

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, May 15, 2007
Metro Council Chamber

Councilors Present: Rod Park (Deputy Council President), Kathryn Harrington, Carl Hosticka, Robert Liberty, Rex Burkholder, Brian Newman

Councilors Absent: David Bragdon (excused)

Deputy Council President Park convened the Metro Council Work Session Meeting at 2:01 p.m.

1. ADMINISTRATIVE/CHIEF OPERATING OFFICER COMMUNICATIONS

Councilor Hosticka and Dick Benner, Senior Attorney, discussed the proposed legislation on urban growth boundary (UGB) amendments. The first part would remove the prohibition on applications for UGB amendments related to residential purposes. The second would describe conditions required from applicants. The third stated that an applicant would need a written statement from their local jurisdiction that the jurisdiction was willing to provide planning and services. The first and last were not considered likely to generate controversy. Mr. Benner commented that the need demonstration was already included in other Metro ordinances. He reviewed the changes to the language and answered questions from Councilor Harrington about the timeline for applications.

Councilor Burkholder wanted to know why it was being introduced. Councilor Hosticka said he had not been personally supportive of the prohibition in the first place, because he believed we needed to be able to respond to circumstances as they arose. He wanted to accommodate potential future UGB expansions in the context of things people asked us to do. Mr. Benner referred to language about the 2001 major amendment process change; we had said we would allow major amendments to address needs that were not anticipated in the previous capacity analysis. Councilor Hosticka added that we needed to show who bore the burden of demonstrating the need. He didn't want to see a flood of applications that staff couldn't handle and that didn't demonstrate need or meet the criteria.

Councilor Liberty did not support the project but suggested some changes to the language. Councilor Harrington wondered if it placed a higher requirement on the applicant as compared to Metro. Councilor Liberty thought Councilor Hosticka wanted to use this as a standard. He thought we should use it to show what we expected to do. Councilor Hosticka pointed out some other areas where language could be shored up, with Mr. Benner providing his own interpretation.

Councilor Burkholder wondered about the phrase "cannot wait until the next analysis." Who made the decision about whether it could wait? Mr. Benner said that was intended to accommodate situations such as a company that was interested in locating in the area and might be lost to another region if they couldn't find a site. Such instances would be less likely in the case of housing. Councilor Newman asked about the process. Councilor Hosticka explained it would be introduced as an ordinance and then go to the Metro Policy Advisory Committee (MPAC). A public hearing would be required, no sooner than July.

Councilor Liberty had questions about showing the burden of proof. Councilor Hosticka said the applicant was responsible for the costs. Mr. Benner said it was considered a quasi-judicial process, with a hearings officer rather than a judge. Councilor Harrington asked if we had been through a major amendment application process before. Dan Cooper, Metro Attorney, talked about an example from 2001.

Deputy Council President Park commented that the difficulty would be partly legal. When were we talking about a particular piece of property, and when were we addressing changes to legislation? It had been very difficult before. He was skeptical. He also wanted to know about the impact on our partners. Michael Jordan, Chief Operating Officer, said the analysis would require two parts—one legal, the other involving policy groups. Deputy Council President Park asked, if an individual councilor pushed legislation, was that ignoring MPAC? Councilor Harrington thought the Council acknowledged, through the MPAC worksheet process, that it should be simple for Councilors to bring topics to MPAC. We wanted to make sure Council seemed of “like mind.” Councilor Hosticka said, because this one adjusted the framework plan, it was already required to go to MPAC. He then gave a quick update on Metro’s legislative agenda.

2. LAKE OSWEGO TO PORTLAND TRANSIT AND TRAIL ALTERNATIVES ANALYSIS UPDATE

Richard Brandman, Transit Program Director, remarked that it was a busy time in the corridor implementation section. The Lake Oswego project was concluding its analysis. He sought Council opinion on next steps. He emphasized that the findings did not tell the entire story. They were not going to talk about land use implications or finance at this time; work on those issues was ongoing. He distributed a handout on the analysis (a copy is included in the meeting record).

Councilor Newman asked if he and Councilor Burkholder needed to present anything at the upcoming steering committee meeting. Mr. Brandman didn’t think so, but they would ask for input before the July steering committee meeting. Councilor Liberty wondered if today’s presentation was when options were narrowed. Mr. Brandman replied that that process had taken place a year ago; today they wanted to give information on the narrowed options.

Ross Roberts, Transportation Planning, thanked the planning department staff and the consultant working on the project. He provided an overview of the corridor and alternatives, pointing out existing transit infrastructure and rights of way. He reviewed the preliminary screening matrix showing the alternatives elimination process.

Councilor Newman asked about the railroad bridge. Mr. Roberts said more information would be coming in a few weeks. The travel demand forecast for the connection between Milwaukie and Lake Oswego over the Portland and westward railroad bridge would be discussed. Councilor Hosticka asked if the forecast was stopping in Lake Oswego or going on to McMinnville. Mr. Brandman said they had stopped in Lake Oswego, because the capital project stopped there.

