

# MINUTES OF THE METRO COUNCIL MEETING

February 27, 1997

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Don Morissette, Susan McLain, Ruth McFarland, Patricia McCaig, Lisa Naito, Ed Washington

Councilors Absent: None

**Presiding Officer Jon Kvistad** called the meeting to order at 2:00 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION None.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. **NIKE WORLD MASTERS GAMES** **Mr. Doug Single**, General Manager and CEO of the NIKE World Masters Games. With him, were Craig Honeyman, Senior Vice President, Edie Schmidt, Director of Volunteer Services and Keith Forman, Manager of Communication. Mr. Single updated the Council concerning the NIKE event to be held August 9-22, 1998, in Portland and Oregon. He showed a short video overview of the games. He said the event, which had 25,000 athletes competing, would be in Portland, and was about 2 1/2 times the size of the Olympic Games. He explained that the event would have a direct economic impact on Oregon exceeding \$113,000,000 and an indirect impact of \$250,000,000., making the event the largest single event ever held in Oregon. He said that half the athletes would be coming from outside the United States and they would bring an average of 3 people with them making this an arts and cultural event as well as an athletic one. There was an estimated need of 75,000 volunteer days to make the event happen. There would be 66 venues, as far away as Bend for canoe and kayaking, Eugene for track and field, but the majority would be in Portland metropolitan area. The investment would pay off for community and congratulated the Council for their vision in this matter.

## 5. ANCIENT FOREST PRESERVE

**Mr. Jim Desmond**, Regional Parks and Greenspaces introduced **Mr. Gregory Wolley**, Associate Regional Planner for Parks and Greenspaces on the Ancient Forest Preserve and then briefed the Council on this gift to public from the Friends of Forest Park. He explained the Master Plan for the site that was accepted by Council in June 1996. Now Metro was ready to accept title to the property. He explained that this was Tier 1 property under the Forest Park Refinement Plan which was already completed by Council as part of Open Spaces Acquisition Program so he would be updating Council on details and answer questions.

**Mr. Wolley** spelled out plans for the project and that the interior trail construction would be first this summer, then an access trail to the preserve off McNamey Road and a small parking lot there as well. He said the master plan estimated from their consultant were about \$235,000 for all three phases.

## 6. CONSENT AGENDA

6.1 Consideration of the Minutes of February 13, 1997 Metro Council Regular Meeting Minutes.

**Motion:** **Councilor Morissette** moved the adoption of the minutes of February 13, 1997 Metro Council Regular Meeting.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7. **ORDINANCES - SECOND READING** 7.1 **Ordinance No. 96-655C**, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code 3.01; and Declaring an Emergency.

**Mr. Dan Cooper**, Legal Counsel, advised the Council, that if any amendments were adopted at this meeting, to move the final vote to the Council Meeting on March 6, 1997.

**Motion:** **Councilor McLain** moved that the property line specific map of designated urban reserves, including the amendments made by the Metro Council on February 20, 1997, be included in the urban reserve ordinance as the new Exhibit B.

**Seconded:** **Councilor Naito** seconded the motion.

**Discussion:** **Councilor McLain** explained that this caught ordinance up with work done last week.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting nay.

**Motion:** **Councilor McLain** moved adoption of the Amendments to Exhibit A of the urban reserve ordinance which amended the Metro Code 3.01 Urban Growth Boundary procedures.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor McLain** said this was also catching up with work of Council.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting nay.

**Motion:** **Councilor McLain** moved that the property line specific map of designated urban reserves showing First Tier urban reserves be added to replace the map completed prior to February 20, 1997 Exhibit A to amendments to urban reserve areas.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor McLain** explained changes to the map.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion** **Presiding Officer Kvistad** moved to amend Councilor McLain's motion, changing Urban Reserve Site #47 from a Tier 2 to a Tier 1 site. **to Amend:**

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Presiding Officer Kvistad** reviewed site #47 and reasons for the change of tier.

**Vote** The vote on the amendment was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McLain and McCaig voting nay. **to Amend:**

**Vote on the Main Motion:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

**Presiding Officer Kvistad** called for further motions.

**Motion:** **Councilor McLain** moved for final adoption of site #15 on property line specific map as configured before Council today.

**Presiding Officer Kvistad** explained that this map earlier did not have power lines noted and the staff were mistaken about where lines actually were, making it necessary to finalize this matter.

