

MINUTES OF THE METRO COUNCIL MEETING

November 14, 1996

Council Chamber

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

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2: 07 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Mike Burton discussed Ballot Measure 32, 47 and 30. Ballot Measure 30 had to do with state-mandated costs and required the State of Oregon to pay for any mandated costs that were passed on to local governments. Metro was closely studying this Ballot Measure because of LCDC requirements. Regarding Ballot Measure 47, the most direct effect of that measure had to do with the Zoo. Metro anticipated that this would cost us and the Zoo about \$1.7 to \$2 million annually. Options were presently being explored. Another component of Measure 47 regarded annexations and especially annexations within the Metro Boundaries. If annexation was to occur, the tax rate could not be assumed unless there was a vote of the people in the process of that annexation.

Ballot Measure 32 (Mr. Burton noted only the unofficial vote) failed statewide but passed in the tri-county region. The failure affected more than light rail. It also eliminated \$375 million for state-wide transportation projects. It eliminated the commitment of this region to have to shift \$75 million of regional STP and lottery funds to the equity account.

With the passage of Measure 47 and the failure of Measure 32, the landscape has significantly changed. The discussions with Councilors Monroe and Morissette were along the lines of let us adopt a 'wait and see' attitude.

Presiding Officer Kvistad asked of Executive Officer Mike Burton questions regarding the Urban Services Boundary issue. Executive Officer Mike Burton stated that the issue would be submitted to Metro Council in the next week or so. The Executive Officer stated that the report would be sent this week officially so this matter could be scheduled.

Councilor Don Morissette stated that his comments on the transportation needs of the region were "keep it simple, stay focused, and be conservative about the requests."

4. METRO CENTRAL STATION COMMUNITY ENHANCEMENT PRESENTATION.

Councilor Ed Washington introduced Judith Mandt, Administrative Manager of Regional Environmental Management and Katie Dowdall, Community Enhancement Coordinator of Regional Environmental Management who made the presentation. Councilor Washington noted that 1996 is the tenth year of the Enhancement Funding.

Ms. Mandt's prepared comments explicated the Metro Central Station Community Enhancement project. If people were compensated for the impacts of a solid waste station, incentives could make them better off than they were before the facility was constructed. Both compensation and incentive payments were public agreements to accept a benefiting exchange for hosting a facility. Everyone needed to see what was in an enhancement program for them. Metro had no model back in 1986 to follow but what Metro had developed has been used many times over for other projects locally and around the United States.

In keeping with an open process and because there was money on the table, the public needed to be involved when the rules were written and, indeed, at every step of the way from then on. Metro invited everybody to the table: The Senators from the District, the Metro Council, the City Commissioner, and all the community leaders. This was how ownership was cultivated. The community was part of it. A standing committee of citizens in the area made decisions about choosing projects and then Metro would staff it. This was an Ambassador Program for Metro. We were in the enviable position of working in concert with citizens to disburse money in the community for very beneficial projects. That was what was in it for Metro. Metro represented the 'good guys.'

Ms. Dowdall presented an informative slide show which closely detailed the most noteworthy work accomplished by this group from Metro's Regional Environmental Management Services. Nearly 350 enhancement projects, representing over \$3.5 million, had been funded by garbage fees in the Metro region. Metro had provided bicycles for the Yellow Bicycle Program and over 60,000 gallons of free, recycled paint through the Household Hazardous Waste Program. Much painting had been done throughout the area with a consequent increase in youth employment as well as painting over graffiti. This committee funded the Christmas In April project through which many elderly or disabled people were able to stay in their homes. Roosevelt High School had been the recipient of grants for scholarships, youth programs, as well as business partnerships for the graduating classes. The Interstate Firehouse Cultural Center was renovated. Enhancement funds helped build Friendly House Community Center. Child care had had several grants for various programs of this nature. The Ivy Pulling Project was also funded, the humorously titled 'No-Ivy League.'

Sandy Dietrich of the Ivy Project presented the Councilors with T-Shirts from the Program.

5. CONSENT AGENDA

5.1 Consideration of the Minutes for the November 7, 1996 Metro Council Meeting.

Minutes of the November 7, 1996 meeting of Metro Council were unavailable for consideration.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 96-662**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$20,000 from the Building Management Fund Contingency to interfund transfers to provide sufficient funding for the Metro Regional Center Debt Service Payments for FY 1996-97; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 96-662 to the Finance Committee.

7. ORDINANCES - SECOND READING

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

Councilor Susan McLain passed out a document entitled *Forty Ways to Implement the Metro 2040 Growth Concept*. It indicates the first portion of the dialogue accomplished on the Functional Plan about which more work will need to be accomplished and additional amendments will require hearing and discussion this afternoon.

Presiding Officer Jon Kvistad opened a Public Hearing at 2:24 pm.

Mayor Gussie McRobert, City of Gresham: "I am not going to lobby today. I am going to give you examples that deal with the reality of some of the things you are talking about; namely, the parking. As we speak, we have, under construction in Gresham, three Walgren Drugstores, a Petco using out building orientation (which Mr. Whitlow will enjoy) and very happy with our Zone A parking standards which are the same as the ones before you today. One of those streets has twenty-minute transit. The other two are planned for the future. Today, it is hit and miss but they still are content with our Zone A parking standards. On the drawing board is a ten-screen movie theater being proposed by Act III. The Beaverton folks have told me we need to take a look at this. The point to it is they too are happy with the building orientation and they are wanting less parking than our minimum standards for Zone A. The things we have heard that people will not build under those restrictions simply is not true when you get out into the field into the real world. Thank you."

Linda Peters, Washington County Commission: "I was expecting that Charlie Hales would be here this afternoon to speak officially for MPAC and perhaps he will, later on. I want to speak to the McLain Amendment 6A. Amendment 6A is one on which MPAC has spent a fair amount of time. Two weeks ago, Councilor McLain came to us and asked us if this amendment is worth bringing back to Metro Council? If MPAC feels strongly about this matter, I will carry it back. If not, then this issue is going to stay the way it is and the grandfathering in of retail where it is presently allowed in not just general commercial but industrial and employment zones would stand. MPAC's concern was a lack of clarity as to how much area that would impact. We didn't know how much of the store we were giving away. MPAC asked for that information. The answer was pretty significant. Hundreds of acres if it were only grandfathering general commercial but it runs up to 4,000-plus acres if the grandfathering covers the industrial and employment zones as well. It was the judgment of MPAC yesterday that that was too much. We want you to grant some local flexibility but we don't want you to grant so much local flexibility that it really threatens the viability of the concept that we are working with. It was MPAC's judgment that the existing amendment goes too far and we really should push for support of 6A. If we can find the grandfathering to the general commercial areas, that speaks to the specific concerns that most of the MPAC folks had. There is no need to go further and

grandfather in all the rest of it and, in fact, it would threaten the whole sustainability of all the principles that are in work in Region 2040. That is MPAC's recommendation to you and it is a pretty strong one."

