

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 2, 2006  
Damascus Council Chamber

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

Councilors Absent:

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

### 1. INTRODUCTIONS

Council President Bragdon acknowledged the Mayor of Damascus, Dee Westcott and Councilor John Hartsock, as well as Dick Schouten, Washington County Commissioner.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. CONSENT AGENDA

3.1 Consideration of minutes of the February 23, 2006 Regular Council Meetings.

Motion: 

Councilor Hosticka moved to adopt the meeting minutes of the February 23, 2006 Regular Metro Council.
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Vote: 

Councilors McLain, Liberty, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilors Burkholder and Park absent from the vote.
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### 5. CONTRACT REVIEW BOARD

5.1 **Resolution No. 06-3673**, For the Purpose of Authorizing the Auditor to Release a Request for Proposals (RFP) and Execute a Contract for Independent Audit Services for Financial Activity during fiscal years through June 30, 2008.

Motion:	Councilor Hosticka moved to adopt Resolution No. 06-3673.
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka introduced the resolution concerning the RFP and contract for the independent audit. Alexis Dow, Metro Auditor, said this was a RFP to perform a financial statement audit for a three-year period. They were seeking new proposals. It followed the same criteria as in the past. She noted that there was a single audit, which covered the grants. Councilor Liberty asked if three years was standard. Ms. Dow said yes. Councilor Hosticka explained why they were considering this RFP.

Vote: 

Councilors Hosticka, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion
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passed with Councilors Burkholder and Park absent from the vote.

#### 4. RESOLUTIONS

- 4.1 **Resolution No. 06-3672**, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$220 Million to Fund Natural Area Acquisition and Water Quality Protection.

Council President Bragdon said based on discussion at work session, Dan Cooper, Metro Attorney, described the amended version of the resolution (a copy of which is included in the meeting packet). Councilor Liberty asked clarifying questions concerning the changed amounts. Mr. Cooper responded to his question. Mr. Cooper continued his summary of the changes requested by the Council at the February 28<sup>th</sup> Work Session. Councilor Newman asked about the creeks that had been struck from the resolution, he thought they had kept three creeks. Council President Bragdon asked Jim Desmond, Regional Parks and Greenspaces Director, about the changes to the creeks. Mr. Desmond said he thought they were deleting the western three creeks and were keeping Chicken and Cedar Creeks. Councilor Newman asked Councilors what they had heard. Mr. Desmond said Baker Creek should be included. He clarified the three creeks, which should be included. Mr. Cooper then talked about existing target areas and the need for flexibility. Councilor Liberty asked about the local share grants. Mr. Desmond said page 11 clarified Exhibit C. Exhibit C had a more exhaustive list. Mr. Cooper continued reviewing the changes that Council had given direction on. He noted Exhibit C had the guidelines for neighborhood capital grants. Councilor Burkholder asked about the neighborhood capital grants. Mr. Cooper said the match was twice the grant. Councilors Burkholder and Liberty asked about the match requirement. Mr. Desmond suggested that Councilor Burkholder had caught an error and they needed to have further clarification on the match. Mr. Cooper said this information was on page 15 under Applicant Eligibility. Mr. Desmond said he was still concerned about the language. He felt there might be ambiguity. Mr. Cooper said the Council didn't need to make an amendment now. Mr. Desmond suggested putting it in the body of the resolution. Council President Bragdon suggested doing a housekeeping amendment next week. Councilor Liberty suggested providing examples in the guidelines. Councilor McLain explained why they had Exhibit C, which was where you find the long list. Councilor Liberty said he wanted to be sure that the examples were clear. Council President Bragdon and Councilor McLain clarified the list. Councilor Burkholder suggested a technical amendment. Mr. Cooper said they would prepare that amendment for next week. Mr. Cooper said Baker Creek was in the amended version.

Motion to substitute:	Councilor McLain moved to substitute a revised version of Resolution No. 06-3672.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain explained the resolution. She explained what was included in the bond measure. They were here to listen to the public. They had also had four to five months of outreach efforts.

