

MINUTES OF THE METRO COUNCIL MEETING

June 12, 1997

Council Chamber

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

Councilors Absent:

Presiding Officer Jon Kvistad called the meeting to order at 2:03 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellyn, L.O.T.I., 3205 SE 8th #9, Portland, OR reviewed his current proposal on L.O.T.I. and how the design had evolved over the last year and a half in comparison to the Light Rail proposal. He wanted to add back to the central city. (He submitted a copy of his design.) He noted that the problem was not the transfer to the other side, it was the time that one had to wait for the transfer, something not built into the system yet. His design assisted this transfer time. He also showed slides of a streetcar going into Milwaukie connecting with Clackamas Town Center as well as an extension to Salem.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR'S REPORT

Ms. Alexis Dow, Metro Auditor, reviewed the status of the auditor's 66 recommendations, the primary reason for issuing these recommendations was to improve the efficiency and effectiveness of Metro operations, ensure compliance with Metro policy and other requirements and to ensure that program goals and other objectives were achieved. The critical part was that the recommendations become implemented. The Auditor reported that they had very good acceptance by the Executive staff and the operating department. 45 recommendations had been fully implemented of the 66 and most of the remaining recommendations were partially implemented or in process. She noted the report the Council had received included the outstanding recommendations, those that had been implemented had checks next to them indicating they had been implemented. The last part of the report showed a summary of their findings and listed the outstanding or open recommendations and gave an idea of what their status was. She focused on the outstanding or open recommendations.

The Franchise Management report included 4 recommendations. The primary findings was that the code regarding franchise needed to be updated, it had not been updated in a number of years

and the environment had changed quite a bit. It also suggested that a the vertical integration be addressed and that there be a better system for monitoring and administering the franchises. One recommendation had been completing implemented and the other three were in process, that was overhauling the franchise provision and seeking clarification from the Council on a policy restricting relationships between franchise processors and collection and hauling companies and determining whether franchise ownership changes should be treated as transfers that were subject to Metro Council review and approval. The Environmental Management Department and the task force of stakeholders were in the process of suggesting revision right now. The Department did intend to have revised code provision available to present to the Council some time this summer.

Councilor Morissette said he read through this and saw where the recommendation for the solid waste system was inequitable among rate payers, fostered conflict between Metro's recycling and financial objectives and was unsuitable and may fail to raise adequate funds in that few years. He noted where the report spoke to how Metro got to where we were by the participants as opposed to the average Joe on the street. He noted that this was on page 13 of the report. He felt that this beared some looking at as the Council went through the process. He felt that it might lead into what the Auditor was talking about. He asked where Metro was concerning these findings, as Chair of the REM Committee he was unsure where the Auditor was in the process.

Ms. Dow responded that on page 13 she had indicated that the Auditor's Office was not making any recommendations relative to those findings at this point. They were temporarily suspending them. This was because there had been a change in the rate structure dropping the rate from \$75 and they thought that there needed to be an opportunity to see how that worked, which was not to say that there may not be recommendations in the future.

Councilor Morissette asked for clarification, was there a task force working on recommendations on how we better implement a more fair user pay system or did he misunderstand Ms. Dow's statement?

Ms. Dow responded no, what she referred to in franchise management was that the Auditor had recommended that changes be made to the Franchise Code and that people who were working on it now, both staff and volunteers or stakeholders were working on suggesting revisions to the Franchise Code as opposed to the solid waste rate.

Councilor Morissette asked Mr. Bruce Warner, REM Director to put this issue on one of the REM agendas for an update.

Ms. Dow continued with the next report that still had open items, the Investment Management Program. The Auditor's report found that for the most part the Investment Management Program was functioning very well. There appeared to be adequate controls and they were working towards having a balance of safety and liquidity. But the process continued to evolve, with this in mind the Auditor's office made several recommendations to enhance the Investment Management Program. Of the 8 recommendations, three were still outstanding. One was to clarify the roles and responsibilities of staff managing investments. There had been some clarification in showing the delegation of responsibility from the Investment Officer to the Investment Manager. However, there were other people involved in the process and their exact responsibilities had not been particularly well spelled out for both supervising and monitoring work of the Investment Manager. The Auditor also suggested that the yield calculations be verified independently and regularly. There had not been anything done on that particular recommendation. The Auditor also recommended that there should be an evaluation on the effectiveness of the cash forecasting by Metro's Investment Advisory Board. This had been taken to them and the Advisory Board was in

the process of discussing this issue now. Most of these recommendations had had some action on them with the exception more specifically defining and training the people who supervised the Investment Manager. He was a very highly skilled technical person, there was a questions as to whether or not it was truly cost effective to have someone who had the same skill set as the Investment Manager to supervise him. The Auditor was recommending that they have someone with not that same skill set but have someone who periodically spot checked the yield calculations and some of the other investments with others.

