

## MINUTES OF THE METRO COUNCIL MEETING

August 10, 2000

West Linn Council Chamber

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

Councilors Absent: None

**Deputy Presiding Officer Washington** convened the Regular Council Meeting at 2:05 p.m.

- 1. INTRODUCTIONS - Councilor Atherton** welcomed the participants and guests to the West Linn Council Chamber. He thanked the City of West Linn for use of the facilities.
- 2. CITIZEN COMMUNICATIONS.** None.
- 3. OCC EXPANSION / ECO ROOF UPDATE**

**Councilor Rod Monroe** introduced Karl Schulz, Project Manager, Oregon Convention Center to present information to the Council on the eco-roof installation proposed for the expansion of the Oregon Convention Center. He said an immediate decision needed to be made regarding an additional expenditure of \$26,000 in the structural support system. The City of Portland, under the leadership of Commissioner Dan Salzman has indicated a contribution of possibly as much as \$200,000 to the additional cost of the eco-roof. **Karl Schulz** requested that the Council consider an upgrade of the structural system to support an eco-roof system. An eco-roof system assists in controlling stormwater. The advantage is that the system gathers water through evaporation or by reducing the peak run-off periods. To complete the planning, this system needed to be studied more in depth, as it is a new system for this area. The material to be used is still in debate. However, the engineers are at a point in the structural design where the structural capabilities need to be strengthened to support the eco-roof system. He asked for approval of approximately \$27,000 to increase the structure and, at a later date, actually determine the amount of eco-roof system that is affordable. It would be more cost effective to make the changes now, rather than later. **Councilor McLain** asked how the \$27,000 structural improvement was determined since the material has not yet been decided. **Mr. Schulz** said estimates have been made based upon different manufacturers. With the known information, the structural engineers have made the cost determination. **Councilor McLain** said it seemed that the stormwater runoff amount would be determined by the type of vegetation the system utilized. She said she thought there should be a formula showing the amount of sustainability for the dollar value. With that, a debate could occur. **Mr. Schulz** said the preliminary work completed is inconclusive. He said the proposed space for the eco-roof system could also be used for other purposes. **Councilor Park** asked the estimated savings by using the eco-roof system. **Mr. Schulz** said the area under consideration is about 18,000 square feet. **Councilor Park** questioned the actual savings. **Mr. Schulz** responded that it reduces the peak amount of water runoff. The roof would become saturated then allow water to run-off. The water would be cooled as opposed to being on a black roof. The City supports this system. **Councilor Park** thanked Mr. Schulz and said he would be looking for some hard evidence. **Chair Bragdon** said the engineers had testified before the Operations Committee, and their presentation could be requested again. **Councilor Monroe** said that he was waiting for a response from Commissioner Salzman regarding the level of economic commitment from the City of Portland, and was going

to request in writing that the \$27,000 increase have no restrictions applied to it. That if Metro went forward with the eco-roof system, the \$27,000 would be a part of the City of Portland's \$200,000 contribution to the project. If we choose not to go forward with the project, then the additional costs expended would be paid by the City, not Metro. Upon receipt of that affirmation, Councilor Monroe will contact Mr. Schulz. **Councilor Atherton** said that Metro's role would be to provide the platform for this experiment, funded by the City of Portland. **Councilor Washington** asked Councilor Monroe to share the timeline and letter information which was discussed at Operations Committee meeting on August 9, with the Council. **Councilor Monroe** said that at the Operations Committee it was decided that a letter would be sent explaining Metro's position and asking for his support of the cost incurred with the structural upgrade, regardless of whether the eco-roof became a reality, and that that determination be made in writing by August 16, 2000.

