



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF OCTOBER, 2012 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Fish, Fritz and Leonard, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

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

COMMUNICATIONS	Disposition:
<p>1157 Request of Daniel Hall to address Council regarding Portland's Climate Action Plan and high carbon fuels (Communication)</p>	PLACED ON FILE
<p>1158 Request of Sarah Hobbs to address Council regarding how the city treats the homeless (Communication)</p>	PLACED ON FILE
<p>1159 Request of David Gwyther to address Council regarding ground transportation issue (Communication)</p>	PLACED ON FILE
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>Bureau of Emergency Management</p> <p>*1160 Authorize application to the Federal Emergency Management Agency Community Resilience Innovation Challenge Grant for an award in the amount of \$35,000 to fund additional equipment for the Neighborhood Emergency Communications Sites (Ordinance) (Y-4)</p>	185675
<p>Office of Management and Finance</p> <p>1161 Accept bid of Moore Excavation, Inc. for the Rose City Sewer Rehabilitation Project for \$5,924,745 (Procurement Report-Bid No. 114361) (Y-4)</p>	ACCEPTED PREPARE CONTRACT

October 17, 2012

Commissioner Randy Leonard
Position No. 4

Portland Fire & Rescue

- 1162** Amend an Intergovernmental Agreement with Portland Community College for ongoing Emergency Medical Services training (Second Reading Agenda 1142; amend Contract No. 30001806)
(Y-4)

185676

Commissioner Nick Fish
Position No. 2

Portland Housing Bureau

- *1163** Authorize Intergovernmental Agreement between Multnomah County Department of County Human Services and the Portland Housing Bureau in support of outreach and permanent housing placement activities for people experiencing homelessness in East County (Ordinance)
(Y-4)

185677

Portland Parks & Recreation

- 1164** Accept a grant from Oregon Department of Education and authorize a contract with Centennial School District for the Afterschool At-Risk Meal and Snack Program (Ordinance)

**PASSED TO
SECOND READING
OCTOBER 24, 2012
AT 9:30 AM**

Commissioner Dan Saltzman
Position No. 3

Bureau of Environmental Services

- *1165** Accept and appropriate a grant in the amount of \$50,000 from U.S. Fish & Wildlife Service for Crystal Springs Culvert Replacement Designs (Ordinance)
(Y-4)

185678

- 1166** Authorize Intergovernmental Agreement with Portland State University to plan and implement stewardship activities (Second Reading Agenda 1145)
(Y-4)

185679

- 1167** Amend contract with BergerABAM for additional work and compensation for the Skidmore and Safeway Pump Station Remodels Project Nos. E10291 and E10292 (Second Reading Agenda 1146; amend Contract No. 30002704)
(Y-4)

185680

- 1168** Authorize a contract with Brown and Caldwell, Inc. for professional services for the Alder Wastewater pump Station Upgrade Project No. E10359 (Second Reading Agenda 1147)
(Y-4)

185681

<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>	
<p>1169 Amend the Comprehensive Plan and Zoning Map for properties along and near SE 122nd Ave between Powell Blvd and Foster Rd (Second Reading Agenda 1155; amend Title 33, Comprehensive Plan Map)</p> <p>(Y-4)</p>	<p>185682 AS AMENDED</p>
<p>Office of Management and Finance</p>	
<p>1170 Ratify a Successor Collective Bargaining Agreement between the City on behalf of Portland Fire & Rescue and the Portland Fire Fighters Association relating to the terms and conditions of employment of represented employees in the Portland Fire Fighters Association bargaining unit for 2012-2016 (Second Reading Agenda 1134)</p> <p>(Y-4)</p>	<p>185683</p>
<p>Commissioner Randy Leonard Position No. 4</p> <p>Water Bureau</p>	
<p>1171 Authorize the Portland Water Bureau to purchase property located near the Bull Run Watershed to enhance protection of the Watershed, secure right of ways for the conduit routes, contribute to Endangered Species Act compliance and provide for payment (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 24, 2012 AT 9:30 AM</p>
<p>1172 Assess benefited properties for water main improvements in the Deltawood Phase I Local Improvement District (Second Reading Agenda 1131; C-10031)</p>	<p>PASSED TO SECOND READING OCTOBER 24, 2012 AT 9:30 AM</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>	
<p>1173 Amend various sections of the Public Works Improvement Code and Plumbing Regulations to implement the new policies related to the City's Nonconforming Sewer Conversion Program (Previous Agenda 1153; amend Code Chapters 17.32, 17.33, 17.36 and Title 25) 10 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 24, 2012 AT 9:30 AM</p>

October 17, 2012

At 10:32 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

WEDNESDAY, 2:00 PM, OCTOBER 17, 2012

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

October 17, 2012
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

OCTOBER 17, 2012 9:30 AM

Saltzman: We have three proclamations to read, and I will recognize commissioner Fish first for reuse week proclamation.

