

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 21, 2004  
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:05 p.m.

### 1. INTRODUCTIONS

Mr. Mike Huycke spoke about some changes in leadership at Allied Waste. Mr. Huycke will be moving to Corvallis to become district manager for the state for Allied Waste, replacing Merle Irvine. Todd Irvine will become the general manager of the Portland division. Tom Wyatt will be retiring at the end of the year and will be replaced by Craig Holmes as operations manager of the BFI facilities.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. CONSOLIDATED ECONOMIC DEVELOPMENT STRATEGY

Lydia Neill, Planning Department spoke about this project, which is being initiated by the regional partners to complete an application for an Economic Development District designation in order to be in line to receive federal funds. The regional partners received a grant for \$170,000 from the Economic Development Administration (EDA) and PDC is heading up the project. Metro staff is participating on a technical advisory committee to this project. Eco Northwest is the consulting group hired to complete the application and is scheduled to finish in May 2005.

Because of the strict federal requirements for this project, there will not be much possibility to use this information to springboard other local economic strategy plans. There are three work elements:

- 1) Oversight/project management - Uncover problem areas and opportunities for directing future funding to targeted infrastructure projects.
- 2) Develop project priority list (from existing infrastructure plans and the Regional Transportation Plan). Shape cluster research.
- 3) Develop organizational structure, including increasing elected official participation in regional partners work. The suggestion is to use the Metropolitan Economic Policy Task Force as a way to engage elected officials in this process.

Councilor Burkholder said that this issue came up often during the discussion of industrial land supply. He said that there wasn't much discussion about outcome and was encouraged that the structural goal was to include more elected officials. In terms of Metro participation, he encouraged discussion of Centers and what makes them work well, such as boulevard improvements and transit oriented development. He wants to make sure that we are looking at the broader picture.

Councilor Newman asked when the work program would be available for review. Ms. Neill said that it could be completed shortly. Councilor Newman hoped that the scope and work program puts as much emphasis on homegrown entrepreneurship and creating jobs in existing firms as it does on recruiting firms from out of state. Ms. Neill said that the discussion of the cluster research is an important component of that and will focus on building and expanding industries that do well.

#### 4. CONSENT AGENDA

##### 4.1 Consideration of minutes of the October 14, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the October 14, 2004 Regular Metro Council.
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Vote:

Councilors Burkholder, McLain, Monroe, Park, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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#### 5. ORDINANCES –FIRST READING

- 5.1 **Ordinance No. 04-1060**, For the Purpose of Removing \$367,740 in Grants, Donations and Related Expenditures from Regional Parks Capital Fund, and Transferring \$58,500 from Capital Outlay to Contingency in the Regional Parks Capital Fund; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1060 to Council.

- 5.2 **Ordinance No. 04-1061**, For the Purpose of Recognizing \$367,740 in Grants, Donations and Related Capital Expenditures in the Regional Parks Capital Fund; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1061 to Council.

#### 6. RESOLUTIONS

- 6.1 **Resolution No. 04-3506**, For the Purpose of Directing the Chief Operating Officer to Develop a Fish and Wildlife Habitat Program that Relies on a Non-regulatory Effort to Improve Habitat Prior to Any Implementation of New Regional, Performance-based Regulations

Motion:	Councilor Park moved to adopt Resolution No. 04-3506.
Seconded:	Councilor Newman seconded the motion.

Councilor Park spoke to his support of the resolution, stating that citizens of the Metro region value living in a place that provides green spaces for people and for fish and wildlife habitat. For over eight years Metro has engaged the public and our local partners in an extensive effort to protect the natural habitat in our region. Metro has had very few efforts that have required this level of public involvement. However, even with all the hundreds of meetings and thousands of hours of citizens' and staff time, we have not yet been able to adopt measures to provide certainty that habitat will actually be protected. Certainty that the public, business and the environment of our region deserve.

This lack of certainty has become both a dilemma and a warning sign. A dilemma because eight years of effort have not resulted in further habitat protection. A warning sign that the tools we have relied upon in the past, of a “Command and Control” system of regulations, have become dulled with over usage.

It is now time to consider thinking “outside the box” to break the “paralysis by analysis” during which the region has languished and habitat has continued to be lost or degraded.

The region’s fixation on how to stop bad things from happening to fish and wildlife habitat needs to change to how to inspire good things to happen to fish and wildlife habitat. A program leading with regulations does not inspire, it only keeps the region divided. A program that regulates the activities of the few does not inspire the many to help. A program that does not lead will not achieve the desired outcomes of our region.

Resolution 04-3506 will move us in a new and much needed direction.

First. Resolution 04-3506 acknowledges the good faith and efforts of Oregonians in environmental protections. The very fact that our region is having this debate on **HOW** not **WHETHER** to protect and restore the wildlife habitat areas should be applauded.

Second, we recognize the hard work and efforts of our local partners in their separate labors for habitat protections. This resolution leverages those labors by providing the overarching framework of a region wide cohesive effort and to provide model programs for local communities to adopt if so desired or needed to achieve equivalence.

