

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 15, 2005
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder, Carl Hosticka, Brian Newman

Councilors Absent: Rod Park (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Henry Kane, 12077 SW Cardy Lane, Beaverton OR 97008, said he had provided Council a two-page list of suggestions on Highway 217 options. He talked about funds being used on a toll road (a copy of his letter is included in the meeting record). His suggestions would be followed up by a detailed request to inspect documents. He talked about state and federal revenues appropriated for roads. He would be providing data to the Council to make an informed decision. Councilor Hosticka suggested we get an opinion from the Attorney General on the issue.

3. 2004-05 FOURTH QUARTERLY REPORT AND 2005-06 FIRST QUARTERLY REPORT

Bill Stringer, Chief Financial Officer (CFO), provided an overview of both quarterly reports. He noted several key items: page 2 of 4th Quarter report, excise tax was \$13.6 million. The excess revenue came primarily from solid waste tonnage and convention center earnings. It was a good end of year. The amounts exceeded budgeted expectations. He spoke to budgeted amounts and those funds that were short, primarily because of the timing of grants. Councilor Liberty asked if there was an improvement in forecasting. Mr. Stringer said it was a combination of things. We consistently overestimate the revenue side. He talked about good budgeting practices. Councilor Liberty suggested adjusting both the underestimation of revenue and overestimating expenditures. Councilor Burkholder asked about the Planning Fund and the delay in grants. He asked how we coped with that kind of uncertainty? Mr. Stringer felt that Andy Cotugno, Planning Director, could better respond to the question. Councilor McLain asked about the monthly expenditure page. Mr. Stringer responded to her questions. He then spoke to the Metropolitan Exposition Recreation Commission (MERC) budget. He summarized the solid waste fund where there was a 7% increase in tonnage.

Mr. Stringer pointed out several issues in the appropriations section of the report, particularly the overages in the appropriations section of the report. He noted that these would require a budget amendment. Councilor McLain talked about the replacement and renewal fund and asked about Mr. Stringer's direction concerning planning ahead for replacement. She asked how we make this better. Mr. Stringer said with the exception of the MERC budget, there had been good compliance among other departments. Councilor McLain suggested they raise this issue with MERC to ensure we don't have this happen again.

Mr. Stringer then summarized the first quarter report for 2005-06, expenditures and revenues. Councilor Burkholder asked about the solid waste fund. Mr. Stringer responded to his question and suggested Mike Hoglund, Solid Waste and Recycling Director, provide further detail. Councilor McLain said she felt that the reports continued to improve. She appreciated Mr. Stringer's presentation.

4. EXPANSION AREA PLANNING COMMITTEE REPORT

Reed Wagner, Council Office, updated the Council about the Expansion Area Planning Committee. He spoke to the charge of the committee. They had met and addressed the need, the inventory of the area, and the funding mechanism. He said the Committee had identified the building permit as a funding mechanism to support the concept planning. The Committee wanted to meet with the jurisdictions before they submitted a final report. They planned on completing their report by January 19th. Councilors talked about some of the funding mechanism issues and the ongoing problem with funding. Mr. Wagner said one of the charges of the committee was to look at long range funding issues.

5. CONSENT AGENDA

5.1 Consideration of minutes of the December 8, 2005 Regular Council Meeting.

5.2 **Resolution No. 05-3646**, For the Purpose of Confirming the Re-Appointment of Leroy Patton and Herb Plep to the Investment Advisory Board.

Motion:	Councilor Liberty moved to adopt the meeting minutes of the December 8, 2005 Regular Metro Council and Resolution No. 05-3646.
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Vote:	Councilors Burkholder, McLain, Liberty, Newman, Hosticka and Council President Bragdon voted on the motion. The vote was 6 aye in support of Resolution No. 05-3646 and 5 aye/1 abstain in support of the minutes, the motion passed with Councilor Park absent from the vote and Councilor Hosticka abstaining from the vote on the minutes since he had not been present at the last meeting.
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6. RESOLUTIONS

6.1 **Resolution No. 05-3562**, For the Purpose of Adopting Findings of Fact in Support of Ordinance No. 05-1070A, For the Purpose of Amending the Metro Urban Growth Boundary to Increase Capacity to Accommodate Growth in Industrial Employment and response to Remand Orders from the Land Conservation And Development Commission.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3562.
Seconded:	Councilor Newman seconded the motion

Councilor McLain summarized the intent of the resolution and urged support. She noted that staff was available if there were questions.

Vote:	Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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- 6.2 **Resolution No. 05-3649**, For the Purpose of Confirming the Appointments Of Pamela Ake, Aaron Babbie, Cheryl Thoen and Pat Wagner to the Metro Central Station Community Enhancement Committee (MCSCEC).

Motion:	Councilor Burkholder moved to adopt Resolution No. 05-3649.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder provided an overview of the resolution and was happy to confirm these appointments.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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7. CONTRACT REVIEW BOARD

- 7.1 **Resolution No. 05-3624**, Authorizing the Chief Operating Officer to Execute Amendment 1 to the Contract No. 926509 with PT3, Inc. (PacWest Communication) For Provision of Additional Advertising for the Travel Options Marketing Campaign

Motion:	Councilor Burkholder moved to adopt Resolution No. 05-3624.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder provided an overview of the resolution. He said this would continue the media buy into the future.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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**8. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL
PROPERTY TRANSACTIONS.**

Members Present: Dan Cooper, Andy Cotugno, Phil Whitmore, Meganne Steele, Joel Morton