Fish: Thank you, dan. Do we have someone here for reuse? Is andy here? No. Perhaps he's delayed, so I will just go ahead and read the proclamation. And if andy from community warehouse gets here we'll have him come up and say a few words. This represents our fourth annual reuse week. And I am proud of the growth of the coalition that's come together. In 2009, the community warehouse executive director christie wood shared her vision for a more collaborative reuse community, and kick off the first reuse week. And in 2010, reuse pdx was born. Last year, our reuse community formalized the national reuse alliance. Portland will host the coveted reuse conference, reuse conex. I am proud to support the reuse community and read this proclamation in recognition of nature work on behalf of the mayor. Whereas, since 2009, reuse week has celebrated the values of sustainability and community building. And the local organizations that bring them to life through sharing, borrowing, and swapping goods, and whereas the recently established Oregon chapter of the reuse alliance was selected to host the reuse alliance semi-annual reuse connect conference this month in Portland. And whereas, the conference hosted by local nonprofit, profits community warehouse, scrap, and the habitat for humanity restore, will bring hundreds of reuse professionals to Portland. And whereas the centerpiece of the conference will be the reuse expo at the doubletree lloyd center on october 20th. Featuring reuse-based exhibitors, a refashion show and a reart exhibit along with reuse workshops. And where's the Oregon chapter furthers the climate action goals of reducing local carbon emissions by 80% by 2050, decreasing total sol waste generated by 25%, by 2030, and minimizing the carbon emissions from waste disposal, and whereas the environmental protection agency reports that sending 10,000 pounds of the material to an incinerator, creates one job, and sending it to the landfill creates six jobs, and recycling creates 36 jobs. And reusing it creates anywhere from 28 to 300 jobs. And whereas together with our reuse partners, the Portland city council, and the Multnomah county board of commissioners will promote, work to promote the value of reuse and increase its understanding and practice in Portland and Multnomah county, and now therefore i, on behalf of sam Adams, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim october 17th through october 23, 2012 to be Portland's forth annual reuse week and encourage all residents to join in the observance. Congratulations to everyone at reuse.

Saltzman: Thank you, commissioner Fish. Our next proclamation, commissioner amanda Fritz will read.

Fritz: Thank you, president Saltzman. Someone from ohsu here? Come forward. It gives me great satisfaction to read this proclamation. You can just have a seat. Wonderful, thank you. Gives me very great satisfaction to read this proclamation on behalf of mayor Adams. Whereas Oregon health and science university, ohsu, has achieved designation as a magnet hospital for the american nurses credentialing center, which is the highest distinction that a hospital can receive for nursing excellence, and whereas, the center's commission on magnet dedication decision was unanimous, and Oregon health and science university is one of only five hospitals in Oregon, to receive this designation, and whereas Oregon's health and science university is among only 6% of the nation's

October 17, 2012

hospitals recognized as a magnet facility. And whereas magnet designation provides Oregonians with the ultimate benchmark to measure the quality of care that they can receive. And whereas, the compassionate, caring, expertise, intelligence, knowledge, and passion of ohsu's 2,400 nurses have benefited thousands of residents, residents, and their families, and whereas Oregon health and science university invites friends of ohsu and the entire university community to celebrate this special award on october 17th, 2012, and to honor nursing excellence in which registered nurses strive to provide great patient care and map out the way to improve our health care system. I am going to ad-lib another whereas, whereas the Oregon, the nurses at the Oregon health and science university are represented by the Oregon nurse's association of which amanda Fritz is a very proud, continuing member. Now, therefore, sam Adams, the mayor, of the city of Portland, Oregon, the city of roses does hereby proclaim october 17th, 2012, to be ohsu magnet recognition day in Portland and encourages all residents to join in this observance. Would you like to tell folks what this means to you and what is magnet designation and how it took ten years for us to achieve it, right. Couple of words about that.

Saltzman: Give us your name.

Basilia Basin(?): I am bassia basin, a nurse at ohsu. And magnet designation is a really prestigious designation to represent nursing excellence and our commitment to patient quality care and compassion. And can we were above and beyond in our abilities to demonstrate that to the magnet committee. We were on this journey for ten years, and finally, our, everything aligned so that we were able to meet the requirements in order to apply for magnet designation, and we have put a lot of hard work into this, and our nurses are very proud to, to finally receive this designation. Thank you.

Fritz: Thank you.

Sharon Dunham: I am sharon dunham, and I have been on this journey since the inception with the memorandum of understanding ten years ago, and I will echo everything that basilia said. In addition, this is the journey, this does not end here. The bar set even higher for our next achievement of this, and so, we continue to strive for any excellence that we can do, and it's not just nursing. It's everyone at ohsu.

Fritz: Thank you very much. Colleagues if, you would not mind photograph, I would appreciate it.

Saltzman: We saved the best proclamation for the last, and that is mary beth henry appreciation day so come up, mary beth henry. So mary beth henry, as we all know, is the head of the office for community technology. And she recently won the very prestigious herman kehrlri award from the league of Oregon cities, the outstanding public employee, and so we're claiming today mary beth henry appreciation day, and I am going to read the proclamation. Whereas, the league of Oregon cities prestigious 2012 herman kehrlri award, was presented to mary beth henry. The city of Portland's manager of the office for community technology. During the league's 87th annual conference. And whereas, the award is given to a city employee who has made exceptional contributions to the city government in Oregon. Producing lasting benefits for their local community. And whereas, for more than 20 years, mary beth henry has serve as a tireless leader and advocate for local governments, and public interests in technology issues, and including advocating for community broadband, maintaining local control, and insuring payment of fair rent by private companies using public rights-of-way, and whereas locally, she was a key leader in multiple efforts to bring increased broadband resources to Portland, and outlying communities. And currently provides leadership and management for the city's broadband strategic plan, a model for city in Oregon and across the united states. And whereas, at the state level, mary beth henry has been recognized for excellence in telecommunications legislation and in 2010, was appointed by the governor to represent Oregon cities on the Oregon broadband advisory council where she was elected vice chair by her colleagues. And whereas, nationally, mary beth henry has represented and advocated for local governments in front of the u.s. Congress and the federal communications

October 17, 2012

commission. And serve as president of the national association of telecommunications officers and advisors. Known as NATOA, and was awarded life membership in 2010. So, now therefore i, sam Adams, mayor of the city of Portland, the city of roses, congratulates mary beth henry on her prestigious award and thank her for her excellent work on behalf of all Portlanders and do hereby proclaim wednesday, october 17th, 2012, to be mary beth henry appreciation day in Portland and encourage all residents to join in observance. [applause] would you like to say few words?