In the area of Grant Management, there were only 2 of the 16 recommendations that were outstanding. There had been a lot of progress in the grant management area. Grant Management was very important because of the moneys Metro received there were federal restrictions and liabilities if those restrictions weren't adhered to. Also Metro was using its own money to be reimbursed by the Federal Government. By having a better system, Metro was able to get that reimbursement quickly. Of the two that were still outstanding the first was to take steps to ensure that Metro monitors all grants for compliance with federal regulations. The problem had been that there had been no clear cut criteria. Staff had been working on developing that criteria. They had established criteria but it had not gotten approval yet. The second recommendation was to improve Metro's follow-up of sub-recipient's compliance with grant regulations. It was Metro's responsibility under grants to make sure that those sub-grantees that Metro was passing money through to accomplished the grant objectives, that they adhere to the recommendations. Metro had the responsibility to monitor this. The Auditor found in the past that recipients weren't even appropriately identified. They were being identified sooner but there was still not an appropriate system for doing this.

Councilor McLain asked if every single grant was grouped into the audit, including restoration grants, challenge grants, education greenspace grants?

Ms. Dow responded no, these were grants that Metro was the recipient of. So they were federal and state moneys.

Councilor McLain clarified that Ms. Dow was talking about water grants?

Ms. Dow said most of the grants that Metro received flowed through the Transportation Department. Some minor amount of grants flowed through the other departments. Because most of the grants flowed through the Transportation Department, they were the focus of the audit.

Councilor McLain summarized that this audit was specifically transportation grants?

Ms. Dow clarified that because the Transportation Department had more grants they had more of a system than the other departments. The Auditor's Office found in dealing with the other departments, they probably weren't doing as good of a job as the Transportation Department in identifying sub-recipients and monitoring them. She said their work concentrated on the Transportation Department but before they made a statement regarding Metro as a whole they had touched bases with the other departments to see if they in fact had a tighter system.

Councilor McLain indicated she would like to talk to Ms. Dow further on this area.

Ms. Dow reviewed the recommendations for the Open Spaces Program. The Auditor's objective was as Open Spaces was getting started to look at the system that was set up to see if there were appropriate checks and balances in place. They found that for the most part there were. There were 9 recommendations to enhance the system that was set up. Of those 9 recommendations 8

has been implemented. The remaining recommendation was to periodically evaluate program goals and progress and provide the results to the Metro Council. The Parks Department staff had presented the program achievements to the Council but they had not yet provided the forecast of the department ability to achieve the program goal. This was the part that was still outstanding.

Ms. Dow then reviewed the Metro's Solid Waste Enforcement Unit. There were a total of seven recommendations, the thrust of the report was that the Enforcement Unit was off to the side, by itself. The Auditor felt that its goals and objectives should be encompassed within the different solid waste plans. This had happened to a great extent. The Auditor also felt that there should be better coordination in the Metro region of work by the Enforcement Unit because most of it had been concentrated in Multnomah County. The remaining recommendations included determining what the effect of the enforcement effort had been, to set some performance measures for them. It was suggested that they do a study similar to the one that had been done at PSU to determine what the effects of enforcement had been on solid waste collection. They attempted to do that within the department but were unsuccessful and so their current plans were that as funds were available they would go back to PSU and asked them to update the study that had been done. The second recommendation was to coordinate with local jurisdictions to ensure that there was equitable handling of illegal dumping within Metro boundary. The Auditor found that there was some increased coordination with local jurisdictions and that they were working on this in conjunction with the Council approved illegal dumping plan. They expected these tasks to be done this summer. The final recommendation was to develop a clearer definition of "beneficial materials" and address misidentification of Metro waste at area land fills. They were working on suggesting revisions to the Metro Code to be completed sometime this summer.

She reviewed the Contract with Oregon Waste, Waste Disposal Services. There were a total of 9 recommendations. Of those 9, three were outstanding. The first one was suggesting that there be additional security measure to protect computers and waste load data at Transfer Stations. There had been some action on that, there had been metal grates installed over the outbound scale windows but the staff still needed to install lockable disk drives on the personal computers in each scale house.

