureau, and Mayor Ted Wheeler said it wasn't sufficient. The City Council in May voted to subpoena the company for more information, including the company's Greyball "playbook" and the actual software behind the effort.

Saltzman said the company complied with the subpoena.

"Through this subpoena process, we have a greater understanding of their activities in Portland, and the extent to which the Greyball tool was used here," Saltzman said in a statement. "Moving forward, we have ensured that no attempts to evade regulators or deny service to riders in violation of City code or law will be allowed in the future."

Nonetheless, Saltzman said the City Council will consider new taxi-industry regulations later this year, including some aimed at preventing the use of software like Greyball.

# Portland Protests: Videos Show Spectator Throwing Stick, Cop Throwing Stun Grenade

*By Everton Bailer Jr.*

*September 14, 2017*

Updated at 8:24 p.m.

Portland police are reviewing their response to a rally and counter-protest in downtown Sunday, including video of an officer tossing a type of stun grenade toward people during a tumultuous flare-up at one point.

The review is standard, said police spokesman Sgt. Chris Burley, but comes as the police bureau's crowd control tactics during demonstrations come under increasing scrutiny by community members.

Several videos have circulated online of an officer lobbing a canister toward people as police made arrests near Southwest Third Avenue and Salmon Street while surrounded by a large crowd.

The device exploded moments after hitting the ground, emitting a large plume of smoke and causing some spectators to scatter.

Burley said the canister was a "rubber ball distraction device," which discharges rubber balls after it detonates. Police used it to keep the crowd at bay, he said.

A filmmaker who described the canister landing at his feet said it seemed to come without warning.

"There was no gesture that I was aware of from the officer of his intentions and had I been asked to back up, I would have backed up," said Paul Kachris-Newman, 31, of Portland.

Police on Thursday released a video that shows someone in a black sweatshirt throw what looks like a stick or spatula in the direction of police during the altercation. Burley said two officers were injured by flying objects during the short clash.

The confrontation came as a conservative group called Patriot Prayer held a rally and counter-protesters gathered in response. Officers arrested seven people on disorderly conduct and other allegations by the end of the afternoon.

A pickup truck drove into a group of counterprotesters Sunday in Vancouver, with people scrambling to get out of the way. Police in both cities made multiple arrests as Patriot Prayer supporters and anti-fascists staged demonstrations.

Kachris-Newman captured video of the canister coming toward him. He said it hit him and he quickly backed away as it exploded, leaving him a bit shaken and affecting his hearing afterward.

He said the 30 seconds before the explosion were "chaotic," but he thought he was a safe distance away from the officers and noted others were closer to the action than he was.

He had been at the event for about two hours collecting footage for a documentary. "My hands were empty, my face was exposed. From my perspective, it seemed the officer turned to me and threw this device directly at me unprovoked," he said.

The incident isn't the only one to come under scrutiny at Sunday's protest.

On Thursday, a National Lawyer's Guild legal observer filed a tort claim against the City of Portland, alleging that an officer used "unreasonable and unlawful" force on him during the protest.

The claim says a Portland police officer shoved legal observer Christopher Kuttruff when Kuttruff filming police arresting two people at the corner of Southwest Salmon Street and Third Avenue.

The officer did not warn Kuttruff to back up before pushing him backward onto the ground, the claim says. Kuttruff suffered from neck and back pain as a result, the claim says.

A video filmed by an Oregon Public Broadcasting reporter shows the encounter.

Burley declined to comment on the tort claim, as is standard procedure with pending claims, he said. The alleged use of force Sunday will be reviewed, he said, as is also standard procedure.

Portland Mayor Ted Wheeler in a statement Wednesday defended the police bureau's response saying city officials were "clear about our expectations prior to Sunday and followed through on them."

"Our goal was to protect everyone's right to assemble while also protecting everyone's lives," he said.

Burley, the police spokesman, said officers warned the crowd along Third Avenue several times to stay back as they made arrests.

Videos he's seen of the flare-up involving the stun grenade, Burley said, show at least three objects thrown at officers. Someone also tossed a device that was emitting smoke near police and a protester tried to grab an officer's bike, he said.

