

## MINUTES OF THE METRO COUNCIL INFORMAL MEETING

Tuesday, April 22, 2003  
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Informal Meeting at 2:02 p.m.

### **1. SALEM LEGISLATIVE REPORT**

Jeff Stone, Senior Policy Analyst, reported that civil penalty for dumping passed out of committee and will be moving to the House floor. The bill requesting amendment to the Urban Growth Boundary (UGB) passed out of the House and will be considered at the Senate. HB 2909 concerning Periodic Review will have a hearing on this Thursday. HB 3164, the North Plains UGB bill passed the house. Council discussed HB 3164 in more detail. Councilor Burkholder asked if we should take a position on HB 3164. HB 2432 passed yesterday, it repealed the motorcycle helmet law.

### **2. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, APRIL 24, 2003.**

Council President Bragdon reviewed the Council agenda for April 24<sup>th</sup> (a copy of which is found in the meeting record). Council President Bragdon said we would have another budget public hearing. Council talked about Ordinance No. 03-994, Sponsorship and Naming Rights Contracts. Councilor McLain expressed concern about the naming and sponsorship process. She talked about an amendment. Mark Williams, Chief Operating Officer, provided some clarification on the naming issue. Councilor Park suggested that the key piece would be how the contract was written. Councilor McLain gave an example of a sponsorship at the Oregon Zoo. The process had to be sterling. Councilor Hosticka talked about the possibility of amendments in the future. Mr. Williams commented on the naming issue. The consultant recommended a framework, which allowed Metro to explore many possibilities. He spoke to the Keller family's donation to the Performing Arts Center. Council President Bragdon said there would be a slide show on compost for erosion control. Councilor Burkholder asked about the construction demolition post-collection resolution.

### **3. PERSONNEL RULES BRIEFING**

Roy Soards, Business Support Director, spoke to Ordinance No. 03-993, Personnel Rules changes to the Code. He spoke to the three items that were being changed in the Chapter 2.02 of the Metro Code. The first change had to do with the drug and alcohol policy for both represented and non-represented employees. It allowed "for-cause" drug testing. The second change had to do with the transfer of leave policy. The change would allow employees to transfer vacation time instead of sick leave to employees who had long-term illnesses. Councilor McLain expressed some concerns and gave an example of how the sick leave was used previously. She felt sick leave should be used rather than vacation leave. Mr. Soards said it had an equalizing effect. Councilor Newman asked if there was abuse of the program. Councilor Park asked about cost savings. Mr. Soards explained the sick leave policy. Mr. Williams said none of this impacts employee's

opportunity to take leave. This situation arrives when people have used up their sick leave. Many people who had been here for a number of years had built up sick leave and could transfer the sick leave without impact to the employee. Sick leave was an unfunded liability. Mr. Soards said they had discussed this with the bargaining units. Councilor Hosticka asked about sick leave accrual impacts on PERS. Mr. Williams said he would research this for Councilor Hosticka. Council President Bragdon asked if this had been discussed with all employees. Mr. Soards said he had asked the Human Resources Director and the Labor Relations staff if they had discussed this with the unions. Councilor Park said he was surprised that sick leave was not budgeted. He wanted to know what the cap was for vacation and sick leave. Mr. Soards responded that there was a cap of 250 hours on vacation but no cap on sick leave. Councilor Hosticka asked about savings. Council President Bragdon asked for a memo responding to the Councilors five questions. Mr. Soards said the third change concerned Affirmative Action. The Council was the specific keeper of the policy. It moved the responsibility to the Chief Operating Officer instead of Council. Councilor McLain provided some history on the program. Mr. Soards said there would be a strong statement that the Council supported the program. He said they were going through reviewing human resource policies.

