



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2ND DAY OF MARCH, 2016** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Jason King and Mike Miller, Sergeants at Arms.

Item Nos. 197, 201 and 202 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue <u>WEDNESDAY, 9:30 AM, MARCH 2, 2016</u>	Disposition:
THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.	
COMMUNICATIONS	
188 Request of David Kif Davis to address Council regarding homelessness and civil rights violations (Communication)	PLACED ON FILE
189 Request of Crystal Elinski to address Council regarding political favors and incumbency (Communication)	PLACED ON FILE
190 Request of Jonath Colon to address Council regarding City General Funds to support Portland Development Commission's economic development work (Communication)	PLACED ON FILE
191 Request of Krista Stovel to address Council regarding City General Funds to support Portland Development Commission's traded sector economic development work (Communication)	PLACED ON FILE
192 Request of Sukita Reay Crimmel to address Council regarding City General Funds to support Portland Development Commission's traded sector economic development work (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>193 TIME CERTAIN: 9:45 AM – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements from north of NE Columbia Blvd to south of NE Cornfoot Rd in the NE 47th Ave Phase I Local Improvement District (Resolution introduced by Commissioner Novick; C-10052) 30 minutes requested (Y-5)</p>	<p>37194</p>
<p>194 TIME CERTAIN: 10:15 AM – Accept the report announcing the 2016 National Forum for Black Public Administrators Conference to be held in Portland, April 13th-17th (Report introduced by Commissioner Saltzman) 30 minutes requested Motion to accept the report: Moved by Saltzman and seconded by Fish. (Y-5)</p>	<p>ACCEPTED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Charlie Hales Bureau of Police</p> <p>*195 Authorize Intergovernmental Agreements with the City of Canby, Oregon and the City of Tigard, Oregon for the use of U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Federal Fiscal Year 2014 Intellectual Property Enforcement Program grant funds for agency personnel overtime and approved grant program expenses (Ordinance) (Y-5)</p>	
<p>Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</p> <p>196 Authorize the Director of the Bureau of Environmental Services to execute a Railroad Permit Agreement for Project E08401, Far North Nicolai Sewer Rehabilitation (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 9, 2016 AT 9:30 AM</p>
<p>Water Bureau</p> <p>197 Amend the Regional Water Sales Agreements with Tualatin Valley Water District and the City of Tualatin regarding the purchase of interruptible water during the summer (Ordinance; amend Contract No. 52668 and Contract No. 52669)</p>	<p>PASSED TO SECOND READING MARCH 9, 2016 AT 9:30 AM</p>
<p>198 Authorize the Water Bureau to execute a Collection Agreement with the U.S. Forest Service for \$200,000 to fund juvenile fish monitoring activities required by the Bull Run Water Supply Habitat Conservation Plan (Second Reading Agenda 175) (Y-5)</p>	<p>187601</p>
<p>Commissioner Dan Saltzman Position No. 3</p>	

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Portland Housing Bureau

***199** Authorize application to U.S. Department of Housing and Urban Development, Office of Community Planning and Development, Office of HIV/AIDS Housing for a grant in the approximate amount of \$700,000 to integrate HIV/AIDS housing services with services for survivors of sexual assault, domestic violence, dating violence and stalking (Ordinance)
(Y-5)

187602

Commissioner Steve Novick

Position No. 4

Bureau of Transportation

***200** Authorize Amendment 15 to Intergovernmental Agreement with Multnomah County to provide maintenance service west of the Willamette River for FY 13-14 (Ordinance; amend Contract No. 51062)
(Y-5)

187603

***201** Authorize Amendment 16 to Intergovernmental Agreement with Multnomah County to provide maintenance service west of the Willamette River for FY 14-15 (Ordinance; amend Contract No. 51062)
(Y-5)

187606

***202** Authorize an Intergovernmental Agreement with the U.S. Department of Agriculture for Wildlife Damage and Conflict Management from January 1, 2016 to December 31, 2017 (Ordinance)
(Y-5)

187607

***203** Accept a grant in the amount of \$272,000 from Oregon Department of Transportation for the Southwest in Motion Project and authorize an Intergovernmental Agreement (Ordinance)
(Y-5)

187604

204 Authorize a competitive solicitation and contract with the lowest responsible bidder for construction replacement of deficient structures on N Willamette Blvd and SW Broadway Dr Project (Second Reading Agenda 176)
(Y-5)

187605

REGULAR AGENDA

Mayor Charlie Hales

205 Proclaim March 2016 to be Women's History Month in Portland (Proclamation introduced by Mayor Hales) 10 minutes requested

PLACED ON FILE

Bureau of Police

***206** Apply for and accept a grant in the amount of \$5,000 and appropriate \$2,500 for FY 2015-16 from the Oregon Impact 2016 Pedestrian Safety Enforcement Mini-Grant program for sworn personnel overtime reimbursement (Ordinance)
(Y-5)

187608

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<p>Office of Management and Finance</p> <p>*207 Update City travel policy (Ordinance; replace Administrative Rule FIN 6.13) 10 minutes requested</p>	<p>CONTINUED TO MARCH 9, 2016 AT 9:30 AM</p>
<p>*208 Authorize a participating agreement with Invoice Cloud, Inc. to provide online utility and tax payment processing services for a not to exceed amount of \$1,460,000, Project No. 118906 (Ordinance) (Y-5)</p>	<p>187609</p>
<p>209 Amend the Arts Education and Access Income Tax code to add a definition for charter schools to include those charter schools where the school district is the fiscal agent and delete the reference to names and addresses of taxpayers not being confidential (Second Reading 173; amend Code Chapter 5.73) (Y-4; N-1 Saltzman)</p>	<p>187610</p>
<p>Commissioner Amanda Fritz Position No. 1 Office of Neighborhood Involvement</p> <p>*210 Amend regulations for marijuana retailers and medical dispensaries to prohibit marijuana sales at drive-thru or walk up windows (Ordinance; amend Code Section 14B.130.080) 15 minutes requested (Y-5)</p>	<p>187611</p>

At 12:08 p.m., Council recessed.

<p><u>WEDNESDAY, 2:00 PM, MARCH 2, 2016</u></p> <p>DUE TO RESCHEDULE OF THE AGENDA ITEM THERE WAS NO MEETING</p>	
<p>211 TIME CERTAIN: 2:00 PM – Amend Intergovernmental Agreement with Metro for development of a Preferred Alternative Package, Locally Preferred Alternative and Draft Environmental Impact Statement for the Southwest Corridor Plan (Previous Agenda 148; Ordinance introduced by Commissioner Novick; amend Contract No. 30004541) 45 minutes requested</p>	<p>Disposition: RESCHEDULED APRIL 20, 2016 AT 9:45 AM TIME CERTAIN</p>

March 3, 2016

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **3RD DAY OF MARCH, 2016** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney and Mike Cohen and Jim Wood, Sergeants at Arms.

<p>212 TIME CERTAIN: 2:00 PM – Strengthen regulations for tree preservation in development situations (Ordinance introduced by Commissioners Saltzman and Fritz; amend Code Chapter 11.50) 2 hours requested</p> <p>Motion to have an inch for inch mitigation fee based on 36” in diameter rather than 50” in diameter: Moved by Saltzman and seconded by Fritz. (Y-5)</p> <p>Motion to change the notice period from 30 days to 45 days: Moved by Saltzman and seconded by Fish. (Y-5)</p>	<p>Disposition:</p> <p>PASSED TO SECOND READING AS AMENDED MARCH 16, 2016 AT 9:30 AM</p>
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At 4:22 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By **Karla Moore-Love**
Clerk of the Council

By *Susan Parsons*
Susan Parsons
Acting Clerk of the Council

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

March 2, 2016
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 2 2016 9:30 AM

Hales: Welcome to the march 2nd meeting of the Portland city council please call the roll. [roll taken] **Fritz:** Here **Fish:** Here **Saltzman:** Here **Novick:** Here **Hales:** Here
Hales: Good morning and welcome we will take council communications first and then our consent calendar and regular agenda. If you're here to speak on a regular agenda item just let our council clerk know and she will make sure that you go a chance to speak doesn't look like we'll have any trouble accommodating people we allow three minutes for testimony and that should not be a problem today. If your here to give council testimony you need give us only your name no need for address and such and we always maintain the rules of decorum in this chamber which is if you agree with someone and feel like you need to show support give them a thumbs up and if you disagree and still feel like you need to show that negative hand gesture that's polite, but negative is fine. But we don't make demonstrations or applause rounds of applause in this chamber unless it's for school children or dignitaries so if you are one of those you might get special treatment. With that there is a consent calendar and we have had one request – three request to pull things to the regular agenda and one of them is 197. One of them is 201 and the third is 202. Any other requests to pull items for the regular calendar? Let's take 189 please.

Item 189.

Hales: Are you here? Ok. Let's move on to 190 please. Good morning come on up.

Item 190.

Hales: Good Morning come on up.

Jonath Colon: Good morning mayor and commissioners. I am jonath colon I am the senior business [inaudible] for the Hispanic chamber and I have not been here for a while so I feel nervous amongst friends.

Hales: Don't be nervous. You are amongst friends.

Colon: I wanted to take this moment because I as you all know my boss retired and we just have our new president and it gave me a chance to reflect in the work we've been doing as I looked up for a moment from being on the ground I realized that Oregon has been changing Portland has significantly the landscape has been changing and as we looked at the work i've been there 13 years a bit over a half as I looked up I realized how much of the work that has been led by this leadership has impacted our community. As our faces of our buildings and our streets change it's so odd for me to drive on division and see members of the communities of color small business on those streets and that's taking a lot of time and foresight and the strategy that was directed the pdc work that's done with small technical the small technical assistance work that's done by the seven nonprofits where pdc and the network were on the ground working with these communities it's amazing to me to be on 122nd and see a client in the front on an anchor and anchoring a building or a shopping mall and that came out of an office in downtown Portland or out of an office a provider like nis-o or irco. The work that's being done under the small business technical assistance program it's very significant to our city and it's changing the landscape. When we see gentrification come when we see new buildings go up and preparing these small businesses to be in and to stay in that game is very significant. You

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have an ask from the agency you have a decision package that you will be voting on and we support that and I have sat on the committee and looked at it from on the ground to mindset of what can be done and what are we doing and we actually are getting results. Just came back from the central east side and b line was here a few years ago as a success story out of one of these programs and I just walk into their new 15000 square feet not -- they are friends now so not a recurring client, but something that you see you have seen that grow over time. We have businesses on 122nd and businesses on Powell and businesses on division and we have businesses on Williams and areas that have had a significant change with these technical assistance and not only providing the technical assistance from the small business in all aspects, but also doing the management and the relationship building with the landlords to take a chance With some of these businesses. It's not just getting the businesses ready it's also convincing the landlords those investors those bankers that these businesses will generate the return on investment. The return on investments and another significant one for us and --

Hales: I know you are on a role, but finish up.

Colon: Your contribution your support also leverages these nonprofits so we come to the table with also some resources to support that budget.

Hales: Thank you very much and I appreciate your partnership thanks.

Hales: Ok. And 191 please.

Item 191.

Hales: Are you here? Ok. Let's move on to 192.

Item 192.

Hales: Good morning and welcome. Come on up.

Sukita Reay Crimmel: Good morning commissioners and mayor. Never done this so I am a little nervous as well.

Hales: Don't be.

Crimmel: So my name is sukita reay crimmel I am the owner and developer of Claylen LLC which is a Portland development commission -- no it's a -- it's a green traded product and we are in the southeast Powell foster area and actually looking to find some more location in the Lents district and working with pdc on helping to find that. I am here to express my support of the Portland very many commission's continued economic development programs and I met them in 2013 as a part of the plain tech open which is a Program that they sponsored and I was able to receive a lot of support on business development and investment pitch practice and support. I continue to receive awards in that program and have continued to work with them on more introductions to investors and more training on how to speak with investors. So I enjoy their support.

Hales: Tell us about your product.

Crimmel: It's a no cement non-toxic made of local clay soil and sands and straw. Mixed wet and then troweled out and then sealed with linseed oil and pine rosen so it's the greenest brown floor on the market. And they are supportive of us bringing it to the city. The only one on the market in the states at all and we're working here and going to grow from Portland.

Hales: That's great. Is it laid as tiles or a continuous surface?

Crimmel: It's similar to a cement floor in that way. It's just easier to bring a small slab.

Fish: Thank you for coming today. We're going to be taking up the general fund portion of the pdc budget and -- in April? And I got a preview yesterday and the mayor and the council have asked pdc to show a 5% cut and there is also some ad packages and we're going to have to really roll up our sleeves to get it right so if you have further thoughts about the cut packages for the ad packages we hope you will weigh in as well.

Crimmel: Thank you for that.

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Hales: Thank you.

Hales: Ok let's take the consent calendar please and unless there are any other requests we'll take the consent calendar minus those three items that I mentioned earlier. **Fritz:**

Aye Fish: Aye Saltman: Aye Novick: Aye Hales: Aye

Hales: Ok. Let's move to the bypass consent items. We have staff here in some cases to discuss them. Commissioner Fish are you ready on 197 now or do you want to wait?

Fish: I think that they were --

Hales: Plan to come later?

Fish: I will check with my office mayor.

Hales: All right we may not have people here to to discuss those. We could take 201 and 202 why don't we take 201 please.

Item 201.

Hales: Do you want to testify on this? Lightning come on up please.

Lightning: I am lightening and I represent lightning watchdog pdx and one of the reasons why I pulled up this item is basically I wanted to have a more clear understanding from Multnomah County on certain areas that haven't been annexed to the city. Also having an understanding on -- that I guess from my position I think that we have a problem on maintaining a lot of the streets already from the city of Portland's position. What I would like to see happen is that maybe Multnomah county begins to pick up more from their side on this issue. When we're discussing on paying them back on certain areas that hasn't been annexed to the City at this time from agreements that were put together many years ago and I think that there is maybe a time to look at this and say you're showing a surplus budget you have additional funds. And you brought in money from other areas. They have a lawsuit they brought in 10 million and they just sold another property brought in another 10 million. Why don't we make a proposal to Multnomah County to start picking up these costs and not ask us to reimburse them.

Novick: Actually lighting that's what this does it provides the city get compensated by Multnomah county for work that we do. In these areas that we expected to annex and haven't yet.

Lighting: But my question is we've been doing that up to this point this is just an extension of the original agreement.

Novick: This allows us to bill Multnomah County for the services that we provide in these areas.

Hales: I think this is going in the direction that you want.

Lighting: I think that this is and that's why I wanted this to be explained more because I do agree with this ordinance and the direction that it's going. And I am surprised this hasn't been put forward many years ago because I think that these properties haven't been annexed into the city and Multnomah County should pay their share on this. So I do agree with this ordinance and that's why I wanted to have it explained. Thank you.

Hales: Thank you and why don't you stay and you may want to speak on the next item. Anyone want to speak on this?

Fritz: I just had a comment that when anybody has questions about any item on the city's agenda if you want to call the office of the commissioner who is sponsoring it the day before you can talk to the staff person who looked into it and maybe get some more questions answered. All I know all of our offices have staff and will be more than glad to talk through ordinances that are on the agenda to clarify any misunderstanding.

Lightning: If I could respond to that real fast. I would prefer to conduct my business in the council chambers where minutes are taken and videos are taken and the public has access. So when I come in here and ask these types of questions and I have pulled that from the consent agenda to the regular agenda and if there is nobody to speak on it on

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behalf of the city then that's ok because you can take that position and not have somebody here. I want to put it on the record and to conduct my business in the council chambers to where the public can hear what I am saying if they want to send emails to add to that they have a right to do that also but if I do that behind closed doors and they have no access then I am really defeating the whole purpose of what I am trying to do.

Fritz: You have the right to do that and I am just saying for those watching at home if they too have questions and they cannot come to the city council at 9:30 on a Wednesday morning they are welcome to call the offices or send an email which will put us on the public record.

Lightning: That's more than fair. Thank you.

Hales: Let's take a vote on that please.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye. [gavel pounded]

Hales: good to get paid. Ok. Let's take 202 please.

Item 202.

Hales: I failed to ask commissioner novick if he needed someone here on this one.

Novick: No we didn't.

Hales: Go ahead.

Lightning: Yes again I pulled this item to have a clear understanding that had we are dealing on these types of projects for transportation and we're concerned about the wildlife I was hoping the Audubon society would have been here and taken a closer look at this because one of the concerns I have is that on these types of projects obviously on all of the wildlife and the birds to the beavers to the ducks and everything else I want to make sure that when they are talking about removing them from certain locations and in certain ways I want to make sure that in these agreements that the Audubon society or one of their representatives will be reviewing everything that they are proposing because I have a concern on some of the methods on removing let's say a beaver in a certain location or a birds or raccoons and I have a concern on how they are proposing to do that and I want to make it clear up front I want to see their plans on how they are going to do that. I want to see their plans on where they plan on moving them. I want to see their plans on making sure that the safety of the wildlife is the number one priority here when you are trying to do a certain project here. That's my biggest concern is the safety of the wildlife and to make sure that there is a good plan in place that focuses on that and on the nest that they might want to remove and various things and the smaller raccoons. What are they going to do and where are they going to take them to. And that's my biggest concern. I want to make sure that there is input from some other representatives such as maybe the Audubon society on this issue. And make sure that the wildlife is being protected at any and all costs.

Hales: Thanks very much. Anyone else want to speak on this item?

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye. Thank you. [gavel pounded]

Hales: Commissioner Fish you have the staff here 197.

Fish: Yes.

Hales: Let's take 197 then.

Item 197.

Fish: First of all we received questions about this item I moved it to the regular agenda I was particularly pleased that Commissioner Fritz asked for a red line version of the agreement. Which is something that came up in another item that we had before council recently and I think it was a transportation item. And I appreciate Commissioner Fritz you making that request because it is indeed much easier to show you what we have done or haven't done off the red line. And I hope that becomes the norm. I will give you a bit of

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background. As my colleagues know the water bureau serves about a million customers in the region. Of that 1 million about a little less than 600000 customers are in the city of Portland and the rest of the customers we serve through what's called wholesale agreements with other water providers. Currently the revenue generated from our wholesale agreements is just under 20 million this fiscal year. Now this is a complicated area, but I will just highlight the most important retail for purposes of the presentation. We sell two kinds of water to our wholesale customers. One is called the guaranteed water. That's where we have a guaranteed amount of water we agree on the price and that's 97 98% of the water that we sell. And then we have something called the interruptible water. That is basically water above and beyond the guaranteed amount that has a more complicated formula that we use to determine the price. Tualatin valley water district is one of our most important wholesale customers since 2013. We have had a dispute about how to calculate interruptible water. Thanks to mediation and the negotiation we reached an agreement the net effect of the agreement is the matter before us actually has a nominal value. The upside to the city and our customers is that it opens the door for us to sell more water to tdwd and if we sell more water we generate more revenue and without this settlement they were not taking as much water as we had to offer because of the disagreement about how interruptible water should be calculated. So I hope that I have not done too much violence to this, but I want to introduce mike Stuhr and he will give you a brief presentation.

Mike Stuhr Director Water Bureau: I agree with what the commissioner says. [laughter] good morning Mr. Mayor and commissioners. We're pleased to be talking to you about an agreement that's two years in the making. I think that it's important to note that you know yes it took us two years to get to this point. The reason that it took two years is you have essentially three utilities who all care very much about their rate payers. And so we each in our own way tried to do the best that we could for the rate payers. Built into our contract our standard mediation arbitration provisions and we chose to use a mediator when we arrived at an impasse and we came to an acceptable agreement which might be a model for happenings on the east coast sometimes maybe. The actuality before council today has to do with the methodology and the formulas of calculating rates for our wholesale customers and I thought about bringing algebra in here and putting the formulas up but --

Fish: Please don't.

Stuhr: They make my eyes glaze over too. To give you background wholesale customers is a as the commissioner said purchased two types of water guaranteed water and for which we charge more because we have to provide so it cost them a bit more. And interruptible water which is just what it sounds like they don't have to purchase it and we don't have to sell it. Interruptible water is over and above the guaranteed maximum. We have the guaranteed max or the guaranteed purchase because that's what we use to make our capital investments on upstream of wherever the wholesaler takes off. The guaranteed part is very important and up there in the Bull Run we have this warehouse full of water and so selling more water is is an extremely good thing. And that's the purpose of the interruptible water. We wanted to make it possible to sell interruptible water when it worked for us and worked for them. On average for these two wholesale customers interruptible water is made up of about 2% 2.5% of the water that we provide them. And 97% of the water that we provide them is guaranteed maximum. Even though that's a small amount of total water sales we had a disagreement about the calculating of something called picking factors and you have to do the algebra to figure out what that means. But it was a legitimate disagreement and we came to terms about that. We offered an initial shot and they did not care for that shot and in the end we came to an agreement. We used the contract provisions the folks are more than customers and they

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are really our partners. Our relationship is decades long and we hope that it extends decades in the future. If you want to know a bit about the numbers the differences in the city's initial position and the final compromise before you today is approximately 33000 over three years on 50 million worth of sales. That's -- it's .0007%. I had a calculator on this. It's a very very small disagreement you and I think that very worth it for our relationship with our customers. So now that we have reached an agreement which both their regulating bodies have approved I think that this solves our dispute and it will allow us in the end to sell more water which is good for our rate payers. I am ready for any questions that you might have.

Hales: Questions? Ok. Thank you very much. Anyone want to speak on this item? Then lets -- it is not an emergency ordinance. It will go to second reading so thank you commissioner Fish for bringing peace to the valley and it will go on next week.

Hales: Thank you very much.

Fish: Thank you mayor.

Hales: Ok. Let's move onto the time certain please which is item no. sorry 193.

Item 193.

Hales: Thank you. Commissioner novick.

Novick: Before Andrew and Allison proceeds I would like to commend the inter bureau partnership between pbot parks and bes. Thank you Commissioner Fritz and Fish for collaborating with us on this improvement district and I look forward to continuing to partner with your office in the future on collaborative improvement projects like this one. We are proposing to add new sidewalks and bike lanes and reconstructing new streets should council move forward with this lid 47th avenue will become an attractive multi-modal corridor including park access and insuring families there is a safer path to walk on. the project will connect cully residents to new job growth and the pdx airport and I will turn it over to Andrew and Allison.

Andrew Aebi Portland Bureau of Transportation: Thank you commissioner novick and Andrew Aebi local improvement district Administrator and project manager. So if we can switch to the presentation. So this is the northeast 47th avenue phase 1 lid the reason that I say phase 1 in the title is because we have another stretch of 47 to the south that is unpaved and at some point maybe a phase 2, but that's not where the council today. So this is a project map of northeast 47th avenue on the left you can see the detail of the properties that will benefit from the improvements. And on the right is sort of a spider web map of the lid boundary this is an unusual lid boundary in that it has tentacles reaching far away from northeast 47th avenue the reason for that is being as we know we'll have some construction detours and we needed to draw the boundary per irs rules to allow for the expenditure of funds on traffic detours, but none of the properties to the east or west or south or northeast 47th avenue were along cornfoot road will be part of the lid it's just strictly for traffic detours. With that before I get too deep into the plan infrastructure improvements in the right-of-way I wanted to give my colleague from parks a moment to share perspectives on the planned park capital project.

Allison Rouse Portland Parks and Recreation: I am Allison Rouse and I am the capital project manager with the parks bureau the Whitaker nature park contains ponds sloughs and natural areas that are ideal for education bird watching and other nature-based recreation. Portland parks and recreation and its partners actively invite school groups and volunteers to the site, but access along northeast 47th is very difficult. For vehicles there is a muddy gravel pull-out and school buses have to execute a dangerous backing maneuver in order to turn around. Meanwhile many visitors arrive on foot walking along the undeveloped shoulder of this busy truck route. Parks is entering improvements project which you see on the screen. Will provide off-street parking and sidewalks along our

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frontage. But we also saw a way to close the sidewalk gap between our frontage in northeast Columbia which would create safer connections from the adjacent neighborhoods and from the trimet bus stop on Columbia. Last year we called Andrew for help and since then pbots and bes have developed a solution to the infrastructure gap that prevents parks from building a section of half street improvements as a part of the project that would likely have had to come out when the entire street was reconstructed it will be well coordinated with our plan entry improvements project and will allow both to be built concurrently in 2017 which will minimize the disruption for the neighbors and to the community.

