

## **The Oregonian**

# **Portland names Chris Warner as transportation director; Chloe Eudaly excited to see ‘bold vision’**

*By Andrew Theen*

*May 30, 2019*

Chris Warner, a long-time political insider and transportation adviser to several local and statewide politicians, is officially in charge of Portland’s Bureau of Transportation.

Commissioner Chloe Eudaly announced Thursday that Warner will lead the 900-person city bureau, removing the interim director title he inherited last July when Leah Treat left for the private sector.

As it did when the city hired Treat, Portland conducted a national search for the director’s position, but Warner beat out the three other finalists.

Warner will lead the bureau as it attempts to live up to promises made to voters in 2016 through a four-year gas tax designed to kickstart paving and safety projects, and he’ll be in charge as the city continues to try and eliminate traffic fatalities through its Vision Zero campaign. He’ll also be an influential voice, along with Eudaly, as Portland and the metro region preps for a 2020 transportation package expected to go to voters.

In a statement, Eudaly said she offered the permanent job to Warner “because he shares my commitment to safety, equity, and sustainability, as do most Portlanders.”

“He understands how difficult it will be to reorient our transportation system to meet the challenges of the future, and I know that he is more than up to the task,” she said in a statement. “He knows our city, he knows PBOT, and he has the skills and experience necessary to turn ideas into actions.”

Eudaly enjoys Warner’s wry sense of humor, but pointed to his resume and expertise on transportation issues stretching back decades.

“Director Warner has earned a reputation for quiet competence and hard work, but I’m excited to see him assert his bold vision as he transitions into the permanent role,” she said.

Warner will be paid a base salary of \$212,918 plus benefits, making him one of the highest paid city employees.

Warner moved to the transportation bureau as an assistant director after working for then-Commissioner Steve Novick as his chief of staff.

An Oregon native and vocal University of Oregon sports fan, Warner previously worked for Gov. Ted Kulongoski, Sen. Ron Wyden and U.S. Rep. Peter DeFazio, as well as former Multnomah County Commissioner Loretta Smith.

While working for Kulongoski, he helped push two major transportation packages through the Legislature, in 2005 and 2009. In her statement, Eudaly praised Warner for his years-long effort to help people living on unimproved roads see periodic gravel service. She also credited Warner for “the accelerated timeline” on putting projects in downtown intended to speed up buses and transit into use.

Warner officially takes over the bureau as it has dozens of projects expected to be under construction throughout 2019 and 2020, funded by the voter-approved 10-cent per gallon gas tax.

The city auditor this week said the city had fallen behind in delivering those projects, but Warner has committed to finishing all planned projects by the end of the four-year gas tax in 2020. Eudaly has also said she would see to renew that program.

The 56-year-old lives in Northeast Portland. His wife, Barbara Smith Warner, is a member of Oregon's House of Representatives and represents parts of Northeast Portland, Maywood Park and Parkrose.

## **Mayor Wheeler picks ex-Greensboro, N.C. councilman as deputy chief of staff**

*By Gordon Friedman  
May 30, 2019*

Portland Mayor Ted Wheeler has appointed Jamal Fox, a former Greensboro, North Carolina city councilman, as his deputy chief of staff, the mayor's office announced Thursday.

Fox was 25 when he was elected to the Greensboro council in 2013, the youngest person ever elected to the body. He was re-elected and resigned midway into his second term in June 2017. Fox, now 31, moved to Portland a month later to take a job as property and business development manager within the parks bureau.

Shortly after his move to Oregon, Fox opened a political campaign account and transferred \$7,511.32 into it from his North Carolina campaign account. Asked Thursday if he intends to run for office in Oregon, Fox said, "That hasn't even crossed my mind."

None of the money has been spent and Fox said he has not decided what to do with it, but raised the possibility of donating to other candidates.

The mayor's office released a statement saying Fox views it as "an honor and privilege to serve the Portland community through the mayor's office." He fills the vacancy created when Wheeler promoted Kristin Dennis to the chief of staff position.

