

MINUTES OF THE METRO COUNCIL MEETING

March 12, 1998

Council Chamber

Councilors Present: Ruth McFarland (Deputy Presiding Officer), Susan McLain, Patricia McCaig, Lisa Naito, Don Morissette, Ed Washington

Councilors Absent: Jon Kvistad (excused)

Deputy Presiding Officer McFarland convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, LOTI Designer, 3205 SE 8th #9, Portland, OR said he would be presenting his proposal for the South North Light Rail before the Transportation Planning Committee next Tuesday. He has reviewed objectively Metro, AORTA and others proposals for the South North Light Rail. He supported the west side light rail. He noted his previous testimony about his 2040 vision.

Deputy Presiding Officer McFarland asked Councilor Washington if Mr. Lewellan's presentation had come before the Transportation Planning Committee yet. She felt Mr. Lewellan had done a good job on his presentation and had provided at least one alternative to the South North Light Rail.

Councilor Washington indicated Mr. Lewellan would be presenting next Tuesday at the Transportation Planning Committee.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. MPAC COMMUNICATION

Councilor McLain reported about the MPAC meeting last night which included representatives from the cities Hillsboro and Oregon City. With the new bylaws that MPAC would be submitting to Council these two new members would be sitting on MPAC. She indicated that she had carried forward a letter from the Presiding Officer concerning the joint meeting between MPAC and Council on May 28th from 5:00 p.m. to 7:30 p.m.. MPAC would be happy to meet with Council on that date and had an additional request to meet with Council. MPAC would not be meeting on April 8th, they felt they could not continue their work until they had met with Council. They invited any councilor that could to meet with them on April 9th at 5:00 p.m. at Metro. She would forward this invitation to the presiding officer.

Second, MTAC had presented to MPAC Title III information. She had asked Elaine Wilkerson, Growth Management Director to put together a list of remaining issues on Title III where WRPAC and MTAC had not agreed. She noted a matrix that the Council should review so they could be prepared for the Growth Management Committee meeting on March 17th.

Councilors McLain and Naito had attended the JPACT meeting. There were several issues that came up which included linking transportation funding to affordable housing. She noted a memo from TPAC to JPACT indicating some specific language from staff and the Transportation Planning Chair, Councilor Ed Washington, addressing this issue through the funding measures, incentives versus penalties, and the idea of connecting transportation and affordable housing as was done in the 2040 Growth Concept. This discussion would be continued at the Transportation Planning Committee.

Councilor Washington thanked Councilor McLain for meeting with JPACT in his stead. He and Mr. Cotugno were aware of the JPACT presentation. He assured everyone that they were trying to reward people for making strong connections between transportation and housing. He was pleased to hear this had been accepted by JPACT.

Councilor McLain announced that the joint JPACT/MPAC work session on the Strategic Regional Transportation Plan would be on April 15th from 5:30 p.m. to 7:30 p.m. at the state office building in Room 140. Transportation 2000, a joint debate about the future of Oregon's transportation system would be hosted Thursday, March 19th at Portland Hilton Grand Ballroom from 7:30 a.m. to 12:00 noon. There was a \$25.00 fee for attendance. She encouraged councilors attendance.

Councilor Washington noted that Councilor McLain was Vice Chair of JPACT.

5. CONSENT AGENDA

5.1 Consideration meeting minutes of the March 5, 1998 Regular Council Meeting.

Motion: **Councilor Morissette** moved to adopt the meeting minutes of March 5, 1998 Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor Morissette** asked that his remarks be modified from a question to a statement.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed as amended with Councilor Naito and Presiding Officer Kvistad absent from the vote.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 98-731**, For the Purpose of Granting a Yard Debris Processing Facility License to Allwood Recyclers, Inc. to Operate a Yard Debris Processing Facility License to Allwood Recyclers, Inc. to Operate a Yard Debris Processing Facility and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-731 to the Regional Environmental Management Committee.

6.2 **Ordinance No. 98-734**, Amending and Readopting Metro Code 2.06 (Investment Policies); and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-734 to the Finance/Budget Committee.

7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 98-728**, Amending the FY 1997-98 Budget and Appropriations Schedule by transferring \$51,623 from Contingency to Personal Services in the Zoo Operating Fund to provide for staffing of the new facilities associated with the Oregon Project; and declaring an emergency.

Motion: **Councilor McCaig** moved to adopt Ordinance No. 98-728.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McCaig** said there were four different phases to the Oregon Project. Phase Two was almost completed, about a \$16 million phase. Included in the phase were the new entrance, improvements to the restaurant, the mountain goat exhibit and several other elements. In order for this phase to open in September some of the individuals needed to be brought on earlier. This ordinance was a request that Metro fund 3.75 FTE positions for about \$51,000. The money was already in contingency and would be moved to personal services. It had no real effect on the amount of funds in contingency. She urged the council's approval.