Vote to substitute:

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

Council President Bragdon opened a public hearing on Resolution No. 06-3672.

Dick Schouten, Washington County Commissioner, 155 N. First Ave, Hillsboro OR 97124 talked about Wapato Lake. It wasn't a question of the area not being compelling but he thought there were other issues. The Commission would prefer areas that were not controversial. They also wanted areas considered that were closer to urban areas. He felt that Wapato was not endangered. It was a flood prone bottom and unlikely for development. He felt it was a hot potato and that the Farm Bureau opposed this area. The Commission had concurred with the Farm Bureau. They opposed this target area. Finally, in his view, they would like to see more money used but that they couldn't do all of the areas with \$220 million. He talked about critical areas such as the Tillamook State Forest. He wanted to see more energy in the Rock Creek area. He also felt that the three creeks in the Chehalem Hills were all areas that were away from urban centers. They recommended that three creeks be eliminated including Baker Creek. They also felt that Powerline Trail's name should be changed. He suggested west side corridor trail as a substitute name. He noted correspondence they had sent today (a copy of which is included in the meeting record). Councilor Burkholder asked about the Wapato Lake and that Washington County thought the area was worthwhile to preserve but their main concern was timing and ballot measure success. Commissioner Schouten said he felt the area was worth saving but wouldn't consider this as part of the Bond Measure. Councilor Burkholder said Forest Grove had urged including Wapato Lake. Commissioner Schouten provided his comments about Forest Grove. Councilor Hosticka asked if the Commission had voted on the resolution itself. Commissioner Schouten said they had not taken a position yet.

Councilor McLain said Wapato Lake was nine minutes from Forest Grove. She wanted to know what Washington County's criteria were for areas they supported and opposed. What center was he referring to? Commissioner Schouten talked about the west side edges and where was the great bulk of the population. Councilor McLain said she was trying to understand where Washington County was coming from. Commissioner Schouten explained their position. Councilor Park asked about the Conservation Reserve Program and if the Commissioner had comments on this. Would he have a problem with Metro looking at this as a potential compromise? Commissioner Schouten said he was hesitant to answer the question because he hadn't checked with the Board. There were a number of possibilities. It could be used as a wildlife reserve. At this time it was not eminent. There was time to consider this target area in the future. Councilor Park suggested that Metro shouldn't rule out using Conservation Reserve Program for Wapato Lake. Commissioner Schouten said the Board had not talked about this area so he couldn't comment on this. Councilor Liberty talked about Wapato Lake and its history. He asked if Washington County had taken a position as a wildlife refuge. Commissioner Schouten said they had not taken a position. Councilor Liberty asked about the Farm Bureau's position and if this had influenced the Board. Commissioner Schouten said that it was a consideration in their recommendations. Councilor McLain talked about where the population might go in the future. Commissioner Schouten reminded that this was a willing seller bond measure. The lake itself was flood prone and so was not likely to be a development.

Council President Bragdon noted the letter from the city of Forest Grove.

John Fergeson 19110 SE White Chest Damascus 97009 said he was a member of the advisory committee that helped develop the Damascus concept plan. They were fully in support of the greenspaces program. He talked about the Damascus greenspaces assets. The citizens recognized this as well as Metro and the Advisory Committee. He talked about restricted development on the Buttes. He suggested focusing more land purchases in this area. He also said they had an almost unbroken connection from Mt. Hood to Damascus. He requested more area into the corridor. They would be bringing nature into the city.

