

The Oregonian

Man fatally shot by Portland police near Mall 205 had recently attempted ‘suicide by cop,’ suffered mental illness, dad says

*By Emily Goodykoontz
December 10, 2019*

A man fatally shot by police over the weekend near Mall 205 apparently had attempted “suicide by cop” not long before but was taken for mental health treatment instead, his father said Tuesday.

Two callers reported that Koben Henriksen, 51, was walking in traffic on Southeast 103rd Drive near Stark Street and waving knives at passing cars about 1:40 p.m. Sunday before he was killed, police said.

A dispatch recording and Henriksen’s father indicate Henriksen might have been trying to instigate a fatal confrontation with police.

On the recording obtained by The Oregonian/OregonLive through a streaming service, a male dispatcher can be heard advising:

“It could be a coincidence. But several weeks ago, a guy tried to induce a suicide by cop in the same area that matches the description and he was armed with several knives on him. Just for responding officers.”

Three minutes and 13 seconds later, an officer’s voice tells the dispatcher: “Subject down.”

Frederick Henriksen said that a couple of weeks ago when his son did something similar, officers didn’t shoot him but instead got him to a hospital, the elder Henriksen said.

“Kobin doesn’t have a mean bone in his body,” his father said. “He had no intention whatsoever of hurting those policemen or anyone else.”

But Frederick Henriksen said he can’t comment directly on Sunday’s police response because he knows too few details about the circumstances. Instead, Henriksen criticized public mental health and court systems that he said left his son to suffer on the street with a severe and persistent mental illness.

“If someone is as sick as Koben was -- in a total psychotic break -- not being able to force him on medications to save his life -- that’s the main problem,” he said.

In Oregon, a judge can force someone a mentally ill person to take medications with a court order, but it is a lengthy legal process that usually involves a civil commitment, a legal mandate to undergo treatment.

Frederick Henriksen spoke by telephone from Mexico, where he was working, and is returning to Portland this week.

In a brief interview, he said his son has contemplated suicide for about six months because of an unspecified mental illness. He didn’t say what hospital treated Koben Henriksen after police encountered him earlier.

The Multnomah County District Attorney's Office and Portland police said in separate statements that they couldn't confirm whether officers had recently interacted with Henriksen and sent him to a hospital.

"Furthermore, it would be inappropriate for us to publicly discuss the facts and/or circumstances of this case or to address the scope of this ongoing investigation," District Attorney Office spokesman Brent Weisberg said by email.

Police have released few details about the timeline surrounding the shooting, including whether Henriksen had a knife. They identified Justin Raphael as the officer who fired the fatal shots. He carried a rifle, according to witness accounts and dispatch calls. Officer Daniel Leonard fired less-lethal foam-tipped projectiles from a 40mm launcher.

Police said officers tried to provide medical aid to Henriksen but he died at the scene.

Witness accounts described Henriksen wandering in traffic.

Robert Vervloet, who was at a nearby Starbucks, and a father and son working at a food truck, said they saw Henriksen move toward officers after they pulled up in their cars.

Vervloet said he saw an officer with a rifle immediately point it at Henriksen. The dispatch recording and witnesses indicated officers fired just seconds after arriving.

"There was no negotiation," Vervloet said. "There was no "Hey buddy, we need to talk about this.""

He said he didn't understand why police used deadly force so quickly when they could have helped a man who was obviously suffering a mental health crisis.

An audit released last month found that Multnomah County is struggling to delivering its mental health services to individuals like Henriksen who have serious and persistent mental illnesses.

The system has been strained by rising housing costs and a small supply of residential treatment facilities and local supported housing programs -- all of which have long waitlists.

The county serves less than half of the people who could benefit from the county's most intensive mental health services -- those who have been civilly committed or are at risk of civil commitment.

In a civil commitment, a judge can order an individual to receive mental health treatment or go to a psychiatric hospital for up to 180 days. Before a person is civilly committed, they are often put on short "involuntary holds" at hospitals.

But the bar for state-ordered commitment is high -- one must be imminently dangerous to themselves or others or unable to take care of basic personal needs in a way that poses a serious risk.

Portland Commissioner Nick Fish's cancer 'has become more complicated,' he'll take rest of December off

*By Betsy Hammond
December 10, 2019*

Portland Commissioner Nick Fish, who has continued his work helping run the city since announcing he had cancer more than two years ago, announced Tuesday the cancer “has become more complicated” and he will take the rest of December off.

He made the announcement in a short statement posted on the city's website and via his Twitter account.

Fish has been undergoing regular chemotherapy sessions at Oregon Health & Science University since his August 2017 diagnosis and has shown periodic fatigue and missed some council meetings as a result.

A lawyer, Fish has been elected to the Portland City Council four times and has served since 2008. He is currently commissioner of the parks and environmental services departments.

Here is Fish's statement in its entirety:

“Last week, I learned from my team of OHSU doctors that my illness has become more complicated. I am also managing the cumulative effects of chemotherapy. Through the rest of this month, I plan to take time to focus on my health and my family. I will continue to work as I am able and expect to have more to share in the new year.”

Portland city attorneys: Quanice Hayes, a 17-year-old fatally shot by police, and his mother were partly to blame for his death

*By Maxine Bernstein
December 11, 2019*

Lawyers who filed a wrongful death suit against the city and Portland police after an officer fatally shot 17-year-old Quanice Hayes want a judge to throw out the city's defense that it was Hayes' alleged criminal activity and his mother's negligence that led to his death.