**4. EXECUTIVE OFFICER COMMUNICATIONS** None.

**5. MPAC COMMUNICATIONS**

**Councilor Park** said the industrial land study was discussed with considerable debate. The Phase II discussion will take place at MPAC. There was a 2040 compliance presentation and it was announced that on September 27, 2000, MPAC would be making comment on the land needs report that would go before the Council in October for adoption. **Councilor Atherton** asked if there was conversation about the lands in Vancouver, Clark County. **Councilor Park** said they were discussed as options. How the lands are currently looked at inside the urban growth boundary; how you look at the lands potentially outside the urban growth boundary in satellite cities; and, discussed the Clark County component in the Port of Vancouver. Clackamas County does not have any Tier A land, so MPAC is looking at the impediments in converting Type B land to Type A land. It is a lands supply study determining what makes sense across the region. It is information needed to make good policy.

**6. CONSENT AGENDA**

6.1 Consideration of minutes of the July 27, and August 3, 2000 Regular Council Meetings.

**Motion:** **Councilor Atherton** moved to adopt the meeting minutes of July 27, and August 3, 2000 Regular Council meetings.

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

**7. ORDINANCES –SECOND READING**

7.1 **Ordinance No. 00-869A**, For the Purpose of Adopting the 2000 Regional Transportation Plan; Amending Ordinance No. 96-647C and Ordinance No. 97-715B.

**Motion:** **Councilor Kvistad** moved to adopt Ordinance No. 00-869A.

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

**Councilor Kvistad** said this was the first of two pieces of legislation. This is the culmination of five years of work. The RTP is a rolling document dealing with the regional transportation plan, the package, the list of projects, as well as policy positions. There are \$14 billion in projects, and very little money to deal with the projects. There has been a point or two of contention, disagreement over direction and a little more working time with Washington County and the business community there, who requested a six-month delay. Washington County was given a 30-day delay to present some language changes dealing with transportation issues before and during the urban planning and redevelopment time. They found the changes to be positive but said that there were still a few concerns, and at JPACT earlier in the day, Councilor Rogers voted against it. Councilor Kvistad recommended an aye vote.

**Mike Hoglund** Transportation Manager, Metro, said adoption today does not necessarily end the RTP update. The time factor begins with the local TSPs that need to be adopted within one year according to the state transportation planning rule. Still outstanding are draft federal findings will be submitted to U.S. Department of Transportation and EPA for their review and approval, along with a conformity determination. That probably will not occur until October or November. The findings submitted to Land Conservation and Development staff for review are still being discussed with the possibility of some minor technical changes being made. He referenced a letter from Mr. Dick Benner, Department of Land Conservation and Development which is included as a permanent part of this record. He referenced a letter from the Washington County Business Council, included and attached as a permanent part of this record.

**Presiding Officer Bragdon** said he was accompanied by Councilor McLain and Mike Burton at a meeting held with Washington County businesses addressing clean air requirements that existed in the region, their commitment to work on the funding aspect of the requirements, and discussion regarding land use planning and the 2040 plan. Reviewing some of the modeling and rationale was very helpful. He viewed the meeting held at Nike to be the beginning of a process.

**Councilor McLain** added that the meeting was a re-engaging on issues of land use and transportation. These are ongoing processes.

**Mr. Hoglund** thanked Tom Kloster, Bill Barber, Ted Leybold, Kim White, and intern John Ottomanelli.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-869A.

**Ted Kyle**, 2465 Randall Street, West Linn, OR 97068, MCCI, member. **Mr. Kyle** spoke in support of the Regional Transportation Plan. He spoke of the benefit of citizen involvement. He urged everyone to read Section 1.3 because it stated important principles. He thanked the staff for all of their hard work. He said funding issues take time to resolve. The plan needed to be adopted to begin the funding process.

**Dick Jones**, 3205 SE Vineyard Road, Oak Grove, OR 97267, MCCI, member. **Mr. Jones** spoke in support of the Regional Transportation Plan. His comments are incorporated and attached as a permanent part of this record. **Councilor McLain** thanked Mr. Jones for his hard work and appropriate comments.

