

The Oregonian

Fact check: Ted Wheeler's testimony to Congress on Portland climate policies

By Gordon Friedman
July 17, 2019

Mayor Ted Wheeler testified on Wednesday about Portland's climate policies before a panel of U.S. Senate Democrats in Washington, D.C.

The panel, called the Senate Democrats' Special Committee on the Climate Crisis, is to examine the effects of climate change in the United States and "mobilize action and support for bold climate solutions," according to its webpage.

Wheeler testified alongside the mayors of Honolulu, Atlanta, Saint Paul and Pittsburgh in the committee's first hearing, which was convened for testimony on "climate action at the local level."

In his testimony, Wheeler touted Portland's eco-conscious credentials and said the city was "living proof" that environmentalism and a strong economy can go hand in hand.

Wheeler said the climate crisis is "undoubtedly the greatest challenge we face this generation" and can only be solved by teamwork on a scale never seen before.

He also made a number of claims about what Portland is doing to address climate change. The Oregonian/OregonLive fact checked them.

Claim: Portland was the first municipality to adopt a climate action plan when it did so in 1993. "We've been earnestly tackling the issue of climate change for over 25 years," Wheeler said.

Fact check: Portland did enact a "Carbon Dioxide Reduction Strategy" in 1993 and was the first city to do so, making it an early leader in the fight against climate change. However, Portland was one of 14 municipalities that jointly adopted similar plans as part of the Urban CO2 Reduction Project.

Portland's plan called for reducing carbon emissions to 20 percent below 1988 levels by 2010. It noted that doing so would require the city to replace its vehicle fleet, improve home energy usage, recycle more, use renewal energy to generate huge amounts of electricity and reforest 75,000 acres statewide. Emissions continued rising despite the plan.

Claim: Wheeler said Portland has been "successful at reducing our carbon emissions" and that as of 2017, the city had "reduced its per-person carbon emissions by 38 percent below 1990 levels."

Fact check: Multnomah County's carbon emissions have been falling since 2000 but rose slightly in 2013 and 2017. The city's transportation emissions also increased 6.4 percent last year.

The figure Wheeler cited to senators is from an analysis that has not been published, said a spokesman for the Bureau of Planning & Sustainability.

Claim: Portland “banned single-use plastics” including straws and utensils.

Fact check: It’s not a ban. Legislation adopted by the Portland City Council will make it so plastic straws, utensils and stirrers are available upon request. That policy takes effect in October.

Claim: Portland is investing in transit-only lanes “to make our bus service faster, cleaner and more reliable.”

Fact check: It’s a work in progress. The City Council adopted the Central City in Motion plan last year, which provides \$36 million for creating transit-dedicated lanes in downtown and inner East Portland neighborhoods. Officials say the projects will improve bus service and benefit the environment, though none have been completed.

Claim: Corporate-funded campaign groups helped to kill a state carbon tax bill, but a measure referred to voters by Oregon lawmakers “will take care of that problem” of unlimited campaign contributions.

Fact check: Opaque groups did use Oregon’s campaign finance system to mount a successful opposition against the carbon tax. But the measure referred to voters to allow campaign finance limits is just a first step to tighten the campaign finance system. Even if voters approve it, the Legislature (or voters) still must set limits. Lawmakers tried and failed in the 2019 session to secure approval of a loophole-riddled bill that left open multiple avenues for unlimited donations.

Portland police lack consistent direction on encounters with homeless people, report finds

*By Maxine Bernstein
July 17, 2019*

Portland police have unreliable statistics on arrests of homeless people and those with mental health problems and officers remain confused about their role in responding to complaints involving transients, the city’s police oversight division said in a report released Wednesday.

“The Police Bureau currently does not collect sufficient data to effectively analyze its officers’ interactions with people experiencing homelessness,” the Independent Police Review report said.

Mayor Ted Wheeler and Police Chief Danielle Outlaw initiated the report in response to an investigation by The Oregonian/OregonLive that found more than half, or 52 percent, of Portland police arrests in 2017 were of homeless people. The investigation pointed out that less than 3 percent of Portlanders are homeless.

The analysts from Independent Police Review, an office under the city auditor, examined a sample of 727 arrest reports involving 843 homeless people from 2017 and 2018. The police contacts were either initiated by officers or followed 911 calls. More than half, or 60 percent, of the arrests resulted from an outstanding warrant, largely for misdemeanors, or because the person failed to appear in court on an earlier arrest.

But because the bureau doesn’t have officers write reports on their encounters with homeless people that don’t end in arrests, the analysts said there was no way to determine what percentage of overall police encounters led to an arrest.

About 45 percent of the arrests reviewed resulted from a call to police and 44 percent from an officer's initiative. Most didn't occur at homeless camps: 45 percent occurred on the street, 14 percent at TriMet stations or TriMet buses or trains and another 14 percent at businesses, the report said.

"We recommend that the Portland Police Bureau identify its role in addressing homelessness, implement consistent direction for officers, improve data collection, and work with criminal justice partners to minimize follow-up arrests," the report said.

The police chief has pledged to meet with the mayor, who serves as police commissioner, in the next month to clarify officers' role in addressing the city's homeless crisis and have the bureau's Office of Inspector General reach out to experts to provide policy recommendations to the chief within three months.

The assistant chief of investigations also will set up a work group with prosecutors and jail officials to look for ways to reduce "failure to appear" warrants, the chief said in a response.

The independent analysts found that police don't routinely record a person's housing status in a coordinated way and have had no guidance on how to do so. If someone refuses to provide a street address, police enter "transient" or "homeless" instead.

Officers now are allowed to use the terms "confidential," "refused," "houseless" or "unknown" in the field for address on police reports, police say.

The analysts found that about half of all arrests can be attributed to someone without a fixed street address in the police records data system, most clustered in downtown Portland and the central eastside, with other concentrations in North and East Portland.

"The database has a field related to mental health, but officers do not appear to use it. Without such designations, the Police Bureau is unable to use RegJIN data to do meaningful analysis of officers' interactions with vulnerable populations," the report says. RegJIN, short for Regional Justice Information Network, is the electronic police records management system.

Those arrested on warrants often end up back on the street, "caught in a perpetual cycle of getting arrested, receiving a court date, failing to appear in court, and getting a new warrant," the report said.

