

# MINUTES OF THE METRO COUNCIL MEETING

April 24, 1997

Council Chamber

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

Councilors Absent:

**Presiding Officer Jon Kvistad** called the meeting to order at 2:02 p.m.

## 1. INTRODUCTIONS

**Mr. Will Naito, Ms. Lindsey Grey, Ms. Kirsten Naito, and Ms. Anna Morrissey** introduced themselves. They were involved in Career Day events, participating in their parent's work for the day.

## 2. CITIZEN COMMUNICATION

**Mr. Chet Orloff**, Director of the Oregon Historical Society and President of the National Lewis and Clark Bi-centennial Council which had been set up to plan and coordinate the national commemoration of the bi-centennial of the Lewis and Clark Expedition, taking place from 2003 to 2006. The Council had begun their work and wished to meet with the Metro Council to report that they had established the Lewis and Clark, 2005 Inc. in the metropolitan area, a corporation to plan and coordinate the commemoration of the Lewis and Clark Bi-centennial. It was hoped that this event would be bringing money to the region through the various programs planned. In the Portland area there was both an obligation and opportunity to do this because in 1905 the Worlds Fair, the Lewis and Clark Exposition of 1905, was initiated and organized by the Oregon Historical Society.

The plans for the 2005 Lewis and Clark Bi-centennial would include working with schools, local and county organizations, and with government across the United States to plan collaborative projects to commemorate the expedition. The reason for this event was that there was an opportunity to explore and apply some of the lessons of the Lewis and Clark Expedition, the philosophy behind Thomas Jefferson's vision for the expedition as we look at the 21st century. The idea of diplomatic relations with foreign nations was one of the key principles of the expedition and broad views about how this part of the world would develop and related to the pacific and the far east. They would be using the themes of the expedition as they planned this event and would include educational programs, exhibits, architectural elements and sculptures and other opportunities for citizens of the region to be involved. They planned to report to the Metro Council frequently as the plans evolved.

He requested that Metro appoint a liaison to the Board of Director to serve in an ex-officio member. He had made the same request to the three county governments. It was important that there was a permanent place on the board representing Metro so that Metro was formally tied into their work. They had incorporated themselves and were putting together their board of directors.

**Councilor Naito** indicated that there was a school, Jason Lee Elementary School that was trying to bring to the Worlds Fair to Portland for 2005. She noted a letter from Mr. Orloff requesting the legislature assist in this effort. She asked where this was.

**Mr. Orloff** responded that they had continued to work with the legislature in putting forward the idea of the bi-centennial, the educator who taught the classes that were involved in this event at Jason Lee School would be on the Board of Directors for this event. The Worlds Fair in 2005 would be in either in Calgary or Japan. That had already been decided. The region would not have a formal Worlds Fair in 2005.

**Councilor McFarland** noted that when this event really began to roll she felt that all of the facilities that were in the region would be put to use to accommodate this commemoration.

**Mr. Orloff** expressed his gratitude as the Director of the Historical Society for the Council's support on the strategic plan for the Howell Territorial Park on Sauvie Island. He believed that the facility would be a model for the nation.

**Aleta Woodruff**, 2143 NE 95th Place, Portland, OR 97220 MCCI Member, said that both her children and grandchildren have gone to Jason Lee School. Lou Sheets, the fifth grade teacher, took many young people down to Salem to put a bill forward for a celebration for the year 2005. She noted her grandson's involvement in this event.

**Councilor Naito** said her experience with the Jason Lee Grade School was an extraordinary one. She acknowledged the teacher of the class, Lou Sheets, a remarkable person. She had been invited to come and listen to what the children were doing in the class. They had a formal presentation, an agenda a five areas, an action plan, proposals for legislation for increasing penalties, and pro-active activities in the areas of graffiti, drugs, and earth quake safe neighborhoods.

**Lewis Marcus**, 7318 N Syracuse, Portland, OR 97203, Chair of the Cathedral Park Neighborhood Association, said he had brought an issue before Council last month. He thanked the Council for addressing the issue and resolving it. He personally thanked Presiding Officer Kvistad, Councilor Washington, Alexis Dow, Dan Cooper, and Mike Burton for their helpfulness and assistance. He noted the calendar of events distributed to Council concerning the St. Johns area events.

