

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 10, 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 2:12 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. MCCI RETREAT RECOMMENDATIONS

Dennis Ganoe, MCCI Chair, updated the Council on the MCCI Retreat Recommendations (a copy of which is found in the meeting record).

Councilor Atherton asked if there was discussion at MCCI on Metro elections? Mr. Ganoe said there was a discussion at the last steering committee. They had established an ad-hoc committee to review this issue. Councilor Burkholder thanked MCCI members for their hard work. He noted the Public Involvement Planning Guide revision on today's agenda. Councilor McLain thanked Kay Durtschi and Aleta Woodruff for their involvement. She also thanked the chair for his efforts.

### 4. 2002 URBAN GROWTH FUNCTIONAL PLAN COMPLIANCE REPORT

Brenda Bernards and Gerry Uba, Planning Department, gave an overview of the 2002 Urban Growth Functional Plan Compliance report (a copy of which is found in the meeting packet). The end of the year report was required by Metro Code. She noted that the Council would need to set a public hearing date for review of compliance. Ms. Bernards said Title 1 and 6 would be quite different this time. She then spoke to the next steps. Presiding Officer Hosticka asked when they had to have the public hearing. Ms. Bernards said it could be held at the beginning of next year. Mr. Uba said Title 7, Affordable Housing, was also very different and this was the first time for jurisdictions to report on this Title. He asked Council guidance on this title and suggested former HTAC members might be able to suggest some resolve to particular affordable housing issues. Councilor McLain said they had made suggestions at the Community Planning Committee. The report was going out to the local jurisdictions right after it was presented to Council. Councilor Burkholder said they needed to look at how we improve our practices. He expressed concern about the number of jurisdictions who had not replied. He asked if Mr. Uba had ideas on why the jurisdictions had not responded to Title 7. Mr. Uba said they had no idea. Councilor Burkholder said the Council and the region had agreed that these requirements were a priority. He recommended that the Council put some resources into the budget to get answers to some of these questions.

Councilor Park explained the mechanism concerning the Affordable Housing agreement. Dan Cooper, General Counsel, said in 1997 the Council included language, which stated that it would include affordable housing language. Metro participated in mediation on this issue. The result was that the Council would set up a process. The process included the appointment of a regional Affordable Housing Task Force. The council then adopted the task force recommendations. The local jurisdictions were told they would need to consider affordable housing and report back to the Council. Council was in mid-stream on this issue. Councilor Park said this pointed out that there was an agreement between Metro and local jurisdictions concerning reporting on affordable housing. The Council had set a very modest goal. Councilor McLain said they had all agreed that there was still conversation to have on affordable housing. There were a variety of things that jurisdictions could do. It was important to remember that they did more non-regulations. She felt that these reports were extremely important. She suggested Metro give assistance to the jurisdictions to get beyond the goal and structure setting. Councilor Bragdon said the voluntary approach to reporting on affordable housing needed to occur. He then talked about the centers strategy and reporting needs. Ms. Bernards said the zone capacities included the work they did in their centers.

Kay Durtschi, MCCI member, asked under Title 8 did they want to use the word relay or should it be rely? She suggested changing the typo and making the word rely instead of relay. She suggested adding citizen involvement to Title 8.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4<sup>th</sup> Ave Suite 4100, Portland OR 97201 thanked the Council for this process as the City of Portland benefited most from the process. They would finally have certainty. He asked about Title 11 compliance. Presiding Officer Hosticka suggested he put his questions in writing.

Mr. Uba suggested some things that Metro could do to help jurisdictions with compliance reporting on affordable housing.

**5. CONSENT AGENDA**

5.1 No minutes were available for consideration at this meeting.

**6. ORDINANCES – SECOND READING**

**6.1 Ordinance No. 02-965A**, For the purpose of Amending Chapter 2.02 Personnel Rules, of the Metro Code to conform to the Metro Charter amendments adopted on November 7, 2000, and Declaring an Emergency.

Motion	Councilor Monroe moved to adopt Ordinance No. 02-965A.
Seconded:	Councilor Bragdon seconded the motion

Councilor Monroe said this was the last of a series of ordinances designed to adjust Metro’s Code to comply with Metro Charter amendments. He explained the changes to the Code. He urged support. Councilor Bragdon was also supportive of this ordinance.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-965A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and
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	Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**7. RESOLUTIONS**

7.1 **Resolution No. 02-3247**, For the Purpose of Allowing a one-time exemption to the Personnel Rules limiting Retroactivity on Merit Pay increases to one year.

Motion	Councilor Monroe moved to adopt Resolution No. 02-3247.
Seconded:	Councilor Bragdon seconded the motion

Councilor Monroe said, in an agency-wide audit it was found that performance evaluations had not been completed on eight employees. This resolution allowed for retroactive merit to these employees and it was less than \$25,000. He urged support. Councilor Bragdon said he was supportive of the resolution. It was very important to give Metro employees their evaluations in a timely manner. Councilor McLain asked if there were managers that did not do performance evaluations? Councilor Monroe said the Human Resources Department had completed an audit and determined that these evaluations had been missed. He urged adoption of the resolution.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.2 **Resolution No. 02-3248**, For the Purpose of Approving the Revised Public Involvement Planning Guide on Behalf of the Metro Committee on Citizen Involvement (MCCI).

