



**METRO COUNCIL MEETING**  
**Meeting Minutes**  
May 8, 2014  
Metro, Council Chamber

Councilors Present: Council President Tom Hughes, Deputy Council President Sam Chase and Councilors Carlotta Collette, Shirley Craddick, Craig Dirksen, Kathryn Harrington, and Bob Stacey

Excused: All Council Members Present

Council President Hughes noted a quorum was present and called the regular council meeting to order at 2:00 p.m.

**1. INTRODUCTIONS**

There were no introductions.

**2. CITIZEN COMMUNICATIONS**

Council President Hughes noted the large citizen attendance and proceeded to introduce the rules for citizen communication.

The Metro Council heard from approximately 42 citizens for one hour and a half (90 minutes) regarding the Oregon Zoo and the elephant program. Please see three sign-in sheets under Supplemental Information / Handouts at the end of the minutes for a list of names of those citizens who spoke under Citizen Communications.

All of the speakers were from the City of Portland and the metro region, including one Hillsboro, OR and Beaverton, OR, two from Vancouver, WA, and one from Washougal, WA.

Citizen comments primarily focused on concern with how the Oregon Zoo is managed as it relates to animal care, health, habitat, and personnel issues. Specific issues include:

- Packy the Elephant's age (52) and need for retirement,
- need for off-site animal sanctuaries,
- closing the elephant exhibit at the Oregon Zoo,
- health related issues due to the animals living in a wet and damp weather climate,
- noise pollution from the summer concert series at the zoo,
- examples of how animals were treated by past caregivers,
- use of the approved 2008 Zoo Bond monies,
- animal breeding programs, and
- recent dismissal of the executive director and senior veterinarian.

Councilor Chase acknowledged the many e-mails and other correspondence he had received by reading into the record a brief statement. Council President Hughes called for a five minute recess after Citizen Communications. Councilor Stacey was excused after Citizen Communications.

### **3. CONSIDERATION OF THE COUNCIL MINUTES FOR MAY 1, 2014**

**Council President Hughes called agenda item number three and asked for a motion. Councilor Dirksen moved the May 1 meeting minutes. Councilor Chase seconded. The motion passed unanimously, 6-0-0 (Councilor Stacey excused).**

### **4. RESOLUTIONS**

- 4.1 **Resolution No. 14-4515**, Adopting the Annual Budget for Fiscal Year 2014-15, Making Appropriations, Levying Ad Valorem Taxes, and Authorizing an Interfund Loan. (No action. Continued to June 12, 2014)

Council President Hughes asked the Council Administrator to read the Resolution into the record. The Resolution was read into the record by title only.

- 4.1.1 Council President Hughes opened a public hearing on Resolution No. 14-4515 and called for public testimony. Seeing no one, he closed the public hearing and noted that the resolution is carried over to Thursday, June 12.

- 4.2 **Resolution No. 14-4516**, Approving the FY 2014-15 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission.

Council President Hughes asked the Council Administrator to read the Resolution into the record. The Resolution was read into the record by title only.

Council President asked for a motion to move the resolution. Councilor Dirksen moved Resolution No. 14-4516. Councilor Collette seconded.

Council President Hughes invited Metro's Director of Finance and Regulatory Services Tim Collier to come forward and present his staff report. Mr. Collier noted that the Resolution has three basic functions: (1) approve fiscal year 2014-15 budget, (2) set the maximum property tax rate to be levied in the coming year, and (3) direct Chief Operating Officer (COO) and staff to submit the proposed budget to the Tax Supervising and Conservation Commission for review.

Mr. Collier also confirmed that Metro proposes three tax levies: (1) one permanent tax rate for operation of 9.66 cents per thousand of assessed value, (2) a levy for the general obligation debt of approximately \$38.2 million, and (3) second year of the five-year local option levy for parks and natural areas of 9.06 cents per thousand of assessed value.

Mr. Collier concluded with noting the levies cannot be increased after approval, but may be decreased if necessary and the Multnomah County Tax Supervising and Conservation Commission will hold its hearing on June 5.

Council President Hughes asked Council if it had any questions or comments for Mr. Collier. He called on Councilor Harrington. Councilor Harrington read into the record her opinion of the timeline between the initial budget presentation and approval. She asked her colleagues on the Council to join her and request that the Chief Operating Officer build in more time for review by creating a four week period of time between the initial public presentation and approval starting next year. Councilor Harrington informed Council that she would not support Resolution No. 14-4516 due to the short time frame for review.