**Seconded:** **Councilor Washington** seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

**Motion:** **Councilor Morissette** moved to amend Councilor McLain's motion  
**to Amend:** to include a modest adjustment of exception land, site 15.

**Seconded:** **Presiding Officer Kvistad** seconded the amendment.

**Vote** The vote was 7 aye/ 0 nay/ 0 abstain. The amendment motion passed **to Amend:**  
unanimously.

There was clarification from Presiding Officer Kvistad that the parcel in question would be in Tier 1.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 96-655C.

**Mayor Gussie McRobert, City of Gresham**, said she was here to support Councilor McLain's amendments regarding first tier addition of urban services agreement in 3.01.012 with the addition of the OAR 66021. She asked about how the logistics of all of this worked. Mayor McRobert expressed a difference with Larry Shaw over #13, "that the urban reserve plan shall be considered for local approval by the affected city or by the county". Mayor McRobert would like to add "any affected service district" because neither Metro, cities nor counties could commit a service district to provide services.

**Mr. Bill Brandon, Administrator for the City of Happy Valley 12915 SE King Rd., Happy Valley, OR 97236**, thanked the Council for their consideration. Called this a cornerstone on making Happy Valley a viable city in the Portland metropolitan region.

**Mr. Stuart Honeyman, 17400 SW Reusser Ct., Beaverton, OR, 97007** in the northern portion of original URSA #49, registered his objection to the amendment on Site #49 being excluded at last week's Council meeting and requested that it be further amended to include the northern most portion of area #49. He stated that the area met all of the requirements of goal 14 and were a higher priority area than some of the remaining Urban Reserve. **Mr. Michael Lilly, 1 SW Columbia, Portland, OR** represented Tigard Sand and Gravel, recommended that Site #44 map be amended to include all of the quarry in the map. This was supported by the City of Tualatin as the rationale was the same.

**Councilor Washington** asked about the peninsula forest within the quarry. **Mr. Lilly** responded that it was about 15 acres out of the 40. He reported that the company did not have firm plans for this part.

**Mr. Larry Shaw, Legal Counsel** clarified the reason for having it included. He asked Mr. Lilly if the properties were part of the property that was currently being mined.

**Mr. Lilly** responded "Site #44, including those 2 areas that were excluded, have already been mined."

**Mr. Shaw** stated that these were resource zoned lands that had already been mined and that was the reason in the findings on #44.

**Mr. Lilly** stated that the rock was "not totally exhausted yet but that certainly will be within fairly reasonable short time".

**Ms. Tasha Harmon, Coalition for a Livable Future, 802 SE 27th, Portland, OR 97214**, started by saying how impressed she was by the amount of dialogue and seriousness with which the affordable housing issue had been met by all involved. She asked again for strengthened language in the affordable housing Metro code. She asked to accept recommendations from MPAC, to include in bullet #5 the phrase "demonstrate measures that will provide a diversity of housing. 197.303, adding "and that contributed to RUGGO's objective 17 housing. Ms. Harmon asked to change word to "reflect" or "accomplished". She indicated that there was confusions about area median income and how it was defined by HUD. There was a clarification amendment put forward by MPAC. She asked for clear numerical standard. 20% of the units in #6, developed as housing affordable to households with incomes at or below area median income for home ownership and at or below 80% of the area median income for rental as defined by US Department of Housing and Urban

Development. This was the language that was about an inclusionary housing policy and again the expectation wasn't clear. Please consider putting that number in place.

**Mr. Kim Vandehey, 17207 SW Siler Ridge, Aloha, OR 97007** spoke on area 49 and suggested a proposed amendment to allow 140 acres of exception land into the URSA #49 that could be built in an efficient manner but exclude those that wanted to be excluded. It would provide land for the trail from Murray Hill to 175th towards the proposed 400+ acre regional park that was proposed up there. He further explained why it fit into the plan to do this.

**Presiding Officer Kvistad** clarified the parcel's location on the map with Mr. Vandehey.

**Mr. Brian Bellairs, 16590 SW High Hill Lane, Aloha, OR 97007** owner of a 5 acre parcel in area 49, he spoke for his in-laws also at this time. He asked to have his parcels be included in the urban reserve, the land was level and had all the services. Additional development was under way at this time from Scholl's Ferry Road to his parcel which was not shown on map. The boundary did not conform to any natural boundaries. It was just a line drawn on a piece of paper. He explained the need to be included to make the area for livable, as far as needing infrastructure. The land was totally flat and very easily developed. He asked Council to modify area 49 to include this land.