Presiding Officer Kvistad asked if there had been any problems or was this a potential liability?

Ms. Dow responded that it was a potential liability. The billings were based on what went through and the liability, what was processed in those scale houses. Right now the records were open and could be tampered with. The next recommendation was developing measures to prevent the transport of unweighed material into Metro Transfer Stations. The Department planned to have access control and video monitoring systems in the middle part of this year. The Auditor suggested that they closely monitor the tonnage hauled in and out of Transfer Stations. The staff was working on a way to keep track on a monthly basis of waste that went in and out.

Finally, Ms. Dow reviewed the Observations relating to the loaned employees and Metro's Code of Ethics. She had suggested that a enhanced or more stringent comprehensive code of ethics be adopted by Metro. Metro's Executive Officer had issued an executive order that covered Metro employees and appointees. But the order did not apply to the Council, the Auditor or MERC. Her office had gone ahead and adopted that policy but at this point no action had been taken.

Councilor Naito indicated she had had conversations about the Council staff and she, Mr. Stone and Legal Counsel had been working on that. Government Affairs would be taking that issue up in July.

Ms. Dow concluded by saying that Metro was accomplishing a lot because the Auditor had identified a number of things and taken on most of them. Those that were straggling the Auditor's Office would continue to monitor and urge action.

5. COMMUTER RAIL BRIEFING

Ms. Kathy Lehtola, Washington County, reviewed the commuter rail option. Historically, in Washington County they had overcrowded roads and programs to deal with the roads. In addition she had been looking at other alternative modes. One of the areas where Washington County had problems was I-5 northbound and Highway 217. A number of people had noted the existence of a freight line running parallel to those highways and thought in the past of the possibility of passenger rail. Recently, Washington County had pursue a fatal flaw analysis. The conditions of rapidly increasing population and that meant increasing vehicles and miles traveled by those vehicles. The recent Western bypass decision to do one portion of that and not do the remainder of that existing transit service in that area was outlying and not as efficient and as frequent as people would like it to be and increasingly scarce transportation funds led Washington County to look at the possibility of commuter rail. The purpose and scope was to do a fatal flaw investigation, looking at only three things; the physical inventory, the track giving a general impression of what would need to be upgraded, doing a ridership analysis based on large part on Metro 2040 ridership trip origin and destination modeling and a legal assessment. The rail line (she noted the map in the packet included in the record of this meeting) extended from Beaverton through Tualatin paralleling HWY. 217 and I-5. The study included just this area.

They first identified the number of stations, Merlo, Beaverton, Washington Square, Tigard, Tualatin and Wilsonville. One of the characteristics of commuter rail was that you had longer distances and fewer stopping places for commuter rail as opposed to Light Rail. In order to determine ridership, some assumptions had to be made. They had to identify an approximate number of stations and the location of those stations. They had to make some assumption about equipment because that depended on how many seats there were and how many riders you could get and how frequently you had to use the equipment. They looked at bi-directional service, frequency, and travel time and speed. The analysis looked at 20 minute headways, 30 minute headways and an hour headways. They called this a interurban rail analysis. There would be a lot of usage at peak hours and some potential shoulder times, evenings and special events which were not looked at. The consultant did find out that there was bi-directional demand.

The frequency that was decided upon was 30 minute headways, starting at each end every thirty minutes. The findings included no substantial engineering obstacles, there were signal issues, the freight trains run infrequently and were not a problem with the traffic interference. If you had more frequent trains that were also on the commuter days, that needed to be looked at in a more detail study. Modest capital cost requirements generally on existing used freight lines. You had the line in place and didn't have the capital costs of right of way. Bi-directional service and favorable travel time was approximately 28 minutes from one end to the other. The linkup with the Light Rail at the Merlo station was also an important component to continue into the region's mass transit system.

The conclusions included ridership estimates of 1820 in the year 2000 and 2290 in year 2015 (rides per day). About 485,000 trips were saved from the roads. There were no insurmountable legal issues, there were no fatal flaws. She noted who was on the steering committee, a study done by 9 agencies including Metro, Washington County, cities in the area, TriMet, and ODOT. Many of these agencies had planned public input. No cost estimates were done but generally it would take to 4 to 7 million to start up a commuter rail. Hurdles to be overcome included funding

(capital costs and operating costs), negotiating an operating agreement, liability coverage, and organizational structure.