He provided a short clip to The Oregonian/OregonLive showing a person picking up a long object off the ground and throwing it at officers just before the officer threw the canister.

He said he'll have a better understanding of what officers experienced once their reports are completed.

Kachris-Newman said he hasn't filed a formal complaint with the Police Bureau, but said he decided to publish the video on Twitter after seeing disputes over whether police used flashbang devices that emit smoke and loud noise during the weekend demonstration.

He said he had been to a half-dozen other Portland demonstrations over the past year and Sunday was the first time he felt he was caught up in the police response.

"Yes, there's a certain amount of calculated risk you take at times during these events, but you shouldn't ever be fearing for your life at a protest," Kachris-Newman said.

"If nothing else comes from this, I'm glad that there is a continued conversation about de-escalation in community policing and how officers handle crowd control."

## **The Portland Tribune**

### **Kenton Homeless Village Gets “Innovative Storage Solution”**

*Koin 6 News*

*September 14, 2017*

#### **Lockers from Grant High School donated during renovation project helps women living in North Portland**

Lynette Ingalls was homeless for about 20 years. "They called me the Street Mama," the 51-year-old says.

But in June, Ingalls moved into the Kenton Women's Village, a cluster of 14 tiny homes for homeless women in North Portland. She said her tiny home is "pretty nice" and doesn't think it feels really small.

"You have enough room to change and lay in bed or whatever you want to do," Ingalls says.

But the tiny homes and kitchen space for the 14 women presents a storage challenge. Now there's more storage space at the village after 30 used lockers from Grant High School were gifted to it.

Already, some of the women are using the lockers outside their tiny homes to store personal items. Additional lockers in the public space will be used to store food items.

Small business owner Eric Ufer had the idea of repurposing the lockers when he heard from one of the school subcontractors the old lockers were headed to a landfill.

"When I heard at our equity contractors committee meeting that these lockers were basically available, I thought first hand of this amazing community and how they could probably benefit from them," Ufer told KOIN 6 News. "A lot of times these simple little ideas actually make a lot of sense but we're all so busy doing our thing that sometimes we overlook some of these simple opportunities that can really be impactful."

For Ingalls, who recently helped do maintenance at the Portland Public Schools administrative building, the storage lockers are a nice addition.

"It helps me, you know, rearranged my stuff in my house," she said.

But she's not stopping there. She now dreams about "getting in my own place. It would mean a lot."

Catholic Charities is guiding the project along with community partners on city-owned land in the Kenton neighborhood. In the city-approved pilot project, the women have access to social services and medical care. They are also required to do volunteer work, and some are getting jobs and their GED diplomas.

Bernadette Stetz, the village manager with Catholic Charities, says the Kenton Women's Village is going well.

"We've formed such a community between the residents and they are working really well with their case managers from Catholic Charities," Stetz says.

Nursing students come once a week to help with basic care and nutrition. The residents cook for each other when they're sick, go with each other to appointments and "treat each other like sisters," she said.

"We've found a really awesome, innovative solution in that Portland Public Schools was so kind to help coordinate with Anderson Construction," she said.

Ufer said he understood these home don't have much space on the inside to store personal items. But he said he can "actually see maybe a little industrial area where where they can go ahead and store other things, where they can go ahead and work on things like their organic garden, for example."

## **No Penalties For Uber's Efforts to Evade Regulations**

*By Jim Redden*

*September 14, 2017*

**Commissioner Dan Saltzman says company no longer using Greyball technology that foiled city enforcement before City Council approved such services**

Portland has completed its investigation into Uber's use of a technology to evade city enforcement in the past and is not pursuing any penalties against the ride sharing company.

In a report released Thursday, the Portland Bureau of Transportation said Uber had used so-called Grayball software to evade regulation from December 2014 to April 2015. But the company stopped using such technologies to evade regulation after that.

In a statement released with the report, Transportation Commissioner Dan Saltzman said, "Uber has complied with our subpoena and provided the requested information associated with the Greyball tool. "Through this subpoena process, we have a greater understanding of their activities in Portland, and the extent to which the Greyball tool was used here. Moving forward, we have ensured that no attempts to evade regulators or deny service to riders in violation of City code or law will be allowed in the future."

