

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 12, 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 2:02 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. STATUS OF AUDIT RECOMMENDATIONS – 2003

Alexis Dow, Metro Auditor, provided a summary of the status of her audit recommendations for 2003 (a copy of the power point presentation is included in the meeting record). She said part of the process to encourage the implementation of audits, was to present a report each year to the Council. This report tracked the progress of the recommendations. She noted that overall the results have been good. In the past five years, management had agreed to 193 of the 198 recommendations. The vast majority of the recommendations was fully implemented or was in the process of being completed. She noted areas of concern, Metropolitan Exposition-Recreation Commission (MERC) bank accounts, Information Technology (IT) strategic and risk planning, and Zoo construction management. She spoke to the consequences of inattention and the benefits of implementation. She summarized the rest of the report.

Councilor Newman asked about the failure to implement the recommendations. Were these recommendations that management hadn't agreed with or just hadn't implemented? Ms. Dow responded that most were recommendations that management had agreed with, only one management did not agree with. Councilor Newman asked about MERC bank account reconciliation. Michael Jordan, Chief Operating Officer (COO) responded that he had asked the Chief Financial Officer to check into this. Council President Bragdon asked about the outside audit presentation. Ms. Dow said they would be presenting in the near future. Councilor Burkholder asked if there was a way to resolve if management disagreed with a recommendation? Ms. Dow responded that they could resolve the recommendations in several ways and explained the specifics. Councilor McLain said that Council had opportunities to come to some solutions through the budget process. She also spoke to central contracting benefits. She looked forward to working on these issues. Councilor Monroe asked about the Oregon Convention Center project savings.

### 4. CONSENT AGENDA

4.1 Consideration of minutes of the February 5, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the February 5, 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.

## **5. CONTINUATION OF PUBLIC HEARING – 2003 URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE REPORT**

Council President Bragdon explained the process for this hearing and future decisions concerning compliance. Dan Cooper, Metro Attorney, said after the record was closed, Council had opportunity to direct staff to produce an order. Council President Bragdon spoke to the role of the Council and this agency and the commitments that we have to the region. He expressed concern about jurisdictions lagging in the affordable housing area. He urged Council to meet with city councils about the importance of affordable housing.

Brenda Bernards and Gerry Uba, Planning Department, updated the Council on the amendments to the 2003 Urban Growth Management Functional Plan Compliance Report (a copy of these updated documents are included in the meeting record). Ms. Bernards detailed these amendments for each title. She noted changes in the format for Title 7. Councilor Hosticka asked about the situation with Clackamas County concerning Title 3. Ms. Bernards responded that the County had considered the amendments to the code last March but there had been no ordinance written to adopt the code. So there was nothing for Metro to react to. Clackamas County sent a letter indicating that the ordinance was moving forward. Councilor Hosticka asked once they had considered the ordinance, then Metro could decide if they were in compliance? Ms. Bernards said that was correct. She then detailed Title 11 compliance and the variance of the timelines by area. She explained compliance was by area rather than jurisdiction. She said thus far all jurisdictions were in compliance. Councilor Burkholder asked about notification. Ms. Bernards said they worked with the counties to receive the information even though they were not required to send notice to Metro. Councilor Monroe asked about the status of Bethany. Ms. Bernards said their plan was not due yet. Their compliance would be in 2005. Councilor McLain thanked staff for the work. She suggested having a single chart or matrix indicating who was out of compliance. Ms. Bernards said she could utilize page 3 and create a matrix page showing non-compliance.

Mr. Uba spoke to Title 7. They had made some changes based on the last public hearing. He noted which progress reports they had received. He spoke to comments that had been received for jurisdictions. He also talked about the deadline of December 31, 2003, which made it difficult for staff to pull together the information in a timely manner. They would be coming back in a month or two to update the Council on this title. Councilor Monroe said in the past it had appeared that some jurisdictions were dragging their feet on affordable housing and some rejected affordable housing within their boundaries. He wanted to know who were these jurisdictions. Mr. Uba detailed the jurisdictions, which had complied with some of the requirements. None of the jurisdictions had complied fully. Councilor McLain made some suggestions concerning compliance.

Council President Bragdon opened a public hearing.

Jamison Cavallaro, 3333 SE Alder St., Portland OR said he was here to represent Oregon Alliance for Land Use and Affordable Housing. He felt Metro had done a wonderful job. He spoke to Metro's opportunities in the affordable housing arena (a copy of their mission,

fundamentals, response to RAHS and requests were included in the record). They needed to be thinking about housing prices and wages. He urged looking for opportunities to comply in the area of affordable housing He urged reconvening the Housing Technical Advisory Committee (HTAC). They would like a seat on that committee.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4rth Ave Portland OR 97214 talked about the issue of affordable housing. He thanked the Council for holding the record open. He noted City of Portland’s contribution to affordable housing. They had adopted 13 strategies. He noted Metro’s assessment of progress (a copy of which is included in the meeting record).

Council President Bragdon closed the public hearing. He asked for directions to staff. He reiterated that Council needed to be involved if these titles were going to work. He empowered Council to take on this work and gave examples of Councilors work to date in Bethany and Damascus.