Councilor McCaig commented that the foregoing comments leave impressions with which she was uncomfortable. First, Councilor McCaig stated that no one on Metro Council wished to derail the 2040 process in any of the amendments that had been permitted. She stated that she has done the same analysis and the difference between the adopted language and the new proposal - her amendment would allow 1,100 permitted acres to be included. Councilor McLain's amendment allowed 350 acres. When one talked about the overall percentage impact of this, there were currently roughly 4600 vacant acres in the employment zone. Of this 4600 acres, we were talking about the difference between 1100 acres being permitted and 350 being permitted. We were not talking about a significant onslaught on the 2040 plan. The total employment area that had been mapped out in 2040 is roughly 13,000 acres. Of this 13,000 acres, there were approximately 5000 acres that were vacant. Of this 5000 acres, 1100 of those were permitted under my proposal. Councilor McLain was allowing 350 in her proposal. That was the difference.

Bob LeFeber, International Council of Shopping Centers, "I appreciate the fact that Councilor McLain is trying to find a compromise from her earlier position. I appreciate that. I appreciate that she did ask staff to do some research because people often ask me what is at stake here and I think it is hundreds of acres and millions of square feet but I really don't know. Granted, this memo only quantifies the vacant acreage. Within the employment areas again to restate what this memo is, is that it is saying that there is approximately 4600 acres vacant of five-acre parcels or more of which approximately 1900 acres would allow retail; some outright and some with a conditional use within an industrial area. Prior to the 2040 Plan, previous studies indicated that there is a five- to seven-year land supply of available retail land within this community. That is including this 1900 acres that really is at stake between Councilor McLain's amendment and the current language. Not all of that 1900 acres will be appropriate for retail development but I can't sit here and look at a number and say 'of that 1900 acres X is appropriate and Y isn't.' That would remove a huge amount of land within your community that could allow retail development. I don't believe you should do that when the studies are that there is a five- to seven-year land supply. Clearly there is an inadequate amount of retail land available. I think the language needs to stay the way it is. You will clearly be causing a down-zoning of a lot of land if you adopt Councilor McLain's amendment. It does not deal with the existing retail that has been built within these industrially-zoned lands that happens to allow retail within an employment area. Nobody looked at that number. I can think of several instances where there are large retail users, over 60,000 square feet, within employment areas that are currently on industrial land. Those will become nonconforming uses no matter how you look at it. That hasn't been dealt with and that is also hundreds of acres and that represents a significant investment in this community. What is going to happen to those uses? These industrial lands within these employment areas were obviously not determined to be industrial sanctuaries that needed to be absolutely preserved. Those are the areas that were put into the industrial zones that Metro has previously designated. These areas were meant to be flexible. Flexibility includes allowing retail on those areas that are zoned general commercial as well as on those lands that are zoned industrial but allow retail. We need to continue to allow those to exist. Thank you."

Keith Bartholomew, 1000 Friends of Oregon: "I am here to urge you to vote against Kvistad Amendment #7 and for McLain Amendment 6A. First, to the Kvistad #7 amendment which is the one relating to Title 2 in the Parking Maximum ratios. Our greatest concern is that by having

one area of the region regulated and another area of the region not regulated. We will be sending exactly the opposite message to the market that we want to send. What we are trying to do here is to encourage higher intensity development to be located in those corridors and in those centers where we have good transit services. By regulating parking in only those places that have good transit service and not regulating the other places, we are telling the market, 'put the development away from transit, not next to transit.' I think it is extremely important that we keep some sort of equity. We have varying standards to reflect the amount of accessibility that is provided by transit service in some areas and not in others and that is as it should be. We do need to have some standards in place to keep a more or less level playing field. McLain Amendment #6A: We think that it is important to protect our investments in employment areas. We have some concerns about how those lands get used. We would hate to see them be used prematurely which could result in sooner and larger increases in the UGB and so we would urge you to vote 'yes' on that amendment.

John Leeper: "I am going to be brief. I would like to encourage you, as far as parking is concerned, to give the local jurisdictions as much flexibility as they can be permitted. Second, I would like to speak in favor of keeping tight limits on the utilization of industrially zoned land for retail purposes. As an aside, I would just say that in light of the hundreds of thousands of dollars that this functional plan has cost already, I, for one, would appreciate your biting the bullet, making the decision, and getting it done."

Jim Mark: "I have been before you on this subject a number of times regarding the parking issue and I would again like to talk on the issue because Mr. Bartholomew spoke a little earlier on leveling the playfield. I could not have said it any better than he did. Unfortunately, in those Zone Bs, we don't have the transit service and leveling the playfield would mean that the transit agencies actually admit that once the development comes to those areas that they would have to provide adequate service. They are not there presently and putting these restrictions on the Zone B would be a disaster and not allow us to effectively develop, within the UGB, the way the 2040 Plan calls for. I think I circulated to everybody a Wall Street Journal article that talked about density in current office complexes and one of the things that everybody holds their hot on this discussion, is the DEQ study that was done a couple years ago on Kruse Way. I have argued those results ever since I first saw them. They are not there presently and putting these restrictions on the Zone B would be a disaster and not allow us to effectively develop, within the UGB, the way the 2040 Plan calls for. I think I circulated to everybody a Wall Street Journal article that talked about density in current office complexes and one of the things that everybody holds their hot on this discussion, is the DEQ study that was done a couple years ago on Kruse Way. I have argued those results ever since I first saw them. These parking lots are jammed to the gills. In today's environment, when an office complex or an office building gets to 95% occupancy, parking lots are jammed and I think that article really talks about business and the way business uses office space today. Traditionally, we used office space at about one person every 150 to 200 square feet. That article talks about some firms down in Silicon Valley using space at one person every 60 to 70 square feet. That would take those parking situations that we all looked at and have a dramatically different look on them. As long as the car in a lot of the suburban communities is our only way of transportation, I think we need to look to the obvious and if we restrict this plan, which is a very good plan that everybody has worked on, with parking too early, we are going to have unintended results on it. Those unintended results are going to be keeping everything from developing outside the CAD where there is adequate transit service."

Councilor Morissette stated that Kruse Way, where his business office is located, is extremely short of parking.

