

MINUTES OF THE METRO COUNCIL MEETING

Thursday, May 23, 2002
Metro Council Chamber

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

Councilors Absent: Rod Park (excused)

Presiding Officer Hosticka convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. MPAC COMMUNICATIONS

Presiding Officer Hosticka said MPAC met and discussed riparian zones and the incentives program, no action was taken.

5. CONSENT AGENDA

5.1 Consideration of minutes of the May 16, 2002 Regular Council Meeting.

Motion	Councilor Bragdon moved to adopt the meeting minutes of the May 16, 2002, Regular Council meeting
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Vote:	Councilors Bragdon, Atherton, Monroe, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed with Councilor Park absent.
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6. RESOLUTIONS

6.1 **Resolution No. 02-3161**, For the Purpose of Confirming the Appointment of William Bree, Laila Cully, Michael Decker, Jerry Powell, and Marie Werts to the Metro Recycling Business Assistance Advisory Committee.

Motion	Councilor McLain moved to adopt Resolution No. 02-3161.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain said this committee would offer Metro assistance in recycling activities. She noted that Councilor Atherton would be the Metro representative and she would be serving as an alternate. Councilor Burkholder asked if any appointees were in the audience. Their credentials were very impressive. There were none in the audience. Presiding Officer Hosticka said to the audience that most of the work on this resolution was done in committee.

Vote:	Councilors Burkholder, McLain, Bragdon, Atherton, Monroe and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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7. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.

Time Began: 2:11 p.m.

Members Present: Pete Sandrock, Alexis Dow, members of the media, Mike Burton, Scott Moss, Dan Cooper, Marv Fjordbeck, Lily Aguilar, member of council staff, Ed Rutledge

Time Ended: 2:38 p.m.

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

Time Began: 2:40 p.m.

Members Present: Alexis Down, Jeff Stone, John Donovan, Marv Fjordbeck and Dan Cooper, members of the press

Time Ended: 2:52 p.m.

8.1 **Resolution No. 02-3199**, For the Purpose of Authorizing the Executive Officer to Purchase the Derby-Heinze Partnership Property on Mt. Scott in the East Buttes/Boring Lava Domes Target Area.

Motion	Councilor Monroe moved to adopt Resolution No. 02-3199.
Seconded:	Councilor Atherton seconded the motion

Councilor Monroe said there were a number of people planning to testify on this issue. He noted the letters that had been receive supporting the purchase including the Clackamas County Commission. He then described the property and gave a history of the development in the area. He noted the steep slopes and the remaining habitat on the top of Mr. Scott. He felt this was prime openspace and habitat would be lost to development if Metro didn't purchase the property quickly. He urged support of the resolution.

Presiding Officer Hosticka opened a public hearing.

Mike Burton said he knew this resolution was coming forward. He expressed concern about the 'whereas' in the resolution and how this would fit with Resolution No. 01-3106. He said the current property did not fit the resolution, which provided guidance for purchase of property. The issue before Council was what criteria did this property fit into. The purchase of the property would displace other negotiations. The Council would have to identify the exemption.

Councilor Bragdon said staff had presented information at the Natural Resources Committee. He asked Mr. Burton's what he would recommend taking off the essential list if they approved this property. Mr. Burton said he would be hesitant to answer that question with the current negotiations. That discussion would need to occur in executive session. He said there were other properties which wanted to be on the essentials list but were not. If they approved the purchase of this property he would seek guidance on which properties to take off the list.

Councilor Atherton asked if the criteria in Resolution No. 01-3106 included trail connections. Mr. Burton read the criteria in Resolution No. 01-3106. He said he couldn't answer if this property met the criteria.

Councilor Monroe said he knew there were negotiations going on and that there were more properties than money to buy them. He suggested looking at all properties that could be land banked. He thought that this property would be lost if land banked.

Mr. Burton said he raised the question of policy, there was an existing policy. He asked what policy they would adopt if they were going to purchase this property and would it be an applicable policy for other property purchases. Presiding Officer Hosticka asked, was there a policy basis for this?