Presiding Officer Kvistad noted that 10 years ago several of them had talked about the Tigardton Trolley Line on these same lines between Beaverton and Tigard. They ran into a bit of a problem with the rail company. He was pleased to see this project come around with very little opposition and some actual support from the railroads had been a tremendous opportunity. This was a solid project. He thanked Ms. Lehtola for her efforts and the work of the committee.

6. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Councilor Naito noted the transportation package, a dramatic event. They expected it to be in the Senate Revenue Committee but it was moving very rapidly.

The Boundary Commission Bill, SB 947 and the Parks Bills, SB 626 had been carried on the House floor for two weeks. She felt that they would both do OK.

The Egge bill HB 3638 passed to the Senate floor. It seemed to be fairly uneventful, they were trying to prevent some other things from getting loaded on to this bill and they were successful.

HB 2515 the bill that would require notification on all types of land use decisions which Metro staff estimates would have a fiscal impact on Metro of approximately \$150,000 to \$500,000 per year. The bill was in the Senate and Metro was trying to get a nonoccurrence when it went to the House side. These were amendments that were added on the Senate side.

On HB 2493, the home builders bill, there were some amendments. Metro had not actively opposed or supported but it did have provisions that Metro could live with. It had an escape clause now to the department and the performance measures had been changed to factors and the language said, shall include these factors but are limited to make clear that Metro was still the entity to approve the various performance measures. The cities had a last minute issue with lot size, they were able to work that out. This bill may be passed out of the Senate Rule Committee to the Senate floor.

The Toll Bill, SB 465 passed the House.

SB 1044 relating to glass recycling came up. It passed the Senate, she met with DEQ and was briefed on this bill. This was a roll back on the glass recycling standards of Senate Bill 66, passed in the 1991 session. The Association of Oregon Cities and Counties had opposed the bill. They had all felt that it was in the preview of the package that Metro had adopted in terms of Metro's stand on recycling. Scott had written a letter about this bill. She said she would be getting this bill to Council. She thought it was in the House Transportation Committee.

Presiding Officer Kvistad said that a letter from JPACT was voted on to go to the Senate asking to reevaluate their votes on the transportation package. A letter did go unanimously from JPACT to reaffirm their position on that item.

7. CONSENT AGENDA

7.1 There was no consideration of minutes at this meeting.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 97-703**, For the Purpose of Granting a Franchise to KB Recycling, Inc. Systems for operating a solid waste processing and recovery facility.

Presiding Officer Kvistad assigned Ordinance No. 97-703 to Regional Environmental Management Committee.

8.2 **Ordinance No. 97-704**, For the Purpose of Granting a Franchise to KB Recycling, Inc. Systems for Operating a solid waste processing and recovery facility.

Presiding Officer Kvistad assigned Ordinance No. 97-704 to Regional Environmental Management Committee.

Deputy Presiding Officer McFarland said that in the reading of each title, they were exactly the same. She felt that this created confusion.

Mr. John Houser, Council Analyst said that one of the ordinances was for the purposes of authorizing the renewal of an existing franchise facility and the other was for a new facility that would replace the existing facility, the second ordinance was for the newly constructed facility. One would simply be in existence until the new facility opened and then the provision of the second ordinance would become operative and apply to the new facility.

Deputy Presiding Officer McFarland summarized that these two should really be written as they stand.

Presiding Officer Kvistad suggested in the future that there be an additional line speaking to the fact to the one that was a renewal.

Mr. Dan Cooper, Legal Counsel, noted that with the new Archivist position there would be clearer criteria for titles, this should assist in eliminating duplication.

9. RESOLUTIONS

9.1 **Resolution No. 97-2519**, For the Purpose of Approving a Marina Lease Between Metro/MERC and John and Nancy Murray of White Marine Services.

Motion: **Councilor McFarland** moved the adoption of Resolution No. 97-2519.

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

Discussion: **Councilor McFarland** said that this was passed out of Regional Facility Committee unanimously. She explained this was a lease with White Marine Services that Metro had been working on for two years. This had to do with the development of the 4.07 acres of the Expo Metro owned land at the North Portland harbor. Initially Metro would receive \$1000 per month, this would increase to \$2000 when the construction was complete. After five years, and every five years thereafter, fair market value would adjust the lease. The reason that this was brought before Council was because it was a 30 year lease and as the parent company the Council needed to pass judgment on it. The committee recommended this lease be accepted but at the same time she had asked Councilor McCaig to work with Metro and MERC. She recommended that the Council pass this resolution but as a larger issue that the Regional Facility Committee

bring before the Council some suggestions and descriptions of how the Council might address this question in the policy making realm in which the Council deals with all such matters.

