

MINUTES OF THE METRO COUNCIL MEETING

November 16, 2000

Metro Council Chamber

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

Councilors Absent: Susan McLain (excused)

Presiding Officer Bragdon convened the regular council meeting at 2:06 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, reported on the results of arbitration between Metro and a former elephant keeper who was suspended and fired for the alleged abuse of Rose-Tu, an elephant. He noted that on October 19, the United States Department of Agriculture (USDA) filed a complaint in Washington D.C. with the Oregon Zoo, complaining that the zoo's employee had abused the animal, and that the zoo's procedures were inadequate to address the animal's treatment once the incident occurred. On November 15, just before 5 p.m., Eastern Standard Time, a consent decree was signed in Washington D.C. by a federal judge on the USDA order, and Metro was able to end the arbitration with the former elephant keeper.

Executive Officer Burton said that as a result of the arbitration, the former keeper will not return to the zoo, and will receive a settlement of approximately five month's salary, which is the time between his suspension and the completion of the arbitration. The USDA fined the Oregon Zoo \$10,000, \$5,000 of which will be used to hire consultants to examine the zoo's procedures. He said he was in the process of appointing an independent panel to examine all procedures concerning injured animals at the zoo.

Executive Officer Burton also noted that he had forwarded to council an email from Wendie Kellington, attorney with Schwabe, Williamson and Wyatt, in defense of Measure 7. A copy of the email is included in the meeting record.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

There were none.

6. CONSENT AGENDA

6.1 Consideration of Minutes of the November 9, 2000, Regular Council Meeting

Motion: **Councilor Washington** moved to adopt the meeting minutes of November 9, 2000, regular council meeting.

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

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

7. ORDINANCES-FIRST READING

7.1 Ordinance No. 00-882, For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B Regarding Housing and Affordable Housing including Policy Section 1.3 and Amendments to the Urban Growth Management Functional Plan Titles 7 and 8, Ordinance No. 96-647C

Presiding Officer Bragdon referred Ordinance No. 00-882 to the Growth Management Committee. He asked staff to forward a copy of the ordinance to members of the Affordable Housing Technical Advisory Committee (HTAC), along with a schedule for its final consideration.

8. RESOLUTIONS

8.1 Resolution No. 00-2971A, For the Purpose of Granting a Time Extension to the City of Portland for Compliance with Title 3 of the Urban Growth Management Functional Plan

Motion: **Councilor Park** moved to adopt Resolution No. 00-2971A.

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

Councilor Park presented the resolution. A committee report to the resolution includes information presented by Councilor Park and is included in the meeting record, as is a copy of Resolution No. 00-2971A. He noted that Bob Clay, from the City of Portland Planning Bureau, was in attendance.

Councilor Atherton asked Councilor Park if the resolution mentioned Ross Island Sand and Gravel.

Councilor Park said it was not discussed at committee.

Andy Cotugno, Planning Director, said Ross Island Sand and Gravel was not specifically discussed at committee, but the issue did address application of Metro's Title 3 requirements to the Willamette Corridor, which included Ross Island Sand and Gravel. He noted that the City of Portland planned to protect all of Ross Island, not just the minimum 50 feet required by Metro.

Councilor Park said Portland has made a good faith effort to comply with Metro's Title 3 requirements.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

8.2 **Resolution No. 00-2999**, For the Purpose of Adopting the Portland Area Air Quality Conformity Determination for the 2000 Regional Transportation Plan

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2999.

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

Councilor Monroe presented the resolution. A committee report to the resolution includes information presented by Councilor Monroe and is included in the meeting record.

Presiding Officer Bragdon opened a public hearing. No one appeared to speak with regard to Resolution No. 00-2999. Presiding Officer Bragdon closed the public hearing.

Councilor Park asked Mr. Cotugno how the approval of Ballot Measure 7 may affect Metro's ability to meet federal air quality standards.

Mr. Cotugno said it was still unclear how Ballot Measure 7 would affect Metro's ability to implement the 2040 Growth Concept. If growth patterns in the region change due to Measure 7, and those changes result in Metro exceeding its air quality limits, new measures will have to be taken.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

8.3 **Resolution No. 00-3001**, For the Purpose of Amending the FY 2000-03 Metropolitan Transportation Improvement Program (MTIP) to include \$3,433,122 of CMAQ Funds for High-Speed Rail Track Improvements in the Portland Area

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-3001.

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

Motion to Amend Main Motion: **Councilor Monroe** moved to substitute Resolution No. 00-3001A for Resolution No. 00-3001.

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

Councilor Monroe presented Resolution No. 00-3001A, a copy of which is included in the meeting record. The revised resolution included new language on page two, which was recommended by the Oregon Department of Transportation for further clarity. According to the Office of Legal Counsel, the change was not substantive.

Vote on Motion to Amend Main Motion: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

Councilor Monroe reviewed the committee report to Resolution No. 00-3001, a copy of is included in the meeting record.

Vote on Main Motion as Amended: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

8.4 **Resolution No. 00-2995A**, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee (TPAC)

Motion: **Councilor Washington** moved to adopt Resolution No. 00-2995A.

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

Councilor Washington presented Resolution No. 00-2995A. A staff report to the resolution includes information presented by Councilor Washington and is included in the meeting record. He introduced Jon Putnam, one of the appointees to TPAC.

Councilor Monroe said he enjoyed serving on the selection committee with Councilor Washington. He was impressed by the number of high-quality applicants to TPAC.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

Presiding Officer Bragdon recessed the Metro Council and convened the Contract Review Board.