Saltzman also said the Portland Bureau of Transportation, which regulates ride sharing companies, will ask the City Council to increase its enforcement capacity and create penalties for the use of evasive technologies later this year.

There is no evidence that Lyft, the other major ride sharing company operating in Portland, used such technology to evade regulation, the report said.

News of Uber's use of Greyball was reported after the council approved it and other Transportation Network Companies to operate in Portland in 2017. The federal government is investigating whether any law was broken.

"Transportation Network Companies provide many benefits to Portlanders," said Saltzman. "As regulators, it is our job to ensure these companies play by the rules, keep passengers safe, and act ethically."

You can read the city report at [www.portlandoregon.gov/saltzman/article/638525](http://www.portlandoregon.gov/saltzman/article/638525).

## **Willamette Week**

# **National Lawyers Guild Plans to Sue Portland City Hall After a Police Officer Shoved a Legal Observer at Sunday's Protests**

*By Katie Shepherd  
September 14, 2017*

**The tort claim comes after Police responded with force at an antifascist demonstration in downtown Portland.**

The Portland chapter of the National Lawyers Guild filed a tort claim against the city of Portland, saying the organization is "outraged" that a Portland police officer shoved a volunteer legal observer as he watched officers make two arrests in downtown Sunday afternoon.

Video shot by an Oregon Public Broadcasting reporter shows a man named Christopher Kuttruff watching as police detained two members of a crowd of protesters. An officer suddenly shoves Kuttruff hard.

The tort claim alleges that Kuttruff suffered injuries to his neck and back. It also alleges that the officer used excessive force without warning and that his actions add to a pattern of Portland police "targeting (and often assaulting and battering) lawfully-acting individuals in protest situations."

Kuttruff wore a bright green cap to identify himself as a legal observer with the Portland National Lawyers Guild.

"That unlawful use of force was not only an attack on Mr. Kuttruff but was also an unlawful attack on the people's universal human and state and federal constitutional rights to politically organize themselves and to engage in free speech and expression," says Kenneth A. Kreuzer, Kuttruff's attorney, in the tort claim.

Portland police are still reviewing each use of force at Sunday's rally, where seven people were arrested. Officers used pepper spray, pepper balls and a rubber-ball grenade to control crowds of antifascist protesters.

Asked about the video footage of violent arrests, Mayor Ted Wheeler issued a statement last night broadly supportive of police handling of the protests.

## **City of Portland Concludes Investigation of Uber Without Any Findings of Further Wrongdoing**

*By Rachel Monahan  
September 14, 2017*

**After the New York Times revealed that Uber had evaded Portland regulators with the high-tech software called Greyball, Portland launched an investigation. It's now concluded.**

The city of Portland has ended its investigation of Uber, and the ride-hailing company's use of the "Greyball" technology used to evade regulators in 2014, without finding further wrongdoing.

Portland launched its investigation after the New York Times revealed that Uber had programmed its app to make sure Portland regulators could not hail rides.

Commissioner Dan Saltzman, who announced the conclusion of the investigation via a press release, tells WW that the city found "no evidence of discrimination by economic status or zip code"—one possible concern about a company that could secretly restrict access to its app.

Using city data and the data provided by the company after City Council issued a legislative subpoena, Saltzman says the city believes Greyball is no longer being used to prevent regulators from hailing a car.

"We don't feel there's any greyballing going on with respect to regulators or customers," Saltzman tells WW, adding the company has put in place policies to prevent the use of Greyball for that use.

"Uber has complied with our subpoena and provided the requested information associated with the Greyball tool," Saltzman said in the official statement.

"Through this subpoena process, we have a greater understanding of their activities in Portland, and the extent to which the Greyball tool was used here. Moving forward, we have ensured that no attempts to evade regulators or deny service to riders in violation of City code or law will be allowed in the future."

## **The Portland Mercury**

### **Good Morning, News: London Terror Attack, Mountain Bike Booby Traps, and the Rains Return!**

*By Dirk VanderHart  
September 15, 2017*

**SO MUCH NEWS** this morning, y'all.

**The City of Portland** is already facing a potential lawsuit over police use of force at rival demonstrations downtown on Sunday, after police shoved one of the green-hatted "legal observers" the National Lawyers Guild sends out to watch police activity.

