

MINUTES OF THE METRO COUNCIL MEETING

August 8, 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 2:08 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the August 1, 1996 Metro Council Meeting.

Motion: **Councilor McCaig** moved the adoption of the minutes of the August 1, 1996 Metro Council Meeting.

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

Discussion: None.

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

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 96-646**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule to continue Metro's Match Funding of Envirocorps, transferring \$25,000 from the General Fund to the Regional Parks and Expo Fund; and Declaring an Emergency.

Motion: **Councilor Washington** moved the adoption of Ordinance No. 96-646

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

Discussion: **Councilor Washington** briefed the Council on Envirocorp, a spin off of the Americorp program, college age and older students are given the opportunity to work on environmental projects. They receive a stipend to apply toward the college education. Metro has been a support of this program for several years, contributing about \$25,000 to \$30,000 annually. Metro has received \$3000 to \$4000 worth of work in return at places that are specifically Metro's such as Blue

Lake

Park, St. Johns Landfill, along the Columbia Slough. Councilor Washington asked for the Council's approval.

Presiding Officer Kvistad opened a **public hearing**. No public feedback was received. The **public hearing** was closed.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors McFarland, McLain, Washington, Monroe, McCaig and Presiding Officer Kvistad voting aye. Councilor Morissette voting nay.

- 5.2 **Ordinance No. 96-651**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Adjusting the Growth Management Department Budget in the Planning Fund to Recognize additional Funding from the State of Oregon and Authorizing Additional FTE to Staff the 2040 State Task Force; and Declaring an Emergency.

Motion: **Councilor McLain** moved the adoption of Ordinance No. 96-651.

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

Discussion: **Councilor McLain** pointed out that the governor had initiated a 2040 State Task Force, which is to partner with Metro, to try and initiate the 2040 Growth Concept. With the approval of this Ordinance, Metro will receive \$60,000 from the State to accomplish this. Metro will contribute the benefits and payroll taxes for the staff that will help with three projects, Cornelius in Washington

County,

MLK Blvd. in Portland, and Milwaukie in Clackamas County. She supports the Ordinance.

Presiding Officer Kvistad opened a **public hearing**. No public feedback was received. The **public hearing** was closed.

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

- 5.3 **Ordinance No. 96-650A**, For the Purpose of Amending the Metro Code Regarding Salary Administration for Non-Represented Employees.

Motion: **Councilor Monroe** moved the adoption of Ordinance No. 96-650A.

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

Discussion: **Councilor Monroe** acknowledged that this is the ordinance to begin treating our non-represented employees as well as Metro treats the represented employees. He urged the Council's support.

Presiding Officer Kvistad opened a **public hearing**. No public feedback was received. The **public hearing** was closed.

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

- 5.4 **Ordinance No. 96-648**, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$50,143 from the Support Services Fund Contingency to Administrative Services Department Materials and Services, to Provide Funding to Prepay Mainframe Computer Maintenance Support and Operating System Licensing; and Declaring an Emergency.

Motion: **Councilor McCaig** moved the adoption of Ordinance No. 96-648.

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

Discussion: **Councilor McCaig** noted that by allowing a prepayment of the computer for the Financial Services Division, there is a savings of about \$20,000. The Finance Committee approved this and recommended unanimous approval by the full Council.

Presiding Officer Kvistad opened a **public hearing**. No public feedback was received. The **public hearing** was closed.

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

- 5.5 **Ordinance No. 96-649**, For the Purpose of Granting a Franchise to Oregon Recycling Systems for Operating a Solid Waste Processing and Recovery Facility.

Tabled in Committee.

- 5.6 **Ordinance No. 96-647**, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept. (*Receive committee recommendations in preparation for the September 5, 1996 and September 12, 1996 Public Hearings.*)

Motion: **Councilor McLain** moved the adoption of Ordinance No. 96-647.

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

Discussion: **Presiding Officer Kvistad** announced that this was a presentation to the full Council for its upcoming public process. **Councilor McLain** acknowledged her excitement about this ordinance, noting that this is not the end of the process but rather the beginning of the Council's process. There has been a great deal of work at the Committee and MPAC level. The document is being brought forward from the Committee as a working document. There have been both amendments and discussion. There are several areas that the Committee believes the Council will need to discuss and spend more time on. This was moved forward to Council from the Committee with a 3 aye/ 0 nay vote. She noted that this copy of the Urban Growth Management Functional Plan, as it came out of committee, included the changes that have been made in the last three working meetings.

