



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF JULY, 2003 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners, Leonard, Saltzman and Sten, 4.

Commissioner Leonard arrived at 9:36 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Michael Frome, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

| COMMUNICATIONS | | Disposition: |
|-----------------------|---|-----------------------|
| 806 | Request of Annalisa Bandalera to address Council regarding Portland Peace Encampment (Communication) | PLACED ON FILE |
| 807 | Request of Jada Mae Langloss to address Council regarding advice on running as a candidate (Communication) | PLACED ON FILE |
| 808 | Request of Andy Seaton to address Council regarding Portland Peace Encampment (Communication) | PLACED ON FILE |
| 809 | Request of Carlos Jermaine Richard to address Council regarding a simple prayer (Communication) | PLACED ON FILE |
| TIME CERTAIN | | |
| 810 | TIME CERTAIN: 9:30 AM – Accept report on the progress of the Portland River Trust (Report introduced by Mayor Katz) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4) | ACCEPTED |

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| CONSENT AGENDA – NO DISCUSSION | | |
| 811 | Accept bid of Dirt & Aggregate Interchange, Inc. for NW 6th Avenue extension for \$998,565 (Purchasing Report - Bid No. 102244) (Y-4) | ACCEPTED PREPARE CONTRACT |
| Mayor Vera Katz | | |
| 812 | Appoint Ben Owre to the Elders in Action Commission for a term to expire July 31, 2006 (Report) (Y-4) | CONFIRMED |
| *813 | Adjust the salary range of the Nonrepresented classification of Watershed Program Manager (Ordinance) (Y-4) | 177690 |
| *814 | Create a new Nonrepresented classification of Endangered Species Act Program Coordinator and establish a compensation rate for this classification (Ordinance) (Y-4) | 177691 |
| Commissioner Jim Francesconi | | |
| *815 | Amend contract with Winterowd Planning Services, Inc. for the preparation of a master plan update for the Portland International Raceway (Ordinance; amend Contract No. 33292) (Y-4) | 177692 |
| *816 | Apply for a grant from the U.S. Fish and Wildlife Service and Metro Parks and Greenspaces in the amount of \$10,000 for Powell Butte Wildlife Habitat Improvement, Conservation and Revegetation Project (Ordinance) (Y-4) | 177693 |
| *817 | Authorize Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon to provide funding for additional improvements to the Bybee Bridge Replacement Project (Ordinance) (Y-4) | 177694 |
| Commissioner Dan Saltzman | | |
| *818 | Authorize an Intergovernmental Agreement with Portland State University in the amount of \$20,000 for a recycling project funded through a pass-through grant from the Department of Environmental Quality (Ordinance) (Y-4) | 177695 |

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| <p>819 Consent to the merger of Borgens Disposal Service and Portland Disposal & Recycling, Inc. residential solid waste and recycling collection franchises (Second Reading Agenda 789) (Y-4)</p> | <p>177696</p> |
| <p>Commissioner Erik Sten</p> | |
| <p>*820 Authorize an Intergovernmental Agreement with Oregon Urban Search and Rescue Mutual Aid for assistance during disasters and other emergencies (Ordinance) (Y-4)</p> | <p>177697</p> |
| <p>*821 Authorize agreement with Reach Community Development Inc. for \$100,000 to support the development and management of affordable housing projects and provide for payment (Ordinance) (Y-4)</p> | <p>177698</p> |
| <p>*822 Authorize agreement with the Metro Home Safety Repair Program for \$140,315 for the Senior Home Repair and Maintenance Program and provide for payment (Ordinance) (Y-4)</p> | <p>177699</p> |
| <p>*823 Authorize agreement with Youth Employment Institute for \$163,640 to assist young people with employment and provide for payment (Ordinance) (Y-4)</p> | <p>177700</p> |
| <p>REGULAR AGENDA</p> <p>Mayor Vera Katz</p> | |
| <p>S-824 Amend Title 33, Planning and Zoning to update and improve City building and land use regulations and procedures that hinder desirable development (Second Reading Agenda 801; amend Title 33) (Y-4)</p> | <p>SUBSTITUTE 177701 AS AMENDED</p> |

At 10:28 a.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption Transcript.

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WEDNESDAY, 6:00 PM, JULY 16, 2003

**DUE TO THE LACK OF AN AGENDA
THERE WAS NO MEETING**

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

July 16, 2003 9:30am

Saltzman: Here.

Sten: Here.

Katz: Mayor present. Commissioner Francesconi is on vacation. Somebody please get our fourth commissioner here so we can -- well, we can go ahead. We have a time certain. We're fine. All right, let's start with 806.

Item 806

Annalisa Bandalera: Good morning. My name is annalisa bandalera. I'm here to address friday, and friday only. I'm sure you're well aware of what happened friday afternoon when the police decided to come and take everything off of the sidewalk and to arrest todd kurlowitz for interfering with the police officer. His interference extended to trying to grab people's backpacks so they would not have to sleep on the sidewalk that evening with no backpack, no sleeping bag, no blanket, and in some instances people didn't even have their shoes. This has been an ongoing issue.