Fox was also a plaintiff in a prominent gerrymandering lawsuit against the state of North Carolina, which alleged Republican legislators had packed voting districts to limit the power of African Americans.

"At the time, they were trying to gerrymander me out of my own district," Fox told The Oregonian/OregonLive. "It was bitter. I was going against the Republicans at the time, tooth and nail."

The case was eventually argued before the U.S. Supreme Court, which found that Republican lawmakers had in fact drawn voting maps to weaken black residents' electoral influence.

# The Portland Tribune

## Federal judge blocks masonry building warning signs

By Jim Redden

May 30, 2019

### **Preliminary injunction ruling says building owners will most likely win their lawsuit claiming Portland requirements violate their First Amendment rights.**

A federal judge has issued a preliminary injunction preventing Portland from requiring owners of unreinforced masonry buildings post signs warning that are dangerous in earthquakes.

Oregon U.S. District Court Magistrate Judge John Acosta ruled building owners demonstrated they will probably win their lawsuit claiming their federal free speech rights will be irreparably harmed by the requirement. The preliminary injunction prevents the city from enforcing the requirement until the case is concluded, which could take years.

"A preliminary injunction is necessary because Plaintiffs have demonstrated a substantial likelihood of success on their First Amendment Claim and enjoining enforcement of the Ordinance is necessary to prevent violations of Plaintiffs' constitutional rights. Plaintiffs have demonstrated that they will suffer imminent irreparable harm if they are required to comply with the Ordinance, and that the balance of equities tips favors Plaintiffs and it is in the public interest to prevent the violation of Plaintiffs constitutional rights," Acosta wrote in his Thursday, May 30 ruling.

"I would hope this injunction will give the city the time to pause and reflect and pull in the owners who know more about their buildings than anyone else and solicit their ideas about how to make them safer and preserve the character of Portland," said John DiLorenzo, one of the lawyers representing the Masonry Building Owners of Oregon, which filed the suit.

Many building owners objected to the requirement before and after it was approved last year, saying it will discourage people from entering their buildings and reduce their value. They also said an agreement the city is requiring them to sign and record with their deed is an encumbrance that could affect their ability to sell or borrow money against their buildings in the future.

The requirement pushed by former Commissioner Dan Saltzman passed on a 3-to-0 vote with commissioners Chloe Eudaly and Nick Fish absent. After Commissioner Jo Ann Hardesty succeeded Saltzman on the council in January, she pushed to delay its enforcement. The council agreed and postponed the requirement for privately-owned buildings until November 2020 and waived the recording requirement, but said new leases would have to include warning language. The owners argued both future requirements would violate their free speech rights against being compelled to say something they did not believe by government. Acosta agreed.

You can read the ruling [here](#).

You can read a previous Portland Tribune story on the issue [here](#).

## **Willamette Week**

# **Federal Judge Halts Enforcement of Portland's Requirement to Post Signs in Buildings That Could Crumble in an Earthquake**

*By Rachel Monahan  
May 30, 2019*

**In a May 30 ruling, the judge cited building owners' "a substantial likelihood of success" in the case that seeks to avoid having to post placards on properties.**

A federal court decision will bar Portland City Hall indefinitely from enforcing its ordinance requiring owners of unreinforced masonry building to post warnings that buildings "may be unsafe" in the event of an earthquake.

The May 30 preliminary injunction will apply until a final decision in the case, unless another court overrules the decision. A previous injunction had been put in place when the city moved in February to revise last year's ordinance.

The case, filed in U.S. District Court in Portland, last year seeks to overturn the city's requirements both to post the placards on buildings and warn prospective tenants of the dangers of being inside an unreinforced masonry building in a seismically active zone. The ordinance was passed last year at the urging of Mayor Ted Wheeler and revised in February under City Commissioner Jo Ann Hardesty.

The case stems from a First Amendment claim that it would be a violation of the building owners' free speech requirements to make them post such warnings.

