

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, May 23, 2006
Metro Council Chamber

Councilors Present: Carl Hosticka, Deputy Council President, Rod Park, Robert Liberty, Brian Newman

Councilors Absent: Rex Burkholder (excused), David Bragdon (excused), Susan McLain (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:05 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MAY 25, 2006/ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Deputy Council President Hosticka reviewed the May 25, 2006 Metro Council agenda.

Karen Feher, Finance, discussed the salient points of the budget amendments. There were a lot of technical points.

Councilor Liberty had some concerns the composition of the freight and goods movement task force. He did not want it to become a road-building lobby. Councilor Park said that he had convinced a new member to participate, someone who might provide that perspective. Councilor Hosticka shared the concern about becoming a “bigger, better roads lobbying committee.” Council discussed the charge of the committee, what they hoped to see come out of it, and how this committee would get the results we needed. They really wanted to see a range of perspectives on the committee. They agreed that Council President Bragdon needed to make final appointments to the committee. Dan Cooper, Senior Attorney, said that Council could decide other issues. Councilor Newman wondered if the Deputy Council President could fulfill these functions in the President’s absence. Mr. Cooper declined to comment.

Council then discussed the contract review board item and the need for more review. They agreed to seek more information from staff.

2. GRESHAM DESIGN TYPE CHANGE

Paul Ketcham, Planning, briefed Council on the proposed Brickworks map change. The site had a long history. Mr. Ketcham has been fostering a relationship with the Gresham jurisdiction. The question was whether the request should be accepted by Council. It was unclear at this point. The code did not have a formal process for map changes but we were using this as an opportunity to see if this was needed. Councilor Park said that originally the Council did not have enough information to make that decision – they had questions about connectivity, green areas, and growth in the area.

Terry Vanderkooy, City of Gresham, said that the Brickworks study accompanied the Springwater work. The Brickworks was an ancient industrial zone which had not had significant industrial activity in a long time. The City performed multiple analyses to put the site into context, and the result was a proposal for a new designation. In terms of 2040 mapping, they kept the vast majority of the site, 71%, in the 2040 map industrial. The rest was in employment. There

was a proposal for a small neighborhood commercial site. He discussed the proposed new zonings and the surrounding neighborhood. There were some new subdivisions growing there. Basically they were proposing to bring the Brickworks site into the overall Springwater planning area. He attempted to orient Council to the geographic location, surrounding neighborhoods, access routes, and current zoning.

Mr. Vanderkooy then went through his PowerPoint presentation (a copy is included in the meeting record). The overall size is 160 acres. He had also distributed an aerial photo, a Springwater plan sub-districts map, a vicinity context map, and a Springwater plan district map (a copy of each is included in the meeting record).

Deputy Council Hosticka asked what Council's role would be. Mr. Ketcham said staff was looking for resolution on the Title 4 map process. This situation was not anomalous; some projects have been on hold until this was resolved. The Brickworks case was unique in its history. The City of Gresham had requested a Title 4 change in 2002. There has been an extensive planning process, community consultation, and relation to the Springwater planning. Council wondered what the usual process would be. Mr. Ketcham explained that the problem was that there was no formal process to follow in this case. Dick Benner, Metro Attorney, explained that the previous process had been adopted by ordinance and therefore any change would have to be by ordinance.

Council discussed the history of the site and the zoning change process. They wanted to make sure that they followed a good process. A dynamic, flexible process was good; "bait-and-switch" was bad. Mr. Ketcham said the current proposal was just to remove the Title 4 low-density and residential/commercial areas. The technology industrial and other industrial would remain Title 4 compliant. Staff analysis would follow Council directive. Councilor Park appreciated the comprehensive planning; he felt this resulted in better outcomes. He was concerned about school siting, that schools were being priced out of the market. He would like to see more emphasis on helping schools get sited.

John Hartsock, representing Millennium Homes, stated that the townhome and single-family development would be walkable to the school. It would connect 19th street to the school and make that walkable also. More importantly, both of these would be a test of the green street principles; these were ready to go. He supported the plan. Councilor Liberty returned to the regional perspective. In Metro's last review, we fell 70 acres short of LCDC's directive. He wanted to see an inventory and a consistent process. He felt we had an oversupply of employment land. Council discussed their process for providing the appropriate amount and distribution of industrial land.

