

MINUTES OF THE METRO COUNCIL MEETING

March 13, 1997

Council Chamber

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

Councilors Absent:

Presiding Officer Jon Kvistad called the meeting to order at 2:01 p.m.

1. INTRODUCTIONS

Councilor McFarland introduced Aleta Woodruff.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. REVIEW OF LEGISLATIVE ISSUES

Councilor Naito noted that she had asked Mr. Brad Higbee to update what was happening at the legislature particular with Measure 47 and the transportation package as well as some of Metro's bills. She noted the House Committee on Revenue summary of the rewrite of Ballot Measure 47 (a copy of this may be found in the Permanent Record of this Council meeting in the Council Office). She added that it did pass unanimously out of committee.

Mr. Brad Higbee, Metro Lobbyist, said that the House Revenue Committee voted out of committee a tax rewrite incorporating many of the principles and provisions that were in the legislation that they had been considering for some time to implement Ballot Measure 47. In an effort to try and do this in a more sensible coordinated effort and uniform manner both the Senate and House Revenue Committees met together to expedite the review and consideration of provisions that would rewrite Oregon's tax code. Many of the committee members embraced the principles of the tax rewrite, passing it along to the House floor tomorrow and then to the Senate Revenue Committee. The rewrite would simplify some of those cuts in provisions, set the property values for residential and commercial property, roll it back 10% and out of that system essentially create a rate system. What it would do for Metro was reduce the impact on the Zoo's operating levy, redefine fees and assessments in such a way that Metro might continue to operate the Zoo in a functional manner without suffering some of the grave revenue cuts that they had earlier suspected and overall would implement a rate based property tax system that would reflect the increase in values in some of the high growth areas which should be of some benefit to areas throughout the region. He described the process the committee went through to come to a final

product. The bill passed out unanimously, he felt that boded well for passage in the House and Senate. They hoped to get the final version of the legislation to the Governor's desk for signature no later than March 31, 1997 which was the last date that it could be signed before it was sent to the ballot. They had targeted the May 20th date for a vote on this. If it passed, it would replace the provisions of both Ballot Measure 47 and 5. If it did not pass, they would go back and work on HB 2047 and continue to implement Ballot Measure 47.

Mr. Dan Cooper, Legal Counsel, noted that it was more comprehensible than the version the voters passed.

Presiding Officer Kvistad asked Mr. Cooper about presenting an overview. He asked Mr. Cooper to give a written overview to the Council by the end of this day.

Mr. Cooper affirmed that he would take care of this.

Councilor Washington asked about HJR 85A and what the "Allows property assessment date to be moved back to January 1" meant.

Mr. Higbee responded that this was a suggestion that was offered by the assessors so that they could uniformly calculate the uniform date, to uniformly calculate the values of the property.

Councilor Washington asked if this was establishing it on a calendar year?

Mr. Higbee responded that he believed that is what it did, taking it back to a calendar year.

Councilor Naito asked Mr. Higbee to review the transportation issues, focusing on some of the big picture items and then Metro's legislative agenda.

Mr. Higbee expressed his gratitude and respect for Representative Tom Bryan garnered in conducting the revenue process, without his efforts this never would have happened. He also noted Senator Ken Baker's role and that the Senator would be asked to ride the helm soon when it went to the Senate Revenue Committee. The legislature had been considering a number of different proposals, the Governor's Transportation Initiative suggested a number of different alternative modes of coming up with funding for transportation related items. The Legislature had taken a somewhat different view, none of them very encouraging or optimistic. There would be efforts to consider transportation funding throughout the State. Items still on the table included gas tax increases, weight mile equivalent increases, vehicle registration fee increase. There were a number of proposals in the hopper to increase the vehicle registration fees, some for transportation related purposes, some for State police and parks, and even for emergency service providers.

