

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

April 19, 2000

Metro Council Chamber

Councilors Present: Rod Monroe, (Chair), Bill Atherton (Vice Chair), Ed Washington

Councilors Absent: None

Also Present: Susan McLain, Michael Morrissey

Chair Monroe called the meeting to order at 3:35 p.m.

1. CONSIDERATION OF THE MINUTES

Motion: **Councilor Washington** moved to adopt the minutes of the March 22, 2000, Metro Operations Committee meeting.

Vote: There were no amendments to the minutes. The motion passed unanimously.

2. Ordinance No. 00-856, Confirming the Annual Readoption of Metro Code 2.06 (Investment Policy); and Declaring an Emergency

Motion: **Councilor Washington** moved to approve Ordinance No. 00-856.

Howard Hansen, Investment Analyst said the portfolio is reviewed quarterly by the Citizens Investment Advisory Board and forwarded to the Council for review. Annual readoption occurs to provide the opportunity to review the stipulations, practices and policies of investments. There were no proposed changes or amendments this year, merely readoption. **Councilor Atherton** asked if the volatility of the stock market had affected our investments in any way. **Mr. Hansen** said they had not been affected because this policy, as well as other public agencies in Oregon, were not able to invest in equity-type investments, only debt instruments (commercial paper, agency bonds, treasury bonds, etc.). There is only a spill-over effect because as people become more wary of the stock market and seek safer investments, debt instruments may see more demand which would improve our holdings.

Vote: The Committee voted 3/0, unanimously passing Ordinance No. 00-856. Councilor Atherton will carry the resolution to the full Council.

6. Resolution No. 00-2931, For the Purpose of Transferring Eight Acres of the Expo Property from the Metropolitan Exposition Recreation Commission to the Parks and Greenspaces Department

Motion: **Councilor Washington** moved to approve Resolution No. 00-2931.

Michael Morrissey, Council Analyst, spoke to his staff report which is attached as a permanent part of this record. He referenced an attached map which defines the 8-acres which is part of a slightly larger parcel of about 10.5 – 11 acres on the southwest corner of Expo. This land was transferred with Expo to Metro by way of a 1996 intergovernmental agreement from Multnomah County. This resolution would not transfer the title of the land, so it would continue to be Metro property. There currently is a masterplan underway for the entire Metro complex, with the possible exception of some marine properties, which was requested by citizens when the Pavillion process was being considered last year. A firm has been contracted to perform the work, in conjunction with the City of Portland and their masterplanning process which is related to their Code, which provides for citizen involvement, notice and review by their staff. This involves more than MERC, but the City as well. That should conclude in December, 2000. This process would provide the options available for this piece of property. It has recently been discovered that this parcel of land may possibly be involved with some environmental pollution, the extent of which has not yet been determined. Also, there is a possibility of trading this property to the Port of Portland in exchange for some land near Smith and Bybee Lakes that would allow more access to the lakes. It could assist the Port of Portland, and provide some protection for this piece of property.

METRO OPERATIONS COMMITTEE MEETING MINUTES

April 19, 2000

Page 2

Councilor Washington said that over the past several months there had been discussion among various North Portland neighborhoods regarding this property, and a request was made to transfer 8 acres for preservation as a wetland. After legal counsel review, it was brought to this committee. The masterplan, the pavillion, the uncertainty of the use of this land and the transfer to Parks Department needed to be addressed. He learned most recently of a preliminary environmental study revealing the possibility of some contaminates, the degree of which has not yet been determined. There have been no decisions made to date, this resolution is all that has been done, and it was done at the request of the neighbors, but was one that Councilor Washington could support.

Mark Williams, MERC General Manager, referred to a letter from George Bell, Alice Norris and Ben Middleton which is attached as a permanent part of this record. He said there have been discussions with the North Portland residents, the masterplan has begun, and MERC has been willing to make it a formal condition of use for the Hall D construction project, which currently has a land use restriction on the Hall D conditional use permit, requiring completion of the masterplan before any other development can be done. The MERC Commission is committed to seeing the process through. Once the masterplan is completed, the MERC Commission would hold a public hearing to approve it, submit it to the governing body which is the City of Portland for their review, formal hearings before a land use hearings officer would be scheduled, and a ruling would be made which could be appealed to the City Council, Land Use Board of Appeals, and the Oregon Supreme Court. On the other side, whatever development proposal is decided upon, would require approval of the MERC Commission, this committee and the Metro Council, including any public hearings deemed necessary. He, again, referenced the MERC Commission letter saying the commissioners were committed to the masterplanning process and the plan should go forward. He indicated an interest in learning more about the property trade, since this was the first he had heard of it. **Chair Monroe** responded that the previous day was when the Metro Councilors had first heard of the trade in properties, and perhaps Mr. Williams should contact the Executive Officer's staff for more information.

