

## MINUTES OF THE METRO COUNCIL MEETING

March 16, 2000

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, Rod Monroe, Jon Kvistad

Councilors Absent: None

**Deputy Presiding Officer Washington** convened the Regular Council Meeting at 2:05 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS

**(Councilor Washington moved this agenda item to after MPAC Communications so Mr. Malinowski could speak.)**

**Greg P. Malinowski**, CPO-7, 13450 N.W. Springville Ln., Portland, OR 97229, said he was not representing Malinowski Farms today. However, one of his duties as a member of the CPO- 7 in Washington County was to advise them on urban growth boundary (UGB) issues, which they followed extremely carefully. He submitted a copy of a memorandum that was mailed to him by the city of Beaverton. (A copy of this document can be found in the permanent record.)

One of the issues in the area north of Springville Road was the fact that Metro's rules stated that when the agency included a piece of land inside the urban growth boundary, it had to be with the intent to be annexed to a city. Beaverton promised they would handle the situation and provide the leadership and responsibility for roads and some of the planning and other activities, even though the piece of land wasn't immediately adjacent to them. The community testified that Beaverton was two miles away from the piece of ground in question and they couldn't see how the city would be able to provide services for it. He said it shouldn't have been a surprise for Beaverton because his CPO-7 told them that. The community didn't want to be left responsible for the new development. The community was somewhat concerned that this was just something that allowed the land to be included within the UGB. They believed that the regional agency's rules were bent to allow more land within the UGB for Ryland Homes. Now that the land had been included, it appeared that Beaverton might not follow through on its promise. He described the memo from Beaverton that he submitted for the record that seemed to confirm the community's fears.

At the next CPO-7 meeting, which was scheduled in approximately two weeks, residents planned to ask him what action, if any, the Metro Council planned to take. He wanted to know what he should tell them.

**Councilor McLain** thanked Mr. Malinowski for bringing this very important issue before the Metro Council. She reminded him she voted not to include the Bethany area within the UGB. She planned to read the information he provided and would be happy to attend the CPO-7 meeting and talk to the community. She explained that Washington County assumed the

planning responsibilities for the Bethany area, according to an agreement between the county and Beaverton, because the county had already assumed the transportation planning responsibilities for that same area. It seemed to the citizens that testified during the past 6 or 7 months that they preferred to have one jurisdiction in charge of both land use and transportation planning, to make sure there was continuity and parallelism in place in that area.

### **3. EXECUTIVE OFFICER COMMUNICATIONS**

**None.**

### **4. AUDITOR COMMUNICATIONS**

**None.**

### **5. WASHINGTON DC FEDERAL TRANSPORTATION TRIP REPORT**

**Councilor Monroe** reported on his trip to Washington DC. He led a delegation of regional officials that met with the Oregon congressional delegation and other congressional representatives, and discussed transportation needs and funding for the region. He felt the trip was very successful. He had an opportunity to use the Metro Link transportation system, an outstanding and user-friendly multi-billion dollar subway, while in Washington D.C. He said the Metro region could build a system that would meet the region's transportation needs for many years to come, with just a tenth the money the Washington D.C. area spent on its system.

He spoke about the high caliber of the delegation, which included elected officials (all three Clackamas County commissioners, Washington County Commissioner Tom Brian, Lake Oswego Councilor Karl Rohde), and representatives from C-TRAN, Tri-Met, Metro's Transportation Department, the Port of Portland, the city of Portland and Multnomah County. As the lead member of the travelling delegation, he reviewed the approach, process and message that they took to Washington D.C. During presentations, he cited the uniquely high degree of regional cooperation and agreement demonstrated by the members of the delegation. He also described how congressional representatives responded favorably. Councilor Monroe advocated the importance of a positive land-use planning approach and satisfying the region's transportation infrastructure needs. He also warned about the dangers of over-reliance on any one mode of transportation and how it would lead to failure. Instead, the region needed a balanced transportation system that relied on all modes and provided people with mobility choices.

