



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF APRIL, 2003 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Leonard, Saltzman and Sten, 5.

Commissioner Francesconi arrived at 9:35 a.m.

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

Item No. 289 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

TIME CERTAIN	Disposition:
*282 TIME CERTAIN: 9:30 AM – Designate eight Heritage Trees (Ordinance introduced by Commissioner Francesconi) (Y-5)	177366
CONSENT AGENDA – NO DISCUSSION	
283 Statement of cash and investments February 13, 2003 through March 12, 2003 (Report; Treasurer) (Y-4)	PLACED ON FILE
Mayor Vera Katz	
284 Transmit evaluation report on contract with Walsh Construction Company for the addition and remodel of the Portland Communications Center Project, accept contract as complete, authorize final payment and release retainage (Report; Contract No. 33014) (Y-4)	PLACED ON FILE
*285 Pay claim of Marivic R. Anderson (Ordinance) (Y-4)	177350
*286 Pay claim of JT Tims (Ordinance) (Y-4)	177351
*287 Pay claim of Gloria E. Tims (Ordinance) (Y-4)	177352

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<p>*288 Authorize agreement with David M. Corey to perform psychological examinations of Oregon Police Corps cadets not to exceed \$75,000 (Ordinance) (Y-4)</p>	<p align="center">177353</p>
<p>*289 Authorize a contract with Identix, Inc. to provide a remote wireless fingerprint capture system for the Police (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>*290 Amend contract with Richard E. Sherman & Associates, Inc. to provide actuarial services to Risk Management Division (Ordinance; amend Contract No. 32316) (Y-4)</p>	<p align="center">177354</p>
<p>*291 Approve an Intergovernmental Agreement with the City of Salem for a limited United States Supreme Court filing (Ordinance) (Y-4)</p>	<p align="center">177355</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>292 Grant a revocable permit to Portland Saturday Market, Inc. to use Ankeny Park and that portion of Gov. Tom McCall Waterfront Park located under the Burnside Bridge (Ordinance)</p>	<p align="center">PASSED TO SECOND READING APRIL 9, 2003 AT 9:30 AM</p>
<p>*293 Issue a Sewer Line Permit to the City of Gresham to construct, operate and maintain an underground sewer line within a portion of the Springwater Corridor (Ordinance) (Y-4)</p>	<p align="center">177356</p>
<p>*294 Approve contract with TransCore ITS, Inc. to provide software for the Central Traffic Signal System Replacement project (Ordinance) (Y-4)</p>	<p align="center">177357</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*295 Authorize contract with the lowest responsible bidder for the Montana Pump Station Upgrade, Project No. 7017 (Ordinance) (Y-4)</p>	<p align="center">177358</p>
<p>*296 Authorize an agreement with Oregon Association of Clean Water Agencies to provide laboratory analytical services (Ordinance) (Y-4)</p>	<p align="center">177359</p>
<p>297 Amend Intergovernmental Agreement with the City of Gresham for the Portland Water Bureau to supply water to certain City of Gresham customers (Ordinance; amend Contract No. 26438)</p>	<p align="center">PASSED TO SECOND READING APRIL 9, 2003 AT 9:30 AM</p>

