

## MINUTES OF THE METRO COUNCIL MEETING

March 1, 2001

Metro Council Chamber

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

Councilors Absent: None

At Presiding Officer Bragdon's request, Deputy Presiding Officer McLain chaired the meeting. Deputy Presiding Officer McLain convened the regular council meeting at 2:06 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. ANNUAL VOLUNTEER PROGRAM REPORT

**Charles Ciecko, Parks and Greenspaces Director**, introduced the annual volunteer program report and said the volunteer program had been far more successful than anticipated. He introduced Lupine Hudson and Mary West, who job-share as Manager of Volunteer Services.

**Ms. Hudson** reviewed the report. A copy of Metro's Regional Parks and Greenspaces Department Volunteer Program Year-end Report 2000 contains information presented by Ms. Hudson and is included in the meeting record.

**Presiding Officer Bragdon** asked about corporate contacts.

**Ms. Hudson** said they had some, such as Nike and Intel. She often relied on agencies such as SOLV and Hands On Portland, which already had corporate connections.

**Deputy Presiding Officer McLain** thanked Ms. Hudson and Ms. West for their energy and organization. She acknowledged that parks lack adequate financing backing, and that without volunteers it would be impossible to maintain them.

### 4. NATURAL RESOURCES REPORT AND NMFS UPDATE

**Ken Helm, Assistant Counsel**, reviewed the annual natural resource report. He acknowledged the contributions of David Moskowitz, former Salmon Recovery Coordinator, and the Endangered Species Act (ESA) Steering Committee.

**Councilor Atherton** expressed concern that development was allowed, or even encouraged, in watersheds already limited by the Clean Water Act.

**Mr. Helm** said allowing development in watershed areas was a major policy question for the council to answer. As a land use agency, Metro had some authority to affect land use in and around streams, but not to set clean water standards.

**Councilors Hosticka, Park and Burkholder** said they found the report useful. They expressed concern about the report's statement, "Metro will advocate for native fish and rivers . . ." They agreed that "advocate" was not the right word. Councilor Burkholder suggested sending the report to the Natural Resources Committee for further work.

**Presiding Officer Bragdon** encouraged the council to attend the Green Streets Summit on May 1, which would focus on designing streets to handle stormwater.

**Deputy Presiding Officer McLain** thanked Mr. Helm for his willingness to take on extra work.

## 5. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

## 6. AUDITOR COMMUNICATIONS

There were none.

## 7. MPAC COMMUNICATIONS

**Presiding Officer Bragdon** reviewed the Metro Policy Advisory Committee (MPAC) meeting from the previous evening, which most of the Councilors attended. The next meeting would be on March 14, at Metro and would focus on the region's parks needs.

**Councilor Park** said the panelists from last night's meeting did an excellent job representing their points of view. The panelists included former Mayor Walt Hitchcock, former Mayor Gussie McRobert, Jon Chandler, Mary Kyle McCurdy, Judson Randall, and Steve Abel.

## 8. LEGISLATIVE UPDATE

**Dan Cooper, General Counsel**, reviewed a number of newly introduced bills. The House had appointed a committee to examine land use and fairness, in response to Measure 7. House Bill (HB) 2733, introduced at the request of Oregonians in Action and the Realtors Association, would amend the Measure 56 public notice requirements for Metro and the Land Conservation and Development Commission (LCDC), with regard to amending cities' functional plan requirements. Senate Bill (SB) 929, introduced by Senator Ferrioli at the request of Oregonians in Action, would require cities and Metro to expand their urban growth boundaries (UGBs) to their jurisdictional limits. This bill was contrary to another bill introduced by Senator Ferrioli, which would prevent adding Class 1, 2, 3 or 4 soils to a UGB, except on the western side of the state. Senator George had introduced a bill to abolish the Land Use Board of Appeals (LUBA).

**Mr. Cooper** said the Home Builders Association had proposed a series of six bills: HB 2976 would revise the standards for determining the 20-year land supply issue, HB 2979 would severely limit Metro's authority over matters of metropolitan concern, and HB 2981 would eliminate minimum lot size requirements in urban reserve areas if there were no plans to add the area to a UGB within 5 years. HB 2978, 2980, and 2977 dealt with public facilities, system development charges, and how to prioritize land

for inclusion into the UGB. He noted that the tire recycling bill and self-insurance bill were likely to get hearings. HB 2923, a cultural trust bill, would provide income tax benefits for donations to cultural matters and create a specialty license plate program for the arts.

**Councilor Hosticka** asked about HB 2979, which would define as regionally significant anything involving two or more jurisdictions.