Mark Whitlow, Retail Task Force: I would support Mr. Mark's testimony as well as Councilor Morissette's evidence as being correct. I go there quite a bit and it is difficult to park. As I stated in my letter, we are for regionalism. There is a concept of spreading regulations uniformly but it does break down if what you are trying to do is level the playing field, if it creates the opposite effect. That is what we are pointing out. The suburbs cannot compete with downtown. You shouldn't make downtown regulations be in the suburbs until you have the same circumstances as downtown in the suburbs or outlying areas regarding transit. That is out point. We would support Councilor Kvistad's Amendment #7. If that isn't the case of the day, we would still go back, though, to our urging that this break-apart from A and B and then putting it back together was relative to a switch from an adjustment process to a variance procedure. There is a big difference. Variances are not flexible. Adjustments are. If the Council should choose to spread these parking regulations uniformly, we would urge you to go back to the same procedure that you had in place when you first did that and that is to go back to the adjustment procedures. I think that is good policy as well as good land use planning. It gives governments the flexibility they need to weigh different circumstances; at a minimum, do that. I would like, then, to go back to Title IV. We would urge you to keep what you have. We agree with Councilor McCaig on this issue and I would support Mr. LeFeber's testimony and say that we have to engage in some balancing here. We agreed to give up on industrial lands within the industrial areas map with the understanding that there was quite a distinction between industrial lands in that area and then those otherwise in the employment areas which may or may not permit or through a conditional use, some retail. It is a drop in the bucket on the 2040 plan scale to have the relief that has already been passed under Councilor McCaig's amendment but it is very critical to our industry - those very few acres mean a lot in terms of an industry's ability to go forward at all within the next few years and so we think it is an important balance that has already been struck and we would urge you again to not go with Amendment #6A.

Barry Cain, Graymore Development Corporation: "We are a retail developer in the Portland-Metro area. Did you know that an 80,000 square foot CUB grocery store with six or seven parking stalls per thousand will do considerably more grocery sales than four 30,000 square foot grocery stores with four parking spaces per thousand on less land. If it is truly efficiency in land use that we are after, then why not require that all grocery stores be larger? In fact, the most efficient way to distribute groceries would be through one big central store at which everybody is appointed a specific time of the day to go to. The retail industry is a wondrous thing here in the United States. The free market has created one of the most remarkable distribution networks in the world and it is constantly evolving. Many of the retailers that are strong today were not even around ten years ago. The new retailers and new developers continue to throw their hats into the ring every day even though most will not last. Our 2040 Means Business Committee concluded that if there is approximately three years supply of retail land in the current UGB, less than what Mr. LeFeber was saying because we looked at specific properties. If you limit growth in retail areas that are currently zoned for retail without replacing the land, you will be unfair to property owners and retailers who have already built on that land and unwise to the region. The efficient distribution of retail goods and services is very important to the economic viability and competitiveness of this region. As to parking maximums, we all know that there is no reason to have parking maximums unless they are going to reduce the amount of land than would otherwise be used. The problem is that parking maximums, parking requirements, are not set by jurisdictions. They are set by the market. If I want to lease to Blockbuster video and they need six spaces per thousand square feet, in order to justify building this store and paying rent, then I have to find them for them or they won't go. If Blockbuster won't go, then I am left with less financable tenants who are unable to pay as high a rent. This means that I cannot build as nice a building or maybe I can't build at all. If I don't build, generally a less desirable use comes

behind me. When we put together a shopping center, there are many different types of uses in the center with various needs. We designed the center to have the appropriate amount of parking and hopefully no more or less based on the break down of those different uses. It is not an arbitrary number. Each center is altogether different from the last. We have built 21 projects in the Portland-Metropolitan area over the last ten years and none of them have extra parking spaces today. Higher costs of land, construction and city fees have been making it increasingly harder to justify these projects which means that we have had to push the limits for the retailers for what they can accept and several times, we have pushed too hard. What happens then is that I can only lease to the point that my parking supports the building and no more. In other words, the market corrects my mistake by giving me vacancy. In this town, you can find centers that have too much parking but those are of two types normally. Centers which mainly cater to seasonal sales, like enclosed malls and old, deteriorating centers. K-Mart is a good example of deteriorating centers today. This is precisely what allows for redevelopment. You cannot regulate success nor can you regulate the need for parking. The market is going to do that for all of us. In closing, if this is going to work for all of us, we need to find ways in which we can work together.”

Rick Williams representing West Wind Group: “Like the gentleman before me, we are here in support of the Kvistad Amendment. The question we have is really going back to the process through which the Kvistad Amendment came to the fore was a process of separating out Zone A and Zone B on an issue of adjustments versus variances. The West Wind Group truly believes that the original language was fine and was willing to do and, in fact, the West Wind Group is in support of maximum parking ratios in Zone A, Zone B and in the central city. We attended ODOT’s access management conference yesterday and the primary discussion at that conference was that applying uniform, macro-level standards holistically over a large area, leads to breakdown when you get down to jurisdictional levels and have to implement plans and access management for unique environments. To summarize: The West Wind Group supports the Kvistad Amendment; however, we would like to see Metro Council go back and have a discussion on the variance versus adjustment issues in an effort to solve the issue that give rise to the solution in the first place.

Peggy Lynch: We are not the suburbs any more. None of us in the UGB. We are the ‘urbs.’ I hope you read today Valley-Times that talks about what is going on in Beaverton. We have more employees coming in to Beaverton than we have employees sleeping there. We are not the suburbs anymore. Therefore, I support the current parking policy. It is not a uniform policy. It creates two levels of zones, recognizing that we still have work in our transit to be done but it is a viable policy. I would ask that you amend the retail policy. Even one big box in our employment areas could destroy that area for high-quality jobs. We are talking about the amount of traffic that this kind of facility burdens or places on our employment areas. That is part of the discussion and why it is so important that these employment areas remain employment areas. I agree with the gentleman who said that we have greater numbers of employees per square foot than ever before. It is the kinds of jobs we have today and because of that, it is extremely important that we maintain those employment areas and the flexible space opportunities that we have now in those employment areas. They become perfect candidates for alternative transportation discussions: carpooling, vanpooling and eventually, yes, transit. In the meantime, people like the Westside Transit Alliance are addressing that need in Washington County but they can only do it if we have high concentrations of employees who have jobs that can match that kind of use: a car pool, a van pool, and eventually, transit. One more time, we are not the suburbs any more. We are the ‘urbs.’ Ask Cornelius. A small town that many of you would say, ‘Gee, that’s definitely just an area of rural Oregon.’ Take a look at the vitality that is going on there today and it is going on there today because of our

UGB, because of our robust economy. Treat us like the single UGB that we are and consider us entirely. Thank you.”