Aebi: Thank you Allison. So there's quite a bit of infrastructure that we're looking to rebuild here. So we're going to reconstruct a priority truck street which is on the national highway system and in response to the property owner concerns about access during construction we have budgeted for a temporary signal at elder wood and Columbia which is within the lid boundary and in the process of reconstructing the street that affords the opportunity to add sidewalks on both sides of the street and bike lanes on both sides of the street not only down to Columbia to the south, but also north to cornfoot road and pbots staff has been working very hard to incorporate physically separated bike facilities into the designs so we expect that to be part of the final design. We are also going to be extending the storm water sewer and adding water management facilities just as an example of how citizens can make a difference I got a call from a property owner about three weeks ago saying that he did not have sanitary sewer service and it would not make sense to build this project and not incorporate the sanitary sewer. So I talked to bes and we are going to add a dry line sanitary sewer into the scope of the street so we don't have to jackhammer out the concrete a couple of years after we reconstruct it. That will be really good utility coordination between bes and pbots we're going to add bird friendly street-lighting and as Allison mentioned this will be integrated with Whitaker ponds.

Fritz: What's a dry line sewer?

Aebi: Before you put the pipe in, but don't necessarily have all of the laterals in place pump stations and other -- I always have to practice saying this word appurtenances to convey the sanitary sewage so thank you commissioner. So this is a financial snapshot of the lid keep in mind that this is not including the cost of the dry line sewer. You can see the -- about two-thirds a little over two thirds of the funding is from pbots system development charge revenue this is rare to devote this many resources into an underserved neighborhood like cully and has made possible due to the partnership with bes and parks which are providing the local match. The state law requires us to have for fdc funded projects. What's unusual about this lid is that most of the time when I bring lids to council it's usually on the order of 95 97% financed by the property owners and 3 to 5% financed by the city and all these fdc resources from pbots and the parks and the bes contribution flips that ratio is around where it's going to be 97% funded by the city and 3% by the property owner. Part of the reason that we did that is for several reasons one is this is an underserved neighborhood. And we're trying to re-dress some of the infrastructure and deficiencies in the past but also the properties in common ownership almost all of them will have a future financial liability to improve northeast 46th avenue northeast buffalo street and northeast crystal lane. So what we wanted to do is defer that to the bulk of the lid financial obligation until some point in the future when the other streets are improved and bes and parks will not be financially contributing to those streets and improvements in the future. So we felt this was a balanced way to fund the infrastructure over the long-term. This is a section view that we came up with it shows the travel lanes northbound and southbound 1 travel lane in each direction no center turn lane and you can see that we have physical separation there to the extent possible between the travel lanes and the

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bikes and the sidewalks. So we're excited to be able to rebuild 1900 feet of street and offer that degree of physical separation. This is a planned view and you can see the bird's eye view of what this will all look like when we build it. I want to in the interest of transparency say that there is a trade-off with this and the trade-off is by putting in the bike facilities and the sidewalks and there will be no on street parking on the street but what we're trying to do is to make the best use of the public right-of-way to serve the most number of people and we believe that we can do that by adding multi-modal option. These are some pictures I took of the pavement condition at the end of last November. You can see it badly alligator concrete and if you stand out there you will see a truck going down the street Every 45 seconds. We knew that we would have to rebuild the street. So to expand on that we actually have the three segments of 47th mapped in and they are in different levels of pavement condition. The worst segment is along the north end and that is in the worst .9% pavement condition in the city. By rebuilding this street if we get additional resources in from the voters in May to maintain our streets and instead of those dollars being used to northeast 47th avenue they can be redirected to other streets in the city. I wanted to show you that picture there on the bottom and that's north marine drive and that was built in early 1992. As part of a period issuing rating cycle our maintenance bureau went out in 2014, 22 years later and they took a picture or they did not take a picture but did the inspection and they gave that pavement a perfect rating. It needed no maintenance whatever after 22 years ago of the trucks going up and down the street. So what we have done here is that we have budgeted 11.1% more money for the pavement section as opposed to a cheaper alternative but the goal is 22 years after we construction northeast 47th it will look just as good as north marine drive. In talking a bit about the neighborhood and the project in which it is located cully they have less street and storm water and sidewalk Infrastructure as opposed to the city as a whole and we recap the statistics there. And really we're not a where that burden falls is on a really diverse segment of the population and some cases lower income so you can look at all those and really those who are most burdened by the lack of infrastructure or are the more diverse elements of the city population. So one of the things that pbot is trying to do as part of the equity initiative is really to target the investments why possible to serve underserved neighborhoods and here's a real life example of what we're trying to do so on the left is one near the picture that was taken in 2010 and school children on a field trip trying to walk to Whitaker ponds along the fog line and in the middle picture shows northeast cully boulevard and prior to us building the sidewalks and the cycle track where a mom pushing the stroller you know to the right of the fog line and the picture on the right is the sidewalk project that we did a couple of years ago in the 11000 block of northeast Prescott street a sidewalk infill project and that's really our objective with this project is to make the environment so comfortable for bikes and pedestrians that even a baby would feel safe being out there in the public right-of-way. And just to wrap up here is the list of stakeholders who have sent in letters of support and I want to clarify for the record I passed out a memo dated march 1 with the reference of ten letters of support and I am going to send an updated memo to sue after the close of the hearing and we are received an 11th letter of support and I will be sending you an updated memo dated march 2 reflecting that 11th letter however the 11th letter of support is attached to the memo so I am happy to answer any questions you might have.

Fritz: A question for Allison I tend to lose track of all good work that happens in parks did parks get other grants or money from metro or elsewhere for the other parts of this project?

Rouse: The Whitaker ponds entry improvements project received a grant from metro for 42,0000 to help plan the improvements just on those frontages on that site and so we're

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very pleased that metro's initiative in giving us that grant and suggesting that we seek ways to close the sidewalk gap has resulted in this large investment in this underserved neighborhood.

Hales: Thanks very much. Anyone else want to speak on this item? I think that we have some people signed up to speak is that right?

Parsons: Ten people signed up to testify.

Hales: Good morning.

Corrina Chase: Good morning I am Corinna Chase the new executive director for Columbia slough watershed council. And our office is located right next to Whitaker ponds and you saw the photograph of what it looks like there is truck traffic pallets piled and I can't imagine having kids walking down that street. It's pretty awful. So as you might know our mission is to enhance restore and Columbia county the Columbia watershed and we have around 6000 students that we work with each year around 2300 citizens and we bring them to Whitaker ponds for cycling and for paddling and for outdoor education work. We have 200 volunteers sorry I have a head cold. So our office it's a great place to bring students but when they come to when they come to the office they are often coming from the bus stop that's on Columbia and we really need these separations from the road and having a sidewalk and the bike lanes there will be a really significant improvement and I really support the work that the parks have done to incorporate the improvement with the road improvement as well. This was also identified in the councils action plan for one of the top priorities. And in addition to serving the people that are coming to the park to work with the council there are plenty of people that use the route for the community or for recreational visit to the park and I think that this is a very important project and they hope that this will receive the support it needs. If you have any questions from the council? From the watershed council?

Hales: Actually a project question that I should have asked earlier the area of improvement doesn't go up to Columbia Boulevard. We are not going to have a sidewalk gap there when we are done right? To be able to get from the bus stop to your to your office on pavement the whole way if you are leaving the bus stop?

Chase: That's my understanding.

Hales: Ok great thank you.

Chase: Thank you.

Hales: Let's take the next folks please come on up.

Hales: Come on up and you can go ahead and get started.

Mark Hatten: I am mark Hatten and this is my father-in-law Larry jones and we live and work on northeast crystal lane and I can't tell you how excited I am for this project. I have - - I travel the whole length of basically northeast 47th from Columbia north and to almost cornfoot every day and I have seen the kids get off the bus and almost get hit and I have almost hit people myself and I am a runner and a rider and I have almost been hit. It's just scary. But actually my father-in-law has -- we were talking on the way over here tonight or this morning about a close call and that he had just last night.

Larry Jones: I am Larry jones. Mr. Hales mayor hales and commissioner's thank you for hearing us I lived at the corner of northeast crystal lane and 47th for eight years now and when I first moved in there I decided that I would try to live my life without the benefit of a car. And so I used my feet my bicycle and tri-met. And that meant that I had to ride the bicycle by feet go through Columbia boulevard which is almost precisely half a mile or get my bike farther. And I can tell you that in many, many thousands of trips that I took there was never a time that was not acutely aware of the dangers of traversing the half mile. So I only wish that this project had been accomplished ten years ago. Only last night I left after dark in the rain to do an errand up on farther south on 42nd and there was a large

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van similar to the one that's in the picture earlier and going north as I was going south so I focused on him because of the narrow street safely to pass him and right at the narrowest point of the street and in terms of the pedestrian access I passed him and just as I did so an individual appeared out of the blue of course wearing all black and dark on a dark rainy night which is common in Portland and it scared the life out of me. I don't think I have anything else to add mark. Do you?

Hatten: I wanted to add that whole area from Columbia to cornfoot doesn't have any sewers. We're all on leach fields and I am the one that alerted Andrew about the idea of instead of putting in all this new beautiful street and tearing it up six months later it made total sense to put the sewer in before and that's the dry line.

Hales: That's great.

Hales: Thanks for working with us on this and I am glad you made the risky trips successfully and that we're not rolling the dice any more so Keep being alert and get it done please.

Hales: Good morning.

Bob Dolphin: Good morning mayor and commissioner says I am bob Dolphin and I am on the board of the nonprofit council and this has been on our radar for 20 years this project and we have seen kids walking down that street so I don't have a lot else it add but I want to commend the city for pulling the bureaus to go would whoever did that did a great job and this project grew to a great project separated bike lane and the sidewalk and it's been a great project the you know the better quality street and there is really the city staff and whoever pulled all these bureaus together make this happen did a great job so I commend the group who did that and it will be great to see you know the truck traffic the business traffic moving at the same time and kids and bikes are going down the same street so it's a great project and I hope that you all will push it forward.

Hales: Thank you thanks for your help. Thank you all.

Hales: Good morning.

Corky Collier: Good morning. I am Corky Collier the executive director of the Columbia corridor association. One of the great things about the Columbia corridor is the proximity of the middle waged jobs to neighborhoods. Unfortunately the connections for the neighborhoods to the middle waged jobs were a bit less than what we would like. 39% of Columbia corridor employees liver within five miles of where they work and that's biking distance but the connections are inferior to say the least. The connection to cully are more important because cully is one of the last bastions of middle wage people living inside of 205. It's a fantastic neighborhood and they are on the cusp of being pushed out more gentrification coming in there and probably the most effective way to fight that is to make sure that they have good access to those middle waged jobs which are literally across the railroad tracks. This project helps to do that. And it gives a good bike connection good pedestrian connections and you know it brings swales and great access to Whitaker ponds which is a jewel if you have not been out there during the summer to go paddling down at the slough and I invite you to join us. But for me the most important thing is that connection to those jobs. I think that that's a good way to keep this city healthy. I do ask that that you stress as we move forward with the final designs if we get down to some tough decisions that there is a bit of a stretch a preference towards freight safety on the street. This is in a freight district and the last thing that we want is for a truck to get into a swale so when it comes down to it if we have a slight preference I think that that would be great. As Andrew pointed out to you this is an odd lid in the sense that most of the money is coming from the city. Normally it's completely the reverse. I ask you trust Andrew and I suggest you can. If you don't know this fella get to know him better. He's fantastic. The city has got a lot of wonderful employees but Andrew in my mind is in an elite class and I

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get excited when I see him walking towards me because I know that he has a good project that he's working on and I know that most importantly that he really, really embraces all of the problems that he encounters with the people that he's working on and all the problems that are affected by a project he finds solutions for them. And hats off to that. So I support the project and I hope you will too. Thank you.

Hales: Thank you. Good morning.

Alando Simpson: Great good morning. And mayor Hales and fellow members of the council I am Alando Simpson and my company is the City of Roses Recycling Local Small Business and I feel like I would share a bit of something with you today aside from my comments that I have shared with those who are other advocates for this particular project as well as Mr. Andrew Aebi and who has taken a profound leadership role on this particular infrastructure improvement project. This proposed lid on Northeast 47th is definitely something that I believe that we should we should move forward with. Being an owner of the industrial properties located and blighted in underserved areas I have always been a big pessimist of lids. That's primarily due to the magnitude and the nature of the costs essentially inflicted on the private property owner. As a small business owner we have overseen a lot of these challenges in the past and trying to make improvements to our side in order to build our capacity however the concept of entertaining lids have always hindered that and we have had to take a step back and not focus on that. This past December I had the opportunity to be introduced to lid administrator Andrew Aebi and hear about this proposed lid on 47th. From what I started as complete doubt turned into a significant amount of optimism and appreciation and support. Mr. Aebi approach of other public resources from different bureaus in order to assure this underserved community of property owners would not have to consume the typical 95% of cost for a project. This was something that was outside of the box and shows true leadership on Mr. Aebi's behalf as well as pbOT. And this particular community cully in particular is in dire need of infrastructure investments in order to accommodate multi-modal transportation system. And these routes are going to impact the historically blighted corridor in a way in which we have never seen before. Mr. Aebi's persistent outreach approaches and ability to bring together the community government and private sector stakeholders or illustrations of the grassroots approaches to the shared prosperity that we envision as a city. I would like to commend the various bureaus who are all investing into this project and look at the leadership of the pbOT director Leah Treat and most importantly Mr. Andrew Aebi they are transformational leaders who use innovative programs and outside the box thinking and amazing community outreach processes to achieve the outcomes that we can benefit and prosper from. Thank you.

Hales: Thank you.

Nilana Gunasekavan: Good morning. Honorable city council members I am Nilana Gunasekavan a family physician for Kaiser Permanente at the interstate medical building in Portland. I am also a mother of three school aged children and a long-time resident of northeast Portland. I have a background in community and family medicine and for the past several years my primary care practice has been with Kaiser Permanente in Portland. I have also previously worked at community health clinics in Washington and Baltimore and as well as in Gresham through Multnomah county health department. I have always enjoyed working with diverse communities. I care for patients and families of all ages, genders, cultures and socioeconomic backgrounds. My mission has been to advocate for my patients' health both in the day-to-day needs as well as their long-term prevent active care that can impact their future lives. And I feel passionate about my job because I know the impact the good health has on individuals and as well as on families and the community at large. There is an Arabian proverb that says he who has health has hope

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and he who has hope has everything as a family physician as well as a mother who works and lives in the city I am here to advocate for both the health and the hopes of our patients who will benefit from this proposal put forth by the Portland bureau of transportation to reconstruct northeast 47th avenue between Columbia and cornfoot. Kaiser interstate where I practice is the primary care clinic for many residents in the northeast Portland area. Many members come to the clinic due to the central location in the city. Many drive as well as use the max train and the bus to get to our interstate campus. We also have members who bike or walk to our clinic from nearby areas. My patients range in age from two weeks old to a glorious 101. I have -- we have significant patients who have financial resources and long-term economic security but we also have others who unfortunately do not have financial resources and they may struggle to make their ends meet day-to-day we have patients who lived in the city for years but newcomers brought here so many do yearning for the promise that they hope to find in Portland. Kaiser Permanente's goal for all of these patients is to bring the promise of good health to their everyday lives. We aim to educate our patients on the small changes in behaviors easy but effective to prevent and control chronic conditions like high blood pressure diabetes, asthma and depression. We hope to educate and guide healthy habits that affect how one eats breakfast or how one gets to work or exercises or even have fun. When we talk about putting prevention into practice we are talking about these very basic measures. These practices are what define and affect change to bring about healthy and productive communities. This is why Kaiser invests many different local community organizations and as well as community programs like Sunday parkways. From experience we know that the small changes that we promote on an individual level will determine the success of change on a greater scale. We know that we will all thrive together only when our city and our citizens thrive first. And therefore I would like to advocate on behalf of myself and Kaiser Permanente for the reconstruction of northeast 47th avenue and between Columbia and cornfoot to allow for sidewalks and bike lanes to enable safe and healthy transportation options for adults and children alike. I have personally driven on this road to the airport in the past and this busy street gives access not just to the airport but also to businesses nearby and including retail locations as well as recreational and educational locations like Whitaker pond. Allowing individuals to have sidewalks and bike lanes allows safe healthy and budget friendly transportation options. First and foremost when people feel that an activity is safe they will opt for this in their daily practice. If they recognize the financial savings as well as they will continue this practice. When they adopt this practice as a routine or scheduled habit they are directly investing in their own personal health as well as in the long-term health of their environment and their city. From the perspective of the preventative medicine I am confident that this street reconstruction proposal is a hands down net positive for our community. On a personal note in closing I am a working with three children who walk and ride their bikes in northeast Portland. Their daily commute includes destination like schools local parks homes of friend's stores and restaurants. Like most moms I always worry a bit about their safety and especially while I am away from home working. But I feel comfort in knowing that my neighborhood has clear sidewalks designated bike lanes and speed bumps and stop signs and I value my neighborhood and city because my city values the safety of my children. I know my city is investing in a long-term health and security of my children and this is this inspires me to invest in my city as well in return. And it is most certainly a win-win situation. However despite the awareness I know that not all neighborhoods in the city have the same benefits on their streets for their children. Specifically I cannot imagine allowing my children or my husband to walk or ride or bike on this section of 47th avenue under the present conditions. My family has been to Whitaker ponds and presently our most reasonable mode of access to this wonderful park would be

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to drive primarily due to the real safety risks that the street poses for the pedestrians and the bikers. Therefore as a mother and a physician I urge you to be equitable to other neighborhoods and families like those at 47th avenue and who may not be as fortunate as mine. Provide them with safe and healthy options for transportation with sidewalks and bike lanes and join Kaiser Permanente with this effort to promote real change in the health of the citizens and please allow them to go out and thrive in the most bank ways so we can thrive together in this city. Thank you.

Hales: Thank you very much. Good morning. Go ahead.

Rebecca Hamilton: Good morning I am Rebecca Hamilton and I am here on behalf of the pedestrian advisory committee for the city of Portland. And I think it would be hard to state any better than the mother business owners and neighbors and health professionals that have already testified in support of the project for the safety benefits. Obviously we're moving children walking from the fog lineup the free and heavy streets and to a protected sidewalk and pedestrian advisory committee obviously is very strongly in support of that. And what we would like to emphasize is our strong support for the inner bureau collaboration and the strategic funding plan that has gone into making this project come together. This collaboration is a means of funding for small projects that have a big impact on neighborhood livability and safety and yet we have a lot of trouble funding projects of this size. They don't usually show up in our big exciting project list for the metro active transportation fund. And so we would really like to applaud Mr. Aebi and his team for their approach and we would specifically like to encourage you to ask the bureau to pursue more of these opportunities. Thank you.

Hales: Thank you. Good morning rich.

Rich Gunderson: Good morning mayor and city council. My name is rich Gunderson and I am here today representing the Cully association of neighbors and you probably know me more as a Cully park recreation guy and I am here today to support the lid I think that it is a fantastic deal for the property owners number one and number two I think that it is just a fantastic opportunity to improve the entryway to a great park and in Whitaker ponds. And most important thing I think is it provides safe access from the neighborhood to the park and in the form of the sidewalks and the bikeways. So I hope that you will support this lid. Thank you.

Laura Young: I am Laura young and I never know how close to get to the mic.

Hales: You are fine that's good.

Young: So I am an east Portland native and I've been a resident of cully for 12 years ago and advocate for most of those years. On a personal note I witnessed five people hit my cars in my neighborhood in the last 12 years so pedestrian safety is forever on my mind. That being said this collaboration on this lid I checked so many boxes for the neighborhood access to jobs and safe pedestrian access and Whitaker ponds is a destination for people in the city and brings people into the community and drives economic benefits in the community as well so I just wanted to show my support for the project. And also the collaboration is extraordinary. There is not creating an unreasonable burden for property owners. And mr. Aebi's outreach in the community has been exemplary and it's definitely fully supported in the community.

Hales: Thank you very much. That's it? Anyone else want to speak? Further questions from council? If not let's please take a vote on the resolution.

Fritz: They often say that the city bureaus exist in silos and the council members don't talk to each other and that we don't partner to get projects done. Well this one just shows that actually that's not true and I am very proud of parks and environmental services and transportation for working together and for all of our staff as well as my colleague's commissioner novick and commissioner Fish. I am particularly proud that parks is putting

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over 1 million dollars in system development charges into this project these are fees paid by the developers for adding capacity where they are adding new homes and businesses. And it's an entirely appropriate way of assisting funding this project improvement. I also appreciate the partnership with metro as mentioned over 400,000 coming from the metro grant and our staffing and parks are just fantastic at looking in every foundation and grant in private philanthropy opportunity we can to leverage these projects. And it will help mitigate a significant infrastructure and a wonderful community which is currently underserved with the infrastructure and thank you especially to park staff Allison Rouse Lauren McGuire and Kia Selley to transportation Andrew Aebi for leading this whole project and I am very pleased that we are able to get this done and it should be a model for what we should do in the rest of the city where environmental services and transportation and parks all have significant investment in getting things done. And in improving areas of our city that have been lacking despite its residents being wonderful people who just deserve the best. Aye.

Fish: One of the things that commissioner Novick declared I should say early in his tenure as the commissioner in charge of pbot was that he wanted pbot and the bureau of environmental services to strengthen their partnership. And that's easier said than done. It's a complicated relationship that actually works well. This is an example of where we take it to the next phase. Where we get to collaborate and where we get to innovate and where the community wins. So first I want to thank Steve for his perseverance in bringing this day possible and making this day possible and I want to just acknowledge what all the community members said about Andrew Aebi and I mean every once in a while we take for granted the work that he does but it's exceptional and very meaningful for us to hear the community members single him out for the work he does because we're very proud of his work and I want to thank the community members who came out today to testify in favor of this your voices matter and this is I think ultimately a great win for an area of the city that hasn't gotten the investment that it deserves so I am proud to cast my vote aye.

Saltzman: This is a great example of several city bureaus working together for a fantastic outcome. This is a really really necessary improvement to northeast 47th that will result in a lot more pedestrian safety vehicle safety and bicycle safety and treatment treatment of storm water too and access to Whitaker ponds. Aye.

Novick: One of the advantages of voting almost last is you have time to it's tough to say but one of the disadvantages is what's been said. And I don't know if I can add much to what my colleagues have said and thank you Andrew and Allison and thanks to all the community members who came here today and I have to say it's really wonderful when a whole bunch of people come out to talk about something that is not controversial. The people come out to talk to say this is great. I do want to say that it's discouraging to hear that the people in the community have been asking for this project for 20 years on the other hand it's kind of inspiring that the fact that you've been waiting for something for 19 years doesn't mean that it won't happen so I think that part of a lesson to this project is to borrow a line from the movie galaxy quest "never give up and never surrender". Aye.

Hales: Great project and great work and I just was really struck by the testimony not only that it is supportive and thank you for being here to support the project but how coherent it was among you. Maybe you planned this all out in terms of those who testified but just the fact that this project works on so many levels and accomplishes so many objectives it's about safety and it's about livability and it's about access to nature. And it's about connecting neighborhoods for jobs and I thought your testimony was eloquent in putting all those things together. And showing the extraordinary value of this project all lids that build streets that we don't have yet or fix streets that are not what they should be are a positive thing for the city but the quality of the work in terms of the reaching all those objectives in

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one project is pretty extraordinary. So Andrew I hope you are not too embarrassed by this but you deserve it and this is another great case of the bureaus working effectively together and sentimental favorite for me as well because I in the and the Portland development commission are working hard to bring the united states postal service to this neighborhood and we're going to have to make sure that there is a safe and adequate transportation system to make that a success for everyone. And this certainly is a big piece of that so bravo on all counts. And aye. [gavel pounded] Thank you.

Hales: Ok let's move to the other time certain which is 194.

Item 194.

Hales: Commissioner Saltzman.

Saltzman: Thank you mayor it's my pleasure to bring forward some people who are going to talk about a conference that will be coming to Portland in the middle of April but we're very fortunate to have. And that is the national forum for black public administrators. With us is Leslie Goodlow a member of the board of the national forum for black public administrators and also works in our housing bureau I don't want to forget that and she also is the conference chairperson for the national conference. I think all of you know these conferences are very sought after by cities across the country and so Portland is very fortunate to have landed this one again. I think that we had it once before. So we're very fortunate that people want to come back to Portland. See it again and I want to turn it over to Leslie Goodlow to give us an overview of the conference.

Leslie Goodlow, Portland Housing Bureau: Good morning commissioner and is mayor hales I am Leslie Goodlow I work for the Portland housing bureau and I am the chair of the forum 2016 and with me is mark Lewis and I will let him introduce himself.

Mark Lewis: Mark Lewis president of the local chapter here in Portland Oregon for the national forum for black public administrators as well as a county worker for the health department.