Mary Beth Henry: Thank you commissioner Saltzman. I am really deeply honored by this recognition today. I believe it is a reflection of the importance of our work. Charging fair rent for private profit making use of public property, and insuring abundant, affordable broadband for all of our citizens. It's also a reflection of the opportunities that I have been given and the amazing people with whom I have had the good fortune to work. I would like to thank commissioners Fritz and Saltzman for your support in leadership on broadband and digital equity. And I would also like to thank my staff in the office for community technology who are with me here today. Please stand. [applause] without whom this would not be possible. I would like to recognize my new boss and co-workers in the revenue bureau. The new location for office and community technology. You are also here. I would also like to thank david olsen, a former director of the cable office. And finally, the mount hood cable regulatory commission, which consistently supports community interests in communications. Thank you very much.

Saltzman: Thank you. Mary beth, how about a picture with the council here.

Henry: Oh, sure.

Saltzman: Ok. Thousand we'll begin our formal business. Karla, please call the roll.

Leonard: Here. **Fritz:** Here. **Fish:** Here. **Saltzman:** Here.

Saltzman: Ok, we'll begin with communications. Item 1157.

Item 1157.

Saltzman: Welcome. Give us your name and you have three minutes, and there is a clock right in front of you.

Daniel Hall: Yep. Good morning, I am daniel hall, i'm an independent environmental policy analyst, and I am here representing myself and the environmental group forest ethics. We would like to work with you to protect effectiveness of the city's landmark climate action plan by shifting the city's use of petroleum fuel away from sources that have exceptionally high carbon footprints and other high environmental and social impacts. One important component of the city's climate action plan is reducing the carbon footprint of transportation fueled by 20%. However, it will be difficult to achieve this goal, through steps like the vehicle efficiency, when the carbon footprint of these is otherwise likely to grow by as much as 300 to 500%. The solution is for Portland to join other cities and companies, to more actively avoid high carbon fuels. So, let me flush this out of that. In alberta, canada, a fourth the size of maine, is being clear cut, strip mind and drilled for injection wells so that's, that crude oil can be cooked out of the tar sands. Cooking oil out of the ground and convert it to oil uses massive quantities of natural gas, so much so that the tar sands fuel has a greenhouse gas footprint that is 300 to 500 times that of normal petroleum oil. Wildlife habitat loss, immense toxic ponds, and increased air pollution refineries, including here in the u.s.

Fish: Karla, is that the mic? Should we try different one? It keeps -- all right. Sorry, it just breaks up a bit.

Hall: Tar sands oil is finding its way into the fuel supply and will likely increase if action is not taken. 90% of the state's petroleum comes from Washington refineries. All of which take inputs from the tar sands, and most of which can get their tar sands inputs via the trans-mountain pipeline, which is scheduled to double the capacity. Portland's climate action plan calls for increased vehicle efficiency, biofuels and ethanol and diesel and gasoline, these are great steps. But the more that the remaining petroleum content comes from the tar sands, the more that these steps will be offset and negate by the tar sands high carbon content. Forest ethics, the sierra club, and rdc other

October 17, 2012

environmental groups are working with the cities of Portland, maine, seattle, bellingham, Washington, and vancouver, b.c. to help them take action. And a growing number of companies can, including walgreens, chiquita, whole foods and trader joe's are also taking action. We hope that Portland will join them to take steps to minimize the tar sands inputs in the city's supply chain to, protect the effectiveness of the climate action plan, and to help protect forests, water, air quality, by reducing the market demand for this toxic fuel. Thank you. We're in touch with the mayor's office staff, and we'll look forward to working with you as it proceeds, and hopefully, we'll get a photo op.

Saltzman: Thank you. Karla, read 1158, please.

Item 1158.

Saltzman: Welcome.

*******:** Good morning.

Saltzman: If you could give us your name and you have three minutes and the clock is right in front of you.

Sarah Hobbs: Good morning, I am sarah hobbs. And recently, as the opening of the streetcar, I was hoping the mayor could be here. He was leading the marching band down to the streetcar during the opening. He looked straight at me and asked me how I was doing, and the reality is, I am quite angry at things that I have seen that have been done to the homeless here in Portland. For the record, I am housed. I have never been unhoused. But, I have come very close twice due to the domestic violence of being homeless. So, the homeless issue something that I take very seriously. Recently, I was out talking to some of my homeless friends early in the morning across the street as they were out camping out in front of chapman park. They were out on the sidewalk, not in the park. I had begun to leave but you noticed two Portland police officers had come up, and I thought, and I watched, I watched the officers. You could say they did not kick them hard, but they still kicked a number of the homeless that were asleep on the sidewalk to wake them up. And a number of them woken up from a sound sleep, woke up combative, and there was a heated discussion taking place between the police officers. When I get woken up out of a sound sleep, and have ptsd, I become combative. It's not that I am, that I want to be, it's just the reaction of it. I saw the police force saying they were beyond the curb boundary and force them to move their stuff saying that they were in violation of the law because they were that far over the code. I watched one person from a sound sleep, woke up, something fell out of their pockets, and they were arrested on something that the city consider cans illegal. But, it fell out of their pocket when they woke up. You know. Very disorient and combative but they were kicked and woken up out of a sound sleep. I watched others concerned that if they leave their stuff alone on the sidewalk, just for minutes, that it's going to be confiscated, and I question, what is homelessness? Clearing out the streets in front of city hall, having downtown look clean, doesn't mean the problem is going away. Out in east county, does not mean the problem is going away. And this issue of the homeless needs to be addressed. It is real problem. Let's not just try to cover it up and think it will go away. Thank you.

