

MINUTES OF THE METRO COUNCIL MEETING

May 24, 2001

Wilsonville Council Chamber

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

Councilors Absent: Susan McLain

Presiding Officer Bragdon convened the Regular Council Meeting at 3:00 p.m.

1. INTRODUCTIONS

Presiding Officer Bragdon introduced Charlotte Lehan, Mayor, City of Wilsonville, and thanked her for hosting the tour, which included the dedication of a new Metro greenspace at the Wilsonville Track. Mayor Lehan welcomed the Metro Council and added that Wilsonville appreciates all the support Metro has provided on a variety of projects, not the least of which was the acquisition of the Wilsonville Track. Presiding Officer Bragdon also acknowledged Wilsonville Council President John Helser and expressed the Metro Council's appreciation for his participation on the tour as well.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATIONS

Presiding Officer Bragdon reported that at their meeting the evening before, the Metro Policy Advisory Committee (MPAC) met the previous evening and discussed several issues the Council had discussed at the last Community Planning Committee meeting regarding the Alternatives Analysis, the Urban Growth Boundary (UGB) decisions and the lands to be studied, and Performance Measures with regard to the 2040 Growth Concept. He said he told MPAC that the Council would be looking to them for some advice on those issues. Clackamas County Commissioner Mike Jordan made a presentation to MPAC on their concurrency program, he said.

Regarding Clackamas County's concurrency program, Councilor Atherton asked if any detail or explanation was provided for the limitations on off-site transportation improvements. Presiding Officer Bragdon said that was discussed as one of the problems, i.e., how to assess the impact for a development that might create traffic that in turn would create the need for a signal off-site, and the developer then would be pressed into making the case that it wasn't their responsibility. Councilor Atherton said this principle needed to be worked out, and Presiding Officer Bragdon agreed, saying that point has been

raised as well as others outside the transportation realm such as parks and some public services not allowed to be covered by system development service charges, and that these were all obstacles that need to be removed.

Councilor Atherton said the Metro Council supports the collection of full system development charges. These are currently not allowed by the state legislature, so become a significant tax on existing residents. He asked if MPAC had discussed this, and Presiding Officer Bragdon said that was very germane to their discussion on concurrency, and that Clackamas County supplied a report on the subject, and everyone there, he felt, recognized that it was a big issue.

Councilor Park clarified that the Metro Council supports the local city's ability to assess system development charges.

6. LEGISLATIVE UPDATE

Jeff Stone, Chief of Staff, provided an update on the Regional Transportation Authority (RTA) Bill, saying that all of Metro's principles were included in the legislation language and that the legislation could get a House floor vote this week and move on to the Senate.

Also up was HB-2142, the 2001 Oregon Transportation Investment Act, the title fee increase that, if bonded, could yield \$400 million for modernization projects.

Councilor Monroe asked if there was some trade-off between the RTA legislation and the title fee increase legislation. Mr. Stone said he was providing comment based on his political sense and what he was hearing, but that both pieces of legislation appeared to be moving. Presiding Officer Bragdon said he'd heard that Representative Starr had to choose his priorities because of the lack of time left in the session, and the Metro lobbyist said he thought Representative Starr was putting his time and attention toward the Investment Act because revenue was the more urgent of the two. It wasn't that the bills were in conflict, but that the revenue was seen as more immediate.

It was agreed that the RTA bill had been passed out of Representative Starr's committee already, and Mr. Stone said he was reporting on the Senate side. He ventured to guess that the political reality was that one would have to be chosen over the other, a high priority.

Mr. Stone also reported that the School Siting Bill, which this Council opposed, was convening a work group and Metro's General Counsel, Dan Cooper, was asked to participate. He said it was good from Metro's perspective, and on the Council's behalf he relayed to Mr. Cooper that it was a good idea for him to attend that work group. Presiding Officer Bragdon clarified that participation in the work group did not imply support for the product of the work group.

Mr. Stone then said the zoo parking lot issue could come up for a hearing the following Thursday. It was a bit of a surprise, even to the Senate leadership he thought, that Senator Harper has scheduled this for a hearing.

Councilor Atherton, relative to the School Siting, wondered if there was any direction or wisdom the Council could share with Mr. Cooper for when he participates in the work group. It could be a positive message, he said, and although Metro is opposed to this bill, the reality is that when you go to plan modern urban settlement communities, with schools being a part of that, you have to have enough land that you can plan that area. That means you don't move the UGB in little dribs and drabs, here and there, or for a specific school site without the integration with an entire community. This is one of the

main reasons for us to oppose this; we didn't like the process of little dribs & drabs for specific sites without taking into consideration the bigger picture issues. He'd like this message communicated to Mr. Cooper, and thought this was an upbeat and positive response to the questions being asked by the legislature.

