

MINUTES OF THE METRO COUNCIL WORK SESSION

Tuesday, February 17, 2004
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 Work Session Meeting at 1:03 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, FEBRUARY 19, 2004.

Council President Bragdon reviewed the upcoming Regular Council meeting for February 19, 2004. Andy Cotugno, Planning Director, said there was a discussion on freight priorities at Joint Policy Advisory Committee on Transportation (JPACT). He said the Oregon Transportation Initiative Act ((OTIA) funding that the legislation provided included freight priorities. Modernization funding included projects that had freight related benefits and job related benefits. He spoke to Oregon Department of Transportation's (ODOT's) priorities. He explained the OTIA funding. What happened at JPACT was there was an amendment introduced by Washington and Clackamas Counties concerning their priorities, Sunrise Corridor and 99W Connector. Councilor Park said the two projects that were brought forward by the counties didn't match anyone's list. Councilor Burkholder expressed concern about the counties' amendment process. He urged the region hang together so that the State would give JPACT its due attention. He felt that if we let the counties do this, JPACT wouldn't hang together. Mr. Cotugno said ODOT had laid out a clear-cut process for the bridge and freight decision-making. There was no road map for the rest of the funding. Councilor Monroe said the counties' decided not to push the issue too far.

2. OREGON ZOO STRATEGIC PLANNING PROCESS

Sarah Chisholm, Teri Dresler and Mike Keele, Oregon Zoo, provided an overview of the Zoo's strategic planning process. Mr. Keele said Mr. Vecchio was unable to attend today but was pleased that the Council support of the Zoo's strategic plan. Donna Morrow, OZ Board Member, had been guiding the strategic plan process. They were reviewing the mission and the values. They wanted to make sure that the mission was conducive to Metro's mission. Then, they began looking at vision and guiding principles. They had included input from staff about these issues. There had been a lot of word-smithing on the part of staff. Once they started talking about the plan there was quite a bit of enthusiasm. Ms. Dresler spoke to the next phase of the plan. They had evaluated their strengths and weaknesses. They also looked at the weaknesses and how they could turn these into opportunities. They had also looked at threats and how these could be turned into opportunities. They then developed strategies group related to specific topics. She reminded that this was an ongoing evolving process. She reminded that these topics were at the beginning stages. They had as late as today added some additional topics. She talked about revenue generating ideas. There were a lot of fresh ideas from staff.

Ms. Chisholm spoke to the critical issues of the plan. The plan was leading up to fold this plan into the FY05-06 budget. Councilor Burkholder asked what were some of the things that they were looking at doing and not looking at doing. Had they gotten that far? Ms. Dresler said they were not that far along. She explained that once they determined the strategies, they would look at

what had to drop off. Councilor Burkholder reminded them that it was difficult to let go. Councilor McLain talked about level of service and level of experience. She urged the need for integration with the Metro mission. Council would be interested in looking at that list and providing input. Councilor McLain talked about use of the excise tax to support the Council's interests. Councilor Monroe asked about their master plan, were they looking toward a greater level of cooperation with Parks and Openspaces? Some of the science education in Parks was similar to Zoo education. Mr. Keele said he felt there were some wonderful opportunities to work together more closely. Councilor Monroe said the Condor project couldn't have happened without the Park's purchase. He urged cooperation and coordination with the Parks Department. Councilor Park suggested, in their planning process, they needed to look at what was sustainable. He also mentioned cooperation with Metro. Metro was all of us. It was one group, it sounded like the Zoo was cooperating with itself. Council President Bragdon asked how this fit with the master plan. Ms. Dresler said they were working on updates to the master plan. She felt this would work in conjunction with the master plan. The strategic plan supported the master plan. Council President Bragdon said they would be looking at ongoing operating expenses for capital projects.

3. USFW, NOAA AND DEQ PRESENTATION ON ENDANGERED SPECIES ACT AND CLEAN WATER ACT

Chris Deffebach, Planning Department, said they got asked all the time how did what you were doing at Metro relate to federal acts. This was an opportunity to look at Metro's program in conjunction with federal programs.

She introduced Jennifer Thompson, U.S. Fish and Wildlife (USFW), Nancy Munn, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and Greg Aldrich, Department of Environmental Quality (DEQ). Ms. Thompson talked about the lamprey. She spoke to their life history. We had several kinds of species in this region. The lamprey had been petitioned for listing. Councilor Burkholder asked how many species were listed. Ms. Thompson said they didn't have a lot of information on lamprey. She said this presentation was about the Endangered Species Act (ESA) as it meets Metro's Goal 5 Program. She provided a power point presentation (a copy of which is included in the meeting record). She spoke to the benefits of the Endangered Species Act to Goal 5. She noted the species that were listed. She said the Endangered Species Act didn't have the same protection for plants. Plants were protected on federal lands. She talked about an incidental take. Under the Endangered Species Act, they were talking about the bald eagle and bull trout. She also noted the list of candidate species and species of concern. She talked about bull trout. They could be covered under the Habitat Conservation Plan (HCP). Bald eagles were listed endangered in 1967. They were down listed as threatened in 1999. She talked how the Metro region had contributed to the recovery in 20 years. This was another argument to protect eco-systems. There were a lot of HCPs. She noted what went into the HCPs.