Then, he described the delegation's priorities: (1) I-MAX (Interstate MAX) and (2) the South Corridor project and the Commuter Rail in Washington County. He also talked about some of the region's other priorities: dredging the Columbia River, and freight issues, especially in the North I-5 Corridor, Delta Park and the Columbia area. Then, he introduced the delegation. Fred Hansen discussed I-MAX. Commissioner Bill Kennemer discussed the South Corridor. The delegation stayed unified regarding regional priorities and did an outstanding job. He was very pleased. The trip was worthwhile. They met with most of the members of the Oregon delegation, Congressman Brian Baird from Southwest Washington, and key staff members as well. In many instances, it was almost more important to have met with the key staff member(s) appointed to handle transportation issues than with the representative himself. Members of Congress had many other duties so their time was precious. He said Senator Gordon Smith, and congressional

representatives Walden, Blumenauer, Hooley and Baird were all outstanding and effective members of the delegation. They had the greatest impact on helping the region achieve its needs.

**Councilor Atherton** asked if they discussed whether the federal government would continue their level of involvement in Oregon's regional and local activities. Or, would they change and limit their focus to federal issues instead.

**Councilor Monroe** said he asked, but the region could never know for sure. The indication was that existing programs and priorities would probably continue at approximately the current level.

**Councilor Atherton** noted that much of the funding was coming from the federal gas tax. Inflation, along with high mileage in some respects, would erode the impact. He asked if anyone discussed what the outlook would be 5 or 10 years in the future.

**Councilor Monroe** said they didn't attempt to look that far into the future although there was a minor discussion about projects that might exist in the future for the Metro region. But no they didn't discuss what the federal priorities or budget forecast would look like in 5 or 10 years.

**Councilor Monroe** closed by saying they tried to keep the trip as inexpensive as possible. The three delegation representatives from Metro saved more than \$1,000 each on their airfare by flying into Baltimore and using ground transportation, instead of flying into Dulles and using taxicabs, which would have been much more expensive.

## 6. MPAC COMMUNICATIONS

None.

**Deputy Presiding Officer Washington** announced a return to the Citizen Communication agenda item.

## 7. CONSENT AGENDA

7.1 Consideration of minutes of the March 9, 2000 Regular Council Meeting.

**Motion:** **Presiding Officer Bragdon** moved to adopt the meeting minutes of March 9, 2000, Regular Council Meeting.

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

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

## 8. ORDINANCES – FIRST READING

8.1 **Ordinance No. 00-853**, For the Purpose of Amending the FY 1999-00 Budget to Increase the Full-Time Equivalents in the Solid Waste Revenue Fund by 2.50 FTE for the Purpose of Increasing Staffing in the Hazardous Waste Program; and Declaring an Emergency.

**Deputy Presiding Officer Washington** assigned Ordinance No. 00-853 to the Regional Environmental Management Committee.

8.2 **Deputy Presiding Officer Washington** removed this item from the agenda. It was scheduled to be addressed by the Metro Council at the March 30, 2000, Regular Council Meeting.

## 9. ORDINANCES –SECOND READING

9.1 **Ordinance No. 00-850**, For the Purpose of Authorizing a Loan to Metro from the Oregon Economic and Community Development Department’s Special Public Works Fund Loan Program; and Declaring an Emergency.

**Motion:** **Councilor Monroe** moved to adopt Ordinance No. 00-850.

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

**Councilor Monroe** reviewed the ordinance, which authorized the loan program for the Expo Center. There was considerable discussion concerning how to fund Expo and not jeopardize the agency’s bond rating. The department agreed to extend the full funding under their bonding authority at a much lower interest rate to build Hall D. It would save a considerable amount of money and complete the job as soon as possible. He urged the council’s support and an aye vote.

**Deputy Presiding Officer Washington** asked other councilors for comments and then opened a public hearing on Ordinance No. 00-850. No one came forward, so he closed the public hearing.

**Councilor Kvistad** said it was a great opportunity for Metro and a partnership with the state. Usually, similar loans were much larger than what they normally authorized. In this instance, they felt the project was worthy of both their support and the state involvement. The agency planned to fully fund the Phase 2 building development. Currently, financing was tight with the Oregon Convention Center bond approaching and all the other funding items that were currently under consideration. Now, all Metro needed to do was assemble the Phase 3 building program. He looked forward to doing that during the next few months and finalizing funding for the complete Expo project.

**Councilor Park** clarified that Councilor Kvistad’s comments referred to Metro’s Expo Center, not just the agency’s Oregon Convention Center or zoo.

