



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF JUNE, 2007** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams, and Sten, 3.

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

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK AND ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA	Disposition:
COMMUNICATIONS	
722 Request of Bonnie Tinker to address Council regarding City support of a military presence in the Rose Festival Parade (Communication)	PLACED ON FILE
723 Request of Sara Graham to address Council regarding militarization of the Rose Festival (Communication)	PLACED ON FILE
TIME CERTAINS	
724 TIME CERTAIN: 9:30 AM - Accept report for the Portland Regulation of Lobbying Entities Code (Report introduced by Commissioner Adams) Motion to accept the Report: Moved by Commissioner Sten and seconded by Commissioner Saltzman. (Y-3)	ACCEPTED
REGULAR AGENDA Mayor Tom Potter Bureau of Planning	
725 Accept Historic Preservation Fund grant of \$11,800 to supplement the City historic resources program for the federal FY October 1, 2007-September 30, 2008 (Ordinance)	PASSED TO SECOND READING JULY 27, 2007 AT 9:30 AM
Office of Management and Finance – Business Operations	

June 20, 2007

726	Amend contract with MCA Architects, PC to provide additional architectural and engineering consulting services for the remodel of Fire Stations 15, 24 and 43 (Second Reading Agenda 710; amend Contract No. 35694) (Y-3)	181056
Commissioner Sam Adams Bureau of Environmental Services		
727	Authorize an agreement with Owens-Brockway Glass Container, Inc. for receiving easements and \$55,000 reimbursement in return for providing a water quality facility by the NE 92nd Drive Water Quality Facility Project No. 7161 (Second Reading Agenda 686) (Y-3)	181057
Office of Transportation		
728	Grant revocable permit to Contemporary Crafts Museum & Gallery to close NW 8th Ave between Everett St and Couch St and NW Davis St between Park Ave and Broadway Ave from July 20, 2007 to July 22, 2007 (Second Reading Agenda 691) (Y-3)	181058

At 10:09 a.m., Council recessed.

June 20, 2007

<p><u>WEDNESDAY, 6:00 PM, JUNE 20, 2007</u></p> <p>DUE TO LACK OF AN AGENDA THERE WAS NO MEETING</p>	
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June 21, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF JUNE, 2007** AT 3:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams, and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

729 TIME CERTAIN: 3:00 PM - Designate five Heritage Trees and remove designation for three Heritage Trees in the City (Ordinance introduced by Commissioner Saltzman)	Disposition: PASSED TO SECOND READING JULY 27, 2007 AT 9:30 AM
730 TIME CERTAIN: 3:15 PM - Accept Staff Report and Recommendation and Order of Council for Thomas Hermach, Measure 37 Claim (Report introduced by Mayor Potter; PR No. 05-123366) Motion to accept Staff Report and recommendation and order of Council: Moved by Commissioner Adams and seconded by Commissioner Sten. (Y-3)	STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED

At 3:20 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 File.

June 20, 2007
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this program. The text has not been proofread and should not be considered a final transcript.]

JUNE 20, 2007 9:30 AM

Adams: Hi. Good morning everybody.

Moore: Leonard. [no audible response.]

Saltzman: Here.

Sten: Here.

Moore: Potter. [no audible response.]

Saltzman: Ok. Our first item is the communications. Karla, could you please read 722?

Item 722.