Jason Tuck, City of Happy Valley, 12915 SW King Rd Happy Valley OR 97236 urged that Schouter's Mountain and Rock Creek were on the list. Council President Bragdon said they were on the list. He had attended a Happy Valley Council meeting. Their target areas were much larger than a parcel. He said this was a willing seller program. There was no way they could guarantee the purchase. This area was something they would be looking to purchase. Mr. Tuck said their Council was looking for more local identity. Councilor Newman said he thought this resolution would be edited to include Schouter's Mountain. Was there a concern about listing this site? Mr. Desmond said they had talked about it on Tuesday. The only concern was that there were a large series of east Buttes. It had always been part of the target area in the East Buttes. Councilor Newman said he didn't feel that strongly but wanted to make sure Happy Valley understood that Schouter's Mountain was included. Councilor Park talked about the East Buttes area. Council President Bragdon said they would be refining the map. Councilor Burkholder wondered if the confusing piece was the reference to Damascus. Mr. Desmond said he would provide clarity for the purposes of public communications. Councilor Newman said what was important was that it was on the map. Mr. Tuck asked about Rock Creek in Happy Valley. Was this included in the target area? Jim Morgan, Regional Parks and Greenspaces Department, said there were three Rock Creeks. He explained where each was and clarified that Rock Creek was part of the target area.

Council President Bragdon closed the public hearing.

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 06-3672 with Bragdon Amendment #1.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka explained that this was most of the local share list. Council President Bragdon explained that this provided funds to help their partners. He urged support. Hats off to the jurisdictions. Councilor Newman commented on the Damascus recommendations. Council President Bragdon said that Damascus was just developing a parks list and did not yet have a master plan. Councilor Liberty asked about the list. Mr. Desmond responded that they were going to describe them with more clarity for the purpose of the public. He was impressed with the list. There would be a communication piece to help citizens understand the list. Mr. Cooper added his comments about the guidelines for local share.

Vote to amend:	Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to amend:	Councilor Liberty moved to amend Resolution No. 06-3672 with Liberty Amendment #1.
Seconded:	Councilor Newman seconded the motion

Councilor Liberty said this amendment increased the amount in the bond measure for the Nature in Neighborhoods grant program. He explained the origin of his amendment. He urged support. Councilor Newman said he would be supporting this amendment. He noted that Councilors Liberty and Burkholder felt strongly about this amendment. The citizens had embraced this suggestion enthusiastically. This piece appealed to some of those constituencies. His support for this idea had grown during the public outreach process. This was great way to democratize this process. Councilor Burkholder noted that there were four amendments having to do with this proposal. He wanted a broader discussion of all four of the amendments. Council President

Bragdon explained the procedure for considering this amendment. Councilor Burkholder suggested discussing all four of the amendments together. Councilor Hosticka echoed Councilor Newman’s comments. They saw a connection to the Nature In Neighborhood (NIN) program. He was supporting a higher level of funding. He asked that the language in the Burkholder/McLain last sentence be added to Liberty’s amendment. Councilors Liberty and Newman agreed to the friendly amendment. Council President Bragdon explained why he would not be supporting this amendment. He felt the number was too high. Councilor Liberty said he had the experience of participating in community meetings. New growth was not just on the edge. He felt some of these non-edge areas had less access to nature. He spoke to developing an urban environment. He urged support.

Vote to amend: Councilors Hosticka, Newman, and Liberty voted in support of the motion. The vote was 3 aye/4 nay, the motion failed with Councilors Burkholder, McLain, Park and Council President Bragdon voting no.

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 06-3672 with Hosticka Amendment #1 and added language from the McLain/Burkholder amendment..
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka explained his amendment. Council President Bragdon explained his no vote. Councilor Newman would be supporting the amendment. Councilor McLain said she thought this was too much for a program that had not been tested. She would be voting no on this amendment. Councilor Liberty added his comments about this amendment. Councilor Newman talked about a competitive grant program.

Vote to amend: Councilors Newman, Liberty, and Hosticka voted in support of the motion. The vote was 3 aye/4 nay, the motion failed with Councilors McLain, Park, Burkholder and Council President Bragdon voting no.

Motion to amend:	Councilor Burkholder moved to amend Resolution No. 06-3672 with Burkholder/McLain Amendment #1 and a change to \$161 million in regional acquisition.
Seconded:	Councilor McLain seconded the motion

Councilors Burkholder and McLain talked about their amendment. Council President Bragdon supported the amendment. He thanked both councilors for their work on this amendment. He felt this bridged the gap. Councilor Park said he could support this mix. It allowed the opportunity for future councilors to redirect the funds. He understood the need for the local piece. It allowed them to reach compromise. It also held the Metro Council accountable.

