

## MINUTES OF THE METRO COUNCIL MEETING

October 10, 1996

Council Chamber

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

Councilors Absent: Don Morissette

Presiding Officer Jon Kvistad called the meeting to order at 5:07 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 October 3, 1996 Metro Council Meeting.

**Motion:** **Councilor Monroe** moved the adoption of the minutes of October 3, 1996 Metro Council Meeting.

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

**Discussion:** None.

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

### 5. ORDINANCES - SECOND READING

#### 5.1 **Ordinance No. 96-647A**, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

**Councilor McLain** gave an overview of the amendments that have been acted upon and those that are still under consideration. Kvistad, #2 on Title 4 Employment and Industrial Areas map change was approved last week, Kvistad #6, Title 3, Regional Accessibility Boulevard Design map change was also approved. These amendments were technical in nature. The McLain, #4 Title 2, Regional Parking Policy Maximum Parking Ratios amendment passed last week as well. She noted that there is more work being done on the Parking Title. There are some upcoming technical amendments on this title that will be sponsored by Councilor McLain as well as some sponsored by other councilors. The

Morissette #3, Title 1 requirement for Housing and Employment Accommodations and Accessory Units amendment passed last week. There are some issues that are of a technical nature that have been brought up by MTAC, the staff agrees on some of the elements of the accessory units and Councilor McLain will be bringing forward some amendments in respect to these issues. The technical amendments on the amendments that have already passed will be presented to Council on Monday, October 14th so they have time to review these prior to Council on Thursday, October 17th. She reviewed the amendments that have not been acted on but have been presented to the Council at the last meeting. The first was a McFarland, #1 on Title 1, Requirements for Housing and Employment, this amendment was taken off the board because it was addressed by another amendment. The McLain #2, on Titles 1, 8 and 10 on consistency and clarification (General Counsel has been asked to work on a redraft of this amendment) is being held over until October 17th due to Morissette's absence at the October 10th meeting. Staff has also been working on additional definitions for the Definitions Title, there will be additional definitions in the McLain amendment #2, Title 1, 8, and 10, amended to #2A. These are now available for review. These amendments include Title 6 definitions on accessibility. The McLain #3, Title 1 requirements for Housing, Employment Accommodations with section 3 design type density was an amendment presented at the October 3rd meeting, she suggested that this amendment could be voted on at this meeting. The McLain #5, Title 4 Retail, Employment and Industrial Areas and Title 8 on Compliance Procedures will be held until October 17th when Councilor Morissette is present. She noted the Presiding Officer Kvistad has a competing amendment to McLain #5 which he will review at this meeting. The Morissette #9, Title 9 Performance Measures did not pass but Councilor Morissette asked to keep this alive for discussion at the October 17th meeting. The Washington #1, Title 7, Affordable Housing fair share strategy is included in the packet and could be considered at this meeting.

She noted that Councilor McCaig intends to bring forth amendments on Title 2, 8, 4, and 9. These will be presented at the October 17th Council meeting. Councilor Monroe completed a review of Title 6, Accessibility title and has submitted an amendment which makes a substantial change. These are also available this evening for review.

**Presiding Officer Kvistad announced** that John Fregonese and the Growth Management Department had completed a summary of written testimony on the Functional Plan, breaking out individual comments made at the public hearings into title areas. This should assist councilors in reviewing and developing amendments where they see fit.

Councilor Washington noted the amendment which made changes to Title 3 is before the Council. He suggested reviewing this amendment and considering acting upon it at the next meeting. He asked Mr. Fregonese to explain the City of Portland's amendment regarding the map of Linnton area.

Mr. Fregonese indicated that this amendment is a map change in the Linnton area which is designated industrial, the City is requesting that it be designated employment. The amendment McLain #3 allows them to make those changes when they submit compliance reports. Because Title 4 has some effects on current destination of employment and industrial, the City would like the change sooner. This amendment is similar to Kvistad #2 where the map was changed. Staff has no problem with this request.

