

MINUTES OF THE METRO COUNCIL MEETING AND WORK SESSION

September 26, 1996

Council Chamber/Rm 501

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

Councilors Absent: Ruth McFarland

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

1. WORK SESSION

1.1 Ordinance No. 96-647A, Urban Growth Management Functional Plan Overview.

Presiding Officer Kvistad said that the work session would begin with a general outline for those Council members that are not on the Growth Management Committee to give some semblance of where the Council is and what the next couple of weeks will bring.

Councilor McLain noted that the enclosed amendment recommendations (which are included in the permanent record of this meeting and can be found in the Council Office). The Councilors' amendments reflect the specific title it applies to as well as noting who is presenting the amendment. She asked the Councilors to explain their amendments and the reasons for those amendments. She indicated the Mr. Fregonese has been meeting with individuals and groups who have had some concerns about some of the titles, particularly 2 and 4.

John Fregonese, Growth Management Services Director, talked about local government issues. He believes that some of the local jurisdiction ideas are good and the Executive side is in agreement. He reviewed the Functional Plan's first amendment recommendation to Title 1, line 136, which talks about the 2040 growth concept design type and densities in the 2040 growth concept.

Councilor McCaig asked that the department submit their recommendations in writing and review these recommendations next week.

Councilor McLain indicated that there was a problem with that timeline. Staff will not write the amendments unless Councilors are interested in the amendment. She asked that Mr. Fregonese do an overview.

Mr. Fregonese spoke of Title 1, section B, lines 120 to 136 use of the concept map. A number of local governments thought this was too directional, it wasn't a recommendation from the Executive but rather came from MPAC. The department staff and the local governments are concerned that they do not know how to implement the concept map. A number of issues asked by the local governments included amendments and clarification to this section. The GM department would like to propose an amendment that would delete the entire section B.

Councilor McLain asked that when looking at this deletion how this relates to the 80% minimum.

Mr. Fregonese responded that the 80% minimum is in section A and would not be effected. What the local governments have asked on the 80% minimum is that it only apply to vacant lands, that it not be part of redevelopment. This makes sense because redeveloped lands won't effect density. Most of the areas talked about that are redevelopment oriented would be areas that the market itself would require increased density, therefore, minimum densities in those areas are probably not required. The hardest problem with establishing minimum densities are in areas of redevelopment. The local jurisdictions would like to use these minimum densities in the redevelopment areas selectively and not to have it as a requirement. Secondly, the minimum densities would only apply to vacant lands when the existing capacity is less than 15 units or more. For example, if you have a piece of land that is zoned single family, it be three acres and if its an apartment complex it might be 1 acre, but a fair size piece of land. The local jurisdictions do not want to apply minimum densities to small areas across the board. Mr. Fregonese was referring to Section 3A, lines 110 to 119, the 80% minimum density requirement.

Presiding Officer Kvistad asked about Mr. Fregonese's proposed amendment in section B. Where did this recommendation come from?

Mr. Fregonese responded that the amendment for section B would be to delete it entirely. The recommendation to delete this section came from MPAC.

Mr. Fregonese then reviewed Title 2, section A2 on Parking. The local jurisdictions would 'like to have zone B minimums be a recommendation not a requirement. There would be a number of changes in section 2 to make this change to a recommendation. The parking minimums would be in zone A which is a transit area. The parking maximums in zone A would be just transit areas. The parking maximums in zone B, which are non-transit, would be recommendations not requirements.

Councilor McLain reiterated that the Functional Plan is now at the Council level, therefore, the Councilors should be crafting the changes. If any Councilors would like staff to go forward with these suggested amendments, the Councilors need to give that direction today.

Presiding Officer Kvistad asked that after each Title is reviewed, if any of the Councilors would like to propose an amendment or are in agreement with the amendments that staff are proposing that they note this. The staff will then put the amendment in writing.

Councilor McLain clarified that the Councilors do not have to sponsor the amendment but could review with staff the purpose of their recommendations.

Councilor McCaig asked if the amendments John Fregonese were proposing came from MPAC.

Councilor McLain responded that these amendments were recommendations from local jurisdictions.

John Fregonese affirmed Councilor McLain, indicating that these recommendations came out of testimony from local jurisdictions who have raised concerns. The first recommendation made was from MPAC.

Presiding Officer Kvistad asked if the Council was interested in making adjustments to Title 2, the parking ratios, making zone B parking minimums be recommendations not requirements?

John Fregonese continued saying that the City of Beaverton objected to Title 9. They would like clarification on this title concerned that they would have to collect the data and report. Mr. Fregonese indicated that this would be Metro's job not a requirements of the cities.

