

MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 29, 2004
Metro Council Chamber

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

Councilors Absent:

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Elizabeth Tucker, Metro Committee for Citizen Involvement, noted that this was their January report. She noted changes in meeting times. She remarked on the lack of a Council liaison. She urged having the Council rotate this liaison position and asked that at least one councilor comes to the meeting once a month. Councilor McLain offered to be the first to rotate through (a copy of her communication is included in the meeting record). She spoke to their responses to Council requests. She then spoke to their January business. Council President Bragdon suggested that Michael Jordan, Chief Operating Officer (COO), pass along their recommendations. Councilor Newman asked which CPOs were requesting him that he come and speak. He was happy to come and speak whenever they wanted him to. Councilor McLain said she was interested on their summit on how people feel outside the boundary. She offered to contact people in her area.

Pavel Doberman, PO Box 1664, Beaverton OR 97075, said he lives in Beaverton. He expected intelligence from elected officials. He spoke about Councilor Hosticka. He noted Councilor Hosticka has ignored his calls. He announced his candidacy to run against Senator Wyden. He talked about a letter he had written to Council in January. He offered his fitness program to all of Metro employees. He spoke to savings.

Margaret Jennings, 3106 SW Gale Ave., Portland OR said she was here to discuss the Goal 5 mailing. She had seen a draft of the flyer. She had given feedback to Chris Deffebach about the clarity of the information. She was concerned about one item that was not going to be changed concerning impact of these activities and how it was communicated in the flyer. She read what the flyer said, this may affect property owners. She felt that was entirely too broad. The public needs to be given accurate information. She made several suggestions to change language. She felt it was only fair to property owners to be clear with them. She talked about development limitations. She urged clarity. Councilor McLain asked, was it not true that we would be giving out a notice about the options and then later a notice about the program. Dan Cooper, Metro Attorney, said there would be two rounds of notices. She said that Council had similar concerns. They were doing a general type of notice at first and then when they had specifics they would include those in the second notice.

3. CONSENT AGENDA

3.1 Consideration of minutes of the January 15, 2004 Regular Council Meetings.

Motion: Councilor Newman moved to adopt the meeting minutes of the January 15, 2004, Regular Metro Council.

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

4. URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN ANNUAL COMPLIANCE REPORT – PUBLIC HEARING

Brenda Bernards, Planning Department, provided a summary of the results. This was the second compliance report. She updated the Council on the changes (a copy of this report is included in the meeting packet). She talked about potential exceptions. She said Geri Uba would talk about Title 7 progress report. Councilor Burkholder asked if they would be hearing from Clackamas County in a timely manner. Councilor Burkholder reviewed the steps that would take place. Ms. Bernards said they had told the jurisdictions if they were not in compliance, they would have to seek an exception or appeal to Land Use Board of Appeals (LUBA). Dick Benner, Senior Attorney, talked about the enforcement process for non-compliance. Councilor Burkholder asked for more details on the enforcement steps. Councilor McLain concurred saying she had similar issues to Councilor Burkholder. Last year they had asked two jurisdictions to come and speak with them. Had staff contacted jurisdictions to encourage this attend this public hearing? Ms. Bernards indicated jurisdictions had been contacted. Council President Bragdon noted a letter from Clackamas County and asked where they stood in the process.

Mr. Uba reviewed the Title 7 compliance reports submitted by jurisdictions (a copy of which is included in the meeting record). He pointed out that he had not had time to evaluate all of the reports. For the record four jurisdictions had been sent by the deadline. He spoke to the two sets of compliance in Title 7. He detailed the requirements. He said most jurisdictions had partially complied but none had complied fully. Jurisdictions were required to complete their reports by June 2004.

Council President Bragdon opened a public hearing.