Goodlow: I just want to talk to you about the national forum and what this is going to do for Portland. So the national forum for the black public administrators is an organization that -- it was developed to assist the black administrator says black public service employees in the development and the leadership give folks an opportunity to network and give people an opportunity to learn about what's going on in other parts of the country. We have 1000 members from across the country and in chapters 36 chapters across the country. So why this is important and I am going to you a little bit about myself I became a manager in Multnomah County in 1995. I was 30 years old. Had never supervised anything but students. And was looking for opportunities for training and development. And as a young black woman in Portland I graduated from Portland state and I was one of five black graduates in my class. And there are not a lot of opportunities for black people to get training and development where there are other people that look like them in the room. Most of the trainings I have attended on the west coast I am one of maybe one or two people. That look like me. I generally have to go east of the Rockies to get training. I've been to Atlanta and to d.c. And been fortunate that I worked for places that supported me being able to travel, this is a opportunity for people on the west coast and particularly in Portland Oregon and in Washington to be able to attend the training of this caliber and not have to pay for travel costs. We have significant opportunities for networking as there will be people from across the country attending. The workshops that will be available this year the first track is leading for success and I guess that I could run through my slides. That might help. Leading for success and that's around talent development leadership development and as you can see we have -- there is several different trainings there and that's not all of them those are the ones that I chose and particularly we have staff from the county the city and that are going to participate on a couple of those trainings and the

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governing for equity and Daunte James will be back and be one of the panelists. Ben Duncan from the county will be and bishop holt the moderator as well as a person from Minnesota that will participate on that panel. Track excellence through the use of technology and innovation. We have folks from other city organizations folks from the city not Portland the city of Portland. We have lots of opportunities and we are looking for fill some workshop slots in transportation commissioner novick so I may put a call to you to say that is there anybody from transportation that would be interested in participating in the workshop on moving people around. Maxine Fitzpatrick is a presenter on the housing transitioning neighborhoods and housing affordability.

Fish: I love your panel on when it rains it pours storm water management particularly since Oregon set an all-time record in December for rainfall. It is timely.

Goodlow: Yes it is. We have public policy forum on the Thursday the 14th and we have two mayors that are confirmed for that mayor William bell from Birmingham Alabama and Mayor Michael Hancock from Denver Colorado and Andre Perry I don't know if any of you have heard of him he writes for the Washington post. And he will be the moderator for that forum. We have the corporate luncheon scheduled and the innovation center will be bringing in companies demonstrations of projects or products from the police the vest with the cameras they are bringing somebody in to do that and someone to bring in some h.r. technology on how to track employees and things like that so that will be a great opportunity for folks to come in and see some demonstrations of new innovations across the country. And then Thursday night we will be our local chapter will be hosting an event here and we're having it here at city hall we chose city hall because it's a historic building and we think it has character and it will give folks an opportunity to see where we do business. People are excited about it. On Friday morning we have the hall of fame breakfast Sophia nelson who is a republican analyst I don't know her she's somebody who talks about politics. Will be the keynote speaker and we have a fair housing tour that we will have folks going around to places where we have used or to demonstrate things that have happened here in Portland around fair housing. So we have 19 people. Some housing authority folks from across the country signed up for that so we're excited. On Saturday we have a community service project that we're doing jointly with the urban league in their garden. We have students from sei and from our black male achievement program going to be participating with that project and we have 25 people signed up for that from the conference. There is an elected official's roundtable and graduation for our executive leadership institute and Saturday night is the marks of excellence gala and the bishop holt will be leading the ecumenical service on Sunday morning.

Goodlow: So economic impact and the forum attracts as many as 1000 people to the conference. We currently have 1300 nights booked at the Hilton. Around the corner. It's about 1.1 million of direct spending. And we have tours scheduled for wood burn and a golf tournament so that will bring in more funding there is no sales tax. And then the overall economic impact is about 3 million so we're really excited and I know that travel Portland is excited and they worked for several years applied for the rfp and several times before they were finally awarded it this year. The last time the conference was here in 2003 and people still talk about what a wonderful time that they had when they were in Portland and they are very excited to come back. So the community impact again this is the opportunity for leadership development and training for both current and future leaders and opportunities for sharing best practices and supporting our sustainable efforts through the community garden project and public private partnerships and for us to showcase Portland and the metro area as a tourist destination for people that have never been here. That you know folks are like Oregon? Who wants to go to Oregon? What's in Oregon? So I think that this is a great opportunity for us to show what we have here what a beautiful city

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we have. And before I go on I need to show you how do I get this back up? I am sorry. This is a video that travel Portland put together that we showed in Tampa last April that I wanted to show. It's about two minutes. [video playing] ¶

Hales: Nice very good. [applause]

Hales: That's great wow.

Goodlow: So I just want to give a few acknowledgments to folks first commissioner Saltzman and county commissioner Loretta smith who both signed off on our fundraising letter the committee chairs we have folks from the city from the county from state pdc all working on the committee and travel Portland and who has supported us in getting the rfp who put together the video and they are helping to fund one of the luncheons at the convention center. So how can council help? First and foremost mayor hales I need a letter of support from you for the program.

Hales: Got it.

Goodlow: I would ask that commissioners encourage their bureaus to support the conference by allowing their staff to attend. We are still looking for volunteers and volunteers that they give ten hours can attend the conference at a lower rate. 495.00 and we have and financial support we had a goal of 200,000 we were trying to raise and restructured the budget to 120k and I am still short of that goal. And I do appreciate tiffany person's work and we're better together efforts to get us a 10000 sponsorship from the city. In light of the equitable mission and goals the timing of this event gives us a rare opportunity to demonstrate our investment. We need to secure another 50,000 and I would like your help. So that could be additional funds if other bureaus have money. Relationships with other jurisdictions organizations or businesses that you think would be supportive of this effort who could help us reach our goal will say Leslie's going to give you a call my deadline is march 18 and in closing I love Portland and this means sorry this means a lot to me I want the conference to cast Portland in the best possible light. And I know you do too. Thank you.

Hales: Thanks very much and thank you both.

Fish: Did the --

Fritz: I have a question did the visitor development fund provide a grant to support the conference here?

Goodlow: At travel Portland.

Fritz: Yes.

Goodlow: Yes they are providing -- they work with tri-met and we are getting passes for all the conference participants. They are giving us vip transfers from folks from the airport and they are covering the cost of one of the luncheons.

Fritz: Did you apply for a grant from the business development fund?

Goodlow: Yes that went to the national office for to cover the costs over at the convention center.

Fritz: I seem to remember that commissioner Saltzman and I sat on that board and along with commissioner smith we were enthusiastic supporters of it so thank you very much for your work on it exciting to see it come here.

Fish: Leslie you can count on me to help on the homestretch and I want to tell you that we're so excited about this that we're buying a table at the hall of fame breakfast and bringing senior leaders from the two utilities and one of the things about this eventually that we're very excited about is we're about to go out for two national searches for deputy directors of both utilities and we cannot think of a better way to start building and cementing the relationships than to talk to administrators that you are bringing to Portland so we're very grateful.

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Goodlow: So we will have and I will have and I know that we will have opportunities for a tabletop for folks to do recruiting and we have fire chief and the pdc and some other things that we other high level positions that we're recruiting for so this will be a great opportunity for that.

Hales: Great. Anyone else want to speak on this item? If not we need a motion to accept the report.

Saltzman: Accept the report.

Fish: Second.

Hales: Further discussion in roll call.

Fritz: This is really terrific both to showcase what Portland can do to bring more folks here and to highlight I appreciate the economic impact report that was given today and showing that these conventions and conferences do benefit our total economy and that's why a portion of taxes from hotel and motel stays goes into continuing to encourage conferences to locate here via the position of the development fund at travel Portland so I am very proud to have served on that board for the seven years and I hope that I continue to get assigned to it because it's the only 8:00 meeting that I enjoy going to so thank you very much to Leslie and your team for all the work. It's a huge undertaking to bring a national conference here and we're very proud of you. Aye.

Fish: I had the honor of working with Leslie when I was the commissioner in charge of the housing bureau and she makes a difference every day. And we know that she also is a tireless supporter and advocate for the rose festival and lots of causes in our community. And this is another great thing for Portland so Leslie thank you for your presentation and Dan thank you for supporting this effort and we would like to know how we can do more. Aye.

Saltzman: Well I want to thank Leslie Goodlow for her hard work in helping to bring this conference to Portland. For her continued service on the board of the national forum for black public administrators and also to travel Portland for their great video they produced and I know the great sponsorships and we are going to make this a success. Aye.

Novick: Leslie thank you very much for that presentation we e-mailed director Leah Treat from pbot to ask her to participate in the conference and I want you to know although you may know the mayor has been an advocated for sales tax I will do my best to make sure we don't enact one until after April 17. Aye.

Hales: Not much danger of that. Thank you for a great presentation. And looking forward to helping down the stretch here to help you make this a success because I know that you and all of you have worked on this have worked very hard to make it happen. It seems to me this is complimentary in both senses of the word to what we are doing here. It's a compliment to the city of Portland that they are coming back. It is a compliment to our efforts to be a more equitable community to have a workforce and key administrators that reflect the diversity of the city and it will be an opportunity specifically because we have the pdc director recruitment underway and maybe by then the fire chief director for us to try out the Charles Jordan standard to make sure that there is an african-American candidate considered. So this is a chance for us to show off in a in the sense that we love our city and we want to share it and share the ideas and we also have a chance to learn from our professional colleagues in the country and a chance for us to spread a wide net for recruiting for the leadership of the city let's make the most of it and thank you very much. Aye. [gavel pounded]

Hales: let's move onto our regular agenda please. Item 205.

Item 205.

Hales: We have some when leaders are here to talk about this proclamation and Meghann Fertal and Marietta Redding are going to be here and yes you are and I will read the

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proclamation and turn it over to you and it says this whereas residents of this region know that it's greatness and success is a direct result of all residents regardless of gender making creative, intelligent and revolutionary contributions to society and whereas women have been historically under-represented and yet have contribute and had continue to contribute important release internationally and nationally and regionally and locally and furthering knowledge and promoting positive social change and whereas to foster the next generation of women the city of Portland seeks to encourage and support professional educational and social opportunities for women to ensure that opportunities that may not have been existed in the past are available in the present and into the future. And whereas what women's history month is a time for all Portlanders to remember the stories and the teachings of the many women who made and continue to make improvements for the livability of the city and the region and world. And whereas during women's history month all Americans are encouraged to reflect on past victories and struggles of women to create a society where our daughters can reach their full potential unobstructed by gender and whereas the women's history month 2016 theme is working to form a more perfect union honoring women in public service and government which is especially fitting to honor all the women in the city of Portland who have dramatically influenced public policy in the building of valuable institutions and organizations. Now therefore I Charlie Hales mayor of the city of Portland Oregon the city of roses do hereby proclaim March 1 to march 31 of 2016 to be women's history month in Portland. And encourage all residents to observe this month. Thank you for your leadership and I'll turn it over to the three of you.

Meghann Fertal, Office of Management and Finance: Well good morning Mayor Hales, commissioners. My name is Meghann Fertal I'm an employee with the bureau of revenue and financial services in the revenue division. First and foremost I want to express my sincere gratitude to each one of you for this proclamation and celebrate March as women's history month. So as a 28 year old women it's surely a freedom and real distinction for me to be able to experience this sitting here in front of city council. It's not an experience that many get to have it means a tremendous amount to me that I get to sit here as the chair of the city's women's empowerment affinity group or WE. So before I begin I'd like to thank the council for proclaiming and celebrating February as black history month the city African American network specifically their director Sunny binjumbo out together some fantastic events this past month, it was a real pleasure seeing you on Monday at the soul food lunch it was delicious to say the least. So over this last year both the city African American network and Women's empowerment have gone through a true revival. For women's empowerment after a great dialog with group members we decided to rename our group to reinvigorate and better showcase who we are. This landed us on the two most important thing, women and empowerment and so our new name was born, women's empowerment, WE. This inclusive and direct message reflect our mission which is to empower and inspire women within the city of Portland by providing opportunities to expand the professional network exchange ideas advance careers through mentoring and education and meet influential women who have achieved success. So women's history month we have such a great theme which is to honor women in public service and government. We really couldn't have asked for a better theme this year. We have organized a variety of events ranging from a kickoff breakfast which was enjoyed this morning at city hall and to speaker panels that we have scheduled. We'll have clothing swaps and a storytelling event. We'll have lunch and policy talks with the human resources director Anna Kanwit and Commissioner Fritz. Additionally in partnership with PDX city mamas another affinity group here in the city we will have social events and important child care discussions. One event I would like to highlight in the future is the wonder woman awards. This will be our sixth annual event. It is a nomination-based event for which it celebrates women mentor's

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leaders and exceptional coworkers that we all admire. For me personally this event is incredibly significant and special. I think it's incredibly important to say thank you. It's something to recognize women for their hard work dedication and their talent. The nominated women will be honored Thursday march 31st from noon to 1:00 in the Portland building second floor auditorium. I hope to see you all and especially at that event that. Is going to be pretty amazing. Now on to my other women champions.

Marveita Redding, Bureau of Environmental Services: Good morning. My name is Marveita Redding and I am the group manager for pollution prevention services for the bureau of environmental services. I'm pleased to be here with you this morning. I have worked with a number of you over time and as meghann was saying it was a pleasure to be able to be at council I've spent time at council and sometimes it's a pleasure and sometimes it's not so much. But today it is a pleasure to be here. I was asked to provide a few thoughts on my perspective on being a woman particularly a minority woman in government service over the years. I came to Oregon to work for the federal government and was recruited via Washington dc to come out and work for the u.s. Department of agriculture general council's office. I did that for five years and seeing the error of my ways I decided to go into something different than the practice of law. But I became an environmental manager obviously with the background and regulatory affairs and I work for the state department of agriculture natural resources. So my education and back ground here in this state had been in nontraditional areas. Ultimately I came to the city of Portland as environmental manager environmental compliance manager with the bureau of environmental services. I thought I'd reflect a little bit on my experience when I first came to the organization I recall sitting in a meeting one day with a group of my peers there was five or six others five or six other males at that time and there had been an initiative that had been launched by city council about hiring and affirmative action so something had been sent out everyone had been reading the emails and talking about it and so the discussion was about recruitment and how we were going to deal with this issue. So there was a lots of consternation about how we were going to be able to fulfill these requirements the conversation probably went on for about four or five minutes until finally one of my peers said I guess we're going to have to do it we're going to have to hire women and minorities I hate to think that we just have to go out and hire just anyone. There was a moment of silence I had been listening to this for a time so please be assured I was able to address that issue in that particular meeting. Fast forwarding to the present it's interesting that we're still looking at these issues in the same way. We've made progress that is true but there's still much more to do. One of the things we'll be talking about the statistics here in a few minutes is being able to bring folks into the organizations and have them rise through the organization. We need to be looking at these issues in a number of different ways looking at our young people which I'm particularly interested in I was here last week when there were the presentation and was heartened to see young people being helped to be brought forward to learn about jobs and careers and that's something I'm personally committed to. We need to be looking at things recruitment at the top and how we do that in an effective and consistent way. I have to be optimistic I want to thank all of you for your support of initiatives in the past and particularly in the initiatives in the future that support women and minorities in the important work of government. I've been reflecting just recently about the importance of government service I think sometimes many of us particularly those of us who have been at it for some period of time can be cavalier about it. And I remember talking to someone not too long ago who talked about the importance of government service and the fact that we need to have high-quality people here and it is a real honor to work for government. As you travel around the world as I have many times you go to certain countries and people very proudly say my son or

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my daughter works for the government. And it is very, very important to the formation of those particular countries and they're proud their children are there. Sometimes we don't look at it that way in this country I think we should do it more and more because as you know we have so many high-quality men and women who do work for the government and for the city of Portland. And I'm very pleased to be a city of Portland employee for 25 years. So I would think maybe I shouldn't tell you that but I have. But time passes very, very quickly when you're -- when the work you enjoy and love and you're around people you enjoy working with. Thank you for the opportunity to appear today.

Hales: Good morning.

Janice McDonald: Good morning. My name is Janice McDonald thank you for having us here today. I work in pbots specifically on the safe routes to school program. But here today I am as the cochair of diverse empower employees of Portland. Each year we come together and celebrate black history month women's history month and Hispanic heritage month. While it is fun and important it isn't enough. It isn't enough to only have our attention drawn to these groups 30 days out of 365. It isn't enough to just celebrate their heritages and some successes. I've been asked sometimes jokingly sometimes seriously when does the white guy get his history month? While some may think this is funny I ask when will women and people of color be at all tables making decisions on all levels every day of the year? Overall the city of Portland employee makeup is 77% white 7% black african-american and 5% Hispanic Latino. With a total of the work force being 58% male. For managers and supervisors those numbers are 84% white 5% black african-american and 4% Hispanic Latino with a total of the managers and supervisors being 64% male. For the past year a few dedicated city employees involved in deep and the affinity groups city african-american network Latinos and women's empowerment have been designing a leadership development program specifically for women and people of color. With a strong support of office of equity and human rights director Daunte James and Joe wall plus \$10000 from their budget it is with great honor that I announce the leadership development pilot program was kicked off yesterday. Briefly the program will have a mentorship aspect and specific training that will provide participants with practical tools they can use to enhance their work product as well as learn skills to overcome the gender and racial biases they may face on a day-to-day basis. The goals of the program are important. Support and develop the skills of current city employees retain and promote those employees grow our leadership in the affinity groups and change our work force to better reflect the demographics of our city. We want to move those percentages of women and people of color in management and supervisory positions to a higher level. It is not only good for morale but it makes the work of the city does much more enriching and customer service much better. The program will not be successful if participants are not allowed to use a few hours of their workday each month. We ask that you show your support by communicating with your bureau directors and their managers to support the participants in the leadership development pilot programs give them a few hours to develop their leadership skills and in turn you will have happier more productive employees. I would like to thank Debbie castleton from bes sonny from omf Cynthia Castro from parks Christina niev from commissioner Fritz's office and Carlos Hernandez from pbots for joining me in creating the deep leadership development program. Thank you.

Hales: Thank you all very much. I think council members would love to take a photo with the three of you as leaders. I see Debbie is packing a camera.

Fritz: Colleagues just as a post-script to that presentation I really appreciate the note that we still have a ways to go. And we intentionally when we set up the office of equity and human rights we focused to start with on race and disability and I continue to support that. And we still -- the statistics show we have a long way to go. So recently I met with

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delegates from the United Nations convention to eliminate all forms of discrimination against women which is known as CEDAW there were some international representatives came to interview me and others as the convention to eliminate all forms of discrimination against women was signed by President Jimmy Carter in 1980. Of the 194 United Nations member nations 187 have ratified CEDAW. The United States stands with Iran, Somalia, South Sudan, Sudan, Tonga and Palau in refusing to ratify this treaty. It remains on the Senate -- in the Senate Committee on Foreign Relations the Senate has held hearings on CEDAW five times in the last 25 years and has somehow not managed to bring it to vote on the Senate floor. As this is just an example of how we in the United States need to live what we -- what it says in the Constitution and live the American dream and provide opportunities to all people all genders all races. It's something that I'm going to be investigating. Jasmine Wadsworth one of my policy advisors has been looking at what we might be able to do without deflecting attention from the work of the Office of Equity and Human Rights initially focusing on race and disability to bring some more attention to the issues of eliminating discrimination against women. So that is pending.

Hales: Thank you. Thanks very much. We'll suspend the rules for that. Thank you very much thanks for your great presentation. So now we'll move back to our regular agenda and take up item 206.

Item 206.

Hales: Brian Sweeney is here to explain this proposal to us.

Brian Sweeney, Portland Police Bureau: Good morning Mayor Commissioners. This is a third year repeat for this particular grant from the Oregon Impact. We accepted it in 2013-14 -- '14-15 and this will be the third time we've applied for it with your permission. What it allows us to do is identify areas in the city where we have an increase in vehicle crashes relating to specifically to the crosswalks and pedestrians. We will pick five locations organize a mission usually a four-hour time period around busy time during the day where there's lots of traffic. And officers will come in on overtime and conduct enforcement at the crosswalk. A lot of the media notifications will be made by the Portland Bureau of Transportation Sharon White she's helped us out a lot in the past with this and I think that's about -- that about covers it unless anybody has any questions.

Hales: You coordinate with PBOT on figuring out where those particular five locations will be each time?

Sweeney: We do and we don't know what they are right now. There's several different ways to identify them. We could work all of the intersections in the city and make an impact. So we try and pick the ones where there's a bigger problem.

Hales: Other questions?

Fritz: We hear a lot we're all aware of the challenges with staffing in the police bureau. And the fact that everybody is working a lot of overtime anyway. This is a great project which I've supported in the past I continue to support it. I'm concerned about officers doing even more when we know we're stretched to just provide patrol services.

Sweeney: I'm certainly not the one to answer staffing questions. I can tell you what I know I'm assigned to the traffic division a lot of the work we do is grant-based work where it's on overtime so the officers have the ability to say yes or no to it and sign up for it. They don't have to do it if they don't want to. In years past we've asked for \$5000 and I think last year we were awarded the five. We didn't use it. We have so much going on like you mentioned with different events during the summertime and this is when this is organized now until September we have to spend the money and we're busy during that period. So the last two years Oregon Impact hasn't had any issues with us not using the entire amount that we were awarded. I'm going to try and structure it this year a little bit differently and maybe have a few more of these missions during peak travel times with

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less officers at each mission. So I might be able to spread it out better and use more of the funds.

Fritz: I was wondering if there's any opportunity for using any nonsworn staff to assist in these missions. I don't know what they might be able to do because obviously you have to have somebody in the car turning the lights on and pulling people over but I think it would be -- we would be supportive of looking to partner with other staff if that's possible.

Sweeney: We do. With pbot they help us out quite a bit. Sharon white has helped us as the decoy the walker the term we use. She's not able to do it this year. It will probably be a police officer that's in civilian clothes that's walking across the street just because of the danger involved with it at some of these crosswalks.

Fritz: I'll do it.

Novick: I'll do it. I've done it in the past.

Fritz: Seriously. We very much appreciate how stretched you are and if there's any way our staff or ourselves can help with things that don't require a sworn officer please ask.

Hales: I appreciate you volunteering to be a decoy. I've done that commissioner novick has done it and it adds to the outsized impact of this relatively small grant. If you've got a famous or notorious person out there as the decoy it then brings media attention to the event which then makes people think oh I might be nabbed in that operation I better be following the law.

Fritz: I'm doing it all the time without the police officer standing by to grab somebody. It would make me feel safer to be the decoy.

Hales: It will be safer.

Sweene: Part of the grant is media notifications made through our office our pio's office and pbot makes their own as well. Yeah if -- whenever we're out and the lights are on it usually stops a few hundred people.

Fritz: I'm very good at crossing the street.

Hales: I think you got a volunteer.

Sweeney: Sounds good. Thank you.

Novick: Which of us do you consider famous and which notorious?

Hales: All. Any other questions for officer Sweeney? Thank you very much. Anyone else want to speak on this item? If not then it's an emergency ordinance. Let's take a vote.

Fritz: Thank you for your work. Aye. **Fish:** Aye. **Saltzman:** Thank you. Aye. **Novick:** Aye.

Hales: Hang up drive follow the law. Aye. [gavel pounded] thank you very much. Let's take our last few items on the regular agenda starting with 207.

Item 207.

Hales: Good morning. What are we going to do here?

Michelle Kirby, Office of Management and Finance: Good morning mayor and council I'm Michelle Kirby city controller and manager of the brfs accounting division.

Betsy Ames, Office of Management and Finance: I'm Betsy Ames senior policy analyst with omf.

Kirby: We're here today with an update of the city's accounting administrative rule 6.13 overnight and out of town travel. So first I'm going to explain the process we went through to come up with this update. Over the years omf has received input about the travel policy and the corresponding procedures including the feedback that the requirement were unclear and/or excessively time consuming. Therefore accounting and policy staff have researched best practices across the country and prepared draft changes to 613 and the related procedures. In addition input and advice from council offices city travel coordinators travelers and bureau accounting staff have been used to develop the draft in review in multiple stages. The initial draft was shared through a citywide notice and review

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period in December and January in addition staff made presentations and additional outreach through the city's accounting advisory committee the council chiefs of staff travel coordinators and a variety of individuals and work groups. All this feedback was used to prepare the final version that we bring to you today. These final documents were shared with interested stakeholders and last Tuesday we held a very well attended information session with the bureau accounting staff and travel coordinators. And now Betsy is going to describe a couple of the more significant changes in the policy.