Motion:	Councilor Burkholder moved to accept the 2003 Compliance Report.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder explained his motion. He noted that there was money planned in the planning budget to help jurisdictions with compliance of these titles. Councilor McLain suggested directing staff to look at some of the non-compliance issues. She suggested bringing these issues back to a work session. Council President Bragdon said he would like to be able to empower councilors to work with the jurisdictions. Councilor Hosticka said he wanted to be clear that by accepting the report that they were not condoning non-compliance. Mr. Cooper said the purpose of this hearing was to assess compliance. It was up to the Council to determine what they wanted to do with jurisdictions that were not yet in compliance. Council President Bragdon suggested Metro Policy Advisory Committee (MPAC) as a forum to discuss non-compliance.

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. ORDINANCES – FIRST READING**

6.1 **Ordinance No. 04-1035**, For the Purpose of Amending Metro Code Chapter 2.04 To Require Retention of Contract Records by Metro Contractors and to Assure the Ability of Metro to Audit Contract Records.

Council President Bragdon assigned Ordinance No. 04-1035 to Council.

6.2 **Ordinance No. 04-1039**, For the Purpose of Amending the FY 2003-04 Budget and Appropriations Schedule by Transferring \$450,000 from Contingency to Capital Outlay in the General Account in the Solid Waste Revenue Fund, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1039 to Council.

**7. ORDINANCES – SECOND READING**

7.1 **Ordinance No. 04-1032**, For the Purpose of Amending the FY 2003-04 Budget

And Appropriations Schedule by Transferring \$70,000 from Capital Outlay to Personal Services in the Convention Center Project Capital Fund; and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 04-1032
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained the amendment. He explained why this money had to be moved.

Council President Bragdon opened a public hearing on Ordinance No. 04-1032. No one came forward. Council President Bragdon closed the public hearing.

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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## 8. RESOLUTIONS

8.1 **Resolution No. 04-3409**, For the Purpose of Endorsing the Updated Regional Position on Reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)

Motion:	Councilor Park moved a substitution, Resolution No. 04-3409A.
Seconded:	Councilor Monroe seconded the motion

Councilor Park said this was the latest version adopted by Joint Policy Advisory Committee on Transportation (JPACT). He detailed what was in the Transportation Equity Act. This was our attempt to influence that reauthorization. It was significant to Metro. He noted the projects outlined in the exhibits. Transportation Policy Advisory Committee (TPAC) and JPACT had recommended the positions that we were taking. He asked Andy Cotugno, Planning Director, to detail some of the projects. Mr. Cotugno gave a status report. He said it was unclear what the federal legislature would do. He detailed the big issues and some of the risks. He talked about project endorsements. Exhibit A dealt with the biggest policy issues. He explained Exhibit B. Exhibit C was a list of proposed projects. Most of the projects got funded through Metro's Metropolitan Transportation Improvement Program (MTIP) process. He noted a specific project, which included a priority of a swing span bridge. They suggested funding through marine funding. These dealt with the six years of funding. Councilor Newman suggested briefing Council at Work Session on these issues. He asked about the different lists. He didn't see the Sunrise Corridor on the list. Mr. Cotugno said in Exhibit C there were five projects listed that this resolution would endorse. The State had requested nine projects statewide. The first three were included in Exhibit C.

Councilor Newman asked about the Small Starts bill. Mr. Cotugno said there was a bill in both the House and the Senate. Councilor Newman asked about appropriation. Mr. Cotugno responded to his question. Councilor Burkholder reported that the Bi-State Committee had offered forward the I-5 bridge/light rail project as a mega project for Oregon. He asked how Mr. Cotugno was going to transmit this information and get this in the hands of the delegation. Council President Bragdon asked about storm water tracks. Had we taken a position on this? Mr. Cotugno said it was under active consideration and explained the requirements for spending 2% on storm water projects. Councilor Hosticka asked about the Sunrise project. Was there a concept for this project? Mr. Cotugno said there wasn't a project at this time. There was a project approved by

Clackamas County Commission several years ago but the environmental impact expired. Council had approved funding for another environmental impact for that area. Councilor Park thanked Mr. Cotugno for his efforts. He spoke to the importance of this resolution. He talked about Congestion Mitigation Air Quality (CMAQ) change in standards and the potential loss of funding. It has the potential for major impact. This was important work that we stay on top of.

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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7.2 **Resolution No. 04-3410**, For the Purpose of Approving the Portland Regional Federal Transportation Priorities for Federal Fiscal Year 2005 Appropriations.

Motion:	Councilor Park moved a substitution, Resolution No. 04-3410A.
Seconded:	Councilor Monroe seconded the motion

Councilor Park said this was the one-year transportation-funding request. This provided the delegation with a list of priorities for 2005. He detailed these projects (a copy of which is included in Exhibit A). Mr. Cotugno said this was designed to make an appropriate request because the projects were ready and had earmarked sources of funds. They were hopeful to get the funding for the next two MAX projects. There were no guarantees. Councilor Newman asked about the Portland Streetcar project. What governing body adopted this project as a priority? Mr. Cotugno said the City of Portland had adopted this as a priority and was pursuing HUD funds for this project. He explained how this project would roll out. Councilor Burkholder said there were a number of other projects that were not necessarily Metro projects. He explained the role of the delegation. These projects were asking for our own money back. Councilor Park thanked Mr. Cotugno for his work. He noted the cooperation with other jurisdictions.