“While Quanice Hayes may have been subject to lawful arrest, he did not deserve a death sentence,” attorneys J. Ashlee Albies and Jesse Merrithew wrote in a motion filed Monday in U.S. District Court in Portland. Albies and Merrithew represent the teen's estate.

They accused the city of character assassination and have urged U.S. Magistrate Judge John V. Acosta not to allow the city's defense that partly blames Quanice Hayes and his mother for his death.

They argue it will detract from the central question in the case, which they framed as: what happened in the moments before Officer Andrew Hearst “shot an unarmed Black teen in the head while (the teen was) on his knees from 15 feet away.”

The civil rights suit accuses Hearst of using excessive force when he shot Hayes three times with an AR-15 rifle on Feb. 9, 2017, as police confronted Hayes outside a Northeast Portland home. Hayes wasn't a threat when he was killed, the suit alleges.

Officers discovered Hayes, a suspect in an armed robbery and attempted carjacking earlier that morning, in an alcove in front of the home and ordered him to keep his hands up but crawl toward officers on the driveway and then lie down with his hands to his side, according to grand jury testimony.

When Hayes appeared to reach toward his waistband, Hearst fired, killing Hayes, police said. Hayes died at the scene from one gunshot above his forehead on the right side of his head, one near the bottom of his left rib cage and one to his torso, according to an autopsy.

The suit alleges Hearst and fellow Officer Robert Wullbrandt were shouting contradictory commands at Hayes just before he was shot. Hearst testified that he never saw Hayes with a gun, but believed Hayes was the suspect in the earlier holdup of a man in his car. The man described his assailant as holding a tan pistol. Officers found a black and tan airsoft pistol in a flower bed about 2 feet from Hayes' body, they said.

The city has defended Hearst's fatal shots as "objectively reasonable under the totality of the circumstances," saying Hayes' conduct created an immediate threat of death or serious injury to Hearst and fellow officers.

If anyone is at fault, it's the 17-year-old because of his "own criminal, reckless and negligent actions," city attorneys wrote in their response to the suit

They identified 12 actions Quanice Hayes took that they claim led to his own demise, including carrying a replica handgun, robbing another man, ingesting cocaine the night before his encounter with police and failing to follow officers' commands by running away from police.

"A reasonable person would have known that the criminal, reckless and negligent conduct described above ... would increase the foreseeable risk of harm to himself or herself, and Mr. Hayes indeed suffered the type of harm that was reasonably foreseeable," senior city attorney William Manlove wrote.

Neither the city nor police are at fault "because the death of Quanice Hayes was the sole and exclusive fault of Mr. Hayes," the city's response said.

Further, the city contends Quanice Hayes' mother, Venus Hayes, failed to supervise her son or ensure other family members were properly monitoring him.

The plaintiff's attorneys argue the city is trying to defend a police shooting by smearing Hayes and his mother.

At the time of the shooting, Venus Hayes was in inpatient drug treatment.

"The fact that African American males suffer an increased risk of death at the hands of police, as borne out by PPB's own record when it comes to shooting deaths, should not be a basis for a comparative negligence foreseeability argument that places fault on the shoulders of a grieving mother or a deceased young black man," Albies and Merrithew wrote.

The Portland Tribune

Rose Lane Project aims to get transit out of traffic

By Emily Burris/KOIN 6 News

December 10, 2019

The Portland Bureau of Transportation is continuing to take public comments through an online survey until Monday, Dec. 16

On Monday night, Portlanders had one last chance to ask Transportation Bureau employees questions about the Rose Lane Project. It's part of the city's effort to make public transportation more efficient and used by more people.

Questions were fielded at the final of the open houses for the pending project. The proposal, overseen by Commissioner Chloe Eudaly and PBOT, could see miles of city streets targets for transit improvement as early as next year.

"Transportation has to be reliable for you really to want to ride it, right," said Taryn Ralph who lives in the Reed neighborhood. "I really think that buses deserve to have their own lanes so that transportation can actually move effectively."

That was the thought behind the city's Rose Lane Project — an effort to get public transportation out of traffic, mainly by designating bus-only lanes along many of Portland's major and congested routes.

"I just recently started riding my bicycle," said Ryan Conifer who lives in Goose Hollow but commutes to Clackamas for work. "I finally got so tired of sitting in traffic and driving to work that I was going to start being creative and start learning the system."

It's a system that PBOT hopes to improve with more than 35 miles of proposed pilot project corridors. Ideas include a whole host of different signage and lanes to help cyclists, street cars, and buses navigate efficiently. One design is already being tested in downtown Portland on Southwest Main: the red-painted "bus only" lanes.

City officials acknowledge that the changes come at a cost for drivers. It could mean fewer parking spots and driving lanes. For cyclists and pedestrians, it could mean different infrastructure or route changes. But supporters said getting transit out of traffic eventually helps everyone.

"There are going to be less lanes for cars, but if that means a lot of your fellow drivers get inside the bus, there's going to be less traffic in those lanes," said Portland resident Brighton West who typically bikes around the city.

"Making public transit better will reduce congestion, pollution, carbon emissions and help maintain our quality of life as our population grows," PBOT Spokesperson Dylan Rivera explained in an email to KOIN 6 News.