Councilor McLain assumed that Mr. Washington's amendments would be coming with the technical amendments on Monday, October 14th.

Presiding Officer Kvistad said that on the map adjustments there will be two amendments, one to the map and one to the area itself.

Councilor Washington asked if it was in the amendment packet Council had before them.

Councilor McLain indicated it would be in the Monday, October 14th's technical amendment packet.

Presiding Officer Kvistad said that these amendments would be dealt with at the October 17th Council meeting.

Councilor McLain responded the Councilor Washington's question on Title 3, indicating both herself, Rosemary Furfey and Mark Turpel have met with the Columbia Corridor Association. The Association had asked that these amendments be put in writing for consideration almost one month ago. Ms. Furfey and Mr. Turpel will be meeting again with the association at the end of the month. The association asked to look at the map, they had not seen the map yet. In Title 3 nothing goes into effect until the map is formalized so there will be an opportunity to input the map which was the Association's major issue.

Councilor Washington indicated that he had asked the Columbia Corridor group to submit their amendments in writing.

Presiding Officer Kvistad opened up the meeting for general discussion about any topics or amendments that Council were interested in. He noted that Council was under constraint as to what amendments could be voted on at this meeting because Councilor Morissette had requested that certain amendments be held over until the October 17th meeting so he could be present. He asked is there were any councilors who have amendments to make at this time.

**Motion:**           **Councilor Monroe** moved Amendment #1, Clarification Draft of Title 6, Regional Accessibility on Transportation.

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

**Discussion:**     **Councilor Monroe** reviewed this amendment indicating that it was mostly a clarifying amendment, cleaning up the language and making it more understandable and clear. There were a few places where bicycles were added to pedestrian and transit areas. The amendment also clarifies the relationship between the RTP and the Functional Plan. He added that these amendments were prepared by Mr. Shaw in consultation with Andy Cotugno and John Fregonese.

**Presiding Officer Kvistad** asked if Councilor Morissette had the opportunity to see Councilor Monroe's amendment?

**Councilor Monroe** indicated that he did not think Councilor Morissette had seen his amendment since they were completed only today.

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

**Motion:** **Councilor McLain** moved Amendment #3, Title 1, Requirements for Housing and Employment Accommodation section 3 Design Type and Density.

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

**Discussion:** **Councilor McLain** review her amendment #3. There had been a lot of comments and questions about Title 1 including false caps on maximums and clarity on design types. It was recommended that there should be no maximums put on the jurisdictions. She felt this language cleared these questions up. There had been comments from jurisdictions, Hillsboro and Tigard, indicating that if Metro gave them the goal for the product and gave them more flexibility, they could be more creative about what works in their particular community. So the average density numbers have been moved to the section on recommendations. These numbers will be used as a floor, that would be the recommended average that Metro would asked local jurisdictions to get out of each of those types.

**Councilor Monroe** clarified with Councilor McLain that those recommended densities would be a floor, local jurisdiction could exceed the density but could not have densities that were less dense than that floor on the average.

**Councilor McLain** responded that there are other areas which have required densities, an 80% minimum as well as Table 1 with different types of commercial mixes giving some examples of requirements. This is a reasonable, realistic floor.

**John Fregonese** recommended that in the preamble, section 3 lines 106-139 it be amended to 120 to 139 so the minimum density requirements are not wiped out. This section replaces currently 120 to 139, there had been a drafting error.

**Councilor McLain** agreed with Mr. Fregonese.

**Councilor Monroe** as the seconder of the amendment agreed with Mr. Fregonese recommended change.

**Presiding Officer Kvistad** said that this change is a friendly amendment and since both the councilors who moved and seconded the amendment are in agreement with Mr. Fregonese's suggestion, the amendment has been amended to include lines 120 to 139.

**Councilor McFarland** asked Councilor McLain and Mr. Fregonese for their reassurance that this amendment addresses Mayor McRoberts concerns previously in Councilor McFarland's amendment..

