

MT. TABOR RESERVOIRS

Report from the Mt. Tabor Neighborhood Association

March 2, 2022

Executive Summary

Mt. Tabor Park and its historic reservoirs are a treasure for the entire Portland region. From the late 1800s Portlanders received pure Bull Run water that passed through these reservoirs.

Rather than seek an exemption to an EPA rule as other cities have done, Portland ignored the pleas of the citizens from Mt. Tabor and around the city, and eliminated the open reservoirs as a source of drinking water.

The Historic Landmarks Commission, in its land-use hearing about the disconnection process, ruled that the Mt. Tabor reservoirs must be restored and must continue to hold water, and that an interpretive program must be created about the history of Portland's drinking-water system, the Tabor reservoirs, and their disconnection.

The Water Bureau appealed these findings to the City Council. In the first appeal hearing, Mayor Hales and other Commissioners expressed the wish that the two parties would talk with each other, though none of them really expected anything to come of this request. In response, though, the Mt. Tabor Neighborhood Association entered into negotiations with the then-director of the Water Bureau. During negotiations Director Shaff acknowledged both that it would cost the Water Bureau essentially nothing to keep water in the reservoirs, and that restoring and maintaining the reservoirs and then keeping water in them was the City's lowest-cost option.

The settlement resulting from the negotiation was memorialized in Council Resolution 37146, in which the City promised that the reservoirs would continue to hold water at their historic levels, and would be empty for only brief periods as needed for cleaning. The Council also directed the Water Bureau and other city bureaus as necessary to collaborate with the MTNA on the restoration of the reservoir structures, the management of their water levels, and the development of the Interpretive Program. Mayor Hales and his fellow Commissioners stated forcefully and repeatedly that a Council Resolution has the binding quality of law, and that the neighborhood association and the community could rely upon the City's commitment.

Although the Preservation Program has continued to proceed smoothly, the Water Bureau, in direct contravention of Resolution 37146, refused to collaborate with the MTNA on the Interpretive Program and has excluded the MTNA from active participation. And now Reservoir 6, the largest and most visible of the Tabor reservoirs, has sat empty for more than six months.

Under the terms of Resolution 37146, the Water Bureau must collaborate with the MTNA on the Interpretive Program; for this to work, the Bureau must start the program over with entirely new staff who are instructed that they have an obligation to abide by the City Council's directive.

Similarly, the City and the Bureau must prioritize the work necessary to fix Reservoir 6 and refill it with water to the agreed-upon level as soon as possible, and to carry out this process with full transparency and in collaboration with the MTNA.

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Brief History of the Reservoirs at Mt. Tabor

Construction of Portland's drinking-water system began in the late 1800s, in response to the Willamette River having become so fouled with sewage and industrial waste that its water was no longer safe for human consumption.

The City's effort that brought pure water from Bull Run to Portland was, in the 1890s, a spectacular feat of engineering, bringing water under the Sandy River and up to Mt. Tabor and then under the Willamette to Washington Park—all of it gravity-fed, and without any need for pumps. The first reservoir at Mt. Tabor was built in 1894 and still stands today.

At the beginning of the twentieth century, Mt. Tabor Park was created in the area around the reservoirs, and for more than a hundred years they have been an integral part of the park—a major aesthetic attraction for visitors, and a source of water for birds and other wildlife—such that the unique character of the park would be lost without them. Mt. Tabor Park and its historic reservoirs are a treasure for the entire Portland community and for visitors from beyond.

Background to the Reservoir Disconnection

The Portland Water Bureau first began publicly talking about disconnecting the reservoirs from Portland's drinking-water system in the early 2000s, though it's our understanding that the Bureau had been thinking about doing so much earlier. Over a decade and a half it proffered a variety of justifications for such a plan, including, in the aftermath of 9/11, that open reservoirs would provide easy access for terrorists to poison our water supply.

Community members from around the city hoped that the City Council would direct the Bureau to reconsider its effort to disconnect the reservoirs from our drinking-water system, and instead work to restore and preserve them so that they could continue to provide us with safe, clean, potable water for another century or more. In 2003, twice in the span of eight months, roughly seven hundred Portlanders turned out for "Hands Around the Reservoir" protests, forming a human chain around Reservoir 6, Mt. Tabor's largest reservoir.

These and other efforts garnered no response from the City, and citizen activists, concerned about what might be in store, worked to have both the reservoirs and the park placed on the National Historic Register, a process that was completed in 2004.

In 2006 the EPA issued the "Long Term 2 Enhanced Surface Water Treatment Rule" (LT2), which required that municipalities cover their open reservoirs by 2015, but also provided a path for them to obtain waivers. New York City and Rochester, for instance, succeeded in gaining waivers that allowed them not to have to cover their open reservoirs. A coalition of citizen activists pushed for Portland to pursue such a waiver, but for reasons that remain murky the City appeared to expend minimal energy, if that, on the effort. Even after the EPA loosened the rule in 2011 and no longer required reservoirs to

be covered, the Bureau pushed forward with plans to disconnect Portland's open reservoirs.

Over the course of this history, there developed a considerable degree of suspicion on the part of community members concerning the Water Bureau's motives with regard to reservoir disconnection, and a deepening mutual distrust and hostility arose between the community and the Bureau. (More could be said about that if there is interest in greater understanding of this troubled history.)

The 2009 Historic Structures Report

During the years that the Water Bureau planned to eliminate them, the Mt. Tabor reservoirs had long suffered from benign neglect. In mid-2008, with the reservoirs now on the National Historic Register and the matter of disconnection as yet unresolved, the Water Bureau contracted with Cascade Design Professionals to develop a Historic Structures Report "to provide expert advice on the condition, maintenance, rehabilitation, and preservation of the historic features within the Mount Tabor Park Reservoirs Historic District." The eighty-page report detailed needed repairs to the three open reservoirs at Mt. Tabor, repairs that the Bureau estimated would cost some \$8 million to complete.