You told us that we could not camp. We could not have camping gear, or accouterments of this, but now you've taken the signs as well, but you did say we could have our signs, that we did have the right to free speech. All signs were destroyed as reported by the police. I'm going to compare the Portland police force to that tornado I told you about a couple weeks ago. If a tornado came into Portland and destroyed even, you know, a section of houses in one part of town, federal aid would be offered. The Portland police came in, like a tornado, ransacked the place, and took people's goods so that they were left on the street with no shelter. It concerns me that this type of behavior continues to increase, because we've come here on an almost weekly basis and said we're open to amicable solutions. We passionately believe in what we're doing. We believe there's fault in the system. We believe that you're making value judgments against the people who are speaking to this truth. Not that you're making judgments and that you're reevaluating the anti-camping ordinance or the obstruction as nuisance city codes, but that -- and that they are unjust and prohibitive of people living life, but that you're making a value judgment saying something's wrong with these people because they are on the streets or that you're making a value judgment against political activists who choose to say the system is not right, the system is not encompassing, it marginalizes and targets certain individuals. When we look at diversity, it's important to not only look at the color of someone's skin, but also their lifestyles, and that's where diversity has been going, but there's no compassion. It's a continuous problem and it's become the focus. This what the tourists here, when they stop by. Do the police bother? Yes. They left five people on the sidewalk with nowhere to sleep. That's not the image we want to present to Portland. We love Portland. We think it's a great city. We just think that your laws are unjust. Thank you.

Katz: Ok. 807.

Item 807

Katz: Good morning, jada.

Jada Mae Langloss: Good morning. I came all the way back. I was gone for 11 days, looking at the seattle area, everything, and I was offered paying jobs in order to go back there, but the bus system is so awful that here I am back in the city of persecution for grandma jada. I love the bus service here and the benson problems, and I want to also run for office as a spoiler candidate. You

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forgot that word. Spoiler candidate. I didn't know I was such a spoiler candidate until somebody got -- that was supposed to be my attendant who got it over the internet. I didn't even get on the internet. I had 8,000, less two votes, without my name being mentioned in the voters pamphlet. So I feel paranoid, of course. Paranoia is heightened awareness or when you know all the facts. Now whatever you want to talk, normal people have a different idea. They say they're all out to get you. Well, so what. I don't mind, they're all out to get me, as long as they can suffer the consequences. So there's three office are that coming. Five-minute only Francesconi, new rookie randy leonard, and vera Katz, I will make a deal. I want to run for office on this council. I'm going to leave it up to you which one like to have me as a running partner, because if I don't get elected, nobody gets harmed, because they didn't invest any money, so i'm the best loser so far. I want to be the best candidate that never gets caught and go down in history as that, the best candidate that never got caught. So you guys all figure out which office I should run for, and then if I get elected, the fun might be over, but in the meantime you will be one of my highest-paid advisers, and so will mr. Blumenauer, and i'll even give five-minute only Francesconi like he gave me when I gave him the secret to success. He didn't like it.

Katz: What was the secret to success?

Jada Mae Langloss: He locked me out for five minutes after I talked to him, because I was talking to his wife first. He wouldn't even let me in.

Katz: I'm sorry, I didn't want to go there.

Jada Mae Langloss: Oh, well, you know, I tell all the secrets. So it's up to you to decide. And if you decide I shouldn't be running for office you can tell league of women voters and the elections company, and then get the money and relocate me where I can really get some work done, and i'll do my vacations here with tri-met. I hate leaving tri-met. It's the only thing that keeps me in tonic except for benson phones, and fun with city council.

Katz: Thank you. As all of you know i've had the privilege of having jada in my race. How many times, jada?

Jada Mae Langloss: Since 1992.

Katz: She does add a lot of joy and a lot of fun and a lot of common sense to the debates.

Jada Mae Langloss: Not only that, but I protect you without getting paid for it.

Katz: Yeah, you do that, too.

Jada Mae Langloss: People say "i don't like her, I don't like her:"

Katz: I know that, jada, you're a dear. All right, 808.

Item 808

Andy Seaton: Good morning.

Katz: Go ahead.

After my comments of last week --

Katz: Identify yourself for the record.

Andy Seaton: I'm sorry. Andy seaton with Portland peace encampment. After my comments last week i'd like to thank commissioner Sten for agreeing to meet with us next week, although we're still awaiting a reply from your office, mayor Katz. Last friday evening, july 11, the Portland police raided the Portland police encampment. Unfortunately we've grown accustomed to being raided. However there are two incidents during that raid which we'd like to bring to your notice and strenuously object to. First, todd was arrested as he picked up his duffel bag when the police tried to confiscate it as found property. This is a clear violation of the enforcement guidelines for the obstruction of nuisance ordinances listed on www.Portlandpolicebureau.com. Officers may enforce this only after giving an opportunity to abate the nuisance caused by their behavior. Instead the police arrested todd and charged him with interfering with an officer. I'd also like to note that an interfering law from texas, which is much less vague than the Oregon statute, was still ruled