Councilor Naito said she agreed with the Chair of the Committee that this was a good resolution to move forward on.

Councilor Washington asked if this was 30 year lease for this particular venture.

Councilor McFarland responded yes.

Councilor Washington said he was not going to oppose this but wanted to mention that a 30 year lease was a long time.

Councilor McFarland responded that was exactly why it was brought before Council.

Councilor Naito said for the record that the work done in committee had been a very open and public process. Any potential interested people could have come forward.

Presiding Officer Kvistad said that he understood the terms of this lease and was more comfortable with this than he would have been with others. He agreed that 30 years was a long time for a lease but for a marina project it was understandable. He said that the Council did need to be careful with long term leases.

Councilor McFarland urged an aye vote on this resolution.

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

9.2 **Resolution No. 97-2508**, For the Purpose of Establishing a Policy for the use of the Balance of Funds Transferred from Multnomah County in the Final Consolidation Agreement Previously Known as the Natural Area Fund.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 97-2508.

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

Discussion: **Councilor McCaig** reviewed the fund issue and policy on expenditures related to that fund. A couple of extensions to the policy: the first was that with \$1,040,000, we would get about \$52,000 a year in interest. We had come up with two recommendations on the interest: first, pay for a half-time assistant, which was approved in the budget, to manage the Multnomah County Parks which were now Metro managed. Secondly, any of the funds from the interest that had not been used to pay for this half-time position would be available to be used for any existing needs within the parks system, not just Multnomah County, but within the entire Region. The third policy recommendation was to create a "pot" called the Renewal, Replacement and Capital Improvement Account to be used only for capital maintenance and improvement.

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

9.3 **Resolution No. 97-2517**, For the Purpose of Appointing Members to the Water Resources Policy Advisory Committee.

Motion: **Councilor McFarland** moved the adoption of Resolution No. 97-2517.

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

Discussion: **Councilor McFarland** deferred to Councilor McLain to review this resolution.

Councilor McLain said the name of the representative the committee had chosen was Scott Forrester and the alternate was Lowell Hannah. She said Mr. Forrester had been attending WRPAC meetings on a regular basis for the past 6 months. She said he was supported fully by his group and the Growth Management Committee. This was a diverse group with many different types of water issues relating to Title 3 and to the model ordinance.

Councilor McFarland noted that Mr. Forrester was from east county.

Presiding Officer Kvistad opened a public hearing on Resolution No. 97-2517.

Mr. Frank Gearhardt, 2103 NE 24th Court , Gresham OR. spoke on behalf of the nomination of Scott Forrester. He mentioned that Mr. Forrester had been a member of Citizens Interested in Bull Run for 6-8 years and put in a lot of donated time and effort to the Clackamas Watershed Council. Mr. Gearhardt said his concern was more citizen involvement.

Mr. Lowell Hanna, 19285 S Sunnyridge Court, Oregon City, OR. He said he was the water provider representative to the Clackamas Council and the alternative elect to the WRPAC. He supported Mr. Forrester's nomination.

Liz Callison, 6039 SW Knightsbridge Drive, Portland, OR, spoke in favor the WRPAC nominations. They had a need for citizen representation and urged Council to accept the nominations.

Councilor Washington asked about what the confusion was around the nomination.

Ms. Callison explained that there had been a problem with ground rules for representation from different citizen groups. She felt Metro could help by better defining Metro's relationship with citizen groups that send nominees to Council committees. In this case there was some question about if it would be Metro or the Basin Council that would have the final say of who would serve on the Basin Council.

Councilor Washington asked how long this had been going on?

Ms. Callison said several months as the selection by the Columbia Basin was made in April.

Barbara Kemper, Secretary of the Clackamas River Basin Council, said she was in attendance today to thank the Council for accepting the nominations because she thought they had been accepted and welcomed aboard at the last Metro Growth Management meeting. She said she was surprised on arriving at this meeting late to find the discussion was whether to accept the nominations. She stated that they felt the people who had been chosen were very qualified people.

