

MINUTES OF THE METRO COUNCIL MEETING

July 12, 2001

Metro Council Chamber

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

Councilors Absent:

Presiding Officer Bragdon convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

Presiding Officer Bragdon introduced Mr. David Jarvis, Council Intern for the summer. He noted that Mr. Jarvis would be assisting in the County Fairs.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

Presiding Officer Bragdon said MPAC met last night and passed on their recommendation to approve the functional criteria of the mapping on Goal 5.

6. LEGISLATIVE UPDATE

There were none, **Presiding Officer Bragdon** indicated a full report would be presented at next week's council meeting.

7. CONSENT AGENDA

7.1 Consideration of minutes of the July 5, 2001 Regular Council Meeting.

Motion: **Councilor Hosticka** moved to adopt the meeting minutes of the July 5, 2001, Regular Council meeting.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed with Councilor McLain absent from the vote.

8. RESOLUTIONS

8.1 **Resolution No. 01-3084**, For the Purpose of Endorsing the Presiding Officer's Authority to Enter into a Contract Regarding Council Transition.

Motion: **Councilor Hosticka** moved to adopt Resolution No. 01-3084.

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

Councilor Hosticka reviewed the resolution indicating that this contract was the first phase of the transition, assessing the structure and organization of the Council Office.

Presiding Officer Bragdon recapped the Budget Committee's discussion. Under the Metro Code the Presiding Officer had the authority to approve such contracts but his preference was to bring these types of contracts before the full council. There was unanimous approval at the Budget and Finance Committee.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed with Councilor McLain absent from the vote.

Councilor McLain later arrived and requested that her vote be registered as an aye vote. There was no objection and the Presiding Officer declared the vote as 7 aye.

8.2 **Resolution No. 01-3086**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Gresham Civic Neighborhood for a Transit-Oriented Development Project.

Motion: **Councilor Park** moved to adopt Resolution No. 01-3086.

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

Councilor Park reviewed the resolution indicating that this piece of land, adjacent to an as yet unopened light rail station, was critical to the 2040 Growth Concept Plan in the area. He said Council had visited the site when they were touring Gresham recently.

Mr. Dan Cooper, General Counsel, said since the briefing last Tuesday they had learned that the resolution referred to an agreement with "Gresham Station LLC Fred Bruehning" and they had been informed that the option was under "Center Oak LLC" which was a separate entity that Mr. Bruehning controlled. He did not think the resolution would have to be altered as all other conditions were the same. In response to a question from **Councilor Atherton**, Mr. Cooper said everyone in the chain of title before Center Oak retained their liability under state and federal law, and also had to indemnify Metro for any liability because of their actions.

Councilor Burkholder felt Region 2040 was working and that this was a critical next step in the Gresham area as well as an appropriate use of Metro's money.

Councilor Atherton asked Mr. Cotugno if he had any idea of when there would be a turn-around of public subsidy on the TOD pieces.

Andy Cotugno, Planning Director, responded that would be a function of what they were trying to accomplish. The market in this area was accomplished by creating two story false façades. He said Metro was proposing three to five stories and a retail/residential component and parking. He

added that if the market caught up in five years, then there would be no need for subsidy. He said it was a function of the vision at the point in time that the market economics caught up.

Mr. Phil Whitmore, Transit Oriented Development Manager, said their biggest surprise was that the only vacancy of any significance was in the Center Commons on the elderly subsidized. He felt that would take care of itself over time. He said they were speeding up the timeline at which the higher urban form would occur while trying to pay down some of the extraordinary costs. He said it was more an investment in a product with a return than a subsidy. From a purely market driven perspective, where land economics would catch up and higher density would make sense, that would be when structure cost less than land. They were a ways away from that.

Councilor Atherton asked if there was another option through tax policy to achieve the same goals, i.e. taxing the land and not the structure.

Mr. Whitmore said the idea was interesting. He did not know at what point it would happen, but thought it would have a positive effect.

Presiding Officer Bragdon said Councilor Atherton's point of subsidizing good development was important and worthy of Council support, and that some attention ought to be paid to subsidies going to "bad" development.

Mr. Cooper responded that they were able to, in effect, buy down the price of land for a developer to do something Council wanted because the resources were available to do so. He said a tax policy shift, like Councilor Atherton had described, would take not only action of the Oregon legislature, but constitutional amendment to the Oregon constitution.

Councilor Park said this had sparked a lot of good debate. He said they should put the potential subsidies in perspective. They were not talking huge amounts of money. He urged an aye vote.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed with Councilor McLain absent from the vote.

When Councilor McLain later, she requested that her vote be registered as an aye vote. There was no objection and the Presiding Officer declared the vote as 7 aye.

9. COUNCILOR COMMUNICATION

Presiding Officer Bragdon asked Mr. Cotugno to report on the upland criteria discussed at MPAC.

Mr. Cotugno responded that they supported the principle of including upland in the work, but heard a caution from Mike Houck that it was functionally a good idea, but if it threatened to delay the riparian corridor work, it would not be a good trade. He said there had been several suggestions on how to include uplands.

Councilor Atherton said Metro was in a unique position to look at the watersheds and do some good.

Councilor Hosticka wondered who to ask if he wanted specific details of MPAC actions.

Mr. Cotugno responded that he could get the minutes from Cathy Kirchner, Executive Administrative Assistant.

Councilor Monroe reported that at the morning's JPACT meeting, they had established the 150% cut line for the \$38 million in available MTP money. He said there had been considerable discussion about Council's recommendations and the direction they were going. He said there had been initial serious concern, but felt that after the discussion, they were reasonably well satisfied.

Councilor Park said at the Community Planning Committee next week, there would be discussion and public hearing about the corridors initiative study. He added that there had been concerns at JPACT over getting concerns and criteria about HB 2142, the transportation bill, ready by July 22nd.

Councilor McLain expressed that the Optimists Club complimented Metro on its citizen involvement. They were pleased that Metro returned their calls and gave accurate information on participation as well as issues. They particularly complimented Parks, Growth and Transportation staff's helpfulness.

Councilor Atherton reported that the Rate Review Committee had discussed the allocation of cost of the solid waste system. He felt it had been a very successful meeting. He said the next Rate Review Committee meeting would be August 1, 2001.

He reiterated his question about taxing land and not improvements to Mr. Cooper. He wondered if it would be possible and/or valuable to find a way around the constitutional issues of the tax shift issue where Metro could hold the local jurisdictions harmless.

Mr. Cooper responded that there were several examples of ways to do that if the money was available.

Councilor Burkholder summarized the Regional Facilities and Metro Operations Committee meeting which was a continuation of the Zoo dialogue from a previous meeting. They reviewed the Zoo Foundation agreement, recent contract and management issues, and the Zoo parking lot issue.

Councilor Park added that Metro's parking policy had to do with all the facilities, not just the Zoo, and that the Zoo's parking policy was consistent with Metro's other parking policies.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 2:51 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 12, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
AGENDA ITEM 7.1	7.5.2001	MINUTES OF THE JULY 5, 2001 METRO COUNCIL MEETING	NA