In Multnomah County, it's unlikely that a person with a low-level misdemeanor charge will be booked in jail, but officers still take them in to be processed. Those arrestees are then released based on their low-risk status and given a court date, and a warrant is issued if they fail to appear.

The city also lacks a consistent approach to enforcement of its anti-camping laws, the analysts said.

"Officers previously were involved more heavily in camp clean-ups and have received conflicting messages on the types of tent camping the City would allow," the report said. "As those responsibilities have changed, officers said they do not have enough guidance on their role in the City's strategy to address homelessness."

Currently, officers will check on a camper's well-being or recommend services but aren't clearing camps, leaving that to city-hired contractors to coordinate.

A short-lived pilot program called Safe Sleep Guidelines, which began in early 2016, allowed one person or groups of six people or fewer to camp on sidewalks or other rights-of-way from 9 p.m. until 7 a.m. Tents were supposed to be dismantled each morning.

Compliance was inconsistent and difficult to enforce, and police were overwhelmed by the number of camps, the report found. The city ended the program by August 2016. Community members blamed the guidelines for a large encampment along the Springwater Trail.

The most recent Portland-area survey estimated there were 4,177 people experiencing homelessness in Multnomah County in 2017. People were considered unsheltered if they were living in a place not meant for human habitation, such as a vehicle, tent, or abandoned building. The survey also counted people living in shelters and transitional housing.

The police oversight report says that survey, done in February during Portland's rainy season, may have underestimated the homeless population. It also did not include an estimated 9,522 people in Multnomah County who were "doubled up" in temporary or unstable living arrangements, the report noted.

Some homeless people interviewed for the report said they need to be downtown to be close to social service resources but that their visibility put them at risk for police contact.

"Unsheltered people face the unique risk of community members calling police based on their appearance or behaviors that may be beyond their control. As one social service provider said, "[i]t can be hard to have a mental crisis or even a bad day in public," the report says.

Many of Portland's construction and redevelopment projects in Old Town and the central eastside also are located where there were existing homeless communities, leading to increased conflict, the report found.

Portland couple sues, says city liable for violent attack by homeless man

*By Maxine Bernstein
July 17, 2019*

A couple attacked by transients at Poet's Beach along the Willamette River is suing the city of Portland, alleging police knew they were potentially dangerous and failed to remove them.

The federal suit alleges the officers didn't arrest the transients for camping on public property and threatening and assaulting others.

On July 25, 2017, Andrew and Kelly Corrado had gone with their dog to Poet's Beach on the west side of the river beneath the Marquam Bridge.

Two Portland officers at the park told the Corrados that they had been called there on reports of an "abusive, assaultive individual who was living at the beach," the suit says. The officers said they had received more than one complaint and warned the Corrados to stay away from a man and woman camping at the beach.

Sometime later, as the Corrados were sitting on the beach, their dog noticed another dog running on the beach and tried to follow it. As the Corrados got up to grab their dog, a man began to throw rocks at Andrew Corrado, forcing him to retreat into the river to avoid getting hit, the suit says.

The man throwing rocks, later identified as Jonathan Rance, then turned his attention to Kelly Corrado, who tried to come to her husband's aid. Rance, apparently disturbed that the Corrados had left their dog off leash, shoved her onto large boulders at the river's edge and began to strike her with a metal baton on the back of her head, according to the suit.

She tried to call 911 but Rance grabbed her cellphone, the suit says. As her husband approached, Rance struck him in the shoulder with the baton. Kelly Corrado's screaming got the attention of a lifeguard and a park ranger.

Kelly Corrado was taken by ambulance to Legacy Emanuel Medical Center, where she was treated for a large gash to her head and received four staples to close the wound.

"The Plaintiffs were informed that the assaultive individual originally identified by the Portland Police was, in fact, Mr. Rance and that the police had been called between 3-5 times in recent days because of his assaultive and dangerous behavior," the lawsuit says.

Portland police spokeswoman Lt. Tina Jones said the bureau couldn't comment about the incident, the arrest or why no prior action had been taken against Rance because of the pending litigation.

The attack has made the Corrados wary of going out in the city, their lawyer, Michelle R. Burrows, said in the suit.

"They still go out and about but with a new trepidation and anxiety that someone will try to hurt them," Burrows wrote. "They are constantly looking over their shoulder and in a lot of cases just choose to stay at home or enjoy their days off at their coastal beach house."

Rance ran from the beach but was arrested at a hotel several days later. On June 29, Rance, 36, was sentenced to five years in state prison after pleading guilty to second-degree assault and two counts of unlawful use of a weapon.

According to a probable cause affidavit filed after Rance's arrest, Rance and his wife were camping in a tent at the park with their two dogs, a rabbit and a parrot. Rance told the Corrados when they first arrived that they'd been camping there for several weeks.

They first engaged in polite conversation, and Rance asked Andrew Corrado to keep their dog on a leash, explaining that his dog was protective of their camping area, Multnomah County Deputy District Attorney Stacey Borgmann wrote in the affidavit.

Kelly and Andrew Corrado are each seeking damages of \$500,000. The suit was filed Tuesday in U.S. District Court in Portland.

Famous Portland food carts secure spot at North Park Blocks

*By Gordon Friedman
July 17, 2019*

Portland's famous Alder Street food cart pod, which was recently evicted to make way for a Ritz-Carlton hotel, has secured a new location along the North Park Blocks.

City officials had been working to arrange the new spot for the carts to help the many chefs who run them and to revitalize the under-used park space, The Oregonian/OregonLive reported last month. A nonprofit working with pod owners called Friends of the Green Loop announced Wednesday the spot had been secured.

About 30 carts will move next to the curbs on Southwest Park Avenue, 8th Avenue and Ankeny Street at the southern end of the North Park Blocks, the Green Loop said.

Schematics show there may be partial or full street closures to accommodate the food stands. Plans say seating may be provided on the park space between the carts, sometimes referred to as Ankeny Square.

Moving the carts would affect 22 parking spaces. It's unclear how much meter fee revenue would be lost.

The Green Loop said it plans to announce the reopening date soon. It is seeking \$300,000 in donations to pay for plumbing, electrical and moving costs. More than \$13,000 has been raised, and the public can donate at www.gofundme.com/pdxfoodcarts.

