

MINUTES OF THE METRO COUNCIL MEETING

July 25, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:05 p.m.

1. INTRODUCTIONS

Daniel Cooper introduced the new attorney for the General Council Office, Marv Fjordbeck Senior Assistant Counsel focusing primarily on Solid Waste matters.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the July 18, 1996 Metro Council Meeting.

Motion: **Councilor Morissette** moved the adoption of the minutes of the July 18, 1996 Metro Council Meeting.

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

Discussion: **Councilor Morissette** amended the minutes of July 18, 1996 to read under Councilor Communication, Presiding Officer Kvistad's comments to read *listening* instead of listing.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Jon Kvistad declared the minutes unanimously approved as amended.

5. INFORMATIONAL PRESENTATION

None.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 96-650**, For the Purpose of Amending the Metro Code Regarding

Salary Administration for Non-Represented Employees.

Ordinance No. 96-650 was assigned to the Finance Committee.

7. RESOLUTIONS

- 7.1 **Resolution No. 96-2327**, For the Purpose of Approving Chapter 1 of the Regional Transportation Plan Update.

Motion: **Councilor Monroe** moved to adoption of Resolution No. 96-2327.

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

Discussion: **Councilor Monroe** indicated that this resolution is the Regional Transportation Plan. JPAC, Citizen Advisory, Metro Transportation Planning Committee have all worked on this for the past several months. The comments are incorporated in the attachments to the resolution. This is required under the new federal ISTEA requirements.

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

- 7.2 **Resolution No. 96-2356**, For the Purpose of Amending the FY 1996 Metropolitan Transportation Improvement Plan to Update the Regional Transit System.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2356.

Seconded: Councilor Morissette seconded the motion

Discussion: **Councilor McLain** said that this resolution would allocate 1.2 million of section 5307, former section 9 funds to construct the lightrail station within the Gresham civic neighborhood. If approved, the allocation would contribute to the draw down of the \$7.8 million in section 5307. This would be for the FY 1998 program year. It is specifically asking for funds out of allotted dollars that Metro has. This project is very worthy enhancing the 2040 Growth Concept and the efforts that Gresham has to be a model for the 2040 Growth Concept in the type of densities and intermodal connected transportation systems.

Councilor McFarland also supported the adoption of the resolution.

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

- 7.3 **Resolution No. 96-2363**, For the Purpose of Appointing Members of the Metro Committee for Citizen Involvement.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2363.

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

Discussion: **Councilor McLain** noted that the list of applicants was attached to the resolution. She asked that the Chair of MCCI come forward and make comment.

Aleta Woodruff, 2143 NE 95th Portland, Oregon. Ms Woodruff indicated that Mr MacGullivray is the chairman but was unable to attend. She noted that the applicants have been screened by the MCCI committee twice. The Nominating Committee also put together a list of things that would improve the nominating process. This will be forwarded to the Council in a forthcoming packet. MCCI recommended approval of the applicants.

Councilor McLain acknowledged the applicants and asked for questions.

Councilor McFarland asked that the names be read into the record.

Councilor McLain read position 1 - Robert H Pung Sr, position 8 - Leonard R Berman, position 12 - Angel Olson, position 20 - Steven R Johnson, position 3 - Joseph M Schueller, position 10 - Richard Schacht, position 17- Ulrike R Mengelberg.

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

7.4 **Resolution No. 96-2360**, For the Purpose of Confirming Nominations to Fill Vacancies on the Regional Parks and Greenspaces Advisory Committee.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2360.

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

Discussion: **Councilor McCaig** indicated that this process included interviews conducted by Executive and Greenspaces staff. The role of the Council is to confirm those recommendations. The three recommendations are for three vacancies which were created as a result of the one year terms established when the ordinance was adoption a year ago. All of these people are currently serving and are reapplying for three year terms. She supported their appointment.

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

7.5 **Resolution No. 96-2368**, For the Purpose of Approving the Content of Public Information Materials for the 1996 Zoo Capital Improvements Bond Measure.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2368.

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

Discussion: **Councilor McCaig** said that this is very similar to the open spaces when there was a decision to put the bond measure on. The agency

is responsible for providing impartial information about the bond. This details the specifics in a very impartial and objective way about the Zoo bond measure. This resolution allows the Zoo the OK to produce these materials.

