

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, March 14, 2006
Metro Council Chamber

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

Councilors Absent: Susan McLain (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:04 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MARCH 16, 2006/ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the March 16, 2006 Metro Council agenda. Councilor Burkholder accepted a list of questions for Fred Hansen, Tri-Met general manager, to help him prepare for his presentation. Council President Bragdon indicated that item 7.3 would be deferred for a week. On item 7.2, Councilor Newman indicated a change to a cap on the fee for projects above \$10 million; the maximum fee would be \$12,000. There are not many projects that fall into this category; nevertheless, to make up the desired amount, the percentage is increasing from 0.10% to 0.12%. This change was made to respond to concerns by schools and transit agencies. On item 8.2, there has been some controversy.

2. OPEN SPACES PROGRAM REVIEW

Bill Stringer, Chief Financial Officer (CFO), said that in preparation for the \$227.4 million bond measure, he and the Chief Operating Officer determined to have a third-party review of the program. He distributed the draft "Open Spaces Program Review" (a copy is included in the meeting record).

Brad Rafish, of Talbot, Korvola & Warwick (TKW), gave a brief overview of the assessment. His charge was to take two perspectives – accomplishments from the 1995 program and what could be done better in 2006. The 1995 program was unique. There were not a lot of models prior to that time. The open spaces work implementation plan was produced, to see what could be used for the future. It included three themes – 1) In the 1995 program, the focus was on quantifiable progress; in 2006, we should look more at qualitative evaluations. 2) Program management. A number of things should be modified from 1995. The bond measure itself is different this time. We should use this to focus on what we're trying to accomplish. Council needs to be more actively involved. 3) Program transparency. The difficulty with this program is that it's not just going out and purchasing properties. There would not always be willing sellers, for example. TKW recommended putting together an oversight committee, with Council members, program members, auditors' office, etc., to meet regularly to monitor the program.

Reporting was important also, to have continuous feedback and to minimize the outside questioning that has taken place in the past. Mr. Rafish would like to see more specific criteria on each Metro staff member's responsibilities. In sum, 1995 provided a sound foundation.

Councilor Liberty questioned the categorization of criteria as either quantitative or qualitative; he thought maybe some should have been labeled otherwise. Mr. Rafish said they could be evaluated

in different ways depending on Council wishes. They discussed unforeseen unique opportunity acquisitions. Certain things might arise that had not been projected. We wouldn't want to rule out something that was not on the original target areas list, to keep the options open in case something really good were to come up.

Councilor Liberty asked whether this would be allowed under the resolution as written. Dan Cooper, Senior Attorney, said there was a procedure to do this, it was more flexible than the 1995 measure. The promise to the voters was that we would make a level of effort to the published target areas. Councilor Burkholder said this raised issues of flexibility; we wanted to follow through on our promises. He appreciated the ability to acquire properties that had not been anticipated, but he didn't want to lose sight of what we were promoting to the voters. On the local share, we had an explicit list. Mr. Cooper said the local share flexibility was broader, based on the model that was used last time. Any of the local jurisdictions that wanted to could go through a public hearing process in order to substitute projects. Many of the jurisdictions did just this last time. In addition, many of the target areas had fairly broad definitions, allowing Metro to prioritize within the target areas as necessary.

Council President Bragdon agreed. He thought the list of qualitative measurements was good. He asked about the transparency, coupled with the recognition that these were property transactions with private landowners, and negotiations would be taking place that needed to be somewhat confidential up to a certain point. Transparency was sometimes secondary to making sure the procedures were in place to make the process transparent without revealing the specific details of individual private property purchase transactions. What would TKW suggest to balance these needs? Mr. Rafish agreed that not every single component needed to be done in public. The idea was to have specific checks and balances on the programmatic side. This would include Council involvement, discussions of property, attorney involvement, etc. He felt that executive sessions to discuss individual acquisitions were fully appropriate.

Councilor Newman asked whether TKW's scope had included what went into the appraisals and the specific factors of property appraisals. Mr. Rafish replied in the negative. Councilor Burkholder observed that financial leveraging opportunities had been ignored. Mr. Rafish said that they found that over time, this had been looked at, but it should be spelled out better this time. It wasn't ignored last time but wasn't spelled out in enough detail. Some of the decisions were perhaps a bit too informal.

Council President Bragdon noted that the report included some suggested next steps. If the bond measure passed, none of the existing Council members would have been through the 1995 process (since Councilor McLain would be leaving), so they appreciated the advice.

