

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, October 5, 2004
Metro Council Chamber

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

Councilors Absent: Brian Newman (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:04 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, OCTOBER 7, 2004/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the October 7, 2004 Council agenda. He noted the organics legislation. Councilor McLain said she had viewed an organics site. Cedar Grove had made a commitment to build a site in Oregon once they attained a certain tonnage. Council President Bragdon asked about the oxyfuel issue. Councilor Monroe said they would bring it up at Joint Policy Advisory Committee on Transportation (JPACT) next week. He talked about why oxyfuels should be continued. It will also help the air quality but was not necessary to the CO maintenance plan. Council President Bragdon said they amended the Resolution on Metro Tourism Opportunity and Competitiveness Account (MTOCA).

2. LEGISLATIVE AGENDA

Randy Tucker, Legislative Affairs Manager, said he didn't have the legislative proposals today. He talked about joining coalitions and the request from Council to come back to them and discuss possible coalitions. He talked about the proposed Housing Alliance proposal. They were meeting tomorrow to adopt their agenda. He suggested waiting and seeing what they adopted before we consider joining. He noted the current members of the Housing Alliance. He summarized the memo (a copy of which is included in the meeting record). He spoke to the mission of the Housing Alliance, which focused on funding for affordable housing, which was consistent with Metro policy. Second, he spoke to risks and benefits of membership in the Alliance. He felt we would be more effective at the legislature as a coalition. He also spoke to risks. He then talked about governance, which was adopting a modified consensus approach to decision making. If we were to become members the possibility of conflicts seemed limited. He felt by joining the coalition it might help with staffing issues. He talked about the membership fees, which was a range.

Councilor Monroe spoke to the cost of membership fees. He suggested paying the minimum. Mr. Tucker said there was a range. They would like Metro to be a member of the coalition. Councilor McLain suggested that the coalition give us a target. She suggested some criteria be provided. Mr. Tucker said they were looking to hire a contract lobbyist. Councilor McLain said housing was an important venue but was not at the top of her list. Mr. Tucker asked Council where this was in terms of level of priority. He didn't have a legislative agenda that had come from the department. He would be coming to Council in the next several weeks with the legislative agenda concerning many issues. Councilor Burkholder talked about needing to identify priorities. Do we spend money and time on this issue? He felt it was a good investment. He felt that money wasn't really the issue but more Mr. Tucker time. He urged building alliances. Mr. Tucker said he had a sense

that not all of the proposals would be adopted. Councilor Burkholder said he felt that many of the proposals were supported by Metro. Council President Bragdon agreed with Councilor McLain, to be cautious. Mr. Tucker said he would be here in two weeks. He would bring the Housing Alliances legislative agenda. Council President Bragdon said if Measure 37 passes, how were we positioning ourselves? Mr. Tucker said, given the central role that Metro played in doing analysis four years ago, he felt Metro would have a seat at the table. He talked about polling on Measure 37. Dick Benner, Senior Attorney, said Dan Cooper, Metro Attorney, would be bringing this to Council this week. Councilor Park talked about the briefing on Ballot Measure 7. If Measure 37 passes, what actions would Metro have to take in order to not be liable for the fiscal questions?

3. URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN EXCEPTIONS PROCESS

Dick Benner, Senior Attorney, said Council has an application for an exception from Clackamas County on Title 3. He reminded Council of what the exception process was. He said several years ago Council amended Title 8. He shared a copy of the exception policy in the Code. It would be like a contested case. He gave a run down of the process. This was the first one. Council President Bragdon asked about ex parte contact. Mr. Benner said they couldn't talk about the case. Michael Jordan, Chief Operating Officer (COO), said they were acting in a quasi-judicial role. He urged them not to talk to the parties. Mr. Benner said he wanted to help Council distinguish between the two processes in Title 8, one would go to Metro Policy Advisory Committee (MPAC) and other one would go to Council. On a specific case, it would go to Council. When an issue was raised that might affect more than one body, it would normally go to MPAC first. Councilor McLain clarified one was policy (MPAC) and one was technical (Council). Mr. Benner said Clackamas County made the decision to pursue the exception process. Mr. Jordan said Council has a quasi-judicial issue, which was site specific. Councilor Park said if you were in this process could you talk to MPAC about the policy issue. Mr. Benner said the Code said the Council did this hearing, not a hearings officer. Councilor McLain said she felt this was a fairly straightforward issue. She felt it was fairly narrow and it would be an over reaction to send it to a hearings officer or to MPAC. Mr. Benner said Council would apply the criteria to the facts. Councilor Monroe asked if it was illegal for two councilors to talk about this case. Mr. Benner said they could talk among themselves and to their staff. Mr. Benner said you had the hearing and then would make a decision about whether the criteria were satisfied. Council would have a hearing and make their decision at a later Council meeting.

