

MINUTES OF THE METRO COUNCIL MEETING

August 13, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Don Morissette, Patricia McCaig, Susan McLain

Councilors Absent: Rod Monroe, Ed Washington

Presiding Officer Kvistad convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, 3205 SE 8th #9, Portland OR said that it was important that the Westside lightrail receive the recognition and attention it was due. He reviewed the latest electric bus proposal for the downtown mall and its extensions to the Steel Bridge as well as Lloyd Center, St. John's and Kenton. He asked for fair consideration of the project.

Councilor McFarland asked Mr. Lewellan if his proposal would call for building an extra bridge.

Mr. Lewellan responded no, it would not.

Presiding Officer Kvistad asked if he had made his trolley presentation to the City of Portland because Metro did not have a direct impact on the trolley.

Mr. Lewellan said this was not a streetcar but an electric bus system. This design was very different than the last proposal that had been made.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain indicated that the joint MPAC/JPACT meeting had not had any action items other than the RTP. She said they had addressed the Regional Transportation Plan and the work done in the first level of modeling. She said they gave comments to and asked questions of the transportation staff who was getting ready to start a series of public hearings this fall.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the August 6, 1998 Regular Council Meeting.

Motion: **Councilor Morissette** moved to adopt the meeting minutes of August 6, 1998 Regular Council Meeting.

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

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

7. RESOLUTIONS

7.1 **Resolution No. 98-2680**, For the Purpose of Adopting the Process and Criteria for Project Selection for the FY 2000-03 Metro Transportation Improvement Program (MTIP).

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2680.

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

Motion to Amend: **Councilor McLain** moved to substitute Resolution No. 98-2680 with Resolution No. 98-2680A.

Seconded the Amendment: **Councilor McFarland** seconded the amendment.

Discussion: **Councilor McLain** covered the changes to the resolution that had been made at the JPACT meeting this morning. Item 4, Exhibit 1, 7th bullet, was revised at the request of the Port of Portland to fit the 2040 technical criteria. She reported it had passed unanimously. Item 4, Exhibit 1, 5th bullet, dealt with Affordable Housing. The issues discussed in this regard were 1) should the affordable housing be in the document and highlighted at all, 2) should a second phrase be added which indicated support of projects which gave existing housing better intermodal connections, and 3) it was not given points but was simply a narration brought before the JPACT committee and the Council as they looked at projects that might have similar results or be tied to other point items. The item was amended after a lengthy discussion to make sure the criteria highlighted projects which had a link to increasing the affordable housing supply in the region as well as those that improved the multi-modal transportation service to existing affordable housing. She said there were concerns that without amending the wording it would lack emphasis on transportation programs that would help the region's existing affordable housing. They added "as well as those that improve multi-modal transportation services to existing affordable housing". That also passed unanimously. The debate regarding whether the affordable housing issue should even be included in the document at all passed 8 - 4 to keep it in.

She said Item 3, Exhibit 5, which talked about boulevard design, had raised quite a debate between JPACT and the Transportation Planning Committee and other jurisdictions regarding whether it should be an administrative call-out, a narration, or should they be looking at a criteria that said what was the best boulevard project. It was decided unanimously to look for the best boulevard project. She noted that the criteria for what that project might look like was in the packet. The JPACT group voted this forward unanimously.

Councilor Morissette asked if the only controversial item discussed, with an 8 - 4 vote, was whether or not there would be any criteria towards affordable housing in the document at all.

Councilor McLain said the item was whether it should be an administrative criteria as a call out or a narration so JPACT, Transportation or Council would know it was there to give information.

Presiding Officer Kvistad said it was a vote to sever affordable housing from the document and deal with it separately. He said amendments and adjustments were made and then it was added back in on an 8 - 4 vote. He said in order to deal with the controversial issues separately it was severed and then voted back into the document.

Councilor McFarland asked if they were being asked to vote on all the changes as a package or would they be separated out.

Councilor McLain said they were substituting the 'A' version because that was the complete document that JPACT had reviewed and voted on.

Councilor McFarland asked if the whole document was being substituted for the one that was in the packet.