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unconstitutionally vague by the u.s. Supreme court. Second, after todd was in custody, our protest signs, artwork, literature, and even our petitions and clip boards were confiscated and unbelievably destroyed. All these items are clearly protected by both the first amendment of the u.s. Constitution and article 1, section 8, of the Oregon constitution. Some of our personal property is also still missing, including my chair marked for handicap use with my name on it. When I called lieutenant hansbarger in charge of the detail and asked about the signs of my chair, he said he would look to see if my chair was still in the wagon, but everything else was thrown away, this behavior to put it mildly is speech directed. At this point our only recourse may be the courts. But to put this in perspective, the day before the raid I was lucky enough to meet a black south african woman at the open source computer convention here in Portland. After selling her a little bit about peace camp, she encouraged us to keep up the good work. When I told her about the almost weekly raids by the police she was appalled. She said it confirmed her worst fears about american repression. And she was glad she's decided to stay and work in capetown rather than move to america after she graduated from college. I find this especially ironic since the police and Portland allowed a 24-hour vigil against apartheid which lasted for years in the early 1990's. I'd like to think we can live in harmony and have peace reigns on both sides of fourth avenue. South africa seems have to managed it. Perhaps we can learn from their example.

Katz: All right, everybody. Consent agenda. 809.

Item 809.

Katz: Any items to be removed off the consent agenda? Anybody in the audience wanting to remove items off the consent agenda? If not, roll call on con send agenda.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounding] item, 810.

Item 810.

Katz: Let me begin. We have some guests here, and this is a report just to share with you what we've learned and what we've done. You recall we launched the river renaissance in 2001 that emphasized partnerships and announced the creation at that time of the Portland river trust. In our review we found that approximately 13 federal, state and local agencies have directors director ditions over the river. It was very apparent if there was anything we wanted to do along the river the process would be not only time consuming, but very costly. In 2002, with the help of commissioner Sten and commissioner Saltzman, along with congressman blumenauer and wu, we hosted a meeting of a number of federal agencies and state agencies and laid out the priorities of working together as a group under the auspices of the river trust. I want to share with you what those priorities are and then invite our partners up to talk to you about where they see the future going and what is actually going on at this point. I want to again thank the council, because this budget season we funded projects that would help the river and water she had restoration here in the city. You recall them. Crystal springs, fanno creek, johnson creek, kelly creek, smith and bybee lakes and revegetation along the willamette. We also founded a position to coordinate capital improvement projects as well, because in our review we found more than 150 capital projects that needed some consultation with federal agencies regarding endangered species. With so many projects that we have moving forward, there was a huge risk that time lines would get held up and would not be moving forward in a timely fashion. We have our partners here today , and they agreed with us that there had to be a better way of coordinating all the efforts. In february of this year we signed a streamlining agreement. And it was, I think, the first in the country. And so for our federal agency partners, I wanted to thank them for taking some risk, but I think in the long run it's going to be well worth it. The outcome of all of that was certainty. Not only did the development of the restoration of the watershed, but also for projects along the river. So it wasn't a choice between economics and the environment. It was hand in hand. So first let's start with our

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own staff first. So jim middaugh and mike reed, why don't you come on up. And then we'll invite our other partners to share some words with us.

Jim Middaugh, Planning Bureau, Endangered Species Program: Good morning. Jim middaugh with the endangered species program. I'd like to let mike reed describe the streamlining program and some of the tasks we have to live up to our end of the bargain. Then there's a couple of other priorities we agreed to with our partners that i'll mention, and then have them come up and give you their perspective on how the city's doing. Mike?

Mike Reed, Bureau of Environmental Services: I'm mike reed, working with the e.s.a. Program and also the streamlining agreement. As you mentioned, we've been working with the c.i.p. Committees around the city on the -- the projects that will most likely need permits over the next three to five years. As you accurately mentioned we found there's approximately 150 projects that would require some kind of formal or informal consultation or permit from these agencies. In speaking with these agencies we realized that it would strain their resources. They were really eager to figure out a way that we could meet the city goals, as well as the regulatory requirements. So after the signing, the agency picked some representatives, and we began working on a process that would work for the city and meet what the agencies are required to do. We had this streamlining agreement, but we canvassed around the region, and there are a number of very effective streamlining agreements that are in place that the u.s. Fish and wildlife service and n.o.a.a. Fisheries have been working with, particularly with the b.l.m. And the forest service. We recognize a urban center needs a different model. So the agreement has a number of components. It will ensure that city project time frames are met in a timely manner, which is very important for us, but also work to improve coordination, communication agreement on what's required in the permits. It will meet federal regulatory requirements to not jeopardize and proposed and listed species. The city and agency staff have been -- identified will be working on the streamlining team. We've met once to discuss operating procedures and we'll be meeting again at the end of this month to begin reviewing projects. We've been working with the c.i.p. Committees to identify those city projects that could move forward pretty quickly. We've also found that there's a number of projects that the city conducts that don't get capital funding. Those are like required stormwater retention facilities, repairs of sewer lines, culverts, what not. The streamlining team has been very effective in helping us move those forward as well. The south waterfront is a good example. We'll be looking at how we might be able to move those non-c.i.p. Projects through the streamlining process as well. That's a real quick update.

Katz: Thank you, mike. Thank you for all your work on this.