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<p>298 Clarify existing regulations and reflect change of authority from the Bureau of Environmental Services to the Office of Sustainable Development (Second Reading Agenda 267; amend Code Chapter 17.102) (Y-4)</p>	<p align="center">177360</p>
<p align="center">Commissioner Erik Sten</p>	
<p>*299 Amend Intergovernmental Agreement with Tri-Met to increase agreement by \$36,000 and extend termination date (Ordinance; amend Contract No. 51490) (Y-4)</p>	<p align="center">177361</p>
<p>*300 Amend Intergovernmental Agreement with Oregon Health & Science University to provide additional defibrillator training (Ordinance; amend Contract No. 51507) (Y-4)</p>	<p align="center">177362</p>
<p>*301 Accept donation from Wal-Mart Foundation of \$1,200 to benefit fire and life safety efforts (Ordinance) (Y-4)</p>	<p align="center">177363</p>
<p>*302 Authorize Intergovernmental Agreement for Community Emergency Response Team training with the State of Oregon (Ordinance) (Y-4)</p>	<p align="center">177364</p>
<p align="center">City Auditor Gary Blackmer</p>	
<p>*303 Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0742, K0054, T0069, K0055, T0070, P0064) (Y-4)</p>	<p align="center">177365</p>
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Vera Katz</p>	
<p>*304 Clarify and update City Deferred Compensation Plan (Ordinance; amend Code Section 5.09) (Y-5)</p>	<p align="center">177367</p>
<p>305 Increase the threshold for upgrades to nonconforming development and increase consistency in the code (Second Reading Agenda 280; amend Title 33) (Y-5)</p>	<p align="center">177368 AS AMENDED</p>

At 9:49 a.m., Council recessed.

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WEDNESDAY, 2:00 PM, APRIL 2, 2003

DUE TO LACK OF AN AGENDA

THERE WAS NO MEETING

APRIL 2, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF APRIL, 2003 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Frank Hudson, Deputy City Attorney; and there was no Sergeant at Arms.

<p>306 TIME CERTAIN: 2:00 PM - Consider the Land Use Board of Appeals remand of the application by Rowen Rystadt, applicant and Terry Carney, property owner, for a zoning map amendment to address the adequacy of Police Services and the On-Street Parking Management at 8816 N. Edison Street (Findings; Previous Agenda 233; LUR 02-00027 ZC)</p> <p>Motion to adopt the findings: Moved by Commissioner Sten and seconded by Commissioner Saltzman.</p> <p>(Y-3; N-1, Leonard)</p>	<p>Disposition:</p> <p>FINDINGS ADOPTED</p>
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At 2:03 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

APRIL 2, 2003 9:30 AM

[Roll call]

Katz: Francesconi is --

Moore: He should be here.

Katz: He's tardy. All right. Consent agenda. Let me -- I want to pull 289 after the consent agenda. Anybody else want to pull any items off the consent agenda? Anybody in the audience? Roll call on consent agenda.

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

Katz: Mayor votes aye. [gavel pounded] 289.

Item 289.

Katz: I'd like to refer this back to the mayor's office, and i'll bring it back as soon as we clean up the language. Any objections? Hearing none, so ordered. [gavel pounded] all right. 282.

Item 282.

Katz: All right, let's come and hear some good news.

Phyllis Reynolds, Chair, Heritage Tree Committee: It's been a long time since i've been here, so I should remind you that i'm the chair of the heritage tree committee. Commissioner Leonard, how do you do? I have eight trees to present to you today, and they've all been passed unanimously by the urban forestry commission. And so let's go with tree number 1. This is an english walnut in sellwood. It's really not from England, it's from Asia, and its other name is a Persian walnut, and this tree is about 80 years old, it's my best guess. The house was built in 1924 that's to the side of it. There are lots of walnut trees -- not lots, but a fair number of walnut trees around town. This is a very nice one. It's just a handsome tree. People want it to be a heritage tree, so we voted for it.

Katz: Does that include the squirrels?