### **3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

### **4. POTENTIAL ISSUES REGARDING STATE LEGISLATION**

**Councilor Naito** reviewed bill HB 3639, the Eighmey bill had a hearing and there was more work to be done, the process was continuing. The Boundary Commission Bill, SB 947 was up for review this afternoon in the Senate Livability Committee.

SB 626, one of Metro bills on RV fees, would be up on May 1st for hearing at 3:00 p.m. Councilor Naito was planning on attending that hearing.

The Ballot Measure 50 implementation continued, the Transportation package, 3631 had been heard in the House Revenue Committee and had been put on a fast track. Councilor Naito may go down and testify on that bill.

SB 624 and 625 both Metro bills on farm and forest deferral passed without opposition on the Senate floor, however, SB 624 passed but on a 17 to 13 vote after an hour and a half of debate on the Senate floor. SB 625 passed 16 to 14. These were housekeeping bills. She felt there was some work to be done to inform the legislature of what was in these bills because they were truly housekeeping bills.

SB 459 Tollways bill would be on the Senate floor next week.

**Councilor Naito** had asked for a monitoring position on HB 3456, the recycling bill in order to meet with staff in REM. REM had reviewed the bill, while it did not do a lot, it was a positive bill and Metro would want to take a positive in support of this bill.

**Motion:** **Councilor Naito** moved to support HB 3436, the recycling bill.

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

**Discussion:** **Councilor Morissette** said there was a hearing on this bill yesterday and thought there might be changes.

**Councilor Naito** indicated that the changes were already made and the changes would be what Metro would be supporting.

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

**Councilor McLain** asked about the Boundary Commission bill and if Mr. Cooper was at the legislature representing Metro.

**Mr. Marvin Fjordbeck**, Legal Counsel, responded that Mr. Cooper was in Salem.

**Councilor McLain** asked if there were any amendments on the bill in the last several days?

**Mr. Fjordbeck** responded, none that he was aware of.

**Councilor McLain** asked Mr. Cooper to leave her a voice mail when he returned from the legislature.

**Councilor Naito** responded that she would have Mr. Higby get back to Councilor McLain on that bill.

## **5. CONGESTION PRICING BRIEFING**

**Bridget Wieghart**, Transportation Planning Department Congestion Pricing, had briefed the Council in January on the status of the Traffic Relief Option Study. At this point in the study they were looking at a large group of possible options, various types of congestion pricing, the most broad stage of the study. Through the spring and summer the Task Force would be identifying a smaller group from more detailed study of about 10 options. In the fall they would take the selection of 10 out to the general public for open houses to get feedback. As a lead into this they

were starting to go out to meet with different interest groups and jurisdictions with the Task Force and Technical Advisory Committee Speakers Bureau which had been set up. They would be meeting with Chambers of Commerce and City Councils. She gave a slide presentation on traffic congestion including definition, studies, and examples of various traffic relief options that they would be taking to the general public and jurisdictions. She also asked if any members of the Council would be interested in serving as members of the speakers bureau. She would be informing the Council of which groups they would be speaking to so that the Council could select where they spoke if they so desired.

She indicated that this presentation would be taken out to general groups to evaluate and give feedback about alternatives. There would be opportunity after the slide show for input from all groups. She would also include newsletters and materials for those groups to review. She added that the allocations of resources was equally in public involvement and technical evaluation.

She reviewed the various concepts for traffic relief and the pros and cons for each. She added that the slide presentation presented to Council today was the first run and asked the Council for input for additional slides. The Task Force was currently reviewing traffic congestion in the area to see if one or more areas should be used as a test. The Task Force would select ten possible options which would be taken out for public comment next fall. They had identified criteria for evaluation of these ten options, matters related to current and future land use, fairness and equity, effects on the economy and other factors.