3. FREIGHT AND GOODS MOVEMENT PLAN

Deena Platman, Planning Department, was the project manager for this plan. They were in the scoping phase of the project. They were tracking closely with the Regional Transportation Plan (RTP) update. The consultant had been identified, and they were entering contracts, so Council input was welcomed. The purpose of the plan was to take a detailed look at the regional freight transportation system. This meant not just roads. Previous studies have focused more on highways. The current plan would look at the entire system, including rails, waterways, air—the whole ball of wax. Ms. Platman discussed the parameters of the project. There were federal and state requirements for freight planning. We were required as part of the RTP to incorporate a freight analysis. Also, there has been a national move to focus on freight analysis. She went over

the plan objectives. They have received a state grant for this work. Need to be finished by June 30, 2007. It was expected that there would then be another six months of polishing things up. Total of about an 18 month process. The project should start this coming May.

Today, Ms. Platman focused on the task force component. They were proposing two advisory committees—a technical one and a public-private sector one. They wanted to be sure to have a wide range of perspectives. Councilor Liberty had a number of concerns. First he asked if the Council had seen the project objectives before. Ms. Platman said no. Councilor Liberty thought the Council ought to look at this first. If the budget allowed, we should look at alternatives to the proposal, maybe some more creative ways of approaching the project. Also, he would like to see greater diversity on the task force—it looked like an industry lobbying group. He really wanted to see some outside the box thinking.

Councilor Newman asked about the data collection stage. What actually made up the freight? Were they short local trips to serve existing businesses and residents of the region, or just passing through? What did the landscape look like? Also, what were the trends? If we were adopting a plan for the next 20-30 years, what direction was this freight going to be moving? Was it increasing? Would fuel prices affect it? What about just-in-time? Staff promised to respond.

Council President Bragdon observed that, although the approach to the RTP is a refreshing change from the past, he still had a few concerns. First, the program promised to “plan a regional network that meets the needs” and to “prioritize ... based on desired outcomes.” Neither of those had a qualifier saying anything about the realities of scarce resources. We may not be able to meet the needs. Also, who was defining the need and the desired outcomes? They may be more appropriately defined by Metro Councilors than by industry stakeholders. On the task force, he would like to appoint someone who actually works in the industry, such as a Teamster.

Councilor Burkholder said that with the west coast corridor, they brainstormed three things coming out of freight movement—fast, clean, and safe. Clean and safe really addressed the impacts on the surrounding communities. Environmental health needed to be a stated objective. Also, the quality of the tonnage needed to be observed; not all deliveries were time-sensitive.

Councilor Hosticka supported a lot of the other Councilor comments. He thought the least desirable outcome would be to just “fix” current problems. Councilor Burkholder said that the key was what charge to give the committee.

Richard Brandman, Planning, emphasized that this was a draft set of objectives; once the committee was formed, they would talk about the objectives and come back to the Council to keep the information flowing. He was trying to get early conversations going.

Councilor Liberty stressed the importance of the qualitative nature of different types of freight. He also wanted to make sure was a plan specific to our particular area. He would like to see close coordination between this plan and the 2040 growth concept. At some point, the plan ought to be formally adopted by the Council. This was a big important study that deserved focused discussion and a vote.

Councilor Newman had a few additional objectives: 1) understanding the nature of freight, and the trends; 2) impacts on neighborhoods and environmental justice was crucial. He would prefer to see more community representation on the task force. Councilor Park wanted to make sure that

all the modes were being covered, not to leave anybody out. Councilor Liberty didn't think the list of task force selection criteria was complete; he thought it looked too narrow.

Councilor Burkholder said there was going to be a longer retreat on the RTP. What would help here was to see how this program nested into the RTP. Some of the Council concerns might be better addressed in the RTP. Council President Bragdon said that asking the right questions at the beginning was crucial. Councilor Liberty added that the intersection of 2040, New Look, RTP, and the current program needed to be highlighted and everything needed to be well integrated.

Bridget Wieghart, Planning, said she appreciated all the feedback and that the comments were well in line with the discussions that staff had been having. The main question was, did Council want another presentation to approve the objectives? Council said yes. What about the criteria for the task force? Did Council want to see it again? Council President Bragdon said he would meet with staff to make the appointments. The main changes were on the program objectives.

4. VALUE PRICING GRANT APPLICATION

Councilor Burkholder said that Oregon was a value pricing pilot state. Under the Intermodal Surface Transportation Efficiency Act (ISTEA), there was a suggestion on value pricing from about 6-7 years ago. There has been greater emphasis on tolling as a traffic management tool. The current proposal was to see whether Council was interested applying for a grant to do an analysis of tolling in the region.

Ms. Wieghart said this tied into the RTP and was good timing. They had originally anticipated the outer southwest area corridor study, but because of the importance of tying in with the RTP, and major questions in the southern area, it didn't seem timely to do the southern study, but to separate it out and put the tolling piece in the RTP. She outlined the study objectives. The grant deadline was March 31. Councilor Burkholder said the decision today was whether or not to apply for the grant.