Middaugh: Mike's done a great job and I want to thank the federal folks, because they've gone out of their way to help us. The reason they're willing to do that is because you guys have allowed us and provided the policy direction, that we're not doing the bare minimum, we're actually trying to step up and jointly meet the needs that they have and that the citizens of world want. So I think we're a good example for other jurisdictions, that if you go beyond the minimum sometimes it creates a lot of additional benefits. So it's a good lesson. The budget this year also provided for an effort to try and make sure that we bring a good level of expertise and continue the high level of service we provide to our partners so they can provide it back. And what we really need to do is formalize or get better, I guess is the way I should say it, at ensuring we know which projects are likely to have a federal permit and organize those. The agreement seeks to have us bring our projects in an orderly fashion forward so we can make sure we all know how much work is going to be involved. And we're making good strides at doing that. But we need to work with our bureaus in the budget process to really have a better handle on which projects are going to need permits so we can run them through the process in a professional and efficient way. In that regard, we have received a letter from n.o.a.a. Fisheries requesting that all projects that need to contact the corps or

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d.s.l. or n.o.a.a. At least contact the program first, to make sure we don't get calls from three different city project managers in a given week wanting three separate meetings. You know how it is setting up a meeting, it can three or four phone calls before you even get set, where mike would know, "hey, we're always setting up a meeting so we can do two things in one time slot." that sounds mundane and not very interesting for a council level presentation, but it's essential to us being able to meet our development objectives, to meet our restoration objectives and to keep all of our capital projects and recreational access projects moving and not spending a lot of money on it. So I really want to stress it's an important thing. We have two other priorities for the trust outside of the streamlining agreement. I'll just highlight them real quickly for you. They're both really intended to support river renaissance and keep that effort moving. The next one, which I think is really fundamental to improving the city's overall environmental performance is establishing a shared environmental baseline. What do we know about existing conditions in Portland? And what do we need to do to measure progress towards improving those conditions? And the river renaissance plan, the water resources development act project, the e.s.a. Program, environmental services, watershed plans, all these things are aiming under the auspices of river renaissance to produce a report that gives a clear accountable snapshot of existing conditions, and we'd like to engage our partners in the river trust to help us develop that document or that product or that snapshot so that we advance that objective of establishing a shared baseline. So with that, we'll probably be contacting -- with your consent, we'll be contacting the river trust agencies and seeking their participation in helping us frame that. The last project, which we've had initial -- very initial conversations with b.d.s. And others, is to see if we can't establish one-stop shopping for some of these permits. How do we streamline for a private party, who needs a city permit and a federal permit, how can we make that process go more smoothly for our customers? We view them as our customers, and the federal agencies do, too. So if the federal agencies require certain conditions, and the city changes those, that the applicant doesn't need to go back through a federal process. Or the opposite can happen, too. The feds ok something, and as part of a greenway review, the city changes that design, then they got to go back through a federal process again. We want to work together to make sure that we minimize the effort required and the costs associated with obtaining those permits. So it's a longer-term project, but we're working on it.

Katz: All right.

Middaugh: So with that I would --

Katz: That's good, because we didn't deal with the b.d.s. Issue when we met the last time. So that's an important additional component that we need to get everybody's agreement on. Thank you.

Middaugh: And I think the exciting part is, not only will this help city projects, because we have to go through our own city reviews, but more importantly gets to the citizens out there who are just trying to get stuff built or get something fixed. That's what we want we want to focus.

Katz: Thank you. Let's bring our federal partners in. I want to turn to eric and dan for additional comments if they want to make them. Mike and don and mary and nancy and joe and greg. Come on up. Would you identify yourself for the council. Pull up a chair. Mike, why don't you start.

Mike Tehan, NOAA Fisheries: Ok. For the record, i'm michael tehan, the Oregon state director for the habitat division, n.o.a.a. Fisheries. Mayor Katz, councilmembers, i'm here today to support the work that your folks have done in implementing this agreement and just to acknowledge the leadership and vision that it took to pursue it. I think you're right, that this is one of the only agreements i'm aware of between a group of federal agencies in a city. In fact, it's interesting, we're always being investigated it seems like for something, stopping the development, not being expeditious and the general accounting office was soliciting from us examples of all the different m.o.a.'s, different agreements we have with states, and we said "well, what about cities?" it's like,