**Councilor McLain** suggested that on the slide where there was a notation of hotline and web site there be a phone number listed so that people could seek more information if they so chose. She suggested at least using the Metro logo.

**Ms. Wieghart** said she would modify the script to include information about where to seek additional information.

**Councilor Naito** asked if these were intended to be information sharing meetings or were they asking for a response back from the people.

**Ms. Wieghart** said the show would be to accommodate both.

**Councilor Naito** asked if down the road they wished to look at other sites, would there be an opportunity for this?

**Ms. Weighart** responded that at these meetings she generally did not take maps showing all options that were being looked at because in fact they had changed. Examples were given instead, but when they got to the level where only ten options were looked at seriously and in greater detail, that would be the time when they would modify the slide show, probably in the Fall.

**Andy Cotugno**, Transportation Director for Metro, said that when they got to the 10 options, one of the key criteria for picking the 10 would be, might this be a reasonable demonstration project to try out. For example, there were studies underway right now for a Tualatin-Sherwood expressway as a toll road. If this site was not chosen to be one of the ten, there would still be a toll road study going on for that area even though it may not be one of the ten options considered.

**Councilor Naito** asked who would make the recommendations on which sites would be included?

**Mr. Cotugno** said the Task Force would be making the recommendation to both JPACT and the Council.

**Councilor Washington** said he would like to see more slides that showed conditions in Portland rather than in Seattle. The study would be in this region, Metro needed to let people know what was happening here. He asked that the black and white slide of the committee be put in color.

**Ms. Weighart** asked again if any councilors would like to be part of the speakers bureau?

**Presiding Officer Kvistad** said he expected that the entire Council would be speakers when this began.

**Mr. Cotugno** briefed the Council on the Transportation Planning Rule indicating that the Land Conservation Commission would be meeting tomorrow as part of its review of the TPR. Their own review requirement was set up five years ago when the rule was adopted to see in five years where they would need to change it. He noted the area relating to the standards and performance measures that were adopted in that Rule of reducing vehicle miles of travel per capita by ten percent over the next twenty years and twenty percent over the next thirty years and parking per capita by ten percent over the next twenty years was under review. These were adopted in the Rule as standards at the time they were picked out of the air, this was why they put the five year review criteria in once they had experience with the Rule. They hired a consultant to evaluate if they were good measures, a good standard for the measure and were there other things that should be considered besides those measures, both vehicle travel and parking. He noted a letter to LCDC which was a recommended set of comments on the consultant evaluation which said, while the measure was not perfect it was not time to change the rules of the game, a lot of areas, cities, counties and MPOs were going through a significant planning process. It was not a good idea to change the rules. It was not a good idea to lower the bench mark even though some areas had expressed concern about not being able to meet the bench mark. The target should be left as a high target, trying to strive to get to that target but acknowledging that they may not be able to get to the target and providing a means of being able to adopt the plan that didn't get to that target as long as they were demonstrating the kind of steps that would get them towards that target.

The thrust of the letter was, to not make changes but make it a practical process to actually develop and adopt a plan. Several areas of substantive recommendations besides the targets themselves included that the consultant recommended moving away from parking supply management approach and moving towards parking price as well as a recommendation that a congestion pricing project be implemented, both road and parking pricing being strong influencers of travel demand in terms of mode and time of day. The letter commented that it was not a good idea to jump to that kind of pricing approach, there was no question that it did have major effect on behavior but they needed to get some experience in dealing with supply of parking before they jumped into pricing of parking. They had not finished with the congestion pricing study and were not sure if they should be adopting something on congestion pricing yet.

One change at MPAC was that the consultant recommended that there be a link between ODOT's decisions on financing of transportation improvements and the region's demonstrated ability to meet the performance standards. If the jurisdiction was getting toward the vehicle mile reduction then they would get their funds, if they weren't then they would be penalized. The consultant said to move towards those sanctions. The previous version of the letter suggested that they not undertake that punitive approach but that they view transportation funding as a reward mechanism rather than a punishment mechanism. JPACT said not to use financing, MPAC felt

that there was a split on where they should or shouldn't use financing as an enforcement tool and recommended dropping it from the letter all together.