Mr. Williams said that one of the Expo goals was to figure out how the facility could be modernized and how the capital deferrals could be handled. Metro staff has assisted without using any tax money. Ultimate uses for some of the other pieces of the property are currently not known. The opportunity for some long-term usage should be maintained.

Councilor Atherton asked if there was a contingency budgeted with regard to the possible contamination of that property. **Mr. Williams** responded saying that public funds have never been budgeted for construction of any sort at that facility. When a private proposal to locate an entertainment facility came forward, MERC told them they would be responsible for the cost of the entire project. He did not know the level of contamination at this time, nor the cost factors. **Councilor Atherton** asked about the cost of obtaining a Level II environmental assessment. **Mr. Williams** said he would have to get back to Councilor Atherton with that information.

Charlie Ciecko, Director, Parks and Greenspaces, said if the Council decided to approve this transaction, his department stood ready to accept the responsibility. To date, there has been no formal conversation with the Port of Portland. He had spoken with the Port's property manager who informed Mr. Ciecko of the interest. By using an aerial photograph, he pointed out property placements. The Triangle Property was owned by Port of Portland, was approximately 3 acres in size, was zoned industrial and valued at about \$60,000. It is not within one of the existing target areas, nor can he see a way to incorporate it into an existing target area. That leaves its funding questionable. It is very important because N. Marine Drive will be expanded and it will impact access and public use facilities at Smith and Bybee Lakes. A facility masterplan was done and adopted, and it was determined that this triangle property would be the ideal location for public access facilities at Smith and Bybee Lakes. The 8 acres at the Expo site house the radio tower site and Forest Lake and Heron Lakes Golf Course, creating a corridor to Smith and Bybee Lakes. There exists some potential natural resource value in connectivity – preventing the isolation of the radio tower acquired by the Port of Portland. In time there may be significant investment in the radio tower site. There is a potential value of keeping the radio tower site connected to the rest of greenspace. If the Council decides this site should be managed for natural resource values, perhaps in terms of integrated management, it would be a better home for the Port of Portland, or possibly the City of Portland, who currently owns Forest Lake and Heron Lakes Golf Course. There are no funds identified in the budget for management of this site, and no identified funds in the budget for a Level II environmental assessment which he strongly urged. **Councilor Washington** asked if the entire triangle site was to be swapped or part

METRO OPERATIONS COMMITTEE MEETING MINUTES

April 19, 2000

Page 3

of it. **Mr. Ciecko** said the entire piece, about 3 acres. **Chair Monroe** asked if before Mr. Ciecko accepted governance of the Expo property he should be aware of the degree of contamination and potential cost of cleanup. **Mr. Ciecko** agreed. **Councilor Atherton** asked Mr. Ciecko what it would cost to do a Level II assessment. **Mr. Ciecko** said he would have to get back with those costs, as it is a more involved process. **Councilor Washington** stated that the possible issue of contamination just came up, within the last two days. **Mr. Ciecko** read from his report which is attached as a permanent part of this record. **Councilor Atherton** asked if management of this land by Parks Department would pre-judge the outcome of any masterplanning process at Expo. **Mr. Ciecko** said he thought it would. Expo is moving forward with a masterplan including these 8 acres, transfer of the land to Parks seemed to be incongruent with that effort.

Chair Monroe opened a public hearing on Resolution No. 00-2931.

Richard Ellmyer, 9124 N. McKenna, Portland, Oregon, thanked Councilor Washington, Chair Monroe, Executive Officer Burton and various Metro departments for their assistance and support. He said the contamination report was actually written in 1990. He has a concern regarding the stewardship of this 8-acre natural area corridor. Speaking for a number of people, the open spaces bond measure was approved by the voters. He thought this current initiative captured the spirit of the bond measure. The contamination issue recently raised is quite significant. He felt a strongly worded commitment from this committee authorizing Mr. Burton to take responsibility and authority to control and check out the issue of contamination, fix it and proceed with the next step. Swapping the land is a good idea, and he hoped that once past contamination, this land swap issue could be revisited.

Peter Teneau, 2715 N. Terry, Portland, Oregon, supported Mr. Ellmyer's position. He has been involved in the subcommittee working on the Triangle Property for the canoe launch. It is ideal. He has had much involvement. The Audubon and the Watershed Council, as well as the Board of Smith and Bybee Lakes all support this open space project. There is no doubt about its natural value, not in its present condition but as a mitigation site. This contamination issue has never surfaced before. He has had intimate involvement with environmental issues of this area. This property should be left as open space as soon as the funds are available.