Bonnie Tinker: Good morning, commissioners and fellow Portlanders. I'm here that tell you why I was arrested on June 9th along with Sara Graham for stepping in front of a tank in the Rose Festival parade while holding a sign "war is not the answer." but first I want to start by thanking Mayor Tom Potter for his statement in support of our immigrant community after the immigration and customs enforcement raid last week. That is the kind of leadership and courage I expect from our mayor and from our city council. Last November, Portlanders asked for your courage and leadership in calling for an end to the war in Iraq. You responded by passing a resolution calling for the immediate withdrawal of troops and asking that the money our country would save could be used to support the urgent needs of the most vulnerable portions of our population. It is time to go further and challenge not only the loss of life in one particular war and the domestic services lost because of the billions spent on the war in Iraq. Militarization of our culture and the misuse of the United States military around the globe threaten the very democracy they are supposed to defend. While our rights as a free people are silently sucked away by a deceitful commander in chief who leads us into a war of occupation which serves the needs of international capitalism, our workers cannot earn a living wage. Our educational system deteriorates. Health costs soar. And our children see the promise of a middle-class future disappearing. The budget of the United States military now exceeds the combined budget of all other national militaries in the world. Our values as a free and moral people are eroded. You might say that our government has put its money where its mouth is. Might makes right. We all know this is a false value, yet we defer to it without even thinking. How could our city sit by and watch a tank roll through the streets of Portland during Rose Festival as a form of entertainment? How is it that our city council will can issue a stirring resolution calling for the immediate withdrawal of troops from Iraq and six months later we greet cruise missile ships at the water front and fall in line behind weapons of war parading through our streets? You have shown the courage to stand up to the president of the United States asking him to withdraw troops from Iraq. You stood up to the F.B.I. and kept our city police as an independent municipal force. And our mayor stood up to the I.C.E. Raid, reminding us that valuing families means not tearing them apart. During next year, can't you find the courage to stand up to the Rose Festival Association? Ask them to turn away from the glorification of military might and make our celebration of roses into a celebration of peace. Thank you.

Saltzman: 723.

June 20, 2007

Item 723.

Saltzman: Good morning. If you could please state your name? You have three minutes.

Sara Graham: Good morning, commissioners. I'm sara graham. At first I must express my gratitude to the mayor's response to the devastation that has torn apart friends and families in the immigrant community. It's a marvelous stand when our representatives take a stand against inhumanity, and it's a sad day when they don't. There was a time when this council took a brave stand against the inhumanity of war, but this month you did not speak out against the glorification of war during the centennial rose festival celebration. Many of us asked you recently by phone and e-mail to address the increased militarization of the rose festival. Those of you who responded, through your assistants, didn't seem to believe that you had any influence over the rose festival or that there was going to be an increased militarization. So I come to speak to you today in hopes that, by now, you have noticed that indeed there was an increased militarization of the rose festival.

Even the number of high school bands were swirling painted rifles this year instead of batons. Now we have all seen the tank led through our streets by 14 military entries, the marching units and bands and the troop carrier, all this while four guided missile ships were anchored near the seawall by the rose festival fun center. And we have all heard as the military entries marched past the reviewing stand the announcer jump back and forth from the descriptions of a world war ii victory parade to congratulations and thanks to the troops fighting for our freedom. My mother always said you're known by the company you keep. Could it be the same thing with wars? Could we make the failed war in iraq look great by mixing it up with world war ii in parades and festivals? Maybe not great but at least good. And where better to stage such a co ups than a city that staged a resolution to stop the war. A propaganda campaign to build support for continuing a failed and up popular war waged by an administration that has lost nearly all public confidence, in the process giving all the military warships, weapons, and forces, our city may well have become a target for terrorism. And worse of all, our children were given the message that war is fun, war is great, war is glorious.

Or as the commentator said about the tank, wow, that's the coolest thing i've ever seen. Please, for humanity's sake, as the governing body of this city, use your political and moral influence to stop the glorification of war before it starts next year. Let's keep war out of the rose festival. Let's celebrate peace. Thank you.

Saltzman: Thank you very much. Since we don't have a consent agenda, we'll move to our time certain. 724.

Adams: Thank you, mr. President --

Saltzman: Karla needs to read it first.

Item 724.

Adams: Thank you, mr. President. We have a substitute today on the -- to fix the title.

*****: Actually that's already didn't done administratively through the auditor's office.

Adams: Excellent. So this is our continuing work to polish and refine regulations that require the registration and reporting of lobbying activity here in the city of Portland with public officials. And shoshanna is going to give a very brief power point presentation. We just have a couple of people to testify, and that's the extent of our efforts today.

Shoshanah Oppenheim: So today we offer a report that was asked for boy council at the end of our six-month review in the fall. The original ordinance directed the commissioner of public utilities, stakeholders, and the auditor to review the ordinance, implementation, and the effectiveness and to submit a report. When the report was filed last fall, there was the belief by several members of council for an additional report at a six-month interval to determine whether or not there were needs for changes in the reporting requirements. So these are the original areas that the ordinance asked us to review. As part of the review process, the commissioner and his staff met with interested parties, reviewed enforcement implementation procedures with the city auditor, and reviewed the online report. And a report filed by the office of neighborhood involvement.

