

MINUTES OF THE METRO COUNCIL MEETING

December 6, 2001

Metro Council Chamber

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

Councilors Absent:

Presiding Officer Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

There were none.

6. GREEN RIBBON FINAL REPORT AND RECOMMENDATIONS

Walt Hitchcock, Green Ribbon Committee Chair, presented the Green Ribbon Committee report (a copy of which is found in the meeting record). He introduced **Mike Houck and Councilor Mary King**, other members of the committee. He spoke to the direction of parks and trails plan. He recommended funding the \$60 million program over a period of five to ten years. **Mr. Houck** talked about the regional parks programs at Metro and the success of the acquisition program. He felt the stream protection legislation to be discussed later in this session married well with this program. **Councilor King** acknowledged Presiding Officer Bragdon's foresight in putting the committee together. She spoke to the challenge grants and the fact that her city, Milwaukie, was looking forward to writing one of those grants. **Barbara Walker**, 40-Mile Loop Trust and committee member, echoed what the other committee members said. She applauded the council and encouraged continued funding for operations and maintenance of those parks.

Presiding Officer Bragdon thanked the committee and accepted the committee's Green Ribbon Committee report. He acknowledged the hard work of the committee and presented Mr. Hitchcock with a gavel, a symbol of his efforts.

Councilor McLain added her thanks.

Councilor Park echoed the councilors' thanks and suggested that open spaces helped preserve the integrity of the communities and added to the vision of regional planning.

Councilor Atherton included his thanks. He said the committee had painted a vision for the future.

7. CONSENT AGENDA

7.1 Consideration of minutes of the November 29, 2001 Regular Council Meeting.

Motion: **Councilor Burkholder** moved to adopt the meeting minutes of the November 29, 2001, Regular Council meeting.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain, and the motion passed with Councilor Park abstaining from the vote.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 01-929**, For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B and Metro Code Sections 3.01.010, 3.01.025, 3.01.030, 3.01.035, 3.01.040, 3.01.045, 3.01.050, 3.01.055, 3.01.060, 3.01.065, and 3.07.1120 and Repealing Metro Code Sections 3.01.037 and 3.01.075 to Revise the Scope and the Criteria for Quasi-Judicial Amendments to the Urban Growth Boundary; and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-929 to Council and noted that a previous draft of the ordinance was printed in the council packet but the one dated December 5, 2001 was the correct copy being considered at Council.

8.2 **Ordinance No. 01-932**, An Ordinance confirming the Amending to and the Annual Readoption of Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-932 to Council.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 01-926**, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule Transferring 43,500 From the Planning Fund Contingency to Augment the Regional Goal 5/Fish and Wildlife Habitat Protection Program and Declaring an Emergency.

Motion: **Councilor McLain** moved to adopt Ordinance No. 01-926

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

Councilor McLain reviewed the ordinance and staff report.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-926. No one came forward. Presiding Officer Bragdon closed the public hearing.

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

9.2 **Ordinance No. 01-930**, For the Purpose of Recognizing \$75,000 in Grant Funds from Tri-Met; Increasing the Planning Fund Appropriations by \$75,000; Authorizing the Addition of 1.20 FTE; and Declaring an Emergency.

Motion: **Councilor Park** moved to adopt Ordinance No. 01-930.

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

Councilor Park reviewed the staff report (a copy of which is in the meeting record) and explained why the program was so important. He noted the need for multi-modal transportation. He spoke to the budget impacts.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-930. No one came forward to testify. Presiding Officer Bragdon closed the public hearing.

Councilor Park closed by encouraging support of the ordinance.

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

9.3 **Ordinance No. 01-931**, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule Transferring \$316,000 from the Planning Fund to Contingency to Capital Outlay and Interfund Transfers to Provide for the Purchase of Computer Equipment Under the Transportation Model Improvement Program; Authorizing an Interfund Loan not to Exceed \$300,000; Amending the FY 2001-02 Capital Improvement Plan; and Declaring an Emergency.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 01-931.

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

Councilor Monroe explained that this ordinance saved the agency money and noted how this was occurring. He said this equipment was badly needed and this was a way to utilize less public dollars.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-931. No one came forward. Presiding Officer Bragdon closed the public hearing.