Councilor Park asked Mr. Stone for clarification on the zoo parking lot bill, that in its current form it specifically addressed the zoo but not other public facilities that happen to have light rail stations nearby. Mr. Stone said the bill, as drafted, has changed from the first draft. It asks that Metro participate in a working group to try to address the park-and-ride issue. It does not automatically force a park-and-ride at the zoo, but very fact of the discussion of how to go about siting park-and-rides is at root. It is hoped that this can be addressed at the committee level first and see if Senator Harper is going to continue his aspiration of having a work session and hearing.

Councilor Park said his question was that it looked like the bill had broadened to include public facilities that happen to be near light rail stations. Did this mean that the Convention Center or the Expo Center become park-and-ride facilities, he asked, and would the airport become one this fall. This Council has taken a stand that these parking facilities are there to support the facilities we own and the public comes to see and use so there is equal benefit of everyone in the region, the state and visitors from outside the state, but he said he hoped the broader public policy would be that just because you're a public facility with a parking lot near a light rail station, you not be nominated as a park-and-ride.

Mr. Stone said Councilor Park had hit the nail right on the head in terms of what could be an outcome if this bill should pass, and that was exactly the reason for working so hard to get it defeated. If passed, it could apply eventually to the Oregon Convention Center, to Expo, to all those facilities whether or not under Metro's ownership, and this is a concern.

Presiding Officer Bragdon said this had been discussed a few years ago, and the point was not to serve the facilities or to serve Metro, but to serve the millions of members of the public who use those facilities. In the case of the zoo, he continued, should the bill pass, Senator Harper from Klamath Falls and the 29 Senators and 59 Representatives will find their constituents are not able to access the most popular tourist attraction in the state of Oregon because the legislature has turned it into a park-and-ride.

7. CONSENT AGENDA

7.1 Consideration of minutes of the May 17, 2001, Regular Council Meeting.

Motion: Councilor Atherton moved to adopt the meeting minutes, as amended, of the May 17, 2001, Regular Council meeting.

Councilor Atherton asked that on p. 6, his statement be corrected to read: Councilor Atherton, Solid Waste & Recycling Committee was reviewing solid waste rates and Metro solid waste ownership issues ~~considering soft trash and dump sites issues~~.

Vote: The vote was 6 aye/0 nay/0 abstain, and the motion passed, with the minutes adopted, as amended.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 01-909**, For the Purpose of Adopting a Council District Reapportionment Plan; and declaring an emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-909 to Council.

8.2 **Ordinance No. 01-910**, Amending the FY 2000-01 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to Interfund Transfers in the MERC Pooled Capital Fund; and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-910 to Budget and Finance Committee.

8.3 **Ordinance No. 01-911**, Amending the FY 2000-01 Budget and Appropriations Schedule by Transferring Appropriations from Operating Expenses to Capital Outlay and from Debt Services to Interfund Transfers in the Convention Center Project Capital Fund; and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-911 to Budget and Finance Committee.

8.4 **Ordinance No. 01-912**, Recognizing and Accepting Intergovernmental Revenue from the City of Portland and Increasing Appropriations in the MERC Pooled Capital Fund for FY 2000-01; and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-912 to Budget and Finance Committee.

9. **ORDINANCES - SECOND READING**

9.1 **Ordinance No. 01-899**, Amending the FY 2000-01 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental budget for the zoo Operating fund for the fiscal year beginning July 1, 2000 and ending June 30, 2001; and Declaring an Emergency.

Motion: Councilor Burkholder moved to adopt Ordinance No. 01-899.

Seconded: Councilor Park seconded the motion.

Councilor Burkholder explained that changes occur throughout the year that affect the adopted budget. Increased attendance at the zoo has resulted in higher than anticipated revenues, there has been increased demand for the zoo's education program, and there was a grant awarded for conservation and recycling projects. These three revenue activities need to be included into the adopted budget.

Kathy Kiaunis, Deputy Zoo Director, said this supplemental budget amendment was mostly good news and covered both revenues and the expenditures. Councilor Burkholder added that it also reflected the substantial increase in utility costs over the year, and that this would be something the Council may want to look at and possibly track to ensure these costs are covered in future years.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-899. There was no testimony.