June 20, 2007

Stakeholders are deb d'iona from the league of women voters, chris smith, a citizen advocate, len bergstein, from a lobbying firm here in town, gwen baldwin from baldwin consultants, janice thompson from money and politics, and members of the city club, kristin green and wendy radmacher. To date, there have been 54 lobbying entities registered under the ordinance, and the lobbying entities lobby on 10 basic areas of interest. Recommendations that came out of the stakeholder committee are that -- the original one is creating an oversight committee, around this was thought that there needed to be more analysis to determine whether or not an oversight committee is necessary at this time. The current ordinance is complaint driven, and there's no real indication that complaints are prohibited or thwarted by the system, so we're going to do more analysis to determine whether or not an oversight committee is necessary. Previously the council directed that the names of lobbyists and lobbying on behalf of lobbying entities be included in the report, and so there is no -- these changes have been implemented at this time, so there's no necessary recommendation at this time. There is the suggestion that the hourly threshold be reduced or removed. The stakeholder committee was interested in seeing some changes on this front, and that was the original purpose for this additional report. The recommendation is to reduce to eight hours the threshold for registration, thinking that this would increase the public's awareness of advocating at city hall. There is also the suggestion that calendar reporting be made more uniform and could include more detailed information. Currently calendars posted by all of the directors and the elected officials include varying amounts of information, and there's the hope on the behalf of the stakeholders that more detailed information be included. Currently, when amending a report, an elected official -- i'm sorry. Currently, when an elected official receives a gift from an unregistered lobbyist, this does not allow for specification of the lobbyist's name, and so there is hope that that information will be included in the reporting system as it goes forward. The auditor's office has indicated that this is a possibility. Additionally, there's been -- I don't know if this is amending. I'd get back to it. A quarter-time f.t.e. Has been added to the staff of oni to assist the efforts on the part of the neighborhoods to include association's minutes online, and this is going forward, and we continue to support oni in this effort. For the exemptions, there was the concern that those who are exempted from the requirement, that information is not readily available on the web site, so there is the hope that there would be a disclaimer at the top of the report stating who is required by the registration requirements to report. There is the recommendation that, if the threshold requirement is not remove, that the code should just be clarified to state that lobbying entities that spend fewer than 16 hours lobbying during any calendar quarter must report, and this is just to clarify the code language. It's purely administrative. The original draft was somewhat circuitous. First ceremonial events, there was the recommendation that complimentary tickets to ceremonial events be reported and there be a field to indicate whether or not an elected official was a speaker or eventer or that they were participating in the event for ceremonial purposes. This is thought to clarify any concern about the receipt of gifts.

Adams: And just to be clear, the group recommended no change whether you get free tickets or a ceremony or free tickets or whatever else. You still have to report it.

Oppenheim: Absolutely. There was a recommendation that many lobbyists don't know or folks that are meeting with elected officials or directors don't know the requirements, so trying to provide that information in a pamphlet or as the signature line from a scheduler from an elected or director's office, there was also a recommendation that maybe a sign be posted downstairs at the public entrance basically stating what the requirements are. So if these are appreciated by council, then i'll draft those into an ordinance. Also there was the hope on behalf of the stakeholders that one searchable document be created and that the information be provided as easy as possible for the public. The auditor's office said that this is a possibility, and we'll make this information available in the future. The current code states that no person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration of false swearing

June 20, 2007

which the person does not believe to be true. This is a difficult standard to meet, and the city attorney's office has suggested that we add the word "reasonable" to it so it would be reasonably believe. This is a standard that is much more easily able to prove or prosecute.

Saltzman: What does that mean, that last one?

Oppenheim: Reasonably believe?

Saltzman: I'm reading the paragraph. I have no idea what it means.

Oppenheim: [laughter] the standard put forth in the code asks that, if somebody believes the swearing to be true -- it basically is stating, when you file your report, you have to believe the information to be contained in the report is to the best of your knowledge.

Saltzman: Ok.

Oppenheim: So it's basically affirming the standard that a reasonable belief.