Presiding Officer Kvistad reviewed the JPACT discussion about how and which particular portions of either vehicle registration or an increase in the tax on gasoline would be used and what the allocation might be, the county partners stated that they wanted to change part of the allocation process as well as wanted an additional \$10.00 on the auto registration fee to be a local county options for individual county projects and priorities. There was a bit of a discord between that position and the other partners in the cities as well as some of those on the Metro Council as to what effect that might have. ODOT expressed some reservations in terms of where they were. He had requested staff and Mr. Lindquist to put together an emergency JPACT meeting this coming Tuesday morning where they would have an overview of the projects and what the priorities would be, have a general discussion about what the needs would be and what the

interrelationships and where opportunities to facilitate might occur. He noted that JPACT did not meet until next month, they would try to get information out to the members of JPACT and the Council.

Councilor Naito hoped that they could resolve any of their difference in light of the transportation needs of the region. She was concerned that if there was too much dissension about what the package looked like it could torpedo the whole effort. Her hope was that the Council could take a position on what type of transportation funding package they would want to push as a Council. She urged the Council to move on this quickly in light of the fact that JPACT was continuing discussions next week. She suggested discussing this in Government Affairs next Tuesday, March 18th and make a recommendation to the Council.

Presiding Officer Kvistad suggested that Councilors Naito and Washington discuss which committee and which way to go on the issue of transportation. He would like people to be involved in that because it was going to have a major impact on where the region was going especially with the funding package. He did not want to lose the opportunity to have those dollars available for everyone.

Councilor Naito added that JPACT was getting information to the legislators, if there was a given amount of revenue, what exact projects would be accomplished in this region with those dollars. She felt this would be helpful to the legislators who may or may not be familiar with the various needs of their district.

Councilor Washington said at the JPACT meeting this morning he was caught off guard by the areas of concern between the cities and counties. He said that Councilor Naito and he were getting together this afternoon to begin to discuss transportation and governmental affairs. He asked Mr. Higbee about increasing the auto registration fee, by \$10.00, did Mr. Higbee have any idea of what that meant in terms of total dollars to the State? What did each dollar of registration produce?

Mr. Higbee indicated he did not know what the impact of that increase would be.

Presiding Officer Kvistad suggested Councilor Washington speak to Mr. Andy Cotugno, Transportation Department Director about this and he would be able to give a rough estimate.

Councilor Naito suggested moving on to Metro's legislative package.

Mr. Higbee reviewed the Boundary Commission legislation which reflected the legislation of MPAC, this bill was still being printed and would be SB 947. Changes would be made once the bill came up in committee. He believed the bill would be out by the middle part of next week. He reviewed the parks bills, four were on the docket, they were house keeping measures, allowing Metro to be included in those statutory provisions that cities and counties were included in right now for the purposes of parks. Two would be going to the Senate Livability Committee and two to the Senate Revenue Committee, having to do with the farm and forest deferral acquisition issues. There would probably be hearing on these in the next two to four weeks. Issues related to State funding of State parks as well as other issues having to do with access to the resources and river environments.

Councilor McLain asked about the Boundary Commission legislation. She had seen a copy of the legislation that went to MPAC which was the mistake draft, was this correct? Her concern

was that she got a report from MPAC and then Metro staff wrote up a piece of legislation that looked liked at least some of the items that they had heard from MPAC and from committees. She said what she saw looked like a regurgitated effort from last year's legislation. Was there more than one draft?

Mr. Cooper responded by saying that the format of the bill that was distributed, the LC draft, was in the format where it did substantially follow the draft that Mr. Cooper prepared, dealt with the existing statutes that provided for the Boundary Commission now that needed to be substantially amended to carve out the Portland Boundary Commission from the Lane County Boundary Commission. If the Council looked at the draft that came out of the Legal Counsel Office because those statutory sections were numbered in the 197's rather than the 268's they showed up in the front end of the bill and they were pretty confusing to trace through. The amending of Chapter 268 was, where noted, what the new system would be, it was easier to see where it tracks what the Council resolution was.

Councilor McLain said she didn't see the similarities at all, she saw the differences between the Portland area and the rest of the state but there were some big difference such as the size of the committee. She asked if there were several bad drafts?

