

## MINUTES OF THE METRO COUNCIL MEETING

May 17, 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:

**Deputy Presiding Officer McLain** convened the Regular Council Meeting at 2:08 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

**Aleta Woodruff**, Member of MCCI, 2143 NE 95<sup>th</sup> Place, Portland, OR 97220, read into the record number 5 and 6 of the MCCI Principles. She indicated that on May 10<sup>th</sup> there was a notice of the Reapportionment Task Force public hearing. Three members of the Reapportionment Citizens Review Committee attended the public hearing. She indicated that no member of this committee had received a copy of Map D which was considered at the Reapportionment Task Force meeting and brought forward to the Council. She indicated that MCCI was upset about the lack of citizen input.

**Deputy Presiding Officer McLain** asked Councilor Monroe, Chair of the Reapportionment Task Force to respond.

**Councilor Monroe** indicated that there had been three public hearings prior to May 10<sup>th</sup>. Councilor Burkholder proposed Map D prior to the third public hearing. Councilor Monroe was concerned about the fact that there had not been enough notice so asked John Donovan, Council Outreach Coordinator, to send notices to all effected neighborhood associations and appropriate citizen committees the following day. He himself abstained from the vote.

**Councilor Burkholder** clarified the charge and purpose of the citizen's advisory/review committee. He indicated that the full council would adopt the map not the Reapportionment Task Force and that there was a possibility that the map might change again.

**Deputy Presiding Officer McLain** indicated that there would be a public hearing on May 31<sup>st</sup> scheduled for consideration of this issue.

**Presiding Officer Bragdon** reviewed the time table for the decision.

**Councilor Park** asked for clarification about who voted at during the Reapportionment Task Force meeting.

**Deputy Presiding Officer McLain** indicated that the only members of the council who voted at the May 10<sup>th</sup> meeting were those that were members of the Reapportionment Task Force, Councilors Monroe, Hosticka and Burkholder.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

**Mike Burton, Executive Officer**, spoke about the bill on titling cars being considered at the state legislature.

### 4. AUDITOR COMMUNICATIONS

**Alexis Dow**, Auditor, spoke to administrative matters, she had always had an open door policy for all councilors but felt that her meetings with Councilor Hosticka as auditor liaison to the council would be fruitful. Presiding Officer Bragdon had suggested a work session with the auditor to deal with a variety of issues. She also noted that she was developing her proposed audits for the upcoming year and was seeking input from the council.

### 5. MPAC COMMUNICATIONS

**Presiding Officer Bragdon** indicated that the MPAC meeting had been cancelled and had nothing to report, the next meeting of MPAC would be May 23<sup>rd</sup>.

**Deputy Presiding Officer McLain** said that there were several distinguished guests in the audience and she would be considering item 10.2 first.

10.2 **Ordinance No. 01-904**, For the Purpose of Dedicating a Metro Open Spaces Program Acquisition to the Tryon Creek Linkages Target Area.

**Motion:** **Councilor Monroe** moved to adopt Ordinance No. 01-904.

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

**Councilor Monroe** spoke about former Metro Councilor Judy Wyers and her service to Metro.

**Deputy Presiding Officer McLain** opened a public hearing on Ordinance No. 01-904. The Wyers family came forward and thanked the council for the dedication of an openspaces acquisition. Deputy Presiding Officer McLain said that Judy Wyers had been a mentor to her. She spoke to her commitment to Metro and open spaces.

**Presiding Officer Bragdon** thanked the family and said he had been privileged to represent many of the areas that Councilor Wyers had encouraged for purchase.

**Judge Wyers** said it was so nice that Metro had chosen this particular property. This property had been particularly important to former Councilor Wyers.

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

**Councilor Monroe** spoke to Councilor Wyers' attributes and contributions.

Her daughter noted her mother's belief in Metro and the good work Metro continued to do.

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

## 6. LEGISLATIVE UPDATE

**Jeff Stone, Chief of Staff**, spoke to the five bills that the council was being asked to consider supporting or opposing. HB 2502, HB 3057, HB 3564, HB 3026 and HB 3697 (a copy of which may be found in the permanent record of this meeting).