"I think it'll make it less of a hassle and people who are maybe on the fence will give it a try," said Conifer. "Giving people more of a reason to do that would be really good."

None of the corridors have been finalized yet. The proposal could be adopted by city council in February, with more projects rolling out later next year. If you missed the open houses, but want to learn more and weigh in on the topic, PBOT is still accepting submissions to their online survey through Monday, Dec. 16.

You can take learn more and take the online survey [here](#).

Fish will take December off as cancer gets more 'complicated'

*By Jim Redden
December 10, 2019*

City Commission has been diagnosed with stomach cancer and has been undergoing chemotherapy at OHSU.

Commissioner Nick Fish said Tuesday that the cancer he is fighting has gotten more complicated and he will take the rest of December off.

Fish has been diagnosed with stomach cancer and has been undergoing chemotherapy.

Fish posted the following statement in his city website on Dec. 10:

"Last week, I learned from my team of OHSU doctors that my illness has become more complicated. I am also managing the cumulative effects of chemotherapy. Through the rest of this month, I plan to take time to focus on my health and my family. I will continue to work as I am able and expect to have more to share in the new year."

Fish has maintained a busy schedule since his diagnosis in 2017, and has frequently been the only council member to attend evening events. He was reelected to a four-year term in 2018.

You can read a related Portland Tribune story [here](#).

Willamette Week

In a Sizzling Real Estate Market, City-Owned Storefronts Have Stood Vacant for Nearly Two Years

*By Sophie Peel
December 11, 2019*

Prosper Portland attributes the vacancies at Lents Commons to its own choosiness about who occupies the space.

This February, one of Portland's most successful restaurateurs was looking for a space to plant his next hit.

Matt Lynch owns nine restaurants across the city, including popular drive-in Super Deluxe. He checked out a commercial space in Southeast Portland for his concept of an "all-American diner." It was the second time in two years he'd toured the spot, located just blocks from his home.

But he couldn't make the numbers work.

"It didn't have a ventilation system, no bathrooms in there, you'd have to build all the walls, bring power to and fro, there was no grease trap, no plumbing," says Lynch. "It was just kind of a tough deal to make sense of."

In the hottest economy Portland has ever seen, that newly developed city-owned storefront real estate has stood empty for nearly two years.

The space is in Lents, a neighborhood where the city's economic development agency, Prosper Portland, has invested more than \$75 million over the past five years to promote growth. It's in a building called Lents Commons at 5859 SE 92nd Ave.

The project is part of a larger five-year plan launched by Prosper Portland in 2014 to revitalize Lents Town Center. The first phase of the project, completed nearly two years ago, offers 7,500 square feet of ground floor commercial space for lease.

That Prosper Portland couldn't cut a deal with a fast-casual dining hitmaker—one with exactly the neighborhood roots the city wants in its partners—renews questions about how urgently the agency takes its task of reviving long-neglected areas.

"People are saying they're disappointed," says Sabina Urdes, chairwoman of the Lents Neighborhood Association. "It just hasn't been the vibrant town center we hoped it would be. There aren't things for everyone to do. They all cost money."

She says Zoiglhaus, the new brewery that sells \$15 burgers in the town center, is great for an occasional outing with her young daughter, but "it's not sustainable for us to spend that much money."

The complaint reflects long-standing tensions between Lents residents and Prosper Portland, the agency once known as the Portland Development Commission. For years, Prosper sat on vacant parcels in Lents—a strategy that enraged locals.

Boom times have finally reached Lents, replacing empty lots with apartment towers, brewpubs and a 24-hour gym. But residents still think Prosper hasn't fulfilled its promise—and point to those vacant storefronts.

The agency once again must balance its plans with wishes of locals to move with more urgency.

Prosper Portland attributes the vacancies at Lents Commons to its own choosiness about who occupies the space. The agency says it's offering priority—and subsidies—to hyper-local businesses, preferably ones run by women or people of color.

"While the leasing has taken longer than we anticipated, it's been important for us to stick to our larger strategy and vision," says project manager Thea Munchel, "to find neighborhood-serving businesses that are from and for the community."

Prosper also partially attributes the vacancies to the unfinished nature of the space, which lacks partitions, lighting and infrastructure.

That might intimidate prospective tenants, says Munchel. Prosper plans to build more infrastructure within the next six months to a year to attract tenants—the space can accommodate up to four businesses, including one restaurant.

"It's on a subfloor with no walls or partitions," says Munchel. "To be working with tenants who have never opened a brick-and-mortar store, we've found that's been a challenge."

Munchel says Prosper Portland has turned down prospective tenants because they didn't "match the community's vision." She says businesses have also backed out of leasing the space for various reasons but declined to state those reasons.

Urdes says residents have campaigned to bring in a grocery store, but adds Prosper Portland couldn't find a grocer that wanted to move in. (Urdes herself wants to open a community events collective in the space.)

"For those of us who are trying to do things for the community," she says, "it is very frustrating to fight so hard to find a space every single time when there are all these different places around here with vacant lots."

Prosper Portland says the space isn't a financial burden on the city—and even if it were, the agency tells WW the money is less important than creating the right kind of place.

"The space doesn't have a lot of ongoing costs. We don't have any debt, we own the building outright," says Karl Dinkelspiel, a development manager for the agency. "Prior to the I-205 freeway, Lents had its own character and little downtown. That's what people are hoping is re-created."