Councilor Burkholder asked how this related to Metro. Were the HCPs typically done to property owners, government entities? Ms. Thompson said any non-federal entity would have to apply for a permit. Councilor Burkholder said how would Metro "take". Ms. Thompson said that was a legal issue. Councilor Burkholder asked how this related to Metro. Ms. Thompson explained how San Diego County had developed an HCP program. The County provided the authority. Metro could have authority to regulate local governments to carry out their piece of Goal 5. Councilor Burkholder suggested getting a description of how San Diego County operated their program. He asked Mr. Jordan to provide this information. Ms. Thompson talked about the species that were not listed. She suggested the species that might need to be considered were the coastal cut trout and the lamprey. She spoke to the process for listing and the lack of listing funds. She spoke to Metro's three options. She noted the ESA grant programs available to Metro. Ms. Deffebach said

the Fish and Wildlife Protection Program helped but did not meet all of the protection needed. Councilor Hosticka asked how Metro could take their next steps to apply for these grants.

Nancy Munn, NOAA, spoke to the NOAA Fisheries Jurisdiction and provided a power point presentation (a copy of which is included in the meeting record). She noted their mission. All of their regulations may apply to Metro. They had been evaluating the pacific salmon since 1990. She spoke to the levels of endangerment. For Metro region, they were concerned about the steel head and Snake River sockeye. She also noted the threatened species in the region, which include other kinds of steelhead and Chinook. The list of listings was in flux. They were undergoing status review for most of the species. She expected that they would see some changes in the listings. The bottom line was they would still have listings of salmon in the region. She spoke to the sections in the ESA that applied to Metro. There were a number of activities that would apply to Metro. She said Section 4 were the listings, the protective regulations, recovery planning and critical habitat designations. She said there was no economic analysis as a decision to list the species. She noted active compliance tools. She defined "take" and then spoke to exceptions and permits to take. Councilor Hosticka asked about the "harass and harm" rule. Ms. Munn explained "takings". The harm rules were where they saw the habitat affected. She spoke to recovery, they felt Metro activities could have an influence on recovery planning. She spoke to critical habitat, which was still along the Columbia River. There needed to be an economic analysis for critical habitat. She then talked about Section 10 HCPs. She noted that if you were going to enter into the HCP, over the long term there had to be enough provision to ensure recovery and survival. She talked about the Metro Fish and Wildlife Habitat Protection Plan and coordination with local jurisdictions. She suggested a combination of tools. Was the program adequate? Option 1A was the closest to meeting ESA. She suggested relevant questions such as how will it contribute to recovery and avoid future ESA listings. Councilor McLain said Metro Policy Advisory Committee (MPAC) had discussed what they had to do to make a model work. Ms. Munn suggested programs that were working.

Greg Aldrich and Don Youn, Oregon Department of Environment Quality, provided a power point presentation on Water Quality – From a State Perspective (a copy of which is found in the meeting record). He gave an overview of the discussion topics. Councilor Hosticka asked about the species. Mr. Aldrich said water quality started with the standards. He detailed those standards. He noted the beneficial uses such as irrigation, and rearing and spawning. He noted the anti-degradation policy. He reviewed the standards process, which included water quality criteria review based on new information and technical and policy advisory committee input. In addition to the policy was the science. They looked at the data and compared it to the standards. He said they were doing a Total Maximum Daily Load (TMDL) for the Willamette to cover pollutants, which included bacteria, mercury and temperature. Council President Bragdon asked what was the source for mercury? Mr. Aldrich responded that the mercury was coming from mining, air deposition, legacy pesticides, wastewater treatment plants, and steel processing. There was a whole host of contributors. Councilor Monroe said he thought that the dental offices were collecting the mercury at the office and declaring it hazardous waste. Mr. Aldrich noted that it was still a voluntary program but there may be local requirements. Councilor Newman asked about the gasoline additive and was that a concern for drinking water? Mr. Aldrich said it was primarily for drinking water. Councilor Monroe asked about temperature pollution and the seriousness in the Willamette Basin. Mr. Aldrich explained the warming effects and the impacts. Councilor Monroe talked about the Columbia River warming and its impact to the Snake River. Mr. Aldrich said they also had warming in the Willamette. He said the dams shifted the thermal pattern. He continued talking about TMDLs. They were looking at point sources, non-point sources and naturally occurring situations. Councilor Hosticka asked whom they allocated to for the non-point sources. Mr. Aldrich responded to his question. He talked about the TDML, which