Hillsboro had the expressed concerns about the employment targets in Title 1, section B, that has person per acre and minimum employment targets. Iso in section 4, lines 199 to 202 which reviews whether actual built densities during 1990 to 1995 were less than 80 percent of permitted densities. The City's concern is not evaluating housing but rather evaluating employment. Sometimes places are built that had a large capacity employment, the employment expands and contracts, it is not nearly as fixed as housing units. The City recommended, and Mr. Fregonese agreed, that we should not track existing employment densities only as a Performance Measure not as a item that they have or have not achieved capacity. Mr. Fregonese believes we should track employment densities as a performance measure but not use it as a reason to do a rezone. Mr. Shaw and Mr. Cooper would need to be involved in the rewrite of this section if Council is interested in this change.

Hillsboro and Beaverton were supportive of the Title 4 revision, one of the amendments that is before Council today. The map that goes with this Title needs to differentiate between employment and industrial areas, right now it does not. Hillsboro may wish to have some areas taken off the map. Beaverton has asked that the quarry site be taken off the map.

Councilor Morissette indicated that he was interested in the department's recommendations on Zone B Parking requirements. He concurred that if there are no transit corridors, the parking stipulations should be recommendations not requirements.

Presiding Officer Kvistad reviewed the written amendments submitted at today's meeting (included in the permanent record of this meeting which may be found in the Council Office).

Amendment 1 through 3 were sponsored by Presiding Officer Kvistad. Amendment 1 has to do with a change from "Urban Growth Management Functional Plan" to "Metropolitan Development Plan". He noted the Mr. Robert Liberty made this recommendation. Amendments 2 and 3 speak to the quarry on Scholls Ferry road adjacent to the town center for Murrayhill. Both amendments as adjustments are proactive to what Council is trying to do, it is within the area of the town center itself. What these amendments do is to redesignate the area, dealing with the site itself and the redesignation to an employment area.

Amendment 4 to Title 1, sponsored by Councilor McFarland, was reviewed at the last work session of the Council by Mayor McRoberts of Gresham. **Councilor McLain** indicated that this amendment added the language on page 4, line 136, to say, "for any area designated as a Town Center, the plans and implementing ordinances shall not permit a target density equal or greater than the target density for Regional Centers." If the 2040 Growth Concept is looked at, the Town Centers and the Regional Centers have different purposes and functions. Councilor McLain believes this follows through with the sentiment of what is a Town Center and a Regional Center.

Councilor McLain reviewed Amendment 5 dealing with Title 4. She indicated that she, legal and the GM staff had been meeting with local jurisdictions as well as the Retail and Business Community to fix some issues that were important to them. She believes the proposed language accommodates their requests without in any way gutting the intent of making sure that we have the right transportation patterns happening in industrial and retail, have better land uses and still takes into

consideration what kind of traffic patterns and usage of these particular facilities in these areas. She acknowledged that this language had been presented at the last work session. These changes give both the industrial business and employment folks more security that they feel that they can do a decent job of presenting services and retail to the community.

Councilor Morissette asked about the square footage requirements in this Title.

Councilor McLain responded that there had been discussion on 60,000 square feet, 50,000 square feet and 60,000 square foot footprint. She indicated that she had been talking with Fred Meyer and other retailers, discussing the size of the footprint is important to Metro in this particular portion of the 2040 concept because it deals with how much actual traffic or parking would be at that facility. If footprint is used, one could end up with a 100,000 square feet instead of 50,000 sq. ft. and what would this do to parking needs and traffic patterns?

Councilor Morissette reviewed his seven amendments, Amendments 6 through 12. Amendment 6 introduced language which focuses on Goal 10 Policy. He reviewed that Metro operates under 19 goals from SB 100, the Land Use Law. He expressed concern over some of the densities that this plan will require. He is anticipating some reports which will address some of these issues. He believes we are pushing the density envelope real high and he wants to make sure that we don't lose sight of the fact that there are reasons why density has an impact on people because it may hamper their choices in how they are going to live. So he pulled some language out of the law we operate under so that this was not forgotten in the Functional Plan. He read his first amendment, "Expected residential development provides needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Metro region households and allow for flexibility of housing location, type and density." For those who wish to live in higher densities and there are many who do, great, for those that don't and want to have an option and aren't just the very wealthiest, hopefully this language would protect them as well.

Amendment 7 focused on home ownership which he believes is one of the cornerstones that makes a stable society and a valuable asset to our region as a good place to live. He noted President Clinton's quote about the need of home ownership. There are a lot of benefits to home ownership to a community. People who have ownership have connection to a community that is important and this should be encouraged. This amendment simply says that this is still important in the plan as we move forward. He then read the amendment, "Reasonable measures have been taken to preserve or increase current levels of owner occupancy of single family dwelling units."

Amendment 8 focused on allowing for accessory units within single dwelling units. He included the language, "Cities and counties shall not prohibit the construction of at least one accessory unit within any allowed single family dwelling unit that is permitted to be built in any zone." He noted that as the population ages, this amendment allows opportunities for those who wish to live in an accessory unit attached to single dwelling unit.