The Portland Tribune

Alder Street food carts moving three blocks to Ankeny Square

*By Joseph Gallivan
July 17, 2019*

Portland's biggest food cart pod has found a new home, according to Friends of the Green Loop.

Portland's biggest food cart pod has found a new home.

Friends of the Green Loop said Wednesday, July 17, that the city had agreed to move the carts to Ankeny Square, 2 S.W. Ankeny St.

"We are thrilled to announce the city of Portland has secured a new home for the Alder St. Food Carts on the blocks surrounding Portland's Ankeny Square. The location is just three blocks from the former Alder St. location, allowing food cart owners to continue serving their loyal customers in close proximity to their former home. Approximately 30 food carts, currently being stored at the Post Office thanks to Prosper Portland, will move to the blocks surrounding Ankeny Square once infrastructure updates are complete."

The nonprofit Friends of the Green Loop said the move will be funded in part by "countless public and private donors." One of the group's largest donations, \$25,000, came from Travel Portland, the group said, "which has demonstrated through staff and financial support its commitment to protecting minority businesses that are core to Portland's personality and, in this case, the Portland culinary experience residents and visitors have come to know and love."

Friends of the Green Loop consists of designers and city planners who want to establish a bike and pedestrian-friendly loop around the downtown core that also crosses the river. The group said Wednesday that more money was still needed to cover electrical, plumbing and moving costs. The group set up a GoFundMe account at www.gofundme.com/pdxfoodcarts to help pay for the move.

A plan for a culinary corridor along Southwest Ninth avenue is on hold. One of its organizers Randy Gragg said Wednesday of the Ankeny Square move, "It's related, as the most basic idea of the 'culinary corridor' is to put the carts in underused right of way. The 'corridor' part is still possible, but will take longer to figure out."

A Friends of the Green Loop spokesperson added that contractors are inspecting Ankeny Square now with a view to generating a cost estimate and a timeline for adding infrastructure such as power and water systems.

Willamette Week

Assaulted by a Homeless Man at Poet's Beach in 2017, Couple Is Suing Portland for Negligence

By Hannah Chinn

July 17, 2019

The federal suit, filed Tuesday, alleges that city police knew the man was dangerous, but failed to remove him for camping on public property or threatening other park users.

Nearly two years ago, local couple Kelly and Andrew Corrado were assaulted on Poet's Beach by a man camping out on the sand. Now, they're suing the city of Portland for not removing that man earlier.

The federal suit, filed Tuesday, alleges that police knew Jonathan Rance was dangerous, but failed to protect the public from him.

On July 25, 2017, the Corrados took their dog to Poet's Beach, a city park located along the west side of the Willamette River and beneath the Marquam Bridge. When they arrived, they were approached by two Portland police officers who said they'd been called on several reports of a potentially dangerous individual living at the beach, and advised the couple to stay away. "It did not appear the Portland Police arrested or removed the disruptive individuals," the suit says.

A man, later identified as Jonathan Rance, and his wife, later identified as Alyssa Retes, appeared to be living—along with several of their pets—in a tent on the beach. A probable cause affidavit filed Aug. 8 says the Corrados and the camping couple exchanged polite conversation, and "Mr. Rance asked Mr. Corrado to keep their dog on a leash because his dog was protective of their camping area... Mr. Corrado agreed." (The federal lawsuit does not mention this conversation.)

Some time later, the Corrados were sitting on the beach throwing sticks for their dog when Retes began shouting at them to put the dog on a leash, according to the affidavit. Rance then confronted the couple.

According to the lawsuit, he began to throw rocks at Andrew Corrado. The affidavit says Rance pulled out a metal baton and extended it, telling both Corrados that they needed to leave.

Andrew Corrado was backed into the water. When Kelly Corrado attempted to help him, Rance shoved her away and onto large boulders at the edge of the beach, and began to strike her with a metal baton. When she attempted to call 911, Rance took the phone away from her. Rance then struck Andrew Corrado on the shoulder with the baton.

Kelly Corrado was taken by ambulance to Legacy Emmanuel Hospital, where she was treated for a gash to her head that required four stitches to close.

Rance fled the scene. Police arrested him several days later.

Last year, Rance was sentenced to five years in state prison after pleading guilty to second-degree assault and two counts of unlawful use of a weapon. Before the incident, he had a criminal record of third-degree theft and third-degree robbery, but no previous history of assault.

The incident, their lawyer Michelle R. Burrows said in the lawsuit, left the Corrado couple with "new trepidation and anxiety... they are constantly looking over their shoulder and in a lot of cases just choose to stay at home or enjoy their days off at their coastal beach house."

Mrs. Corrado in particular, Burrows suggested, suffered lasting emotional damage from the assault. "Her zest for life is forever compromised at the hands of this animal," the lawsuit says.

The lawsuit, reported today by The Oregonian, claims that police officers were aware of Rance's camping on public property and previous threats towards other park users, but still failed to remove him. It holds the City of Portland liable for the alleged negligence.

The Corrados are seeking damages of \$500,000 each.

The Alder Street Food Carts Have Found a New Home

By Matthew Singer

July 17, 2019

About 30 of the displaced carts will be situated just a stone's throw from their previous location.

The former residents of the Alder Street Food Cart Pod are moving—again.

At the end of June, Portland's biggest cart pod was cleared out to make way for an incoming 35-story, 460-foot tall Ritz-Carlton hotel. City officials proposed relocating the carts to the two blocks between West Burnside and Northwest Davis Streets on Northwest Park Avenue. Friends of the Green Loop, a nonprofit advocating for the creation of a six-mile "urban trail" through the city, launched a last-minute crowdfunding campaign to fund the move.

The group was unable to raise the necessary \$300,000 before the July 1 eviction date, but did find a temporary place for owners to store the carts while figuring out the next step: the downtown post office.

Today, Friends of the Green Loop announced that the city has secured a permanent home for the carts along the area of the North Park Blocks referred to as Ankeny Square. About 30 carts will be situated along Southwest Park Avenue, 8th Avenue and Ankeny Street, just a stone's throw from their previous location.

It is the first step in the organization's planned "Culinary Corridor," which aims to have carts occupy curbside parking spaces downtown along the proposed Green Loop.

"This move has been made possible thanks to countless public and private donors, for which we are extremely grateful," the organization said in a press release. Travel Portland gave the largest contribution of \$25,000, the group said.