Presiding Officer Bragdon closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

9.2 **Ordinance No. 01-903**, Amending the FY 2000-01 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to Operating Expenses in the Information Technology Department within the Support Services Fund; and Declaring an Emergency.

Motion: Councilor Park moved to adopt Ordinance No. 01-903.

Seconded: Councilor Atherton seconded the motion.

Councilor Park said this budget amendment was important to provide adequate training, unanticipated at the beginning of the fiscal year, for critical aspects of the Web Services program in the Information Technology Department that were unanticipated at the beginning of the fiscal year. He urged the Council to adopt this amendment in order to facilitate getting important information out to the public. David Biedermann, Information Technology Director, augmented Councilor Park's comments by stating that these were one-time costs, not ongoing.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-903. There was no testimony.

Presiding Officer Bragdon closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

10. RESOLUTIONS

10.1 **Resolution No. 01-3057**, For the Purpose of Confirming Walt Hitchcock as Citizen Alternate for Washington County and Alan Hipolito as Citizen Alternate for Multnomah County to the Metro Policy Advisory Committee (MPAC).

Motion: Councilor Burkholder moved to adopt Resolution No. 01-3057.

Seconded: Councilor Atherton seconded the motion.

Councilor Burkholder explained that the Metro Policy Advisory Group (MPAC), made up of representatives of the region's elected officials as well as some citizens, plays an important function in advising Metro on growth management and other issues. The councilor urged the appointment of both Mr. Hitchcock and Mr. Hipolito as citizen alternate members to this committee.

Mr. Walt Hitchcock said he felt his experience gave him the knowledge and understanding of working with MPAC and that he looked forward to serving on the committee.

Councilor Hosticka added that he supported Mr. Hitchcock's appointment. Councilor Monroe said he thought Mr. Hitchcock would be a tremendous asset to MPAC.

Although Mr. Hipolito was not able to attend this meeting, Councilor Bragdon said he knew Mr. Hipolito would be a good addition to the MPAC group.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

10.2 **Resolution No. 01-3071**, For the Purpose of Approving the Oregon Convention Center Expansion Performance Evaluation Criteria and Plan.

Motion: Councilor Burkholder moved to adopt Resolution No. 01-3071.

Seconded: Councilor Park seconded the motion.

Councilor Burkholder said these performance measures and evaluation plan for the construction of the Oregon Convention Center was brought to the Council by the Facilities and Operations Committee. The agreement with the Construction Manager General Contractor (CMGC) was a special arrangement with the contractor in that it allows Metro to, hopefully, have a quicker construction job, completed on time and on budget. Part of making sure this happens is the performance evaluation criteria, which is fairly complex and detailed, but is such that Metro can judge whether or not the taxpayer is getting the value they deserve for this money.

Councilor Burkholder then pointed out the factor that looks at how the construction affects the local neighborhood regarding traffic, dust, etc., and said the initial excavation was done at night which not only alleviated traffic tie-ups and congestion but allowed a savings in money and time because the dump trips were shorter due to no traffic.

Scott Moss, Assistant Director of the Administrative Services Department, said he was overseeing this project for Metro. He explained the CMGC and the Guaranteed Maximum Price (GMP) for the structure under the contract with Hoffman.

Councilor Atherton asked about the criteria. Mr. Moss explained that these were outside the contract, and that the OCC Project Team, all experts in construction management, as well as the project managers would evaluate the project performance. These are outside evaluators, and the criteria are not to evaluate the contractor but the project as a whole or any one piece of the project.

Councilor Park asked Mr. Moss what Metro had learned about project construction from the Expo Hall D project, and how he thought this current evaluation criteria would be useful in the future. Mr. Moss said this was Metro's fourth CMGC project, that lessons were learned from each, and the Metro Auditor has reviewed and made recommendations on them. Councilor Atherton suggested the project be more clearly explained to the public, particularly regarding the possibility of reduced costs.

Metro Auditor Alexis Dow said she was pleased Metro has gone through the process of setting up performance criteria, that this was a response to a dialog initiated by her office. Setting up the framework establishing guidelines at the onset of construction rather than waiting until the job is completed is very beneficial. The Auditor's Office has not yet had the opportunity to give this current document a thorough review, however, although she said it is her understanding that it has seen extensive review by the various teams and committees. She did point out in the resolution, where it states that the project will be evaluated by project management staff, advisory committees, and any internal or external performance audits, that she wanted to make sure the Council was clear that this would naturally form the basis of minimum criteria against which her office would do any performance auditing, should they undertake a performance audit. Until her office actually does a preliminary survey and establishes the scope of their work, there would be no way of actually limiting or knowing the work that would be done, so she asked to be on the record as pointing out that this would be considered by her office, but it would be considered a minimum criteria. Auditor Dow added that she did plan to go through the evaluation plan very thoroughly and if there are some areas where it could be tightened up a bit, she will bring those to the Council's attention.