**Mr. Fregonese and Councilor McLain** acknowledged that this amendment addressed Mayor McRoberts concerns.

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

**Motion:** **Councilor Washington** moved Amendment #1, Affordable Housing - Fair share strategy.

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

**Discussion:** **Councilor Washington** was asked to develop language that would address the issue of fair share. He had not talked with Councilor Morissette about this amendment. He acknowledged Councilor Morissette's concern in affordable housing.

**Presiding Officer Kvistad** indicated that this amendment could be moved, seconded and discussed at this meeting and then acted upon at the October 17th meeting when Councilor Morissette was present.

**Councilor Washington** said that this amendment is to develop a sense of fair share strategy. He believes this is tough to do but Metro needs to have something on paper that addresses this issue. He believes that this is a first step, preliminary ideas to address a very complex issue of fair share and affordable housing, a keystone of the Functional Plan.

**Councilor McLain** said that this amendment does several things; first, this title is very different than the rest of the titles, there wasn't even a general idea of what Metro was asking local jurisdictions to look at. She felt that this amendment gives a general idea of where to start with giving a fair share strategy which will include four items. There are no numbers or performance standards but simply the beginning conversation pieces. If the 2040 Growth Concept is going to work, there needs to be full community service in all communities. There needs to be an opportunity to provide that full service for a range of jobs, salaries and housing types. She supported this amendment.

**Councilor Monroe** added that he was in full support of this amendment as well.

**Presiding Officer Kvistad** was also in favor of this amendment. He indicated that this amendment would be dealt with at the October 17th Council meeting.

**Councilor McLain** asked that the Councilors get all of their amendments to Council by October 17th so there is time to discuss them and vote on them. She reviewed the MPAC meeting she attended. The local jurisdictions and individuals who will be implementing this plan are interested in making sure they keep up with the amendments and the changes being made and be able to look at the differences between technical amendments and amendments that are making a policy change or direction. She told MPAC that Council would try and get through all of the amendments on October 17th so they have a week to review all of the amendments, meet on October 23rd at the MPAC meeting prior to public hearing on the Functional Plan on October 24th.

**Presiding Officer Kvistad** explained that any substantive amendments to an ordinance needs to be made before the meeting the ordinance is voted upon. If there are amendments beyond the October 17th deadline they can still be brought to Council but this may delay the final vote.

**Presiding Officer Kvistad** reviewed his amendment recommending the elimination of Title 4 in total. He expressed concern that we are trying to regulate business and industry. He does not believe we have the skills or expertise to do this, he believes some of the things that Metro may do may be very detrimental.

## 6. RESOLUTIONS

- 6.1 **Resolution No. 96-2394**, For the Purpose of Committing Local Match For the Transit-Oriented Development Revolving Fund Grant.

**Motion:** **Councilor Monroe** moved the adoption of Resolution No. 96-2394.

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

**Discussion:** **Councilor Monroe** indicated that Metro needs to put up 10% as a local match to receive the Federal money.

**John Houser** indicated that the actual total amount is \$274,000.

**Councilor McFarland** asked where the local match money is coming from?

**Andy Cotugno** spoke to resolution indicating that it does not commit the local match it guarantees the local match. The grant application was submitted on the basis of seeking an in-kind match for each individual project either through the developer or through the jurisdiction where that development will take place. The Department fully expects that this match approach will be sought and be successful. The Feds won't award the grant unless there is a strong guarantee in the event that that match is not secured through the in-kind approach. The resolution provides the Feds with that guarantee but also provides Metro with the control over whether the match will be put up on an individual project basis. The money is not actually appropriated, the Council would have to appropriate it on an individual project basis so the action remains in the control of the Council.

**Councilor McFarland** responded that she was not asking about control but rather money. Even if we are guaranteeing we are going to do it, where is the money going to come from with which to do this guarantee?