Initially, the relocation was meant to be a stopgap. In June, Keith Jones, co-director of Friends of the Green Loop, told WW they would ultimately like the carts to occupy curbside parking spaces downtown along the proposed Green Loop as part of a "Culinary Corridor." Jones said they'd hope to permanently settle the carts by next summer.

No specific timeline for the move is available yet, but Keith Jones, co-director of Friends of the Green Loop, says the carts will be able to stay at the post office for up to six months—though "our intention to get the carts moved to Ankeny as soon as possible," he adds.

The press release notes that money is still needed to cover electrical, plumbing and moving costs. The group's GoFundMe campaign remains active.

The Portland Mercury

Portland Police Don't Collect Data Needed to Track Homeless Arrests, Report Finds

*By Alex Zielinski
July 17, 2019*

"Portland Police Bureau should identify its role in responding to the City's homeless crisis."

The title of the Independent Police Review's (IPR) latest policy review succinctly summarizes an issue that's consumed countless City Council meetings, community forums, and election cycles in Portland.

Despite declaring a "Housing State of Emergency" in 2015, the city hasn't developed any concrete guidelines for PPB officers on how to interact with houseless Portlanders, and it's showing. Instead of using new policing tools to break the cycle of misdemeanor arrests and warrant checks among the homeless population, the city's normalized frequent harassment of homeless people by its police force.

Last year, police data collected by the Oregonian found that more than half of all 2017 arrests by PPB were of homeless Portlanders.

It's that Oregonian report that inspired Mayor Ted Wheeler and PPB Chief Danielle Outlaw to ask the city's independent team of police investigators to double check the numbers, and conduct a thorough review of PPB's relationship with the city's homeless population.

The IPR report, released Wednesday, echoes the Oregonian's findings—it determined that around half of all PPB arrests from 2017 and 2018 were of people without a fixed street address. More than half of these arrests are due to a person's outstanding warrant for a misdemeanor.

But that's about all IPR can confirm.

"The Police Bureau is unable to effectively evaluate officers' interactions with people experiencing homelessness because it lacks relevant data," the report reads.

Due to gaping holes in PPB's data collection process, the city can't definitively say that Portland police officers disproportionately arrest houseless people. The IPR found that officers do not record a person's housing status when making an arrest, nor are they instructed to ask whether an individual is homeless. While officers do write down if a person doesn't provide a home address, this refusal might not always mean they're homeless.

"Sometimes a suspect might not want to tell officers where they live," the report notes.

PPB's inability to track this data could inadvertently protect officers who show bias toward individuals based on their housing status.

Of course, officers only collect this minimal data if they make an arrest. Police aren't required to record other encounters with homeless people—like asking someone to move off the sidewalk or referring them to a homeless shelter. Because of this, the IPR writes, "there is not way to track how many police encounters with people experiencing homelessness occur overall, and what percentage... lead to arrest."

The IPR report is only the latest example of how PPB's poor data collection standards make it impossible for the city to track potential discrimination among officers. In March 2018, a city audit of the Gang Enforcement Team (now called the Gun Violence Reduction Team) suggested PPB officers are racially profiling people they pull over for low-level traffic violations, operating under the assumption that Black drivers might be involved in a gang. Yet, the report was limited by PPB's failure to report the results of a traffic stop, data that would have shown whether the driver was, in fact, in a gang.

It's not just the absence of data that's kept PPB from improving its interactions with Portland's homeless population. The IPR investigation found that many officers aren't trained on how to appropriately address homeless people who may have committed a low-level crime.

"Officers are given discretion in how they enforce low priority offenses but are not given guidance on how this discretion should be applied as part of an overall strategy in addressing homelessness," IPR writes, noting several officers' frustration with rules that seem to contradict each other.

IPR recommends the PPB "seek direction" from the City Council to understand its role in the city's homeless crisis. It also suggests the bureau collect actual arrest data on people's housing status and develop consistent guidelines for officers who interact with homeless people.

In her response to the report, Chief Outlaw pledges to produce "reference materials" for officers regarding their interactions with houseless Portlanders in the next 90 days. Within 30 days, Outlaw writes, PPB will distribute a tip sheet for officers on how to accurately reflect a person's housing situation in an arrest report. Yet Outlaw maintains PPB isn't unfairly policing homeless people.

"Your report did not identify any actions by the Portland Police Bureau that criminalized homelessness," Outlaw writes.

The Daily Journal of Commerce

Downtown Portland space targeted for food carts

*By Chuck Slothower
July 16, 2019*

Food carts displaced by development of the Block 216 mixed-use tower may gain a new home nearby.

The city of Portland, food-cart owners and advocates are at work on a plan to relocate the businesses to Ankeny Square, a few blocks northeast of their previous location.

The parcel is bordered by West Burnside Street, Southwest Ankeny Street and Southwest Eighth and Park avenues. (The square is not to be confused with Ankeny Plaza, at Southwest First Avenue and Ankeny Street.) Neighboring businesses include Bailey's Taproom, Santeria Mexican restaurant and the U.S. Outdoor Store.

About 30 food carts could fit around Ankeny Square, said Keith Jones, co-director of Friends of the Green Loop. The carts would be parked in the streets, which are sparsely trafficked, and not in the small square itself, Jones said.

Jones met Tuesday with staff from Commissioner Chloe Eudaly's office, food-cart owners and city bureaus.

"It's looking good," Jones said.

Eudaly's chief of staff, Marshall Runkel, has been spearheading the city's search. He could not be reached for comment.

Ankeny Square could become a long-term home for food carts, Jones said.

"That's what we prefer, honestly, over the North Park Blocks, because the North Park Blocks would have been temporary," he said. "This way, this could be permanent."

The area may have infrastructure – including public restrooms, electricity, water and storage – available for cart owners, Jones said.

"We're actually going through right now and measuring out all of the carts, because they're all different sizes," Jones said. "We're figuring out which ones can go where."

The square is a short walk away for thousands of downtown workers, and close to popular tourist stops such as Powell's City of Books.

"I'm really happy they're finding a spot for those businesses that are being uprooted," said Kristen Stovel, co-owner of North of West, a boutique at Southwest Ninth Avenue and West Burnside Street.