established how much pollution the river can hold and still meet the TDML standards. He then spoke to Designated Management Agencies (DMA) such as local governments, DEQ, US Fish and Wildlife, Forest Service, etc. Councilor Monroe asked if Metro was a DMA. Mr. Aldrich said no one at this point had been designated as a DMA. He spoke to the schedule for the draft TDML. Metro could help control the plan for the whole region. Councilor Park asked about storm water permits and how to incorporate Metro's Title 3 in that. One of the ways to show value of Metro's contribution was to show adherence for Title 3. Mr. Aldrich addressed the TMDL Implementation Plan elements, which included management strategies, timeline for implementing strategies and setting milestones, performance monitoring and compliance, analysis and guidance. Councilor Hosticka asked for clarification on performance monitoring. Mr. Aldrich responded to his question. He noted Metro's Title 3 provided water quality protection but did not meet all of the Clean Water Act (CWA) requirements. Metro had had an ongoing role in water quality. He detailed some of the history of Metro and CWA. Metro was a candidate to be designated as a DMA. Finally, he acknowledged the Damascus Area Community Plan was a good example of an opportunity to create a regional plan that would protect water quality. He concluded by talked about Metro's responsibilities under CWA and the effects of pollutants on land and basin. Mr. Youn added that they wanted to build on the work that had already been done such as Title 3. These could be incorporated into their plan. Metro had a unique role in the State where we were setting the design standards and comprehensive planning from which development could occur. He gave an example of Lane Council Government who was receiving a grant to work with all of the cities to develop an implementation plan. Councilor Park talked about the Oregon Department of Agriculture (ODA) process, which reduced friction down to a minimum. He felt in their implementation of Title 3 there was a need to move that process up the chain and reduce the effectiveness of regional government. Mr. Youn talked about Title 3 and the need to go upland and deal with impervious surfaces. Title 3 was an important component. Councilor Park explained how Title 3 contributed to the overall program.

Ms. Deffebach said they started out by asking, how did our program meet federal and state requirements. They had taught Metro a lot about their programs. The environmental goals that they were trying to work towards covered larger areas. Councilor McLain said the process was split into three steps, Title 3, Goal 5 and storm water protection. Councilor Hosticka talked about designated management agency and asked how these were designated. Mr. Aldrich responded that DEQ designated the DMAs. Ms. Deffebach said the fish and wildlife program covered a part of the protection but there was more out there. She thanked all four of the contributors for their presentations and work.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Metro Auditor, updated Council on two items: Council resolution that provided the Auditor on potential projects. Initially they wanted to undertake some of the questions about the Oregon Zoo and the relationship with the Zoo Foundation. There were also some questions about Pay for Performance (PFP). She would be getting back to Council on those two items. They had most of the work done on PFP. Council had asked what other entities were doing with PFP. Ms. Dow responded that they had looked at quite a few entities. They didn't do an in depth study on what was working and not working. You could tell what factors they had in common that helped make them succeed. The PFP needed to be planned carefully upfront. It wasn't for every public entity. It couldn't be subjective. It was not a top down initiative but was designed to be designed by the employees. With respect to the Zoo issue, Mr. McMullin met with Council to find out what was driving their interest. After those discussions he concluded that there were concerns about the nature of the foundation, relationship between the two organization, fund raising, role of the director as a board member, what was there for accountability, and legal structure. Mr. McMullin

was looking to put information to provide to Council. The last item had to do with contracting records. She spoke to the proposed ordinance. It allowed Metro to go back to the Contractor to get information it needed to determine that the contract was being fulfilled. Her proposal was for only those contracts that were substantive, over \$50,000. She spoke to the benefits of including this requirement.

Councilor McLain said she had been aware of the contractor record requests having to do with solid waste. She found the records were beneficial to the public. Ms. Dow suggested if there were any questions, please let her know.

Councilor Newman asked if there any concerns from our current vendors? Ms. Dow said no. Councilor Newman asked about the time frame on the record retention? Ms. Dow thought it was about three years. She had used whatever the City of Portland used.