Councilor Morissette asked if this was Exhibit A that Councilor McCaig held up. He indicated that he had not seen it yet.

Councilor McCaig responded that the exhibit was in the Council boxes.

Presiding Officer Kvistad added that staff could produce copies for the Council if needed.

Councilor Morissette asked Mr Cooper if he had analyzed the process to make sure that Councilor liability has been covered to protect the Council.

Mr Cooper responded affirmatively.

Councilor McCaig closed by saying that this was a good measure and should pass.

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

7.6 **Resolution No. 96-2373**, For the Purpose of Requesting that the Land Conservation and Development Commission Adjust the 1992 Urban Reserve Rule.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2373.

Seconded: **Councilor McFarland** seconded the motion

Discussion: **Councilor McLain** gave the committee report and added that she would like to read into to record a fax received today (attached). This resolution has three distinct parts that deal with the Urban Reserve Rule (URR). The URR is one of the last elements that we are trying to get some decisions on from LCDC so the package on the RUGGOs acknowledgment can be completed.

There were three areas on concern at the GM committee. One, was a housekeeping error, making sure that there was an allowance for Metro to use 30 to 50 year land supply in its estimation of available land in its urban reserves. This was in the first section. There wasn't much discussion and it is passed unanimously in committee.

The second concern allows Metro's acknowledged RUGGO's policy to encourage the separation of community to apply to two areas where communities would lose some of their separation by the application of the Urban Reserve Rule priorities by amending OAR 660.210304 to add subsection 4D. 4D would read, land of lower priority under section 3 of this rule may be included if land

of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection 1 for one or more of the following reasons: D would include very specific areas where this is condition and that is in the Metro region, separation of the urban areas of Tualatin, Wilsonville and Cornelius/Hillsboro to preserve the community identity. There was some conversation at the committee level but it was also passed out of committee

The third one was to clarify the department's interpretation that the specific land need provision of the Urban Reserve Rule include the acknowledgment of RUGGO's policy of balancing jobs and housing by amending the OAR again. It would read, that the land of lower priority may be included if specific types of identified land needs, including the need to balance projected jobs and housing for the subarea of each regional center and each urban town center separated from the Urban Growth Boundary by rural land, cannot be reasonably accommodated on higher priority land. This was also passed out of the committee.

This week she had conversation with a Mr. Bachrach who then sent a fax to the Council office on July 25th. She would like to acknowledge that a fax was received. He did have some other language on this particular fax. It is language that Councilor McLain is not comfortable with or willing to entertain. There may be some other members of the committee that want to speak to that language. She is forwarding the resolution with the language that was agreed upon in the committee and feels quite comfortable in doing so.

Councilor Morissette asked to recommend that the resolution be sent back to committee. It has come to his attention and some of the points that have been brought out by Conkling, Fiskum and McCormick as well as Bachrach make some sense to him. He would like an opportunity to let the committee look at it one more time.

Presiding Officer Kvistad explained that there were two processes for returning a resolution to committee. The Committee Chair can ask that it be returned or if the Committee Chair decides to proceed with the item as it is on the agenda then there can be a vote of the Council to send it back. He ask Council McLain is she was willing to send the resolution back at this time.

Councilor McLain explained why she did not want to send this back to committee. It is a resolution going to LCDC just as a suggestion, it does not change anything legally, it does not guarantee that LCDC will accept the Council's suggestions, it is just the starting conversation. She is trying to get it on the LCDC calendar, at the earliest, even with passing it out today, it would be October. It is extremely important to have the RUGGOs acknowledgment before the Council continues with other decision making packages including the Functional Plan, the URSA's that are coming up, and the decision made on the growth report. Second, Councilor McLain does not believe the language that has been presented by the faxes actually substantiate or support her intent in the original language. So, she is

not willing to send it back nor interested in any of that language. It is the timeliness and the fact that the language does not meet the spirit of what she was trying to bring forward in that particular issue.

Presiding Officer Kvistad clarified for Councilor McLain that since there is not an amendment on the language, right now. There is currently discussion on whether or not to send it back to committee.

Councilor McLain stated that she was not willing, because of time restraints to return it to committee.