3. METRO NATIVE PLANT MATERIALS CENTER

Jim Morgan, Regional Parks and Greenspaces, updated Council on Native Plant Materials Center (NPMC) operations and asked if the proposed center fit in with current visions of programs such as Nature in Neighborhoods. The center was not a nursery but included seed-gathering and plant genetics management. He described the area. The proposed site would be fairly easy to convert to the desired purpose. Materials for restoration projects have simply not been available commercially. The center would be able to accept surplus materials from other sites to put back into the landscape. It had been functioning as a plant center.

Marsha Holt-Kingsley, Parks, walked through the program's beginning and 18-month history. She showed a lot of pictures of the site, native plants, volunteer activity, center partners and

programs, funding mechanism, and had some quotes from volunteers (a CD of the photos is included in the meeting record). There was a lot of volunteer support and donated and recycled materials. Their operational motto was “reuse, recycle & restore.”

Mr. Morgan had heard from a lot of partners and Metro personnel that the need for this resource was tremendous. The center currently was at its maximum capacity. Councilor Park was supportive at the level of servicing our own needs but did not want to compete with the private sector. Mr. Morgan said that Metro had contracted in the past for commercial growers to supply us with what we needed and was sensitive to the need not to compete with commercial growers.

Councilor Liberty praised the presentation and the program. He felt it exemplified Metro’s principles. He wanted to have more information about the interaction between the NPMC and the commercial sector. Mr. Morgan did not feel there was any adversarial relationship with the industry. Commercial contract growing could still be an option, but sometimes meeting our own needs was necessary. Councilor Liberty wondered what was keeping things from running more smoothly at this point. Mr. Morgan said it was primarily the lack of a permanent staff person. Councilor Newman said that, in the abstract, on the operation and the activities and the mission, he was very supportive. But he was shocked to hear of its existence, and he lived only a few miles from the site/ He was surprised that Council had not been briefed on it before, and that such a fully-developed concept had come about without more Council direction. The site was bought with public money, and we wanted to make sure that Council was informed so that they could share the information with citizens.

Chief Operating Officer Michael Jordan asked where Council wanted to go next. Councilor Hosticka said yes, that was the question, would money and resources be put into this? What were relations with the neighbors like? Jim Desmond, Parks Director, said the original project was a bit of an experiment. It started as a small project, with a few volunteers; Ms. Holt-Kingsley came out of the blue, and it had really caught fire and done better than they might have expected. Mr. Morgan talked about the previous uses of the site; it had been used for agricultural uses for quite some time. The previous function of the site as an access point was actually being enhanced. Mr. Desmond said the neighbors were schools, so weekend activities did not conflict with them. There was no legal obstacle in terms of the uses under the bond measure. He wondered if this center was compatible with Nature in Neighborhoods goals and to get Council to talk about their long-range goals.

Councilor Liberty supported the center. He felt other sites could be used if this one became problematic. Councilor Park asked what the types of plants were. Mr. Morgan said they were primarily threatened, not endangered, species. Councilor Park wondered how the center was working through the legalities of propagating endangered species. Parks staff were comfortable that they were following all relevant regulations. Council and staff discussed Metro goals and their relationship to the potential for competition with private nurseries. Deputy Council President Hosticka felt more information was needed before Council could make a decision.

Councilor Liberty thought the positives far outweighed the negatives. He had not heard of any complaints from the private sector that Metro was competing with them. He did not want to discourage staff from doing such projects. Deputy Council President Hosticka said he did not feel that anybody wanted to discourage it, but that they would appreciate earlier input. Councilor Newman wanted to know about budget consequences and future timeline. How would this fit into the budget? Also, how would this operation fit into the region? Was there a site plan?

Mr. Jordan said it was obvious that more work and information needed to be done by staff. He did not feel any current fiscal year budget impacts were present. Staff was strictly talking about future budget needs. He emphasized that there was a tremendous need for this type of project. It grew faster than anticipated, thus the “late” presentation to Council. Staff and volunteers all viewed this as a huge success and “win” for the agency. No one has viewed it as “bad” or controversial.