Ames: Some of the significant changes from the current policy to what is before you today we have established a new more expedited risk-based approval process for both pre travel and post-travel expenses. For pre travel which is when a bureau director or commissioner charges approving the expenditures of city funds and evaluating the purpose of the travel and confirming it's appropriate we have removed the requirement for the commissioner in charge to approve all travel expenses across the city and instead establish a threshold of if it's less than \$5000 and the travel is within the u.s. Or Canada the bureau director has that authority and then if it's international or above that threshold the commissioner in charge is required to also sign off on that approval. In discussing this with various officers we have been clear commissioners always retain the ability to set different standards for their own bureaus in terms of wanting to have everything come to them or saying they want to hear about everything over \$2000 or whatever that might be. For post-travel review expenses since this is mostly an administrative and accounting practice review the documentation and ensure the amounts spent conform to the amounts that were approved prior to the travel we've removed the requirement that a bureau director or commissioner in charge needs to review that if it's within a certain threshold. So if someone comes in within 110% of what was preapproved and there's rationale for that the bureau accounting staff or operations manager can be authorized to approve that. If it's above more than 10% above what was approved that needs to have a written justification explanation and needs to be approved by the bureau director or the commissioner in charge depending on the previous approval. The second change that is significant is changing how we calculate partial day per diem for meals and incidental expenses. Previously there were complicated calculations based on what time a traveler departed and questions about whether that was when they departed their home or when they arrived at the airport. We have looked to the federal government's standards where they apply a 75% calculation on the day of departure and the day of return and standard that standardized that across the city. This allows us to include qualifying day travel as part of the policy a situation would be where there's a day-long conference say in Seattle or Vancouver b.c. a bureau and the traveler decide they can leave early in the morning and come back late at night and they're saving the city expenses by not having an overnight stay that was previously required by the current policy. And we can cover that as part of the travel policy. That was something that had come up in feedback over the years. We also have made a change to how the city can purchase airfare. We heard a lot of feedback that there should be an option to pay via expedia or others using a procurement card you have to do the comparison of costs in addition to having to go through the city travel agent we're now offering an opportunity for bureaus to procure using a procurement card online through online travel booking services.

Fritz: Or by themselves if you just want to go to Alaska.com can you do that or do you have to go through a travel booking service?

Ames: It could be alaska.com as well. We still expect there be that comparison of prices to ensure you're get can the lowest cost alternative that meets the --

Fritz: You do that by going to all the airlines yourself instead of specifically using the company to do it.

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Ames: And it still needs to be purchased with a procurement card or via direct invoice.

Fish: In terms of lowest cost I'm pricing out a trip for May to see my family in Spain. I found that the lowest cost trip takes about two weeks. And I get there but it's not quite what I was hoping. And I noticed that obviously the more expensive flights the direct flights do we have a preference in our policies about whether it's the most cost and direct are often correlated. How do we slice that? We also don't want employees to waste a lot of time and airports.

Kirby: The wording says --

Ames: We have specific language that addresses that because the lowest cost for a bureau includes the cost of the time. So the lowest cost the cheapest ticket might be that red-eye flight but that leaves someone attending a conference and not being able to -- so we do have language and I am sure I can find it if I had a moment. But the talk about the lowest cost --

Fish: In other words our rules we don't penalize people for getting the most direct flight. Which sometimes is a little more expensive.

Ames: It might be a little more expensive but it might allow them to work a half day in the morning before they leave for their -- exactly. That's where there's discretion and that's why the bureau of director is reviewing this and saying it makes sense to spend an extra \$50 because we're getting this extra value by having them here. We very much appreciated all the feedback we received from the different bureaus. I think almost every bureau had representatives the other day at our meeting. We've had good participation and it was really useful to have them participate. So we think these changes and others include in the update will help streamline the travel Process saving the city time and money while continuing to ensure internal controls and oversight are in place. If you have any questions --

Saltzman: Colleagues I strongly object to removing the commissioner in charge out of the approval loop for decisions less than 5000 dollars. I've served here for 18 years I've signed off on every travel request on every bureau I've overseen which is some 10 or 11 bureaus. It's not too burdensome. Given the amount of scrutiny things like travel expenses attract from the media and others I would request that we remove that provision and put the commissioner in charge require approval for all travel expenses. And I can't support this otherwise.

Fish: As I understand this recommendation we have the discretion of delegating under 5000. It's not a required delegation you're just giving us the discretion to delegate to a bureau director.

Ames: The current policy is that all travel must be approved by the commissioner in charge and the commissioners have the ability to delegate to their bureau directors or to others within their office or within their bureaus and my understanding is that a number of you have delegated that authority to your bureau directors. So we're basically just flipping it to say that the default is the bureau directors unless the commissioner in charge wants to retain that authority.

Fritz: Commissioner Saltzman I was concerned about that too and I was then reassured by staff telling me I could have different rules for my bureaus. And now that I'm here in the council chambers it does seem maybe it would be confusing that every time bureaus get reassigned the rules on travel would change and you'd have to remember to tell our bureaus that. I'm wondering and I share your concern that \$5000 is a lot of money. I have been thinking of at the very least could we add something that requires directors to report semiannually or something what they've approved now that I'm hearing your concern I'm wondering is there a number below which you would be okay with is it \$500 that you would be okay with the bureau director or would you prefer to continue approving all of them?

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Saltzman: I think -- I guess I would be okay with \$500 threshold but what often happens you have 20 people going to a conference that costs 500 a pop. Pretty soon you're talking real money. And that happens. I know we send fire folks to conferences we send housing folks to conferences. So I'd prefer that we keep -- if we want a consistent rule I'd say keep the commissioner in charge in the sign-off loop. Fiscal responsible way and it avoids I think embarrassing situations as well. Another set of eye and another signature on that travel release.

Fritz: I second that.

Hales: I haven't focused on this provision were there other parts that were more important to me. So we have the authority now to delegate that even though that's the rule? It is the rule but you could say I give to my bureau directors this authority. But the default is the commissioner in charge has to sign.

Ames: Yes.

Hales: Okay. I appreciate the discussion.

Fish: Why is this an emergency?

Ames: It's only an emergency because we didn't want to delay putting in effect a lot of bureaus have asked for clarity going forward it doesn't need to be an emergency.

Fish: If we were to accept Dan's view on this the status quo is each commissioner can still decide to delegate decisions on a case-by-case basis.

Ames: Yes.

Hales: Further discussion of the amendment?

Novick: I agree with commissioner Saltzman that the media sensationalizes the issue of public employee travel but this is generally absurd. No private company of our size would have a rule that the ceo or one of the top five people in management have to sign off on every travel item. I agree that there are times when a number of people go to a conference the amount seems somewhat large in fact bets when she was with "the Oregonian" wrote an article that implied the streets of Portland would be paved with gold if we didn't send people to revelation I think we can address that concern by adopting rules ourselves that if our bureaus are sending people to a conference and the total amount of the cost is more than say \$15000 then we have to sign off on it. But with that caveat I think proposal is perfectly reasonable.

Hales: Let's --

Fish: So you've got a number of recommendations here that seem sensible and noncontroversial. The question that commissioner Saltzman is raising at least for today is whether we stick with the existing policy or we have this new bright line. That flips it. And it does seem to me a little bit of six and one half dozen of the other since it's still within the commissioner in charge's discretion to make the call. Am I right?

Ames: Yes. I think.

Fritz: If I may speak to that though that would be when the bureau was assigned to a new commissioner the director would then say what would you like us to do on travel expenses rather than assuming that they get to approve them all.

Ames: We did split up the pre travel when we're authorizing how much -- authorizing the purpose and the expenditure from the post-travel.

Fish: I don't think you've heard our concern about the 110% rule. That 110% could just be the airlines jacked up the cost of checking your luggage again. I don't think that causes any concern. Okay.

Ames: It would just be the pre travel. And we can -- if it's -- I'm getting a sense of the council would like to change that back. We can bring back amended language next week.

Hales: We can amend it right now because that --

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Ben Walter, Chief Deputy City Attorney: To the extent this is an hr policy you want to be very particular about it.

Ames: It's an accounting administrative rule.

Fish: Why don't we --

Walter: It's going into the policy documents and it's going to govern how people are proving expenditures. My recommendation would be that you have staff go back and revise the policy because the amount right now doesn't have any specifics to it and it would be good to have specific language.

Fish: Why don't we set it over for a week and --

Fritz: Should we vote on the amendment? The intent of the amendment to direct staff to change it?

Fish: Unless it's a friendly --

Hales: I think it's the majority of the council if we're not going to take a formal vote that's fine. I think it's a sense of the majority of the council that we want to keep the status quo with respect to commissioner in charge and that they can still elect to delegate this. So unless there's any further need to do that formally let's set this over and have you bring back a revised version next week.

Fritz: Should we take testimony today?

Hales: Is there anyone who wants to speak on this while we have it? Otherwise with you can speak on it next week when it comes back.

Ames: Any other questions on the policy?

Fish: No. Thank you for your good work.

Hales: It's a good piece of work. Thank you both very much. We'll set this over for one week. [gavel pounded] and move on to item 208.

Item 208.

Hales: Mr. Fish.

Fish: Mayor Director Stuhr was such a hit we asked him to come back. At a time when we hear about financial data breaches far too often we're very pleased that the water bureau that working with the city we're taking the necessary steps to protect customer information. Last summer the water bureau discontinued its auto pay service in order to give us the time to comply with some new banking requirements. And we understand this was an inconvenience to -- up to as many as 30,000 customers. We've heard from a number of them we regret the inconvenience and we're looking forward to being able to put auto pay back in play. But I do want to say that since September Kathy and her team have been working diligently literally around the clock to get these fixes in place and to bring us to this day where we're asking your support for an invoice cloud agreement. This agreement before the council is a big step towards bringing back auto pay as well as other features our customers have requested. Here to tell us more is Christine moody, mike stuhr and our own Kathy Koch.

Christine Moody, Procurement Services: Christine moody procurement services.

Thank you for the intro commissioner. The water bureau's utility consider service group is responsible for bill presentment and credit card processing of the city's water and sewer utility bills. As part of the city's pti compliance and remediation activities the city is transitioning to a new payment gateway provided by the city's contractor. Nic. Nic's technology does not currently meet the water bureau's requirement therefore the water bureau intends to utilize invoice cloud due to their previous work of the developer of the water bureau's billing system. As allowed for city code 5.33 the city may participate in an inner state cooperative procurement after posting a public notice of intent to use a contract. This notice was posted on January 22nd 2016 and no responses were received. You have before you an ordinance recommending authorizing the participating agreement

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with invoice cloud for not to exceed amount of \$146,000.0. I will turn this over to the water bureau administrator to discuss more about these services.

Mike Stuhr, Director, Water Bureau: Good morning again. This is an extremely important step in restoring the service that we had to shut off or cut off the functionality because of pci compliance. Our goal there was to protect our clients' data as best we could. Frankly invoice cloud is the only purveyor that is fully integrated with our billing system. And I thank Christine and her group for finding a creative way to arrive at this contract. There are a lot of folks to thank in this operation. We weren't the only ones impacted just the ones that were impacted probably the largest as an outcome of pci compliance. Christine, Scott Schneider and Kathleen from purchasing worked out the contracting arrangements for this. Fred miller and ken rust have been very supportive and provided push whenever we needed to make sure that we all stayed on track. Jeff bair and Christopher from his office was the project manager for this effort. And ken rust and Jennifer Cooperman came from the cfo and Jennifer runs the revenue bureau were all helpful in making this happen. And last but certainly not least is Julie who is the business solutions group and the group that actually operates cayenta for us. This thing had a huge impact on the water bureau and Kathy and her entire staff and customer service deserve thanks. It made their lives very difficult. It's still a little bit more difficult and Kathy will talk about that. And we don't often do this but I want to thank four people from the commissioner's staff. This was so arduous and so intense in the beginning of this that Paige, Betsy and Liam became expert at answering our customers' questions and so we had a few less calls I think because of that. Last but not least I appreciate the forbearance of our customers. Cutting off auto pay was a big burden people didn't have to think about it and we frankly didn't have to think about it either. Now they had to think about it and the result is increased call volume. So now I'd like to turn this over to Kathy cook who is our real customer champion here. I doubt you'd find a more customer oriented person in the city and she'll tell you a little bit about what invoice cloud will do.

Kathy Koch, Water Bureau: I'm Kathy Koch the customer service champion. With the changes in the pci requirements we lost some key functionality and convenience for our customers. With invoice cloud we'll be able to restore the auto pay program over 17% of our customers or over 32,000 customers were participating in that. In 2014-15 we collected nearly \$50 million through auto pay. Our customers have been very clear with their dissatisfaction of losing this service and we would certainly like to remedy that for them. We will also be able to restore the ability to take payments over the phone 24 hours a day seven days a week 365 days a year. If you want to make your payment at 2:00 a.m. On Sunday you can certainly do that with invoice cloud. It's fully integrated with cayenta our billing system so the payments that are made through invoice cloud will be reflected on the account immediately so the customers will see it staff will see it there will be no questions there. Through the payment system through the phone we took over 58,000 payment and nearly \$17 million and that is the ability to just go straight to the phone without talking to somebody. When we lost the ability to have that those people needed to call and pay over the phone through a representative and they were stuck doing that between the hours of 8:00 and 5:00. That's not what they were used to that's not what they expect and quite frankly they deserve better. The loss of those two programs have certainly impacted the call center as well. We used to take a thousand calls a day and answer 80% of our calls within 60 seconds. Now we are taking more closer to 13 to 1400 calls a day with the hold time of over five minutes and no ability to pay after hours if that hold time doesn't suit you while you're -- during your workday. Having invoice cloud will not only restore those two important payment channels but it will improve on what we do now. So currently we do have an e-bill program where if you are willing to not have paper

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sent to you can have an electronic bill. What happens there is that if you don't pay off of that electronic bill on time the first thing you get is a reminder and a fee for being late. With this new program it has a lot of flexibility built in so the customer can decide I'm getting my e-bill today I might want a reminder before the bill date I might want a reminder the day before the bill date. It will give the customers the confidence to know I don't need that piece of paper I will remember they won't let me be late. Obviously to go with e-bill is a convenience for the customer it is a savings for the city and it's good for the environment. So right now we only -- with our system we have now we only have 9% of our customers signed up for e-bill. We do believe with this more improved robust assembly we'll shoot for having a 20% adoption rate. It also offers more payment channels so we'll be able to have mobile payments we'll be able to do text payments on your cell phone or your tablet it can make flexible payment arrangements set up automatically it's just many more features than what we offer now for customer convenience. We're excited to bring back the services that our customers expect and deserve and we're even more excited we'll be able to do what we do now a lot better.

Fish: I want to say something about Kathy while she's here because for all of us who had a chance to work with her we know what a gem she is and what a hard job she has. Our current system is just not very nimble. And as people know the mayor and I are very committed to getting as many people on monthly billing as possible for a lot of reasons including customer convenience but also sticker shock. Monthly bill is different than getting a quarterly bill. And our system is just not very adaptable. So she's had to do a workaround. And one of the things that she added was the end of every e-bill you get your monthly e-bill it actually concludes with Kathy signing off on the note and it has an electronic signature. And that's because she's accountable. And if someone gets the bill and has a question they know there's someone they can call. I got an email recently from someone Mike and I got one that was highly critical of Kathy for having signed put her name on this e-bill. I know that in government we're often criticized for things we do or don't do and for some of us our thickest file is no good deed goes unpunished. I thought this one was particularly unfair and I sent a rather sharp response because I think it's exactly what Kathy is modeling is something I think we should salute and applaud which is front line workers taking personal responsibility being accountable to their customers and I actually like getting a bill from Kathy signed by Kathy because it's a real person. And I appreciate --

Stuhr: We like it when you pay the bill too.

Fish: You made it easier to pay it. I want to thank Kathy publicly for the great work she does for our city.

Fritz: I have a question having done pretty much everything you described about missing the email and getting the reminder notice etc. Will the new system have the same password as the Portland online password or is it a completely new sign-up for something new?

Koch: You will no longer have to be linked to the pol system in order to do that. It will have its own single sign-on. But it will be right now part of the problem is in order to link your bill to your pol account you have to have a teeny tiny number that only comes on the original bill in order to set the process up. This one will be a much simpler for customers will use and it will use something that's meaningful to you instead after bill number at the top.

Fritz: When will this go into effect?

Koch: I'd love to answer that. We need to do our initial kickoff meeting for -- to create the project plan for invoice clouds so I would have put in on September 30th if I could have. So we will work very quickly to get it done.

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Fritz: Six months a year?

Fish: Let me answer because we know from these technology things there's always unforeseen events. They're working hard to launch this by the summertime. They'll get extra credit if it can be done before the summertime.

Fritz: It's not happening next week.

Fish: No.

Fritz: Not next year probably.

Fish: There's one other feature Kathy didn't mention is that that is going to be particularly I think great for older adults. This new system will allow you to send a reminder notice to someone other than yourself. So an older adult that wants to have an adult child or caretaker get that notice as well can actually sign up so that they get the reminder but someone in their life also gets the reminder. I'm in fact thinking of sending my second reminders to Dan Saltzman because he's very attentive to these things and I know he'll walk over and tell me to sign my bill.

Saltzman: I'm happy to sign off on expenses.

Fritz: How will customers be informed of this new functionality?

Koch: One of the beauties of the invoice cloud itself is that they have their own marketing department that will help us and then we'll also use our own outreach. I personally will be shouting it from the rooftops because I'm so excited to actually get it back but we will do several things. Messages on the phone you know perhaps direct mail we haven't put that plan together yet but any way that we can do it we're going to get this message out.

Fritz: Whatever way you're currently getting your reminder that will be something added to it to say you can switch to this if you'd like to?

Koch: Yeah. And we take over a thousand calls a day and that's one of the things we push when we get there.

Fritz: I also really appreciate your title of customer service champion. Maybe we should have a program that people who are front line workers who choose to want to be identified as a champion because to be -- to be a customer service champion and turn out to be not that interested right? So we should have a program throughout our offices and our bureaus if you want to sign up yes this is my thing and that's what I'm going to do and I want to be identified that way --

Koch: We're very clear our customers don't get to choose what utilities they go for so we make sure we conduct ourselves in a way that if they could choose they could still choose us.

Fritz: I want to thank you because you are the voice and front line for the city and a lot of times people might only be calling you and they wouldn't necessarily call the commissioner's offices on any other topics. So thank you for the work you do.

Hales: Other questions or issues to raise with the team here? Thank you all very much. Anyone else want to speak on this item? If not it's an emergency ordinance let's take a vote.

Fritz: Thank you commissioner Fish and your staff and Christine moody and procurement service and Kathy Koch and others for your work on this. My staff tell me the cost of 1.46 million is 190,000 from the current budget and the remaining 1.26 million in merchant banker fees so the transactions cover the costs and it's not a huge additional cost to ratepayers. So I think the nexus between the people who benefit paying for the service is correct. I'm very pleased to support it. Aye.

Fish: I really appreciate the work of our customer service bureau and I can tell you that our team rather Kathy has been really upset with the fallout from pci compliance and has made it very clear that she objected to some of the consequences to our customers of not being able to offer things like auto pay. And she will be working tirelessly to bring this system

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back online making sure it Works and we're going to be able to offer things that we wanted to do for a long time but technology has gotten in the way. So thanks to my team and thanks to my colleagues. Aye.

Saltzman: Thank you thank you in particular Kathy for all the great work you've done for the city and continue to do. Aye.

Novick: Thank you mike, Christine and Kathy. Aye.

Hales: I'm enthusiastic about this both as a city leader and therefore as somebody who is responsible for how we work with our customers although it really falls to people doing the work to build that relationship. So thanks for doing a great job of that. But I also as a customer of the water bureau I'm a big fan not only as commissioner Fish noted of monthly payment but auto pay. Though the risk of oversharing I have to say I have an argument about my wife about this subject like commissioner Saltzman she splits the details and is the daughter of an accountant. So we're going to make this tool available not all customers might be ready yet to use it but I'll keep trying. Aye. [gavel pounded]

Saltzman: We were born on the same day.

Hales: That's right. There's something about you two. Watching those dollars. Let's move to item 209.

Item 209.

Hales: Roll call vote Please.

Fritz: To me this is about fulfilling our responsibilities and fairness to what the voters approved that there was a requirement for charter schools that was intended to cover charter schools within city of Portland and so this -- the amendment on that correct the unintended error or the unintended outcome of adding the Ivy school and southwest charter schools to the schools that will receive services. On the issue of disclosure of income tax records it has become very clear to me that's not something that is done in other situations. Even for elected officials that we're not required to provide our income tax statements and that should be private so in order to protect the public I support these amendments. Aye.

Fish: Well I'm glad we had a full discussion about this. And Thomas you began last hearing we had on this apologizing for this being on the consent and not the regular agenda. I am reminded in order to make it on to the agenda a commissioner has to sign the referral form. And we make judgments based on what we think deserves a fuller hearing or not and reasonable people can disagree. I think there was a benefit in having this discussion in part because of the information you shared with the council and the public which for me was dispositive. Like Commissioner Fritz I'm glad we resolved the charter School issue. On the question of disclosing what other jurisdictions view as confidential information I think it was important for us to have the conversation and what was ultimately for me determinative is that just about every other level of government that we surveyed treats a taxpayer's name and address as confidential. In fact I appreciate the last memo that you gave us that pointed out that the federal law which bars disclosure of the names and addresses of taxpayers actually came out of the Watergate era. And came out of some of the abuses that happened during Nixon where there was not this fire wall between the executive branch and the irs and confidential information was handled somewhat casually. I also appreciate that the state of Oregon has a very clear rule that taxpayer names and addresses are not disclosed and recently we learned that the Oregon department of revenue had in fact listed identified some delinquent accounts tax accounts but when we drilled down on that we learned that those were cases where they had to go to the extraordinary step of actually going to court to collect and as we know if we get to that point where you have to bring a legal proceeding to collect that is a public record. And that information does become public. I ask you to take a look at other jurisdictions and

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comparables. You gave us information on the Multnomah county I-tax and something else that was interesting under Oregon law in fact our public utilities are not allowed to disclose the name and address of our customers. That is -- the name and address combined is exempt from disclosure. I found that very interesting. So to me the question of privacy reasonable expectation that taxpayers have to privacy is the primary consideration then I think the question is, is there a compelling and counter veiling public interest which we have to apply? Well when the district attorney ruled on this case he was ruling based on the then applicable law which was what we imported from the business side of the legislature and that's a different body of law. I have heard some suggest that there's some public benefit and interest in shaming the taxpayers. I respectfully disagree. That's not our role. Our job is to collect delinquent accounts. Not to shame people. We'll leave that to others. No other level of government is involved in shaming and I don't think that's an appropriate role for us. So I'm balanced and I want to thank Thomas and ken for their presentations I think here the privacy interests of taxpayers trumps the public interest in the disclosure and I'm going to support this ordinance. Aye.

Saltzman: I fully support amending -- making charter Schools eligible for arts education revenues. However as I indicated last week I'm not comfortable with the situation before us regarding disclosure of names and addresses of those who have paid the arts tax. I'm certainly not comfortable about disclosing addresses and there's probably a workaround for that but I do very much believe we have a problem here. We have -- two things that make me uncomfortable. First I'm uncomfortable with the fact the district attorney ruled this information is public record and our response is to come back and amend the ordinance. That doesn't strike me as being the right approach. Secondly we have a problem here. We are supposed to be collecting upwards of \$10 million a year. And by this point according to the projects we produced in 2012 when this was sent to the voters we were supposed to have a compliance rate of some 85 to 90% of taxpayers paying this tax. One of my questions last week right now our compliance rate is 68%. So we have millions and millions of dollars that are going uncollected that are owed to us. And I had a conversation with ken this week and he our city attorney and he indicated some study I didn't ask for the source but when it comes to small amounts of debt public debt owed shaming is effective. It's not effective when somebody owes millions of dollars hundreds of thousands of dollars but when you owe a small amount of debt the thought your name may appear in the media or on the radio has a value a compliance value. And we are leaving a lot of money on the table and we are as a result arts education and many arts organizations are suffering the consequences of that. So I think there's little harm -- I'm not comfortable with addresses but we could do names we could do zip codes. But it ultimately falls on the media too. Whoever chooses to disclose the information it's incumbent upon them to make sure they have the right person in mind before though publish that person on a list of people that haven't paid in this case the arts tax. And we're not -- I think what makes a difference between income taxes and arts taxes arts stacks a fairly binary thing. You pay \$35 or you didn't. It's not disclosing how much I paid in federal or state income taxes and it's pretty binary and I would be hard pressed to ever roam and I know Thomas knows me well we should not be mounting collection efforts against people for \$35 \$70 \$105. It's not worth it from our point of view but it's also can wreck people's credit histories. So I think the only valuable to-go tool we can bring to bear to increase compliance I would wager we could increase compliance from 68% to 80% by just having a policy of sharing with the media when they ask for the names of those who have paid the very binary \$35 or not arts tax. So therefore I vote no.