Presiding Officer Kvistad addressed Councilor Morissette and indicate his options are to move to send the resolution back to committee, move to amend the text currently in the resolution or the Council can proceed on the issue in front of the Council.

to **Motion:** **Councilor Morissette** moved to send Resolution No. 96-2373 back to committee.

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

Discussion: **Councilor McFarland** addressed Mr Cooper, Legal Counsel. She spoke with Larry Shaw and he said he recognized it needs to be defined at some point, however, in what manner and what government entity is not known. She has two concerns; one, she is very uncomfortable with sending a bill back to committee over the chair's desires. On the other hand, if Metro's own legal counsel still has concerns about the definition of words, recognizing that this is being sent to LCDC, for the Council to send it to them to clean up the language, goes against her grain. She requested legal counsel tell her how much of a need for definition and clarification is there.

Dan Cooper responded by saying he could not be succinct about that, he wishes he could. It is a very subjective question the Council is dealing with. On the one hand, this resolution is a request to LCDC to change one of their rules and the way the resolution is written; it both sets what policy recommendations the Council is making and what the Council is requiring or asking them to do. That is in the narrative. There is not much dispute in what the intent is. On the other hand, the Committee dealt with very specific language and spent a lot of time trying to craft words that met specific intents. There were at least four Councilors at the GM committee that had concerns about what those words meant. What the Council has is a compromise already.

His analysis of this is that LCDC is going to do whatever they wish to and it may not make that much difference in what words are brought forth. He believes the final words will be different from what is being presented today no matter how much time is spent in Council on these words. He does not mean to imply that the word crafting and intent of each of the Councilors is not important. He summarized by saying the Council could send it back to committee or decide on it in Council.

Councilor McCaig added that she had made the motion in the committee to adopt the language that Councilor McLain had proposed and that was after some hesitancy about the language. She felt that the other two amendments could be moved on as there are no problems if there was a way to separate these. However, she is still struggling with the language in the third section and sympathetic to the issues raised by those who have testified as well as Councilor Morissette. However, she is very supportive of the Urban Reserve Rule, she understands what it was intended to do and supports this. It was her understanding that the choices were, the original proposal made by Presiding Officer Kvistad, which she felt opened a large hole in the Urban Reserve Rule. She was not comfortable with this language but she could be convinced that a smaller hole could be allowed and that this would be beneficial to the bigger growth concept goals. The Committee struggled with the language to achieve this. She believe that the language which is in front of her now is not significantly different than Councilor McLain's, even though Councilor McLain disagreed with this perspective, and, in fact, was written more clearly. This is why she seconded the motion to go back to committee or amend at the Council meeting. She felt that the new language drafted was better to achieve the objective and not significantly different than what Councilor McLain had intended, it was easier to understand when you read it. The change in language was not to change the objective or the policy that Councilor McLain was promoting but rather for clarity in reading.

Councilor McLain responded to Councilor McCaig indicating that the reason she was uncomfortable with the proposed clarification of the language is because the language that was voted out of the committee used 2040 terms. The 2040 terms were "regional center and town center". Those terms were helpful from information provided by LCDC to indicate we were looking at something different than statewide, first, in dealing with the job housing balance and second in tying it to the 2040 Growth Concept. Mr. Bachrach used a term "area around" rather than subarea. She is not comfortable with this language. She does not think that this second set of language deals with the specific area talked about looking at the boundary by rural land. This language in the fax does not help with the connection to the 2040 Growth Concept, is not as clear as the original language which came out of committee. She is not in favor of the new clarification language nor does she think it is a good idea to go back to committee because of time restraints.

Councilor Morissette believes that there are a lot of parallel processes going on to get this better. He does not see where a couple of weeks to clarify the language and make it better would in any way effect what the plan is and the acknowledgment of the plan. He believes that there is need to work on the wording and the new proposed language, although maybe not acceptable, is more clear. He believes sending it back to committee to clarify the language would be appropriate rather than debating the language at the

Council meeting.

Presiding Officer Kvistad indicated that he will support the motion to amend if the motion to send it back to committee doesn't pass. He thinks that the language that is in the fax is clearer. He is not comfortable with the language of "subareas".

Councilor Morissette clarified what Presiding Officer Kvistad said, asking if he would support the amended language if the amendment to send the resolution back to committee did not pass.