Jonathan Ostar, 3430 SE Stark St, Portland, OR 97214 said he was concerned about non-compliance with Title 7. He talked about the production goals and that only one jurisdiction had adopted these goals. He said only one out of 27 jurisdictions had complied. He noted that this was voluntary. He was a member of several organizations working on affordable housing. They felt Title 7 doesn't do nearly enough to support affordable housing. He urged reconvening the Housing Technical Advisory Committee (HTAC) with a more balanced representation. He wondered how many staff was allocated toward the issue of affordable housing.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4th, Portland OR 97214 said they took compliance with this report very seriously. This was an important tick mark for their development. They had submitted their Title 7 report in December. He requested verification of compliance with Title 7. He spoke to the lack of compliance among other jurisdictions. Title 11 for the new urban areas had compliance requirements as well. City of Portland noted that Title 11 wasn't included in the compliance report. He felt Title 7 and Title 11 were very important. A good part of the housing need was for affordable housing. Title 7 needed to be viewed as important.

Mary Kyle McCurdy, 1000 Friends of Oregon, 234 SW 3rd Portland OR 97205, addressed Title 7. She gave a history of when the Urban Growth Management Functional Plan (UGMFP) was first adopted and talked about the settlement process they had gone through concerning affordable housing. She felt that the regional affordable housing strategy was a minimal requirement. They didn't even know how many jurisdictions were working on Title 7. She urged increasing the budget on staff for affordable housing. She urged enforcement action on Title 7.

Council President Bragdon closed the public hearing.

Councilor McLain thanked those for testifying today. She spoke to the seriousness of these issues. She asked Mr. Benner what kind of tools did they have to encourage compliance. She felt we needed carrots and stick as tools for compliances.

Mr. Benner responded that he had passed out the procedures for non-compliance (a copy of which is included in the meeting record). Council could grant an extension. In some instances Council had indicated that they would not be granting some extensions. Second, Council could grant an exception. There was a hearing process described in Title 8. Local governments could choose to recommend a change to the Title by taking it to Metro Policy Advisory Committee (MPAC). If MPAC chose to discuss it they could make a report to Council or hold a hearing on it. Once they were finished, MPAC would send the report to Council and Council could decide what they should do. Council could also move to enforce. It was a hearing process. He provided Council options about the enforcement process. At the end of the hearing, Council could direct the local government to take action. If the local jurisdiction chose not to comply, Council could take it to the Circuit Court.

Councilor McLain asked about Title 11. Mr. Benner said it was part of the UGMFP. It was important to remember what the requirements were, interim protection standards and concept planning requirements. He detailed further those requirements. Local governments had two years to do the planning after land was brought into the boundary. The last time we brought land in was December 2002. No one had come up to that deadline yet. City of Hillsboro had submitted their Title 11 report. They found Hillsboro had complied. He talked about conditions that Council had placed on the expansion lands such as Shute/Evergreen. These were not part of the UGMFP compliance requirements.

Councilor Burkholder asked on Title 11, how do we know if anything has happened if we didn't asked? Mr. Benner responded to his question. He said there could be a practice of checking up on the jurisdictions but they generally don't check up on them.

Council President Bragdon talked about the Damascus area and the concept planning process. Citizens had recently expressed concern about what was not happening. There may be decisions that were being made that preempted that concept planning. Mr. Benner said the planning must happen simultaneously. When they brought Damascus in, Council had intended to have Damascus planned as a whole. He felt that Title 11 needed a more thorough look. They had been at a workshop on Title 11 where questions were raised about inconsistency. Councilor Park talked about performance measures. The Council had recommended standardizing the report process. He urged staff to create this standardization. Councilor McLain summarized that jurisdictions had complied 90% to 100% with many of the titles. If the jurisdictions couldn't comply they needed to fill out an exception and come and talk to the Council. Budget had been brought up several times. She felt Title 11 and 7 were in need of additional assistance. They had gone to a great deal of time and effort to solve the issues that HTAC had. She talked about timing issues as to when reports were due and where reports were analyzed. Councilor Burkholder suggested having

another opportunity to hear compliance on Title 7. He then addressed issues on Title 7. He had requested the Council President include funding in the upcoming budget to cover costs on analysis and assistance to jurisdictions. He asked how did we, as a region, address this critical issue. Local jurisdiction's compliance was only one piece of this issue. We needed to reaffirm that it was a regional priority. He was disappointed by the response we had had thus far on Title 7.