The process before the Council now is to review the document, have legal counsel review the document for legal consistency and to make revisions as necessary. The amendments brought forward by legal staff have been passed by Committee amending the document in Titles 1, 3, 5, 6, 8 and 10. There was particular work done to Title 1, The Requirements For Housing and Employment. The major effects of the rewrite were to clarify the relationship between the capacity

and

the density with regard to Table 1, clarifying what Table 1 requires

and

what it does not as well as clarifying the difference between the demonstration of capacity in Table 1 and across the board requirements for density including design types as they relate to target density. There was a discussion about the different types of capacity as well as the different issues that relate to Title 1.

The second major item brought forward was the Title 3 WRPAC recommendations. At the MPAC level, there was a place holder put in, bringing forward more specific language clarifying fish and wildlife habitat conservation and mitigation policy. These were accepted by the Committee.

Third, there was an effort to amend Title 9 by Councilor McCaig with renaming the benchmarks to performance measures, the goal of the amendment was to change the emphasis to this title from one of reporting and evaluation to one which tightens timelines and adds correction action procedures and directs the performance measures that will be used to evaluate and adjust as necessary for Metro's Functional Plan.

The Urban Growth Boundary and other regional plans are also considered in this endeavor as relationships are seen between this document and some of the other documents to be worked on in the coming months.

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There were several other amendments made in Title 10, which are

definitions (noted in the amended copies received by Council today). The Committee wished to go on record to express an interest in continuing deliberations on two Titles, Title 4-Retail and Employment in Industrial Areas; all three of the committee members will be submitting competing amendments to this title as the first Council Work Session. The Committee is hoping for agreement and compromise and an ability to implement the scope of Title 4 without doing damage to the retail or business communities.

and

Title 9 is also being reviewed for content and use of the performance measures and dates as it specifies the role of the hearing's officer

other roles included in the new amendment.

Metro

She added that the Committee is very proud of the document with the disclaimer that it is not done and that there is much work to be done as far as reviewing it and making it Metro's own, something that

and the local regional partners can work with, deal with and get the results or product desired.

Presiding Officer Kvistad announced that the Council would accept this report from the Growth Management Committee. He added that the first public hearing on the document would occur on September 5th. As of August 9th, there would be a full schedule of the Council process on the Functional Plan and its elements.

Discussion Continued: **Mr. Morrissey** noted that the maps on the Chamber walls were part of the report.

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Councilor Morissette indicated that he wish to add some comments on the Functional Plan. At this point he does not support the Functional Plan because it is his belief that the densities are being pushed too high, eliminating the average citizen's ability to choose a housing type that they are looking for. He believes that the wealthy be able to have the opportunity to choose well. But, he does not believe that the average citizen will have choices that he sees in his daily life to be able to provide housing for themselves and their families with the plan.

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He also expressed concern about the minimum densities requirement of 80%. In some areas this made sense but throughout the region, he believes, there is a disconnect between what citizens think 2040 is and what 80% minimum densities mean. There is X amount of zoning currently in place throughout this boundary, we are under building by

disputable amount. 2040, in his estimation, raises the density to around 60%. Then, if the Council considers this proposal, which calls for no expansion and accommodating 240,000 more housing units, it would go up an exponential amount above that, of which he is not sure what this figure would be. If you overlay this with a 80% minimum density and he believes the people who have the vacant parcels of land adjacent to them are going to be shocked with how

contrary

high the density will ultimately end up. He believes this will be to some of these people's beliefs.

that

He added that he believes it is incumbent upon us to be frank about the amount of subsidy that will be needed for people's ability to afford housing with this plan. He expressed worry about this. He doesn't, however, wish his comments to be construed that the Committee hasn't been able to do some work in the process of moving forward. But it is very important to him that choice for people is allowed, not just for the top tier, but for the average citizen to choose a lifestyle

they feel is important to them, at a rate that is affordable. He believes that this plan, currently as drafted, does not do this.