Presiding Officer Kvistad affirmed this clarification.

Councilor Morissette withdrew his motion. Councilor McCaig withdrew her second.

Motion: **Councilor Morissette** moved to amend Resolution No. 96-2373 to to change to language to include the language on jobs/housing balance under items #3 currently before the Council.

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

Discussion: **Councilor McLain** spoke against inserting the language on the fact sheet even though 3 of the Councilors may think it is clearer language. Clearer to who, she asked? She indicated that Mr Shaw worked with her on the language in the original and gave her every indication that that language was specifically what he thought was the best language.

Councilor McLain added that the work was very carefully ordered. First, they wanted to indicate that land of lower priority may be included, this was the lead off sentence. Second, if specific types of identified land needs. Then, we qualify and quantify what that might be including the need to balance projected jobs and housing, which is a 2040 Growth Concept, for the subarea of each regional center and each urban town center. The subareas that have being used have been TAZs. There is an opportunity for both the Council and the LCDC board to further define what we mean by subarea. She would prefer to define subarea than she would to define "around the regional center". The clarity is there in the original proposal, when it indicates that we are going to figure out in future conversations what is meant by "subarea of each regional center" the LCDC board will have quite a few ideas for the Council. Each urban town center is a 2040 Growth Concept, is very specific, is a town center that is separated by from the Urban Growth Boundary by rural land, there is only a couple. Can not be reasonably accommodated on higher priority land, is very specific. It does not say, within the same Urban Growth Boundary...who knows what that means.

The language that is in the original has been reviewed a very lengthy period of time. It received support from the committee, from legal staff, and a heads up, green light from LCDC through Mr Sitzman. The new language that came up from a land use lawyer on a fax

today has not been reviewed by anyone other than briefly at this Council meeting. She favors the original language and she hopes her fellow councilors will do the same.

Councilor Washington acknowledged that he had just got the fax today, and although the Council can receive amendments up to any point, he believes that amendments as important as this, should be submitted in a more timely manner. He does not appreciate receiving these faxes ten minutes before a meeting.

Councilor McCaig commented that Councilor McLain has been working on this for a very long time. The amendment before the Council today was actually on the agenda before the committee last Tuesday. The new language circulated in the packet had been out a week prior. So, in fact, the town center element, Councilor McLain is referring to, was added and approved for the first time at the meeting last Tuesday. The process has been a pretty quick turn around. She had just received the new language the day before the Council meeting. In speaking with members of LCDC, there was indication that there were still problems with the language. LCDC would have genuine concerns over the definition of a jobs/housing balance. It is uncertain how that language will be interpreted. LCDC also indicated that the addition of urban town center was a concern and this would be language that would be flagged. Councilor McCaig felt the addition of this language would make it more troubling for LCDC. Mr Sitzman, from LCDC, even with these concerns, did give a nod to the language and it was that nod that led Councilor McCaig to support the language proposed by Councilor McLain. However, she does not think that the current document is a unanimously clear piece of documentation, that LCDC thinks is wonderful and that it had complete 100% support from the members of the committee. Keep in mind it was dealt with just last Tuesday. This is one of the reasons she is sympathetic to those who are commenting on the document.

Presiding Officer Kvistad added...and thus begins phase 2 of 2040 and Regional Framework Plan. You can expect these probably on a weekly basis on things far more minute than this. He believes that for the Council to send this forward, the Council needs to be as clear as possible as to where the Council is and what the Council believes. It is not necessary to have the specific language. The concerns that Mr Shaw addressed in the letter received today from CFM were such that they gave Presiding Officer Kvistad concern in order to support the resolution. The language was not anywhere near the language he wanted on this but it is far more clear in terms of what is being sent to LCDC. The Council is sending it forward for an acknowledgment and a discussion by them to give us a ruling. He believes that the Council needs to be as clear as possible, the language presented today, is language that is far more clear in terms of our intent than that in the resolution before the Council today. He seconds Councilor McCaig's point about the fact that this has just come forward. Had there been a longer process things might be different if there was time to send it back to committee, but the committee chair feels that this would be inappropriate. There will be

many of these come forward, he prefers to be as clear as possible, therefore, he supports the amendment and hopes other members of the Council will also support the amendment.