Amendment 9 Councilor Morissette was still working on so he did not address this amendment. Amendment 10 says, "All zones allowing residential use shall, where appropriate, include a minimum density standard that.." This language is fairly controversial. This is important to Councilor Morissette because he believes that we have current zoning at one level, we are under building that current zoning by a certain percentage, about 40%. He believes 2040 increases density throughout the region by about 60% and this is with the 13,000 acre expansion over the next 10 years. With no

expansion that increases it even more. If you put on top of the fact that we are under building by 40%, we raise densities with 2040 and 80% minimum density, we are being very prescriptive and not allowing the choice that is necessary to help local communities craft the kind of housing and needs that their communities face. He said that he is all for minimum densities in appropriate locations so that you can get through the development process easier, higher density where appropriate has always been an important issue to him. But it is not appropriate to have a blanket throughout the region especially when compounded with the fact that we are dramatically increasing densities with this plan. The percentage of increase is disputable but no one would argue that it could be much higher than what it currently is to achieve 240,000 housing units in the next 20 years inside the boundary. How large the area needs to be where minimum densities would exist so communities would buy into this as well as where the appropriate locations would be for minimum densities needs to be determined. He does not support the 80% densities every where in the region, 'where appropriate' should be added.

Councilor McLain asked Councilor Morissette if he had a definition of 'where appropriate' that is tied to technical issues or is tied to a community vision?

Councilor Morissette responded that, 'where appropriate', would be a combination of the staff's definition and local community definitions of appropriate locations. As discussion occurs with the local communities that flexibility needs to be in place.

Councilor McLain asked if Councilor Morissette was suggesting a map to accompany the amendment.

Councilor Morissette that this amendment speaks to the local jurisdictions' requests that Metro not mandate the specifics, but the flexibility to accomplish these goals. He believes that this title is currently one of the most prescriptive we have in the Functional Plan. How he would get to "where appropriate" would be in conjunction with the local partners. However, he does not believe that we can get down to a map. Minimum densities make sense in some locations but not every where.

Councilor Monroe indicated that the point Councilor McLain is making is that 'appropriate' is a word that is subject to interpretation.

Councilor Morissette suggested that if there was a better word to accomplish the fact that we are just going to do a blanket 80% minimum density throughout this region, he would be happy to look at that.

Amendment 11 says, "Each city and county shall calculate the residential capacity of any high density zones where it has established a minimum density of less than 80 percent of the maximum permitted density by using the established minimum density." Councilor Morissette indicated that there was an area in the Functional Plan that says anything over 37 units per acre doesn't have to have a minimum density. His fear is that the numbers won't be real, we have an obligation to provide a 20 year supply of housing within this region, he wishes to make sure that that area which is above 37 units that doesn't meet the minimum densities isn't up at 50 or 60 units so we over estimate what we are going to be able to calculate, thus, reducing the need to move a boundary in position to where it has that 20 year supply. He is worried about the gray area where you don't have the density requirements.

Amendment 12 focuses on Performance Measures. Councilor Morissette sees that we have a dysfunctional housing market with a shortage of land based on the demand for that land. There is an escalating land price, less and less people can afford it. Those who already have a house that is

appreciating in value do pretty well because they can resell their house with a high investment return and reinvest it in another home but 35% to 40% of those who are renters have a hard time with this and he does not wish to have renters excluded to the process. In his opinion, Performance Measures mean putting something in place to see how we are doing so if we stay skewed we can revisit this and make adjustments so that we can keep a balance in this region. He then read each of his amendments to the Performance Measures.

1.2 Update and Process for Functional Plan.

a. Amendment Deadlines

Presiding Officer Kvistad asked for questions about any of the amendments noting that each would be dealt with at the Council level where action items are considered. Testimony from the general public is available to all Councilors.

Councilor McLain clarified, if any amendment was brought forward through public testimony, does one of the Councilors have to embrace it in order for it to be put on the decision making packet?

Presiding Officer Kvistad responded that the Council normally takes the local jurisdictional amendments and put them on as amendments for general discussion. General public amendments which Council have a packet of shortly to do through can be brought forward at the Councilors discretion.

Councilor Monroe expressed interest in the amendments on the housing section.

Presiding Officer Kvistad asked Council to either draft the amendment or give him a note as to what areas of concern each members has so that there is a place holder available.

Councilor Washington asked about the public testimony.

Presiding Officer Kvistad indicated that these packets would be compiled and be given to the Councilors now. Staff is going through these to find where the amendments would be in that process. Staff will give that to the Council as a packet of amendments to deal with.

Councilor McCaig asked when the deadline was that Councilors could bring forward amendments.