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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7.3 **Resolution No. 04-3417**, For the Purpose of Accepting the Oregon Convention Center expansion CM/GC delivery project report.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3417.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe said state law allowed for a Construction Manager/General Contractor (CM/GC) method to build this project. State law required a final report when this method was used. That report described the method. We were fulfilling state law by accepting the report today. He was very pleased with the project. He felt our convention center was the most beautiful and one of the most functional. Councilor Newman complemented Mr. Williams and Mr. Blosser for a job well done. He asked if everything that was scoped was completed?

Jeff Blosser, OCC Director, responded that they were able to purchase items that got put on hold. They were still working on signage but that was all that was left to be done. Councilor McLain added her thanks. She felt the report spoke for itself. She pointed out that the State of Oregon understood that this Council was the contract review board for the convention center. She noted that our COO was looking at contracting issues. She felt this was a good example to consider

when having those contract discussions. Councilor Park agreed that they had done a good job bringing it under budget. He asked Mr. Blosser to speak to how we were doing with the shows this year? Mr. Blosser said they were seeing an upturn with shows coming back. 2005 looked strong. 2006 was a bit weaker than they liked and 2007-08 was looking good. He felt Portland was back on the map. The space supplemented the business that came in. Mark Williams, MERC Manager, said Mr. Blosser was working very hard to cover all of the dates. There was a hip/hop concert planned. They were working hard with our local community. Councilor McLain mentioned that she had heard a lot of complements on the festival of trees. She added that she was looking forward to meeting with the MERC Commission on March 10<sup>th</sup>. Council President Bragdon said one of the things they would be seeing was a benchmark report on our facility. This was a premiere facility. Councilor Monroe said one of the most beautiful city had one of the most beautiful convention centers. We were today accepting that report.

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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#### **10. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan, COO, reminded Council they were scheduled for a retreat on February 25<sup>th</sup>.

#### **11. COUNCILOR COMMUNICATION**

Councilor Monroe said today was the 195<sup>th</sup> of he birthday of Abraham Lincoln.

Councilor Park said he had two letters concerning reauthorization of TEA-21. Councilor Burkholder spoke to the first letter and asked if Council wished to include the letter to go with the resolutions just adopted. There was no objection. Councilor Park said the second letter had to do with recognition that the Sellwood Bridge was in need of repair and upgrading. JPACT recommended including the funding for the Sellwood Bridge. There were no objections to signing the letter. Councilor Monroe clarified the project was to replace the bridge. Councilor Newman said he was in support of the letter and the project. Councilors talked about the design of the proposed bridges. Councilor Park talked about an un-drafted letter concerning freight. There may be a third letter coming forward to Council in the future.

Council President Bragdon said he would be addressing the Portland City Club tomorrow on the State of the Region. He would be talking about some of the investments, centers revitalization, and the new Land Conservation and Development Commission (LCDC) structure. Councilor Hosticka said this was a good broad long visionary view. He urged alerting people to the public hearing process in March and April.

#### **12. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:55 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 12,**  
**2004**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	2/5/04	Minutes of the Regular Metro Council Meeting of February 5, 2004	021204c-01
3	Power Point Presentation	2.12.04	To: Metro Council From: Alexis Dow, Metro Auditor Re: Status of Audit Recommendations – 2003	021204c-02
5	Amendments	2/11/04	To: Metro Council From: Brenda Bernards, Planning Department Re: Amendments to the 2003 Compliance Report and Compliance Matrix	021204c-03
5	Amendments	2/9/04	To: Metro Council From: Gerry Uba, Planning Department Re: Amendments to the Title 7 (Affordable Housing) component of the Metro 2003 Compliance Report	021204c-04
5	Letter	2/12/04	To: Metro Council From: Jamison Cavallaro, Oregon Alliance for Land Use and Affordable Housing Re: Statement of their mission, fundamentalism, responses and requests	021204c-05
5	Metro Assessment of Progress	2/12/04	To: Metro Council From: Al Burns, City of Portland Bureau of Planning Re: Metro Assessment of Progress	021204c-06
8.1	Resolution	2/12/04	Resolution No. 04-3409A	021204c-07
8.2	Resolution	2/12/04	Resolution No. 04-3410A	021204c-08
10	Excepts from Remarks to the Portland City Club	2/13/04	To: Metro Council From: David Bragdon, Council President Re: State of the Region Excepts of Speech	021204c-09
10	Letter	2/12/04	To: Stuart Foster, Chair of Oregon Transportation Commission Members From: David Bragdon, Council President and Rod Park, JPACT Chair Re: Bridge project supported by JPACT and Metro	021204c-10
10	Letter	2/12/04	To: Ron Wyden and Gordon Smith From: David Bragdon and Rod Park Re: Support for Rail projects in the Reauthorization of TEA-21	021204c-11