Deputy Presiding Officer McFarland opened a public hearing on Ordinance No. 98-728. No one came forward. Deputy Presiding Officer McFarland closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present. Presiding Officer Kvistad was absent from the vote.

8. RESOLUTIONS

8.1 **Resolution No. 98-2580**, For the Purpose of Approving the Columbia River Management Unit Master Plan.

Motion: **Councilor Naito** moved to adopt Resolution No. 98-2580.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Councilor Naito** asked the greenspaces staff to show the drawing of the Master Plan to council. This resolution called for approval of the Master Plan for the James Gleason Boat Ramp. This had been before committee several times to answer questions concerning the plan. Metro currently owned the Broughton Beach area adjacent to the boat ramp on the Columbia River. Metro had a long term lease arrangement for the boat ramp with the Port of Portland. Metro in partnership with the Port, Multnomah County and the Oregon State Marine Board had prepared the Columbia River Management Unit Master Plan. The master planning had included extensive public involvement, comments and opinions had been incorporated into the Plan. There would be traffic pattern changes so there was a more uniform way for the boats to unload and enter the river. The safety would be greatly enhanced with the new plan. The building that currently existed had deteriorated to the point of needing to be replaced. This Plan involved

providing improvements to the boat ramp, costs would be borne by the Oregon State Marine Board. The cost was approximately \$1.1 million for the change and improvement. The Multnomah County River Patrol would bear the responsibility for moving and replacing the structure for their use, approximately \$1.4 million. Metro would be responsible for improvements to the parking facility and the beach structure. She did not believe this had been approved yet but it was important for it to be master planned as one unit so that all of the changes were coordinated.

Councilor Washington asked staff to review the background of this Master Plan and what would follow.

Ms. Berit Stevenson, Property Service Division Project Manager, said they had been working on this Master Plan with the partners for about a year and had developed the current draft of the Plan. This draft embodied improvements in three areas: boater improvements, Multnomah County River Patrol facility relocation currently located too close to the boat ramp creating problems with launching and was also in the 100 year flood plain. The current facility would require deferred maintenance and improvements for ADA and other code violations. The Master Plan suggested that the facility be relocated to the Portage Rain parcel on higher land. The beach improvements would be Metro's responsibility. They recognized the beach as an under utilized resource right now. It was a very important resource to the region, one of the few public beaches in the area. Its recreational potential was immense. Currently there were very few amenities, no adequate on-site parking for beach users who now dashed across Marine Drive to get to the beach. This plan would include some amenities for the beach users, on-site parking, two covered picnic areas and permanent rest room facilities.

Councilor Washington asked about the fiscal impact, would there be a charge in the years ahead?

Ms. Stevenson responded yes, there was now a day use charge of \$3 and this would be continued.

Deputy Presiding Officer McFarland said that it would be organized differently with a gate for collection of the fees.

Councilor Washington noted that the beach had had its share of 'run ins with the law', what provisions would be in place to make sure it was a safe, secure beach from the standpoint of protecting everyone's liability? Would there be patrols and by whom?

Ms. Stevenson said they recognize that the beach did not attract a family oriented crowd. There was extensive discussion during the master planning process, the success would be to change that into attracting a more family oriented crowd. There had been suggestions of including play equipment and a rest room to attract families. They knew that they needed to work together with the various law enforcement agencies to ensure safety in the area. It was not one Metro could handle on its own. Law enforcement contacts had been made and they had indicated their willingness to work with Metro on these issues. Another important part of managing the beach would be Metro's presence at the fee booth and a centralize access point.

Councilor Washington said the safety problem had been going on a long time, recently it had escalated. It was his hope that we would attend to this area.

Ms. Stevenson said it would take more than putting play equipment in the area. They understood the problem and were working on it.

Councilor McCaig noted the fiscal impact. She said there had been some confusion about the commitment and the obligation of the Council and its funds as it related to an adoption of a master plan. She indicated that under the openspaces bond measure there were funds available specifically for acquisition out of the local share which totaled about \$300,000. She had no difficulty with this, it was in the CIP. There were also matching grants available to improve the site regardless of any other commitment from Metro. If this was looked at in reference to all of the other needs in the region, this would not meet the test for her for general fund dollars. This would not be an area that she would advocate spending \$800,000 to improve the site. She had no difficulty with preparing a master plan and how Metro would go forward with the master plan if they had the money. She said she wanted to make it clear that Metro was not committing spending \$800,000 for improving the site. Metro did not have \$800,000. In the fiscal impact it said specifically, "Metro was expected to fund the day use improvements." She did not want to create a record that this was an anticipated expenditure from Metro. This was a master plan, there was no obligation from the Metro Council, we were not building an expectation that this would be funded by Metro. She asked that this line be deleted in the staff report.