Councilor Park asked if this purchase was needed at this time.

Councilor Monroe said the equipment was needed now.

Presiding Officer Bragdon spoke to the federal funding and that this was a short-term loan until the federal government sent them reimbursement.

Councilor Monroe said the money was guaranteed, there was no risk to Metro.

Mr. David Biedermann, IT Director, said this project had to do with the TRANSIMS project. This ordinance allowed for the purchase of the computers needed for the project. The federal government had finally approved the funding.

Councilor Park clarified further his question and the reason for it.

Councilor Monroe urged an aye vote.

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

10. RESOLUTIONS

10.1 **Resolution No. 01-3141**, For the Purpose of Establishing Criteria to Define and Identify Regionally Significant Fish Habitat and Approving a Draft Map Regionally Significant Fish Habitat Areas. (*WORKSESSION*).

Motion: **Councilor Hosticka** moved to adopt Resolution No. 01-3141.

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

Presiding Officer Bragdon explained to the audience that this resolution was being presented by the Natural Resources Committee Chair and discussed by council today. It will be considered for final adoption at December 13, 2001 Council meeting.

Councilor Hosticka explained the resolution and spoke to the process the Natural Resources Committee had gone through. He reviewed the recommendations the committee had made (a copy of which may be found in this meeting record). He said that MTAC had not made recommendations on the significance. He said the Natural Resources Committee had also revised the criteria. He noted for the record a document from the City of Hillsboro that challenged the scientific basis for which this work was done. He said they were currently analyzing the document and would present information at the Council meeting on December 13th.

Presiding Officer Bragdon asked about the next steps and how this would work.

Councilor Hosticka said there were a number of issues that would have to be addressed before the committee could proceed. MTAC would be addressing these questions. Primary issues had to do with economic, social, environmental impacts, local versus regional. To what level did Metro set performance standards so that a basin program could be determined? They thought it was possible to resolve those issues but they were not there yet.

Councilor McLain thanked the Chair for the excellent summary. She thought this was a proactive process. She added that they had been attending the Washington County Basin meetings. She believed that there was a commitment to meet the timeline.

Councilor Park asked about the Hillsboro report.

Councilor Hosticka said this was first time they had seen it. They had not had any previous knowledge of the document.

Councilor Park said he found it interesting that this document had been received so late in the process.

Councilor Atherton said what they were doing was identifying regionally significant resources on the map. He spoke to Option 1. They were not developing a program.

Presiding Officer Bragdon opened a public hearing.

Dawn Adams, West Linn Parks and Recreation Advisory Board, 2310 Century Lane, West Linn, OR 97068 read her letter into the record (a copy of which may be found in the record). She supported Option 1.

Barbara Wilson, 12820 SW 20th Court, Beaverton, OR 97008, supported Option 1 and explained why Option 3 was not a good idea. She was in favor of maximum protection.

Dean Wilson, 12820 SW 20th Ct. Beaverton, OR 97008, also urged Option 1, it gave maximum protection to fish and wildlife.

John LeCavalier, spoke as Executive Director of Clackamas Community College Environmental Learning Center, 19600 S. Molalla Ave, Oregon City, OR 97045 reiterated what the other testifiers had said and supported Option 1. He noted WRPAC's recommendations. He supported the map that was all green, Option 1. He spoke to the concept of science, it was a process, identifying a model, a hypothesis, testing that model and then moving on. He felt this was very good science.

Councilor McLain noted that the committee had listened to WRPAC's recommendations and she would be reporting back to the committee on the Natural Resource Committee recommendations.

Bonnie Ward, a resident of Washington County, 3885 SW 78th Ave, Portland, OR 97225, supported Option 1 and gave a history of her life in Portland and the impact of streams in the area. Children needed nature in their life (a copy of her testimony may be found in the meeting record).

Bob Adams, West Linn Town Planning Commission, 2310 Century Lane, West Linn, OR, 97068 endorsed the other speakers' support of Option 1. He felt that science was an important part of the process and explained why. He strongly urged Council to support Option 1. He gave further recommendations supporting stream protection and endangered species protection.

Mike Houck, represented the Audubon Society of Portland and Coalition of A Livable Future, 5151 NW Cornell Rd, Portland, OR 97225 highlighted his letter (a copy of which is found in the meeting record) and thanked the council for allowing public testimony. He felt the science that was used was very sound.

