

## Parsons, Susan

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**From:** Moore-Love, Karla  
**Sent:** Thursday, June 11, 2015 4:48 PM  
**To:** Parsons, Susan; Anderson, Toni  
**Subject:** FW: City of Portland deeds and property  
**Attachments:** record request to city auditor.pdf

-----Original Message-----

From: Mark Bartlett [mailto:bartlett.m@comcast.net]  
Sent: Thursday, June 11, 2015 4:30 PM  
To: Clodius, Jen; Miller, Fred; Hull Caballero, Mary; Mark Bartlett; Moore-Love, Karla  
Subject: Re: City of Portland deeds and property

Jen,

I'd like Karla to add this to the Mt Tabor disconnect LUR record.

I paste the relevant portions of FIN 6.11 and 6.12, for your convenience to outline the reporting and record keeping expectations that Council directed the auditor to collect and maintain as a repository separate from those held by the bureaus themselves.

In accordance with ORS 192.470 (1), please do attach this entire e mail to my scanned record request to the auditor (attached as pdf) as space on that form is very limited, and provide the following records .  
I am requesting the following:

1) the real property inventories of PWB and PPR for the years 2012, 2013, 2014,... to date. The listing requirement would provide an inventory or schedule of real property assets under Physical inventories in FIN 6.11 as of the year ending on these dates. If there are any transaction during those years, then the acquisition form and reports for them as per the highlighted language within the text of the section of FIN 6.11

2) any documents related to a sale, swap, transfer or disposition of any kind between those bureaus and any party public or private this would mean the transfer and disposal reports under section 2 in " transfer of assets" under 6.11 and 6.12.

3) given that there is an outstanding issue of financial feasibility to maintain these assets as is also required under FIN 6.11, I am requesting that you provide:

a) a list of the improvements aside from real property assets, in the park, listed as as assets (so the reservoirs and pumps stations etc...) and attributable to PWB. There was some question that arose when in this years budget hearing the reservoirs were no longer listed or mentioned as assets when in prior years they had been and

b) the actual amounts spent by PWB on maintaining these assets, given that they publicly approved the Historic Structures Report of 2009 and promised to complete the noted repairs and improvements to the assets.

What are the actual amounts spent on the Mt Tabor assets?

PWB has provided a schedule of budgeted funds and completed work, but they are not accurate, so we ask for actual data.

FIN 6.11 (1). Bureaus shall maintain assets in working condition.

Again what has been allocated and promised to be spent does not correspond with actual expenditures provided by PWB to the public. PWB has made public assurances to maintain the assets, which are not backed by any actual guarantee of Council, or any budgeted funding to do so. Therefore the feasibility of ongoing maintenance and preservation is questionable as are their figures from documents provided.

This is the end of my request.

Please review the examples of difficulties with having no access to these records from the auditor repository are shown below.

The credibility of these two bureaus is questionable so we ask for correct and true information from the auditor. These issues are ongoing and for more than a decade the public has been denied a responsive and honest accounting from them.

Certainly these are land use cases I mention, but we question the material representations made and require confirmation of the facts.

Records for Mt Tabor Park, subject of many outstanding questions that bureaus refuse to respond to, related to the material representations of the current LUR application.

There are 51 individual parcels within the park. I have provided to the auditor by hand delivery on 2-10-15, that County property control map along with deed information for the entire park. Those parcels are individually numbered and correspond to acquisition ordinances which I have also provided to the auditor.

In similar fashion there are 44 individual parcels in Washington Park, and I have provided those County records of individual deed lists to the auditor.

What I do not want is a single entry response from either bureau or this office saying that the park is a single parcel when under ORS 092.017 individual parcels lines are required to be recognized until that time an official legitimate and legally completed, replat has occurred. That has not occurred according to County records. Assigning management responsibilities does not move property lines and boundaries.

I also have provided bureau documents indicating that reservoirs 3 and 4 are on park parcels and not those owned by PWB for instance. I have provided these to the auditor. There is a corresponding map.

This has been the source of much confusion during the land use testimony, so the high public interest in these records, and why the bureaus will not respond to requests for clarity. They are vested in a particular outcomes and will do anything to achieve that.

Again there are ordinances for acquisition dating back to 1871 for park purposes and before any PWB activity began. I have also provided these documents to the auditor.

In the ordinance I referred to yesterday, #182558, Council directs that the exchange documents be recorded with the County. I also have other information detailing that this exchange would be an exchange of title and not simply management responsibilities as the City now wishes to represent. These are inconsistent with the documents I have as well as the requirement of recording them with the County. If they were simply a function of a swap of management why record anything except to fulfill the requirements of the charter sections I am providing below under transfers and disposition in 6.12?

This clearly demonstrates the high degree of uncertainty among the public given their history with both these bureaus in providing accurate and truthful responses to any question posed by the public. That was the reason Council passed this resolution requiring that the auditor be responsible for collecting and maintaining these records, and why the waiver of any fee or cost is requested.

The overwhelming public interest in this issue should be clear by the number of participants, testifiers, and number of documents in evidence submitted to the record. Landmarks commission ventured they had never seen such a large crowd at any of their hearings.

#### FIN 6.11

<http://www.portlandonline.com/auditor/index.cfm?print=1&c=34747&a=130469>

<<http://www.portlandonline.com/auditor/index.cfm?print=1&c=34747&a=130469>>

#### \*Responsibilities and Accounting for Capital Assets\*

##### \*Definitions\*

“Capital Asset” means a tangible or intangible asset having significant value that is used in operations and has an initial useful life that benefits more than a single CAFR reporting period. Capital assets include land, land improvements, buildings, infrastructure, equipment, leasehold improvements, and construction in progress.

“Land” means real estate held for productive use. The cost of land shall include any ancillary charges necessary to ready the land for its intended use such as draining, filling, and grading. Land is not depreciated.

\*1. \* Bureaus shall maintain assets in working condition.

\*2. \* Bureaus shall maintain effective internal controls to safeguard capital assets, including: \* vi. \* Conducting physical inventories of the capital assets.

\*3. \* Bureaus acquiring capital assets shall promptly and accurately record such expenditures throughout the fiscal year as items are placed into service. Supporting documentation for each asset recorded shall include an Asset Acquisition Form completed in accordance with instructions provided by the Accounting Division.

If a real property transfer, either a sale or purchase occurs, there would be a record. It is these that I wish to see.

\*7. \* Capital asset acquisition records shall be retained, even after an item becomes obsolete or is no longer in service, in accordance with City policies and retention schedules published by the city Auditor.

\*8. \* Original titles for real property shall be presented to the City Auditor’s office for permanent retention.

Along with those reports on transfer should be an inventory or list of assets kept in perpetuity by the auditor

\*

#### Physical Inventories of Capital Assets\*

\*1. \* The Accounting Division shall annually provide capital assets listings to the bureaus to serve as the basis for physical inventory counts.

\*2. \* Bureau management shall be responsible for completing annual physical inventories of capital assets.

Here again would the lists for 2012, 2013, and 2014 that I am requesting for PWB and PPR.

\*6. \* Documentation of physical inventories shall be submitted to the Accounting Division for review.

\*7. \* Disposal of capital assets shall be in accordance with Accounting Administrative Rule FIN-6.12 - Disposal of Capital Assets.

#### \*Transfer of Assets\*

\*1. \* Capital assets may be transferred between bureaus and between funds.

\*2. \* The bureau transferring assets shall properly document the transfer by the completion of a Transfer and Disposal Report and by prompt submittal of the form to the Accounting Division.

This should provide the record of any transfer, any disposition, by whom and to which bureau or agency.

\*3. \* Historical cost of transferred assets, along with any related accumulated depreciation, shall be removed from the transferring owner’s balance sheet and added to that of the new owner.

#### \*History\*

Resolution No. 36435, adopted by Council September 6, 2006.

I would think with TSCC completing its work for 2014/5, those annual reports would be readily available. Those valuations of assets must come from somewhere.

Hope this helps

Thanks,  
Mark

Clodius, Jen wrote:

> Dear Mr. Bartlett,  
>  
> On Friday, I wrote "there is currently no accurate 'master list' of real properties owned by the City". I did not state that the City has no records regarding its real estate assets.  
>  
> If you are familiar with ORS 192, then you will understand when I repeat, "Until you submit a public records request, there is nothing more I can do to help you."  
>  
> Jen Clodius - OMF Business Operations  
>  
> -----Original Message-----  
> From: Mark Bartlett [mailto:bartlett.m@comcast.net]  
> Sent: Tuesday, June 09, 2015 4:56 PM  
> To: Clodius, Jen; Bryant, Heather J; Miller, Fred; Hull Caballero, Mary; Alarcon Morris, Amalia; Mark Bartlett  
> Cc: Anderson, Toni; Leistner, Paul  
> Subject: Re: City of Portland deeds and property  
>  
> \*Jen,  
> I am familiar with ORS 192 requirements.  
>  
> You stated Friday that these records did not exist, yet today you infer that they do and only require a records request to be delivered.\*\* It is confusing when you say one day they don't exist and then the next they do and all I must do is file a form....  
>  
> Which is it?\*\*  
>  
> Were you saying not only are the bureaus intentionally out of compliance (no lists exist) but that the auditor / OMF is as well knowing they are responsible for compelling them to provide the required documentation and records, and reports as indicated below?  
>  
> \*\*We've had these very same concerns since Gary was auditor 10-12 years ago, and why Council passed the language in 2006.\*  
> \*  
> In nine long years since has nothing responsive to the resolution been accomplished ? and isn't this also a clear violation of the document and reporting policy?\*\*  
> \*\*  
> I wonder why I keep having to state what seems obvious given that you work in a section of the auditors office?  
>  
> Please read the policies I've pasted below. If I am not understanding the language, please explain where I am misinterpreting.  
>  
> My request\*\*\*

> \*Let's start with the past three years (2012-15 to date) of real property **(capital assets)** for PPR and PWB, along with any transaction reports for a sale, purchase, trade, or swap between them and any party private or public. It is budget time so these records should be quite current.

>

> For example Ordinance 182558 is an example of such a transaction, and goes into details about documentation and recording.

>

> Again these should be available without a specific request that can for many reason be denied or misinterpreted by the staff correctly or not, in order to reject them. That is the situation I wish to avoid by coming to the repository where no request should have to be made and citizens can research as required, then pay for copies.

>

> This is a transparent means of accounting and reporting of public assets, so not closely holding and filtering information that is required to be a part of the public record.

>

> **It would seem to me that your request for an official form is a delay tactic that I've come to expect from bureaus, but not the auditor, so is why I come to you and not them.**

>

> **If you'd like an official form I will provide that, but given the policies below, I have no intention of paying anything for these records. They should by now be on e files.**

>

> Mark

>

> Portland Policy Documents:

> <<http://www.portlandonline.com/auditor/index.cfm?c=26812>>

>

> \*<<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13271>>

>

> \*1.07\*.030 Creation of Portland Policy Documents repository.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13274>>

>

> \*1.07\*.040 Creation of Index.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13279>>

>

> \*1.07\*.050 Publication to the Internet.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13280>>

>

> \*1.07\*.060 Submission of Documents to Auditor for Filing in the PPD.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13282>>

>

> \*1.07\*.070 Format for PPD.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13283>>

>

> \*1.07\*.080 Status of PPD.