Council President Bragdon said they would continue this hearing on February 12, 2004. He would also schedule time to talk about issues raised by Council.

5. ORDINANCES – FIRST READING

5.1 **Ordinance 04-1033**, For the Purpose of Amending Metro Code Chapter 3.09 (Local Government Boundary Changes) to Allow Use of the Expedited Process for Changes to the Metro District Boundary and to Clarify Criteria for Boundary Changes, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1033 to Council. This was scheduled for action on February 26th, 2004.

6. RESOLUTIONS

6.1 **Resolution No. 04-3402**, For the Purpose of Granting an Easement to Oregon Department of Transportation for Non-Park Use Through Metro Property Located in Hillsboro at 4800 SW Hillsboro Highway.

Motion:	Councilor McLain moved to adopt Resolution No. 04-3402.
Seconded:	Councilor Newman seconded the motion

Councilor McLain reviewed the resolution and explained that the easement would provide a turn lane for the public transportation system. She spoke to the permanent easement payment and costs. She noted that we had done this in the past to help our partners to support the public health and welfare. She urged discussion on easement criteria.

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 with Councilor Burkholder absent from the vote.
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6.2 **Resolution No. 04-3407**, For the Purpose of Confirming the Appointments of Rick Sandstrom and Wayne Luscombe to the Metro Central Station Community Enhancement Committee.

Motion:	Councilor Burkholder moved to adopt Resolution No. 04-3407.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder reviewed the appointments and explained what the Metro Central Station Enhancement Committee did. He said both individuals were well qualified. They made a positive addition to the committee. The committee was a wonderful process in citizen direction. The committee considered all of the potentials for these public dollars. He urged appointment.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and
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Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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- 6.3 **Resolution No. 04-3408**, For the Purpose of Confirming the Reappointment of Leland Stapleton to the Metro Central Station Community Enhancement Committee.

Motion:	Councilor Burkholder moved to adopt Resolution No. 04-3408.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder urged reappointment.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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- 6.4 **Resolution No. 04-3415**, For the Purpose of Approving the Intergovernmental Agreement (IGA) with the City of Portland for Operating and Maintaining the Three Bridges and Trail Located in the Sellwood Section of the Springwater Corridor.

Motion:	Councilor Newman moved to adopt Resolution No. 04-3415.
Seconded:	Councilor Monroe seconded the motion

Councilor Newman gave background on the Springwater Trail. There had been a gap in that trail close to Sellwood. This resolution would authorize an Intergovernmental Agreement (IGA) for the city to maintain and operate the Three Bridges part of the trail. He noted the renderings of the bridge (a copy which is included in the meeting record). It was a popular project for the City of Milwaukie citizens as well as parts of Councilor Monroe's district. He urged approval. Councilor Monroe asked about the impact of the light rail alignment and the design of the bridge. Councilor Newman said the design had not changed greatly. He said there was an open house in Milwaukie tonight to provide input. Councilor Monroe said he had worked on this project for many years. This was a great partnership. The City of Portland had agreed to maintain and operate the trail. He urged support. Councilor McLain said it was important to remember that trails like this were alternative modes of transportation. It was an honor to go forward with another aspect of the program. Councilor Newman thanked Councilor Monroe and Burkholder for their contribution to the trail.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7. CONTRACT REVIEW BOARD

- 7.1 **Resolution No. 04-3412**, For the Purpose of Authorizing an Exemption From Competitive Bidding Requirements and Authorizing Issuance of RFP #04-1091-SWR For the Operation of the Metro South and/or Metro Central Transfer Stations.