**Councilor Kvistad** reiterated his “advertisement” was for completing the Expo Center by completing the Phase 3 building, which was on the drawing board. It would have light-rail access to the front door. It would be a tremendous asset to Metro to complete the agency’s buildings that were owned by the public under the Metro banner.

**Councilor Park** cited the projections and said he assumed that with positive cash flows the agency wasn’t anticipating any problems, because the project was backed by Metro’s general fund. He approved of the ordinance, provided he received those assurances from the Metro Operations Committee.

**Councilor Monroe** closed by saying that they were revenue bonds, backed by the revenue stream created by Expo. The amount was approximately \$15.5 million. The interest rate would not exceed 6.5 percent. It was bought back ultimately by the full faith and credit of Metro. This was

all the more reason why the council needed to get busy and make sure the agency preserved its general fund reserves so that Metro's full faith and credit regained some credibility. Yes, it was Part 2 in the building of Expo. Part 1 was the Smithsonian building that was constructed a few years ago with revenue bonds. It was Part B2. Part 3 was still to come. He confirmed that I-MAX would run past the Expo Center on its way to and from Vancouver. He thanked the council and he urged an aye vote.

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

## 10. RESOLUTIONS

10.1 **Resolution No. 00-2904**, For the Purpose of Approving the FY 2001 Unified Work Program.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2904.

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

**Councilor Kvistad** related the resolution to the Unified Work Program. It (1) approved the transportation planning Unified Work Program and continued all of the agency's transportation planning work for the next fiscal year, (2) authorized the submission of the grant applications to the federal government and (3) served as the memo of understanding (MOU) with the RTC (Regional Transportation Council). The Unified Work Program was not the Regional Transportation Plan (RTP). The Unified Work Program had specific corridor studies in coordination with ODOT (Oregon Department of Transportation), the Port of Portland and all the jurisdictions that Metro worked with on transportation issues. He recommended an aye vote.

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

10.2 **Resolution No. 00-2905**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2905.

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

**Councilor Kvistad** said the federal government required that all MPOs (Municipal Planning Organizations) across the nation, including Metro, review and certify that the region is in compliance with the RTP, its partners, requirements of the federal government and all the components thereof. He noted some of the specific areas listed in the agenda packet. He read some of them. There were a lot of compliance issues that the agency certified. They had people on their staff that worked on the issues as the projects advanced. They had to pass things forward from the council and state that the certification work was completed and that the agency met existing laws so that the federal transit and highway administrations would allow Metro to proceed with its projects. He recommended an aye vote.

**Councilor Monroe** added that a lot of people might consider it strange that Metro was certifying itself for compliance. It wasn't like a self-imposed tax audit. Certification was a thorough process, and the agency and staff approached it very seriously and carefully. An error discovered

in the certification process was a very serious, grievous fault and could cost the agency federal transportation funding. It was necessary that the council approve the resolution today.

**Councilor Kvistad** said they were both very complicated documents, but it was very important to pass them forward. Metro certified, through its staff, that the agency was in compliance. They did a terrific job and ensured that the certifications were completed properly to federal standards.

**Councilor Atherton** cited the complicated nature of the document and said that during discussions last year on federal transportation financing issues the committee discovered through staff that it was so complicated that the agency had to allot 25 percent of the federal funding for (administrative) overhead. He asked Councilor Kvistad if that was his understanding.

**Councilor Kvistad** said it was not his understanding. However, there were administrative costs for the requirements that the federal government placed on all the loans and grants received by the region. So the agency did have to spend money on the reports. The budget had line items that dealt with the reporting costs, money in the budget, in general, that was used to fund administrative overhead. However, the number was closer to the 2 to 5 percent range. However, he would have to research the issue for a definitive answer and contact Councilor Atherton later.

**Councilor Atherton** indicated he may be misinformed.

**Councilor Kvistad** said, in terms of Metro's administrative overhead and the region, it was a small percentage of the federal grants. Other agencies may have a completely different funding and financing system and requirements. Councilor Atherton's 25 percent figure may have been accurate in describing Tri-Met's administrative overhead costs.