The Run-Up to the Permit Process

Ultimately the City Council approved the Bureau moving forward with the disconnection of the reservoirs from the city's drinking water. To accomplish this, the Bureau had to apply for a building permit. The Bureau's plans entailed installing several large pipes within the park and rerouting others. As the Bureau's engineers saw it, this meant cutting down a swath of mature trees and leaving a treeless corridor within the park, within which it would prohibit trees from ever being planted in the future.

Although most visitors naturally assume that all of Mt. Tabor Park belongs to the park, the fact is that land owned by the Water Bureau and land owned by Portland Parks & Recreation are interwoven there. At that time, Commissioner Nick Fish was in charge of Water, and Commissioner Amanda Fritz was in charge of Parks; they were also good friends and each was the other's closest ally on the City Council. The decision to disconnect the reservoirs had been made without public participation and against public sentiment; now, as Parks Commissioner, Fritz made a promise that, following the disconnection, there would be a public process to determine the future of the reservoirs.

When MTNA board members saw the original version of the permit application, we were aghast at the destruction that was contemplated, beyond the disconnection itself. There was that corridor of trees that would be destroyed and then kept bare in a park that is designated as a natural area, but—even worse—incorporated in their application was the Water Bureau's intention to plug the inlets to the reservoirs with concrete, rendering it impossible for them to ever again be filled with water.

Citizen involvement could have improved the plan much earlier and a great deal more efficiently if there had been any attempt at public engagement. Now, recognizing that disconnection was inevitable, the MTNA reached out to Commissioners Fritz and Fish. Ultimately we were able to persuade them to grant the opportunity for a small number of informal, mediated meetings with the Bureau in the hope of mitigating some of the more egregious aspects of the application prior to it being filed. Six board members—John Laursen, Paul Leistner, Nancy Norby, Dawn Smallman, Stephanie Stewart, and Bing Wong, together with historic preservationist Kim Lakin—were appointed by the MTNA to

meet with Teresa Elliot, the engineer in charge of the disconnection project, and Tom Carter, the staff member responsible for shepherding the project through the permitting process.

The community had seven stated goals for these discussions:

1. Protection and preservation of historic structures and landscapes during this project and in the future.
2. Maximum protection of mature trees, understory, and landscape, with the park returned to whole as a condition of the completion of this project.
3. Water in the reservoirs as a condition of project completion. The reservoirs must continue to hold periodically refreshed water unless and until a future community process develops an alternative use, and full funding is secured for that use.
4. A legally binding commitment from the City that guarantees continued public ownership of the Water Bureau land after the disconnection project is completed.
5. Well-planned and fully funded mitigation for the impacts of project construction on park users, neighbors, and the general public.
6. Formal community participation in oversight of the construction project, including an empowered body of community stakeholders for the duration of the project.
7. The project to be guided by the Mt Tabor Park Master Plan and conducted in compliance with it.

Unfortunately, the two Commissioners limited the MTNA team to a single month for this negotiation, as the Water Bureau strove to keep the project moving forward on a fast track. Even worse, because of Commissioner Fritz's promise for there to be a public process following the disconnection process, the MTNA team was not allowed to argue against—or even to mention—the Bureau's intention to fill the reservoir inlets with concrete. We were told repeatedly and categorically that this topic was off the table. This feature of the plan meant that, long before that promised public discussion of the reservoirs' fate would take place, the Bureau would render impossible Portlanders' strongest expressed desire with regard to the Mt. Tabor reservoirs: that they would continue to hold water, thereby keeping the aesthetic experience of the park intact and fulfilling the requirements of the listing on the National Historic Register.

As frustrating as this was, the MTNA team was able to accomplish one significant improvement to the disconnection plan, moving the installation of the new large pipes so that they follow a park roadway instead of causing the destruction of mature trees and the creation of a treeless corridor. This was an inexpensive and much superior solution, utterly obvious to citizens who looked at the project through the lens of caring about the park and its visitors rather than seeking to draw the straightest line from point A to point B.

Despite this success in mitigating damage to the park, the members of the MTNA team were considered by many of our fellow community members to have sold out because of our engaging in negotiations with the Water Bureau over the disconnection. Many citizens across the city continued to hope that there would be a path to persuade Council to reverse its decision on the disconnection itself, and in that context it was easy to see our negotiation as a betrayal of the greater goal.

The Permit Process and the Historic Landmarks Commission

In trying to protect the reservoirs the MTNA was working hard to protect a public resource—a treasure of great value to the entire Portland community—from being wantonly destroyed for no justifiable reason. We had broad support, and were able to raise money to hire a land-use lawyer to guide us through the process, and to represent us when necessary.

At the HLC hearings the Bureau presented its plan for disconnecting the Mt. Tabor reservoirs, and the MTNA opposed it as written, continuing to pursue the seven goals listed above. Public testimony was overwhelmingly on the side of having the reservoirs continue to hold water, and of restoring the reservoirs by implementing the repairs set forth in the 2009 Historic Structures Report.

There were four public hearings at the HLC, over the course of seventy-one days of deliberations. At each of those hearings, one or more of the commissioners would wonder aloud why the two parties were not negotiating. Following each hearing the MTNA team approached Tom Carter, the staff member responsible for the application, and offered to negotiate. On every occasion he refused, responding that the application he had prepared was not negotiable in any way.