**Ms. Peggy Lynch, 3840 SW 102nd Ave., Beaverton, OR 97005** spoke about another map adjustment she was requesting since 80-100 acres of exception land had already been added and Tigard Sand and Gravel's 80 acres might also be considered, she asked to delete Area 65, an orphan site, that was only one vote short of being deleted at this time. The 220 acres of EFU land Washington County already asked not to include it because it was too far away from any city and transportation situation was too bad. PCC could expand on 185th and Walker, close to light rail.

She then spoke about a memo she sent dated February 26 related to Mayor McRobert's testimony which asked to amend the service districts wording. She asked for amendment to 3.01.01 2 e 13 to add "and school districts" to "by any affected service district and school districts" as they had their own board of directors that needed to pass on the proposed plan.

**Mr. Kelly Ross, Home Builders Association** noted that he and Ms. Harmon had met for over two hours to review affordable housing. There was agreement to the language before Council today. He was still troubled and concerned about inclusionary zoning. His first preference would be delete the words "without public subsidy" from this section. His second preference would amend language in last section of sub 6 "public subsidy shall not be interpreted to mean the following (list follows). Not included in that list was the possibility for SDC reductions or fee reductions. Mr. Ross urged Council to include those 2 types of incentives, at the very least, in this list.

**Mrs. Trudy Reusser, 17345 SW Reusser Ct, Beaverton, OR 97007** lived on Cooper Mountain. She noted that last week there were many compelling reasons given for the decisions. Reports had supported all of those reasons, showing problems with storm and sewer runoff, internal roads not to code, Metro's own transportation plans don't include that area, the soil was highly erodible, factors and conditions that would never change because of the lay of the land. There had been wide support for the deletion of this area. Greenspaces sites 6 & 7 which were considered as highly desirable to be preserved were in this site #113 which was the northern portion of site #49. About half of the area of this site were exactly the same as sites 6 & 7 as greenspaces. How could it be highly desirable to preserve one year and highly desirable to develop to high density the next year? In the face of the reasons submitted and accepted by the council until last week, their wish was to reverse this decision because the evidence in on the side of preserving the area.

**Mr. Kenneth Reusser, 17345 SW Reusser Ct., Beaverton, OR 97007** said he would not go into the evidence as Council must be well aware of this by now, but added that he believed that these were more than amendments, they were big changes that were never contained in the Council's original work. He asked the Council not to change their vote from last time and decide against these proposed amendments.

**Presiding Officer Kvistad** closed the public hearing at 3:23 p.m.

**Presiding Officer Kvistad** moved to technical adjustment deliberation among the Council.

**Councilor McLain** said that those three items were moved so public would have an opportunity to react to the information in front of Council today. The Amendments to Exhibit A which were on the second motion the Council took and put these on the table. She had series of amendments to address after hearing the public testimony, hearing from

MPAC last night, and also reviewing this work ourselves. She started with Larry Shaw's memo, subject: Attached Exhibit A Amendments.

**Motion:** **Councilor McLain** moved Metro Code 3.01.010(e) be amended to read as follows: "First Tier Urban Reserves means those urban reserves to be first urbanized because they can be most cost-effectively provided with urban services by affected cities and service districts as so designated and mapped in a Metro Council ordinance."

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor McLain** said that this helped give more definition to the first tier urban reserves and would fit in nicely with the sentence "designated and mapped in a Metro Council ordinance". It did exactly what Council wanted it to do, distinguish a first tier of more serviceable and cost-effective land.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend 3.01.012(c)(3) "urban reserve map" to say "urban reserve ordinance" which was a mistake that needed to be cleared up.

**Seconded:** **Councilor Washington** seconded.

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend 3.01.012(c)(4) to become 3.01.012(d), as follows:

"(d) First Tier  
First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves." Again technical.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend 3.01.012(e)(2) to add the following:

"An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection."

**Seconded:** **Councilor McFarland** seconded the motion.

**Discussion:** **Councilor McLain** stated the need to make sure cities and counties recognized the importance of urban service agreements being in place.