Adams: So it's people who, where someone wants to complain that an individual intentionally lied -

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Oppenheim: It's difficult to prove that in a court of law.

Adams: There is an e-mail chain that said, he did this, but we're going to report something else. That would be an example of -- this is lawyerese, but that would be an example of willful lying.

Oppenheim: Absolutely. So, in conclusion, the ordinance calls for an additional code review in october of this year, and the commissioner will coordinate this, including a more open forum and opportunities for input from council's office as well as the public on any changes necessary. And hopefully we will make city hall more accessible, transparent, and inclusive for the public. Thank you.

Sten: One question. I guess I expected to hear a little more -- I think it's working well. I know this is hard stuff. I'm wanting to hear a little more logic on why we should do the eight hours instead of 16. My personal belief is that I actually don't want to catch the one-time citizen lobbyist in this. I really don't want people who are working an issue and are not professional lobbyists to have to -- and I get that it might give some transparency to the public, but a person whose just working on an issue and suddenly gets to 10 hours on it is not worth what the public's going to learn from having that.

Oppenheim: Commissioner Sten, I appreciate that. The thought is that when one is advocating on their own issue, if I was advocating for a matter of my own personal concern, that would not be captured under the ordinance. It's only when I am advocating on behalf after lobbying entity. So if my issue is no longer my issue but for another entity, then I would be required to register under the requirements. The thought is, in reducing the registration requirement to eight hours, it would just - - it would capture more of the activities. And I believe that folks that are here to testify will be able to address their concerns a little bit more directly. But that was their reputation to my office, to our office.

Adams: That is not being moved forward by what you're considering today? That was the recommendation of the citizen group we brought together, and we've noted that, but it doesn't -- we're not actually making that happen today.

Oppenheim: Right. We haven't offered an ordinance at this time. I'll be bringing one forward for the administrative changes and any other changes recommended by council today.

Sten: That would be the area with people testifying that i'm most interested. The other ones, I think, make sense to me.

Oppenheim: Any other questions?

Adams: Do we have invited testimony, shoshanna?

Saltzman: Go ahead and call the first three.

Moore: We have four people signed up.

Saltzman: Good morning.

*****: Good morning.

June 20, 2007

Saltzman: Each state your name for the record, and you have three minutes. Start with carol.

Carol Cushman: I'm carol cushman, representing the league of women voters of Portland. The league wholeheartedly supports transparency and openness in government and believe's Portland's lobbying ordinance is key to accomplishing that goal. We supported the goal from its inception and participate in it as a registered lobbying entity. It is, however, a work in progress and needs continual monitoring and adjusting. The intent of the program is to capture the behind-the-scenes interaction between the decision makers and the entities seeking to influence them. A review of the quarterly reports shows that, under the current rules, some of the city's most influential lobbyists are not required to report their activity. For this reason, the league supports both the registration of all lobbying entities and removing or at least lowering the threshold that triggers reporting. At this point, we do not know what would be sufficient to capture the full extent of lobbying activity. Therefore we suggest operating under a new threshold and registration requirement for at least two quarters and then evaluating the results. We urge the council's eventual approval of these two changes since I hear it's not up for discussion this morning. When I wrote this, we thought it was.

Sten: It's certainly up for discussion. It appears to not be up for a vote.

Cushman: Ok. Thank you.

Adams: And I want to thank you for the league's input on this from the very inception. And it is definitely a work in progress.

Saltzman: Thank you.

Harvey Thorstad: Good morning. I'm harvey thorstad, commander u.s. Navy retired, vietnam vet, president of veterans for peace after '72 here in Portland. I'm here to speak in support of mayor Potter in connection with the recent i.c.e. raid at the del monte plant and some other areas.

Saltzman: Harvey, we're having testimony on the lobbying ordinance. Your testimony must pertain to that matter.

Thorstad: Ah. In which case, let me withdraw my testimony. Thank you.

Saltzman: Chris?