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3248.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder said this was a regularly scheduled update of the MCCI Public Involvement Planning Guide. He explained the reason for the Guide and what had changed since the first document had been adopted. He urged adoption of the update.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.3 **Resolution No. 02-3249**, For the Purpose of Authorizing the Executive Officer to Issue a Renewed Metro Solid Waste Facility License For Yard Debris Composting to Grimm's Fuel Company.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3249.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said this was a renewal for five years of a yard debris company. They had been a good operator. This had not been heard at Committee but it was non-controversial. Councilor Burkholder asked why a renewal action came to the Council? Paul Garrahan, Legal Counsel, said all licenses needed to be approved by the Council. Dan Cooper, General Counsel,

said that was because the Council chose to do it that way. Councilor McLain explained further why Council review was necessary. Councilor Bragdon agreed with Council McLain about the necessity to preserve Council’s rights to review these licenses. He suggested the consent agenda as a way to expedite non-controversial licenses. Councilor Monroe said approving the Solid Waste facilities was one of Metro’s main charges. Councilor Burkholder said his question was how we streamline these licenses, which were non-controversial. Councilor McLain said what may seem controversial to one councilor may not be to another. Councilor Atherton said this was similar to a performance review. He spoke to one particular issue that had occurred this year. He urged adoption.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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7.4 **Resolution No 02-3253**, For the Purpose of Adopting an Updated Regional Greenspaces System Concept Map.

Motion	Councilor McLain moved to adopt Resolution No. 02-3253.
Seconded:	Councilor Bragdon seconded the motion

Councilor McLain said this was fine work by Parks staff. It updated the Greenspaces System Concept Map. She gave a history of the map, which was first passed in 1982. This was the first update to the map. She explained what the map did. The document forwards the vision. There were 29 out of 30 jurisdictions, which had sent back letters of support. This was a concept not a regulatory document. She urged adoption of the map. Councilor Park said he received an email from the Department of Agriculture. Was the agriculture community included in the discussions? Councilor McLain acknowledged Councilor Park’s concern. They needed to include this community in these conversations. However, it was not an acquisition program. They would like to see if there were appropriate places on advisory committees where they could include an agriculture representative. Councilor Park said he would be supporting this resolution but they needed to seek the agricultural input. Councilor Burkholder said he had not seen the map. He was provided with a copy. He then asked if MPAC had approved this map. Councilor McLain said this was a Metro’s map not a local jurisdictions map. Presiding Officer Hosticka recognized Councilor McLain’s contribution to this update.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye/0 nay/1 abstain, the motion passed with Councilor Burkholder abstaining from the vote.
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7.5 **Resolution No. 02-3256**, For the Purpose of Authorizing the Issuance of a Request for Proposals for Personal Services for the Highway 217 Corridor Study.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3256.
Seconded:	Councilor Monroe seconded the motion

Councilor Atherton reviewed the resolution and the funding sources for the study. Councilor Monroe added, that as part of the Regional Transportation Plan, they were required to study areas of the region. JPACT decided that Hwy 217 should be studied first. Councilor Bragdon asked how long respondents were given to respond. Bridget Wieghart, Planning Department, said they

would be given three to four weeks once the RFP was released. Presiding Officer Hosticka said this was an important study because our transportation linked directly with our centers.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**8. CONTRACT REVIEW BOARD**

8.1 **Resolution No. 02-3246**, For the Purpose of Authorizing the Executive Officer to Execute Change Order No. 4 to the Contract for Operation of the Metro South and Metro Central Transfer Stations.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3246.
Seconded:	Councilor Monroe seconded the motion

Councilor Atherton said this was a compromise, which they hoped would resolve a dispute. He gave an overview of the history of the change order. Chuck Geyer, Regional Environmental Management Department, gave an overview of the history of the compactors and spoke to the total cost for repairing the compactors. They weren't sure if the problems with the compactors were design or contractor problems. They had resolved the dispute with SSI and BFI and further explained the agreements. The net loss to Metro was \$36,000. This was an acceptable deal to Metro and he explained why. They had avoided litigation with two different contractors and spoke to added benefits. He noted that they had recently purchased two new compactors, which were made by another manufacturer. Councilor Burkholder said there were direct costs to Metro. Did we lose anything because we couldn't compact loads? Mr. Geyer said they were able to compact all of the loads. We did not incur any indirect costs. Councilor Bragdon asked about the specifics of each company's responsibilities. He was concerned that Metro was paying a disproportionate amount for this problem. Mr. Geyer responded that BFI had some responsibility concerning operation. They believed at this point that the primary concern was with the design not the operation. He reminded Council that this was a compromise.