Presiding Officer Bragdon closed the public hearing.

Councilor Park asked for clarification on the map recommendations and criteria used.

Councilor Hosticka responded to his question about criteria. The difference in the maps was primary and secondary functions. He explained the different option maps.

Councilor McLain explained further primary versus secondary functions. She explained which three options they were currently looking at.

Councilor Park asked for further clarification on the maps.

Councilor Hosticka responded to his question and further clarified the primary and secondary functions.

Andy Cotugno, Planning Director, elaborated that the maps reflected the old criteria. They had not had time to change the maps to reflect the current criteria.

Councilor Atherton asked Mr. Cotugno to point out the areas that were already in public ownership.

Paul Ketcham, Planning Department, showed which large areas were in public ownership on the map. He said they had a map that displayed this.

Presiding Officer Bragdon suggested that they bring that map to the December 13th Council meeting.

Mr. Ketcham said they also had a map of Title III.

Councilor Burkholder asked about how basins were defined and how were they related to watersheds?

Councilor Hosticka said major basins would have to be defined and explained what a basin was. He said they would be reviewing who all had to be included as part of the jurisdictional responsibilities.

Councilor McLain said this question had been asked thoroughly. They were not looking at political lines. It was not a singular group. Metro had to take a regional approach.

Councilor Burkholder referred to the pink areas on the map and asked how these areas got included into the riparian wildlife habitat.

Councilor Hosticka responded to his question.

Councilor Burkholder summarized that a lot of the pink areas would be studied.

Councilor Park asked how much of those areas, particular in the Clackamas area, were outside the Urban Growth Boundary (UGB) but inside the Metro Jurisdictional Boundary?

Mr. Cotugno reviewed the map and showed those areas outside the UGB.

Councilor Park noted that future decisions the Council would make on UGB expansion was linked to this decision.

Councilor Hosticka noted the large number of people who had been involved in the process.

Councilor McLain reviewed the decisions of the committee concerning significance and resources.

Councilor Atherton said this was four-step process and explained those steps, Title III was the first step, this decision was the second step, the third was the upland habitat and the fourth was the storm water issues.

Presiding Officer Bragdon said this resolution would be held over and final consideration would occur at the December 13th Council meeting.

10.2 **Resolution No. 01-3101**, For the Purpose of Approving the Blue Lake Regional Park Economic Feasibility Study and Facility Design Concept.

Motion: **Councilor Hosticka** moved to adopt Resolution No. 01-3101.

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

Councilor Hosticka said this resolution approved the concept. This had been a long process and spoke to the phases to come up with a master plan. The study was available to the public.

Motion to Amend: **Councilor McLain** moved to amend Resolution No. 01-3101 and explained the water standard amendments.

Seconded: **Councilor Hosticka** seconded the amendment.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain, the motion passed

Presiding Officer Bragdon opened a public hearing.

Jean Riddings, Interlachen Water PUD, Box 1776, Interlachen, OR 97024 expressed her concern about the staff report and the note about their work with Interlachen Water PUD. The staff had not worked with the Interlachen group and the group had not been allowed to be involved in the meetings.

Councilor McLain explained her amendment.

Ms. Riddings reiterated that the staff had not worked with the Interlachen group.

Councilor Hosticka asked if Councilor McLain deleted the language or simply add the language.

Councilor McLain said she felt that language achieved the goal of the witness and her own concerns.

Ms. Riddings suggested that the Council direct the staff to work with the Interlachen Water PUD. They should be at the table. She further explained her exhibits (a copy of which may be found in the meeting record). She spoke to the scientific background and the greenspaces measure.

Ron Buell, 2817 NE 19th Ave., Portland, OR spoke to the feasibility study. He said he could not support the resolution and explained why. He was concerned about the wish list and how it would be paid for. He had suggested a lodge and dinner club. He felt this would support the other ideas in the economic feasibility study.

Councilor Atherton said Mr. Buell's proposal was included in the study and the citizen committee had rejected it. He suggested that it was possible to reconsider Mr. Buell's plan.

Mr. Buell said the Council could go ahead with a flawed plan. He was not suggesting they were ignoring the public process. He thought the Council needed to proceed carefully and cautiously.

