

## MINUTES OF THE METRO COUNCIL MEETING

February 14, 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 2:06 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

**Kathryn Krygier**, representing Citizens for Sensible Development, spoke to Urban Reserve Number 47 explaining where this area was and noted transportation issues. She said there was only one access to the site. She asked the Council for assistance in solving the access issue. She provided an overview of the estimated neighborhood sizes impacted by development, a copy of which is attached to and incorporated into the permanent record of this meeting. She stated there was no opposition to the development and growth of this area only that transportation needed to be adequately addressed. She identified access, floodplains and developments, and indicated that this issue was currently being addressed by the King City Council. **Presiding Officer Hosticka** explained the Council's position in the process of considering expansion of the Urban Growth Boundary. **Councilor Park** suggested going to the Metro Planning staff and determining whether an administrative or legislative process should be pursued.

**LuRee Krygier**, 13070 SW Jacob Court, Tigard, OR 97224, spoke, a copy of her testimony is attached to and incorporated into the permanent record of this meeting. She further addressed a letter from Ed Sullivan, legal counsel with Preston, Gates, and Ellis, representing neighborhood residents. A copy of that letter and an original petition signed by over 100 citizens from the area are attached to and incorporated into the permanent record of this meeting. **Presiding Officer Hosticka** asked Mr. Cooper, Legal Counsel, how to proceed. **Mr. Cooper** said he would review Mr. Sullivan's submittal and advise the Council. **Presiding Officer Hosticka** said he was scheduled to address the King City residents about this site.

### 3. CENTRAL COMMUNITY ENHANCEMENT GRANTS

**Councilor Burkholder** introduced Leann Linson, Regional Environmental Management Division Manager, and Lee Stapleton, Metro Central Enhancement Committee member. **Mr. Stapleton** addressed and summarized the grants that had been requested and awarded. There were \$181,000 in grants awarded. **Councilor Burkholder** noted what a pleasure it was to work with the committee, and thanked all committee members for their hard work.

#### 4. AUDITOR COMMUNICATION

**Alexis Dow**, Auditor, presented the FY 2001 Financial Statement Audit, a copy of which is attached to and incorporated into the permanent record of this meeting. She introduced Bob Henry and Chris Rogers of KPMG, and Don Cox, Metro Accounting Manager. She explained financial statements are important because they provide information about Metro's use of resources. KPMG audited Metro's financial statements and declared them "clean." **Mr. Henry** said KPMG's responsibilities were to provide an independent audit report on compliance and internal control over the financial reporting based on general purpose financial statements performed in accordance with government auditing standards. There are six processes that the audit firm reviewed, identified key controls and tested the controls. He proposed no significant audit adjustments. Metro has met the test. **Mr. Cox** acknowledged Karla Lenox and staff who worked to complete the Comprehensive Annual Financial Report. He briefly reviewed the CAFR. His remarks can be found in the introductory section of the report. **Councilor Bragdon** asked if GASB 34 changed KPMG's scope of work. **Mr. Henry** said it did not effect their report this year, as GASB 34 and 38 will be in effect next year. In answer to **Councilor Burkholder's** question, **Mr. Henry** said affiliated activities did not affect GASB 34. **Mr. Cox** offered to brief Councilor Burkholder on this issue. **Councilor Atherton** commented that a clean report was critical for bond holders.

#### 5. MPAC COMMUNICATIONS

**Presiding Officer Hosticka** said at the February 13, 2002, MPAC meeting a report had been provided on MetroScope, which was followed by subcommittees discussion groups. Resolution No. 01-3163, on this Council meeting's agenda was discussed, but a recommendation was not made. **Councilor Park** said the subregional needs recommendation would have to be completed earlier than originally planned, and is due by March 1, 2002.

#### 6. OGC BRIEFING ON EFFECTS OF ANTI-DENSITY MEASURES

**Presiding Officer Hosticka** asked that Mr. Cooper brief Council on Measure 26-11 when discussing agenda item 9.2. - Resolution No. 02-3163.

#### 7. CONSENT AGENDA

7.1 Consideration of minutes of the February 7, 2002 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of the February 7, 2002, Regular Council meeting.

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

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

#### 8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 02-933**, For the Purpose of Amending Metro Code Chapter 5.01 to Provide for the Regulation of Chipping or Grinding of Wood Waste at a Facility that is Otherwise Regulated by Metro.

**Presiding Officer Hosticka** assigned Ordinance No. 02-933 to the Solid Waste and Recycling Committee.

8.2 **Ordinance No. 02-937**, For the Purpose of Amending Metro Code Chapter 5.04 Related to Supporting Markets or Recycling Materials and Making Related Changes to Metro Code Chapter 2.19 to Establish a Recycling Business Assistance Advisory Committee.