**Councilor McLain** responded that what was suggested in the original application is that Metro will be looking for a local match, it was felt that those that were interested in these projects should be willing to help with that money. When we received the review from the Federal Government they indicated that there was still a need for someone to be willing to put up the money if Metro doesn't get the local match from those project people. This guarantees that Metro would be come up with 10% and we would have to take it out of a revenue source such as general or contingency. This was left open so that the decision could be on a project by project basis. There may be local match for some of the projects and Metro may have to cover some. If Metro does not come up with the match, Metro will have to decide where it will come from in our own budget.

**Councilor McFarland** indicated that we make a guarantee, if someone else is not willing to do the match then we stand behind it and pay it, we are committing ourselves to that money without seeing where it will come from, if there is no local match, we are still committing to this guarantee.

**Councilor Monroe** noted that if in fact we are not able to raise the local match, the assumption is that it would come out of the general fund contingency. We are guaranteeing the money. In order to get the federal money, we have to guarantee a 10% match.

**Presiding Officer Kvistad** believes that we would be well served by this guarantee but did note Councilor McFarland's concern.

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

6.2 **Resolution No. 96-2395**, For the Purpose of Amending the Regional Transportation Plan and Metropolitan Transportation Improvement Program to Include Projects Funded by the FY 97 Section 5309 (Former Section 3) Appropriations.

**Motion:** **Councilor McLain** moved the adoption of Resolution No. 96-2395.

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

**Discussion:** **Councilor McLain** said that the title explains what is being done, an approval

of this resolution amends the 1995 Interim Federal Regional Transportation Plan to include two projects which are the PSU Transit Center and the Street Car Projects. These projects have received support and have had a lot of work done on them by the City of Portland. TPAC and JPACT have reviewed these projects agreeing that these were good ideas. If this resolution is passed, the administrative programming of section 5309 and the appropriate amounts would fund these projects. Senator Hatfield has come forward with these funds and there is a great deal of stress to get this resolution passed so that we can get that money rolling, this is why the resolution was fast tracked. Washington County indicated their support for these projects but reminded Metro not to forget the rest of the region and some of the other needs that Metro has for some important projects.

**Councilor Monroe** added that he hoped the Council appreciated this \$42 million that Senator Hatfield has bequest upon the region.

**Presiding Officer Kvistad** commented the he will vote in favor but that he abstained at JPACT because the big concerns in his community on the west side is the I-5/217 interchange project, without full completion and moving forward with this project it is very possible that the two regional centers on west side will not be able to function at all. His concern is a fully funded I-5/217 interchange so that the bottle neck can be repaired and then beyond that move into the urban amenity, the street car plan. He believes this is a very good plan but that there are one or two major transportation concerns that need to be dealt with directly before this project is funded in total.

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

**Presiding Officer Kvistad** announced that Council will recess until 6:30 pm after consideration of Resolution No. 96-2398. Resolution No. 96-2398 was moved forward on the agenda.

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

8.1 **Resolution No. 96-2398**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Tualatin River Access Points Target Area.

**Motion:** **Councilor Kvistad** moved the adoption of Resolution No. 96-2398.

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

**Presiding Officer Kvistad** opened a public hearing at 6:05 pm on Resolution No. 96-2398.

**Mr. Jim Falconer**, Prudential Lutz Snyder Realty, Tualatin, OR 97062 spoke to the Council about this resolution. He indicated that he had worked with the Morand family property for many years. Mrs. Morand approached the realty company about selling the property. She

was very supportive of and encouraged by Metro's interest in purchasing the property for greenspace. Prior to passing away this year, Mrs. Morand indicated that she supported Metro's proposal as opposed to development. She did request that this piece of land be designated as Morand Meadows. Mr. Falconer asked that Metro consider an exception to their normal policy and allow this piece to be named Morand Meadows.