Jim Jacks: “As to Kvistad Amendment #7, I would like to indicate that Tualatin supports that. Mayor Ogden would be here today to say those words but he is at the League of Oregon Cities with commitments there and so that is the brief statement. We support the Kvistad Amendment #7. On McLain Amendment #6A, somewhat of a detailed item, is the fact that it refers to an Exhibit A and Exhibit A then lists several jurisdictions and zones in those jurisdictions that apparently allow retail. In Tualatin, it lists two zones. One is commercial office and I think that should probably be deleted as our commercial office district only allows small delicatessens that are oriented towards serving the office workers that are in the district so if that can be marked as something that either needs to be checked or I would recommend that you just delete it today by motion. Those are the end of my comments.”

Meeky Blizzard, Sensible Transportation Options For People: “We have two concerns about the amendments being proposed today. The first concern is with the Kvistad Amendment about parking. In reference to Mr. McCain’s earlier testimony about efficient grocery stores, it seems to me that the most efficient grocery store is probably one large store with on-line ordering and home deliveries and very, very limited parking. I think we need to look to the future. The suburbs cannot compete with downtown. Excuse me, but I think a lot of the development in the region has, over the past few years, been going to the suburban or, as Ms. Lynch calls them, the ‘urbs.’ We have to think of this thing in terms of a level playing field and not reducing us all to muck but elevating us all to the best level. Especially in an environment with limited building sizes we know we all have, the equal parking requirements assure that the areas that are currently served by transit will be developed first. It seems pretty sensible. Those without transit service at the moment, perhaps the parking restrictions will prompt far-sighted developers into working with Tri-Met to assure that the transit service will be there when the development is. Again, it seems common sense that this is the way the world should work. Regarding the Monroe Amendment on congestion management, we have concerns that the emphasis on level of service runs counter to existing plans and policies. For example, our regional transportation plan specifically states that walking is the preferred mode for short trips yet level of service standards indicate that pedestrians and, for that matter, bicyclists, are not to be encouraged but are actually obstacles to moving vehicles and therefore, the presence of pedestrians and bicycles actually lower the level of service. The current regional transportation plan does not meet the recommended level of service standards currently. Therefore, how can we ask local jurisdictions to use them in evaluating their local plans. Even if we all agree that level of service standards were a desirable objective, the new financial constraints imposed by Ballot Measure No. 47 will probably make it impossible for local jurisdictions to comply. The City of Portland estimates that it will lose one-quarter of its general fund due to Ballot Measure No. 47. Washington County anticipates losing over 50% of MSTIP-III funds because of the ballot measure. In the face of these severe financial constraints, is it reasonable to insert criteria that cannot possibly be met? We think this denigrates the process and creates more of a dysfunctional than a functional plan. Instead, we urge that we use the desired mode-split criteria for evaluating projects, not level of service. Thank you.”

Linda Peters, Washington County Commission: “Perhaps Councilor McLain is going to be presenting this later on but I just realized that nobody yet had mentioned another motion that was passed, I think unanimously at MPAC yesterday requesting the deletion of Sections V and VI of Title 8. Our concerns were that when we carefully examined the legal impacts of the language that had been proposed for Sections V and VI, we got ourselves into a terrible tangle that would involve some real difficulties for local jurisdictions as well as for Metro and by the

time we finished plowing through it, it was pretty clear that even the jurisdiction that originally wanted to have some provision for formal interpretation decided that it wasn't going to work so we are proposing that those two Sections come clear out and that the rest of the compliance section be allowed to stand without that little complicated wrinkle."

Presiding Officer Jon Kvistad then closed the public hearing.

McLain Amendment No. 15

Motion: Councilor Susan McLain moved McLain Amendment No. 15.

Second: Councilor Ruth McFarland seconded the motion.

Discussion: Councilor McLain stated that this item was brought up by Metro legal staff. It has also been reviewed by MPAC. This amendment allows any Title of the Functional Plan to be severed; in the case that there is a push against it. The rest of the Functional Plan then would stay in place.

Vote: The vote was 7/0 in favor of this motion. Presiding Officer Kvistad declared the amendment unanimously adopted and made part of Ordinance No. 96-647B.

Monroe Amendment No. 8

Motion: Councilor Rod Monroe moved Monroe Amendment No. 8.

Second: Councilor Ruth McFarland seconded the motion.

Councilor Monroe stated that this amendment conforms the Functional Plan to the state's Regional Transportation Plan which was adopted in 1992.

Discussion: Councilor Morissette asked for a clarification of this amendment. Presiding Officer Kvistad informed the Council the two amendments came forward out of the legal counsel findings for consistency. The two motions are these. Councilor Morissette asked if, by voting for this amendment, councilors are agreeing with what is currently in state law. And Cotugno, Metro Transportation Planning Director, stated that some level of service requirements in the Functional Plan. First, a target or goal must be set for non-automobile use in the higher density, mixed use centers. Secondly, a level of service standard has been set for congestion that could be used in order to increase the densities in those higher mixed use centers. This acknowledges the current state level service requirement that is already in place for other parts of the systems outside of those higher density mixed use centers. It adds the sequence outlined in Amendment No. 8 of looking at alternatives to address that level of service requirement before highways are widened. Alternatives such as system management, demand management, adjacent, parallel facilities, and transit services must also be considered in this regard as a way to meet that level of service standard. This requirement is already reflected in the current Regional Transportation Plan which has already been adopted by Metro Council. It is already a requirement that is associated with the parts of the region that have already been reflected in this Functional Plan. It simply applies it to the rest of the region.

Vote: The vote was 7/0 in favor of this motion. Presiding Officer Kvistad declared the amendment unanimously adopted and made part of Ordinance No. 96-647B.

Kvistad Amendment

Presiding Officer Jon Kvistad stated that much discussion has ensued upon this amendment regarding whether or not Zone B parking should be required or recommended. When the 2040 process was begun, discussions were held regarding regional partnerships and flexibility in developing a plan that worked across the board. In this particular case, an understanding was reached with the jurisdictions and with the local business and industry groups having to do with the tightening of Zone A requirements in exchange for allowing recommendations versus requirements in Zone B. This was done to allow for flexibility where there was no transit and transpiration with the understanding that immediately upon transit and transportation becoming available, those sites would immediately become Zone A. To put in requirements on parking in Zone B where there is no alternative means of transportation to and from those locations is 1) doing a major disservice to my community and to my jurisdictions as witnessed by the letters you have received from almost all the of the mayors in my district. Those letters were unsolicited; 2) this does a disservice to the retailers and providers of services - the people who provide the jobs, the goods and many of the services - that we would, in fact, allow flexibility until transit was available but, at that time, those businesses would have to comply and any new building after that would have to meet Zone A requirements. I have heard some specifics about destruction and well as doom and gloom - that is not the case here. We gave our word, we made a commitment and I do not believe we gave this amendment a great deal of thought and so I ask the members of this council if you would please consider this and vote in favor of this amendment. I think it is good public policy and I would appreciate your vote.