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"well, do you have agreements with cities?" we did provide a copy of the agreement and I think it was presented to one of the northwest lawmakers in looking at efficiencies. So we haven't heard anything bad bit, so your comment about risk is appreciated, but it looks like that everyone acknowledges that it's a legitimate type of an agreement and certainly is paying off huge dividends for us. I think mike and jim pretty much covered, you know, the progress that we're making in implementing it, and already pointing out benefits that we didn't anticipate. It was narrowly focused on the capital improvement projects. We're finding out once you have these relationships established that lots of different kinds of projects can benefit. The operation of different maintenance projects, like the exposed pipe there in lents on johnson creek is an example of an maintenance type thing that wasn't originally envisioned. Jim did note that we did send in a letter just encouraging all the city bureaus to take advantage of the services that your endangered species program can provide. It's not that we're trying to, you know, force everyone through some narrow process. I think it's just that there's a huge wealth of information, both about the resources and about the permitting program that, you know, we're encouraging all the bureaus to take advantage of, because experience has shown that while it may take longer up front to kind of do the coordination, certainly once you're in the throes of doing the permitting with the corps of engineers and other agencies, that things will move smoothly if the environmental issues have been worked out. So that was really what we were really trying to get at with that. I guess just one thing in closing, aside benefit that we've noticed, is that by having better communication between our staffs, I think it's highlighted some of the opportunities for federal grants for restoration projects. And we have a community-based restoration program that's now stationed here in Portland. We know we've been able to link up various folks in johnson creek and the city and Multnomah county in general with federal grant opportunities for projects like the kelly creek revegetation project, where I believe there's a research proposal we're starting up that's going to look at different types of vegetation treatment, herbicide versus mechanical and trying to come up with some ideas for how we can maintain our stream banks better. So it's good to hear that some folks are still interested in these federal grants when they're available. Certainly try to make those as readily available to you folks, and others, particularly watershed councils. The final thing, the challenge that hasn't been touched on, is obviously the willamette greenway and, you know, trying to -- really try to get to those long-term goals for the renaissance program. And again, I think the format here is one that will play -- pay dividends as we try to get into those bigger-term planning efforts. And again, I think the extent to which you can utilize some of the intermediate products that the folks have developed here and take advantage of the fishery science in particular that you guys have in-house, that those large-scale development projects will be better off down the road, and certainly any kind of federal reviews with grants or permits would move smoothly.

Katz: Thank you.

Tehan: Sorry to talk so long, but it's a great program.

Katz: Thank you for your commitment to it. All right, grab a mic.

Nancy Lee, U.S. Fish and Wildlife Service: I'm nancy lee. I'm with fish and wildlife service. I'm assistant project leader here on behalf of kemper mcmaster who wasn't able to make it today. I'd just like to second all the things that mike said. You know, we're really pleased to be part of the streamline agreement and are looking forward, you know, to working together with the city. We really appreciate the city's effort and support in this. And I think in terms of -- as both jim and mike have already identified, really appreciate sort of the integrated approach that I think this streamlining will bring forth between all the agencies and authorities coming together to try to help achieve conservation goals. And also, appreciate, you know, the idea that we can have enhanced conservation in terms of beyond, as jim mentioned, sort of beyond the minimums, and also meet all the needs of, you know, the city in terms of expedited time frames and such. We're prepared to

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support this effort with staff. Greg smith and joe's here as well. Joe's had a lot of time and involvement in this effort. Hope we can bring our in streamlining and consultation to help you with this process. So just look forward to working with the city in providing conservation benefits there. And just want to put in a few good words for jim and mike and all they've done on this. We really appreciate their efforts.

Katz: Yes, thank you. Let them know, if you are getting calls from other bureaus that you think need to go through this process, let them know who they are, so that we can get back to them and ask them to please -- they probably aren't even aware of what we've done here. This is one of the reasons for the report to the council. All right. Who wants to grab the mic? Next.

Don Morta [?], U.S. Army Corps of Engineers: I'll try to speak loudly. For the record, i'm don morta with the u.s. Army corps of engineers. I'd like to thank you, mayor Katz, and the council for having participate this morning. We're excited also about the streamlining agreement. I think we've already hit on the highlights that it does kind of narrow down the number of people that we deal with routinely on the permit actions with the city. We're very familiar in dealing with mike and jim. It's nice to kind of consolidate actions coming through them. Makes it a lot clearer for us with projects. Also, i'd like to commend the other resource agencies, too. We've recently, on july, n.o.a. Fisheries signed the latest version of the programmatic biological opinion, which is the standard local operating procedure for endangered species. I think this kind of is a -- adds a format to what type of activities can fall under that programmatic biological opinion, which will allow certain projects to move through the permit process quicker, and I think it's adds a little clarity to the permit program, and also gives it an opportunity to -- to basically, you know, kind of clarify and identify activities that can move through quicker, so projects are designed using that programmatic biological opinion, it will save time for not having to go through individual consultation on endangered species. So we're very excited about that. This latest rendition does add for maintenance activities on the river for port and industrial facilities, things routine, maintenance like on piling removal, repair, replacement, those kind of things can move through quicker now, which used to kind of get bogged down maybe a little bit in some of the coordination procedures. Again, very encouraged by this agreement and looking forward to working with the city and other agencies. The next meeting will be later this month to kind of start looking at specific projects. Again, thank you very much.

Katz: Let me know when that meeting is held.

Middaugh: July 30.

Katz: When you're out of the process. Good, thank you. All right. Anybody else? Well, we want to thank all of you for making that commitment. I hope it's a little bit more fun working together than separately in silos like we have to work sometimes. So the council have any questions? Let me turn it over now to our two commissioners that were partners in all of this effort.