Saltzman: Thank you, miss hobbs. If you could read the next communication.

Item 1159.

Saltzman: Welcome, mr. Gwyther.

*******:** May I have a few seconds to thank a retiring commissioner for his service to Portland. First.

Saltzman: Go ahead and give us your name.

David Gwyther: I am sorry, david gwyther. I wanted to thank randy, excuse me, commissioner Leonard for his service first as a marine, second as a firefighter, union rep, and a state legislator, and now commissioner, and I am a lease driver at radio cab and we would like to offer him a position afterwards. And that brings me to my point. Radio cab was founded by veterans after

October 17, 2012

world war ii, korea, vets, etc. I am not a representative, just a lease driver that happens to be politically involved. We compete as commissioner Saltzman pointed out to the group that spent two years trying to come up with recommendations for permits with, with numerous forms of transportation, rent-a-cars, zip car, car to go. Tri-met has not only their own fleet of vehicles for, for medically indigent people, medically necessary transportation, but they also subcontract with a group. These are all contracts that used to be part of the cab, but they are not any more. The streetcar loop will be a boom to Portland, no question about it, but it's also rides that cabs won't be going over to omsi, etc. Would you rather take your kids in the cab or the streetcar? The streetcar more fun. So unfortunately, we have inadvertently created one of the best environments for tourist, etc., but as a cab driver, there are certain things that have been done, and not done that, in some cases, inadvertently make it hard to do business. For example, the fellow in charge of our industry recently said you cannot flag a cab. Well, that's not true. Otherwise, green cab, only gets 1.5 calls per cab per day, would have a very hard time making a living. They sit out at the airport or on the stands downtown because nobody wants to call them. 20 years ago, I remember the hearing, where they got their permits. And they had lots of great ideas. They were going to be owned by the drivers, they were going to be non smoking, and etc., etc., and they were going to, to serve the northeast, and that went by the wayside as soon as they got out to the airport. The only way you can get a cab in northeast Portland, a green cab is to throw yourself on the hood while they are going to the airport. And anyway, we're in a situation now where they have spent two years making recommendations. At radio, I know for a fact that you have to go through a lottery. To get a cab on the weekends. And what are we going to tell the vets coming back from afghanistan? And afghanistan and, and iraq. Sorry, you have to go to solidarity camp because we have decided that this is a better way to do things. Those cabs were full from what I understand. And so, if you want to do it right, take the, the permits away from broadway, and allow solidarity to form. And make it work that way because otherwise you are going to inundate the market with cabs. Unfortunately, there is only two things that we can do to influence you. At the ballot box, and unfortunately, commissioner Fritz, is the only one up for election, and we're working on that. She's seen radio cab. I remember taking her over there the first time around. Or litigation, and I think that you have enough lawsuits. Last time I checked, you have a very active, a lot of litigation going on, and it wouldn't take plaintiff's lawyer more than a few, you know, to read through the law, it's based on need for the customers, in terms of expansion of the fleet. Radio cab show need because of our computer system. We log all the calls in, etc., but, anyway, I am in a situation now where, you know, I would like to retire.

Saltzman: I need you to wrap up. I have let you go 30 seconds beyond.

Gwyther: I hope we can get a hearing so I can expand on this.

Saltzman: We'll have one on november 7th.

Gwyther: Thank you.

Saltzman: Ok, thank you, and now we'll move to the consent agenda. Is there anybody that wishes to have an item removed from the consent agenda? Ok. Hearing no, no objections. If you could call the roll on the consent agenda.

*****: [inaudible]

Saltzman: Which item? Karla, you will read the item and we'll pull it.

Moore-Love: That's on the regular agenda.

Saltzman: Oh, it is on the regular agenda, so you will have a chance to testify on that. Ok. So no other items, no, nothing pulled from the consent, please call the roll.

Leonard: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye.

Saltzman: The consent agenda is approved and we'll move at our -- oh, we have no time certain to our regular agenda item 1169. Second reading. Vote only.

Item 1169.

October 17, 2012

Saltzman: Ok. Call the roll.

Leonard: Aye.

Fritz: Here is another great collaboration between the community around 122nd and the planning bureau and others, and the office of neighborhood involvement, I appreciate everybody's work, aye.

Fish: Aye.

Saltzman: Well, good work to the bureau of planning and sustainability and also all the east Portland neighbors who were so active in this. Aye. Ok, approved. And we move onto 1170, which is also second reading.

Item 1170.

Saltzman: Please call the roll.