**Ross Williams**, Citizens for Sensible Transportation, 1220 SW Morrison, Suite 535, Portland, OR 97205. As a previous testifier, he spoke to the issues of discussions with Washington

County. After seeing the final plan, the Washington County businesses decided that they did not like it. It was a lack of attention to the plan as it was developed. He said quite frequently, the business community is absent from participation. He asked that the analysis Metro was going to undertake regarding the region's transportation problems and solutions with various regional business coalitions in the metropolitan area be amended to include other citizens, as well. A dialogue was needed not just with the business community but with other interested citizen groups and the business community to achieve an understanding of the direction being pursued. He urged a broad base of community people talking to Metro and each other, not just Metro. **Councilor Park** said he understood Mr. Williams' remarks but was not sure how Metro could mandate citizen involvement. **Mr. Williams** said the resolution called for specific dialogue between the Council and the business community and coalitions. The reality of that is that the business community is not a monolith, within it is a wide range of people with different viewpoints. A regional discussion should include all elements of the community, as well as business. **Councilor McLain** explained that the language referenced was in addition to the standard public involvement process mandated by law.

**Presiding Officer Bragdon** closed the public hearing.

**Councilor Atherton** said it was very difficult to hear the testimony. He asked how Mr. Williams' concerns could be addressed. **Councilor Kvistad** responded that the business community was not at the table. There is broad citizen involvement, but the intent of the specific language Mr. Williams referred to does not preclude or exclude participation by any group, only that the business community needed to be involved. **Councilor McLain** said she interpreted Mr. Williams' remarks to mean that the businesses are not talking to the general public well enough. **Councilor Atherton** responded that the RTP is not done. There are funding and citizen impact issues that remain to be resolved. **Councilor Monroe** said he was proud of the Regional Transportation Plan, the staff and the citizen involvement. Good land use planning and good transportation planning were two sides of the same coin. The Regional Transportation Plan needs to be supported to make the 2040 Plan successful. **Presiding Officer Bragdon** supported the legislation. **Councilor Washington** spoke in support of passage of the Regional Transportation Plan. **Councilor Kvistad** thanked staff and urged passage of this ordinance.

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

## 8. RESOLUTIONS

8.1 **Resolution No. 00-2969B**, For the Purpose of Adopting the 2000 Regional Transportation Plan as the Federal Metropolitan Transportation Plan.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2969B.

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

**Councilor Kvistad** said the Federal Metropolitan Transportation Plan required Metro to move a resolution adopting the Regional Transportation Plan as Metro's Metropolitan Transportation Plan. It deals with policies, projects and system analyses, implementation and background. It accompanies Ordinance No. 00-869-A. He urged its passage. **Presiding Officer Bragdon** supported this legislation.

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

8.2 **Resolution No. 00-2929A**, For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council President Making Related Changes.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 00-2929A.

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

**Councilor Monroe** explained that this resolution was drafted by the Executive Officer. A process for citizen as well as stakeholder involvement was established. Former Governor Roberts greatly assisted in crafting this legislation. In November, the voters will be asked to streamline the structure of Metro by combining the offices of Executive Officer and Presiding Officer into a new office called the President of the Council, checking the balance by essentially making every major act subject to Council approval, eliminating duplication of services, and reducing salary expenses. By allowing the voters to select the chair of the Council, the process will be more democratic. There is a problem of „who speaks for Metro.“ The Executive Officer and the Council Presiding Officer both have the right to speak for Metro, however, sometimes, the messages are different. This legislation clarifies that issue. He urged support of this legislation.

**Mike Burton**, Executive Officer, said he appreciated the work of the Council on this legislation and said it would strengthen and unify Metro. A fiscal analysis has already begun, with estimates of savings around \$450,000 - \$500,000 annually. He asked for support of this legislation.