Aleta Woodruff, 2143 NE 95th Place, Portland, OR 97220 said she remembered Blue Lake Park in the 1930s and 40s. She said it was beautiful then. She said they wanted to keep it beautiful and they needed the revenue to maintain the park. She supported the golf course idea.

Presiding Officer Bragdon closed the public hearing.

Presiding Officer Bragdon asked Charles Ciecko, Parks and Greenspaces Director, to clarify the amendment.

Mr. Ciecko said it had always been their goal to protect water quality while still finding funding to maintain the park. He spoke to Ms. Riddings comment about a closed meeting with the Portland Water Bureau. They had never denied access in any meeting.

Presiding Officer Bragdon reiterated his question, would they work with the citizen group?

Mr. Ciecko said yes.

Councilor Park asked if dollars were not an issue would they be adjusting this plan, would a golf course be one of their highest recommendations?

Mr. Ciecko said that was a difficult question, the fact was, dollars were an issue. He spoke to the deficit and the need for dollars.

Councilor Park said he understood that dollars were an issue.

Councilor Atherton spoke to one of Ms. Ridding's exhibits, a flyer on Ballot Measure 26-26. He asked about the highlighted map areas and if it was a wetland area.

Mr. Ciecko pointed out where the golf learning center would be, it would not impact the wetlands.

Councilor Atherton asked about savings, automation of the irrigation system?

Mr. Ciecko said there were no funds to implement those savings.

Councilor Atherton asked how many other golf learning centers were in the region?

Mr. Ciecko said very few.

Councilor Burkholder noted the variety of facilities that Metro had. Blue Lake Park was a facility defined as a destination resort. They had the issue of being sensitive to local neighbors but didn't see the plan as being outside that scope. He recommended looking at all options for the plan.

Councilor McLain explained the process that the committee had gone through to reach their conclusions and recommendations. She felt it was a balanced proposal. She said this resolution gave a recommendation to staff to go forward and look at a balance of options. She favored the resolution.

Presiding Officer Bragdon said this resolution gave them some options.

Councilor Park explained his vote because of the breadth of the plan, it allowed the full range of options and directed staff to go forward and look at many options. It was a good step.

Motion to Amend: **Councilor Atherton** moved to amend the resolution by striking the words “and adopts”.

Seconded: **Councilor Hosticka** seconded the amendment.

Councilor Hosticka asked for legal advice.

Mr. Dan Cooper, General Counsel, said it depended on what future councils thought this council meant by the amendment.

Councilor McLain said she did not think there was any difference.

Vote on Amend: The vote was 5 aye/2 nay/ 0 abstain. The amendment passed with Councilors McLain and Park voting no.

Councilor Park asked about the third “be it resolved”.

Councilor Hosticka closed noting why he abstained in the committee and that the amendments had answered his concerns.

Vote on Main Motion: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed as amended and became a “B” version.

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

Time Began: 4:23 p.m.

Members Present: Charles Ciecko, Mel Huie, Nancy Chase, Jim Desmond, Joel Morton, Heather Kent, William Eddie, Ray Valone, Dan Cooper, council staff

Time Ended: 5:04 p.m.

11.1 **Resolution No. 01-3134**, For the Purpose of Authorizing the Executive Office to Purchase the Union Pacific Properties in the OMSI to Springwater Corridor Target Area.

Motion: **Councilor Burkholder** moved to adopt Resolution No. 01-3134.

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

Councilor Burkholder explained the resolution, the staff report and reasons for purchase. He noted the three extenuating circumstances (as noted in the staff report). He urged approval.

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

11.2 **Resolution No. 01-3136**, For the Purpose of Authorizing the Executive Officer to Purchase Property on Scouter Mountain in the East Buttes/Boring Lava Domes Target Area.

Motion: **Councilor Park** moved to adopt Resolution No. 01-3136.

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

Councilor Park explained the resolution and the possible acquisition. He spoke to the unique circumstances. If this property was not purchased it would be developed. He summarized the staff report.

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

11.3 **Resolution No. 01-3142**, For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's former railway corridor from the Union Pacific Railroad.

Motion: **Councilor Atherton** moved to adopt Resolution No. 01-3142.