**Mr. Mike Eihenberger**, Prudential Lutz Snyder Realty, resident of Tigard. His involvement has been from the very beginning when PGE put an option on the property and then it transitioned to Metro. He has been won over in having this property be part of greenspaces as well as having the privilege of taking groups through the property to show them the future possibilities. The community is excited about the possibilities of this property being part of the greenspace plan.

**Presiding Officer Kvistad** closed the public hearing at 6:12 pm.

**Presiding Officer Kvistad** opened an Executive Session pursuant to ORS 109-660(1)(e) at 6:13 pm to discuss Resolution No. 96-2398.

Present: Jim Desmond, Jim Morgan, Nancy Chase, Joe Gibbons, Alison Kean-Campbell.

**Presiding Officer Kvistad** closed the Executive Session at 6:15 pm.

**Discussion: Presiding Officer Kvistad** closed indicating that saving this property for the community has been one of his major priorities as an elected official, it is one of the jewels in the Metro greenspace crown. He acknowledged those that have worked so hard to make this happen.

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

**Presiding Officer Kvistad** reconvened the Council at 6:35pm.

## 7. **MCCI Annual Report**

**Angel Olson, Chair of MCCI, 805 S Alpine , Cornelius Oregon, Representative 12** read her portion of the written report (a copy of this may be found in the permanent records which are found in the Council Archives) and then turned over the floor to subcommittee chairs.

**Geoff Hyde**, Cedar Mill area in District 4, reviewed the Advisory Committee Subcommittee accomplishments and goals for the future. His subcommittee has looked at the advisory committees to Metro, their staff and the selection process to put the citizen members on those advisory committees, created a generic one stop application for citizens interested in participating on these committees. The committee has worked on producing a brochure summarizing committee goals and objectives. The final goal is to put together a citizen involvement evaluation process to ensure standards are being met. He continued reading his report. A copy of his report may be found in the permanent record of the Council Archives.

**Patty Mamula**, Network Subcommittee Chair, noted her written report highlighting some of the projects that have been accomplished and future goals. She emphasized that the subcommittee's primary goal was to work on increasing two way citizen communication with Metro, encouraging easy access to Metro to increase awareness to Metro, citizen participation and involvement. Some projects which the committee has helped complete are; the electronic bulletin board which has now involved into the WEB page, an informational brochure about MCCI, supported adding planning meetings, developed a retreat for MCCI members, and developed the joint bi-annual MCCI/Council



work session. The main focus now is to champion the need for centralizing information and data at Metro supported by both MCCI and Metro. MCCI has proposed a four step process to accomplish this goal, one, establish a central calendar, once this is in place, agendas could be added, the third step would be to centralize the mailing and notification lists as well as updating it monthly, and last to develop the Web site to include dynamic information rather than just static information. She said that the subcommittee's current goals were to begin a directory of what kinds of information and publications are available from Metro, to support the process for establishing a consistent Metro presence on cable TV, and finally in terms of publicity, the subcommittee is now providing copy for the Metrolink so there is always something related to MCCI in the newsletter. Two projects which the subcommittee strongly supports are the public information center and a telephone information system which Metro staff is working right now.

**Aleta Woodruff**, 2143 NE 95th Place, Portland, OR 97220, reported for the Chairman of the Nominating Committee who was unable to be at the Council meeting. She indicated that the nominating committee would have work finished on the universal application by the time the annual report was brought before Council. The report presented to Council is from the Nominating Committee, the universal application (in gray) is currently being used at this time, the brochure is finished and included notes about the Council and their phone numbers, the membership is listed. The MCCI Nominating Committee spent a great deal of time filling five vacant positions during the Spring and Summer. Committee members took on the additional work as there was no permanent staff. The nominating committee has been exploring an expansion of functions over the past six months. She then read the written report of the Nominating Subcommittee which may be found in the permanent record of the Council Archives.

