



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF MARCH, 2011** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

Commissioner Saltzman was excused to arrive at 10:28 a.m.

At 10:57 a.m., Council recessed.  
 At 11:05 a.m., Council reconvened.

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

Item No. 233 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

| <b>COMMUNICATIONS</b>   | <b>Disposition:</b>   |
|---|---|
| <p><b>222</b> Request of Walter Valenta to address Council regarding Columbia River Crossing (Communication)</p>  | <b>PLACED ON FILE</b>   |
| <p><b>223</b> Request of Jeffrey Stuhr to address Council regarding Columbia River Crossing (Communication)</p>   | <b>PLACED ON FILE</b>   |
| <p><b>224</b> Request of Stephen Marc Beaudoin and PHAME Academy students to address Council regarding arts access and inspiration (Communication)</p>  | <b>PLACED ON FILE</b>   |
| <b>TIMES CERTAIN</b>  |   |
| <p><b>225</b> <b>TIME CERTAIN: 9:30 AM</b> – Accept Regional Arts &amp; Culture Council State of the Arts Report (Report introduced by Mayor Adams) 45 minutes requested</p> <p><b>Motion to accept the Report:</b> Moved by Mayor Adams and seconded by Commissioner Fritz.</p> <p>(Y-5)</p> | <b>ACCEPTED</b>   |
| <p><b>226</b> <b>TIME CERTAIN: 10:15 AM</b> – Accept the 2011 Master Plan for Lents Park as a guide for future development of the park (Resolution introduced by Commissioner Fish) 30 minutes requested</p>  | <b>CONTINUED TO<br/>       APRIL 13, 2011<br/>       AT 2:15 PM<br/>       TIME CERTAIN</b> |

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| <b>CONSENT AGENDA – NO DISCUSSION</b>            |  |   |
| <b>Mayor Sam Adams</b>                           |  |   |
| <b>*227</b>                                      | Authorize a grant agreement with the Police Activities League of Greater Portland to create evening access to youth for recreational basketball during the evening hours of Spring Break 2011 (Ordinance)<br><br>(Y-5)   | <b>184450</b>   |
| <b>Bureau of Planning &amp; Sustainability</b>   |  |   |
| <b>228</b>                                       | Consent to the merger of Deines P. Sanitary Service into Deines M. Sanitary Service related to franchise for residential solid waste, recycling and yard debris collection (Ordinance)   | <b>PASSED TO<br/>SECOND READING<br/>MARCH 16, 2011<br/>AT 9:30 AM</b> |
| <b>Bureau of Transportation</b>                  |  |   |
| <b>229</b>                                       | Set a hearing date, 9:30 a.m. Wednesday, April 13, 2011 to vacate a portion of SE 94th Ave north of SE Henry St (Report; VAC-10074)<br><br>(Y-5)   | <b>ACCEPTED</b>   |
| <b>*230</b>                                      | Amend Intergovernmental Agreement with Multnomah County for services related to County bridges and the Portland Streetcar Loop Project (Ordinance; amend Contract No. 30001389)<br><br>(Y-5)   | <b>184451</b>   |
| <b>*231</b>                                      | Amend Intergovernmental Agreement with TriMet for Design and Construction Management Services for the Portland-Milwaukie Light Rail Transit Project (Ordinance; amend Contract No. 30001514)<br><br>(Y-5)  | <b>184452</b>   |
| <b>232</b>                                       | Grant revocable permit to Willamette Week to close SE Belmont St between SE Martin Luther King Jr Blvd and SE Water Ave and SE 3rd Ave between SE Yamhill St and SE Belmont St from 10:00 p.m. on April 22, 2011 until midnight on April 23, 2011 (Second Reading Agenda 205)<br><br>(Y-5) | <b>184453</b>   |
| <b>Office of Management and Finance</b>          |  |   |
| <b>*233</b>                                      | Authorize a Price Agreement with Ferguson Enterprises, Inc. to provide Miscellaneous Water Works Supplies for a five year contractual total not to exceed \$6,000,000 (Ordinance)<br><br>(Y-5)   | <b>184456</b>   |
| <b>Commissioner Nick Fish<br/>Position No. 2</b> |  |   |
| <b>Portland Housing Bureau</b>                   |  |   |

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| <p><b>234</b> Authorize application to the Emerald Cities Collaborative, Inc. for a \$75,000 grant to develop and implement a sustainable effort with local organizations to retrofit large scale buildings (Second Reading Agenda 208)<br/><br/>(Y-5)</p> | <p><b>184454</b></p>   |
| <p><b>Portland Parks &amp; Recreation</b></p>  |                        |
| <p><b>235</b> Authorize an Intergovernmental Agreement with Metro for Chimney Park-Pier Park Bicycle Pedestrian Bridge Project (Second Reading Agenda 210)<br/><br/>(Y-5)</p>  | <p><b>184455</b></p>   |
| <p><b>City Auditor LaVonne Griffin-Valade</b></p>  |                        |
| <p><b>236</b> Correct the number of votes cast for governor in the Municipal Non-Partisan General Election held in the City of Portland on November 2, 2010 (Report)<br/><br/>(Y-5)</p>  | <p><b>ACCEPTED</b></p> |
| <p><b>REGULAR AGENDA</b></p>   |                        |
| <p><b>Mayor Sam Adams</b></p>  |                        |
| <p><b>Office of Management and Finance</b></p>   |                        |
| <p><b>237</b> Authorize borrowing for computerized permit tracking system (Second Reading Agenda 218)<br/><br/>(Y-4; N-1, Fritz)</p>   | <p><b>184449</b></p>   |
| <p><b>City Auditor LaVonne Griffin-Valade</b></p>  |                        |
| <p><b>*238</b> Authorize a three-year contract with Michael J Gennaco OIR Group for the review of closed officer-involved shooting and in-custody death police investigations for a total not-to-exceed \$250,000 (Ordinance)<br/><br/>(Y-5)</p>           | <p><b>184448</b></p>   |

At 11:27 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF MARCH, 2011** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

Commissioner Saltzman arrived at 2:04 p.m.

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

|  | <b>Disposition:</b>  |
|--|--|
| <b>239</b> <b>TIME CERTAIN: 2:00 PM</b> – Amend and consolidate existing tree regulations into new Code Title 11, Trees, adopt companion amendments in other Titles, and direct the establishment of customer service improvements and implementation funding (Previous Agenda 129; Ordinance introduced by Mayor Adams; add Code Title 11 and amend related Titles) 2 hours requested for items 239-241   | <b>CONTINUED TO<br/>APRIL 6, 2011<br/>AT 10:45 AM<br/>TIME CERTAIN</b> |
| <b>240</b> Amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of tree-regulations that require a development permit (Previous Agenda 130; Ordinance introduced by Mayor Adams; amend Contract No. 51712)   | <b>CONTINUED TO<br/>APRIL 6, 2011<br/>AT 10:45 AM<br/>TIME CERTAIN</b> |
| <b>241</b> Encourage integration of quality tree preservation and tree planting in early site design, land divisions, and certain land use reviews; improve consistency and effectiveness of tree regulations in specified overlay zones and plan districts; update definitions and amend the Ladd's Addition Conservation District Guidelines to clarify that planting trees on the Nuisance Plants List is prohibited on City property and City rights-of-way (Previous Agenda 131; Ordinance introduced by Mayor Adams; amend Title 33) | <b>CONTINUED TO<br/>APRIL 6, 2011<br/>AT 10:45 AM<br/>TIME CERTAIN</b> |
| <b><u>Amendments moved forward in concept:</u></b>   |  |
| <b>1. Roll to introduce amendments in attachments 1, 2, and 3:</b> Moved by Mayor Adams seconded by Commissioner Fish. (Y-5)   |  |
| <b>2. Roll on amendment introduced by Commissioner Fish regarding permits for pruning street trees:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)   |  |
| <b>3. Roll on technical and discussion amendments introduced by Commissioner Fritz:</b> Moved by Commissioner Fritz and seconded by Commissioner Saltzman. (Y-5)   |  |
| <b>4. Roll on technical amendments attachments 2 and 3 in addition to Commissioner Fritz's technical amendments:</b> Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)  |  |
| <b>5. Roll on amendment 1.A.1, option 1:</b> Moved by Commissioner Fish. (Y-5)   |  |
| <b>6. Roll on amendment 1.B.1, option 1:</b> Moved by Commissioner Fish. (Y-5)   |  |
| <b>7. Roll on amendment 2.A.1, options 1 and 2:</b> (Y-5)  |  |
| <b>8. Roll on amendment 2.B.1, option 2:</b> Moved by Mayor Adams. (Y-5)   |  |

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9. **Roll on amendment 2.B.2, option 2:** Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-5)
10. **Roll on amendment 2.B.3, option 3:** Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-5)
11. **Roll on amendment 2.C.1, option 2:** Moved by Mayor Adams. (Y-5)
12. **Roll 2.D.1, option 1:** Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-3, N-2, Fish and Saltzman)
13. **Roll 2.E.1, option 2:** Proposed by Commissioner Fritz. (Y-5)
14. **Roll 2.F.1, option 1:** Moved by Commissioner Fritz. (Y-1, Fritz, N-4) Motion failed.
15. **Roll 2.F.2, option 1:** Staff amendment. (Y-5)
16. **Roll on 3.B, option 3:** Moved by Mayor Adams. (Y-3, N-2, Fritz and Saltzman)
17. **Roll on 3.C.1, option 1:** Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-5)
18. **Roll on 3.C.2, option 3:** Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)
19. **Roll on 3.D.1, option 1:** Moved by Commissioner Fish and seconded by Mayor Adams. (Y-5)
20. **Roll on 4A, option 2:** Proposed by Commissioner Fritz. (Y-5)
21. **Roll on technical amendments:** Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-5)
22. **Roll on 3.C.3:** Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-5)

At 4:22 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**THURSDAY, 2:00 PM, MARCH 10, 2011**

**NOTE:** Council did not convene, meeting rescheduled date to be determined.

**242 TIME CERTAIN: 2:00 PM** – Review protocols for cooperating with Federal Bureau of Investigation on terrorism investigations (Previous Agenda 195; Resolution introduced by Mayor Adams) 3 hours requested

**Disposition:**

**RESCHEDULED  
DATE TO BE  
DETERMINED**

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**MARCH 9, 2011 9:30 AM**

**Adams:** Good morning, everyone. Welcome to the Portland City Council chambers. We're very glad you're here. Today is Wednesday, it is March 9th, and it's 9:30 a.m. And we're in morning session. Good morning, Karla.

**Moore-Love:** Good morning.

**Adams:** How are you?

**Moore-Love:** I'm good.

**Adams:** Could you please call the roll.

[roll call]

**Adams:** Quorum is present and we'll proceed with the agenda and we have four items are for communication and we'll begin with special guests from the wonderful Portland district of Gateway, so if you would please come forward. I didn't know we changed the uniforms of our police officers. [laughter] Clearly the budget cuts have really, really set in. Good morning, Mr. Sanchez, welcome back.

**Fred Sanchez:** Thank you. Good morning. Thank you for inviting us here today. Since 1979, my family and I have owned realty brokers in east Multnomah county and been active in the Gateway business association. Founded in 1950 to represent and present local businesses in the community. Keystone Cops, are GABA's public relations arm and I brought one with me today. Ever since commissioner Amanda Fritz winked at him -- [laughter] -- this cop finds every opportunity to serve and protect her. However, he was somewhat embarrassed when his favorite commissioner took him on at arms wrestling at the 9-1-1 remembrance for police and firefighters last September at 111 Square. Commissioner Fritz won.

**Leonard:** And I was there and watched and she actually slammed him. [laughter]

**Sanchez:** Thank you. For many years the association has funded programs and scholarships for David Douglas High School but not last year. The businesses had to curtail sponsorship and fund-raising in response to the sagging economy. One of Gateway's citizens of year also keenly felt the budget pinch. Especially in the David Douglas' music department. How could local businesses financially support David Douglas while encouraging the students' talents. Gateway took on a unique fundraising campaign producing an audio CD featuring the high school band in the first movement of the concerto. I was thrilled to perform as piano soloist on the CD. All costs for the CD's were completely covered by generous contributions and sponsorships, so all the money raised from sales of the CD's benefits the David Douglas music department. Art department students provided art work selections for the CD cover with a final work chosen by the Portland fine arts guild. What can all of this do to encourage our student musicians? We can buy one of their CD's. Gateway area business association Keystone Cops passed their hats wherever they go to collect \$9.50 for each CD. If our cop could speak, he'd say, "Buy a bunch of CD's." [laughter] Check or cash is ok. Or just write the number of CD's you want on your business card and you'll be billed. They make terrific gifts and every penny goes to David Douglas music department. Folks who listen to the CD's have heaped tons of praise on it. Graham from northeast Portland said I'm such a fan of classical music and appreciate the talents of our students. What a fantastic undertaking. Peter from southeast Portland wrote, we spent New Year's at Seaside listening to the wonderful CD. And proud of the talent in our midst. We liked the CD. So much, we bought a few

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more to give to family minutes and from Long Island, New York. Marie wrote, awesome, dancing to your CD as I clean my house. Joe Weston, Weston Investment Company wrote, beautiful CD, the young people of our community have so much to offer but it's sad that the newspapers only want to report on the youth in trouble. When they should be focusing on the youth who have so much to offer our society. Governor Ted Kulogowski and Mary wrote we're listening to the CD and thinking out loud that it's hard to believe these are high school kids. Ben wrote, we play the David Douglas musicians in our car and thrill to the pieces. My favorite, George, World War II navy veteran: Wonderful performances, I bought CD's for my kids and grandkids. And Barbara, the superintendent of David Douglas wrote: I'm delighted with the CD. What a monumental accomplishment. And from Corbett, Oregon, Bev wrote: What an amazing CD. It brought back 22 plus years of memories when my daughter performed it at David Douglas. We heard about the fellow in New York City who asked someone on the sidewalk: How do I get to Carnegie Hall. The answer. Practice, practice, practice. The David Douglas musicians are committed to their music and I expect some will go on to play in our symphonies and jazz bands and maybe one at Carnegie Hall. The students' knowledge is enhanced by music. Music expresses feeling and thought without language and it was below and before speech and above and beyond all words. Music, the literature of the heart. It commences where speech ends. And the pleasure we obtain from music comes from counting. But counting unconsciously. Music is nothing but unconscious arithmetic. We have literature and math and art, a painter paints pictures on canvas, but musicians paint their pictures on silence. As a senior among you, I affirm with Paul Simon, that music is forever. It grows, and matures with you. Following you right up until you die. The students at David Douglas are truly blessed by the music staff, foremost, Sherry Ann May, coordinator of the gifted programs in music for David Douglas, currently in her 29th year of teaching. She started in Portland public schools in 1981 teaching class piano in the performing arts at Jefferson High School and general music at a primary school. During her teaching career, she taught music and band in orchestras K-12 and moved to the David Douglas school district where she has worked as a general music teacher, middle school band director and accompanists. Please look Sherry Ann May.

**Sherry Ann May:** Thank you for allowing us to speak. As many in this room know, March is music in our schools month and music -- we're fortunate at David Douglas that music in our schools is every month of the year. We are a 78% poverty rate and 10,000 students in our district and only 12 square miles east of 205. In the David Douglas music department we have K-12 music and K-6 general music instruction. We have 5-12 instrumental music. In high school, six choirs, four orchestras, a full symphony and three jazz bands and three symphonic bands and receive grants from the Portland schools foundation it start a private lessons scholarship fund and from the Regional Arts and Culture Council who I understand is here today. Also, for private lessons and coaching for musicians and received piano donations and monetary support from the snowman foundation. In spite of a \$12 million deficit we'll have music in our schools next year. Recent recognition for our district include the national association of music merchandisers, great communities for music education and we're a finalist for the Grammy signature schools award. One of two schools east of the Rocky Mountains and received a Mr. Holland Opus foundation instrument donation, over \$30,000 worth of instruments were given to Ron Russell Middle School and Fidelity Investments opened a new office and chose the school to donate \$25,000 worth of instruments of the band director just received and on her way to Carnegie Hall to receive the Mr. Holland Opus one of five in the nation and receive it from Wynton Marsalis at a concert at Carnegie Hall and May 21st to the rose room at the Rose Garden for a benefit presented in part by the David Douglas educational foundation and the Portland business alliance to raise money for the David Douglas performing arts department, including drama, dance and music. We're strong and survivors, somehow and we thank every person in this room for their support of the arts. Thank you. [applause] I was going to ask you to find a CD player and a drum so we could perform, but anyway --

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**Adams:** Here's my card and Mr. Sanchez, I don't often get the opportunity, thank you for your never, never give up support for the city and Gateway and east Portland. Thank you. [applause] Here's my -- send us a bill. Wow, look at you. [laughter] Who knew? Karla, can you please read the -- we have three more communication items. Can you please read communications item titled 222.

**Item 222.**

**Adams:** Why don't you go ahead and read item 223 as well.

**Moore-Love:** Mr. Valenta will not be here.

**Item 223.**

**Adams:** Welcome back, Mr. Stuhr.

**Jeffrey Stuhr:** Nice to be here, welcome, commissioners. I'm here today on behalf of the Columbia River Crossing Urban Design Advisory Group. And here to just update you with what we've been doing as a committee in support of the Columbia River crossing. And our efforts to build a better bridge faster. I've given some comments I'll pass off that I'm not going to go through council here today but did want to let you know that we had our first meeting of year to review the recent bridge panel report as well as the department of transportation of the two states recommendation to the governor. We then deliberated and voted unanimously yesterday to support the cable stay bridge. There are some -- I'd say points here that a number of us on the UDAG have made along with input from other members of the community that we've reached out and worked with talking about that. I want to say that we're committed to getting this bridge built and we think it's an important project and we were tasked three and a half years ago by this city council and mayor along with the mayor of Vancouver to serve the -- to serve the CRC as advocates for design advocates on the bridge and the surrounding urban environment and we've produced design guidelines that are in draft form and yet to be adopted at this point. And as we move to final decision, right now, the governors will likely make a selection of bridge type by Friday or Sunday and I think the record will be held open until Sunday and comes down to three bridge types at this point. Our group had the benefit of serving kind of ex-officio on the bridge review panel and sat with the 16 members and design experts that came in that have international reputations and got to see the whole process and did that after our request to CRC to ensure that there was a public and transparent process that went on. What we are concerned about is that we're in a very rushed environment to get that decision made so we can move the process ahead and felt it was important to come here today and inform the council today of our opinions and answer any questions you might have about the bridge panel report or the project in general. So thank you very much.

**Adams:** I want to thank you for having created the urban design advisory group and want you to thank you for your service on that. It's been -- how many years?

**Stuhr:** I would say three and a half but I think it's more like four. Starting in March. And it is March, so --

**Adams:** We've sought to complement your really important public efforts with efforts behind the scenes and I really want to thank you for all of your advocacy.

**Fish:** Mayor, can I also acknowledge that Jeff is one of the architects who designed the Bud Clark commons, the one-stop center for those experiencing homelessness coming up in front of the train station, dedicated the first week in June. He wears many hats.

**Stuhr:** If I can make one last comment, I thought everybody might be here today for the Columbia River crossing, but we do have -- the Columbia River crossing has a website available, if you want to put in comments. You can weigh in through the governor's website. And we've even put a Facebook page up so if people want to get into the cable stay bridge and decide they like it, they can certainly --

**Adams:** What's the URL?

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**Stuhr:** For the Columbia River crossing, it's just columbiarivercrossing.org. The governor's -- I don't know, if you Google John Kitzhaber, it's going to come up and Facebook is simply cable stay bridge.

**Adams:** Thank you.

**Stuhr:** We look forward to getting this project underway.

**Adams:** Absolutely. Karla, please read communications item 224.

**Item 224.**

**Adams:** Hi. Welcome.

**Stephen Marc Beaudoin:** Thank you. Mayor Adams, commissioner Fish, commissioner Fritz, commissioner Leonard, good morning, my name is Stephen Marc Beaudoin and the director of PHAME academy. And we spell it with a p-h. When it was founded as a nonprofit in Portland, the h stood for the word handicapped. And 26 years later as we progress as a community and society, we found a much more appropriate word for that h to describe the artists we work with at PHAME. And that word is honored. PHAME is a fine and performing arts academy and we serve artists with developmental disabilities from Portland and beyond and proud members of the advocacy network and receive funding from the Regional Arts and Culture Council which is by the way supporting our June production of "Grease." so we hope you'll join us. And I want to recognize the PHAME director and staff board and friends of PHAME in the audience. We're happy to be here. We understand that Portland wants to talk about issues of equity and human rights and access. But we'd like to begin that conversation this morning and we're going to do that by welcoming our students to the stage. And I'm very pleased to -- do you want to come up? To introduce you to a few of our very inspiring PHAME students. [applause] These are some students from PHAME academy and led by our music director, Ben, and singing Neil Young's "Heart of Gold" for their official remarks to council on the state of the arts.