Discussion: Councilor McCaig stated that all districts have Zones A and B. She further stated that she had asked staff to prepare a chronology of parking maximums. In January of 1996 through February 14, 1996 when it was brought before MTAC and MPAC as well as through a discussion draft on March 26, 1996 through June 20, 1996, July 11, 1996 through August 23, 1996 when this was brought before the Metro Growth Management Committee, it had required in Zones A and B. No testimony was received during that time before the Growth Management Committee. It was only on October 3, 1996 when Councilor McLain came forward with the amendment that it was reversed. No testimony was received at that point. After October 3, 1996, Councilor McCaig came back with another amendment, the same amendment that Presiding Officer Kvistad was addressing today. This amendment dealt with Zone A and tightened up those restrictions. No conversations were held between Councilor McCaig and retail people about this matter or with local jurisdictions as well. No deal was cut. This amendment was proposed by Councilor McCaig secondary to the fact that she thought it appropriate for local governments and believes it to be an important public policy direction and has had universal support throughout the region for the entire time that Metro Council has been discussing the Functional Plan. It has only been within the past two weeks that this has become an issue. After the last meeting, when Metro Council adopted this amendment with a 4/3 vote, a letter was received from Executive Officer Mike Burton who decided to make his position clear; a position opposing this amendment. Until this time, no indication had been received from the Executive Officer that he opposed these parking maximums nor had his staff testified before either the Growth Management Committee or the Council on any of these items. Councilor McCaig stated that she found it inappropriate that it

was at that point that he chose to raise his concerns after Council had voted 4/3 to support parking maximums across the region.

Councilor Susan McLain took issue with some of the comments made in the handout distributed by Councilor McCaig. Councilor McLain stated that she has never seen a topic that has been more controversial or more divided than Title 2. For nearly 18 months, Metro Council has noticed a 50/50 split in every community meeting and also in every MPAC meeting. Between August 23, 1996 and October 3, 1996, Councilor McLain stated that she received 17 pieces of documentation, letters and telephone calls regarding the issue of whether or not there is a compromise - a way to help both communities that have service today and those communities who are hoping for and supporting service in the future. Councilor McLain stated that her amendment on October 3, 1996 was an attempt to strengthen Zone A (upon which some agreement was reached) and to give something in Zone B - a recommendation versus a requirement that would meet the needs of a majority of the mayors from Washington County and other outlying areas that have one bus that comes at 6:00 AM and another one that comes and goes through town again at 9:00 PM.

Councilor Rod Monroe stated that he was less concerned about the history than he was about doing what is right and what is workable. He stated that he remembered the compromise which was called A and B. The compromise says that where transit will serve an area, a parking maximum at the A level is indicated, more restrictive and where transit has not yet arrived, at least at the level of service Metro would like to see, a greater degree of parking is allowed, the B level which is approximately current practice. Whatever Metro Council does, it needs to be uniform throughout the region. Council cannot treat one region in a different manner than another. Whatever is done must be fair and uniform throughout. The current status of the Functional Plan, according to Councilor Monroe with the McCaig amendment, does that and therefore he will support keeping it the way it is and oppose the Kvistad amendment. Councilor Monroe further stated that developers are ingenious and will adapt to reasonable restrictions. What this A-B format will do is to cause them to take another look at shared parking, at working harder for car pooling, at being strong supporters of appropriate funding for transit as well as encouraging some of their workers to use alternative transit modes such as bicycling to work or jogging to work. Shared parking is an idea whose time has come. Many parking lots sit vacant most of the time; parking lots that can be shared with shuttle service to and from work sites for employees. The development community and the business community will figure out ways to make this plan work.

Councilor Morissette stated he was glad that he was not the only builder on the Metro Council.

Presiding Officer Kvistad closed by stating that if they were talking about uniformity within the community it might be needed to talk to the agency that provided transit and make sure that the communities that were paying the bill were also getting a level of service that they were in desperate need of having. He referred to Councilor McCaig's list, none of those stated that the Metro Council was involved in any of those decisions and the Council did not even become involved until getting into the general discussion this fall. The Council was here to make a rational and reasonable decision dealing with what was reasonable and what was in the best interest of all of the community. He heard one of the Councilor's say that everyone should be treated equally. He felt there were inequities in terms of Transportation options in different parts of the region. One could say everybody needed to be treated equally but when there was not equal levels of service you don't have equal levels of road and infrastructure you could not have a flat one standard meets all requirements. He felt this was reasonable and prudent and worked. He urged the Council for an aye vote.

Vote: The vote was 3 aye / 4 nay / 0 abstain. The motion failed with Councilors Washington, McFarland, McLain and Monroe voting nay.

McLain Amendment #6A

Motion: **Councilor McLain** moved for the adoption of McLain Amendment #6A.