Third. The relationship between a regional body and local jurisdictions is at its best when it is a partnership instead of that of a regulator and those regulated. As such, this resolution intentionally repositions Metro as a partner to local governments and not a regulator to the region.

Fourth. The resolution also expresses our intent to sponsor a ballot measure to enable acquisitions of valuable habitat areas from willing sellers, one of several tools for habitat protection. Metro has proven to be a good steward of public investment, returning over 8000 acres of green space from the 1995 bond measure – over 2000 more acres than promised.

Fifth. Instead of relying on imposing new region-wide regulations, our intent would be to favor performance standards and a range of best management practices that local governments would have latitude in meeting.

Sixth. This resolution also recognizes the immediacy of voluntary programs and the limitation of regulations that by their very nature require a delayed and perhaps uneven implementation. Metro, as part of this resolution if adopted, will immediately begin plans to meet the regional outcome measures in the form of technical assistance and providing information to local governments to help them develop and improve their local fish and wildlife habitat programs. Such technical assistance may include providing information about alternative low impact development practices, scientific analysis of local habitat conditions, the collection, organization and use of geographic information system data and mapping technologies, development of educational information and curricula, and review of local land use codes to identify current barriers to development approaches that benefit fish and wildlife habitat and potential modifications to benefit fish and wildlife habitat.

This does not mean rules are not a necessary part of any habitat program. Regulations have played an important role as one tool of environmental protection. We recognize the strides that have been made in some localities during the many years that this matter has been pending before the Metro Council. Should local regulations and enhanced non-regulatory measures fail to meet regional performance standards, this resolution reserves the option for regulations. Metro will periodically assess the region's progress and if outcomes are not achieved by 2010, we will impose regional regulatory measures by 2012. This "regulatory backstop" would provide added impetus for governments and the development industry to make voluntary approaches and locally adopted regulatory programs a success.

This new direction is controversial to some but is also welcomed by many, including our local government partners. My own personal experience in agriculture shows me this approach can work and does work, based on the results of Senate Bill 1010. Because of the bold leadership of Gov. John Kitzhaber and others, all 39 watershed basins in Oregon now have voluntary (with a regulatory back-up), locally developed agricultural water management plans - a feat that many said could not be done. Agriculture has moved past the paralysis of analyzing to actually making good things happen in the environment. I will not accept that the urban areas are any less capable, any less environmentally sensitive and certainly not any less motivated.

Councilor Burkholder moved that the resolution be continued to November 4, 2004. Councilor Newman seconded the motion. Councilor Burkholder said that the purpose of the public hearing today is to gather information. This resolution has also been presented to the Metro Policy Advisory Committee and some technical committees and moving to November 4 will allow more time to receive and process input from these groups.

Councilor McLain expressed her support of the motion, and stressed that Council should put this discussion off until at least November 4<sup>th</sup> and perhaps delay the vote beyond that. She emphasized the need to provide adequate time for public input about these changes.

Councilor Hosticka expressed his support as well, stating that the November 4<sup>th</sup> meeting would be the earliest. He added that the Water Resources Policy Advisory Committee and the Goal 5 Technical Advisory Committee met on Tuesday and almost unanimously the members asked for more time. There were some things in the resolution that members liked and some that they had serious questions about and would like more time to give it further consideration.

Councilor Newman asked for confirmation that the public hearing would still occur today. Council President Bragdon affirmed it would. Councilor Newman noted his support of the motion.

Council President Bragdon confirmed that consideration of the resolution would be moved to the November 4, 2004 Council regular meeting and that the next public hearing would occur then as well, not on October 28<sup>th</sup> as originally scheduled.

Council President Bragdon opened a public hearing on Resolution No. 04-3506.

1) Randy Miller, Portland Ambassador Program, 333 SE 2<sup>nd</sup>, Portland, Oregon 97219 noted that he is a fifth generation Oregonian. He spoke about his involvement with the Portland Ambassador Program and the importance of economic health to allow citizens to enjoy the other benefits of our region. The organization works towards the goal of business retention. He discussed his understanding of the business culture in the State of Oregon. He said that in Oregon, growth has

been slow, but steady and businesses that come here participate in the values of this region. He said that the need for new regulation is unnecessary; expressed his support of the resolution.