Dozens of food carts were evicted from Block 216 on June 30 to make way for a 35-story tower that will have a Ritz-Carlton hotel, condominiums and office space. At its height, the Block 216 pod had more than 50 food carts and grew to be an international attraction.

Their displacement caused consternation among foodies and cart owners, many of whom are first-generation immigrants.

Ankeny Square hosted a few food carts in two previous attempts. The experiments did not go well.

"One cart would be open; they would get frustrated," said Geoffrey Phillips, owner of Bailey's Taproom and The Upper Lip, two craft beer bars at Broadway and Ankeny Street. "Without having multiple carts open at the same time, it wasn't going to get the foot traffic it needed to sustain itself."

Phillips expressed optimism that a larger pod would succeed at the location.

"If 30 carts are there, I definitely think it could work," he said.

City officials have discussed closing some of the streets near the square to vehicle traffic and eliminating curbside parking spots. A Portland Bureau of Transportation spokesman referred questions to Runkel.

The pod plan comes as more development is slated for West Burnside Street. Miami developer Lennar Corp. has won design approval for a seven-story multifamily building with 138 apartments and ground-floor retail space at the location of the shuttered Firestone tire shop at 815 W. Burnside St. A construction permit for the project is under review.

The Portland Business Journal

City, supporters propose a new home for the Alder Street food carts

*By Jon Bell
July 17, 2019*

While a new home for the Alder Street food cart pod has so far proved elusive, a new opportunity may be on the table.

According to the Friends of the Green Loop, a nonprofit that's been trying to help the carts relocate since they had to move off the block at Southwest 10th and Alder, the city of Portland is proposing to put about 30 of the carts on several blocks on Southwest Park Avenue, Southwest Ankeny Street and Southwest Eighth Avenue. The blocks wrap around a city-owned property at West Burnside and Southwest Eighth Avenue.

According to a statement from Friends of the Green Loop, there are some infrastructure improvements, including electrical and plumbing, that need to be made before the carts can relocate to the blocks.

The plan would also require potential closures of portions of Southwest Park and Southwest Eighth.

The statement noted that Travel Portland made a \$25,000 donation to the effort, though additional funds are still needed to help cover other expenses. About \$13,400 has been raised on a GoFundMe campaign aiming for a \$300,000 goal.

An opening date is expected to be announced in the near future.

Meanwhile, the food carts, which had to move from their longtime home to make way for construction of BPM Real Estate Group's 35-story tower, are being stored in the parking lot of Prosper Portland's post office property in the Pearl District.

The Portland Observer

Demanding Police Accountability

*By Danny Peterson
July 17, 2019*

Activists want seat in new police union contract

Portland activists are calling on the city to reverse course from the past and allow meaningfully public participation and civilian oversight during its upcoming contract negotiations with rank and file police officers negotiating a new contract over the next year.

“Many of the city’s most volatile issues will be at play, as organizers aim for a milestone 2020 contract victory that could pave the way for some long overdue repair in trust between the police and many Portland citizens,” reads a statement from Portland’s Resistance, the local protest movement that was formed in reaction to the presidential election of Donald Trump in 2016.

Activists from other civil rights groups like Dr. LeRoy Haynes of the Albina Ministerial Alliance Coalition for Justice and Police Reform, agree that the public should have an opportunity to listen in and participate in the contract negotiation.

“They should be open, publicized meetings,” Haynes told the Portland Observer.

In 2016, community activists were forcefully removed from City Hall during police contract negotiations under then-Mayor Charlie Hales. Commissioner Jo Ann Hardesty, who was then the President of the Portland NAACP said the incident is what inspired her to run for her current post, though she did eventually get let in to the proceedings. It also spurred at least one lawsuit from a woman who claimed she merely stumbled upon watching the incident unfold when she was twice struck from a police officer with a baton. Portland’s Resistance held a rally last week to put a spotlight on the issues.

Among them was Shelly Morgan/Hall of Pacific Northwest Family Circle, a group representing family members of those who have been killed by police.

Morgan/Hall’s son, Brad Lee Morgan, was fatally shot by police in 2012 after threatening to jump from the top of a downtown parking garage and pointing what was later determined to be a replica firearm at officers.

“I wish they’d do the walk away method. If you’re mentally ill, and you think you’re going to be in danger, especially the cops, they need to walk away. They don’t need to be there. Let the mental health workers come out and help you,” Morgan/Hall said to the crowd of demonstrators, who were flashing protest signs at motorists and passersby in front of City Hall. She added that dealing with the incident caused her mental instability, too.

“I don’t care if you’re on the street or whatever. But cops shouldn’t kill us because we’re mentally ill, or we’re homeless, or we’re just in crisis.”

She lamented that she could no longer give her son a hug, and that he could no longer hold the eight month son he left behind.

James Ofsink, an organizer with Portland’s Resistance, told the Portland Observer that a new police contract, which only gets negotiated every four or five years, should require stronger community oversight and police accountability.

Currently police cannot be compelled to give testimony for a misconduct allegation to the Independent Police Review board, nor does the board—designated as a community oversight entity—have a role in use of deadly force cases, according to the current contract, Ofsink said. And those are just two of many other policy decisions that are “baked into” the current contract, he added.

Haynes said that the public should have the right to petition the City Council to give recommendations of what is needed in the contract to make the Police Bureau “a department that is building trust.” He said one of the big issues is accountability, a willingness to fire officers when they break policies and codes and the laws of the city.

Ofsink said police associations across the country have used their employment contracts to limit the accountability for their officers.

Campaign Zero, the police reform campaign associated with the national Black Lives Matter movement and launched in 2015 with an aim to reduce police violence, supported a 2018 University of Oxford study by Abdul Rad that found there was quantitative linkage that supports the notion that police union contract protections insulate police abuse.

Even though Portland's current police contract does not expire until June 30, 2020, the city and union are expected to begin their negotiations soon.

"Right now, the next 60 to 90 days, is basically when the community has...should have the opportunity and it will be up to the city, especially the mayor but not only the mayor, to determine how much community involvement is going to be allowed. But now is the time when basically the priorities are being set," Ofsink said.

The Ministerial Alliance's justice and police reform panel previously successfully lobbied for the random drug testing of officers and for regular employee evaluations of officers. The organization is currently putting together public forums for the community to give remarks and goals for the new contract and Haynes adds he looks forward to working with the police department on the issues.