Councilor McLain asked each one of the Councilors to think about which legal term they would rather have out there for LCDC to define. "Around the clock...around the region....around some area or subarea. Town and regional center are in both documents, what is being voted on is the difference between subarea and around. She plans to vote for "subarea".

Councilor McFarland added that she is delighted to be back in familiar territory where everyone on the Council is completely in agreement on all that is done around the Metro Regional Government.

Councilor Morissette indicated that the committee has all along talked about clarifying language, this is an attempt to do this. He did not see nearly the problem that Councilor McLain does, not to say there isn't a different perspective. He believes this gives the Council the opportunity to accomplish some of the goals the Committee had, not all being the same. The reality is, is what drives the process is making sure that we grow right, some of this will be in a situation where we choose some secondary and more primary lands as we grow. The difficulty he finds is, why are all of the urban reserve and growth potentially in the Damascus/Boring area where there is no jobs and no infrastructure. He believes this is helping us get to it. He believes the amendment is some good work to get us closer to a map that makes some rational sense to someone who actually does this stuff.

Vote: The vote was 3 aye/ 4 nay/ 0 abstain. Councilors McCaig, Morissette and Presiding Officer Kvistad supported the motion to amend, Councilors McFarland, McLain, Washington and Monroe did not support the motion. The motion did not pass.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2373.

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

Discussion: None.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. Councilor McFarland, McLain, Washington, Monroe, and McCaig supported the resolution.

Councilor

Morissette and Presiding Officer Kvistad did not. The motion passed.

Presiding Officer Kvistad opened a public hearing on Resolution No. 96-2361 and 96-2362 prior to the Executive Session to discuss real property transactions.

Jim Desmond, Regional Parks and Greenspaces Open Spaces Acquisition Division, briefed the Council on the two resolution before the Council. First, the East Buttes and Boring Lava Domes, is by far the largest of the target areas. He pointed out that due to the large size of the target area,

there were two separate well attended public workshops. There was strong support for both 1A and 1B areas. An important finding was that the Tier 1A area represented the best opportunity to establish a large contiguous space with high natural resource values. The goal was to create a regionally and biologically significant natural area primarily between Gresham and Damascus. He presented a letter that was sent to Presiding Officer Kvistad from Mayor McRobert from Gresham strongly endorsing the refinement plan. The Tier 1A objective is to acquire the large area of approximately, 400 to 600 acres and then to acquire property on Jenne Butte which was already been discussed with the Council. A small portion of this has been sold to a developer but they continue to work on an acquisition for the majority of the remaining open space with the current owner/developer. Tier 1B objective is the urban buttes Powell, Kelly, Rocky, Mt Talbert. There is a challenge grant which includes a requirement that Metro put in a 75% grant with the need to find another partner to put in 25%. There is a \$4 million challenge grant account that has been recommended at Regional Facilities level and by the citizen advisory committee. That fund is available until 1999 or whenever depleted. In the Regional Facilities Committee there was a request by the City of Portland and North Clackamas to kick the \$ 4 million up somewhat to \$4.5 million which Councilor McFarland addressed at some length. There could be an adjustment to this fund. Councilor McFarland asked that they work closely with these entities to make sure there was an equitable distribution in accordance with the vision. The Tier 2 area is Scouter Mountain which North Clackamas has identified as somewhat less as a priority than Mt Talbert. If Mt Talbert doesn't come together, Scouter would be an excellent backup. The area clear to the east is less threatened now. If there were gifts of land or low cost opportunities, they would pursue these. The area to the south along the Clackamas was, outside the Urban Growth Boundary, somewhat less threatened, those buttes aren't as high, do not have the visual impact. They heard a lot about the esthetic of the east buttes from citizens. However, these buttes don't have the impact that the east buttes do. This is why these smaller buttes were in Tier 2 but if there were low cost option to pursue, they would do so. The Open Space group worked very closely with the Growth Management staff because of the overlap. Mr Fregonese and his staff acted as technical consultants to the Open Spaces group and supported this resolution coming forward.

Dean Apostol, Landscape Architect and the Division's consultant on the East Buttes refinement area, gave a brief slide overview of the East Buttes and Boring Lava Domes Target area.