**For more on police tactics** on Sunday, watch the Merc's own Doug Brown spitting realness from a park bench on KATU.

**I-84's back! Sort of!** The interstate's westbound lanes are no longer closed between Troutdale and Hood River due to the Eagle Creek Fire. Eastbound lanes are still out of commission.

**BTW:** The fire's now 17 percent contained, and there's plenty of rain on the way.

**A drug charge** against prominent homeless advocate Ibrahim Mubarak had no merit, prosecutors now acknowledge. Mubarak was helping a homeless person avoid being swept by police, he says, when he was stopped by police, who located meth in the vehicle. The district attorney's office first offered Mubarak a diversion and treatment program, then dropped the case when it became fairly apparent the stuff wasn't his.

**Some asshole** thought it would be cute to string up "trip wires" between trees at Portland's new mountain bike park. You suck.



**The O takes a look** at the widespread, wholly unquestioned practice of state legislators employing their own family members using state funds. "The Legislature passed a bill a decade ago granting lawmakers an exception to state anti-nepotism laws. Legislators defend the practice, noting that it has been something of a time-honored tradition to hire family members."

**Want to target** only the most virulent bigots with your \$30 Facebook ad? The social media network is cool with that. Or it was, until ProPublica figured out it was easy to push content on people "who expressed interest in the topics of 'Jew hater,' 'How to burn jews,' or, 'History of 'why jews ruin the world.'"" Yikes, guys.

**The Portland Bureau of Transportation** says it's done investigating Uber's use of a tool called "Greyball" to evade regulators. But it stops there, revealing nothing about what the city turned up via subpoenas to the ride hailing giant. We wrote about the first audit of the practice earlier this year.

**The disturbed teen** who shot up his Spokane-area high school earlier this week—shooting four and killing one—told authorities he did it to "teach everyone a lesson about what happens when you bully others," according to police documents. Among the most chilling details of those documents: The student the shooter killed walked up to him when his assault rifle jammed and said something to the effect of "I always knew you were going to shoot up the school." The shooter got the guns from his father's gun safe, for which he knew the combination. A very safe household.

**Terror in London:** A makeshift bomb detonated on a packed London Underground train this morning. Thankfully it does not appear it was powerful enough to kill anyone, though 22 people were injured. It's the fifth terror attack in Britain this year.

**North Korea** shot another missile over Japan on Friday morning, and things are not getting any better with that whole situation.

**Soooo now Trump's suggesting** he's cool with a deal proposed by Democratic leadership that would allow protections for the "Dreamers" safeguarded under DACA, and wouldn't even mandate a border wall be part of the deal? "The wall will come later," he told reporters.

**Broadway Bridge will be closed** all weekend. To cars, that is. Bikes, as always, are Portland's cheat code.

**Whatever mighty atmospheric dam** has left us completely untouched by rain over the last three months is about to break in a big way.

## **Tort Claim Notice Filed Against City After Portland Cop Shoves Legal Observer to Ground**

*By Doug Brown  
September 14, 2017*

The Portland Police Bureau is again taking heat for questionable actions during Sunday's protest downtown.

First, an officer nonchalantly chucked a grenade at non-threatening people during a chaotic arrest on the corner of SW 3rd and Salmon. That's under "review" by the bureau. Then, within moments, another cop forcefully shoved a National Lawyers Guild (NLG) volunteer legal

observer to the ground. The city is now facing a tort claim notice —the first step of a potential lawsuit—because of the shove.

NLG observer Christopher Kuttruff, wearing a bright green hat like they all do, was filming the rough arrests. A flustered PPB officer identified only as "Officer Hughes" violently pushes him over. It was captured by OPB reporter Ericka Cruz Guevarra:

"That unlawful use of force was not only an attack on Mr. Kuttruff but was also an unlawful attack on the people's universal human and state and federal constitutional rights to politically organize themselves and to engage in free speech and expression," the NLG said in a statement today.