Novick: I have to say I was rather attracted to commissioner Saltzman's suggestion that we could engage in a level of shaming. And I was thinking maybe you could have a

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requirement that we only disclose the names of people who are severely in arrears. I'm persuade there'd are problems with that one of which people do not have unique names and we might wind up inadvertently shaming the wrong person. So I'm going to support this I realize we'll disappoint Oregonian editorial board but it will not be satisfied until every recipient has the number 666 carved in their forehead. Aye.

Hales: I want to thank Thomas and his team as well as our city attorney's office for continuing to make an imperfect tool better. The voters approved an imperfect mechanism for funding better arts environment in our city and you're working hard to make it work and I appreciate that. So doing the right thing by public charter schools is one more step in that road. And actually I think I've heard from the -- since Steve brought up "the Oregonian" I think I've heard from precisely one person on the subject of whether we should disclose taxpayers' identities on this subject and that's the guy that writes editorials for "the Oregonian" and it's not our purpose to provide them with raw material for gotcha stories. So this is the right move when it comes to protecting reasonable taxpayer privacy while continuing to work to make the thing work better. Aye. [gavel pounded] 210.

Item 210.

Hales: Commissioner Fritz.

Fritz: Thank you mayor. Colleagues it was clear when we adopted the new city code on marijuana licensing requirements that we would be returning to council with improvements on the original framework on a fairly frequent basis. And so we wanted to do it as expeditiously as possible each time something came up. This proposed code change provides clarity on the restriction of marijuana sales outside of a licensed premise including drive-through and walk-up windows. Theresa Marchetti the wonderful manager of this program from the office of neighborhood involvement will explain the need for this change.

Theresa Marchetti, Office of Neighborhood Involvement: Thank you commissioner Fritz. I'm Theresa marchetti the programs manager for office of neighborhood involvement. The ordinance before you adds language to existing section of the marijuana regulatory code that addresses outdoor sales of marijuana from temporary structure satellite location and vendor carts. And what it does is explicitly prohibits drive-thru or walk-up windows. There are -- currently we're not aware of any medical dispensary in Portland that is -- has drive-thru or walk-up windows but there has been expressed interest from some other local jurisdictions in Oregon some other dispensaries in other jurisdictions where they are affording that. It does not comport with the intent of the code regarding a secure and enclosed business environment for the sale of marijuana from dispensaries and retailers. And in fact our recreational retailers are prohibited from this at the state level. It's just that the statute for the medical dispensaries is silent. So because they are currently operating as the recreational market as well as the medical market we thought it best to provide clarity now before we issue final inspections and begin issuing city of Portland licenses.

Hales: Thank you. Questions. Thank you very much. Is there anyone who wants to speak on this item? Okay. It's an emergency ordinance let's vote please.

Fritz: Thank you to Theresa Marchetti and her team at the office of neighborhood involvement. They are diligent in responding to this rapidly evolving landscape of the marijuana industry is absolutely phenomenal. And I do appreciate the willingness of my colleagues on the council to take swift action to amend the regulations in the interest of providing clarity to perspective business owners as well as the community at large. The Office of neighborhood Involvement staff will be returning to council next week with an updated fee schedule to make current cost recovery needs based on the type of licensed applications we're receiving. So this again is one in a series of ongoing improvements in our marijuana code. Aye.

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

Hales: Two times in a row we've tuned up a voter approval -- approved measure in a common sense way. So thank you commissioner Fritz and I'm hoping of course that under our improved comp plan and zoning code that there will be more places in Portland that are tuned to the pedestrian instead of to the automobile but while there's still some drive-thru around this is not what they're for. Aye. [gavel pounded] and we are identifying one item 211 for this afternoon is being rescheduled. Is there a date yet for that commissioner novick?

Parsons: There is not.

Hales: So to be announced later. So we are recessed until 2:00 p.m. Tomorrow. [gavel pounded]

At 12:08 P.M. council recessed

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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 3, 2016 2:00 PM

Hales: Good afternoon, everyone. Welcome to the March 3rd meeting of the Portland City Council. Would you please call the roll?

Fritz: Here. **Fish:** Here. **Saltzman:** Here. **Novick:** Here. **Hales:** Here.

Hales: Welcome, everyone. The high fives and congratulations up here before we got started were particularly to compliment Commissioner Saltzman and the whole community on a successful effort. An hour ago, the Oregon legislature approved the bill that will allow cities to carry out what's called inclusionary housing, a process by which we can require new development to provide affordable units. Commissioner Saltzman advocated successfully for that down there with a lot of help from the rest of this Council and the community. So, thank the Oregon legislature -- let's suspend the rules and thank the legislature. [applause] It's a good thing! It's wonderful progress.

So, welcome, everyone. We have a single item on the calendar. I'll have our Clerk read it in a moment and turn it over to a couple of my colleagues here to kick it off. If you're here to speak on this item, just let our Clerk know and Karla will make sure you're given an opportunity to speak. We typically allow three minutes apiece unless there's a huge crowd, and I don't think this crowd exceeds that threshold. Please say whatever you want to say in three minutes. You only need give your name, if you're planning to speak -- if you're not a frequent flyer. You don't need to give us your address. If you're representing an organization, please let us know that. And then, we do ask -- other than the kind of demonstration we just suspended the rules for -- that we not applaud or make demonstrations in favor or against our fellow citizens' points of view so they don't feel intimidated and can express them. So, if you want to give them a thumbs up or a wave of the hand, that's fine, but we ask that we confine applause to momentary celebrations, children, and visiting dignitaries. So, if you're one of those latter categories, you might get a round of applause. With that, let's read the item, please.

Item 212.

Hales: Commissioner Saltzman, Commissioner Fritz.

Saltzman: Thank you, Mayor. Just before we leave the inclusionary housing topic, I just wanna say it was a team effort and a lot of people in City Hall worked very hard to help the legislature get to the right decision. So, thanks to everybody who worked on that. We have a staff presentation and then some invited testimony before public testimony will be taken, and I'll make quick introductory remarks before I hand it off to the co-sponsor of this ordinance, Commissioner Fritz.

Portlanders are passionate about our trees, and this really came to a head last summer in the Eastmoreland neighborhood as that community rallied to save three gigantic sequoias that were slated for removal. Unfortunately, not all neighborhoods have the resources and passion that Eastmoreland has, and it was obvious to myself and I think to Council as a whole that we needed stronger protections for significant trees when development threatened their removal. The ordinance before Council this afternoon does just that, and I'm proud to have partnered with Commissioner Amanda Fritz on this compromise package -- and a compromise it truly is.

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Over the past few months, staff in both the Bureau of Development Services and Urban Forestry created proposals to save significant trees in development situations and then jointly presented those to the Planning and Sustainability Commission and also to the Urban Forestry Commission. And after, both of those bodies deliberated and created their own proposals for saving significant trees in development situations, and thus four unique proposals were on the table for Commissioner Fritz and myself to consider before this Council hearing.

I believe what Council is considering today takes the best from all of those proposals and appropriately balances the need for infill development with a very strong disincentive for removing trees that are 50 inches or greater in diameter. It is truly the goldilocks tree preservation proposal -- just right. With that introduction, I will turn it over to Commissioner Fritz for her words of wisdom, and then we'll hear from staff and invited testimony.

Fritz: Thank you, Commissioner Saltzman. First, a thanks to Mayor Hales for assigning me both the Bureau of Development Services and Portland Parks and Recreation at the beginning of his term. It was my honor to figure out how to implement the tree code some three years after the Council adopted it in 2011. And I need to be one of the first to say that it has not been without challenges, and that there are some things that with all of the good work that we thought we were doing in 2011, that there were some unintended consequences of multiple kinds. And this is one of them. And I particularly thank Commissioner Saltzman for continuing to partner with me since the Bureau of Development Services was reassigned to him, and indeed, all of the staff in Parks and Recreation and the Bureau of Development Services who have helped preparing this amendment and in implementing the tree code, which has not been easy from our side either.

Last summer, we did hear from many Portlanders concerned about the removal and proposed removal of especially large trees in neighborhoods, and we continued to hear about that on I would say a weekly basis at least. So, in response to the feedback, we have developed this stopgap measure to discourage the removal of trees that many people believe should be preserved.

This ordinance is only dealing with healthy, large trees on private land in development situations. We are proposing a sunset to ensure that it is a temporary fix. And I know that there are many, many other issues that folks may want to discuss today or have asked us to discuss in the future. And indeed, I'm hopeful we will begin a more thorough review of the tree code this next fiscal year to address the issues that have been identified by the Tree Code Oversight Advisory Committee and others, including Commissioner Novick's concerns about pruning permits. I have not forgotten, and I will keep that in mind.

There has been a lot of citizen review, and I particularly want to thank the Tree Code Oversight Advisory Committee for working very hard last year to help us monitor the implementation initially, and all the other citizen boards and commissions that have been involved in proposing this stopgap measure.

I have proposed in the Portland Parks and Recreation budget a process for next year to do a complete review of the tree code. Later this month, we'll be bringing the first annual report to Council and there will be an opportunity at that point to discuss all of the other issues that are not on the table today. But this is an urgent issue that we all on the Council felt should be addressed sooner rather than later. So, I'm now going to turn it over to our City Forester Jenn Cairo, and Emily Sandy, who's the code and policy analyst for the Bureau of Development Services to provide the history and details of the proposal that is in front of us today.

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Jenn Cairo, City Forester, Portland Parks and Recreation: Thank you, Commissioner Fritz. Good afternoon, Commissioners and Mayor Hales. For the record, I'm Jenn Cairo, the City Forester and the City nature zone manager for community gardens and horticultural services in Portland Parks and Recreation. I'll be presenting today with my colleague Emily Sandy, the BDS code and policy analyst.

We're here today to present a potential amendment to Title 11 Trees, the City's new tree code that was implemented starting in January 2015. The presentation today and the proposal is specifically in regards to related trees in private property development situations. I'll note that Parks and the Bureau of Development Services are the bureaus responsible for administering Title 11 Trees, which is why you're hearing from us today.

We will give an overview of what brought us here today. Also, a scope of the amendment. Finally, we will talk about what the current code contains in regards to trees in private development situations as well as the proposal before you and the recommendations that were submitted by the Planning and Sustainability Commission and Urban Forestry Commission. The Planning and Sustainability Commission and Urban Forestry Commission in Title 11 have a review role for any amendments that are made to the code.

Title 11 frames the goals and purpose of tree regulation in development situations as follows. The regulations of this chapter support and complement other City development requirements with a focus on achieving baseline tree preservation and total tree capacity on a site considering the anticipated use and level of development. This chapter regulates the removal, protection, and planting of trees through the development process to encourage development where practicable, to incorporate existing trees -- particularly high quality trees and groves -- into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed. It is the intent of these provisions to lessen the impact of tree removal and to ensure mitigation when tree preservation standards are not met.

As you've heard already from the Commissioners, there was significant concern among the citizens of Portland regarding especially large size trees being removed in development projects. Commissioner Fritz asked the Parks Bureau to create an initial proposal to change that code, and Bureau of Development Services developed an alternative proposal as well. The Bureau of Development Services is in charge of administering development related portions of the code on private property, and the City Forester administers development situations involving trees on City property and in rights-of-way.

The presentation before you today and proposal is intended to be a stopgap measure to bring into effect quickly and until such time as a more comprehensive review of Title 11 can be conducted. And a note -- when we talk about tree sizes in this presentation, we're referring to a diameter at breast height rather than height or other size measurement. Diameter at breast height is 4.5 feet off the ground, which is about this high.

The initial Parks and Bureau of Development Services proposals were presented to the Tree Code Oversight Advisory Committee, the Urban Forestry Commission, the Development Review Advisory Committee, and the other City infrastructure bureaus. These stakeholder bodies had an opportunity to review and comment on the proposals. The oversight advisory committee was created by Commissioner Fritz of volunteer citizens as an ad hoc group intended to review the implementation process and give input on that first year of code implementation. The Planning and Sustainability Commission and Urban Forestry Commission both submitted recommendations regarding amending the code pertaining to large trees in development situations, and Council has those. Finally, you have before you today for your consideration the proposed amendment to Title 11 that

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Commissioners Fritz and Saltzman created using the preceding work of the stakeholder groups as well as City staff.

The proposed amendment addresses tree preservation in certain situations, and those are in development situations -- meaning not in non-development situations -- and also on private property rather than on City or other property ownerships. The proposed amendment also does not address code content regarding where tree preservation is required or when trees are exempt from preservation standards. For example, Title 11 provides trees are not regulated on sites that are less than 5000 square feet in development situations. That's not contemplated -- changing that is not contemplated by the proposed amendment. And the same applies to exemptions in the code for some commercial industrial zones; dead, dying, and dangerous trees; and also nuisance species trees. Other code amendments have been indicated and the plan is to undertake a broader comprehensive review of those concerns at a future date.

The Fritz-Saltzman proposed amendment will affect these specific project types in private development situations: demolitions, new residential construction, new residential accessory structure construction, residential additions, new commercial construction in the zones that are not exempt in the code, and also commercial additions that are in nonexempt zones. We should note that before Title 11, preservation-related standards only applied to new residential construction, and in those cases it was an option to plant or preserve trees rather than having any requirements. Title 11 has increased regulation of trees and development situations from the previous City codes that it replaced. Now, I'm going to turn it over to Emily.

Emily Sandy, Bureau of Development Services: Now, we're going to get in a little bit more detail about what the proposal is, and there's a table -- you should have a sheet in front of you that is the same as the screen -- just whatever is easiest for you to look at, the screen or the handout in front of you.

I'm going to just reiterate what the current code is. I'm going to touch briefly on the Planning and Sustainability Commission recommendation and the Urban Forestry Commission recommendation, and then go into a little bit more detail on the Fritz-Saltzman proposal.

So, the current code requires that of nonexempt trees that are 12 inches or greater in diameter, you must preserve one-third of those on the development site. For every tree that is required to be preserved that you elect not to preserve, you have to pay a fee in lieu, and that fee in lieu is equal to the cost of cutting and maintaining two trees and that translates into \$1200 and that fee is based on the current adopted tree permit fee schedule that's subject to change and amendment periodically, just like any other fee schedule. So, what this does is it's sort of a one-size fits all. There's no incentive or disincentive to preserve larger trees over smaller trees. There's no requirement for notice. City and street trees are treated differently, they're governed by the administrative rule which was just adopted in October 2015. And that is about it for the current code.

The Planning and Sustainability Commission recommendation did a couple of things. One is they said for trees up to 36 inches, those were still only subject to the one-third preservation standard. So, you only have to preserve or pay a fee in lieu for one-third of the trees up to 36 inches in diameter. For trees that were 36 inches or greater, that standard would apply to all trees. So, every single tree that's not exempt due to health or other reasons would have to be either preserved and protected, or you pay a fee in lieu.

The other thing that the Planning and Sustainability Commission recommended was a tiered schedule for mitigation payment, and that was based on the cost of replacement trees anywhere from two to 15 and it contained a cap on the fee. So, the tiered mitigation schedule was tied to the size of tree that was being removed, and then anywhere from two

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to 15 mitigation trees would be required depend on the size of the tree that is being removed, but it would top out at 15 mitigation trees which would equal -- according to the existing fee schedule -- \$9000. They added a notification requirement for removal of trees 36 inches and greater of 30 days. They added a sunset date, and they also recommended applying the amendment to City and street trees as well as private trees.

The Urban Forestry Commission -- they recommended that the one-third preservation standard apply to trees up to 30 inches in diameter instead of 36, and that at 30 inches you would need to either preserve or pay a fee in lieu for all trees, not just the one-third required under the current version of Title 11. Instead of a tiered mitigation schedule, they elected to go for an inch-for-inch mitigation requirement and that would start at 20 inches. So, up to 20 inches diameter tree would maintain -- be the same at \$1200 per tree removed, and then beyond that it would be inch-per-inch mitigation at the current rate of \$300 per inch. That translates into a fee of \$6000 and up, as the tree size goes up. They also added a notice for removal of trees 30 inches or greater and applied the amendments to City and street trees and added a sunset date.

The Fritz-Saltzman proposal combines some elements of the two commission recommendations, and that is summarized on the right hand column. So, up to 36 inches you need to preserve or protect, or pay a fee in lieu of preservation for one-third of the nonexempt trees on your site. At 36 inches, you're required to preserve and protect or pay a fee in lieu for all trees that are not exempt. And then, the Fritz-Saltzman proposal combines both a tiered mitigation requirement and an inch-per-inch mitigation requirement. So, from 12 to 50 inches, there's a tiered schedule. And again, it's based on the cost of a number of replacement trees and that cost ranges from \$1200 to \$4800. And I'll show you a table with more detail in the next slide. But then at 50 inches, it switches over to an inch-per-inch fee. So, from 12 to 20 inches, you're going to pay depending on the size of tree removed, anywhere from \$1200 to \$4800 -- again, this is based on the current fee schedule. And then at 50 inches, it will switch to inch-per-inch. And at 50 inches, that translates to a \$15,000 fee and that would increase at \$300 per inch as the tree size increases.

There's a notification requirement for the removal of trees 36 inches or greater. That's a 30-day notice posted on the site and sent to the neighborhood association district coalition. It does not apply to City and street trees, and there is a sunset date of December 31, 2019 in anticipation of this larger project that we can hopefully get going soon.

If you flip to the back side of your sheet, this just has some more detail about the mitigation schedules, the tiered mitigation schedules for all the proposals. I'm just going to concentrate on the Fritz-Saltzman proposal, which is the one on the bottom. So, here you see for trees that are 12 to 20 inches, the mitigation payment is based on the cost of two replacement trees, which is currently valued at \$1200. From 20 to 36 inches, it's four trees which translates to \$2400. From 36 to 50, it is eight trees which translates to \$4800. At 50 inches, it changes to an inch-per-inch requirement, and that's \$15,000 plus.

Then finally, our last slide is just some data for you to take a look at. It's a limited set of data but it's pretty useful, I think. It's residential new construction and demolition permits that were issued in August of 2015. What this shows is it shows the number of trees in each of the size categories shown that were shown on site plans for development permits. So, it's not the trees that were removed, it's the trees that occurred that we saw on site. So what I'm showing you is what the -- it's an indicator of what the distribution of tree sizes are out there in the world.

Hales: So it's not making a distinction about whether those trees were proposed to be or were actually removed in development, that's just inventory of what's on those lots.

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Sandy: Correct. They were there. So, what it shows you -- and we didn't have a measurement of more than 50 inches -- but if you look at the over 42 inches, you'll see that that's three percent of trees, so 50 inches would presumably cover less than three percent of trees. Once you go down to 36 inches -- which is what this proposal triggers both applying the preservation or mitigation requirement to all trees and the notification requirement -- that's covering about seven percent of trees. I think you can generalize it's less than 10 percent of trees. And then tree size gets smaller, you see the occurrence rises. So, that's it for staff, if you have any questions.

Cairo: One more thing to point out over here on my right, we made some paper tree cookies to illustrate the relative sizes of the trees, their diameter at breast height you heard mention. Clearly, the largest of those is the 50-inch tree and the 36 inch diameter is here on the floor. Twenty inches is up on the stand and 12 inches is on the 50 DBH plate. Again, the 50-inch tree is something we don't see very often in Portland.

Hales: Parks Bureau really needs to stop spending so much money on displays -- [laughter]

Fritz: We thought about getting Timber Joey in here but we decided not to.

Hales: That's really lavish -- [laughter] -- thank you. Questions? Actual, substantive questions for this team, if any? We may have more later, but do you want to turn to invited testimony -- do you have invited testimony?

Fritz: We do.

Hales: Thank you both very much.

Fritz: We have invited testimony from the Development Review Advisory Committee, the Planning and Sustainability Commission, and the Urban Forestry Commission. They'll each get about five minutes each, if you want to run the clock just as an illustrative point -- although we tend to give our hard-working citizen volunteers the time that they need to be able to explain their positions. We know --

Fish: Can we acknowledge Maryhelen Kincaid's recent award and honor?

Fritz: Please. Go for it.

Fish: Recipient of this year's compass award from the Port of Portland for community service. Mayor, can we give her a round of applause?

Hales: Yes -- hear, hear. [applause]

Maryhelen Kincaid: I'll take a couple seconds. My closing line at that awards ceremony is "you're only as good as the company you keep" and I think I have kept some really good company, including members of the Council. Been supportive. Couldn't have done good work without people supporting me, so I appreciate that.

Maryhelen Kincaid, I'm the chair of the Development Review Advisory Committee. I was asked to present sort of the sentiment of DRAC. But before I do that, I want to thank Emily Sandy and the other staff who presented information, kept bringing us updates. There were a variety of people involved and making charts so that in a two-hour meeting we could comprehend something that took seven years to come to fruition. And I have to admit that even in trying to prepare my testimony and looking at all the different reports, I was confused. So, it's a difficult thing before you, and I admire your ability to make a decision based on all this information.

We received a report -- the Planning and Sustainability Commission, Urban Forestry, and the BDS proposal -- at our February meeting -- both January and February meetings. And I think you have a copy of the letter that we sent to the Planning and Sustainability Commission supporting the BDS proposal at that time. So, that was the official DRAC vote. Since then, we received information about the Fritz-Saltzman proposal, and there seemed to be -- and this is my summation of conversations with many DRAC members informal and in email -- there was support for that. They had a couple of

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concerns, and I'll tell you that in a minute. I think that it was a good compilation of the two and since we have neighborhood and all sorts of people in the development community.

The concerns that they had with the current amendment and one is -- and it always bubbles to the top -- how this affects affordability. DRAC has now had their first meeting of their subcommittee on fees and regulations and how all of those are going to affect the development process and how we can bring that information back to you that says these are things that are contributing. Because you see them one at a time different months of the year. How do those pile up and how are they affecting the whole affordability issue that we're facing? So, this was a concern that this was yet another fee that would be passed on to the next homeowner. So, there was concern about that.

The other concern was the leaving out of trees in the right-of-way from infrastructure bureaus. A tree is a tree, and if it goes down, there should be some sort of compensation for it. That was kind of the sentiment. Aiming at only new development, not taking into consideration the homeowners that take a large tree down because it's messy, it's bothering them, the roots -- whatever the case -- that there should be some sort of consideration for that and that might be one of the things we can look at a later date or maybe address now. But there are no figures. I've been told how many trees went down because -- and I can give two examples in my neighborhood -- of trees planted 14 years ago when the subdivision was developed. They were 20-inch trees, so they weren't really large, but there were also a couple of trees that we don't know -- we went and measured the stumps so they weren't breast high, but they were larger than 36 inches because they had been there on a previous land. But they shaded their patio, they didn't like them, so they took them down. They weren't subject to any kind of fee other than the tree permit fee. So, that's one thing I think needs to be addressed so that we aren't always targeting new development.

The issue with new development is the city is wanting infill development and density, and some of those trees are, quote unquote -- and this is not my words, it's somebody else's words -- interfering with that. So, if we want to build more residential structures on these infill lots that are historically older in older neighborhoods that have that underlying lot line, there needs to be some sort of thought of do you want infill or do you want to save the tree? That was another concern.

The notification purpose was -- the purpose of the notification -- and that was a little bit of issue with Claire Carder, who was the other neighborhood rep, and I -- it only starts an argument, because there's no recourse. You notify people -- a little bit that's been happening with remodeling notifications is we're telling people about things that will happen but we don't give them an option to do anything. And there's no way for a neighborhood to purchase that tree, to say don't take the tree down. We're just saying the tree is going to do down and somebody is paying whatever it is they end up paying -- \$9000, \$16,000, \$20,000. [beeping] Do I need to stop?

Hales: Need to wrap up soon.

Kincaid: One more quick thing. The other issue is that there needs to be some kind of certainty in the process. So, we heard in our last DRAC meeting that the fees per caliper inch could go up to \$600 in a couple of months because -- and so I don't know if that's addressed, and I think you're gonna tell me.

Fritz: Let me just dispel that rumor. There was a discussion at the Tree Oversight Advisory Committee about what does it actually cost to do the replacement value and the staff time, and it's more like \$600 per caliper inch. I will not be bringing any changes in the fee schedule to change the \$300 until we do the ongoing process and we see if these changes work. I have no intention of bringing even a minor change to Council in the near future.