In the end, the HLC decision, rendered on February 9, 2015, approved the reservoir disconnection but also made some rulings that were in the community's favor. The HLC mandated that each reservoir must continue to hold water in an amount equivalent to its historic operating range, and that the recommendations contained in the 2009 Mt. Tabor Reservoirs Historic Structures Report be fully implemented. It also required the development of an interpretive program “that tells the history of the Mt. Tabor Reservoirs and Bull Run water delivery system, including the proposed disconnection.”

When, immediately following the meeting at which the HLC rendered its decision, the MTNA team approached Tom Carter to congratulate him on winning approval of his application and to request a discussion about how to implement the HLC's additional requirements, he refused our offer of a handshake, turned on his heel, and walked away.

The Appeal of the HLC's Decision to City Council, and the Ensuing Negotiation

The Water Bureau elected to appeal the HLC's decision to the City Council, in particular the provisions about maintaining water at historic levels and implementing the 2009 Historic Structures Report. The MTNA was then compelled to appeal the decision also, in order to have equal standing in the hearings before Council. From that point forward both sides were enjoined from conversation with any of the City Commissioners, because they were now going to serve as judges in the appeal process.

At the first hearing before Council, on May 28, 2015, the Water Bureau set forth its position, and we ours. Mayor Charlie Hales and Commissioners Nick Fish, Amanda Fritz, and Dan Saltzman asked pointed questions of both sides. As with the Historic Landmarks commissioners, each of the four expressed a wish that the Water Bureau and the MTNA would negotiate, but it was clear that they had no expectation that this would occur. There was not adequate time for the appellants to respond to their questions or to rebut each other's presentations, and the matter was continued over until June 25th.

Immediately following the hearing, and while still in Council chambers, the attorney for the Water Bureau approached our attorney and said that David Shaff, then director of the Bureau, wanted to

speak with the MTNA team. This was the first time that anyone from the Bureau evinced any willingness to negotiate. We readily agreed to do so.

Director Shaff wanted this conversation to be kept confidential. He suggested that the meetings take place at Mt. Tabor, in the gatehouse for Reservoir 5. Eventually there would be seven two-hour sessions at Gatehouse 5, with David Shaff and Teresa Elliot representing the Water Bureau, and Stephanie Stewart and John Laursen, often accompanied by two other interested community members, Eileen Brady and Steven Wax, representing the MTNA.

For the first four meetings, each side held to its position. Although it appeared that no progress was being made, neither party walked away. At the fifth session, Shaff brought with him a proposal that included 1) the Bureau continuing to keep water in the Tabor reservoirs in accordance with the HLC decision; 2) the City allocating \$4 million toward carrying out the recommendations of the 2009 Historic Structures Report; and 3) the MTNA representatives being full partners with the Bureau in developing both the Preservation Program and the Interpretive Program that had been mandated by the HLC. Under this proposal both sides would drop their appeals, and the agreement would be embodied in a City Council Resolution.

The MTNA team pushed Director Shaff for more money for restoring the reservoirs, but his first offer was his final offer, and eventually we agreed. We were understandably reluctant about surrendering our right to a legal appeal and instead memorializing these conditions in a Council Resolution, and we asked repeatedly whether the Resolution would have the force of law. David Shaff assured us that it would, and he reported that the City Attorney had stated that it would be binding on the City.

Director Shaff also acknowledged that it would cost the Water Bureau essentially nothing to keep water in the reservoirs, a condition that the Bureau had long maintained would be exorbitantly expensive. He also acknowledged that restoring and maintaining the reservoirs once they were disconnected was actually by far the lowest-cost option for the City to pursue. He was nearing retirement, and therefore may have felt free to be more candid than previously.

He was also well aware that the Mayor and other Council members had no real expectation that, after more than a decade of often bitter contention between the neighborhood and the Water Bureau, we would actually negotiate with each other, much less reach a settlement. When, at the second hearing, Director Shaff announced that the two sides had been in negotiation and had reached a tentative agreement, Mayor Hales and the other Council members appeared stunned. It was clear that this outcome had not occurred to them as even a remote possibility. Commissioner Fritz asked who we had used as a mediator, and we replied that we had conducted our negotiation without outside facilitation.

We said that we would need more time to determine the exact terms of the agreement, and that we would like to come back to them with a final proposal for them to consider. That request was granted.

The two MTNA representatives, Stewart and Laursen, expressed one major concern to the City Council, which was that before proceeding further we wanted assurance directly from the Council that a Council Resolution would be binding on the City and on its bureaus. Mayor Hales stated clearly and forcefully that a Council Resolution has the binding quality of law, and that this Resolution would be a promise made by Council that we could absolutely rely upon. The Mayor's declaration was echoed by each of the Commissioners in turn.

We had two more negotiating sessions at Gatehouse 5, finalizing the terms of what would become Council Resolution 37146 (attached at the end of this report). At the time that the Resolution passed, every one of the Commissioners, including Mayor Hales, was greatly relieved to have this issue resolved without their having to take a stand one way or the other, finding for either the neighborhood or the Water Bureau and against the other. At the meeting in which Council passed the Resolution, the MTNA team was praised for being willing to take the risk of trusting the City and for being willing to work with the Water Bureau. We were once again assured by Council that the City and the Bureau would uphold their side of the bargain.

We on the MTNA team had heard loud and clear the Council's desire that we seek to negotiate a resolution with the Water Bureau, even though the Commissioners obviously had no expectation that this would actually happen. We took their desire to heart, and were successful in reaching an agreement. But it was a lopsided negotiation: the Water Bureau had all the power, and it controlled the flow of information.

Citizens gave up much in this negotiation, including access to established land-use processes specifically designed to address many of our largest concerns. The results of our effort were captured in written terms that were presented to Council jointly by the Water Bureau and the MTNA, and both entities agreed to abide by them. Much of what is contained in the Resolution is carefully crafted language that directly addresses community concerns for the site, or that mandates the process by which the parties would work together in the future to shepherd those concerns.

