

The Oregonian

Portland Mayor Ted Wheeler Appoints New Chief Lobbyist

By Jessica Floum

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The city of Portland's interim chief lobbyist was promoted Thursday by Mayor Ted Wheeler to the permanent role, his office announced Tuesday.

As director of the city's office of government relations, Elizabeth Edwards will continue to lead the city's lobbying efforts at the state and federal level. She'll also oversee the city's international relations program and the recently established tribal relations program.

Edwards started working for the city in 2013. She was born and raised in Portland, and returned to the area in 2011 after attending Georgetown University and The George Washington School of Law.

For a year between college and law school, she worked for then-U.S. Sen. Gordon Smith, R-Oregon. And she worked for the Oregon Legislature during the 2013 session.

She is the 10th new city leader to start in the last year. "Elizabeth brings to this role a wealth of experience at the local, state, and federal level," Wheeler said in a statement. "She thrived during her time as interim director, and is the right person to shepherd the city's legislative agenda."

She is a member of the Oregon State Bar and spends her spare time exploring Oregon with her wife and dog.

The Portland Mercury

Chief Outlaw Sides With Civilian Oversight Board, Agrees a Sergeant Should Be Disciplined For Wrongly Threatening to Arrest an Activist

By Doug Brown

January 16, 2018

Portland Police Chief Danielle Outlaw sided with a citizen oversight board today, agreeing that a Portland Police Bureau (PPB) sergeant should be disciplined for threatening to arrest an activist who was legally filming cops during a protest in November 2016.

This is Outlaw's first decision on a case where the Citizen Review Committee (CRC) challenged the PPB's findings since taking office in October. In general, after the CRC challenges the bureau's clearance of an officer, the chief has the next call. The chief can side with CRC and punish the cop, or head to a future CRC meeting to try to convince the board to see it her way. If the CRC and chief still disagree, the case is settled by the Portland City Council—a rare occurrence. Outlaw's decision today means this case is done—there will be no more public meetings on this and the sergeant will receive some sort of punishment.

In a December meeting that we wrote about, the CRC voted unanimously to challenge the bureau's finding that that the Sergeant Erin Smith didn't violate PPB policy when he said that activist Ben Kerensa "could be arrested" for filming him. Filming police in public, which Kerensa had been doing, is a right under federal and state law. Smith later told investigators he purposely lied to Kerensa "about whether he was going to be arrested or not" to try to get him to stop filming but Traffic Division Captain Mike Crebs, the sergeant's boss, cleared his underling, telling the board that it wasn't really a threat and that police lying to people is acceptable in many situations. Police, earlier in the protest, had given Kerensa a ticket, alleging he entered a crosswalk too late (that was dismissed in court).

The CRC members and people in the audience wholeheartedly disagreed with Crebs and the PPB's findings, saying it was an improper threat that violated bureau policy.

"This is like an old-school mafia tactic," CRC member Daniel Schwartz said at the December meeting, blasting Crebs' reasoning that a cop telling an activist he "could be arrested" for doing what he's doing wasn't really a threat.

CRC chair Kristin Malone also passionately disagreed with Crebs: "If you do it in a situation where somebody knows their rights, that's extremely terrible, but let's say you do it in a situation with somebody who doesn't know their rights. Maybe it's not the First Amendment, maybe it's Fourth Amendment. Maybe it's an 'I can come into your apartment'—it's not something we want to be doing."

ACLU of Oregon Legal Director Mat dos Santos spoke up at the meeting: "That the sergeant also admits that he's employing his tactic to make [Kerensa] stop filming should further bolster the finding of an improper threat. If the officers are allowed to simply wordsmith their threats to avoid internal accountability, then officers will be permitted to suppress First Amendment rights with impunity."

Kerensa filed two complaints from the day he and others were protesting the Dakota Access Pipeline near the Phillips 66 terminal in Northwest Portland. The first, based on an earlier encounter, was that it was improper for a cop to tell him that he couldn't film police activity—the bureau agreed with that complaint. Outlaw's decision today means both of his complaints were ultimately upheld.

Read the Mercury's December 13 story: "A Cop Lied to Get a Portland Activist to Stop Filming. The Police Bureau Says That's Completely Fine"

The Daily Journal of Commerce

Revving up to Revamp Retrofit Requirements

*By Chuck Slothower
January 12, 2018*

The Portland City Council in coming weeks will wrestle with a policy that would give owners of seismically at-risk brick buildings a decade or more to complete costly retrofits.

A policy committee in December released a report calling for a tiered approach to seismic retrofit requirements. Building owners would be given ample time – 10 to 15 years – to complete upgrades

An existing city code to require seismic retrofits in certain circumstances has proved largely ineffective, the committee's report stated.

Since that code took effect in 1995, 85 percent of unreinforced masonry buildings have received no seismic upgrades, according to the committee's report. Only about 5 percent were fully retrofitted, and 9 percent were partially upgraded.

About 8 percent of unreinforced masonry buildings from the 1990s inventory were demolished, according to the committee.

The current code requires a seismic retrofit when an unreinforced masonry building changes use, expands to an occupancy of more than 150 people or the building owner spends more than about \$43 per square foot on improvements.

The proposed new policy was shaped by an 18-person committee that included architects, developers, building owners, historic preservation advocates and city officials. They issued a 37-page report.

The policy work comes after a widely read 2015 article Kathryn Schulz wrote for *The New Yorker* detailing devastation to be expected in the event of a Cascadia subduction zone earthquake. The odds of such an earthquake occurring within the next 50 years is about one in three, Schulz reported.