Susan Landauer, 7706 N. Hodge, Portland, Oregon, Vice President of the Community Association of Portsmouth and she said her association does not support an amphitheater. They would prefer an open space.

Jean Hoops, 6933 N. Richmond, Portland, Oregon, Chair, Cathedral Park Neighborhood Association. She supported cleaning up and preserving the land as open space.

Betsy Radigan, 37 NE Morgan, Portland, Oregon, Chair, Piedmont Neighborhood Association said her group has followed this issue for about a year. They have been concerned about the issue of outdoor concert venues in North Portland since 1994 and are aware of the disastrous results impacting adjacent property owners, surrounding neighborhoods and transportation system. This month the Board took the position to transfer the 8 acres at Expo away from MERC control and oversight. They recognize and respect the environmental value of the property and would like to see it preserved. She believed the message has not been heard by MERC. MERC's perspective has been entrepreneurial, while the association sees it as a valuable, natural resource that needs to be preserved and protected. She requested the committee communicate that message to MERC.

Chair Monroe asked for further public testimony. With no one coming forward, he closed the hearing.

Chair Monroe stated that MERC is a subsidiary of Metro and cannot make any independent decisions with respect to any of the land that they manage without the approval of the Executive Officer, this committee and Council. Councilor Washington is vigilant with respect to the happenings in this area, and in making sure that whatever happens to these properties serves the interest of the entire region as well as the citizens of North Portland. Currently, the following issues have been brought forward: the Parks Department has concerns regarding land contamination that need resolution; the proposal for swapping Port of Portland land could be very beneficial to Smith and Bybee Lakes, if an agreement with the Port can be obtained; and

METRO OPERATIONS COMMITTEE MEETING MINUTES

April 19, 2000

Page 4

a masterplan is underway. It would not be appropriate now for this legislation to be pushed through to the Parks Department until some of the aforementioned options are explored.

Councilor Atherton said there appeared to be a turf issue between MERC and Metro and the question before the committee was whether to send guidance to MERC regarding the masterplan. He referenced a meeting last year and thought that an understanding had been reached as to the use of that land. He asked if it wasn't appropriate to provide MERC with guidance and attempt to reduce the uncertainty that currently exists. **Councilor Washington** said he could support the request which was to remove the land from the possibility of development. Testimony was given requesting a statement of intent from Metro or the Council. He asked if a way could be found to keep this resolution active until some important issues could be decided. Could we hold this resolution in suspense and address Mr. Ellmyer's issues. There is no turf issue here, but rather a matter of order. **Chair Monroe** said probably the best motion would be a motion to postpone action on this resolution pending the answers to the questions that have been raised. **Councilor Washington** asked the Chair for clarification that at the time any of the issues surrounding the resolution are resolved, the resolution can come back to this committee. **Chair Monroe** said that was correct.

Mike Burton, Executive Officer, said MERC administers and manages the facilities (including the parking lot), not the land. Metro ultimately decides what goes on in the facilities and on the land. Under current Code, MERC has the authority to enter into contracts which would supersede under law any Council decision regarding that property. His concern was should MERC enter into a contract over the use of that land, the contract would supercede any action that the Council could take. He encouraged the committee that the record should reflect this matter as a policy decision over which it has authority. The masterplan would be ultimately approved by this Council, as well as the City of Portland. He said the question was should it be left as a park. First, he will examine the extent of contamination on the property. Under a Multnomah County interagency agreement, he believed Multnomah County would be responsible for contamination cleanup. He will return to this committee with the information he obtains. He asked that it be clear that there is no intent for anyone to enter into any contracts regarding that land. **Chair Monroe** said that was his intent that MERC not enter into any contracts until this committee and the Metro Council approve. **Councilor Washington** said a letter should be sent to MERC with that request, and the current resolution should be fortified with that language, referencing the current considerations. He would like, and will check with the legal department, to make the resolution binding so the involved neighbors will be comfortable with our intent. **Chair Monroe** said if the committee suspended action on this resolution today, it would still remain within the jurisdiction of this committee. When appropriate amendments have been prepared, it will be placed back on agenda. **Councilor Washington** asked the testifiers if the proposed action was what they wanted Councilor Washington to do. The response was affirmative. **Councilor Washington** said he could not at this time tie in the time frame. **Mr. Burton** said the resolution amendments should be able to be done quickly, but the environmental inspections may take a little more time. He asked that all future action be suspended pending the results of the environmental analyses. **Councilor Atherton** supported Mr. Burton's statements. **Chair Monroe** suggested amendments to Resolution No. 00-2931 rather than creating a separate resolution. **Councilor Atherton** said the Port of Portland needed land to offer as substitute mitigation. **Mr. Burton** agreed and said there previously had been discussions about purchasing from the Port the property known as the triangle land. He did not feel the Port has had sufficient time to consider the recent events. **Councilor Atherton** said Metro's role was to consider the big picture which included the Port trade of the triangle property and the Port undertaking mitigation of this open space land, and this should be decided soon and made clear to MERC so the masterplanning process could go forward.