Jim Desmond introduced Mel Huie indicated his hard work on the OMSI to Springwater refinement plan. Open Spaces is continuing to work on this acquisition. The Tier 1A objective is to acquire land and easement along the Willamette River between OMSI and the Selwood Bridge. They would like to provide a couple of access points and viewing opportunities to the Willamette and the PGE package includes a couple sites. They would also like to connect this to the existing Springwater Corridor Trail. Initially that might be on street level but they would like to look at some strategic acquisitions to try to get them off street level. The primary challenge and obstacle is there is an existing train operation along the PGE corridor, East Portland Traction Company operates both aggregate trains and an amusement train to Oaks Park. Those rights are perpetual and superior to ownership rights. If the fee is purchased, it will be subject to railroad rights that preexist. This will be a rails with trails project. The owner of the rail operation is working closely with the Open Space division to resolve some of the alignment and liability questions. They are pursuing the idea that they may acquire land with the Council's approval and exchange that with the railroad operator for him to give up certain rights along the ballast that would allow Metro to build the trail. So we would do an exchange of land for easement or other rights to build the trail. This could pose some very tricky appraisal questions. It could be a good creative solution if they can figure out a way to do it. There is a time limit, so they are under the gun to solve some of these problems. They need to act as quickly as possible.

Jim Sjulín, City of Portland Parks and Recreation, 1120 SW 5th #1302, Portland, Oregon 97204, supported all of the good work done by Metro staff and the consultants. He indicated that they are

very pleased that the cap has been removed at Rocky Butte. He introduced Judith Rees and indicated she had several items to forward to Council. He also supported the refinement work that has been done on the OMSI to Springwater plan.

Judith Rees, Portland Parks Greenspace Program Manager in charge of the acquisition, reviewed the two remaining items on Appendix E that they were concerned about. The first is the, "first come first serve", with the understanding that Metro staff has included this because they are concerned that time is of the essence as far as purchases are concerned, property is not getting any less expensive. Although, they understand the intent of the inclusion of the "first come, first serve" clause, they believe that in this particular case, it is counter productive. They believe that it would foster a more collaborative relationship to have this clause removed. Metro staff will review this in executive session what the two jurisdiction would like to see come forward. The other has do to with the amount. She indicated that Mr Desmond spoke to that earlier. They understand that this can be adjusted down the road. They believe that having the \$4.5 million makes it very equitable division at this time compared to the \$6 million for Tier 1A. The Tier 1B requires a local match and with current proposed local match, it would make the amount of funding for both Tier 1A and 1B comparable.

Ken Benshoof, President of the Rocky Butte Preservation Society, 2802 NE Rocky Butte Rd, Portland Oregon 97220. He said that he was in support of the resolution but also in support of the change in the amount. He noted the work of the Preservation Society in this process. He felt that preserving the urban buttes which are the most visible and the most value, those that you can see, visit, touch, feel, and experience is most important and what people really thought they were voting for.

Mitch Wall, Chairman of the North Clackamas Parks and Recreation District, 3385 SE Aldercrest Rd, Milwaukie Oregon, added that Roger Brown and Diane Kean Cambell had accompanied him. He repeated much of what Judith Rees had to say and indicated that a letter had been submitted from his district that reiterated what Ms Rees said. They support July 3rd Metro staff report regarding the East Buttes/Boring Lava Domes Refinement area with the exception of three issues in the challenge grant guidelines in Appendix E. The first two points, is their recommendation that the minimum non-Metro match be 20% as opposed to the Metro staff recommendation of 25%. The reason is quite obvious, it allows the region to maximize their dollars and increase their ability to purchase properties. Second, the district recommends money not be allocated on a first come first serve basis. They want to be sure that the acquisition of Mt Talbert and the other Tier 1B sites are not lost and that they can continue their good collaborative relationship with Metro and the City of Portland. Also, they would like to see the challenge grant account increase by \$500,000, again to help ensure they are going to meet their goals. It is important to be clear that their parks district has devoted very little attention to Scouters Mountain. Their number one priority is devoted to Mt Talbert.