2) Blaine Ackley, 655 NW 229<sup>th</sup> Avenue, Hillsboro, Oregon 97121. He noted that he is a property owner that will be directly affected by Goal 5. He addressed the unintended consequences of the Goal 5 decision before the Council, advocating for more balance to ensure the maintenance of the natural environment. He supports this resolution as the best alternative compromise for all environmental views. He said that if we don't take property owners' views into consideration we will end up with passage of Measure 37, which will hurt all of us. [Details are contained in his submission to the public record]

3) Cindy Catto, Associated General Contractors, 9450 SW Commerce Circle, Wilsonville, Oregon 97070. She expressed her organization's support of the resolution. AGC has always been a proponent of using "carrots" instead of a "big stick." She said that this resolution represents a new direction in Metro's leadership. The decision to take a new approach does not require a great deal of time. She encouraged that the Council move to adopt and determine the details after the November 4 decision. She also provided additional suggestions, including a more explicit timeline for periodic reporting, developing performance measures in 2005 with 2-year updates after that. She said that moving forth with a bond measure would spread the benefit and cost throughout the region. Finally, she recommended that increased expertise of developers be included in the implementation team. [Details are contained in her submission to the public record]

4) Beverly Bookin, CREEC, 1020 SW Taylor Street, #760, Portland, Oregon 97205. She noted her organization's strong support of the resolution. She has participated in the Goal 5 planning process since its inception. The original intent was for Metro to fill the gaps between jurisdictions but that changed to a "full-bore" regional approach, duplicating jurisdictional efforts and becoming politically untenable. She said CREEC supports the resolution in general, but added that the "devil is in the details", especially in terms of implementation. [Details are contained in her submission to the public record] Councilor Newman asked about the shift from the initial approach. Ms. Bookin said that the initial work program was specifically called out as a "gap" program with an 18-month time frame for development. With the change in program direction, the development has extended over 5-6 years and in the meantime many local jurisdictions have improved their protection programs.

5) Steve Pfeiffer, NAIOP, 1120 NW Couch, Portland, Oregon 97204. Mr. Pfeiffer offered support for the intent of the resolution, acknowledging that the details need to be worked out. He emphasized the need for certainty with regard to planning and development. He said the resolution represents an opportunity to restore certainty and balance. He said that regulation only goes so far. He said one of the details of most concern is that local governments will be able to rely upon their existing programs and their own maps. His organization supports a ballot measure for acquisition.

6) Jonathan Schlueter, Executive Director, Westside Economic Alliance, 10200 SW Nimbus Avenue, Portland, Oregon 97223. He noted his group's support of the resolution. He emphasized that the Portland metropolitan region still has the largest unemployment rate in the nation. He said we have to improve the business climate in order to turn things around. He said new and innovative ways need to be developed at the government level to address the environmental needs of the region. Full employment is required to ensure that the money is available to protect the environment. Supports the resolution. [Details are contained in his submission to the public record]

7) Carl Axelsen, 11405 SW 33<sup>rd</sup> Avenue, Portland, Oregon 97219. He did not favor dropping the regulatory aspects of the Goal 5 program – fix the regulations. He shared his experience in the Civil Rights Movement, and how business claimed that extending civil rights would be bad for business. He expressed his doubt over the voluntary measures that the resolution relies upon without regulation behind them. A lot of progress has already been made. [Details are contained in his submission to the public record]

8) Cheryl Hummon, Defenders of Wildlife, 1880 Willamette Falls Drive, West Linn, Oregon 97068. Ms. Hummon provided background on the work of her organization. She applauded Metro's scientific research, and stated her group's support of working with Metro on implementing incentive programs. However, she did not favor dropping the regulatory aspects of Goal 5. The results of this would undermine conservation efforts in the region and habitats will be lost. She supports a gradual transition away from regulatory approach after protective measures are implemented, rather than an abrupt change in approach. [Details are contained in her submission to the public record]

9) Robert McKean, Centennial School District, 18135 SE Brooklyn Street, Portland, Oregon 97236. Mr. McKean spoke about 18 acres of undeveloped property that the school district owns (identified as Class B wildlife habitat), and the concern they have about the long-term use of the property as the school district continues to grow. There is a need to consider the land for the development of a new middle school. The standards that provided flexibility are far more attractive than the regulatory approach that could provide an incentive for property owners to destroy property in anticipation of regulation. [Details are contained in his submission to the public record]

Councilor Hosticka asked where the stringent regulations are coming from. Mr. McKean said he is anticipating that some may develop.

10) Jane Leo, Portland Metropolitan Association of Realtors, 5331 SW Macadam Avenue, Portland, Oregon 97232. She asked that the Council encourage support of the resolution. It represents a new direction in Metro's leadership. The resolution underscores Metro's role as facilitator in planning for the region's environment. PMAR strongly supports purchasing land from willing sellers rather than regulating private property. She asked that the Council not delay adoption. [Details are contained in her submission to the public record]

Councilor Newman addressed Ms. Leo's point that Metro supply the resources to assist smaller municipalities that cannot afford the planning. He said that one of the critical issues that he wants to avoid is adopting a mandate that passes the cost along to the local jurisdictions without including the support and resources necessary to get programs in place.