> <<http://www.portlandonline.com/auditor/index.cfm?c=28156&a=13284>>

>

> Clodius, Jen wrote:

>

>> Dear Mr. Bartlett,

>> The Public Records Law authorizes a public body to take reasonable

>> measures to preserve the integrity of its records and to maintain

>> office efficiency and order. (see ORS 192.430(2). The Oregon Attorney

>> General's Public Records and Meetings Manual explained that this

>> statute permits a public body to \_require\_ a written public records  
>> request.

>> To regularize the public records request process, the City of  
>> Portland has created a standard form pursuant to City Council Resolution No.  
>> 36563. Using this form will guide your request and make sure City  
>> bureaus receive your contact information and a clear, written request.  
>> Filling out the form ensures that 1) there is limited ambiguity and  
>> delay in the process of responding;;2) the City has the necessary  
>> information in order to process your request, 3) the City has a  
>> record of the reason it released the documents, and 4) the City can  
>> fulfill the request in an organized and fully documented manner.  
>> Until you submit a public records request, there is nothing more I  
>> can do to help you.

>> All best,  
>> Jen  
>> \*Jen Clodius\*

>> Senior Management Analyst  
>> Communications & Public Information  
>> Office of Management & Finance  
>> City of Portland, Oregon  
>> 503-823-6965  
>> [jen.clodius@portlandoregon.gov](mailto:jen.clodius@portlandoregon.gov)

>> -----Original Message-----  
>> From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]  
>> Sent: Monday, June 08, 2015 2:18 PM  
>> To: Clodius, Jen; Miller, Fred; Hansen, Mary; Anderson, Toni; Hales,  
>> Mayor; Enge, Bryant; Alarcon Morris, Amalia; Mark Bartlett  
>> Subject: Re: City of Portland deeds and property Hi Jen, Both PPR and  
>> PWB are notorious obstructors when it comes to dissemination of  
>> correct and legitimate public records.  
>> I say this from long personal experience.  
>> This is why in 2006 Council directed them to provide to the auditors  
>> office, those records on an annual basis, which I am requesting from  
>> the Auditor and not the bureaus themselves.  
>> Resolution No. 36435, adopted by Council September 6, 2006.  
>> In nine long years surely OMF has compelled compliance and organized  
>> this for distribution to the public.  
>> I don't wish to provide specifics when I should be able to view all  
>> of these records without any public record request to any bureau. I  
>> should be able to access them via e files or similar, much in the way  
>> BUMPS or other financial records are made available.  
>> Your offer to be another gatekeeper is noted.  
>> Once again I provide the relevant sections that clearly says the  
>> auditor is to receive annually those records so I ask for them again.  
>> \*Responsibilities and Accounting for Capital Assets\*

>> \*Definitions\*

>> "Capital Asset" means a tangible or intangible asset having  
>> significant value that is used in operations and has an initial  
>> useful life that benefits more than a single CAFR reporting period.  
>> Capital assets include land, land improvements, buildings,  
>> infrastructure, equipment, leasehold improvements, and construction in progress.  
>> "Land" means real estate held for productive use. The cost of land

>> shall include any ancillary charges necessary to ready the land for  
>> its intended use such as draining, filling, and grading. Land is not  
>> depreciated.

>> \*1. \* Bureaus shall maintain assets in working condition.

>> \*2. \* Bureaus shall maintain effective internal controls to safeguard  
>> capital assets, including: \* vi. \* Conducting physical inventories of  
>> the capital assets.

>> \*3. \* Bureaus acquiring capital assets shall promptly and accurately  
>> record such expenditures throughout the fiscal year as items are  
>> placed into service. Supporting documentation for each asset recorded  
>> shall include an Asset Acquisition Form completed in accordance with  
>> instructions provided by the Accounting Division.

>> If a real property transfer, either a sale or purchase occurs, there  
>> would be a record. It is these that I wish to see.

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>> an item becomes obsolete or is no longer in service, in accordance  
>> with City policies and retention schedules published by the city Auditor.

>> \*8. \* Original titles for real property shall be presented to the  
>> City Auditor's office for permanent retention.

>> Along with those reports on transfer should be an inventory or list  
>> of assets kept in perpetuity by the auditor \*Physical Inventories of  
>> Capital Assets\* \*1. \* The Accounting Division shall annually provide  
>> capital assets listings to the bureaus to serve as the basis for  
>> physical inventory counts.

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>> physical inventories of capital assets.

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>> Accounting Division for review.

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>> Accounting Administrative Rule FIN-6.12 - Disposal of Capital Assets.

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>> transfer by the completion of a Transfer and Disposal Report and by  
>> prompt submittal of the form to the Accounting Division.

>> This should provide the record of any transfer, any disposition, by  
>> whom and to which bureau or agency.

>> \*3. \* Historical cost of transferred assets, along with any related  
>> accumulated depreciation, shall be removed from the transferring  
>> owner's balance sheet and added to that of the new owner.

>> \*History\*

>> Resolution No. 36435, adopted by Council September 6, 2006.

>> Thank you,

>> Mark

>> Clodius, Jen wrote:

>>

>>> Dear Mr. Bartlett,

>>>

>>> I have read your recent email to Auditor Mary Hull Caballero  
>>> regarding your request for City documents. Let me see if I can clarify things.

>>>

>>> As I told you in my email on June 2, 2015, there is currently no

>>> accurate "master list" of real properties owned by the City. The  
>>> Accounting Division is just now working on the creation of such a  
>>> list. At this time, each bureau is expected to maintain the records  
>>> related to the City real property assets that it is assigned to  
>>> manage. As I am sure you know, City property is owned by the City as  
>>> a unified municipal entity, and City Council assigns property  
>>> management responsibilities to its various bureaus.

>>>

>>> In any case, it also appears from your email correspondence that you  
>>> wish to see more than just a list of properties. You want to see the  
>>> "who, where, and when" for a series of transactions you believe took  
>>> place. However, from your general description, I cannot tell whether  
>>> the City has the documents of the sort you seek.

>>>

>>> I can only reiterate that the best way for you to obtain any  
>>> documents the City may have is to file one or more public records  
>>> requests specifying what you seek using the City's standard public  
>>> records request form, a link to which I sent you on June 2<sup>nd</sup> . The  
>>> City can then assess if it has documents responsive to your request  
>>> and what resources it must assign to find and produce them.

>>>

>>> In my email to you on June 2<sup>nd</sup> , I asked you to send your public  
>>> records requests to the Portland Parks & Recreation Bureau and to  
>>> the Portland Water Bureau. If it will make it more convenient for  
>>> you, you may send the requests to me directly and I will route them  
>>> to the appropriate parties.

>>>

>>> All best,

>>>

>>> Jen

>>>

>>> \*Jen Clodius\*

>>>

>>> Senior Management Analyst

>>>

>>> Communications & Public Information

>>>

>>> Office of Management & Finance

>>>

>>> City of Portland, Oregon

>>>

>>> 503-823-6965

>>>

>>> [jen.clodius@portlandoregon.gov](mailto:jen.clodius@portlandoregon.gov)

>>>

>>>

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>



CITY OF PORTLAND  
UNIFORM PUBLIC RECORDS REQUEST FORM

Date of Request: 6-2-15

REQUESTOR INFORMATION

Name: MARK BARTLETT

Mailing Address: 2747 NE 22ND Ave

City, State, Zip: Portland OR 97212 Daytime Phone: N/A

E-mail Address: BARTLETT.M@COMCAST.NET

Preferred method of contact: ☐ Mail ☐ Phone ☒ E-mail ☐ Fax

REQUEST DETAILS

1. Is this request related to a lawsuit involving the City of Portland? unknown

If "yes," enter the case name, court docket number, or other identifying information:

2. Is this request related to a tort claims notice involving the City of Portland? unknown, not any

If "yes," enter the claimant's name and, if known, the incident date: I have

3. If you answered "yes" to question 1 or question 2, are you making this request on behalf of a party in the lawsuit or tort claim? \_\_\_\_\_

NOTE: If "yes," enter "City Attorney's Office" for question 4 in addition to any other applicable bureaus. This is required by state law (ORS 192.420(2)(a)).

4. Bureau or office, if known (a copy of this form must be submitted to each):

Auditor office

5. A fee reduction or waiver may be possible if the custodian determines that this request is primarily in the public interest. Does this request primarily benefit the general public? Please explain.

yes, Certain Representations by PWB in a LUR are questionable. These Responses will clarify some questions They Refuse to Answer - These LURs are the most widely followed and heavily participated in in City history. Hundreds of citizens have provided testimony & shown up at hearings - There is a very large following

6. Does this request pertain to personnel records? No

NOTE: If "yes," please attach a signed release from the employee.

7. How would you prefer to have this request fulfilled?

- (A) ☒ I would like to inspect the records. ☐ I would like photocopies made and sent to me.  
(B) ☐ I would like electronic copies made and sent to me. ☐ I would like photocopies made and held for me to pick up.  
(A) Then (B) after I Review

#### DESCRIPTION OF RECORDS REQUESTED

Please include the following when describing the materials requested, to the extent known and with as much detail as possible:

- Type of document
- Title
- Date
- Address of any real property at issue
- Author
- Subject matter

NOTE: Additional sheets may be added if necessary.

Description: space limits, so attach my e-mails

I have outlined my Request in my e-mail to Charles; Sue Parsons on May 29 @ 3:35 which she then sent to you on 6-2-15 @ 3:11 pm.

- The City will respond to your request as soon as practicable and without unreasonable delay.
- If the estimated costs involved in fulfilling your request exceed \$25, the City will advise you of those costs and require your approval before beginning work.
- If the fee estimate exceeds \$100, a 50% deposit may be required to begin work.
- Full payment of the total amount of costs incurred is required before the public records may be inspected or copies released.
- NOTE: Police reports cannot be obtained through the use of this form. For these records, please contact the Police Bureau.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above. These costs may include the cost of searching for records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records, and mailing records. I agree to pay a maximum of \$25 without further approval.

Mark Bartlett

Signature of Requestor

6-2-15

Date

City of Portland Uniform Public Records Request Form

**Moore-Love, Karla**

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**From:** CenturyLink Customer <glen\_yen@q.com>  
**Sent:** Thursday, June 11, 2015 2:33 PM  
**To:** Council Clerk – Testimony  
**Subject:** Mt. Tabor Park

June 11, 2015

Dear City Council and Mayor Hales,  
Water Bureau and OHA,

Mnt. Tabor Park is visited by hundreds of people every day. The park provides many different uses.

Physical fitness, day hikes, and relaxation. They have events like bicycle racing, festivals, and parties in the pavillion.

Obviously this park is under full time use from the people of this city. It provides a quality of life to Portland's society.

So versatile. Even tourists come up here.

This park is irreplaceable. Once the city back-fills those reservoirs, the land will become very attractive to developers.

My concern is how this new available land will be used. Will the city expand the park? I think the park has earned it's credibility for expansion.

Sincerely,  
Glen Anderson  
Email: Glen\_Yen@q.com

Moore-Love, Karla

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**From:** Brad Yazzolino <brad@bradyazzolino.com>  
**Sent:** Thursday, June 11, 2015 2:28 PM  
**To:** Council Clerk – Testimony  
**Cc:** Brad Yazzolino  
**Subject:** Testimony of Brad Yazzolino - LU 14-218444 HR EN Mt. Tabor Reservoirs Disconnection

Dear City Council members,

I have been recording hundreds of hours of video of each City Council and other public meetings on the subject of the Mt. Tabor reservoir disconnection since about 2003.

Since then, many hundreds of private citizens have eloquently testified against the water bureau's self-serving and expensive plans to disconnect Portland's drinking water reservoirs.