**Councilor Morissette** clarified with Larry Shaw that this would not give local partners veto authority over Metro Council's ability to manage urban growth boundary. Mr. Shaw referred to his memo addressing this issue.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend the first sentence of 3.01.012(e)(3) to add URSAs #11 and 14 as follows:

"The areas of Urban Reserve Study Areas #11, 14, and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve."

**Seconded:** **Councilor Naito** seconded the motion.

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend 3.01.012(e)(5) as amended:

"Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by Oregon Revised Statutes 197.303. Measures may include but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan."

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor Morissette** asked Councilor McLain to explain Title 7. Mr. Shaw reminded Councilor Morissette that Title 7 was a series of recommended tools to help assist affordable housing at the local government level. A whole series of tools brought to the Council by the affordable housing advocates and the Council made them Title 7 of the Urban Growth Management Functional Plan as a series of recommendations to local governments. It was an extensive set of recommendations that was hard to summarize.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion:** **Councilor McLain** moved to amend 3.01.012(e)(6) to read as follows:

"Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80% of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdictions. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers."

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor Naito** stated that there were concerns about the language of "public subsidy".

**John Fregonese** agreed that the policy implications were fairly clear. He had concerns about the unintended consequences of the language. It appeared this section was absolute prior to approving an urban growth plan. A subsidy of any kind would indeed provide affordable housing but Metro would be precluded from approving it because of the public subsidy. He asked for legal counsel's opinion.

**Larry Shaw** stated this was the first interpretation like this he had heard. He stated that Councilor Naito at the last meeting moved to add the words "when applicable" to the entire list of 13 items that went into the urban reserve plan so Council would have the opportunity to determine whether a provision was applicable under those circumstances. Sections (e)(5) and (e)(6) were proposed together and were related. (e)(5), already adopted, included the reference to ORS 197.303 which included subsidized housing. Doing an urban reserve plan under section 5, if you had an arrangement with a city or agency already for a subsidy, then that would go under (e)(5), and that subsidy would be part of how you were demonstrating a diversity of housing stock for a particular kind of housing stock. (e)(6) was intended to be a separate, independent showing of absent subsidy; how you showed that your proposal would assure that there would be some units that were affordable. Again, this was not the usual definition of affordable housing, if you would notice the definition was at 100% of area median income for home ownership, so for example on today's market a \$145,000.00 home was the median selling price right now. All it would be saying was that you would demonstrate how you were going to provide some of those units. It was intended to have a separate showing of what you could do without a public subsidy. It was a policy question that was voted on by Council to have those words "without public subsidy" in there.

**Councilor Naito** stated she just wanted clarification of that on the record.

**Councilor Washington** stated that he had asked for discussion on this amendment last week. Due to circumstances beyond his control he was not able to stay for the full MPAC meeting yesterday. He wanted on record that he did support this amendment, Councilor McLain and affordable housing.

**Councilor Naito** made a friendly amendment motion to change the wording in 3.01.012(e)(6) to read as follows:

"Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, (reductions or) extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers."

**Councilor McLain** stated she would accept as friendly amendment after an explanation by legal staff on specifically what they thought that did to that sentence. Her understanding of what it did sounded reasonable and a clarification, but she asked legal to give the Council a take on what that did".

**Mr. Larry Shaw** stated that this was a straight policy question and that was what the 2 parties in the room would agree to and the affordable housing advocates took the strong view that anything that had dollars in it as something they could compete for to try and reduce the cost beyond whatever the developer had done to get a median level house on the market to allow someone below median income to get in there.

**Councilor Naito** withdrew her friendly amendment motion and made it a straight-up motion for amendment.

**Motion to Amend:** **Councilor Naito** moved to change the wording in 3.01.012(e)(6) to read as follows:

"Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, (reductions or) extensions to the time at which systems development charges (SDCs) and other fees

are collected, and other exercises of the regulatory and zoning powers."

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor Naito** stated her position on the policy amendment.

**Councilor McCaig** clarified that this was on the table in the discussion that occurred between the home builders and the housing advocates and it was not included in the language that came forward but it had been discussed and rejected by some party in all this.

**Councilor Morissette** stated that with the adjustments Metro would not be in a position where SDC credits would be considered in the public subsidy realm or fee reductions.

