



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF OCTOBER, 1993 AT 10:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Kafoury and Lindberg, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Mayor Katz proclaimed October 23-31 as National Red Ribbon Week to promote a drug free community.

1676 TIME CERTAIN: 10:30 AM - Amend Regulations regarding housing and dangerous building code enforcement (Ordinance; amend Code Title 29 and Chapters 24.10, 24.55, 24.80, introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said this is part of the recommendations that came out of the Quality Rental Housing Task Force. She noted the "dirty dozen" program which targets some of the high volume land lords, adding that these regulations will further implement and refine the Code. She said she had several amendments to make before final passage.

Jo Zettler, Bureau of Buildings, said two years ago a citizens advisory committee on Quality Rental Housing was formed and charged with developing a consensus about the future of housing code enforcement programs and to come up with some ideas for funding them. Some of the recommendations have already been put in place but some require Code changes, particularly in order to streamline the enforcement process and make it equitable. The committee also asked that City standards be made more consistent with State and federal standards. In addition, they have also tried to make it more understandable. There are several amendments and some minor revisions to Title 24, which are companion amendments to those in Title 29.

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Sharon Fleming Barrett, Oregon Apartment Association, expressed the Association's support of the rewrite. She said their major concern was about the change in smoke detector regulations but they support the goal and this change. They also thoroughly support the City's effort to target the "bad actors".

Ann MacArthur, 7058 NE 7th Ave., said she is a tenant and avid recycler who only requires on-call garbage pick up once every six weeks. However, under the new regulations, it looks like the City is requiring landlords to be responsible for garbage collection and she will now have to pay for weekly pickup whether she uses it or not. She said she saw no reason to involve landlords and asked Council not to punish everyone for a few people who don't do what's right.

Commissioner Kafoury said the City has to set a policy and needed to clarify who was responsible for providing garbage. She said they can not go after people one by one.

Mayor Katz said this raises a policy question - how do we deal with citizens who recycle but are still charged. She said the Bureau will eventually return with other options but the point raised is one that both the Bureau and the City have been struggling with.

Ms. MacArthur said it looks like there is a difference between how renters are treated and how homeowners are treated.

Commissioner Kafoury said there is a difference and the point was to clarify in the Code who was responsible for providing the garbage service in rental properties.

Ms. MacArthur asked if there was a way to identify recyclers and allow them to make an arrangement with the landlord to be responsible for their own collection.

Commissioner Kafoury said that has to do with your ability to negotiate with your landlord.

Ms. MacArthur said her landlord is saying he has no choice.

Don Reynolds, 7933 N. Albina, commented on the derelict building program. He said they are in the process of renovating a condemned property as their

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home and objected to the fact that there is no money or incentives for homeowners to renovate while there is plenty for those who plan to rent. He also objected to the fees for the one-year monitoring period. He said City staff, except for David Oshin, have not been cooperative.

Mayor Katz asked him what is creating a hardship for him.

Mr. Reynolds said \$50 a month (for monitoring) is out of bounds and the City should differentiate between homeowners and landlords or speculative type buyers. He said those who have 20 plus units are charged \$120 a month versus \$50 a month for those with one to two units. He said the mission statement of the demolition committee is still foggy and and it unclear whether the aim is to turn condemnable buildings into rental units for high volume landlords.

Commissioner Kafoury said the mission is to ensure that all people in the City live in safe housing.

Ron Fossum, 5533 NE 30th, Concordia Neighborhood Association, said the Association endorses this resolution, particularly its targeting of the "dirty dozen" properties, some of which are in their neighborhood. In checking with garbage haulers, they found that about 20 per cent of properties do not have garbage pickup. He said there does need to be a way to ensure that garbage is picked up, particularly because of illegal dumping in alleys.

Speaking as an owner of rental properties, Mr. Fossum said he does not have any problem with this ordinance. The small investment required to keep a piece of property liveable is more than covered by the increase in rents that can be expected.

Debby Reynolds, 7933 N. Albina, asked if Council had received a letter from she and her husband. She said it was hand delivered.