Councilor McLain assured Ms. Kemper of the process for Metro to go to the committee first and bring them forward for final approval of Council. Nominations went first to committee and then to Council. She noted that MCCI citizen participation had helped conform criteria. It was her

hope today that the Council would confirm both Mr. Forrester and Mr. Hanna as the two representatives from the Clackamas River Basin Council.

Ms. Kemper said their Council did operate differently from some other groups in that they had members who voted at each meeting and alternate members who could switch places at any time at a meeting if they felt the other was more qualified to vote on the issue at hand.

Councilor McCaig said she thought there had been some confusion. She said the fact that the Water Resources and Policy Advisory Council moved the name forward with no recommendation, the staff report very clearly said "neutral", was unusual. She said the lack of a recommendation gave rise to a few questions. There was a question of Mr. Forrester's residence, he lived in Gresham and not the watershed area he would represent.

Aleta Woodruff, MCCI representative, said she had sent an application and received it back for Mr. Forrester to be a representative on MCCI. They always welcome citizens to participate in MCCI regardless of whether they had been officially nominated and recognized by the Council.

Presiding Officer Kvistad closed the public hearing.

Councilor Washington asked if the procedures set forth in the rules and regulations had been followed with regards to residency.

Councilor McLain said that the change in bylaws of WRPAC happened at a time when WRPAC was still more of an informal advisory group that did not even have minutes. They had started out as a technical group so there were no minutes. The idea was that there should be citizen involvement. Because of the timing, the criteria was not in any official minutes. There were notes taken by staff that we tried to stay true to. She stated that the letter she sent to the Chair of her committee was a typed copy of those notes. There was no residency requirement.

Councilor Washington asked again if there was a residency requirement.

Councilor McLain said there was no residency requirement in any formal minutes.

Councilor McCaig said the WRPAC had discussed this. She believed that there was mixed conclusions as to whether this was a direction or not. She said the recommendation was not forthcoming from her committee, that it had been a neutral recommendation which flagged some questions for her. She said the issue was then was it conceivable that the potential exists to have a limited number of representatives all being from the city of Portland. She said the answer was yes, but this was not a desirable outcome. She raised this issue so that discussion as to whether there should be residency requirements would happen.

Councilor McLain responded that the neutral quality of the recommendation had more to do with the fact that there had been some dialogue between her and the group that made it very clear the group was strongly representing a very democratic recommendation on this.. She felt that some of the members just didn't want to get into it. She said they told her it was the Council's place to decide if they wanted to have these two on the committee. She agreed with Councilor McCaig that as a Council we needed to take some leadership in getting both Metro CCI and the staff working on general criteria to unify some of the elements that help seat people on different advisory committees, and two, although this one did seem convoluted and it did take some time, she felt that Council had done their utmost to make sure there was a balance of citizens.

Councilor Washington said he would appreciate the Chair of the Committee bringing forward specific criteria for the next time this came up.

Presiding Officer Kvistad said this was the first time that this Council had a nominee that generated this kind of a discussion. He felt uncomfortable voting on this, not knowing what was going on for sure. He recommended one final review before supporting the nomination process.

Councilor McLain reviewed that the resolution was asking if the Council would seat a member and an alternate on our WRPAC advisory group. She said all procedure and process had been followed and it was not up to Council to second guess why an advisory group had come up with a neutral recommendation. She agreed that the Presiding Officer and Councilor McCaig about the need to review the uniform elements of criteria for all of our citizen groups. She did not believe that debate belonged in this resolution.

Councilor McCaig stated her concern was about Council's responsibilities for the Water Resources Advisory Council as it related to a regional representation and perspective. She said Council was not meant to be a rubber stamp for any local watershed but the collective government which reviewed the nominees as they fit at the table to represent the region on water issues. She said the reason to care about an established preference for citizen representation to be from the watershed was we had, in fact, given that direction, which was different from the criteria. This may not be the time or place, but it needed to be addressed before future problems arose. She stated that this did come up and the result was it did not get a recommendation from the regional group that was responsible for establishing water policy for the region. She felt that the Council should also be concerned about this. The Clackamas County Watershed as a watershed was appointing someone who did not live in the district. She felt it was this example, used and applied to different situations and scenarios, that could be a problem for the Water Resources Council. She said the Metro Council needed to look forward to preventing those kinds of problems.