**Vote to Amend:** The vote was 3 aye/ 4 nay/ 0 abstain. Motion failed.

**Councilor McLain** stated she has already spoken to her motion.

**Vote** The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilor **on the Main**  
Morissette and Presiding Officer Kvistad voting no.

**Motion:**

**Motion:** **Councilor McLain** moved to amend 3.01.012(e)(13) to read as follows:

"The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing at the Metro Council consistent with RUGGO objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the count, if subsection (3) above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final adoption of the plan."

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor McLain** stated that this issue was also before the MPAC group last night.

**Councilor Washington** asked Councilor McLain if everybody that needed to be under this umbrella was there now or were there more groups that needed to be included.

**Councilor McLain** responded that she felt an excellent job had been done in trying to include everyone in this very important process

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Presiding Office Kvistad** announced that the list of technical adjustments had been completed unless anybody had others. He then called for any further amendments or adjustments in either parcels or code or map adjustments.



**Councilor McLain** called upon Mr. Fregonese to clarify the matter of the 2 gravel pit sites on map #44 previously testified to today as being owned by Tigard Sand and Gravel. She asked how the sites were considered in the technical study.

**Mr. Fregonese** answered that the urban reserve study area included a portion of those 2 parcels. although they were all under common ownership the program the Growth Management Department wrote to make this a property line specific map rules if it were less than 1/2 in, it went out. He stated they weren't aware that this site was all owned by the same people.

**Councilor McLain** said her point then would be whether or not the technical merit of both areas had the same quality as the rest of #44 that was kept in because of the other criteria.

**Mr. Fregonese** stated that was correct.

**Councilor McLain** said to Mr. Shaw that it was her understanding that the findings on the 2 sites would be inconsistent with the technical ranking of this site as proposed with the information that was provided on the record today from Tigard Sand and Gravel.

**Mr. Shaw** stated he could not speak to the ranking but the reasoning for taking in what was technical resource land there in the findings had to do with the mining of them and use for other than farming and forest purposes. He stated that if Mr. Fregonese could confirm the testimony heard today that in fact those areas had been studied and had been mined, then including them would be consistent with the findings the Council had for special reason for taking what was nominally resource land into the urban reserves

**Mr. Fregonese** confirmed that testimony.

**Councilor McLain** stated that after a visit to the site, she felt the sites were all the same. They had been mined, and the findings for all the sites were identical and it should be the full site under the same ownership included in the forwarding or it made all the findings weaker because land had been left out that was consistent with the findings for the rest of site #44.

**Motion:** **Councilor McLain** moved to include in site #44 the 2 squares identified as the north and the south approximately 40 acre sites that were under the same ownership and of the same condition as the rest of that site.

**Seconded:** **Presiding Officer Kvistad** seconded the motion.

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The item was adjusted and adopted.

**Presiding Officer Kvistad** called for final motions or amendments on parcels or code adjustments.

**Councilor McLain** stated that after today's testimony she would like to see if the site #49 on top of Cooper Mountain would have enough votes to consider an amendment. She wanted to look at the 27 acre clear cut on the NE corner of Wier Road, because the owner was out of town last week and there was testimony today by the owner. She asked if there was enough support to consider an amendment to consider just that 27 acre corner.

**Presiding Officer Kvistad** asked if she was moving for reconsideration? She said yes.

**An advisory vote by council was taken:**

The vote was 1 aye/ 4 nay/ 1 abstain. Failure to receive 4 votes for consideration. The motion to consider one parcel of that area was not agreed to.

**Presiding Officer Kvistad** asked for more on the area as a whole. There was none.

Since there were none and there was no second for the motion, and with 4 votes not in favor of reconsideration, moved on to next item.

**Presiding Officer Kvistad** called for any further adjustments, amendments or motions on package before Council. None.

**Motion:** **Councilor McLain** moved to accept the changes in the ordinance before Council and move the ordinance as a whole to the next agenda item on the March 6, 1997 Council agenda.

**Seconded:** **Presiding Officer Kvistad** seconded the motion.

**Discussion:** **Councilor Washington** asked if when this ordinance came before Council on the 6th if there would be public hearings?

