

MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 13, 2003
Metro Council Chamber

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

Councilors Absent: David Bragdon (excused)

Deputy Council President Park convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the October 30, 2003 Regular Council Meetings.

Motion:

Councilor Monroe moved to adopt the meeting minutes of the November 6, 2003, Regular Metro Council meeting.

Vote:

Councilors Burkholder, McLain, Monroe, Hosticka, Newman and Deputy Council President Park voted in support of the motion. The vote was 6 aye, the motion passed.
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Councilor McLain said she had some questions about Resolution No. 03-3379 and would like it removed from the consent agenda.

3.2 **Resolution No. 03-3379**, For the Purpose of Obtaining the Approval of the Metro Council to Adjust and Write off Certain Accounts Receivable of Christopherson Excavating.

Motion:	Councilor Newman moved to adopt Resolution No. 03-3379.
Seconded:	Councilor Burkholder seconded the motion

Councilor Park spoke to the reason for the resolution. Bill Stringer, Chief Financial Officer, talked about the amount that would be written off. It had been submitted to a collection agency, Metro would receive about 70% of the total if it were collected. Councilors asked about the write off. Deputy Council President Park said this was an appropriate way to handle bad debt. Councilor Burkholder asked about the appropriateness of bringing this before the Council. Mr. Stringer said this was a rare occurrence but was required by Metro Code if it was over \$10,000. He suggested that \$10,000 was probably appropriate to bring to the Council. They did their best to collect on all debt.

Vote:

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

4. ORDINANCES – FIRST READING

- 4.1 **Ordinance No. 03-1024**, For the Purpose of adopting the 2004 Regional Transportation Plan as the Regional Transportation System Plan and the Regional Functional Plan for Transportation to meet State Planning Requirements

Deputy Council President Park assigned Ordinance No. 03-1024 to Council.

- 4.2 **Ordinance No. 03-1025**, For the purpose of approving the Transfer Station Franchise Renewal Application of Willamette Resources, Inc., authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Deputy Council President Park assigned Ordinance No. 03-1025 to Council.

- 4.3 **Ordinance No. 03-1026**, For the purpose of approving the Transfer Station Franchise Renewal Application of Pride Recycling Company, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Deputy Council President Park assigned Ordinance No. 03-1026 to Council.

- 4.4 **Ordinance No. 03-1027**, For the purpose of approving the Transfer Station Franchise Renewal Application of Recycling America, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Deputy Council President Park assigned Ordinance No. 03-1027 to Council.

Councilor McLain asked about changes in the franchise license. She hoped they would have a thorough discussion of this at a Tuesday Work Session.

5. ORDINANCES – SECOND READING

- 5.1 **Ordinance No. 03-1021**, For the Purpose of Amending Title 4 of the Urban Growth Management Functional Plan to Improve its Protection of Industrial Land and to Make Corrections.

- 5.2 **Ordinance No. 03-1022**, For the Purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in Compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan.

Deputy Council President Park opened a public hearing on Ordinance No. 03-1022 and 03-1021 and indicated that this hearing was a continuation from last week.

Doug Rux, City of Tualatin, 18880 SW Martinazzi Tualatin OR 97062 noted a letter from Mayor Lou Ogden, City of Tualatin that he provided for the record. He highlighted some of their concerns (a copy of which is included in the meeting record). Councilor Newman thanked Mr. Rux for summarizing Tualatin's concerns. He felt their letter was very clear. He suggested

discussing factors. Councilor McLain echoed Councilor Newman's comments about the thoroughness of the City's letter. She spoke to the importance of industrial lands and suggested that the City make some recommendations as to appropriate sites. Mr. Rux said they did not have specific recommendations on industrial lands. They felt lands that had good transportation access were essential. For Tualatin, the Tigard Sand and Gravel site, would work if you enhanced the transportation in the area. Councilor McLain asked how many miles the site was from I-5? Mr. Rux said about 2.5 miles. Councilor McLain talked about time and mileage components to industrial sites. She felt Tualatin was doing a great job at protecting industrial lands. Mr. Rux spoke to several sites and their commitment to protecting industrial lands. Councilor Hosticka asked Metro Attorney, Dan Cooper, about the issue of the Measure 56 notice. Dan Cooper, Metro Attorney, said Ballot Measure 56 was amended in the last legislative session. Metro had to comply with the new language of Ballot Measure 56. Currently Metro was required to notify the local jurisdictions. The recent language change would require Metro to notify property owners that might be impacted. New language had not yet been implemented. Councilor Hosticka summarized the basic thrust of the letter. Mr. Rux said they believed that it was inappropriate that the proposed industrial lands in Tualatin be identified as a Regionally Significant Industrial Area (RSIA). They did not believe that there was an industrial lands problem in Tualatin. Councilor Monroe asked about the I-5 connector and if it would change the viability of making the Sand and Gravel site an industrial site. Mr. Rux said yes it would make it more viable. Councilor McLain talked about consistency. Mr. Rux talked about the I-5 connector. Councilor Newman talked about the appropriateness of a RSIA designation. Did he believe that the new lands that had been brought in, in December 2002 could be designated as RSIA's? Mr. Rux said they would have to wait and see. Deputy Council President Park asked about protection of large sites. Mr. Rux said he felt this issue needed to have more discussion.