Vote to amend: Councilors Park, Hosticka, Burkholder, Newman, McLain, and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Councilor Liberty voting no..

Motion to amend:	Councilor Park moved to amend Resolution No. 06-3672 with Bragdon Amendment #2.
Seconded:	Councilor Burkholder seconded the motion

Council President Bragdon explained his amendment concerning increasing the bond measure and adding more to regional acquisition. He explained that this was a slightly more urban focused program. He noted Commissioner Schouten’s comments as well as the Portland City Council’s conversation yesterday. He suggested \$7.4 million addition. He thought the Blue Ribbon Committee would support this increase. Councilor Newman echoed Council President Bragdon’s comments. Councilor Hosticka said the need was unlimited. He would not be supporting this amendment. They had held an extensive process using the \$220 million. He felt changing the overall number at the eleventh hour was not keeping faith with the public. Councilor Park said he would support this amendment. He spoke to ever increasing land value. He felt this was comfortable number. He felt the slight focus on urban areas would be supported. Councilor Liberty asked if we were committing to urban projects? Council President Bragdon responded to his question. He suggested that the real estate values and willing sellers provided guidelines to what would be purchased. Councilor McLain said she had gone out to her constituents and talked about \$220 million so she could not support the increase. Councilor Burkholder said the public was still paying off the last bond measure. He also heard that the more we could do, the better. There was a growing need. This would probably have a small effect. The more they could do and be successful, was their charge. The Blue Ribbon had given them a range. He felt this was reasonable small change. Councilor Hosticka commented that the number was relatively insignificant. The number was a symbolic. He felt increasing the amount sent the wrong message. He felt they should stick with the number. Councilor Park said the suggested change was very slight. Mr. Desmond said this would add one cent per thousand. Councilor Park said this would raise the opportunity grants and regional urban funds slightly. He wished they could do more. Councilor Liberty talked to citizens about the money, he would be supporting the increase. Council President Bragdon said it was a judgment call but that this was responsive to the public involvement. He talked about the testimony he had heard. He talked about the Blue Ribbon Committee’s role and recommendation. The Council had changed the package slightly and this justified the slight increase.

Vote to amend:

Councilors Park, Burkholder, Newman, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye/2 nay, the motion passed with Councilors McLain and Hosticka voting no.

Motion to amend:	Councilor Park moved to amend Resolution No. 06-3672 with Amendment Park #2 and to strike “adjacent” language.
Seconded:	Councilor McLain seconded the motion

Councilor Park talked about mixed goals of farmland and potential target areas. He said the Washington County Farm Bureau had asked that the Wapato Lake area be removed. He further explained his resolution. He said this allowed them more flexibility. Councilor McLain said she would be supporting this amendment today. She talked about the clash of values. She also talked about Measure 37 and its impact. They needed to be far reaching in our goals. There were growing areas and populations could increase or grow in different areas. She talked about their partnership with the farming community. Councilor Liberty said he felt this was a good step to take. It didn’t address some of the fundamental problems. He said farmers felt that governments weren’t always supportive of them. This did not take the area off the list but was a good neighbor policy. Councilor Burkholder talked about the description of the target area. He asked if the amendment applied to the area called Gales Creek. Councilor Park said this focused on Wapato Creek. Jim Morgan, Regional Parks and Greenspaces Department, clarified the target area. Councilor Burkholder suggested clarifying language for clarity purposes. Councilor Hosticka said he would support this amendment. He said agriculture activities do threaten water quality and natural areas. They were trying to keep all of the interests happy. Council President Bragdon said

Councilors Liberty, Park and McLain had been working hard to accommodate a compromise. He noted that some farmers were interested in selling their land, others did not wish to sell their land. He spoke to the public outreach testimony at Forest Grove. This amendment said they would continue to work with all interested parties. Councilor Newman said he couldn't support this amendment and explained why. He felt they could find compromise for this area. He felt that language was too ambiguous. He still supported the target area. Councilor Liberty added his comments. Councilor Park closed by saying that Mr. Cooper had crafted the language. He understood Councilor Hosticka's comment about agriculture. Farmer was subject to water quality laws as well. This compromise was not removing as a potential target area but there were conflicting values. This allowed flexibility to make the right choices when they get to the end.