**Presiding Officer Kvistad** answered that the technical requirements on a governmental body was to hear public testimony, the Council required to open public testimony on any of those items. He stated that there would be an opening for public testimony next week, but as far as the Council was concerned, this was the final opportunity to make adjustments to this ordinance. Although with 4 votes of Council it was always possible to make further adjustments but that would take one further week before final adoption.

**Vote:** The vote was 4 aye/ 3 nay/ 0 abstain with Councilors Morissette, McCaig and Naito voting nay.. The item was agreed to and moved to next agenda item for final adoption.

7.2 **Ordinance No. 97-670**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Zoo Capital Fund by Transferring \$103,206 from Contingency to Materials and Services to Pay for September Elections Expenses; and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved approval of Ordinance No. 97-670.

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor McFarland** stated that this was a straight forward "fessing up to our bills from the election last September in which the Metro Washington Park Zoo Oregon Project bond was on that ballot. The expenditures that were expended by the 3 counties were Clackamas County, \$35,808.01, Multnomah County, \$132,286.24, and Washington County \$60,111,46. This ordinance moved \$103,206.00 from the zoo capital fund contingency to materials and services in order to pay for the September election and declaring an emergency since they had waited this long she supposed Metro needed to pay them immediately.

**Presiding Officer Kvistad** opened a public hearing on this ordinance. No one came forward. The public hearing closed.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

7.3 **Ordinance No. 97-678**, For the Purpose of Amending the FY 1996-97 Budget and Appropriations Schedule, Transferring \$6,000 from the General Fund Contingency to Council Materials and Services; and Declaring an Emergency.

**Motion:** **Councilor McCaig** moved approval of Ordinance No. 97-678.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor McCaig** described the ordinance was to offset costs incurred by legal counsel in providing copies and materials related to the regional framework plan and the functional plan.

**Presiding Officer Kvistad** opened a public hearing on this ordinance. No one came forward. The public hearing closed.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## 8. RESOLUTIONS

8.1 **Resolution No. 97-2441**, For the Purpose of Confirming the Initial Agreement of Jeff S. Steward and the Reappointment of Peggy J. Miller and David Smith to the Investment Advisory Board.

**Motion:** **Councilor McLain** moved approval of Resolution No. 97-2441.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor McLain** introduced both staff and Peggy Miller then explained the purpose of the resolution.

**Ms. Peggy Miller** stated that the members of this advisory board would take very seriously their charge and they appreciated the cooperation of the Council.

**Councilor Washington** stated that he had the opportunity to serve with Ms. Miller on other boards and thanked her for her hard work.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

8.2 **Resolution No. 97-2454**, For the Purpose of Granting an underground electrical right-of-way easement at the M. James Gleason Boat Ramp to Pacific Power and Light.

**Motion:** **Councilor McCaig** moved approval of Resolution No. 97-2454.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor McCaig** explained the resolution. The total cost was \$2,500.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

8.3 **Resolution No. 97-2457**, For the Purpose of Recognizing the Tryon Creek Watershed Council that Meets the State of Oregon Governor's Watershed Enhancement Board (GWEB) Guidelines.

**Motion:** **Councilor McCaig** moved approval of Resolution No. 97-2457.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor McCaig** stated that the important thing to remember was that the whole purpose of the authorization was to allow the Tryon Creek Watershed Council to apply to the state for state and federal funds and grants in order to provide watershed related projects. Without approval they could not make application to the state for grants and funds. Controversy came from the Tryon Resource Management Group another watershed group who would prefer government representation on the Council.

**Councilor McFarland** commented that she was still in a quandary as to what to do with this resolution and she would have to vote no at this time.

**Presiding Officer Kvistad** stated that he was not very familiar with the groups but if he was assured that both groups equally have the ability to come to Council to be recognized for that purpose he would be comfortable voting it forward.

**Councilor McCaig** explained that the Tryon Resource Management Group did if it met the guidelines and established criteria. They would have to come forward with those guidelines and criteria to be endorsed. They had not made that petition to Council but they had that opportunity. She stated that there had not been a lot of activity on this resolution but it did have some support in the district.

**Councilor Naito** echoed her support of this resolution and stated that the group had done very good work and should be recognized.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The resolution was adopted with Councilor McFarland voting nay.

**Presiding Officer Kvistad** recessed the Metro Council and opened the Council Contract Review Board for consideration of the next resolution.