Mr. Cooper suggested sitting down with Councilor McLain and the draft that she had seen so he could answer that question.

Councilor Washington said that the legislature was in about the third month of the session, what provision were in place, particularly in the areas of transportation where there were some critical issues that were coming up and there had to be representation and testimony from the Council. How would the Council be notified to be there and support Councilor Naito on behalf of the Council and Metro?

Mr. Higbee said that he would have to be communicating with each other of the Council directly. Councilor Naito would be actively involved, daily, there were mechanisms in place where he could communicate both with Council staff and the Executive Officer staff to make sure that there was good information flow, through telephone, faxes, and e-mail regularly. He added that one of the keys to making sure they could be on top of thing was that they understood clearly how Metro felt about these issues that would come forward. This would save an immense amount of time. If they knew what was important to Metro and to the region, then they had something to work with and could march forward in an affirmative fashion and implement Metro's agenda.

Councilor McFarland asked how the Council got notified when something came up that they might not have anticipated. The Council did not always know in advance where they were on issues.

Mr. Higbee said that it was hoped that through the regular process of meeting once a week as he did with Councilor Naito and staff as well as the Government Affairs Committee meetings that there was a chance to have a handle on this and a mechanism to translate back to the Council. Councilor Naito had been on the spot in terms of relaying back to the Council things that were coming up. If there was any major concern on a bill, he would be immediately contracting Councilor Naito as well as Council staff and the Executive Officer staff.

Councilor McFarland asked Councilor Naito how the Council would get notified when issues came up that needed to be dealt with immediately?

Councilor Naito said that when she talked with staff, she had asked that staff notify their Councilors immediately if a situation came up like this. She would not hesitate to contact each Councilor if need be.

Councilor McFarland encouraged Councilor Naito to call. She said there may be times when Mr. Higbee may need some judgment on whether something was innocuous or not. She suggested the Council needed to hear about these bills as well.

Councilor Washington wasn't inferring in his request that what he had just talked about wasn't happening, he felt Councilor Naito had done a very good job of keeping the Council apprised but just like the issue that came up in JPACT that the Councilors had not been privy to. The transportation issues were very important to this agency.

Councilor Naito said she agreed with Councilor Washington, as legislature moved into the transportation issues, Metro wanted to be pro-active in terms of having an advocacy position. It would be much more of a give and take as the legislature under went negotiations of what they wanted to do and how Metro wanted to be involved with that. She noted the rally for Parks on the capital steps, Charlie Ciekko had encouraged all to be involved.

5. CONSENT AGENDA

5.1 Consideration of the Minutes of March 6, 1997 Metro Council Regular Meeting Minutes and the February 26, 1997 Council Work Session.

Motion: **Councilor McFarland** moved the adoption of the minutes of March 6, 1997 Metro Council Regular Meeting as amended and the February 26, 1997 Council Work Session.

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

Discussion: **Councilor McFarland** corrected the minutes of March 6, 1997, on the last page, the building of the new Expo building was 13.4 million, not 3.4 million.

Councilor McLain asked if the corrected agricultural figures were included in the minutes.

Ms. Billington responded, yes they had been corrected.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Naito abstaining from the vote.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 97-680**, For the Purpose of Granting a Metro Franchise to American Compost and Recycling Inc. to Operate a Commercial Food Waste Processing Facility and Yard Debris Composting Facility.

Presiding Officer Kvistad assigned Ordinance No. 97-680 to Regional Environmental Management Committee.

6.2 **Ordinance No. 97-681**, For the Purpose of Amending Metro Code 5.02, Reducing Disposal Fees Charged at Regional Solid Waste Facilities and Making Certain Form and Style Changes.

Presiding Officer Kvistad assigned Ordinance No. 97-681 to Regional Environmental Management Committee.

7. **CONTRACT REVIEW BOARD - RESOLUTIONS**

7.1 **Resolution No. 97-2465**, For the Purpose of Amending the Contract Between Metro and Gardiner and Clancy, LLC (Contract No. 904803) for Financial Advisory Services.