Councilor Park asked if any adjustments had been made in terms of the operation of the compactor. He asked about BFI's responsibility in operating the equipment. Mr. Geyer said they had considerable conversations with both parties. The problems were a function of new cylinders. He spoke to safeguards they had implemented so they wouldn't experience similar problems in the future. Councilor Park suggested in the future they review procedures. Mr. Geyer said if a compactor fails it was due to wear. BFI was on the hook for the first \$20,000. Councilor Bragdon said the sales contract with the vendor says the warrantee was only good if it was operated correctly. Mr. Geyer said that was correct. Easton Cross, representing BFI, said BFI was making sure the compactors were operating correctly. There was a big incentive to keep the compactors working correctly. Councilor Park asked if BFI could have charged us overtime. Mr. Geyer explained what would be charged to BFI and what Metro would be responsible for.

Councilor Atherton closed by saying the purchase of compactors was Metro's decision. He urged an aye vote.

Vote:	Councilors Atherton, Monroe, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye/1 nay/0 abstain, the motion passed with Councilor Bragdon voting no and Councilor McLain absent
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8.2 **Resolution No. 02-3251**, For the Purpose of Approving an Exclusive Personal Services Agreement with the Buel Group to Serve as the Sole Agent of Metro to Develop Hospitality and Other Compatible Facilities at Glendoveer Golf Course.

Motion	Councilor Hosticka moved to adopt Resolution No. 02-3246.
Seconded:	Councilor Atherton seconded the motion

Councilor Hosticka said this resolution authorized a personal services agreement with the Buel Group. He said the resolution came to Council without recommendation from the Natural Resources Committee. It allowed for the Buel Group to be the sole agent to develop hospitality and other compatible facilities at the golf course. He spoke to the details of the agreement. The major question was the exclusive representation issue. Councilor Burkholder said he felt the first three whereas in the resolution were questions for the Council to answer. Did they want to seek any change? He had concerns that questions had not been answered. Councilor Park said he would not be able to support the resolution and explained why.

Motion to Postpone: Councilor Monroe moved to postpone this resolution until the January 23, 2003 or January 30, 2003 Council meeting.

Seconded: Councilor Park seconded the motion.

Councilor Monroe explained the necessity to postpone. He felt Councilor McLain was needed to be here to consider this resolution. Mr. Ron Buel said he would prefer consideration today but if Councilor McLain needed to be here to discuss the resolution, he would recommend postponement. Councilor Hosticka explained the attributes on this proposal. Councilor Monroe said the purpose of his postponement was not to postpone the inevitable but to give time for consideration of this resolution. Councilor Hosticka asked if this motion succeeded would resolution be on either the agenda for the January 23<sup>rd</sup> or 30<sup>th</sup> time certain? He asked if it needed to be redrafted? Council President Elect Bragdon responded that it would be considered at one of those two meetings.

Vote to postpone:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed with Councilor McLain absent from the vote.
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Ron Buel said he would talk with councilors individually. He spoke to the context of his proposal. He said he could deliver a source of revenue to Metro and would enhance Metro's public asset. He explained further how he would enhance the property. He noted that he did not make anything on this proposal unless Council supported it. He spoke to the stakeholders who would also have to approve the proposal.

## 9. COUNCILOR COMMUNICATION

Councilor Atherton thanked Mr. Buel for his comments. He trusted Mr. Buel's proposal and felt it was a creative vision.

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Councilor Park said the findings for the up coming UGB ordinances would be forthcoming.

Presiding Officer Hosticka reminded Council that the last meeting of the year for MPAC would be tomorrow.

**10. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:11 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER  
 10, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
3.0	MCCI RETREAT RECOMMEND ATIONS	12/1/02	TO: METRO COUNCIL FROM: DENNIS GANOE, MCCI CHAIR RE: MCCI RETREAT RECOMMENDATIONS	121002C-02
7.4	FAX	12/10/02	TO: KEN HELM AND DAN COOPER FROM: WENDIE KELLINGTON RE: RESOLUTION No. 02-3253	121002C-02
7.4	LETTER AND ATTACHED DOCUMENTS	12/10/02	TO: METRO COUNCIL FROM: WENDIE KELLINGTON RE: RESOLUTION No. 02- 3253	121002C-03
7.4	COMMITTEE REPORT	12/9/02	TO: METRO COUNCIL FROM: MICHAEL MORRISSEY, COUNCIL ANALYST RE: COMMITTEE REPORT ON RESOLUTION No. 02-3253	121002C-04
8.2	COMMITTEE REPORT	12/6/02	TO: METRO COUNCIL FROM: MICHAEL MORRISSEY, COUNCIL ANALYST RE: COMMITTEE REPORT ON RESOLUTION No. 02-3251	121002C-04
7.4	LETTER		TO: METRO COUNCIL FROM: MULTNOMAH COUNTY RE: RESOLUTION No. 02-3253	121002C-05