4. RERUN OF REGIONALLY SIGNIFICANT FISH AND WILDLIFE HABITAT INVENTORY AND CRITERIA FOR LOCAL ADJUSTMENTS

Chris Deffebach, Planning Department, said they had updated the inventory model. Paul Ketcham, Planning Department, said this had been an extensive process to update the inventory. They had reviewed each map revision request they had received. It had taken quite a bit of staff time to process the revisions. They were trying to keep their inventory up to date. He talked about the process they had gone through. He said they did this update in two phases. They had had over 100 requests from the Tualatin Basin area. They had worked together to make Clean Water Streams data and our Data Resources data work together. They had also been working with the City of Portland to update their stream information. He gave an example of Powell Butte and Forest Park, which the City of Portland had added. He spoke to other individual requests, which were now incorporated into this map. This was the final draft of the inventory. He said this map was the base line for a monitoring tool to analyze what significant areas had changed. He then talked about a current version of the adopted regulatory treatments. He said they had come a long way in terms of creating tools so the public can understand the inventory, making it more

transparent. He said they had improved website mapping tools. Councilor Burkholder asked if there were significant changes in acreage. Mr. Ketcham said they had not calculated this yet. Councilor Burkholder spoke to accuracy. If there were significant changes, there might be a problem with accuracy. Mr. Ketcham said they were working on some guidelines to use our mapping as a template to go out into the area. Councilor Hosticka asked, were any of the changes created by people? Mr. Ketcham said yes, they had lost resource, tree canopies. Councilor Hosticka asked when it became a degradation of habitat? Mr. Ketcham said the Council hadn't adopted the inventory yet. Up until then, they were keeping pace with the changes. Paul Garrahan, Assistant Attorney, said Council would have to adopt the inventory by ordinance. Then at some point in the future they would have to determine whether the property was changed. Councilor Hosticka asked how much were the result of changes on the landscape and how much was just better information. Staff said they could provide the information to Council soon on total acres lost. Ms. Deffebach said they were working with the jurisdictions to get accurate compatible data. Council President Bragdon asked about tracking changes. Mr. Jordan said one of the discussions that the work group would be having with staff was function changes. Council President Bragdon said they had been talking about performance measures. Councilor Park talked about Christmas tree nursery stock and map corrections. Mr. Ketcham said nurseries weren't to be included in habitat inventory. In the riparian inventory they could be included if they were close to a stream. Councilors talked about proposed resolutions and suggested a discussion among Councilors before it went to MPAC. Councilor Park talked about timing. Council President Bragdon said MPAC doesn't need to have input on a resolution, it was more a courtesy. Councilor McLain spoke to Council process and fine-tuning that process. She wanted an opportunity to talk about the proposed resolution before it was sent to MPAC. She talked about the Intergovernmental Agreement (IGA) with Washington County. They were trying to do parallel work. She felt that this resolution might impact timing. Councilor Hosticka said the Tualatin Basin Coordinating Committee had only got through about a third of the issues. Councilor McLain suggested that the Coordinating Committee had a right to see the proposed resolution. Councilor Park said they weren't asking MPAC for their opinion but rather giving them a courtesy heads up. Councilor Hosticka said he understood that there hadn't been a decision yet.

5. BREAK

6. METRO TRANSPORTATION IMPROVEMENT PLAN FIRST CUT LIST

Councilor Park introduced the topic. The Council policies have continued to shape the applications. Ted Leybold, Planning Department, reviewed what was in the Council Work Session packet. He noted the policy issues for discussion and asked Council to respond to these. He suggested laying out markers for policy issues that had arisen during the process. He noted Exhibit B was the first narrowing. That list represented about 60% more projects that they had money to fund. He said they had done somewhat of a narrowing.

Councilor Hosticka asked if JPACT had done anything yet. Andy Cotugno, Planning Director, said they would consider it next week. Councilor Burkholder said the memo explained changes recommended. Mr. Cotugno talked about the technical scoring process. Mr. Leybold highlighted several projects that needed a policy address to them. Transportation Planning Alternatives Committee (TPAC) had made a recommendation to consider these projects further. Council as policy makers had an opportunity to bring any projects up for further consideration. He gave two examples, pedestrian safety improvements, which was site specific. City of Portland had provided five sites. Mr. Leybold said they didn't score well but TPAC said that they deserved further consideration. The other specific project was a demonstration project of new technology to be

implemented at four railroad crossings. He detailed what was included in this technology. This project didn't score well on the technical basis. TPAC felt this project should have further consideration. Councilor McLain asked about Tualatin Valley Hwy Corridor Study. This was one they had talked about a lot. She wondered why it was so low on the list. Mr. Cotugno explained why it was low on the list. Washington County was the applicant for the corridor study. The request to take it off the list was based on feedback from Oregon Department of Transportation (ODOT). Washington County Coordinating Committee made two other recommendations, Ash Street and Beaverton Hillsdale Hwy/Scholls Ferry/Olson projects. Council President Bragdon asked if the Raleigh Hills project was supported by a Town Center plan. Councilor Burkholder said on a technical level, staff had done a good job. They were getting much higher quality projects. A bigger issue was how much money did we spend in each area. Mr. Cotugno said they were highlighting the projects that diverge from the Council's policy. Council President Bragdon said he thought they might deviate from the criteria if there was good reason. Mr. Cotugno explained the reason for TPAC's recommendation on the railroad project and the Ash Street project. Councilor McLain said Washington County had their own road tax. As a regional prospective we should be working on balancing the whole system. Washington County shouldn't be at the top of the list because they have matching funds.

