

MINUTES OF THE METRO COUNCIL MEETING

January 31, 2002

Metro Council Chamber

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

Councilors Absent:

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Mr. Paul Grosjean, board member of Pleasant Valley Neighborhood Association, thanked the Council for their purchase of the Gennteman property (a copy of Linda Bauer's letter is found in the meeting record). **Mr. Derek Shugart**, Johnson Creek Watershed Council, echoed Mr. Grosjean's comments and thanked the Council for other properties in the Johnson Creek Watershed area.

Councilor Atherton thanked them for their advocacy.

Councilor Monroe spoke to the culvert work that would be done this summer by the City of Portland.

3. UPDATE REGARDING OREGON LEGISLATIVE SPECIAL SESSION

Doug Riggs and **Rashad Henry**, PacWest Communications, updated the council on the Special Session of the Legislature. Mr. Riggs gave them a historical perspective and spoke to the collapse of the state revenues. The legislature would be meeting to see if they could solve some of the financial issues. He overviewed the proposed budgets, both the Governor's and the bi-partisan Ways and Means Committee members' proposal. The Committee's plan balanced the budget without tax increases, he explained how. He passed out the two proposed packages (a copy of which may be found in the meeting record). He said he had been talking with the legislators about Metro land use planning and the Urban Growth Boundary decisions and timeframe.

Councilor Monroe asked if there had been talk about renegeing on the Columbia River channel deepening?

Mr. Riggs responded that the legislature was supportive of the deepening of the channel.

Councilor Monroe spoke about the Common School Fund and was aghast that the legislature would consider borrowing against this fund and explained why. He talked about that the tax on cigarettes and beer.

Councilor Atherton asked about a rainy day fund.

Mr. Riggs said some had suggested a rainy day fund.

Councilor Atherton asked about impact on cities and the opportunity for SDC's.

Mr. Riggs said there had not been much discussion on this lately.

Councilor Bragdon said in the depths of the last recession, an initiative petition proposed abolishment of the land use planning process but was defeated. He noted their discussion at Governmental Affairs Committee and proposed that the Presiding Officer in conjunction with the Executive Officer communicate with the legislature during this session.

Councilor Park spoke to land use and funding strategies. He noted how important transportation funding was to infrastructure.

Presiding Officer Hosticka added that there were some properties that were being land banked. He summarized that on the current list of issues there was none that impacted Metro. If there was a change and something appeared that did impact Metro how would this get communicated to the Council.

Mr. Riggs explained their process of communicating with Mr. Stone and Mr. Sandrock.

Mr. Henry and Mr. Riggs talked about the introduction of bills and what would happen.

Councilor Monroe said he thought the 2141 money impacted Metro. He asked the lobbyists to assist in this process.

Mr. Riggs said they would keep an eye on this funding source.

4. CONSENT AGENDA

4.1 Consideration of minutes of the January 24, 2002 Regular Council Meeting.

Motion: **Councilor Atherton** moved to adopt the meeting minutes of the January 24, 2002, Regular Council meeting.

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

4.2 **Resolution No. 02-3145**, For the Purpose of Confirming Lydia Neill to the Metro 401(k) Employee Salary Plan Advisory Committee.

Motion: **Councilor Atherton** moved to adopt Resolution No. 02-3145.

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

Councilors McLain, Monroe and Bragdon discussed consent agenda issues.

5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 02-934**, For the Purpose of Amending the FY 2001-02

Budget and Appropriations Scheduled Transferring \$31,000 from Contingency to Operating Expenses in the Building Management Fund; and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-934 to the Budget and Finance Committee.

5.2 **Ordinance No. 02-935**, For the Purpose of Enacting the Community Preservation Act and Establishing a periodic popular vote that sets Metro Fiscal Policy relating to paying for the Cost Impacts of Growth.

Presiding Officer Hosticka assigned Ordinance No. 02-935 to the Natural Resources Committee.

5.3 **Ordinance No. 02-936**, For the Purpose of Amending the Future Vision and the Regional Framework Plan to fulfill the Charter Requirement to describe a process for "carrying capacity" in the Region.

Presiding Officer Hosticka assigned Ordinance No. 02-936 to the Natural Resources Committee.

6. RESOLUTIONS

6.1 **Resolution No. 02-3149**, For the Purpose of Authorizing Contracts for Public Art in The Oregon Convention Center Expansion.

Motion: **Councilor Burkholder** moved to adopt Resolution No. 02-3149.

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

Councilor Burkholder overviewed the resolution approving contracts for public art. He noted the committee, chaired by Councilor Bragdon, were doing a jury review of a variety of proposals. He urged an aye vote.

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

7. FISH AND WILDLIFE HABITAT PROTECTION PROGRAM (GOAL 5) CONSIDERATION OF BASIN APPROACH.

Presiding Officer Hosticka gave a history of the process and noted some recommendations were

Motion: **Councilor McLain** moved that Council express its approval of the Executive Officer bringing forward an Intergovernmental Agreement and any other necessary actions for Council approval in order to authorize and allow the use of a Basin Approach as a component of Metro's Fish and Wildlife Habitat program adoption.

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

Councilor McLain noted the materials in front of the Council (a copy of which is found in the meeting record). She reviewed the proposal and changes included 1) clarify responsibility and charge, 2) make clear that the basin approach is more than Goal 5 and 3) further define aspects of the ESEE decision. She noted that there were other issues that had not yet been resolved such as

wildlife issues, use of the full vision document. She said that there were two steps where the council had a lot of approval, both Steps 1 and 2. She said that there was no where in this document where Metro had given up any authority, the regional ESEE step would be a full basin approach, the regional program and a scientific inventory had been agreed upon by all of the partners.