Presiding Officer Kvistad indicated Councilors could bring forward amendments up until the final public hearing, which is the next item for discussion. Amendments may be submitted by Councilors up until the week before the final vote.

b. Discussion on adding another public hearing

Presiding Officer Kvistad indicated that the Council had been asked to have one final public hearing following the Council's actions on the current amendments on the table and those that will be brought forward in the next week or two. There are two options available, October 10th, an evening meeting and October 17th. This final public hearing is not noted on the current schedule.

Councilor McLain said that it was always appropriate for us to have a public hearing at our normally scheduled Council meetings. The public hasn't had the opportunity to make recommendations on the amendments that the Council is putting together. She suggested that we have the amendments

available at the October 17th meeting for the public to react to and then conduct the final vote on October 24th.

Presiding Officer Kvistad indicated that the public hearing would be at our regularly schedule Council meeting rather than having a final work session.

Councilor McCaig asked if we wanted the public hearing for the purpose of giving us additional information about the amendments or do we want the hearing before the amendments are voted on or should the Council vote on the amendments to narrow down the testimony and then have a final vote on the plan but give people an indication on where we are going on the amendments.

Councilor McLain responded that this could be done on October 17th.

Dan Cooper recommended that due to the regulatory nature, the Council should vote on the amendments put forward, prepare the changes and then have the public hearing. Final changes could be made after that hearing.

Presiding Officer Kvistad concurred with Mr. Cooper indicating the calendar would be adjusted accordingly.

Councilor Morissette asked when the amendments would be voted on, indicating he would not be available on October 10th so that he would like to make sure his amendments were considered when he was at the Council meeting.

Presiding Officer Kvistad indicated the Council would begin voting on the amendments on October 10th and continued on the 17th. Councilor Morissette's amendments could be considered on the 17th when he was at the Council meeting. He also noted that the October 3rd was available but that all of the amendments may not be ready for consideration.

Councilor McLain noted that the Functional Plan calendar listed all three Council meetings as considerations of the Functional Plan, consider those that have been reviewed by Councilors on the 3rd, continue on the 10th and finish them up on the 17th.

Councilor McCaig indicated that titles could be reviewed that have few, if any, amendments and pass those out of Council.

Presiding Officer Kvistad indicated that he thought this was a good idea and by Monday or Tuesday of next week we should have most of the testimony analyzed. Amendments that are fairly straight forward and titles that do not have changes will be considered on the 3rd. On October 10th, a second set of amendments such as local jurisdictions and anything that comes from the public that is deemed appropriate to bring forward can be considered. He wanted a final document and then have some final public testimony on that document as amended before Council had their final vote.

1.3 URSA-Analysis

Presiding Officer Kvistad noted that the Council had already been through the original URSA process section by section around the region.

Councilor McCaig asked if the October 10th Council Meeting got changed to a night meeting? She indicated she was here through 5 pm that evening but would be leaving after that and would not be available for an evening meeting.

Presiding Officer Kvistad said that this meeting had been scheduled as a night meeting due to the MCCI request to present their annual report. MCCI had requested that they have a time certain for 7 pm on September 5th. This was not possible due to the public hearing, so Council set the time certain for October 10th at 6:30 pm.

Councilor McLain indicated that we had guaranteed MCCI a specific time. She suggested that the Council could have the review of the amendments part of the meeting earlier that day. But there is a charter responsibility that MCCI report to the Council annually and the Council has offered MCCI a time certain.

Councilor Monroe suggested that the Council schedule their work on the Functional Plan from 4 to 6 pm on the 10th, take a dinner break and then come back to accommodate MCCI.

Presiding Officer Kvistad continued with the URSA Analysis. indicating that the Council had gone parcel by parcel through the Urban Reserve Study Areas. He recommended that this be done again and have the Council, as we make the decision, do them by quadrant, parcel by parcel, URSA by URSA around the edge. What that does is allows it to be done in full Council rather than doing it in committee. He asked Council if they were comfortable with the recommended process.

Councilor McLain felt that this would be OK as it had worked well before.

Councilor Morissette commented that he planned on going through the URSAs similarly to how he had done it before, trying to do his own boundaries. He indicated that most of the URSAs are in his district or right next to it. He noted that he had no jobs and a ton of congestion in those areas. He does not want this to be his district only but he sees that the Urban Reserve recommendation that the Executive has made to this point as a blue print for a huge problem. It would be appropriate for the Council to consider other areas. The north part of Damascus and the rest of Clackamas County represent almost 100% of the current boundary. He noted that there were many who had testified that there were few jobs and an incredible amount of infrastructure over burdened in that district. He does not believe that there will be a huge amount of jobs in this area in the future. It is his hope that as the URSA process goes forward that Council familiarizes themselves with this problem.