Mt. Tabor did not succeed in getting anything approaching the financial resources that Washington Park is getting for enhancements to its reservoir district, nor what would have been reasonably agreed to if the Water Bureau had engaged the community in the public process that the City's public-involvement guidelines clearly requires. Historic Landmarks Commissioners noted and commented repeatedly on the fact that the Water Bureau had put in tremendous time, effort, and money to develop a thoughtful plan for significant investment in the historic aesthetic at Washington Park, while it gave short shrift—indeed no shrift at all—to the historic structures and aesthetic at Mt. Tabor.

When Council adopted the Resolution and Mayor Hales and the other Commissioners stated firmly that the Resolution would carry the force of law, we understood ourselves to be entering into a binding contract with the City. We made the explicit choice to take the leap of faith that was necessary for us to trust both the Resolution and Council's willingness to enforce it. Many of our colleagues considered us foolishly naïve. "You can't trust the City," they said. "You're crazy to think that the Water Bureau will act in good faith. They will never uphold their end of the bargain. They will include you just long enough to bury your input."

We, however, believed that it was important to take the risk—to try to find a way, after years of conflict and dysfunction, for the citizens and the Bureau to work together rather than to fight with each other. We also believed that, if both parties acted in good faith according to the letter and spirit of the Resolution, it would be possible for a City bureau and a community group to overcome years of acrimony and to craft a model of collaboration that would be more productive for everyone—for the Bureau, for the community, and for our City government generally.

Successful Early Implementation of City Council Resolution 37146

Nick Fish was the Commissioner in charge of the Water Bureau at that time, and we were told—both directly by Commissioner Fish and later by the new Bureau director, Mike Stuhr—that Fish directed Stuhr at the time he was hired to make it a high priority to ensure that the terms of the Resolution were scrupulously adhered to. That directive seemed to hold for the next several years, roughly as long as Fish was still the Commissioner in charge of the Bureau.

Two Bureau staff members—David Gray and Mary Ellen Collentine—were jointly assigned to manage both the preservation project and the interpretive project. The MTNA appointed four people to serve on the team from the community side—Kim Lakin, John Laursen, Stephanie Stewart, and Bing Wong. There was some uneasiness, as might be expected given the history, but the two groups formed a good working relationship. Contrary to what would be the Bureau's usual approach, the members of the MTNA team were allowed to work with the Bureau staff in selecting the outside consultants for the two projects—the Preservation Program for restoring the reservoirs and the Interpretive Program for representing their history to the public—and the MTNA team felt pretty good about how things were progressing on both fronts. We were aware that within the Bureau there was some lingering animus toward Mt. Tabor because of the neighborhood having been resistant to the disconnection project, but that circumstance did not seem to affect our working relationship with Gray and Collentine.

Indeed, one of the Bureau's concerns had been about having to keep water in the reservoirs at a predetermined level, given that it had no experience with managing non-potable water. We worked diligently with them as they monitored the deterioration of water held in the reservoirs (without being constantly refreshed as they had been in the past, by being released into the drinking-water system and refilled) and determined the best way to manage the water going forward.

The outside consultants for the Preservation Program were hired in July 2016. In the year that followed, the Bureau staff, the MTNA team, and the consultant team worked closely together to develop a budget and priority list for the various concerns described in the 2009 Historic Structures Report. We were well aware that only a fraction of those concerns could be addressed even with a \$4 million budget; and, as private citizens and taxpayers involved in making decisions about how to spend public money, we were determined to be as prudent and frugal as possible.

We determined, with Gray and Collentine, that the Interpretive Program should be illustrated panels installed in the park, and we set about planning what those should convey and how they should look. The consultants for that program were hired in November 2016, and the MTNA team and the Water Bureau together selected the group who had the most expertise in historical research—HRA, Historic Research Associates. For the next year and a half, as they set about conducting their research and met with us periodically, we believed that we had a good working relationship with them as well.

Throughout this period the members of the MTNA team flattered ourselves that we were proving the skeptics wrong—that the community and the Water Bureau could set aside our differences and work together, if both sides were determined to do so; that the City could indeed be trusted to keep its promises, or at least that this was the case in this particular situation. And, grandly no doubt, we felt that our partnership with the Water Bureau on these two projects was creating a model for how antagonistic communities and bureaus in the City of Portland could forge collaborative relationships.

Council Members Depart and Bureau Staff Turn Over

Then a series of events happened that, in retrospect, would lead to difficulty. In January 2017 both Mayor Hales and Commissioner Novick left City Hall and were replaced by Mayor Wheeler and Commissioner Eudaly. In August of 2017, Commissioner Fish was diagnosed with cancer. After that he was understandably somewhat distracted, which meant both that the Bureau may have felt less compelled by his earlier directive to make the relationship with the MTNA work, and that he was not really available to intervene in the event that problems developed in that relationship.

In the spring of 2018 both David Gray and Mary Ellen Collentine told us that they were retiring. Gray was departing immediately, for health reasons, and Collentine was going on half time for a year before leaving for good. We had begun to be aware that the outside consultants for the Interpretive Program had priorities that were quite different from ours—priorities that they had not disclosed during the hiring process—and that they were dismissive of the MTNA team’s participation. This was a delicate situation in that we had no choice other than to work with HRA, but we were beginning to voice our concerns to Gray and Collentine in the spring of 2018, right as we learned that they would be retiring.

Without consulting the MTNA team, and for reasons that were never explained to us, the Bureau decided to split responsibilities for the two programs between different staff members instead of keeping a single Water Bureau team to work with the community team. The Bureau assigned Susan Meamber, a skilled and experienced project manager, to manage the Preservation Program. She was able to pick up right where her predecessors had left off, and that program has continued to function extremely well, a hugely positive and productive collaboration.