Now the policy matter is before the City Council, which is expected to take it up sometime in the "next few weeks," said Michael Cox, spokesman for Mayor Ted Wheeler. It was not yet on any upcoming council agenda.

"We want to take a look at those recommendations and work with our council colleagues before we schedule a date," Cox said.

Wheeler oversees the Office of Emergency Management, which would administer the policy. City commissioners are conferring, Cox said, but added it was too early to publicly discuss details.

"We're incredibly thankful to the committee for providing ... thoughtful input on these policies," he said. "We like and appreciate the work that they've done, and it's highly valuable."

The proposed policy would affect a vast swath of Portland's building inventory. Overall, the city has identified 1,884 unreinforced masonry buildings, with an average age of 88 years.

Unreinforced masonry buildings are common in Portland, particularly in older parts. The city's list of URM buildings includes more than 7,000 apartment units. Of those, at least 1,800 apartments are publicly financed affordable housing.

Commercial buildings also appear on the list, including some that have had expensive tenant improvements without a seismic retrofit.

The policy committee recommended categorizing buildings:

Class 1 is "critical buildings and essential facilities." This includes hospitals, police and fire stations, water treatment plants and electricity-generating facilities. There are six buildings in this category.

Class 2 facilities include schools, churches and other high-occupancy buildings. There are 92 buildings in this category, including 44 schools and 38 churches.

Class 3 facilities include buildings with more than 10 occupants, including numerous apartments. This is by far the largest category, comprising 1,332 buildings.

Class 4 facilities include one- and two-story buildings with zero to 10 occupants. This category has 201 buildings.

Members of the policy committee expressed concern regarding the high cost of seismic retrofits. Those costs can be difficult to recoup because seismically upgraded buildings command little, if any, premium over comparable buildings that have not been retrofitted.

“What concerns me deeply and has from the beginning is we lack the financial tools for building owners to pay for the upgrades,” said Peggy Moretti, executive director of Restore Oregon, a nonprofit organization dedicated to preserving historic buildings. “That tempered the level of seismic retrofitting that was mandated. It was a compromise based on some concerns about paying for it.”

Moretti suggested the city of Portland should lobby for financial assistance from the state to help building owners pay for seismic upgrades.

“We really need to create a better financial incentive for retrofitting,” she said.

Adding to the cost for multifamily building owners is the city’s relocation ordinance that requires compensating tenants who are evicted without cause. One Portland developer paid nearly \$200,000 last year to evict tenants from 65 units at the Fairmount Hotel.

Some building owners are considering seismic upgrades regardless of what the City Council implements. A committee of St. James Lutheran Church, at 1315 S.W. Park Ave., is investigating seismic retrofits for three buildings owned by the church. The St. James Council would first make a recommendation to the congregation for a final decision.

Ralph Oyler, president of the St. James Council, said the church has a “moral obligation” to investigate seismic retrofits in light of the Cascadia fault. The seismic retrofits carry “tremendous potential costs,” but it would be premature to discuss how the church would fund the project, he said.

Don Nielsen, a retired architect who is a member of St. James Lutheran Church, said it makes sense for the church to proceed with engineering and architectural studies for a potential seismic retrofit.

“Generally, the feeling is that is something that should be done,” he said.

Preservationists Purchasing Lot with Historic House

By Chuck Slothower

January 16, 2018

The Morris Marks house has been through a lot since it was built in 1880. It was converted into a boarding house, sawed in half twice and moved across downtown.

Now, with the Portland City Council’s support and the efforts of a couple of preservationists, the house may have long-term security.

The city is taking the final steps to sell a small lot it owns at Southwest Broadway and Grant Street to Karen Karlsson and Richard Michaelson, who moved the house from its former location at 1134 S.W. 12th Ave.

The city is finalizing the sale of the 4,750-square-foot lot from the Portland Water Bureau to Karlsson and Michaelson for \$180,000. The amount was determined by a city appraisal and tax value.

The 4,000-square-foot structure will be renovated and used as offices, Karlsson said.

For preservationists, the property sale is a last step to ensure the Morris Marks house's future. Over decades, efforts have been made to move the house. It was designed by noted 19th-century Portland architect Warren H. Williams for Marks, who was a merchant.

"It's an incredible example of an Italianate house," Karlsson said.

Karlsson, a project management consultant, said the house needs significant work. Piping and electrical equipment were attached to walls' exteriors. Pocket doors were walled over. The house has no functioning plumbing or electrical systems.

The house was moved in September to the city lot. A lease is in place until the sale is completed.

"It hadn't been occupied for about 17 years," Karlsson said. "It's now set on a foundation and we're now cleaning it up."

The house is no longer appropriate for residential use, Karlsson said. After the renovation, she and Michaelson, a developer, plan to sell the property.

"The idea is it will be converted to offices, and we're working on doing that," she said.

The deal with the city was slowed when it was discovered the Water Bureau owned the property, and not Parks & Recreation as had been thought.

The property was once Portland's first municipal reservoir, storing water pumped from the Willamette River, said Mike Stuhr, director of the Portland Water Bureau. Once a full city block, much of the property has been swallowed up by easements, rights of way and Interstate 405, he said.

Commissioner Amanda Fritz said she'd been working to preserve the house since at least 2007.

"Throughout my time in office, I have been looking for a solution for this," she said. "There have been multiple different opportunities."

The city will not miss the small Southwest Portland lot, Commissioner Nick Fish said.

"It's a tiny, little, irregular shape of property that's had no use forever," he said. "We've not only saved a historic piece of property, but we've found a home for it and we've generated revenue for our ratepayers."

The property sale went through a first reading on Jan. 10. A final vote will take place at a later date.