A Proposed Pearl District Tower Could Block a Long-Awaited Bikeway

*By Nigel Jaquiss
December 11, 2019*

Advocates worry the Portland Design Commission is poised to wreck that bike causeway—with valet parking for cars.

Rapid development of the Pearl District is causing conflict between two competing city policies. On one side is the need for greater density, which necessitates taller buildings. On the other: the development of better bicycle and pedestrian infrastructure.

The current flash point is a quarter-block lot at Northwest 12th Avenue and Flanders Street currently occupied by surface parking and one of the few remaining large trees in the Pearl District, a portly silver maple.

Under a plan created by Vibrant Cities, a Seattle developer, the tree would be turned into sawdust and the parking lot will become a 250-foot residential tower.

The new building would include an 11-story Hyatt Place Hotel and, above it, 110 private residences. At 23 stories, it would be the tallest building in the neighborhood, permitted by new height allowances under the city's recently adopted 2035 Comprehensive Plan.

The building would not include a single parking space. That's in keeping with a longtime city policy aimed at increasing the use of transit, bicycles and other forms of transportation.

Still, many hotel guests and residents are likely to rely on taxis, Uber, Lyft or valet parking—which could mean increased traffic and parking along the project's Flanders Street frontage.

That's a problem, because it sits directly in the path of a planned Flanders Street Neighborhood Greenway, which is supposed to provide a straight shot from the Eastbank Esplanade to Northwest Portland via the Pearl.

For nearly a decade, city planners have worked toward this bike and walking path. Planning is now finished and the Portland Bureau of Transportation is preparing the key link—Flanders Crossing, a new bridge to be built over Interstate 405 next year.

Advocates worry the Portland Design Commission is poised to wreck that causeway—with valet parking for cars.

"The Flanders bikeway is going to be the biggest game-changer for biking and walking in Northwest Portland in decades," says Scott Kocher, a cycling advocate who rides daily between Northwest and downtown. "To wreck even one block for the Hyatt is going to kneecap this thing and would be a really dumb idea."

Kocher and other critics argue a constant stream of vehicles picking up and dropping off passengers at the new tower will dominate a lane on Flanders designated for bikes, disrupting the greenway.

Nearly every new project of any size generates opposition. Often the objections are parochial: Views will be blocked or, critics worry, new development will change a neighborhood's "character." The dispute over the Flanders Street project, however, is far more than a mere NIMBY squabble, because it affects thousands of residents who live outside the neighborhood and may one day travel through it by bicycle.

City planners think bike and pedestrian traffic over Flanders Crossing, for instance, could quickly rival that on the Hawthorne Bridge, long a favorite of cyclists and pedestrians.

Dozens of residents filed comments opposing the Hyatt project with the design commission.

Patricia Cliff, who leads a group called Pearl Neighbors for Integrity in Design, says she's worried the city's process is putting too much emphasis on the desires of the developer at the expense of Portlanders who would use the Flanders Street greenway daily.

"They have three valet parking spaces on Flanders, which, in our opinion, will interfere with the greenway bike path and cause major traffic disruptions," Cliff says.

The project is currently in the design review process, and one commissioner opined at a Nov. 21 meeting that if conflicts between vehicular traffic generated by the new development and bikes would be as bad as critics fear, the city might have to give up on the Flanders Street greenway plan.

That sentiment infuriates Cliff and her allies. "The commission is prioritizing the developer's interest over the broader public interest," she says. James Wong, the Seattle-based CEO and co-founder of Vibrant Cities, disagrees.

He says the project will "be a great addition and complement to the greenway's goals."

The Transportation Bureau, which would build and maintain the Flanders greenway, did not object to the developer's plan.

PBOT spokesman Dylan Rivera says that's because his agency will take what the design commission approves and determine the most efficient way to use adjoining sidewalks and streets—including the Flanders greenway.

"The land use approval the developer is seeking cannot restrict how PBOT manages the public streets," Rivera says. The bureau's priority for the neighborhood, he adds, is to make the greenway work.

"In a dense urban area, how do we make the most efficient use of the roads?" Rivera says, noting that pedestrians and cyclists take up much less space than cars. "We're moving people, not cars. We feel comfortable prioritizing neighborhood greenways."

Cliff, who spent four decades in the real estate business, is leery of relying on PBOT to save the day if the design commission approves the project in early January, as she expects. Cliff would prefer certainty for an uninterrupted greenway.

"PBOT says, 'We will figure it out when the plans are approved,'" Cliff says. "To me, they are putting the cart before the horse."

The Portland Mercury

Commissioner Fish's Cancer Has Become "More Complicated"

*By Alex Zielinski
December 10, 2019*

After learning his cancer diagnosis has become "more complicated," Portland City Commissioner Nick Fish says he'll be spending the rest of December focusing on his health.

Fish shared this statement with the Mercury Tuesday morning:

Last week, I learned from my team of OHSU doctors that my illness has become more complicated. I am also managing the cumulative effects of chemotherapy. Through the rest of this month, I plan to take time to focus on my health and my family. I will continue to work as I am able and expect to have more to share in the new year.

Fish was first diagnosed with stomach cancer in August 2017, and has been undergoing regular chemotherapy treatments since. His chemo treatments have caused him to miss several council sessions, but has not slowed his engagement in council issues.