Presiding Officer Hosticka suggested discussing the motion. He summarized the motion and clarified what it did not include. They were not voting on any specific language.

Dan Cooper, General Counsel, concurred with Presiding Officer Hosticka's summary of the motion.

Councilor Park suggested cleaning up the motion.

Councilor McLain said Mr. Cooper had prepared the language.

Councilor Bragdon said he shared Councilor Park's concern. He spoke to the work that had already been done and suggested that the Executive Officer be encouraged to continue in that direction.

Mr. Cooper said the addition of the suggested language was consistent with the motion.

Presiding Officer Hosticka opened a public hearing.

Mike Houck, Audubon Society of Portland, 5151 Cornell Road, Portland, OR 97225 supported the resolution and summarized his letter into the record (a copy of which may be found in the meeting record). He focused on two issues in his letter; clarification of a region wide ESEE approach and council's final determination. He suggested what should be clarified.

Councilor Bragdon asked Mr. Houck about the two step process. He thought step 2 seemed far clearer.

Mr. Houck explained his concern.

Presiding Officer Hosticka explained the process as he understood it and when the final decisions would be made.

Mr. Houck said they had adopted an inventory and what ever isn't on the map wouldn't get considered.

Councilor Park clarified that they had not adopted a map in December 2001.

Al Burns, Portland Planning Bureau, 1900 SW 4th Avenue, Rm 4100, Portland, OR 97201 read a letter from Gil Kelley, Planning Director, into the record (a copy of which is found in this meeting record). He summarized the concerns.

Councilor Bragdon asked what their obstacles were?

Mr. Burns said they had developed a process, they didn't want their earlier processes to be suspect.

Councilor Park deferred to Mr. Cooper.

Mr. Cooper said there were other actions the council had to take care of. He understood Mr. Burn's concerns and felt these could be addressed and solved.

Presiding Officer Hosticka clarified that the agreement of the partners was that the final plan was a Metro plan.

Councilor Park asked that Mr. Curtis explain his comment about "going earlier".

Brent Curtis, Washington County Planning Manager, explained a three-step process. Once the Council adopted this plan into the Functional Plan they would go forward and comply.

Councilor Park asked if it was allowable to implement prior to acknowledgement by LCDC.

Mr. Cooper said yes and explained why.

Councilor Park addressed the uniqueness of Goal 5 and the acknowledgement by LCDC. He asked a question about Washington County proceeding.

Mr. Cooper said if their action was subject to an appeal, their decisions would have to be separately measured.

Mr. Curtis said their intent was to fulfill this approach, earlier protection. They would have to give evidence to council to support their approach.

Councilor Park shared his concern and clarified why he asked the question.

Councilor Atherton spoke to watershed planning and doing it in a comprehensive way. He asked about surface water management?

Mr. Curtis said the bullets on page 4 gave them an example of what were reasonable things to think about. He thought Councilor Atherton could expect that the surface water would impact Goal 5.

Councilor Atherton explained why he had asked the question.

Mr. Curtis spoke to their commitment to do the work.

Presiding Officer Hosticka closed the public hearing.

Motion to

Amend: **Councilor McLain** amended her motion, that the Council express its approval of the Executive Officer bringing forward a proposed Intergovernmental Agreement and any other necessary actions for Council approval in order to authorize and allow the use of a Basin Approach as a component of Metro's Fish and Wildlife Habitat Program. Adoption of this motion is based on the Metro staff memo dated January 30, 2002, and the attachments referenced therein.

Seconded the

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

Councilor Monroe spoke to the motion.

Councilor McLain explained that this set up more work.

Vote on the

Main Motion: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed as amended.

8. COUNCILOR COMMUNICATION

Councilor Park announced that Metroscope briefings were available. They would be looking at the first phase of the sub-regional discussion at the Community Planning Committee next week.

Councilor Burkholder encouraged councilors to participate in a statewide rally by students supporting statewide funding for education.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:02 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 31,
2001**

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
LETTER SUPPORTING COUNCIL'S PURCHASE OF GENNTEMAN'S PROPERTY	NO DATE	LETTER OF APPRECIATION TO THE COUNCIL FROM LINDA BAUER, PLEASANT VALLEY NEIGHBORHOOD ASSOCIATION	013102c-01
BUDGET ADJUSTMENT PLAN 01-03	01/30/02	PROPOSED OREGON LEGISLATURE BUDGET PLAN SUBMITTED BY PACWEST TO METRO COUNCIL	013102c-02
REDUCTION OPTIONS	01/23/02	PROPOSED REDUCTION OPTIONS BY THE OREGON LEGISLATURE SUBMITTED BY PACWEST TO METRO COUNCIL	013102c-03
CONSIDERATION OF BASIN APPROACH MOTION	NO DATE	MOTION BY COUNCILOR McLAIN CONCERNING FISH AND WILDLIFE HABITAT PROTECTION PROGRAM TO METRO COUNCIL	013102c-04
MEMO CONCERNING BASIN APPROACH	1/30/02	MEMO TO COUNCIL McLAIN FROM MARK TURPEL ABOUT BASIN APPROACH	013102c-05
LETTER CONCERNING BASIN APPROACH	1/30/02	LETTER FROM MIKE HOUCK TO METRO COUNCIL	013102c-06
LETTER CONCERNING BASIN APPROACH	1/31/02	LETTER FROM GIL KELLEY, PLANNING DIRECTOR FOR CITY OF PORTLAND TO THE METRO COUNCIL	013102c-07