"Plaintiffs have demonstrated a substantial likelihood of success on their First Amendment Claim and enjoining enforcement of the Ordinance is necessary to prevent violations of Plaintiffs' constitutional rights," Judge John Acosta writes in the decision. "Plaintiffs have demonstrated that they will suffer imminent irreparable harm if they are required to comply with the Ordinance, and that the balance of equities tips favors Plaintiffs and it is in the public interest to prevent the violation of Plaintiffs constitutional rights."

Wheeler, Hardesty and the city attorney did not immediately respond to requests for comment.

## **The Portland Mercury**

# **As Tenants Urge City Council to Pass Fairer Rental Policies, Landlords Campaign for the Status Quo**

*By Blair Stenvick  
May 30, 2019*

Tenants-rights advocates clashed with landlords and property owners over potential new requirements for the rental screening process at a Portland City Council meeting Wednesday evening.

One of two proposed city ordinances would require landlords to follow specific application screening rules—a process called “low-barrier” screening—to ensure their tenant selection

process isn't discriminatory. The other would place a defined limit on how much a landlord could charge as a security deposit: no more than one month's rent. City Council didn't vote on the two ordinances, which are part of Commissioner Chloe Eudaly's Fair Access In Renting (FAIR) plan, but they did hear testimony from about 50 people on both the ordinances and several proposed amendments.

It wasn't the first rodeo for these ordinances. In April, City Council held two similarly heated hearings about them; as a result, Eudaly introduced amended versions that cleared up concerns about whether they aligned with federal and state housing policies.

Wednesday's three-hour session pitted tenants speaking in favor of the rule changes—many of whom, as people with disabilities, people of color, and/or members of the LGBTQ community, spoke about their struggles to find housing—against landlords and people who work in property management, most of whom were critical of the ordinances.

The new rental screening requirements would give priority to people with mobile disabilities when applying to live in accessible units. They would also dictate that landlords could only require a prospective renter earn double the rent (or 2.5 times for affordable housing), rather than the current industry standard of requiring income to be three times more than rent. Both of those provisions would help level the playing field for people like Nico Serra, who uses a wheelchair and relies on social security checks for income.

Serra, a board member of the disability rights organization Real Choice Initiative and a self-described "mixed-race, queer, and transgender person with disabilities" was one of many to speak in favor of the ordinances.

"Try to imagine being at the intersection of poverty, race, gender, and disability," Serra told City Council. "People like me have very few options when it comes to affordable and accessible units. In fact, many of us end up in institutions, on the streets or in prison."

Landlords and property managers, meanwhile, are concerned the lowered income requirements and first-come-first-served policy would set renters up to fail and force landlords to evict more tenants. Several representatives from large property management firms alluded to the possibility that their companies might need to leave the Portland market should these ordinances pass; those in favor of the ordinances cast doubt on those threats, considering Portland is still a lucrative rental market.

Just hours before Wednesday's meeting began, the Oregonian reported that landlord and property management lobbying group Multifamily NW was behind a slate of anonymous robocalls received by many Portlanders. The robocalls warned that the new ordinances would ultimately be bad for tenants, and urged people to call city commissioners and ask them to delay a vote.

That message was mirrored in an email Multifamily NW sent to its members on Tuesday evening. That email, obtained by the Mercury, argued the proposed ordinances would create an "administrative burden" for landlords—and that one provision in the rental screening ordinance that restricts criminal background checks, and prohibits landlords from considering misdemeanors older than three years and felonies older than seven years, poses a danger to tenants.

"It removes safety provisions for existing renters, like screening for serious criminal backgrounds," the email reads. "Many will not want to use the threshold criteria because it doesn't adequately protect the other residents. ... [It] prevents denial for anyone with a

misdemeanor for over 3 years from sentencing. All misdemeanors are not created equal. This would include several categories of sex offenses, property crimes like arson, theft, and burglary.”

Property managers also argued Wednesday night that the ordinances weren’t necessary because the majority of Portland landlords were not discriminatory in their screening practices. That prompted Commissioner Jo Ann Hardesty to issue a strong rebuke of that notion.