Time began: 2:50pm
Time started: 3:15pm

- 8.1 **Resolution No. 05-3546**, For the Purpose of Authorizing the Chief Operating Officer to Enter into an Intergovernmental Agreement With the City of Beaverton for Acquisition, Joint Ownership, Disposition and Development of the Westgate Property as a Transit-Oriented Development/Centers Project

Motion:	Councilor Liberty moved to adopt Resolution No. 05-3546.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty introduced the resolution. In the fall of 2003, Metro funded a Development Strategy Pilot Project in Beaverton to produce a development strategy for encouraging compact, mixed-use development in a Regional Center. In July 2004, the Beaverton Downtown Regional Center Development Strategy was formally presented at a joint meeting of the Beaverton City Council and the Metro Council. The action plan recommended that the public sector acquire site control at potential catalyst project locations, develop a marketable program for each site, reduce parking ratios, streamline the approval process, and provide public investments to achieve urban scale development.

On March 24, 2005, the Metro Council approved Resolution No. 05-3529A, funding a \$62.2 MTIP update including \$2 million to fund land acquisition in Beaverton Regional Center. On October 27, 2005, the Metro Council authorized an Intergovernmental Agreement (IGA) with TriMet related to Transit Oriented Development (TOD) & Centers funding.

Specifically, the TOD Program will use \$2 million dollars from the IGA with TriMet towards purchasing an undivided pro-rata share of fee simple interest in the 4.57-acre property located at 3950 SW Cedar Hills Boulevard (the "Westgate Property"). Beaverton has executed a Purchase and Sale Agreement to purchase this site at a total cost of \$4.9 million and closed escrow on the 12th of December.

The site will be offered to developers with the following objectives: 1) 3 or more buildings of not less than 5 stories and ranging up to 10; 2) a mix of retail, office and residential uses; 3) minimum of 30,000 square feet of retail; 4) 90 housing units; 5) 220,000 square feet of office; 6) FAR of nearly 2:1; 7) reduction of parking requirements per city TGM study; and 8) connection of buildings to the City's central energy plant. Metro and the City of Beaverton will jointly evaluate and select a developer and be parties to the Development Agreement.

Council President Bragdon opened a public hearing.

John Charles, Cascade Policy Institute commented on the TOD program. He was puzzled as to why this decision was being made. He suggested asking what had we learned from the Beaverton Round site. What was the public benefit compared to alternative investments? A copy of his talking points was included in the record. He felt there needed to be public discussion about subsidizing TOD projects. Councilor Liberty said overtime they were learning about density and getting better at determining where to subsidize. Mr. Whitmore added his comments about the TOD project.

Council President Bragdon closed the public hearing.

Councilor McLain talked about density. She felt the testimony today was very thorough but we were also working on analysis from a full spectrum of individuals. She felt this project was worthy. Councilor Burkholder added his support on the purchase and explained why. He felt we would see a gradual redevelopment of this urban area. Council President Bragdon also supported the resolution and explained further why he supported the project.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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9. EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.

10. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, thanked Council for their attendance at the employee's holiday celebration at the Oregon Zoo. He also thought the discussion last Tuesday about the budget would be very helpful. He would be providing additional information on questions the Councilors had raised about the budget.

11. COUNCILOR COMMUNICATION

Councilor McLain talked about the singing event at the Oregon Zoo last night. She then talked about conservation education efforts of the Regional Water Consortium.

Councilor Newman said they had a planning session for the next Mayor's forum, which would March 3rd.

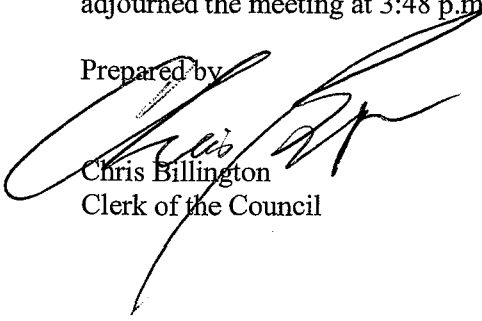
Councilor Liberty said he had participated in a conversation about TOD and affordable housing funding through HUD.

Council President Bragdon thanked the Council for the productive year they had participated and contributed to. He spoke to future discussion about how we grow. He felt it had been a great year. He announced that Councilor Hosticka would be the Deputy for 2006. Councilor Liberty had agreed to be a delegate to the Oregon Zoo along with Councilor Newman.

12. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:48 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 15, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
3.0	2004-05 Quarterly Report Fourth Quarter	April through June 2005	To: Metro Council From: Bill Stringer, CFO Re: Fiscal Year 2004-05 Quarterly Report	121505c-01
3.0	2005-06 Quarterly Report First Quarter	11/14/05	To: Metro Council From: Bill Stringer, CFO Re: Fiscal Year 2005-06 Quarterly Report	121505c-02
2.0	Letter	12/14/05	To: Metro Council From: Henry Kane Re: Suggestions on Hwy 217 proposal	121505c-03
5.1	Minutes	12/8/05	Metro Council Meeting Minutes of December 8, 2005	121505c-04
6.1	Attachment C	12/15/05	Resolution No. 05-3562 , For the Purpose of Adopting Findings of Fact in Support of Ordinance No. 05-1070A, For the Purpose of Amending the Metro Urban Growth Boundary to Increase Capacity to Accommodate Growth in Industrial Employment and response to Remand Orders from the Land Conservation And Development Commission (Attachment C – Findings)	121505c-05
8.1	Testimony	12/15/05	To: Metro Council From: John Charles, Cascade Policy Institute Re: Comments on Resolution No. 05-3546	121505c-06