Chris Smith: Good morning. Chris smith. While I am a registered lobbyist on behalf of the Portland streetcars advisory committee, I am speaking today only on my own behalf, not as a representative. Let me first celebrate what I think is some of the success of the system. I think the addition of the lobbyist names, reports, and last review has been very helpful making things more apparent. Speaking from personal experience, it was very illuminating to me to read the reports related to lobbying around the irving street parking structure. If we had had that kind of transparency in 2003, I think we would have been much less naive in the way we worked with council on that issue, so I think we're making progress on that front. I do want to support a number of the changes suggested today. First an issue that i've been championing is the idea of getting all the contacts into one searchable electronic document so that those of us who like to load things in databases and trend them over time and try and discover deeper patterns and information have an easy way to do that without retyping everything. So I appreciate that. I do support lowering the threshold. I would echo much of what carol says. I think there's still a lot of stuff flying beneath the radar. Two prominent examples, I saw nothing on any lobbying reports during the period when warner pacific was negotiating about mount tabor, and apparently we could get all the way to a memo of understanding draft without triggering a threshold that required reporting. I have seen nothing on lobbying reports about negotiations over the financial contributions to the tram. You would think you'd rack up 16 hours, but apparently that's not a fine enough filter. I think there's a strong argument to lower the filter. I think there have been different approaches to that. In an earlier version of this report, an idea that didn't survive into the final report, was a test that would apply to people who were representatives of multiple entities and earned a certain portion of their living from being a representative. And that, I understand, got bounced by the city attorney on the basis of sort of the livelihood test not standing constitutional muster. But I think that you could

June 20, 2007

seriously look at a test and say that, if someone is a representative for more than one entity, it suggests that they're kind of a different kind of actor in the system in applying a different threshold, even a zero threshold to them is appropriate. And I realize I myself am probably at risk of triggers that in the future. I would encourage you to look at that and go to eight hours, 'cause I think it still takes a lot of activity to trigger eight hours in a quarter, so I don't think it's terribly harsh on sort of the everyday citizen activists. I don't think it would pick up a lot of those. Thank you.

Adams: Thanks, chris. And thanks for being part of this project from the very beginning as well.

Saltzman: Thank you.

Moore: Our last person.

Saltzman: Good morning.

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

Saltzman: Please state your name for the record. You have three minutes.

Gwenn Baldwin: Gwenn Baldwin, president of Baldwin Consulting and someone affected by this ordinance. I've had an opportunity to work within it for the duration of the affected time as well as for multiple climates. I do appreciate some issues Adams and his staff, Shoshanna Oppenheim, for being open to hearing about adjust. And refinements to better meet the intent. I appreciate that this is a work in progress. And as someone affected by the ordinance, you know, there's a practical piece to it, and in issue to the changes that are listed in the report today, which I have no problem with, I would encourage the auditor's office to confirm reports by entity as somebody who may put in one report in a quarter. Sometimes it's only one. Sometimes it's none. Sometimes it's two. If I get an e-mail confirmation saying "thank you for filing" and I don't know whether they've received both or only one, it's confusing, so I would appreciate that refinement. But I want to touch back on the transparency issue because I think it is really important. I have no problem with transparency across the board. I think it's a good thing to open up the window to public developing, public working, and I don't have anything to hide. At the same time, I remain concerned and frustrated with the exemptions in the ordinance that aren't necessarily consistently applied within the criteria of open meetings and public records laws. Now, some of the exempted organizations have technical limitations and have difficulty putting their meeting minutes up or distributing them, and I know that there's work with own any to try to deal with -- with one to try to deal with that. They're trying to comply and are just having some technical issues. At the same time, not having that information fails to meet the transparency. The point is that you don't want to have people double reporting, but they're not actually sharing that information or they're in executive session or any number of things that violate the public meetings -- open meetings and public record laws. I don't think the public is being served. So I'd really encourage you, as you continue to move forward on this, to look at that. I don't have any trouble with the threshold. I have a great deal of trouble with it being inequally applied, and the ACLU has already had an Oregon supreme court decision to that effect, so let's not go there again. Thank you.

Adams: I want to thank you as well for being with this project from its inception. Appreciate it.

Saltzman: Thank you all for being here today. Is there anybody else in the audience that wishes to testify on the lobbying reports? Apparently not. Any further discussion? We need a motion to accept the report.

Sten: So moved.

Adams: Seconded.

Saltzman: Please call the roll.

