

MINUTES OF THE METRO COUNCIL MEETING

May 11, 2000

Metro Council Chamber

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

Councilors Absent: None

Deputy Presiding Officer Washington convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATIONS

Councilor McLain reviewed the Metro Policy Advisory Committee (MPAC) meeting in Councilor Park's absence. MPAC agenda items included: 1) Report from the Goal 5 subcommittee, 2) Report from the Affordable Housing Technical Advisory Committee (H-TAC). Discussion by subcommittee and general membership on possible incentives for building affordable housing. The report would come before the Growth Management Committee shortly and included public hearings, and 3) Report on the State Land Conservation and Development Commission (LCDC) Goal 14 issue. A motion was approved to allow a minimal lot size of no more than 20 acres or less within 1-mile of the urban growth boundary (UGB).

Presiding Officer Bragdon added that the motion language would be incorporated into the resolution that would come before Council today.

6. CONSENT AGENDA

6.1 Consideration of minutes of the April 27, 2000 Regular Council Meeting.

Motion: **Presiding Officer Bragdon** moved to adopt the meeting minutes of April 27, 2000 Regular Council meeting.

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

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Park absent from the vote.

7. ORDINANCES – FIRST READING

7.1 **Ordinance No. 00-864**, Amending the FY 1999-00 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to Operating Expenses in the Zoo Operating Fund; and Declaring an Emergency.

Deputy Presiding Officer Washington assigned Ordinance No. 00-864 to the Metro Operations Committee.

8. ORDINANCES –SECOND READING

8.1 **Ordinance No. 00-854**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting Cost of Living Adjustments and Health and Welfare Increases; and Declaring an Emergency.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 00-854.

Seconded: **Presiding Officer Bragdon** seconded the motion.

Councilor Monroe reviewed Ordinance No. 00-855. At the time the budget was approved a year ago, Metro was in negotiations with some of the represented labor staff. A collective bargaining agreement was reached in July. This ordinance reflected those agreed upon changes. He urged Council support.

Councilor Kvistad asked why the changes were being done now if the agreement had been reached in July.

Kathy Rutkowski, Financial Planning Analyst, responded that it had been planned to include this ordinance when the supplemental budget was brought forward. At a later time it was decided not to have a supplemental budget. It became a timing issue, and was brought forward as soon as the FY 2000-01 budget had been completed.

Councilor Kvistad said these "emergency" ordinances drove him nuts. He would vote no because it had not been brought forward in a timely manner.

Jennifer Sims, Administrative Services Department Director/Chief Financial Officer, took responsibility for the delay. She said it was due to workload and an unfilled position in the department.

Councilor Monroe said this was a minor tempest and made no difference in costs that had been delayed.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-854. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting no and Councilor Park absent from the vote.

8.2 **Ordinance No. 00-855.** Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting an Authorized Interfund Loan from the Solid Waste Revenue Fund to the Convention Center Project Capital Fund Project; and Declaring an Emergency.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 00-855.

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

Councilor Monroe reviewed Ordinance No. 00-855. This was an interfund transfer loan from the Solid Waste Revenue fund to the Oregon Convention Center (OCC) Capital fund for the purpose of beginning the project pending the final sale of bonds. That sale would be delayed until Fall because of ballot initiatives that might or might not be on the ballot and might or might not pass. Regardless of how this was resolved, the funds would not be wasted. The ballot initiative would simply effect the timing of the bond sale. It was important to get the project underway.

Councilor Atherton asked if this money would be returned to the Solid Waste fund to keep it whole.

Councilor Monroe responded yes.

Presiding Officer Bragdon said that this was a very complex transaction involving Multnomah County, the City of Portland and the lodging and rental car industries. There were also technical complications that he hoped would be resolved by this action. He hoped that the questions posed by the ballot measures would not slow the construction down. He urged support.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-855. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Park absent from the vote.

8.3 **Ordinance No. 00-861,** Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget for the Zoo Operating Fund for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000; and Declaring an Emergency.

Motion: **Presiding Officer Bragdon** moved to adopt Ordinance No. 00-861.

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

Presiding Officer Bragdon reviewed the amendment. It reflected changes for the better because of increased attendance and also reflected a donation from Intel Corporation. Expenses were up, but that was due to these same factors. If more hot dogs were sold, more hot dogs had to be bought. A larger gate required greater personnel costs. Additional unanticipated costs were related to transporting Chendra the elephant.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-861. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Presiding Officer Bragdon urged an aye vote.

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

8.4 **Ordinance No. 00-862**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Recognizing Grant Funding for the Replacement of Dock Floats at the M. James Gleason Boat Ramp; and Declaring an Emergency.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 00-862.