**Presiding Officer Hosticka** assigned Ordinance No. 02-937 to the Solid Waste and Recycling Committee. **Councilor McLain** expressed her concerns about this ordinance.

## 9. RESOLUTIONS

9.1 **Resolution No. 02-3152**, For the Purpose of Adopting a Filing Fee for Minor Adjustments to the Urban Growth Boundary.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 02-3152.

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

**Councilor McLain** reviewed Resolution No. 02-3152, explaining it had passed out of the Community Planning Committee on a vote of 7/0, with the fee for minor adjustments being \$1000, with any unused portion returned to the applicant.

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

9.2 **Resolution No. 02-3163**, For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Requiring Protection of Existing Single Family Neighborhoods, Cost Impact Statements Regarding Urban Growth Boundary Amendments, and Notice to Affected Neighborhoods.

**Motion:** **Councilor Burkholder** moved to adopt Resolution No. 02-3163.

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

**Councilor Burkholder** introduced Resolution No. 02-3163, which is an alternative measure to Measure 26-11, because it protects the livability of the region which is a key component of Metro's efforts. He explained Measure 26-11 was poorly written and his proposed legislation includes protection of single-family neighborhoods; cost impact statements regarding UGB amendments; and notice requirements impacting housing within one mile of affected neighborhoods. A copy of his remarks are attached to and included in the permanent record of this meeting. **Presiding Officer Hosticka** recessed the Council for five minutes to discuss the latest version of Councilor Burkholder's legislation. He re-called the Council and asked Mr. Cooper to explain Measure 26-11, and indicate how Resolution No. 02-3163 would address flaws in Measure 26-11.

**Mr. Cooper** explained, working with the actual documents on file with the Elections Office, that Measure 26-11 was filed in January 2000, but did not qualify for the November ballot, so it was placed on the next ballot of May 2002. It prohibits the Council from adopting requirements for

cities or counties to increase housing densities or adopt minimum density requirements on residential land, and requires the Council to also immediately repeal any existing Metro ordinances or portions which establish minimum densities or minimum density requirements, or which require cities or counties to increase housing densities or adopt minimum density requirements on residential land within the city or county. It defines residential land as being all land zoned in a manner which will allow the siting of housing, including but not limited to residential zones or mixed zones allowing residential use. It also requires that prior to any city or county adopting amendments to their comprehensive plans or zoning ordinances to increase housing densities or to adopt minimum density requirements on residential land, Metro is directed to prepare a comprehensive report addressing factors such as traffic patterns, effect of housing densities on parks and open spaces, availability and adequacy of fire, police, ambulance protection, public infrastructure, schools and wildlife and any increase in cost of federal wildlife laws. A report must be prepared every time a local jurisdiction is considering any proposal to increase housing densities, and the report needs to be mailed to all households within 500 feet of where the increase would occur, at least 14 days prior to a public hearing on the matter.

**Mr. Cooper** responded to questions, among those, the cost of such reporting, and answered he was unaware of the cost impact. Oregon law requires cost impact statements to be prepared on state-wide ballot measures, not local ballot measures. There are separate sets of laws governing state-wide ballot measures. The Charter limits charter amendments to a single-subject in matters related, unlike state law. **Mr. Cooper** further stated that Measure 26-11 did not have a source of funding in it; it is an amendment to the Charter section on the regional planning function which has a provision in it saying it is a priority function for Metro and that the Council shall fund the requirements of that section of the charter, but does not identify the source. The notice is separate from any other notice mandated to be provided to involved entities. If the measure passed, Metro would have to explore options about offsetting the costs of the noticing provision.

**Councilor Atherton** asked about the effects of this measure on Metro's bond rating, and **Ms. Dow** responded that it would have some impact. **Mr. Cooper** stated that the measure's reference to the expansion of the urban growth boundary, as written, was particularly troublesome, and required a high degree of clarification. It was very possible, that this measure would create litigation by affected parties. **Presiding Officer Hosticka** suggested any questions on the part of the Council, be prepared and submitted to Ms. Coats, Council Operations Officer, to be submitted to Mr. Cooper. Further, he noted for the record, a letter from Charlie Hales, Portland City Commissioner, which has been attached and incorporated into the permanent record of this meeting, supporting Resolution No. 02-3163. **Mike Burton, Executive Officer** spoke in support of Resolution No. 02-3163. **Councilor Burkholder** said this was a Charter amendment, and urged its passage. **Councilor McLain** supported this resolution. **Councilor Bragdon** expressed his support. **Councilor Park** thanked Councilor Burkholder for his efforts and supported the resolution. **Councilor Monroe** spoke to the difficult, economic times, and supported the resolution.

**Councilor Burkholder** thanked councilors for their support

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, passing Resolution No. 02-3163.

