

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, October 19, 2004
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:05 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, OCTOBER 21, 2004/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the October 21, 2004 Council agenda.

Mike Jordan, Chief Operating Officer, said that the Council had passed a resolution that had an attachment to it creating an easement at Miramonte Point. During construction they found that a piece of the storm drainage system would have to go outside the easement. He said that they were amending the easement to keep construction going. He said that he had allowed the construction to continue. He asked Nancy Chase and Joel Morton to speak to this issue. Joel Morton, Office of Metro Attorney, said that it was not significant enough legally to cause another resolution, but there were significant policy issues to allow further scrutiny. Mike Jordan said that the purpose of bringing it before Council was to keep the Councilors informed. He said that he had allowed the construction to continue because of the weather related nature of the facility and that the easement would need to be changed. He said that he would schedule the resolution for a future work session if they were interested in hearing details. Councilor Rex Burkholder asked Nancy Chase if she thought there would be a significant and substantial impact. Nancy Chase, Regional Parks and Greenspaces, said no. She said that it was actually to our benefit and that it met all the same 13 policies that it had met before. Councilor Susan McLain asked for a review of the Metro easement policies and criteria in the next few months.

Council President Bragdon asked Kathy Rutkowski, Metro Finance, to review the two companion ordinances. She explained that when they had adopted the budget last year they had created a new regional parks capital fund and when sorting out where the various funds went they had ended up with a violation of budget law. The violation was that they had amended the budget more than 10%. During negotiations with Tax Supervising & Conservation Commission (TSCC) and Dan Cooper, Metro Attorney, it was determined that two ordinances were necessary to remedy that violation. She said that they had to take out some grants that they should not have recognized, and then re-recognize them. Mike Jordan confirmed that the councilors had received the letter from the TSCC.

2. LEGISLATIVE AGENDA

Randy Tucker, Legislative Affairs Manager, handed out notes from a land-use brainstorming meeting, a sheet on possible land use principles, and a Metro 2005 Legislative Issue Identification sheet. Those documents are attached and form part of the record. He reviewed the remaining process for the legislative agenda. Councilor Rex Burkholder asked if the councilors could still introduce legislative concepts into that process. Randy Tucker said it would be fine to include

more concepts, as there was still time to get bills drafted. David Bragdon offered Randy Tucker the option of using the councilors and their contacts in Salem. Mr. Tucker said that he would be checking with the councilors.

Randy Tucker reviewed the brainstorm session that had taken place the previous day. The councilors had discussion on various bulleted items from his list. Randy Tucker asked the Council if they were interested in including in the Metro legislative agenda policy statements on issues that they could not necessarily change at the state? Rex Burkholder said it would be very useful to share the Metro agenda with the legislature and with Land Conservation Land Conservation & Development Commission (LCDC). He said they should work on a reasoned analysis of how implementation has and has not worked for Metro and/or the region. Brian Newman said that the brainstormed list was up for serious discussion as to what would ultimately be part of the agenda and that the councilors should contribute their concepts as well. David Bragdon said it was not just what Metro had been through as an agency but what the region had experienced relative to the objectives, and whether those objectives were achieved. Randy Tucker continued review of his handouts. David Bragdon asked Randy Tucker if he had enough information to put together the resolution. Randy Tucker said that he would come back to the Council with proposals by the end of the week for inclusion in the legislative agenda of 1) annexation, 2) 20-year supply, 3) performance measures, and 4) rural reserves. Randy Tucker then reviewed the legislative principles that had been adopted with the previous legislative agenda. They discussed the legislative issues that were included in the packet material.

3. BREAK

(none taken)

4. HIGHWAY 217 CORRIDOR STUDY STATUS UPDATE

Bridget Wieghart, Planning Department, gave an update on the Highway 217 study. She said that they were entering the public outreach period.

Kristin Hull, Planning Department, gave an overview of the outreach plan for the results of the Highway 217 study.

Rex Burkholder said that Washington County was discussing putting in an urban renewal area along this corridor, and he wondered how the study was affected by such a change, and how the land use issue was looked at during that process. Bridget Wieghart said that they incorporated the most cutting edge land use planning because they were developing new land use allocations. Those allocations incorporated the latest in terms of Metroscope. Other ongoing efforts included the Beaverton Regional Center planning process and the urban renewal process. Rex Burkholder said that traffic impacted the physical space required for some of the options and potentially limited what could be done. Bridget Wieghart said that arterial impacts were significant just because there were more miles of road being widened with more environmental displacement while the options that were located right within the facility were projected to have some impact as well but they were more limited. The councilors discussed projected congestion of the corridor in 2025 versus congestion on highway 217 today, and the various options outlined in the study. Ms. Wieghart gave a very brief overview of her handout (green sheet, highway 217 corridor study) and indicated that it would be reviewed in more detail at a future meeting.

5. OXYGENATED FUEL

Mark Turpel, Planning Department, said that the packet contained letters that had been revised. He handed out an updated version of the letter, which is attached and forms part of the record. He also reviewed the materials in the packet.