Mr. Brandman said that a lot of the work would dovetail with the RTP, and that this was an opportunity to get federal money to help supplement the RTP budget. If we were fortunate enough to get the grant, we could work more on fine-tuning the actual work. The general notion would be to see how an inter-connected network of value pricing would help the region.

Councilor Hosticak supported getting the grant; to what extent would we get public funding to build private tollways? Would our study be given to a private entity to implement? Councilor Newman supported getting the grant. He asked if there was any work to be done as it related to exploring public attitudes and opinions? Ms. Wieghart said there was still time to prepare the grant application to include such things. Mr. Brandman added that he did not see this as the answer to the question of whether we would have a toll system here. It was to get the conversation started and to get technical information.

Councilor Liberty supported getting the grant. He would like to see a complete system alternative, a peer model, like with the growth concept. Data was always valuable, to be able to compare different improvements or pricing.

5. BREAK

Eliminated in the interests of time.

6. HABITAT FRIENDLY DEVELOPMENT PRACTICES

Paul Ketcham, Planning, introduced Shaun Bolig, an intern from the University of Oregon who was hired last summer to help with the study, which has been developed with six east-side cities. Also in attendance were Brent Curtis and Andrea Vannelli of Washington County, to present the corollary work on the west side.

Habitat friendly development was an important component of Title 13, which still needs to be approved by the Land Conservation and Development Commission (LCDC). Title 13 requirements were to identify and remove barriers to habitat friendly development in local plans and codes. They wanted to see practices that preserve or protect the habitat in a better way than traditional methods.

Mr. Bolig conducted interviews and wrote the code analysis and the report. He chose six east-side cities with small planning staffs—Fairview, Gladstone, Milwaukie, Oregon City, Troutdale, and Wood Village. The west-side was covered by the Tualatin Basin group. He emphasized the necessity of collaboration. He described the process that they had used to approach the coordination of the project.

Mr. Bolig listed the habitat friendly development practices and places in the city codes where policies supported or impeded such practices. He distributed some examples of successful projects (a copy is included in the meeting record). Mr. Ketcham said that the review indicated a lot of existing support for these practices. He listed some examples, such as storm-water management and shared driveways and parking lots. Most of the cities still needed to make some changes in order to fully embrace Title 13 requirements; for example, there was a wide range of support ranging from fully supportive, to relative silence.

A lot of cities required a variance procedure to allow a flexible setback. Developers have found this to be problematic and so shied away from it. He listed some other examples, such as downspout disconnects, that had little language regarding this. He mentioned a lack of incentives and how that could be addressed. There was a strong need for education about the benefits of these practices and information on how to implement them. Also, concerns about maintenance and costs needed to be looked at. Mr. Ketcham talked about geological concerns, such as high water tables or compact clay soils, that resisted easy solutions. He also mentioned tension with other objectives, such as the fact that sidewalks are a barrier to habitat friendly but are a solution to other problems, such as pedestrian safety.

Councilor Burkholder asked about the need to promulgate these practices not just in habitat areas but everywhere. Mr. Ketcham said that the emphasis was on permitting practices, not on regulating them. There was a need to ask whether these practices should be incorporated into code in all areas, not just significant habitat areas. Council seemed to agree. Councilor Burkholder emphasized that Title 13 code said not just “allowed” but “encouraged.”

Councilor Park asked for clarification on the language. Councilor Hosticka provided it for him. Councilor Park asked what Metro’s role was. Mr. Ketcham said that it would be to support a jurisdiction that wanted to go in that direction. There could be recognition of the local jurisdiction that they were making efforts to comply with Title 13. Councilor Park wondered why local governments wouldn’t want to do this on their own, without Metro support? Mr. Ketcham said that they may well, but Title 13 specifically addressed this as for regionally significant fish and

wildlife habitat. Councilor Burkholder said that it was trying to help them solve a problem. It made it simpler for the code to allow these practices. Councilor Park said that encouraging such practices everywhere was helping to share the load.

Councilor Newman asked if there was a sense of the effectiveness of the various practices. Mr. Ketcham responded that it was important to look at the broad spectrum of practices. His personal opinion was that the avoidance practices have a benefit of avoiding the problems in the first place. Other practices could be applied retroactively through redesign of existing facilities. He distributed a sample of residential applications (a copy is included in the meeting record).

Mr. Curtis reminded Council of the adoption of the Tualatin Basin approach. The steering committee was implementing the approach for all the agencies and governments, the development community and the environmental community, to work on the tasks with the support of consultants. Their approach was to convene often, and to prepare two issues papers, a general one about the issues, and a technical one. Both papers had recently been completed and would be available soon. They emphasized coordination between various stakeholders. The one-year mark was October 2006. A compliance report was forthcoming. Goal 5 and the healthy streams plan were supporting one another. Tree planting was a successful factor. He discussed some of the successes and some of the challenges still to be faced, as well as implementation and monitoring of the program. He discussed policy strategies that were being used. He wanted Council to be aware that they were taking their charge very seriously.