Leonard: I'm one of those people who sometimes makes remarks and later realizes that I left things out. Last week after thanking the firefighters' association, for their work, I overlooked thanking anna kanwit, who marked this as her first successful collective bargaining agreement and her team. Jerell and others that work on it, and they, they -- the remarks that, I attribute to the firefighters for their collaboration, and willingness to compromise, equally, apply to anna and her team. So, I appreciate greatly all of their efforts in bringing us this collective bargaining agreement, aye.

Fritz: I appreciate the effort that went into this. I think next year we need to have a discussion of how contracts are negotiated and when council is notified. There is some things in the agreement that I am concerned about particularly premium pay for public information officers in the fire bureau. I recognize that it's been reached by a collective bargaining process. The challenge is making sure that the elected officials are involved at the appropriate time, and as I said, we'll work on that next year. Aye.

Fish: Aye.

Saltzman: Aye. The agreement is ratified. We move onto 1171.

Item 1171.

Saltzman: Commissioner Leonard.

Leonard: I'm going to turn this over to david shaff, but also, I want to recognize the success that, that the water bureau has achieved in adding to the lands that have been acquired over the past century, plus, to further insulate the watershed that we get our pristine water from public intrusion by the acquisition of lands when they come up for sale. So, this is another great example of the water bureau proactively looking to acquire more properties that are contiguous to the bull run watershed, so I wanted to thank them for their work.

David Shaff: Thank you. I'm david shaff, the director of the Portland water bureau. With me are eddie campbell, the director of the resource protection and planning group, and tom klutz, our property manager for the bureau. And before I start, I will just make a comment, I am I am going to do quick power point, I know my boss is not a fan them, but, they are good, instructive slides, and then just a comment about the earlier comment. As much as I appreciate randy's service, I would not recommend him as a cab driver. I have ridden with the commissioner, and I just think it's a bad idea, so, I am hoping he finds something else.

Saltzman: How about a pilot.

Shaff: No. Ok. [laughter] So, Karla, ok. So, make sure I work this thing. What are we here for? We're proposing to purchase approximately 205 acres of private land previously owned by pge, adjacent to and inside the bull run management unit. For this fiscal year's budget and the current cost -- the cost is not to exceed \$1.65 million. We have negotiated the sale for \$1.587 million, and there is \$60,000 in the not to exceed cap to cover the potential closing and escrow costs that at this point, are still estimated. So, let's give a little background. Excuse me, pge first announced in 1999 that it would close the bull run hydroelectric facilities in the sandy river basin, and remove the

October 17, 2012

marmot and little sandy river dams and their related equipment. The two dams were decommissioned in 2007 and in 2008. And pge divested itself of over 1100 acres of land in the sandy river basin, including land located in the bull run management unit. Excuse me, and the lower bull run watershed. Portland's primary drinking water source. These properties were donated to the western rivers conservancy, wrc, a nonprofit land conservancy, an excerpt from wrc website says, western river's conservancy identifies key river lands, enters into negotiations with private landowners, including corporations, families and utilities, and creates strategies to purchase and conserve those sensitive river lands by transferring them to public or private stewards for long-term conservation and management. So, this has been in the works for well over a decade from the time that pge announced it would be divesting itself of these lands, and donating them to wrc. We've been working with and negotiating with wrc on purchase of some of the lands. Some of these lands are of significant interest to the water bureau, as they are located adjacent to the bull run management unit, and adjacent to city owned land in the lower bull run watershed. It's extremely rare to have an opportunity to purchase land inside the watershed, and inside the boundaries of the bull run management unit, and if we don't purchase them, these parcels could potentially be sold to private entities. So, what's our rationale? We're looking at a source of water protection, regulatory compliance, operational efficiencies and security. When wrc originally approached the water bureau, with the proposal, they proposed that we purchase 270 acres of land. An analysis that we conducted, concluded that of those 270 acres, approximately 181 acres were a value to us as the site, as the site of current and future critical water supply infrastructure. In addition, we're going to be acquiring approximately 24 acres at \$1 per parcel so that's five additional parcels at \$1 per parcel, which amounts to 24 acres. Acquisition of these parcels will allow the water bureau to increase our watershed protection, decrease opportunities for trespass into the management unit. And acquiring these properties contribute to satisfying some of the mandate conservation goals set out in the bull run water supply habitat conservation plan. As you may remember, the acp was passed by the council in 2008. And its implementation brings the city into compliance with both the federal clean water act and the endangered species act. So let's talk about each of those individual criteria. On source water protection, all non federal lands in the bull run watershed management unit will now be owned and protected by the city of Portland, so, if it's not owned by the federal government, it will be owned by the city of Portland water bureau. Water quality and natural habitat in the lower bull run, and in the little sandy rivers will be protected. From a regulatory compliance standpoint, riparian habitat protection, as I said, will contribute to our endangered species act compliance, and the goals of our hcp that we passed in 2008. From an operational efficiency, the land on which we have water infrastructure will now be owned by the city of Portland. It will provide one of the parcels, and we'll get into the maps in a minute. We'll provide a site for staging a water system improvement project. And it could be the site of a future location for the eventual replacement of our maintenance facility, which we referred to as sandy river station. From a security standpoint, this gives us better control of access to the bull run management unit main gate and one of the adjacent gates, land adjacent to the southern most gate, the homestead gate will now be owned by the city. And it creates a bigger buffer zone between privately held land and our management unit. So, let's get into the actual parcels. This is the, the dodge park area, the confluence of the bull run, bull run river and the sandy river, and this is an old pge trolley route. If you will -- you won't recall, but maybe randy would recall, there was a trolley way back when. I don't know why i'm doing this to you. It's an old pge route --

Saltzman: From the irvington neighborhood out to bull run.