9. **CONTRACT REVIEW BOARD**

9.1 **Resolution No. 00-3002**, For the Purpose of Amending the Intergovernmental Agreement with Washington County for the Wilsonville/Beaverton Transit Corridor Study, Contract No. 921738

Motion: **Councilor Kvistad** moved to adopt Resolution No. 00-3002.

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

Councilor Kvistad presented Resolution No. 00-3002. A committee report to the resolution includes information presented by Councilor Kvistad and is included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

9.2 **Resolution No. 00-3004**, For the Purpose of Authorizing the Executive Officer to Execute a Natural Area Management Agreement with the Jackson Bottom Wetlands Preserve for the Management of Property in the Jackson Bottom-Dairy/McKay Creeks Target Area

Motion: **Councilor Washington** moved to adopt Resolution No. 00-3004.

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

Councilor Washington asked Charles Ciecko, Parks and Greenspaces Director, and Jim Desmond, Senior Manager, Open Spaces Acquisition, to present the resolution.

Mr. Desmond presented Resolution No. 00-3004. A committee report and staff report to the resolution include information presented by Mr. Desmond and are included in the meeting record.

Presiding Officer Bragdon opened a public hearing.

Patrick Willis, Jackson Bottom Wetlands Preserve, 123 West Main Street, Hillsboro, reviewed the characteristics of the property, and the advantages of adding it to the Jackson Bottom Wetlands Preserve.

Presiding Officer Bragdon closed the public hearing.

Councilor Washington thanked Mr. Desmond and Mr. Ciecko. He urged an aye vote.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor McLain was absent. The motion passed.

Councilor Kvistad thanked the family for participating in adding to the region's greenspace program.

Presiding Officer Bragdon adjourned the Contract Review Board and reconvened the Metro Council.

10. MEASURE 7 IMPACTS

Presiding Officer Bragdon asked Dan Cooper, General Counsel, to give a short briefing on the immediate, known impacts of Ballot Measure 7. He said council would arrange a more extensive briefing once an opinion has been published by the Attorney General.

Mr. Cooper said legal counsel is preparing two ordinances addressing Measure 7. He expected the ordinances to be ready by November 30, for council consideration on December 7. He said legal counsel would keep council apprised of any developments.

Councilor Park said the council needs to consider the policy question of how Measure 7 will affect the region's compliance with federal clean air regulations.

Mr. Cooper said Measure 7 states that regulations that were the minimum requirements under federal law were not subject to the pay-for compensation regulation. However, in many cases, the federal minimum was not clear, because the regulatory schemes were written to allow local flexibility.

Councilor Atherton asked if Measure 7 permits governments from collecting revenue when their actions result in an increase in property value.

Mr. Cooper said the measure was silent on that issue. He said Measure 7 did not create any additional methods of collecting revenue for improvements made to properties.

Councilor Kvistad noted that former Councilor Don Morissette had warned that something like Measure 7 would happen. He said people around the state, particularly farming families, were incredibly frustrated with government confiscation of their opportunity, and Measure 7 was just the tip of the iceberg. He urged the council to look for ways to minimize the frustration that created Measure 7.

11. COUNCILOR COMMUNICATIONS

Councilor Park said *Money Magazine* named the Portland metropolitan area as the best big city in the United States. He said it was ironic that the planning which made Portland the "best big city" was currently under attack.

Councilor Atherton noted that the value of urban land was created primarily by public investment. There was an ounce of truth in Measure 7, and it was important to stay calm and address that ounce of truth.

Presiding Officer Bragdon said Councilor McLain had hoped to call into the meeting, but had not. He said her absence was excused. He noted that Metro would be closed on Thursday, November 23, for Thanksgiving. The next council meeting was scheduled for Thursday, November 30, 2000.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:20 p.m.

Prepared by,

Chris Billington
Clerk of the Council

The following documents were submitted to the record at this meeting:

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
111600c-01	11/12/2000	Email RE: Oregon Measure 7 -- a good thing	TO LANDUSE@MAIL. ABANET.ORG/ FROM Wendie Kellington, Schwabe, Williamson & Wyatt; submitted by Mike Burton	Executive Officer Communications
	11/9/2000	Minutes of the Metro Council Meeting, November 9, 2000	TO Metro Council/ FROM Christina Billington	Consent Agenda
	11/15/2000	Growth Management Committee Report, Resolution No. 00-2971A	TO Metro Council/ FROM Susan McLain	Res. No. 00-2971A
	11/16/2000	Resolution No. 00-2971A		Res. No. 00-2971A
	11/13/2000	Transportation Planning Committee Report, Resolution No. 00-2999	TO Metro Council/ FROM Rod Monroe	Res. No. 00-2999
	11/16/2000	Resolution No. 00- 3001 3001A		Res. No. 00-3001
	11/13/2000	Transportation Planning Committee Report, Resolution No. 00-3001	TO Metro Council/ FROM Rod Monroe	Res. No. 00-3001
	11/8/2000	Operations Committee Report, Resolution No. 00-3004	TO Metro Council/ FROM Ed Washington	Res. No. 00-3004
	10/24/2000	Staff Report, Resolution No. 00-3004	TO Metro Council/ FROM Charles Ciecko, Jim Desmond	Res. No. 00-3004
	10/24/2000	Resolution No. 00-3004		Res. No. 00-3004.