

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 27, 2003
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Carl Hosticka, Rod Monroe, Rod Park

Councilors Absent: Rex Burkholder (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 20, 2003 Regular Council Meetings.

Motion:

Councilor Hosticka moved to adopt the meeting minutes of the March 20, 2003, Regular Metro Council meeting.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

3.2 **Resolution No. 03-3298**, For the Purpose of Confirming Nancy Kluss and Suellen Coverdill to the Metro 401(k) Employee Savings Plan Advisory Committee.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

3.3 **Resolution No. 03-3304**, For the Purpose of Confirming the Re-Appointment of Sheryl Manning to Complete her original four-year term appointment with the Metropolitan Exposition-Recreation Commission.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1002**, For the Purpose of Amending Section 2.20.020 of the Metro Code Relating to the Chief Operating Officer; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 03-1002 to the Council. He announced that this ordinance would be considered at the April 10, 2003 Council meeting.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 03-991**, For the Purpose of Adopting Performance Measures To Monitor the Progress of Implementing the Urban Growth Management Functional Plan and Amending Title 9 (Performance Measures) of the Urban Growth Management Functional Plan.

Motion:	Councilor Park moved to adopt Ordinance No. 03-991.
Seconded:	Councilor Hosticka seconded the motion.

Motion:	Councilor Park moved to substitute Ordinance No. 03-991A for 03-991.
Seconded:	Councilor Hosticka seconded the motion.

Vote to Substitute: Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

Councilors thanked Gerry Uba, Planning Department, for his efforts in pulling this together.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Vote on the Main Motion: Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

5.2 **Ordinance No. 03-996**, For the Purpose of Increasing Grave Prices, Procuring A Niche Wall and Establishing a Cemetery Surcharge.

Motion:	Councilor McLain moved to adopt Ordinance No. 03-996.
Seconded:	Councilor Newman seconded the motion

Councilor McLain reviewed the reasons for the ordinance.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Vote: Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

5.3 **Ordinance No. 03-997**, For the Purpose of Amending the FY 2002-03 Budget and Appropriations Schedule by Transferring \$10,786 from the General Revenue Bond Fund Contingency to Capital Outlay and Interfund Transfers To Provide Appropriation Authority for the Carryover and Completion of the Council Chamber Camera Project; and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 03-997.
Seconded:	Councilor Park seconded the motion.

Councilor McLain spoke to the grant for the camera project and the need for more outreach. She noted John Donovan’s efforts on this project. Councilor Park asked for an update. Mr. Donovan, Public Affairs Department, updated the Council on the project and thanked those who had participated. He spoke to the agreement to broadcast live on Channel 11, a region-wide broadcast. Councilor Newman talked about Milwaukie cable access.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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5.4 **Ordinance No. 03-1000**, For the Purpose of Amending Metro Code Chapter 5.02 to Amend Disposal Charges and System Fees.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1000.
Seconded:	Councilor McLain seconded the motion

Council President Bragdon opened a public hearing.

Ray Phelps, Willamette Resources, 10295 SW Ridder Wilsonville, OR 97070, summarized his letter (a copy of which may be found in the meeting record). He noted that he had testified at the Rate Review Committee as well. Councilor Park asked about excise tax. Mr. Phelps explained his remarks. Councilor Newman asked about a staff report on this ordinance and suggested that he be briefed next week on this ordinance. He then asked for clarification on disposal charges and system fees. Mr. Phelps responded to his questions.

Dave White, Oregon Refuse and Recycle Association and Tri County Council, 1739 NW 156th Avenue, Beaverton, OR 97006 echoed Mr. Phelps comments. He shared some concerns that the haulers might have. He would come next week with additional testimony.

Council President Bragdon closed the public hearing. He declared that Ordinance No. 03-1000 would be held over until April 3, 2003 for final consideration.

6. RESOLUTIONS

6.1 **Resolution No. 03-3262**, For the purpose of Directing the Chief Operating Officer to Submit the Performance Measures Report to the Oregon Department of Land Conservation and Development.