Deputy Council President Hosticka said he was aware of a view in the community that we use our open spaces, purchased with public money, in keeping with their wishes and our promises. He was supportive of the concept but needed more assurance that this project fell into that category. Councilor Newman emphasized that he really did appreciate the work but wanted that balance.

Mr. Desmond said all the comments he had heard were valid. He had been under the impression that he was giving Council an early presentation, but was disabused of that notion. Staff were trying to do things with limited resources; usually, they only approached Council when they wanted money.

Councilor Liberty was delighted with the work. He appreciated the other Councilors concerns. His emphasis was on bringing in additional partnerships and volunteers into the center. The location could be moved if necessary, but it was creating markets and restoration. Maybe a business plan needed to be written up, in consultation with someone from the private sector. Councilor Park wanted to make sure we did not accidentally “back-door” ourselves into a scenario we had not anticipated. He wanted Metro to have a policy on competition with the private sector; he realized other Metro programs did compete, in some sense, with private industry. Mr. Jordan agreed that that would be a fruitful topic for Council policy discussion.

4. BREAK

Eliminated in the interests of time.

5. TITLE 4 MAP AMENDMENTS PROCESS AND CRITERIA

Dick Benner, Metro Attorney, referred to the package that had been prepared for Council. He had a map that Council had adopted by ordinance, the industrial areas employment map, which performed a regulatory function for Metro, telling local governments where Title 4 applied geographically. Some changes to this map had been made over the years, but more significant changes were on the horizon. Counsel was suggesting a process and criteria to be followed when making map change decisions. Currently, the process and criteria were undefined; changes were being done by ordinance. Also, there was a significant degree of confusion over the roles of the different maps. The current Title 4 map was designed to be illustrative but was being interpreted as regulatory.

Councilor Liberty spoke about the option to adopt an official growth concept map, without making it regulatory. Benner said a similar option had been rejected, but it could be considered again. Councilor Liberty listed several items going on at the same time here, i.e., transit and centers, Title 3, Title 7, a total of eight things being worked on. Councilor Park said he knew there was a process in place to manage map changes. He also addressed the intricacies of zoning capacity. There was still a map tied to other actions that a city or county may take. He provided background he was trying to determine how site specific the Council should go to deal with the issues.

Mr. Benner addressed the ordinance before the Council. He felt the ordinance went back to what Council's original intention had been. He felt the changed language made it more illustrative. Councilor Liberty thought that looking at zoning maps did not indicate fulfillment of regional requirements. You would have to look it up. Mr. Jordan said this was an opportunity to look at bigger issues, as well as to look at the maps, for example, a map of the 2040 growth concept should be more than just a nice picture. There were both policy and procedural issues. Councilor Park wanted to clarify that, when a local government wanted to make a change to the local zoning, Metro staff looked at it and decided whether it needed to come to Council. That process was already in place. Today's issue was on a separate track because it dealt with multiple pieces at one time. His question was, did we want to get into that level where there was a map maintained, and staffing required, on the Metro side and the local jurisdiction side, to keep it accurate. Mr. Benner said the current item looked at the overall process, the specific criteria, and the relationship between the two maps. The Title 4 map was regulatory; the concept map was not.

Council had a discussion about their policy role. Councilor Liberty thought the need for an accurate, illustrative map was obvious. Council felt that previous decisions and practices had in effect set a policy that had never been formally adopted. Mr. Benner said Exhibit A would not be needed for that discussion, but Exhibits B, C, D and E would be. He discussed the role of each exhibit and which ones would be used. He reviewed the Title 4 Industrial and Employment Land map and its history. The goal was to update the map to reflect adjustments made by the jurisdictions.