Fish: Whatever job security measures you put, I hope it's not a city policy.

Shaff: It went all the way to dodge park, and you will see pictures, old trolley cars with dodge park as the destination. So, that upper piece is pge land, the land to the east of that is camp nomado, campfire girls, approximately nine point some odd acres, and conduit three as you can perhaps see,

October 17, 2012

runs through right about the middle of it. And, then the two smaller parcels are, are part of that pge trolley line, across the river, and in dodge park. So, there are very little value to anybody other than the water bureau. But, they don't have a whole lot of timber value, and so the, the assess value or the value that we have gotten them from, from wrc was a dollar apiece. If you look at the next one, this is an interesting piece of, of property. It's 12 acres. It's the skinny little piece of land that borders the bull run river. It will be conveyed to the bureau for a dollar. It consists of 12 acres along the lower bull run, ownership of this parcel will result in the ownership and protection of the, river bank of the entire lower bull run river from the management unit to its confluence, with the sandy river. The blue property over on the right already is water bureau property, and that purple hatch property is on the other side, the other bank of the river, so the entire bull run river on either side will be own by the Portland water bureau and protected. The land to --

Saltzman: How wide is that?

Shaff: It's like, like 20, 30 feet, something like that, and on the other side of that, all of that property is owned by a timber company can. So, ownership and protection of this area will contribute to satisfying some of our mandated conservation goals set out in our hep. The next parcel, parcel e is the largest one, and the one of the most value. It's 140 acres, approximately, and it's located just outside of the main gate on water works road. And it's agreed upon evaluation is approximately \$1.1 million and that's approximately the value of the timber harvest all three of the conduits, that carry water to Portland, lay beneath some portion of this parcel. Conduit 3, is, crosses over the north portion, and conduits two and four cross over the, the very southern portions. In addition, the portion of this parcel near the entrance to the main gate has been identified as the possible site for the future relocation of our maintenance station, sandy river. The current maintenance station is located on the opposite side of the bull run river, making access to the watered shed by the main gate in the event of a road or bridge failure, much more difficult. The current station is located in the sandy river floodplain, could be render inoperable or destroyed by flooding, this is not something that we have in our five-year or our ten or 15-year horizon. To move sandy river station. But, it's a piece of property that's available now, that makes sense for us to acquire, so that when we can eventually move sandy river station to the entrance to the watershed, we will be able to. In addition on the very southern, southeastern portion of the parcel, is one of the alternate gates to the entries to the bull run management unit. In the event the main gates are not accessible. I am going to continue on with this parcel because it's the largest and the most valuable. This is what we refer to as ditch camp. Acquisition of this particular piece of property is one that we're very interested in. This is, if you have gone to the watershed, this is near the powerhouse, the bull run powerhouse just as you cross over the bull run river. And that southern portion is very steep, prone to landslides, and you have pictures here in, and the next picture I will show you are of landslides that have occurred in this area. We have gone through extensive efforts to stabilize, protect, and monitor the conduits running through this piece of property. And here you have an example where there's been a slide of some of the portion of the property. Our goal is to own this property and then monitor it and, maintain it so that our conduits are protected. You may remember my second year here working for the water bureau, of the ditch camp project was one of those. That we worked on to address our system's vulnerability issues. These are conduits two and four, and they run through the lower portion of this parcel e. And they used to be sitting up above ground. And we rebuilt the cradle that they are, in and we surrounded them with styrofoam blocks, and then low density fill concrete, and then covered the, the, covered the conduits, this is an active landslide area, and owning this piece property and doing the work that we have done here helps to protect those two conduits that bring water into Portland. Parcels f and g are 37 acres, and f is the upper one. It is located inside the bull run management unit. It shares a property line with city of Portland property. Already owned land, and it's adjacent to the parcel g. And it's agreed upon value is \$127,000. Parcel g, the lower one is located adjacent to parcel f, also, partly inside the bull

October 17, 2012

run management unit. Its agreed upon value is \$363,000. Now, this is one of the areas where we worked with western rivers, and clackamas county to get a lot line adjustment because if you see to the left of the parcel g, icon, that's pink shaded land. That's wrc land. That's land that they original wanted us to purchase, and we said, the cost of this would be too great, and we passed on that. And the reason that we pass on that is because it's outside of the band, of the boundary unit, and it does not include any of the riparian lands, and it doesn't help that section wouldn't help us in our compliance with our hcp. However, parcels f and g do. The little sandy river runs through those, and protection of the river bank areas, and that will contribute to satisfying some of our obligations under the hcp. And our last one, is parcel h, a small three acre parcel, it's located entirely inside the bull run management unit, and it's surrounded by either forest service or the city of Portland land. It's worth approximately \$15,000. And again, located on the little sandy river, and protection of the, of the river bank areas here, again, contribute to our compliance on the hcp. So, those are the properties. And either I or eddie or tom can answer any questions that you may have.

Saltzman: Questions from the council?

Fritz: Thank you, that was helpful presentation, and the maps, especially. You said that pge donated the land to --

Shaff: Wrc.

Fritz: So why do we have it buy it?

Shaff: That's the business, wrc is in, is trying to protect lands and get them into public ownership. But, then wrc will use that \$1.58 million, and go to private owners, and purchase their land. So, their whole goal is to try and can keep as much land in the public ownership as they can, and pge wasn't going to donate it to the city of Portland.