**Presiding Officer Bragdon** opened a public hearing on Resolution No. 00-2929A.

**Ted Kyle**, 2465 Randall, West Linn, OR, MCCI member. He wanted to first give the MCCI opinion of this legislation. In June, MCCI heard from Presiding Officer Bragdon about this resolution. This legislation has moved along very rapidly, making it difficult for citizens to become involved. The Roundtables were good, but MCCI members who participated, did not feel welcome. It lacked general citizen input. MCCI wanted to express a caution - that this change in structure could raise a controversy in the community about the existence of Metro. There is a current balance of power. The possibility of funding being the major issue rather than governance was raised. There was some support for an appointed administrative officer. Mr. Kyle's personal opinion was that the proposal would be good for citizen understanding overall. It would take time, but would be successful. He supported hiring good professional staff, and a person in charge to be held accountable. It would clean up the idea of who speaks for Metro. The proposals change so rapidly, they are difficult to keep up with. He supports Resolution No. 00-2929A, although MCCI did not. There are three proposals on the table. He offered a fourth. Do nothing. **Councilor Atherton** asked Mr. Kyle asked how this legislation solved the problem of who speaks for Metro. **Mr. Kyle** responded, soon or later everyone has to get together.

**Presiding Officer Bragdon** closed the public hearing.

**Councilor Kvistad** followed up on a comment Mr. Kyle made regarding the amount of time provided for review of this resolution. He does not support this legislation and does not understand why it has to be on the November ballot.

**Motion:** **Councilor Kvistad** moved to table Resolution No. 00-2929A.

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

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Bragdon, McLain, Monroe, Park and Washington voting nay.

**Councilor Kvistad** said this resolution did not fix the current situation, but enhanced the dysfunction that exists. Rather than eliminate the position and deal with the dysfunction of having a regionally elected person as well as people elected by district, the elimination of the regionally elected person in name only and changing some function, and eliminating a council district. The districts would number six instead of seven, increasing each district by 20,000 or 30,000. The savings of \$28,000 annually is substantial but not in comparison to money spent to purchase a piece of property. It does not streamline the structure. When CRAG was eliminated, Metro was formed. The 1992 Charter strengthened and enhanced Metro but made it unaccountable, larger, separate from the people served and more disconnected. This resolution empowers Metro's dysfunction.

**Motion:** **Councilor Kvistad** moved to substitute Resolution No. 00-2984, prepared by Councilor Atherton, calling for charter review, for the resolution currently under consideration.

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

**Councilor Kvistad** said the motion before the Council was to substitute a complete charter review with a charter review commission. The charter provides for a comprehensive review of the Charter. There was a small group who participated in the citizen portion of the review. A comprehensive charter review is an effective vehicle for a constructive, in depth evaluation. He submitted Resolution No. 00-2984 for the purpose of creating a charter review commission to the Operations Committee for preliminary review and review by the entire Council. The goal is to create a one-time Charter review commission enabling Metro to explore more than one issue within the defined structure and involving adequate representation of interests throughout the region. **Councilor Atherton** explained the concept since there is no written document to present. A nine-member Charter review commission could be immediately empowered. Each elected Metro official would appoint one member to the Commission. There would be no direction in terms of subjects they would be forced to look at. The entire Charter would be open for review, within a one year period of time. A better product will be produced for the voters. **Councilor Monroe** said he was not opposed to Charter review, and Resolution No. 00-2929A, changing Metro's structure, did not preclude the possibility of initiating a charter review process. **Councilor Park** disagreed that Resolution No. 2929A was fast-tracked. The Metro structure surfaced in his electoral race two years ago. The issue of Metro's voice would be resolved with Resolution No. 00-2929A. This is a long-standing issue needing resolution. **Presiding Officer Bragdon** was not going to support the substitution resolution and pointed out the irony of it's supporters saying not enough time was given for Resolution No. 2929A, but have substituted a

motion that isn't even written yet. The separation of powers was a common citizen subject of complaint. The timing of this issue is based on the term limits of Mr. Burton and the census redistricting. **Councilor Atherton** said almost every citizen before the Council has been opposed to Resolution No. 2929A. He said the citizens indicated it was a power grab. He urged a more modest step of empowering a charter review commission. **Councilor Kvistad** asked why this was so quickly going to public vote. He and Mr. Burton had discussed these issues for years. What had never been discussed was the elimination of a council district, which surfaced a few weeks ago, causing great disarray. A charter review commission would take the necessary time to craft something. He said the agency was at risk.