Motion: **Councilor McCaig** moved approval of Resolution No. 97-2465.

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

Discussion: **Councilor McCaig** reviewed this resolution which came through the Budget Committee and on to the full Council. This was originally proposed as a three year contract for financial advisory services. Due to the newness of the firm, Gardiner and Clancy the objective was changed and Metro contracted only with them for one year for a total of about \$65,000. They had successfully completed that first year and after an extensive review by Executive as well as some other individuals who did business with them, the recommendation was to go ahead and renew the contract for the remaining two and a half years. The total contract was not to exceed \$275,000. The request was for \$162,500. At the point that the contract was completed, it would not exceed \$275,000.

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

8. **Executive Session Held Pursuant to ORS 192.660(1)(e). Deliberations with Persons Designated to Negotiate Real Property Transactions.**

8.1 **Resolution No. 97-2466**, For the Purpose of Authorizing the Executive Officer to Purchase Property Necessary to the Construction of the Peninsula Crossing Trail.

Members Present: Jim Desmond, Charlie Cieko, Alexis Dow, Heather Nelson, Mel Huie, Alison Campbell, Linnea Nelson, Nancy Duran.

Motion: **Councilor McCaig** moved approval of Resolution No. 97-2466.

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

Discussion: **Councilor McCaig** said that this was a 1.5 acre parcel that would allow Metro to improve the Peninsula Trail Crossing and was an opportunity to make it actually more accessible to all of the people of the region.

Councilor McLain said she would like to support Resolution No. 97-2466. It gave better access, improved public recreation as well as with the concept of the 2040 Growth Plan was trying to protect urban greenspace which allowed the public to know that Metro cared about the greenspace in urban areas as well as rural areas or outside UGB. She pointed out that this urban greenspace was one that was necessary if one looked at the kind of density that was around the greenspace. She also believed that the Peninsula Crossing was a hallmark trail, demonstrating

some of the best possible kinds of walking and commuting from this type of facility, truly a star in this type of trails program. She noted that they were in uncharted territory in the sense that there was some money that was available because of some savings in some other refinement areas. As they got down to the last portions of what could be acquired in the 6,000 acre goal, she thought there may be some issues about choosing some land that fit the amount of money that was left, trying to leverage as much as possible of the dollar amount from the bond measure. There may be need for guidelines on the refinement, spending, and criteria that would fit some of these unusual circumstances.

Councilor Washington asked Mr. Desmond how much money had Metro saved, how much was left?

Jim Desmond responded that the only target area that was completed was Willamette Cove. At this point the savings on this target area was \$150,000. On the Peninsula Crossing project there was about \$150,000 for contingency that they could have used for this acquisition but it may not be necessary to take it out of the account if the construction went well.

Councilor Washington said he asked the question for his own sense of interest, he applauded the staff for saving money.

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

9. COUNCILOR COMMUNICATIONS

Councilor McLain reported on two subcommittee's MPAC and WRPAC. Subcommittee formed that would be deal with the role the MPAC played with the Metro Council, some of the refinement that might be possible for more efficiency for the Council and MPAC. Councilor McCaig and she would be happy to serve on that committee but would like to invite any Councilor who would like to sit in on that committee. The second subcommittee would deal with the performance measures from the Functional Plan in Title 9. There was a good conversation on the goal of performance measures and how it related to the Functional Plan and to the Regional Framework Plan and other parts of the growth management strategies as they were put forward in both the Future Vision, RUGGOs, etc. At the WRPAC meeting working on Title 3, on the Model Code, and the map review which they hoped to be done with by the middle of April. These would be sent to MPAC at that time.