**Mr. Cooper** said HB 2979 would do two bad things: 1) it would affect the council's ability to declare something a matter of metropolitan concern, and 2) it would affect the definition of natural resources.

**Presiding Officer Bragdon** asked about the timing for council to express its opinion.

**Mr. Cooper** said that if such a bill showed up on a committee hearing list, the Metro staff team would meet with the Presiding Officer and the Executive Officer to gain authority to oppose it immediately. He said there were a number of bills which they should monitor and take steps to oppose.

**Councilor Burkholder** asked if there were any bills to eliminate funding for bicycle and pedestrian projects. Mr. Cooper said no.

## 9. COMMITTEE CHAIR REPORTS

**Councilor Park** said the Community Planning Committee would be looking at map amendments and hold an in-depth discussion about the recent MPAC meeting.

**Councilor Burkholder** said the Regional Facilities and Operations Committee had approved its work plan, and he had shared some of the committee's ideas with the department heads of Regional Environmental Management, Regional Parks, and Planning.

**Councilor Hosticka** said the Natural Resources Committee would focus on performance measures, which reflected the council's perception of Metro's identity and the state of the region.

**Councilor Atherton** said the Solid Waste and Recycling Committee would look at the twelve year report and the solid waste rate scheme. The rate scheme affected the budget, and he invited councilors to attend.

**Councilor Monroe** said he and Councilor Burkholder would represent Metro in Washington D.C. next week to address transportation funding.

**Deputy Presiding Officer McLain** said the Budget and Finance Committee would review the enterprise fund. The second round of budget meetings would address amendments and corrections to specific items within the budget.

## 10. CONSENT AGENDA

### 10.1 Consideration of the Minutes of the February 22, 2001, Regular Council Meeting

**Motion:** **Councilor Atherton** moved, seconded by **Presiding Officer Bragdon**, to adopt the minutes of the February 22, 2001, regular council meeting.

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

## 11. ORDINANCES - FIRST READING

- 11.1 **Ordinance No. 01-895**, For the Purpose of Establishing Criteria for Metro Council District Reapportionment and Declaring an Emergency

**Deputy Presiding Officer McLain** referred Ordinance No. 01-895 to full council.

## 12. ORDINANCES - SECOND READING

- 12.1 **Ordinance No. 01-889**, For the Purpose of Amending the FY 2000-01 Budget and Appropriations Schedule and Transferring \$2,500 from the Council Office to the Office of the Auditor

**Motion:** **Councilor Atherton** moved, seconded by **Councilor Hosticka**, to adopt Ordinance No. 01-889.

**Councilor Atherton** introduced Ordinance No. 01-889. A Budget and Finance Committee report to the ordinance contains information presented by Councilor Atherton and is included in the meeting record.

**Deputy Presiding Officer McLain** opened a public hearing.

**Alexis Dow, Metro Auditor**, submitted a memo regarding Ordinance No. 01-889, a copy of which is included in the meeting record.

**Deputy Presiding Officer McLain** closed the public hearing.

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

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

**Motion:** **Councilor Hosticka** moved, seconded by **Presiding Officer Bragdon**, to adopt Ordinance No. 01-894.

**Councilor Hosticka** introduced Ordinance No. 01-894. A staff report to the ordinance contains information presented by Councilor Hosticka and is included in the meeting record.

**Deputy Presiding Officer McLain** opened a public hearing. No one appeared to speak with regard to Ordinance No. 01-894. Deputy Presiding Officer McLain closed the public hearing.

**Councilor Atherton** noted that the increase in fees did not cover the total costs.

**Presiding Officer Bragdon** said staff gave a thorough presentation at the Natural Resources Committee, justifying the increases as reasonable. He would support the ordinance.

**Councilor Burkholder** noted that park fees had not increased in four years. He asked if there was a timeline for considering increases.

**Mr. Ciecko** said there was no policy in place to guide increases in park fees. There was talk of upcoming state park increases which could affect the regional park rate, and there was discussion of increasing the

fees at Blue Lake Regional Park or Chinook Landing, or both, to offset the City of Fairview's law enforcement activities at Metro's parks.

**Councilor Burkholder** commented that the current cost per car at Metro's parks was less than the cost of a movie, and an excellent value.

**Councilor Park** said it was important to emphasize that even with the fee increases, Metro was providing a service at Blue Lake Park, and was operating at a \$300,000 deficit. He listed four discussion areas for the council to address at a later date. First, subsidizing the parks meant that the shortfall had to be made up in other areas. Second, fee increases needed to stay current with inflation. Third, he asked staff to research a graduated fee for alcohol consumption based on group size. Finally, Metro needed to consider the impact of Blue Lake Regional Park on the City of Fairview.