The members of the MTNA team, though, were distressed to learn in May 2018 that the Bureau was assigning Tom Carter to manage the Interpretive Program, since we were well aware of his bitterness toward the Mt. Tabor community in general, and the MTNA team in particular, over the outcome of the hearings at the Historic Landmarks Commission. Perhaps this assignment was inadvertent, with whoever made the decision figuring that Carter was familiar with Mt. Tabor. We, though, saw his participation as potentially disastrous, but hoped for the best when we learned that Carter himself would be retiring in June, just two months away.

Unfortunately, our worst fears were borne out. Carter began his tenure by informing us of all the reasons he could summon that the program we had been painstakingly developing with Gray and Collentine would not be acceptable. He made particular reference to rules that he claimed Portland Parks & Recreation was developing around interpretive signs in parks, and said that he would be having conversations with Parks staff to learn what would and would not be permissible. We reminded him that the terms of the Resolution were explicit that not just the Water Bureau, but “all city bureaus, as are necessary [are] directed to collaborate with the MTNA on an interpretive program that tells the history of the Mt. Tabor reservoirs and the City’s water system,” and that this unequivocally meant that we should be included in such conversations. Carter nonetheless proceeded to hold us out of conversations with Parks, and then delivered edicts to us as to what would or would not be “acceptable.” He simply ignored the requirement for there to be collaboration between City bureaus and the MTNA.

Meanwhile, the Bureau appointed Bob Fraley, an engineer, to manage the Interpretive Program. He served as understudy to Tom Carter for a month or so, and took the helm when Carter left in June 2018. To our knowledge, at the time of his assignment Bob Fraley had no experience with either interpretive programs or public engagement.

The Water Bureau Violates the Directives of City Council Resolution 37146

Dutiful collaborators, we tried hard to form a working relationship with Fraley, but he had inherited Carter's inclination to delegitimize the work the MTNA team had done on this program, and he continued to hold us out of meetings with Parks & Recreation. Also, he appeared to be persuaded by the outside consultants' cavalier attitude toward the MTNA team's ideas about the Interpretive Program.

By the spring of 2018 we on the community team—all of us regular visitors to Mt. Tabor Park for many years, and each of us intimately familiar with the park and the reservoirs and their joint history—had been thinking about and planning for the Interpretive Program for nearly three years. And we were well equipped to do so. Kim Lakin is a trained preservation specialist who was intimately involved in the writing of the twin applications for listing on the National Historic Register, and who consulted with Cascade Design Professionals on the 2009 Historic Structures Report. John Laursen, an editor and designer of books and public art, has created or participated in the design of numerous historical interpretive projects, including serving on the design team for the Oregon Holocaust Memorial in Washington Park, and recently received the Oregon Governor's Arts Award, in part for the work he has done in this regard over his fifty-year career. Stephanie Stewart, a visual artist, has immersed herself in the history of Mt. Tabor Park and its reservoirs for well over a decade. Bing Wong, an MTNA board member for a quarter of century, also represents the Friends of Mt. Tabor Park, where he has been a board member for many years.

All of this is to say that the members of the MTNA team are, individually and collectively, uniquely capable of working with the Bureau to develop an Interpretive Program as directed by both the Historic Landmarks Commission and the City Council, and that even absent the directive to collaborate, our participation should have been welcomed.

From June to September of 2018, we had regular meetings with Fraley and the outside consultants, continuing to believe that the Water Bureau intended to comply with the terms of the Council Resolution and that under those circumstances we could re-create the collaborative relationship that we had forged with Gray and Collentine.

In early September, Mayor Wheeler swapped bureaus between Commissioner Fish and Commissioner Fritz, moving Parks to Commissioner Fish and giving Water to Commissioner Fritz. To us that did not seem alarming, since Commissioner Fritz had a history of being supportive of neighborhoods in general and had earlier supported Mt. Tabor around the reservoir issue.

In mid-September, we met with Fraley and the consultants to view draft options for the interpretive panels created by the consultants' design subcontractors, expecting to see designs that reflected both HRA's ideas and our own. Instead, we saw draft layouts that incorporated only their ideas and in no way related to the work we had done. Fraley brought to this meeting two assistants from the Bureau

who were identified as specialists in community involvement—which, if true, was ironic to say the least, because on this occasion their approach to community involvement was to openly mock us and our ideas, stating that, as Millennials, they saw no value in our vision for the Interpretive Program.

At this meeting, we asked to see some options that reflected our concepts, and perhaps also some that embodied a middle ground by including concepts from both parties. Fraley and the consultants agreed that this was a reasonable request, and we set a date six weeks or so later to reconvene to review the anticipated new drafts.

Over the course of the next few months, Fraley sent us a series of emails first canceling that plan; then relaying to us that he had conveyed to Commissioner Fritz, newly in charge of the Water Bureau, that he had reached an impasse with the MTNA team on the direction of the project; and finally telling us that we were being removed as active participants in the development of the Interpretive Program. We were stunned, having had no idea that we had reached an “impasse,” and not having understood that Fraley and the Bureau intended to cut us out. But the Water Bureau had the Commissioner’s ear on a routine basis, and it was able to control the narrative and ultimately to exclude us.

Our vision, developed through lived experience and thousands of volunteer hours of research and involvement, was sidelined in favor of the newly formed ideas held by the staff. This was, as our more cynical colleagues would say, the Bureau reverting to type.