“I’m concerned that there’s this campaign that’s been feeding misinformation to the public,” Hardesty said. “I don’t need anybody else tonight to tell me that most landlords don’t discriminate, because if that were true, we would not be having this conversation tonight. So you can just take that out of your lexicon for this evening.”

Mayor Ted Wheeler and Commissioners Eudaly and Nick Fish introduced several new amendments at the start of Wednesday’s meeting. Like the tweaks Eudaly made to her original ordinances, these new amendments are mostly intended to bring the ordinances into compliance with state and federal law, or make small logistical changes. However, one amendment introduced by Wheeler takes specific language detailing how landlords should prioritize applicants with disabilities and replaces it with considerably vaguer language that simply calls for people with disabilities to have “preferential access” to accessible dwelling units.

Ethan Harrison, an organizer with Portland Tenants United, said Wheeler’s amendment “takes the teeth out of the policy, and reduces it to landlord preference.”

Another amendment Wheeler introduced would get rid of an option for landlords to opt out of the low-barrier screening process, provided they are willing and able to show how their alternative screening process is not discriminatory. Tenants-rights advocates had mixed opinions about that amendment, with some in favor of requiring all landlords to comply, and others arguing the option of an alternative screening process could be helpful for well-meaning, small-time landlords.

Emotion ran high at Wednesday’s meeting, with attendees often cheering or audibly disagreeing with public testimony. At about 9:30 pm, when testimony wrapped up, City Council decided they would discuss and vote on the two ordinances at their June 12 meeting.

The written public comment period for these two ordinances is still open.

## **New(ish) Director Named for Portland Bureau of Transportation**

*By Blair Stenvick  
May 30, 2019*

Chris Warner has been appointed the new director of the Portland Bureau of Transportation (PBOT), Transportation Commissioner Chloe Eudaly announced Thursday morning. Warner has served as PBOT's interim director since last July, but now will hold the position without that qualifier.

"I chose Chris Warner because he shares my commitment to safety, equity, and sustainability, as do most Portlanders," Eudaly wrote in a statement announcing she had hired Warner. "He understands how difficult it will be to reorient our transportation system to meet the challenges of the future, and I know that he is more than up to the task. He knows our city, he knows PBOT, and he has the skills and experience necessary to turn ideas into actions."

Before joining PBOT, Warner did policy work for several Portland and Oregon politicians, including former City Commissioner Steve Novick, former Governor Ted Kulongoski, and Senator Ron Wyden. He was selected as PBOT director after the city's Bureau of Human Resources conducted a nationwide search that included a 20-person selection panel.

In her statement, Eudaly praised Warner for the work he's done since joining PBOT:

"At my request, Director Warner developed and instituted a new protocol at PBOT to respond immediately to fatal crashes with safety improvements where needed and public notification. He also deserves credit for PBOT's Gravel Street Service that addressed a problem that has frustrated a generation of politicians, policymakers, and community members. Finally, the accelerated timeline on the implementation of Portland's Central City in Motion project is just one of many examples to come of what we can get done together when the values and vision of a Director and Commissioner-in-Charge align, especially with broad community support."

Warner took the job as interim director last year after former PBOT director Leah Treat resigned to work in the private sector.

## **The Daily Journal of Commerce**

### **City pouring in resources for water storage**

*By Josh Kulla*

*May 30, 2019*

Tucked away in Portland's West Hills beneath the International Rose Test Garden, two reservoirs for more than a century sat quietly at Washington Park. That is now changing.

The two reservoirs, operated by the Portland Water Bureau, have provided water to residents since 1894. But one is being replaced and the other is being taken offline. The challenge for the project team is that a gravity-fed system that allowed efficient operations also placed the reservoirs in the path of an ancient landslide. And that means construction of a new reservoir is complicated.