#### **4. TASK III PRELIMINARY MAP OF STUDY AREAS**

Lydia Neill, Planning Department, updated the Council with background on Task III. They were short industrial land acres. She spoke to her objectives, which were to begin to define the study areas. They planed to have a refined map of the study areas attached to a resolution by the end of June 2003. She noted the additional areas they needed to study. They needed to review the alternatives analysis of lands. They had begun looking at the different sectors. They had satisfied a portion of the long-term industrial need. They also needed to look at short-term industrial need. Councilor Burkholder asked about what lands they would be looking at. Ms. Neill said Task III was focused on looking at lands outside the UGB. The lands inside the UGB had already been counted. Could we bring some of those lands into better use? Councilor McLain spoke to previous conversations about short-term supply and the need. She asked about agricultural input. Ms. Neill said they were looking to incorporate the agricultural input into the areas being studied. Council President Bragdon asked about Title IV. Ms. Neill shared what staff was currently doing on Title IV. It was an important component on how they had approached dealing with the short fall of industrial lands. The other piece relating to Title IV had to do with commercial encroachment on industrial lands. Councilor Newman asked about the mapping steps. Councilor Park asked about short versus long-term supply. When did this become Metro's responsibility? Ms. Neill said we did not have impacts on providing services. There was a larger policy issue concerning the 20-year land supply. She explained further the short-term issue. Councilor Burkholder spoke to the underutilization of land close to transit. He was concerned about Metro taking jobs away from where people lived. There needed to be further discussion on this issue. Councilor McLain talked about the Centers policy. Councilor Park said they hadn't used short-term criteria for housing. He asked Michael Jordan, Clackamas County Commissioner, about siting a church in industrial land. Mr. Jordan said currently there was no case law. Council President Bragdon refocused the discussion on industrial lands study areas. Ms. Neill said they would be refining the location criteria, complete the supply and demand analysis, and work with the agricultural group. She spoke to constraints, accessibility issues, travel-time, level of congestions. There were also individual siting characteristics and the like-for-like issues.

Ms. Neill talked about the proposed maps including industrial lands that were studied. Councilors asked whether all areas would be restudied once they got their locational criteria. She then spoke to a map on Title IV and slopes. Councilor McLain asked about the earthquake analysis map. The next map included an overlay of 10% slopes, which was the absolute maximum slope. Councilor

Hosticka asked about studying Clark County and south of the UGB near Donald/Aurora. The fourth map included floodplain. Map 5 had to do with the like-for-like map. This map indicated existing industry and areas that could be used for similar use. Map 6 had to do with accessibility including key interchanges. Tim O'Brien, Planning Department, talked about the distance from the airport map as well as the Hillsboro airport use. Time and congestion were both issues under consideration. Map 7 were some rough areas that they would like to define. It focused on one area south of the area by Charboneau. Councilor McLain said that the conversation needed to include the agricultural community's input. Councilor Hosticka suggested coordination with the other jurisdictions. Mary Weber, Planning Department, said they had to at some point decide what additional areas had to be studied. She explained the timeline and when the alternatives analysis would be complete. Council President Bragdon spoke to the broad obligation, which was to supply jobs on the short-term basis. This was specifically related to what needed to be studied outside the UGB. The question for this discussion was did they have the right factors? Councilor Burkholder suggested that the major trend for the next 20 years was for warehousing. He was unclear on the legal responsibilities concerning the industrial land supply. Dick Benner, Senior Assistant Attorney, explained the law. Councilor McLain shared her concerns. Why were we having such a big study? Ms. Neill said 80,000 acres had been studied initially. There were a lot of acres not suitable for industrial purposes. She thought it was well over 50%. Councilor Newman summarized that the question was, were there lands that should be studied? Councilor Park echoed Councilor Newman's concerns. The issue was, would it legally stand up if we didn't study enough acres? Council President Bragdon asked about their conversation with Department of Land Conservation and Development (DLCD). Councilor Park talked about an area in the southern area of the boundary. He thought it would be helpful if DLCD were aware of the discussion.

Council President Bragdon suggested casting the net wide. Councilor Park asked if they were wide enough that they have captured this so the staff didn't have to come back. Ms. Neill said it was more flexible for housing than for industrial. Council President Bragdon suggested continuing to refine the maps. Ms. Neill asked about pursuing the option with the DLCD staff?