Presiding Officer Kvistad clarified yes.

Vote to substitute version A: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Councilor McLain noted the handouts regarding this issue. She said they had agreed with items presented with staff recommendations.

Councilor Morissette asked if this document was meant to lay out the rules for boulevards as opposed to rules for other types of transportation links and not to prioritize which was more important than the other for the federal government or local funding.

Andy Cotugno, Director of Transportation Planning, said that was correct, they had not given a weight of one mode over another. He said they wanted to receive applications for freeway, arterial, bike, and boulevard projects and this was how those projects would be rated. Then an overall recommendation would be developed as to which should be funded.

Councilor Morissette asked if anything in there said one mode of transportation over another was preferential.

Andy Cotugno noted that they were only restricted to the eligibility the federal monies permitted. He said some of the money was available for freeway purposes, some for non-freeway alternatives, and some could be used for either.

Presiding Officer Kvistad said he could not support the resolution because his group in Washington County was almost unanimous in opposition to the section that dealt with linking transportation to affordable housing.

Councilor Morissette asked why he supported the substitution of the language.

Presiding Officer Kvistad responded that because he had a problem with a section didn't mean that he didn't want to make it better for when it did pass.

Councilor Morissette asked what the problem was with linking transportation dollars to affordable housing.

Presiding Officer Kvistad said there were many. He said they did not feel it was appropriate and he could not support it because his constituency did not. He said they felt putting it in made affordable housing a criteria. It would not necessarily have points, but could potentially become a tie breaker.

Councilor Morissette asked if the Presiding Officer meant that Washington County would not get the funds because they didn't have affordable housing, whereas Gresham might because they did have the housing.

Presiding Officer Kvistad replied that it also might skew the priority list on projects. Another concern was whether it was even appropriate to have it.

Councilor Morissette asked Mr. Cotugno if this language could potentially cause Washington County to lose a portion of an allocation if they didn't have an affordable housing link. He asked if it could have been the tie breaker that Councilor Kvistad described.

Mr. Cotugno said it was intended to be a possible tie breaker all other things being equal. In addition to the tie breaker criteria a very strong over-riding criteria was geographic equity.

Councilor Morissette acknowledged that he understood.

Councilor McLain said the FY 2000 MTIP packet mentioned this in Step 4. She said she agreed with JPACT that it was important to the overall connection between transportation and any housing to keep affordable housing on the list of administrative information. She asked for support.

Vote on the

Main Motion: The vote was 3 aye/ 2 nay/ 0 abstain. The motion passed with Councilor Morissette and Presiding Officer Kvistad voting no.

7.2 **Resolution No. 98-2689A**, For the Purpose of Amending the 1998-2001 Metropolitan Transportation Improvement Program to Allocate \$40,000 to the Tualatin Transportation Management Association.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2689A.

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

Discussion: **Councilor McLain** noted a letter she had received that morning from the program manager of the Tualatin TMA. She said she had questions regarding how the dollars given to the TMA would be used exactly and she wanted to make sure there were services to be provided to the community for this type of activity, not just planning dollars. The letter indicated that half of the \$40,000 would create and subsidize van pools and the other \$20,000 would go to part of the \$57,000 contracted yearly for shuttle service. She felt the TMAs were an important part of the transportation system. She mentioned that JPACT had delayed a component regarding

how TMAs and future requests for TMAs would be reviewed. She felt they were on the way to a full discussion about other projects of this sort and that this one seemed to fit into the vision very well. She said it had come before the transportation committee and passed out with Kvistad and McLain voting in favor.

Councilor Morissette read from Mr. Hoagland's staff report, "the money is needed because private funds that were hoped to be raised were not forthcoming." He asked if that meant there was no local support from the people who would use it.

Mr. Cotugno said they had a slower start than they expected. He said they had gained local support although not as much as expected. The original funding to initiate the project came from Tri-Met who agreed to provide \$60,000 the first year, \$40,000 the second, and \$20,000 the third year. He said without this \$20,000 they would go out of business because they were on their second year. Membership solicitation was expected to continue because the funding was scheduled to continue to fade down. He said they were making progress with private memberships but were not all the way there.