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

Councilor Atherton said this would amend this year's budget to recognize a \$35k grant from the State Marine Board to repair and replace the dock floats. It required \$3.5k from Metro's contingency fund for a total of \$38.5k. He urged an aye vote.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-862. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

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

8.5 **Ordinance No. 00-863**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adjusting Expenditures in the Contractor's Business License Project; and Declaring an Emergency.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 00-863.

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

Councilor Atherton reviewed the ordinance which addressed compliance with the Government Standards Board statement 34. It required revenues received in one year be spent in that same fiscal year and a transfer from Support Services Contingency fund of \$280k. It was merely a technical matter. He urged an aye vote.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-863. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

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

9. RESOLUTIONS

9.1 **Resolution No. 00-2940**, For the Purpose of Approving the Year 11 Partnership Plan for Waste Reduction (Fiscal Year 2000/01).

Motion: **Presiding Officer Bragdon** moved to adopt Resolution No. 00-2940.

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

Presiding Officer Bragdon reviewed the resolution. Each year Metro was required to develop a partnership plan for waste reduction in conjunction with the solid waste industry and local regional governments. It had been reviewed by the Solid Waste Advisory and Regional

Environmental Management Committees and came forward with their recommendation. It included partnerships with local governments and the industry in several new areas where the Council had specifically requested improvements: to increase commercial recycling and construction and demolition debris as well as organic materials.

Councilor McLain supported this, as she had for the past 10-years. There was \$784k in this program, of which \$184k was competitive grants. She believed that the committees had done a good job of defining the problem and Metro should spend this money on ways to make it easier for businesses and locals to do the job of getting the hard-to-recycle items out of the waste stream.

Presiding Officer Bragdon urged an aye vote.

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

9.2 **Resolution No. 00-2941A**, For the Purpose of Recommending that the Land Conservation and Development Commission Adopt Regulations to Protect Exception Lands Adjacent to the Metro Urban Growth Boundary from Further Parcelization.

Motion: **Councilor Park** moved to adopt Resolution No. 00-2941A.

Seconded: **Presiding Officer Bragdon** seconded the motion.

Councilor Park said that in discussion at the last Council meeting there had been concern as to what size parcels would result and if it would result in a good future development pattern. In 1997 the Land Conservation and Development Commission (LCDC) adopted regulations that counties maintain a 20-acre minimum lot size for future parcelization of exception lands adjacent to the Metro UGB. During the urban reserve process Metro had been given that authority. Those urban reserves no longer existed due to court actions. The original resolution urged either LCDC retain that authority at the 20-acre minimum or give the authority to Metro within 2-miles of the UGB. MPAC recommended, and Metro concurred, that LCDC adopt regulations to require a 20-acre minimum lot size for exception lands zoned for residential use within 1-mile of the current UGB to protect adjacent exception lands from further parcelization. This would allow the counties to work directly with LCDC on the issue and, hopefully, still protect those areas for future development when appropriate. This kept Metro out of the unfortunate position of having to negotiate between LCDC, counties and individuals who may be in this in-between area, but put responsibility back between the State and counties.

Councilor McLain commented that she felt there was more confusion than clarity at the MPAC meeting she attended last night. Right now Clackamas and Washington Counties had dealt very differently with the parcelization that had happened in their counties. She was bothered by the 1-mile limit. However, she felt that nothing was being put in place that could not be amended. This resolution was simply a suggestion to LCDC. It was important to listen to Metro's partners, but in this case she did not feel that MPAC was sure which brought the most protection.

Deputy Presiding Officer Washington opened a public hearing on Resolution No. 00-2914A.

Jane Leo, Portland Metropolitan Association of Realtors, 5100 SW Macadam #360, Portland, 97201, said she supported the "A" version of this resolution. She agreed that land use regulation should be discussed and regulated by LCDC in conversation with the county.

Councilor Park asked if this meant that she supported LCDC.

Ms. Leo responded no, she was not saying that, nor that the Association would not oppose 20-acre minimums without additional language being included in LCDC Goal 14 regulations that would recognize lots of record, existing parcelization and some grand fathering-in. She was afraid that Councilor Park had misinterpreted her comments.

Peter Kusyk, 25445 SW Newland Rd, Wilsonville 97070, said he had not supported the original resolution. He was not in favor of the 20-acre parcelization, but it was a move in the right direction to bring it down to the local areas to make up their minds on each parcel.. He supported this version of the resolution.

Councilor Atherton asked Ms. Leo why she would support the move from 2-miles to 1-mile. What was the public purpose that was served.

Ms. Leo said her interpretation was that reducing the size gave a little more certainty to the market as to what would happen to the area. Two-miles was too broad a brushstroke. While she did not mean to say this resolution was perfect, it was much more palatable than the original.