Reynolds: They're very happy. What I do is I go over there and collect my own nuts before the squirrels get them. The next tree is a willow oak. Now, willow oaks are native to Southeast United States. This is a tree in Columbia Park. It's not very big, it's not very old, but willow oaks are rare in Portland. It's called a willow oak because the leaves look like willow leaves. They're not shaped like oak leaves at all. They're just lacy leaves. And there is -- as I say, they're very rare in Portland. If you go to the next slide, then we can show you we have another willow oak. This is -- it's hard to see, it's the big one, this is a tree in Washington Park, also a willow oak, and we decided to do two, because they are rare in Portland. They're across town from each other, so if people want to see a willow oak, they don't have to go to just one place. Ok. The next slide? This is a ponderosa pine. The house on the left-hand side was built, it was a barn that was moved there in 1908, and the woman who lives in the house thinks her grandfather planted that ponderosa pine around 1908. It's a very nice tree. It is right on the boundary between two properties, and we were afraid that if either one of those houses sold and someone wanted to cut down the tree, it would not survive. So if it's a heritage tree, we'll have a nice ponderosa pine, and as you know, they're native to Oregon. Next slide is a leafless horse chestnut. You should see a picture of this with the leaves on it. It's just incredible. We have just one other. This one is in Barely Northeast, and the man who lives in the house behind it is a retired police officer. And he really wants this tree to be a heritage tree. Horse chestnuts are native to Bulgaria, Greece, they're exotic, but they're very pretty. The next tree is -- it's the -- one looks bigger than the other. They were planted at the same time. These are Oregon

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myrtles. We're only nominating the one on the right of way to be a heritage tree. The other one has swings and ladders and things put into it, so we went with just one, Oregon myrtle is native to Oregon. In California it's called the California bay, and the leaves of this tree are what spice islands use for bay leaves. There are a fair number in town, but this picture really doesn't do it well. This is a very nice tree. They're both very nice trees. Ok. The next slide. This is an Oregon oak. Oregon white oak. Gary oak. And it's on the right of way in north Portland. They're a fair number of what Oregon white oaks in north Portland, and the heritage tree committee feels they should all, as many as possible, be saved. They're not urban trees. They thrive there from really neglect. This tree is probably as old as the city. I would guess 150 years old. You can see the lines go through it in one little place, but by the time the leaves come on, you can't see that little hole there. Ok, the next slide, this is a dawn redwood. It's a deciduous conifer first discovered in China in 1941. It didn't even get its botanical name until 1944. Seeds were collected and came to this country only in 1948. They were distributed by the Arnold Arboretum. The seed that came to the Hoyt Arboretum were planted and one of those trees produced the first cones in the western hemisphere in 8 million years.

Katz: Say that again? The million years piece.

Reynolds: 8 million.

Katz: What -- back up. The seeds?

Reynolds: The seeds were collected in China, and -- by Arnold Arboretum, brought here, planted by Hoyt Arboretum, among other places in the country, and one of those seeds that sprouted in Hoyt Arboretum grew to be a tree that produced cones which were the first cones to be on this tree ever in 8 million years. It has been found in fossil form here, but --

Katz: Oh, my.

Reynolds: But it just came back. By way of seed collection. They're rare in China. They're very rare in China. They're in -- the folks there use them for firewood, but they -- they thrive here. There are a fair number of them in Portland this. Is one of the larger ones. Robbie Robinson took cuttings from the Hoyt Arboretum trees and they flourished, and this is from one of Robbie's cuttings. This tree is about 50 years old, and it's -- it will when it gets leaves, be beautiful. They tend to grow up like this one does, and they look pretty funny in the winter, and some of them even without leaves get cut down, because people think they have a dead tree. And those are the eight trees, and I hope you look on them favorably.

Katz: Thank you. Did you want to add anything?

Brian McNerney, City Forester: Yes. My name is Brian, the city forester. As you can see from this presentation, our heritage tree committee has been very active and productive. Now I think the list of her teenage trees is 250. Is that right?

Reynolds: 244 with these.

McNerney: 244. And I know this council has enjoyed seeing those trees over the years. One other thing that the heritage tree committee did this year is they put all those trees on the park's web page, so now everybody can see them. If you want to go back and look at the trees, see where they are in the city and visit them, that's an easy way to do it. Also, we celebrated Arbor Day yesterday, and one of our young artists made the council members cookies, which I'd like to give to you as something to celebrate Arbor Day with. So we have one for each of the council members.

Katz: Thank you. Is there anybody else that wants to testify on our heritage trees? All right. Thank you very much. This won't get you into the building, but --

McNerney: It will get you into the parks. [laughter]

Katz: Thank you. All right. I'll take --

Leonard: Can I ask a question?