Motion:	Councilor Park moved to adopt Resolution No. 04-3412.
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Seconded:	Councilor McLain seconded the motion
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Councilor Park introduced the resolution. He asked staff to detail the Request For Proposal (RFP). The current contract with BFI expires in 2004. He explained their role. BFI had requested an extension of the contract. If Council decided that there wouldn't be an extension, an RFP would go forward. He talked about the restriction of the bond covenant. He talked about the sustainability issues that Council were interested in seeing be included in contract. He suggested staff cover why we were asking for an exemption.

Mike Hoglund, Solid Waste and Recycling Director, said this was approximately \$25 million contract over the course of five years. He talked about tonnage that went through those two stations as well as trying to recover recycled materials as much as possible. He explained why this was an exemption from competitive bidding. It allowed for additional components beyond cost. He spoke to Exhibit B, which laid out findings that were required to go forward with the contract. He detailed some of these findings, which were laid out to discourage favoritism. He said the exemption also fostered creativity beyond cost. The competitive bid process would encourage cost savings.

Council President Bragdon asked Mr. Hoglund about the team that will be reviewing the proposals. Mr. Hoglund said they had already been working with individuals such as Metropolitan Exposition-Recreation Commission and Port of Portland, particularly on levels of service. Council President Bragdon said they had already circulated the RFP to interested parties. Mr. Hoglund responded yes. They would be assembling comments and present it to Council next Tuesday at the Work Session.

Council President Bragdon opened a public hearing. There were no one who came forward. Council President Bragdon closed the public hearing and announced that this resolution would be considered at the February 5, 2004 Council meeting.

Councilor Park said the contract was unique and detailed some of the issues. Council President Bragdon said the criteria was not necessarily the cheapest but the best for the value.

Councilor Hosticka asked if Council President Bragdon was anticipating final action on February 5, 2004. He asked about the extension question. Council President Bragdon said he could canvas Council or Council could vote against the resolution.

8. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

9. COUNCILOR COMMUNICATION

Councilor Burkholder announced that tonight was a Spelling Bee for School House Supplies that provide materials to teachers.

Councilor Park said there was a Springwater Planning workshop in Gresham. He asked Councilor Burkholder about the SMART Growth Conference.

Councilor Burkholder talked about the SMART Growth Conference. Many of the participants had opportunity to look at the region. How do you build cities so you can continued to walk and bike?

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10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:39 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 29,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
4	Letter	1/27/04	To: Metro Council From: Doug McClain, Planning Director Clackamas County Re: 2003 Compliance Report	012904c-01
7.1	Email	1/27/04	To: Chuck Geyer, Solid Waste & Recycling Dept., Re: Contract extension (Resolution No. 04-3412)	012904c-02
4	Updated Compliance Report	1/21/04	To: Metro Council From: Brenda Bernards, Planning Department Re: Compliance Report update	012904c-03
2	MCCI Report	January 2004	To: Metro Council From: Elizabeth Tucker, MCCI Chair Re: Report to Metro Council on MCCI business for January, 2004	012904c-04
2	Compliance Report on Title 7	December 2003	To: Metro Council From: Al Burns, City of Portland Re: Compliance Report on affordable housing Title 7	012904c-05
2	Communication	1/13/04	To: Metro Council From: Pavel Goberman Re: Citizen communication materials	012904c-06
4	Memo	1/29/04	To: Metro Council From: Dick Benner, Senior Attorney Re: Remedies for Non-compliance with Functional Plan	012904c-07
6.4	Renderings	1/29/04	To: Metro Council From: Mel Huie, Parks and Greenspaces Department Re: Renderings of Three Bridges and Trail project	012904c-08
6.4	Newspaper Article	12/16/03	To: Metro Council From: Mel Huie, Parks and Greenspaces Department Re: Oregonian Article on Pedestrian-bike bridges will close Springwater gaps	012904c-09
4	Memo	1/27/04	To: Metro Council From: Andy Cotugno, Planning Director Re: Additional Title 7 Compliance Reports Submitted by jurisdictions	012904c-10