Councilor Atherton asked why it was more palatable..

Ms. Leo said what it made it more palatable was that it took Metro out of control of that land.

Councilor Atherton said there were State land use laws protecting farm and forest and exception lands. He asked if she was suggesting that she wanted to see much more parcelization on the fringe. He could not see what public purpose that served, except perhaps people who did not like Metro, or wanted to live in the country and exploit the city.

Ms. Leo said that if the Council felt there was a need for Metro to regulate the urban fringe, then Metro should use its currently existing power to annex in those parcels and control land use planning in that manner, rather than the original proposal where Metro was asking LCDC to give Metro the authority to regulate land use in a 2-mile bumper zone without any notification to those property owners until after the resolution had been adopted. She appreciated the amended version that reduced the bumper zone and did not ask that Metro be in control of that land use.

Deputy Presiding Officer Washington said he would like this not to be a debate and felt Ms. Leo had answered Councilor Atherton's question.

Councilor Atherton asked Mr. Kusyk for his reasons for preferring the counties doing the land use planning.

Mr. Kusyk responded that his concern was that as big an area as they were discussing on the Metro fringe of UGB was handled in a specific way. That there was a process that notified the people involved. He had learned about this resolution late yesterday. He made his living as a homebuilder and was embarrassed that he had no knowledge of it. He felt that it had not been widely publicized.

Councilor Atherton acknowledged the process issue.

Deputy Presiding Officer Washington closed the public hearing.

Councilor Kvistad said he would not support this resolution. LCDC Goal 1 was public outreach; LCDC Goal 14 made sweeping changes to Metro's land use authority. He said that perhaps their taking this over might be a good thing since Metro had botched it, but tens of thousands of families were being bulldozed by these land use decisions. Metro did not have authority outside its governmental boundaries, nor would he advocate giving Metro any more power. Early on Council had discussed taking in urban reserves, so that Metro did have control, and it had been decided not to do that. He felt it was a mistake then and would be a bigger mistake now. The violation of law was LCDC's violation of Goal 1.

Councilor Atherton commented that he thought this resolution was more an MPAC resolution than Council's. There had not been adequate discussion of the regional impacts of this resolution. Regional planning was a much different process than local planning. He felt that counties should not be involved in regional planning at all.

Councilor McLain wanted Ms. Leo and Mr. Kusyk to understand that this resolution was only advice to LCDC, and there was no public process with Metro. It would come later with the State, and take place from June through September. On a positive note, she had encountered an old school friend who had lived in metropolitan cities in Canada and Texas for about 30-years. He had only occasionally visited his old home region until his company transferred him back to Portland several years ago. Now, he said, he would not leave this area because the land use planning was being done right here. She felt that positive statement that needed to be heard with all the negative comments being made.

Presiding Officer Bragdon said this resolution was an attempt to determine how the urban fringes were treated in the absence of urban reserves. Clearly people who live in the urban area today had a stake in the edge. If these areas were converted to 5-acre mc-mansions and other uses willy-nilly it would impact traffic for everyone and would inhibit orderly provision of public services. Second, orderly future expansion of the UGB could not happen if it was overly parcelized today. Clearly Metro had a stake in the process. What troubled him in the earlier draft was that it set Metro up as policing areas outside of Metro boundaries. The other aspect he found difficult was saying that Baker County had the same parcelization challenges as Clackamas County. He felt that was not true and was one of the things that the State was trying to work out. This new resolution protected what needed to be protected in the truly urban areas while allowing Baker County to be itself. He hoped that LCDC and the counties would help protect an orderly expansion in the future.

Councilor Atherton disagreed. He thought the counties should do this work as part of a comprehensive plan process. This was just a back door way for them to be in the urban service business. It would be at the expense of the regional whole and not the way to do land use planning. Metro needed to focus on communities, building livable communities; counties should be out of that business. The counties did not have a good track record of working in a regional or community fashion. He felt this needed further discussion. MPAC should present this resolution from MPAC alone.

Councilor Park asked Councilor Atherton if 1-mile is good, 2-miles is better, then is 10-miles best? To what level should Metro extend its authority for land use beyond its jurisdictional boundary?

Councilor Atherton responded that 2-miles was better and 10-miles was probably acceptable. A regional perspective should designate rural reserves as part of the comprehensive plan. This just

continued an amoeboid, concentric ring, Metro blob type of land use pattern and was totally contrary to the complete community concept.

Councilor Park closed by saying that they were recommending to LCDC that they maintain a minimum lot size of 20-acres within 1-mile of Metro's UGB and believed that authority rested between LCDC and the counties.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Atherton and Kvistad voting no.