Aleta Woodruff, 2143 NE 95th Place, Portland Oregon 97220 member of MCCI and founding member of the Rocky Butte Preservation Society, thanked the subcommittee for lifting the cap that was placed on the appropriations for Rocky Butte. She commended the society for the extreme work done to put the lights on top of Rocky Butte; the only one of the lava domes and buttes that has a highway to the top, that has WPA works from the 1930s, that is listed on the national historic register of historic structures. The society would like to have water and some additional picnic facilities at the top of the butte. When people voted for the 2626 it was with the idea that some of this money would be used for parks and greenspaces within the City and within their neighborhood.

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

8.1 Resolution No. 96-2361, For the Purpose of Approving a Refinement Plan for

the East Buttes and Boring Lava Domes Target Area as Outlined in the Open Space Implementation Work Plan.

- 8.2 **Resolution No. 96-2362**, For the Purpose of Approving a Refinement Plan for the OMSI to Springwater Corridor Target Area as Outlined in the Open Space Implementation Work Plan.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 192.660(1)(e) at 3:30 pm.

Present: Joel Morton, Mel Huie, Amy Chesnut, Barbara Edwardson, Kris Hartley, Greg Wolley, Linnea Nelso, Amy Kircshbaum, Dean Apostol, Alison Kean Campbell, Mike Burton, Jim Desmond, Chris Rigby, Charlie Ciecko, Judy Gregory.

Presiding Officer Kvistad closed the Executive Session pursuant to ORS 192.660(1)(e) at 4:02 pm.

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2361.

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

Discussion: **Councilor Monroe** thanked the Metro staff, Mr Desmond in particular, and the Rocky Butte Preservation Society. They have done a wonderful job of protecting a natural resource and raising money to make improvements in Rocky Butte.

Councilor McLain added her support to the resolution and thanked the staff for the good work done in this area. She is voting yes with the following thought, it is extremely important when you look at those urban buttes and look at the possibility of connectivity for both wildlife and humanity, you should not just look for big but rather for connectivity, small strategic open spaces that will help both wildlife and humanity to be able to do some of the travel they wish to do on foot, bike or by horse. They need to remember that trails were important and that trails were an important part of the overall Greenspace Master Plan and what was represented on the 2626 refinement process in the bond measure fact sheet which included trails.

Councilor Washington thanked all of the staff and citizens who have worked diligently on this.

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

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2362.

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

Discussion: **Councilor McCaig** commended Mel Huie on his work.

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

Presiding Officer Kvistad announced that this concluded the Refinement Plan for this agency. He thanked the staff for their hard work and outstanding job.

Mr Cieko added that the refinement is done and pointed out all of the hard work of the staff particularly Nancy Chase who spearheaded the effort and schedule, seven months for 18 refinement plans. 44,000 citizens were given direct invitations to participate in this process, 54 public meetings were held, citizen participation was unbelievable. He also acknowledged the Regional Parks and Greenspaces Advisory Committee, volunteer citizens. He thanked the local governments who participated. He also thanked the Council for their timely consideration and action on the refinement plans.

Councilor Morissette also thanked entire team for their work in Clackamas County.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(D) TO CONSULT WITH PERSONS AUTHORIZED TO CONDUCT LABOR NEGOTIATIONS.

9.1 **Resolution No. 96-2375**, For the Purpose of Ratifying the AFSCME Local 3580 Collective Bargaining Agreement for July 1, 1996 through June 30, 1999.

9.2 **Resolution No. 96-2379**, For the Purpose of Revising Metro's Non-Represented Employee Pay Plans and Amending Metro's PERS retirement practices so as to conform to the recent Oregon Supreme Court Decisions.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 192.660(1)(d) at 4:17 pm.

Present: Mike Burton, Judy Gregory, Mark Williams, Doug Butler.

Presiding Officer Kvistad closed the Executive Session pursuant to ORS 192.660(1)(d) at 4:35 pm.

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2375.

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

Discussion: **Councilor Monroe** thinks that this is an excellent contract, he thanked Mr Burton and his staff as well as the union for negotiating and bargaining in good faith resolving the issues at dispute between them in an amicable way and looking forward to the next three years of the operation of this contract, the continued excellent relations between Metro and the many hundreds of staff that work at Metro.

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

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2379.

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

Discussion: **Councilor Monroe** indicated that this is something we need to do because of changes in the law. He urged approval.

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

10. COUNCILOR COMMUNICATIONS

None.

11. ADJOURN

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 4:42 pm.

Prepared by

Chris Billington
Clerk of the Council