Councilor Morissette asked how much they had raised.

Mr. Cotugno said he would have to look up the numbers.

Councilor Morissette suggested the estimate was \$40,000 and they were asking for \$40,000.

Mr. Cotugno said the estimate was \$20,000. We would also give them another \$20,000 to expand their service into a van pool program. It would keep them whole and expand their service.

Vote: The vote was 3 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Morissette and McCaig voting no.

7.3 **Resolution No. 98-2690**, For the Purpose of Accepting the Final Report of the MERC Civic Stadium Advisory Committee.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2690.

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

Discussion: **Councilor McFarland** said this resolution adopted the report of the Civic Stadium Advisory Committee. She noted some confusion regarding the report and said it was the general consensus of the committee that there would be multiple sources for the fund. The committee believed that if the stadium was modernized there could be more choices as to what to do with it in the future. She recommended accepting the report.

Councilor Morissette said his concern was that they would ask the state for one third of the money for this potential project. He said his support was for accepting the document only and not the funding source.

Presiding Officer Kvistad clarified there was an additional resolution following that would deal with whether or not they would support.

Councilor Morissette said in the process of this, having the documentation in here laid out proposals for how to get to that capital. He supported accepting the document but not how the document spoke to finding the funding for the stadium.

Councilor McCaig concurred.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

7.4 **Resolution No. 98-2691**, For the Purpose of Supporting State Funding for Modernization of Civic Stadium.

Councilor McFarland asked that this resolution be put aside. She had some modifications that would not weaken it much but would probably get another vote or two for it. She pointed out that there had only been 2 members when this came out of committee and one of the votes was a courtesy vote so it could go before full Council.

Presiding Officer Kvistad announced that this resolution would be returned to committee and be considered at the next possible council meeting after that committee meeting.

7.5 **Resolution No. 98-2692**, For the Purpose of Awarding up to \$2,500 to the Oregon Department of Transportation in Support of the Westside Commuter Rail Demonstration Project.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2692.

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

Discussion: **Councilor McLain** reviewed the August 4 Transportation Planning Committee meeting where Councilor Kvistad brought an issue regarding Metro being able to uphold their responsibility and willingness to be part of the commuter rail committee in Washington County. At that time this steering committee had shown a desire to have a coordinating demonstration project which would coincide with the Westside Lightrail opening. This would allow people to see what the service would be like on a commuter rail between Beaverton and Wilsonville. The intent would be to stimulate support for this type of commuter rail.

Vote: The vote was 4 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting no.

Presiding Officer Kvistad recessed the Metro Council to convene the Metro Contract Review Board.

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 98-2672**, For the Purpose of Approving a Sole Source Agreement with Muse Technologies Incorporated (MTI).

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2672.

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

Discussion: **Councilor McLain** said this had come before the August 4 Transportation Planning Committee and the vote was 2 - 0 to recommend Council adoption. She said this effort would give Metro the opportunity to participate in the development of drastically improved travel forecasting possibilities and capabilities.

Councilor Morissette added, these were pass through dollars and this was a grant.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.2 **Resolution No. 98-2685**, For the Purpose of Amending the South/North Technical Assistance, Financial Analysis, and Intergovernmental Coordination Consultant Services Contract, No. 904099, with the Larkin Group, Inc.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2685.

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

Discussion: **Councilor McLain** said this would basically go on with the next stage of the South North lightrail. She said they did not want the budget to exceed \$274,988.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.3 **Resolution No. 98-2687**, For the Purpose of Authorizing the Amendment of Environmental Auditor Contracts for Property Acquisition Services for Metro Open Spaces Acquisition Division.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2687.

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

Discussion: **Councilor McFarland** indicated that this resolution would extend contracts that needed further extension for 6 of the people with whom Metro had been working. She said since the working relationship appeared to be good, she recommended passage of the resolution.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

9. EXECUTIVE SESSION, Held pursuant to ORS 192.660 (1)(h), to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Presiding Officer Kvistad indicated that the executive session would be held over until there was a full compliment of councilors at the regularly Council meeting.