"Without any reason to do so, or any prior notice, Officer Hughes assaulted and battered Mr. Kuttruff by pushing him backwards, off the sidewalk, into the street, and down on the asphalt," it says. "Mr. Kuttruff's damages include physical damage, pain, fear, and humiliation at the time of the incident. Mr. Kuttruff also requests that the City of Portland takes actions to retrain and incentivize officers to not target legal observers and to generally not use unreasonable and unlawful force against individuals in demonstration situations."

Read the NLG tort claim notice here:

<http://www.portlandmercury.com/blogtown/2017/09/14/19318318/tort-claim-notice-filed-against-city-after-portland-cop-shoves-legal-observer-to-ground>

## **Another Angle of Portland Police's Questionable Use of Distraction Grenades At This Weekend's Protests**

*By Bri Brey  
September 14, 2017*

It was a volatile Sunday in Portland and Vancouver. From our reporter Doug Brown who covered this weekend's protests:

Local demonstrations caught national heat for a day that included both a Trump supporter nearly plowing through protesters with his American and Confederate flag-adorned pickup truck, and the president's large adult son taking to Twitter to rail against Portland antifascists, whom he accused of starting a riot.

Another story has emerged in the days following the protests. There are several video accounts of a Portland Police officer who appears to throw a distraction grenade at an unmasked person with a camera. Here's the original footage:

"A Portland cop violently shoved a @NLG\_Portland Legal Observer who was filming an arrest of a counter-protester to an alt-right rally. <https://twitter.com/erkagvra/status>

Cop threw flash at me. He aimed for unmasked independent press. No warning. Deliberate. Hit camera/chest. Reckless and dangerous. Fire him. [pic.twitter.com/jIWNg4Njz7](https://pic.twitter.com/jIWNg4Njz7)"

The Portland Police Bureau is now reviewing the incident, OPB reports. Our reporter Doug Brown shot this video:

If you want to know more, Doug will be on KATU at 5 pm and 6 pm to talk about what happened. We will update this post when they post the segment.

# Prosecutors Admit a Drug Charge Against Homeless Advocate Ibrahim Mubarak Had No Merit

*By Dirk Vanderhart  
September 14, 2017*

Prosecutors have decided "the facts did not support" a drug charge against respected homeless advocate Ibrahim Mubarak, after police accused him of knowingly having meth in the car he was driving while helping a homeless person avoid being swept earlier this year.

On September 6, four months after Mubarak's May 2 arrest, court records show Multnomah County Deputy District Attorney Jenna Plank moved to dismiss a single misdemeanor charge of possession of methamphetamine.

"The decision they made was fair and correct," Mubarak told the Mercury on Thursday.

In explaining her decision to dismiss, Plank gave credence to the a version of events Mubarak's supporters gave after his arrest was reported in late July by the Portland Tribune—a story Mubarak now confirms.

He says he'd been helping a homeless Portlander avoid being swept in early May, and still had the person's belongings in the vehicle he was driving. He was pulled over by police—they may have seen him making frequent stops and dropping people off, he says, and become suspicious—who said they saw a pipe in the car and initiated a search.

"They told me it was mine because I was driving," says Mubarak. " I asked them to drug test me anytime they wanted to. I asked them to drug test me right there."

He was going to take the matter to trial, but prosecutors wound up dropping the case after hearing from what Mubarak says were more than 100 supporters, and obtaining more information.

"Following the issuance of this case additional material was obtained significantly impacting the question of whether the controlled substance at issue belonged to Mr. Mubarak and/or whether he knew it was in his vehicle when he was stopped by law enforcement," Plank told the Mercury via email. "After a subsequent review of all of the available information we determined that the facts did not support, certainly not beyond a reasonable doubt, that the controlled substances were either Mr. Mubarak's or that he knew they were in his vehicle (possessed them). Once that determination was made we promptly moved the court to dismiss the charge, as it would best serve the interests of justice, and the court granted our motion and dismissed the case."

The dismissal is vindication for Mubarak, but he's also reticent about speaking about it. He says the incident might reinforce the notion that all homeless people are drug users, which is not the case.

"I don't want to put that negative connotation just on houseless people," he says. "All houseless people don't do drugs. It was a freak thing."

He goes further, too, arguing the incident never would have occurred without official policies for clearing campsites around town.