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Kincaid: And then that would dispel all the fears people have. In summation, I believe DRAC will support the Fritz-Saltzman proposal how it is, but if there's -- and because it has a sunset, but maybe look at that notification process for 14 days because I don't know that 14 days gives somebody plenty of time to react but they really don't get to do anything when they react, they just get notified something bad is happening.

Hales: Thanks very much. André, welcome.

André Baugh: André Baugh, Planning and Sustainability commissioner. We did a review of the proposals. And to start, we had two proposals. We found it honestly difficult. We had one from the Bureau of Development Services and we had one from Parks, and commissioners just found it an odd and difficult process. But at the end of the day, we really did understand and we believe the current regulations do not -- you know, we think support the community view and ensure tree preservation. So, we're supportive of some kind of change and that change today being a stopgap measure, as we proposed it, but we really -- and I do want to emphasize the reason for the -- in our proposal -- looking at a sunset date was to really push to get a full vetted review of Title 11 and come back and look at some of the actual costs of tree mitigation and some of those things. We had concerns to affordable housing and to minor issues that may be affected by a homeowner, but we did at the end of the day really look at tree preservation.

The other part I want to thank BDS for giving us some information. You've seen the chart of diameter trees and preservation. The proposal A in front of us was the Parks proposal. Proposal B was the BDS proposal. Our approach was to modify B a little bit versus trying to recreate a wheel. So, we looked at the chart of diameters, and thought 36 inches was kind of our starting point from that. We looked at the public notice time and thought that 30 days was ample, we should move it to 30 days. We just thought, you know, a neighborhood association included in that notification process gives someone time to -- it doesn't say how do you stop that removal, but at least gives time to format if they can a developer about other alternatives.

We also recommended that the amendments apply to the City and to street trees -- those City-owned or managed property. We did hear testimony from Bureau of Transportation. They said that they felt that the LIDs would -- that would be a hardship on the LID process by adding those costs. But at the end of the day, we thought everybody should participate in tree preservation, including the City on City land.

We also, again, looked at how do we -- at the end of the day, we want that full review of Title 11 and full vetted process because part of our concern and just part of our discussion was we had two hours to look at two proposals, hear from testimony, and come up with a third proposal, and the lack of kind of public process to get there was of concern to some of the commissioners, including myself. And you know, full vetting of Title 11 will give us maybe the same answer or different answers, but we really didn't touch the BDS proposal down below when you look below there. We stayed with \$300 and inch. We basically kept the formatting, but as we got up, we increased it. We felt the burden -- capped the burden at \$9000 for the trees. But there was a lot of -- we had a lot of questions that we couldn't answer because of the short time frame, but as a stopgap measure, we felt we could move this on and send it to you for review.

Fritz: Thank you.

Hales: Questions for these folks? Thank you both very much. Appreciate your help with this.

Fritz: Do we have anyone from the Urban Forestry Commission?

Hales: Come on up.

Fritz: Just give them to Council Clerk and she can pass them around.

*******:** I have extra copies in case anyone else would like to see this.

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****: Likewise.

Fritz: And if the two of you could keep your testimony to five minutes, that would be very helpful. Thank you.

David Diaz: That's right. My name is David Diaz. I'm a scientist with Ecotrust and I've served on the Portland Urban Forestry Commission for two years. Thank you for inviting us to provide our comments to you today and for holding this hearing to take some emergency measures to address some glaring shortcomings in Title 11.

The Urban Forestry Commission would really like to commend this new proposal for establishing several key principles. In particular, these include providing a meaningful time frame for public notice, the recognition that larger trees provide a greater value of service than smaller trees and that should be reflected in the mitigation schedule. And although there's still no circumstance where trees are required to be preserved in the City code, this proposal recognizes that especially large trees are of such value that we cannot permit any significant trees to be removed without a disincentive and at least partial mitigation.

Vivek and I were selected among the 10 UFC members because we're the data geeks. With that in mind, I'd offer the following suggestion to improve this proposal based on an analysis of data on the value of services provided by trees, the results of which are summarized in that handout in front of you. These improvements to the proposal would ensure the tree code more accurately reflects the value of our trees and the values articulated in our own City code.

In Title 11, the intent of tree preservation requirements were spelled out clearly in the commentary. Mitigation rules for tree removal were designed, quote, to offset the loss of the established tree and time lag for new trees to provide benefits. The mitigation schedule proposed in this proposal for 36 to 50 inches trees offers a trivial disincentive relative to the value of development projects and it would present widespread unmitigated losses from the removal of significant trees. In non-development situations, Title 11 permits the City Forester to require inch-per-inch mitigation for trees that are 20 inches or larger. This newest proposal would establish a maximum of eight saplings following the removal of trees that are 36 inches in diameter. This is less than half of what would be the case under inch-for-inch replacement, which the UFC unanimously recommended and which may otherwise be required in non-development situations.

In the policy brief in front of you, I have illustrated a comparison of the mitigation scenarios now proposed versus the inch-per-inch recommendation of the UFC. This graph shows the accumulated present -- that is, future-discounted -- value of ecosystem services from a 36-inch Douglas fir tree if it was removed in 2015 and the value of service provided by the trees planted in mitigation. Under all of these scenarios, it takes more than a decade for even the most ambitious plantings to resume providing services at the rate of the removed tree. When you also continue the time lag of those services, as Title 11 originally intended, even inch-for-inch mitigation takes decades to mitigate the full present value of services that were lost. In the mitigation schedule proposed here, losses are only mitigated if all replacement trees are large form trees, and it will still take more than 50 years. Now consider not only the average life span of urban trees is 10 to 20 years, but also the trend we're observing across the city is the removal of large trees and the replacement with small trees.

This is a vicious cycle. We urge you to strengthen this proposal to ensure all trees 36 to 50 inches in diameter permitted to be removed are subject to inch-for-inch mitigation. Anything else will put entrenched, unsustainable losses into the City code that was specifically supposed to preserve them. Thank you.

Vivek Shandas: Hi. I'm going to build on David's comments. My name is Vivek Shandas. I serve on the City's Urban Forestry Commission. I'm also a citizen of Southeast Portland,

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research director for Institute for Sustainable Solutions, and a faculty member at the Toulan School of Urban Studies and Planning at Portland State University. I'd like to read a statement that builds on David's testimony in less than two minutes.

I begin by asking you the significance of the number 11. You might think that it has to do with the title that we're talking. About as David was talking about, we have done tremendous analysis of city trees using a very recently acquired LIDAR data set, and 11 is the number of trees greater than 200 feet tall -- we're not talking about DVH here -- but greater than 200 feet tall that are on private property in the City of Portland. Compare that to -- that represents three percent of all the trees in the city that's on private property. Large giants. Compare that to the 97 percent of trees -- about 811 total -- that are on public rights-of-way and parks that are City-owned land. These large trees -- the larger the tree, the greater likelihood -- as you saw in a previous graph -- that it will be on public land. I have a figure there to show you just as you go from 50 feet to 100 feet all the way to 200 feet and above what the ownership of those trees are.

Now, large trees matter to the health and well-being of the citizens of Portland, and that's the argument that I want to make today. The City has an obligation to protect these remnants of Portland's past. Our research group has found that Portland's urban forest provides up to \$24 million in public health benefits through improving air quality. We believe this to be a highly conservative number. They can also help in discovering the distribution of pollutants, as we recently learned through the controversy about heavy metals of arsenic and cadmium in Portland's air. Second, our large trees are a direct line of defense against extreme climate events, which are predicted to increase in magnitude, frequency, and duration. Large canopy vegetation, for example, can reduce temperatures by upwards of 15 degrees Fahrenheit, which during a heat wave can be the difference between life and death among the city's most vulnerable populations.

So, the tree code represents a significant opportunity for us to improve the health and well-being of our citizens. The current code does not value our urban forest for health, economy, infrastructure, or quality of life. If Title 11 can help save the 11 remaining giants on private property, it can surely conserve the majority that are on public land. Thank you.

Hales: Thank you both. Questions? Thanks very much. Is that it for invited testimony? Alright, let's move to the signup sheet, please.

Moore-Love: Twenty people signed up. The first three, please come on up.

Hales: Good afternoon. Welcome.

Jim Labbe: Mayor Hales, City Council, thank you for the opportunity to testify. My name is Jim Labbe. I served on the citywide advisory committee that developed Title 11 and also in the last year the oversight advisory committee. I want to thank Commissioner Fritz and Saltzman for putting together a proposal that I think represents a genuine effort to responding to the community's concerns. I know from looking at Title 11 last year there's a lot more to do and we need to stay on them, especially as City projects go forward around the comp plan.

I want to support the Urban Forestry Commission's testimony, Audubon's testimony today in terms of improving this proposal, but I want to focus my testimony on really one key issue already heard a little bit about about a key weakness. I think it's important to be addressed in this is the decision not to apply the graduated mitigation standard to City street trees, publicly-owned trees. I think you can understand -- appreciate the politics -- why I think that's bad politics in terms of holding the City to a lower standard in a city that really should be holding out a higher standard in terms of its own operations. And that was a key recommendation of the oversight advisory committee -- that the City should really set an example.

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But practically, too, it's really important that, just like developers, the City bureaus need to incorporate the value and cost of trees into their design, their budgets, and into their overall proposals. This is about really integrating trees into how we build and design cities. So, I think we could hold the bureaus to the same standards that we are as private developers in development situations and still retain the flexibility that's in Title 11 for them to meeting that mitigation standard. Title 11 already has allowances for the bureaus to work with the City to plant their own trees instead of paying a fee in lieu of preservation. And I think that for bureaus like BES, in particular, that makes -- for all the bureaus there's opportunities to do that, and I think you can hold the same standard but be flexible in terms of how those trees get planted. It doesn't have to be Urban Forestry. You know, it's often claimed that the bureaus -- I guess that's my time.

Fritz: You still have 30 seconds.

Labbe: There's more of my written comments, but I think, you know, the trees are complex but the politics are making them unnecessarily complex. I think in this issue in particular is a good example of that -- that making these little exceptions -- it compromises integrity of the code and the fairness of it and it also just makes it more complex. Thank you.

Hales: Thank you.

Fritz: So, Mayor, I'm sure we'll get more testimony on this. It might be helpful if I give some context as to why the proposal is this way. Part of it is that -- I agree with you. And part of it is that the rest of the Council agrees with you and I don't want to be the Commissioner-in-Charge of a bureau that's going to cut down a great tree like one of these, because I know I'm going to be held accountable by the community. It doesn't take an incentive of \$15,000 or \$50,000 or even \$100,000 or however much the cost will be, I'm going to hear from my constituents and be held accountable that way. And so, part of my comfort in putting this forward with Commissioner Saltzman is there is significant concern from the utilities, from PBOT, that there would be a huge increase in expense in some situations. And so they and the Council, I believe, want more time to be able to figure that out. But there's a separate mechanism for Council to be able to be held accountable and for bureaus to be held accountable compared with private developers. You may not agree with that, but I just wanted to frame it.

Labbe: Yeah, I hear that. I think the key is when it gets down to planning and budgeting, into nitty-gritty of developing projects, having that incentive there versus obviously the political feedback system, which is --

Fritz: Well, I know it's hard for community members to always accept that bureau staff actually are Portlanders who care passionately about trees, too, and will do as much as they can to avoid especially large trees. In my experience, that's been the way projects have been designed. And so that -- as I say, we may not agree on this issue, and it's certainly something that I would expect an ongoing process to look into. That's why the proposal is on the table. If the Council having heard all the testimony wants to change it, we should have that discussion.

Novick: Commissioner, I would like to add that what PBOT explains is that in a number of cases, you have trees planted in the right-of-way without approval. They were illegally planted there, they are there 20 or 30 years later, and the question is should PBOT have to pay out of its nonexistent budget a lot of money in order to make sure it can build a sidewalk that makes it possible for people to walk and reduce their own greenhouse emissions and make it safer? Should PBOT have to pay a lot of money and move money from one City pot to another -- which is what we're talking about -- because of a tree that was planted illegally years and years ago?

Hales: We're going to give you a chance to weigh in on this now.

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Shawn Sullivan: My turn. Mr. Mayor, Commissioners, my name is Shawn Sullivan, I'm development manager for Cedar Sinai Park Robison Jewish home renovation, and I think Commissioner Fritz coined it as an unintended consequence. That's my project.

We submitted for permit in the spring of 2015 for substantial remodel, renovation, and addition to Cedar Sinai. We did that very intentionally because it's built on a hillside, it was originally constructed in 1954, we know the soils are extremely sensitive. And so, our timing was to get into the ground well before the rains. When Development Services got past eight weeks without our check sheets all getting back, we tried to change our direction and we went in for a site development permit. As you might know, when you go for a site development permit, it stops your permit process. They won't do both simultaneously. We were told that the site development permit would take approximately three weeks, but they understood our sensitivity and our client -- our client is a nonprofit serving Medicaid, elderly, continuing care. They didn't want us to be into a position of exposure and that we could expect maybe an expedited process to beat the three week time period. Unfortunately, that three weeks took closer to about nine. The reason was because no one -- I can't say no one. Let's just say it was a great struggle between our team, which were arborists and award-winning landscape architects and architectural firms, and meeting with people at the City and Development Services that were the planners and the planners administrators. They couldn't seem to figure out how to work through the dynamics of Title 11.

In the end, that delay did push us into the winter. We went as fast as we can go, but unfortunately, right when we we're building our last retaining wall, we had that inch and a half of rain in September. It washed the hillside down and we had a \$250,000 change order and about \$60,000 in delays, which makes me sad when you have to go back to a nonprofit and say, "by the way, there goes a big chunk of your contingency."

During the process of going through Title 11, I truly struggled with how people were trying to work their way through the process. I had my team go in and sit down with Development Services. They met. I said, "Please, just figure out whatever it is we have to do. Let's just get to the completion of this. We'll change things. We'll remark things." But when it finally came back, it was Development Services' recommendation that we eliminate three of the trees that we were trying to save, take them out of the Title 11 consideration, pay the fee for the mitigation, and then it was up to us if we wanted to turn around and save them. So, that was one of the actions which we took.

I think that as we talk about trees and we talk about what you're doing here today that there is the process. I felt Development Services was unprepared, maybe unknowledgeable about how to pull the process through, how to apply that to a project. And as much as my consultants I thought were expert at it, I think they did too. And the loser in all of this was the nonprofit that just wanted to build an expansion.

Fritz: Thank you for your testimony. I apologize for the challenges that were experienced when working through the new code and what happened on your project. We will be looking at that in the ongoing process to figure out what kinds of things need to be changed in the overall process. I appreciate your testimony.

Hales: Thank you. Welcome.

Jordan Winkler: Hi, my name's Jordan Winkler. I'm going to talk about one shortcoming of Title 11 in particular, and explain my situation in which Title 11 is so inflexible that it bars Urban Forestry from considering at all the merits of our proposal to remove trees that will eventually be cut down in any case and transform them into art and sculpture to be incorporated onsite in a development that we are working on.

My company, Gabriel 45 LLC, owns a development site directly across the street from the Southwest Community Center in Gabriel Park. The site is bisected by the

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unimproved stub of SW Florida where what it would have connected to is already vacated. And we put in to vacate this. Start right there at the moment. In the center of the unimproved right-of-way and near the center of our development site are two trees that will need to be cut down either when there's development on the site or when the City eventually would build a road to nowhere, which seems pretty unlikely.

But as an alternative to inevitably turning these trees into bark dust when they're removed, we would like to salvage them now and repurpose them as material for art and sculpture. They would be installed in our development like an advanced form of recycling. We're working with Pacific Northwest College of Art and the Oregon School of Art and Craft to fund a curriculum for their artists and their students to take the trees and turn them into, you know, whatever creative uses in terms of public art or part of architecture that they come up with. And we think this will be like an innovative model for balancing on the one hand the need to preserve and honor Portland's natural heritage with the real needs of infill development on the other hand.

And we hoped this would produce public artwork and jump-start a cottage industry for local artists to replicate it in new construction, you know, on various onsite trees. But because of the long timeline involved in curing trees and preparing them to be transformed into artwork and the need to install them as part of a construction process, we applied in advance of the street vacation and in advance of the development permit to remove the trees and our application was denied. But it wasn't denied based on the merits of our concept, because Title 11 prohibits Urban Forestry from considering our concept or any concept at all. The sole criteria in this case is whether the trees are dangerous, dead, or dying. In the end, because we can't remove the trees now, I think we'll have a much worse outcome and I think that it sort of unduly limits the discretion of City staff to weigh what's in the public's best interest versus this very inflexible set of rules. Thank you.

Fritz: Thank you. That also is a new issue brought to our attention and something that the ongoing process could well look at. Appreciate your testimony.

Hales: Good afternoon.

Robert Bernstein: Good afternoon. I'm Robert Bernstein, Southeast Portland homeowner. Thanks for this opportunity. I was part of the group that helped protect the big sequoias in Eastmoreland and I saw a picture this past week of a pair of eagles perched atop them, which was pleasant to see.

So, my understanding is that Title 11 is part of the implementation of the Urban Forestry urban forest plan, and the wording there is "protect, preserve, restore, expand our urban forest." It's nice words and it's something to feel good about if it actually occurs. So, shortly after the sequoia incident, there was a news article that I saw in one of the stations about a woman, a mother, who was almost a victim of a carjacking and her child was in the car. Unfortunately for the carjacker, she actually chose to protect her child. She didn't ask the carjacker, "Hey, can I get a smaller child somewhere else as mitigation or something?" No. She unleashed a can of you-know-what on him and sent him packing. There's a huge difference between mitigation -- which is gobble-de-gook to me because it's not real time, and you've heard that before -- and sort of makes you feel good but it doesn't real do anything in many situations. We didn't even know the survival rate of the mitigated trees. You know, we're going to be facing more and more drought years. I would like to see all trees valued. You're not going to get to that size tree unless you take care of a 12 or 20-inch tree. It doesn't take a brainiac to realize this.

In the Portland Plan, it states no loss of habitat, and we have lost hundreds of acres to infill. We've lost tons of bird habitat, squirrel habitat. You know, those redwoods when I was by them -- there were nuthatches, there were eagles, there were Stellar's jays. You're

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not going to find those in some little ornamental tree that somebody leaves on the property to take care of the one-third. It's just not going to happen.

In terms of accommodating growth for Portland, I think it's a red herring. I think that greed will dictate how much houses go for. The demand is so high that all you will do -- because this is not a closed system where there's 10 people moving in going to 11 houses and that will drop the pricing. That's not the way it's going to work. There's thousands of people who want to come. All you need to do is cheapen the standard of living, the quality of life for Portlanders. Part of why housing goes for a lot of money here is because of the trees and the greenness of Portland. It's a community resource, it should be treated so, and we should incentivize people for leaving trees not just have penalties high enough to hopefully -- and I don't even think that would work for 50-inch tree in a development situation. It would still be worthwhile, crunch the numbers, for a developer to take out that tree.

Hales: Thank you very much. Welcome.

Darvel Lloyd: My name is Darvel Lloyd and I live in Southeast Portland. Thank you very much for holding this hearing to decide on these stopgap measures. Even though I am very distressed that, except for designated heritage trees, two-thirds of all the trees large and small in development situations are still legally unprotected. However, in the interests of time, I urge you to adopt the Urban Forestry Commission's recommendations for immediate stopgap amendments but I would even go further -- may be too late now, but I'll throw this out. Lower the proposed new mitigation threshold for large trees to 20 inches in diameter instead of 30 inches. This will include many more mature tree species in the one-third preservation standard. A lot of species don't even get to be 20 inches in diameter.

The public notice requirement should be increased to 45 days I think rather than 30 days because there's so much -- it's so complicated to get through it and to get an appeal going with a neighborhood association and so forth. I agree with the Portland Audubon that all trees greater than the 20-inch tree threshold that are not designated to be preserved should be subject to public notification standards and the mitigation schedule and based on the inch-for-inch planning replacement using a graduated no-cap system with larger fees that are now in effect.

These new preservation and mitigation standards should be applied to trees on commercial and industrial lands as well as City and street trees -- although, after hearing about the costs to PBOT, I'm not sure if this is OK. The amendment should be applied to lot sizes down to 3000 feet, I feel. A comprehensive review of Title 11 must be made as soon as possible with added amendments that will truly preserve the City's mature tree canopy rather than just mitigating for its loss. Recent studies have proven that preservation of large trees instead of planting new saplings brings in a much larger return on investment for the City, the neighborhood, and the affected property owners. New homes and other buildings must be designed to include existing mature and older trees rather than excluding them.

In closing, you all know the overall value of large trees to our fragile, rapidly-warming environment. So, we must strive to preserve all the existing tree canopy at all costs. Thank you.

Hales: Thank you. Welcome.

Sam Noble: Good afternoon, Mayor Hales, Commissioners. My name is Sam Noble, I also live in Southeast Portland. I want you to know I'm not in the business of developing property. I work with computers. I really like trees, and so that makes me incredibly conflicted about my testimony here today.

Every proposal before you tying mitigation fees to tree diameter is going to hurt me in particular and probably be detrimental to the long-term development of the canopy by

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dis-incentivizing planting of large trees in the first place. In 2014, I bought my current home on Mt. Tabor specifically because I was able to purchase an adjoining vacant, buildable lot. The vacant lot has several trees with a diameter of about 20 inches and another that may reach a similar potential. None of these trees are more than 20 or 25 years old. I was told one of the larger trees is a Douglas fir. It's a really beautiful tree. I can't tell you its growing potential, but I think it could get really large.

I have no plans to build anything. I wanted space for an unshaded garden, for my dogs, maybe for my kids to play someday. Please understand an empty buildable lot is an expensive thing, one I could only afford because I expect it will still be in demand when it's time to move. But a developer will know which trees to be removed and how much they're worth. Any offer I get will take this into account. I really want to keep my trees, but every day I'm going to wonder if I can afford to let them get bigger. Large trees are lovely and amazing, but they're also a burden. They require significant maintenance, time, and money, and many of us consider this a fair trade. Currently, like, it's well worth my while, but please don't make them a financial liability as well.

Hales: Thank you very much. Thank you all. Next folks, please? Good afternoon. Welcome.

Ellen Gentry: Good afternoon. I'm Ellen Gentry and I'm representing the Multnomah Neighborhood Association. I'm here to urge your support of the Urban Forestry Commission's original proposal to -- excuse me, I have to get my glasses -- proposal to reduce the lot exemption from 5000 to 3000 square feet. Commissioner Fritz and Saltzman's proposals included some barriers to tree removal but it did not respond to citizen input and that of the local Audubon Society asking for reduction in the size of the lot exemption from 5000 to 3000 square feet.

We in Multnomah Village have seen several examples in which developers have built on 5000 square foot lots and have removed all the trees, including large, mature trees. And to illustrate the importance to the tree canopy of individual lots, a recent urban tree canopy analysis commissioned by the City of Portland -- the city parks department of Seattle found that most of the tree canopy growth in recent years has occurred on single family lots and their street frontage. All the city's parks and their street frontage accounted for just 21 percent of the tree canopy, while 63 percent occurred on single family lots.

The implication is that single family homes with lots containing mature trees are the core of the urban forest. So the question is, do we want to pack as much development into the city as possible while losing the tree canopy that's a signature of Portland and so important to the local environment? I believe that your decision about whether to adopt the proposal to reduce the exemption from 5000 to 3000 feet will reflect your vision for the future of the urban canopy, particularly as it relates to individual lots. Thank you.

Fritz: Thank you very much. That's certainly something I know the next project will consider. There are a lot of implications to changing the size of -- the triggering size of the lot which we discussed back in 2011, so it's not part of the stopgap measure but it's definitely something we can look at in the ongoing project.

Hales: Welcome.

Denny Barnes: Hi, I'm Denny Barnes and I'm representing Collins View Neighborhood Association where I'm on the board and I actually chair the Collins View tree committee. Yes, we have our own neighborhood tree committee and we like to say Collins View is a neighborhood where trees have standing. [laughter] We would like to keep it that way, but are horrified of the destruction of our native evergreen canopy these days, and the current tree code has really failed to protect the many majestic Doug firs and cedars and other native conifers that stand over our neighborhood, and this destruction is really affecting the quality of our lives.