Thousands of Portland's citizens recognize the folly of this disconnection, which will result in less healthy, more chemicalized, more expensive drinking water.

City Council, I ask you; how many citizens have ever testified in *favor* of this disconnection plan? The answer is, very few!

I simply want to put it in the public record that in my experience, Kathryn Knotson and a few other people, some of whom who have been *on City Council- or City Commissioner-appointed advisory committees (like the "PURB" ) or who are or were directly or indirectly recipients of a monetary grant to PSU adjunct professor programs*— make up the relatively tiny group of those who have, ever since 2003, testified in favor of the water bureau's fast track plans to disconnect Portland's reservoirs.

It is in the historic record that only dozens of people have been willing to testify in favor, yet hundreds and hundreds come down on their own time, unbidden by any entanglements but their own convictions, to testify before you that they are deeply opposed to the water bureau's plans. This is what I have seen and what I have recorded on video.

The LT2 regulation will soon be reviewed, and then Portland will likely NOT to be required to comply with the LT2 regulation that you all, and the previous City Council members, agree should really not apply to Portland.

Please reconsider backing out of these ridiculously expensive water industry-driven disconnection plans.

Please deny the water bureau's sly and deceptive appeal of the Historic Landmarks Commission's decision.

Please uphold the Mt Tabor Neighborhood Association's requests. Please reject the Water Bureau's appeal.

Uphold all parts of the Historic Landmark Commission's Decision, especially conditions B and E.

Thank you for your time and consideration.

Brad Yazzolino  
6451 SE Morrison Ct  
Portland OR 97215

**Moore-Love, Karla**

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**From:** Darvel Lloyd <darvlloyd@gmail.com>  
**Sent:** Thursday, June 11, 2015 2:07 PM  
**To:** Council Clerk – Testimony  
**Subject:** Comment on decision concerning Mt. Tabor Reservoirs preservation

Dear Mayor Hales and City Commissioners:

Before the deadline today (June 11, 2015) on testimony regarding the Historic Landmark Commission recommendations for the Mt. Tabor Reservoirs disconnect project, I wish to add my two-bits worth:

I've been residing about a mile from the Mt. Tabor reservoirs for over 16 years and have enjoyed almost-daily walks up/around the reservoirs and the park since I moved to Portland about 18 years ago. I also have been involved with the Friends of Mt. Tabor Park's Weed Warriors group for over 10 years.

Please, please, please heed the mostly-excellent testimony given at your meeting on May 28th (which I was unable to attend)! **I urge you to approve the Historic Landmark Commission's recommendations for preservation and maintenance of the reservoirs..** Starting as soon as possible and with an absolute minimum disturbance to the park's natural and cultural features, please disconnect them so they can easily be reconnected if the EPA's LT-2 Rule is modified to allow open reservoirs in specific cases. Please order the Water Department to come up with a cost-effective plan to repair, maintain, and refill Reservoir 6 and the rest of the reservoirs when they are decommissioned.

Thank you very much for the huge effort you are making to conform to federal laws, prepare for droughts, provide safe drinking water, keep the park beautiful, and listen carefully to us Portland citizens!

Sincerely,

Darvel Lloyd  
54 SE 74th Ave.  
Portland, OR 97215-1443  
503-251-2784  
[darvlloyd@gmail.com](mailto:darvlloyd@gmail.com)

## Moore-Love, Karla

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**From:** Adam, Hillary  
**Sent:** Thursday, June 11, 2015 1:49 PM  
**To:** Council Clerk – Testimony  
**Cc:** Carter, Tom  
**Subject:** FW: Mt. Tabor SHPO Response for City Council Mtg. - UPDATE  
**Attachments:** FW: Regarding SPHO letter to HLC

Comments directly from SHPO.

Hillary Adam  
Bureau of Development Services  
p: 503.823.3581

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**From:** ALLEN Jason \* OPRD [mailto:Jason.Allen@oregon.gov]  
**Sent:** Thursday, June 11, 2015 1:46 PM  
**To:** Adam, Hillary; Heron, Tim  
**Cc:** JOHNSON Ian \* OPRD  
**Subject:** FW: Mt. Tabor SHPO Response for City Council Mtg. - UPDATE

Hello Tim and Hillary,

I do not know if my email from two days ago reached you, if not, I have attached it. Below is a follow up email, containing a mea culpa for providing erroneous information in the first (attached) email, and providing detailed clarification of our position.

Cheers,  
-Jason

Jason M. Allen, M.A.  
Historic Preservation Specialist  
Oregon State Historic Preservation Office  
725 Summer St. NE Ste C  
Salem, OR 97301  
503.986.0579  
[Jason.allen@oregon.gov](mailto:Jason.allen@oregon.gov)

\*\*\*\*My email address has changed! Please note the new email address in your email contacts list\*\*\*\*

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**From:** ALLEN Jason \* OPRD  
**Sent:** Thursday, June 11, 2015 12:49 PM  
**To:** 'Mark Bartlett'; 'Stephanie Stewart'; 'Eileen Brady'; Carter, Tom  
**Cc:** JOHNSON Ian \* OPRD  
**Subject:** Mt. Tabor SHPO Response for City Council Mtg. - UPDATE

All,

I have just spoken with PWB in response to the email that I provided two days ago, and it was correctly pointed out to me that I have made an error in reporting the timeline of events. Our office received that final review submission on December 29, 2014, and the results of our review of the project, in which we found No Adverse Effect, was delivered on

January 7, 2015. I had in the previous email stated that this determination was made in consideration of the Historic Landmarks Commission's requirement that the reservoirs be at below normal operating levels for no more than 60 days in any calendar year. **This was not correct.** In review of the timeline of events, it is clear that the 60-day condition put forth by the Historic Landmarks Commission occurred on February 9, 2015, after our determination of No Adverse Effect, and that our office was not notified of the condition, or of PWB's appeal of that condition until March 19, 2015.

My comments in the previous email to the contrary are not correct, and are the result of my own faulty memory and failure to fully review the record. Please accept my sincere apologies for this error, and for any and all confusion that has arisen from it.

With all of that said, it is correct to say that at the time of our decision (January 7, 2015), PWB had committed (as a part of their application to our office for review, delivered December 29, 2014) to the following condition:

**Following completion of the disconnection, Reservoirs #1, #5, and #6 must continue to hold water within the normal historic operating range for each reservoir until City Council directs otherwise, allowing for empty periods for maintenance, cleaning, to address system operational requirements, to maintain security, regulatory compliance, or for the safety of workers, the water system, or the public.**

This condition, which was language proposed by PWB in response to a proposed condition by the Historic Landmarks Commission which directed that the reservoirs must continue to hold water, allowing for empty period only for maintenance and cleaning. Our office found the PWB proposed language to be acceptable, and it **was based on this that our office made a finding of No Adverse Effect.**

It is our understanding that PWB will soon be presenting a plan for the draining, cleaning and filling cycle schedule that will, based on draining time estimates that reflect the slowest draining rate (1000 gallons per minute [gpm]), and thus the longest cycle, result in all four reservoirs (treating the north and south halves of Reservoir 6 as separate reservoirs, as they will be cycled separately) being filled with water to normal operating levels 50% of the calendar days of the year, and the remaining 50% with only one reservoir somewhere in the cycle. It is our understanding that PWB is currently permitted to drain at a rate of 1500 gpm, and is in discussions with the permitting agency to allow rates far in excess of 1500 gpm, based on the capacity of the systems involved.

With all of the above in mind, it is the opinion of our office that the proposed cycle schedule outlined above is acceptable, and **we continue to support our previous finding of No Adverse Effect.** We are hopeful that the cycle period can be further shortened by allowing faster drain rates than the 1000 gpm that the above estimate is based on. If, for some reason, the cycle outlined above cannot be achieved, we will reconsider our finding.

I hope the above provides clarity on both the actual timeline of events leading the present, and on the State Historic Preservation Office's position regarding continued presence of water in the Mt. Tabor Reservoirs. Again, please accept my apologies for the inaccuracies present in my previous email.

-Jason

Jason M. Allen, M.A.  
Historic Preservation Specialist  
Oregon State Historic Preservation Office  
725 Summer St. NE Ste C  
Salem, OR 97301  
503.986.0579  
[Jason.allen@oregon.gov](mailto:Jason.allen@oregon.gov)

\*\*\*\*My email address has changed! Please note the new email address in your email contacts list\*\*\*\*

## Moore-Love, Karla

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**From:** Adam, Hillary  
**Sent:** Thursday, June 11, 2015 1:42 PM  
**To:** Council Clerk – Testimony  
**Cc:** Carter, Tom  
**Subject:** FW: for the LU #14-21844 HR EN record  
**Attachments:** CUB comment on LU #14-21844 HR EN.docx

testimony

Hillary Adam  
Bureau of Development Services  
p: 503.823.3581

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**From:** Janice Thompson [mailto:[janice@oregoncub.org](mailto:janice@oregoncub.org)]  
**Sent:** Thursday, June 11, 2015 1:38 PM  
**To:** Adam, Hillary; [testimony@portlandoregon.gov](mailto:testimony@portlandoregon.gov)  
**Subject:** for the LU #14-21844 HR EN record

Hello – Attached for the LU #14-21844 HR EN record is testimony from CUB, the Citizens' Utility Board of Oregon.

Thanks – Janice Thompson

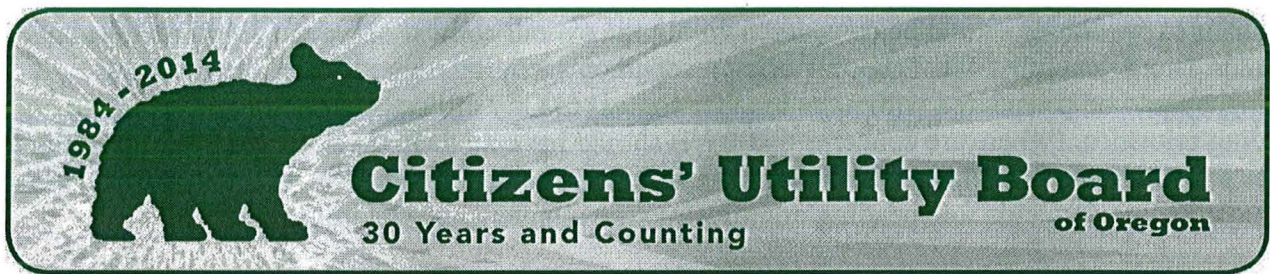


Janice Thompson  
Consumer Advocate Portland Public Utilities

Citizens' Utility Board of Oregon  
610 SW Broadway Suite 400  
Portland OR 97205  
O: 503 227-1984 ext 24  
C: 503-890-9227  
[janice@oregoncub.org](mailto:janice@oregoncub.org)  
[www.oregoncub.org](http://www.oregoncub.org)

### CONFIDENTIALITY NOTICE :

*This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.*



June 11, 2015

To: Portland City Council  
From: Janice Thompson, Consumer Advocate for Portland Public Utilities  
Re: LU #14-21844 HR EN and use of ratepayer money

CUB commends the Portland City Council for its careful review of the Historic Landmarks Commission decision and subsequent appeals by the Mt. Tabor Neighborhood Association and Portland Water Bureau (PWB) in Case File Number LU #14-21844 HR EN. The purpose of this memo is to put on the record a reminder about prudent use of ratepayer money when considering the scope of the City Council decision on the Mt. Tabor reservoir disconnection project. We also want to identify the possible need for future discussion about use of ratepayer money for ongoing Mt. Tabor related expenses that are not integral to the operation of the PWB's water distribution system. We understand that this is not the topic of your current deliberations, but we want to mention this possible future concern now since it could be affected by your decision on LU #14-21844 HR EN.