"This wouldn't happen if the police wouldn't be sweeping people—moving them from stop to stop," Mubarak says. "That's what's going through the outreach workers' minds: 'Hey we're trying to help humanity. We're not asking are you're a drug user.' I'm not going to do a background check on a person who needs help."

The Mercury interviewed Mubarak about his advocacy for self-managed homeless communities earlier this year.

## **The Daily Journal of Commerce**

### **Decisions on Portland Building Renovation Finalized**

*By Kent Hohlfeld  
September 14, 2017*

The Portland City Council made a tentative August decision official Wednesday morning, striking down a condition attached to the Historic Landmarks Commission's approval of a plan to renovate the Portland Building.

The Portland City Council made a tentative August decision official Wednesday morning, striking down a condition attached to the Historic Landmarks Commission's approval of a plan to renovate the Portland Building. The decision also finalized a rejection of architect Peter Meijer's appeal of project approval. The final vote was 4-0; Commissioner Nick Fish abstained.

DLR Group's appeal centered on a condition that would have required either a 50 percent reduction in the size of HVAC equipment planned for the building's rooftop or moving the equipment inside.

DLR Group architects claimed that the condition could not be met without recreating many of the building's existing problems, such as poor air quality.

Meijer had wanted the City Council to remand the \$195 million project to the Historic Landmarks Commission for further modification.

The proposed renovation calls for placement of a rain screen over the building's exterior. The rain screen would closely resemble but not exactly match the building's existing appearance. That sparked fears that the building could be de-listed from the National Register of Historic Places.

Designers argued that the rain screen was the best option to solve continual problems including water leakage and inadequate lighting.

### **Encroachment OK for Providence Park Renovation**

*By Kent Hohlfeld  
September 14, 2017*

The Portland City Council threw its support behind a proposed encroachment into public right-of-way to accommodate a 4,000-seat expansion of Providence Park. The council voted 5-0 to follow the city engineer's recommendation of approval.

The project team's plan to use a cabling system that would extend 14 feet over Southwest 18th Avenue right-of-way last month received the Portland Design Commission's OK. That decision was forwarded to the city engineer, who prepared a recommendation to go before the City Council

The engineer's recommendation touted the benefit of a \$50 million to \$55 million voluntary improvement to the city-owned facility. It also stated that additional exits to the stadium and large sidewalks weighed in favor of the encroachment.

Some commissioners expressed concern that a covered arcade would become a haven for homeless individuals and could create new liabilities for the city. Portland Timbers officials said they expect the team to take responsibility for the area surrounding the stadium; currently, it maintains sidewalks there.

That wasn't good enough for Robert Butler, a neighbor who spoke against the project.

"We are going to have a slum there," he told commissioners. "What a sorry deal."

That didn't sway commissioners, who then approved the project to move ahead.

The plan is for the project to be completed in two phases during the next two off-seasons. The first phase would begin in October and finish in March 2018. The second phase would stretch from October 2018 and wrap up by March 2019.

## **The Portland Business Journal**

### **5 Things to Know for Friday, Including the Continued Havoc From the Eagle Creek Fire**

*By Andy Giegerich  
September 15, 2017*

You've earned this weekend, Portland. Here's hoping you get to take a couple of days to, paradoxically, both unplug and recharge.

Here's your last Five Things of the week.

#### **Cool beans**

Earlier in the week we gave you Portland's best-tasting coffee(as chosen by PBJ readers), as well as the best coffee places to work solo and the best spots to hold business meetings.

Behold: Here are Portland's best overall coffeeshouses. The results are based on more than 1,500 votes tallied by 500-plus voters.

#### **How many times...**

That gargantuan wind farm that Apple Inc. is building in Eastern Oregon?

Ground has broken, reports the PBJ's Pete Danko. Let's hope a few mighty winds blow through it.

#### **The outcome's the thing**

OHSU star MD Dr. Brian Druker spoke at yesterday's Commercialization Conference that the hospital/school presented.

Elizabeth Hayes reports that Druker warned against focusing on anything but helping patients get better.