Katz: Go ahead.

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Leonard: What does the designation of heritage tree mean? What happens when a tree is designated as a heritage tree?

Harry Auerbach, Sr. Deputy City Attorney: A heritage tree is codified in title 20, and it's a tree that's recognized for a variety of reasons, either because it's unique as far as variety in the city, or it's of such a size that it's special and unique. Or it has some historical significance, like maybe some pioneer planted it, or some other person that was significant in the community. There's also I think a variety of other reasons, but it has to be special in some way that the community would benefit from celebrating it. The effective designating a tree is that it can't be cut without a permit, which is why we don't designate them on private property without the owner's consent.

Leonard: Ok. That's helpful. Thank you.

Katz: And if they try to, there's the wrath of the community.

*******:** Oh, absolutely.

McNerney: That is true. These trees get to be well known and celebrated by the community.

Katz: Ok. Thank you. All right. Let's do roll call, then.

Francesconi: I'm sorry I was disrespectful by being late. I was on a telephone conference. Some things are happening in the legislature on my other bureau on transportation. The only thing I want to just say is there was a city forester yesterday who said on arbor day celebration, I take care of the trees and the trees take care of me. And so you are taking care of these heritage trees, and sending a symbol as well as a practical tool as to why they're so important to our community. And they take care of us. Whether it be air quality or water quality, or just beauty. So thank you. Aye.

Leonard: Aye.

Saltzman: Great work. This is always one of my favorite council sessions when we have heritage trees. Aye.

Sten: Thank you. Aye.

Katz: Ok. [gavel pounded] regular agenda, item 304.

Item 304.

Katz: Come on up. I saw you hiding over there.

Ken Rust, Director, Bureau of Financial Services: Good morning. I'm ken rust, director of the bureau of financial services. The ordinance in front of you is really housekeeping in nature. It adds an additional language in our deferred compensation plan. Really an outgrowth of the pension reform act passed by the federal government a couple years ago. We had brought plan amendments to you a year ago to implement that plan, and these are just a couple housekeeping items that will clarify how participants can take withdrawals from the plan and also allow new language on qualified domestic relation orders to be put into the deferred comp plan.

Katz: Does anybody want to testify? Anybody have questions? All right. Roll call.

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

Katz: Mayor votes aye. [gavel pounded] 305.

Item 305.

Katz: Roll call.

Francesconi: Just very briefly, this is appropriate for a two-year period as we analyze this in order to help spur development in the city to send a very concrete specific signal that we are open for business. And I appreciate all the work that's been done in this. Having said that, when it comes to the trees and the effect on the urban forestry, I believe the hundred thousand limit is going to be too high. Hundred thousand is arbitrary. I'm willing to go along with this for two years. The 35 limit - - thousand limit we have is also arbitrary. So what i've asked is the Oregon forestry commission and my own staff to come up with a more performance based measurement as to what its effect is going to be on the urban forest. So when it comes to this tree issue, when this comes back to council, I want it more performance-based and i'm going to do some work on this to come up with

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what that is as opposed to this arbitrary hundred thousand, which I think is -- if it's permanently applied, will have too much of a detrimental impact on the urban forest. Having said that, i'm voting aye.

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

Katz: Mayor votes aye. [gavel pounded] all right, everybody. We don't have an agenda for this afternoon, so we will adjourn and come back thursday at 2:00 p.m. [gavel pounded]

At 9:49 a.m., Council recessed.

APRIL 3, 2003

APRIL 3, 2003 2:00 PM

[roll call]

Leonard: The mayor is excused. We're here to adopt findings. Mr. City attorney?

Item 306

Leonard: Is there a motion?

Sten: I move we adopt the findings as presented.

Saltzman: Second.

Leonard: Discuss? No discussion. Roll Call.

Francesconi: Aye. **Leonard:** No. **Saltzman:** Aye. **Sten:** Aye.

Leonard: Council is adjourned. [gavel pounded]

At 2:03 p.m., Council adjourned.