Council and counsel engaged in a detailed discussion of how the process would work, including Council procedures, role of local governments, and the process for various lot sizes. Tamara DeRidder, City of Fairview, commented that many of her jurisdiction's proposed map changes were on Metro areas. There were often obvious errors, and the document she saw did not provide for that. Council wondered if "obvious error" language could be included to address those needs. They discussed with staff Metro's ability to respond to certain situations, their existing powers, and what was still needed. They also discussed the accuracy of the maps and the process for updating them. Mr. Benner reviewed Council's existing powers and ways to address different scenarios. Councilor Park wanted to make sure that Metro did not lay out criteria which then were never followed. Chris Deffebach, Planning, asked what Council wanted next from staff. She said that the phone call they received most often was about changing use for properties, under Title 4.

Councilor Newman was comfortable with the draft, to get commentary from the Metro Technical Advisory Committee (MTAC), but he would definitely like another work session. Council agreed they were all comfortable with staff's proposed direction.

6. THIRD QUARTER FINANCIAL REPORT

Margo Norton, Deputy Chief Financial Officer, said this year the report was 20 pages compared to 62 last year (a copy is included in the meeting record). The goal was to highlight the more significant issues. She wanted Council direction on the streamlined fashion.

Brad Stevens, Finance, said they went with an agency-wide perspective instead of a department perspective, consistent with the consolidated general fund concept. For expenditures, they have gone with a departmental perspective. The tables included multiple funds, but within individual departments. Council gave some suggestions about their opinions of the report and what would help them access the information better. Mr. Stevens went into some detail on the revenues. Certain revenues have exceeded expectations. But costs were rising also. Mr. Stevens and Ms.

Norton responded to Council questions about some specific items and to some budget process issues. In general, Council liked the more summarized report format.

7. COUNCIL BRIEFINGS/COMMUNICATIONS

Mr. Jordan gave a heads-up that, on Friday, we would be sending the notice that the Goal 5 record had been delivered. The record was 8 boxes, 24,000 pages in the Council record, and 11,000 pages in separate committee documents. There was a 25-day public response period. So be prepared for phone calls.

Councilor Liberty talked about two streetcar projects, one was scheduled for action in two weeks. Where were we headed on this? Was anyone else concerned? He wanted it to be integrated with land use. Councilor Newman's concern was not so much land use, but operations cost was his biggest concern, the disconnect between Metro and TriMet. Council discussed whether the projects were too far along to stop, or did they want to amend their own processes to become involved earlier? How could they bring partners in earlier? Maybe they would need to come to formal Council meetings. Mr. Jordan thought that more discussion and coordination with other partners, such as the Joint Policy Advisory Committee on Transportation (JPACT), would be helpful.

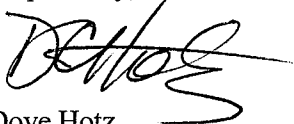
Councilor Park reported on QuickConnect Oregon.

Deputy Council President Hosticka had a question about the first Measure 37 hearing on the first. Mr. Jordan told him it was a voting opportunity but that a vote would not be required.

Councilor Newman reported on the rate recommendation, it was coming up June 1. There has been one opposing letter. The rate was being reduced by a very small amount, it was a reallocation of the true costs in terms of self-haul and it was all endorsed by the industry.

There being no further business to come before the Metro Council, Deputy Council President Hosticka adjourned the meeting at 5:25 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
 MAY 23, 2006**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	5/25/06	Agenda: Metro Council Regular Meeting, May 25, 2006	052306c-01
2	Gresham design type change	5/23/06	To: Metro Council From: Terry Vanderkooy Re: Brickworks Land Use Development	052306c-02
2	Gresham design type change	5/12/06	To: Metro Council From: Terry Vanderkooy Re: Brickworks Heavy Industrial Site	052306c-03
2	Gresham design type change	3/24/06	To: Metro Council From: Terry Vanderkooy Re: Brickworks Heavy Industrial Site	052306c-04
2	Gresham design type change	5/15/06	To: Metro Council From: Terry Vanderkooy Re: City of Gresham Vicinity/Context Map	052306c-05
2	Gresham design type change	5/22/06	To: Metro Council From: Terry Vanderkooy Re: Springwater Plan District Map	052306c-06
3	Native plant center	5/23/06	To: Metro Council From: Paul Ketcham Re: Native Plant Center (CD)	052306c-07
6	3 rd quarter financial report	5/19/06	To: Metro Council From: Margo Norton Re: Quarterly Report Third Quarter	052306c-08