Mayor Katz said she did not have it.

Regarding the landlord's responsibility for garbage service, Ms. Zettler said that is currently in State law and has also always been a part of the Housing Code although it was not clearly stated that the landlord has to provide the service.

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Ms. Fleming Barrett said this became a State law in 1987. This does not change the law, only clarifies that the landlord is responsible.

Mayor Katz asked if a tenant can make an arrangement with a landlord to be treated differently.

Ms. Fleming Barrett said not under State law.

Ms. Zettler said one of amendments proposed today will allow an exception if you are recycling and have less than 30 gallons a week pickup.

Mayor Katz said the law says you have to provide the service but does not say you have to provide the same service for everyone and charge them all the same. She said the landlord ought to be able to negotiate with tenants who want minican service.

Ms. Fleming Barrett said that is true under the City ordinance but not under State law.

Sue Keil, Bureau of Environmental Services, said everything they know about illegal dumping is that it is coming from rental properties at a much greater frequency than from owner-occupied properties. She said the City is using something of a sledge hammer approach to deal with that problem but recommended that reyclers negotiate with the field inspectors if necessary. She said if everything is running smoothly the City will never see either that landlord or the customer.

Mayor Katz said then it is negotiable with the lease.

Ms. Keil and Ms. Zettler said they will try to figure out a way that Ms. MacArthur can recycle and not pay for service she does not use.

Mayor Katz said the next question is whether the City penalizes those who are rehabbing derelict property by charging \$50.00 a month. Is this making it too difficult for people and has the City distinguished between those who keep a derelict property for their own use and those who plan to rent or resell it.

Ms. Zettler said in this particular situation, the Reynolds plan to be finished by December and the new fee does not kick in until January. The broader issue of investment in the neighborhoods is that all those who buy derelict property have good intentions but about 94 per cent of them have trouble following

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through and the property continues to create a problem for the neighborhood. She said there is no way the Bureau can differentiate up front who is going to live on property and who will rent it. They now file with the County recorder any property that they have a case on so that a potential buyer will be aware of the potential fees and penalties at the time of purchase. She said the fee represents not a penalty but a share of the cost of tracking those derelict buildings. This is what the neighborhoods have asked them to do.

Commissioner Kafoury said they know there is a problem regarding funds available to do rehab work. She said they are working on that and the goal of the targeted inspection program is to have some inducements, not just penalties.

Ms. Zettler said she will provide copies of the Reynolds letter and one other to Council. She added that the mission of the derelict building program is to encourage the rehabilitation and reoccupancy of empty houses in neighborhoods.

Commissioner Kafoury moved the amendments noted in her memo, adding that the section number for smoke detectors should be 29.20.240. Commissioner Lindberg seconded. Hearing no objections, the Mayor so ordered.

Disposition: Passed to Second Reading as amended November 3, 1993 at 2:00 p.m.

REGULAR AGENDA

1677 Accept bid of Moore Excavation for SE Rex Drive, SE 45th Avenue and SE 46th Avenue sanitary sewer for \$279,250 (Purchasing Report - Bid 27)

Disposition: Accepted; prepare contract. (Y-3)

1678 Accept bid of The Halton Company for furnishing two 2WD backhoe loaders for \$99,780 (Purchasing Report - Bid 31)

Disposition: Accepted; prepare contract. (Y-3)

1679 Amend Purchasing Report awarding Contract Bid. No 164 for Laurelhurst Park irrigation improvements (Purchasing Report - Council Calendar No. 829)

Disposition: Accepted; prepare contract. (Y-3)

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- 1680** Accept quote of Pacific Utility Equipment for one 14,500 GVW pickup cab and chassis with utility body and aerial lift for \$53,064 (Purchasing Report - Informal Quotation)

Disposition: Accepted; prepare contract. (Y-3)

Mayor Vera Katz

- 1681** Authorize the Purchasing Agent to sign a purchase order in lieu of a contract with Advanced Intelligence, Inc., to furnish personal computer equipment (Second Reading Agenda 1661)

Disposition: Ordinance No. 167057. (Y-3)

- 1682** Authorize appointment of Eric Johansen at a rate of pay above mid-level (Second Reading Agenda 1662)

Discussion: Commissioner Kafoury again voiced her objection but in spirit of cooperation will vote aye.