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

Discussion: **Councilor McLain** she stated had already handed out the Title 4 MPAC memo that was sent on November 8th from John Fregonese. She also handed out a packet of material which included some new items and some previously viewed items. The first page indicated the support for her amendment 6 from MPAC. She referred to several letters which showed support for Amendment 6 and indicated the considered important initiative preserve industrial areas and jobs. The amendment had some of the language from Councilor McCaig's amendment which indicated, that retail uses allowed in employment areas on the effective date of this Functional Plan for the specific zone was acknowledged land use regulation listed in exhibit A of this Title. Exhibit A of this Title would include all general commercial or commercial general. She stated she agreed with the City of Tualatin and asked to omit commercial office after their explanation of that code. There was a letter also included from Hillsboro and thought it was important because she took 6A through her BlueLine litany test which was, could she get Wink Brooks to at least read it. Secondly, could she get the city managers in Hillsboro to look at the amendment and see if it passed their test which it did. They were fine with it as long as general commercial and commercial general alone. She then referred to the John Fregonese's memo and discussed it. From the comments were left she received from the general retail, commercial retail zoning was what they needed. Looking at Mr. Fregonese's amendment and looking at the different jurisdictions, it would only total 317 acres. What was trying to be done was to listen to the Industrial people who said they did not want retail in those areas and there were some zones that could not be as flexible as the retail people wanted it to be. It was a situation where this was a compromise. If looking at the first page Commercial Retail zoning was 317 acres and would stay grandfathered as per last weeks conversation. Industrial Zone Retail permitted outright would be 748 acres would not be permitted and Industrial Zone Retail permitted as a conditional use of 188 acres would not be permitted. The retail not permitted in the strict industrial zones on the map, 2,332 would not be permitted. The frustration that she had with working with Title 4 had been especially with the comparison with the Title on parking issues. She asked the proposer of the parking issue, what was achieved if you don't restrict the retail where those parking lots were going to be built? There was a maximum and a minimum that was very flexible and very loose, it was a very flexible cap and was a situation where if they truly wanted to do something and wanted patterns of traffic and patterns of parking to be in the places desired, there needed to be stores in the places you want the stores to be in. There was only a very small part of the employment area where transportation and parking did not work for that type of retail. It was not a ban on big box, it was simply asking big box to work with the community and to work with Metro in a way to allow to make sure their facility and the rest of the community and the employment areas could function at its very best efficiency level.

Councilor McCaig stated that she appreciated that they were now working towards a compromise because she wanted to make a reminder that what was started when she brought

this amendment forward was they would allow nothing. There was zero opportunity for there to be any grandfathering in the Functional Plan when it was before the Council two weeks ago. When she made her statement bringing forward her amendment, she attempted to convey that she was concerned about fairness and equity and particularly that she wanted this document to be forward looking. The work that needed to be done was not to be punitive and penalize those people who had already had development opportunities in place. In conjunction with the information received from MPAC she developed her own chart. She wanted to restate that no one was attempting to put Costco in Industrial areas. That was not the issue, it was agreed and they were talking about Employment zones. Within employment zones there was a title that said industrial but was not the same as the industrial zones. There was no intention of doing anything in industrial zones. Currently there were 13,145 acres that were mapped as employment areas. Of those employment areas there was about 4,600 acres which were vacant. She was interested what would be done with those vacant acres but also respectful of what local communities had already decided what they would like to do with some of those areas where they had already made zoning decisions. Councilor McCaig's proposal would allow the cities and counties to allow the extent and location of retail uses allowed in employment areas on the effective date of the Functional Plan. There were 1,065 acres which represented less than 24% of the total acreage. Those were acres that were already identified and established as permissible for this kind of development. She felt it was wrong to limit that. Councilor McLain's proposal took the 1,100 acres and using an additional screening factor arrives at about 350 acres. The difference that the Committee got to chose from was between 350 acres and 1,065 acres.

Councilor McLain commented looking back at Title 4 and looking at the language that was crossed out last week with the McCaig Amendment, it would be seen that there was a movement through and exceptions process. That exceptions process and part of the her amendment here today, indicated that if there was really a need for the local jurisdiction to be able to give an exception to a particular type of retailer like this, they could do that. They could do that through the following stipulation which was that demonstrated in the record that an adequate transportation facility would be in place at the time of the retail use as the beginning of the operation opened and a demonstration that the adequate transportation facilities for the other planned uses in the employment areas were included in the comprehensive plan provisions. There was already an exceptions process and movement away from zero. This would allow for the appropriate local jurisdiction flexibility. If they needed that type of retail in their community, they simply had to demonstrate that they were not going to disadvantage the rest of the employment uses in that zone and that they have adequate parking and adequate transportation for that facility. She also wanted to point out that the chart Councilor McCaig presented, needed go back to the zone, it was not the numbers that were important. She disagreed with Councilor McCaig's statement that they were staying away from industrial areas, Councilor McLain felt they were not. Presently there were 1,188 acres of permitted with a conditional use and 748 acres that were permitted outright. With Councilor McLain's amendment three things would be accomplished. One, it would allow an exception process that if the retail people wanted to go to their communities to make a case they could, but they would have to have adequate transportation. Second, if it was a commercial general or general commercial zone they could build that type of retail with this amendment 6A. Third, make sure that where they did not want retail which they had agreed was in industrial or in areas that act like industrial. She urged the Council to take Title 4 and Amendment 6A into consideration.

Councilor Washington appreciated all of Councilor McLain's comments. Throughout all of the correspondence that had been submitted there was an idea of trying to put big box in the employment area. It was not his understanding that big box was trying to be put in. He

understood that they did want big box in employment areas and not in industrial areas, but he did not understand how this would destroy Title 4.

Councilor McLain replied that if you did not go along with the conditions in Title 4 which was 60,000 square feet facilities in a particular zone, if you did not go along with the conditions of having adequate transportation in the employment area that would not destroy other uses in the employment area. It would have undermined the factor of jobs in the 2040 Growth Concept as well as freight mobility, the ability of getting the product to the port and to the other areas for distribution. The concept was based on design, the design for the employment retail areas was low residential, not the highest density of jobs. In mixed employment area there were industrial complexes that were going to be part of the job components that were necessary for 2040 to fly. The important element of why Councilor McLain thought it would destroy this element was because it did not give the amount of weight needed for industrial and jobs as part of the design component. There needed to be employment areas where workers could work, where those jobs could be placed and where the freight could make the movement of products to the market.

Councilor Washington asked, of the 350 acres how many 60,000 square feet businesses could go in there?

Councilor McLain replied that the 317 acres were the only group of acres that were 5 acres or more. She thought I took 5 acres to put a 60,000 square foot facility on. In that situation there was that much available acreage out there for that type of development. Retail was very creative and it was desired for them to use that land even better than they had done in the past.

Councilor McFarland commented there was a letter on this subject submitted in the packet that had her last name but was not a relative.

Vote: The vote was 4 aye / 3 nay / 0 abstain. The amendment was adopted with Councilors Morissette, McCaig and Kvistad voting nay.

Title 8, Section 5 and 6

Motion: **Councilor McLain** moved consideration to discuss the placeholder for Section 5 and 6 for a sub-group to work on it.

Seconded: **None**

Councilor McLain stated that in the packet there were findings from the Legal Counsel and stated that Mr. Cooper said it was important to put these findings in Exhibit B. She asked Mr. Cooper to give more detail if something different needed to be done.

Mr. Cooper replied that the two procedural things that remained were to make sure that the Council, by motion, moved the findings as the Exhibit B that was referred to. Second, to note for the record that the record was on the cart and the table of contents was part of the record and that the Presiding Officer to acknowledge and the minutes to reflect that was the record.