Councilor Liberty said, if we wanted regional center to regional center connections, how would that influence the thinking about that option for the way this was designed? Mr. Brandman thought that conversation could be held when the data were available. There would be tradeoffs. Councilor Newman recalled that Council discussion said it should be a serious alternative, later agreed that it wouldn’t be official but that some analysis would be done; he didn’t want it to be

forgotten. Mr. Brandman's recollection was that Council had asked for information on whether it was a good or bad idea to serve the travel options with a connection across the river. The decision was, we didn't want to make the Lake Oswego to Milwaukie connection a full-scale process, because it would have required starting the Milwaukie light rail process. The Milwaukie process was now in place and could be discussed. It could be handled by amendment. Mr. Roberts addressed the further west connection. Once Lake Oswego was done, the regional high capacity plan would ramp up, and a more systemwide look would be done at that time. It was on the radar but not part of this process.

Mr. Roberts reviewed the no-build alternative. Regarding Bus Rapid Transit (BRT), the idea was to operate similar to streetcar or lightrail—a higher capacity transit service with better peak headways and direct connections to a transit mall. It would involve a higher level of amenity. The local community appreciated its existing bus service and did not want that disrupted. They were trying to be mindful of needs further south and how many transfers were required.

Councilor Newman was confused—were they comparing a streetcar with a bus connection to Oregon City? Or comparing to a BRT to Oregon City? Mr. Roberts said they were trying to compare apples to apples. The service levels in the BRT and streetcar were identical; they both included improved service between Oregon City, West Linn, and Lake Oswego. The idea was to improve the entire corridor. Councilor Hosticka asked if BRT included new roadways for the buses, or was it just adding more buses? Mr. Roberts said there was room for improvements at the BRT intersections. We did not have a lot of right of way to work with; we were trying to get the buses through the choke points. He reviewed an illustration showing some of the improvement ideas, then talked about the streetcar. One challenge was where the streetcar would operate, along Macadam or along the river? He pointed out potential crossover locations. We might have to acquire some minimal additional right of way. In the community, streetcar on Macadam was seen as a positive for business. There were issues of right of way with the Oregon Department of Transportation (ODOT). They didn't want a streetcar riding on "their" highway.

Mr. Roberts reviewed four potential Macadam operations. The exclusive streetcar operations option would require acquiring a lot of new right of way. He showed the Trolley terminus, which included a 400-space park and ride. They were looking at demand for park and ride spaces. There would be impacts on the surrounding area. The City of Lake Oswego thought that would be about the right size and was in line with a local advisory committee's views. The Albertson terminus would extend the line from the shoreline right of way through the Albertson's grocery store. The park and ride could include a redevelopment of the site. He looked then at the Safeway terminus option. They were reviewing development that would be expected with or without streetcar.

The Metropolitan Transportation Improvement Program (MTIP) grant required that a trail option be examined. There were areas along the routes where the streetcar and the trail literally would not fit together. The crux of the project was the Elk Rock Tunnel. A single track alignment would work with the existing streetcar. Councilor Burkholder asked if there were any earthquake faults. Staff thought there might be. Mr. Roberts said the train trestles would be a big challenge for trails. He reviewed some estimates on capital costs. There were legal issues with using the shoreline right of way for a trail. It was not clear if it could be used for a trail alone. He reviewed information on travel times. Exclusive right of way resulted in travel time savings. He talked about ridership projections, operations and maintenance costs, and next steps, including the

public involvement opportunities and schedule. Councilor Harrington asked that the public hearings not conflict with the councilors' natural areas open houses.

Councilor Liberty had questions about the BRT alternative. Had a pre-paying option been considered? That would get people on board quicker. If this was our first BRT experiment, every effort should be made to help it run as smoothly as possible. Was there sensitivity to ridership studies? He'd like to see a link between cost, time savings, and ridership.

Councilor Harrington's question was why the BRT bus stops were considered so special. Mr. Roberts said it was primarily to include the larger numbers of riders. Mr. Brandman added that off-bus fare collection could be incorporated into a BRT project. Also, if they proceeded through a federal process, the feds had their own definition of BRT and wanted to see branding that required special shelters, stations, and vehicles, to qualify for federal funds.

Councilor Liberty said we might be able to get ridership closer. Did we have a comparison on automobile time? It was assumed the same, even with no-build, but wouldn't there be some time savings if we built a successful high capacity transit? Councilor Harrington asked to see information on travel distances between locations. Councilor Newman wanted to make sure we weren't accused of inflating construction costs. Mr. Roberts said that was part of the finance plan.