Presiding Officer Kvistad indicated that the URSA plan was a recommendation from Executive but that Council was not using this as a basis for their decision making. The Council will review study area by study area and make their own determinations around the entire end of the current Urban Growth Boundary.

1.4 PCPA/Transition Team Update

Councilor Washington briefed the Council on the PCPA transition. The Transition Team was making a determination as to whether the Performing Art Center, the Civic Stadium and the Civic Auditorium would be transferred to Metro. The Transition Team had its final meeting, a proposal was submitted to the Team as to how they felt the transition should occur. Councilor Washington had the proposal reviewed by legal counsel and drafted a counter proposal that stated, what he felt, was the Council's position. Primary on the Council's agenda was to indicate that these facilities could come over to Metro if we could afford them. As a result, all three governments worked up a set of finances, one of

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Metro if we could afford them. As a result, all three governments worked up a set of finances, one of those sets of finances was giving \$400,000 to the non-profits to help them get through, the second was to not give them \$400,000 and the third was a proposal made by Councilor Washington. He indicated that the first two proposals were ones that Metro can not afford. His proposal was the only one that had any possibility of keeping Metro out of debt and taking care of the capital needs at the facilities, keeping all of the facilities afloat and combining them all so that they are run as one package. The City has taken his proposal under advisement and will be responding to that proposal. If the City can give Metro the funds, the proposal may go forward, if not, the City may consider keeping the funds and the facilities themselves.

Councilor Monroe asked if there was any flexibility or willingness to negotiate the proposal on our behalf and does it appear that there is any flexibility to negotiate that proposal on the behalf of the City of Portland and other players?

Councilor Washington responded that he was unsure. He indicated that the City was studying the proposal, his guess would be that they might have some flexibility.

Councilor Monroe wanted the record to show that although we consider our proposal to be sound that we are not unwilling to negotiate, move or discuss modifications that might be workable.

Councilor Washington indicated that he believed that we were still flexible but that it came down to affordability. We need to be realistic.

Presiding Officer Kvistad said that there were a lot of other interests in terms of the Arts community that may have interests in those facilities, there are some overlays there. Once we hear from the City in terms of what our basic bargaining power is then the Council can determine the next step.

Councilor McLain commented that Metro has been more than cooperative. She indicated that the City of Portland wanted to make sure that we had enough money before we talked ownership issues. She believes we have been up front about not wanting to do a shoddy job and that if we found we couldn't that we would not consider managing or owning the facilities.

Councilor Washington indicated that the financial figures were quite dramatic.

Presiding Officer Kvistad asked if there was a possibility of getting those figures to the Council. Once the Council received those figures, they could discuss these with Councilor Washington.

Councilor Washington indicated that he would get ahold of Metro's financial staff and ask them to prepare something for Council.

Councilor McCaig appreciated the work Councilor Washington had done, however, she indicated that the dilemma was that no government has the money to do this. If the cut and cap passes the City nor Metro will have the money to do this. She would hate to see us taken out of the solution. She understands that it may be the fiscally responsible thing to do but at this point we won't even be at the table to help solve the problem. She doesn't have answers but noted that the City of Portland nor are the counties in any shape to solve the problem and needs to these facilities. She still hopes that Metro will continue to participate in these discussions.

Presiding Officer Kvistad indicated that we have asked for additional revenue from the City to help operate the facilities, renewal and replacement out of existing hotel/motel receipts. These receipts currently go to the general fund of the City.

Councilor Washington closed by saying that the City said they wanted to review his proposal before any determination was made. He reiterated that the financials are unbelievable and Metro needs to know this. He indicated that at this time no doors have been closed.

1.5 Council Information Needs

Presiding Officer Kvistad indicated that the "URSAmatic" was up and running in the Council Office. If Councilors need help operating it, ask staff for assistance.

MCCI is at 6:30 pm on October 10th and there will be a quarterly statement of current expenditures on expense accounts.

METRO COUNCIL MEETING

Convened the regularly schedule Council Session at 3:22 pm.

2. INTRODUCTIONS

None.

3. CITIZEN COMMUNICATIONS

Aleta Woodruff, MCCI member, 2143 NE 95th Place, Portland, OR 97220 spoke to the Council concerning the agenda packet, she indicated that there were vacant spaces in the agenda item 7.2 Exhibit A. She asked about what or whom should be listed in item five, six, seven, eight, nine and eleven.

Councilor McLain indicated that the word Council should be filled in.

Ms. Woodruff continued that there appeared to be a typo on item number 9, the attachment said *none* positions are filled.

Presiding Officer Kvistad indicated that this was a typographical error and should read, nine and ask John Houser to appraise executive staff of the blanks and the errors in their presentation materials of item 7.2.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. CONSENT AGENDA

5.1 Consideration of the Minutes for the September 12,1996 and September 19,1996 Metro Council Meetings.

Motion: **Councilor Washington** moved the adoption of the minutes of September 12,1996 and September 19,1996 Metro Council Meetings.