\*\*\*\*\*: Ready?

\*\*\*\*\*: Yeah.

\*\*\*\*\*: One, two, three, four. ¶¶¶ I want to live, I want to give ¶¶ I've been a miner for a heart of gold ¶¶ It's these expressions, I never give ¶¶ That keeps me searching for a heart of gold and I'm getting old ¶¶ Keeps me searching for a heart of gold and I'm getting old ¶¶¶ I've been to Hollywood, I've been to Redwood ¶¶ I crossed the ocean for a heart of gold ¶¶ I've been in my mind, it's such a fine line ¶¶ That keeps me searching for a heart of gold, and I'm getting old ¶¶¶ Keeps me searching for a heart of gold, and I'm getting old ¶¶ ¶¶ Keeps me searching for a heart of gold ¶¶ Keeps me searching and I'm growing old ¶¶ Keeps me searching for a heart of gold ¶¶ I've been a miner for a heart of gold, and I'm getting old ¶ [applause]

\*\*\*\*\*: Awesome. Backup singers.

\*\*\*\*\*: Thank you.

**Adams:** Fantastic.

**Leonard:** I love Neil Young. That was a great rendition of that song.

**Adams:** Indeed. Karla, that takes us to time certain item 225. Please read the title.

**Item 225.**

**Adams:** I want to thank the PHAME academy artists for their inspiring performance and visual artist Kelly Williams for sharing her artwork around city hall. Arts and culture is something that Portlanders do care about and they care about it with a great deal of enthusiasm. Our job is even in these difficult times is to provide more programming and services to meet this need and the -- and to capital ice and leverage this support. We have a lot of special guests but none have traveled from as far away as New York and I understand that we have Stephen Lee Davis and four of his sixth grade students from the community charter school in Rochester, New York. This group of young people has been visiting Portland for a few days to study or city's public artworks and policies and this research will help them with their own work to develop Rochester's public art. Where are they? Stand up. Glad you're here. [applause] In a cities that great but humble in the knowledge our

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greatest is not available to all Portlanders, today's report will reflect a redoubled effort to foster a dialogue across various constituents in the city to help young people to succeed in school and life and to get our economy moving forward again with jobs and vibrant business districts and neighborhood districts. By showing up this morning, you're also eligible for an arts related door prize and I don't want you to think for those who don't come here regularly that you get a door prize every time you come to city council, but today on your way out, downstairs, free tickets given away starting at 11:00 a.m. to a concert tomorrow night, with a local band, Dandy Warhols, Typhoon, and Y La Bamba courtesy of Google and the original manufacturing companies best ever concert series.

It's not exactly Oprah or a car -- [laughter] -- it's better. All right, we have some folks. Who is joining us first? Eloise. We have Eloise Damrosch, the executive director of the Regional Arts and Culture Council. And we also have the fantastic chair of the board of the Regional Arts and Culture Council. Carol Smith. And Johanna. Welcome.

**Carol Smith:** Thank you, good morning. I'm Carol Smith and I have the honor of being the chair of the Regional Arts and Culture Council board. Thank you for this opportunity to present this year's state of the arts to our city council and we want to thank you for your ongoing and generous support of the Portland arts and community. This council really stands out in their efforts and we really are grateful for that and our annual report focuses on the many voices of our constituents. Hence, on our report cover you see multiple voice balloons on the cover. And they're quotes sprinkle throughout the report. We want to be sure and hear how we can best shepherd the arts in our community and wisely invest the money. One of our major goals and is to make sure we serve equitably in the rich and diverse aspects of this community and I want to thank everyone in the chambers today, we have arts and arts organizations, board members and business partners and advocates here to thank the city and demonstrate solidarity for the arts and the importance they provide for our community. RACC thanks for were you hard work and commit to produce outstanding work and even when faced with discouraging financial challenges these last few years, you're a testament that the arts community we will continue to thrive so my congratulations to all of those and thank you for being here today. [applause] I know that the council is familiar with our RACC mission, but it bears repeating. I think to give context for our presentation this morning and that mission states through vision and leader and service the Regional Arts and Culture Council works to integrate arts and culture in all aspects of community life. Eloise.

**Eloise Damrosch:** I wanted to thank -- add my thanks to Carol's for the support from the city council over the years and the amazing artists and arts organizations leaders who are here and those who aren't here today. And the RACC board who worked hard and are completely engaged in our work and one of the best staffs that any organization could possibly have. They're here in force, I think, upstairs. And my job is to get down into the trenches of the action the RACC and the community over the last year and what better place to start than with money. Two things worth noting in in the chart. One is that the trend over the years is moving in the right direction, that's good. But the other is that we took the same hits that other bureaus took last year and hoping this trend will reverse as the economy improves. The other thing I wanted to mention is how much we leverage on top of the city's contribution, so we're diversifying our funding streams as often as we can. An important part of the leveraging equation is the work for art program which raises substantial funds through workplace giving and an advocacy tool because the people we -- an advocacy tool and they give \$60 at least to work for art and receiving an arts card which enables them two for one tickets to many art experiences around the region and I hope all of you at city council use your arts cards on a regular basis. The city and crown match has made a huge difference in the funds raised. Burgerville, remember that testimony, it continues to be a big deal at Burgerville and tomorrow, every -- every single one of the 39 Burgerville stores are going to be having a feed the arts day. Join us at lunch at Burgerville, we're going to the convention center one, they're giving all the proceeds above a certain break even point to work for art.

**Adams:** We'll have to have a shake?

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\*\*\*\*\*: A shake and burger. Or two.

**Adams:** [inaudible] My diet.

**Damrosch:** For the arts.

\*\*\*\*\*: It's organic.

**Damrosch:** And it's local.

**Adams:** It's delicious.

**Damrosch:** We surpassed our goal and raising \$700,000 on the way to a million and every dollar goes back to the organizations we support through the grants program.

**Adams:** Let's give a round of applause for that. That's a huge -- [applause]

**Damrosch:** Speaking of more money, we supported the creative advocacy network this year and the city funds helps us and you'll hear from Jessica in a little bit with more information about that. If we're all successful, we will finally have the dedicated funding stream envisioned for RACC 16 years ago when we became a regional nonprofits art council and that will help us support arts and culture in the tri-county region. Much of the money you've contributed to RACC goes out in grants to artists and arts organizations as you know. This year, we gave out \$3.1 million. Your investment was \$2.6 million and it's interesting that 2.6 million investment created 2.6 million attendees at these events. So a dollar ahead. We have 44 organizations ranging from smaller groups like Miracle Theater to the Portland Arts Museum and I think this is interesting in a time when we're working to build a job market. 506 full-time staff and 983 part time for a total of 1489 jobs and if you aggregate those arts organizations they become the 25th largest employer in the region. Professional development grants are what they sound like. Supporting artistic growth and business development especially in these challenging times and they're small grants but provide important steps for artists and arts organizations to move up a step in their career and sets them on the track to get larger grants. It's an entry into the grant system and speaking of project grants, they help to fund specific one-time projects or performances that take place in the Portland area and support an extremely wide range of cultural diverse projects and highly experimental. We had a 12% increase in applicants from last year and gave out about half a million in project grants. This has got to be the best slide. I don't need to say anything. Can you imagine what this kid said to his parents when he went home? What did you do in school today? We also give opportunity grants which are special one-time support grants to Portland-based nonprofit arts organizations for opportunities and emergencies and this year, 25 organizations received these grants and I know they support your support in this relatively enough grant category. The other night, and I think mayor Adams was in the audience as well, to hear the Wes Moore talk about the other Wes Moore. That was supported by a opportunity group from RACC because Multnomah county thought they had ordered enough books to do everybody reads this in community and they were thousands short so the grant let them buy another 3500 books. Over 900 high school students were there and completely engaged and inspired by this piece of literature. So these grants really do make a difference. And so do our artist fellowship, once a year we give a \$20,000 award to a excellent regional artist and this year, Robin Lane from Do Jump, which is an acrobatic theater company in Portland was awarded the performing arts fellowship award and we're proud of robin. As you know, we've had a public arts program in this city for a very long time. In past year was the 30th anniversary of the percent for arts program. RACC manages the 2% -- 1% is --

**Fish:** Love that slide. I -- I have to -- since you mentioned jobs earlier, let's also celebrate the fact that it was 60% funded by the private sector to create this park and yesterday, rink side announced they're opening Ringside Fish which they're going to put in the second floor of the Fox Tower overlooking director park.

**Leonard:** They're going to have a restaurant. Called Fish restaurant.

**Fish:** Named for commissioner Fish. [laughter]

**Damrosch:** Really bad.

**Adams:** They will stop at nothing to suck up. [laughter]

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**Fish:** Amanda and I have to work with these guys on a regular basis.

**Damrosch:** And all of those people sitting in the restaurant can look across at the park and the arts --

**Fish:** The work of art, the light is actually an artist's vision and rotates all evening, that's what they look out on as their eating.

**Damrosch:** Yeah, and the programming that happens there too. Moving on to our residency program within the public arts program. R.V. Smith, working with youths in the juvenile justice system. This program is encouraged artists to explore new working method in community settings. Those projects occurred in the Portland Fire Bureau, the Department of Community Justice and the county's health department and you'll hear from one of the participants in this program in a few minutes and I'm sure you remember the acupuncture needles that popped up around the city. Acupuncture project funding came from temporary public arts foundation and the northwest health foundation and many individuals and coincided with public workshops to help steer the Portland plan, needles appeared across the city to bring attention to challenging problems, and places with enormous potential. I'm hoping that the program is over -- many of you walk by the Portland building and familiar with the installation space there, often a launching point for emerging artists to try their hand at art. And we take conservation and maintenance of the city's public art collection seriously and received a \$20,000 NEA grant. At the American plaza condo towers and private donors, many residents and RACC funding provided matching funds to make it possible. And the next slide shows it fixed up. Ready for another 25 years. A great example of a public private partnership as is the Portland storefront project which places high-quality art in vacant downtown places. In conjunction with the downtown clean and safe district. Hopefully, this collaboration will continue and expand. Unless the empty storefronts fill up next year. Which would be nice. We bring in income to support the arts program with other agencies that don't have public art. But want public art and this contract for -- Lewis and Clark College, York, the figure in the sculpture is the only African American explorer with the expedition and was honored with a statue outside of the library and we managed that for Lewis and Clark. We're trying to bring better access and we produced with travel Portland, a new walking brochure guide. And we have a searchable database online for the public collections through our website and Portland maps.com and we now have a phone app, thanks to the mayor's office.

**Adams:** And later we'll show the video.

**Damrosch:** Great. Portland arts PDX. Not a small effort.

**Adams:** How many of you have downloaded the app? The rest of you need to do that. Very cool. Homework.

**Damrosch:** Really is. Our website has been redesigned. Thanks to all the people at RACC who worked on that. And we had a 53% increase in visitors last year. 760,000 people visited our site. We also distributed art notes to over 6700 households and sent electronic versions to more than 5,000 and put on 11 or 12 workshops around the region. We make them geographically accessible now and hold them at places like New Columbia, IFCC, downtown, the Art Institute of Portland and others and these are workshops to help artists and arts organizations improve their business and marketing skills. We have a host for arts sparks, a networking opportunity for artists who like to hang out with other artists and non-artists who like to meet artists and we had over 900 attend this past year and this is a sneak preview of the new look which Johanna and Marcy collaborated on the design. It has a slightly "Mad Men" feel.

**Adams:** Looks great.

**Damrosch:** And then the cultural leadership program continues to thrive under the guidance of George Thorn, 14 organizations participated in this artist coaching program at no cost to them through RACC and now I'll turn it back to carol.

**Smith:** Talk about the right brain initiative as I former arts educator and musician, I'd been worried about the status of the loss of so many arts opportunities in our schools. It was exciting to hear at

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David Douglas there's wonderful things happening so my commendation to those who are making things happening there despite the challenges. This is an area where the community was extremely supportive of the efforts. This is the third year of this exciting new community-wide investment in our kids and the big picture is giving students and educators tools for teaching and learning through arts experiences in the classroom with professional artists. An example of the right brain initiative works is, this is Elizabeth of Body Vox working with fourth graders to communicate concepts of the solar system through movement and unique expression. You can imagine a fourth grade classroom whirling around the sun as they study the solar system. They work with Amy Steel on clay molding and murals for the school and focused on showcasing their studies on ecosystems using artworks as a way of explaining and communicating their knowledge. Fourth and fifth graders worked with a photography, and learned the basics of using cameras but how to try out different perspectives and angles and the enriched idea of perspectives and found enriched their writing and poetry which were outgrowths of this study. The right brain initiative has been exciting because it's given us a chance to bring in broad community support. This slide celebrates that partnership. Schools and local businesses and our arts community well -- as well. One of the things that's important to me is professional development. Because we know that the magic happens in that classroom and we feel that the right brain initiative is a way to add that magic. We provide this last -- recently, over 1200 hours of adult professional development for both teachers, principals, artists, where they're really learning how, together, how to teach with the arts, how to kind of add that Technicolor to the curriculum and who wins? The kids. It's exciting to see how the city's investment has blossomed and been supported by the broader community. We're clearly a collaborative funding model for the right brain initiative. Almost 5050 -- 50/50 private and public funds. City of Portland investment and how enriched it's back by other donations to this important work. Right now, we're in 25 schools and you see in this slide, the original are of Hillsboro school district, pink, Gresham Barlow. Served 10,000 students in these four districts and we're excited because that is what we're going to look like in the future and eventually serving 240 schools in 25 districts. As we mentioned when we started out, or, as I mentioned, we're making the start of a really important equity and inclusivity as one. Our guiding principles for RACC now and in the future and taken seriously information and communication that's come to us from a variety of points view but also from the coalition of the communities of color and one of the first steps is to be sure we're listening and serving every portion of our community over the coming years. We're very interested also that commissioner Fritz and mayor Adams in your leadership in the office of equity and look forward to working with that office to move our share goals. We're beginning to measure our programs and processes concerning better ways to serve everyone, and we're celebrating the diverse offerings which enrich our culture and our lives. No side comments, children. We've made big -- [laughter] we've made big strides to help reach people with our programs and you'll hear more specificity about this particular. I think the right brain initiative is another way we are reaching out to an unbelievably diverse student population across our region. I've been a retired principal for eight years and the last middle school I served there were students that spoke over 30 languages and I think there are something like 82 languages spoken by the school district where I served -- serve now. So we don't look like we used to look and we need to be aware of that and the right brain initiative weighs into this and directs -- attacks it directly. One of the things we want to be sure to provide is music for all as an economic equity issue. Sometimes the economic profile of a community that really restricts their ability to get out and enjoy the rich talents we have in our city. The classical community put together this music for all program using RACC, work for art and city funds, imagined by RACC and we're using this to promote the opportunity for people who enrolled in the supplemental nutritional assistance program. And I'm hearing this program will grow as well to include more organizations and we're excited about that. As I alluded to earlier, Portland is enriched by its wide and diverse community and we're striving to serve the community and it requires so many people to represent move these efforts forward. RACC is a busy place with a

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great staff but we're enriched by the volunteers that -- and that supports every one of the areas I've spoken about and Eloise spoke about. We rely on them for almost everything we do and thank each and every one of them and we're grateful to have this support and particularly grateful to have your support, so we thank you for helping us enrich our city by your support of our vibrant arts and cultural community and look forward to even greater things in the future. Thank you very much.

**Adams:** Thank you. [applause]

**Adams:** Great job, any initial questions or comments. We have two more panels. Thank you, you'll stick around, won't you?

**Smith:** Uh-huh.

**Adams:** I'd like to introduce Lina, a RACC board member. Aubrey Pagenstecher, of Woodlawn Elementary teacher on the right brain initiative, and Steve, arts CEO and president on the arts and creative economy. Welcome. Sorry, Aubrey.

**Aubrey Pagenstecher:** It's ok. It's a mouthful.

**Lina Garcia Sebold:** Lena, RACC board member. Thank you for the opportunity to speak with you again about RACC's equity focus. Over the past six are short months, as it related to our city contract and our commitment to serving equitably all aspects of or population with arts and culture. RACC has been busy the last six months. The last time we met, RACC has created measurement tools to help us gather demographic information about the population we serve through grants and the right brain initiative and continuing to work with all of these organizations, and seek them out to, you know, help us think through our processes and collaboratively reach some continued measurements steps and progress. Some of the examples that -- that we're -- of what we're learning and have accomplished and proud of including holding our purse bilingual work for art campaign in the hospitality industry at the Hotel Monaco and we had Spanish translations done and after the rousing venture, we're building a list of translators to deepen that kind of outreach effort, not just with the hospitality industry but others possibly. RACC grants have recently made a presentation to a well-attended workshop for Latino artists sharing opportunities at RACC and that particular event was identified over 80 Latino artists who participated in the one-day event. So that's building to our network. The public art murals program, 50% of the past year's funded city murals created by Latino artists and 33% of the murals resulting from the program since inception were created by artists of color. In our project grants category, 24% of individual artist applicants self-identified at people of color and 74% identified themselves as Caucasian and we're analyzing actual grant recipients but expect the diversity numbers to closely reflect that percentage, the current percentage that makeup in the county. And exceeding equity goals as you saw in the slides before. This presentation Portland public schools reports 49% of k-8 schools on free or reduced lunches while 75% of the students in six of the 11 right brain schools are on free or reduced lunch. 65% of the students are children of color. Finally, happy to report that the RACC board is comprised of 33% members of social or ethnic minorities and we've been busy recruiting and outreaching and it's a great board and we expect even more stimulating creative ideas because of that additional resource we have with the new board members coming on. We're very happy Mayor Adams has created the Portland equity office and the -- and commissioner Fritz will head it up. And look forward to building on these results that we've -- you know, accomplished in the last six months. Thank you, most of all, for helping making Portland an international city, where each child, it's no big deal to speak two or three languages and growing up with mutual respect and Portland stands to gain and means more diverse art in our city. Thank you for your leadership.

**Adams:** Thank you very much. [applause] And if I could, put a punctuation on that point. Regional arts and cultural -- what's the last c stand for?

**\*\*\*\*\*:** Council.

**Adams:** Council. Is helping to lead the way in addressing trends in our city that show that Portlanders of color continue to suffer economically and in terms of educational achievement and

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it's actually getting worse so I want to underscore how much we appreciate you helping to lead the way in addressing that. Thank you. Hi.