Saltzman: I just want to, you know, commend the mayor and all the agencies here, and the e.s.a. Office for making this river trust a reality. It truly is a great precedent-setting model of collaboration and cooperation. So i'm really pleased. And I think it's -- it's coming together for the sake of the willamette, and that's really what we're all concerned about in all of our various silo legislative charges and mandates, we all have a focus on the river, and this is an opportunity to bring that focus together. This will serve as a model initiating future projects on the willamette as well. The city certainly has developed a list of projects that we hope to implement using water resources development act funds and some of these are already included in the city's list of high priority actions. So we want to get all of them ultimately funded hopefully with word of money, city money, and any -- and those federal grants, too, that we still haven't given up on. So I think the river trust is really the good mechanism. It will go a long way, I think, toward helping us attain those needed resources. I think overall the bottom line is we'll make substantial ecological

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improvements in the functioning of the willamette river, and that's something we all share. Together we'll make this happen. Thanks.

Sten: I just wanted to, mayor, do one thing. Along with thank you, I think it's going very well. You know, we've wanted to make the endangered species almost a calling card to go and needs to be done anyway, which is restore the river. I think if you look at all these issues, which it's easy to conclude that the city over the last century was without the rivers in mind. You could even go further to say it was engineered the rivers and streams to get rid of stuff that wasn't supposed to be in there in the first place. So solving the habitat problems is a long process of reengineering the entire city. You've got to have a way to do that relatively quickly or it won't ever happen. I want to quickly walk through how this worked on the ground, because I think there's a sense sometimes when we do these kind of agreements that they all sound great, you but does it actually mean anything at all? A lot of press on north macadam or south waterfront as we're calling it these days, and the first big project down there with north macadam investors and homer williams, the lead person, had an opportunity to do a creative approach to stormwater, do something that really restored habitat, put the water back in the river in a clean fashion, but wasn't immediately obvious how you could do it, and jim middaugh had good conversations with north macadam investors. We concluded that you could spend the same amount of money and do something that helped restore the river or follow the current rules and be in compliance, but really not do anything, and in fact maybe make things a tad worse. They were willing to do it but, safely said, no, we're not going to do it, because there's a lot of time pressure on the north macadam first phase, and they said we can't get the federal and state permits in time so we're not going to do it. We went back to them and said if you will agree to do the more creative approach, we will take responsibility for the permits and jim will shepherd that process. And they said, reluctantly to some extent, although they wanted to do it, ok. And it actually worked. We have a sustainable fish habitat and stormwater strategy coming through this. It's critical from my point of view, because as hard as we've been working on this, I mean we understand the rivers and streams like we never have before, still a lot to learn, if you let this huge development project come through and it isn't the new model, I mean you really lack credibility as well as have missed an opportunity. So here it worked right on the ground. An there's going to be a change. It's because of this agreement. If we didn't have this agreement, and these relationships, I don't think we could have got it through. Just a small aside I wanted to point out on the frugal standpoint, because there's a question of can you -- you know, does it hurt you economically to do this work, and i'm absolutely convinced if you do it right it helps you economically, because the bigger greenway, the more environmentally sound approach that homer is working with us on is going to increase the property value as well as do the right thing down there, but on the kind of -- just to be clear that we're tight wads approach, e.s.a. Has been quietly collecting huge tree root wads with parks for the last couple of years rather than grounding them down into sawdust, and we actually provided a lot of the material for it from this little stockpile that we've been having for free, and so it saved money on that point of view. We'll do the same with the few trees that have to be removed from columbia villa, so there's a whole recycling project going on with tree rots. There's one example, and many, many more to come, but this is such a high-profile example I wanted to share the fact that we actually have done something with this agreement as opposed to what will sometimes come across that we signed an agreement, but what does it really mean. That's what it means. Want to thank jim and mike and the team and of course all our partners.

Katz: Thank you, everybody. Thank you, commissioner Sten and Saltzman. It wouldn't have been possible if it wasn't for your leadership at the very early point of realizing all of this. This was a model from -- really from the legislature that we talked about, and it's not quite the same. We were

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able to waive regulations at that model, but this is a model where we actually all are working together. And putting something -- on the ground -- in the ground. So thank you.

Leonard: I do have something i'd like to --

Katz: Ok.

Leonard: I have I guess an observation from the perspective of the city that having most recently worked for the state, that i'm struck, but I appreciate this agreement and the folks that are here and the comments made, but I am struck by the fact that there's nobody from the state here. I don't know if that is because you didn't think this was the appropriate forum for that, but as this -- as the city's work has evolved since my time here, i've asked a couple times, what efforts have there been made to coordinate what the state specifically, department of environmental quality, which measures the tmdl's in the willamette river. So when the river arrives in front of our house, it already has a lot of contestants -- contaminants in it from upriver. What have we done to coordinate with the division of state lands, who, for example, has an interest in what happens on ross island and when there was a dispute over contaminants in the lagoon at ross island, u.s. Fisheries I know was involved in that, what roll did we take as a city in that? I'm sensing that there isn't the partnership at the state level that I believe is required to address cleaning up the willamette to the extent we all agree it needs to be cleaned up. It's conversations i've had with folks from metro and the state would suggest there's competition going on that's not necessarily in the river's best interest. I wonder if somebody could address, not building on the relationships we have here, with federal folks. What are we doing with that same kind of focus to work with the state who actually often are the ones doing a lot of the --

Sten: They're making room for jim.