The illness also did not stop Fish from running—and winning—a reelection campaign in 2018.

In his statement announcing his initial diagnosis in 2017, Fish said: "This is the biggest challenge I have ever faced. I intend to fight this disease with every fiber of my body."

The Skanner

Portland-area Residents May Vote on Funding for Homeless

December 10, 2019

Multnomah County commissioners have agreed to cuts across departments to ensure that they can send money to the Joint Office of Homeless Services, which coordinates housing assistance, outreach and other needs for struggling people.

The Oregonian/OregonLive reports that Mayor Ted Wheeler has complained for years that he doesn't expect to be able to match previous contributions to the Joint Office using existing city revenues alone. Even with a \$72 million budget for this fiscal year, elected officials have warned that they might ask the public to help out more to maintain or increase those services. And now that rallying cry has reached a new pitch.

At last month's annual meeting of the city and county, Portland Commissioner Nick Fish made a plug for a campaign called Here Together, which aims to ask voters on the November 2020

ballot to fund likely hundreds of millions of dollars for increased social services to complement two current affordable housing bonds.

While there is no price tag yet, the proposal could be in the hundreds of millions. And Multnomah County Chair Deborah Kafoury, who is one of the main drivers of the campaign, said the money would go toward on-the-ground workers who can help guide homeless people through the service system, increasing the amount of services available and providing rent assistance to people who are in housing but on the verge of homelessness.

OPB

Opponents Struggle To Stop A New Breed Of Oregon Fuel Terminals

*By Cassandra Profita
December 11, 2019*

Environmentalists take credit for blocking fossil fuel developments across the Northwest. Numerous companies looking to ship coal, oil and natural gas through Oregon and Washington have given up in the face of endless permitting hurdles and denials.

But opponents may have met their match with a new breed of projects shipping fuel by rail in Oregon.

The Zenith Energy oil terminal and the Columbia Pacific Biorefinery took over existing industrial facilities and didn't need many permits to start transporting fuel. The companies running these projects don't need to provide much information to the public about what kind of fuel they're handling and where it's going.

That's what brought climate activist Melanie Plaut to the industrial sector of Northwest Portland. Plaut, who is part of the group 350PDX, was looking through binoculars at a row of tanker cars on the railroad tracks, trying to identify what type of oil they were carrying.

"All crude oil has a red placard with number 1267 on it," she said. "But if it's diluted bitumen, it also has a white placard saying 'inhalation hazard.'"

Her group has been asking people across the Pacific Northwest to report oil train sightings so they can piece together what's being shipped where.

"Since there's so little need for public reporting and the government agencies don't really know, we've had to do a lot of crowdsourcing," she said.

On a recent visit to the Zenith Energy oil terminal, she noticed some new construction taking place and called out to one of the workers, who appeared to be building a new rack for unloading oil trains.

But when Plaut asked the worker what he was building, he said he didn't know.

There seem to be a lot of unknowns when it comes to the Zenith terminal. The company took over an old asphalt facility that already had the key environmental permits the company needs to receive crude oil from trains and ship it down the Willamette River.

So, it launched its oil shipping operation without a long permitting process.

Plans for a facility upgrade filed with the City of Portland in 2014 suggest the additional racks under construction will allow the company to unload up to 44 oil train cars simultaneously. The added capacity could more than double the number of oil trains running along the Columbia and Willamette rivers. But the company got the city approval it needed two years before city leaders passed an ordinance restricting the expansion of fossil fuel infrastructure.

“They found a loophole,” Plaut said. “This company was able to sneak through, and we suspect this is likely how these things are going to go in the future because the companies know if they go for it straight up, they’re going to lose because of public opinion.”

The project is frustrating to opponents like Plaut who want to reduce the burning of fossil fuel that’s warming up the planet. After a train carrying crude oil derailed and caught fire in the Columbia River Gorge in 2016, more and more people share Plaut’s concerns about the risks of shipping oil by rail.

But without government approvals to challenge, it’s harder to stop this project like they have so many others.

State Regulators Adapt

State regulators have been caught off-guard by Zenith’s approach, too.

Scott Smith, an emergency response planner for the Oregon Department of Environmental Quality who works on oil spill cleanup plans, said he had to adapt those plans when Zenith changed the type of oil it was shipping.

“At first, I don’t know that we fully saw eye to eye,” he said.

In 2017, the company started shipping bitumen, a type of petroleum from Canada’s tar sands that’s thick like peanut butter. But sometime after that, it switched to shipping diluted bitumen, which is mixed with liquids. Smith said the different types of oil behave differently when they’re spilled in water and require different oil spill response plans.

“We’ve had to look at their safety data sheet and change it several times based on the new products that they’re transferring,” Smith said.

Smith said the oil Zenith is handling now has heavy components that would sink in a spill. The oil also emits hazardous vapors that would pose an inhalation risk to oil spill cleanup workers.

“And that is kind of new for our region,” he said. “We haven’t previously prepared for that and that’s part of the reason that we’ve had to take a very close look at them over the past year or two.”

Zenith also unexpectedly switched the kind of fuel it was using for a training drill involving the company and first responders, Smith noted. The company was supposed to use crude oil in the drill. But instead it used diesel – a switch that made the training drill less valuable in preparing responders to an actual crude oil spill. Zenith has also been warned by DEQ about unresolved safety issues.