**Deputy Presiding Officer McLain** suggested discussing Councilor Park's concerns at committee.

**Presiding Officer Bragdon** agreed that it should be discussed at Natural Resources Committee. He noted that Blue Lake Regional Park was a public service because it did lose money. Parks were provided by government precisely because they were not profitable enterprises.

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

### 13. RESOLUTIONS

#### 13.1 **Resolution No. 01-3034A**, For the Purpose of Approving Portland Regional Federal Transportation Priorities for FFY 2002 Appropriations

**Motion:** **Councilor Monroe** moved, seconded by **Councilor Burkholder**, to adopt Resolution No. 01-3034A.

**Councilor Monroe** presented Resolution No. 01-3034A. A copy of Resolution No. 01-3034A and staff report contain information presented by Councilor Monroe and are included in the meeting record.

**Councilor Atherton** said it was important to make clear to the public that federal funds involved a lot of mutual back scratching. If public knows this, it can judge whether it wants to rely on federal dollars for local needs. In general he supported the priorities in the resolution.

**Councilor Burkholder** thanked the council for its clear direction. He felt comfortable that when he traveled to Washington D.C. next week, he would be speaking for the Metro Council and the region.

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

**Deputy Presiding Officer McLain** wished Councilor Monroe and Councilor Burkholder success in Washington D.C.

#### 14.1 **Resolution No. 01-3036**, For the Purpose of Authorizing the Executive Officer to Purchase the Wilsonville Tract in the Tonquin Geologic Target Area

**Deputy Presiding Officer McLain** said the council would go into executive session after holding a public hearing, in consideration of the people waiting to testify. The council would vote after executive session.

**Mike Burton, Executive Officer**, reviewed the resolution. A staff report contains information presented by Executive Officer Burton and is included in the meeting record. He recognized the excellent work of staff, particularly Alison Kean Campbell, Senior Assistant Counsel, Jim Desmond, Open Spaces Acquisition Senior Manager, and Mr. Ciecko.

**Deputy Presiding Officer McLain** opened a public hearing.

**Charlotte Lehan, Mayor, City of Wilsonville**, 29786 Southwest Lehan Court, Wilsonville, spoke in support of Resolution No. 01-3036. She thanked the current and past councils and Metro staff for their patience and forbearance in proceeding with negotiations to purchase the site for open space.

**Thomas J. Sullivan**, 10280 SW Bryton Court, Wilsonville, urged the council to purchase the Wilsonville Tract. He noted that he and his wife testified before the Governor and the Land Board last week in support of the sale.

**Debra Iguchi**, Post Office Box 532, Wilsonville, Friends of Goal Five, thanked the council and staff for their help. She noted that Measure 26/26 was overwhelming passed in the Wilsonville area, due to the inclusion of the Wilsonville Tract. The site was very valuable to the school district, and accessible to citizens of the entire region.

**Tim Woodley**, Post Office Box 35, West Linn, represented the West Linn-Wilsonville School District. He read a letter of support from Roger L. Woehl, Superintendent, into the record. A copy of the letter is included in the meeting record.

**Councilor Atherton** asked Ms. Iguchi if the site included bicycle and pedestrian trails, or if there were plans for them.

**Ms. Iguchi** said there were many trails through the Wilsonville Tract, and they looked forward to continuing the trail development.

**Councilor Burkholder** said one of the major issues facing Metro's greenspace program was having the funds to make open spaces accessible to the public. He asked Mayor Lehan what kind of financial support Metro could expect from the City of Wilsonville to open up and manage the site.

**Mayor Lehan** said the Wilsonville City Council had not yet set a specific amount. However, one of the council's goals was to develop a management plan with Metro.

**Councilor Monroe** said he was thrilled by the involvement of the West Linn-Wilsonville School District. He was impressed with the school district and the kinds of programs they provided, and glad that Metro could make an investment in learning.

**Deputy Presiding Officer McLain** closed the public hearing. She thanked everyone who testified.

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

**Deputy Presiding Officer McLain** opened an Executive Session pursuant to ORS 192.660(1)(e) at 4:22 p.m. to discuss Resolution No. 01-3036.

