

MINUTES OF THE METRO COUNCIL MEETING

February 22, 2001

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Rex Burkholder, Rod Park, Bill Atherton, Rod Monroe, Carl Hosticka

Councilors Absent: None

Presiding Officer Bragdon convened the regular council meeting at 2:02 p.m.

2. CITIZEN COMMUNICATIONS

Art Lewellan, 3205 Southeast 8th, Portland, said he supported Interstate Max and expressed concern about a recent lawsuit filed, objecting to the proposed ramp over the Tillamook intersection in Albina. He believed the ramp would greatly benefit the area. Second, he had measured the sidewalk on the Ross Island Bridge; it was five feet wide. Although it met code, he felt that it was dangerous to citizens. He noted that he spoke with Councilor Burkholder about his concern before construction began.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

Presiding Officer Bragdon announced that the next Metro Policy Advisory Committee (MPAC) meeting was on February 28, at the Bonneville Power Administration Building from 5 p.m. to 8 p.m. The meeting would focus on Metro's 2040 Growth Concept and growth management in the region.

6. LEGISLATIVE UPDATE

Marvin Fjordbeck, Senior Assistant Counsel, reviewed the court ruling on Measure 7, made earlier that morning by the Marion County Circuit Court. The court found that the measure violated two constitutional provisions: 1) the full-text provision, and 2) the separate votes requirement. The one-subject requirement was not violated, nor was the prohibition on revisions through the initiative process. All parties anticipated an appeal to the Court of Appeals. Legal counsel would review the decision and provide the council with more detailed information.

Jeff Stone, Chief of Staff, said he distributed copies of the circuit court decision to the council. He noted that both the self insurance bill and the tire recycling bill were receiving some support in the legislature. He added that Metro's lobbyist, Doug Riggs, was testifying on the animal abuse bill today.

Councilor Hosticka asked Mr. Stone for a copy of the Willamette River clean up suggestions from the Governor's Willamette River initiative.

7. CONSENT AGENDA

7.1 Consideration of Minutes of the February 15, 2001, Regular Council Meeting

Motion: **Councilor Burkholder** moved, seconded by **Councilor McLain**, to adopt the meeting minutes of the February 15, 2001, regular council meeting.

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

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 01-892**, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Employment and Industrial Areas Map – February 2001

Presiding Officer Bragdon assigned Ordinance No. 01-892 to the Community Planning Committee.

8.2 **Ordinance No. 01-893**, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Employment and Industrial Area Map in the City of Hillsboro – February 2001

Presiding Officer Bragdon referred Ordinance No. 01-893 to the Community Planning Committee.

8.3 **Ordinance No. 01-894**, For the Purpose of Amending the Metro Code Title X, Metro Regional Parks and Greenspaces, to Increase Park Fees

Presiding Officer Bragdon referred Ordinance No. 01-894 to council as a whole, for consideration next Thursday. He noted the ordinance was discussed informally at Natural Resources Committee yesterday.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 01-888**, For the Purpose of Amending Provisions of Metro Code Chapter 6.01 Relating to the Metropolitan Exposition-Recreation Commission Regarding Powers, Budgets and Terms of Members

Motion: **Councilor McLain** moved, seconded by **Councilor Burkholder**, to adopt Ordinance No. 01-888.

Councilor McLain presented the ordinance. The Budget and Finance Committee report on Ordinance No. 01-888 contains information presented by Councilor McLain and is included in the meeting record.

Presiding Officer Bragdon opened a public hearing. No one appeared to speak with regard to Ordinance No. 01-888. **Presiding Officer Bragdon** closed the public hearing.

Motion to Amend Main Motion: **Councilor Burkholder** moved, seconded by **Councilor Monroe**, Burkholder Amendment No. 1.

Councilor Burkholder presented Burkholder Amendment No. 1. A staff report to the amendment contains information presented by Councilor Burkholder and is included in the meeting record. He noted that this was a substantive amendment, and would require the council to delay final consideration until March 15.

Presiding Officer Bragdon said he supported the amendment. It standardized operating procedures and provided more time for consideration of the budget.

Councilor McLain asked why council would not vote at its next meeting on March 1.

Mr. Stone said notice would have to be resubmitted to *The Oregonian* newspaper. Staff felt the delay was acceptable because the ordinance was a budget matter and not immediately effective.

Councilor McLain said the Budget and Finance Committee's goal had been for council to adopt the ordinance prior to beginning budget discussions. If these amendments had been presented at committee, the council would not be in this situation. She asked the Presiding Officer to consider amending *The Oregonian* notice so that council could vote at its next meeting.

Presiding Officer Bragdon said the additional week delay was due to the cancellation of the March 8, council meeting. According to staff at Metro and the Metropolitan Exposition-Recreation Commission (MERC), the delay would not disrupt their work. He agreed that the amendments would have been better addressed in committee.