Seconded: Councilor Monroe seconded the motion.

Discussion: None.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

6. ORDINANCES - SECOND READING

- 6.1 **Ordinance No.96-654**, Amending the FY 1996-1997 Budget and Appropriations Schedule Transferring \$32,670 From the Support Services Fund Materials and Services to Contingency, Retaining Funding for Legislative Related Activities; and Declaring an Emergency.

Motion: **Councilor Monroe** moved the adoption of Ordinance No.96-654.

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

Discussion: Councilor Monroe reviewed this ordinance which is a companion to Resolution No. 96-2386A which was approved on 9/19/196. The ordinance would transfer \$32,670 from the Support Services Fund Materials and Services to Contingency for the purpose of putting out an RFP to purchase services to represent Metro at the 1997 session of the Oregon legislature.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7. RESOLUTIONS

- 7.1 **Resolution No. 96-2366A**, For the Purpose of Accepting the Report and Recommendations of the Metro Advisory Committee for Mitigating Earthquake Damage.

Motion: **Councilor Morissette** moved the adoption of Resolution No. 96-2366A.

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

Discussion: **Councilor Morissette** indicated that this is the earthquake report that was received from our local partners. He voted for the resolution but noted several of his concerns, specifically, the regulatory and cost burden. He was assured that those costs did not effect residential family units anymore than what is current and that no land would be considered to be unbuildable. There is a limited amount of land left inside the Urban Growth Boundary, he wanted to make sure we don't eliminate more land as we go through the process. He was assured that that typically won't happen. He supported mitigating damage in the case of catastrophic disaster. He believes this report does this and urged the Council's support. He added that we would consider incorporating this into the Functional Plan, that change has been made in the document.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

- 7.2 **Resolution No.96-2367**, For the Purpose of Creating a New Advisory Committee that will Advise Metro on Measures Local Governments, Businesses and Citizens can Take to Reduce Damage from Natural Disasters.

Motion: **Councilor McCaig** moved the adoption of Resolution No.96-2367.

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

Discussion: **Councilor McCaig** said that this resolution would create a new technical advisory committee adding thirteen voting members and one non-voting member advisory committee. This committee advises MPAC. She asked Councilors McLain or Morissette if the blank should be filled in with the Executive Officer and confirmed by the Council.

Analyst Morrissey indicated that the change that was made was to add the words...and confirmed by the Metro Council.

Councilor McCaig read, the nominations, except for the ex-officio member, shall be made by? She asked if it is made by the Executive Officer or made by the Council. She thought that it should read made by the Executive Officer and the committee added...and confirmed by the Council.

Councilor McLain responded to Councilor McCaig saying that the sentence read made by the Executive Officer and Councilor Morissette added... and confirmed by the Council.

Councilor McCaig asked again, who was making the nominations to the technical advisory committee? She noted that this was amended in committee, to say, to be confirmed by the Council. She reiterated, who is making the nominations, the Presiding Officer, the Executive Officer or the Council?

Mr. Gerry Uba, Growth Management Services, responded that the department is following the model used before for the creation of an advisory committee. He said that the line should read...made by the Executive Officer and confirmed by the Council.

Vote: The vote was 6 aye/ 0 nay/0 abstain. The motion passed unanimously.

7.3 **Resolution No.96-2318**, For the Purpose of Authorizing the Inclusion of Disaster Planning and Response Coordination as Elements in the Regional Framework Plan Mandated by the Metro Charter.

Motion: **Councilor Morissette** moved the adoption of Resolution No.96-2378.

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

Discussion: **Councilor Morissette** asked about the word 'shall', that there this was in conflict with the two previous resolutions.

Councilor McLain understood that with this particular resolution, it was in response to a Charter mandate. She asked legal if this was correct.

Councilor Morissette and **Presiding Officer Kvistad** responded that we are not mandated to do this within the Charter.

Councilor McLain indicated that the mandate was that we would address or look at it. Her understanding is that the work being done here is following through with that mandate.

Councilor Morissette reread the resolution. He indicated that it was not mandated but rather something that can be done without MPAC approval. He said he did not have a problem with these words but rather the word, shall, in the sentence...that the metropolitan aspect of natural disaster planning and response coordination *shall* be addressed in the Regional Framework Plan.

Motion: **Councilor Morissette** moved to change shall to may. Upon further discussion, he withdrew his amendment.

Councilor McLain said she would vote against that amendment because Metro has a responsibility to make sure that the Regional Framework Plan is complete and she believes that this resolution is part of that responsibility. Secondly, a number of the emergency managers as well as the recent experience with the flood that we had in this region, had shown that some areas had no networking or coordination, this particular resolution helped solve that void.