Fritz: That was my next question. Ok. Thank you. And which fund in the water bureau are you using for this?

Shaff: It comes out of two different funds. Hold on. I have to look at my notes. It comes out of, hang on. I have it in my -- I was looking at it a minute ago. The one is the -- oh, yeah, thank you. It comes out of our water quality and regulatory compliance program, and can our cip adopted budget.

Fritz: Do we have a special property acquisition fund?

Shaff: We have funds that so for instance, this one is in what's called the water quality and regulatory compliance fund, and it includes a significant amount of money for projects including land purchases. So, it's not all associated to just land purchases. It includes hcp, commitments, easements, land purchases. And projects jointly conduct can with other watershed partners. This is the program that eddie runs through the hcp.

Fritz: And how do you determine how much money goes into that fund each year?

Shaff: Well, as I said, we've been working on this project, this particular land acquisition for over a decade. And can in the last year, through our negotiations, with the wrc, we have identified what the value of that land was, and what it was going to cost us. So, we have put money into that fund and, and can we have -- we are transferring money in the fall bump from one account to another account to, to make up the difference from what we were estimating last fiscal year to this year.

Fritz: As part of the budget process and the capital improvement process, you figure out how much you are going to need for the upcoming purchases?

Shaff: Exactly.

Fritz: Thank you.

Fish: I was curious in the exchange you had with commissioner Fritz, in the parks bureau we work with the trust for public land that goes in and acquires sites on behalf of the public, and as a placeholder, you use, you're using western rivers conservancy. I am assuming that they have a similar model?

October 17, 2012

Eddie Campbell: I'm not familiar with trust for public lands, but in this case, it was pge that made this selection of western rivers.

Fish: And they hold the land until they can effect one of the transactions?

Campbell: That's correct.

Fish: And I can tell you from our experience with tpl, that the benefit to the public is, you don't have government coming in at the front end and negotiating because oftentimes, when people see the government come into these transactions, the price tends to go up. You have third party handle the transaction, and that's what tpl does and I think that was the model, dan, that you used with riverview. When they acquired the dirt. Thank you.

Shaff: You are welcome. Thank you.

Saltzman: Thank you all. Is there anybody signed up to testify on this?

Moore-Love: We have one person, joe walsh.

Saltzman: Ok. Is there anybody else that wishes to testify? Ok. Joe, come on up. You can give us your name, and you have three minutes.

Joe Walsh: Good morning. I am joe walsh. And some of my questions were already answered by, commissioner Fritz. One of the things that I did not understand is the six of this. This is 1.65 million. Now, I know that's not a lot of money to you guys, but it's a lot of money to me. You are buying it from a conservatory that their sole function is to protect the land. And yet, in the agenda, you seem to intimate that you are buying it to protect it. Why would you do that? Why would you buy land from an organization that their sole function is to protect it. The job is already being done.

We are going to spend \$1.6 million to take that land and do exactly what the conservatory is already doing. Because the land was donated to them. And they hold it in protection to save the land. To comply with the different laws and regulations, so some of my questions have been answered. However, i'm very uncomfortable with this action. Because it does not make sense to me. If I want to protect something, I want to buy it from pg&e. I want to protect it from them. I don't want to take it away from a conservatory, that their sole function is to protect the land and the rivers. There is something here that makes me nervous. And I don't think I can stop you from doing it because we cannot stop the water department from doing anything. But, i'm raising the objection.

Saltzman: Ok. Dually noted. Thank you. No further testimony, this item moves to second reading --

Leonard: Let me say, and if you are watching the presentation you had to catch the part where we're going to do water improvement project, we could not otherwise do because we don't own the land.

Walsh: But you are going to build. You are going to take it from the conservatory whose protecting it, and you are going to build.

Leonard: Bury pipes.

Walsh: Maintenance.

Saltzman: Mr. Walsh, you had your chance to speak.

Walsh: Then don't ask me the question if you don't want the answer.

Leonard: I'm not a ventriloquist. That's him talking. I was answering what you said.

Saltzman: Ok, so this will move to a second reading next week. Can you please can read item 1172.

Item 1172.

Saltzman: And this will be set over a week until, over to next week?

Moore-Love: Next week, correct.

Saltzman: Ok. Item 1173.

Item 1173.

October 17, 2012

Saltzman: I am glad that we have an hour and a half because we'll need that full hour and a half here. [laughter] In January 2008 the bureau of environmental services started a non conforming sewer program that required property owners to replace non conforming connections and is to pay a sewer connection charge. In response to widespread concerns and complaints from the public about the cost, and the fairness of the program, in September of 2011, I directed the bureau of environmental services to form a citizens advisory committee to review the program and to recommend changes. The committee issued its report in March of 2012. And in response, we proposed the following changes to this Portland city code, and administrative rules. To establish a branch fee charge, instead of the sewer consumer conversion charge, for residential properties required to abandon non conforming sewer connections, and to also establish a conforming connection to the public sewer. Establish reimbursements for residential property owners who have paid or financed sewer conversion fees, since January of 2008. Create additional criteria and incentives for property owners to relinquish ownership to the city of private sewer lines in the public right-of-way and establish a process for the city to adopt private sewer lines in the public right-of-way. And with us is Lana Danaher, of the bureau of environmental services. Do you have anything you wish to add?