**Presiding Officer Kvistad** asked who sent it to MPAC, had they requested it?

**Mr. Cotugno** said that staff had scheduled it for MPAC because it effected land use.

**Councilor Washington** noted that the letter had been looked at in the Transportation Committee and although there was no official vote, in essence, they concurred with the letter.

**Councilor McFarland** asked that Mr. Cotugno hold his tie up before the Council.

**Mr. Cotugno** indicated his tie represented reducing vehicle miles per capita.

**Councilor McLain** noted that she was at JPACT, MPAC and the Transpiration Committee when the letter was reviewed. She said it was important that all of the groups be unified, both the elected officials who dealt with land use and those who dealt with transportation were in agreement on some of the strategies. She supported the change that MPAC recommended. There was a MPAC/Council subcommittee that was trying to institutionalize some of those referral in such a way that both the Council and MPAC had some certainty about how that happened. It was her hope that Council would support this letter.

**Presiding Officer Kvistad** said he believed that since it had gone through the JPACT process unless there was objection to this, it was automatically part of the process in place.

**Councilor McLain** said she supported this letter going forward to the State.

## **6. CONSENT AGENDA**

6.1 Consideration of the Minutes of April 10, 1997 and April 17, 1997 Metro Council Regular Meeting Minutes.

**Motion:** **Councilor McFarland** moved the adoption of the minutes of April 10, 1997 and April 17, 1997 Metro Council Regular Meetings.

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

**Discussion:** None.

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

## **7. ORDINANCES - FIRST READING**

7.1 **Ordinance No. 97-690**, For the Purpose of Amending Ordinance No. 95-625A to amend the 2040 Growth Concept Map and Ordinance No. 96-647C to amend the Title 4 Map.

**Presiding Officer Kvistad** assigned Ordinance No. 97-690 to Growth Management Committee.

7.2 **Ordinance No. 97-691**, For the Purpose of Amending Title 8 on Council Interpretation of the Urban Growth Management Functional Plan.

**Presiding Officer Kvistad** assigned Ordinance No. 97-691 to Growth Management Committee.

**Councilor McLain** asked Mr. Larry Shaw, Legal Counsel, to put two memos together to John Fregonese ( copies of these may be found in the Permanent Record of this meeting located in the Council Office) from Mr. Shaw on April 9th and 22nd. She had asked Mr. Shaw to give a summary of this work because she felt some Councilors would be interested in coming to the Growth Management Committee to discuss the Title 8 Interpretation Process Amendments and Title 8 Partial Compliance Approvals. She then asked Mr. Shaw to review these.

**Larry Shaw**, General Counsel, said that there had been some questions raised at the last MPAC meeting just as Council was ready to adopt the Functional Plan about how Title 8 would operate in those sections having to do with interpretations of the Functional Plan for local governments and citizens. The issue raised was about LUBA and the length of time that it would take for LUBA to react to appeals and the possibility of local governments having a series of individual appeals of Metro's interpretation decisions to LUBA while the local government was still trying to make a final decision that would then go to LUBA as well. Mr. Cooper and the attorneys met to try and coordinate some way to get an interpretation out of Metro which local governments wanted in terms of getting the advantage of LUBA and of Metro having interpreted the Functional Plan and follow that interpretation if anyone was attacking what the governments had done. There were three parts to the proposed amendment, the first was to omit sections 5 and 6 and the second two were to replace five and six with a different approach, the first part would be a final decision by the Council on every compliance proposal to Metro as required by Title 8 throughout its draft in that period six months before the two years was over at the 18 month period where they were supposed to demonstrate how they would comply. Instead of the approach of having it reviewed only by the Executive Officer, this approach would be to have those proposals come to the Council after a recommendation from the Executive Officer to get the Council to have a hearing and take an action. The action was structured so that the action would be a resolution of intent, at that point and a final decision at the time the city or county finally adopted what they proposed. This would allow for two land use decisions, hopefully in agreement with each other, that would go forward at the same time and would be mutually supportive. The second piece was added at the Growth Management Committee which lead to the A version to avoid confusion between the earlier draft and the current draft. The "A" version added something that was requested by MTAC and the Executive Officer and that was, given the funding problems of Measure 47 and 50 if it passed, a lot of partial compliance would be occurring after two years. There may be requests for extensions on the two year final compliance date. There was also a lot of work going on at the same time for land use purposes that they were already doing, i.e., Gresham's Parking plan had just been finished. The Growth Management Committee agreed with this idea so that had been added to the ordinance.