**Pagenstecher:** Good morning, I'm Aubrey Pagenstecher and I teach pre-K and I'm here to share about how the right brain initiative -- more than three quarters of our students are African, Asian and Latin American. Opportunities are limited and not available to most of our students outside of school. We have a half time visual arts teacher only able to serve k-five once a week and it's difficult to help students become cultural and artistically proficient. Our involvement with the right brain initiative makes us unique. There's a growing awareness at the state and national level of the importance of early childhood education. The critical need to lay a foundation for our youngest learners and providing opportunities with students at every age, right brain is helping us to strengthen that foundation. The four and five year olds play -- and have opportunities to make choices and can be hands on with their work and they'll accept any opportunities to use elbows on their work and sharing discoveries with each other and caregivers and with the research and support the right brain offers, I've been able to -- and participated in a week long puppet project and they actively engaged in all aspects of the production process and opened avenues into every content area provided opportunities to reinforce basic skills and most importantly, empowered by seeing themselves as artists and performers. Working with and learning from artists is a powerful experience but the right brain has an significant impact on my teaching as well. Through collaborations with teaching artists I've been exposed to new techniques and I'm able to make new inroads into the arts thereby improving the experience for my students. I've learned strategies that can be applied across the curriculum to help my students think in deeper and complex ways. In year, our residency is school wide. I'm so excited about the possibilities in store. So on behalf of myself and students, past and present, I'd like to express my gratitude for your commitment to provide high-quality educational experiences and your investment is not only in the arts but the children themselves and while the success of programs like the right brain initiative can be measured, ultimately, the returns are incalculable. Thank you for your time. [applause]

**Steve Rosenbaum:** Good morning, mayor, city commissioners, I'm Steve, the president of pop art incorporated and here to talk about why public investment in the arts is really vital for us having a thriving economy. My company, pop art, is an interactive marketing agency and active in the software sector as well as design and advertising cluster. My coworkers and I are big supporters of the arts and some of the organizations we support include northwest children's theater, the craft museum, pica, and our company participates in RACC's work for art program and did a corporate match. Our employees' contributions. This is our third year of participating in the program and every year when work art folks come in, the majority of our employees join up for voluntary withholdings. There's a couple of reasons why the arts are vital to having a thriving economy for us. First of all, most of my company's business comes from outside of the state of Oregon and it's really having strong arts scene is vital to Oregon being a destination for our clients as well as for potential employees. But I think a second reason that is perhaps even more important is the relationship between art and design thinking. And we're essentially in the problem solving business and I really see art as a long-term investment in making us as a city more creative and better problem solvers or as apple says it, it helps us to think different. So in summary, I think public funding for the arts is really critical to both the livability of the city of Portland, as well as Portland's leadership in the global economy. So thank you so much for your continued public support of the arts. [applause]

**Adams:** Thank you all very much. Really appreciate it. Now, I'd like to invite up Don Lincoln, the Multnomah county juvenile services and going to talk about the mural program. Kelly Williams, an artist to talk about the arts. And addiction services and the perspective of individual artists and Jessica from the creative action network to talk about public funding for the arts and unmet needs. Welcome. Mr. Lincoln.

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**Don Lincoln, Multnomah County:** Welcome, and appreciate the being here this morning and I'm from Multnomah county juvenile department and worked with R.V. Smith, the measure 11 project, working with long-term measure 11 youths and it's been a very positive -- positive, very positive experience for our youth as well as our families that come to our facility. It opens up the doors for new avenues and ideas they can have some success after the challenges that they've had in their lives and we know we've also encouraged them to recognize that there is life after, you know, taking care of their responsibilities for the mistakes they made. And so we truly encourage them and this project has been very, again, impactful for them because they're talented youth that come to our facility. I've been there 20 years and seen a number of very artistic young men and women and the program has been beneficial for our youth. It builds esteem, several worth, hope and -- self-worth and bringing out the fine artistic talents that they have. And it also has helped to change some of their attitudes, they look at their behavior and we -- we, again, my staff and I, we get a chance to see this transformation of our youth over -- over up to a year's period of time on some cases. And so it's been really positive for us. For me, I also get an opportunity to share my experience and hope with them in terms of the art that -- the opportunities I've had in my life and also family members that are very noted in this community. My father-in-law, Sweet Baby James, is a noted jazz musician.

**Adams:** He was just here in city hall.

**Lincoln:** He was. And this is the kind of stuff that we help share with them, that there's opportunities and possibilities. My wife also is a jazz singer, that sings with Tom Grant and Ron Steen and Phil Baker and helps to see that folks that work with them and look like them and can help them to appreciate there's still hope. Also, Charlotte Lewis, the late Charlotte Lewis was a relative of mine as well.

**Adams:** You hang out with good people.

**Lincoln:** I do, I do. And I get to share that experience with them, in addition to the fact that R.V. has also had a relationship with charlotte and we talk about the challenges they've had in their lives and careers. We really appreciate the opportunity.

**Adams:** Thank you for your partnership and we appreciate it and your support. [applause] Ms. Williams.

**Kelly Williams:** Yes, hello. My name is Kelly Williams, I'm a independent working artist in Portland. I received a community project grant from RACC this last year. First, let me say thank you. To both the city council for allowing me to speak and RACC and so many local businesses that have been supportive. To put it simply, I had a vision of using art as a powerful and dynamic healing tool. This vision has been given life in a project called recovery paints. I'm privileged this project will be on display at city hall, you walked past it on the way in and I hope you engage with it on the way out. It's focused on those whose lives have been affected by addiction. People from all walks of life, given the opportunity to create and share a story to help facilitate in the healing. Participants created a small artwork and that was representative of their personal experience, strength and hope. By using a molten beeswax medium, it has to be heated and torched very, very physical, they're able to layer hide, expose and carves, and dig deep into their work and it becomes a wonderful cathartic physical experience of letting go of control and creating beauty in pain and after they've created their artwork, they reflect in writing on their art piece, pulling together the experience with addiction in relationship to the creative process and many were able to make associations between the physical aspects of the artwork and their personal stories. For many participants, it was the first time they had shared their stories and only willing to do this because they felt by doing so, they could help someone else. The empowerment experienced by these artists was absolutely humbling for me. I would like to share one of the reflections that was done and you'll see this piece out there. This person wrote: Addiction changed me from a kind family member into a angry powerless loser. It isolated me from the surrounding world. You become obsessed with the things you were addicted to. A sick voice tells us that life will be ok as long as

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you have that one thing. Your friends and family worry. They see the transformation from the person you were born to be and the person your addiction wants you to be. The light at the end of the tunnel fades, but is also present. I guess the one good thing I can say about addiction, it's never late -- never too late to escape from it. So addiction is also part of my personal story and it's a significant disease and permeates our society on every level. The effects are for the limited to the user, but affect friends and family and coworkers and our community as a whole. I didn't have to turn anyone away for not qualifying. I was able to work with a diverse population and worked from kids of -- as young as nine to the elderly, they didn't tell me how old. But I'm going to go with pushing 80 on a few. I worked with pear and high school kids from Beaverton arts and communication magnet academy and unemployed people to the extremely affluent. Some had 30 years of sobriety and one man I helped was still shaking from the withdrawals of heroin addiction. The lines between age and race all disappeared. Addiction is a non-discriminatory disease. One participant described the experience this way. In creating her artwork, one of the things I loved about this project, how fast creating the panel happened. How I felt while creating the panel. Reflective and nurtured by engaging in the process itself and it made me feel successful as perhaps someone able to capture my emotional connection to addiction in a visual piece. The healing was palpable in that moment. All of the panes have been arranged in -- because we do not exist in isolation. But communities and families. In the combination of our stories, it creates a larger community relevant community and the response are paired with the art and in an accompanied catalog and there's several outside that you can engage with and they're magnetically attached into the windows and moveable. I want you to touch them. These people have tried to touch you with their stories and I would like you to touch them back and rearrange the panels and create a variety of changing combinations and views of these stories and I believe that this interactive experience will symbolize how we have the power to connect and even change our perspective on addiction. There's immense pain poured into these and immense healing and hope. It does not end with the exhibition of the art. The recovery pain catalogs is in classrooms and places of recovery and businesses and individual homes and opening up a dialogue that can only help to lead to healing and hope. Most of all, I'd like to thank RACC and the city of Portland for making it possible for to provide a safe venue for these stories to be heard. Because RACC funds the individual artists, I possibilities are endless in finding creative ways to engage in important issues with innovative solutions. Please engage in the installation and ask yourself how addiction has impacted you're life. Thank you.

**Adams:** Well done. [applause] Very well done.

**Jessica Jarratt:** Good morning, I'm Jessica Jarratt. Great to see you all here. This is exciting. I haven't had the opportunity to sit before all of you before. I'm the executive director of the creative advocacy network and I'm here because your vexes in the arguments have made such a profound impact and we want it thank you. You've enabled beautiful and unique expressions of culture and expanded the educational opportunities for my children and all of our children and fumed the micro economies of neighborhoods and created jobs and seeded the growth of the creative sector which is important to our city's future. We're here to thank you, which is en mass, and your leadership and investments have shaped the city and sparked a movement to finally after 16 years of vision, establish a new stable dedicated funding stream, public funding stream for the arts in our region. This funding stream will exponentially amplify your generous investments. These funds are important because they will increase access to arts and culture for every resident and make free arts and music programming for every school-age child in classrooms and communities and strengthen our institutions allowing Portland to finally reach our cultural and creative capacity. While creative endeavors and artist in community need little encouragement to thrive here, without a significant increase in funding for the arts, our children are facing a future nearly devoid of -- and limits arts and cultural access for thousands. While the unmet needs are strike, the benefits are investing are compelling. Every public dollar invested if a nonprofit arts or cultural organization is matched 11

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fold by ticket sale as private philanthropy and generate \$318 million every year in jobs and revenue and spending. Studies show that arts aren't just good for business, they're good for kids and inspire and keep them in school. Kids who are involved in the arts are four times more likely to be recognized for their academic achievement. And four times more likely to be in a math or science fair and three times more likely to be elected to a school office and good on to become a mayor or commissioner in our city.

**Adams:** There are exceptions.

**Jarratt:** On double to -- on track to double our support. Can has made ground breaking progress. Last year, more than 93 arts, civic and business leaders collaborated to create an innovative tri-county business plan. More 645 people attended public meetings and helped us focus our efforts and joined on to join the movement. With our third round of polling this month, can has charted a course and we cannot wait to celebrate our success with you in 2012. Thanks to your visionary investments, can will ensure that our children and their children will experience the economic and educational benefits to the access to the arts, we're so grateful to you and to express our gratefulness in conclusion of the state of the arts report, we have a special thank you gift to present. Diane Circle of the Oregon ballet theater will lead us in song.

**Adams:** Oh, well. Will the city council please mute their microphones. [laughter] Except for commissioner Saltzman.

¶¶ The arts will light the way ¶¶ Art, art for all ¶¶ It's who we are and how we'll grow, the arts will light the way ¶¶ Art, art for all -- ¶¶ It's who we are, it's how we'll grow, because the arts light the way ¶¶ It's who we are and how we'll grow, the arts will light the way ¶¶ Art, art, arts for all ¶¶ Creativity at play ¶¶ It's who we are, it's how we'll grow, the arts will light the way ¶¶

**Adams:** Yay. Nicely done. Thank you all very much. Has anyone signed up to testify?

**Moore-Love:** No one else signed up.

**Adams:** I would move acceptance of the annual report from the Regional Arts and Culture Council.

**Fritz:** Second.

**Adams:** Moved and seconded. Karla, please call the vote.

**Fritz:** Thank you all for being here this morning. A particular welcome to our guests from Rochester, New York. I lived on Genesee street and it's good to know that the good hearted people of Rochester are joining the good hearted people of Portland in celebrating arts and culture and I'm particularly grateful to the teacher from Woodlawn pre-K. I don't remember a particular class from arithmetic, other than struggling in the tests but I remember the puppet may in which I was in the Lion, the Witch and the Wardrobe and listening to Eleanor Rigby, the Beatles song and having the teacher have us write what that meant to us and how the work you're doing does touch it hearts and minds and I'm grateful for your emphasis on equity and this endeavor speaks to us all and I celebrate the progress you've made as a regional arts and culture commission and the fabulous turnout today, a people giving up a Wednesday morning to come to city council, all of the extra work being done in corporations and businesses and fundraising and it's all the community coming together to recognize how important this is and I think that does give me a lot of pause for thought as we look at the equity office and how to celebrate human rights and equity in every aspect of society here. Thank you very much. Thank you, Mayor Adams, for your leadership on this work. Carey and Jennifer in your office have done amazing work and I'm proud to be a part of it. Aye.

**Fish:** [inaudible] Presentations every year, and seems like you keep lifting the bar. I love the annual report. And the message and the power point which I intend to liberally borrow with other bureau work coming up. Whether it's through the Housing Bureau or the Parks or the Oregon cultural trust, we're proud partners in your work. The one thing, Eloise, I'll call out in your annual report, you have a picture of -- of R.V. Smith and he's doing a mural at the Multnomah county juvenile justice center and involved with the program also with Barry Sanders who is from PNCA and they've learned by bringing arts and literacy skills into a detention facility with young people

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that are headed for dead end, there's an enormous drop in recidivism for the kids that learn how to write and read and engage in art and it's that simple. So yet another practical benefit of what you folks are trying to do. The chart that shows the increase in public funding as a result of 2% for the arts and the appropriation process, and the mayor has been leading that effort. So Sam, congratulations. And as a council, we're proud to be supporting your work. Every time we pick up the paper, we read about a proposed federal cut and significant change at federal level and increasingly, there's a feeling we cannot control the cuts coming down the pike that will influence everything we do and that makes it even more important to seize it locally and invest in the regional strategy. Thank you for your work. Aye.

**Saltzman:** The reason I was late, I was on OPB's "think out loud" program. That you canning about sex trafficking and it's interesting for me in my experience on this issue, to see how many women have embraced art with helping cope with the experience of being trafficked and there's a network in city hall, so that the women can express creativity and it sounds a lot like the recovery pain which I'll be sure to look at. Particularly the way we can reach out to people who have had difficult lives and may be no exposure to the arts and can suddenly find a way to express feelings and once you do that, you can begin the road to overcome those feelings and become a more productive person in your professional and personal lives and I want to say thank you to RACC and can and keep it up. Aye.

**Leonard:** We have quite a theme. The first presenter, unrelated to you guy, talked about a CD, David Douglas students produced. Of music. And then we had Neil Young's excellent rendition of "Heart of Gold" sang. And then we got to completely ruin arts for all in our own rendition here. But this has been really enjoyable and it's been a very powerful presentation. I've appreciated it. Aye.

**Adams:** Well, I -- I -- I just want to underscore, this is a city council priority and every single person up here, whether it's nick's service down in Salem, lobbying for the funding on the state legislative level, to randy, taking a special interest in jazz. And the blues, the music of the city. And everyone else up here has been stalwart in their support of the arts and I feel like we've only just begun to realize our potential in terms of Portland and greater Portland as a place of really interesting provocative soothing -- all of that. Arts and culture. So thank you for that. Thanks to the great leadership of the regional arts & culture council and the great team and the great leadership of the creative advocacy network and it gives me an opportunity to thank Jennifer Yocom on my staff who served as the arts and culture director for the mayor's office who's now been replaced. She got booted upstairs and replaced by Carey Clark. Where is Carey? Right in front of us. Who is going to play a video during the break and I would like to join everyone in welcoming Karen Brooks to the team of the arts and culture team. [applause] And remember, Portland, tomorrow, eat at Burgerville. Aye. [gavel pounded] All right. We'll watch this video and then you're welcome to leave. Or if you want to stay, you're welcome.

\*\*\*\*\*: Is there audio?

**Adams:** You have to start over.

\*\*\*\*\*: The audio --

\*\*\*\*\*: Make sure the laptop audio is up. It's muted. Yeah.

\*\*\*\*\*: **[video presentation start]** You're really great. Beautiful and inspiring even, but you're really hard to get to know. [inaudible] **[video presentation stop]**

**Adams:** Yay. [applause] That was done in house or with volunteer efforts so thank you. We'll take a quick three-minute break. [recess]

At 10:57 a.m., Council recessed.

At 11:05 a.m., Council reconvened.

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**Adams:** We will start with regular agenda. We only have three people though. Can you please read item and call the vote?

**Leonard:** I think they're going to --

**Adams:** Item number --

**Leonard:** Want to wait for commissioner Saltzman and commissioner Fish.

**Adams:** Read the item emergency ordinance item number 238.

**Item 238.**

**\*\*\*\*\*:** We need --

**Adams:** Yeah, by the time she is done, we will have it. Welcome city auditor LaVonne Griffin-Valade.

**LaVonne Griffin-Valade, City Auditor:** I will start off by singing whatever tune you would like me to sing.

**Adams:** Commissioner Leonard will lead us in this. How are you?

**Griffin-Valade:** Excellent. Excellent. So, LaVonne Griffin-Valade, City Auditor. Good morning, Mayor Adams and commissioners. This emergency ordinance is to authorize a contract for an expert review of officer-involved shooting and in custody death. Authorizes the city auditor independent review to hire a qualified expert to review closed investigations pertaining to officer-involved shooting and in custody deaths on an ongoing basis. Ensure that the Portland police bureau is made aware of any emerging best practices related to deadly force, including police practices that increase officer safety and reduce the necessity of deadly force. The public is also well served by having an independent expert regularly demonstrate that the Portland police bureau has provided a reasonable and appropriate level of evaluation of officer-involved shootings and in custody deaths. Authorized to hire outside expert to review officer-involved shooting and in custody death investigations since 2002. The intent of the reviews has been to issue independent reports on any policy-related issues or quality of investigation issues with recommended improvements. The intent was also to issue the reports on an annual basis. However, such annual reporting has not always occurred. As a result, there is a significant backlog of closed investigations yet to receive a review from an outside expert. It is essential that all such investigations receive the review intended by city council. Further it is my goal to attend to the backlog as efficiently and expeditiously as possible. I was advised by procurement services that a three-year contract would be the most appropriate option and an RFP was issued in November of 2010. Eight proposals were submitted and in late December, the OIR group was selected to carry out this work. The contract, which was set to start on February 1st, was signed by the contractor and returned to the city in January. However, some internal processing delayed final approval by procurement services and unfortunately I was not able to bring the matter before council until now.

These outside reviews are an important element of the city's civilian oversight system. It is unfortunate that reviews were not always timely in the past, however, that should not prevent the city from rectifying that and going forward. There is much to learn and reflect on. For example, the current backlog includes a number of significant high-profile incidents that the community and the number of public officials are interested in having reviewed by an outside expert. So, any questions?

**Fritz:** I agree that this is a necessary contract. I'm wondering who was on the selection committee and what were the criteria for selecting this person?

**Griffin-Valade:** Well, we followed the standard process for the city. We had -- we had Joanne Jackson on the selection committee. I was on the selection committee as were the director and assistant director of IPR.

**Fritz:** What were the selection criteria for choosing between the eight responses?

**Griffin-Valade:** Well, let's see. We had a list of selection criteria, which I can read for you, if you would like, that included the -- their qualifications. That included the capacity of the project team. That included their approach and understanding as well as demonstrating their expertise.

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Diversity in employment and contracting. The proposed cost was weighed in on that and the information that they provided.

**Fritz:** Thank you.

**Adams:** Additional council discussion? Thank you, Auditor. Anyone signed up to testify?

**Moore-Love:** Yes, we do. We have Dan Handleman.

**Adams:** Welcome back.

**Dan Handleman:** Good morning mayor Adams and city commissioner. I'm with Portland Cop Watch and we welcome a new set of eyes coming in to look at the Portland police shootings and officer-involved shootings since 2004 that haven't been reviewed yet. It is good that this contract -- that the contractor has to talk to the public. The original contractor with park from 2002 didn't actually require them to do that. And this also allows reviews of cases that are less than two years old. So if somebody is filing a lawsuit, that will not prohibit a review of whether the investigation was done right and whether the policies that led to the shooting were appropriate, which is very good. That's the whole delay issue of the past. However, the way this has been written, it is a little bit concerning because I know sometimes these contracts are taken literally. It says that the OIR should review the incidents and investigations and the police general orders which are actually known as directives now, but doesn't really specifically tell them to look at the hiring and training practices. It says that that is part of what the reviews are for, but it doesn't direct them to look at the hiring and training practices. I'm hoping that that's made clear to the OIR group. We supported most of the recommendations that the OIR group brought before you last year on the James Chasse incident. We felt some could have gone further. We don't have any major complaint about who has been selected. The process was -- I'm very glad commissioner Fritz asked who was on the selection committee. We follow this very closely and go to the citizen review committee meetings, independent police review was involved in picking this person, no discussion of this contract at the IPR or CRC meetings. Citizen review committee studied the previous reports like this and issued their own report to you about them, but they had no discussion about who would be the next contract and what the contract should be asking for. So, the process to get to this point is a little bit disappointing, I guess I would say. And I know we have other concerns that haven't been addressed here that, for instance, one incident where Portland police officers didn't actually fire their weapons, but a railway police officer shot somebody in late 2008. One question we have been trying to resolve is when Portland police and another agency are with each other, who decides when to use deadly force and shouldn't that be something that the experts set up a policy for. We are hoping that some people will look at that issue some day. It is unclear how many reports we are expecting to get out of this. The auditor said it is supposed to be annual reports, but there is a deadline of January, 2014, and it doesn't say that there will be annual reports coming out from this group. So, I just hope that we can get some clarity on some of these issues and if we are going to have another contract like this that there is a more transparent process to get here.