11) Travis Williams, Executive Director, Willamette Riverkeepers, 380 SE Spokane Street, #305, Portland, Oregon 97202. Mr. Williams described the resolution as representing "inspiration by retreat." He did not feel the resolution fits the mold of bold political action to protect natural resources in Oregon. It actually undermines years of hard work that had been done to protect water and fish resources. He said that there are better ways to deal with public perception and uncertainty than taking a step back. Volunteerism is good, but the goodwill of all people cannot be relied upon. There are always people that will not be swayed by the need to preserve the natural environment. Regulation is needed. [Details are contained in his submission to the public record]

12) Clair Klock, 931 NE Salzman Road, Corbett, Oregon 97019. Mr. Klock urged Council not to support this resolution. Progress is not made without some level of regulation and gave the example of the Forest Practices Act. Regulation often has preceded volunteerism. He cited instances of this in the past, i.e. clean up of the Willamette River. He advocated that regulation and volunteerism go hand-in-hand with Goal 5. [Details are contained in his submission to the public record]

Councilor Park clarified that this resolution does have a regulatory backstop. Mr. Klock said that it is important that people in the region understand that there is a regulatory backstop or nothing will get done.

13) Amanda Fritz, Friends of Arnold Creek, 4106 SW Vacuna Street, Portland, Oregon 97219. Ms. Fritz said that those in favor of the resolution have a financial gain in destroying the natural resources of the region. She said she spoke on behalf of those resources. She expressed her doubt that the Council is actually interested in the public process. She expressed her distrust of the process, and said that she does not trust the Council anymore, after spending hundreds of hours of volunteer time and taxpayer dollars in staff time. She said that the environmental community and the public have been betrayed. Once the Goal 5 resources are gone, they will not come back.

Councilor McLain underscored that the resolution has not been voted upon; that it was authored by two out of seven councilors. She encouraged Ms. Fritz to submit her comments to the process and recognized that the backbone of Metro has always been the volunteers and that they are appreciated.

14) Susan Murray, 11555 SW Denfield Street, Beaverton, Oregon 97005. Ms. Murray emphasized that the non-regulatory approach (volunteerism) is necessary. However, she was concerned that doing more of the same would not prevent the loss of natural habitat like the 16,000 acres that have already been lost. She said the resolution does not provide evidence that continuing voluntary efforts will change the outcome. She said the bond measure was unfair, as it essentially would require citizens to underwrite the loss of habitat caused by developers. Ms. Murray also addressed the No. 2 provision, stating that Low Impact Development best management practices do not protect natural habitat. She urged the Council to vote no on the resolution.

15) Brenda Brady, Mt. Hood Community College, 26000 SE Stark Street, Gresham, Oregon 97030. Ms. Brady expressed the college's support of the resolution. She revisited the donation of land made by MHCC – a benefit to the area. But she said that Goal 5 would infringe upon MHCC's ability to develop an additional parcel that it owns. The College Board is committed to sustainable building practices and environmentally sound development. [Details are contained in her submission to the public record]

Councilor McLain clarified that Metro staff is working on the issue of how to treat educational institutions in the Goal 5 program.

16) Wayne Kingsley, 110 SW Caruthers, Portland Oregon 97?. Mr. Kingsley expressed his support of the resolution. He said we have been bogged down in the Goal 5 process long enough. Resolution 04-3406 enables the region to move forward, to develop the right tools for the right job. He emphasized that cooperation is essential in achieving a balanced approach to fish and wildlife protection and economic development. His opposition to Goal 5 has been lessened by this new proposal, and he thanked the Council for its bold leadership. [Details are contained in his submission to the public record]

17) Lise Glancy, Portland of Portland, 121 NW Everett, Portland, Oregon 97208. Ms. Glancy expressed the Port of Portland's support for the resolution. The Port is one of the largest landowners with property along resource areas likely to be affected by Goal 5 and has had a history of managing their property for multiple objectives, including natural resource protection. She provided a Port of Portland Goal 5 Impact Assessment on what impact Goal 5 would have on Port property (tens of \$millions) and on the region, including a loss of developable industrial land. The Port is committed to working with Metro and its partners to develop the details of this new approach. [Details are contained in her submission to the public record]

Councilor McLain asked about the filters indicating the variety of ways to use land owned by the Port of Portland. Ms. Glancy said she took the analysis from the ESEE and the page number is referenced in their report. Councilor McLain clarified that the Council has not yet decided on the application of implementation and so impacts cannot be determined. Ms. Glancy said that their report is based on projected outcomes of proposal 2B.

Councilor Hosticka asked if under a voluntary program, would the Port take the necessary steps to provide mitigation of development, which they estimate at a cost of \$60 million? Ms. Glancy said that much of their property would fall under local jurisdictions restrictions. The Port has an environmental policy and they integrate that into all development. She gave the example of the Alcoa property and said that the Port only plans to develop half of the property. The assessment is based on net increase in regulated areas, not based on existing regulated areas.

Council President Bragdon clarified that the comparison is not with a voluntary program but rather with the current baseline of existing regulations of local jurisdictions. Ms. Glancy concurred.