Councilor Naito said she was prepared to vote in support of the resolution but she felt that there had been a process breakdown and thought the Council should look at what could be done in the future to prevent this from happening again. One suggestion would be to make sure that these issues were raised at the committee level rather than at the full Council level. The only hesitation was that there may be something "between the lines" that she was not aware of. She said sometimes people didn't support something and therefore sent a neutral recommendation. However, she had not been contacted by anyone from that group so she had no reason to read between the lines. Mr. Forrester was the candidate that the Watershed group had submitted and had been involved with the process and was moving forward. She felt that the Council should move forward, also. She did hope that this individual was a good fit with the group because she had seen groups break down if the personalities did not mesh. She was prepared to move forward, and if the Council wished to review policies on diverse representation on citizen committees, she felt that this would be a good idea to do in the future.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors McCaig and Morissette and Presiding Officer Kvistad voting nay.

9.4 **Resolution No. 97-2498**, For the Purpose of Endorsing the Interim Corridor Strategy for the Portland to Lincoln City Corridor.

Motion: **Councilor Washington** moved the adoption of Resolution No. 97-2498.

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

Discussion: **Councilor Washington** reviewed Resolution No. 97-2498. He explained this resolution endorsed the Oregon Department of Transportation's Portland to Lincoln City Corridor, Highway 99W and Highway 18, I-5 to US 101 interim corridor to strategy. JPACT had also endorsed this. They recognize a strategy as a guiding document for developing corridor system recommendations for Highway 99W and Highway 18 as part of the Regional Transportation Plan for the RTP update Phase 2. This was a resolution of support. Most of the traffic that went through that corridor will come from this region.

Presiding Officer Kvistad opened a public hearing on Resolution No. 97-2498.

Frank Gearhardt, 2103 NE 24th Court , Gresham OR, said this was an issue he had not addressed Council on before but that he felt very strongly about it. He explained that for the past several decades there had been band-aid approaches for the transportation problem when what was needed was some long range planning. He suggested that the transportation problem as he saw it was that there were lots of spokes into the region but no rim around the transportation layout area. He summarized by saying, it was time we get down to serious business and quit looking for band-aids. We need to get on ODOT about long range planning for a beltline around the area.

Presiding Officer Kvistad closed the public hearing.

Councilor Morissette asked if this was talking about mode splits potentially going through that corridor.

Presiding Officer Kvistad said yes, it was.

Councilor Washington urged an aye vote on this.

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

9.5 **Resolution No. 97-2516**, For the Purpose of Appointing Gary Boehm, Jim Bennett, Sheryl Butler, and Larry Hollibaugh to fill three expiring terms and one newly created position on the North Portland Rehabilitation and Enhancement Committee.

Motion: **Councilor Washington** moved the adoption of Resolution No. 97-2516.

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

Discussion: **Councilor Washington** said the North Portland Enhancement Committee was in its 11th year of funding and had awarded over \$1.2 million to 133 projects. Over the next 4 years these new members together with the 3 current members would award over \$400,000 in new grants to the community of North Portland. The Councilor introduced the nominees and urged Council to an aye vote.

Councilor McLain said that the Council was very pleased to have the new members sitting on the committee and honored and appreciated them.

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

9.6 **Resolution No. 97-2518**, For the Purpose of Approving a Sole-Source Grant Contract with the Oregon Food Bank to Assist with a Produce Recovery and Redistribution Plan.

Motion: **Councilor Naito** moved the adoption of Resolution No. 97-2518.

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

Discussion: **Councilor Naito** thought this was exciting and took a simple idea, distributing food that would normally be disposed of by grocery stores, to those that needed it.

Presiding Officer Kvistad asked which fund the grant money came from.

Councilor Naito said there were two, \$9000 remaining in the peer grant program, and \$4200 in organic waste management. These funds were available because the other projects came in under budget.

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

EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

9.7 **Resolution No. 97-2514**, For the Purpose of Amending the Fanno Creek Greenway Target Area Refinement Plan.

Members Present: Jim Desmond, Alexis Dow, Pat Emmerson, Charles Cieko, Tim McNeal

Motion: **Councilor McCaig** moved the adoption of Resolution No. 97-2514.

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

Discussion: **Councilor McCaig** said this was a great opportunity for Metro. The open spaces' original proposal for the Fanno Creek area had land protection along the main stream as a goal. We have expanded on that and showed a real interest in protecting water quality as well as some of the seasonal tributaries that fed into Fanno Creek. This piece of property was a little over 3/4 of an acre that is available on Ash Creek, one of the seasonal tributaries. It would move us toward achieving our goal of obtaining blocks of land within the area. She urged support.