Susan McLain suggested that the issue in the second letter should be part of what they take to the legislature. Rod Monroe said that Randy Tucker had already put that on the legislative agenda. He said that methyl tertiary butyl ether (MTBE) was very bad stuff and they would never want it to come to Oregon. Susan McLain said that they would most likely want to do anything that got them away from reliance on regular fuel consumption. Rod Park said that he had learned that they were only required to use ethanol or MTBE during certain times of the year, but they could use it anytime that they wanted to. He asked if the Metro Council wanted to sign on to support the use of oxygenated fuels without MTBE. David Bragdon said it was a good idea. Rex Burkholder said he appreciated that they were saying "here is the goal and how you get there was not as important as achieving that goal." The councilors supported both letters and asked staff to combine them into a single letter.

6. DLCD STAFF REPORT ON URBAN GROWTH BOUNDARY INDUSTRIAL LANDS DECISION

Dick Benner, Senior Attorney, reviewed the process for rebuttal and the timeline pertaining to that process, and then he reviewed the Department of Land Conservation & Development (DLCD) staff report on the Metro Urban Growth Boundary decision. Final action was set for the mid-December commission meeting.

Carl Hosticka asked if only people who objected and Metro could give testimony in the next round. Dick Benner said that was correct. Carl Hosticka said that LCDC did make reference to representations by the City of Wilsonville, although the City of Wilsonville did not make representations directly to LCDC, and he wondered if they would be able to testify. Dick Benner explained that the agency would hear from objectors and the local governments as opposed to others who may have participated and supported the whole decision. Dick Benner continued his review. There was discussion about Goal 9 and its relation to Metro and the decision. Brian Newman said that he would be meeting with staff to go over considerations and to prepare the presentation for the DLCD to bring back to Council for consideration. Susan McLain said that staff should defend the whole package as well as address the points that were brought up by DLCD. Rex Burkholder said that one of the responses should be to close the question on Goal 2. There was discussion about how they could address the question of Goal 2 in their response to DLCD. Rod Park said that he felt there had been sufficient time between Mike Jordan's recommendation, the public outreach efforts, and the final decision for coordination to have been sufficient. Mike Jordan suggested that the response should only demonstrate how Metro fairly coordinated the process.

7. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS

Members Present: Susan McLain, Carl Hosticka, Rex Burkholder, David Bragdon, Brian Newman, Rod Monroe, Rob Park, Kevin Dull, Kerry Gilbreth, Lisa Colling, Brad Stevens, Mike Jordan, Ruth Scott

Time Began: 4:40 p.m.

Time Ended: 4:57 p.m.

**8. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL
PROPERTY TRANSACTIONS**

Members Present: Susan McLain, Carl Hosticka, Rex Burkholder, David Bragdon, Brian Newman, Rob Park, Mike Jordan, Andy Cotugno, Phil Whitmore, Kelley Webb (Rod Monroe had to leave for another appointment)

Time Began: 4:58 p.m.

Time Ended: 5:25 p.m.

9. COUNCIL BRIEFINGS AND COMMUNICATIONS

Carl Hosticka gave a brief review of the proceedings from Water Resources Policy Advisory Committee (WRPAC). He said that WRPAC wanted to delay final action on Goal 5. He wondered if the Council wanted to decide when they would take final action for Goal 5. Susan McLain said that this was one of the biggest pieces of work that Metro had undertaken while she was in office and she did not feel that 2 weeks was sufficient time to change course in such a major way. She suggested that they needed more time before a final decision was made. Rod Park said that he had talked with Tom Brien and they were looking at how to repackage the resolution. Carl Hosticka said that WRPAC said that there was a lot in the resolution that they liked, but that there were also concerns. WRPAC wanted more time to investigate and answer questions. Carl suggested that they take more time than October 28th. Brian Newman agreed that there was a lot in the resolution that he liked. He also asked if the work done by Metro staff would change dramatically and had found out that it would not. He said that he would like to see the two tracks laid out conceptually and take a look at the policy implications. Carl Hosticka said that a main question was how would Metro measure outcomes rather than performance. Andy Cotugno said the planning staff would try to gather all the questions that the Council might have and then prepare responses for next week's work session.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:40 p.m.

Prepared by,

Kim Bardes
Clerk

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 19, 2004

| Item | Topic | Doc Date | Document Description | Doc. Number |
|------|---------------------|----------|--|-------------|
| 1 | Agenda for 10/21/04 | 10/19/04 | Agenda for the October 21, 2004 Regular Council Meeting | 101904c-01 |
| 2 | Legislative Agenda | 10/18/04 | Land Use Brainstorm summary | 101904c-02 |
| 2 | Legislative Agenda | 10/19/04 | Metro 2005 Legislative Issue Identification | 101904c-03 |
| 4 | Highway 217 | 10/19/04 | Highway 217 Corridor Study, Phase 1 Overview Report | 101904c-04 |
| 5 | Oxygenated Fuel | 10/19/04 | Portland Area Carbon Monoxide Maintenance Plan, oxygenated fuels | 101904c-05 |
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