Zenith declined a recorded interview request but has sent written responses to OPB’s questions saying the company is following the rules and doesn’t believe it has misled the public.

Zenith spokesman Daniel Wattenburger said the facility upgrades that have required visible construction at the Portland terminal do not constitute a fossil fuel infrastructure expansion, and the company can only provide basic information about the crude oil it is handling from Alberta, Canada.

“All of our customer agreements contain confidentiality provisions,” he said in a written response. “We don’t have information as to the identity of our customers, producers or suppliers.”

Another Terminal Raises Concerns

A lack of trust in Zenith has also raised suspicions about other fuel terminals, including the Columbia Pacific Biorefinery near Clatskanie, Oregon.

According to Catie Kerns, a spokeswoman for biorefinery owner Global Partners, the facility is currently transporting ethanol, and it hasn’t shipped crude oil since 2015. But opponents are worried the company could do so in the future.

“I think that folks that have that concern aren’t talking to us and they aren’t listening to what were our actual plans for the facility,” Kerns said. “And while we do have permits to transload crude oil, I can say that’s not currently in our plans. And if it were to occur, then we would be having conversations with the community and hearing their concerns.”

She said her company’s future plans are focused on biofuels, not crude oil. Meanwhile, Wattenburger with Zenith Energy said his company wants 30 percent of its Portland terminal capacity to be focused on renewables by the end of next year.

But the city of Portland denied his company a key permit for those plans, citing its ordinance restricting fossil fuel facilities. Now Zenith is threatening to sue the city.

Dan Serres with the environmental group Columbia Riverkeeper said Global Partners took a similar approach to Zenith in converting an existing ethanol refinery into a crude oil terminal in 2014. Oregon regulators have just a few checks on these types of facilities through oil spill cleanup plans and air and water pollution permits.

“It is a real challenge, and Oregon has not caught up to the challenge,” Serres said. “For what seems like one of the riskiest types of terminal we see in the region, we have essentially very little in the way of tangible regulatory tools to deal with it.”

In contrast, Washington and California both have their own state environmental policy acts that require more extensive environmental reviews. Serres said that was why the Tesoro Savage oil terminal proposed at the Port of Vancouver was ultimately denied the permits it needed to operate.

Oregon DEQ will soon be considering new air pollution permits for both the Zenith Energy terminal and the Columbia Pacific Biorefinery, but Serres said those reviews don’t consider many of the safety and environmental issues involved in shipping oil by rail.

“This sort of haphazard process has really led to alarm in the community because what we see is oil trains rolling through Portland and potentially more of them coming,” Serres said. “We should have a public process and public hearings and look at all the risks, not just these relatively narrow issues that are associated with an air pollution permit.”

Portland Parks & Recreation Discontinues Food Cart To Avoid New County Fees

*By Meerah Powell
December 10, 2019*

Portland Parks & Recreation decided not to renew a food cart owner's contract in order to avoid paying fees associated with Multnomah County's new law on food cart pods.

The Multnomah County Board of Commissioners passed an ordinance in October to standardize health and safety requirements for all food cart pods. It defines a "pod" as two or more food carts grouped on public or private property.

The ordinance shifts responsibility from individual food cart owners to the property owners of the food cart pod sites to ensure things like cleanliness, clean water and electricity.

Richard Yep has run his food cart, Donut Days, with his children in Washington Park for the past two years — through the Rose Garden's busy season from March to October.

He was told last week by Portland Parks & Recreation, the entity that owns the park, that he could not renew his cart's reservation for 2020.

"I basically lost my spot at the Rose Garden to sell mini-donuts because of the new cart law that was intended probably to protect the public at places like Southwest 3rd and Southwest 5th, where they're packed in like sardines," Yep said. "But up at the Rose Garden, there are only two carts."

Yep said the other cart, which sells hot dogs, has been in Washington Park for about 20 years.

"PP&R has decided that it is in our best interest to only allow one vendor at our Washington Park location," a letter from Portland Parks & Recreation to Yep reads. "The requirements of maintaining a 'pod' on Park property are not within our reach or budget at this time."

The letter continues: "Until [...] there is a change or with practical application of the new Pod policy [that] results [in] the ability to add more vendors at a location without substantial cost, we will only have one at this location."

The county ordinance, which will go into effect Jan. 1, 2020, also requires property owners to obtain a permit to operate a food cart pod. For PP&R's pod in Washington Park, made up of two carts — including Yep's, the agency would need to pay the county \$405 annually.

It would also pay a one-time \$580 "plan review" fee.

"A lot of the requirements are basically just having a plan — having a plan for having a wastewater spill and how you're going to clean it up, having a plan for your pest control, having a plan of how you're going to make sure you're going to have your solid waste contained," Jeff Martin, environmental health supervisor for the Multnomah County Health Department, said. Martin helped create the ordinance.

"A lot of what we're proposing is basically planning and preparation that we're hoping will be very simple for a pod owner to incorporate," he said.

The cost of the annual fee rises depending on the number of carts in a pod. The Multnomah County Board of Commissioners is voting on whether to finalize those permit fees at its Thursday meeting.

“I pay \$1,100 a month to be there,” Yep said. “Can’t Portland Parks & Recreation spend \$500 to accommodate one guy in the Rose Garden so that there will be two carts?”

Martin said that he and the ordinance’s workgroup had considered the possibility that pod owners might react to the new ordinance by cutting the number of food carts.