5. TRANSPORTATION BRIEFING

Councilor Park said Metropolitan Transportation Improvement Program (MTIP) process was coming up again. They were trying to line up all of these processes. They wanted to examine the effectiveness (a copy of the draft calendar of activities is included in the meeting record). Councilor Newman talked about the policies that guided the last MTIP. Would these policies still exist? Councilor Park asked if they went far enough. Councilor Burkholder noted that they had received a more detail transportation priorities. He talked about coordination with ODOT. Council President Bragdon said they would have to act soon. They would have the full package by next Tuesday. Councilor McLain suggested a resolution listing policy recommendations. Councilor Park spoke to what they were looking for. He cautioned that they wanted to be careful about designations. He talked about the JPACT process and that some jurisdictions were becoming more savvy about the process. Councilor McLain talked about getting on schedule with ODOT and TriMet so they could look at the gamut of resources and projects. We needed to recognize the integration of those three processes. Councilor Monroe said they were talking about 4% of the overall transportation budget. He felt it was mandatory that we used this small pot of money for multi-model purposes. The more of this money that can be used for Transportation Demand Management (TDM), bike and ped, transit and the less used for pavement the better. Councilor Newman said Mr. Leybold said they could possibility receive as much as \$80 million. Councilor Park said the Council had put a lot of direction in the last two processes. We needed to be prepared and checking on our partners and making sure there weren't surprises. Councilor Newman asked about limits on the list. Councilor Burkholder said he felt the cities were supportive. The counties were looking for any money they could, that was there highest need.

Mark Turpel, Planning Department, spoke to the air quality conformity issue. He said that U.S. Department of Transportation (USDOT) did not approve the conformity. They requested a new public comment period and a revised determination. He spoke to what further documentation was wanted. They wanted more explicit information on credits that improved air quality. He said they were asking Council to hold a public hearing on February 26th with final consideration on March 4, 2004. Councilor Park said there would be a conference meeting of JPACT. Councilor Monroe would be chairing the special JPACT meeting on March 1st. Councilor McLain asked if these were new requirements. Mr. Turpel said no, they had done conformity in 2002 where they applied credits but never explained them and USDOT accepted this conformity. He thought that this new requirements had to do with new staff. They would have to provide additional information and extend the period for public comment. Councilor Monroe explained the specifics of the process.

6. CITIZEN COMMUNICATION

There were none.

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, asked who would be gone in early March. Councilors Park and Burkholder would be in Washington D.C. He said they would have lunch at the Zoo to honor employees this Thursday. Councilor McLain asked who got the awards. She would be interested. Mr. Jordan urged Council attendance.

8. COUNCILOR COMMUNICATION

Councilor Newman said Betty Attebury called him and invited him for a westside tour. Council President Bragdon suggested that the Council be updated about Zoo Strategic Plan regularly. Mr. Jordan said he had gone to their last Strategic Plan meeting. He suggested that this was a process you went through with the governing body before you talked to the staff. Councilor Hosticka said he would like to hear about the substance. Councilor McLain concurred that they needed to be talking with the Council about their vision. Councilor Park suggested doing a process like Solid Waste had done. He asked about core values. Councilor McLain said they would be meeting with Metropolitan Exposition-Recreation Commission (MERC) on March 10th. It was her hope that they all got together to look at what they wanted to accomplish.

Councilor Newman said Metro Committee for Citizen Involvement (MCCI) had asked to have a Councilor attend their meeting. Councilor McLain said she would stop by MCCI meeting after Rate Review. Councilor Newman asked about the Clackamas County decision on Title 3 and 4. He asked about the appeals process. Councilor Newman announced that at 3:00 p.m. tomorrow they would be an unveiling the Sunnybrook Life Style Center. Councilor Park said on March 10th he and Mr. Cotugno had been asked to testify at the State concerning transportation issues.

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 FEBRUARY
17, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	2/19/04	Metro Council Regular Agenda for February 19, 2004	021704c-01
3	Power Point Presentation	2/17/04	To: Metro Council From: Jennifer Thompson, US Fish and Wildlife Re: Power Point Presentation on The Endangered Species Act meets Metro's Goal 5 Program	021704c-02
3	Power Point Presentation	2/17/04	To: Metro Council From: Nancy Munn, NOAA Fisheries Re: Power Point Presentation on NOAA Fisheries and Goal 5	021704c-03
3	Power Point Presentation	2/17/04	To: Metro Council From: Greg Aldrich, Oregon Department of Environmental Quality Re: Power Point Presentation on Water Quality – From a State's Perspective	021704c-04
3	Letters	Various dates	To: Metro Council From: Greg Aldrich, Oregon Department of Environmental Quality Re: Packet of letters concerning Water Quality Management from DEQ	021704C-05
5	Memo	2/17/04	To: Metro Council and Interested Parties From: Ted Leybold, Principle Planner Re: 2006-09 Transportation Priorities	021704c-06
5	Report	2/12/04	To: Metro Council From: Mark Turpel Re: Air Quality Conformity Determination Update – Exhibit A to Resolution No. 04-3427	021704c-07