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

10. INFORMATIONAL ITEM

10.1 Policy Discussion Concerning Open Spaces Acquisitions Utilizing Conservation Easements or Deed Restrictions.

Councilor McFarland said this issue came up in the Regional Facilities Committee. There were some concerns and she asked Mr. Desmond to explain this to the group. There was no need for action on the Council's part right now, but the committee decided that not only would Council decision be necessary but that this might be a policy issue.

Mr. Jim Desmond, Regional Parks and Greenspaces, said when they went through the bond measure there were situations where they may want to acquire a conservation easement which was a real estate tool where the land owner held fee interest in the property but gave up certain specific rights that were conservation oriented to a holder of an easement. This would protect or enhance the conservation values that existed in a given property. This would require a willing seller.

Mr. Dan Cooper added that when the master plan and the bond measure were being developed, there was some discussion that as target areas got refined and the specific properties were identified for acquisition, there was the very real possibility that the actual property lines or minimum lot size for zoning purposes might end up creating the circumstances where Metro would be in a position of buying more than it actually wanted in terms of total square footage. He explained that there were properties where one owner owned a relatively large area and the natural resource or open space values to be protected was on part of the property and the other piece might be something that we were not interested in. He said in those cases we would clearly retain the legal right for the Council to make a determination through whatever means they found appropriate to acquire the property, and not have to acquire all of the property. That might require purchase of the larger portion, then a subdivision and resale of the part we didn't want to keep in separate lots. He said we hadn't got to the point where that was actually happening and he didn't think Mr. Desmond was necessarily close to one of those transactions, but it was something to be dealt with and talked about in the future; what policies were and how Council would go forward on that.

Mr. Cooper said what Mr. Desmond was talking about was a physical division of a property into 2 separate legal lots, a division of some of the property interests that went with one lot and maintaining a single ownership, and the fee that you might sell after you acquired it with the retention of the development rights conservation easement, deed restrictions. He said there were numerous ways this issue came up and he reminded Council it was something that needed to be considered carefully in the future.

Councilor Naito said she thought the public believed the main thrust of the Greenspaces plan was the land acquisition. She was interested in looking to the possibility of some kind of legislation that would allow a parcel to be divided into less than that so the house could be on a separate buildable lot and the property could be maintained in perpetuity with no development.

Councilor Morissette said he thought this was a great idea that leveraged the funds and still accomplished the environmental protection goals.

11. COUNCILOR COMMUNICATION

Presiding Officer Kvistad said he met with auditor Alexis Dow and Executive Officer Mike Burton concerning the potential initiative that may involve Metro in 1998. He said a discussion team would be put together to discuss not only what might happen with a ballot measure but what kinds of things we could do internally to streamline and do our jobs amongst ourselves a little better.

Councilor McLain noted her handout on the Regional Framework Plan. They were some things and thoughts they had looking over the plan. She mentioned that an Executive Summary was available to indicate the new items in the document.

Councilor McCaig commented that every week she gets 2 agendas with full documentation. She said she didn't need all of the documentation each time and suggested an abbreviated version one of those times.

Presiding Officer Kvistad said full packets were presented unless requested otherwise from Councilors. He said Councilors will get the full packets unless requested otherwise and we will work with staff for a sample packet and walk it through the Councilors for their comment and change what was before you at the Council meetings.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:20 p.m.

Prepared by,

Chris Billington
Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
061297c-01			Wilbur Weasel
061297c-02		LOTi Map	
061297c-03		1995-96 Annual Report	W. Mult. Soil & Water Conservation District
061297c-04	6/2/97	Fanno Creek: Upper Ash Creek Map	
061297c-05	6/11/97	MPAC Meeting report & Need to Transmit Information to MPAC	Susan McLain
061297c-06	May 1997	Status of Audit Recommendations	Alexis Dow
061286c-07	May 1997	WA Co. Interurban Rail Final Report	
061296c-08		Map w/OMSI & Rose Qtr	
061296c-09	6/11/97	Proposed Amendments to HB 2493	Tim Raphael/Brad Higbee
061297c-10	6/10/97	Regional Facilities Committee Report	Ruth McFarland
061297c-11	6/11/97	Liability Issues Connected w/Res. No. 97-2518	Councilors/Jennifer Erickson & Doug Anderson