Lana Danaher: I was going to say a couple can of things. Not much, I promise, it won't be an hour and a half. I was thinking more like five minutes. One of the most important things, I think, is I really want to thank Commissioner Saltzman for his leadership in this, but especially, a member of his staff, Amy Trieu. She's been a gem to work with, and the assistant advisory committee and community members have developed a high level of trust in her, so I wanted to especially provide a thanks to her.

Fish: It's nice to see Amy get equal billing with Matt Grumm. Finally getting her due.

Danaher: And she is here, too, so nice to hear that. A member of our staff gave her our internal shining star because of her work here. So, I wanted you to know that. There have been significant changes made, and in response to the citizen advisory committee, and I want to thank them, as well. For their amazing commitment because they really got into the weeds here, and there will be significant changes especially for residential owners, but what this does not reflect the, to the full extent, is the extent of the changes that we have also made to our protocols and can procedures to be what I call kinder and gentler. And also, to make sure that we remain a high service agency that works with property owners to address their urgent needs that come about as a result of sales. Conflicts with their neighbors. Their private sewer lines on private property and, and in the right-of-way, which typically come as a huge surprise. This does not solve all the problems. You will probably still occasionally hopefully very occasionally have people who are upset because it is very upsetting to discover that the line you thought was connected to a public main in front of your house actually goes through an adjacent property owner, who may not get along with. We will still be involved with those, and still have difficulty. But, a lot of it will be less painful when they don't have multi, many thousands dollars it pay the city on top of the private plumbing. So, thank you.

Saltzman: Thank you. Any questions for Lana?

Fritz: I have a few about the process both of getting here and moving forward. Who did you target the mailings to notify about this process?

Danaher: We don't know who we don't know, so we did mailings both to those in our data bases and suspect and had known. We went through all the neighborhood associations, and of course, we took out an ad in -- I can't remember which newspaper, the daily journal of commerce.

Fritz: Thank you. And, and how much of the residential fee for sewer conversion? How does that compare with the new branch fee?

Danaher: It's the, it's the same. So, unless we have an agreement with them that it's lower because there are a few that are lower, it, currently is 59, \$5,059. It's subject to the rate changes each year,

October 17, 2012

and that's based on the cost of building a branch, and they only pay that if we or we know that, that we are going to have to build them a branch to serve them.

Fritz: How do you figure out what significant financial hardship is?

Danaher: We have a program that's been in place since the old mid county days called the safety net program, and there is a means test with that. So, it's simpler than the mid county days. My group does not do that. That's done through another portion of the bureau, but, it's been in operation for quite some time. And it is operating very efficiently.

Fritz: That will be the same as this program. And how about the deferral for the criteria for deferral?

Danaher: It's pretty much the same as it was, except that we have expanded our ability to do it in response to technical complications. So, there is -- we have bit more flexibility to grant them because the needs of the contingencies that property owner may have that are more unique than what we used to have in the old, with the cesspool type of deferrals. And we are probably going to be pretty liberal with those when the sewer is not immediately available. When there are sewers immediately available, that means there is one in front, we will be pretty open to technical issues, or there is something in the way, that type of thing. But, if the plumbing is going across somebody else's property it's difficult for us to grant permission for people to have more time when there is another property owner involved. Who is saying that they want them off immediately or they are going to cap them.

Fritz: Is the decision-maker the director of bes?

Danaher: Yes.

Fritz: And let me make sure that I am understanding this right. The previous rule was if they were in 100 feet of a sewer, they have to connect under this change or it would be 1,000 feet is that correct?

Danaher: No.

Fritz: Ok. What's the changes in when it's mandatory to connect?

Danaher: Well, it's mandatory to connect if it's within reach, and that's usually considered to be 100 feet. I believe that the thousand feet has to do with failed septic systems, and when we will do a sewer extension. I'm not quite sure where the 1,000 is coming from. That has nothing to do with us.

Fritz: We can look into that.

Danaher: I can look into it and find out where you are getting the 1,000 feet.

Fritz: And when would -- this is my last question, when would a person with a non confirming sewer status be brought before a code hearings officer?

Danaher: By their request if they are appealing, obviously. And if they have sewer available, and they have to, or they have a non conforming sewer, and they go through the whole process, usually there is a neighbor that is involved. And we have gotten no cooperation. And we have -- typically we do not proceed with enforcement without having contact, so there is, by the time, there is -- we have gone through a notice procedure that is prescribe. Includes four or five mailings, and it includes conversations, and if we still have not gotten any effort at getting it done, and of course, we have explored whether they are safety net eligible or not, we would take them to the code hearings officer.

Fritz: Your responses are very clear and understandable and I appreciate them.

Danaher: Thanks.

Saltzman: Thanks lana. Is there anybody that wishes to testify on this?

Danaher: I do want to find out about that 1,000 feet thing.

Fritz: I'll be in touch. Thank you.

Moore-Love: No one else signed up.

October 17, 2012

Saltzman: This will move for second reading but before it does I want to thank the bureau of environmental services staff for all their hard work and community outreach on this matter. Amy Trieu from my office. And I particularly want to thank the citizen advisory committee that really stepped forward to tackle very dense subject. Those members are melissa stewart. Tim jockablow sky, bert balaka, Michael connor, marie phillippe, and ruben dunly. Thanks. And the purb representatives who helped, john gibbon and charlie rosenthal, and I think I thanked amy trieu. Great. This will move for a second reading. And we are adjourned until october 24th at 9:30.

At 10:32 a.m., Council adjourned.