Adams: Well, I want to thank the council for their support, for launching this project and for their consideration today. I want to thank the auditor and Andrew for all their good work with us and helping to fine tune it and for making it workable online and enforcing it. Very much appreciate that. And all the citizens that help us and hopefully will continue to help us to polish and perfect this. And to Shoshanna Oppenheim for her excellent work on this issue. This has been a very busy

June 20, 2007

couple of weeks for her with all of our work on transportation and to pull all that off and this off as well, i'm very grateful, shoshanna. Thank you. Aye.

Saltzman: I'm very pleased to accept the report. I do have some issues with some of the recommendations changes. Part of our job is to encourage an open city hall for our citizens, and the notion of handing citizens a form when they show up in an office for a meeting with me seems to provide, to my mind, somewhat of a chilling effect. I mean, people are nervous enough coming in to city hall to meet with a commissioner or a mayor. I don't want them to sort of be double thinking about, gee, am I doing something wrong. I want them to feel like they're doing something write by coming to city hall. So that is one issue I have concerns about and probably will not support if it comes forward. Some of the things about schedulers as well i'm concerned about for the same reason. But other than that, i'm pleased to accept the report. Aye.

Sten: I think it's going very well, and I appreciate all the hard work. Aye.

Saltzman: Ok. So next item, 725.

Item 725.

Saltzman: Anybody here? Is anybody signed up to testify on this?

Moore: I did not have a sign-up sheet.

Saltzman: Please call the roll.

Adams: Nonemergency?

Moore: Nonemergency.

Saltzman: This moves to a second reading. 726.

Item 726.

Saltzman: Anybody signed up to testify?

Moore: This is a second reading.

Saltzman: Oh. This is a second reading. Please call the vote.

Adams: Aye. **Saltzman:** Aye. **Sten:** Aye.

Saltzman: The ordinance passes. 727.

Item 727.

Saltzman: Second reading vote only.

Adams: Aye. **Saltzman:** Aye. **Sten:** Aye.

Saltzman: Ok. Ordinance passes. 728.

Item 728.

Saltzman: Second reading. Vote only. Please call the roll.

Adams: Aye. **Saltzman:** Aye. **Sten:** Aye.

Saltzman: Ordinance passes. 729.

Moore: That's for thursday's agenda.

Saltzman: Then we are adjourned until thursday at --

Moore: 3:00.

Saltzman: -- 3:00.

Adams: They're already protesting your rule.

At 10:09 a.m., Council recessed.

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JUNE 21, 2007 3:00 PM

[roll call]

Saltzman: We are here for two items, first item is 729.

Item 729.

Saltzman: I'm happy to introduce chair of the heritage tree committee, an important subcommittee of the urban forestry commission. Michael is one of the newest members of the commission and it's wonderful to see him take on the added responsibility of the heritage tree program, which is one of my favorite things to do as a city commissioner. So thank you, michael, to you and your volunteers. Designated heritage trees is one of my favorite things. It's been a while since we've had a report on new trees to designate. While it's never great to remove trees from the registry, it is a housekeeping need and part of keeping the registry up to date and relevant. This action removes three trees and designates five new ones. So i'll stop here and ask michael to begin his presentation.

Michael McKloski: It's an honor to appear before you today. I'm sure i'll be back with many more in the future. We're now catching up on a backlog from times past. These proposals date from a year ago before I became involved with heritage trees. But they're good recommendations. We've been out to reinspect them on the ground and as you said, there are five new ones, three deletions. The deletions are because the trees are now dead. I'm going to pass out some handouts that explain what happened to them, as well as the justifications for the new trees. Of the new trees, three of them are on public land. Two are on private land. We do have consent forms from the owners of the privately owned ones. And of the five trees to be added to the system, two would be new to the heritage tree program. These are the white fir and the hemline pine, or sometimes called the blue pine. But the other three, we think they're all worthy trees and they qualify under our criteria. And we'll now be happy to show you, however this is done --

Saltzman: Right in front of you.