"It's nice to build reservoirs in gullies and ravines because then you only have to dam one side, so it's a nice place for water storage," said Thomas Gilman, an engineer with the Portland Water Bureau. "What geologically existed here was a stream, and the landslide would move and block the stream and the water would come and wash the soil out and it would move again. When they started construction in 1894 the landslide hadn't moved; it had filled in and was in the process of being washed out."

Excavation for the original project, however, reactivated the landslide and forced engineers to come up with a solution on the spot. A series of dewatering tunnels bored into the hillside did the trick. The slide was slowed to a geological crawl and the reservoirs went on to serve without incident for many years.

When crews began construction in 2016 on a replacement reservoir, however, that slide once again had to be taken into consideration. Building at a new location was considered and rejected for a variety of reasons, said Teresa Elliott, the chief engineer for the water bureau.

"We would still have had to do something about the slide because it has to have weight on it," she said. "And all of our infrastructure goes through here, so if we built somewhere else we would have had to build new infrastructure, new piping and everything to get there."

In the end the estimated \$190 million project to replace the two old open-air reservoirs with a new 12.4-million-gallon underground reservoir got started in 2016 with excavation and site work as well as construction of a massive temporary shoring wall on the east side of the site.

Reservoir 4 on the south side was also disconnected from the water supply infrastructure, excavated and used to hold earth excavated from Reservoir 3. It will also support a future decorative reflecting pool.

There is an eight-year timeline for construction of the new reservoir. Work started in 2016 and now has progressed to the point where crews from general contractor Hoffman Construction, Western Rebar and other subcontractors are now roughly 40 percent of the way finished pouring slab-on-grade sections for the four-foot-thick floor of the reservoir. Other crews are now busy constructing massive steel wall forms for the equally thick south walls.

A total of 176 shafts were drilled into bedrock to anchor the reservoir structure into the hillside. On the site's west side, a new concrete, mechanically stabilized earth (MSE) wall has been constructed to anchor the toe of the landslide.

"This project has caused it to move faster than it had been," Gilman said. "But it's still well within our criteria for what is allowable."

A second tower crane with a luffing jib has been erected at the north end of the construction site and will supplement the first crane operating at the south end of Reservoir 3.

"It took about two years to get to the point where they could start building the concrete structure itself after all the shoring, walls and the shafts," Gilman said.

"We're now working on the end walls, and that's what you'll see," Elliott added.

Two historic gatehouse structures fronting the old reservoirs are being refurbished in order to house control valves for the new reservoir.

"The gatehouse is one of those things they wanted us to preserve," Gilman said. "So we gutted it out and brought it up to seismic standards."

Construction of the new reservoir is scheduled to be completed by early 2020; then two years will be allowed for the soils to settle and the massive concrete vault to do the same. Crews will then return to the site to build the decorative reflecting pools atop the old reservoir footprints, along with a new grand staircase and other features. Completion is expected in 2024.

## **The Skanner**

### **Mayor Wheeler Hires New Deputy Chief of Staff**

*May 30, 2019*

On Thursday, May 30, the Office of Mayor Ted Wheeler announced the hire of Jamal Fox as the Mayor's new Deputy Chief of Staff.

Fox comes with a background in local government, most recently serving as the Property & Business Development Manager for Portland Parks & Recreation. Fox was elected to the Greensboro City Council in North Carolina at the age of 25. He was later re-elected, serving until 2017 before moving to Portland with his family.

Fox takes over the role left vacant after the Mayor promoted his then Deputy Chief of Staff, Kristin Dennis, to Chief of Staff earlier this year.

"I am looking forward to being a part of a strong and high performing team of professionals. It is an honor and privilege to serve the Portland community through the Mayor's Office. I have many goals, but one of my top priorities is to ensure that the values and policies championed by Mayor Ted Wheeler and his team will have a lasting legacy in Portland - values rooted in equity and economic prosperity for all, where Portlanders will experience the benefits of the work we do now for generations to come," said Jamal Fox in a press release.

Prior to being elected Greensboro City Council, Fox worked for the City of Greensboro in the City Manager's Office and the Department of Planning and Community Development and is also a former North Carolina A&T State University Political Science Adjunct Professor.