A comparison to PWB facilities in Washington Park may be helpful in assessing the source of funding for Mt. Tabor actions. The Washington Park project involves demolishing one reservoir and replacing it with an underground reservoir. The second reservoir is being disconnected and reconfigured, but will still be part of the water distribution system because it will serve as an overflow basin. The specifics can vary, but some type of overflow structure is a feature of modern era underground reservoirs. For example, there is an overflow detention basin adjacent to the Kelley Butte underground reservoir.

Once the Mt. Tabor reservoirs are disconnected, however, they will not be part of the PWB distribution system. Since there is no underground reservoir at Mt. Tabor, there is no need to use any of the disconnected reservoirs as overflow basins as is occurring in Washington Park. Building an underground reservoir on Mt. Tabor may be considered in the future, but any such discussions would be decades from now and seem unlikely to result in actual construction of an underground water storage structure given the nature of that site.

Obviously, the distribution conduits, pumping station and other facilities on Mt. Tabor that remain part of the water system will continue to be maintained with ratepayer dollars. Once the reservoirs are disconnected and no longer part of the water distribution system, however, continued use of ratepayer money for reservoir-specific historic preservation activities and maintenance efforts needs to be evaluated. Even if it is appropriate for PWB personnel to carry out reservoir maintenance activities, for example, it may be that general funds should support this work. This possible future discussion is identified now since your decision on LU #14-21844 HR EN could influence the scope of future PWB responsibilities and the extent to which they involve activities that may be beyond what is needed for maintenance and operation of the water system.

CUB also suggests the need to put historic preservation spending into a broader maintenance expenditure context. To the extent that historic preservation spending by PWB is deemed appropriate,

Mt. Tabor expenditures should be considered within the overall context of water system maintenance demands. More generally, Mt. Tabor historic preservation spending, regardless of the source of funding, should be considered within the broader context of City of Portland historic preservation spending priorities. If there are concerns that PWB should have made historic preservation spending a higher priority in the past, this criticism seems equally applicable to other City facilities, particularly given competing demands for spending on infrastructure maintenance and improvements.

## Moore-Love, Karla

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**From:** floy jones <floy21@msn.com>  
**Sent:** Thursday, June 11, 2015 1:21 PM  
**To:** Council Clerk – Testimony  
**Subject:** Mt. Tabor Disconnection hearing statement error

At City Council's Mt. Tabor Disconnect Land Use hearing on May 28, 2015 Nick Fish stated that Arlington Heights Neighborhood supported the Washington Park reservoir demolition. There is no letter of support for demolition in the Washington Park Demolition Land Use record nor did the Arlington Heights N.A. ever vote on the demolition issue. I checked via e-mail communication with Arlington Heights N.A. board members including chair Susan Siegel both before and after the Demolition record was closed to confirm such. Arlington Heights confirmed that they had submitted two letters of concern (emphasis added) not a letter of support. The LU record reflects that the Water Bureau's Washington Park LU "sounding board" excluded reservoir stakeholders including Friends of the Reservoirs, and that this "sounding board" did not comply with the City's adopted Principles of Good Public Involvement, or the requirements of the Reservoir Panel Resolution 36237. The Water Bureau's "sounding board" process precluded discussion of alternatives to demolition and precluded discussion of the demolition. Those chosen for the "sounding board" were allowed to speak only on what would happen after the degradation (after demolition) of Portland's open reservoir distribution system.

Over the years (subsequent to the Water Bureau first defying the intent and the letter of the *Independent Reservoir Panel* Ordinance 36237 ) a long list of community organizations have either signed on to coalition letters (Physicians for Social Responsibility, Portland Water Users Coalition, Friends of the Reservoirs and others), Friends of the Reservoirs letters, or submitted their own separate letters to City Council and/or the Congressional delegation in support of retaining Portland's open reservoirs as a functional part of our drinking water system. Below is a partial list of these organization including many of the sign on representatives.

Regna Merritt and Theodora Tsongas, PhD, MS  
for Oregon Physicians for Social Responsibility

Kent Craford for Portland Water Users Coalition

Members:

ALSCO, American Linen Division

American Property Management

Ashland Hercules Water Technologies

The Benson Hotel

Building Owners & Managers Assn.

Darigold

Harsch Investment

The Hilton Portland and Executive Tower

New System Laundry

Portland Bottling

SAPA Inc.

Siltronic Corp.

Sunshine Dairy Foods

Vigor Industrial

Widmer Brothers Brewing

John Watt for Teamsters Local #305

Jon Isaacs for Oregon League of Conservation

Voters (OLCV)

Ben Love, Hopworks Brewery

Van Havig, Rock Bottom Brewery

Sandra McDonough, Portland Business Alliance

Meryl Redisch for Audubon Society of Portland

Scott Schlaes for Oregon Wild

Andrew Frazier for Portland Small Business

Advisory Council

Jason Williams for Taxpayer Assn. of Oregon

TJ Reilly for Oregon Small Business Association

Floy Jones for Friends of the Reservoirs

Central Eastside Industrial Council

Christine Lewis for Oregon Chapter Sierra Club -  
Columbia Group

Julia DeGraw for Food & Water Watch

Franklin Gearhart for Citizens Interested in Bull  
Run, Inc.

Scott Fernandez for Citizens for Portland's Water

David Delk for Alliance for Democracy

Alex P. Brown for BARK

Rod Daggett and Maxine Wilkins for Eastside  
Democratic Club

Mark Wheeler for Roots Realty

Ron Carley on behalf of Coalition for a Liveable  
Future.

Alexander Mace on behalf of the Old Town  
Chinatown Neighborhood Association

Brian Hoop on behalf of Linnton Neighborhood  
Association

Eric Rimkeit on behalf of Marshall Park Estates  
Homeowners Association

Scott Schlaes for Oregon Wild

Stephanie Stewart for Mt. Tabor Neighborhood

Association - Land Use Committee  
Jonah Paisner and Mary Louise Ott for South Tabor Neighborhood  
Association  
Bruce Treat for Mount Tabor Neighborhood  
Association  
Anne Dufay and in 2015 Robert McCullough for SE Uplift Neighborhood  
Coalition for:  
North Tabor Neighborhood Association  
Mount Tabor Neighborhood Association  
Montavilla Neighborhood Association  
Sunnyside Neighborhood Association  
Buckman Neighborhood Association  
Hosford Abernathy Neighborhood Association  
Richmond Neighborhood Association  
South Tabor Neighborhood Association  
Foster Powell Neighborhood Association  
Creston - Kenilworth Neighborhood Association  
Brooklyn Neighborhood Association  
Reed Neighborhood Association  
Eastmoreland Neighborhood Association  
Sellwood Moreland Neighborhood Association  
Woodstock Neighborhood Association  
Mount Scott Arleta Neighborhood Association  
Brentwood Darlington Neighborhood Association  
Ardenwald - Johnson Creek Neighborhood  
Association  
Kerns Neighborhood Association  
Laurelhurst Neighborhood Association

Jeffrey Boly for Arlington Neighborhood  
Association

Peter Stark for Hillside Neighborhood  
Association

Submitted for the record by Floy Jones

**Moore-Love, Karla**

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**From:** Dexter Ledford <dexter.lee.ledford@gmail.com>  
**Sent:** Thursday, June 11, 2015 11:04 AM  
**To:** Council Clerk – Testimony; Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** MT TABOR RESERVOIR

I would like to urge you to proceed with the greatest care in making any decisions in the appeal presented by the PWB. I know you will be meeting again June 25th to go over some issues that were raised at the last appeals meeting which I attended.

I was very much alarmed that the Water Bureau had completely new information regarding the amount of time to drain and refill the reservoirs. That this was not the information given to the HLC previously was highly suspicious. I urge you to demand concrete facts to back up the time line that was presented by the PWB.

I love the incredible beauty that the reservoirs provide and it saddens me greatly that they are in danger of not being protected. I cannot add much to the very eloquent and powerful testimonies I heard at the meeting. Please protect these treasures for this and future generations.  
Again, please do not be hasty in the decision process.

Please do the RIGHT THING and represent the people of Portland, Multnomah County, and Oregon and not special interest groups.

Thank you,  
Dexter Ledford  
Belmont area resident and frequently hiker to Mt Tabor Park

503-235-9546

## Moore-Love, Karla

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**From:** Chris Bond <chris@usabilityconcepts.com>  
**Sent:** Wednesday, June 10, 2015 11:04 PM  
**To:** Council Clerk – Testimony  
**Subject:** [User Approved] May 28th Mt. Tabor Reservoir Meeting

My name is Chris Bond and I tried to attend the Thursday May 28th, 2015 meeting in support of the appeal to disconnect the Mt. Tabor Reservoir only to be turned away from City Hall. I was very disappointed not to be in attendance to support my friends, neighbors and friends of Mt. Tabor to listen to their testimony in this appeal meeting.

We were told at the front table set up that the balcony which has been available to the public in the past was closed with no reason given. You could sign up on a list if you wished to speak but all overflow attendees were directed to go to the Portland Building across the street to watch the proceedings on a large screen. Once we got to the designated room there were perhaps 20 other people already there. The balcony in City Hall could have easily accommodated all of us. There were technical difficulties with the reception and we became restless. Someone sitting in front was texting a friend that actually was in the council chambers claiming that there was additional seats open. We sat there for a while only to be told there was technical issues with the projection equipment so approximately 10 of us returned to the courthouse to the council chambers.

As we were walking over there was a heckler demonstrating his displeasure against Major Charlie Hales. Mr. Hales was walking towards this person to talk with the demonstrator. I was told later by someone who was at the meeting that Mr. Hales claimed he had no knowledge that citizens were being turned away. I had heard that it was Mr. Hales assistant that suggested to close the balcony because of the earlier response the city issued to demolish the Washington Park Reservoir.

We walked past the table set up outside preventing people from attending this meeting however some of us walked straight into City Hall to the second floor only to be met with several guards in front of the closed chamber doors.

One young lady asked one of the guards why we were prevented from entering. She turned on her cell phone to record his response upon which the guard became visibly agitated, walked away from this woman to retrieve three armed police officers. We were behaving calmly and in a civil manner, asking why we were unable to attend a meeting that is very important to the outcome of our drinking water and neighborhood. I didn't catch the woman's name but she was the only person speaking to this guard and I found the guard's behavior defensive and somewhat over-reactive.

I can't express enough my disappointment at not being able to attend a meeting that has become very important in the future of our city as we know it. I was under the impression that City Hall is a public venue for all citizens who embrace their city's concerns and well being. I do feel that my civil rights were not met and I am very disappointed in the officials, that Portland elected, rejecting our basic civil rights as Portlanders.

I would like to receive an acknowledgement of receipt of my concerns.

Chris Bond  
SE Portland, Oregon

## Moore-Love, Karla

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**From:** Audry Bond <audry.bond@gmail.com>  
**Sent:** Wednesday, June 10, 2015 11:00 PM  
**To:** Council Clerk – Testimony  
**Subject:** May 28th, 2015 Mt. Tabor Reservoir Meeting

My name is Audry Bond and I tried to attend the Thursday May 28th, 2015 meeting in support of the appeal to disconnect the Mt. Tabor Reservoir only to be turned away from City Hall. I was very disappointed not to be in attendance to support my friends, neighbors and friends of Mt. Tabor to listen to their testimony in this appeal meeting.