Disposition: Ordinance No. 167058. (Y-3)

Commissioner Earl Blumenauer

- 1683** Declare the purpose and intent of the City to form the Westside Light Rail Underground Utilities Local Improvement District (Resolution; Streets; C-9853)

Disposition: Resolution No. 35201. (Y-3)

Commissioner Charlie Hales

- 1684** Grant a ten-year property tax exemption to Trammel Crow Residential-Pacific Northwest for new multiple-unit rental housing (Planning Commission Report & Recommendation)

Discussion: Mike Saba, Bureau of Planning, said this is a joint recommendation from the Portland Development Commission and the Planning Commission to allow a property tax exemption for this 190-unit River Place apartment project proposed as the second phase of Parcel 2. Under State law, the City can grant a limited 10-year property tax exemption for the new

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construction of rental properties in urban renewal districts or in the Central City. The Planning Commission, noting that there are some remaining design and land use approvals this project has to go through, inserted some additional public benefits to ensure that the pedestrian access and minimum density numbers complied with the overall goals of the Central City plan.

Cheryl Tweete, Portland Development Commission, said they looked at the financial feasibility of the project and both staff and the Commission found that tax abatement was necessary and that the return to the developer was reasonable, in this case in the 9-10 per cent range. She emphasized that this project is not receiving a direct loan from the Commission and the benefit will come primarily in the form of a tax abatement.

Mayor Katz said it should be clear, however, that this is an expenditure and a loss of General Fund money. She suggested that the City begin looking at the policy on abatement since it is an immediate loss of property taxes although somewhere in the future it is hoped that the assessed valuation of the land will increase so that those resources will be recaptured. She asked if a time line and analysis had been done of that.

Mr. Saba said he provided a list of properties who received tax exemption to the Office of Finance and Administration.

Mayor Katz asked that he provide it to Council as well.

Disposition: Accepted. (Y-3)

1685 Grant a ten-year property tax exemption to Trammel Crow Residential-Pacific Northwest for new multiple-unit rental housing (Ordinance)

Disposition: Passed to Second Reading November 3, 1993 at 9:30 a.m.

1686 Authorize a contract with VM Pilip and Sons, Inc., to paint the interior of Multnomah Art Center for Portland Parks and Recreation (Second Reading Agenda 1665)

Disposition: Ordinance No. 167059. (Y-3)

1687 Authorize a contract with Snyder Roofing to roof various sites for Portland Parks and Recreation (Second Reading Agenda 1666)

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Disposition: Ordinance No. 167060. (Y-3)

Commissioner Gretchen Kafoury

- 1688** Liquor license application for Catalina Caldera, dba El Mercado, 525 NE Killingsworth, Package Store liquor license (new outlet); favorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau, said this application comes to Council because it is inside the Inner North/Northeast Impact area. The License Bureau Manager has the authority to forward an unfavorable recommendation directly to the OLCC for applications in the area unless he believes it is not the type Council intended to preclude when it passed the impact area ordinance. In this case, he believes the application should be granted because it is for a specialty Mexican store operated in conjunction with the applicant's adjoining Mexican restaurant. The only alcohol sold will be imported beer and wine. Also, the applicant will not sell any alcohol after 9 p.m. on weekdays and 10 p.m. on weekends.

Mayor Katz asked if there had been problems at the facility next door which is owned by the applicant.

Mr. Sanderson said no, but it opened only two weeks ago.

Disposition: Favorably recommended. (Y-3)

- 1689** Appoint Terry Cook and Jeanne Staehli to the County-wide Housing and Community Development Commission (Resolution)

Disposition: Resolution No. 35202. (Y-3)

Commissioner Mike Lindberg

- 1690** Update Council on the status of the Mid-County Sewer Project Financial Assistance Program (Report)

Discussion: Linda Dartsch, Bureau of Environmental Services, noted that this program was adopted to assure the stability of the neighborhoods in Mid-county.