**Kay Durtschi and Holly Isaak**, co-chairs of the Public Involvement Process, introduced themselves. Ms. Durtschi gave an overview of what has been done in the subcommittee and what plans are in the works. She noted that MCCI exists to make the link with citizenry of the metropolitan area. This subcommittee works out the process for interaction with the citizen of the region. The subcommittee has put in place of set of transportation processes in order to involve the citizens. Transportation had federal requirements to have citizen involvement. These requirements insist that there be a proactive public involvement process for early and continuous involvement. This work will be the basis for the development of other public involvement processes. She noted the FY 96-97 projects. One of the first priorities of this subcommittee is to develop a set of principles that the Council will support. The City of Portland, Multnomah County and Washington County have all bought into a set of principles for citizen involvement. She encouraged the Council to do this as well. The statement of understanding list in the written presentation is how MCCI would like to work with different divisions of operations. What the process is meant to do is to give a similar basis of citizen involvement so that the public knows what to expect, such as, notification, how the meetings are conducted as well as encouraging the broad outreach so all areas are impacted. The subcommittee is reviewing the process put in place with the Transportation Department.. REM, Growth Management and Parks and Greenspaces will be other departments that MCCI will be working with. The committee suggested that the auditor should include a citizen involvement aspect so Metro has an idea of how many people are being impacted and an idea of what the reaction is to what is going on. She concluded by saying that MCCI is really Metro's link to the community.

**Councilor McFarland** asked Kay Durtschi about Bob Wiggins.

**Barbara Herget** responded that Mr. Wiggins was doing well and would be back on board by November.

**Councilor McLain** expressed her thanks to MCCI for their presentation and noted that she had spoken with MCCI about having some work sessions with some of the Councilors. She supports this idea.

**Angel Olson** agreed with Councilor McLain that MCCI has wanted to put this in place from conception. She believes there is a gap in terms of the forum between MCCI and Council. She suggested doing a round table discussion, getting to know each other, this is a better forum for working with MCCI.

**Councilor McLain** suggested that MCCI staff put out a survey of when would be good times for Councilors to get together with MCCI. Councilors schedules are very full and it is difficult to bring the Council together all at one time. We need to make this reasonable for both groups.

**Councilor McFarland** noted MCCI's retreat experience at Menucha. She felt it was very useful and she thoroughly enjoyed the retreat. She recommended informing the Council of these retreats. She would recommend Council attend these retreats even if this was the only time they could meet as a group with MCCI.

**Angel Olson** said that the retreat is a very relaxing and productive event.

**Councilor McLain** asked that the MCCI get the date to the Council as soon as possible so that Council could plan to attend.

**Councilor Washington** thanked the committee for the excellent report and encouraged MCCI to keep up the good work. He concurred with Councilor McLain that the Council's schedules are heavy but if MCCI would get information on the retreat to them early enough, he would attempt to attend.

**Councilor McLain** added that several of the project goals that MCCI spoke of were tied to budget issues, for example, the cable television project.

**Angel Olson** indicated that there were several individuals on the MCCI committee who had cable TV experience. She agreed that setting up the cable TV in the chamber could be expensive.

**Presiding Officer Kvistad** thanked the group for their presentation.

**Aleta Woodruff** added that the first time she came to a MCCI meeting there were several councilors at the meeting who welcomed her warmly, she added that this has made all the difference in her level of participation, her opinion of Metro and her ability to work with Council. She encouraged the Council to attend the MCCI meeting when new members are brought on board, she feels this would make a big difference. It is her hope when MCCI has their first meeting in January with new members that the Council would attend.

**Angel Olson** thanked Council for allowing the annual report to be given during the evening and that MCCI would like to see one meeting a month in evening.

## **9. COUNCILOR COMMUNICATIONS**

None.

## **10. ADJOURN**

With no further business to come before the Metro Council this evening, the meeting was adjourned by Presiding Officer Kvistad at 7:17 pm.

Metro Council Meeting  
Thursday, October 10, 1996  
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Prepared by,

Chris Billington  
Clerk of the Council