Dan Slevin, Real Estate Broker, Colliers International, 601 SW Second Avenue, Suite 1500 Portland OR 97204 said he was just made aware of the industrial lands issue from an Oregonian article. He spoke to the 50 acres minimum. He said some of his clients might only need a 30-acre site. If they could not relocate, they would leave the state. He said if this were implemented, due to the 50-acre minimum, his company would leave the state. He said in the last 10 years he could think of the need for only three 50 acres sites. Deputy Council President Park said last year they had heard exactly the opposite. Councilor Burkholder spoke the need for 50 acres sites. The vast majority of lands, that were zoned industrial, were smaller than 50 acres. Therefore, this rule would not apply. He felt that the 50-acre requirement was aimed at a few sites, approximately 5 to 6 sites.

Mark Hush, Real Estate Industrial Broker, Colliers International, 601 SW Second Avenue, Suite 1500, Portland OR 97204 said there was a need for some RSIA's. He was concerned about putting further constraints on a limited land supply. They had brought new lands into the inventory but he was concerned that this rule would drive up prices. He felt the regional government was being heavy handed. He talked about the transition of real estate. They had to allow for change overtime. Deputy Council President Park said last year the private sector was asking for more large lot industrial lands. Councilor McLain thanked both of them for their time. She said they were trying to provide infrastructure for the region to make it easier to do business. Mr. Hush added that a common sense approach to identify lands outside the Urban Growth Boundary (UGB) was to bring in this type of site.

Deputy Council President Park closed the public hearing.

6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, reminded the Council that they were trying to schedule retreat dates in December. Yesterday, the senior management staff went on a retreat for the day. It retreat was very productive.

Deputy Council President Park asked Andy Cotugno, Planning Director, and Kim Ellis, Planning Department to explain a draft letter to Stuart Foster, Chair of the Oregon Transportation Commission. Mr. Cotugno presented a draft letter to Oregon Department of Transportation concerning efforts to establish a Special Transportation Areas (STAs) and suggesting specific areas. He spoke to a concern with urban design goal versus freight mobility goal and where there were conflicts (a copy of the letter is included in the meeting record and also includes Special Transportation Area (STA) Candidates for the Metro Region). He said the progress to set STAs was moving forward. Councilor Hosticka asked about the letter. Mr. Cotugno explained the specifics of the letter. It would call for additional freight scrutiny. Councilor Newman asked for clarification on the designation of a STA. Councilor Burkholder talked about state involvement in designation of facilities. The question arose about a regional facility and if it was appropriate for the State to play a role in these designations. He had raised the question about the appropriate level of State involvement. He and Deputy Council President Park would be meeting with the State next Monday to discuss the letter. Mr. Cotugno said the issue of the STA designation only applied to State-owned route. He clarified the freight route issue and the appropriate role of the State. Councilor McLain said her biggest concern was that they do nothing to cause a loss of funding.

Deputy Council President Park clarified the key issues. This letter would allow Metro to participate, where right now we were not able to do so. He asked Council if they supported the letter? Councilor Newman supported the letter and felt Council should move forward. Mr. Cotugno said he felt it was worthwhile to approve the letter in its current form. He added that there ought to be a discussion concerning appropriate designs that ought to apply on regional freight routes. Councilor Hosticka said Joint Policy Advisory Committee on Transportation (JPACT) approved this letter but there was still need for further discussion about this issue. Deputy Council President Park said he would sign the letter in its current form as Deputy and Chair of JPACT.

Motion:	Councilor Burkholder moved to accept JPACT's letter and direct our representative at Oregon Transportation Commission (OTC) to raise the issues that had been discussed and to also present the JPACT letter in its entirety.
Seconded:	Councilor Monroe seconded the motion

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

Councilor Burkholder said the Bi-State charter was approved by JPACT. This would be coming before Council in December.

Councilor McLain asked about the industrial lands criteria. Mr. Cooper said he couldn't answer the question but would make sure Mr. Benner responded to her question.

8. ADJOURN

Metro Council Meeting

11/13/03

Page 5

There being no further business to come before the Metro Council, Deputy Council President Park adjourned the meeting at 3:14 p.m.

Prepared by

Chris Billington

Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER
13, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	11/6/03	Metro Council Meeting Minutes for November 6, 2003	111303c-01
5.1 & 5.2	Letter	11/13/03	To: Metro Council From: Mayor Lou Ogden, City of Tualatin Re: Regionally Significant Industrial Areas	111303c-02
6	Draft letter	11/13/03	To: Stuart Foster, Chair of Oregon Transportation Commission From Rod Park Deputy Council President and JPACT Chair Re: Special Transportation Areas	111303c-03
6	Attachment	11/13/03	To: To: Stuart Foster, Chair of Oregon Transportation Commission From Rod Park Deputy Council President and JPACT Chair Re: Special Transportation Areas Candidates for the Metro Region	111303c-04