Councilor Burkholder said he understood that changing the notice would create an added cost. If the delay was critical, however, the notice could be changed. He said the amendments should have been included in the clean-up language, but were not noticed until after the committee's review.

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

Motion to Amend #2: **Councilor Burkholder** moved, seconded by **Councilor Monroe**, Burkholder Amendment No. 2.

Councilor Burkholder presented Burkholder Amendment No. 2. A staff report to the amendment contains information presented by Councilor Burkholder and is included in the meeting record.

Councilor McLain said the original language was added because MERC had a special advisory commission, which sometimes met via telephone. Legally, telephone meetings required only a twenty-four hour notice. As a result, on more than one occasion the council received notice of a commission meeting, in which major issues were discussed, only after the meeting occurred. She asked how the council would be notified of MERC agenda items in a timely way, if this amendment was adopted?

Mark Williams, General Manager, MERC, said the current language was added to the Metro Code in 1997 at the same time that Metro gave MERC the authority to do its own support services. The super-notice provision was added in response to concerns on the council that meetings could occur without adequate notice. The new language before the council removed MERC's authority to have separate support services, but left the super-notice requirement. No other government agency, including the council, complied with such extensive notice requirements, which he believed were onerous, time consuming and expensive.

Councilor McLain said the language was also related to general business, interaction, and notice to the council. The council was responsible for decisions made by the MERC Commission. She asked how, without the current language, she would be notified of MERC telephone meeting and agenda items that might affect Metro's budget.

Mr. Williams said the same rules that applied to the council would apply to MERC. As far as budget matters, MERC could not change its budget, it could only recommend changes to the council. The notice rules for telephone meetings were the same as regular meetings. In the case of telephone meetings, MERC was required to provide the public with a place to come and listen to the meeting.

Presiding Officer Bragdon asked if councilors would receive written notice in their mailboxes.

Mr. Williams said councilors should receive written notice of every MERC meeting.

Councilor McLain said there was a difference between the general public and the council, and council needed more notice because it was responsible for MERC's budget. The current language allowed financial staff five days to thoroughly review any budget items on a MERC agenda.

Mr. Williams said the concern was not about notifying Metro elected officials. The onerous portion of the language was the requirement to notify each city and county in the Metro region. He suggested changing the proposed amendment to maintain the requirement to notify Metro elected officials, but remove cities and counties.

Councilor Monroe asked Mr. Stone how difficult and expensive it would be to amend next week's notice to *The Oregonian*. He and Councilor Burkholder would be in Washington, D.C. on March 8, lobbying for federal transportation dollars, which was why the council meeting had been cancelled.

Mr. Stone said it would cost \$400 to amend the notice.

Councilor Monroe asked the Presiding Officer to review whether \$400 would be a wise expenditure, given that it would buy the council two more weeks to review Metro's multi-million dollar budget.

Motion to Amend Burkholder Amendment #2:	Councilor Burkholder moved, seconded by Councilor Monroe , to strike the language, "and to each city and county in the Metro region," leaving intact the language, "to all elected Metro officials."
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Councilor McLain said the proposed language was better. However, the original language was written for two reasons: 1) to inform cities in Multnomah County, which paid taxes to the Oregon Convention Center, about MERC's activities, and 2) to foster the interest and support of cities in Clackamas and Washington counties, which did not currently support the Convention Center at the same level as Multnomah County.

Presiding Officer Bragdon restated the motion to amend the amendment. It would reinstate the requirement to send MERC agendas to all elected Metro officials.

Vote on Motion to Amend Burkholder Amendment #2:	The vote was 6 aye/1 nay/0 abstain. Councilor McLain voted no. The amendment passed.
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Councilor Burkholder said he understood Councilor McLain's concerns. He hoped to address those concerns by talking to people in the community about the value of Metro's regional facilities. He encouraged an aye vote on Burkholder Amendment No. 2 as amended.

Vote on Burkholder Amendment #2 as Amended: The vote is 7 aye/0 nay/0 abstain. The motion passed unanimously.

Presiding Officer Bragdon said Ordinance No. 01-888A would be continued to March 15, 2001.

10. RESOLUTIONS

10.1 **Resolution 01-3031**, For the Purpose of Appointing Meyer Seigel, Helen Richardson, Joe Annett and Andrew Kelly to the Metro Committee for Citizen Involvement (MCCI)

Motion: **Councilor Burkholder** moved, seconded by **Councilor Atherton**, to adopt Resolution No. 01-3031.

Councilor Burkholder presented the resolution. A Regional Facilities and Operations Committee Report to Resolution No. 01-3031 contains information presented by Councilor Burkholder and is included in the meeting record. He asked Karen Withrow, Office of Citizen Involvement Staff, to discuss the current vacancies on MCCI.