*******:** Do you know how to change these?

McKloski: The first one before you is the white fir. It's one of the new ones. It's a native of Oregon. In the high cascades. We don't have it in our system yet, and I think this would be a nice addition. It's called -- we do have some coast redwoods in the system now. But this one found up in hillside park in northwest is a better one than the one we have in now, and it's one of five in the park, but we're only proposing that this one be added. And it will only, as most of these will, grow and get better as time passes. This is -- i'm calling it a blue pine. Its technical name is listed there. It's also called himalayan pine. This is a new one to our system. And it's a nice specimen, and it's got good growing space. And finally we have the tulip tree. We have others in the system, but this is a very nice one. It's on the parking space and it is quite worthy to be in the system. And finally, this is another douglas fir, but this is more accessible than some of the ones we have in the system. It's on the glendover golf course, by the walking path, as you can see in the slide. And I think it's nice particularly for reasons of its accessibility. And i'll be glad to answer any questions you have about the proposed additions or deletions. They died for various reasons. One of them suffered

June 21, 2007

massive root loss after an irrigation system was installed. That was the sugar pine. The ponderosa pine also had root disease that killed it. And the northern catalpa split during a windstorm, and because it was hazardous it was removed subsequently. So they're all gone now, and there's no reason to keep them in the system. We're sorry to lose them.

Saltzman: Great. We appreciate your stepping in there and stepping up and continuing this great program. Very much appreciative.

McKloski: Thank you for your confidence, and we look forward to working with you all, and continuing to build this system.

Saltzman: Bring us more soon.

*****: Thank you.

Saltzman: This is an ordinance, so this will move to second reading. Next item is 730.

Item 730.

Chris Dearth: Good afternoon, chris dearth, i'm here to present a claim by thomas hermock, very similar to one that you considered a month or two ago brought by deborah byers. And this claim was filed prior to the november deadline, that's why you're obligated to hear it now. It's not under the extension that was provided by the legislature recently. The property in question is located in the arnold creek neighborhood. There's an aerial photograph of the two properties in question. You can see they're largely undeveloped. There is one house on the eastern most lot, the lots lie at the corner of southwest arnold and boones ferry road. To summarize the claim, it's brought by thomas hermach at 10910 boones ferry road, submitted in april of 2005. Compensation demand second degree \$670,000. And the preferred resolution is compensation or waiver of the regulations. The regulations challenged include the r20 comp plan map designation, which eliminated the r10 comp plan map designation, which was in place prior to the change. Our analysis encompasses these six criteria. First ownership, thomas is the owner of the subject property, having purchased it in april of 1992. The challenged regulations are regulations, land use regulations under measure 37. They were enforced through a land division appointment in november of 23. At that time he was told he had a potential for five lots under the current zoning. Here are two zoning maps. One which was valid when he purchased the property on the left. You can see in red it was zoned r20c with a comp plan designation of r10. The current zoning had that r10 comp designation removed, so he does not currently have the ability to apply for a zoning change back to r10 as he formerly did. Next we look at whether the fair market value has been reduced. The claimant asserts a loss of \$670,000, but he did not submit to us an appraisal or market study. But nonetheless, we conclude that it is more likely than not that this property has been reduced in value by at least one dollar as a result of the comp plan map designation change. In summary, in conclusion, we would state that at the time of purchase mr. Harmach had the option to go to a zone map amendment process to change his zoning designation from r20 to r10 to match the comprehensive plan map designation of r10. He does not have that ability now, and therefore he has a valid claim. Our recommendation to you would be to grant mr. Hermach's claim for a measure 37 waiver of regulations and specifically to not apply the r20 comp plan map designation to the site, and this will allow mr. Hermach to be optioned -- the option to request a zone change in compliance with the comp plan map review process. I'd be happy to answer any questions if you have any.

Adams: I'm prepared to move the staff recommendations.

Saltzman: Refresh me on the procedures. Do we allow the claimant --

Dearth: The claimant has a chance to say something if he chooses to. And then public testimony.

*****: [inaudible]

Saltzman: The claimant has indicated he doesn't need to speak. Does anybody else wish to testify? Ok. Nobody is here, so I guess a motion is in order.

Adams: Move to accept staff recommendation.

June 21, 2007

Sten: Second.

Saltzman: Moved and seconded. Please call the roll.

Adams: Aye. **Saltzman:** Aye. **Sten:** Aye.

Saltzman: The claim is approved. And we are adjourned until next wednesday.

Moore: Yes, wednesday.

At 3:20 p.m., Council adjourned.