Presiding Officer Kvistad concluded by noting what the process will be; the first time the Plan will be before the Council will be on September 5th which will be a public hearing. Prior to the Council meeting on September 5th, there will be a work session to orient the rest of the Council to the Functional Plan in preparation for the questions that may be asked of them at the Public Hearing. Following the work session and council meeting, there will be a full public hearing with full public notice. The process will follow through with an eventual vote on the Functional Plan in October.

6. RESOLUTIONS

- 6.1 **Resolution No. 96-2380**, A Resolution Authorizing a Loan to Metro from the Oregon Economic Development Department's Special Public Works Fund Loan Program.

Motion: **Councilor Washington** moved to adoption of Resolution No. 96-2380.

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

Discussion: **Councilor Washington** reviewed Resolution No. 95-2147 which was adopted on May 18, 1995 authorizing the middle of the loan application to OEDD for the west side lightrail contribution and the reconfiguration of the Washington Park parking lot to accommodate the lightrail station and the installation of paid parking. The loan was awarded in two phases, the initial loan of \$2,723,000 accepted by Resolution No. 95-2198 covered Metro's \$2 million contribution to TriMet for the west side lightrail project, accrued interest owed to TriMet, some design costs for the parking lot reconfiguration, and capitalized costs. The second phase of the loan is in the amount not to exceed \$2,749,916 which is the balance of the total authorized loan from OEDD. It will finance construction of the parking lot improvement, the purchase and installation of necessary equipment for operation of the paid parking facility, and capitalize interest. Resolution No. 96-2380 is for the second phase of the parking at the Zoo with regards to the lightrail project. The interest rate on the loan can not exceed 6.5%, however, the actual interest rate will be set

after

OEDD sells bonds on August 21, 1996.

Presiding Officer Kvistad asked about the ownership of the parking lot itself, is it completed in terms of the discussion with the City of Portland or is it still ongoing? If it is still ongoing, is there a date?

Councilor Monroe indicated that it is still ongoing. He recommend that Mr. Cooper, as the representative, give further elucidation.

Mr. Cooper responded that he had prepared, at the request of the administration, a form of agreement to accomplish the purchase of the parking lot. Mr. Butler has this agreement and he will be transmitting it to the City. Mr. Cooper had not heard back from Mr. Butler so he was unsure where the agreement was. He believes that it should be back to the Council sometime in September assuming everything is OK.

John Houser, Analyst, indicated that he had discussed this issue

with

Mr. Prosser. Mr. Prosser indicated to him that the City was still engaged in some negotiations regarding the sale of the Old OMSI building located near the parking lot and at this point it was their desire that we not proceed with further negotiations about the parking lot until they attempted to resolve the OMSI issue. It is his

understand-

ing that we had agreed that they would have an additional 120 days

to

attempt to resolve that issue before we began renegotiations with them regarding the parking lot.

Presiding Officer Kvistad expressed his long standing concerns, first, about the design of the station and making sure that we hold those that are constructing the station responsible for maintaining the design that was initially planned. Secondly, he is concerned about refurbishing the parking facility if it is not one that Metro owns and operates. However, he will still vote in favor of the resolution. He asked that Mr. Cooper and Mr. Houser keep him informed on this issue.

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

6.2 **Resolution No. 96-2376**, For the Purpose of Writing Off Solid Waste Disposal Costs Relating to Flood Damage.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2376.

Seconded: **Councilor Washington** seconded the motion

Discussion: **Councilor McCaig** announced that this is a request to amend our accounts receivable. In order to accommodate the local jurisdiction during the storm of 1996, in dealing with all of their waste and waste water, Metro's Solid Waste Department set up charge accounts which

allowed local jurisdictions and Metro a way to keep track of what their costs would be. FEMA agreed that they would cover 75% of those costs. The remain 25%, about \$85,000, at a time where local jurisdictions are still dealing with the aftermath of the flood, the recommendation is that Metro absorb those costs within Solid Waste and in order to do this Metro must amend the accounts receivable for that amount of money. The Solid Waste Committee urges the support of the Council.

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

- 6.3 **Resolution No. 96-2370**, For the Purpose of Authorizing Execution of Two-Year Contracts for Primary Service of the Existing Hardware and for Licensing of the Operating System.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2370.