As noted above, the four members of the community team have, among us, many decades of experience that is relevant to the interpretive program, including a deep immersion in the history of both the reservoirs and the City water system, as well as the creation of similar historical projects in Portland and elsewhere. By the time of the staff change, we had invested years of our time developing a solid understanding of the facts that should be highlighted in the program, together with a clear vision of the narrative that would tie them together. Our goal was to tell the story required by both the HLC findings and the Resolution in an accessible and informative way, merging narrative and photographs to create a positive addition to the experience of Mt. Tabor Park for a broad diversity of visitors. It is not an overwhelming amount of information—twenty-six brief stories, on eight signs, that would be substantive in nature and would allow repeat visitors to learn something new on subsequent visits.

Of the handful of criteria that appeared to separate us, one seemed to cause the most lasting damage to the relationship. Despite our living in a city that loves books and reading, that is home to independent bookstores, that invests public money in reading initiatives and public libraries, we were confronted with the extraordinary assertion that words themselves are elitist and that the use of words on interpretive panels is antithetical to equity. An arbitrary word limit was set by the consultants and embraced by the Bureau: that no more than a hundred words could ever be used, regardless of the story to be told. In addition to diminishing content and diluting narrative, these new standards exerted a relentless downward push on “reading-grade” level,” with no willingness to consider the problems that attend such calculations. These “standards” led to sentences that we had crafted, such as:

“Among the wealth of natural resources that sustained the Native peoples who inhabited this region for some 10,000 years was the abundance of clean, pure water.”

being reduced to this:

“Everyone needs clean drinking water.”

For more than a year we struggled to repair the situation, to remind the staff of the Council's mandate for collaboration, and to knit the new team together, but in the end we were unsuccessful. It appeared that the staff felt they had *carte blanche* to overrule the Council Resolution's directive that the Bureau collaborate with the community. Our role was summarily relegated to that of responders rather than co-creators, and, even at that, we were to be allowed to respond solely to "tone."

The Bureau's claim was that it was committed to "equity," but the equity it is committed to is performative rather than substantive. Two examples will help to illustrate this.

Visitors to Portland from around the world come to Mt. Tabor, and one routinely hears multiple languages spoken there. The MTNA team wanted to create a website on which the information on each interpretive panel would be translated into a variety of languages, and to simply add that URL to each sign so that visitors could visit the website while looking at the physical panel. Doing so would allow for many different populations to read the text in their own languages, and for additional languages to be added in the future as appropriate. This approach would provide actual access for the greatest number of people over time, but apparently would not provide sufficient visible *performance* of equity, and the Bureau therefore chose just two languages, somewhat arbitrarily, as languages that would be printed on each sign. Speakers of all other languages would of course be out of luck, but the panels would *appear* to embrace equity.

Another example. According to the National Federation of the Blind, fewer than 10 percent of legally blind people in this country read Braille, and a similarly small percentage of blind children are learning Braille. Of course Braille is appropriate in certain public surroundings where it is routinely expected, as by an elevator door. In the ordinary course of things at Mt. Tabor, though, an unsighted person would have little reason to expect there even to be interpretive signs nor would have an instinctive understanding of where they would be found. In order to encounter the interpretive panels an unsighted person would need either to stumble upon them, or, more likely, to be brought to them by a sighted person. The MTNA team proposed exploring the use of something along the lines of near-field communication devices embedded in each sign, features that could talk to the cell phone of any sight-impaired person, and to do this rather than rendering all the text in Braille. That technology might even enable the panels to communicate the fact of their existence to nearby sight-impaired people who might otherwise not be aware of them. But, again, something that effective would not visibly perform an adherence to the *idea* of inclusion in the way that adding Braille would do, even though the latter would have almost zero functional utility in the case of the interpretive panels at Mt. Tabor.

And so the Bureau was committed to including its two chosen foreign languages, and to using Braille. In both instances, the solution the Water Bureau selected is considerably more expensive, while the solutions that we proposed are not just far more effective in benefiting a wider population, they also would be a much more responsible expenditure of public funds. But because we would not give our knee-jerk assent to performing the idea of equity, we were branded by Fraley and his colleagues as being elitist. In fact just the opposite was true, but that false and defamatory assertion was used to justify excluding us from the project.

At the heart of the matter was the fact that the MTNA team, daily users of Mt. Tabor Park and steeped in the history of the reservoirs, were wholeheartedly committed to the Interpretive Program,

to fulfilling its purpose as it was described in the HLC decision, and to ensuring a high-quality result. The bureau staff exhibited little interest in the community's vision, but instead saw this program as simply a project to put behind them, with as little "interference" from non-staff as possible. This, of course, was why collaboration was mandated by the Council Resolution in the first place.

What we have seen of the program since the collaborative relationship was abruptly terminated is something we cannot support. The story that was called for in the Resolution has been eviscerated, and the language has been simplified to such an extreme that it serves little value. The tone is highly objectionable, at times reverting to a slanted messaging campaign by the Bureau. They've let their technical writer denude and gut the story—it's a case study in how to ruin a great plot and put people to sleep. The signs as proposed are much larger and more expensive to produce than necessary, while the signs that we wanted to pursue would have used standard frames and stands, thus allowing them to be produced far less expensively. To proceed with this project as it is currently conceived would be an unconscionable waste of public funds. Instead of enhancing the park, the result will be an eyesore, a monument to government spending gone terribly wrong. Without the collaboration that would have rendered this program authentic and grounded in the community, the product is so content-free that it rings false. It is a flagrant misuse of both money and cherished park space.

The Current Situation with Reservoir 6

Council Resolution 37146 mandates that, "barring unforeseen circumstances, the City will ensure that three out of the four reservoir basins will be kept full (as close to 85 percent as possible) while the fourth is being drained, cleaned, and refilled; and that the Water Bureau shall continue to work with the MTNA to explore alternative methods to maintain clean water at historic levels, and to maximize the number of days the reservoirs are full, in order to preserve the character of the reservoirs and the park in the most efficient and sustainable manner possible."