18) Sue Marshall, Executive Director, Tualatin Riverkeepers, 16507 SW Roy Rogers, Sherwood, Oregon 97146. Ms. Marshall thanked the Council for agreeing to postpone the decision, at least until WRPAC and MTAC could study the issues further. She also complimented the work of Metro staff and expressed her hope that Metro staff are not disheartened – that they don't view this resolution as an absolute setback. In addressing the resolution itself, Ms. Marshall expressed her concerns about the potential impact of this resolution on the work of the Tualatin Basin partners and spoke about the non-regulatory aspects of SB 1010. She feels that they are partners with Metro. The organization supported the first bond measure. But she emphasized that a regulatory component needs to be part of the Goal 5 program. [Details are contained in her submission to the public record]

19) Jim Labbe, Audubon Society of Portland, 5151 NW Cornell Road, Portland, Oregon 97217. Mr. Labbe asked that the Council honor the efforts of all of the hundreds of people involved in both the 2040 planning process and the Goal 5 process. He believed the resolution would delay the updating of regulations of local governments. He felt this would leave natural habitat even more vulnerable than it already has proven to be. He said that is it not realistic to expect cash-strapped local governments and watershed councils to prevent imminent and ongoing impacts to the environment by developers. [Details are contained in his submission to the public record]

Councilor Newman asked Mr. Labbe if environmentalists are concerned about the resolution due to philosophical or political differences. He asked if it was the approach or the timeline that was the problem?

Mr. Labbe responded by saying that there was a definite philosophical problem because regulations have a critical role, in combination with voluntary measures. Mr. Labbe referred to an attached report, which said that jurisdictions with regulations reported significantly lower loss of habitat than those without regulations. He said that the timeline is an important issue as well.

Councilor Park clarified that in Mr. Labbe's written testimony, it was an error that he asked Council to "do" support the resolution. Mr. Labbe confirmed that it was indeed an error.

Councilor Park clarified once again that there is a regulatory backstop in this resolution and it's part of why the work of the technical committee is so important in developing measurements. This is not an abandonment of all the work done so far; it's just a different approach to get to the same place.

20) Jill Fuglister, Coalition for a Livable Future, 510 SW 4<sup>th</sup> Street, #612, Portland, Oregon. Ms. Fuglister opposed this resolution and supported a delay in the adoption of this resolution, even beyond Nov. 4. This process has happened too quickly for many citizens and organizations to respond. CLF is still working on developing their response to the content of the resolution. She supports a cooperative approach and is concerned that the proposal was developed behind closed doors and was being fast-tracked. She believed this resolution does not seem consistent with Metro's adopted principles of citizen involvement, especially Principle Six that has the goal of involving citizens early in the process of policy development. She encouraged the Council to give the public the time that is needed to consider the options before them. [Details are contained in her submission to the public record]

21) Julie DiLeone, 5401 SE Mitchell Street, Portland, Oregon 97206. Ms. DiLeone thanked the Council for the opportunity to address the resolution. She moved to Portland due to the livability of the region, fostered by Metro's planning efforts. She said that this resolution moves away from a regional approach toward a piecemeal one. She expressed her own concern over the time it has already taken to address the various aspects of Goal 5. She is a strong supporter of non-regulatory efforts; however, she has experienced how a non-regulatory approach is not enough. People need regulation in order to know what they need to comply with. [Details are contained in her submission to the public record]

22) Brian Lightcap, Director, West Multnomah SW Conservation District, 13347 NW Newberg Road (city not indicated). Mr. Lightcap spoke to the need to find creative ways to determine how incentives can work. He also said there is a way to phase enforcement; it should not be pushed too far out. He recommended that Council defer enforcement, better define the incentives, and proposed a strategy to partner with the conservation districts serving this region. [Details are contained in his submission to the public record]

Council President Bragdon closed the public hearing.

Councilor Burkholder shared some information he gathered at a meeting with Dr. Jane Lubchenko, professor of oceanographics at Oregon State University, on global warming and why people are so emotionally engaged in the issue of habitat loss. Between one-half and two-thirds of the world has been transformed through human behavior. The current rate of extinction is one hundred to 1000 times the background rate of extinction. Councilor Burkholder emphasized that Goal 5 is not just a small, local issue. It is part of a global issue and the Metro Council takes it very seriously. He emphasized the need to address multiple human needs while not killing off humanity by poisoning our nest.

Councilor Hosticka shared some of the concerns of the Water Resource Policy Advisory Committee and the Goal 5 Technical Advisory Committee. The overwhelming response was that they feel there is a need to take more time. The most widely shared concern had to do with timing, that is, when the regulatory backstop would kick in; timing of when we would evaluate the performance measures, timing on acquisition. Another major question deals with how Metro and local governments will be able to get the resources necessary (money and people power) to monitor the non-regulatory measures of the resolution.

Councilor McLain emphasized that she is committed to the goal of completing the vision. Whether or not she agrees with the roll-out of the resolution, that is behind us now. In going forward, she stressed the need to include the public in the process. She also wanted to make sure that nothing stands in the way of Metro's partners, particularly the Washington County/Tualatin Basin group, being successful. She called for the business community and the general public to pitch in. In addition, she addressed the "tool box." The resolution focuses on volunteerism, acquisition and education, which is 60-70% of what they've been talking about all along. But she asked what would it mean if we only utilize these tools without regulation or the certainty scientifically. She said that she will work with staff and the authors of the resolution to answer those questions. She also stated that Metro greatly appreciates all the volunteers who have worked on this project and the Council realizes that we couldn't accomplish anything without them.