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

Discussion: **Councilor McCaig** noted that this is a resolution which is a partner with Ordinance No. 96-648 allowing the budget to be amended to prepay two years of the operating system of our Management Information System. This resolution authorizes the Executive to change the terms of the contract to reflect that two year time period. The Finance Committee recommends the Council's support.

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

- 6.4 **Resolution No. 96-2369**, For the Purpose of Authorizing a Long Term Lease Agreement of Property for a Cellular Antenna Site at the M. James Gleason Boat Ramp.

Motion: **Councilor Washington** moved the adoption of Resolution No. 96-2369.

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

Discussion: **Councilor Washington** indicated that AT&T Wireless had approached the Greenspaces Department regarding a long term lease at the M. James Gleason Boat Ramp for a small cellular site to serve the Northeast Marine Drive area and around the airport. AT&T has requested a five year lease with five, five year renewals to it, plus CPI. The amount that Metro receives is \$741.40 per month for the lease or \$8,896.80 annually. He urges the support of the Council.

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

7. **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).**

DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

- 7.1 **Resolution No. 96-2381**, For the Purpose of Amending the Refinement Plan for the Rock Creek Greenway Open Space Implementation Work Plan.
- 7.2 **Resolution No. 96-2377**, For the Purpose of Amending the Refinement Plan for the Rock Creek Greenway Open Space Implementation Work Plan.
- 7.3 **Resolution No. 96-2371**, For the Purpose of Granting a Transmission Line Easement Located at Blue Lake Regional Park to Portland General Electric.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 192.660(1)(e) at 2:40 pm.

Present: Mike Burton, Nancy Chase, Jason Tait, Amy Chesnut, Charlie Ciecko, Alison Kean Campbell, Kristine Hartley.

Presiding Officer Kvistad closed the Executive Session pursuant to ORS 192.660(1)(e) at 3:21 pm.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2381.

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

Discussion: **Councilor McLain** asked for the Council's support in this refinement of the Rock Creek Greenway Implementation Work Plan. She has received a number of letters and calls on this area. Brent Davis, Chairman of the Rock Creek/Bronson and Willow Creek Friends Group, sent a letter of support. Rajiv Batra, a Senior Planner with Hillsboro, also sent a letter of support. The City of Hillsboro stated a neutral position as far as acquisition. She talked to Tim Herwitt, the City Manager who expressed an interest in looking at the possibilities of partnership with management. Sherry Smith sent a personal letter, called and testified before the Regional Facilities Committee, supporting this addition to the refinement area. Dan Bloom gave material to her and staff on reasons why the petition that he brought forward showed local support for this refinement. The Orenco Neighborhood Organization also sent forward material on this believing that it was in the original refinement area. Councilor McLain and the Neighborhood Organization both found that it was not in the refinement area, this is the reason it is being brought forward at this time. She also noted that Mike Houck, a biologist, agreed with her that the water quality and downstream impact on the Rock Creek corridor are very real. She sees that this refinements is important and necessary as far as the accessibility to open spaces in the overall refinement material and criteria. It is a gateway that could make it a model area, an example for other communities to follow. These individuals have higher density, a lightrail station and they would like some open space. She believes this should be part of a refinement program. There is parcel partnerships in the area of USA, surface water, mitigation projects, Hillsboro parks as far as management or

maintenance, the Orenco community a neighborhood association, and also the Hillsboro School District. This looks like a fine candidate for an addition to the refinement program. She asked the Council for their support.

Councilor McCaig indicated she would be opposing this measure. She appreciates that there is limited support for it in Councilor McLain's district, however, it does not have the support of the Executive, the Greenspaces staff, nor Mike Houck of the Audubon. There are some significant attributes to the area, but there are not enough to meet the basic tests to include this in the refinement process and plan. That plan has been concluded, it was not proposed to be included by any of the local jurisdictions either regionally or locally. She is fearful that it sets a dangerous precedent and breaks the trust that has been established with the voters by the thoughtful planning process that the open spaces staff has gone through. It has not met the test, nor does it have the merit of regional significance to be include in the open spaces plan.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McFarland, McLain, Monroe, Washington, and Presiding Officer Kvistad voting aye, Councilors McCaig and Morissette voting nay.