My husband, who took time off from work, was also with me. We were told at the front table set up that the balcony which has been available to the public in the past was closed with no reason given. You could sign up on a list if you wished to speak but all overflow attendees were directed to go to the Portland Building across the street to watch the proceedings on a large screen. Once we got to the designated room there were perhaps 20 other people already there. The balcony in City Hall could have easily accommodated all of us. Someone sitting in front was texting a friend that actually was in the council chambers claiming that there was additional seats open. We sat there for a while only to be told there was technical issues with the projection equipment so approximately 10 of us returned to the court house to the council chambers.

As we were walking over there was a heckler demonstrating his displeasure against Major Charlie Hales. Mr. Hales was walking towards this person to talk with the demonstrator. I was told later by someone who was at the meeting that Mr. Hales claimed he had no knowledge that citizens were being turned away. I had heard that it was Mr. Hales assistant that suggested to close the balcony because of the earlier response the city issued to demolish the Washington Park Reservoir.

We walked past the table set up outside preventing people from attending this meeting however some of us walked straight into City Hall to the second floor only to be met with several guards in front of the closed chamber doors.

One young lady asked one of the guards why we were prevented from entering. She turned on her cell phone to record his response upon which the guard became visibly agitated, walked away from this woman to retrieve three armed police officers. We were behaving calmly and in a civil manner, asking why we were unable to attend a meeting that is very important to the outcome of our drinking water and neighborhood. I didn't catch the woman's name but she was the only person speaking to this guard and I found the guard's behavior defensive and somewhat over-reactive.

I can't express enough my disappointment at not being able to attend a meeting that has become very important in the future of our city as we know it. I was under the impression that City Hall is a public venue for all citizens who embrace their city's concerns and well being. I do feel that my civil rights were not met and I am very disappointed in the officials, that Portland elected, rejecting our basic civil rights as Portlanders.

I would like to receive an acknowledgement of receipt of my concerns.

Audry Bond  
SE Portland, Oregon

## Moore-Love, Karla

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**From:** Mary Kinnick <mary.kinnick@gmail.com>  
**Sent:** Wednesday, June 10, 2015 1:39 PM  
**To:** Council Clerk – Testimony  
**Subject:** Mt. Tabor Hearing before City Council  
**Attachments:** Written Testimony re- Mt. Tabor Reservoirs.docx

Please find attached written testimony from Friends of Mt. Tabor Park for distribution to City Council members regarding the Mt. Tabor hearing before City Council. I'd appreciate knowing this has been received. Thanks.  
Mary Kinnick, Friends of Mt. Tabor Park  
m.kinnick@comcast.net.

June 10, 2015

## Written Testimony to Portland City Council Re: Mt. Tabor Reservoirs

This testimony is submitted on behalf of the Friends of Mt. Tabor Park Board. We're on record supporting the Mt. Tabor Neighborhood Association Appeal Case File LU 14-21844. And, we support the ruling by the Historic Landmarks Commission. We have some additional concerns and recommendations for your consideration.

### Our Concerns:

To date the Water Bureau has not presented a detailed plan for the preservation and maintenance of these historic reservoirs. Our understanding is that the 2002-2003 Approved Budget included \$14 million for "park improvements" so as to "maintain the authentic and historic values with the reservoirs" (words in parentheses come from the approved budget document). Since we have watched the continued deterioration of the reservoirs and associated structures, our only conclusion is that the Bureau chose to spend the money elsewhere.

Despite requests to Water Bureau staff by me on behalf of our Board, no information has been forthcoming that details how removed native habitat will be restored with new native plantings. Specifically, what will be planted where and when? The decision reached by the Historic Landmarks Commission included language that requires such affected habitat areas "be restored and mitigated with new plantings."

Finally, we remain concerned that a Conditional Use Review has not been conducted. The new pipe goes beyond Water Bureau land and extends into Parks & Recreation land. Further, if no trees may be planted within 20-24 ft. of the new pipe, what will the landscape look like in the future? Show us some pictures. We worry that under this policy, if existing underground pipes need to be repaired, the landscape will be further damaged and forever denuded.

### Recommendations:

1. Require a Conditional Use Review
2. Require the Water Bureau to present its preservation/maintenance plan detailing what will be done when and to consult with a citizen's advisory committee to help develop the plan and set priorities
3. Require the Water Bureau to present its planting and mitigation plan involving the affected areas showing they have developed the plan in consultation with PP&R Urban Forestry and City Nature experts
4. Require *detailed metrics* showing how long the required level of water will be maintained in the reservoirs each year and how long it will take to drain, clean, and refill them
5. ***The need for oversight: The Portland City Council as a whole or the City Auditor or some other individual or body must be identified formally to serve in an oversight role to make sure Water Bureau plans are in place as required and periodic reports on #2, 3 & 4 above are forthcoming, reviewed and approved. Such reports must be made accessible to the public.***

Respectfully submitted on behalf of Friends of Mt. Tabor Park Board  
Mary Kinnick, Board Co-Chair and FMTP Weed Warrior Coordinator  
[m.kinnick@comcast.net](mailto:m.kinnick@comcast.net) 5857 SE Yamhill St., Portland 9721

## Moore-Love, Karla

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**From:** Suzanne Sherman <suzanne@fatcathatsandsacks.com>  
**Sent:** Wednesday, June 10, 2015 11:23 AM  
**To:** Council Clerk – Testimony  
**Subject:** Please enter this testimony into the record of the Appeal Hearing for Case File LU 14-218444 HR EN Mt Tabor Disconnect Project

June 10, 2015

To:  
Portland City Council

From:  
Suzanne Sherman  
7404 SE Clay Street  
Portland, OR 97215

Regarding:  
Case File LU 14-218444 HR EN –  
Mt Tabor Reservoirs Disconnection

I sent written testimony regarding the Appeal of the Historic Landmark Commission's decision on the Mt Tabor Disconnection Project before the May 28th hearing at City Council but certain things were discussed at the hearing that I'd like to comment on so please add this letter to Case File LU 14-218444 HR EN.

I have been living in the Mt Tabor Neighborhood on the east side of the park for about 7 ½ years and before that for 7 years close by in the North Tabor Neighborhood. I use the park quite frequently...about every other day sometimes daily for exercise and enjoying the natural beauty. One of my favorite aspects of visiting the park is sitting and observing the wildlife. Back in December 2014 I testified in front of the Historic Landmarks Commission to express my concern about the effects of this project on the wildlife living in Mt Tabor Park as I feel not enough information has been provided to show how the animals and their habitats will be protected. Particularly concerning me is the fact that the majority of this project is scheduled to take place during prime nesting season. And now I learn at the Appeals Hearing that Portland Water Bureau will not be mitigating trees in the Park itself and doesn't want any trees within it's work areas after the project is done.

According to the Staff Report from BDS Mt Tabor is identified as part of Resource Site 133 and one of its functional values is "territory for wildlife". I interpret that to mean that the Portland Water Bureau must protect this functional value during the disconnect project and as part of this review must prove how it will be doing that. I've attended meetings, asked questions, read the BDS Staff Report and there is no information on exactly how the wildlife and their habitats will be protected...only the statement that "no nesting sites or wildlife territory will be disturbed".

For the past several years I've gone to the park to watch a pair of nesting red-tailed hawks who use the area between reservoir 5 and 6 as their nesting site. Their nest is in one of the tall trees behind the utility building at reservoir 6 and each year their youngsters use the entire area to test their flying skills. They can be seen branching from tree to tree and often touching ground and then flying back up into the trees...and sometimes they can be seen resting on the roof of the utility building (please see photos). It just so happens that PWB has designated this area as Worksite 7...in other words this work area is right in the middle of a nesting site.

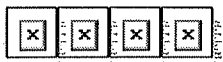
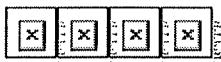
In addition numerous trees in this area have been marked for removal or will some how be affected by the disconnect project...as well as marked trees in the other work sites...and many have nests built in them (see photos). Some are bird's nests, some are squirrel dens...and these are just the ones visible to us. Not all nests

are the twig and branch kind that we think of as nests. Some animals nest in tree cavities and snags, some nests are hidden in dense vegetation while others are concealed in the ground. So when BDS and PWB claim that no nest sites or wildlife territory will be disturbed I say how can that be when their worksites are right in the middle of nesting areas and they haven't provided any details on the safeguards they will be taking or methods they will use to protect the animals.

The majority of the birds in the park are protected by the Migratory Bird Treaty Act. The birds and their nests can not be killed, removed or disturbed during nesting season. In fact because of this law BES has compiled a guideline for construction projects called "Avoiding Impacts on Nesting Birds During Construction and Re-vegetation Projects". Please review the following article: (<http://www.portlandoregon.gov/bes/article/322164>). It's quite extensive in what it says needs to be considered and none of these points were mentioned at the public meetings or in the BDS staff report. It comes as no surprise to me that BES suggests that the best way to prevent problems is not to schedule projects during nesting season at all. It's also true that some animals use their nests as year round homes...such as squirrels and cavity dwelling birds...so precautions need to be taken to protect these habitats even in the non-nesting period and after the disconnect project is done. I'm asking that you consider this in your decision and require PWB to provide better proof that our Mt Tabor wildlife and their habitats will not be disturbed by the work being done during the project and that their habitats will still be there after the project is done.

Thank you,

Suzanne Sherman  
Mt Tabor Resident



Sent from my iPad

**Moore-Love, Karla**

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**From:** Susan McKay <susanmckay1217@yahoo.com>  
**Sent:** Wednesday, June 10, 2015 10:18 PM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** Mt Tabor Reservoirs

I would like to urge you to proceed with the greatest care in making any decisions in the appeal presented by the PWB. I know you will be meeting again June 25th to go over some issues that were raised at the last appeals meeting which I attended.

I was very much alarmed that the Water Bureau had completely new information regarding the amount of time to drain and refill the reservoirs. That this was not the information given to the HLC previously was highly suspicious. I urge you to demand concrete facts to back up the time line that was presented by the PWB.

I love the incredible beauty that the reservoirs provide and it saddens me greatly that they are in danger of not being protected. I cannot add much to the very eloquent and powerful testimonies I heard at the meeting. I do know that being near water is invaluable to one's spirit, physical and mental well being. Walking near these beautiful structures filled with water soothes a troubled heart or anxious mind. This is priceless. Please protect these treasures for this and future generations.

Thank you,

Susan McKay  
Sunnyside Neighborhood resident and frequently hiker to Mt Tabor Park  
971-221-0827

**Moore-Love, Karla**

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**From:** wade hilts <wadehilts@yahoo.com>  
**Sent:** Wednesday, June 10, 2015 10:08 AM  
**To:** Adam, Hillary; Council Clerk – Testimony  
**Subject:** Testimony

My name is Wade Hilts and I am a 2015 graduate from Tulane University with a degree in Engine Physics. I grew up on Mt. Tabor and have returned to Portland after college to work for NACCO N Handling Group as an engineer. I attended the city council meeting on May 28 and wanted to offer insight on the statements made by the engineer representing the Water Bureau. In engineering, there are many ways to solve a problem. Some methods may prove ineffective or impossible - but with careful inspection and thought it is almost always possible to make something work. I was not convinced of the engineer's reasoning as to why the reservoirs could not be drained in sufficient time. The engineer's one approach to a solution, showed that it was not feasible, and then declared that the Water Bureau could not comply with the Historic Landmark Commission's requirements. It came up later in the meeting that the reservoirs were drained in about four days when a teenager urinated in the water. Representative of the Water Bureau claimed that this was only possible because the reservoir water was drained to other reservoirs, a system which apparently has a higher volume flow rate capacity. With only this much information, I can already see holes in the engineer's statements. Why can't we hold all the reservoirs to a minimum percentage that HLC defined, and when one needs to be cleaned we can drain it quickly to the other reservoirs and the sewer system? I don't have enough information to say this is absolutely false. I was certainly not convinced by the Water Bureau engineer's overly simplistic summary of how it is possible to meet HLC's requirements. I think the engineers need to return to the drawing board and come up with a feasible solution or at least a convincing reason as to why it isn't possible.