**Council President Hughes asked if there were any other comments or questions. Seeing none, he called on the Council Administrator to call the roll. The motion passed 5-1-0 (Councilor Stacey excused)**

4.3 **Resolution No. 14-4527**, For the Purpose of Accepting the 2014 Regional Transportation Plan Project List for Purpose of Air Quality Conformity Determination.

Council President Hughes asked the Council Administrator to read the Resolution into the record by title only and then called on Metro planner John Mermin to present a brief staff report. Mr. Mermin conveyed the purpose of the resolution and the tight timeline involved. He asked the Council to accept the project list so that Metro staff can run the air quality model to determine compliance with the Federal Clean Air Quality Act and require a 30 day public comment period on the analysis. He noted a new plan will need to be adopted in July and that plan will be submitted for federal and state review.

Council President Hughes asked Council if there were any questions or comments for Mr. Mermin. Councilor Harrington inquired about public comments received and the sequence of attachments to the staff report. Councilors expressed appreciation to Mr. Mermin for producing a great piece of work.

4.3.1 Seeing no further questions or comments from Council, Council President Hughes gaveled into a public hearing for Resolution No. 14-4527 and asked if there were any citizens in the audience who wished to testify.

Mara Gross, Lake Oswego, OR, identified herself as the Executive Director of the Coalition for a Livable Future and described the purpose of her organization. She noted Coalition for a Livable Future's values correspond with the goals of the Resolution and other Metro transportation plans, such as the Active Transportation Plan and climate related issues.

Wendy Kellington, Lake Oswego, identified herself as an attorney representing a group of industrial employers and noted a letter submitted identifying those industrial employers. Ms. Kellington stated that her clients and she have concern with the project list due to its lack of transparency and the process is not easy to follow. She also expressed concern with what appears to be intensive recreational facilities proposed for land zoned significant industrial. Ms. Kellington asked that the Ice Age Trail be removed from the project list.

Council President Hughes noted that no other names were on the testimonial sign-in sheet and declared the public hearing closed. He called for a motion. **Councilor Harrington moved Resolution No. 14-4527. Councilor Collette seconded. The Council Administrator was directed to call roll. The motioned passed unanimously, 6-0-0 (Councilor Stacey excused).**

## 5. ORDINANCES – SECOND READ

### 5.1 **Ordinance No. 14-1329**, For the Purpose of Amending Title 4 of the Urban Growth Management Functional Plan Regarding the Establishment of Trails and Accessory Facilities in Regionally Significant Industrial Areas.

Council President Hughes asked the Council Administrator to read into the record the Ordinance by title only and called on Legal Counsel Roger Alfred to present his staff report. Mr. Alfred explained that the Ordinance is a technical fix to Title 4, Metro's Functional Plan regarding establishment of trails and regionally significant industrial areas. He commented that the reason the Ordinance is a technical fix is because it clarifies Title 4's intention or use to mean trails are not permitted in regionally significant industrial areas. Mr. Alfred also highlighted Title 4's history and its context to the purpose of the technical fix proposed.

Mr. Alfred noted that the hardcopy of the Ordinance is redlined and labeled Ordinance No. 14-1329 "A" to address proposed revisions in response to concerns received from interested parties. Legal Counsel commented the primary concern is the list of examples associated with associated facilities including, but not limited to: trailhead amenities, parking areas, information kiosks, rest rooms, etc.

Mr. Alfred briefed the Council on legal counsel's interpretation of the law as it relates to Metro's authority under 2006 bond measure. Legal counsel does not believe Metro has the legal authority to include language in code that would regulate the means by which other jurisdictions might acquire property or a trail.

Mr. Rogers proceeded to outline the redlined amendments to the Ordinance; including Metro may only acquire trails from willing sellers. He concluded by reaffirming the purpose of the Ordinance is not to address attempts to realign a trail or specific site requirements such as width, location of a trail head, etc.

Council President Hughes asked if there were any comments or questions from Council. Seeing none, he gaveled in the public hearing for Ordinance No. 14-1329.

Six members of the public spoke to Ordinance No. 14-1329. Four of the testifiers were from Portland, OR, one from Tualatin, OR, and one from Lake Oswego, OR.

Citizen testimony primarily focused on:

- opposition to Ordinance No. 14-1329,
- potential land use zoning change(s)
- economic evaluation / impacts from the Ordinance,
- appropriateness of Metro's Ice Age Tonquin Trail Master Plan,

- impacts to regionally significant industrial areas,
- removing protections,
- no time to review redlined version, and
- shortage of industrial land.