Dick Jones, 3205 SE Vineyard Rd, Oak Grove, OR, and a member of MCCI, said this site was a breathtaking site. He understood the criteria issue. He felt this purchase had wide citizen support. He thought this site was of regional importance. It was the highest site in the Urban Growth Boundary. There was no place in the Portland area other than this site that was of this geological historical value. He explained further the values of the site. He spoke to access issues. He urged consideration of this resolution.

Steven B Berliner, Director of Friends of Kellogg and Mr. Scott Creeks Watershed, PO Box 22373, Milwaukie, OR 97269 supported the purchase of this property (a copy of his testimony is included in the meeting record). He noted his emails to the Council. He answered Councilor Atherton's question about connectivity. He noted the willing jurisdictional agencies that supported the purchase. He spoke to development issues such as impacts on the watersheds.

Councilor Atherton asked about development activity impacts. Mr. Berliner responded that you can't stop development but protection of watershed and habitat was essential. Councilor Atherton said restoration of streams took a long time. Councilor Monroe asked Mr. Berliner about steep slopes and the protection of streams if the area was developed. Mr. Berliner responded by giving an example of the coastal development and the homes that slid because of development, a similar circumstance could occur in this area.

Presiding Officer Hosticka closed the public hearing.

Councilor Atherton suggested a friendly amended and explained further his amendment. Councilor Monroe said before he would consider the amendment he would like guidance for the experts.

Motion	Councilor Burkholder moved to refer Resolution No. 02-3199 back to the Natural Resource Committee.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder said he felt they needed to discuss this further in committee. Councilor Monroe asked Councilor McLain how soon the committee could consider this resolution. Councilor McLain said as soon as the sponsor of resolution and staff could answer questions. Councilor Monroe suggested it is as soon as possible. The reason why they attempted to bypass it was because of the urgency. He respected the process. He noted an exception to the process required Council action. This was why he suggested bringing this to Council rather than Committee. He hoped that an exception would be considered for this purchase. If the majority of the Council felt it should go to Committee, he would support the will of the body. Presiding Officer Hosticka said he had opportunity speak with Clackamas County Commission. They would like to have the opportunity to discuss this further. He noted the Executive Officer's concerns. Councilor McLain said they had just started the conversation in Natural Resources Committee about the essentials list, the properties in active negotiation, and a third list of priorities that had been brought to Council. They needed to finish the conversation. At least \$23 million in property was currently on the essentials list. Councilor Bragdon spoke in favor of the motion. There was no question there was a stunning view on this site. The achievements of what Metro was trying to buy were due to the criteria they had established. If we didn't approve the motion to refer, it undermined all of the previous action taken. He noted the Executive Officer's reservations. He noted the Audubon Society letter requesting more time for consideration of this purchase. Councilor Monroe said three councilors had toured the property, he recommended those who had not seen the property should view it before the issue was taken at Committee. He noted the assets of the property. Councilor Atherton supported the motion and suggested other possibilities for purchase. Presiding Officer Hosticka said if members wanted to propose amendments this should be done in Committee.

Vote:	Councilors Burkholder, McLain, Bragdon, Atherton, Monroe and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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9. COUNCILOR COMMUNICATION

Presiding Officer Hosticka reminded members that there was no Council meeting next Thursday but they would have a Council/Executive Officer Informal meeting on Tuesday at 2:00 p.m.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:39 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 23, 2002

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
5.1	MINUTES	5/16/02	METRO COUNCIL MINUTES OF 5/16/02 SUBMITTED FOR APPROVAL	052302C-01
6.1	COMMITTEE REPORT	5/16/02	COMMITTEE REPORT ON RESOLUTION NO. 02-3161 FROM JOHN HOUSER TO METRO COUNCIL	052302C-02
8.1	CITIZEN LETTER	5/23/02	LETTER FROM CLACKAMAS COUNTY COMMISSIONERS TO METRO COUNCIL AND EXECUTIVE OFFICER RE: RESOLUTION NO. 02-3199	052302C-03
8.1	CITIZEN LETTER	5/23/02	LETTER FROM STEVEN BERLINER, DIRECTOR OF FRIENDS OF KELLOGG AND MT. SCOTT CREEKS WATERSHED TO METRO COUNCIL RE: RESOLUTION NO. 02-3199	052302C-04