Motion: **Councilor Washington** moved to postpone action on Resolution No. 00-2931 pending the drafting of appropriate amendments.

Vote: The Committee voted 3/0, unanimously passing Councilor Washington's motion to postpone.

4. Resolution No. 00-2930, For the Purpose of Authorizing Metro Regional Parks and Greenspaces to Apply for a Local Government Grant From the Oregon Parks and Recreation Department and Delegating Authority to the Department Director to Sign the Application

Motion: **Councilor Atherton** moved to approve Resolution No. 00-2930.

Charlie Ciecko, Director, Parks and Greenspaces Department said this is not a typical request to seek authorization to file for a grant. It is a specific requirement of this particular grant which is being offered by the Oregon Parks and Recreation Department. **Heather Nelson Kent**, Parks and Greenspaces Department, said Ballot Measure 66 provided for a local grant program. Metro was applying for about a \$250,000 grant which required a 1:1 match for funds which Parks had carried forward. It will be used to implement the entire Phase I project at Howell Territorial Park including the parking lot area, paths, restroom, and picnic shelters. The addition of these funds will guarantee the funding for the project. **Councilor Atherton** asked about impervious surfaces versus paved for parking lots. **Ms. Kent** said a new product had been recommended for use that is drainable. It consists of round plastic pieces that hold gravel. Other park providers have used it and given it good reports. It is not certain that the county will allow it as a dustless and durable surface, but Parks is going to submit it to them. It is comparable in cost but will need the inclusion of a bioswale. **Councilor Atherton** pointed out this type of research as another regional service Metro provides.

Vote: The Committee voted 3/0 unanimously approving Resolution No. 00-2930. Councilor Atherton to carry it to Council.

5. Resolution No. 00-2928, For the Purpose of Confirming the Nominations of Jay Hamlin, David Manhart and Jim Battan to the Regional Parks and Greenspaces Advisory Committee

Motion: **Councilor Atherton** moved to approve Resolution No. 00-2928.

Ron Klein, Parks and Greenspaces Department, said as of next month there will be five vacancies on the Regional Parks and Greenspaces Advisory Committee, and this resolution would fill three of the five vacancies. Twenty-seven interested parties requested applications, of which ten were returned for consideration. District 1 and 3 had no applicants, so the vacancies continue. Jay Hamlin, Jim Battan and David Manhart represent Districts 4, 7 and 5 respectively.

Vote: The Committee voted 3/0, unanimously approving Resolution No. 00-2928. Councilor Washington will carry the resolution to Council.

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

Chair Monroe opened an Executive Session pursuant to ORS 192.660(1)(e) to discuss Resolution No. 00-2926 at 4:50 p.m. Those present were: Charlie Ciecko, Tim McNeil, Heather Nelson Kent, Councilors and Council Staff.

Chair Monroe closed the Executive Session at 5:05 p.m.

Resolution No. 00-2926, For the Purpose of Amending the Fanno Creek Greenway Target Area Refinement Plan

Motion: **Councilor Atherton** moved to approve Resolution No. 00-2926.

Vote: The Committee voted 3/0. Councilor Washington to carry Resolution No. 00-2926 to Council..

METRO OPERATIONS COMMITTEE MEETING MINUTES

April 19, 2000

Page 6

COUNCILOR COMMUNICATIONS

Councilor Atherton asked if the possibility of having a regional clean up day for parks and greenspaces, in coordination with some of our local partners had ever been explored and what the costs would be.

Mr. Ciecko said it had never been considered, but that there existed volunteer weekend opportunities. On Saturday, April 29, SOLV was having a regional clean up. **Mr. Ciecko** suggested conversing further, including Lupine Jones, Volunteer Services.

The meeting was adjourned at 5:07 p.m.

Respectfully submitted,

Patricia Mannhalter
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 22, 2000

Document Number	Date	Document Description	RES/ORD
041900.01	April 18, 2000	Staff Report	Resolution No. 00-2931
041900.02	April 19, 2000	Letter from MERC Commissioners	Resolution No. 00-2931
041900.03	August 1990	Environmental Property Assessment	Resolution No. 00-2931