Councilor Burkholder said he thought it important to say that this was not a project that, when completed, would be looked back upon as a how-did-we-do process, but that this evaluation will come forward four times during the process of construction. These reviews will be used for corrections, if needed, and to help guide our efforts. He urged adoption of this resolution.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

11. CONTRACT REVIEW BOARD

11.1 **Resolution No. 01-3072**, For the Purpose of Authorizing Amendment Number 4 of the Personal Services Agreement with PeopleSoft, USA Inc.

Motion: Councilor Burkholder moved to adopt Resolution No. 01-3072.

Seconded: Councilor Atherton seconded the motion.

The Metro Code requires any Personal Services contract amendments over \$25,000 to be approved by the Metro Contract Review Board, Councilor Burkholder said. The Information Technology Department (IT) is requesting to upgrade their PeopleSoft contract, he said, and invited Mr. Biedermann to explain this in detail and respond to questions.

David Biedermann, IT Director, said technology is changing and software manufacturers are moving to an Internet-based browser-provided technology as opposed to software resident on the desktop computer. This is a significant change and impacts support on software, and there is a cost, as outlined in the staff report. Councilor Park asked Mr. Biedermann if he had a high degree of confidence on this recommendation; Mr. Biedermann said he did. Councilor Atherton added that Metro receives good service from the IT Department and said he appreciated their presence in keeping the agency up to date in this technology. Mr. Biedermann said he encouraged the councilors to continue asking the tough questions.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

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

12. COUNCILOR COMMUNICATION

Councilor Hosticka thanked the council and Metro staff for participating in the Wilsonville tour. He said he was especially interested in the presentations from the City of Wilsonville on the natural resource protections. Also, he said he thought Wilsonville was a good example of how to integrate growth, natural resource protection and local transportation planning in one place and, as they say in their mission statement, retain a sense of place.

Councilor Burkholder expressed his regret that he wasn't able to participate in the tour.

Councilor Monroe came to the tour directly from a Bi-State Committee meeting that morning, and asked for the opportunity to briefly report to the council on the progress of the I-5 Trade Corridor Study. The timeline on this study has moved up so that their recommendations will be completed in time to meet the next federal appropriations schedule. Councilor Monroe also said that the options being looked at in this study have been narrowed – they are no longer looking at the Western Bypass option and are no longer seriously considering widening I-5 into four lanes in each direction. The options still on the board are all viable and could possibly work to move freight mobility and general mobility in the I-5 Trade Corridor. The committee is still looking at not only truck freight but also rail freight, light rail, commuter rail, and high-speed rail as well as auto travel.

Another report before the Bi-State Committee that morning, he said, was on the planning of various stations along Interstate MAX, with particular emphasis on the involvement of citizens and community leaders along the way. The next Bi-State Committee meeting will be in September.

Councilor Park thanked the City of Wilsonville for the tour, and said the event at the Wilsonville Track was excellent and the kids were great. He said he found the new/old trolley very interesting.

Councilor Atherton said he particularly enjoyed the morning ceremony. The hike through the natural area highlighted for him a very interesting fact about managing natural areas: the impact of invasive species such as ivy. Councilor Bragdon said that Metro and the City of Wilsonville would have an ivy pull on June 30th around 9:00 a.m., and urged any volunteers to meet at the Wilsonville Tract. Councilor Park said the issue of invasive plant species was not only region wide, but state wide and northwest region wide and that we all need to be aware of it.

13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 4:10 pm.

Prepared by

Rooney Barker
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 24, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
7.1 CONSIDERATION OF MINUTES	MAY 17, 2001	MINUTES FOR THE MAY 17, 2001, COUNCIL MEETING, AS AMENDED	052401c-01
8.1 ORDINANCE NO. 01-909	MAY 23, 2001	ORDINANCE NO. 01-909, FOR THE PURPOSE OF ADOPTING A METRO COUNCIL DISTRICT REAPPORTIONMENT PLAN; AND DECLARING AN EMERGENCY	052401c-02