Motion:	Councilor Park moved to adopt Resolution No. 03-3262.
Seconded:	Councilor Newman seconded the motion.

Councilor Park explained that this was a companion to the ordinance that was just passed and explained further the reasons for the resolution which was to prepare additional benchmarks. Councilor Hosticka supported the resolution. He shared his concerns concerning consideration of

new measures, he cautioned care in choosing our measure wisely and to be cautious of the changes made. He also talked about setting targets and the perception of failure when in actuality the situation was being improved. Councilor Park urged support.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6.2 Resolution No. 03-3286, For the Purpose of Authorizing Metro to Contribute toward the Purchase of Property on Hogan Butte in The East Buttes/Boring Lava Domes Target Area.

Motion:	Councilor Park moved to adopt Resolution No. 03-3286.
Seconded:	Councilor Monroe seconded the motion

Councilor Park explained the purchase on Hogan Butte. He spoke to the difficulties with other government entities. He noted that he would be requesting an amendment to this resolution so they have opportunity to exercise all of their options. This purchase closed a gap in this area. Councilor Newman asked for a display map. Jim Desmond, Director of Parks and Greenspaces, gave an overview of the area under consideration and explained the history of this area. Councilor Monroe asked about sending the money back to Washington DC, how was that decision made. Mr. Desmond explained the reason for this action.

Councilor President opened a public hearing.

Don Robertsom, City of Gresham, 3331 NW Eastman Parkway, Gresham Oregon, 97080 spoke on behalf of Mayor Becker and the City of Gresham. They supported the purchase. Councilor Park said he wanted to make sure that the City of Gresham was supportive of this property and would be willing to take over the management of the property. Mr. Robinson said the city will honor its agreement. Councilor Hosticka asked about the purchase. Councilor Park responded to his questions.

Council President Bragdon closed the public hearing.

Mr. Desmond explained the amendment.

Motion to Amend:	Councilor Park moved to substitute Resolution No. 03-3286A.
Seconded:	Councilor Monroe seconded the motion

Vote to Amend:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

Vote on the Main Motion:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6.3 Resolution No. 03-3279, For the Purpose of Directing the Chief Operating Officer to Submit an Amendment to the Periodic Review Work Order to the Department of Land Conservation and Development to Add Task 3 to Meet the Remaining Need for Industrial Land.

Motion:	Councilor Park moved to adopt Resolution No. 03-3279.
Seconded:	Councilor Newman seconded the motion

Councilor Park asked Council President Bragdon to explained the resolution. Council President Bragdon explained the resolution. Councilor Hosticka asked about the number of acres and thought that the number of acres was not to be included in the resolution. Council President Bragdon concurred and asked Dan Cooper, Metro Attorney, to make this revision before signing the resolution. Council President Bragdon opened a public hearing.

Al Burns, City of Portland Planning Bureau, 1900 SW 4th Avenue, Portland, OR 97201 summarized his letter (a copy of which is included in the meeting record). Councilor Newman talked about the discussion at MPAC. He wanted to clarify where the City of Portland stood. Mr. Burns explained further the city's position. Councilor Park asked how these two items were related. Mr. Burns clarified the city's position. Councilor Park asked how he saw this to be a change in assumptions. Mr. Burns responded to his question. Councilor Park talked about the possibility of revisiting land. Councilor Hosticka commented on land use decisions current and future. He would be supporting this resolution but would be watchful of how we proceed. Council President Bragdon agreed with Councilor Newman about the City of Portland's stance on this issue. We need to get clear signal from local governments.

Council President Bragdon closed the public hearing.

Councilor McLain echoed Councilor Hosticka's comments. We must be realistic in our decisions. She would support this resolution but wanted to make sure as we go forward that we used common sense. Councilor Park closed by responding the Councilors comments and urging support.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.4 Resolution No. 03-3292, For the purpose of Issuing a Renewed Metro Solid Waste Facility License to Yard Debris Composting to Allwood Recyclers, Inc.