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

Councilor Atherton said this purchase was rated very highly by the Green Ribbon Committee. He explained the purchase and the value of the property.

Presiding Officer Bragdon opened a public hearing.

Dick Jones, MCCI member, thanked the Council for their efforts, this was not just a trail but a part of a bigger system. He explained the 20-mile loop. He felt government delivered on their promises.

Thelma Hagenmiller, from Oak Grove OR, said the citizens were very excited about this purchased and the connectivity of the trails.

Presiding Officer Bragdon closed the public hearing. He said the neighborhood support was going to be important in the development.

Councilor Park asked about the timeline for this property.

Mr. Jones said it went way back, long before 1995.

Councilor Park said they were keeping the faith with the public.

Councilor Burkholder noted the difficulty of the acquisition and explained why.

Councilor Atherton thanked the citizens for their testimony and urged an aye vote.

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

12. COUNCILOR COMMUNICATION

Presiding Officer Bragdon reminded the Council that there would be two regular Council meetings next week, December 11th and 13th at 2:00 p.m.

13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 5:28 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 6, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
GREEN RIBBON COMMITTEE REPORT	DECEMBER 6, 2001	REPORT TO METRO COUNCIL FROM GREEN RIBBON COMMITTEE	120601c-01
MINUTES	11/29/01	MINUTES OF METRO COUNCIL MEETING OF 11/29/01 APPROVED AS WRITTEN	120601c-02
DRAFT OF ORDINANCE No. 01-929	12/6/01	FIRST READ ORDINANCE No. 01-929 To METRO COUNCIL FROM DICK BENNER, LEGAL	120601c-03
RESOLUTION No. 01-3134A	12/6/01	GOAL 5 RESOLUTION PRESENTED TO METRO COUNCIL FROM NATURAL RESOURCES COMMITTEE FOR WORK SESSION AT 12/6/01 MEETING	120601c-04
RESOLUTION No. 01-3134A	12/5/01	SUMMARY OF RESOLUTION No. 01-3134A PREPARED CARL HOSTICKA, CHAIR FROM MICHAEL MORRISSEY, NATURAL RESOURCES COMMITTEE ANALYST	120601c-05
RESOLUTION No. 01-3134A	12/7/01	EMAIL FROM NADIA GARDNER TO METRO COUNCIL SUPPORT OPTION 1 OF RESOLUTION No. 01-3134A	120601c-06
RESOLUTION No. 01-3134A	12/6/01	LETTER FROM BONNIE MINDEN WARD TO METRO COUNCIL SUPPORTING OPTION 1 MAP OF RESOLUTION No. 01-3134A	120601c-07
RESOLUTION No. 01-3134A	12/4/01	LETTER FROM MIKE HOUCK, AUDOBON SOCIETY TO METRO COUNCIL CONCERNING RESOLUTION No. 01-3134A	120601-c-08
RESOLUTION No. 01-3101	12/6/01	RESOLUTION IN PACKET OF 12/0601 COUNCIL MEETING CONCERNING BLUE LAKE REGIONAL PARK ECONOMIC FEASIBILITY STUDY AND FACILITY DESIGN CONCEPT	120601c-09
RESOLUTION No. 01-	12/6/01	AMENDED RESOLUTION ON	120601c-10

3101A		BLUE LAKE PARK	
RESOLUTION No. 01-3101A	JUNE 2001	BLUE LAKE REGIONAL PARK DRAFT ECONOMIC FEASIBILITY STUDY AND FACILITY DESIGN CONCEPT	120601c-11
RESOLUTION No. 01-3101A	12/6/01	WRITTEN TESTIMONY AND EXHIBITS FROM JEAN RIDDING TO METRO COUNCIL CONCERNING BLUE LAKE	120601c-12
RESOLUTION No. 01-3134	12/6/01	RESOLUTION PRESENTED TO METRO COUNCIL CONCERNING UNION PACIFIC RAILROAD PROPERTIES ON OMSI TO SPRINGWATER CORRIDOR	120601c-13
RESOLUTION No. 01-3142	12/6/01	RESOLUTION PRESENTED TO METRO COUNCIL CONCERNING PORTLAND TRACTION COMPANY'S RAILROAD CORRIDOR	120601c-14