Councilor Park noted that Mayor David Fuller of Wood Village is in favor of the resolution and submitted a letter from him (in the record). Councilor Park stated that this is not a retreat; it is more an effort to create some movement in a process that has been bogged down. He expressed his support of Council President Bragdon's effort to redirect the process.

Councilor Newman wanted clarification on how the five-year time period would work for local jurisdictions to adopt measures. Second, what kind of resources is the Metro Council willing to commit to those groups who do not have the resources to develop a program, e.g. City of Milwaukie. Third, what will the performance measures look like? Water quality, water temperature, the loss of habitat and who would do the measuring. Finally, Councilor Newman wondered if the current Goal 5 map is going to be thrown out, or if a new map will be developed based on local jurisdictions' current programs. He said he would need some assurances on these issues before he goes forward with his support of the resolution.

Councilor Hosticka took exception with the perception that nothing has been done thus far. He noted the planning efforts of the Tualatin Basin partners who are on a timeline to adopt a program next month. Metro staff has been working diligently and we are on a timeline to adopt a program ourselves in December. He said that a lot of work has been accomplished – we just haven't taken the last step yet.

Councilor President Bragdon spoke to the misnomer that the resolution does not include an element of regulation. He made the distinction between regional and local regulation. He also wanted to emphasize that the staff has done an excellent job, and that The Oregonian editorial stepped over the line in maligning their efforts.

## **7. CHIEF OPERATING OFFICER COMMUNICATION**

COO Michael Jordan spoke of a housekeeping issue, reminding the Council members about next Wednesday's Strategic Planning meeting, from 1:00-4:30pm.

## **8. COUNCILOR COMMUNICATION**

Councilor McLain announced the Community Planning Day scheduled for Nov. 13 at OMSI, 9:30am-5:30pm. Mr. Jordan commended Metro DRC staff, especially Paul Couey, for their technical work on this event.

Council President Bragdon announced a brief recess before reconvening for a budget work session.

## **9. BUDGET WORK SESSION**

Councilor Burkholder opened the budget meeting and introduced Chief Financial Officer, Bill Stringer. Mr. Stringer talked about the schedule for hearing from various departments and the schedule for Council to review budget items and to ask questions. Mr. Stringer asked to have a second series of meetings in November in order to come back with a better definition of actual programs and to allow the Council to give further direction to departments. Based upon those discussions, the departments will submit their budgets to financial planning in January 2005. In February and March of 2005, Council can ask for additional meetings to review any programmatic questions that may arise. Mr. Stringer will present the Council President's budget in April 2005 and there will be final adoption on or around May 5<sup>th</sup>, 2005. Councilor Burkholder stated it would be helpful to have the schedule and the order of budget issues in writing for the Council to refer to. Councilor Hosticka concurred that a schedule would be helpful. Council President Bragdon stated that the timeline for the budget events would be extremely helpful in providing the Council with a way to best express its needs. Councilor McLain commented on the finance staff, stating they have designed great opportunities and challenges to talk about with regard to responsibilities between Metro staff and the Council. They have provided an opportunity to fine-tune the process and to make it more efficient.

Councilor Burkholder introduced Metropolitan Exposition-Recreation Commission (MERC) Interim Director Cheryl Manning, Kathy Taylor, Director of Administration/Finance Officer, and MERC Commissioner Bruce Forbes.

Councilor Burkholder discussed various issues and opportunities at MERC and stated that a great deal of time has been spent discussing how the program works. Burkholder alluded to the fact that the Council needs to spend more time on strategic planning process. He also went on to say that MERC'S mission is quite clear and that the Council hopes to give MERC valuable feedback.

Ms. Taylor began by speaking about MERC, referring to the *Strategic Planning Discussion Description of Programs & Issues/Opportunities* handout. Ms. Taylor discussed how the MERC program aligns with Metro's goals for tourism, green building and economic impact. Councilor Burkholder stated that he sees MERC's mission as reaching out to people and communicating with people about what Metro and MERC actually do.

MERC Interim Director Cheryl Manning discussed the perils MERC is dealing with: a stagnant economy, high unemployment, escalating insurance costs, maintenance issues and fewer conventions than in years past. She also addressed the fact that the EXPO Center has experienced a steady decrease in usage. Ms. Manning also noted the trend of regular ticket holders discontinuing season tickets and buying individual tickets for the specific events they want to attend. There was also a brief discussion regarding a verbal agreement between the City of Portland and the Portland Center for the Performing Arts (PCPA) – a promise of money that has not come to fruition. To date, the promised monies have not been received, nor are they expected

to be in the future, and replacement for the \$500,000 has yet to be found. MERC is budgeting at a 50% fringe rate. There was discussion about EXPO's inability to attract certain types of events because of the age of the facility and its location. Ms. Manning stated that the Keller Auditorium is much nicer now, and has a much heralded and long-awaited additional women's restroom. She also heralded MERC's tremendous staff and world-class facility directors.