Seeing no further testimony, Council President Hughes asked Metro Legal Counsel Alison Kean to provide direction. Ms. Kean noted that the best course of action would be to continue three weeks out to May 29, at which time Council will consider legal counsel findings, and reconsider adoption of the Ordinance.

**Council President Hughes asked for a motion. Councilor Collette moved the motion proposed by Metro Attorney Alison Kean. Councilor Chase seconded.**

He then asked Council if there were any questions or comments for Mr. Alfred. Council raised issues such as:

- land use zone change(s);
- no basis for transportation planning;
- to what degree does the Ordinance allow for the establishment of a tail, park, and trailhead;
- affects on other industrial areas;
- Metro's work with willing sellers vs. Metro's regional partners ability to use condemnation;
- how bond related monies can be used;
- impacts on trails in other industrial lands;
- ability to influence tail alignment; and
- addition of language regarding use of the 2006 Natural Areas Bond Measure and how local share monies can be used.

Mr. Alfred and Metro Attorney Alison Kean took care to answer each point Council raised. Ms. Kean confirmed the motion under consideration. **Council President Hughes called for a vote. The motion passed unanimously, 6-0-0 (Councilor Stacey excused).**

## 6. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Bennett brought to the Council's attention an open house Metro will be hosting for businesses from around the region. It is an opportunity for businesses to learn about Metro's departments and the work they do and Metro's contracting opportunities. The open house is scheduled for 2:00 PM on May 20 here at the Metro Regional Headquarters. She also provided an update on the Residential Preference Survey.

## 7. COUNCILOR COMMUNICATIONS

Council President Hughes noted that Mayor Truax of Forest Grove was involved in an auto / scooter accident that involved severe injuries and life flight procedures. On behalf of the Metro Council, Council President Hughes wished their colleague a speedy recovery.

**ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 5:05 p.m. The Metro Council will convene in next regular council meeting on Thursday, May 15 at 2 p.m. at Metro's Council Chamber.

**SUPPLEMENTAL INFORMATION / HANDOUTS:**

- Public Testimony Sign-In Sheets for Agenda Items, Thursday, May 8, 2014
  - Citizen Communications \* General Issues / Miscellaneous / Non-Agenda Items
  - Resolution No. 14-4516 \* Budget
  - Resolution No. 14-4527 \* Regional Transportation Plan (R.T.P.)
  - Ordinance No. 14-1329 \* Urban Growth Management Plan / Title 4
- Testimony from Janet Conklin (handout)
- Testimony from Eileen Stark (handout)
- Aerial photograph of Concert Lawn \* Elephant Enclosure (handout)
- Miscellaneous testimony "RE: Oregon Zoo" (handout)
- Retire Packy to a Sanctuary \* Elephant Welfare? Zoo vs. Sanctuary (handout)
- Metro Hearing Talking Points \* Metro's Broken Promises, Metro's Waste of Taxpayer Money and Free Packy (Handout \* six pages printed front to back or double-sided)
- Testimony from Marot Voorhies Thompson and George Murray Thompson (electronic submittal)
- Testimony from Marilyn Evenson (electronic submittal)
- Metro Council Meeting Minutes, May 1, 2014
- FY 2014-15 Proposed Budget by the numbers (handout)
- Budget Message Overview from Chief Operating Officer Martha Bennett (handout)
- Sarah Erskine business card regarding budget information contract information
- Councilor Kathryn Harrington's budget state \* Resolution No. 14-4516 (read into the record)
- Memo from Metro Project Manager John Mermin regarding 2014 Regional Transportation Plan (RTP), May 8, 2014 (handout)
- RTP Information Packet including resolution, staff report, and attachments
- Memo from Metro Communications Supervisor Clifford Higgins to Metro Project Manager John Mermin, May 6, 2014
- Climate Smart Communities Scenarios Project Online Public Comment Tool Report, March 21 to May 5, 2014
- Ordinance No. 14-1329A (Redline Version)
- Testimony from Lise B. Glancy, Port of Portland (handout)
- Testimony from Stu Peterson, Broker, Macadam Forbes (handout)
- Testimony from Benjamin Chessar, 2014 President of NAIOP, Oregon Chapter (handout)
- Testimony from Alex MacLean 2014 President Commercial Association of Brokers (handout)
- Economic Report: Comments Regarding the Establishment of Trails and Associated Facilities in Regionally Significant Industrial Areas, Eric Fruits, Ph.D., President & Chief Economist, May 8, 2014
- Testimonial Report from Wendie L. Kellington, Attorney at Law, P.C. (handout)