**Mr. Stone** briefed the council on HB 2502 and recommended support.

**Motion:** **Presiding Officer Bragdon** moved to support HB 2502.

**Seconded:** **Councilor Hosticka** seconded the motion and clarified that the council was supporting the concept not necessarily the specific language of the bill.

**Presiding Officer Bragdon** concurred.

**Vote:** The vote was 7 aye, the motion passed unanimously.

**Mr. Stone** briefed the council on HB 3057 and recommended support.

**Motion:** **Councilor Hosticka** moved to support the concept of HB 3057.

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

**Councilor Hosticka** said this was very good idea and had been a long time coming.

**Councilor Park** also noted his support.

**Vote:** The vote was 7 aye, the motion passed unanimously.

**Mr. Stone** briefed the council on HB 3564 and recommended support.

**Motion:** **Councilor Hosticka** moved to support the concept of HB 3564.

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

**Councilor Hosticka** spoke to the habitat conservation bill, he urged supporting the concept of this bill.

**Councilor Park** asked about fiscal impact issue.

**Councilor Hosticka** responded that the original bill had some requirement that counties had adopted. One of the bills required counties to develop these plans, by changing from a shall to a may, it reduced the impact.

**Vote:** The vote was 7 aye, the motion passed unanimously.

**Mr. Stone** briefed the council on HB 3026 and recommended opposition.

**Motion:** **Councilor Atherton** moved to oppose the concept of HB 3026.

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

**Presiding Officer Bragdon** spoke in opposition to the bill.

**Councilor Park** said he strongly opposed this bill, he also recognized the problem of siting schools. He sympathized with the Beaverton School District. He suggested alternatives to this bill. He felt this bill did not support the 2040 Growth Concept.

**Councilor Atherton** gave additional reasons for opposing the bill both the complications of siting schools and the condemnation issue.

**Councilor Burkholder** indicated that this issue was a state-wide issue and suggested that the Metro Council might want to look at alternatives.

**Councilor Hosticka** asked what Mr. Stone thought would happen with this bill.

**Mr. Stone** said he did not think that it would be supported in the Senate.

**Councilor Hosticka** said the governor's office thought it was unlikely that this bill would find itself in the statutes.

**Councilor Park** indicated he had heard the same rumors as Councilor Hosticka and shared his concern about how much political capital should be spent on opposing this bill.

**Councilor McLain** said she would also oppose this bill.

**Councilor Atherton** urged an aye vote.

**Vote:**              The vote was 7 aye, the motion passed unanimously.

**Mr. Stone** briefed the Council on HB 3697 regarded utilities through public lands and recommended opposition.

**Mr. Joel Morton**, Assistant Counsel, was asked to come forward.

**Councilor Park** asked about the bill.

**Mr. Morton** said this bill applied to any public land and would change the rules.

**Mr. Stone** responded to Councilor Park. They thought that there was enough ambiguity in law.

**Councilor McLain** added her comments.

**Councilor Hosticka** asked if this was the reverse of Measure 7?

**Councilor Park** asked about the public land issues, did it apply to federal lands as well?

**Mr. Stone** said no.

**Councilor Burkholder** spoke to a particular section of the bill. He asked if Metro was a municipality.

**Mr. Morton** said yes, compensation only applied to locating utility lines. The language was ambiguous.

**Motion:** **Councilor Monroe** moved to oppose the concept of HB 3697.

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

**Vote:** The vote was 7 aye, the motion passed unanimously.

**Mr. Stone** spoke to the Regional Transportation Authority (RTA) Principles and noted Ms. Grace Crunican's participation in Salem.

**Councilor Park** spoke to Principle 4 and suggested a change to 'another RTA'.

**Councilor Monroe** said under this proposed legislation any RTA proposed for this region would have to be approved by the Metro Council. He felt Principle 4 was clear and did not think it necessary to change the language.