## **5. REGIONAL FISH AND WILDLIFE (GOAL 5)**

Councilor Hosticka updated the Council concerning Goal 5. He introduced Chris Deffenbach who was Manager for the group. Councilor Hosticka talked about a Metro ESEE Analysis Flowchart (a copy of which is included in the meeting record). He reviewed the timeline. It was their goal that in August Council would be considering ESEE impact. By the end of the year they would have a draft picture of program proposals. He spoke to a memo to WRPAC members (a copy of which is included in the record), which outlined Goal Setting in ESEE. He spoke to the goals, which were to conserve, protect and restore. He talked about the regional significant resources map. He spoke to additional map criteria. He talked about the goal of the Tualatin Basin. The goal they were establishing was an integrated protection with the urban landscape. Councilor Burkholder asked if there were other interpretations of the word "integrated". Paul Ketcham, Planning Department, talked about the term "integrated" which was meant to use a landscape approach. On a site-specific basis, it also had meaning and explained further that definition. The goal statement was to look at the regional perspective. Councilor Hosticka explained the way people usually understand conserve, protect and restore and then further explained other interpretations. He highlighted what they would work on next, specific standard application of the three words to a map. He then spoke to a draft "Defining Alternative Goal 5 Protection Strategies Outline (a copy of which is included in the meeting record). He talked the goals and a range of standards. Were there different standards for different sites? This would be an important discussion before the next step. He talked about possible strategies, which offered the least

protection to the most protection. He spoke to issues such as regulation and development. Do you want to protect and conserve the functionality of the site or suggest variations? The protection strategies would be fleshed out in the next two months.

Councilor McLain said this work had to be integrated with Title III (Table 2: Example of alternative protection strategies). She felt it was very important to get the public process right. There was also need for discussion about the public private property rights. Councilor Hosticka said the ghost of Measure 7 hung over us. There were also specific issues that needed to be considered today (a copy of a memo concerning Goal 5 Social Consequences Review Group which is included in the meeting record). He suggested a proposal that would have a review group look at Goal 5 social consequences. Councilor McLain supported the review group. Councilor Hosticka reviewed some of the social issues that needed to be considered and what was the overlap with economics issues. Council President Bragdon suggested a different mix for the review group. Defining the group as a peer review group was a good idea. Councilor Hosticka also suggested bringing all of the ESEE groups together for a conversation. He then spoke to the Tualatin Valley Basin Coordinating Committee. There would be an amended IGA brought before the Council to amend the timeline for this work. He talked about the essence of the agreement.

Councilors talked about the timeline. Councilor Hosticka reviewed the timeline, which would start with August for consideration of the ESEE analysis. He talked about public involvement timelines. The timeline was 15 months in length with the goal of completing in July 2004. Mr. Ketcham said the staff report of the ESEE analysis should be done by the end of this year. January through March 2004 would be the public process. Mr. Ketcham asked for clarification to staff on the timeline. Council said 18 months with completion by July 2004.

## **6. CITIZEN COMMUNICATION**

Jim Labbe, Audubon Society of Portland, shared a memo (a copy of which is included in the meeting record). The memo included questions and issues in the community. He felt it was important to adhere to the timeline.

## **7. COUNCILOR COMMUNICATION**

Councilor Newman announced that there would be a tour of Arlington on Friday. The Bowling for Rhinos event was on Saturday. The last schedule Partners briefing was supposed to be next Thursday.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:20 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 22, 2003**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
2	AGENDA	4/24/03	COUNCIL AGENDA FOR APRIL 24, 2003 COUNCIL MEETING	042203CI-01
5	FLOWCHART	NO DATE	TO: METRO COUNCIL FROM: COUNCIL HOSTICKA RE: METRO ESEE ANALYSIS FLOWCHART	042203CI-02
5	MEMO	3/11/03	TO: WRPAC MEMBERS FROM: COUNCILOR HOSTICKA, WRPAC CHAIR RE: GOAL SETTING IN ESEE	042203CI-03
5	OUTLINE	4/9/03	TO: METRO COUNCIL FROM: COUNCIL HOSTICKA RE: DRAFT DEFINING ALTERNATIVE GOAL 5 PROTECTION STRATEGIES OUTLINE	042203CI-04
5	MEMO	4/22/03	TO: METRO COUNCIL FROM: COUNCIL HOSTICKA RE: GOAL 5 SOCIAL CONSEQUENCES REVIEW GROUP	042203CI-05
5	MEMO	4/22/03	TO: METRO COUNCIL FROM: JIM LABBE, URBAN CONSERVATIONIST, AUDUBON SOCIETY OF PORTLAND RE: RESPONSE TO COUNCILOR HOSTICKA'S QUESTIONS TO WRPAC	042203CI-06