Presiding Officer Kvistad affirmed that was correct and that would be done.

Motion: **Councilor McLain** moved to make the finding in the packet Exhibit B to this document.

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

Vote: The vote was 7 aye / 0 nay / 0 abstain. The motion was approved and the findings were approved and added as an appendix. The items on the cart had been recognized by the Presiding Officer and were part of the record.

Councilor Morissette commented that the bigger component, although retail was important, was that the growth plan called for much higher densities than he was comfortable with and he thought the general public would be uncomfortable as they moved forward. He stated that he supported 2040 and supported the goal of the Council. He stated that freezing the Urban Growth Boundary made a lot of sense financially but logically it did not. He reiterated that the densities were too high, the average citizens were going to lose choices in housing that they would have available to them. The Plan called for 244,000 additional housing units, that was one new home for every two that currently existed in the Urban Growth Boundary. He believed that this plan was currently not just in the future going to cause sprawl, because as you drive around to other areas, you would find a lot of people who were buying those homes were commuting back to Portland because they could not afford what they were looking for in the Metro area. This would ultimately create more congestion on the roads leading into the area. A lot of valuable open spaces would be built on that was still integral to a successful community. He had a concern regarding school crowding. The solution in his mind was a balance, use the land there was more wisely, build higher density in appropriate locations and move the boundary so there was enough land to adequately create the choices that people needed to solve those problems.

Presiding Officer Kvistad commented that he continually noted that some of the votes came down to those that had transit service versus those that did not and those who had urban communities versus those who represented the suburbs. He felt the Council needed to be sensitive to some of the things as well as regional partnerships. He felt that sometimes all regions of the community were not treated fairly and equally.

He stated that the amendments to Ordinance No. 96-647B would now be 96-647C. Since there were substantive amendments to this ordinance, final action on this item would be at the Council meeting one week from today.

8. Resolutions

8.1 **Resolution No. 96-2402**, For the Purpose of Providing an Exemption from the sealed Bidding Requirement for the Request for Proposals for the Construction Manager/General Contractor services for the Zoo Oregon Project.

Motion: **Councilor Monroe** moved for the approval of Resolution No. 96-2402.

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

Discussion: **Councilor Monroe** stated that he would like to call on Berit Stevenson because she had an amendment to this resolution which would make it 96-2402A.

Berit Stevenson, Property Services Division stated she had a conversation with General Counsel yesterday. This was the RFP for CMGC, the contractor who would be doing the major portion of the work at the zoo. The CMGC was a new approach which would allow Metro to

select the contractor based on qualifications. Because it was a complicated project, they envisioned four phases where they would be developing separate GMP's (guaranteed maximum price), where the contractor based on drawings would say they could build something for a certain amount of money. After discussion with Mr. Cooper, it was apparent that each one of these phases or GMP's without this amendment would require them to come back to the Council and receive approval to go forward. Her concern was that the project schedule would not allow the 2 to 3 weeks each time it would take to come back to get approval from the Council.

Councilor Morissette asked why there was a rush to do the RFP as opposed to the bidding process.

Ms. Stevenson replied the CMGC allowed an accelerated schedule. It would allow a contractor to be on board while design was ongoing. It also allowed money to be saved, move faster and get a lot of advantage when there was a complicated project such as the Zoo Project. It was not primarily rushing through, but a CMGC approach delivered a better project.

Councilor Morissette asked Ms. Stevenson how they knew they were saving money if they were not bidding.

Ms. Stevenson replied that was a good question. It was hard to say in a situation such as this, there was still a lot of competition in a CMGC, you select the General Contractor versus the qualifications approach. But all the subcontracting work was bid just like a regular contract.

Presiding Officer Kvistad commented that since this was a specialized project, zoo construction was a little different than general contracting. There were only a few people that could do that kind of construction based on some of the testimony he heard at some of the last meetings.

Ms. Stevenson commented it was hard to definitively estimate how much would be saved if the CMGC approach was utilized. It was getting very good value engineering because the contractor was there while the design was ongoing, as well as advantages with schedule.

Councilor McFarland commented that this was the type of bidding that was used when building out at Expo and had just heard a report on the progress of the Expo and it was beginning to look like an additional \$500,000 would be saved. She felt this was truly and effective way to go.

Councilor Monroe stated he was involved in selecting the construction Manager for rebuilding of a school in the David Douglas District. He stated they decided to go with the CMGC method there because of the potential of severe cost over runs. As a result a great deal of money was saved. He urged the Council for an aye vote.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Resolution No. 96-2402 was unanimously adopted.

8.2 **Resolution No. 96-2337**, For the Purpose of Requesting Transfer and Acceptance of Title to Foreclosed Properties from Multnomah County.

Motion: **Councilor McFarland** moved approval of Resolution No. 96-2337.

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

Discussion: **Councilor McFarland** stated that these were three very small pieces of property. The importance of these pieces of property were the location. They were located adjacent to the Burlington Northern Rail Line and they would be used to provide trail amenities to the proposed Burlington Northern Rails to Trails should it go through. The last small piece, .07 acre was also in a related position to the Burlington Northern Rails to Trails, this site would provide a pedestrian access to the ancient forest preserve. The .06 acre site would allow for a future site improvement and an entrance to Willamette Cove. All of the pieces of property described were offered at a good price, free.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Resolution No. 96-2337 was unanimously adopted.

8.3 **Resolution No. 96-2422**, For the Purpose of Authorizing the Release of a Request for Proposals for an Exhibit Fabrication Consultant and Authorizing the Executive Officer to Enter into a Multi-Year Contract.

Motion: **Councilor Monroe** moved approval of Resolution No. 96-2422.

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

Discussion: **Councilor Monroe** stated this was an RFP to obtain the services of an Exhibit Fabrication Consultant to help with the design of the Oregon Project at the Metro Washington Park Zoo. This consultant would do a number of things, such as review design and specification, ensure constructability of exhibit specialties for quality, for budget and to make sure that the project was built on schedule. He urged the Council for an aye vote.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Resolution No. 96-2422 was unanimously adopted.

8.4 **Resolution No. 96-2413**, For the Purpose of Approving an Intergovernmental Agreement (IGA) with the City of Portland to Design, Construct and Maintain the Peninsula Crossing Trail.

Motion: **Councilor Washington** moved approval of Resolution No. 96-2413.

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

Discussion: **Councilor Washington** asked Mr. Desmond to give a brief overview of this resolution.