Councilor Morissette said the Growth Management Committee voted unanimously to make an amendment to Resolution No.96-2366 to include, that Metro Council will consider including the model goal and policies of MACMED reporting in the Regional Framework Plan as part of addressing the natural disaster planning and response coordination. Councilor Morissette supported this amendment. He indicated that he felt that this resolution was in conflict with the amendment in Resolution No.96-2366. The documents don't match.

Councilor McLain indicated that her interpretation of the difference between 7.1 and 7.3 is that in the first one, the report is being talked about, considering the report as part of the initial work for dealing with this particular issue in the framework of the Regional Framework Plan, in 7.3, the Council is authorizing the inclusion of this work in the Regional Framework Plan. In 7.1 the Council is accepting the report and possibly including elements of it in the Regional Framework Plan. 7.3 gives the Council the final product that Metro could consider to be their own, to be part of the structure of the Regional Framework Plan.

Presiding Officer Kvistad indicated that this discussion should have taken place in committee when these question arise. He asked Councilor McLain if this resolution should go back to committee to be readdressed?

Councilor McLain felt that the issue could be settled in Council. She felt that Mr. Fregonese and Mr. Uba could clear up some of the misunderstandings.

Mr. Fregonese noted that the one resolution which involved the Regional Framework Plan was simply to address natural hazards in that Plan. Goal Seven ensures that we are not planning growth in places that are flooding.

Mr. Uba noted that 7.1 was a recommendation that MACMED's recommendations be incorporated into the Regional Framework Plan, however, in the Metro Charter there are a list of items which mandate Metro to address and that this list does not include natural hazard. In another section of the Metro Charter, Metro is authorized to address the issues of natural hazard. 7.3 request the Council to authorize staff to add natural hazard as one of the items to be addressed in the Regional Framework Plan.

Mr. Fregonese added that LCDC goal 7 mandates that natural hazards be addressed when comprehensive plans are being drafted. 7.3 allows Metro to address goal 7 along with all of the other goals when the Regional Framework Plan is put together.

Councilor Morissette asked if there was conflict between 7.1 and 7.3.

Mr. Fregonese affirmed that there is no conflict, the first resolution was to adopt the report, the other resolution is directing Metro to address natural hazards in the Regional Framework Plan.

Councilor Morissette withdrew his amendment.

Vote: The vote was 6 aye/0 nay/ 0 abstain. The motion passed unanimously.

- 7.4 **Resolution No.96-2389**, For the Purpose of Approving Change Order No.21 to the Waste Transport Services Contract.

This resolution was removed from the agenda and returned to the REM Committee.

- 7.5 **Resolution No. 96-2391A**, For the Purpose of Authorizing Release of RFP #96-31-REM for Operation of the Metro South and/or Metro Central Transfer Station.

Motion: **Councilor McCaig** moved the adoption of Resolution No. 96-2391A.

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

Discussion: **Councilor McCaig** indicated that this resolution is a request for proposal for operating either one or both of the transfer stations. This proposal has been through a variety of reviews including REM Committee and SWAK. She commended staff for all their work, noting that many concerns had been addressed. She believes this documents achieves the maximum flexibility for Metro. It allows the opportunity for people to bid on one; both or either transfer stations..

She indicated that there was one piece of controversy regarding the manner in which the request for proposal is going to be evaluated. She asked staff to review the specifics.

Presiding Officer Kvistad asked if there where any questions on the bulk of the proposal?

Councilor McCaig reviewed what the committee is bringing forward which is different than the original proposal allocating evaluative points or percentages as 70% to cost, 20% to operation and maintenance and 10% to resource recovery. She felt that there had been much thought to those weights. The price was assigned the most points as the priority being fiscal management. There was issue about the policy direction. The committee felt that the resource recovery weight should be increased from 10% to 15%. The committee's revision reduced the price consideration from 70% to 65% in the evaluation, maintenance and operation at 20% and increased the resource recovery to 15%. The intent was to increase material and recovery. The committee felt that there was too much weight given to cost and should be more weight assigned to resource recovery. Councilors McLain and she supported this change, Councilor McFarland did not.

Chuck Geyer, Senior Planner for REM and Project Manager for Procurement, said there was much discussion at REM Committee, Solid Waste Advisory Committee, vendors and RSWAMP Committee about the weighting criteria. The balance put forward originally reflected REM's desire to get competitive prices while also putting an emphasis on materials recovery and the operations and maintenance of the facility. There was much debate with the REM Committee. He explained what would happen with the point spread if bids varied by \$1 million, \$2 million and \$3 million. If the difference in bid was \$1 million or less between two bidders the point spread would be 2.3, if they were \$3 million higher, the point spread would be 7 points, therefore the bidder would have to make up those 7 points in the other 30 points available. The REM Committee feels that that was too much emphasis put on cost. The REM department can live with the change proposed by the REM Committee and have included it in the final draft. He also noted an error in one of the formulas concerning dry waste within the document. He requested that this be corrected in the final version.