Councilor Washington said the Transportation Department had scheduled a meeting with the EIS alternative to reflect cost cutting measures on South/North Lightrail. Starting the 14th of this month, they would be going into a 30 day comment period through April 15th. At that point from April 15th to April 24th, project recommendation, participating jurisdiction recommendation would be April 28th through May 7th. Then it would be coming before the Council to adopt amendments May 8th through May 22nd. There would also be a steering committee work session on the 17th of this month. There would be some public information meetings on March 31st, April 1st and 2nd. He had also asked the Presiding Officer to please allow Mr. Cotugno or members his staff to come in from this point forward to give a report to the Council on the South/North to keep Council apprise of where they were in the process. He encouraged the Council's active participation.

Councilor McCaig spoke of the role and relationship of the Council in reference to MPAC. When the Functional Plan was adopted, there was a place holder put in on performance measures and asked the Executive to put a work group back together, come forward and make a

presentation to the Council about what the performance measures should include after having given them some guidance. She believed there were five or six areas that they thought would be appropriate and then left the flexibility of that work group to add others. The Executive called the group together and they met twice. Before the work was concluded the performance measurement in draft form that members of the committee hadn't seen yet were sent out to MPAC.

Immediately after that it was scheduled for the Growth Management Committee. Yesterday was the first hearing in front of MPAC and there was a long discussion about a product that was not complete, had not been reviewed by the committee, nor adequately presented to the Growth Management Committee. The process was not a wise use of anyone's time. Now, the group had been asked to go back and finish work that wasn't completed in the first place. As a result, there was indication given to a group that they had a whole lot of opportunity to have a say in all of the different performance measurements rather than having it better defined from a Council perspective and then taking it to MPAC and asking for their advise in specific areas. It was her hope that as they worked at the relationships that there was thought about the work flow as part of the problem at getting crosswise with each other.

Presiding Officer Kvistad said that he believed that was what they had been talking about in redeveloping the whole MPAC relationship, items should come to Council for review and then go out to MPAC.

Councilor McLain noted that MPAC was very cooperative, on this particular item, everyone was a long way from understanding what they really wanted. There was direction to do more work on the document. She said there would be a subcommittee work report at the March 26th MPAC meeting as well as a full discussion of it on April 9th. So of the issues that Councilor McCaig addressed were brought up at MPAC and they were trying to put together a better process and system for the measurement standards document as well as future ones. They were very much part of the process at the MPAC meeting.

Presiding Officer Kvistad requested that Councilor Naito take that under advisement with her committee in terms of the MPAC relationship and have a general discussion to set a tone and a direction that the Council as a group could decide on.

Councilor Naito reported back to the Council about going to Washington DC. She thought it was helpful to the delegation that a Councilor, an elected official from Metro, was actually present. There was Linda Peters from Washington County, Gary Hansen, and Charlie Hales from the City of Portland. She thought one of the big selling points for Oregon, Portland and the region was that they had wonderful working relationships, in partnership with the counties and the cities. They spoke with one voice in terms of the needs of the region. That message had gotten out way beyond their delegation. It was known to other people around the country, the poster children. The goals were to get reauthorization of the ISTE A funding, complete the westside funding commitment from the federal level and to advocate for South/North. It was a positive experience. Obviously they were lacking some of the clout that they once had in terms of South/North, however, their delegation both in the Senate and House, was positive and supportive.

Councilor Washington thanked Councilor Naito for going on his behalf. He understood that she did an excellent job and they were happy to have a representative from Metro.

Presiding Officer Kvistad thanked Councilor McCaig, he thought that the last Finance/Budget Committee was a very positive one. As the Council moved into other issues he was very comfortable with that experience. The Council budget was coming up in a couple of weeks, he asked the Council to get their comments and questions before they went into those deliberations.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:20 p.m.

Prepared by,

Chris Billington

Clerk of the Council

DOCUMENT NUMBER

DOCUMENT DATE

DOCUMENT TITLE

TO/FROM

031397c-01

Staff Measure Summary HJR
85A

Jim Scherzinger

031397c-02

Staff Measure Summry HB
3511A

Jim Scherzinger

031397c-03

022797

Metero Legislative Priorities

031397c-04

030697

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