Motion:	Councilor Monroe moved to adopt Resolution No. 03-3292.
Seconded:	Councilor Newman seconded the motion

Councilor Monroe explained that Allwood Recyclers, Inc had been granted a license five years ago. They were doing a good job, this measure extended their license for an additional five years. He urged support.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.5 Resolution No. 03-3276, For the Purpose of Granting an Easement to Northwest Natural for Non-Park Use through Metro Property at River Road and Farmington Road.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3276.
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Seconded:	Councilor Newman seconded the motion.
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Councilor McLain explained the reason for the easement for Northwest Natural. The company met all of the criteria. She didn't think it would cause Metro any problems. She urged support. Councilor Park asked if the property owners to the north and south had agreed to this as well. Jim Morgan, Regional Parks and Greenspaces, answered his question. Councilor Park asked about the public right-of-way. The gas line was using new areas rather than using public right-of-ways. Councilor Newman asked what the property was used for now. Mr. Morgan said it was residential. The easement was in a flood plain. Mr. Desmond responded that this was a green ribbon site. Councilor Newman summarized that, with future development of the property, this easement would not impact the property in a negative way. He then asked about liability. Mr. Morgan spoke to Metro's liability and insurance. Mr. Cooper further clarified the liability and insurance issues for this property. Councilor Hosticka asked if the two parcels on the map were contiguous. He asked about surface rights and would it affect public use? Mr. Morgan explained future needs for access. Councilor Hosticka asked about eminent domain. Mr. Cooper responded to his question. Mr. Desmond added that the gas company had the easement appraised. The area was valued at \$9700. Metro would be received compensation.

Vote:	Councilors Park, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion, Councilor Hosticka abstained from the vote. The vote was 5 aye/1 abstain, the motion passed.
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6.6 **Resolution No. 03-3310**, For the Purpose of Providing Additional Direction to Pac/West Communications Concerning Bills before the 2003 Oregon Legislature.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3310.
Seconded:	Councilor Monroe seconded the motion.

Councilor Hosticka explained the resolution. Mr. Cooper added his comments and explained Exhibit A. He clarified his understanding of Councilors feedback at Tuesday's Informal. Council President Bragdon talked about their discussion at the Informal. Councilor Monroe added his comments on some of the bills. Councilor Newman asked about a certain bill. Mr. Cooper clarified the bill. Councilor Newman supported the resolution but clarified his support of affordable housing. Mr. Cooper said there was several bills he needed to update Council on.

Vote:	Councilors Park, Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Mr. Cooper updated the Council on several new bills be considered at the Oregon Legislature.

7. COUNCILOR COMMUNICATION

Councilor Hosticka said on Monday there would be hearing at the legislature on revenue sharing. He noted local jurisdiction support. He also spoke to Washington County and Westside Economic Coalition

8. ADJOURN

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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:36 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 27,
 2003**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
5.1	ORDINANCE No. 03-991A	MARCH 2003	PERFORMANCE MEASURES REPORT COMPLETE RESULTS	032703C-01
5.1	ORDINANCE No. 03-991A	3/26/03	EXHIBIT B TO ORDINANCE No. 03- 991A SUBSTITUTED LANGUAGE	032703C-02
6.2	RESOLUTION No. 03-3286A	3/27/03	AMENDMENT TO RESOLUTION No. 03- 3286	032703C-03
6.3	RESOLUTION No. 03-3310	3/26/03	FOR THE PURPOSE OF PROVIDING ADDITIONAL DIRECTION TO PAC/WEST COMMUNICATIONS CONCERNING BILLS BEFORE THE 2003 OREGON LEGISLATURE	0327039C-04
6.3	RESOLUTION No. 03-3310	3/27/03	LETTER TO COUNCIL FROM: AL BURNS CITY OF PORTLAND	032703C-05
5.3	ORDINANCE No. 03-1000	3/27/03	LETTER TO COUNCIL FROM: RAY PHELPS, WILLAMETTE RESOURCES	032703C-06