### CONTACT REVIEW BOARD

8.4 **Resolution No. 97-2461**, For the Purpose of Exemption to Metro Code Chapter 2.04.060, Personal Services Contract Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for Sponsorship of the Annual Solv-It Cleanup Event on April 19, 1997.

**Motion:** **Councilor McFarland** moved approval of Resolution No. 97-2461.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor McFarland** explained the project was something that had been done annually for several years which SOLV was the sole source contract and exempted from the normal procedure of contracting for this kind of operation partly because they were the only ones who did it and did it well.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

**Presiding Officer Kvistad** recessed the Council Contract Review Board and reconvened the Metro Council.

8.5 **Resolution No. 97-2462**, For the Purpose of Authorizing Release of RFP #97R-6 REM for the Development of a Facilities Master Plan and Renewal and Replacement Account for Solid Waste Facilities.

**Motion:** **Councilor Washington** moved approval of Resolution No. 97-2462.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor Washington** explained this was to solicit proposals to assist the Regional Environmental Management Department and explained the 4 major objectives of this plan.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

8.6 **Resolution No. 97-2463**, For the Purpose of Stating the Council's Position with Respect to the Regional Facilities Operated by the Metropolitan Exposition-Recreation Commission.

**Motion:** **Councilor McFarland** moved approval of Resolution No. 97-2463.

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor McFarland** explained the resolution reconfirmed commitment to search for regional funding solution for all regional facilities and the arts and declared its desire to work cooperatively with Metro's regional partners with respect to these important regional assets. She urged approval.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

8.7 **Resolution No. 97-2468**, For the Purpose of Adding Additional Priorities to Metro's 1997 Legislative Package.

**Motion:** **Councilor Naito** moved approval of Resolution 97-2468.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor Naito** explained the resolution's purpose and urged Council's support.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

8.8 **Resolution No. 97-2469**, For the Purpose of Identifying Metro's position on State of Oregon Legislation.

**Motion:** **Councilor Naito** moved for approval of Resolution No. 97-2469.

**Seconded:** **Councilor McCaig** seconded the motion.

**Discussion:** **Councilor Naito** explained the work done on this resolution and urged Council support.

**Councilor McLain** asked for clarification on a point. Mr. Cooper explained that under current law it was possible to use a temporary 10 day trip permit for a RV, register it for a short period of time and then leave it unregistered for the rest of the year thus avoiding paying the normal annual registration fee. This would correct that.

**Presiding Officer Kvistad** read into the record the following from Peggy Lynch:

"To the Metro Council: Please consider changing your position on Senate Bill 5505 DLCD Budget to monitor support. Local government partners need grant funding imbedded in this bill to do the work of 2040. Without state grant dollars local governments facing general governance cut-backs, including their planning debts, will have a difficult time complying with the UGB FMPL and even more difficult time doing Urban Reserve plans". signed Peggy Lynch

**Councilor Naito** stated that the priorities package did adopt support for adequate funding for DLCD. The reason for showing only monitor here was because it had not come through the Ways and Means.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The resolution was adopted unanimously.

## 9. COUNCILOR COMMUNICATIONS

**Presiding Officer Kvistad** brought to Council's attention the need to turn on their microphones when voting or commenting on issues because their votes needed to be on the tape of the public record.

**Councilor Naito** stated that she would be reviewing the Attorney General's opinion and the summary Dan Cooper gave her on 47 and she would get back to some of the Councilors about that after returning from Salem. Another item to think about was coming to some consensus on the several transportation funding proposals coming up.

**Councilor Washington** mentioned past Metro Councilor Dick Waker's death and asked if Council had sent a card.

**Councilor McLain** thanked the Council for the hard work on the urban reserves and Metro Code. She stated that she personally appreciated all the support she got and she was proud of all of their work on this.

**Presiding Officer Kvistad** also expressed appreciation to the Council for their work.

**10. ADJOURN**There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:50 p.m.

Prepared by,

Chris Billington Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
022797c-01	022797	ancient forest preserve update	Gregory Wolley
022797c-02	022097	letter	Jon Kvistad from Brian Lightcap, WMSWCD
022797c-03	022797	memo re: Exhibit A amendments	Council from Larry Shaw
022797c-04		Economic impact study-WMG	Nike
022797c-05		Executive Summary-WMG	Nike
022797c-06		1998 World Master Games	Nike
022797c-07		packet of World Master Games	Doug Single