**Adams:** Thank you. Auditor any response on any of those issues?

**Griffin-Valade:** In terms of the transparency and discussions with CRC, those have been going on for quite some time. It took some time to pull together the RFP. We certainly expect that OIR group will look at the training issues. That's a significant part of the administrative investigation to begin with. There was another concern --

**Adams:** Annual --

**Griffin-Valade:** Yes, part of the issue is because there are so many of these investigations to review, that is still to be discussed, but certainly my plan is to have at least annual reports, and trying to figure out the best way to do that. And the approach to take. We probably will have OIR group go chronologically, but there also have been discussions about the possibility of looking at any particular -- reviewing these incidents that way.

**Adams:** And then there was a multi-agency question, issue.

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**Griffin-Valade:** He has brought that up before. Certainly city code doesn't -- isn't -- doesn't allow us to review the actions of other law enforcement bodies, and we have had an issue -- had a couple of issues around that over the years. Not resolved in -- in this particular contract, but it probably is part of the larger policy question.

**Adams:** Well, I -- I for one would just welcome their expert advice on sort of best practices, either whether it is inner agency or what have you. If they have some thoughts on that, that would be great to hear.

**Griffin-Valade:** And as a matter of fact, they did make some observations and some recommendations and in the review of the Chasse case because of the involvement of the Multnomah county sheriff's office.

**Adams:** The mention of the railway police, I've come to know their federal statutory origin and some other folks and so if -- if you wouldn't mind asking for any additional observations they might have.

**Griffin-Valade:** And they have quite a bit of expertise reviewing sort of transit police. It's fairly typical to have cross jurisdictional representation on the transit police and that has certainly been an issue for the city of Portland and for our office. So, I take that to heart and I will, indeed, ask them to make comment on that in their report, as well as internally.

**Adams:** Great. Thank you, Auditor. Please call the vote.

**Fritz:** Thank you for your work on this and your collaborative approach with the council and things that we care about and deal with. I appreciate Mr. Handleman doing his usual expert review and appreciate the time you do on this work. I hope when the next contract comes up in three years, that we would include the citizens review committee as a formal part of that process review, because I certainly appreciate all of the times those volunteers put in, too. Aye.

**Griffin-Valade:** May I clarify. Also on CRC and we felt like we at least had representation that way.

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

**Adams:** I stand ready to help in any and all ways. You have with this responsibility a lot of work and I appreciate the passion and the commitment to perfection that you bring to it and that you expect of your team. So, whatever we can do to help. Aye. Approved. Can you please read the title and call the vote? Second reading, item number 237.

**Item 237.**

**Fish:** Mayor, may I, parliamentary inquiry --

**Adams:** Yes.

**Fish:** Might you consider a brief moment for the new commissioner to state his position on this?

**Adams:** Certainly.

**Saltzman:** Thank you. As the new commissioner in charge of the Bureau of Development Services, I'm very proud to support this technology project and appreciate all of the work that commissioner Leonard and staff have done to get us to this point. It does certainly require a line of credit backed by the general fund and our new technology oversight process which we approved -- I will make sure is up and running as we continue the next steps of this software program and making it go live at the Bureau of Development Services. Independent consultant will review the progress of this project. I feel good about the leadership, the merits of the project and the productivity improvements it will make -- I'm very pleased to support this.

**Fish:** Thank you, mayor.

**Adams:** You bet. Please call the vote.

**Fritz:** I didn't vote for this in November. At that time it was a cost of \$4.26 million and I voted no not because the project is a bad idea, but because I don't believe this is the right way of funding it with a line of credit dependent on short and long-term projections for an increase in revenue. I believe if there is additional revenue coming in to the Bureau of Development Services I would like to see it expended in staff who can help with the permitting and other functions, including

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neighborhood inspections. The project is now \$6.6 million, increase of \$1.6 million, although I certainly appreciate the great work -- that others -- the bureau, recognize that this is a project that we're going to want to do at some point, I don't believe that now is the right time. No.

**Fish:** Aye. **Saltzman:** Aye.

**Leonard:** I appreciate commissioner Saltzman's state of leadership and overseeing the implementation of this vital project. I think well as he correctly pointed out makes the work of the employees much more efficient and productive and so on -- this should be a very fruitful addition to how we supply our customers with good and efficient service when this goes online. The bureau has done an outstanding job bringing this forward, and I'm confident that they are in very good hands with commissioner Saltzman. Aye.

**Adams:** Aye. Approved. Anyone wish to pull any items from the consent agenda?

**Fritz:** 233.

**Adams:** 233. Okay. Anything else? Karla would you call the vote on the consent agenda.

**Consent Agenda roll.**

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

**Adams:** Aye. Consent agenda approved. Read the title for emergency ordinance pulled from the consent agenda item number 233.

**Item 233.**

**Adams:** Commissioner Fritz.

**Fritz:** Thank you. My staff had received the usual good answers from the water bureau staff and procurement services staff in response to my questions about this contract, and I am fully intending to support it. I think that the citizens of Portland will be interested to know what it is and the work you have done to get to this point.

**Adams:** Ms. Moody.

**Christine Moody, Bureau of Purchases:** Christine Moody, procurement services. Today you have in front of you an ordinance to authorize the contract with Ferguson Enterprises for miscellaneous water work supplies. In November of 2010, RFP was issued and four proposals were received. The city chose to issue an RFP rather than an invitation to bid in order to allow the city to use a best value approach and include diversity and sustainability criteria in addition to the response -- responses evaluated by a five person committee, Ferguson the highest proposal -- the city anticipates spending \$1.2 million per year for a five-year contract not to exceed the value of \$6 million. Pricing on this contract has decreased by approximately 20% and prices are locked in for the first year of the contract. The contract terms allow for escalation or de-escalation of prices after the initial first term. At that time, Ferguson would need to provide supportive documentation to show that their costs have increased in order for the city to accept the increases. I will turn this over to David to talk about technical aspects of this contract.

**David Shaff, Director, Portland Water Bureau:** Good morning. Director of the water bureau. Christine covered most of what I would cover normally. I thought I would demonstrate to you what we spend \$1.2 million a year on. This is a one inch angle curb -- talks about \$60 apiece. Last year we bought 1,800, for a total cost of \$11,000, most -- this is, hang on, I have to look it up. This is a brass 3-8th inch by two-inch nipple, they cost \$1 a piece, and we -- \$1.1 million, miscellaneous fittings some of which I couldn't bring in because they're too heavy and some can fit into your pocket. That is basically what we spend \$1.2 million a year on.

**Fritz:** Thank you. One last question. I notice that you had an evaluator -- did you have anyone on the panel?

**Shaff:** I know the name of the person, it was a male name. And the other three were water bureau employees, and they were all male.

**Adams:** Any other council discussion? All right. Anyone wish to testify on this matter? Karla, can you call the vote on this emergency ordinance?

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**Fritz:** Thank you very much. My staff and I have learned over two years that you give really good answers to the questions that we have and I wanted the citizens to know that you are, indeed, spending this money wisely. Aye.

**Shaff:** Thank you.

**Fish:** Thanks. Aye.

**Saltzman:** Aye.

**Leonard:** Aye.

**Adams:** Aye. Emergency ordinance is approved. We are in recess until 2:00.

**Moore-Love:** We haven't read the title for item 226. The time certain for 10:15 that's been moved. We didn't read the title.

**Adams:** Oh, I'm sorry. Go ahead.

**Item 226.**

**Adams:** Unless there's objection, this is sent back to commissioner Fish's office.

**Fish:** Thank you mayor. And just for the record, we had this teed up for a full presentation and some panels of citizens who participated in the community oversight process that unanimously adopted this plan in December. One of the committee members apparently had a technology issue and was unable to get a document. We felt that we'd err on the side of making sure everybody had enough time so we're going to reschedule this promptly.

**Adams:** Great. Thank you and just a programming note, the council session for tomorrow, 2:00 p.m., March 10th has been canceled.

At 11:27 a.m., Council recessed.

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I've completed the 3/9 PM caption file and verified all of the numeric information throughout the document. I indicated any time roll was taken on amendments but I wasn't sure exactly how to phrase each one so I highlighted the "roll" statements if you'd like to review them. Gayla

### **Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**MARCH 9, 2011 2:00 PM**

**Adams:** Good afternoon, everybody, it is Wednesday, March 9th, it is 2:00 p.m. The city council will come back from recess. Karla, can you please call the roll.

[roll call]

**Adams:** As I understand it, the three items, 139-141, are all related. Can you please read the title for all three.

**Items 239, 240, and 241.**

**Adams:** This is a continuation of a previous discussion. And I want to thank everyone who has already provided extensive, thoughtful testimony on the issue of trees and how best to manage this important resource for the city. We have a lot to do today, so first I'd ask the Bureau of Planning and Sustainability director, Susan Anderson, to give us a brief update on the work the bureau has -- bureaus have done with the amount -- amendments before us for consideration. Afterwards I'll introduce the amendments, council will consider today, then we'll hear public testimony on the amendments, and I'd ask that you keep your public testimony just to the amendments. Council will discuss an act on the amendment and then my colleagues and I will decide whether to close the hearing or hold it open for a period of time. Welcome back.

**Susan Anderson, Director, Bureau of Planning and Sustainability:** Thank you. Good afternoon. For the record, I'm Susan Anderson, director of the Bureau of Planning and Sustainability. We're hear to take another major step forward on the tree project to help ensure future generations enjoy a robust tree canopy throughout the city. In 2007 four years ago, council adopted the urban forestry management plan, the citywide tree project that's before you today, including all these amendments is a major implementation tool of that plan. It was developed with the involvement of hundreds of individuals, the amendment that you're considering today will help to enhance the canopy, will ensure the package is fair, reasonable, and relatively easy to administer, and it's important to remember that Portland's not alone in this effort. Cities across the nation have taken steps, some as long as a decade or two ago, others are still looking to us to be a leader on this issue. So cities around the country have developed similar rules to preserve and enhance the prosperity of trees for their communities. All of them recognizing that trees are an important asset and add value to their cities. I especially get this, I for 10 years owned a wholesale nursery north of Hillsboro, trees are a part of who I am. So understanding that the value of this asset to the community is important is something that the bureau really gets to its core. So last month on February 2nd we were here, you heard a significant amount of testimony at that time, including various perspectives, various priorities for the most part you heard strong support for the overall proposal. However, there were some very specific details that still needed to be ironed out in response you directed me to reconvene the bureaus to work out the remaining issues, so we did just that. We spent the better part of a day going through all of the issues, mapping them out, understanding where we were and what we had in common, what we could agree on and what things we still needed to bring back to you. The result is more than a dozen amendments that we will review today. These amendments do not weaken the proposal. They offer some choices to

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both enhance the canopy and make it easier to administer. To ensure we do this smoothly and that we clarify all the different outstanding issues, we've laid out the amendments in sort of a checklist that each of you have in front of you. So we'll be able to go through them with a lot of clarity. And then we will review all of that them after we hear the public testimony.

**Saltzman:** I have too many copies of this checklist. Is this green one the latest version? Or is the one given to us this afternoon the version?

**\*\*\*\*\*:** The green one is the one that the public has seen. [inaudible]

**Saltzman:** Thanks.

**Anderson:** If you need clarification we can make sure you have the right one. So the impact of your decision today is very real. These are the kinds of things you can actually see and we'll be able to count thousands of trees in the future that are saved every year. We'll see visible improvements in our neighborhoods as trees are saved, as they're planted and as they're replaced across the neighborhoods. I believe this investment is the kind of thing Portland is known for and our citizens expect. So I'll turn it back to the Mayor and you all to introduce these for the record.

**Adams:** All right. I'd like to introduce amendments in attachments one, two, and three of director Anderson's memo to the city council. Into the record for consideration.

**Fish:** Second.

**Adams:** Moved and seconded. Any discussion from council on the proposed amendments? Karla, please call the vote on the proposed amendments which will in part serve as further deliberation and public testimony.

**Roll to introduce amendments in attachments 1, 2, and 3:**

**Fritz:** This simply puts them on the table for discussion. Aye.

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

**Adams:** Aye. [gavel pounded] Amendments are approved. And I know at least a couple of commissioners have new amendments to introduce. Commissioner Fish?

**Fish:** Thank you Mayor. Hannah Kuhn, would you please come forward? Mayor Adams and colleagues, I have an amendment, and if I could make a brief statement and then we'll circulate the amendment. Was all my colleagues, I believe Portlanders love their trees and want to do the right thing. And that's -- in that spirit I'm going to offer an amendment to the current street tree pruning permit. I believe it's a common sense approach that will help us reach more Portlanders with the information they need to do the right thing, and I will allow our forestry staff to focus on training and enforcement. There was a little snafu in the wording in the decision guide have you before you. The amendment should correctly read as follows. Applicants shall be allowed to self-issue street tree pruning permits electronically on the city's website, applicants would have to certify that one, they've read information on the city's website about proper pruning techniques, and two, acknowledge their obligation to perform all street tree-related activities, quote, in accordance with proper arbor cultural standards. End quote. And I've asked Hannah, Mayor, to come forward and to give the council a very brief explanation of the proposal.

**Leonard:** Do you have a written statement?

**Hannah Kuhn, Commissioner Fish's Office:** I'll pass one out to you.

**Leonard:** Normally we'd pass the amendment out and then would you explain it afterwards.

**Kuhn:** We'll do it in reverse order. I don't have it here. I'll bring it. My name is Hannah Kuhn, good afternoon, Mayor Adams, commissioners. I wanted to provide a little background to what is at this point a conceptual amendment. Since 1972, the city has required permits for pruning street trees. The rate of compliance has been really low. Out of approximately 280,000 street trees citywide, in 2010 the city issued only a little over 1,200 pruning permits. That's less than one half of 1%. Currently it takes about two weeks for the city's urban forestry staff to visit each applicant property before ultimately approving about 9 out of 10 permits. At a time of scarce resources, the current approach seems very labor intensive, not reaching nearly enough property owners and is not financially sustainable going forward. Commissioner Fish is proposing an amendment that would

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allow property owners to self-issue a street pruning permit electronically. In concept would it work like this. In order to get a pruning permit the property owner or their contractor, much of this work is done by professionals, would be required to certify that they had read information on the city's website about proper pruning techniques and acknowledge their obligation to conduct all of these pruning activities in accordance with standards. For Portlanders who do not have internet access, of course we would have to provide a paper-based alternative. Since sharing this amendment in concept with the tree project, stakeholders emailed us a few days ago, we've gotten good feedback from the public. Our original concept would have eliminated the permit requirement instead requiring a written notification of the applicant's intent and their commitment to follow standards. The city attorney has assured us that this approach would be legally enforceable, the same as a permit, however, several members of the public contacted our office and emphasized how important it is to them to be able to have a permit, an actual permit. So we've revised our language to reflect that concern. It accomplishes the same thing but has a different symbolic weight. One person suggest the we also in look at how this might be implemented, consider a two-track approach that would allow arborists who's have passed training in how to care for trees and follow city code, to be allowed to self-issue their permit as we're proposing. But the homeowners and contractors who have not completed the training would be required to take an online test to prove their knowledge of good pruning techniques. This suggestion was just made to us so we haven't been able to incorporate it, but I wanted to share it with you. Commissioner Fritz a few weeks ago mentioned to us we should look at the Multnomah county website where they issue food handlers' licenses online doing a self-testing model like this as something we might want to look at and adapt for the tree pruning purpose. The language has changed, it is in your guide, the earlier version is reflected there which would not have required a permit. So what the change is is that we would say you are required to get a permit, we're just trying to ease the issuance of the permit. This is one of those things where the actual code language is important, but how it would be implement is more important, and some additional time and thought would need to be put into how we would do this, and some safe guards to see how well it works. Given our current compliance rate is less than one half of 1%, we think this is a good thing, a new approach to try.

**Fish:** This appears at 3.C.2 on page 19 of the amendments guide.

**Leonard:** Who is the issuing entity, the permit issuing entity?

**Kuhn:** The city forester is the entity that issues permits for street tree pruning.

**Leonard:** So they would have the capacity to online do what your amendment would allow?

**Kuhn:** You're asking whether they have the capacity to create the online interface?

**Leonard:** M-hmm.

**Kuhn:** I think that's a question of funding more than anything. But in terms of motivation, this idea was actually suggested by the urban forester himself as a way to better use their resources and to serve the public better.

**Leonard:** So why would this be a better approach than just not requiring a permit?

**Kuhn:** I think that's a good policy question, commissioner.

**Fish:** At this point we're not debating the merits, we're explaining it and asking it be added to the package for public testimony and debate.

**Adams:** I'd like to get a motion and see if there's a second before we can proceed. And where is it?

**Fish:** It's 3.C.2, in my amendments decision guide it's page 19 of 23.

**Adams:** Is there a motion?

**Fish:** So moved.

**Adams:** Is there a second?

**Fritz:** For the purpose of discussion, I second.

**Adams:** Moved and seconded, unless there's additional discussion, please call the vote on the motion to amend.

**Roll on amendment introduced by Commissioner Fish:**

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**Fritz:** This sounds like a concept that's evolving by the minute, so I look forward to discussing how it might be implemented. Aye.

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

**Adams:** Aye. [gavel pounded] Amendment has been approved. Do you have additional amendments?

**Fish:** No, Mayor.

**Adams:** Commissioner Fritz.

**Fritz:** I have five technical amendments, and four amendments for discussion, and a few copies behind Karla. The summary of the additional -- each of you has one that was hand out today. The summary of the additional technical amendments are to include education as one of the purposes of the tree permit chapter, chapter 11.40, two, clarify when permits are required for attaching objects to street or public trees, essentially to say when there's a temporary attachment that that would not require a permit. Include a statement that encourages tree planting to occur in the wet months, in other words, when they're more likely to survive. Add a requirement for women and multicultural representation on the urban forestry commissioner, and number five add requirements for equal representation on the urban forestry commission appeals board. Which is a subcommittee of the urban forestry commission but doesn't require -- in the current proposal have the same requirement the for those to be representation of different interests on that appeals board. The discussion items that I'm proposing are to amend to add the land division significant tree table into the Portland plant list, and incorporate a reference to the land division criteria in the approval criteria to link to that significant tree information, which would preserve the concept that very small native trees may be just as significant as some of the large diameter trees, especially in environmental zones and land divisions. The second one is maybe complementary to commissioner Fish's amendment, and that is a proposal to revise the pruning exemption for street trees to allow pruning of branches up to one inch diameter rather than the current quarter-inch size without a permit or approval process. The third discussion item is to require a Norway Maple street tree replacement plan, a request that the urban forestry commission in consultation with the landmarks division, Hosford-Abernathy neighborhood development and others to develop a neighborhood tree street tree plan to provide for the orderly replacement with non-nuisance species trees to substitute for Norway Maples in Ladd's Addition. And the last one is phasing and budget directives to remove the specific dollar amounts from the ordinance language and clarify the phase defective dates for title 33 and title 11 amendments since those budget discussions and decisions need to happen in the budget process rather than being preempted in this process. So I move those five technical amendments and three - - four discussion items.

**Saltzman:** Second.

**Adams:** It's been moved and seconded. Additional council discussion?

**Leonard:** Have these amendments been vetted with the staff?

**Fritz:** Yes.

**Leonard:** At BDS too? It's my understanding there were concerns about incorporating the tree table.

**Fish:** Well, Randy, on this question, if I could, there's a number of proposals, amendments that I don't plan on supporting. But I think my understanding is procedurally the question whether the amendments are before us.

**Leonard:** I don't think that's procedurally correct. If you vote for amendments, they actually become part of the larger proposal we're going to vote on, we're preparing to vote right now on each of these as to whether or not they become part of the larger proposal. So what you're suggesting is if we actually voted for these now, it would be part of the larger proposal and we'd have to go back later, isolate them and vote them down. I think now is the appropriate time to decide whether they should become part of the larger proposal or not.

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**Fish:** On that point maybe I'd ask for counsel's clarification. The cheat sheets we've developed here were designed to be able after public testimony to come back and decide which amendments we want to accept or reject, or what further action. My understanding is we were only laying this on the table, only putting this before public, not actually substantively supporting any of these amendments.

**Leonard:** Maybe I misunderstand.

**Adams:** I think you're right procedurally.

**Leonard:** Kathryn, typically when we vote on an amendment to a larger proposal if we vote yes on the amendment, it becomes part of the larger proposal.

**Kathryn Beaumont, City Attorney's Office:** I think it depends on how you phrase your motion. If the motion is to simply place them before the council for purposes of allowing people to testify, and you vote -- you all pass that motion, it simply means they're on the table for people to testify to. Then later have a motion to adopt them.