Katz: Yeah. Jim, why don't you respond. For our federal agencies, because you've got to work with the state as well.

Middaugh: Jim middaugh. With division of state lands, they're a key party in all of this, because it's a joint permit with the corps of engineers. So some of the staff there are part of the agreement. We should have highlighted that.

Leonard: I guess I know that. What i'm asking is, what are we doing to work with them as closely as we are with the federal agencies?

Middaugh: It's essentially the same level of effort. They're part of the effort to try and get the city permits organized, so they're not here today. D.e.q., mr. Saltzman might be able to address some of the issues there. A lot of the challenge we have is they don't have the staff resources to provide for this kind of strategic thinking.

Leonard: Which is one of the concerns I raised in the budget. I don't know if you recall, is our money better spent, developing our own projects, or helping to dovetail off what the state can do but can't because of lack of resources.

Middaugh: And just moving off d.e.q. For a second, with Oregon department fish and wildlife, the city has provided money over the last four years to actually build all of the data sets that we use for all of this. Oregon has collected data, and we're working directly with them to fund recovery goals because they don't have the resources. So my staff and our expert consultants are working on their behalf to support their participation in the regional process.

Leonard: How about metro?

Middaugh: Metro is state land use goals and the planning bureau handles a lot of that. We work closely with the metro staff who focus on some of the technical issues. Paul ketchum has been part of a kitchen cabinet we have that we work with. I know the folks in the planning bureau spend time with the planning bureau.

Katz: Uh-huh.

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Middaugh: So I think we're doing pretty well there. They did just lay off their salmon recovery coordinator, so they don't have a person like we have to help coordinate some of those efforts. We can always do more. One last thing, the willamette restoration initiative, which is an Oregon plan sponsored entity, is leading the development of willamette basin recovery plan, and subbasin plan, and we're providing significant technical resources and may even end up as a city offering a lower river section of that report on behalf of the state process. So I think we're working hard. We could work harder.

Leonard: I guess what I -- i'm trying to articulate better my concern. I hope we're not duplicating anything the state is doing and coordinating our efforts to build on what the state is doing. Can you respond to that?

Middaugh: I believe we are. I would say you can always do more, but when we have d.e.q. In, for example, to look at the work we're doing, their jaws drop. They're thrilled. With odfw, we're working on the research level on the lower level, and even down to the step program where they use fish for school kids. How do you educate them? We're working with them on those issues.

Leonard: Beyond, that if d.e.q., for example, allows a discharge in corvallis, and I don't know that we are, but some wastewater permit, that affects us here.

Middaugh: Sure.

Leonard: Can we track those kinds of issues and monitor those kinds of issues and talk with d.e.q. About discharge permits that they have?

Middaugh: The process where we're working with d.e.q. Now is in our ms-4 permits, where we have to work with them, because they're setting the standards by which our systems operate. There's a d.e.q.-sponsored willamette tmdl council, and we have significant staff resources participating in that. In the tualatin basin, where fanno creek drains, there's a whole tmdl process there, and we're developing a joint plan, not only with d.e.q., but with Washington county and clean water services. So there's a lot of coordination. Could always be more formalized, but in terms of us creating new data or new programs that duplicate state efforts, I really don't see that.

Leonard: I hope -- my only concern is, is that we're working as closely with those agencies as possible and not in competition, but doing things complementary.

Middaugh: Yeah, I think they are complementary. I don't know that they'd be in competition. I think if anything it's a lack of resources on both sides to really step back, look at the big picture. That's where things like river renaissance and this agreement come in handy, because it allows you to get out of the day-to-day grind and try and think, hey, how could we look at for 10 years from now where we could achieve real benefit.

Saltzman: I'd like to tell commissioner leonard, and others, I know there have been people in the bureau of environmental services, who have advocated before that we should go testify about discharge limits at upstream plants, facilities, although I think it could have a rather incendiary effect were we to do so i've more or less discouraged them from doing that, but they've expressed the very concerns you're expressing. But as to whether the city should get involved in testifying for or against particular limits and things like that is an issue we just haven't gotten involved in at this point.

Leonard: What I would be interested in doing is developing a relationship so we could to talk to them before you had to get to the point where you testified, that there's a recognition that whatever ace loud upstream, we have to deal with here. It's all cumulative. All the tributaries that flow into the willamette, everything that ends up in front of Portland, is the result of dozens of major tributaries that dump into the willamette end up here. So I think it's significant. I mean, it's a concern to me what happens in a cattle farm on the pudding river as removed as that might be from us, that has a direct impact on what we deal with on the willamette in front of our doorstep.

Sten: A little discussion all right?

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Katz: Yeah.

Sten: I mean this very earnestly, commissioner leonard, not cynically at all, and I sometimes get to speak for jim, but I think we would welcome you digging into what we're doing, particularly with your background, because truth actually, i'm burned out on trying to deal with the state on some of these issues. I got accused of trying to get out of our agreements, sort of set up by the legislators, whoever, d.e.q., an just no interest in it. Spent, you know, three years of my life sitting on the willamette restoration initiative for nothing in terms of an overall strategy that was going to serve these things. I'm perplexed with how to connect with the political process that's driving d.e.q. Down in the state. I don't say that to be mad or pass the buck or anything else.