"We continue to believe that the Chief of Police is moving in the right direction and we want to be supportive of her as much as we can, but at the same time be able to critique her and the Portland Police Bureau," Haynes said.

Inclusive Community Public Forum

July 17, 2019

Author to speak on history of race and power

Oregon has a history not only of black exclusion and discrimination but also of a vibrant black culture that helped sustain many communities throughout the state — a history that is not taught in schools.

The West Linn Alliance for Inclusive Community is partnering with other diversity advocates to bring "Why Aren't There More Black People in Oregon: A Hidden History" author and educator Walidah Imarisha for a public forum to speak on black history in Oregon, the history of race, identity, and power in this state and the nation.

Geared to the Portland communities of West Linn, Lake Oswego, Wilsonville, and Oregon City, but open to everyone, the free public event will be held on Tuesday, July 23 at 7 p.m. in the Dunn Community Center (Cascade Hall) on the Mary's Woods retirement community campus in Lake Oswego.

Imarisha is the co-editor of two anthologies including Octavia's Brood: Science Fiction Stories from Social Justice Movements. She also is the author of Angels with Dirty Faces: Three Stories of Crime, Prison and Redemption, which won a 2017 Oregon Book Award, and the poetry collection Scars/Stars.

She spent 6 years with Oregon Humanities' Conversation Project as a public scholar facilitating programs across the state about Oregon Black history, alternatives to incarceration, and the history of hip hop. She has taught at Stanford University, The Pacific Northwest College of the Arts, Portland State University's Black Studies Department, and Oregon State University's Women Gender Sexuality Studies Department.

The West Linn Alliance for Inclusive Community brings together a diverse, non-partisan group of neighbors working to ensure that all members of the community have equal opportunities to participate in the quality of life that our town offers; that all of our neighbors are safe from hate crimes, abuse or harassment; and that no person or group is subjected to discrimination, bigotry or prejudice.

OPB

City Sued Over Portland Harbor Superfund Site Cleanup Planning Efforts

By Amelia Templeton

July 16, 2019

The city of Portland is being sued over its plan to use up to \$12 million from a surcharge on customers' sewer bills to help pay to plan the Portland Harbor Superfund clean up.

It's the second lawsuit challenging the use of funds collected by the city's sewer utility, the Bureau of Environmental Services, to pay for the city's share of the Superfund work.

High-profile lawyer John DiLorenzo and his clients contend that despite rulings in a previous lawsuit, the city has continued to use restricted sewer money as a piggybank for projects that should be paid for by unrestricted tax dollars in the city's general funds.

"They're using the sewer fund as a bank," DiLorenzo said.

City leaders and environmentalists contend that the sewer utility's spending on the Portland Harbor project was clearly upheld by a judge in 2017 – and they contend that the new lawsuit is the latest in a long series of tactics to delay the federally-mandated clean-up of the river.

"We're operating squarely within the ruling that the court has already given," said Commissioner Nick Fish, who oversees the Bureau of Environmental Services. "Since this lawsuit essentially raises the same issues, we believe it's frivolous."

The clean-up is expected to take up to 13 years and cost approximately \$1 billion, and the city is one among many parties legally liable for the pollution.

At issue in both lawsuits is language in the city's charter that restricts the spending of the city's utility funds to projects that are reasonably related to water and sewer services.

The plaintiffs in the latest suit are Floy Jones, a citizen activist, and Kent Craford, a former lobbyist for industrial water users – the unlikely team behind a 2014 measure that would have removed the city's water and utility bureaus from the city council's control. Both were involved in the previous lawsuit over utility misspending.

The city settled that case in 2017, agreeing to transfer \$7 million from its general fund back to the water and sewer bureaus and to pay \$3 million for DiLorenzo's attorney fees.

Craford said the plaintiffs are now seeking an injunction to stop the city from transferring \$6 million this year, and up to \$12 million total, into a trust fund that other polluters can use to reimburse the cost of designing the clean-up plans.

"We believe that this is an expenditure that does not benefit the city as a whole, much less ratepayers, but rather is for the benefit of independent third parties," he said.

Fish said Craford is mischaracterizing the purpose of the trust fund.

He said the trust fund is an effort to pool resources to encourage polluters to meet a critical EPA deadline and complete design work by the end of the year – but it won't change how much each party ultimately spends cleaning up the river.

According to Fish, the utilities will receive credit from the EPA for the money they're putting into the trust fund, in effect reducing the amount they will owe toward the clean-up bill later.

“It directly relates to the utility services and their potential liability,” he said.

The lawsuit also asks a judge to force the city to determine whether ratepayers should be reimbursed for the money the city has spent to date toward the Superfund project – including \$50.2 million that was at issue in the previous lawsuit.

DiLorenzo said even if the trust fund is a good way to limit the city’s legal liability in the \$1 billion overall clean-up process, the cost should be covered by the city’s general fund, not solely the sewer fund.

“Maybe it’s a good strategy for the city as a whole, but why is it that only the ratepayers are paying for it?” he said.

In the 2017 lawsuit, the city contended that most of the legal liability for pollution in the Portland Harbor Superfund site comes from wastewater pipes and drains that belong to BES and contributed to the historic pollution of the river.

DiLorenzo argued that properties owned by other city bureaus, including the Fire Bureau, also contributed to the contamination.

Judge Steven Bushong ruled in that case that it was reasonable for the city to use the sewer fund to pay for most of its upfront costs related to the Superfund litigation and clean-up.

However, he noted that the city would need to reallocate the costs and reimburse ratepayers if and when the EPA found other bureaus had also been liable for polluting the site, and he left the door open to a future legal challenge.

According to DiLorenzo, the city has made no progress allocating responsibility to other bureaus, even though the EPA has released a final plan for the clean-up, known as a Record of Decision.

“They assured the court that there would ultimately be a reallocation,” Di Lorenzo said.

The city attorneys, meanwhile, have told DiLorenzo that the city has established a special Portland Harbor Superfund Reserve Fund. The mayor has directed other bureaus to prepare to contribute to in future budget cycles.

“The city will ensure that funding for Portland Harbor expenditures will be from the General Fund as well as ratepayer funds,” wrote city attorney Karen Moynahan.

Moynahan said the city can’t reallocate its Superfund expenses yet because the parties involved in the clean-up and the EPA have yet to decide how much the city – and each of the other responsible parties – owe for their share of the pollution.