**Leonard:** What did we do with the Mayor's --

**Fritz:** I seconded it for discussion.

**Adams:** What I propose is that we will go back through the amendments and we will either -- you can work up the right words that I say -- we'll go back through all the individual amendments, which we're set up to do with discussion guide, and either confirm that they will stand or they will come out.

**Fish:** Why don't we do that before public testimony?

**Harry Auerbach, City Attorney's Office:** Mayor Adams and commissioners. Harry Auerbach from the City Attorney's Office. The difficulty that you have is they've a number of these amendments have not been reduced to formal language yet. What I understood the process is that you're going to decide which of these you want to have come back in full draft language, and then approve them at the next hearing, and then the final package once you know which of these amendment was going to wind up in the --

**Leonard:** When we voted to approve the Mayor's amendments, they did not become part of the larger --

**Auerbach:** That's my understanding. We have to -- you have to have actual language to --

**Adams:** We're going to go back through and go through each one and confirm or deny --

**Leonard:** I'm not clear why we're voting on them at all. Why aren't we just asking discussion and then deciding later to vote or not?

**Auerbach:** I think that's in effect what you have done. You put them on the table for discussion, and then you'll direct us to come back with language implementing them for final approval, or you'll jettison them --

**Leonard:** I mean procedurally --

**Saltzman:** -- for commissioner Fritz's amendments was to put them on the table for discussion. Not necessarily indicating --

**Leonard:** I don't want to be a stickler, but procedurally that's not typically how one would debate amendments or not.

**Fritz:** We should have done that at the beginning --

**Fish:** I believe they're all --

**Adams:** As the presiding officer we're going to do it my way, and that means that we're going to go back through each of the amendments that have been considered and confirm whether they stay under the document or they're jettisoned.

**Leonard:** Whether we voted on them or not.

**Adams:** Correct.

**Fish:** Can I seek clarification on that? You are the presiding officer, we'll follow your lead. The instructions that we were given before this hearing by the bureau, where we would be laying the amendments, we would be placing a series of amendments and concepts before the public, we

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would be taking testimony and then we would be coming back and deciding which of those amendments we want to incorporate into the package, and if that's consistent with what you're suggesting, I'm prepared to support it.

**Adams:** It is.

**Leonard:** I'm just suggesting we shouldn't be moving and seconding amendments at this point, because it implies --

**Adams:** So we're going to do it my way. Unless the attorneys tell me otherwise.

**Auerbach:** As long as you understand what you're doing, it seems fairly straightforward.

**Adams:** We are --

**Auerbach:** You're right, it's right from the way you normally do things.

**Adams:** Everyone is waiting and clinging to different words in these motions, but we'll go back through and we will either say yes or no to them being part of the final documents.

**Leonard:** So we won't be moving or seconding anything now. We'll just be laying them on the table.

**Adams:** We're going to continue with this process, good or bad in terms of amending. Has everyone got their amendments out?

**Fritz:** We haven't voted on mine yet.

**Adams:** We're going to vote on yours. Then we're going to go back through and I realize this is a bit clumsy, but that's the way we're going to do it, ok?

**Leonard:** Just to be clear, I just need to be clear, if we're voting, you're not -- I'm not going to be put in the position if I vote yes on amendment, to have it become part of the larger proposal, it's rather just for discussion purposes only and then we're going to revote on each one of these amendments?

**Adams:** Correct.

**Beaumont:** It's putting the concept on the table so people --

**Leonard:** When --

**Adams:** After we hear testimony.

**Leonard:** Today?

**Adams:** Yes.

**Fish:** My understanding is we're simply testing whether there are two votes. Whether there's a second in effect.

**Adams:** All right.

**Fish:** At least three votes to lay it before the public for discussion.

**Adams:** Alright. Are we all set to go? Yes. Ok. Karla, please call the vote on these amendments.

**Fish:** Which ones, Mayor?

**Adams:** Commissioner Fritz.

**Roll on amendments introduced by Commissioner Fritz:**

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

**Leonard:** I will vote yes to get them out for discussion.

**Adams:** That's all you're committing, I promise. Aye. Is there any other amendments that anyone with like to put forward for -- so that the public here knows there's at least enough support on council to have them debated? Hearing none, we move to public hearing. How many people have signed up?

**Moore-Love:** We have 22.

**Adams:** I'm going to be, I'm going to apologize in advanced if you go back to non-amendment issue, because we've got a lot of work to do today, and when we leave this chamber, so remember, it's just to the amendments. If you try to recycle or reuse old issues, I will ask you to end your testimony or go back to something germane to the amendments. And I'm going to ask everyone to make their testimony in two minutes. Karla, can you call the first three? Welcome. Glad you're here. You just need to give us your first and last name. We do not want your address or phone

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number. We do not. That clock in front of you will help you count down your two minutes. If you're here representing any organization, if they've have authorized to you speak on their behalf including a for-profit or nonprofit, any institution, local law requires you to disclose that. Please begin.

**John Gibbon:** John Gibbon, first of all I'm land use chair of the Southwest Neighborhood's Land Use Committee, and I just want to read SWNI's statement regarding this. SWNI supports city council approval of the tree policy review and regulatory improvement projects and urges its implementation with the caveat that we recognize that project recommendations are not perfect and will need revision. Obviously we're going through a process on this now with the amendments which I will speak to in a second. I think that SWNI from maybe the most treed part of the city and a place where there are probably -- a different set of tree issues supports ongoing.

**Adams:** Let's get to the amendment.

**Gibbon:** On the amendments. Three points as much as I support the concept of commissioner Fritz's 12-inch size limit on trees, and I think it's practical and much easier to implement than what came out of the planning commission, I think that the process of getting a tree ordinance that applies to every lot is more important to that, and I have to honestly tell you that people who I think are really committed to land use planning and the city, when you start talking about limiting their ability to cut their trees on their lots get upset, therefore I think we better stay with 20 inches as more achievable goal. I support commissioner Fish's proposal for the street trees. I'd like to see that concept expanded so that in neighborhoods like mine where we have associations that control a number of trees, that somehow either through that or the programmatic permit we get that kind of opportunity to do that.

**Adams:** Thank you.

**Gibbon:** And last --

**Adams:** You can submit the rest for the record.

**Gibbon:** Don't go to 5,000 square feet. Leave it at 3.

**Adams:** All right. Thank you. We really don't need the preamble. Just stick to the amendments. Go ahead, sir.

**Justin Wood:** I'm Justin Wood, I am a home builder in Portland and I'm also here representing the Home Builders Association. I believe all of you got our recommendations on the amendments in front of you. I just want to go over a couple of the ones that we felt were more important. Item 2.B.1 going from 35% to 33% is a pretty significant one. I think it makes it easier to implement, easier to calculate, just all across the board. I believe it was staff consensus this amendment should be approved. And we would strongly urge it be approved as well. The other one there's been quite a lot of discussion back and forth is item 2.B.2, that's the raising the minimum lot size from 3,000 to less than 5,000 square feet. I believe you all have in your packet attachment 4 which shows the graphs of lot size and tree canopy, and raising to lots less than 5,000 square feet allows 22% of the lots within the city at a lot -- with less than 3% of the tree canopy and of that 3% of the tree canopy, 74% is less than 12-inch trees which we would be allowed to remove anyway. You're talking less than 1% of a tree of the canopy that would be affected by going up to 5,000 square foot lots or less than 5,000-square-foot lots. But that is a significant amount of infill lots available to us to build infill housing. Also that also assumes all trees will be removed. We generally don't try to remove trees unless they're in the middle of the footprint and we didn't do anything about it. Lastly we do support commissioner Fritz's amendment about retaining the recreational space in the back yard. Assuming we -- the space goes up to -- the minimum lot size goes up to 5,000 square feet, because that gives us more workability with what we can put on the lot.

**Adams:** Thank you.

**Laurie Butler:** Hi. Laurie Butler, here on behalf of the Home Builders Association. And the group of Portland infill builders. As to the amendments, Mayor and commissioner, item 2.B.1, this amendment will lower the preservation standards from 35 to 33%. 33% is a more practical number

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that is easier to calculate and easier to implement. Our strong recommendation is to accept motion option one. As to item 2.B.2, I support accepting motion option 2, as to item 2.C.1, this amendment has options to include street trees into lot tree density calculations which we support. Of the listed motion, motion option two is closer to our recommendation, however this option only allows street trees to be counted towards density requirements on lots less than or equal to 3,000 square feet. At the very least this should be raised to lots less than 5,000 square feet to be consistent our recommendation on the small lot exemption. Our question still remains why street trees do not count on all lots. The tree contributes to the canopy regardless of where it is and should be counted. Therefore our strong recommendation would be to change this amendment and at a minimum raise the street tree inclusion to lots less than 5,000 square feet. But we would also urge street trees to be included towards density requirements for all lots regardless of size. A tree is a tree.

**Adams:** Thank you all. Next three.

**Nick Hunt:** Nick Hunt with Sun Crest Construction. I'm going to follow up, I'll make it short. The 33% compared to the 35% I want to throw a few examples out. We had a lot with three trees, instead of keeping one tree at 33%, to hit the 35 we had to keep two trees which we'd have to keep 66%. A big difference of 1.7% that's going to make us keep an additional 33%, 32% over standard. That hits it at three trees, six trees, nine trees we have to keep a significantly higher percentage of trees compared to just dropped at 1.7. Thank you.

**Adams:** Thank you. Mr. Salinger.

**Bob Salinger:** Good afternoon, Bob Salinger, I'm the conservation director for Portland Audubon Society. We were still processing the amendments that have been proposed. But we do have concerns, we do fear this plan is being hacked to death, really, death by a thousand cuts, and you keep hearing explanations, we've been hearing these since they went to the planning commission, each change is only 2% of the trees, 3% of the trees, 4% of the trees. When you start to add them up, we're looking at 15, 20, 25% of the trees. And I think the question we need to ask ourselves is are we going to achieve our ultimate objectives, which is to restore a canopy that's sufficient to achieve our natural resource objectives, the 35% for the citywide? And increasingly we don't think that's going to happen. We don't think the city has done a good job of keeping track of cumulative changes. And so I look at things like the building coverage exemption you've seen at 90% to 80%, increasing the tree preservation exemption from 3,000 to 5,000 square feet, reduction of the preservation standard from 35% to 33%, all of these are having impacts, and we just seem to be on a downward spiral right now. A couple of other issues I want to put on your radar screen, there's amendment that proposes to not require replacement for nuisance trees outside of e-zones. It's important to understand we did spend a lot of time talking about this on the committee, and the goal is not a precipitous change over in the landscape, it's not to get rid of the trees as quickly as possible, there are 13% of our canopy, the goal is to gradual removal and replacement. Over time. We don't want to increase and we don't want to add more, but we want to slowly convert them. To do that you need to replace them. We have concerns about the exemption for industrial properties, that's a significant portion of the landscape. They need to do their part. We understand it's based on the LUBA appeal but we want to make sure they come back and have to deal with that one when the LUBA appeal is resolved. Finally programmatic permits, we don't have a problem increasing the diameter size above six inches, but we'd like to see the opportunity to appeal, restore, that was removed and restricted. Thank you.

**Adams:** Welcome to the city council.

**Paul Solimano:** I'm Paul Solimano, on the Portland Historic Landmarks Commission. And the three of us are here today to discuss the proposed amendment concerning the changes to Ladd's Addition conservation district guidelines. Changing the guidelines should necessitate some consultation with the Historic Landmarks Commission. Concerning the replacement trees, but I wanted to bring out while we certainly welcome that opportunity to comment on the replacement trees, in this long process, we did not get -- unfortunately the landmarks commission is not brought

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into the process until almost the end. And I -- we had mentioned last time I was here I discussed that we were supporting an exemption for Ladd's Addition for the nuisance tree prohibition part of the policy. Mainly because Ladd's Addition is such a unique district and it relies so heavily on not only the street design and the houses, but the landscape design. I think one of the things that's important is based on the number of people who testified last time and the number of people here today, trees are pretty important to the city of Portland and all the neighborhoods. And I think that importance gets magnified quite a bit for a neighborhood like Ladd's Addition where part of the significance and part of the distinctiveness of the neighborhood is based on its treescape, and we had suggested allowing an exemption for Ladd's Addition was not irreversible. But enforcing the prohibition against Norway Maples is largely irreversible. Thank you.

**Adams:** Thank you. Hi.

**Judith Rees:** Judith Rees, I have background both in landscape architecture and worked for Portland Parks doing acquisition of habitat areas. So I have affiliation with both things. I'm here today to support the -- again the elimination of Ladd's Addition from the prohibition of planting of Norway Maples. Again, the proposal at hand and Ladd's Addition neighbors, Historic Landmarks Commission and urban forestry get together to talk about an acceptable alternative to the Norway Maple and other potential nuisance species that are original to the landscape design, if that is what proceeds, it needs not to be a list of things. Part of the importance of the trees in Ladd's Addition is the consistency of the streetscapes, the consistency of the Elm trees and the Elm -- on Elliot and Ladd, and the Norway Maples on many if not most of the additional streets. So to have a kind of a patchwork quilt of acceptable trees is not what we would be looking for. I would hope in past having talked to natural resources staff that they did not think prior staff that -- for Forest Park and overall for the program did not feel that Ladd's Addition's Norway Maples threaten in any way any natural resource areas in the city. So I am still hopeful that you will provide an exception for Ladd's Addition.

**Fritz:** My amendment is not to provide an exception, but to require that there should be a collaboratively generated neighborhood tree plan for replacements so the neighborhood and the Historic Landmark Commission, the Urban Forestry Commission would together come up with that plan, but still not allow nuisance trees.

**Rees:** Right. But it wouldn't be -- it sounded as though where a variety of trees could be planted --

**Fritz:** The intent is you would come up with a plan with what would be planted where.

**Saltzman:** That was my follow-up to your testimony. A plan are that would ultimately coalesce around a single type of replacement tree, is that what you're not -- not a variety of replacement trees. Like Sugar Maple rather than Norway Maple.

**Rees:** If, for example, Sugar Maple were an acceptable alternative, yes, it would be those streets that have been Norway Maples would be Sugar Maples or whatever the alternative. There are other minor streets within the addition that have other species, and some of those may be nuisance trees as well. So there would need to be provision for that.

**Adams:** Thank you. Hi.

**David Kaplan:** Hi there. My name is David Kaplan, I'm here representing the Hosford-Abernathy Neighborhood Association and I'm president of Save Our Elms, which is a volunteer organization that's been the stewards of trees in Ladd's Addition for about 25 years. And have also been working in other neighborhoods for Elm preservation. I don't want to relitigate the Norway Maple issue, I just will say that our groups are disappointed that these amendments didn't come forward to recognize the historic value of those trees, and we hope that there's an opportunity to revisit that sometime. In specific concern about some of the amendments, I didn't have the final language, so I came prepared to address a couple of alarming things that I saw bubble out in the last couple weeks. So perhaps clarification will resolve my fears. Commissioner Fritz offered some language about not requiring the replacement of nuisance trees, which kind of set some alarms going with me that if

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the Norway Maple is deemed a nuisance tree, we have several hundred of them in our neighborhood, if somebody could by right cut the tree down and not be required to have any mitigation, as I read the language. I'm hoping that's not the way the language ends up, because a nuisance tree is a tree, and we would not want to lose the canopy of the Norway Maples while they're at the end of their life. Commissioner Fish came to the table with the permit issue, I had discussion this morning with Hannah Kuhns, we worked out some things I hope will show up in the final language, but it concerns me that unless there is some kind of a certification that the trees are being pruned in a professional way, we will do grave damage to the trees that are left. And would I hope the process involves training, certification, audits, and a functional rapid response in case somebody is out of bounds.

**Adams:** Thank you all very much.

**Fritz:** And to clarify, I did make a mistake on my amendment on the nuisance trees, that should only apply on lots, not to street trees.

**Adams:** Welcome to the city council chambers again for some of you. Please begin.

**Richard Ross:** Hi. Richard Ross, a former member of the Urban Forestry Commission and a cofounder of Save Our Elms and urban forestry group in seven Portland neighborhoods. I'm here today to support commissioner Fritz's amendment as long as we're going to ban Norway Maples, we need an approach like this. However I have comments to add to her amendment, and -- in a letter I sent you today that I think it -- we need to look beyond that. We are about to ban the city's most common street tree. What's the replacement plan for replacing that canopy? Bob Salinger mentioned this earlier that there is a concern from environmental groups and there's a concern from neighborhood groups that we do this in an orderly way. So have you a proposal that has two points in it, that I think add to commissioner Fritz's amendment, first is develop a citywide Norway Maple tree street tree replacement strategy. In addition to the current urban forest action plan, the action plan is set up for things like this. It's a five-year strategic plan for the urban forest. This would protect the current and future street canopy. We're talking about 9% of the street canopy. The second idea to formalize coordination of cultural landscape issues between the Parks Bureau, Urban Forestry Commission, Planning Bureau, Historic Landmarks Commission and I think we saw that in this case, that the landmarks commission was coming in late on the process and not able to address some of the issues as well as they could have. The points on this is, I think right now there's confusion about who's in charge of cultural landscapes, there's also for historic district residents we're in limbo. We don't know who is in charge of resolving those kind of issues, and with numerous districts in Portland, we only have a few now which have cultural landscapes that are important in them. However, the Parks Bureau, cultural resources management plan has 24 parks that are suggested for national register nominations. And first up will be Terwilliger Boulevard and the north and south park blocks. These are going to become more important issues for -- to coordinate in the future. So those are my two proposals to the council.

**Adams:** Thank you. Sir?

**Ryan O'Brien:** Ryan O'Brien, I'm a planning consultant, I've been working in this area for 33 years, and I work for many home builders. I wanted to say the current tree standards are affecting infill housing on small lots. We've had some difficulty with that. We support having lots under 5,000 square feet to be exempt for the tree standards, we are having problems fitting these houses on these small lots, and there's no room for mitigation. And then in the future instead of removing trees that are marginal, they leave them on the site and in the future the property owners will have problems. It's very expensive to move a 24-inch fir tree on a small lot, it could cost \$10,000 to the property owners, plus there could be damage to the people's houses. So I think the 5,000 square feet is important. As a testimony that there's only about 1% of the tree canopy will be lost, we also support the preservation standard from 35% to 33%, it will have a major effect on the small lots, because as been explained, we've had difficulty with the tree preservation plan, it's affecting what we're put ought property, and I don't think it's appropriate to make the houses smaller because we

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have a couple trees in the property. It's better to plant new trees because sometimes the trees that are on the site originally were based on different kind of watering pattern, you -- houses on small lots, there's a lot of watering and then the trees will have problem in storms because they're additionally wet. This is especially true for Fir trees. I think it's important to have new trees planted as opposed to trying to save some of old trees. And then I think it's important that the tree canopy is really going to be the street trees, because you have a lot of distance between the front of the house and the street, and that's where your canopy is, it's not going to come from the individual lots, especially when the small lots are less than 5,000 square feet. You don't have much room. You have a driveway in the front. That's my comments. Thank you.

**Adams:** Thanks.

**Veronica Bernier:** Good afternoon. Veronica from Portland State Public Health and Community Health Education alumni 2005. I addressed the tree issue because I like to support trees generally, I would like to reiterate where we create ordinance where the mayor and city council can under title 11 support various trees in the city, I recommend this as a pro-action to take. I also understand that some of the pockets of land use areas are under decision making processes wherein, there are certain areas where there is some discussion regarding older or trees that aren't viable. And to that I would say specifically that people with knowledge in the tree liability, people like the sierra club and people from groups like that can come forward as expert witnesses and actually be helpful in the process of determining a viable tree. Where this relates to that a person's property, that's property line and that's very clear. And also the last point I would like to make is I'm for quality tree preservation, the Cedar -- the Redwood and all of our Maple trees and our Alders, and all the other trees, the Redwoods, the Firs, the Spruce and bottle bushes, are all planted here, by various people, and according to former Mayor Katz, there are 65,000 trees in the city. That's a lot of trees to be considered, and I'd like to generally support the issue today.