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

## 11.    COUNCILOR COMMUNICATIONS

**Councilor McLain** reported on the budget review process, when the next Budget and Finance Committee was scheduled (March 29, 2000), and what amendments would be put in front of the committee. They discussed all three of the areas of the funding following presentations by staff, including the general fund, revenue type enterprises and support services. The current phase involved the analysts asking departments questions and collecting the departments' responses/answers for the general fund. They planned to review 5 budget areas (executive office, council office, parks, growth and transportation) and vote on the amendments on March 29, 2000. In transportation, currently the committee didn't have any active budgets. John Houser didn't have an opportunity to present any recommendations, although Councilor Monroe and Mr. Houser met with the transportation department and felt mostly comfortable with the answers provided to them by the department.

The growth area gave an example of three amendments that were drafted. They planned to distribute copies to all the councilors. They described small packages of information that would help Metro's outreach efforts which have been severely cut in the proposed budget, and deal with storm water, which the Growth Management Committee and the Metro Council have both supported. It also dealt with a membership to the Regional Water Consortium, which Councilor McLain believed the council should be a member of to fully take care of their charter responsibilities in the area of a policy and a regional water supply plan. In parks there were no

amendments. In the executive office there were two amendments, one presented by Presiding Officer Bragdon and the other by Councilor Kvistad. In the council office area there were ten amendments forwarded by the Presiding Officer with the support of many councilors who worked with him on the amendments. She encouraged attendance and participation at the meeting

**Presiding Officer Bragdon** announced the cancellation of the regularly scheduled council meeting on March 23, 2000. The next council meeting would be March 30, 2000.

**Councilor Monroe** asked Jeff Stone, Chief of Staff, to report on the congressional tour.

**Jeff Stone** said congressional staff from the offices of representatives Baird, Wu and Hooley, and senators Murray, Gorton, Smith and Wyden, joined Metro on a tour of the region and inspection of the parks grant program the agency received through line item funding from the United States Fish and Wildlife Service. There were many great sites. So Metro took the representatives to see where their money was going. It was very informative and demonstrated what Metro did, and what it owned and managed.

**Councilor Kvistad** said he had requests from a variety of business groups that asked permission to present their thoughts concerning the Title 3 work and some of the water quality issues to one of Metro's informal meetings. He passed the request along to Mr. Stone but also wanted to put it on the record. They had some concerns and wanted to express them to all of the members of the council. They asked for thirty minutes on one of the agendas in the next few weeks.

**Councilor McLain** asked if the topics concerned Title 3 or Goal 5 issues.

**Councilor Kvistad** said Goal 5, Title 3, most everything that involved stream corridor protections, set backs, many different elements that were interrelated.

**Councilor Park** commented that Metro has limited its informal meetings to councilor communications and other related business. He suggested the presentations would be more appropriate for the full Council or the Growth Management Committee. He would be concerned and uncomfortable if the council received public testimony during an informal meeting.

**Councilor Kvistad** said it wasn't necessarily public testimony. They wanted an opportunity to provide an informal presentation before the entire council. However, they didn't want to come before the council and deal with time restrictions and the council's regular meeting agenda. They specifically asked that it not be before the growth committee, but rather before the entire council. The informal is the only other regularly scheduled meeting that the council had where all of the councilors would be present, and which would allow for that type of informal presentation.

**Councilor Park** said such requests had been made before. A much better case would have to be made before the council could make an exception and approve such an arrangement. He suggested they provide their presentation at the growth committee. There would be less of a time restriction and the committee could invite all the council members. He didn't favor the request in the format suggested by Councilor Kvistad.

**Presiding Officer Bragdon** said he hadn't received the request but he wanted to work with the groups to allow them as much time as they need to provide their presentations in a suitable format. He would work with them and all the councilors.

**Councilor Kvistad** made the request, as a councilor, to make sure that time was available regardless of the exact arrangement.

**Councilor Park** asked if there would be an opportunity on the April 6, 2000, council meeting agenda for a special presentation for the groups concerned, if it was a suitable forum. This had been done in past for the Department of Agriculture, so there was a precedent.

**Jeff Stone** said it was the Presiding Officer's responsibility to set the agenda and would be at his discretion following his consultation with the council membership. Currently, there was no legislation scheduled for April 6, 2000, although that situation could change.

**Deputy Presiding Officer Washington** said the council would work together to determine a suitable time, date and forum for the presentation(s).

## **12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 2:50pm.

Prepared by

Chris Billington  
Clerk of the Council