Councilor Newman asked about Bethany, Bull Mountain, and Cooper Mountain. Was Tualatin leading the planning there? Mr. Curtis said they were aggressively pursuing Bethany, Bull Mountain would be next, and Cooper Mountain was a distant third. Mr. Curtis personally would like to see a more collaborative, neighborhood approach, sharing resources instead of everybody having individual structures. He talked about intelligent design and aggressive design aspirations.

Stacey Triplett, Nature in Neighborhoods Program, said we were going to another level. The focus today was on the design competition. They had borrowed heavily from the Narrow Lots competition of the City of Portland. The program had recently received a \$40,000 contribution from the City of Portland to support the work. They were also asking the homebuilders association for a contribution to the design competition. Ms. Triplett had a list of more potential funders and sponsors, and a budget (a copy of each is included in the meeting record). Councilor Burkholder had participated in the Portland skinny house competition. He wondered if the number of categories was a bit high. Ms. Triplett thought it was important to have a larger number of criteria and ability to make more awards, as an outreach factor. She wasn't sure much would be accomplished by cutting the number of categories.

Councilor Newman emphasized that everything on the draft was flexible. The important thing was to hire the consultant. Councilor Park said that this was all very forward thinking. Was there any thought of looking at projects that have already been done? For example, Fairview Village. Ms. Triplett said they were also looking at other ways to recognize existing practices. Councilor Newman emphasized the opportunity to collect a lot of great ideas, to share them, and to use them for education and outreach. The feedback had been positive about the nature of the design competition. Ms. Triplett talked about the outreach to interested organizations. She described potential tie-ins of keeping the information out there.

Councilor Burkholder questioned the budget item of \$140,000 for web outsourcing. Ms. Triplett said this was a fully outsourced solution. But we would like to own the code later. Councilor

Newman said the cost to Metro was planned to be minimal. Additional funding sources and sponsorships were being sought. The timeline would be a year from now.

7. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Hosticka said there was a celebration tonight, 6 p.m., at the Lucky Lab, for the Water Resources Policy Advisory Committee (WRPAC). There will be food, beer, and continued discussion about where to go with Nature in Neighborhoods.

Councilor Park said the deadline for grant applications was April 5 (?), and a listening post will take place on the April 13. Staff will take that initial information with a 100% list. The council meeting will be May 4; a resolution of intent will take place, and they need to go through the contracting process. We want to give out checks by July 1. The contracts will be done during May 11 to July 1. The first reading is May 11.

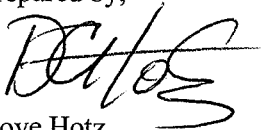
Councilor Newman asked if she would be working with public affairs for press and outreach. The awards could be given in their own neighborhoods, as a visible statement of our support. Ms. Triplett said there would be a lot of opportunities.

Council President Bragdon mentioned a blue sheet on the \$200,000 trash compactor repair at the central transfer station. No one else appeared to be aware of it. He will wait for more information. He then talked about the disposal fee waivers for neighborhood groups. This was tabled. He's trying to clear out his files. He will talk to Councilor Liberty about it.

Council President Bragdon talked about getting a retreat together on the broader objectives on the bond measure goals, as well as the New Look stuff. There will be a meeting tomorrow. He is looking at April 18 for a retreat. The project management team has completed their training and gave a very good presentation to senior management last week. He has also been planning for the May 19 Mayorss Forum. He would like to have the retreat April 18, following the zoo meeting. There is a chance that ex-Governor Kitzhaber will participate.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:40 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
 MARCH 14, 2006**

| Item | Topic | Doc Date | Document Description | Doc. Number |
|-------------|--------------------|-----------------|---|--------------------|
| 1 | Agenda | 3/16/2006 | Metro Council Agenda for March 16, 2006 | 031406c-01 |
| 2 | Open spaces | March 2006 | To: Metro Council From: Talbot, Korvola & Warwick Re: Open Spaces Program Review | 031406c-02 |
| 6 | Habitat practices | Undated | To: Metro Council From: Paul Ketcham Re: Examples of successful projects | 031406c-03 |
| 6 | Habitat practices | Undated | To: Metro Council From: Paul Ketcham Re: Examples of residential applications | 031406c-04 |
| 6 | Design competition | Undated | To: Metro Council From: Stacey Triplett Re: Habitat Friendly Development Practices Design Competition, Potential Funders/Sponsors | 031406c-05 |
| 6 | Design competition | Undated | To: Metro Council From: Stacey Triplett Re: Proposed Design Competition Budget | 031406c-06 |