The lawsuit comes as the city and other parties deemed responsible for the pollution, including powerful corporations such as Exxon and Greenbriar, are in private negotiations to try to settle with the EPA over how much each will pay toward the \$1 billion price tag.

Environmentalists questioned the timing of the lawsuit.

Bob Sallinger, conservation director for the Portland Audubon Society and a longtime advocate of cleaning up the river, characterized the lawsuit as a tactic meant to stall progress.

“I think there are a lot of polluters who would cheer. There are a lot of polluters doing everything possible to disrupt this process,” he said

Salinger questioned who is paying for lawsuit.

DiLorenzo said his firm, Davis Wright Tremaine, represents “one or two” of the potentially responsible parties involved the Superfund negotiations. He said he has no personal role in that work.

“I’m totally walled off from that stuff,” he said.

DiLorenzo said a nonprofit run by Craford and Jones, Citizens for Water Accountability, Trust and Reform, is providing seed funding using attorneys’ fees they won in the previous lawsuit.

Jones and Craford would not disclose their nonprofit’s donors and said they were uncertain whether they included any of the corporations that are considered potentially liable parties in the Portland Harbor Clean-Up.

Citizens for Water Accountability, Trust and Reform has been listed as inactive and administratively dissolved by the Oregon Secretary of State since December 2016.

OPB informed DiLorenzo of the nonprofit’s lapsed status. He said it was due to the group forgetting to pay their annual registration fees to the state. By the end of the day Monday, Craford and Jones’ nonprofit was once again in good standing.

Review: Half Of PPB's 2017-18 Arrests Were Of People Experiencing Homelessness

*By Rebecca Ellis
July 18, 2019*

A city review of the Portland Police Bureau has found that about half of the arrests made in 2017-18 were of people without a fixed address.

The review, released Wednesday by the city auditor, supports previous reporting by The Oregonian/OregonLive, which found that one in two people arrested by the bureau in 2017 was experiencing homelessness at the time of the arrest.

Following the newspaper’s reporting last year, “the police commissioner and the mayor asked us to take a deeper look,” said KC Jones, a senior analyst with the city auditor’s Independent Police Review. “So we developed a review completely separate from [the bureau].”

The auditing team reviewed more than 700 arrest reports. Jones said the record system used by the bureau “doesn’t accurately capture somebody’s housing status,” so analysts determined if a person was experiencing homelessness based on if they provided a street address at the time of arrest.

“The thing we really got into by looking at the police reports were how many of the arrests involved warrants,” said Jones, noting that 60% of homeless individuals arrested in their sample had outstanding arrest warrants.

Jones said it’s likely many people experiencing homelessness have been caught in a perpetual cycle, picked up by police for “things that if you did it inside it would not be illegal,” such as drinking alcohol or lighting a fire to cook food. And if they miss their court date, a warrant can be issued for their arrest.

“It’s hard enough to make a court date anyway,” he said. “And if you’re living outside, you get caught in this cycle.”

The report also found that expectations are unclear when it comes to enforcing laws on homeless individuals, particularly now that a separate city program has been created for the cleanup of homeless camps.

“Officers are given discretion in how they enforce low priority offenses,” the report reads, “but are not given guidance on how this discretion should be applied as part of an overall strategy in addressing homelessness.”

The review suggested the bureau provide officers with more direction on interacting with homeless individuals, coordinate with Multnomah County to reduce the use of “failure-to-appear” warrants, and collect better data on contact between the city’s police and its homeless population.

Officers aren’t currently required to collect data on situations where they ask an individual to move off the sidewalk or refer them to a shelter, according to the review.

In a letter responding to the audit, Police Chief Danielle Outlaw noted that while the “report did not identify any actions by the Portland Police Bureau that criminalized persons experiencing homelessness,” the bureau believes the recommendations “can strengthen our existing policies and procedures.” The bureau also said it will meet with the mayor’s office within the month to “clarify the police’s role” in addressing the city’s homeless population.

Portland Mayor Urges Federal Support For Transit In Congressional Testimony

*By Erin Ross
July 18, 2019*

Portland Mayor Ted Wheeler was one of several mayors who appeared Wednesday before a congressional panel to describe how their communities are tackling climate change.

They all told the Senate Democrats’ Special Committee on the Climate Crisis that climate change is one of the greatest threats facing their cities.

In 1993, Portland became one of the first cities in the United States to develop a climate action plan. Wheeler pushed back during his testimony against the idea that promoting sustainable development has to be at odds with supporting the economy.

“We understand that aggressive climate action creates prosperous communities,” Wheeler said. “In Portland our population has exploded, our economy has continued to thrive, but we have been successful at reducing our carbon emissions.”

As of 2017, Wheeler said, Portland had reduced its per-person carbon emissions by 38% since 1990. There are also 38% more residents and 34% more jobs.

Wheeler said that the steps Portland has taken to mitigate greenhouse gas emissions were some of the same things that brought people to the city: walkable neighborhoods with restaurants and shopping, and investment in parks, sidewalks and bikeways.

Although Portland has made progress toward meeting carbon goals, Wheeler noted that the progress has stalled in recent years, echoing the words of other mayors who testified. Emissions from transit vehicles have increased in Portland in recent years, despite innovations in technology. In order to make transit more effective, Wheeler said cities need federal help.

“Cities continue to struggle due to a lack of federal support for transportation infrastructure,” Wheeler said, arguing that the federal government should increase the gas tax, which hasn’t been raised since 1993. He also called for the removal of regulatory barriers that prevent cities from building toll roads.

Portland's Displaced Alder Street Food Carts Moving To Ankeny Square

By Meerah Powell

July 17, 2019

The food carts that were displaced from downtown Portland due to construction of a Ritz-Carlton hotel have secured a new permanent home around Ankeny Square.

Approximately 30 food carts from arguably the most well-known food cart pod in Portland, the Alder Street pod, were looking to stick together and find a new location. That location was supposed to be the North Park Blocks until those plans fell through due to opposition from some neighbors.

In the meantime, the carts have been in storage since the end of June.

Local nonprofit Friends of the Green Loop is facilitating the move to Ankeny Square.

The Green Loop is a linear park concept, approved by Portland City Council, that will eventually wind through Portland in an effort to make the city more accessible by foot or bike.