**Adams:** Thank you all very much. Welcome.

**Jim Laubenthal:** My name is Jim Laubenthal, I represent the Riverside Golf Course, I'm a member there and my colleague John Lof is the golf course superintendent. And we're just going to make a few short remarks and just use two minutes between the two of us. A couple of amendments that we took interest in. Amendment 2.F.2 on the comprehensive natural resources plan, while we support that and think it's a good idea, it was intended to help with larger sites like Riverside, which is about 164 acres. It maybe useful in certain situations for larger institutions like ours. We really don't do a lot of development on the site other than tree maintenance and management. And so we really encourage to take a step further and allow the programmatic permit approach available for public golf courses, city-owned courses. It's also available for Riverside. So there would be a couple tools available to manage these resources. Trees are a critical part of what we do at Riverside. The second amendment that we'd like to mention is that commissioner Fish's amendment on the online permitting for street trees as I understood it, we would like to see that broadened. We've talked to the staff about this and be made available for more than just street trees. For instance, a site like Riverside where we have a lot of activity, with three or 4,000 trees it might be something that if you folks would encourage or direct the staff to pursue that as an option, this might be available in a situation like ours. We appreciate it. Thank you.

**John Lof:** I'm John Lof, the golf course superintendent at Riverside.

**Adams:** Moral support. Good.

**Mark Dane:** Good afternoon. Mark Dane, a land use planner. I've been around here for about 20 years. Doing this. And I just wanted to offer my support on three specific items. 2.B.1, the change from 35 to 33%. You've heard the reasons, it makes sense, it's easy to implement. Much cleaner, much clearer. Subsection 2.C.1, the crediting of the street trees towards the tree requirement, that's primarily because on the small lots it's difficult to place the trees given all the other requirements, it's easier to protect the trees once they are actually in the right of way, they tend to grow larger and they're enjoyed by the community as a whole and therefore I think there's a much

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greater plus, you get more trees where they're going to be safer, protected and will grow larger. The last section is 2.D, I believe we need to protect the 12 by 12 open space. I believe that was Ms. Fritz who determined that. I'm also very supportive of the online permitting, I think it's a great idea and I'd like to see that expanded. Primarily for ease of facilitation and to keep things moving, keep things cheaper. However the single most important thing which is not here today, but I think will protect more trees is that trees which are impacted, their root systems that are impacted need to be saw cut rather than torn. There's a lot of trees on a lot of property lines and a lot of foundations five foot from the property lines. When the foundations are cut, root systems tend to be impacted. Simply by saw cutting the roots after they've been hit, very simply we'll have the long-term preservation of trees in mind. I know it's not in the agenda, but I'd like to put it out there.

**Adams:** Thanks. Welcome. Please begin.

**David Odom:** My name is David Odom, for the record I'm staff member at Friends of Trees, I'm the vice chair of the Urban Forestry Commission, but I'm here today as a citizen and a resident of Wood Lawn neighborhood up in northeast Portland, so just to clarify, I'm speaking for myself. I'm also a certified arborist and have a degree from the school of forestry, and I would -- on Mr. Dane's point, saw cut the roots first, don't tear them and cut them, cut them first. To the point of the amendments, 3.C.2, commissioner Fish's online permitting idea, I agree that's a great idea. I do have one concern, my personal opinion on 1.B, the oversight of title 11 seems to fall to the planning and sustainability commission. Vis-a-vie development related amendments to that code. My concern would be to having somebody on that commission that is very knowledgeable of urban trees and the situations revolving development as it's related to trees, or having a joint hearing or having that go to the Urban Forestry Commission. I agree with 3.B.1, the 20-12-inch diameter reduction, 3.A, the nuisance species, I would agree to not amend the draft. Tree removal should be mitigated regardless of location. I think that to the point of nuisance species in -- we're not singling -- no one is singling out this particular species, it's the entire list of nuisance species in the city of Portland that have people, very smart people have worked on and developed and come up with as a society learns, we need to change and adapt that if there are things that we learn, we don't plant Scotch Broom anymore, for example, but Norway Maples seem to be the sacred cow, and if it is causing damage to native environments, that is an issue. Also I would just in closing applaud the efforts and remind you the Urban Forestry Commission spent hours on this and in earnest 50 -- 53% of the canopy is on private property in the city of Portland, growing the street tree population does not increase the canopy. One final point, I was --

**Adams:** You're out of time.

**Odom:** Thank you.

**Mike Gilliland:** My name is Mike Gilliland, a registered landscape architect. I support the inclusion of the street trees into the minimums on the amendments. But I also want to enforce that there are a lot of right of way trees. I do a lot of work in Terwilliger corridor, and there's a lot of trees that exist in the right of ways that are damaging or questionable, and need to be addressed, because I get in situations where I've had to obtain a permit to get rid of some dead trees, actually, that were hazardous to these residences. And the city didn't have a very effective permitting process for me to reflect the liability, for the will licensing of the arborists, and the people to come in and do the work. And that really set the liability on the homeowner. Which I'd like to have that included in the review then for the permit process fits going to be made simpler we have to remember things have to be certified to some degree. I just feel overall trees are -- we're working with trees to be three or 400 years old in some case, so this is a long ongoing continuum, and we tend to think in terms of trees of being in our life times, but --

**Adams:** Are you referencing any particular amendment?

**Gilliland:** The amendments that include the street trees and things into the existing and the natives.

**Adams:** Great. Thank you, sir. Hi.

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**Jeff Fish:** Jeff Fish, Fish Construction Northwest, infill builder for about the last 39 years in Portland, also a member of the Portland Home Builders Association. I support the amendments as was that were endorsed by Dave Nielson the Home Builders Association. I also support commissioner Fritz's amendment regarding front yards and I agree with their backyards are important. I want to address the tree canopy chart, there have been challenges that were nickeling and diming and taking canopy away here and there, the facts say there's 3% tree canopy on those lots, less than 5,000 square feet that we're talking about. Recognize also that if all the trees were taken away, quite often we don't take a lot of trees away. I have with me photographs that I was cleaning out the other day from houses I built back in the '70s and '80s, and if anybody wants to lock through those I want them back. You can see a lot of the housings I've built in my past we retained trees on there. The majority of the lots we do infill on, don't have a lot of trees on them, three, four, five. We're not talking about heavily wooded lots. Commissioner Fritz if you look up -- if you look through there, there's a lot of snout houses. One thing that hasn't been talked about, at least here, I was out of the country on the previous testimony, working on trying to get homeowners to add more trees to their existing lots. I think we can add a lot of canopy there if we have a program to follow up.

**Adams:** I need you to speak to amendments.

**Jeff Fish:** Ok. And the last thing I want to bring up is there's a staff suggestion that we tie the existing private lots to a less than 5,000-square-foot endorsement of the amendment, and I think that would make it for continuity of the different agencies that have to address the tree issue of tying that less than 5,000 square feet to the same thing we're talking about for doing a home builder, that's what the private home owners are doing.

**Adams:** Thank you all. The next three. Welcome back to the city council chambers. Please begin.

**Holly Heidebrecht:** My name is Holly Heidebrecht, I'm the director of St. Johns Main Street. I am coming here really because the vision statement that you have allowed Main Street to organize under has identified the street trees are a huge nuisance. And whether they're on the west or not on the list, they are pulling up the sidewalk and the property owners are incapable of spending the money to fix it. And the perception of the people that do want to take care of the trees, whether they're at the -- whether they're the merchant or property owner, the perception is there is no attainable way. So for them to have a streamlined process to be able to do, that the online permitting would be great, there's arborists that volunteers in the Main Street program in St. Johns that are willing to do the work, but whatever the process is, it would completely support that it needs to be streamlined, the perception needs to be it's approachable, and that the incentives are that the historical value of St. Johns is in keeping also with the trees.

**Adams:** Thank you very much. I'm so proud of the Main Street program in St. Johns.

**Heidebrecht:** And so are we. Thank you for bringing it to us.

**Linda Robinson:** I want to quickly mention a couple things. On some of the amendments. I support the 12-inch threshold for the permit, I took a little walk through my back yard before I came here today and there aren't very many trees that even get to 20 inch diameter, even after 60 years. I have a couple of big Firs in my back yard that have probably been there for a hundred years, but you're covering virtually nothing in urban setting residential setting if you're going to set it at 20 inches. Nuisance trees I'm really concerned, again, that there should be a replacement requirement if a nuisance tree is removed. Because the tree provides a function. That's important, and we do need to make sure that as those are removed, we want them removed, we need to replace them. I'm concerned about the industrial exemption. I understand why it's there, I think that we -- that they -- you need to revisit that when the LUBA case is decided. Problematic permits, again, I understand the raising the cap on the size, but I think that the appeal process should be restored. It was there before, when the cap was smaller and if you're going to do it we need to get the appeal process back in. I really like the flexibility of allowing smaller back yard setbacks in order to get flexibility.

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We've had a number of things out in east Portland where the only cluster of trees is at the front of the property or on the corner, and that's like -- the flexibility of being able to do that, I really like having that. I know, Amanda that's not your choice, but -- and finally if you're going to -- if we're going to rely on --

**Adams:** How come when you disagree with me you never apologize?

**Robinson:** I knew Amanda before she was elected. That's the difference.

**Fish:** We'll be setting up a mediation to deal with the fallout of this --

**Adams:** You get a few more seconds.

**Robinson:** If we're going to talk about using street trees to really get our canopy, we need wider planting spaces. You can't put much of a tree in a two-foot planting space between the sidewalk and the street. It's never going to replace some of our Maples and our -- you can't put the big trees in there. So we've got to have a little wider space if we're going to rely on street trees for canopy.

**Adams:** Wow. Ok. Hi.

**Barbara Quinn:** Hi. Barbara Quinn, friends of Baltimore woods and friends of Cathedral Park Neighborhood Association, speaking on my own behalf. In regard to the proposed amendments for the small lot exemption, I ask that it not be widened up to 5,000-square-foot because though it is maybe 1% of the canopy, some of that 1% may be the more valuable larger more mature trees. So on non-development lots also it is important to protect our mature trees in light of the fact that most large trees in north Portland especially the more -- the larger more mature native trees happen to be on private lots. And the Oak -- the native Oak in particular mature at about 100 and we know that we have several trees that are probably above 200 years of age. With a very little protection on private lots. So I fully support commissioner Fritz's proposal that the native tree should be protected at smaller sizes because they're exceedingly slow growing, they are notoriously difficult to manage and start from scratch, and we only have 2% left in the Willamette valley and at some point we're going to have to start taking long-range view of our native trees instead of letting development continue to encroach upon their habitat. So I ask that we take the long-range view.

**Fish:** Thank you for being such a productive member of 2 of our 107 friends groups, which by my math is about 2% of our -- thank you for your good work.

**Quinn:** Thank you.

**Adams:** Thank you all very much. That gets us to council discussion. I was going to start, unless there are any sort of introductory comments, I was going to start going through the amendments and if Ms. Anderson and her team would come forward, we have technical amendments. Which are attachments two and three. Is there any additional council discussion, and I will re-move, I will motion again for approval but is there any discussion?

**Fish:** I want to publicly thank the bureau for what we call cheat sheets up here, but this is a very complicated issue, testimony was extremely helpful, but this is still mind numbingly complicated. Thank you for formatting the option and the descriptions.

**Leonard:** We going to take the amendments as they're printed in front of us?

**Adams:** I'm using the discussion guide, do you have a decision guide?

**Beaumont:** If you're voting on the amendments you're just voting on the concept. The concept would be moved forward to specific language that would be brought back to you next time. So your vote is just in favor of the concept.

**Adams:** We're voting whether or not to retain, to retain council direction to staff these particular concepts.

**Anderson:** We'll bring back in three weeks or so the final package with all of the amendments. The only thing to add, if there's any thing that's on the technical amendments anyone wanted to pull out for discussion, we should do that now before you vote on the technical amendments.

**Saltzman:** I have one -- is the technical package, the yellow package, are all these amendments, some of them -- some of our conflict with other provisions? I'm looking at one that talks about tree permits developed on single family home sites.

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**Leonard:** Page 2?

**Saltzman:** Single dwelling sites need to be defined and clarified. That includes lots in any zone. I thought that was very different from our decision package here.

**Morgan Tracy, Bureau of Planning and Sustainability:** Which issue number?

**Saltzman:** Page 2, number four. The yellow attachment. Tree permits on developed single family home sites.

**Tracy:** There's a notation that that amendment would be replaced by a later amendment.

**Saltzman:** I like the notion of defining a single dwelling unit to be clarified that's applicable in any zone.

**\*\*\*\*\*:** Ok.

**Tracy:** There are -- if you go to the attachment 3.A, page 7 of the second set of amendments, technical amendment, it talks about defining the single development site, there's refinements, there's a notation at the bottom that this particular provision is being raised as a substantive amendment. This is under issue number 50 for title 11. So if the city council opts to change to a single site exemption that amendment would replace this amendment. To summarize, in the technical amendments if the discussion --

**Saltzman:** I'm just confused because I'm not looking off the same copy everybody else is looking.

**Tracy:** I apologize.

**Saltzman:** Everybody else is referring to different page numbers than I have.

**Leonard:** It's in your second set of yellow -- that yellow, have you attachment 2 and 3, they're both yellow.

**Tracy:** As a general statement, the substantive amendments we're discussing next if they affect any of the technical details in the technical amendments, the technical amendments, noted They'll be changed to be consistent with the decisions in the substantive amendments.

**Adams:** That will be noted the next time this comes before us.

**\*\*\*\*\*:** Right.

**Roberta Jortner, Bureau of Planning and Sustainability:** One other clarification, the technical amendment the, the attachment 2 were introduced in the February 2nd meeting.

**Saltzman:** How many pages is one supposed to have?

**Jortner:** If it was not annotated by your staff, the one you guys received has 19 pages. 19 pages with pro and cons.

**Fish:** May I suggest we go through the amendment and we pause and reflect on whether there is still an ambiguity as to whether there's a conflict much what commissioner Saltzman identified? I think it's clear once we've gone through the amendment.

**Jortner:** If you refer to the amendment number I think we'll be in sync.

**Leonard:** I think you have attachments two and three in your hand right there. Attachment 3 is behind that.

**Adams:** It's also --

**Saltzman:** Ok.

**Adams:** With the fact noted that we are moving the discussion forward in a refinement process, and that there might be as we do this staff will note with our direction will note any contradictions and if they are substantive contradictions or gaps, that will be noted to us. So your concerns for the record are not forgotten. I move the technical amendments contained in attachments 2 and 3 in the yellow packet --

**Anderson:** And Amanda's additional technical amendments.

**Leonard:** That's why I was asking earlier how we were taking these.

**Fritz:** We can do them separately -- we can do them separately.

**Adams:** Did I hear a second?

**Fritz:** Second.

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**Adams:** Moved and seconded to move forward attachments 2 and 3 for staff to work on. And return to us. Karla, please call the vote.

**Roll on technical amendments attachments 2 and 3 in addition to Commissioner Fritz's amendments:**

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

**Adams:** Aye. [gavel pounded] Motion approved.

**Saltzman:** Mayor, maybe I'm alone in this, just the way I was prepped on this, might we go to the amendments first and do it in sequence and take commissioner Fritz's package as a package and take it up separately? What's the preference?

**Anderson:** That's fine. The technical amendments at the end -- I would think as we move through that her other amendments will if it in specifically with the item. So those are ok, but the technical amendments we can do those in a package at the end.

**Fish:** May I speak in support of 1.A.1?

**Adams:** Yes.

**Anderson:** One of the ideas that I like to put out there is that I say three sentences about each one, so you're all hearing the same thing, and then have discussion about each item. Does that work? So the first two are the first Two on purpose because staff agreed, and we wanted something easy. So the first one relates to the ex-officio members of the Urban Forestry Commission, the amendments to eliminate the proposal to add bureaus as ex-officio members of the Urban Forestry Commission and eliminate existing provision establishing the Bureau of Transportation as an ex-officio member of the Urban Forestry Commission, this was done primarily because it's much easier to have the staff be liaisons to the commission and not be ex-officio members, all of the bureaus that were involved, BDS, Parks, BES, Water and Transportation who actually has one on there now, agreed with this in that they should not be voting members, which they would be if they were on the commission.

**Adams:** Ok. That motion is on the table.

**Fish:** I enthusiastically support this amendment, which has been approved by staff endorsed by staff and it would in fact bring the Urban Forestry Commission in line with the Planning and Sustainability Commission. In terms of the way staff members interact with the body, and I think it's entirely appropriate with the understanding that we'll be encouraging staff to serve as active liaisons to the urban forestry commission. And I move the amendment.

**Adams:** Unless there's additional discussion, we will vote on the proposed amendment. Can you please call the vote. Yes.

**Roll on amendment 1.A.1, option 1:**

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

**Adams:** Aye. [gavel pounded] Approved. We are on page -- I don't know what page we're on. 1.B.1.

**Anderson:** Ok. So see how easy that was? So the second amendment is to require the Planning and Sustainability Commission to hold a public hearing and make recommendations to city council regarding amendments, the development relate requirements of title 11, currently primary oversight is with the Urban Forestry Commission, and it says the planning commission may hold hearings, this amendment would require the Planning and Sustainability Commission to hold a hearing, and also the intent is to makes sure that both of the commissions work closely together on any of this, we did that in the development of the entire package even to the point of holding joint hearings. So the recommendation is to require the Planning and Sustainability Commission to hold a hearing, and we want to make sure there's consistency with other city development regulations and since most of those come to the Planning and Sustainability Commission, it would come as a package.

**Fish:** May I speak to this amendment?

**Adams:** Yes.

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**Fish:** This -- in my view this makes sense, not only because it provides the consistency that Susan has alluded to, that allows for hearing on aspects of the tree code that relate to broader development issues, but this was also a recommendation of the DRAC from the Bureau of Development Services. And I move the amendment.

**Adams:** Please call the vote on the proposed amendment.

**Saltzman:** I think we're getting off track. We didn't have a second for the last amendment. We voted on it. Are we just going down the list and vote something.

**Adams:** Yeah, we are.

**Moore-Love:** Was there a second --

**Adams:** We've already moved these. They're already on the table for consideration. It's not necessary to make additional motions. We're going to vote on each of them. If it makes people feel good about moving, we'll do that. But please call the vote.

**Roll on amendment 1.B.1, option 1:**

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

**Adams:** Aye. [gavel pounded] 1.B.1 is approved. We're at 1.A.1.

**Anderson:** We're at 2.A.1. So the next one we moved into the trees and development situation. This amendment is to exempt industrial employment and commercial zones that do not have existing landscape area Standards from the title 11 tree preservation and tree density requirements. This was raised because of the LUBA remand on the river plan and until that is worked out, we thought it made sense to exempt i.e. and c zone was no existing landscape area requirements. However, standards would still apply in zones that have existing landscape area requirements.

**Fish:** I have a friendly amendment.

**Adams:** Yes.

**Fish:** Would the council consider friendly amendment that would direct staff to return at a future date for further conversation when the LUBA remand issues are address and resolved?

**Adams:** Unless there is an objection from anyone on council --

**Anderson:** It's in the motion if you'd look under motion options, if you adopt one and two --

**Adams:** I got it.

**Leonard:** That just means it's a very, very friendly amendment.

**Fish:** Are you rejecting to my redundant motion?

**Anderson:** I love it.

**Adams:** Please call the vote.

**Roll on amendment 2.A.1, options 1 and 2:**

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

**Adams:** Aye. [gavel pounded] That gets us to 2.B, tree preservation standard title 11, comma, trees.

**Anderson:** We're going to go through amendments that are with proposed title 11 development standards. I think it's appropriate for the Mayor to talk through your amendments here.

**Adams:** I'm going to introduce the next several amendments to the proposed tree preservation and density standards for the record. My goal with these amendment is to maintain expected canopy benefits while also providing reasonable flexibility and new development on constrained sites. After hearing feedback from the -- I'll be introducing a few friendly amendments to my own amendments, starting with the next one. Susan?

**Anderson:** The amendment was proposed as dealing with the preservation percentage, and change the preservation standard from 35% for greater than 12-inch diameter trees to 33%, and your friendly amendment is --

**Adams:** Is to change the phrase from 33% to one-third of the onsite trees, reduce the number of fractional trees resulting from the calculations and nobody likes fractional trees. So I'd like to strike option one in favor of option two.

**Leonard:** second.

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**Anderson:** 33% is not exactly the --

**Adams:** Does anyone object to the friendly amendment? Ok. Then we are going to move to amend the recommended draft to reduce the preservation standard from 35% to one-third. Can you please call the vote, Karla.