Ms. Withrow said after adoption of Resolution No. 01-3031, there would be seven vacancies on MCCI. Four more applications were in process. If those four applications were successful, there would be two remaining vacancies in District 3 and one in District 6. However, Aleta Woodruff, Bob Pung, Bill Merchant, and Jerry Penk's terms expired in June, and they were unable to serve again due to term limits.

Aleta Woodruff, MCCI, said MCCI has always had vacancies during the six-and-a-half years she has been a member. She added that the members who could not serve another term were the backbone of MCCI, and she encouraged the councilors to find good people for MCCI.

Councilor Burkholder said he had attended two MCCI meetings. He was very impressed by the committee's commitment, and the ideas and questions generated at its meetings.

Vote: The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

10.2 **Resolution No. 01-3032**, For the Purpose of Confirming the Appointment of Gloria Candanoza to the Investment Advisory Board

Motion: **Councilor Park** moved, seconded by **Councilor Atherton**, to adopt Resolution No. 01-3032.

Councilor Park presented Resolution No. 01-3032. A Regional Facilities and Operations Committee report to the resolution contains information presented by Councilor Park and is included in the meeting record. He reviewed Ms. Candanoza's credentials and said she was well qualified to serve on the committee.

Vote: The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

10.3 **Resolution No. 01-3033**, For the Purpose of Authorizing the Execution and Delivery of a Lease Purchase Agreement, Declaring Intent to Reimburse Expenditures, and Related Matters

Motion: **Councilor Hosticka** moved, seconded by **Councilor McLain**, to adopt Resolution No. 01-3033.

Councilor Hosticka presented Resolution No. 01-3033. A Regional Facilities and Operations Committee report to the resolution contains information presented by Councilor Hosticka and is included in the meeting record.

Councilor Park added that staff said 533 megahertz was very fast for this type of processor, and would be a good purchase.

Councilor Hosticka said the committee reviewed the resolution thoroughly and supported it.

Vote: The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

11. PRESENTATION AND APPROVAL OF COMMITTEE WORK PLANS

Presiding Officer Bragdon asked committee chairs to brief the council on their committee work plans. He said after the reviews, he would entertain a motion to adopt all the committee work plans as a whole.

Councilor Park reviewed the Community Planning Committee work plan. He recognized Andy Cotugno, Planning Director, and his staff for developing the work plan. A copy of the work plan is included in the meeting record.

Councilor Monroe reviewed on the transportation component of the work plan and briefed the council on the activities of the Joint Policy Advisory Committee on Transportation (JPACT).

Councilor Burkholder reviewed the Regional Facilities and Metro Operations Committee work plan. A copy of the work plan is included in the meeting record.

Councilor McLain reviewed the Budget and Finance Committee work plan. A copy of the work plan is included in the meeting record.

Councilor Hosticka reviewed the Natural Resource Committee work plan. A copy of the work plan is included in the meeting record.

Councilor Atherton reviewed the Solid Waste and Recycling Committee work plan. A copy of the work plan is included in the meeting record.

Councilor McLain recommended adding Solid Waste Advisory Committee (SWAC) and Solid Waste Rate Review Committee issues to the work plan.

Councilor Atherton said he believed those issues would be addressed as part of the strategic plan.

Presiding Officer Bragdon suspended discussion of the work plans.

1. INTRODUCTIONS

Presiding Officer Bragdon introduced Judge Laura Pryor from Gilliam County. He noted the recent newspaper articles about the transportation uncertainty between Metro's facilities and Gilliam County. He said the council felt deeply about its partnership with Gilliam County, and its partnership with Judge Pryor and her fellow county commissioners.

Judge Pryor thanked Presiding Officer Bragdon, and said she had also been speaking with Greg Nokes of *The Oregonian*. She reiterated that she had always believed it was beneficial to have two government jurisdictions, one on either end of the process. She noted that Gilliam County had not yet approved the change of ownership by Churchill. Gilliam County would continue to work closely with Metro staff through this glitch.

Presiding Officer Bragdon said companies may come and go, but the governments and the citizens they served would remain.

Councilor Atherton welcomed Judge Pryor. He noted a previous discussion with Judge Pryor, and asked if there had been further talk of filling the empty trucks travelling from Gilliam County back to Portland with aggregate.

Judge Pryor said STS Trucking had gone through a number of transitions in the past few years, and the aggregate had been lost in all the turmoil. They had loaded a few trucks to estimate, based on 100 trucks a day, how much rock could be moved. She continued to believe the back haul had value to Metro and the metropolitan area. Once there was more stability, the idea could be explored further.

Councilor Atherton said the fractured basalt from Gilliam County was an excellent material in construction. Currently, aggregate in Clackamas County came from streams, impacting water quality.