**Councilor Atherton** suggested a change to Principle 1 changing the language to Regional 2040 Concept.

**Councilor Park** suggested recognition that Metro Council was the RTA of the region.

**Deputy Presiding Officer McLain** read Principle 4 and suggested the language signaled that the Metro Council was the RTA.

**Marv Fjordbeck**, Senior Assistant Counsel, agreed with Councilor McLain.

**Deputy Presiding Officer McLain** asked if Councilor Park wished to change the language.

**Councilor Park** said no.

**Presiding Officer Bragdon** said Councilor Park made a good point.

**Councilor Hosticka** said at the last meeting there was a thorough discussion which had led to revision in the language. He felt the language reflected that discussion.

**Councilor Atherton** asked about the language in Principle 4.

**Mr. Fjordbeck** responded to Councilor Atherton.

**Councilor Monroe** suggested a language change in Principle 6.

**Councilors Hosticka and Bragdon** accepted this as a friendly amendment.

**Councilor Monroe** suggested adding projects and programs to Principle 7.

**Councilors Hosticka and Bragdon** accepted this as a friendly amendment.

**Councilor Burkholder** suggested transportation programs and projects in Principle 2.

**Councilors Hosticka and Bragdon** accepted this as a friendly amendment.

**Vote:** The vote was 7 aye, the motion passed unanimously as amended.

**Councilor Monroe** thanked the staff and Ms. Crunican for the work that had been done.

**Councilor Hosticka** also noted his support.

## 7. COMMITTEE CHAIR REPORTS

**Councilor Burkholder**, Regional Facilities and Metro Operations Committee met with MERC representatives for a review of MERC in general. He noted three policy issues: the need for Metro to get resources of their own so MERC revenue could be used in another way, MERC's five year plan and what were regional needs that could be met by MERC, and the role of Metro in providing culture and recreation – this concept should be reaffirmed.

**Councilor Park**, Community Planning Committee was looking at the MetroScope and briefed the council about LCDC issues.

**Councilor Hosticka**, Natural Resources Committee spoke to the public hearing concerning criteria determining regional significance for Goal 5. The committee would be looking at this at the June 6<sup>th</sup> meeting. He had asked staff to review the MPAC Park's report thoroughly.

**Councilor Atherton**, Solid Waste & Recycling Committee was reviewing solid waste rates and Metro solid waste ownership issues. Strategic planning work continued.

**Councilor Monroe** spoke to JPACT and Bi-State Committee considerations. Bi-State Commission was looking at ideas on improving transportation mobility in the I-5 Corridor and south bound HOV lane being constructed on south bound lanes in Vancouver, options such as light rail to Vancouver. JPACT continued to talk about air quality and how to continue to meet the air quality standards. JPACT was also discussing improving health and fitness of citizen through walking and biking. He noted the work on the Springwater bridges connectivity. He updated the council on the South Corridor Study.

## 8. CONSENT AGENDA

8.1 Consideration of minutes of the May 3, 2001 and May 10, 2001 Regular Council Meetings.

**Motion:** **Councilor Atherton** moved to adopt the meeting minutes of the May 3, 2001 and May 10, 2001 Regular Council meetings.

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

**Councilor Park** noted a spelling error and asked for correction.

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

**9. ORDINANCES - FIRST READING**

9.1 **Ordinance No. 01-907**, For the Purpose of Amending Metro Code Chapter 5.02 to Modify the Charges for Household Hazardous Waste Accepted at Metro Facilities and Metro Hazardous Waste Collection Events.

**Deputy Presiding Officer McLain** assigned Ordinance No. 01-907 to the Solid Waste and Recycling Committee.

9.2 **Ordinance No. 01-908**, Amending the FY 2000-01 Budget and Appropriations Schedule by Transferring Appropriations from Operating Expenses to Capital Outlay in the Administrative Services Department within the Support Services Fund, and Declaring an Emergency.

**Deputy Presiding Officer McLain** assigned Ordinance No. 01-908 to the Budget and Finance Committee.

**10. ORDINANCES - SECOND READING**

10.1 **Ordinance No. 01-902**, For the Purpose of Amending Metro Code 3.01 to Avoid Urban Growth Boundary Map Errors.