**Roll on amendment 2.B.1, option 2:**

**Fritz:** I support this amendment because if the intent was to preserve half the trees or two-thirds of the trees it should have said so. And saying 35% with the intent to save two or three trees on a three-tree lot doesn't seem to me to be the right way of going about it. I think this is a lot clearer and saving one of three trees on a small lot is appropriate. Aye.

**Fish:** The overall goal of this exercise for one of the goals was to streamline our code. I will support this amendment because it simplifies the calculation to determine how many trees must be preserved to meet the applicable standard. Aye.

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

**Adams:** Aye. [gavel pounded] Approved. Now we move to 2.B.2, small lot exemption.

**Anderson:** The next relates to small lots. The current proposal includes a 3,000 square-foot small lot exemption for title 11 tree preservation standards. There are requests to do both, eliminate the exemption all together and conversely to expand it to include lots of up to 5,000 square feet. The council currently has before it two potential amendments to current proposal, if the council wishes to amend the current proposal remember you need to adopt one or the other, not both. So Mayor you may want to --

**Adams:** I think the staff suggestion to consider raising the exemption to lots of less than 5,000 square feet is a simpler way to address the concerns about tree preservation on small lots. So I'd like to strike option one below and focus and move option two.

**Leonard:** Second.

**Adams:** It's been moved and seconded. Does anyone have any concerns about option two? As suggested?

**Saltzman:** My support for moving to less than 5,000, I want to have it balanced by having 12-inch trees as the threshold. How do I get to that?

**Anderson:** We're talking about development standards, not in the single family -- so this is the 12-inch.

**Saltzman:** Ok.

**Leonard:** In the fourth yellow packet you have --

**Fish:** Commissioner Leonard, you're in rare form today. Rare form.

**Adams:** You are.

**Anderson:** When we get to 3.B --

**Adams:** Karla, please call the vote on the motion.

**Roll on amendment 2.B.2, option 2:**

**Fritz:** I share commissioner Saltzman's concern and will be similarly interested in changing that for non-development sites, this is for development sites. I found the testimony compelling that it's 3% of the trees and 22% of the lots, and in practice there are adjustments given for developments on the smaller lots pretty routinely, so it don't seem sensible to set up something which we know is going to get adjusted a lot of the time. So I vote aye.

**Fish:** I too support the alternate amendment. It will affect only 3% of the tree canopy, but significantly eases the city's workload and impact development. Aye.

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

**Adams:** Aye. [gavel pounded] Approved. We're now going to consider motion related -- a vote on 2.B.3, building coverage exemption.

**Anderson:** This as proposed changes the building coverage exemption threshold from 90% to 80%. I believe the Mayor may have another friendly amendment to his amendment.

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**Adams:** Yes. There have been some concerns raised about the effect of this amendment on future tree canopy. I've also heard 85% may be a better threshold from a consistency perspective and since some of our base zones limit the building coverage to 85%, this would increase the land area and tree canopy addressed by the tree preservation standards while still providing flexibility for sites with high building coverage, and so my suggestion or motion is for 85% building coverage threshold for exemption from the standard.

**Leonard:** Second.

**Adams:** It's been moved and seconded. Any additional discussion? Karla, please call the vote.

**Roll on amendment 2.B.3, option 3:**

**Fritz:** When you do the geometry of looking at what even 50% building coverage looks like on a lot, it's often 5 foot setbacks with a little bit on the front. I support this amendment, and I appreciate the continued work to get it to 85%. Aye.

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

**Adams:** Aye. [gavel pounded] Approved that gets us to 2.C, tree density standard title 11.

**Anderson:** 2.C.1, the amendment is to credit newly plant street trees toward the onsite tree density standards for lots that are less than 3,000 square feet. This amendment responds to testimony requesting that street trees be counted toward on-site tree density standards, particularly for small lots.

**Adams:** Ok. This is a friendly amendment to my own amendment. And I'd like to propose that both the existing street trees and trees newly planted for the development required as part of the development would count towards the tree density standard as proposed and option two below, it wouldn't make sense in my mind not to count existing healthy and noninvasive trees if they're there.

**Anderson:** I know there may be discussion on this one.

**Fish:** May I be recognized for a question? Susan, my understanding is that there was some significant pushback at the bureau level on the amendment. Correct?

**Anderson:** There was discussion of two things, one about whether we should do this at all, or on both ends, there it should go to 5,000 square feet or less than 3,000 or whether we should have it at all, and that's why we have both, for example, the option two and three, move not to amend and it leave it as it is.

**Fish:** Could you give me an example of how this amendment with the friendly amendment would work on a typical 3,000 square foot lot?

**Anderson:** We thought you might ask that. We have a drawing here. I didn't get a chance to introduce the other staff, so with me are Roberta, who is the lead staff on the project, Morgan Tracy, and Stephanie Beckman. And Morgan --

**Tracy:** Tree density this, is a typical 3,000 square foot lot. Generally the on-site requirement would require about three trees, varying in different sizes. There is a separate and different requirement for planting street trees. And with the amendment that's being proposed would it basically allow you to count one of the street trees and move one of the trees on the lot.

**Saltzman:** There's a provision, if I'm understanding this correctly, it says you can only count non-nuisance species trees?

**Tracy:** That's right. To be consistent other provisions to discourage and continued planting and maintenance of nuisance species trees.

**Saltzman:** How does that affect our discussion about whether nuisance trees have to have replacement trees?

**Tracy:** It doesn't specifically, but if in this case this were a tree of heaven or a Holly tree or Norway Maple, that tree would be ineligibility for this credit option.

**Fritz:** Is this the proposal require street trees to be planted in every development situation?

**Tracy:** There's a separate standard that requires one street tree per 25 linear feet as distinct separate standard..

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**Fritz:** That's new, right? Currently -- it's not in -- a land division doesn't have to plant its street trees?

**Tracy:** They're generally required, I think the difference is that the requirement of the street trees will be planted where space is available. So this sets the expectation that you should be making space for the street trees.

**Fritz:** Thank you.

**Adams:** Call the vote.

**Saltzman:** This is on motion option number two.

**Adams:** Correct.

**Roll on amendment 2.C.1, option 2:**

**Fritz:** Again, 3,000 square foot lots are extremely challenging, and I think this is the reasonable amendment. Aye.

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

**Adams:** Aye. [gavel pounded] That gets us to 2.D.1. Flexible development standards, title 33.

**Anderson:** So amendment 2.D.1 is to delete the proposed provision allowing required outdoor area to encroach into the front yard setback for the purpose of preserving existing, healthy trees that are greater than 12 inch in diameter. Perhaps commissioner Fish, Fritz, you'd want to talk to this one specifically.

**Fritz:** I would. Thank you. This was -- we put the required outdoor area to be a private area when I was on the planning commission in response to the concern that houses were being built with 5 foot rear setbacks so there was no where for a family to have a defensible space in the back where the kids could play while a parent was making dinner. And so to change that doesn't really reflect how the families live in the house on the lot and the trees can be flexible but private outdoor space is not as flexible and so I move to delete this provision option one.

**Adams:** So deleting the provision means that houses would not -- there would not be the flexibility on where houses could be located on the lot?

**Fritz:** It requires a 12-by-12-foot private outdoor space.

**Fish:** May I speak to this?

**Adams:** Are you seconding it?

**Fish:** No. Not yet.

**Adams:** Is anyone seconding it?

**Leonard:** Actually, do we move to delete it or do we just not vote on it?

**Fritz:** You're right. We already enter this so I didn't need to move it. Thank you.

**Adams:** Okay. Commissioner Fish?

**Fish:** I have a concern about this amendment. And it's -- it's -- its impact on allowing a certain level of flexibility in the preservation of trees in the front yard and I respect commissioner Fritz's position on this, but I -- I'm not sure this doesn't have some significant unintended consequences and so Susan could you speak to this a little more, the purpose of what was -- what was originally proposed and how staff views this amendment.

**Anderson:** Let me do a single thing and then I'll turn to incentive any who wrote this part. Part of the issue is whether or not you wanted to be able to have some of the outdoor area be in the front yard. That's the difference. Being able to look at it. Does all of that need to be in the back of the house and where and how homes are on the site, that might change especially with smaller lots and Stephanie do you have addition --

**Stephanie Beckman, Bureau of Planning and Sustainability:** Yes, I would follow up it doesn't actually -- right now, the way the code is worded, there's a requirement for a certain size outdoor area and it can be in the front yard, just not in the front setback. If you happened to have a tree within at front setback, therefore, you could push your house back further from that tree and preserve it, and potentially have a portion of your required outdoor area within the front set back, it would potentially have less space in the backyard. But currently you can't -- you can choose to

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place that in the front yard. In this situation, if this backyard wasn't 12 feet deep, with you only 10 feet deep, or as low as five, you could put your house back and say, preserve this tree here and have your outdoor area.

**Adams:** Thank you, so --

**Leonard:** What's the upshot of commissioner Fritz's amendment?

**Adams:** I was going to ask.

**Beckman:** The upshot, we wouldn't provide the flexibility -- the proposal has an allowance to -- without going through an adjustment process, you would have the flexibility to place your required outdoor area in the partially within the front setback. The proposal is to allow more flexibility and what commissioner Fritz's is suggesting we don't allow for that flexibility. If you wanted to do that you would have to go through an adjustment process which is a land use process and have opportunity for neighbors to comment and so forth.

**Leonard:** What does that mean in the example you gave on the chart? Does it mean the tree would have to come down?

**Beckman:** Right, you might have to push your house further up which means you would have to take this tree out in order to have your outdoor area in the back.

**Adams:** So if I could procedurally clarify, so the -- as the document stands now in our notebooks, it provides for commissioner Fritz's --

**Anderson:** No, it provides to -- the more flexibility in allowing it.

**Adams:** We're now voting on --

**Fish:** [inaudible]

**Adams:** Was there a second note of support for the motion on council?

**Leonard:** There's no motion. There's been no motion made.

**Adams:** You made a motion, didn't you?

**Leonard:** If we went with what Amanda said, we don't vote --

**Fritz:** This was in the original set you put into the record so I think commissioner Leonard is correct, we didn't need a motion for this particular --

**Leonard:** We can have a motion to adopt your language, Sam, and if it failed, I think what Amanda is asking is exactly what would happen, is that right?

**Anderson:** You can choose to vote on motion one, which would be Amanda's -- commissioner Fritz's motion, or vote to leave it and not amend the recommended draft.

**Fish:** Before we get to that, if I could.

**Adams:** Yeah.

**Fish:** I deeply appreciate all the correspondence we got in the last few days with different citizens and organizational positions, and just to make sure I'm clear on this, am I correct that both the homebuilders and Audubon were comfortable with not amending the draft --

**Fritz:** No, that's not correct. We heard testimony -- I'm in rare position here of having homebuilders supporting my proposal colleagues -- and I don't think they supported this when it was put in the code but with infill development becomes more and more difficult, we do need to have some private open space, defensible space, that mothers can watch their children from.

**Fish:** I ask the question because it's -- with the record before us, it's voluminous and I'm not seeking to pick a fight. Just clarity.

**Leonard:** So that I understand and I want to make sure I have Susan's attention here. You're saying that if we move option one, that captures Amanda's --

**Anderson:** Yes.

**Leonard:** So we would have to make a motion. So then also I want to make sure I understand what the implication of adopting her motion would be. As I understand the example you've given, with the flip chart, if Amanda's motion passes, that would allow for the house to be brought closer to the street creating more free space in the back to have a private area in the backyard? No?

**Anderson:** Not exactly.

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**Leonard:** Ok.

**Beckman:** Just to clarify. What's in the proposal is an option that an applicant can choose if they want to preserve a tree that's in the front setback, they -- they can choose to move their house --

**Leonard:** Back.

**Beckman:** -- further back and retain the tree and get credit toward the tree preservation requirement as well as -- yes.

**Leonard:** But if Amanda's motion passes, there's less discretion about --

**Beckman:** Less flexibility on the part of the applicant.

**Leonard:** And would -- would cause the open space that might otherwise be in the front yard to be in the backyard?

**Fritz:** No, that's currently in the code. The required outdoor space and it's only 12-by-12, a little space for a patio or swing set. That's already in the code. What the tree project is saying, that's not as important as saving the tree in the front yard. My contention it's at least as important and I believe more important because you can replant a tree. You can't recreate that private --

**Leonard:** I agree, I'm trying to figure out what it is I'm going to vote on that will allow that to happen.

**Adams:** Let me take a straw vote of council.

**Anderson:** That's all this is.

**Adams:** Right, but let me -- so -- no, we got to -- I guess we'll go through this.

**Anderson:** Can I clarify?

**Adams:** Sure.

**Anderson:** In the letter from the HBA, they said they appreciate commissioner Fritz's desire to allow backyard space for families to have with their homes and we support this wherever flexible, but generally we endorse setbacks to preserve trees so our recommendation would be to accept option number two. That's not the same as the oral testimony was today. I think your -- there's -- sounds like they're supporting both sides depending on whether they were orally presenting their testimony --

**Fritz:** My understanding there was a meeting at noon, there was a discussion at 5,000 and 3,000 and if other concerns were met, they were ok with this, which was what I heard in the oral testimony.

**Adams:** I'm getting a shaking the head of two representatives. The way you said it is correct. I mean nodding. Not shaking. We're going to do this by motion, to keep things moving along. There's a motion and I seconded it. So there'd be discussion on commissioner Fritz's amendment. Which is number one in terms of options. On our little discussion guide. Please call the roll. Please call the vote.

**Roll 2.D.1, option 1:**

**Fritz:** Thank you, as you can tell, the mom in me is raising up and I passionately believe this is important. Aye.

**Fish:** Feel like Linda Robinson having to apologize for disagreeing with my friend. I was persuaded by what I received from the homebuilders and Audubon and others that we need to retain the flexibility and respectfully, I cannot support the motion. No.

**Saltzman:** I also believe -- support retaining flexibility and also respectfully vote no.

**Leonard:** Aye.

**Adams:** Hmm -- Aye. [gavel pounded] Motion's approved. Can you please -- so we're now back to 2.E.1.

**Anderson:** Right. Remember, you just didn't vote for it. You voted to include it in the packet that you'll make the decision on. This amendment 2.E.1 relates to land divisions and the amendment will reintroduce a significant tree table in the land division criteria. Again, I would ask that commissioner Fritz describe this. We could also have Roberta Jortner describe this as background first but it's up to you.

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**Saltzman:** I need a little background, so --

**Jortner:** Just -- cause everybody knows the significant tree table, it's in the existing land division land regulations -- it provides a list of native tree species and sizes that which they become important and previously, the city established extra credit for preserving the trees in the context of land divisions. In working with the implementers of the code, it appeared that was not used very often and was seen as sort of complicating the code and not getting good use. So the current proposal in the recommended draft to council would be to replace the significant tree table with more qualitative criteria that actually allowed the city to more meaningfully prioritize large trees, native trees and groves, and we understand the commissioner's point and agree it's important to point out that these trees do grow at different rates and commissioner has two amendments on the table and can go ahead and explain those and the latter one potentially is a way to kind of address her concerns and even make it a more useful tool.

**Fritz:** Thank you, Roberta. I propose we go to option two which is add a reference in the land division approval criteria and include information about native tree growth and sizes in the Portland plant list. It wasn't used so much in the land division code but the approval criteria didn't necessarily reflect what the tree standards were or at least that's my opinion. But we heard from both Barbara Quinn and Linda Robinson, if you go with 20-inch, that's -- or even 12-inch, you're going to miss a lot of trees, which we heard in the University of Portland mitigation plan can take 50 years to get to a sizeable 12-inch. So this amendment actually adds specificity and helps the hearings officer, the applicants and neighbors know what we mean by significant tree so it takes some of the guesswork and arguments out of that.

**Adams:** Call the vote.

**Leonard:** Wait. So I need to have clarified for me is -- has been relayed to me, putting -- putting the table in the code allows less flexibility for the addition or deletion of species whereas, reference gives us more flexibility to do that.

**Fritz:** Based on the feedback from your staff -- former staff and BDS.

**Leonard:** My information is a week old. [laughter]

**Fritz:** It's a reference to the Portland plant list.

**Fish:** I remember a colleague saying quit while you're ahead. I don't remember -- [laughter]

**Adams:** Can you please vote on this? Option two, yeah.

**Roll 2.E.1, option 2:**

**Jortner:** A clarification, sorry, we're referring to the amendment distributed yesterday, is that correct?

**Fritz:** Yes. Thank you.

**Fritz:** The specific language -- the language captured in your motion option.

**Fritz:** Aye.

**Fish:** I appreciate this more flexible approach which will allow the plant list to be updated regularly. Aye.

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

**Adams:** Aye. [gavel pounded] On 2.F.1, environmental resource code title 33.

**Anderson:** This amendment would retain the existing 10-inch diameter development standard for removing trees in utility corridors and stormwater outfalls and public recreational facilities in environmental zones instead of changing the thresholds to a 12-inch diameter, again the current proposal shifts the current tree size for those development standard to his 12-inch diameter in an effort to reduce the number of tree size thresholds in the code. So the change in the proposal originally was to change it to 12-inch to match in all cases. And commissioner Fritz has made an amendment to shift that to 10-inches for 10-inch diameter trees.

**Fritz:** Thank you, Susan. This retains the existing language and property owners and people who are doing development in environmental zones know they have a lot of different regulations. So moving to 12-inches would be going backwards in the amount of preservation and the native trees

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are much more significant at smaller diameters and I recommend we retain the existing language at 10-inches in the environmental zone.

**Fish:** May I be heard?

**Adams:** Yes.

**Fish:** I have a concern about the amendment. I believe it adds a layer of complexity when compared to other thresholds and I'm concerned that this doesn't match our thresholds contemplated in the code and I wonder, Susan, if you could speak to that.

**Anderson:** Um -- throughout -- we're going to get into that soon. That we're looking at 12-inch and looking at 20-inch and 16-inch trees potentially in other areas and if what you're talking about is we're trying to have things be more consistent, more reliable and easier, it does make some sense and that's why it was originally proposed to put it at 12.

**Fish:** I realize this is almost hair splitting but I do think -- I'll be speaking to this later about more consistency because he think there's a question when the code is becoming unduly complicated if our goal is to streamline. I'll respectfully be opposing the amendment.

**Fritz:** You're thinking to going to 12-inches across the board?

**Fish:** I'll take the fifth. We have to have a more robust discussion and I'm interesting in your view on that discussion.

**Adams:** A little more formal, there's a motion made.

**Fritz:** There was, although --

**Adams:** Was there a second? Hmm?

**Fritz:** It's on the table already.

**Adams:** Let's vote --

**Fish:** A vote yes would be to amend, a no vote would be to not amend.

**Adams:** Voting to make the standard 10-inches and no, the standard will be 12-inches.

**Roll 2.F.1, option 1:**

**Fritz:** I'm going to vote yes, however if we go to 12-inches across the board, I would think that would be more consistent. But if we're not, it's worth keeping the current standards which people know what they are. So aye.

**Fish:** No.

**Saltzman:** Since I already tipped my hand, I do support 12-inches across the board so I'll vote respectfully no on this amendment.

**Leonard:** No.

**Adams:** No. Motion fails. Moving on to 2.F.2. Chapter 33.860. Comprehensive natural resource plan.

**Anderson:** This amendment will allow master planning for sites containing one or more environmental resource overlay zones and establish a new more flexible tool for managing development in natural resources on large sites containing important natural resource. It's efficient and cost effective and easier to update. Today, we've only received positive testimony on this amendment.

**Adams:** Unless there's council discussion, Karla, please call for the vote.

**Roll 2.F.2, option 1:**

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

**Adams:** Aye. [gavel pounded] Approved. That gets us to 3.A.1. Tree replacement. Part of the nuisance species trees. And chapter 33.430.

**Fritz:** May I speak to the amendment.

**Adams:** Sure.

**Fritz:** In response to the testimony I've heard, it seems there's a minority whether this is a good thing do. I'd be willing to withdraw the amendment. My concern is if we required replacement, that will be a deterrent to taking out the nuisance trees. I would withdraw it.