Judge Pryor thanked Councilor Atherton for his continued interest and support.

11. PRESENTATION AND APPROVAL OF COMMITTEE WORK PLANS (Continued)

Presiding Officer Bragdon asked for a motion to approve the committee work plans as a whole.

Motion: **Councilor Atherton** moved, seconded by **Councilor Park**, to adopt the committee work plans.

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

Presiding Officer Bragdon said during the year, committee chairs would report to council once a month.

12. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS

Presiding Officer Bragdon opened an Executive Session pursuant to ORS 192.660(1)(e) at 3:22 p.m. to discuss future open spaces purchases in already identified target areas.

Present: Presiding Officer Bragdon, Councilor McLain, Councilor Park, Councilor Hosticka, Councilor Burkholder, Councilor Atherton, Councilor Monroe, Jim Desmond, Open Spaces Acquisition Senior Manager, Marvin Fjordbeck, Senior Assistant Counsel, Nancy Chase, Senior Real Estate Negotiator, Tony Vecchio, Oregon Zoo Director, Mr. Stone, Christina Billington, Clerk of the Council, members of the press and council staff.

Presiding Officer Bragdon closed the Executive Session at 3:52 p.m.

12.1 **Resolution No. 01-3035**, For the Purpose of Authorizing the Executive Officer to Purchase Property on Mt. Scott in the East Buttes/Boring Lava Domes Target Area and Enter into an Intergovernmental Agreement with the City of Portland for Conveyance of an Easement and Property Management

Motion: **Councilor Monroe** moved, seconded by **Councilor Hosticka**, to adopt Resolution No. 01-3035.

Councilor Monroe presented Resolution No. 01-3035. A staff report to the resolution contains information presented by Councilor Monroe and is included in the meeting record. He noted that Metro was asked to waive the customary 25 percent match in exchange for an easement on property adjacent to the zoo, and acceptance by Portland City Parks of management responsibilities.

Councilor Park said the council had only waived the 25 percent match once before, and had set the bar fairly high. He hoped the council would continue to adhere to its policies, and only the waive the requirement in limited situations.

Councilor Monroe thanked Ms. Chase for her efforts over the past six years to purchase this site.

Vote: The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

13. COUNCILOR COMMUNICATION

Councilor Monroe reported on his trip to Australia and the transportation and land use systems in Melbourne and Sydney. He noted for the record that the trip was a strictly a holiday, paid for with personal funds.

Councilor Park noted that the Yard, Garden and Patio Show would be held at the Oregon Convention Center that weekend.

ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 4:05 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Attachments to the Public Record for the Meeting of February 22, 2001

The following have been included as part of the official public record:

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
022201c-01	2/15/2001	Minutes of the Metro Council Meeting	TO Metro Council/ FROM Chris Billington	Consent Agenda
022201c-02	2/22/2001	Ordinance No. 01-893, replacement for pages 5 and 6 of the staff report		Ord. No. 01-893
022201c-03	2/22/2001	Budget and Finance Committee Report, Ordinance No. 01-888	TO Metro Council/ FROM Susan McLain	Ord. No. 01-888
022201c-04	2/22/2001	Staff Report, Burkholder Amendment No. 1 to Ordinance No. 01-888	TO Metro Council/ FROM Peggy Coats	Ord. No. 01-888
022201c-05	2/22/2001	Staff Report, Burkholder Amendment No. 2 to Ordinance No. 01-888	TO Metro Council/ FROM Peggy Coats	Ord. No. 01-888
022201c-06	2/22/2001	Regional Facilities and Operations Committee Report, Resolution No. 01-3031	TO Metro Council/ FROM Rex Burkholder	Res. No. 01-3031
022201c-07	2/22/2001	Regional Facilities and Operations Committee Report, Resolution No. 01-3032	TO Metro Council/ FROM Rod Park	Res. No. 01-3032
022201c-08	2/22/2001	Regional Facilities and Operations Committee Report, Resolution No. 01-3033	TO Metro Council/ FROM Carl Hosticka	Res. No. 01-3033
022201c-09	2/6/2001	Community Planning Committee Work Plan		Committee Work Plans
022201c-10	2/15/2001	Memo RE: Regional Facilities and Operations Committee Work Plan	TO: Metro Council/ FROM Rex Burkholder	Committee Work Plans
022201c-11	2/14/2001	Memo RE: Budget and Finance Committee Work Plan	TO: Metro Council/ FROM Susan McLain	Committee Work Plans
022201c-12	2/21/2001	Natural Resources Committee Work Plan		Committee Work Plans
022201c-13	2/7/2001	2001 Solid Waste and Recycling Committee Work Plan		Committee Work Plans
022201c-14	2/22/2001	Resolution No. 01-3035		Res. No. 01-3035