"There was nothing particularly innovative, but it completely changed the way we treat cancer," he said "If you focus on better patient outcomes, you can be innovative and disruptive along the

way. If you focus on, 'I've got to be innovative and disruptive,' it will detract from what you're really trying to do."

### **Problem solved**

A new city of Portland audit reveals that Uber used Greyball software to "intentionally evade" transportation bureau officers during December 2014.

The software could have helped Uber ascertain which riders may have sought to learn whether the company denied rides to consumers based on location.

The software was used to tag 17 individual rider accounts, with 16 of them identified as government officials, according to the audit.

"Moving forward, we have ensured that no attempts to evade regulators or deny service to riders in violation of City code or law will be allowed in the future," said Commissioner Dan Saltzman in a statement. He added that Uber "has since made changes to its company policy explicitly prohibiting its employees or drivers from evading regulators."

### **Still burning**

As KGW, a PBJ news partner, has reported over the past two days, report last night, there's plenty of mixed news regarding the now-two-week-old Eagle Creek fire.

Primarily, "Increased fire activity at the east end of the fire on Wednesday night prompted new evacuation orders Thursday in Hood River County," the station reports. Hood River schools are closed today.

Westbound Interstate 84, though, reopened between Troutdale and Hood River for the first time in 11 days.

The effect on tourism will be pronounced. The Hood River County Chamber of Commerce, for instance, said it will move the 2017 Hood River Hops Fest from Sept. 23 to Oct. 7.

At that, the Oregonian reports the fire is only 17 percent contained.

## **OPB**

### **Legal Observer Files Tort Claim After Police Officer Shoved Him**

*By Conrad Wilson  
September 14, 2017*

A legal observer for the National Lawyers Guild filed a tort claim Thursday against the city of Portland, arguing a police officer used "unreasonable and unlawful" force during downtown protests last weekend.

On Sunday, Christopher Kuttruff was working as a volunteer legal observer with the Portland chapter of the National Lawyer Guild, according to his attorney Kenneth Kreuzer.

Kuttruff was filming police officers as they made arrests in downtown Portland. His goal as a legal observer, Kreuzer said, was to document police activity.

“Without any justification that we are aware of, a Portland police officer appears on video — and through Mr. Kuttruff’s descriptions — appears to lunge at him and push at him and assaults and batters him,” Kreuscher said in an interview Thursday.

OPB reporter Ericka Cruz Guevarra captured the conflict on video.

The claim names “PPB Officer Hughes” as the person who pushed Kuttruff, but Kreuscher said he didn’t know the officer’s first name.

After he was pushed, Kuttruff fell to the pavement.

He went to urgent care following the incident, Kreuscher said, and suffered neck and back pain, but no broken bones.

Neither the city attorney’s office, nor Portland Mayor Ted Wheeler’s Office immediately returned requests for comment late Thursday.

Portland Police Bureau spokesman Sgt. Chris Burley said the department doesn’t comment on pending claims or lawsuits.

“The events of Sunday will be reviewed, which is also standard procedure,” Burley wrote in an email.

Kuttruff has not filed a lawsuit, but Kreuscher said he could do so in the future.

Kreucher said his client wants the city to admit wrongdoing by paying out financially.

“It’s money, but money as a proxy for justice,” Kreuscher said. “The way that our court system, our justice system, often times provides justice is by providing money.”

## **Wheeler Says He Won't Use YouTube Videos To Set Police Policy**

*By Conrad Wilson  
September 14, 2017*

Portland Mayor Ted Wheeler said he’s “satisfied with the results” from Sunday’s dueling protests downtown.

Seven people were arrested as a handful of right-wing demonstrators and hundreds of counterprotesters gathered at the Tom McCall Waterfront Park before spilling into the streets. Two police officers suffered minor injuries.

Dueling protests like Sunday’s faceoff between supporters of President Trump — and in some cases white supremacy groups — and groups on the left have created significant challenges for cities across the country.

Wheeler said it was clear to protest leaders from the start that there would be designated areas for each group — protesters would be separated, free speech would be protected and violence would not be tolerated.

“I would say I’m satisfied that the results could’ve been much, much worse,” Wheeler said Thursday on OPB’s “Think Out Loud.” He stressed, again, that he rejects white supremacy and violence.