Councilor Newman asked about the promised contribution from the City of Portland to the Portland Center for Performing Arts. Again, Ms. Manning referred to it as a verbal promise and said that she had spoken to Commissioner Dan Saltzman's office and hoped to collect perhaps some of the funds at some point. But she did not have a guarantee that this would happen. Councilor McLain asked that the Council get together in a work session with MERC to strategize. Councilor McLain also spoke to the fact that Metro has different strengths and weaknesses than MERC and would like to make sure we are trying to sell all of the different types of facilities and to sell the region and our attractions.

President Bragdon asked about the EXPO Master Plan and what happened with their aspirations. He also asked about the current thinking surrounding EXPO's future. Ms. Manning talked about the lack of hotel rooms being a serious deterrent to attracting larger venues other than "gate shows" at EXPO. Private/public partnerships were also discussed.

Councilor Hosticka asked Ms Manning to clarify her statement about conventions being down from 15 to 10 this year. Ms. Manning confirmed that for the years 2005-2006, conventions have not been booked to the extent they were in previous years. Councilor Hosticka asked whether there are options other than conventions for the facility. Ms. Manning replied that each convention is responsible for \$800,000 in revenue. In the absence of that business, building up the food and banquet services, and selling the Convention Center as a significant meeting and banquet facility, is going to be key.

MERC Commissioner George Forbes also responded to Councilor Hosticka's questions by stating that most of the large conventions are four or five years out. The National Rifle Association (NRA) is looking at OCC for 2007. They will need 200,000 sq feet of meeting space. OCC will be able to accommodate them; however, they will need help with hotel rooms. The Oregon Bar Association, along with other businesses are also showing interest in renting the facility. OCC is getting far more local people showing interest, not just for trade shows, but for conventions as well. Councilor McLain stated that the goal is to fill hotel rooms and to help our community's economy. Councilor Burkholder stated that perhaps MERC and Metro should be looking at the Oregon Zoo and PGE Park as possibilities to be placed under MERC's operation. He also suggested there might be other potential customers as well, for instance, Washington County Fair Grounds and Clark County.

The issue of a headquarters hotel at the Oregon Convention Center was the next topic. Commissioner Forbes and Interim Director Manning stated that the OCC is at a competitive disadvantage due to a lack of hotel rooms in close proximity to the facility. Mr. Forbes went on to state that Long Beach, Seattle and Salt Lake City all have far more hotel rooms within an easy distance of their convention centers than does Portland. Mr. Forbes also stated that he does not want to see tractor pulls and rodeos in the Convention Center for lack of being able to provide rooms for larger events. Mr. Forbes stated in no uncertain terms that the OCC needs a headquarters hotel and would like to see the Metro Council put some renewed effort toward making that happen.

Councilor Newman asked about the status of the Portland Development Commission's RFP. Ms. Manning stated that the RFP was sent to seven groups, and that they expect proposals will be returned in December. President Bragdon underscored the need for a renewed line of communication with the PDC. Discussion followed about the "Denver Model" and a property owned by Barry Menashe (the site of a defunct television station). Councilor Newman commented on the fact that there does not appear to be very much coordination happening here.

Councilor Hosticka stated that at some point, Metro will be asked to put some money on the table. Because of this, there should be a formal way to be involved in the discussion sooner rather than later.

Ms. Taylor spoke to performance measures. [Note: handout was submitted for the record]. Councilor McLain reiterated that she wants the strategic meetings to happen between the Council and MERC, adding that it is very important to have a discussion about philosophy. Mr. Forbes stated that this is a very strategic time for all groups involved, especially in light of the fact that Portland will soon have a new Mayor.

Councilor McLain and Mr. Forbes spoke to the connection between Expo and the Oregon Convention Center, and to making it part of next year's work plan. Mr. Forbes stated that the EXPO Center is not desirable for conventions because it is geographically undesirable.

Councilor Burkholder introduced Mike Hoglund, Director of Metro's Solid Waste and Recycling (SW&R) Department, and Doug Anderson, Financial Manager of SW&R. Mr. Hoglund referred to handouts and why they are labeled the way they are. [Note: the handouts were submitted for the record] Mr. Hoglund discussed tonnage increases from year to year, reviewed the reason for the loss of shares in previous years, and why the Solid Waste and Recycling is doing better this year. Mr. Hoglund also spoke to the debt service reserve and St. Johns reserve, and how both impact the overall budget. Mr. Hoglund then referred to another handout titled, *Matching Department Programs with Council Objectives*, and detailed why the colors appear as they do on the handouts. [Note: the handouts were submitted for the record]

The main focus of the discussion surrounded components within the attached matrix. Mr. Hoglund explained that the purpose of the chart is to identify and be able to say where the Solid Waste and Recycling Department may need to do more, what could be accomplished, and where changes can be made over the next few years.