**Motion:** **Presiding Officer Bragdon** moved to adopt Ordinance No. 01-902.

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

**Presiding Officer Bragdon** reviewed the ordinance (a copy of the staff report may be found in the permanent record of this meeting).

**Councilor Hosticka** asked what the effect would be if the language was changed from shall to may.

**Mr. Fjordbeck** provided clarification on the language.

**Councilor Hosticka** asked for clarification on shall versus may.

**Mr. Fjordbeck** responded.

**Councilor Hosticka** suggested making the language permissive rather than mandatory.

**Councilor Park** clarified why the language should be shall rather than may and indicated that this had already been discussed at committee.

**Deputy Presiding Officer McLain** opened a public hearing on Ordinance No. 01-902. No one came forward. Deputy Presiding Officer McLain closed the public hearing.

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

**11. RESOLUTIONS**

11.1 **Resolution No. 01-3069**, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee (TPAC).

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 01-3069.

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

**Councilor Monroe** reviewed the two citizen appointments and their qualifications. He urged an aye vote.

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

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

Members Present: Jim Desmond, Mike Burton, Nancy Chase, council staff.

12. **Resolution No. 01-3070**, For the Purpose of Amending the Jackson Bottom-McKay Creeks Target Area Refinement Plan to Include Council Creek and Camp Ireland.

**Motion:** **Presiding Officer Bragdon** moved to adopt Resolution No. 01-3070.

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

**Councilor Bragdon** reviewed the resolution summarizing the staff report (a copy of which may be found in the permanent record of this meeting). He noted the citizens'support.

**Motion to**

**Amend:** **Presiding Officer Bragdon** moved to amend Resolution No. 01-3070 to add areas of site 8 that were not previously included. He noted the fact that this was a willing seller program.

**Seconded the**

**Amendment:** **Councilor Atherton** seconded the amendment.

**Vote to**

**Amend:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion to amend passed.

**Vote on the**

**Main Motion:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed on Resolution No. 01-3070A.

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

Members Present: Mike Burton, Jennifer Sims, Scott Moss, Lilly Aguilar, Nancy Meyer, Alexis Dow, council staff.

**14. COUNCILOR COMMUNICATION**



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**Presiding Officer Bragdon** announced the upcoming Lone Fir Cemetery volunteer activities, next week Council meeting would at the Wilsonville Community Center at 3:00 p.m. following the dedication of the Wilsonville Tract, and reported on the conference he attended last week.

**Councilor Atherton** asked if they had regional facilities, Presiding Officer Bragdon acknowledged that they did.

**Councilor Hosticka** spoke of the Community Oregon project.

**Councilor Park** said the LCDC meeting was on June 15<sup>th</sup>. He spoke about an upcoming Pleasant Valley event.

## 15. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer McLain adjourned the meeting at 5:17 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 17, 2001**

| <b>TOPIC</b>                           | <b>DOCUMENT DATE</b> | <b>DOCUMENT DESCRIPTION</b>                     | <b>DOCUMENT NUMBER</b> |
|--|----------------------|---|------------------------|
| COUNCIL POSITIONS ON STATE LEGISLATION | MAY 17, 2001         | BILL DESCRIPTIONS AND RECOMMENDED POSITIONS     | 051701c-01             |
| COMMUNITY PLANNING COMMITTEE REPORT    | MAY 15, 2001         | REPORT ON ORDINANCE NO. 01-902                  | 051701c-02             |
| NATURAL RESOURCES COMMITTEE REPORT     | MAY 17, 2001         | REPORT ON RESOLUTION No. 01-3070                | 051701c-03             |
| MINUTES                                | MAY 10, 2001         | COUNCIL MINUTES OF 5/10/01                      | 051701c-04             |
| HEALTH CARE VARIABLES                  | MAY 15, 2001         | REVIEW OF PUBLIC ENTITIES AND HEALTH CARE COSTS | 51701c-05              |