Ms. Stevenson said yes, she called Councilor McCaig's attention to the report which indicated that project timing was tentative and subject to change based on funding availability and other considerations.

Councilor McCaig said she had seen this but again if the Council wanted to create the discussion that a master plan was a step forward in a financial commitment from the council then she wanted to know this and that would determine whether or not she would approve this master plan. The master plan was a master plan on what the costs for these improvements were likely to be but it was not an agreement that Metro was going to take the necessary step over the next ten years to fund this project.

Deputy Presiding Officer McFarland asked where these comments could be found?

Councilor McCaig responded that it was not in the resolution itself but in the staff report.

Ms. Stevenson said that in a master plan they did try to identify costs and funding sources for those costs however there was no commitment in the master plan beyond the identification of potential costs and potential funding sources.

Deputy Presiding Officer McFarland clarified that Councilor McCaig simply wished to have this line removed from the staff report.

Councilor McCaig said yes, it was not so much that particular line but the policy about a master plan and the intent of a master plan. She thought that what was passed out of committee was clearly a master plan with no commitment, no intention from Metro to fund that \$800,000.

Councilor Naito suggested that this portion be deleted from the record, with it in the record, it could give the implication of funding. It was discussed at length in committee, they supported the idea of planning so it was a coordinated effort to do changes as they moved forward and received these funds from the Marine Board. The committee had also discussed seeking other venues in the future for these improvements. It might not fall to Metro's responsibilities. They had concerns

about listing these as unfunded capital improvement projects that the Council had theoretically agreed to when they had not.

**Motion to
Amend the**

Staff Report: **Councilor Naito** moved to strike the language in the staff report under fiscal impact beginning with the word....'and, Metro was expected to fund the day use improvements.'

Seconded: **Councilor McCaig** seconded the amendment.

Discussion: **Deputy Presiding Officer McFarland** suggested that although this could be done with a nod test that she would rather the council vote on the amendment.

Councilor Morissette said he agreed, we didn't have the resources nor did he think it should be a priority for the Council to commit to this funding.

Councilor McLain said she would support this motion but wondered if a line should be added. This very issue had come up when they had done the master plan for the zoo. The Council actually ended up reworking the master plan because the Council did not feel they could fund the master plan as was stated in the original vote. The Council felt that because of the dollars Metro did have they were going to have to reconfigure and scale down the program. She asked, if the Council wanted to include a sentences that said, 'any budgetary requirements of this master plan would be taken up again at the time that it was brought forward for implementation or construction.'

Deputy Presiding Officer McFarland suggested not to say anything. If the Council did not authorize it, then clearly when the time came the Council would take it up.

Councilor Naito concurred with the committee chair. The committee did have extensive discussion on this in committee. There may be other ways to scale down the project, such as gravel parking instead of paved parking. This discussion could be brought up at a later time. She felt it confused the record to bring it up now when the Council did not know what they might want to do. She suggested simply removing the expectation that Metro would pay for this portion of the plan.

Councilor McLain said, with that explanation and the fact that the committee reflected that conversation, she was comfortable with this recommendation.

Deputy Presiding Officer McFarland said the committee was very clear. The committee all understood that adopting the master plan was not committing dollars.

Councilor McCaig noted that number 3 said, "be it resolved, as Metro will implement the master plan in a manner consistent with fiscal appropriations." She felt this supported the committee's philosophy.

**Vote to
Amend the**

Staff Report: The vote was 6 aye/ 0 nay/ 0 abstain. The amendment passed unanimously of those present.

Councilor McCaig noted that the staff had worked very hard on this master plan, as a result everyone had a better understanding of what the master planning process was about, how much it would cost and what Metro was committing itself to. She felt the plan was a good plan and she would be support the resolution.

Vote on the

Main Motion: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.2 **Resolution No. 98-2616**, For the Purpose of Accepting New Nominees for February 1998 to the Metro Committee for Citizen Involvement (MCCI).

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2616.

Seconded: **Councilor Morissette** seconded the motion.

Discussion: **Councilor McLain** asked that the Chair of MCCI introduce the new staff member to the Council and suggested that Ms. Durtchi introduce the new candidates for MCCI.

Ms. Kay Durtchi, Chair of MCCI, introduced Karen Winthrow, the full time staff person for MCCI. She felt Ms. Winthrow was very capable and had been very proficient in assisting MCCI.