Mr. Cotugno urged that the cut list be put out to public comment, followed with a debate regarding the final list of options.

Councilor Park asked that the chart be passed out for examination. Council President Bragdon talked about opportunities to make the rules fit. Mr. Cotugno talked about a common agreement on which of the policies they were trying to follow. Councilor Hosticka said you needed common agreement if Mr. Cotugno needed direction. Councilor McLain detailed what the three charts illustrated. Mr. Leybold said local jurisdictions were asked to submit 40% of their projects as projects that could receive CMAQ funds, improving air quality. Councilor McLain suggested making comments to JPACT. Councilor Park said Council's policies had created change in the types of projects that had been submitted. There had been a continual pressure by the Council that had been effective. Which was the next policy question that would continue to evolve. How much further could you push? Mr. Cotugno said they had to cut \$40 million. Did Council have suggestions on where they should cut? Mr. Leybold talked about the trade offs and coming back to Council. Council President Bragdon talked about projects that had another funding source. Mr. Leybold summarized Council policy objectives (included in the work session packet). JPACT and Council had adopted those policies. Mr. Leybold said they hadn't made a technical judgment between the project modes. Councilor Hosticka said modal shifts were a political discussion. Councilor McLain suggested, if the projects had other funding sources, put them at the bottom of the list. She would rather put more freight on because it was a different type of road. Councilor Park suggested talking about the State Transportation Improvement Program (STIP). Council President Bragdon asked about CMAQ dollars.

Mr. Cotugno talked about the proposed STIP and MPO comment process. Councilor Park said this was a radical shift. The public will have a chance to see what ODOT cut. Councilor Newman noted that I-5 99 Connector was off the list. Mr. Leybold said it was in line for \$5 million. Councilor McLain asked about the State's master plan for interchanges. Mr. Cotugno said the desired phasing should be based on how you want the system to work. He said he thought the Cornelius Pass improvement was needed before the Helvetia improvement. Mr. Cotugno said there was coordination of the STIP process. There were three kinds of coordination, JPACT meeting integrating ODOT's list and Metro's list. Metro should be commenting on the ODOT projects. They would be bringing those back to Council. Councilor Newman asked about the Sellwood Bridge funding. Mr. Cotugno explained their process. Councilor Newman asked what

would happen if we didn't endorse the list. Mr. Cotugno said you could accept or reject the list. Councilors suggested bringing up any issues they had to ODOT about the list during the comment period. Council President Bragdon asked about the public comments period. Mr. Leybold said they needed to submit comments by December 1st. Council had commented about Sellwood Bridge. Were there any other specific projects that Council wished to comment on? Councilor Park suggested commenting on the opportunity to share with the public and the jurisdictions the projects being funded by ODOT and whether that provided guidance to the MTIP projects. Councilor Newman asked if there were any other projects besides Sellwood Bridge that got pushed off the list. Mr. Cotugno responded that Ledbetter project was similar. Metro had recommended picking up their extra cost but not their match commitments. Mr. Cotugno talked about the changes in technical scoring based on feedback. Mr. Leybold said they would be back to the November JPACT. If Council had comments, provide them to him before that meeting, Councilor Monroe requested moving the pedestrian project on Multnomah and Hillsdale above the line.

7. COUNCIL BRIEFINGS AND COMMUNICATIONS

Councilor McLain talked about the Regional Water Consortium had finished their update. Council could make comments on the website or at Council at this Thursday's meeting.

Council President Bragdon talked about his Goal 5 proposal process. Councilor McLain said when there was something that was ready, she wanted to address if it undercut our partner's agreement. Her other concern was that staff was still working on what the Council had asked them to work on. Councilor Hosticka said the Washington County Commission approved making parks similar to the State parks. Commissioner Schouten should be given credit for this move.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:42 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 5, 2004

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	10/7/04	Metro Council Agenda for October 7, 2004	100504c-01
2	Memo	10/5/04	To: Metro Council From: Randy Tucker, Legislative Affairs Manager Re: Invitation to Join Housing Alliance	100504c-02
3	Page 53 & 54 of Metro Code	January 2004	To: Metro Council From: Dick Benner, Senior Attorney Re: Metro Code on Exception from Compliance process	100504c-03
6	Memo	10/5/04	To: Metro Council and JPACT From: Ted Leybold, Principle Transportation Planner Re: Proposed STIP and MPO Comment Process	100504c-04
6	3 Charts	10/5/04	To: Metro Council From: Ted Leybold, Principle Transportation Planner Re: Modal Share	100504c-05