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Let me just say while we recognize the Fritz-Saltzman proposal is definitely an improvement, we feel most comfortable with the Audubon Society's proposed amendment that would afford the most protection. The things that our neighborhood association is really concerned about is we're not getting any notification. Most of the proposals seem to mandate 15 to 30 days. Gentleman had mentioned 45 days. That would be even better. It was said, "Why in the world do you want to notify the neighborhoods because they can't do anything anyway?" Maybe not with the City, but we definitely can talk to the developers and talk about mitigation. We now have a grant from the Southwest Neighborhood Inc. to plant native conifers. We're trying to plant them faster than they are being cut down and I'm afraid we're not making that standard yet. So, we need to work at preservation as well.

Allowing two-thirds of the trees in a developmental situation to be cut down without consequences -- it's numbing. We don't understand that at all. We think all trees should be mitigated for. Twelve hundred dollars doesn't begin to represent the value to our neighborhood. Adding mitigation based on caliper inch will improve that a little bit, but we're seeing a dramatic changes. We're seeing summer temperatures going up and December rains. We're seeing flooding, because the big conifers are really good at mitigating stormwater runoff. They hold a lot of rain in the canopy and the roots suck up a lot of water. With rising commuter traffic through our neighborhood going to Lake Oswego, we're seeing more traffic noise, more air pollution, and of course big native conifers mitigate all that. We're supposed to be a critical link in the westside wildlife corridor. Well, yeah, we take that seriously between Tryon Creek and Riverview. We would love to get help in protecting these big Doug firs and cedars and hemlocks and grand firs that are so important. Thank you.

Hales: Thank very much.

Jo Brody: Hi, my name's Jo Brody. Thank you for this hearing. I spontaneously came here when I read it in the Southeast Examiner and I definitely wasn't planning on speaking. I'm an artist in town. I live in Mt. Tabor. I value birdsong and the canopy that I live under, and I think things are happening faster than we can even imagine. Yesterday, I drove down Hawthorne and saw a row of stumps that were about 36 inches each. And everywhere I look in Portland, this is happening. I can't write it down fast enough the number of incidences where trees are disappearing.

I'm here because I'm a visual person. I work in symbols. Trees are a symbol of our humanity. They're like standing sentries to our experience as humans. And I think what I want to reiterate is the specifics of what people are talking about lowering the lot size requirement for people to be -- that they're allowed to cut down trees. There's a very small subdivided property in my neighborhood that a very large -- probably 30-inch tree is going to be cut down on Mt. Tabor and I've eagles and hawks nesting there. I would really recommend you get as dis-incentivizing as you possibly can because what we're talking about is preservation.

We live in this city because it's different and special. We live in a forest and we all appreciate it. My personal project is that I'm going around researching heritage trees and documenting them visually, documenting the things that happen under trees every day -- conversations, love stories -- and these trees were planted when these neighbors, the burrells planted the elms opposite the art museum -- they had no idea their tree would grow into an incredible canopy unto itself. It's a statuesque tree. And if we don't preserve these tiny 20 foot trees that the developers can just wipe away with a dollar sign, we're going to look around in 100 years -- and we all need to think about this -- and we're going to find that we're just like every other city. I look up to see those two trees standing in the mural and I realize that Title 11 is a symbol. The one and one look like a giant tree.

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We are all here for the same reason. We love Portland. I want you to be as stringent and outrageously diligent as possible in requiring developers to do the best they can. Because they will take what they can get. And I understand that. It's a dollar sign world. But let's just absolutely be reminded that we live here because it's special, and please, be as outrageous as you can in your requirements. Thank you.

Hales: Thank you. We'll try to apply outrageous diligence to everything we do. That's a good term. Thank you. Welcome.

Greg Snider: Hi. My name is Greg Snider. I live in Southeast Portland. I'm part of the Mt. Tabor Neighborhood Association although I'm not here representing them. I also notice this beautiful painting up here. I wonder if those trees are still there under the current code. I doubt it.

It's been very troubling watching what's happened to the Portland tree canopy since I have lived here for the past 19 years. It is currently just under siege. While a property owner may technically own the physicality of a tree, they do not own the effects the tree has on a neighborhood. This includes the creation of oxygen, carbon sequestering, cooling shade, neighborhood property values, the air cleaned by the trees, habitat for birds, mammals, animals. And these effects may go back decades and generations.

And I was thinking about it coming over here, like, how bad is this crisis? I think it's so bad, this summer somebody held hostage three giant sequoias and extorted ransom from a neighborhood. I'm a pretty cynical guy, but I never saw that one coming. It's unbelievable. So I have -- I think that fines are not a deterrent. I don't think this plan is a deterrent. Those size trees are all still for sale. Money trumps all. And you can lay those on a developer and that just comes out of their cost, I mean, it's not going to protect trees. Maybe one or two won't get cut down, but this is not what I would call protection. This is for sale. Trees are still for sale.

I would say that what should happen is there should be a requirement that no tree over a certain diameter -- whether that's 36 inches, probably that's a good place to start, or 24 inches -- be allowed to be cut down for development. If a tree is on your property that you want to develop on and it's over that size, you can't do it. And maybe you should just find another place to build your building. If you do cut it down, you are not fined -- it becomes part of your permit, you are not fined and your permit is denied and rescinded and you're not allowed to renew it. That is the only thing that is going to stop people that would hold trees hostage. That is the only thing that will stop greed in this case.

The idea of having notifying the neighborhood -- neighborhood associations meet once a month. You know, a clever developer might just, you know, mention that they are going to take down this tree the day after a neighborhood association meeting. Thirty days rolls around, what can a neighborhood association do? Really, they can't do anything based on this new plan anyway. It doesn't really give them recourse to stop the tree. The best they can do is what happened in Eastmoreland, and people would have to take to the streets. I ask you to look at this again and realize what this really is.

Hales: Thank you.

Meryl Redisch: Good afternoon. My name is Meryl Redisch. I'm currently serving as chair of Urban Forestry Commission and I also wanted to say thank you and great appreciation for taking really positive steps toward addressing this really difficult and complex issue.

I participated in the planning, revision, and the crafting of the original tree code five or six years ago. I was really pleased at how well the Urban Forestry Commission collaborated with the Planning and Sustainability Commission to produce a document and a new code that has a lot of good things in it and things that are working really well. And I'm willing to do that again. That said, I wish I knew then what I know now. And if that was

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the case I would have taken a stronger, more activist and stood more firmly on the things that we compromised on and I personally compromised on back then.

So today, I have another opportunity to do just that -- to take a stronger, firmer stand and really urge you -- strongly urge you -- to reconsider and look at the Urban Forestry Commission's recommendations, mitigation at inch-for-inch starting at 36 inches, the amendment to apply to City and street trees. You heard Vivek and David's rationale and research and reasoning for why we put forward that recommendation, and I ask you to think seriously about that, be open minded, and take action. Thank you.

Bob Sallinger: Good afternoon. My name is Bob Sallinger, I'm the conservation director for Portland Audubon Society. First off, I want thank you and all the other folks that have worked on these amendments. I know a lot of work has gone into it. I'm going to echo some things that have already been said today. You have our written comments, I'll repeat some of them here.

I think there are some good things in this proposal but also some things that still need to be remedied. One is the inch-for-inch over 50 fee. That should be lowered to 30. Fifty is just too big of a tree. How many 50-inch trees do we have in this city? Very, very few. If you lower it to 30, you'll still only capture 20 percent of the trees in the city. And also, I think there is an equity issue here. You only find trees like this in very, very well-treed, fairly wealthy neighborhoods. They don't exist in poorer neighborhoods. I live in King neighborhood. We have very, very few trees. And in over 10 years, I have watched most disappear. If you don't regulate down to 30, you're basically leaving those neighborhoods out. The ones who have the least will also continue to have the least protection, and they're the ones that need it most as our urban heat island becomes more and more exacerbated.

These regulations should be applied to all bureaus. We'd like to see BES allowed to mitigate itself, not pay into a fund, because they do a tremendous amount of tree planting. I hear you, Commissioner Novick, but nonetheless, we do need to hold City accountable to the same standards we hold the community accountable to.

I want to point a couple of things out here in terms of Dutch elms. The City now is proposing to cut the Dutch elm program. And that's not on the agenda today, but it's part of the five percent cuts for Portland Parks, we're going to cut the Dutch elm inoculation program. The Dutch elms are some of the biggest, most valuable trees in our city. If we cut that program, we will lose 3500 of the biggest trees in our city within three to five years. Everything we're doing here today becomes a complete and utter joke. If we do fund that program, we can preserve those trees for at least 60 years, and that allows us to do replacement over time. It's sort of amazing to me that at the same time we're having all this consternation about trees, the City is also proposing cuts that would devastate our urban tree canopy. So, I hope we take a really careful look at that in the budget cycle.

Last thing I'll say is we need a tree preservation standard. I agree with the gentleman to my left here -- some trees should simply not be cut. Some are too valuable, and we need to find a way to get there. We protect other things -- historical sites, historic buildings -- let's protect the trees that are really incredibly valuable so they can't be cut, period, so that we can't be extorted, and so we can say some things are so valuable that we can't put a price on them, we're going to preserve them because they matter to our community. Thanks a lot.

Hales: Thank you all.

Novick: May I just take the time --

Hales: Of course.

Novick: Two things. One, I noticed the Dutch elm cut in the proposed five percent cuts, and I totally agree with you and I'll do whatever I can to make sure that cut is not

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implemented. On the equity issue, I hear what you're saying, but there's a competing equity issue which is that the parts of the city without complete sidewalk networks tend to be the poorer parts of the city, too. So, there's something of a tradeoff between our ability to put in sidewalks where people who need them and the cost of tree mitigation if we adopt the proposal we're talking about.

Sallinger: I think we're sophisticated enough to do both, honestly. I mean, I think there are places where you have to figure out how to do it and how to balance those things, but we pit these things against each other too often. It's disturbing to me that the environmental resources and the neighborhoods that need them the most -- often because those are poor neighborhoods, that's used as justification for not protecting them. We need to find incentives and funding so that we protect those things along with things we need to do to make those neighborhoods more functional.

Novick: Funding is a key part of that.

Sallinger: Funding is.

Hales: Thank you very much. Welcome.

Elizabeth Collins: Thank you. My name is Elizabeth Collins, I live in Northeast Portland. I got very interested in trees when this was cut down a block from my house and the resulting house that was built looks like this. No shade, big bloated couple of houses instead of this massive hemlock and oak. That's when I became concerned. But my talk is about the mitigation issues.

In this case, they mitigated with a few flowering deciduous short trees, and in my opinion, that is not equal value to those two trees that we lost. They don't have any value to wildlife. As people have mentioned with the tall firs, they have eagles and hawks living in them. But it's more than that. The insects care, the birds care, the mammals care. And if you mitigate with a little tiny plant like that, it provides zero habitat for the species that rely on the big, old firs, hemlocks, cedars -- everything we care about.

My wish is that mitigation required inch-for-inch replacement but that it took into effect the mature size of the tree that's planted instead. If you can mitigate with just an inch, you could plant 100 little trees that account for no habitat. Whereas, if you care about the mature size you may only have to plant one or two. But in the end, they will provide far more habitat than a dozen little flowering pears. So, my wish is that the mitigation be reevaluated to provide better end result for the habitat.

Fritz: That's a really great suggestion which I think should be considered in the next process. Thank you.

Hales: Thank you. Welcome.

Robert Buhl: Hi, my name is Robert Buhl, and I'm sorry, I didn't know that I was going to get to speak today, but I want to thank you and also I want to congratulate each and every one of you for the work you've done for the City. I know you have to deal with a lot of different people. So anyway, I'll try to make something out of this. I have heard some really good speakers today, except maybe the two builders that left early for some reason. You know, you go by some of these areas of development you see whispering pine, tall firs, wandering oaks, and there's nothing there. There were trees that were once there. They have these non-native trees planted there now.

I'm working with the Audubon Society in my yard. I built my own house back in the early '90s. I had 18 tall Douglas firs and a lot of maples. I didn't have to cut anything down. They can do it, you know. They may have to take a shovel out to dig around some things rather than taking a big piece of equipment and just destroying it.

I also have a concern like a lot of these people I've heard today. We're seeing big box houses all around -- not just in my neighborhood, which is Multnomah Village, Gabriel Park area. And they immediately come in and cut every tree all the way around the

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perimeter. They're gone. I don't know why we can't limit footprint size of a house on a lot. I would like to see limit size of houses, period, for the carbon footprint we are just creating -- not just displacing trees immediately there but all the materials that they are taking to build these houses, energy costs, transportation, the whole nine yards.

I know the city has a lot of people are moving in here. I'm not against people moving here -- I love it, I grew up here. But we can't just tear everything down and keep building and say we can pile more and more and more. I worked 37 years in the construction industry, I worked in everything in this state, lumber industry, but I'm also an environmentalist. I believe in conservative conservation type of growth. Like I say, I love trees and birds and wild animals, and the people that talked, the two gentlemen earlier -- Ecotrust gentleman, the other -- they no better than me but you cut down one big Douglas fir tree, you can send it to a mill, it's worth about 100 times more being alive than a dead snag you'll get out of it. That's about all I have to say. I just commend everybody here today.

Hales: Thank you. I think you'll be happy to know we have a task force of citizens working on a revision to our zoning code that will come to the Council later this year that deals with the mass and bulk of infill houses.

Buhl: Thank you.

Paul Grove: Mayor Hales, members of the City Council, for the record, Paul Grove, Portland Homebuilders. I'm here to talk about the proposal today and appreciate the opportunity to testify. I realize it's a very difficult spot where folks are at on this, and appreciate Council's effort to try to reach a compromise, solution on this. You've heard a lot of testimony today. I want to highlight a couple of items with respect to the proposal and what we think would be enhancements moving forward on this.

The first item is around certainty and certainty in the process. I know folks have heard a lot about the process it took to get to this point and then revisiting the code moving forward. One of the items we would recommend that Council look at is the cap on those trees 50 inches or larger. We're certainly supportive of the initial BDS proposal, but would also welcome a visit to the enhanced I think it was \$9000 figure that came out of PSC on those trees 50 inches or larger. We would I think be supportive of something along those lines.

Certainly appreciate Commissioner Fritz's comments around the if Council elects to go down an inch-by-inch path on those larger trees. The intent is to not increase it to \$600 more moving forward. I would suggest, though, to ensure certainty in the process that if we do look at a 300 per inch measurement or feet, that that be tied and tethered to the sunset date and so that it's in essence codified and fixed at that \$300 figure.

Fritz: To clarify, I didn't say it was going to be for the next four years, I said pending the review that's going to be coming up very shortly.

Grove: I appreciate your clarification. That would even strengthen our suggestion to have something tied to that sunset date.

The second issue -- and it was touched upon earlier -- was the impacts to affordability. And I think we look at these policy issues in isolation too often and we have to look at these collectively and what these additional costs look like to the cost of a home. And frankly, they are borne out in those costs of a home and ultimately in the purchase price. And so, I think to understand that we have to have affordability at the tip of our tongue in any of these proposals -- whether it be trees or otherwise -- to ensure we don't have the unintended consequence of impacting housing affordability not just for current residents but for future residents, in particular, in that middle income housing range.

Fish: Paul, could I ask you about that? Because we tend to look at this question in terms of assuming there's a subtraction of a house from a property in order to accommodate

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development. I want to ask you the reverse for a second. When we bought our first home in Portland on a street in Northeast Portland that has 1920 -- the homes are mostly in the '20s, and a mature tree canopy. In summertime, the mature tree canopy is full and lush. In fact, it's one of the great selling points of the street because it feels complete and it has a sense of history. And I think that, emotionally, we were drawn to the house in part because of the trees in the right-of-way and the house, and it was the combination. Just my luck -- we bought the house and the tree collapsed into the house and then the City billed me for removing the tree, so it was my welcome to Portland moment. But it still was part of what drew us to the street, to the house, and to the -- so, turn it around for me for a second and tell us based on the experience of home builders, what's the value to a homeowner of having a mature tree and tree canopy as you develop homes?

Grove: Mayor Hales, Commissioner Fish --

Fish: You don't have to do that here --

Hales: It's a legislative act --

Fish: It's a relic --

Grove: I'm sure it's a terrible habit and one I would hope to break but unfortunately can't seem to. I can't speak for each individual owner and homeowner, I think that --

Fish: Just generally, because I think this sometimes gets lost.

Grove: I think it's fair to say individuals do have a connection to a tree. They see value in that as part of their kind of, I think, analysis, if you will, if they're looking at a particular property. I just will go back though, and I know you've heard from individual builders as well that have highlighted that if and when there are trees that are going down in these development situations, those get built into the costs and those will impact affordability.

Really briefly, two last items. I think it was touched on early as well, the density piece. We're going accommodate growth and we want to be mindful of these density objectives. And as part of that, we want to ensure that the policies are reflective of achieving those density objectives and the effective date. And I'm not sure what the objective is on this front, but I would suggest that we look at something 60 to 90 days out. I think for folks that have pro formas that they can build certain things into it. And I also think from a staff perspective, these things take time at the end of the day for them to ramp up and get up to speed on things.

We look forward to potentially partnering on issues with the City, whether it's the half street piece, whether it's the infill committee that Mayor Hales noted. And frankly, having been a partner with respect to the inclusionary zoning stuff down in Salem -- unfortunately under the proposal today, we can't be supportive of it, but you do know those items we think --

Fish: Mayor, may I --

Hales: Sure, please.

Fish: When you talk about certainty, we think of certainty in at least two respects. One is having code that's clear and easy to follow. And second, having code that's easy to administer at the staff level. We've had some testimony about some hiccups along the way in terms of administering the code. Do you have any suggestions for us in that area?

Grove: At present I do not, but I'd be more than happy to get back with Council on some suggestions.

Fish: Because I think it's both sides of the ledger. It's whatever changes the code that we agree to also has to be easy to interpret and easy to follow, regardless of where we land in terms of the restrictions. Thank you.

Buhl: Can I add something really quick?

Hales: Sure, go ahead.

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Buhl: Well, with our growth and everything, I'm just dismayed at seeing all the luxury houses -- people living good -- and I've never seen so many people in the city going up here living in tents. I see now you can walk from a nice neighborhood, you can walk down the street and see people sleeping in their sleeping bags there. It's just saddening.

Hales: It is, it is. I appreciate that. Thank you. Thank you all. Who do we have?

Linda Robinson: Good afternoon. I'm Linda Robinson and today I have a couple of my hats on. For the Hazelwood Neighborhood Association, I chair the parks and environment committee, and I'm involved on the board of Gateway One, the new name for the Gateway EcoDistrict. I wanted to mention that I, too, was one of the people on the task force that spent a year or two a few years back putting together this plan that led to the Title 11 new code. And it has changed a little over the time, and I appreciate the fact that you're trying to fix some of the -- one of the problems that seems to have come up as one of the major stumbling blocks as it went forward.

I did want to say one thing about the affordable housing kind of issue. People need both livability and affordability. I live in East Portland which is where we have a lot of affordable housing, and I live in housing that's relatively affordable compared to the rest of the city, and one of the criteria my husband and I had was we wanted a property with mature trees and we were willing to give up some other things if we could have some mature trees.

I was really concerned when I saw the charts about the jump in costs when you go from a 49-inch tree to a 50-inch tree. It looked to me like it was up to \$4800 for a 49-inch tree, but suddenly it was up to \$15,000 for a 50-inch tree. I have some concern -- particularly, I agree with Audubon Society and others that that area between 36 inches and 50 inches -- maybe it should be a little more gradually stepped up. It just seemed like a strange jump to me. And especially since a lot of trees never get beyond 36 inches, even when they're mature.

I would like to see this applied to City trees as well for a couple of reasons. In the Gateway urban renewal area, I think we're lucky if we have 10 large trees, and I would say at least half of those are on City problems. Some of those are on PDC property, which they have purchased for redevelopment. To me, those should be covered like any other developable property. I mean, I understand the limitations and concerns when there's one in the right-of-way that really shouldn't have been planted there in the first place, but these are properties slated to be developed, and the trees -- we have a very large cedar on a property that PDC owns. We tried to make it a heritage tree, they would have no part of it. They intended to cut it down eventually. So, I have real concerns about City trees not being covered.

Fish: Linda, can I just follow up on that for a second? Because you're describing a situation where PDC has land and then either sells it or leases to it a third party who develops it, which is a little different than the issue we've been taking up in terms of City bureaus as developers or taking action. I don't know whether the sponsors consider that distinction or whether that's something that merits a little more of a look. Because PDC technically doesn't develop things. It contracts with third parties and either sells land or leases land.

Hales: Right.

Fish: And I think you're hitting upon a third category, and I think we're all nodding because we're not sure where it fits. So, I think that's something --

Robinson: Because they own a number of properties in the Lents area, in the Gateway area, and many of those have trees of significant --

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Fish: And one of the things I'd want to know is because they start as City-owned property, do the rules that apply in essence pass through to a private developer, or was that our intent? Did the rules shift once it's been leased or sold? So, I think that's a great question.

Robinson: OK. And the final thing I wanted to mention was there are some people who mentioned how difficult it was to work through this process. Well, it's not nearly as difficult as many people ran into before we had Title 11, where the bits and pieces of the tree code were scattered here, there, and in many cases were contradictory in different parts of the City code. So, you know, there are going to be glitches when you have a new process, and I still think it's much better than what we had before. I thank you for putting it into place and for now trying to fix it a little bit.

Hales: Thank you. Welcome.

Catherine Garvin: Hi, I'm Catherine Garvin. Thank you so much for this opportunity to talk about something that's really important to me -- nature and trees in Portland where I was born. What's also important to me is a shift in how I perceive trees and why this is important. When my perception shifts to view trees to include values like safety, beauty, balance, and bliss -- four of my favorite words that make me feel really good. And what I feel is missing and what I don't hear being talked about, aside from the physical value of trees or the mental analytical part of trees, but the emotional and sacred self that trees contribute to a community, whether they are owned by public lands or private.

I wanted to make mention of this card my mom sent me. She wrote in this card that in 1915 Japan gifted America -- probably not Portland, maybe -- dogwood trees flowering cherry blossom trees to connect a friendship through nations by having the symbol of trees. So, it's an example of how not only is it just a physical thing that people can buy and sell and trade and whatnot and cut down and make things out of, it has a sacred self, too, an emotional self, a connection that we can't maybe contain in a box or put in a number. It's just a feeling that feels bad or good or what have you. So, that felt really good to me and I wanted to share that, so.

I promote the full life cycle of trees. I understand that trees don't live forever. But when trees die in the forest in a natural setting, they have long deaths. They help other things live after they die. They don't just go away, they leave roots in the ground and keep the soil with the microorganisms that create a setting for carbon to be stored and then oxygen to be released. So I wanted to bring this other really cool picture I got out of the news register in McMinnville. It says here the madrone tree -- it's called the life of a tree, but I kind of inverted it and I called it the tree of life. Here it is. It actually used to popularity this whole area along the west coast. And as you can see, it has frogs and raccoons and birds, and honey bees love this tree in October. It's a nectar-bearing honey bee tree and butterflies. So, I'm here to ask that we amend the code. I think it's just great that the people put in a lot of effort to do a good job and now we're at a point where we can amend it and include some more things like the emotional and sacred self of a tree. So, thank you.

Hales: Thank you very much for being here. Welcome.

Jessica Deltac: Hi, my name's Jessica Deltac. I'm here with two of my daughters. We home school, so our classroom is by and large outside of the home and outside of main stream education. We just moved here four months ago, and one of the things we were looking for are some old growth trees on our lot. So, I can speak to the question you asked the developer earlier. We also would take an annual trip to Sequoia National Park. So, when we found out this summer when we were making or plans to move here -- which, by the way, Portland won out over Maui for certain reasons that the people voted fluoride out of the water. I was so impressed to be potentially with a group of people who can collectively get together and who, you know, can change referendums and change policies based on actual data and studies that are done, and not necessarily go because it's

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whatever commerce is leading. And so, part of reason why when we found out this summer that there was three sequoia trees and they were threatened, we got as involved as we could from the distance that we were. It just so happened we were here this summer on 41st and Clinton and watched one of the 100-plus year old Douglas firs cut and it was really, really sad movement. What was even sadder was that in order to protect the other ones on the corner of a lot -- which if you were developing a normal house, that corner lot - it would be hard pressed to say the roots in the very far corner are definitely going to mess up the construction. I know that's part of the issue with the developers. And it's easy to say let's just cut it all out so it doesn't mess with the foundation. But what was scary is the fact that in order to protect those trees, I had to go against the legality of the City to be able to stand there, prevent people from doing their job to take down the other trees. People there were to cut the trees, they are getting paid, that's their job. There are all these people involved in the cycle. But unless you have something in place, I want to protect these large heritage trees for my children. I mean, part of their education comes from understanding biospheres and how we're all interconnected and how, like she was saying, the roots, the way a tree decomposes -- all of these things are a part of what makes this such an amazing place. The reason why we moved to Portland in part is the trees. And to think that these amazing trees that are over 100 years old are threatened -- and we watched one. That Douglas first was 105 years old. I mean, the nickname of this town was Stumptown, something that I don't think anybody wanted to recreate, and I think we're coming in the middle of this battle in preventing Portland from being another Stumptown. It's not a great word. It's really sad. And part of me bringing my children here is also to know my voice -- probably about a hundred home schoolers I have connected with who support better tree protection in this city and the whole metro area -- this is part of their legacy, their future, my grandchildren. If the sequoias or the other Douglas that was cut -- we can't get a 100-plus tree back. Like someone said earlier, with what's going on with the weather, the climate change, we don't know if the trees people are replanting to replace them will actually make it to 100 years or 35 years. So, I'm invested in protecting the heritage trees and as many of the large trees as you can. Thank you.