“That was always on the forefront of how this would negatively impact cart owners,” he said. “We knew we would probably get some sort of feedback stating that this would cause [pod owners] to reduce the amount of carts on their property.”

Portland Parks & Recreation’s letter to Yep also stated that the agency is determining “the impacts to our South Park Blocks locations as well,” in regard to the food carts that reside there.

Portland Parks & Recreation did not respond to a request for comment before publication.

Yep, who also operates at local farmer’s markets and other events, said he’s not sure what he’ll do next.

“I’m really lost where to go, and I just have to sit down with my kids and figure out where else to go,” he said. “I have to rethink this, because I was planning on restarting in the Rose Garden in March.

“In helping the bigger pods clean up, it [the ordinance] killed people like me and took away my livelihood.”

Portland Mayoral Candidate Sarah Iannarone Challenges Ted Wheeler To Debate

*By Rebecca Ellis
December 10, 2019*

Portland mayoral candidate Sarah Iannarone is heating up the race to be the city’s next leader with a challenge to incumbent Mayor Ted Wheeler.

In a letter to Wheeler, Iannarone’s campaign asked the mayor to join her on stage for six debates before the May 2020 primary.

Each debate, as envisioned by Iannarone, would be focused on an issue any Portland mayor would need to address: environmental justice and climate change; housing affordability and homelessness; police accountability and public safety; inequality and poverty; good government and civil society; and health.

“The City of Portland is facing so many serious challenges and the people of Portland deserve sustained focus and real solutions to these problems,” wrote Iannarone’s campaign manager Gregory McKelvey, in Monday’s letter.

The line may sound familiar to those closely following candidates’ opening forays into debate season.

In 2015, Wheeler dropped an identical opening sentence when challenging then-Mayor Charlie Hales to a dozen debates.

That letter, issued in late September of that year, was left unanswered. Hales bowed out of the race just a month later.

But Iannarone’s challenge comes with something Wheeler’s did not: a hard deadline.

The letter asks that Wheeler's campaign respond by Monday, Dec. 16.

Amy Rathfelder, Wheeler's deputy campaign manager, said while staff was internally hammering out logistics to see what the mayor's schedule would allow for, they were "definitely interested."

That means, as of Tuesday, the debates are on. But who will get an invitation to discuss the issues of the day remains uncertain.

Iannarone's challenge was extended only to Wheeler. According to the city auditor, seven Portlanders have ticked all the boxes they need to appear on the ballot.

Some, like Iannarone, are already deep into the fundraising stage. Others appear to have yet to start.

Iannarone's campaign said they want to keep future debates limited to "viable candidates" to avoid overcrowding the stage and stretching viewers' bandwidth for local politics.

"Just as adding a lot of voices to the Democratic debate doesn't necessarily make the conversation better, I think it's important we have people who are putting forth actual ideas, putting forth campaigns that have a chance to win," said McKelvey.

Wheeler's campaign, meanwhile, appears to have adopted a more-the-merrier approach.

"We weren't the ones sending the invite, but we'd want to be as representative as possible," said Rathfelder.

Iannarone, in a prepared comment, said the campaign was looking forward to discussing the standard for participation with Wheeler, along with the local partners hosting the future debates.

Portland Commissioner Nick Fish Says Stomach Cancer Has Become 'More Complicated'

*By Rebecca Ellis
December 10, 2019*

Fish posted a health update to his city website Tuesday, saying doctors at Oregon Health & Science University informed him last week that his condition has become "more complicated."

"Through the rest of this month, I plan to take time to focus on my health and my family. I will continue to work as I am able and expect to have more to share in the new year," he wrote.

Fish has been open about his illness since first announcing he had cancer on Facebook post in August of 2017. He wrote at the time he intended to "fight this disease with every fiber of my body."

Since then, he has provided semi-regular updates on his condition. Last summer, he warned that his treatment, while progressing well, would become more intense, with regular infusions that could sap his energy and cause him to cut down on evening events.

Investigation Underway After Fatal Police Shooting In SE Portland

*By Rebecca Ellis
December 10, 2019*

UPDATE (Monday, Dec. 9 at 10 p.m. PT) —

Portland police fatally shot a man with a history of mental illness Sunday afternoon on a Southeast Portland street corner, just east of Mall 205.

Several officers were dispatched at 1:40 p.m. to respond to a report of a man holding a knife near the intersection of Southeast 103rd Drive and Southeast Stark Street. According to the police scanner, two people had called in to report a white male standing in the middle of the roadway with a furry white scarf wrapped around his shoulders, pointing a knife at traffic that flowed by.

Officers approached the man, identified Monday as 51-year-old Koben Henriksen. Soon after, officers fired multiple shots, according to the latest release from the bureau. Henriksen died at the scene.

Court records show Henriksen had a history of mental illness. In January 2014, a judge found him unable to aid in his defense in an alleged theft case. He was ordered to receive treatment at the Oregon State Hospital, and two psychological evaluations were requested later that year. The theft charge was ultimately dismissed.

During the fatal encounter Sunday, scanner traffic showed a period of just under seven minutes between when officers were first dispatched to the call and when an officer radioed in “suspect down.”

On Monday afternoon, the bureau named Justin Raphael, who has been on the force for seven years, as the officer who used lethal force on Henriksen.