Bonnie Morris, Mid-County Sewer Project, said this program provided assistance to single family residential properties, granted a \$500 cesspool credit

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and put a cap on the assessment cost. A capital improvement project method was used rather than the local improvement district to allow people to lock into a specific rate. The last deadline for locking in without the subsidy is Dec. 31, 1993. She noted three categories of property owners who were helped. Those who had already paid for their sewers were entitled to rebates and approximately 5,000 out of the 6,000 in this category took advantage of the program. The second category comprised approximately 7,000 who were in the process of being assessed. Their bills were reduced. The biggest group, about 26,000 property owners, do not have sewers yet and an extensive public information campaign has been undertaken to inform them about the program.

Ms. Morris explained the variety of methods used, including mailings, surveys and phone campaigns, to reach those eligible. Currently about 77 per cent have been taken care of. An August survey of the 6,000 remaining properties found that 40 per cent wanted to take advantage of the program, 30 per cent did not and 28 per cent said they did not know. A letter from Commissioner Lindberg's office has now been sent urging the 6,000 property owners to carefully consider participation.

Mayor Katz said this sounds like an expert political campaign, providing information to a targeted group of people about something they do not want to do. She said the effort seems to have been extraordinary but asked what will be done for those who call up January 1 and say they did not know about it.

Ms. Morris said their past practice has been not to slam the door but try to figure out why the person did not meet the deadline. If there is some legitimate reason why they did not get the information, staff will extend the deadline. She said they press for verification because they feel an obligation to honor those who met the deadline.

Commissioner Lindberg said he supports sticking to this deadline as it is not fair to those who complied and put up their money in accordance with the deadlines.

Mayor Katz asked if annexation was an issue.

Ms. Morris said while very few customers have made annexation an issue there are some who did not take advantage of the opportunity to lock in at the lower cost who will find themselves annexed next summer and will then be very unhappy.

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Mayor Katz said if Council members have to go through the trouble they did before with this situation, they will be very unhappy. She said she would like to second guess what Council might be seeing in the way of complaints to prevent this from happening again.

Ms. Morris said that is why they are here today. She said she wants Council to feel the Bureau has done everything it could.

Mayor Katz asked her if she could think of anything else to do, especially for those who are in denial about annexation and will be very unhappy when they find they have been annexed but did not take advantage of this program. She said that is not good for the political situation here.

Ms. Morris said staff has tried to be very honest. She said the problem is that the people in denial are not communicating with the City and staff does not necessarily know who they are. Sooner or later those people will get a bill and then they will come forward.

Commissioner Lindberg also commented about the extraordinary efforts that have been made to reach people, including plans to call at night.

Mayor Katz asked if they will be told this area will probably be annexed.

Ms. Morris said yes, but only eight per cent indicated annexation was the reason they did not participate.

Mayor Katz suggested keeping in touch with Council if staff decides they need to go door to door as the final piece in the campaign.

Disposition: Accepted. (Y-3)

1691 Accept completion of the Sump Upgrade Project Phase IV and make final payment to S-2 Contractors, Inc. (Report; Contract No. 28588)

Disposition: Accepted.

1692 Accept completion of the installation of Hydra CSO monitoring stations westside and ultrasonic meters and make final payment to Oregon Electric Construction (Report; Contract No. 28223)

Disposition: Accepted.

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- 1693** Accept completion of the installation of Hydra CSO monitoring stations eastside and Columbia Slough and make final payment to Oregon Electric Construction (Report; Contract No. 28224)

Disposition: Accepted.

City Auditor Barbara Clark

- 1694** Assess property for sewer systems development charges through September, 1993 (Hearing; Ordinance; Z0490 through Z0496)

Discussion: Dan Vizzini, Auditor's Office, said they received no remonstrances.

Disposition: Passed to Second Reading November 3, 1993 at 9:30 a.m.

- 1695** Assess property for large lot deferral contracts through September, 1993 (Hearing; Ordinance; L0033)

Discussion: Dan Vizzini, Auditor's Office, said no remonstrances had been received.