Ms. Karen Winthrow said that she would be available to assist the council in any way.

Ms. Durtchi prefaced that Aleta Woodruff was unavailable due to an illness. She reviewed the two new candidates for MCCI. Rick Buhler, a past chair of MCCI who had been brought back to the Council because he had missed three consecutive meetings due to family matters. He represented the portion of Clackamas County outside of Urban Growth Boundary. Job Lazar, a West Linn attorney, had been very active in his children's school and in his community. He had attended the orientation session and the MCCI retreat.

Councilor McLain closed by saying that in attending the retreat in February both seemed to be excellent candidates. Currently MCCI's membership was exceptional.

Vote: The vote was 6 aye/ 0 nay/0 abstain. The motion passed unanimously of those present.

8.3 **Resolution No. 98-2617**, For the Purpose of Confirming the Appointment of Anthony Vecchio to the Position of Director of the Metro Washington Park Zoo.

Motion: **Councilor Naito** moved to adopt Resolution No. 98-2617.

Seconded: **Councilor Morissette** seconded the motion.

Discussion: **Councilor Naito** said she was pleased to bring forward Mr. Vecchio's name for confirmation as Director of the Metro Washington Park Zoo. She had had the opportunity to be involved in the interview process for the director's position. There were many outstanding candidates. Mr. Vecchio was currently the director of the Roger Williams Park Zoo in Rhode Island and had been there for almost 10 years. She said their zoo's attendance and membership had increased substantially. The zoo had become Rhode Island's number one tourist

attraction. Mr. Vecchio's skills included public relations, management, fiscal planning, and animal management. She added that he was on a governor's commission studying the link between child and animal abuse. He recognized the challenges of the zoo including going beyond simply exhibiting animals. He had had innovative approaches to making a zoo a more educational, recreational and interactive place for families. She spoke of one of his innovative approaches, the Marco Polo Trail, allowing individuals to journey through time by use of costume, exhibits, and current technology. She felt Mr. Vecchio would bring energy and vitality to our zoo.

Deputy Presiding Officer McFarland noted that Mr. Vecchio was still in Rhode Island.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9. COUNCILOR COMMUNICATION

Councilor McLain handed out a memo and informational packet concerning Water Quality Issues outside the Urban Growth Boundary.

Councilor Morissette asked Councilor McLain if this information was to the question he had about why the farm land did not have the same requirements for phosphate, leachate and other chemicals going into the river as homes and industry?

Councilor McLain said yes, this was part of the answer.

Councilor Morissette he still had a problem with this, he felt there was a double standard.

Councilor McLain said this was to help address the issue and start that debate.

Councilor Naito said this issue would be brought up in committee and she had asked staff to bring an individual from the Department of Agriculture to begin the conversation. As Metro moved on the Title III Water Stream Protection there were other issues in terms of water quality that she believed Metro should take a lead role on. She wanted to begin the dialogue with what was covered by the Department of Agriculture, what could and couldn't Metro do.

Councilor Morissette commented that this was obviously a hot subject. Metro had the authority or the potential to try and regulate things within its boundaries. The reason this issue was coming forward was that he felt Metro was opting to regulate one polluter while not regulating another. He did not think this was fair.

Councilor Washington urged the council to request a briefing about current Transportation issues to keep them up to date. He had just returned from Washington DC about South North Light Rail funding and reauthorization of ISTEA. He urged the council get briefed on the trip as well as general transportation issues.

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

Councilor Morissette declared a potential conflict with the executive session and left the chamber.

Deputy Presiding Officer McFarland opened an Executive Session pursuant to ORS 192.660(1)(e) at 2:55 PM to update council on property transactions.

Present: Jim Desmond, Dan Cooper, Council staff, Dan Cromer, Amy Kirschbaum, Amy Chestnut, Heather Nelson, Alexis Dow.

Deputy Presiding Officer McFarland closed the Executive Session at 3:05 PM.

11. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer McFarland adjourned the meeting at 3:10 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
031298c-01	3/12/98	Final LOTI Design for alternative to the South North Light Rail	TO: Metro Council FROM: Art Lewellan, LOTI Designer	
031298c-02	2/26/98	Art Lewellan's testimony concerning alternative alignments to the DEIS	TO: Metro Council FROM: Art Lewellan	
031298c-03	3/5/98	"The Walk Community of 2040"	TO: Metro Council FROM: Art Lewellan	
031298c-04	3/5/98	Memo concerning linking transportation funding to affordable housing	TO: JPACT FROM: TPAC	
031298c-05	3/12/98	Memo and materials concerning water quality issues outside of the UGB	TO: Metro Council FROM: Susan McLain	