Wheeler was asked about a video that's gone viral showing an officer deploying a crowd control grenade called a "rubber ball distraction device." It's similar to a flash-bang grenade.

Police say they were hit with three projectiles, including a water bottle and a wooden spoon, before the officer threw the distraction grenade toward a filmmaker and a protester. Others have criticized the officer's actions as heavy-handed and dangerous.

Wheeler said he's seen multiple videos that depict the incident from multiple angles.

"With respect to specific tactics, the police can always strive to do better, and every situation is a learning opportunity," Wheeler said. "As we review these types of situations, that can lead to changes in training and changes in the way that we work with the community."

The Portland Police Bureau and the city's Independent Police Review are both looking into the incident, something Wheeler underscored Thursday.

"I'm OK with us being critical of decisions that are made on the fly," he said. "If there are changes that need to be in either training or operationally we'll do it."

Wheeler said he supports the rights of people to shoot video of the police while they do their work. He called it "the kind of accountability and transparency" critical to rebuilding trust between law enforcement and the communities they police.

But during the same interview, Wheeler wouldn't say whether the officer used force correctly. The mayor also serves as police commissioner.

"I am not going to get suckered into making a definitive statement about a YouTube video," he said. "I saw videos of varying length, from varying angles, and they told different stories depending upon the angle and depending upon what people chose to show on their YouTube channel."

Wheeler said the two reviews should be completed before anyone comes to conclusions.

"I'm not willing to take anybody's benefit for the doubt until the Independent Police Review Commission and the internal investigation have an opportunity to interview people who were actually there and get their perspectives," he said.

Use the audio player at the top of this page to hear the full exchange between OPB's Geoff Norcross and Portland Mayor Ted Wheeler about the downtown rallies.

## **Former Gang Member: Portland List "Hampered Us In Our Lives"**

*By Cass Ray  
September 13, 2017*

The Portland Police Bureau announced on Sept. 8 that it would rescind its gang affiliation list. Effective Oct. 15, the bureau will purge around 300 names from the database, bringing an end to a controversial program that lasted more than 20 years.

Police officials came to the decision after sustained concerns were raised in the community about the list. Capt. Mike Krantz, who led the Portland police Gang Enforcement Team from 2013-16, said in a "Think Out Loud" interview that while the list provided benefits, the cost in community trust persuaded authorities to eliminate the policy.



“We only have the legitimacy to do our job as what the community gives us,” he said. “So if we can build community trust over this, that benefit is greater than the cost.”

Opponents have argued that the gang affiliation list disproportionately impacted racial minorities and impacted people who often had no criminal charges or were not gang-affiliated. In 2016, Carli Brosseau of the Oregonian/OregonLive reported that 81 percent of the 359 people listed were from a racial or ethnic minority background, including 64 percent who were black.

Krantz disputed that the bureau designated people without gang affiliation and pointed out that potential landlords and employers had no access to database information.

But Krantz also noted that the police had other investigative tools to pursue violent crimes.

“Why not do the right thing in the eyes of the community?” Krantz said. “We are the police of the community, so that’s a benefit for trust for us.”

Dontae Blake, a former gang member and program director for Unify Portland’s Living Free gang outreach program, said that the list adversely impacted people throughout the community.

“We all believed that it followed us, and it hampered us in our lives,” he said. “Whether it did or didn’t, it was a belief that it did.

“If this goes away, at least they’re off a list they shouldn’t have been on in the first place,” he said. “Because the list, to me, it’s worse ... it’s very, very severe punishment.”

Krantz stressed that the end of individual gang designations did not mark an end to gang enforcement.

“Just because we have gotten rid of this one tool of gang designation on the individual, doesn’t mean that gang crime specific isn’t going to occur,” he said. “It doesn’t mean that we’re not gonna look at violence as gang violence. We’re not pretending it doesn’t exist.”

Blake lauded the program’s end, saying that the policy change shifted his view of the bureau. He called its abandonment “a selfless act” on the part of the police force.

“They’re seeing us as humans,” Blake said. “We’re not so dehumanized, that they’re recognizing that we come from somewhere. We got to pass. Something led us to be gang members, and there’s hope.”