Leonard: But I appreciate your candor.

Sten: You asked the question. The honest answer is i've logged so many -- you know, I spent a summer visiting legislators around in their home districts to explain our salmon recovery effort and why I thought that our billion dollars that's going into the sewer system could be spent more constructively and got rewarded with the front page of "the Oregonian" story saying we were trying to weazle out of our agreement. So I think the d.e.q. Has interest from time to time, but it doesn't get out from underneath the legislative argument. I'm not saying that to say we shouldn't do that, I think we need to go back and try again. It's just to say that I think some of the lack of progress in coming up with a constructive strategy that the state is part of may feel like it's because we're not trying, and what we probably need to do is find another approach and keep trying. You getting into that and making it -- you know, a four- or 5-person effort makes it --

Leonard: You're identifying the dynamic that i'm aware that i'm addressing. I've never been on this side addressing it from here to there. I'm happy to help. I'd actually like doing that.

Middaugh: We could use your help. We tried to get a meeting with the governor's office before the legislative session began to give them an overview of some of our efforts, and we still haven't been able to arrange that meeting.

Leonard: But what we're talking about is a vitally important part of this cleanup. If it's relationships that's causing us to slow down, i'm glad you've identified that and we should work on that.

Sten: To some extent the conclusion I came to after a couple years was that the best strategy we could do was really get our act together and wait for somebody to be interested in that, because, you know, continuing to sort of push, let's all get our act together, didn't seem to be going anywhere.

Leonard: I appreciate that.

Sten: It was act rather than talking, because talking wasn't getting me anywhere.

Leonard: I get that.

Katz: Now that you're partners with us, do you want to jump -- yes?

Tehan: Commissioner leonard, I guess two comments that may be relevant to the discussion. One is we participate, interact with state agencies through the governor's natural resources staff, and jim myron is the salmon advisors for the Oregon plan for salmon and watersheds, and they have reconstituted what they're calling the core team, comprised of deputy directors of the resource agency. They monthly, and we all participate as federal partners to bring issues of mutual interest to the table and at least talk about ways to get them injected into the various state processes. You know, that might be an avenue you want to pursue with jim myron there and those folks to see if there's an opportunity to maybe start briefing at the -- you know, at the senior policy level at the agencies and provide the proper venue in state government. Another initiative you're probably aware of, and we just met yesterday, had a fairly major breakthrough, is that the corporation of engineers has been working closely with the division of state lands in trying to merge their permit authorities for a suite of activities in the state where the corps would issue the division of statelands a general permit, and what it would do is eliminate the duplicative permit processes for large suite

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of activities, so the division of state lands would be the sole permitting entity. I think that's another place that will have benefits for the city and other developers here in just minimizing the sheer number of permits that have to be obtained with the same outcome.

Katz: Thank you. Ok. Anybody else want to testify? If not, thank you, partners. Thank you for working with us. I'll take a motion to accept the report.

Leonard: So moved.

Saltzman: Second.

Katz: So moved. [gavel pounding]

Leonard: I think this is -- I think what that discussion we had at the last really goes to the nub of the concerns I've had from both sides. It's good to hear this perspective as well, that there isn't enough of the folks that are actually doing the work on the river talking together and working together. And I had like to spend some time helping fix that, coordinating with the mayor and Mr. Saltzman and Sten. Aye.

Saltzman: Aye. **Sten:** Aye.

Katz: Thank you, everybody. If the river renaissance is to work, it can't work without all you partners, and this was an opportunity for the council to meet our federal partners. It's nice to know that you are from the government and you are here to help. Thank you. Aye. [gavel pounding]

Item 824.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Ah. Nobody's talking. So let me do a little review of what we've done. You all are aware that the lot segregation issue was just one of the major issues in this package, but there were -- there's been controversy around it, but there have been other elements in this package that got lost because of that. I want to just identify one or two of them. First, the simple thing on the requirement of the size of the trees. We've made it far more realistic so that we can be successful in making sure that the trees are available, that the trees can grow and not die and certainly lower the cost. We eliminate the eaves from the definition of building coverage. And that, too, is to simplify, to save money and to improve design. We had some testimony on that. The a overlay that removes the provision of the a overlay that allows attached residential infill at 2.5 densities on r-7, r-10, and r-20, we heard from neighbors in outer southeast, actually they wanted us to go further. The council at this time was not prepared do that. They wanted us to remove it off r-5, but we heard about the unintended consequences of this provision, and if you recall this provision was added to make sure we could meet our housing goals, which we are meeting and have met every annual report I think that metro has made. And so it's a package. And I want to thank the council for their attention and their support. You know how I felt on the lot segregation. And even though I cast my no vote on what the council decided to do, there is enough important work that went on by the citizens in this community as well as by the planning commission and the council for me to vote aye. Aye. [gavel pounding] ok, that's it. We'll adjourn until next week. Thank you. [gavel pounding]

At 10:28, Council adjourned.