Thank you for the opportunity to offer my input.

Wade Hilts

My name is Wade Hilts and I am a 2015 graduate from Tulane University with a degree in Engineering Physics. I grew up on Mt. Tabor and have returned to Portland after college to work for NACCO Materials Handling Group as an engineer. I attended the city council meeting on May 28 and wanted to offer some insight on the statements made by the engineer representing the Water Bureau. In engineering, there are many ways to solve a problem. Some methods may prove ineffective or impossible - but with careful inspection and thought it is almost always possible to make something work. I was not convinced by the engineer's reasoning as to why the reservoirs could not be drained in sufficient time. The engineer provided one approach to a solution, showed that it was not feasible, and then declared that the Water Bureau could not comply with the Historic Landmark Commission's requirements. It came up later in the meeting that the reservoirs were drained in about four days when a teenager urinated in the water. Representatives of the Water Bureau claimed that this was only possible because the reservoir water was drained to other reservoirs, a system which apparently has a higher volume flow rate capacity. With only this much information, I can already see holes in the engineer's statements. Why can't we hold all the reservoirs at the minimum percentage that HLC defined, and when one needs to be cleaned we can drain it quickly into the other reservoirs and the sewer system? I don't have enough information to say this is absolutely feasible, but I was certainly not convinced by the Water Bureau engineer's overly simplistic summary of how it is not possible to meet HLC's requirements. I think the engineers need to return to the drawing board and come up with a feasible solution or at least a convincing reason as to why it isn't possible.

Thank you for the opportunity to offer my input.

Wade Hilts

**Moore-Love, Karla**

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**From:** Mark Wheeler <mark@rootsrealty.com>  
**Sent:** Tuesday, June 09, 2015 3:29 PM  
**To:** Council Clerk – Testimony; Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** Fwd: Friends of Reservoirs Mt Tabor Reservoir Appeal and next steps

Hello,

Please follow the directions & suggestions from Friends of Reservoirs & Save Portland Water. This debacle has gone on for too long. Thank you.

Mark Wheeler  
Portland voter

Begin forwarded message:

**From:** FRIENDS OF RESERVOIRS <[friendsofreservoirs1to6@msn.com](mailto:friendsofreservoirs1to6@msn.com)>  
**Date:** June 5, 2015 6:02:50 PM PDT  
**To:** "Reservoirs Friends" <[reservoirs@friendsofreservoirs.org](mailto:reservoirs@friendsofreservoirs.org)>  
**Subject:** Friends of Reservoirs Mt Tabor Reservoir Appeal and next steps  
**Reply-To:** [friendsofreservoirs1to6@msn.com](mailto:friendsofreservoirs1to6@msn.com)

To follow-up with a little more detail on the recent hearing and next steps (the record for public testimony is continued until next Thu. 6/11 at 5pm), I'm passing along excerpts from some notes from our partners at Save Portland Water <https://www.facebook.com/saveportlanddrinkingwater>

Steve

40-50 citizens gave concrete, passionate, intelligent, and cohesive testimonies in support of Mt Tabor Neighborhood Association's position and denial of Portland Water Bureau's (PWB) appeal. There were lawyers, para-legals, doctors, teachers, successful business owners, esteemed elders, civic leaders, emotionally moved community members and more. Three members of the Historic Landmarks Commission (HLC) also passionately spoke against the PWB and the shady sham this project has been.

0 citizens testified in support of the PWB.

PWB was up to typical untoward antics. While during all prior hearings, they indicated no more than 2-3 weeks to drain/clean/fill the reservoirs, they were now trying to justify a 98 day cycle, arguing a difference in pipe sizes and thus flow dynamics in relation to draining into the distribution system versus into the sewer.,, The Oregon State Historic Preservation Office's (SHPO) and HLC's approval of these projects is contingent upon the reservoirs remaining full. SHPO will reopen the case if that is not the plan. *[I believe the*

*normal schedule for cleaning has always been no more than twice per year, so personally, I'm not clear why 3-4 times per year is now being stated - Steve]*

The second point was a grossly inflated projection for what it would take to comply with the 2009 Mt Tabor Reservoirs Historic Structures Report. Whereas in 2009 the project was tagged at \$1.5 million, they were quoting a price of \$8 million in 2018 dollars. The slide they showed was so small on the projection screen that it was illegible. They tried to argue that the HLC's ruling about removing all non-historic elements meant functional elements as well, such as the pump house serving the folks who live at elevation above the reservoir. HLC commissioners reiterated this was not the case, and they were referring to aesthetic character. As MTNA's lawyer elaborated, compliance with code does not take budget into account. And as was pointed out by the community, if any other entity, business or private, was told to comply with HLC ruling and tried to use "We can't afford it" as an excuse, they would be laughed at and denied permit.

The upshot:

1. The record is being held open for additional comment until June 11th. Anyone may submit additional testimony, including rebuttals to PWB statements at the hearing, which is certainly a key objective now. Please send testimonies to  
- [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov), [mayorcharliehailes@portlandoregon.gov](mailto:mayorcharliehailes@portlandoregon.gov), [Cindy.Reyes@portlandoregon.gov](mailto:Cindy.Reyes@portlandoregon.gov), [gail.shibley@portlandoregon.gov](mailto:gail.shibley@portlandoregon.gov), [nick@portlandoregon.gov](mailto:nick@portlandoregon.gov), [sonia.schmanski@portlandoregon.gov](mailto:sonia.schmanski@portlandoregon.gov), [dan.saltzman@portlandoregon.gov](mailto:dan.saltzman@portlandoregon.gov), [matt.grumm@portlandoregon.gov](mailto:matt.grumm@portlandoregon.gov), [brendan.finn@portlandoregon.gov](mailto:brendan.finn@portlandoregon.gov), [amanda.fritz@portlandoregon.gov](mailto:amanda.fritz@portlandoregon.gov), [patti.howard@portlandoregon.gov](mailto:patti.howard@portlandoregon.gov), [tom.bizeau@portlandoregon.gov](mailto:tom.bizeau@portlandoregon.gov), [stevenovick96@gmail.com](mailto:stevenovick96@gmail.com), [chris.warner@portlandoregon.gov](mailto:chris.warner@portlandoregon.gov)
2. The council intends to meet again, hear final rebuttals, deliberate, and likely make a "tentative decision" on June 25th at 2pm. Stay tuned for this event to be announced soon on <https://www.facebook.com/saveportlanddrinkingwater>! Please like and share this Facebook page to help spread the word! Tell your friends!!
3. A final decision will come probably 2-4 weeks later (if they don't continue the conversation to another day, or if agreement is not reached previously via mediation between parties).

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Save Portland Water

[SavePortlandWater.com](http://SavePortlandWater.com)

Dear Mayor Hales and City Council:

Mt. Tabor reservoirs are in good working order, providing clean, safe drinking water to the City of Portland. The best and most cost effective way to maintain and preserve them is to keep them as working reservoirs. If you disconnect them, you are creating "expensive water features", as Brian Emerick from the Historic Landmarks Commission stated at the hearing on May 28th.

So what is the annual cost to maintain these expensive water features? And where is this money coming from? And is your plan after disconnection able to be maintained for the next 100 years?

LT2 is a flawed law, open to interpretation as demonstrated by other cities with open reservoirs in New Jersey and New York that were granted waivers to cover their reservoirs. Why not wait until 2016 when LT2 will be reviewed and revised, and we will no longer be required to disconnect the reservoirs after all? What is the rush, Mayor Hales? Almost every single person who testified at the last hearing referred to this rush and the lack of a solid sensible plan for this park and its reservoirs.

Regarding the Portland Water Bureau and the public's lack of trust in their stewardship of our drinking water system and our beautiful park, they are already NOT maintaining the park and these historic landmarks.

Mt. Tabor park and these historic landmarks have been on a steady decline for the past decade and are already in a state of disrepair. This is NOT an opinion but a fact that anyone can see who has eyes and visits the park regularly.

*Lorothy O'Neill*  
*Aetamae Whitehill*  
*Cheryl Adelman*

*Kinnie Fox*

*Betty Marshall*

*Ruth Nide Waldroff*

*Christine Ray*

*Susan Landess*

*Helen Urbaniak*

*Katherine Kahn*

*Edmund Hilderbrand*

*Joan R. Mendis*

*August D. Mendis by Joan Mendis with Power of Attorney*  
*Alice Stevenson*

*Joy Churchill*  
 Please sign  
 on other  
 pages  
 also

(17)

Please sign  
below....

Nancy Franken

Marlynne Bo

Dorothy Tolson

Jeannette Kittleson

Christine Ray

Auson Landess

Gloria Samant

Arlene Strucker

Belinda Lakin

Diana L. Johnson

Zelda McLane

Clella Mae Hancock

John De

Josephine Monti

~~by the~~

Carmen Holub

Dorothy Edge

Della Perrin

Esther L Perkins

Mimi Acevedo

Phyllis Wood

Nicole Schaub

Deloris Bauck

Regina Lodegar

Wm R Dowson

Joann Davis

Ron M McCarty

Carol Wolff

Bernard R. Hoff (Bernie)

Alvin Swind

William R Stewart

Ron Sumner

Shirley Snyder

Ann Alwood

Please sign  
below....

Mary Jane Wittich

Jay Day

Janice C Collins

Robert Schutze

Clara G. G. G.

Betty B Dial

Luis Harley

Harold Lasley

Janet Cowan

Hazel Hale

Eleanor J. Frazier

Bertie Frazier

Jay Shepherd

Johna Rossetto

William V. Jakis

Robert C. St. John

Eden H. Spitaleri

Maralee G. G.

Rachael Stivers

Terry White

Ladana Willy

Grace Maguire

Charles M. Filipowicz

William S. Rollins

Jayne Lehsack  
13 year resident of  
So. Mt. Tabernacle neighborhood  
previously  
SE 7th St.

Alice Stevenson

Chrissy Bernard

Maaya Malamant

Janice Porter

Bernadette Logan Collins

Lillian Smith

Edith Weingardt

Bob Larkin

John

65  
17  
83

Please sign 83  
below.... 6/89

Cecelia M. Barr

George Nandor.