## 10. CONTRACT REVIEW BOARD

**10.1 Resolution No. 02-3156**, For the Purpose of Authorizing the Executive Officer to Execute Change Order No. 3 to the Contract for the Operation of the Metro South and Metro Central Transfer Stations.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 02-3156.

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

*Audio tape ended at this point* **Councilor Monroe** addressed Resolution No. 02-3156 explaining the current contract and the need to extend it. He reviewed the staff report, and urged support of the resolution. **Councilor McLain** said she believed staff had done a good job of taking direction from the Council, and supported the legislation. **Councilor Park** said he was normally in favor of renewing contracts and explained why this was positive for Metro and BFI, and supported the resolution. **Councilor Bragdon** said he had heard good comments about the current contractor, and questioned if open bidding might have resulted in a better contract. However, he felt the uncertainty of the current economic situation might have negatively influenced the outcome, and supported this resolution. **Councilor Atherton** agreed with Councilor Bragdon.

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

**10.2 Resolution No. 02-3157**, For the purpose of Amending Metro Contract No. 923054 to Modify the Scope of Work by Adding Additional Tasks.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 02-3157.

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

**Councilor McLain** said that Resolution No. 02-3157 authorized execution of Change Order No. 2 which continued the closing down of the St. Johns Landfill according to DEQ requirements, restoring the wetlands area and preserving the slope restoration efforts.

**Councilor Burkholder** asked what had changed.

**Dennis O'Neil**, REM staff, spoke to the original contract and why the need for revision.

**Councilor Burkholder** asked about excavation issues?

**Mr. O'Neil** said they had completed two environmental assessments. They found petroleum contaminated soil. They had a clean bill of health.

**Councilor Park** asked if this was complying with our own Title 3 laws.

**Councilor McLain** said yes.

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

## **11. COUNCILOR COMMUNICATION**

### **Report of 2002 Committee Work Plans**

**Presiding Officer Hosticka** suggested council reviewing the work plans (a copy of the 2002 Committee Work Plans are included in the meeting record) and consider adoption at a later date.

**Councilor Burkholder** asked councilors to submit global and specific budget issues.

**Councilor Bragdon** noted that Governmental Affairs Committee would not meet February 21, 2002 as originally planned.

**Presiding Officer Hosticka** announced that the Metro Council would not meeting next week.

## **12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:24 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 14,  
 2002**

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
MINUTES	2/7/02	MINUTES OF THE METRO COUNCIL MEETING OF 2/7/02 SUBMITTED TO COUNCIL FOR APPROVAL	021402c-01
ESTIMATED NEIGHBORHOOD SITES IMPACTED BY DEVELOPMENT OF UR 47	NONE LISTED	SUBMISSION TO THE METRO COUNCIL FROM LUREE KRYGIER	021402c-02
LETTER RE: UR 47	1/23/02	LETTER TO METRO COUNCIL AND MIKE HOGLUND FROM LUREE KRYGIER CONCERNING UR 47, TRANSPORTATION AND PLANNING ISSUES	021402c-03
LETTER AND PETITION RE LEGISLATIVE AMENDMENT OR LOCATION AMENDMENT TO METRO UGB NEAR KING CITY	2/13/02	LETTER TO CARL HOSTICKA, PRESIDING OFFICER FROM EDWARD SULLIVAN, PRESTON GATES AND ELLIS CONCERNING UR 47	021402c-04
LETTER FROM KPMG	11/21/01	AUDIT OF FEDERAL AWARDS PERFORMED IN ACCORDANCE WITH US OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-133	021402c-05
CAFR	JUNE 30, 2001	METRO'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDING JUNE 30, 2001	021402c-06
LETTER CONCERNING RESOLUTION No. 02-3163	2/14/02	LETTER TO METRO COUNCIL FROM CHARLES HALES, COMMISSIONER CITY OF PORTLAND SUPPORTING PASSAGE OF RESOLUTION	021402c-07
RESOLUTION No. 02-3163 FINAL VERSION	2/14/02	RESOLUTION BEFORE COUNCIL CONCERNING AMENDMENT TO METRO	021402c-08

		CHARTER	
EXPLANATORY STATEMENT OF RESOLUTION No. 02-3163	1/2002	EXPLANATORY STATEMENT BY DAN COOPER TO METRO COUNCIL	021402C-09
TALKING POINTS	2/14/02	TALKING POINTS OF COUNCILOR BURKHOLDER CONCERNING RESOLUTION No. 02-3163	021402C-10
COMMITTEE WORK PLANS	2/14/02	2002 COMMITTEE WORK PLANS FOR NATURAL RESOURCES, SOLID WASTE & RECYCLING, COMMUNITY PLANNING, TRANSPORTATION, GOVERNMENTAL AFFAIRS, BUDGET AND FINANCE SUBMITTED TO COUNCIL FOR REVIEW AND APPROVAL	021402C-11