**Present:** Deputy Presiding Officer McLain, Presiding Officer Bragdon, Councilor Atherton, Councilor Burkholder, Councilor Hosticka, Councilor Monroe, Councilor Park, Executive Officer Burton, Mr. Desmond, Ms. Kean Campbell, Mr. Ciecko, Barbara Edwardson, Real Estate Negotiator, April Olbrich, Legal Assistant, Greg Wolley, Associate Regional Planner, and members of council staff

**Deputy Presiding Officer McLain** closed the Executive Session at 4:47 p.m.

**14.1 Resolution No. 01-3036**, For the Purpose of Authorizing the Executive Officer to Purchase the Wilsonville Tract in the Tonquin Geologic Target Area (Continued)

**Motion:** **Councilor Hosticka** moved, seconded by **Presiding Officer Bragdon**, to adopt Resolution No. 01-3036.

**Councilor Hosticka** urged the council to adopt the resolution and end a long struggle to acquire the Wilsonville Tract. He thanked the individual members of the State Land Board for their interest and support. He said the purchase agreement was a team effort by the entire council, Metro staff, the City of Wilsonville and the school district. He noted the deed requirement that the land remain accessible to Oregon students grades K-12 for environmental education. He commented on the price of the land, and noted that due to a lack of water rights, unusual deed restrictions and access requirements, the price of \$1,833,300 did not establish a precedent, nor was it comparable for other transactions. He said it was a fair price and a good agreement.

**Councilor Park** thanked staff, the City of Wilsonville, the school district, and Wilsonville citizens for their diligence and persistence over the past five years. He believed Wilsonville deserved to have the open space, and he would support the resolution. However, it was a very difficult decision, because he felt the price of the farmland should not be an indication of future land prices for the area.

**Presiding Officer Bragdon** said it was an exciting prospect to add the Wilsonville Tract to Metro's portfolio of regional parks and greenspaces. He thanked Mayor Lehan and citizens of Wilsonville for their vision during the 1995 campaign, and their perseverance over the past five years. He thanked Metro staff for their work. He thanked Councilor Park for his expertise in the area, which ensured that the region's taxpayers and the agricultural industry were protected in the transaction. He thanked Councilor Hosticka for his work and his repeated trips to Salem to make Metro's case. He also thanked the members of the State Land Board, Governor John Kitzhaber, Secretary of State Bill Bradbury, and State Treasurer Randall Edwards, who finally saw the wisdom of concluding negotiations. He urged the council to vote yes.

**Executive Officer Burton** noted that the deed restriction allowing access to students was for environmental education, not soccer fields. He thanked Councilor Park and State Treasurer Edwards in particular.

**Councilor Hosticka** said this was a moment for celebration, and an example of what could be achieved when policy makers worked together in good faith toward a common goal. He urged an aye vote.

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

## 15. COUNCILOR COMMUNICATION

**Presiding Officer Bragdon** reminded the council of its retreat from 2 p.m. to 5 p.m. on Sunday, March 4, and 8 a.m. to 5 p.m. on Monday, March 5, at the Tualatin Hills Parks and Recreation District Nature Center. He distributed the retreat agenda, a copy of which is included in the meeting record. He noted that the March 8, council meeting had been canceled, as Councilors Burkholder and Monroe would be in Washington D.C. He said council would consider the ordinance to create the redistricting task force at its next meeting. The ordinance would create a citizen review panel, and he asked councilors to submit their nominees.

**Councilor Park** urged the Land Board to review its staff's work and procedures. He thought the transaction was more difficult than necessary, and he was concerned about the public perception that the two governments could not work out a solution. Metro had acted in good faith, but he was not positive the good faith was reciprocal.

## 16. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer McLain adjourned the meeting at 5:05 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

**Attachments to the Public Record for the Meeting of March 1, 2001**

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

<b>Document Number</b>	<b>Document Date</b>	<b>Document Title</b>	<b>TO/FROM</b>	<b>RES/ORD</b>
030101c-01	3/1/01	Metro's Regional Parks and Greenspaces Department Volunteer Program Year-end Report 2000	TO Metro Council/ FROM Lupine Hudson	Annual Volunteer Program Report
030101c-02	3/1/01	Watershed and Fish Conservation, Protection and Restoration Activities: Annual Report to the Metro Council 2000	TO Metro Council/ FROM Ken Helm	Natural Resources Report and NMFS Update
030101c-03	2/22/01	Minutes of the Metro Council Meeting	TO Metro Council/ FROM Chris Billington	Consent Agenda
030101c-04	2/13/01	Memo RE: Ordinance No. 01-889 Transferring \$2,500 to Office of the Auditor	TO: Metro Council/ FROM Alexis Dow	Ord. No. 01-889
030101c-05	2/8/01	Resolution No. 01-3035A		Res. No. 01-3035A
030101c-06	3/1/01	Resolution No. 01-3036		Res. No. 01-3036
030101c-07	3/1/01	Letter supporting sale of the Wilsonville Tract to Metro	TO Metro Council/ FROM Roger L. Woehl, West Linn-Wilsonville School District 3JT	Res. No. 01-3036
030101c-08	3/4/01 and 3/5/01	Metro 2001 Policy Retreat Agenda		Councilor Communications