Disposition: Passed to Second Reading November 3, 1993 at 9:30 a.m.

- 1696** Reduce sidewalk assessments (Second Reading Agenda 1671; amend Ordinance No. 166957)

Disposition: Ordinance No. 167061. (Y-3)

- 1697** Assess property for private plumbing contracts through September, 1993 (Second Reading Agenda 1672; P0001)

Disposition: Ordinance No. 167062. (Y-3)

At 11:50 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF OCTOBER, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Kafoury and Lindberg, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

1699 Tentatively grant appeal of Don Olsson against Hearings Officer's decision and grant application for a four-lot subdivision with adjustments, located at SW 62nd Avenue and Garden Home Road (Findings; 93-0027 ZC SU AD; Previous Agenda 1628)

Disposition: Findings Adopted. (Y-3)

S-1698 TIME CERTAIN: 2:00 PM - Request federal legislation to end timber harvesting in the Bull Run Management Unit, the Little Sandy Watershed and related land as necessary (Resolution introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg briefly reviewed the history of water use in Portland and the decision to build a conduit from Bull Run to replace polluted water taken from the Willamette and other sources. He said over time the water shed boundaries have shrunk, there has been significant logging and there have been endless debates over what to do. Today he believes Oregonians should call on the federal government to reestablish a high level of protection for the water supply and the forests which ensure that water quality. Factors involved in this decision include predicted growth in the region of 500,000 over the next 20 years. The Water Bureau and other partners are actively engaged in developing a thoughtful response to the water purity and supply challenges which loom over the next 60 years. While focusing on conservation efforts, eventually the creation of some additional capacity will probably be necessary. The first phase of a planning process to meet water supply needs for the region shows that the water supply capacity of the Bull Run system may need to be increased. Another factor is the federal government's attempt, through the Clinton forest plan, to draw the timber wars to a conclusion. However, the plan calls for protection in the Bull Run for only some types of timber cutting and limits the City's ability to secure additional supplies of water. To the citizens of Portland these are unacceptable

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conditions. Unaddressed are two issues of great concern: 1) protection of the Bull Run and the Little Sandy watersheds and 2) protection of the forests that surround those two watersheds from all forms of timber harvesting except for the minimum necessary to create a third reservoir. He said the time has come to state loudly and clearly that logging our watersheds must come to an end; to do this the City needs Congress to pass the necessary legislation. That is what this hearing is about.

Commissioner Lindberg said he strongly believes that logging has an adverse effect on water quality. He explained that he arrived at that conclusion by studying the history of Portland and the intent of early citizens, by looking at what has happened in other watersheds throughout the United States which have severely deteriorated because of logging, and his common sense conclusion based on visits to the Bull Run about the role that our forests play in providing pure water. If there is any doubt, Council should always err on the side of caution and not gamble with the water supply.

Mike Rosenberger, Water Bureau Director, said it is imperative that the City and its partners secure the protection and availability of the Bull Run and Little Sandy watersheds, which have been identified as one of the primary potential water supply sources. This resolution clearly articulates policy with regard to these watersheds and will serve as the basis of the City's official responses to the draft Clinton forest plan. Actions requested include: 1) a request for Congress to pass protective legislation to expand the watershed to include the uninhabited Little Sandy drainage and other federal land outside the current area to ensure buffer areas; 2) a moratorium on logging in the expanded area pending passage of federal legislation; 3) restriction on human access; 4) prohibition of timber harvesting or management activities except for construction of municipal water reservoirs and non-commercial salvage activities; 5) provision of a permanent funding source for watershed research and monitoring and; 6) establishment by the Forest Service of a new management plan by 1995.

Mr. Rosenberger read into the record testimony in support from the 27 participants in the regional water supply planning efforts.

Cay Kershner, Clerk of the Council, noted that a Substitute resolution had been filed and distributed.

Commissioner Lindberg moved the Substitute. Commissioner Kafoury seconded and hearing no objection, it was so ordered.

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Nancy Duhnkrack, Chair, Water Advisory Committee, urged Council to move forward to ensure the highest protection of this water source.