The bureau also said Daniel Leonard, who’s been on the force for 11 years, responded with “foam-tipped projectiles,” which police consider a “less-lethal tool.”

The bureau said it has placed the officers involved on paid administrative leave, per bureau policy.

Records show both officers had received some training to prepare them for a situation like the one that unfolded in the intersection Sunday. Leonard, who used the weapon with foam tipped-projectiles, had taken a 10-hour training on the tool in 2017. Raphael, who fired the fatal shots, had taken a 40-hour class on crisis intervention in 2015.

Raphael’s name also shows up in a 2017 lawsuit filed by the local ACLU that alleged the police bureau restricted the movement of marchers during a protest, detaining them for over an hour and blocking access to food or bathrooms.

Portland Police Chief Danielle Outlaw said more details will be forthcoming.

“This is still early in the investigation, and we will work within the process to release as much information as we can without compromising any of the investigation,” Outlaw said.

Sunday marked the year’s fifth fatal shooting by Portland police officers, making 2019 the deadliest year for police shootings since 2010.

Time Running Out For Wheeler To Deliver On Portland Homeless Crisis Promises

By Amelia Templeton

December 9, 2019

Homelessness was the issue that helped sweep Portland Mayor Ted Wheeler into office.

When Wheeler announced his campaign, he presented himself as an alternative to then-Mayor Charlie Hales, whose decision to allow public camping led to a spike in tent cities and public backlash.

Wheeler pledged that under his watch, every person sleeping on Portland's streets would have the option of heading inside.

"We have a stark choice," he said at the time. "Do we want more promises on helping the homeless get into transitional housing and get the help they need, or do we want progress?"

Three years later, Wheeler has not kept that promise. The city and county have added a few hundred beds under his administration. But the increase in shelter space has not kept up with the homelessness crisis. The 2019 Point in Time count found 2,037 people sleeping on sidewalks, in cars or in tents on any given night.

Wheeler said he's come to understand that solving homelessness requires more than emergency beds.

"The evolution in thinking on my part, and also nationally, is that we have to address the underlying causes of homelessness for the chronically homeless population," he said in a recent interview.

That means making sure outreach workers are connecting people on the street with the specific services they need to end their homelessness, such as access to housing, addiction treatment or help living with a disability. To that end, the mayor has increased the city's funding for shelter and services from \$25 million when he took office to \$32 million this year.

Wheeler said that while some Portlanders expect a compassionate response to homelessness from their mayor, others are primarily concerned about what he calls livability impacts and public safety.

"The litter, the needles, the encampments and the like: All of these are legitimate concerns," he said.

Wheeler has also increased funding for the crews that force homeless people to move every couple of weeks and clean up their campsites. The mayor's office said those crews have removed 375 tons of trash and 22,000 needles this year.

Portland Commissioner Nick Fish credits Wheeler for working closely with other City Council members on policies to prevent homelessness, including Commissioner Chloe Eudaly's sweeping package of legal protections for renters and Fish's own effort to pay for 2,000 new units of housing for people who need supportive services.

"In order to be successful in our form of government, you have to work well with others," Fish said. "I don't think Ted gets enough credit as a collaborative leader who has helped move this council forward to make real progress on homelessness."

But where Fish sees a leader willing to learn on the job and collaborate, others are less impressed. Real estate developer Homer Williams donated to Wheeler's first campaign. Three years into Wheeler's tenure, Williams said he worries that the mayor and other elected officials don't treat homelessness with the urgency they'd bring to other humanitarian crises.

"If we had an earthquake tomorrow, and we had 10,000 or 15,000 people on the streets, we would have them housed in tents, with bathrooms, with food, with showers, within a month," said Williams, who chairs the private nonprofit Harbor of Hope, which is working to develop shelters that connect people to services. He opened the first in the Pearl District with funding from private donors, Multnomah County and the city.

In spite of their partnership, Williams struggles to describe the mayor's vision on homelessness. When asked whether Wheeler has done anything to move the needle on the crisis, Williams paused for around 10 seconds before asking for more time to think.

"I think he's really now coming to grips with the magnitude of the problem," he said after several minutes. "And he's willing to make it his No. 1 priority."

OPB spoke with four other local elected leaders and activists who work on housing and homelessness. All criticized the mayor's approach, but none were willing to go on the record. They said it can be hard to get his office to focus on homelessness, to prioritize funding for it or to take action on specific policies.

Fish said he thinks the mayor's problem is his communication style, rather than the substance of his work.

"Is he our best orator? No. But at the end of the day, is he making steady progress in addressing what he says was his No. 1 priority?" Fish said. "The answer is demonstrably yes."

Wheeler said that if he gets another term, he will focus on long-term solutions to homelessness, such as subsidized housing for people who face the biggest challenges to get off the streets.

"We're making good headway, but we need to scale it up," he said.

Scaling up supportive housing will take millions of dollars regional governments don't currently have, though a group of business leaders, nonprofit providers and elected officials is working on a ballot measure that could raise hundreds of millions annually for homeless services.

The measure could be on the November 2020 ballot. So could Wheeler if a challenger pushes him to a runoff.

He promises he'll campaign for the homeless services package.

"It will be the easiest ask I've ever made," he said. "This is the No. 1 issue facing our community, full stop."

Correction: This story originally said that Mayor Ted Wheeler had not yet signed onto a letter supporting the Here Together homelessness effort. He endorsed the letter late last month.