Councilor Liberty was concerned that the priority of connecting regional centers was not being emphasized enough, though we had said it was our priority, instead we were connecting to town centers. Mr. Brandman said the land use assumptions were the ones in place today, not assuming changes, but we did pay attention to the locations along the corridor where development was happening very rapidly, those areas got special attention. Councilor Liberty wanted to see other projects, information on cost per ride, issues of performance, the investment and the relationship of development in the centers. What were we getting for our investments?

Councilor Harrington asked about the Trolley and Albertson terminus and parking lots. She was less concerned with the size of the parking structure than with seeing some data to support whatever was proposed. She heard frequently from people who thought that the Sunset MAX parking garage was too small. Mr. Brandman acknowledged the issues with park and ride; he looked forward to a conversation on it.

Councilor Park wanted to make sure the assumption wasn't that we were just serving Lake Oswego northward. Councilor Burkholder's issue was, with a park and ride, we were using prime real estate for people to park and commute to get downtown. We weren't investing in the urban form, unless we were explicitly saying we were saving that land for investment.

Councilor Newman said that he was frequently asked for information on travel times. He was interested in the difference between Small Starts and New Starts. This had first been envisioned as a Small Start, to keep separated from other projects. What if it was a New Start? Mr. Brandman said, if we had enough local match, it was easier to move forward. The feds no longer put any restriction on the number of projects. The issue was how much funding we could come up with. New Starts didn't directly compete with each other, but it was a lot of heavy lifting from our congressional delegates. Councilor Newman asked about the minimally operable segment (MOS) that had been discussed before. Mr. Roberts said they were looking around the area of Nevada Street. There was not a lot of ridership between Sellwood Bridge and Lake Oswego.

Councilor Liberty expressed a wish for more integration of the various projects. Councilor Burkholder had concerns about the project in view of the issues around land use and 2040. He was concerned about having the work done on the link across the river to hook into the light rail project that was going forward, that that information would be available in a timely manner to make that decision. That was a big open question. That was key information on a multi-hundred million dollar project. Councilor Newman wanted some good information on the major concerns, whether they could be met and how. He didn't want any surprises. Deputy Council President Park was having trouble reaching an effective conclusion. He had lots of questions. If we were going to leave gaps, we needed to understand why.

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

Time Began: 3:50

Time Ended: 4:20

Members Present: Paul Garrahan, Wil Eadie, Jim Desmond, Kathleen Brennan Hunter, Hilary Wilton, Dan Cooper

4. BREAK

Eliminated in the interests of time.

**5. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(d), FOR THE
PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO
CONDUCT LABOR NEGOTIATIONS**

Removed from the agenda.

**6. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(i),
AUTHORIZED TO REVIEW AND EVALUATE THE EMPLOYMENT
RELATED PERFORMANCE OF THE CHIEF OPERATING OFFICER**

Time Began: 4:20 p.m.

Time Ended: 4:24 p.m.

Members Present: Mike Wetter, Michael Jordan

Council finished a brief executive session and then discussed overall performance measures. Councilor Harrington distributed a draft scope (a copy is included in the meeting record). She requested that Council review the draft and provide feedback to her; the next discussion would be June 5. Councilor Burkholder observed that quantitative measurements had been lacking—both for the Chief Operating Officer and for the agency. Councilor Hosticka wanted to build on what was done before. It would be difficult to measure Metro's performance based on a single person's evaluation. Councilor Newman thought it was helpful. He'd like more of a balance between the quantitative and the numbers exercise. He'd like a balance of ways to evaluate and provide input.

Councilor Liberty suggested that the qualitative measures be flagged for discussion. Deputy Council President Park liked the process that was being set up. He realized that politics could get in the way of performance and wondered if that realization could somehow be recognized in the measurement mechanism. Councilor Burkholder expressed the goal as having data to evaluate and then put feelings onto it. Mike Wetter, Special Assistant to the President, said the idea was not to replace the qualitative but to add the quantitative. Mr. Jordan observed that a lot of it was already in process. It tied in with measurement of Metro's overall goals and objectives. Many programs had existing performance measures. The trick was getting to the in-between. We had high-level goals and objectives. Councilor Liberty expressed an interest in having staff and others evaluate the Council.

7. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Harrington said, on the meeting with the Joint Policy Advisory Committee on Transportation (JPACT) and MPAC, she wanted to make sure the right number of MPAC players were there. What role did she need to play in getting Washington County members there? Councilor Newman suggested that everyone take the lead for representatives from their own districts.

There being no further business to come before the Metro Council, Deputy Council President Park adjourned the meeting at 4:40 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
MAY 15, 2007

Item	Topic	Doc. Date	Document Description	Doc. Number
2	LOPTTAA	5/15/07	To: Metro Council From: Richard Brandman Re: Lake Oswego to Portland Transit and Trail Alternatives Analysis	051507c-01
6	performance	5/15/07	To: Metro Council From: Kathryn Harrington Re: Performance Measure Project Draft Scope	051507c-02