**Councilor McLain** said, as part of the Functional Plan it was the hope that Metro would allow a review of MPAC, doing that in an organized way. It was the wish of the Growth Management Committee that it be brought forward to Council and take a week to review it and then decide to take it to MPAC. There would be a joint presentation from Mr. Cooper and local jurisdiction legal staff so that they could get a feel for what the legal staff was feeling about these issues. She encouraged the Council to bring concerns or questions to Mr. Cooper or herself.

## **8. COUNCILOR COMMUNICATIONS**

**Councilor McLain** noted a packet that she had given to MPAC from herself putting together information because there had been many requests from the local governments for planning. She thought it was important to put together for their folks in their districts exactly how Metro was

already supporting planning in the local jurisdictions. She reviewed the packet. She thought it was important for the public to note the kinds of technical support and staff that Metro had given to individual programs.

Secondly, she noted a letter written to her from Rob Drake, Chair of MPAC. This letter from MPAC had asked for Council support so that the Growth Management Committee could work further with them on the performance measures. Upon discussions with MTAC, the subcommittee, growth management staff and the Executive Officer, she was very supportive of working with this MPAC subgroup and the Growth Committee. She said there was continued work with MPAC subcommittee on what their role was and how the work could be best managed. She asked for Council input on the joint effort between the Growth Management Committee and MPAC.

**Councilor Washington** commented that he applauded Councilor McLain for her participation in MPAC.

He invited the Council to drive Martin Luther King Jr. Blvd. and look at the housing projects. This was in direct relationship to the Metro Council's encouragement and participation. He also noted the Lloyd Center Housing area. MLK Blvd. was coming alive again and the Council took the lead on this.

**Presiding Officer Kvistad** will be attending a meeting of the Seaport property for jail site. The Butternut Creek site was included in one of the urban reserves. He asked if there was objection to taking a position to oppose.

**Councilor McFarland** said she did not feel that the Council should take a position either pro or con. She didn't believe it was appropriate.

**Presiding Officer Kvistad** indicated he would be attending the jail site hearing representing himself.

**Presiding Officer Kvistad** updated the Council on the Smithsonian Exhibit, 231,000 attendees in the last several weeks, 10,000 to 12,000 per day. The Smithsonian asked if Metro would allow them to extend their stay. Unfortunately, the new Expo building was already booked and was booked for the next two years. He encouraged all to attend and thought that the attendance would exceed half a million. He thanked all who have contributed to this effort.

He announced that he, Councilor Washington and Mike Burton would be at the Cascadia Conference, a transportation land use discussion that Metro continued to have with their northwest partners in Vancouver BC on 9th and 10th of May.

## **9. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 2:55 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

Document Number	Document Title	Document Date
042497-01	Memo from Larry Shaw to John Fregonese concerning Title 8 Interpretation Process Amendments - Functional Plan	4/9/97
042497-02	Memo from Larry Shaw to John Fregonese concerning Title 8 Partial Compliance Approvals - Functional Plan	4/22/97
042497-03	Letter from Jon Kvistad, JPACT to Mr. William Blosser, Chair Land Conservation and Development Commission 1175 Court Street NE Salem, OR 97310-0590	4/24/97
042497-04	Letter to Susan McLain, Chair Growth Management Committee from Rob Drake MPAC Chair concerning planning needs of the cities.	4/23/97
042497-05	Cathedral Park NA schedule	several dates
042497c-06	Letter from Rob Drake, to Jon Kvistad re: Regional Framework Plan and UG report	4/24/97
042797c-07	Ordinance No. 97-691A	no date