Reservoir 6, comprising the two largest basins, has now stood empty since last summer. In July, when the reservoir was drained for cleaning and maintenance, the Bureau scanned a small portion (about 5 percent) of the reservoir floor with ground-penetrating radar, and found some areas of concern. Three months later, it drilled holes in that same area and found a couple of significant voids, sufficiently concerning for it to be prudent to scan the rest of the reservoir in order to understand how much will need to be repaired. The plan now is for the reservoir basins, already empty for more than six months, to stay that way for some as-yet-undetermined period of time, which the Bureau says will be at least another year and possibly two or more.

Meanwhile, both the MTNA and the Bureau are fielding inquiries about why there is no water in Reservoir 6. We have no answer for that, because we have the same question. We don't believe that the Bureau has any malign intent in this regard, and we understand that funding is an issue. We've been told that repairs to Reservoir 6 have to come out of the General Fund and so must await Council approval, but that is not convincing. The Water Bureau continues to own the reservoir property at Mt. Tabor; taking care of property that they own is a requirement for all City bureaus; maintaining water in the Tabor reservoirs was, by virtue of Resolution 37146, a condition for disconnecting them from the drinking-water system; and therefore the Bureau should simply move forward with the repairs.

No doubt the funding question has to be sorted out between the Council and the Bureau, but from the community perspective it seems that a good-faith effort to abide by the Resolution would mean resolving this issue and moving forward with the repairs as expeditiously as possible.

We Respectfully Ask the City to Keep the Commitment Expressed in Resolution 37146

We are painfully aware of the fact that by this time, in early 2022, no current City Commissioner was on the Council when the Resolution was signed, which means that no current Commissioner is necessarily knowledgeable about this history, and most if not all may be unaware of even the existence of this Resolution. But in 2015 the Portland City Council did vote to make the commitments embodied in the Resolution, and it did promise that the Resolution would have the force of law.

The MTNA made a commitment as well, to work in collaboration with the Water Bureau on both the Preservation Project and the Interpretive Project, and we have never wavered in our willingness to keep our side of the agreement. We are asking that the City fulfill the promise that was made to the community in July 2015, and that the Water Bureau be required to adhere to the terms of Council Resolution 37146, both in letter and in spirit. Therefore:

1. We ask that Council and the Bureau prioritize the work necessary to repair Reservoir 6 and then refill it with water to the agreed-upon level at the earliest possible date, and that this process be carried out with full transparency and in collaboration with the community. There were voids underneath Reservoir 1 that were repaired, and the water there restored. That outcome is what the community is seeking for Reservoir 6.
2. If there are reasons that this process must be prolonged, then we ask that, rather than continuing to leave Reservoir 6 empty, the Bureau work with the MTNA representatives to determine what amount of water the basins can safely hold pending the repairs, to fill them to that level until it is time to drain them for the further assessment, and then add water again until such time as the repairs can be accomplished.
3. And, equally important, we ask that the Water Bureau be instructed to cease all work and expenditure on its uncollaborative effort on the Interpretive Program and that the Bureau start that program over, from the beginning, with entirely new staff. Staff members assigned to the Interpretive Program must be clearly instructed that it is an inescapable priority to work collaboratively with the MTNA, as required by Council Resolution 37146. We understand that there will be great resistance to beginning anew, but it is the Bureau that made the decision to ignore the responsibilities imposed upon this program by the Resolution, and to waste money and resources on a deeply flawed approach to the program by refusing to collaborate with the MTNA representatives. If for any reason Council deems that restarting the Interpretive Program from scratch is unacceptable, then the program should be canceled altogether. The effect of installing this travesty in Mt. Tabor Park as currently conceived would be to erect a painful reminder of both the Water Bureau's disdain for community concerns and its willful disregard of an explicit directive from the City Council.

RESOLUTION No. 37146 As Amended

Establish a cooperative agreement with the Mt. Tabor Neighborhood Association to ensure that clean water will be maintained in the Mt. Tabor Park Reservoirs at the historic levels that produce the Park's iconic views, and to prioritize and implement the maintenance, repair and preservation of the Reservoirs and authorize funding for work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*. (Resolution)

WHEREAS, Mt. Tabor Park and the Mt. Tabor Reservoirs have been an important aspect of Portland's livability for over a century; and

WHEREAS, the Mt Tabor Reservoirs and, separately, Mt. Tabor Park itself were both listed in the National Register of Historic Places in 2004 and are now the Mt Tabor Park Reservoirs Historic District and Mt Tabor Park Historic District; and

WHEREAS, the U.S. Environmental Protections Agency (EPA) passed a new federal drinking water rule (LT2) in 2006 that requires water utilities that store treated water in open reservoirs to either cover the reservoir or treat the reservoir discharge; and

WHEREAS, Mount Tabor community members have consistently expressed firm opposition to covering, burying, or disconnecting the historic reservoirs at Mt. Tabor; and

WHEREAS, the Portland City Council approved a Compliance Schedule with the EPA March 2009 that is scheduled to result in disconnection of the reservoirs from the drinking water distribution system by December 31, 2015; and

WHEREAS, the disconnection of the Mt. Tabor Reservoirs is just one component of an overall LT2 compliance strategy that includes building new storage at Powell Butte, Kelly Butte and new covered storage in place of the open reservoirs at Washington Park; and

WHEREAS, the Historic Landmarks Commission has called for the reservoirs' water levels to be maintained so as to consistently produce the sites' characteristic, iconic views, and for the reservoirs to be repaired, maintained and restored as historic landmarks; and

WHEREAS, the reservoirs at Mt. Tabor will remain an integral and historic part of Mt. Tabor Park; and