Presiding Officer Kvistad asked if there was any objection to the modification. There was no objection, therefore the resolution was modified.

Councilor McLain believes that the Committee came up with a good compromise to some of the goals that the Committee had and some of the goals that staff had in the original. There were two elements that she felt the Council should be appraised of prior to voting. When the Committee made the changes it was not to indicate they did not want competitive prices but rather that 65% will also bring those competitive prices. The Committee did feel that the hardest part of recycling is left at the transfer station. RSWAMP has pointed out that a major goal for the agency is to recapture as much of the recycling as possible. By giving 65% to cost and increasing the recovering materials segment of the criteria, Metro gets both. Metro needs to stand behind the goals and objectives of the RSWAMP document that the Council passed. She pointed out that the Committee and the staff did not agree on the weight given to short term and long term costs. Every time we don't recycle items at the transfer station, Metro pays to have it disposed. If more recycling material can be recaptured at Metro's transfer station, we have decreased our costs in the long run.

Councilor Morissette asked what the change from 70/20/10 to 65/20/15 would cost?

Mr. Geyer indicated that they do not know how much it will cost. How it was couched was, if the next lowest proposal came in at different cost, what would be the difference in point spread. For example, if you were \$1 million higher, there was a 2.3 difference in the next lowest proposer, if you were \$3 million higher, there was a 7 point difference. In terms of what it will cost by changing the criteria, this is an unknown.

Councilor McCaig clarified for Councilor Morissette, the change in percentages is not a cost issue, it is the difference in comparison between proposals and how they would be evaluated based on these percentages. It will not increase the cost of one of the proposals, it will influence the weight of the different components within the request for proposal.

Councilor Morissette gave an example of what he was asking. He said if you had one proposal for \$32 million with these criteria and someone else bid at \$30 million with the old criteria, they would have gotten the contract? He asked if we wouldn't have a \$2 million increase in cost?

Councilor McLain indicated that Councilor Morissette was asking the staff to make an educated guess on the possibility of what it would take to make up 7 points. What the Committee is saying is that the criteria is weighted in such a way that cost is not the only factor or more than 65% of the factor. REM is just as interested in how creative recovery is as they are in the cost. She suggested Councilor Morissette asked the staff how much money we will save if we have a transfer station that will be recovering 10% or 5% more than the other proposal that has a lower disposal cost.

Councilor Morissette concern is that with old criteria that was weighted differently, there was the opportunity for someone that bid higher to get the contract, higher cost to operate because they meet certain other requirements, so it could cost more.

Jim Watkins, REM Manager, noted that the original criteria had 10 points for material recovery so if a second low bidder came in and had the best material recovery and got the full 10 points and he was \$1 million higher, he could have won the bid if the next lowest bidder only received 8 points for material recovery. So now there is a change from 10% to 20%. There is more points to deal with when you are evaluating each bidder.

Councilor Morissette said he understood and thanked Mr. Watkins for his clarification.

Councilor Monroe pointed out that Councilor Morissette is correct that it doesn't necessarily cost anymore, it probably won't cost anymore, but if you change the criteria, it could mean that we accept a higher bid than we would have under the other criteria and in the short term this could cost more but in the long term there would be greater savings. Therefore, the change was prudent.

Mr. John Houser said in rough numbers the difference between 70% and 65% would mean if the bid is 10% more in cost at 70% they would have to make up 7 points on the other criteria, at 65% they would have to make up about 6 points.

Vote: The vote was 5 aye/1 nay/0 abstain. The motion passed with Councilor Morissette voting nay.

Presiding Officer Kvistad had to leave the meeting and asked Deputy Presiding Officer McLain to continue the meeting.

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

8.1 **Resolution No.96-2396**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Canemah Bluff Section of the Willamette River Greenway.

Also Present: Alexis Dow, Nancy Chase.

Motion: Councilor Washington moved the adoption of Resolution No.96-2396.

Seconded: Councilor McCaig seconded the motion.

Discussion: None.

Vote: The vote was 5 aye/ 0 nay/0 abstain. The motion passed unanimously of those voting.

8.2 **Resolution No.96-2397**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Fanno Creek Greenway.

Motion: **Councilor Washington** moved the adoption of Resolution No.96-2397.

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

Discussion: None.

Vote: The vote was 5 aye/0 nay/ 0 abstain. The motion passed unanimously of those voting.

9. **COUNCILOR COMMUNICATIONS**

Councilor Monroe announced that on October 9th there will be a Finance Committee meeting at 3:30 pm, there will be a briefing on MPAC of certain ballot measure on this agency.

10. **ADJOURN**

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 4:17pm.

Prepared by,

Chris Billington
Clerk of the Council