Vote to amend:

Councilors Park, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Councilor Hosticka voting no.
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Motion to amend:	Councilor Liberty moved to amend Resolution No. 06-3672 with Liberty Amendment #2 and amended language striking the whole local share paragraph and indicating \$12 million.
Seconded:	Councilor Burkholder seconded the motion

Councilor Liberty explained his amendment. Councilor McLain asked for clarification on the amendment, these were not jurisdictions. Councilor Liberty responded to her question.

Councilor Liberty withdrew the amendment.

Motion to amend:	Councilor Liberty moved to amend Resolution No. 06-3672 with Liberty Amendment #2 changing his original language to include bonus points for Regional Affordable Housing.
Seconded:	Councilor Burkholder seconded the motion..

Councilor Liberty clarified his revised amendment. Councilor Burkholder said they gave extra credit to Metropolitan Transportation Improvement Program (MTIP) projects that had impact on affordable housing. The Housing Choice Task Force (HCTF) encouraged this. He suggested that they might be able to refine this suggestion. Councilor Liberty further clarified his amendment. Councilor Park said he understood the concept but was concerned that they were penalizing a neighborhood where a city did not comply with affordable housing. He wanted Councilors Liberty and Burkholder to look at this issue without considering an amendment at this time. Councilor Newman said he was uncomfortable with this amendment and explained why. He was concerned the amendment would disqualify certain groups. Councilor Liberty talked about the obstacles. He felt the local share would have been a way to accommodate. They should always be looking to achieve multiple objectives.

Vote to amend:

Councilors Hosticka, Burkholder, Liberty, voted in support of the motion. The vote was 3 aye/4 nay, the motion failed with Councilors Newman, Park, McLain and Council President Bragdon voting no.
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Council President Bragdon explained the process for next week's meeting. Councilor Liberty raised the issue about having another public hearing and the possibility of potential amendments. Councilor McLain said she thought a public body always had the opportunity to amend the resolution. Mr. Cooper made a suggestion that if there were substantive amendments that they

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hold the decision over for another week. Councilor Newman said he was comfortable with this package. He didn't anticipate any amendments but he thought there goal was to refer this next week. Councilor McLain echoed Councilor Newman comments. Council President Bragdon said they had worked collaboratively and had had a lot of discussions. He wanted next Thursday to be as positive as possible. He did not wish to stifle debate. The resolution would be held over until next week.

**6. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordon, COO, was not present

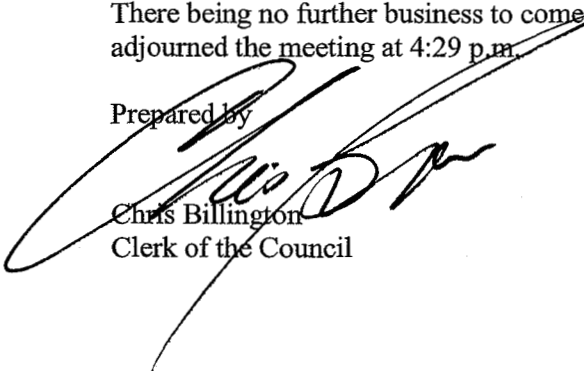
**7. COUNCILOR COMMUNICATION**

Councilor Liberty talked about the Farmland Fairness meeting. Councilor Park added his comments.

**8. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:29 p.m.

Prepared by



Chris Billington  
Clerk of the Council



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 2, 2006**

<b>Item</b>	<b>Topic</b>	<b>Doc Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
4.1	March 2 <sup>nd</sup> version of resolution	3/2/06	To: Metro Council From: Dan Cooper, Metro Attorney Re: Amended version of Resolution No. 06-3672	030206c-01
4.1	Letter	3/1/06	To: Council President Bragdon From: Tom Brian, Chair, Washington County Commission Re: 2006 Greenspaces Bond Measure Regional Target Areas	030206c-02