Lou Savage, representing Congressman Ron Wyden, said the Congressman looks forward to working with the City on legislation to protect this precious resource.

Chris Werner, representing Congressman Elizabeth Furse, echoed the sentiments of Congressman Wyden, adding that what happens in the Bull Run is also an economic development issue and affects more than just the residents of Portland.

Art Alexander, Commissioner Lindberg's office, said there were no major changes in the Substitute. Certain issues have been made clearer but there were no policy issues.

Frank Gearhart, Citizens Interested in Bull Run, said this brings the City one giant step closer to full protection of the Bull Run. He congratulated Commissioner Lindberg for his desire to fully protect the watersheds from further destruction caused by logging and related activities.

Commissioner Lindberg said he had heard from the Forest Service that they would continue the moratorium on logging.

Regna Merrit, Oregon Natural Resources Council, said the Bull Run and Little Sandy watersheds, once the most protected in this country, have fallen prey to Forest Service logging and slash burning since the 1950s. For years the City looked away but now Commissioner Lindberg is ready to reverse decades of risky management and say no to Forest Service logging and to the Clinton forest plan. She said it is time for permanent protection from logging through legislation. She said prohibitions on the sale of green and salvaged timber and restrictions on human access will protect the interests of over 700,000 people.

Ms. Merrit requested that a map be referenced in the resolution so Congressional representatives can define for the Forest Service and Bureau of Land Management the lands to be given interim protection. Regarding the possibility of a catastrophic event in the Bull Run, she said there is no immediate need for removal of trees blown down if such an event occurs. If a determination is made that the best way to protect the water shed is removal of the trees, then the City can go to Congress if it needs financial help with that. She said this resolution needs to address the most likely occurrence,

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which is Forest Service abuse of any discretionary powers that are given.

John Kart, 2325 NW Hoyt, criticized Forest Service management practices and, in addition to adoption of a map showing the expanded protection area, he asked that the word "management" be replaced by the word "protection" wherever it occurs in the resolution. He also asked that the City call for a moratorium on all logging until protection is in place.

Other individuals testifying in support included;

Vera Dafoe, 9449 SW 62nd Dr., 97219
Mitch Williams, PO Box 291, Brightwood, OR 97022
Mike McGuire, 50 NE 202nd, 97230
John Kart, 2324 NW Hoyt, 97210
Tim Raphael, Oregon Field Director, Western Ancient Forest Campaign
Deborah Howes, Pacific Party
Beth Federicci, NE 33rd Ave.
Brian Setzler, PO Box 272, 97207
Joe Keating, United Community Action Network
Tom O'Keefe, United Community Action Network
Brad Yazzolino, 6451 SE Morrison Court, 97215
John Kiparsky, Reed Earth First, 3203 SE Woodstock, #447
Ben Manski, Reed College, Earth First
John Marks, 0668 SW Palatine Hill Rd., 97219
Donald Cook, Editor of Citizens Interested in Bull Run Pipeline
Faith Ruffing, 1437 SW Hall, 97201
Steve McCarthy, 1646 NW 32nd, Sierra Club Legal Defense Fund
Phyllis Kirk, 15226 Springwater Rd., Oregon City, 97045
Mary Vogel, Ancient Forest Adventures, 800 NW 6th, Suite 201, 97209
Deborah and Sylvia Peterson, 1717 NW 33rd, 97210
Joe Miller, Jr., 52815 E. Marmot Rd., Sandy, OR 97055
Mike McKillip, Water Managers Advisory Board
Dan Aspenwall, Portland Community Water Forum, 2515 SE Clinton, 97202
Jean Anderson, 1414 SW 3rd, Suite 3002
Elizabeth Geer, Green Peace
Rosemary Allen, 9645 SW Buckskin Terrace, Beaverton, 97005.
Thomas Board, 3846 SE Alder, Green Peace
Connie Emmons, Women Water Works Association, 5101 SW Dawn, Lake
Oswego, 97035
Michael Hare, SE 35th, Oregon Peace Works
Mike Barnes, 607 SE 15th, 97214, Ecoforestry Institute