Motion: **Councilor McFarland** moved the adoption of Resolution No. 96-2377.

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

Discussion: **Councilor McFarland** indicated that this resolution was to correct a staff error in which the text was adopted but the appropriate map was not adopted. She urged the Councils support.

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

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2371.

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

Discussion: **Councilor Monroe** said that under this proposal PGE will abandon a power line that they now have, they will take down the towers and give us complete access. They will build another line of the same length on Metro's property to replace it and they will pay Metro money to do this.

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

Motion: **Councilor Monroe** moved to suspend the rules so the matter of the Jenne Butte purchase could come before the Council.

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

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors Washington, Monroe, McCaig, McFarland, McLain voting aye and Presiding Officer Kvistad voting nay.

Motion: **Councilor Morissette** moved the adoption of Resolution No. 96 -2383 with the amendment that we proceed with the purchase of the Jenne Butte acquisition based on paying no more than the current appraised value.

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

Discussion: **Councilor Monroe** requested that, for the record, this gives our staff the flexibility to negotiate potential intergovernmental agreements and anything else that might be necessary to give other jurisdictions such as the county or City of Gresham to provide the opportunity for the additional funding that may be necessary to acquire the property. He wished to make it clear that Metro will only put up what the current appraisal says it's worth but allows there to be an intergovernmental agreement with one of Metro's partners to provide for the incremental additional funding that that would be appropriate.

Presiding Officer Kvistad clarified with Mr. Cooper that it was his understanding that once it is on the table that this would be the way it operates. This has been given to the Executive Officer, the flexibility belongs with the Executive Officer on making those changes or developing those intergovernmental agreements. Is this correct?

Mr. Cooper responded that if the Council record, which it appears now to contain, has this in it, he believes this would be sufficient.

Councilor McFarland placed a letter from the City of Gresham signed by Bonnie Kraft, the City Manager, in the record.

Presiding Officer Kvistad opened a **public hearing**.

Mayor Gussie McRoberts, Mayor of Gresham, appreciated the Council's support on Jenne Butte. The City of Gresham has been in an opened space acquisition process for about 5 years and is just about through, with about a half million dollars left. So when something is added to the plate, something else must come off. Gresham's first priority is to have enough of the creek corridors so that they can have trail systems going north and south. If Gresham were to buy this, they would not have a contiguous system for the trail system. This is why Gresham can not come up with extra money. Gresham's citizens will have spent \$9.3 million on land acquisition and \$1.2 million on trails. The City attorney looked at the language in the different phases and felt that it would be possible to buy 30 lots instead, that is \$750,000 instead of the \$1.6 million. It helps Gresham have a contiguous trail system around Jenne Butte and a road for fire trucks. If Metro is interested in buying 30 lots instead of the whole thing, this is an option that Gresham is interested in pursuing. DPL

would rather buy the whole thing with the thought that Metro could help with the purchases of some of the creek corridor. Gresham is not real enamored with that choice but Gresham did want to offer Metro the possibility of 30 lots.

Councilor Monroe indicated that what the Council was about to do is authorize \$1.6 million and leave the Executive, Gresham and others the flexibility to work things out with the county. He was encouraged that this could be worked out.

Presiding Officer Kvistad clarified that the resolution itself does not authorize any amount of funds. The resolution allows Metro to proceed at looking at a potential purchase at or near a market value if Metro decides to proceed. No dollar amount is being allocated.

Councilor Morissette added that his motion did not include some of what Councilor Monroe spoke of. His motion clearly states that we have a refinement process for a specific target area of which Metro have allocated X amount of money within that area. He wished to make sure that the purchase, specifically, is for no more than what the current appraised value is.

Geoff Roach, Trust for Public Land, is familiar with what has happened up at Jenne Butte. He believes that there has been a lot of good work by Metro and the City of Gresham. The motion being considered today lends an opportunity to rethink, rework and take advantage of the limited time available to gain control of the property.

Presiding Officer Kvistad closed the **public hearing**.

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

8. COUNCILOR COMMUNICATIONS

Presiding Officer Kvistad announced that the Council would be in recess through the end of August.

9. ADJOURN

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 3:40 pm.

Prepared by

Chris Billington
Clerk of the Council