Marcella Hauola

Barbara J. Filiopiez

Patty & Brian Ward

Mark Olsberg

Doris Olsberg

Betty Edwards

Wanda Bryn

Ina Wagon

Alvin Swindell

Myrtis North

Joy Churchill

Silas C. Harvey

Eunice Oarden

James M. Parker 101

Robert & Berri

Edna S. Goodrich

Donna Heger

Jordan Collin

(89) Jack Schlechter

Jay Collins

Darrell Agin

Yvonne Barr

Pam Wyatt

~~Doris Olsberg~~

Apple Chummet

Amie Hannon

Myron

Peter Kuter

Janet G. McInroe

Myrtis North

This is  
An Vault-  
Aggiving

June 1, 2015

Dear Courtyard resident,

Mayor Hales does not care about our parks or our right to clean, affordable drinking water. But he does care about your vote as he is running for re-election. Please sign the following letter and it will be sent to the Mayor's office:

Dear Mayor Hales and City Council:

Mt. Tabor reservoirs are in good working order, providing clean, safe drinking water to the City of Portland. The best and most cost effective way to maintain and preserve them is to keep them as working reservoirs. If you disconnect them, you are creating "expensive water features", as Brian Emerick from the Historic Landmarks Commission stated at the hearing on May 28th.

So what is the annual cost to maintain these expensive water features? And where is this money coming from? And is your plan after disconnection able to be maintained for the next 100 years?

LT2 is a flawed law, open to interpretation as demonstrated by other cities with open reservoirs in New Jersey and New York that were granted waivers to cover their reservoirs. Why not wait until 2016 when LT2 will be reviewed and revised, and we will no longer be required to disconnect the reservoirs after all? What is the rush, Mayor Hales? Almost every single person who testified at the last hearing referred to this rush and the lack of a solid sensible plan for this park and its reservoirs.

Regarding the Portland Water Bureau and the public's lack of trust in their stewardship of our drinking water system and our beautiful park, they are already NOT maintaining the park and these historic landmarks. Mt. Tabor park and these historic landmarks have been on a steady decline for the past decade and are already in a state of disrepair. This is NOT an opinion but a fact that anyone can see who has eyes and visits the park regularly.

Thank you!  
If you approve sending this letter to Mayor Hales and City Council please sign on the letter on the table outside the Bistro and I will deliver all the signatures to Mayor Hales. Nancy Franken #2714 P 5

**Moore-Love, Karla**

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**From:** ALLEN Jason \* OPRD <Jason.Allen@oregon.gov>  
**Sent:** Monday, June 08, 2015 4:39 PM  
**To:** Carter, Tom  
**Cc:** JOHNSON Ian \* OPRD  
**Subject:** FW: Regarding SPHO letter to HLC

Hi Tom,

Below is the email I sent in January, regarding the SHPO's position on retention of water in the Mt. Tabor Reservoirs. To further clarify, our decision was based on the submission of the Water Bureau, which included agreement to keep water in them except for periods of cleaning and maintenance, these periods not to exceed 60 days per calendar year. That element was a key decision factor in our review, and if that cannot be met, we should re-consider our review result based on updated information on the periods of "downtime" that the reservoirs would be at less than historic operating level.

I'm hopeful that a solution can be found that would keep these reservoirs at operating level for the vast majority of the calendar year, so that at any given time, a visitor to the historic district stands an excellent chance of seeing these resources as they historically have been seen- with water in them at an appropriate level.

As the question of down-time is explored, please keep me advised, so that we can determine if we are maybe looking at an adverse effect, requiring a readdress of our earlier findings.

Cheers,  
-Jason

Jason M. Allen, M.A.  
Historic Preservation Specialist  
Oregon State Historic Preservation Office  
725 Summer St. NE Ste C  
Salem, OR 97301  
503.986.0579  
Jason.allen@oregon.gov

\*\*\*\*My email address has changed! Please note the new email address in your email contacts list\*\*\*\*

-----Original Message-----

**From:** ALLEN Jason \* OPRD  
**Sent:** Wednesday, January 07, 2015 12:55 PM  
**To:** 'Eileen Brady'  
**Subject:** RE: Regarding SPHO letter to HLC

Hello Eileen,

Our office found no adverse effect based on the latest proposal from Water Bureau, which includes the retention of water in the reservoirs as a condition of approval. If the project does not result in the retention of water in the reservoirs, we would be able to re-open the case and find an adverse effect at that point. This has been made clear to Water Bureau, and is implicit in our finding.

Jason M. Allen, M.A.

Historic Preservation Specialist  
Oregon State Historic Preservation Office  
725 Summer St. NE Ste C  
Salem, OR 97301  
503.986.0579  
Jason.allen@oregon.gov

\*\*\*\*My email address has changed! Please note the new email address in your email contacts list\*\*\*\*

-----Original Message-----

From: Eileen Brady [mailto:eileen@journey21.com]  
Sent: Wednesday, January 07, 2015 12:34 PM  
To: ALLEN Jason \* OPRD  
Subject: Regarding SPHO letter to HLC

Dear Jason,

I am a Mt Tabor Park neighbor in Portland and have been closely following the Historic Landmark Commission process. I understand that you have just sent a letter indicating that the current project proposed by the Portland Water Bureau has little or no historic impact to the Park for the above ground resources.

While I respect your decision, I have one request.

Would it be possible for you and your team to clarify to the HLC your opinion on maintaining water in the reservoirs as part of maintaining the historic character in the park. I understand you are supportive of this, but it was not in the letter. This would help the Commission clearly support a condition for maintaining water in the reservoir.

So, I was hoping you could send an addendum or update to your letter clarifying this point. Some think this is an obvious point but others do not. While the water itself is not historic, the vistas created by water in the reservoirs are. This has not been clarified by case law and may be challenged going forward.

Thanks for your concern and attention,

Eileen Brady  
1242 SE 60th  
Portland, OR 97215  
eileen@journey21.com

## Moore-Love, Karla

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**From:** Amy Pitts-Lore <amypittslore@gmail.com>  
**Sent:** Sunday, June 07, 2015 5:37 PM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** AGAINST Covered Reservoirs

To Whom It May Concern:

I have lived in Portland for 10 years. For much of that time, I have lived within a few blocks of Mt. Tabor, my favorite city park. Much of the park's appeal is due to the lovely reservoirs that dot the side of its slopes.

I am concerned that the decision to decommission these reservoirs that have worked so well (and continue to work well) is not in the best interest of the residents of Portland. We have the cleanest drinking water in the country. The new reservoir at Powell Butte has cracks and leaks already. It is likely that the EPA will revise the ruling that requires covered reservoirs in 2016. And the reservoirs add to the character of the park and the city.

It seems that a consultant to the Water Bureau stands to benefit from the construction of these new reservoirs. It is appalling to me that this conflict of interest has not been addressed and this consultant's advice seriously discounted.

I do not support the Portland Water Bureau's position in this matter. Please halt the decommissioning of the reservoirs.

Sincerely,

Amy Pitts

## Moore-Love, Karla

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**From:** Julia Hannegan <Julia@michaelcurrydesign.com>  
**Sent:** Friday, June 05, 2015 11:10 AM  
**To:** Council Clerk – Testimony  
**Subject:** Mt. Tabor reservoirs

Sent from my iPad

Begin forwarded message:

**From:** <Julia@michaelcurrydesign.com>  
**Date:** June 5, 2015 at 10:59:13 AM PDT  
**To:** "cctestimony@portlandoregon.gov" <cctestimony@portlandoregon.gov>

Hello,

I am writing to state my concern for the future of the reservoirs on Mt. Tabor. It is my opinion that the reservoirs preserve the vision of the forefathers of our city. When walking in the park, it is these bodies of water and the surrounding woods, that gives one a strong connection between man and nature. As our world becomes so complicated and busy these nature reserves become a vital part of our existence. that must be why I see hundreds of people walking around and sitting by the reservoirs each time I visit.

Thank you,  
Julia Hannegan

Sent from my iPad

## Moore-Love, Karla

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**From:** Eva Curry <evacurry@comcast.net>  
**Sent:** Friday, June 05, 2015 10:54 AM  
**To:** Council Clerk – Testimony  
**Subject:** Mt. Tabor reservoirs

Hello,

I am writing to express my genuine concern about the preservation of the Mt. Tabor park reservoirs. These historic landmarks are integral to the beauty of Mt. Tabor, a park that is extremely important to me and my family, as well as the entire Portland community. Please, consider the great value of and history behind the reservoirs. They absolutely must be preserved and maintained.

Thank you for your time,

Eva Curry

**Moore-Love, Karla**

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**From:** susan tompkins <odessapdx@gmail.com>  
**Sent:** Thursday, June 04, 2015 11:35 AM  
**To:** Council Clerk – Testimony  
**Subject:** water!

I am opposed to the disconnection of the reservoirs on Mt. Tabor

Susan Tompkins

## Moore-Love, Karla

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**From:** Kathryn Notson <kmnotson@yahoo.com>  
**Sent:** Wednesday, June 03, 2015 3:34 PM  
**To:** Council Clerk – Testimony  
**Subject:** Fw: Mt. Tabor Park Reservoirs LU 14-21844 HR EN

On Wednesday, June 3, 2015 3:20 PM, Kathryn Notson <kmnotson@yahoo.com> wrote:

Approvals per Exhibits C-1 through C-52, signed, stamped, and dated February 9, 2015, subject to the following conditions:

B. Following completion of the disconnection, Reservoirs #1, #5, and #6 must continue to hold water within the normal historic operating range for each reservoir, which is 50% to 75%. The reservoirs must be maintained and cleaned, and may be emptied (partially or fully) for brief periods, as necessary, to address system operational requirements, to maintain security, regulatory compliance, or for safety concerns. The reservoirs shall not be partially or fully emptied for more than 60 days total, either consecutive or non-consecutive, within

Final Findings and Decision for Page 31

Case Number LU 14-218444 HR EN – Mt. Tabor Reservoirs Disconnection

a calendar year, except in emergency circumstances. Any proposal to permanently remove visible water from the site, as required in the preceding sentence, will require a follow-up land use application to be reviewed by the Historic Landmarks Commission.

The Historic Landmarks Commission Condition B is a Water Bureau operational action, and therefore, not relevant to the land use case, and it is outside the Historic Landmarks Commission authority. It does not pertain to the March 2009 USEPA/Water Bureau agreement to disconnect the Mt. Tabor Park Reservoirs by December 31, 2015. The Historic Landmarks Commission has no authority to tell the Water Bureau how to operate Portland's public drinking water system. It is also a waste of Bull Run water that will not be used for its intended purposes for which would be paid for by water ratepayers. Stagnant water that is treated or untreated that isn't circulated in the open reservoirs will encourage fecal contamination from birds and animals, bacterial and viral growth, protozoan parasite contamination, and algal growth. It would waste ratepayer monies to store any unused water in open reservoirs which will not be part of the public water system after December 31, 2015. There are 15 Oregon counties which have declared emergency drought conditions, and it would be foolish to waste any water whatsoever.

E. The City of Portland shall formally adopt the May 2009 Mount Tabor Reservoirs Historic Structures Report and fully implement the short- and long-term restorative recommendations and maintenance therein, including removal of non-historic elements, such as light fixtures and conduit, and restoration of the contributing resources of the Mt. Tabor Park Reservoirs Historic District by December 31, 2019.

The Historic Landmarks Commission Condition E is a Water Bureau and City Council administrative action. The Historic Landmarks Commission has no authority to tell the Water Bureau or Portland City Council to officially adopt the May 2009 Historic Structures Report as it is an internal Water Bureau document that is intended for internal Water Bureau use only. This is an administrative action not required as part of the USEPA/Water Bureau March 2009 agreement to disconnect the Mt. Tabor

Park Reservoirs by December 31, 2015. This condition does not pertain to this land use case. Any maintenance, repairs, or removal of historic structures must be budgeted by the Water Bureau and approved by City Council in future fiscal year Water Bureau budgets when the Water Bureau decides to budget them. Maintenance, repairs, or removal of historic structures are not part of this land use case. The Water Bureau is required to disconnect the Mt. Tabor Park Reservoirs by December 31, 2015 only.