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Paul Richmond, PO Box 454, 97207
Michael Nixon, PO Box 8573, 97207
Paul Ketcham, 5151 NW Cornell, 97210, Portland Audubon Society
Jay Ward, 8120 SW 36th, 97219
Steve Gunther, 11040 SE 78th Ave., 97215
Larry Snell, 39800 SE Thomas Rd., Sandy, 97055
Eric Norquist, 49th and Siskiyou
Helen Carpenter, Beaverton

Those testifying stressed the prime value of a pure water source and the need for protection of the forest. They described the years of effort it has taken to halt logging and protect the Bull Run watershed and many harshly criticized Forest Service management practices as well as past Water Bureau and City policies. Many supported the suggested amendments calling for the addition of the map and replacement of the word "management" with "protection" in order to close any loopholes the Forest Service might find. Several emphasized that the word "salvage" should not be used because of past Forest Service interpretations.

Mr. O'Keefe of United Community Action Network said hydropower generators already in the Bull Run could supply more than half the City's power needs and with the addition of a third reservoir, power generators could allow the City to become self-sufficient. However, Mr. Aspenwall, Portland Community Water Forum, criticized past actions by the City regarding hydroelectric intrusions into the watershed, including overturn of the 1904 Trespass Act. He also criticized the City's hydroelectric sales contract with Portland General Electric, noting their filing of water rights claims which competes with the City's claims to that same water. He contended that PGE earns a handsome return brokering the sale of bargain priced power from Bull Run.

Commissioner Lindberg noted that two issues had been raised. The first was to substitute the word "protect" for the word "manage" throughout the Resolution. He asked staff if that was appropriate.

Mr. Rosenberger suggested going through the resolution to see if the change made sense.

After the changes were identified, Council approved amending Resolve sections 5 (1), 6, 7 (lines 2 and 10) and 8 to substitute "protect" for "manage."

Regarding the map, Commissioner Lindberg said they tried to develop as much

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specificity in the resolution as possible and omission of a map was in no way meant to be a loophole but an effort to fast track this at a time when the exact boundaries are not known.

Mr. Alexander said staff is discussing adding a map as an appendix.

Mr. Rosenberger said the third finding tries to define the enhanced area Bull Run management unit as having three parts. The first two, the current land base and the uninhabited Little Sandy River drainage upstream from Aschoff Creek can be delineated on the map. The third piece was intended to be the result of an assessment to determine what the buffer size ought to be and this would then be used to draw the boundaries. He noted that one task of the ongoing work group composed of people from Lindberg's office, the Water Bureau, Congressman Wyden's office and Forest Service, is to assess the existing buffer. He suggested that group, which could be expanded to add several stakeholders, be charged to hire a consultant to develop a map for that third area.

Commissioner Lindberg said this resolution is not meant to simply display good intentions; it is intended to set out strong legislative strategy. He said the efforts do not end with this resolution and drawing the map needs to be done pretty rapidly.

Mr. Rosenberger said many of the activities occur concurrently.

Commissioner Lindberg said there are two tracks, trying to get legislation passed and continuing negotiations with the Forest Service. He proposed amending the resolution to attach something which says that although the final boundaries for protection will be outlined by map in federal legislation, a map submitted by the Oregon Natural Resource Council has been attached as a starting point for discussion with our congressional delegation. Commissioner Kafoury seconded and, hearing no objection, the Mayor so ordered.

Commissioner Kafoury stressed that Council wants to keep the dialogue with the community going as the City negotiates with the federal government.

Mayor Katz urged Council members to sign a letter to the Governor asking her to forward this resolution with a map to the Congressional delegation with a request that they get involved too. She said Council is committed to making its voice heard back in Washington.

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Commissioner Lindberg reaffirmed the intent to follow through with legislation. He said they have even done some research about having a public advisory vote.

Mayor Katz said this is just the beginning of the effort that will be needed.

Disposition: Substitute Resolution No. 25203 as amended. (Y-3)

At 4:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council