**Adams:** Unless objection, 3.A is withdrawn. That gets us to 3.B.

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**Anderson:** So this is the one you've been waiting for. [laughter] We're into the home stretch but did leave us one which is a bit complicated. We spent about three hours on it with staff getting to a point where we got you through the table which is on the back where it has a motion option. It really is about two questions. Let me explain first before we get into the table. The first is where does the permit apply? This is again is on private tree removal on single family lot. On all lots, sorry. So where does the permit apply and should we add a minimum lot size exemption? Currently, the discussion out there has been that no, there should be no lot size exemption. And if you said yes, it could be less than 3,000 square feet or less than 5,000 square feet. And then the second question, what size trees should be regulated. 12-inch diameter across the board or 12-inch diameter except for trees for homeowners and that could be 16-inch or 20-inch. So those are the decisions. Those -- when you start going into it, you begin to do a trade-off thing. If I go to 5,000, maybe a bigger tree and so that's the discussion I'm anticipating that you would have here.

**Fritz:** This --

**Saltzman:** [inaudible] Smaller tree.

**Adams:** Commissioner Fritz.

**Fritz:** This is in the non-development situation?

**Anderson:** This is a non-development, yes.

**Fritz:** You've got a house on the 3,000 square feet lot and it has a tree, right?

**Anderson:** Again, it's under, less than, which is important because there's a lot of 5,000 square foot lots and it would not affect those if we went with the exemptions for less than 5,000.

**Adams:** I would like to see it narrowed to three choices instead of seven. And I'd like to see if there's support for option one with 12-inch tree size across the board. No lot size exemption. Option three -- what do we do? What did we do earlier?

**Fritz:** Less than 5,000.

**Adams:** So that was option -- three, right?

**\*\*\*\*\*:** Uh-huh.

**Adams:** We chose earlier three. And option six retains homeowner permit but is simpler and doesn't have a minimum lot size exemption. What does council --

**Fish:** I would support that package, mayor. One, three and six.

**Fritz:** For discussion.

**Saltzman:** I guess -- the one I'm proposing is lot size exemption of less than 5,000 square feet and 12-inch tree size for all lots.

**Leonard:** You'd be -- you'd be -- oh, it's not on there. So it's not --

**Saltzman:** It's like commissioner Fritz's except a lot size exemption of less than 5,000 square feet.

**Leonard:** I see. Less than?

**Fritz:** What would be the reason for allowing a lot size exemption on less than 5,000? When you've got a home there.

**Saltzman:** I thought this was I guess a balanced approach. We're hearing folks say don't have lot size exemption. Some saying less than 5,000 and I guess I'm balancing the diameter of the tree versus the lot size exemption. If we allow less than 5,000 lots be exempted --

**Fritz:** That's because there's not enough room for a garden or what was the need for not requiring that homeowner to get a permit to cut the tree? Just because they've got a small lot?

**Saltzman:** I think I'm ramping down on the need for a permit if it's for a 12-inch tree removal. Understanding my intent correctly.

**Anderson:** It's important to note that it's not just residential. It's less than 5,000 square feet for all lots.

**Fritz:** Ok.

**Adams:** So -- did -- you still want go with the 5,000.

**Leonard:** Commissioner Fish, you've suggested option three and six as well?

**Fish:** Not Mayor wanted to reduce it to three.

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**Adams:** From seven to three if we can get there.

**Fish:** I'm leaning toward supporting option six for reasons that have been explained by staff and for ease of administration, some other reasons.

**Leonard:** So 12-inches except 20-inch for single family zoned -- would you be option to -- open to option six to commissioner Saltzman's request for no permit required for less than 5,000 square feet?

**Fish:** That would apply to --

**Anderson:** We had that option, that's option three. That's confusing, but it says -- oh, it's not?

**Leonard:** I don't think so. It's three, but 12 across the board, right. But I'm interested in 12 to 20. But I also like commissioner Saltzman's suggestion.

**Anderson:** It is three? I believe that's -- that's in option three.

**Adams:** So you wouldn't do option six. Just three?

**Leonard:** Option three --

**Anderson:** You'd have an exemption for less than 5,000 square feet and 12-inches across the board except 20-inches for single family zoned lots. That are between 5,000 and 10,000 square feet.

**Leonard:** I think I support -- yeah.

**Fish:** Mayor, may I ask a few questions off that proposal.

**Adams:** Please.

**Fish:** Susan, does option three eliminate the cumbersome lot size zone table.

**Jortner:** They all do. Except for seven.

**Fish:** Ok. And retain the 20-inch size for most single family lots?

**Anderson:** Between 5,000 and 10,000, if they're very large, we want to keep it at 12 because those are ones that are more likely to be divided.

**Fish:** And I guess maybe it's getting late in the day, but could you just explain to me again on the lot size exemption, how -- that applies to what? The 5,000 applies to across the board?

**Anderson:** Across the board.

**Fish:** I'm curious, is there an unintended consequence of that that you're concerned about? Is it too broad if it's across the board.

**Tracy:** One the consequences of that move is our current tree permit applies to all lots in the city except for non-dividable single family built lots. One consequence of any of these options, we have a pool of properties currently regulated that may be exempt, the 3,000 or 5,000 lot exemption, and currently regulated and would be exempt. On the other hand, we have a number of dividable single family lots that are currently non-dividable that are not regulated that would be regulated after this change.

**\*\*\*\*\*:** It's a trade-off.

**Saltzman:** Under option three, the lot between 5,000 and 10,000 square feet would require a permit for removing a 20-inch in diameter tree?

**Anderson:** Right. Single family.

**Jortner:** On commissioner Fish's question, one of the issues -- and Susan portrayed two issues. Should there be a minimum lot size exemption. For development, that makes sense. The question is in non-development situations, does it make sense and if so why? One of the reasons having a standard permit, people would say do I need a permit and sometimes there would be conditions on their lot or wouldn't know they were in an environmental zone and they would violate by mistake and it creates another class of owners, but there's a workload benefit for not permitting on every single lot and focusing the energy on and the permitting resources on the lots that have the bulk of the canopy.

**Fritz:** Let me see if I understand.

**Anderson:** You're much quicker than we were.

**Fritz:** Thank you. The reason for having an exemption is for the lower size lots we think there's an exemption anyway if they were to divide. We already passed on that, on a 5,000 or less lot, even if

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it was a skinny lot and going to divide, we said we're not going to apply -- we have different regulations.

**Leonard:** Actually less than 5,000.

**Fritz:** Right.

**Jortner:** The exemption from preservation but not planting, not density.

**Beckman:** And also in the land division context, that's just for building permit.

**Fritz:** For a fully built single family 5,000 square foot lot, would there be any -- what would be the regulations under these proposals? Over 12-inches -- 12-inches or over you have to get a permit under, say, number three?

**Anderson:** Under three it would be for 20-inches -- it's between 5,000 and 10,000 square feet.

**Fritz:** It seems most of our lots are over 5,000 square feet.

**Anderson:** Five to 10,000 square feet.

**Fritz:** I was hoping that -- I'm leaning to commissioner Saltzman's proposal. And 12-inches across the board above 5,000.

**Adams:** That's option three.

**Fritz:** 1.A.

**Anderson:** So if we do that, we have three motions on the table, one would be the original commissioner Fritz.

**Adams:** I would rather not do that. Is there agreement on one -- how much agreement is there on one modified with commissioner Saltzman's note? Any disagreement on that?

**Leonard:** I would prefer three or six.

**Fish:** Can we move three to see if we have support?

**Adams:** I move three for a vote. Call the vote on three.

**Roll on 3.B, option 3:**

**Fritz:** I don't support this because it still leaves the 20-inch as the threshold for the type B permit, which for most lots -- many lots above 5,000 or above, and it exempts the 5,000 or below altogether. So I don't think this captures as many trees to preserve on existing lots and even the baseline proposal. No.

**Fish:** I will support this. My ultimate preference was number six, but after listening to the discussion, I believe this blends aspects of one, three and six.

**Fritz:** Wait a minute --

**Fish:** I'm going to support three.

**Saltzman:** I believe the exemption of less than 5,000 square feet deserves -- the proper balance to me, we have a 12-inch requirement for permits to remove, and, therefore, I'll support my modified version one. Aye.

**Adams:** You're voting on three, so you're voting no.

**Saltzman:** Ok. So I'm voting no on three, yes.

**Leonard:** Aye.

**Adams:** Aye. Ok. Three. Moving on to 3.C.1.

**Anderson:** This next item is from commissioner Fritz, it relates to temporary attachment that is -- allows temporary attachments to street trees without a permit. And maybe commissioner Fritz, you'd like to clarify that.

**Fritz:** We have proposed language to clarify that permanent attachments are not allowed but this is holiday lights and I think we should not require permits for those things.

**Adams:** Second. Any further discussion? Karla, call the vote.

**Leonard:** Do you have something to add, Susan?

**Anderson:** No, I wasn't sure -- I knew there was interest in this from Parks but I wasn't sure if that's what you were doing.

**Roll on 3.C.1, option 1:**

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

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**Adams:** Aye. [gavel pounded]

**Fish:** I was asking Hannah to come up for the next one.

**Adams:** On 3.C.2.

**Saltzman:** Did we skip programmatic permit?

**Adams:** Did I?

**Anderson:** That's the next one.

**Adams:** We're at 3.C.2.

**Fish:** Skipping ahead. Excuse me.

**Adams:** Commissioner Fish or Ms. Kuhn.

**Fish:** We have a handout at commissioner Leonard's request.

**Leonard:** Such a stickler for detail.

**Adams:** Boy, today you have been. So commissioner Fish, what are we looking at here?

**Fish:** Mayor, my proposal would amend the recommended draft by allowing applicants to prune street trees and my request would be that the council give support for the concept and we'll work with staff and the affected bureaus to come back with some better language.

**Adams:** Is there a second?

**Fritz:** I'll second that. May I comment? I like this option. Like the food handler's permit, I'd like it as long as your license is good, you can continue to prune trees rather than have to sign on every time and suggest that there could be an addition to the paper method of qualifying, you mentioned Hannah, taking a qualifying class on pruning from Portland Parks and Recreation would automatically sign you up for the pruner's card. I learned how to do it.

**Adams:** Karla, call the vote.

**Anderson:** There's one clarification, sorry.

**Adams:** Yeah?

**Anderson:** And that is in the additional items commissioner Fritz put forward, she had proposed a one inch diameter instead of a quarter inch.

**Fritz:** I think we can discuss that separately. Thank you.

**Anderson:** Ok.

**Roll on 3.C.2, option 3:**

**Fritz:** Aye.

**Fish:** Aye and Hannah, thanks for your good work on this.

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

**Adams:** Aye. [gavel pounded] That takes us to 3.D.1.

**Anderson:** You would think so. But again, we had one that was 3.C.3. And we want to take the amendments that commissioner Fritz had at the end. 3.D.1. This amendment is to allow the removal of healthy trees larger than six inch in diameter for opportunity for public appeal to the urban forestry appeals board as part of a programmatic permit and I'll let Morgan explain and how to works. On large public pieces of property.

**Adams:** Can you move the mic over.

**Tracy:** So the programmatic permit is intended to address public agency work of a more routine and programmatic nature. Day-to-day operations. It's intended to be an efficient mechanism for agencies like PGE, bureaus, etc., that are doing routine work as part of -- routine tree removal work as part of their ongoing programs. Through the Urban Forestry Commission process, the -- there was concern about ensuring accountability of the that permit and ensuring public access to the permit and balancing that with the potential for impacts resulting from large size tree removal. So the Urban Forestry Commission and planning commission imposed a six-inch tree size on those programmatic permits to constrain their -- what's authorized under granting those permits without an opportunity for public appeal. Since then, we've heard from a number of agencies that deal with tree removal on lots that aren't necessarily public trees, so the tree size threshold that starts on private lots is 12-inches, so a six inch tree size cap on those lots is not a meaningful allowance

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through the programmatic permit. So we've heard requests for increasing the tree size threshold to allow removal of trees through this programmatic permit and we've also heard through testimony there's a need for ensuring public access for those decisions and the proposed amendment would include a larger tree size threshold would be balanced with an opportunity for public to appeal those permits.

**Saltzman:** What about the testimony from Riverside Golf Course be, they'd be eligible?

**Tracy:** One the things we heard through the Urban Forestry Commission process, there's a large interest in the institutions and private landowners who have large holdings. The programmatic permit, it's a new concept. We believe it's worth testing it out. Developing sort of a track record with them before extending it homeowners associations and golf courses and institutional campuses and so forth. There's interest in the community to look at that. The timing for that is not right yet.

**Saltzman:** To follow up the testimony, when Parks and Recreation do they have programmatic permits for their golf courses?

**Tracy:** The city forester and his crews are exempt from permit requirements but they have a reporting requirement. So in essence, they -- it's like a programmatic permit but without the additional paperwork,

**Saltzman:** So this something we give it time and could come back and look at -- requests like Riverside or other large homeowners.

**Tracy:** I believe it's something that should be monitored and possibly reintroduced at a later time.

**Fish:** Mayor, I move option one.

**Adams:** With the legislative intent that you do come back in six to 12 months --

**Anderson:** We will -- right, we will come back when we come back to talk about the industrial lands after the LUBA decisions.

**Adams:** Great. It's been moved. I'll second it. Please call the vote.

**Roll on 3.D.1, option 1:**

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

**Adams:** Aye. [gavel pounded] That gets us to 4.A, phasing and budget directives.

**Anderson:** This last one was also from commissioner Fritz, the amendment would delete findings and directives related to the code effective date and budget considerations from title 33 and title 11 ordinance. The goal behind this is not to take out references to phasing, but just take out the dollar amounts. And perhaps commissioner Fritz will have additional information.

**Fritz:** There's more information in my packet of amendments as to what that language might be. Essentially option two. I think we need to be clear that, yes, we're serious about implementing this and having the phasing and we need to discuss the budget in the budget process and comparing all of the different requests that the Bureau of Planning and Sustainability and Bureau of Development Services and Parks has, that needs to be part of a wider discussion.

**Fish:** Mayor, if I may, since I will be taking a lead role on the tree code implementation side and would like to strongly support the option two on the table.

**Adams:** Please call the vote -- or please --

**Leonard:** What are we voting on?

**Roll on 4A, option 2:**

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

**Adams:** Aye. [gavel pounded] Commissioner Fish.

**Fish:** Mayor, I have -- I was going to go through the tree implementation piece at the confusion of commissioner Fritz's amendment.

**Adams:** I think you're done?

**Fritz:** No, the five technical and two remaining discussions.

**Adams:** I apologize.

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**Fritz:** That's ok. You have the handout which is the additional amendments introduced by me. I think -- unless there's objection, we could take care of the additional technical amendments, the list of five, actually we already -- we already did number two. In the temporary attachments. Statement encouraging tree planting in the wet month and the two about the makeup the urban forestry commission and appeals board.

**Adams:** Is staff ok with that?

**Saltzman:** The Norway Maple.

**Fritz:** Going to get to the second set in a second.

**Fish:** Can I ask --

**Adams:** Second. So you have a clarifying question?

**Fish:** No, just was going to ask, commissioner Fritz to remind me, the -- the intent of your technical amendments four and five, do not -- are not limited to the matter before us, but are things we're trying to get at citywide. Is it your intent to offer amendments like this every time we take up an individual matter or bring a general resolution that would apply to all boards and commissions?

**Fritz:** I think the latter is the case. Number four is generally that case, but five not as much as equal representation for women and minorities, it's talking -- the appeals is a sub-commission of the forestry commission. It's got to be a balance of business and environmental. The appeals board has no such specification and I want to make sure the appeals board has a balance of interests on it.

**Adams:** Karla, call the vote on the technical amendments as outlined by commissioner Fritz.

**Roll on technical amendments:**

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

**Adams:** Aye. [gavel pounded] Approved. Commissioner Fritz.

**Fritz:** Thank you. We've already done 2.E.1. In deference to commissioner Fish and his amendment on pruning, I'd like to withdraw 3.C.2. I think the only amendment we have is the Norway Maple replacement plan asking the involved groups to work together to develop a plan which I think in response to Richard Ross' testimony could be used as a template for the looking at tree plans in neighborhoods. But it would be good to get this taken care of first.

**Adams:** What are your thoughts?

**Anderson:** I think there's a lot of discussion and there's been a lot of demand for it. The only question to raise is whether this should be part of code language or if it should be something that's programmatic and that's really an implementation and that's the question why you want it here or not.

**Fritz:** I wasn't intending it to be code language. Part of the whereas or -- something like that.

**Anderson:** That's excellent. Clarifying. Thank you.

**Adams:** So --

**Fish:** Just moving item 3.C.3?

**Adams:** Yeah.

**Anderson:** Make it part of the whereas.

**Fish:** Got it.

**Adams:** Ok. So the -- I'll take that as I motion. I'll second it. And would you please call the vote. Karla.

**Roll on 3.C.3:**

**Fritz:** Well, we did hear the testimony from folks in Ladd's Addition and eloquent and well reasoned testimony and the intent of supporting the planning commission and Urban Forestry Commission recommendation on invasive species and nuisance trees isn't that we -- the nuisance trees, so this will allow it to happen in an orderly manner. Aye.

**Fish:** Aye.

**Saltzman:** Well, I do think the need to deal with invasive species trees is important to our city, the watersheds, ecosystems, and didn't seem appropriate to exempt one area from that requirement and I

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think this approach will allow them to coalesce around other types of native trees that will respect the character of Ladd's Addition. I support this aye.

**Leonard:** Aye.

**Adams:** Aye. [gavel pounded] Approved. Is that it?

**Fish:** Mayor.

**Adams:** Commissioner Fish.

**Fish:** So Mayor, one sort of final housekeeping matter. In the packet that Hannah Kuhn handed out. I've cut it to 30 minutes. In the packet, you have both the pruning amendment, but you also have a memo dated March 7th, 2011, which commissioner Saltzman and I have previously furnished to you, Mayor and members of council on tree code implementation. And if I may, the citywide tree policy review regulate process consolidates regulations from 10 city titles into one, title 11. It also recommends numerous changes to streamline and improve accessibility for public and staff. And we believe now is the right time to take a closer look at the implementation issues and this has been carefully discussed and reviewed and approved by the Mayor. Currently, the city's tree regulations are administered by no fewer than five different bureaus, each with a different mission and focus and expertise. This organizational fragmentation has raised a variety of concerns from stakeholder. In order to ensure implementation is consistent and data driven and in we've engaged a projects manager and charged her. One, convene an inner city work group and make recommendations to the council on the following issues. Organizational realignment, staffing needs, equipment needs, sustainable funding, efficiencies to be gained through technologies, streamlining or other means, data collection needs and how to measure success, timing of implementation and how penalties should be imposed, reduced or waived. Number two, convene a community advisory group and seek feedback. Three, return to council by the end of July 2011, to present recommendations, addressing the issues listed above. Hannah Kuhn, special projects manager will be leading this effort. You know how to reach her and we look forward to working with you, your bureaus and public stakeholders on this important project. Thank you.

**Anderson:** Three 10 second items. One, anticipate us bringing this back the first week of April with everything in code language. Second, you want to close the hearing now or leave it open for a week to let people have written testimony or do you want to close that now?

**Adams:** What's your advice?

**Anderson:** I would leave it open for a week and let people comment if they want. Continue to comment. That's fine.

**Adams:** A lot of --

**Anderson:** There's a lot to digest.

**Adams:** A lot of moving parts.

**Anderson:** And third, I want to complement your staff. We put together all of the things with three initials, and water and transportation, to discuss. And people had very different opinions but worked well together.

**Adams:** Kathryn.

**Kathryn Beaumont, City Attorney's Office:** Just a recommendation you set a date and time for this to come back.

**Adams:** Karla? [inaudible]

**Moore-Love:** The 6th could be 10:45 in the morning.

**Adams:** On what day?

**Moore-Love:** On April 6.

**Adams:** And that's a?

**Moore-Love:** Wednesday.

**Adams:** Ok. So we -- the --

**Saltzman:** Will there be additional testimony or is that it?

**Adams:** We have a vote at the time noted.

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**Beaumont:** When this comes back to you with language that encapsulates the amendments you have in concept. You'll be voting on the amendments and that will pass, depending on -- you'll pass the ordinance the second reading so your vote occurs sometime after.

**Saltzman:** There would be testimony, though?

**Fish:** No -- [inaudible]

**Adams:** We have a week to keep the record open. If -- I want to complement you on the process that was today, that was very organized.

**Anderson:** Fun?

**Adams:** And appreciate it very much. For those of you in the chamber and those listening, if there's something that you feel that on the technical level we've sort of missed the boat on or isn't synced up, that's why the public comment period is open for another week to let us know that. All right. There's no council tomorrow. So for the week, we are adjourned. Thank you. [gavel pounded]

At 4:22 p.m., Council adjourned.