9.3 **Resolution No. 00-2950**, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to include \$500,000 of Section 5309 Funds for Preliminary Engineering for the Wilsonville/Beaverton Commuter Rail Project.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 00-2950.

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

Councilor Kvistad reviewed the resolution to reflect MTIP changes regarding Federal 5309 funds available for preliminary engineering of this project.

Councilor Monroe said that this resolution was presented to JPACT this morning and fast-tracked to the Council without committee input because it required immediate action. He hoped that it would be supported.

Presiding Officer Bragdon said this was a very strong priority for the whole region. A vote for this resolution reaffirmed Metro's enthusiasm about it. He noted that Washington County had committed a substantial amount of resources to this project.

Councilor Kvistad closed by saying Metro acted basically as the guarantor to administer the grant. He urged an aye vote.

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

10. CONTRACT REVIEW BOARD

10.1 **Resolution No. 00-2921**, For the Purpose of Amending the Contract Between Metro and the Hallock-Moday Agency (Contract No. 920104) for Advertising Services at the Oregon Zoo.

Motion: **Presiding Officer Bragdon** moved to adopt Resolution No. 00-2921.

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

Presiding Officer Bragdon said that earlier Council had unanimously approved an amendment to the current Zoo budget for the current fiscal year. This resolution provided the budget authority for increasing the advertising budget. The increase in the contract with Hallock-Moday would go directly to the purchase of advertising related to Stellar Cove and Great Northwest exhibits. In turn Metro hoped this money would come back in the form of increased attendance. He urged approval.

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

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

Members Present: Jim Desmond, Tim McNeil, Alexis Dow, members of the media, Marv Fjordbeck

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

Motion: Councilor Kvistad moved to adopt Resolution No. 00-2926A.

Seconded: Councilor Park seconded the motion.

Councilor Kvistad said this resolution referred to a change in the Fanno Creek Greenway Target Area Refinement Plan. There were some parcels being looked at in both Councilor McLain's district and his district. This resolution allowed Metro to move forward with those purchases.

Councilor Park indicated that staff had answered all of his questions last time and he was ready to move forward. It looked like a good project.

Councilor McLain thanked staff for their resilience with so much to do and so many people having different opinions on what Metro should spend its money on. She believed staff had made good choices to indicate that parks and open spaces were an integral part of a good growth plan. Mr. Desmond and his staff had been the backbone, purchasing this type of property at a very good dollar. It was fair to the public and to the property owner. She appreciated their diligence.

Jim Desmond, Parks and Greenspaces Manager, said that he would probably be bringing back additional refinement plan amendments in Washington County. They were aggressively addressing the perception of a lack of parks in Washington County. Historically Washington County, as compared to Clackamas and Multnomah Counties, had a less extensive parks system. Within the past 6-months Council had before it a number of refinement plan amendments in Washington County: Rock Creek, the Archdiocese of Portland deal and some others in Hillsboro. He anticipated additional properties would be found in the next few months.

Councilor Kvistad said he was looking forward to changes in the refinement plans. The district he represented was parks-deficient. The more parks there were, the better. He recommended an aye vote.

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

12. COUNCILOR COMMUNICATIONS

Presiding Officer Bragdon announced that there would be no Council meeting on May 18th, so the next Council meeting was planned for May 25th. The next Council/Executive Officer Informal would be held May 23rd. He had asked the architects and engineering firm working on the OCC expansion to bring in their drawings and model to show the Council exactly what it would look like. He reminded Councilors that May 30 the Council, along with the Auditor and Executive Officer, would have their day-long retreat at the Zoo.

Councilor Park said there were two items the Councilors would find in their boxes: 1) Summary comparison of the 4(d) rule dealing with fish and wildlife, Metro's Title 3 and Goal 5, and 2) Goal 5 Timelines. He suggested that both documents might help Councilors' districts understand the process Metro was going through and when habitat protection would take place. He complimented Ken Helm and Dan Cooper, General Counsel Office, who had done a very nice summary. He said that Mr. Morrissey was at work on a more visual presentation. The minimum time between adoption and implementation was at least 2 1/2-years. The Growth Management Committee would review a letter to MPAC for advice as to what they would find acceptable at the Tuesday, May 16 committee meeting. He would ask the presiding officer to make this a discussion point at the Council/Executive Officer Informal May 23.

Councilor Kvistad wished those Councilors involved in the election next week well. He noted that one Councilor had the same kind of election as he had coming up, so it was not that big of a worry. He said that he had his parents' votes, so he would win his primary. He said it had been his privilege and honor to serve with Councilor Washington; he wished him the very best of luck.

13. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer Washington adjourned the meeting at 3:27 p.m.

Prepared by

Chris Billington
Clerk of the Council