WHEREAS, the community is concerned about the impact to the treed character of the park by work done on Water Bureau pipes and appurtenances, and the Water Bureau is concerned about maintaining buffers between pipes and trees; and

WHEREAS, empty reservoirs would lessen the visual attractiveness of the park, negatively impact the historic integrity of the sites, detract from the overall appearance of the park and diminish the park experience for neighborhood residents and visitors alike; and

WHEREAS, the reservoirs will continue to be an asset of the City of Portland; and

WHEREAS, the reservoirs are part of a complex system of pipes, valves, other reservoirs and

related equipment that continue to be part of the overall utility infrastructure necessary for the operation of the city's water distribution system; and

WHEREAS, the reservoir locations may be needed for additional storage in future generations; and

WHEREAS, the City of Portland has an obligation to maintain, repair and preserve its assets; and

WHEREAS, in 2008, the Water Bureau contracted with Cascade Design Professionals and historic architect, Robert Dortignacq, to develop the *Mount Tabor Reservoirs Historic Structures Report* in order to provide expert advice on the condition, maintenance, rehabilitation and preservation of the historic visual features within the Mount Tabor Park Reservoirs Historic District; and

WHEREAS, the summary findings of the report indicate that while the historic features in the district are in fair to good condition, are largely intact, and reflect their original construction, there are various projects that need to be completed in the near-, mid- and far-term timeframes to prevent and remedy deterioration of those structures; and

WHEREAS, the report forms the basis for discussion between the Water Bureau and the Mt. Tabor Neighborhood Association (MTNA) regarding the City's obligation to maintain, repair and preserve the reservoirs as an existing and future City asset; and

WHEREAS, the Mt. Tabor Park Master Plan and amendments, accepted in Council Resolution 36657 (Dec 2008) as "the most current and correct information regarding the status and directions regarding Mt Tabor Park", will also influence these discussions between the Water Bureau and the MTNA; and

WHEREAS, the Water Bureau and MTNA agree that a cooperative agreement to prioritize and implement the maintenance, repair and preservation of the reservoirs is in the best interests of the City, the public and future users of the Park and reservoirs; and

WHEREAS, the MTNA is counting on the continued support of the City Council to ensure that this agreement is implemented.

NOW, THEREFORE, BE IT RESOLVED, that barring unforeseen circumstances, the City will ensure that three out of the four reservoir basins will be kept full (as close to 85% as possible) while the fourth is being drained, cleaned and refilled; and

BE IT FURTHER RESOLVED, the Water Bureau shall continue to work with the MTNA to explore alternative methods to maintain clean water at historic levels, and to maximize the number of days the reservoirs are full, in order to preserve the character of the reservoirs and the park in the most efficient and sustainable manner possible; and

BE IT FURTHER RESOLVED that the Water Bureau, and other City agencies as are necessary, including any City agency that may be responsible for managing the reservoirs in the future, are directed to work with the MTNA to prioritize maintenance, repair and preservation work

identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report* to be accomplished over a four-year period beginning in FY 2016-2017; and

BE IT FURTHER RESOLVED, the City Council shall allocate at least \$4 million over the next four years to the maintenance, repair and preservation work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*; and

BE IT FURTHER RESOLVED, the City Council will consider in a future budget an additional \$1.5 million allocation to replace non-historic lighting with aesthetically appropriate lighting at Reservoirs 1 and 5; and

BE IT FURTHER RESOLVED, the Water Bureau and other City bureaus as are necessary, directed to collaborate with the MTNA to develop an interpretive program that tells the history of the Mt. Tabor reservoirs and the City's water system; and

BE IT FURTHER RESOLVED, the Water Bureau will confer and consult with the MTNA before planned work and after emergency events in the park which have potential impact on trees with the intent to minimize the visual impact on the treed character of the park; and

BE IT FURTHER RESOLVED, the Water Bureau and other City bureaus as appropriate will coordinate and collaborate with the MTNA on a joint Semi-annual written Report to City Council documenting compliance with this Resolution, as well as annual presentations to City Council and the Portland Utility Board, including a Final Summary Report to be submitted by December 31, 2020 to City Council regarding the implementation of the maintenance, repair and preservation work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*; and

BE IT FURTHER RESOLVED, the financial obligations and other commitments approved by this resolution are binding City policy.

Adopted by the Council: JUL 15 2015

Commissioner Nick Fish
Prepared by: David G. Shaff/Teresa Elliott
Date Prepared: July 8, 2015

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

- 762 -

V140

Agenda No.
RESOLUTION NO. 37146 As Amended

Title

Establish a cooperative agreement with the Mt. Tabor Neighborhood Association to ensure that clean water will be maintained in the Mt. Tabor Park Reservoirs at the historic levels that produce the Park's iconic views, and to prioritize and implement the maintenance, repair and preservation of the Reservoirs and authorize funding for work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*. (Resolution)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish Commissioner Amanda Fritz</p> <hr/> <p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz <i>A. Fritz</i></p> <p>Position 2/Works - Fish <i>Nick</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <hr/> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Water Bureau Head: David G. Shaff <i>D. Shaff</i></p> <p>Prepared by: Teresa Elliott Date Prepared: July 8, 2015</p> <hr/> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <hr/> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>City Auditor Office Approval: required for Code Ordinances</p> <hr/> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p> <hr/> <p>Council Meeting Date July 15, 2015</p>	<p>CLERK USE: DATE FILED <u>JUL 10 2015</u></p> <hr/> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p style="text-align: center;"><i>M. Caballero</i></p> <p>By: _____ Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <u>30 minutes</u> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick		<input checked="" type="checkbox"/>
Hales	Hales	<input checked="" type="checkbox"/>	