Councilor McLain asked for clarification on the color chart. Mr. Hoglund restated how the chart is set up and what the various colors indicate at the top of the matrix.

Mr. Hoglund stated that they are looking at a 15- year plan, determining what their measures are and how to talk about their successes. Mr. Hoglund also stated that the present issue with the program is that it needs to be tied to better goals and outcomes in order to help Metro refine the program. Councilor Park stated that if the department is going to look at everything on a more refined scale, then they need to pull back to see what we are ultimately trying to accomplish. Councilor Park went on to comment that certain things have changed the competitive nature of the solid waste and recycling industry, and that problems need to be solved or realigned in a different way. Councilor McLain stated that she had heard some of these same issues last year.

Mr. Hoglund said the department is working on new initiatives and have a contingency task force to help determine how they can get businesses to recycle more. Mr. Hoglund also spoke to their continued interest in doing more education and outreach to the business community.

Mr. Hoglund also spoke about the Rehabilitation Enhancement Program and disposals after neighborhood clean ups. He stated that even though these programs don't match the SW&R mission, they do them because it is a good thing for Metro's reputation.

Mr. Hoglund spoke to water quality and the Department of Environmental Quality's request that Metro do some work to help them. He also spoke about the fact that Metro is not getting responsiveness at the county level for some of the funding received.

Councilor Burkholder stated that the Council would not review SWAC and RSWMP at this time. Mr. Hoglund went on to discuss operational objectives and the need to be more entrepreneurial and collaborative with Council staff by giving more timely information. He also spoke about his interest in better sharing expertise with other departments, and their interest in doing a better job in the area of policy analysis and searching out grants and other opportunities. He emphasized that the Solid Waste and Recycling Department has always funded everything through rates, but that he would like to see the department be more entrepreneurial.

Councilor McLain stated that she liked the charts provided and found them to be very helpful. She complimented Doug Anderson on his diligence, and described areas she hoped the department would ramp up its efforts. Mr. Hoglund asked that Council email him with any specific ideas on next steps to take.

## **10. ADJOURN**

There being no further business before the Metro Council, Council President Bragdon adjourned the meeting at 5:43 p.m.

Prepared by

Becky Shoemaker  
Council Archivist

Patty Unfred Montgomery  
Council Support Specialist

Cameron Vaughan-Tyler  
Council Support Specialist

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 21, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
6.1	Res. 04-3506	10-21-04	Testimony – Randy Miller	102104c-01
6.1	Res. 04-3506	10-21-04	Testimony – Blaine Ackley	102104c-02
6.1	Res. 04-3506	10-21-04	Testimony – Cindy Catto	102104c-03
6.1	Res. 04-3506	10-21-04	Testimony – Beverly Bookin	102104c-04
6.1	Res. 04-3506	10-21-04	Testimony – Jonathan Schlueter	102104c-05
6.1	Res. 04-3506	10-21-04	Testimony – Carl Axelsen	102104c-06
6.1	Res. 04-3506	10-21-04	Testimony – Cheryl Hummon	102104c-07
6.1	Res. 04-3506	10-21-04	Testimony – Dr. Robert McKean	102104c-08
6.1	Res. 04-3506	10-21-04	Testimony – Jane Leo	102104c-09
6.1	Res. 04-3506	10-21-04	Testimony – Travis Williams	102104c-10
6.1	Res. 04-3506	10-21-04	Testimony – Clair Klock	102104c-11
6.1	Res. 04-3506	10-21-04	Testimony – Brenda Brady	102104c-12
6.1	Res. 04-3506	10-21-04	Testimony – Wayne Kingsley	102104c-13
6.1	Res. 04-3506	10-21-04	Testimony – Lise Glancy/Bill Wyatt	102104c-14
6.1	Res. 04-3506	10-21-04	Testimony – Sue Marshall	102104c-15
6.1	Res. 04-3506	10-21-04	Testimony – Jim Labbe	102104c-16
6.1	Res. 04-3506	10-21-04	Testimony – Jill Fuglister	102104c-17
6.1	Res. 04-3506	10-21-04	Testimony – Julie DiLeone	102104c-18
6.1	Res. 04-3506	10-21-04	Testimony – Brian Lightcap	102104c-19
6.1	Res. 04-3506	10-21-04	Letter – Mayor David Fuller	102104c-20
4.1	Minutes	10-14-04	Minutes from October 14 Council Meeting	102104c-21
10	Budget	10-21-04	Solid waste and Recycling department strategic planning and budgeting discussion draft	102104c-22 (Budget 1)
10	Budget	10-21-04	Solid Waste and Recycling department program organization Issues and opportunities chart.	102104c-23 (Budget 2)
10	Budget	10-7-04	Strategic Planning Discussion Description of Programs & Issues/Opportunities MERC	102104c-24 (Budget 3)