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion to substitute failed with Councilors Bragdon, McLain, Monroe, Park, and Washington voting nay.

**Presiding Officer Bragdon** reopened discussions on Resolution No. 00-2929A. **Councilor McLain** spoke regarding perception. There are various perceptions of how long this issue has been discussed. She said it was not rushed, but because of Mr. Burton's term limitation and the census, the timing was right. She said the voters have asked for an efficient and effective Metro, and found favor with a proposal submitted. She said she was uncertain how district size would affect council work since she has been on many different sized councils here at Metro. A voting regionally elected councilor and a regular district councilor would give a citizen an opportunity to gain two votes. With regard to a single-issue or a multi-issue to be submitted to the voters, the support to date is for the issue as discussed in the public forums, and that is a single-issue. She said a more democratic process would be for the voters to elect the Council President. It was a voter right and responsibility to elect the Council leader.

**Councilor McLain** said her involvement in this issue was based on doing a good job as a councilor. This decision was one that would take Metro to the next level of being an efficient and effective government which this region needs. She was supportive of this legislation. **Councilor Kvistad** repeated his point of eliminating a council district.

**Motion:** **Councilor Kvistad** moved to retain the seventh council district.

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

**Councilor Kvistad** said the elimination of a citizen representative and replacing it with a regional-wide representative may solve one problem, but creates a much larger one in terms of public accountability. There currently is a major problem, but the elimination of any council district at this time would be imprudent and detrimental to Metro's effectiveness. He urged retention of the current number of council districts. **Councilor Park** asked if one council district added was better, then why not add more councilors to create a lower citizen ratio to councilor ratio, given that interaction with the cities within the districts is with their elected officials. **Councilor Kvistad** responded that we are trying to structure ourselves not as a general purpose government but as a stand-alone government with a mayor and council, strengthening what it is we are suppose to be doing. We should be an weak council form of government that brings on a elected manager and where we deal directly with the citizens of the region through their other elected officials, and we act as a conduit for tempering as well as focusing issues and being a facilitator. He said that there is too much work for seven councilors working part-time, and either more staff was needed or more councilors. Thirteen districts was unmanageable under the old

system, but might work under this new structure. Seven districts was difficult, and less than seven would be very unhealthy. Nine would be better. At original Charter discussions, less than seven districts was never considered. **Councilor Park** asked for a distinction between a weak system and an ineffective system. **Councilor Kvistad** said what makes a better working group is a group of people that have to reach a consensus about their leadership - working together to decide their leadership. That leader then becomes more accountable to the body who elected him/her.

**Motion:** **Councilor McLain** called the question.

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

**Vote:** The vote was 5 aye/ 2 nay/ 0 abstain. Councilors Kvistad and Atherton voting in opposition. The motion passed.

The role was called on the motion to amend Resolution No. 2929A, as proposed by Councilor Kvistad.

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. Councilors Bragdon, McLain, Monroe, Park, and Washington voting nay. The motion failed.

**Councilor Kvistad** asked to put any further discussion of this issue to the end of the agenda. He said he had quite a bit more to discuss about the issue.

**Councilor Monroe** asked the Presiding Officer to call the question.

**Councilor Kvistad** reminded Councilor Monroe that his question to the Presiding Officer held the floor.

**Councilor McLain** said according to parliamentary procedure, they voted on it when she called the question. At that point it was a clean slate for whomever had been recognized and she did not believe Mr. Kvistad was recognized.

**Presiding Officer Bragdon** clarified that Councilor McLain had called the question on the amendment and Councilor Monroe called the question on Resolution No. 00-2929A.

**Motion:** **Councilor Monroe** called the question.

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

**Vote:** The vote was 5 aye/ 2 nay/ 0 abstain. Councilors Kvistad and Atherton voting in opposition. The motion passed.

**Vote**

**On Resolution**  
**No. 00-2929A :** The vote was 5 aye/ 2 nay/ 0 abstain. Councilors Kvistad and Atherton voting in opposition. The motion passed.