## Parsons, Susan

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**From:** Nanccoles729 <nanccoles729@gmail.com>  
**Sent:** Tuesday, June 02, 2015 2:18 PM  
**To:** Parsons, Susan  
**Subject:** Council Agenda

Have a suggestion for the use of the Mt Tabor reservoir. It would have the space and a lot of the work done already for a Skateboard Park. Little maintenance and the public can use it for just a minimal cost to cover maintaining the space. I think the public would accept something to help our youth.

Nancy Coles  
nanccoles729@gmail.com  
503-880-5494

Sent from my iPhone

## Parsons, Susan

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**From:** Carol Adams <carolcadams@gmail.com>  
**Sent:** Tuesday, June 02, 2015 7:18 PM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** Fwd: Mt. Tabor

**From:** Carol Adams [carolcadams@gmail.com](mailto:carolcadams@gmail.com)  
**Subject:** Mt. Tabor  
**Date:** May 31, 2015 at 9:50:42 AM PDT  
**To:** [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov)  
**Cc:** [mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov),  
[Cindy.Reyes@portlandoregon.gov](mailto:Cindy.Reyes@portlandoregon.gov), [gail.shibley@portlandoregon.gov](mailto:gail.shibley@portlandoregon.gov),  
Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>,  
[sonia.schmanski@portlandoregon.gov](mailto:sonia.schmanski@portlandoregon.gov),  
[dan.saltzman@portlandoregon.gov](mailto:dan.saltzman@portlandoregon.gov), [matt.grumm@portlandoregon.gov](mailto:matt.grumm@portlandoregon.gov),  
[brendan.finn@portlandoregon.gov](mailto:brendan.finn@portlandoregon.gov), [amanda.fritz@portlandoregon.gov](mailto:amanda.fritz@portlandoregon.gov),  
[patti.howard@portlandoregon.gov](mailto:patti.howard@portlandoregon.gov), [tom.bizeau@portlandoregon.gov](mailto:tom.bizeau@portlandoregon.gov),  
[stevenovick96@gmail.com](mailto:stevenovick96@gmail.com), [chris.warner@portlandoregon.gov](mailto:chris.warner@portlandoregon.gov)

Dear Mayor Hales and City Council:

Mt. Tabor reservoirs are in good working order, providing clean, safe drinking water to the City of Portland. The best and most cost effective way to maintain and preserve them is to keep them as working reservoirs. If you disconnect them, you are creating "expensive water features", as Brian Emerick from the Historic Landmarks Commission stated at the hearing on May 28th.

So what is the annual cost to maintain these expensive water features? And where is this money coming from? And is your plan after disconnection able to be maintained for the next 100 years?

LT2 is a flawed law, open to interpretation as demonstrated by other cities with open reservoirs in New Jersey and New York that were granted waivers to cover their reservoirs. Why not wait until 2016 when LT2 will be reviewed and revised, and we will no longer be required to disconnect the reservoirs after all? What is the rush, Mayor Hales? Almost every single person who testified at the last hearing referred to this rush and the lack of a solid sensible plan for this park and its reservoirs.

Regarding the Portland Water Bureau and the public's lack of trust in their stewardship of our drinking water system and our beautiful park, they are already

NOT maintaining the park and these historic landmarks. Mt. Tabor park and these historic landmarks have been on a steady decline for the past decade and are already in a state of disrepair. This is NOT an opinion but a fact that anyone can see who has eyes and visits the park regularly.

I am opposed to the disconnection of the reservoirs at Mt. Tabor, and I am opposed to the lack of public process in this plan, and I am opposed to the City's disregard for the public's opinion which is overwhelmingly against the destruction of these open reservoirs and the clean affordable drinking water that they provide.

This is not good governance.

This letter was written by Susan Thompson, but I gladly sign my name too.

Sincerely,

Carol C Adams

3011 SW Nottingham Dr  
Portland, Or 97201

## Moore-Love, Karla

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**From:** cynthia mooney <csmooney@hotmail.com>  
**Sent:** Monday, June 01, 2015 12:41 AM  
**To:** Council Clerk – Testimony  
**Subject:** Reservoirs

Hello,

I simply ask that you leave the reservoirs on Mt Tabor as they are. They are a beautiful and historic part of our city. I have enjoyed walking around them for years. Please listen to the neighbors who feel passionately about this issue.

Sincerely,  
Cynthia Mooney

## Moore-Love, Karla

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**From:** TERESA MCGRATH <bone1953@msn.com>  
**Sent:** Monday, June 01, 2015 5:00 AM  
**To:** Council Clerk – Testimony  
**Subject:** mtna

to the council,

we are very concerned about the mount tabor resv...

1. Urge Council to embrace the MTNA's requests
2. Reject the Water Bureau's appeal
3. Uphold all of the Historic Landmark Commission's decision, especially conditions B. and E.)

these historic properties are too important to lose..

thx,

teresa and nat

**Moore-Love, Karla**

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**From:** Melissa Stewart <missal21@gmail.com>  
**Sent:** Monday, June 01, 2015 10:56 AM  
**To:** Council Clerk – Testimony  
**Subject:** Mount Tabor reservoir disconnection

May 28, 2015

Dear City Council and Mayor Hales,

I am writing to ask you to oppose the disconnection of the 2 Mt. Tabor reservoirs, and to restore them as the iconic historic and cultural monuments that we all appreciate and deserve. The city of Portland is known worldwide for its water, the Willamette and Columbia Rivers, and nearby waterfalls, the fountains given by Simon Benson, all rejoice in a city story steeped in water. Our planning forefathers knew when building these beautiful twin basins that their utility and beauty as a source of clean drinking water would endure for generations.

My request is two fold, (and perhaps from what I heard in City Chambers, a foregone decision.) Please maintain the reservoirs for their original purpose as a clean drinking water source for Portland's citizens. There has been much scientific progress made on open cache reservoirs recently, and their reputation for supplying clean water. I urge you to reconsider the ruling and compliance with the EPA LT2, and delay until 2016 when the rule will be revised. Please take time and thoughtful consideration over a resource so important, and serve the democratic ideals of our city by putting this forward as a referendum for public vote. We all deserve to participate in the future of our drinking water.

Secondly, and these two issues go hand in hand, maintain these historic structures as the architectural gems and historic landmarks they are. We all take pride in the view of our city from these reservoirs. Have you visited them lately, with an out of town friend or relative? You owe it to yourselves to stand and enjoy the view, reflected in the surface waters, and are reminded that a city is known for its landmarks and cultural heritage. And that we are all stewards of these incredible

engineered water features.

So please, do the right thing. Make a vote for a future Portland, known for its water and its clear foresighted planning. Give the citizens of Portland a reason to rejoice daily in a resource we all too often taken for granted. Save and preserve the Tabor reservoirs, for all future Portland citizens to enjoy and celebrate. Thank you.

Sincerely,

Melissa G. Stewart

1202 SE 47<sup>th</sup> Avenue

Portland, OR 97215

**Moore-Love, Karla**

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**From:** Susie Snyder <susiesnyder@msn.com>  
**Sent:** Sunday, May 31, 2015 10:41 PM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** Preserve Mt Tabor Reservoirs

Please do all that you can to preserve our historic Mt Tabor Reservoirs and keep them filled and beautiful. They are a uniquely precious and iconic part of our Portland Heritage.

Susie Snyder  
5616 SE Hawthorne Blvd

## Moore-Love, Karla

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**From:** susan tompkins <odessapdx@gmail.com>  
**Sent:** Sunday, May 31, 2015 9:51 AM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** Mt. Tabor

Dear Mayor Hales and City Council:

Mt. Tabor reservoirs are in good working order, providing clean, safe drinking water to the City of Portland. The best and most cost effective way to maintain and preserve them is to keep them as working reservoirs. If you disconnect them, you are creating "expensive water features", as Brian Emerick from the Historic Landmarks Commission stated at the hearing on May 28th.

So what is the annual cost to maintain these expensive water features? And where is this money coming from? And is your plan after disconnection able to be maintained for the next 100 years?

LT2 is a flawed law, open to interpretation as demonstrated by other cities with open reservoirs in New Jersey and New York that were granted waivers to cover their reservoirs. Why not wait until 2016 when LT2 will be reviewed and revised, and we will no longer be required to disconnect the reservoirs after all? What is the rush, Mayor Hales? Almost every single person who testified at the last hearing referred to this rush and the lack of a solid sensible plan for this park and its reservoirs.

Regarding the Portland Water Bureau and the public's lack of trust in their stewardship of our drinking water system and our beautiful park, they are already NOT maintaining the park and these historic landmarks. Mt. Tabor park and these historic landmarks have been on a steady decline for the past decade and are already in a state of disrepair. This is NOT an opinion but a fact that anyone can see who has eyes and visits the park regularly.

I am opposed to the disconnection of the reservoirs at Mt. Tabor, and I am opposed to the lack of public process in this plan, and I am opposed to the City's disregard for the public's opinion which is overwhelmingly against the destruction of these open reservoirs and the clean affordable drinking water that they provide.

This is not good governance.

Sincerely,  
Susan Tompkins  
1030 SE 69th Ave.  
Portland, OR  
97215

**Moore-Love, Karla**

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**From:** Courtney Scott <courtney@scottwork.com>  
**Sent:** Saturday, May 30, 2015 9:13 PM  
**To:** Council Clerk – Testimony  
**Cc:** Hales, Mayor; Reyes, Cindy; Shibley, Gail; Commissioner Fish; Schmanski, Sonia; Saltzman, Dan; Grumm, Matt; Finn, Brendan; Fritz, Amanda; Howard, Patti; Bizeau, Tom; stevenovick96@gmail.com; Warner, Chris  
**Subject:** [User Approved] PWB reservoirs

I am writing to make it clear that I do not support the PWB's proposal.

The Mt. Tabor and WA Park reservoir for that matter should be left as they are. The very least the PWB can do is maintain the integrity of these treasured historic sites. I was shocked to learn at the latest city council hearing that the PWB claims it takes 98 days to drain the reservoir! Is that just the usual bureaucracy at work? Or is it a stalling tactic so the agency doesn't have to do the work of maintaining the reservoir as the Neighborhood Association and Historical society demand that it do?

My central question is why is this project, to disconnect the reservoirs, moving forward at all? Why doesn't PWB and city council wait until the EPA reviews the LT2 rule in 2016? I was not able to stay longer than two hours to have a chance to ask the council that question.

Please respond and tell me why we have to proceed on this path that will cost rate payers millions of dollars, bury our water in tanks that are not even constructed properly, and destroy our beautiful reservoirs-- when just a year from now the federal government may not require these changes?

Sincerely,

Courtney Scott  
2106 NE Flanders  
Portland, OR 97232

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<http://courtneyscott.org/> <http://fromsufferingtosatorimovie.com/>  
<http://freeoregonzooelephants.org/>

**Moore-Love, Karla**

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**From:** Tony Schaefer <tonykishi@gmail.com>  
**Sent:** Friday, May 29, 2015 8:59 PM  
**To:** Council Clerk – Testimony  
**Subject:** Mt tabor reservoirs

My city Portland is a representative city, you represent us you listen to us you do what is best for us. Please keep the mt tabor reservoirs . We love and enjoy them so much. They are a part of our city's heritage not to be swept aside. They need to be passed on to our children. Please keep them for the future. Thank you. Dr schaefer

Sent from my iPhone