"I am pleased to welcome Jamal Fox to the team," said Mayor Ted Wheeler in a press release. "His extensive experience as a former elected leader, educator, and as a community advocate will be invaluable to our team. I look forward to his leadership as we continue to work hard for all Portlanders."

## **OPB**

# **Portland Looks To Cap Income-To-Rent Ratios, And Landlords Push Back**

*By Amelia Templeton  
May 30, 2019*

Landlords warning of dire consequences if Portland adopts new regulations on how they screen tenants and collect fees got pushback at a Portland City Council hearing Wednesday night.

The ordinance has been significantly rewritten since Commissioner Chloe Eudaly first introduced it in April, but the core remains the same.

It requires landlords to use a standard set of screening criteria that are more permissive than what the private market typically uses to review prospective tenants. For example, people wouldn't be turned away for having a felony conviction more than 7 years old or for a misdemeanor more than 3 years old. A poor credit score also wouldn't be disqualifying.

Under the policy, landlords could still choose their own stricter screening criteria. If they do, they would have to give applicants a written explanation for why they didn't qualify for a unit, and a chance to file an appeal.

At Wednesday's hearing, public testimony split evenly between supporters and opponents of the ordinance.

Many landlords warned of unintended consequences if the regulations pass. Some testified they would shift their investments to what they see as more business-friendly real estate markets.

They objected in particular to new caps on the income-to-rent ratio landlords can require: two and a half times the rent for cheaper units that meet a federal standard of being affordable to someone making 80% of the area median income, or two times the rent for more expensive units.

“We had discussions this morning. Do we move to another market? Do we move to Boise and build in Boise?” said Jim Rostel, sales director for Anchor Property Group, a Portland area company that builds and manages apartments across the city.

Deborah Imsee with the landlord lobbying group Multifamily Northwest said the Council was watering down safeguards that are intended to protect tenants “from entering into housing contracts they cannot afford” and warned the end result would be more people falling behind on the rent and more for-cause evictions.

That prompted a follow-up question.

“Do you have any data that shows that people who are paying, today, more than two times their rent are more likely to be evicted than people who have three times their rent in salary?” Commissioner Jo Ann Hardesty, who supports the ordinance, asked.

“At this time, no, I don’t have any empirical data. I do have some ways of getting at it,” Imsee responded.

Eudaly’s senior policy advisor, Jamey Duhamel, said the intent of capping the income to rent ratios is to help low wage workers qualify for housing.

Using the industry standard 3-to-1 ratio, a single worker earning minimum wage in Portland employed 40 hours a week who earns \$2,166 a month would qualify for apartments that rent for \$722 or less. Using the new standards in the ordinance, a person earning minimum wage would qualify for apartments renting for up to \$1,088 a month.

The median renter income in Portland was \$36,833 in 2016, according to the latest data from the Portland Housing Bureau.

Supporters of the ordinance who came to testify suggested it was paternalistic for landlords to oppose the bill on the grounds that it will hurt tenants, when fair housing groups and tenant advocacy organizations are backing the proposal.

Hardesty and Eudaly have accused the landlord lobby of spreading misinformation in its campaign against the ordinance. The Oregonian/OregonLive reported that Multifamily Northwest paid for anonymous robocalls that have urged people to call City Council members — a development commissioner Eudaly called disappointing.

“I am respectfully requesting that we stick to the facts, and debate this policy based on its merits,” Eudaly said.

Landlords have won a significant revision in the draft ordinance. It allows them to screen the criminal and rental histories of all household members, not just the primary applicant. Eudaly’s staff conceded that a prior version of the policy that limited screenings to one applicant conflicted with landlord’s rights under state law.

Council could vote on the ordinance when they consider it again, in two weeks. Commissioner Nick Fish and Mayor Ted Wheeler have signaled they may be willing to support it.

In an amendment, Eudaly proposed delaying the effective date of the new rules until March 31 — to give the Portland Housing Bureau and landlords more time to adapt.