Jim Desmond, Regional Parks and Greenspaces stated that staff had been working for quite sometime to put together an Intergovernmental Agreement among the partners of the Peninsula

Crossing Trail in North Portland. The trail would primarily be built within the right of way of a street that was dedicated but never built by the City of Portland. The partners in this deal would be Portland Parks, who would become the long term operator and manager of the property under the IGA, PDOT had jurisdiction over that right of way and they would issue a final permit and would have to approve design and do various inspections along the way. A portion of the trail would be built on BES (Bureau of Environmental Services) property, they would handle that construction themselves as well as pay for the portion themselves. It was their goal to get this moving as quickly as possible so to start the design phase as early as possible after Christmas.

Councilor Washington stated that this was part of the 2626 Funds, about \$1.6 million of the open spaces bond measures going toward this. He asked if this was the first trail in the area using the 2626 Funds?

Mr. Desmond stated that was correct and was in fact the only project where the regional money would be spent for Capital Improvement. All of the other projects were land acquisition and that this project was always earmarked as a Capital Project.

Councilor Morissette commented that in the staff report, the Intergovernmental Agreement, the IGA did not cap these costs at \$88,200. He said that he had every confidence that they would watch that to make sure that there was not an endless process there.

Mr. Desmond replied that was a request that be a cap on Metro's liability and to the extent that PDOT fees ran in excess of that, they had requested that one of the Portland partners pickup the portion beyond that which was based on an estimate that PDOT came up themselves. They added a 10% cushion to that. PDOT did not cap their fees for anyone including Portland City projects, other departments in Portland had had a similar experience. He stated they had gotten assurances and he thought Councilor Washington had direct conversations with the Director at PDOT that they would do everything they could do to see that these fees stayed within range.

Councilor Morissette reiterated that if more resources were needed they would come back to the Council.

Mr. Desmond replied that they would have to do that. He said they were going to work with them very closely to see that they did not go over the budget, and if they did he would bring back a report to the Council.

Councilor Washington commented that when he talked to the Director at PDOT, he assured her that the Council did not want this to go over that amount.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Resolution No. 96-2413 was unanimously adopted.

8.5 **Resolution No. 96-2419A**, For the Purpose of Authorizing Signature of the Intergovernmental Agreement Forming the Regional Water Providers Consortium.

Presiding Officer Kvistad stated he had two individuals who wanted to testify on this resolution. Due to the lateness of the hour, it was requested that this be postponed until next week.

Motion: **Councilor McFarland** moved to postpone Resolution No. 96-2419A until the next meeting of the Metro Council.

Presiding Officer Kvistad stated out of courtesy to the public this would be postponed until the next Metro Council meeting to give it the consideration that it deserved.

8.6 **Resolution No. 96-2418A**, For the Purpose of Appointing Members to the Water Resources Policy Advisory Committee.

Motion: **Councilor McCaig** moved for the approval of Resolution No. 96-2418A.

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

Discussion: **Councilor McCaig** stated this regarded the nominees that had been proposed by WRPAC. According to the staff report there were a couple of areas where there was more than one nominee. The staff made some recommendations to the Committee and the Committee had forwarded their choices based on the recommendations that came from the staff. There was an amendment, the amendment was to continue to show on the list, Exhibit A, that there was a slot available for the home builders. Councilor McCaig stated that she had submitted an amendment that she would like for the record and for the public to see that the home builders had an opportunity to participate but they had declined to. Therefore another slot was created, which was a citizens slot that would seek someone from the retail development community to participate, to make sure that the Committee attempted to bring in that point of view.

Councilor McLain stated that she supported the Growth Management Committees recommendation to the Council and she also supported the two issues that Councilor McCaig brought forth.

Councilor Morissette commented that he did not think it was quite as easy to state that the home builders rejected the opportunity. He thought that it should be added to this document why the home builders chose not to participate.

Presiding Officer Kvistad replied that Councilor Morissette's request would be added to the record.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Resolution No. 96-2418A was unanimously adopted.

Executive Officer Burton commented that there was a story that was breaking on the evening news regarding an elephant that was at one time owned by Washington Park Zoo in 1973. It was given away in 1974 and died recently in Las Vegas. He stated there was a National Animal Rights Group that had concerns about the way the animal was put down. The local news media had tied this back to why this elephant was given away. He stated they had explained to the press that prior to 1986, when there were records, and there were procedures and a National Association to register elephants, this happened 20 years ago. He wanted to mention this due to the fact that there may be some calls coming in. The fact was that this animal did belong to the Washington Park Zoo in 1973, was given away in 1974 but was prior to any kind of records being kept but had nothing to do with Metro. He had concerns because the media spin on this had been such that it would appear that Metro had some complicity in the animals death.

10. Councilor Communication

Presiding Officer Kvistad declared before going to Executive Session the Council would move to Councilor Communication.

Councilor Washington told the Councilors that they would be getting a small packet of information regarding PCPA and supporting information. Also there was going to be a public hearing at Multnomah County, Monday, November 18th at 1:30 p.m. This would be discussing the hotel/motel tax issue. He encouraged the Councilors to attend.

Presiding Officer Kvistad stated he would be following up with all the members of the Council as to where those positions were and where they were with the funding for PCPA. He further stated the last meeting of 1996 of the Metro Council would be held on December 19th. He stated he was going to try to get everyone a calendar of the next two months for scheduling purposes. On January 2nd would be the swearing in and reorganization and then on January 9th would be the first Metro Council meeting.

Councilor McLain reiterated that this was just the Council Meetings and not the Committee Meetings.

Presiding Officer Kvistad affirmed that was correct. He reiterated that the January 2nd would be the first Council Meeting and be a swearing in of new elected officials and a reception for the new elected official, and then the first business meeting would be on January 9th.

He further commented that there was going to be a gun and knife show at the Expo Center. He wanted to be clear that he was not against peoples ownership of firearms, but he had a personal objection to the sale of automatic weapons and firearms at Metro facilities and he would like to have a serious conversation about the appropriateness of having a show of that kind on facilities that Metro owned and operated.

9.1 **Resolution No. 96-2425**, For the Purpose of Authorizing the Executive Officer to Purchase Properties as Identified in the Whitaker Ponds Master Plan Area.

Motion: **Councilor Washington** moved the adoption of Resolution No. 96-2425.

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

Discussion: There was no discussion.

Vote: The vote was 7/0 aye. Presiding Officer Jon Kvistad declared the resolution had passed unanimously.

11. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 5:50 PM pm.

Prepared by,

Metro Council Meeting
Thursday, November 14, 1996
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Chris Billington
Clerk of the Council

David Aeschliman
Acting Council Assistant

Millie Brence
Council Assistant