Hales: Thank you very much, thanks for coming. OK. Anyone else? Come on up. Welcome.

Eileen Stark: Good afternoon. Thank you for holding this hearing. My name's Eileen Stark and I'm a local landscape designer and author. I'm here to speak for friends, clients, neighbors, and voiceless wild animals.

As you heard, Title 11 doesn't require tree preservation despite its original intent, and a comprehensive overhaul needs to be funded and instigated as soon as possible. And I'd really like to see the focus expand from retaining massive trees -- of which there are very few -- to retaining younger trees and ecologically valuable native species, some of which never mature to a big size, such as madrone. And other trees, especially the majestic Oregon white oak, grow at such a slow rate that to reach even 30 inches could take as long as 100 years, depending on conditions.

Mitigation is not preservation, especially when replacements are mostly small form nonnatives that may never perform the ecological functions of the tree destroyed, including carbon sequestration. A recent study partially performed in Oregon on trees including Douglas firs found that yet another reason to retain mature trees is that as trees mature, they found that they actually grow faster, which is the opposite of what we previously thought, and thus store more carbon as they age.

Preservation means respecting and retaining trees and requiring that builders work around them and protect them, not pay to remove the measly one third that are supposed to be preserved. Of course, none of the recommendations or proposals before you could

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completely protect trees from development, but I believe that the Urban Forestry Commission's recommendations comes closest.

I've worked on some very small sites and I can tell you that valuable, healthy trees certainly do exist on tiny lots, so amendments should not include an exemption for lots less than 5000 square feet. I can also tell you there are a lot of people -- like you said -- who choose their home because the yard or the neighborhood has a lot of trees, whether they're mature or younger. One of the main reasons my husband and I bought our home was due to the leafy neighborhood. But sadly, it's quickly losing many of its trees. Amendments should apply to not only trees on private property but also trees on City, commercial, and industrial land. Wildlife that needs trees to survive doesn't care what type of land it's on.

Finally, the 30 days' notice to neighborhoods is great but doesn't give people the tools to do much more than send nasty emails to the developer. I'd like to see a Type II review implemented whenever there are plans to destroy trees greater than 30 inches. Thank you.

Hales: Good afternoon, welcome.

Ted Labbe: Hi there. My name is Ted Labbe and I live in North Portland. Today, I'm here today to represent the Portland nonprofit group Depave, which works to grow green spaces from our neglected pavement-plagued corners of the city. Thank you, Portland City Council, for taking steps to protect large, healthy trees.

The City's Title 11 tree code suffers from inadequacies that require a fix in order to protect big trees in our neighborhoods. We share the concerns expressed by Portland Audubon Society and the requests outlined in the February 23 Urban Forestry Commission later. And specifically, we'd ask that you require inch-for-inch mitigation for cutting down large, healthy trees in development and non-development situations with no cap. I'd encourage to you apply the new tree preservation mitigation standards on commercial and industrial lands as well as to City and street trees.

The City's comp plan economic opportunities analysis indicates there's a surplus of commercial and industrial lands, so inadequate supply cannot be used as an excuse to exclude these lands, which are among the city's most pavement-plagued and need more tree cover.

Next, I'd encourage you to fully fund comprehensive development of Title 11 reform this year so we can move ahead with the other things that need fixing. I appreciate your work, Amanda, on this, but I think we have more work to do and we need the funding in order to do it.

Lastly, I'd like to come back to a point my brother made at the outset, which is let not locate bureaus like PBOT, BES, the Water Bureau follow a lower standards. I am not in favor of sacrificing big old trees so that PBOT or BES can put in a green street feature. We consider alternative street design standards in those situations before we go and start removing big old trees. And just to clarify, there are already allowances in the code that allow PBOT to plant instead of pay. So the exorbitant cost you talked about earlier, Amanda -- there are opportunities for PBOT to do mitigation in lieu of payment. And specifically, this is referenced in section 11.50.040, Section 2, City and street trees. Two areas where we're not meeting our Urban Forestry goals are public right-of-ways and commercial and industrial lands. So, it's really important that we apply these fixes in those areas so that we can better meet our Urban Forestry goals. Thank you.

Hales: Thank you, thank you both, thanks very much. Anyone else? Anyone else want to speak? Come on up, please. Sure, come on up. Go ahead, we'll take everyone. Welcome, good afternoon.

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Allison [spelling?]: Good afternoon. Thank you, Commissioners, for allowing us the opportunity to discuss tree code here in Portland. My name is Allison, I'm a corps activist with a bunch of local NGOs. I don't know if you remember, Mayor, but my son gave you the happy divesting day balloon.

Hales: Yes. He's not disappointed in us, either.

Allison: No, actually! I told him we were coming, I picked him up earlier from school, came out here, and he was like, "We don't cut the trees, mom." So serious about it. But I'm glad he's picking it up.

I wanted to speak to the Commissioners about this because I have a few questions. I'm a hydrology student. I've been an activist within the environmental sector for a really long time. And during the tree action in Eastmoreland, for me as a scientist, I wanted to see a little bit more discussion. I mean, I know everybody did what they could. But the impacts that the environment in the surrounding neighborhood area of trees that size being removed -- it's like setting off a carbon bomb. Those trees around it will get sick, wildlife will start to move and struggle, you're gonna start to see neighbors really unhappy because birds aren't chirping, basically.

And I really wanted to discuss the fact that we really need to rethink the impossibilities of neighbors having a say in the preservation of mature trees on private property, especially when there's a majority in favor of preserving those trees. We shouldn't be fighting with our neighbors in the name of nature but rather be rallying to celebrate it. We really need to reconsider what we are doing to the environment by demolishing our trees when our air and now our water are so polluted. Ultimately, we don't only need to divest from fossil fuels, but also biased development and environmental racketeering.

I guess at the end of the day when I see trees this big -- over 30 inches in diameter -- being ripped out of the ground, I'm wondering why these aren't heritage trees. I'm wondering why we don't have an annual program designating a heritage tree. Every year, Portland should get a heritage tree, like, "Happy Arbor Day! Here's a tree." You know what I mean? Why aren't we having more community programs to educate the public and children about the importance of these grandparent trees? For me, Commissioners, that's what I'd really like to see. I mean, we're going to go back and forth over tree code for time and all eternity, but having the education and discussion is more important at the end of the day.

Fritz: We do have a heritage tree program. The challenge is the property owner has to agree to the heritage-ness of the tree.

Allison: Mm-hmm. I just think at the end of the day -- like, off of Vancouver and Lombard, I saw three trees ripped out of the ground and the neighborhood all -- I mean, this is lower income, this is North Portland. And I saw neighbors come out and they were like, "We've been watching this for months. Nobody cares. We've tried to buy the properties, he jacked it up \$20,000, we didn't have it so now we have to watch the trees --" and it is the saddest spot right now because they were the largest trees within a half mile of that spot. I won't drive down Vancouver anymore because it's a constant reminder.

Hales: Thank you, thank you very much.

Lorna Lyons: My name is Lorna Lyons and I went to Reed and came back and stayed seven years, and I returned two and a half years from Hawaii where I was caring for my folks. And I wanted to just mention that their exceptional tree program -- I get the sense they are sort of comparable in the way they also have a community where there's a lot of folks who have these tree whose can't necessarily afford to take care of them or there are issues around this, obviously, but they have a much more robust exceptional tree program. I had understood you guys had to put a cap on the heritage trees here. So, I just wanted to

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sort of introduce this as something that you could perhaps look at for useful information around the way that Honolulu did it. And that in fact, I think they called them the mayor's exceptional tree list. So, if you want something positive there, I offer that.

The main thing I wanted to say is my big point was basically time is money. We all know this. With the exceptional trees, it is literally true. What I specifically wanted to connect the dots on in case no one else had done it is that suddenly Portland is really concerned about air quality and issues around how we scrub the air, and the trees do this for us. And these mature trees with these huge biomass can do a lot to allow to us have communities where our city planning benefits from jobs and income generated by small industry in mixed use neighborhoods. We want all of that here. We don't want to have to keep everything all separated. It's part of the beauty of Portland. And so, I just wanted to make the point that the biomass of these trees has a significant financial value on the surrounding air quality for the community and that it's time to take these trees to grow to a point where they can act as big air scrubbers in our neighborhoods and that should be taken into consideration as well as somebody else pointed out the stormwater runoff. Those are both just huge impacts.

So, I don't envy you what you're working on with the fact that you're trying to balance, you know, the needs of the development and the needs of more housing in this city while we're also trying to support the quality of what the city represents for a lot of people, and the trees speak very much to that. And so my last point is just to thank you for your time and once again appreciate your commitment and dedication to our beautiful city.

Hales: Thank you, thanks very much. Welcome.

Madison Weekly: Good afternoon and thank you for letting me speak here today. My name is Madison Weekly. I did not intend on speaking, but after hearing some of the commentary I found it prudent to bring up a few things.

First of all, I was recently a member of the Northeast Coalition of Neighborhoods land use and transportation committee. I had to step down to go back to school, but while I was there I really noted most of the members on there were working full-time jobs, they had children, they were really taxed. And someone made the point that 30 days, if strategically hit, only gives a neighborhood association committee or committee like NECN one day to act. And that's really not a lot of time to really empower a community. So, I really urge you all to consider a 45-day notice. That gives -- in that strategic scenario, there's still two weeks of action the public can take.

And my second comment is with regard to the public tree exemption, I certainly understand the challenge of competing bureaus' priorities, especially -- only because Commissioner Novick spoke about it, but the way trees and sidewalks sort of compete at times for space. And I certainly don't want to take fund away from PBOT. So, I am wondering why no one has asked the question of, well, why don't we still apply the public notice to those trees and give the community that we're really concerned with giving equity to -- why don't we allow them to be empowered and to sort of contribute to the conversation of, well, we'd rather have this tree or this sidewalk, and/or assisting in alternatives like encouraging a sidewalk to curve around a tree or give some space for roots.

So I just think that coming from this community action that I did with NECN, I think providing opportunity for empowerment is key. If we're saying that we're not going to hold bureaus to the same standard as the community, we should at least provide an opportunity for empowerment and for conversation to happen. So again, I really appreciate having this opportunity to speak and thanks for considering what we have to say.

Hales: Thank you, thanks very much. I think there's one other person wanted to come up. Come on up, please. Welcome.

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Lisa Scuby: Thank you guys so much. I know this is a really loaded area. I did submit --

Hales: Just give us your name.

Scuby: Oh, I'm sorry. My name is Lisa Scuby. I live in the Hillsdale neighborhood, I'm a homeowner. I am a communications person, I am a nature enthusiast, and I also do a lot of facilitation in really mixed and political challenges like this. I've been tracking this particular issue for some time, I've been greatly supporting a lot of the efforts that you folks are cog and the different folks within the communities. Urban Forestry has been amazing, as have been many other advocates -- the chair commission and all of the various forces that are working around this. It's personal, it's economic, it's emotional, it's cultural, and ultimately it's going to be our legacy. You guys are sitting in front of that and it's an amazing opportunity and also a really big challenge. I did submit comments and I did also submit images.

I've been personally impacted in my neighborhood. We've had a dozen trees all over 100 feet taken in the last couple of years. The worst of that was happening right before this tree initiative, tree rule went into effect. But the things I see that are of great concern is when we see we have a 30-day notification, we have to realize which have stood -- many of them -- for over 100 years. So, 30 days seems like a very small and perhaps inadequate amount of time considering the length of time that tree has provided the measure of value it does to our amazing city. Twenty inches and up seems like a start point. These trees aren't going get that big if they are smaller. It's a very, very difficult time to find land to be putting in the trees and the buildings that are going in are preventing those opportunities at a rate which is pretty alarming in my neighborhood. Across the street, we lost three mature trees with a home put on a 5000 square foot lot which has pretty much persecuted that lot within an inch of its life. I look forward to you reviewing the images I've shared with you so you can see what that looks like.

We do have buildings that are eligible for the historical registry at 50 years. And again, our trees at two or three times that seem to be at risk in a way that there aren't that many of them. So, it seems a really good idea -- as one gentleman said -- to perhaps consider not taking them out or building around them. The cross bureau coordination in our experience in my neighborhood was very challenged. And it's a difficult thing you guys are trying to do, but it seems in what process design is created, the opportunity for you to all work together in a coordinated way needs to be supported through infrastructure and with community voices, incentivized to be a part of that in a way that is amicable, forward-looking, and proactive so it's not always crisis and crisis mitigation. And the developers can be a part of that in such a way we create better communication across the groups.

Urban Forestry's recommendation or proposal I think is the one that is best suited to help us in this stop-gap opportunity. And again, the notification part to allow our neighborhoods to have more time to weigh in I think would do a great deal of good for communities and for the future of our beautiful trees. Thank you very much, I appreciate the opportunity to share my thoughts with you.

Hales: Thank you. Thanks very much. OK, time for some discussion. Not up for a vote today, but up for a vote next week. Questions?

Saltzman: I guess I would have a potential amendment. I want to sound my colleagues out on it, but I guess I've been persuaded in listening to the testimony and also looking at those cutouts of the diameters of trees -- I think we should have an inch-for-inch mitigation fee based on 36 inches diameter rather than 50 inch diameter.

Fritz: Second.

Saltzman: I guess that's an amendment.

Hales: Let's put everything in turn or hear them all and discuss? Let's put them on the table. I want to raise a couple of questions. So that amendment is before us and we'll take

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action on it. It wasn't raised in testimony, but I want to raise a question about a potential unintended consequence. And that's -- I'm sorry, no, you have gone to 5000 square feet or greater.

Fritz: That's what it is now.

Hales: Sorry -- you're sticking with 5000 square feet or greater. Are we creating a perverse incentive in situations where lot-splitting is possible and somebody can create two 3500 square foot lots out of a 7000 square foot lot? Are we biasing towards development in that situation while our changes to the zoning code that might come from the infill project are still pending?

Fritz: My experience has been that developers do not need any incentive for doing that lot splitting and for cramming in two houses where one would do.

Hales: I understand that incentive exists, but we're not making it any tougher on that situation.

Fritz: No.

Hales: That concerns me a little bit.

Fritz: Well, I think, as I said, that this is a much bigger question than just --

Hales: Yeah, I get that.

Fritz: So, definitely that's something that I would support and that we need to look at very closely both in the infill project that you're doing and in the ongoing project with the tree code. But there's a lot of potential implications if we were to just do it now without looking at the entire rest of Title 11.

Hales: Yeah, I was trying to think that through. So, the infill project recommendations will get to us later this year, we'll act on those, that'll be before we get back to the tree code.

Fritz: But the tree code I'm hoping we will start in the beginning of July. It's possible that we could ask that particular question to be first on the list and to discuss it at the same time as your infill project.

Hales: That would be pretty close to synchronized.

Fritz: Yeah.

Fish: Mayor, I also appreciated the testimony about potential impacts and cuts to general fund bureaus to the overall cause here. I think particularly it was called out the money we spent on Dutch elm. And in fairness to Commissioner Fritz, we have given instructions to every bureau to identify a five percent cut. That doesn't mean we're taking a five percent cut. And also in fairness to Commissioner Fritz, if her advisory groups were not suggesting a cut to that program, they'd would be suggesting closing a pool. And if it wasn't closing a pool --

Fritz: We're suggesting that too, Commissioner. [laughter]

Fish: Or cutting back on some other cherished program. In Parks in particular, there's no low-hanging fruit. It's already been cut to the bone. So, the five percent cut packages she's required to show the Council are all challenging, including this one, but I appreciate that was called out as something that we shouldn't be making progress here and retreating there. I appreciated that.

Fritz: Thank you, Commissioner. And I want to be very clear as I have with the Parks budget advisory committee and the transmission that we don't support any of the cuts proposed in Parks. There's a couple of increased revenues that I support. But as you say, everything in Parks is important to somebody, and certainly I don't support the cuts to the Dutch elm --

Fish: Mayor, I suggest we move the amendment. I have some additional questions about the testimony, but since we're in about the fifteenth hour of testimony over two days, my brain is getting mushy.

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Hales: Before we do that, I just wanted to raise two other issues real quickly and see particularly what the sponsors thought. One is the notice time issue and the other is the as the City bureaus issue. We had good testimony on both those issues. What are your thoughts about 30 days versus 45 versus something else, and what about City bureaus? Your thoughts about those?

Saltzman: I think 45 days seems to make a lot more sense given the cycle of neighborhood association meetings. And I don't know if you asked -- when you say what about City bureaus, do you mean the notification?

Hales: No, I mean the applicability to right-of-way trees.

Fritz: Let's do it one at a time. I agree that 45 days makes more sense --

Fish: Second.

Hales: OK --

Fish: We have two amendments on the table.

Hales: Commissioner Fish is in an action mood, I can tell. And then the City bureau issue - is that one needs a little more time?

Fish: I'm not prepared to act on that.

Saltzman: I think I could probably use more time.

Hales: I'm interested in exploring that further, but I understand the point that this is a repair effort, not necessarily the final discussion of tree ordinances by the City Council.

Fritz: Right. And that's certainly something we could have more discussion about. We heard a lot of testimony on it. There is the issue of the Portland Development Commission sites, and that needs to have some discussion.

Hales: I'll look into that in particular.

Fritz: And the potential for -- we could enact a public notice requirement and discussion outside of Title 11. It looks like the City Forester has a comment. Would you like to come up?

Hales: Come on up, Jenn. Just give us a little feedback on that, please.

Fish: She's going to tell us that PDC property is City property. The question that I still have is since PDC generally is not the developer, what happens when the property is either sold or transferred? What becomes its status then? I think that requires -- and you could give us an answer, but I still think it would be useful to have the City Attorney just scrub that real quick.

Sandy: I would agree with that, but the inclination with probably 90 percent certainty is to say if PDC is leasing it to someone else it's still City-owned property. If it's sold, it's not, so it would be a private tree.

Fish: But there's still -- I think Mayor Hales will remind us, since he's in charge of PDC -- it still can be sold subject to certain conditions. So we want to make sure that whatever the conditions are, we want to make sure they don't work at cross-purposes with what we're trying to effect here.

Hales: Yeah, that's an issue. I'll let everybody know I'm going to take a very close look at this question with PDC in particular in the meantime, no matter what we do today. Appreciate people raising that. Other questions for our staff? Let's take action on the amendment. First is the amendment to change it to 36 inches and inch-by-inch beyond that, right?

Saltzman: Right.

Roll on amendment.

Fritz: Thank you. Aye.

Fish: We're not going get a chance probably to make comments in front of this gathering. Again, many of you won't be here next week. I'll just say I appreciate this hearing. And hearings do matter at this Council, and we do listen and act on what we hear. Aye.

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Saltzman: Aye.

Novick: I'm going to vote yes because instinctively, it sounds fine. But I think we missed an opportunity by not putting this on the table at the beginning of the discussion to hear testimony on it. So, I reserve the right next week to say, "no, I've heard more about it and so I want to revisit it." So, with that caveat, aye.

Hales: I appreciate the great testimony on that and other subjects today. Aye. And then a second amendment to change the notice period from 30 days to 45 days.

Roll on amendment.

Fritz: Again, we did actually have both the Planning and Sustainability Commission and the Urban Forestry Commissions' proposals on the table for discussion as well as the proposal that we've put forward. So, I believe there has been -- despite the fairly rushed process -- a significant amount of discussion in the community and with the development community, with the Development Review Advisory Committee. I'm really pleased with Council's responsiveness to the testimony that we've heard today. As Commissioner Fish noted, we'll be voting next week so we will obviously be thinking more about it since then.

I want to thank Mike Hayakawa and Mieke Keenan, who were very instrumental in the first year of the tree project; as well as Jenn Cairo, our wonderful City Forester; Emily Sandy, who's taken over; Jill Grenda; and Rebecca Esau have been absolutely fantastic in the Bureau of Development Services. And again, the partnership with Commissioner Saltzman and between the bureaus -- in some ways, the tree code was set up to resolve conflicts. As Linda Robinson pointed out, if you think this was bad, look how it was before. It has solved many of the problems and I really appreciate people coming out to acknowledge that and remind the Council this is why we did this back in 2011. This is why I helped start it in 2006 when I was a young community activist with no gray hair -- well, not as much as I have now. So, it's been an amazing process, and thank you for reminding us why we do it.

I also want to thank Patti Howard and Tom Bizeau on my staff who again have moved on and have done great work, as well as Pooja Bhatt and Tim Crail, who are now helping to staff this issue for me. I'll have an even longer list of thank-yous next week, but I wanted to thank everybody here today and for this entire process. It really is an example of Portlanders at our best, considering the different aspects of what's important to us, to our city, to our environment. And so I'm glad that we're also doing this amendment to add 45 days as the notice requirement. Because it is part of the development process, and we shouldn't be chopping down working, great trees with very little notice or thought, and that this accomplishes that. Aye

Fish: We heard that an extra 15 days ensures that community groups and neighborhood associations also have a meaningful voice, so that makes sense. And since we're thanking some of the unsung heroes, I'm going to a farewell party this Saturday for Hannah Kuhn. Hannah's email address is HannahInGermany, which is odd, because she's living here for many years, but actually moving to Germany. And as the Council knows, Hannah did a lot of the hard unsung work behind the scenes, actually hammering out the inter-bureau stuff when it was not very sexy, but helped lay a foundation for this day. I want to thank Hannah for what she did, my former Chief of Staff. Aye.

Saltzman: Yeah, there's a lot of people have worked very hard on this from before we had an ordinance to an ordinance to this tweak and to more comprehensive revisions in the future. So, I also want to acknowledge the hard work of people in the Bureau of Development Services, Portland Parks and Recreation, Urban Forestry, staff members, Matt Grumm in my office and sort of the hall of fame that was ticked off by Commissioner Fritz and Commissioner Fish.

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And I do want to say, since we're voting on the notice requirement, I was intrigued by what our last testifier said about perhaps it should apply to trees in the public right-of-way, too. So, I kind of want to think about that between now and next week. But right now, I understand we're doing this with respect to as the code provisions in front of us for trees on private property, but I guess I want to think about that a little more in the next week. Aye.

Novick: I also agree that people should have notice about trees in the public right-of-way so that, as somebody said, they have the opportunity to determine whether they would rather have a sidewalk or that tree. I suspect that those discussions already happened in the course of public notice of particular projects, and I think probably the time to have that discussion is earlier in the project rather than when the project has been approved and funded. But I will check and make sure that that kind of notice is in fact given in the course of our project work. After that aside, I'd certainly agree there should be sufficient notice to allow the neighborhood associations that meet on a monthly schedule and to weigh in. I appreciate this amendment. Aye.

Hales: Thank you, Commissioner Fritz, Commissioner Saltzman, for your good work on this. Thank you all for coming and having a good discussion. It made a good proposal better today, thanks to your advocacy. To this amendment in particular, it was about 40 years ago when the City Council decided to actually give power to neighborhood associations formerly in City code, and land use intervention is one of those places. In a city with 600,000 people, five City Council members, and 100 neighborhoods, it's really important that that balance of power remain there -- that neighborhoods have actual power in the land use process, whether it's working on a neighborhood plan or in this case on a development issue that affects neighborhood livability. So, we have to keep looking for ways to refresh that and making sure it's still true that neighborhoods have a say. And this is a small change but one more sign that we mean it about the role of neighborhoods. I'm pleased about that. And I just think this has made a difficult balance better, and I just want to appreciate the work that's been done. Looking forward to seeing it put into action. We'll make sure, as the Commissioner-in-Charge of the Bureau of Planning and Sustainability, that when we bring our infill requirements forward we'll make sure those fit together well and create the result we want in terms of quality infill and environmental quality at the same time. So, well done. Aye. We're adjourned until next week.

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