**Councilor Kvistad** felt it was incredibly inappropriate and thoughtless to not be able to have a discussion about a broad range of issues. He said he had a district to represent and a point of view to discuss. He said it was poor policy that they could not have discussion about this and ramming a charter amendment onto the ballot without having full discussion was wrong. He said he would work to defeat it in every way he could.

**Presiding Officer Bragdon** noted his point.

**Motion:** **Councilor Kvistad** moved to suspend the rules for consideration of Resolution No. 00-2975.

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

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

**Councilor Kvistad** read Resolution No. 00-2975, For the Purpose of Renaming the Smith & Bybee Lakes Interlakes Trail to the Jean Washington Interlakes Trail.

**Motion:** **Councilor Kvistad** moved Resolution No. 00-2975.

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

**Councilor Kvistad** felt this was a terrific tribute to two very outstanding people who meant a lot to him.

**Councilor Monroe** said he knew Jean Washington as a warm loving human being who touched every life she came in contact with. He said she was wife, mother, leader in her church, an accomplished musician. She is missed but remembered by all of them. He felt this was a much deserved honor in her memory.

**Councilor McLain** concurred. She added that Jean had a special quality of being a mentor to people. She was always working for others and respectful to everyone. She felt an open space where nature and humanity found a blend of opportunity was a fitting memorial. She felt Jean Washington was an example for living a good life.

**Councilor Park** commented that he had unfortunately not been acquainted with Ms. Washington, but could see the work she had done. He felt he had missed out on something special by not knowing her.

**Councilor Atherton** said he had not know Ms. Washington either, but had come to know Ed Washington. He was sure some of her goodness had rubbed off on him. He said this was a good and appropriate memorial to someone he wished he had known.

**Alexis Dow, Auditor,** said she had the opportunity to meet Jean Washington when she was a music teacher at Chapman School, several years before she met Councilor Washington or became involved with Metro. She said Ms. Washington was very creative with her music classes. She also felt this was a very appropriate honor to her memory.

**Charles Ciecko**, Director of Regional Parks and Greenspaces, conveyed Executive Officer Mike Burton's strong support of this resolution. He said this was a fitting and appropriate tribute to Jean Washington and his department was excited and proud to be part of the effort. He described Smith & Bybee Lakes as the largest freshwater wetland complex in the entire United States in an urban area, and home or wintering ground to hundreds of species of waterfowl, wading shorebirds and raptors such as bald eagles and peregrine falcons. He added his support and enthusiasm for this action of the Council.

**Councilor Kvistad** said they would be placing a plaque at the head of the trail: It says "Jean Washington Interlakes Trail. Take time to listen to the chorus of nature. It is the music of life itself."

**Presiding Officer Bragdon** opened a public hearing on the resolution.

**Keith Washington** thanked the Council for the recognition to his mother. He said she was a fantastic lady and he was touched that they all saw that in her. He thanked them for the recognition to his father. He said it never ceased to amaze him how often his mother seemed to touch people and how many directions it seemed to come from. He said he learned every day just how fortunate he was to have her for a mother.

**Kevin Washington** said she was a very special mom and this honor would immortalized her in the community. He was sure she was looking down and smiling on them all.

**Presiding Officer Bragdon** closed the public hearing.

**Councilor Washington** thanked the Council. He said Jean was always here and she would be very proud and touched by the honor. He thanked his sons for coming. He said when he left Metro in December he would miss the people he worked with.

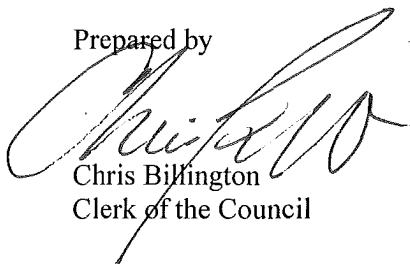
**Vote** : The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

**9. COUNCILOR COMMUNICATIONS.** None

**10. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:30pm.

Prepared by



Chris Billington  
Clerk of the Council