Keith Jones, co-director of Friends of the Green Loop, said the Ankeny Square spot will house the carts permanently while organizers continue to look into creating a “culinary corridor” within that proposed Green Loop for the carts.

“North Park Blocks was originally going to be temporary, so this is something that turns out to be even better than we had planned,” Jones said.

There’s no official reopening date for the carts yet, he said, as contractors are still figuring out estimates for power and plumbing to the site as well as updating infrastructure.

He said the move is funded by public and private donations. The largest single donation the nonprofit has received is \$25,000 from Travel Portland. More than \$13,000 has funneled in through a GoFundMe fundraiser.

“The contractors are going down there today,” Jones said. “We’ve got to get a quote from them and figure out what we have to do, and of course that GoFundMe is very important to help pay for that.”

The Ankeny Square location will be just three blocks away from the carts’ former Alder Street spot.

What Will It Take To Get The Oregon Zoo Railway's Long Route Back On Track?

By Meerah Powell

July 15, 2019

Bill Zavin was 13 years old in 1958 when his grandfather and uncle, as part of Northwest Marine Iron Works, built the Oregon Zooliner train. He said he's probably ridden the train more than 40 or 50 times throughout his life. He's 75 now.

"I have this little personal affiliation because of my uncle and my grandfather, but really to me, it's part of Portland. It's like going to the Rose Garden," Zavin said. "It's just something that is a part of what's Portland."

That train ran a 40-minute, 2-mile-long round trip between the Oregon Zoo and the International Rose Test Garden in Portland's Washington Park for more than half a century until 2013, when its route was cut short due to landslides.

Restoring the Washington Park and Zoo Railway's long route isn't completely off the table, though it would take time, money and community support.

Jeff Honeyman is a train engineer with the zoo. His team found the unstable ground during routine maintenance.

"We discovered a steel pipe that had rusted out. It had led to some rot." Honeyman said. "We didn't know how bad the rot was until we went down and replaced the pipe. As soon as we pulled the pipe out, we just started watching the hillside go away."

Now the train runs a 6-minute trip that only goes through zoo grounds, not Washington Park. And it may have to stay that way for a while, despite some objections.

Choo-Choose A Plan

Any planning around the zoo train's route through Washington Park is complicated. That's because there are two agencies involved.

Metro is the Portland metro area's directly elected regional government. It's in charge of the zoo and the zoo train, but it's technically leasing that land from the city.

The city, specifically Portland Parks and Recreation, is in charge of Washington Park, even though Metro's railway runs through it.

If the zoo train's full route to Washington Park was restored, Metro would be the one footing the bill.

"This is going to be millions of dollars," said Scott Cruickshank, general manager of visitor venues with Metro. "This isn't just a matter of repairing a broken piece of track. There's water run-off issues, stormwater issues. There's slide materials on parts of the tracks."

The city has another potential plan. Portland Parks and Recreation's Washington Park Master Plan suggests building a paved pedestrian path in the train corridor, either beside the tracks or completely replacing them.

And that's not exactly an affordable alternative.

In the latter option in that plan, Portland Parks and Recreation estimates removing the train tracks and creating the pedestrian trail in its place could cost more than \$10 million. That would

include things like the trail itself, trail amenities, benches, retaining walls and everything else that goes into such a project.

Emily Roth, senior planner with Portland Parks and Recreation, said both the city and Metro recognize the enthusiasm around restoring the rail line, but that people have also expressed a desire for a trail.

“In Portland Parks and Recreation’s extensive community engagement process around the revised master plan, the public clearly stated they would value having a paved, ADA accessible trail where the tracks are located,” said Roth. “Metro and the city continue to explore all possibilities, and no decisions have been made nor funding identified for any possibility.”

Metro also doesn’t have the funds secured to repair the tracks to restore the full train route. Cruickshank said it would require some sort of partnership to help cover the massive cost of that project.

“It’s going to need extensive engineering studies,” he said. “It’s going to need, obviously, funding for the work itself, which the zoo does not have in its financial forecast, so I would say that if this did take some shape, it would likely be in the form of a public-private partnership.”

Community Offers A Hand

The Friends of Washington Park and Zoo Railway, which was recently approved to become a nonprofit, is pushing for the restoration of the train’s original route.

The group’s president, Dana Carstensen, says he cares about the zoo railway because of the community’s passion for it.

“There are few things as inspirational as grandparents and parents bringing their children to experience something they experienced as children,” he said.

Carstensen started a petition last year to show public support for the restoration of the railway. It now has more than 35,000 signatures.

Before its nonprofit status, Friends of Washington Park and Zoo Railway had been brainstorming ways to come up with money for the track repairs. One idea the group suggested to Metro was that zoo employees could ask patrons for donations for the train when they pay admission.

“Multiple times that was asked. Multiple times that was shot down, so unfortunately, that has gone nowhere,” he said.

But Carstensen isn’t discouraged.

“I’ve already had businesses reach out to me. I’ve had connections to wealthy donors,” Carstensen said. “We have a list of over a thousand emails, tens of thousands of phone numbers and addresses. We will start a major fundraising campaign and we really do aim to have a multimillion dollar target.”

Now, as a nonprofit, Carstensen said Friends of Washington Park and Zoo Railway can set up a bank account and a PayPal account for donations. He said he eventually plans on creating a GoFundMe campaign.

An Uncertain Timeline

As both Portland Parks and Recreation and Metro have expressed, any future plans for the zoo train’s original route through Washington Park are still very up in the air.

“The zoo is working through a 2008 community-supported \$125 million bond to renovate several areas of the zoo’s campus for animal habitat,” Cruickshank said. “And currently we’re in the last three phases of that project.”

Cruickshank said because of those renovations Metro won’t be able to put any attention on the railway for at least the next few years.

“Our team’s pretty well focused on that right now,” he said. “So any work we’d do on the train is sitting behind those projects based on capacity, funds, etcetera.”

As someone who has a lot of history with the train, due to his family’s connection, Zavin just hopes the zoo train be around for a long time, whether it’s the original route or a shorter one.

“I certainly hope there are ways to preserve the zoo train,” Zavin said. “Sentimentally I just don’t want to see it go, not only because my uncle built it, but because a lot of people had a lot of fun on this railway, and I don’t know what you’d replace it with. There won’t be another one.”