10. COUNCILOR COMMUNICATION

10.1. Discussion on Ordinance No. 98-770 and Ordinance No. 98-772.

Dan Cooper, Legal Counsel, gave an overview of the ordinances and code amendments before Council. Ordinance No. 98-770 had been introduced by the Growth Management Committee and would implement the proposed code amendments that were discussed in that committee July 7, 1998. The Ordinance had 4 substantive matters, 1) it altered the First Tier status of the lands designated at the Urban Reserve decision to allow the Council to consider land other than those lands, 2) & 3) it would authorize the Council to grant variances or exceptions to the governance requirements to the Urban Reserve (UR) planning requirements or the other 9 provisions of the Urban Reserve planning requirements if the Council found that it was feasible for them to be completed in a timely manner, and subject to a requirement that no urban development occurred in those areas brought inside the Urban Growth Boundary (UGB) until the planning and governance issues were resolved, and 4) it added a new Title 11 to the Growth Management Functional Plan which would adopt the requirement that no urban development or partitioning of land into parcels smaller than 20 acres occur in land brought into the UGB through that process until a full urban reserve concept plan had been approved by the Council and adopted into the comprehensive plans of the jurisdictions having authority over the land as part of their own comprehensive plan before any development could occur.

Ordinance No. 98-772 was introduced by Councilors McLain and Monroe and was modeled on the first ordinance but would also adopt the priority for including lands inside the UGB that would specifically say that the first priority for moving the UGB would be land that met all Goal 14 requirements and fully met the Urban Reserve planning requirement in the current code. As a second priority it would create a process by which the Council could designate first tier lands. The third priority would be lands where the Council could make the feasibility that the concept plans could be completed in some timely manner and subject to the requirement that concept plans must be approved and adopted prior to any urban development. The fourth, if there was a remaining need, the council would be recognizing that if Goal 14 could be satisfied those would be the next lands brought in. Both ordinances would contain a piece that would allow for the movement of the UGB but prohibit development until after the concept plans were adopted.

Councilor Morissette asked that Mr. Cooper review a letter from Shapiro and advise him in writing if there were indeed some of the consequences outlined. He voiced his support for Ordinance No. 98-772 and said he believed it allowed a more rational process. He said he wanted to find some process that would allow the land to stay in if the governance and orderly development criteria and other rules under Title 14 had not been met in 6 months but make sure the parties were pushed to find a resolution. He asked the Presiding Officer how to get it out of Committee and to Council by September 3rd.

Presiding Officer Kvistad said Councilor Morissette was going to present his amendments to the Council to see if there was a consensus.

Councilor Morissette said this would take some time to make sure it met all the criteria. He said counsel would, over the next couple of weeks, create those amendments to bring forward.

Presiding Officer Kvistad said it was his understanding that the intent of today's discussion was to bring forward to the Council the track that MPAC was dealing with and balance it between MPAC, the Growth Management Committee and the Council so people knew what was on the table, and that there was a motion to substitute Ordinance No. 98-770 with Ordinance No. 98-772. He said should the language be agreed upon, it was his hope to have Ordinance No. 98-772 or amendments agreed to for action before the entire Council on September 3rd or at a subsequent committee meeting before final action on September 10th.

Councilor Morissette wondered, if he could not move his amendments because everybody recommended getting the language right before moving it, the nod test for the amendments had passed. He asked how to get it before Council before the September 3rd meeting.

Presiding Officer Kvistad said it would not be on the September 3rd as an action item but could be put on as a work document to make amendments with full Council action.

Councilor McLain said recognizing the fact that there would still be requirement notices she did not believe it could be voted on until September 17th.

Mr. Cooper said if the Presiding Officer, after consulting with the Chair of the Committee, determined he was going to exercise his power to remove it from Committee and place it on the Council agenda on the 3rd and was amended then, it could not be voted on until the 10th. If it was amended again on the 10th, it could not be voted on until the 17th. If it was finished on the 3rd it could be passed on the 10th.

Councilor Morissette said his amendments were substantive.

Mr. Cooper said it could have final passage on the 10th if it was amended on the 3rd.

Presiding Officer Kvistad said it could not be amended and voted forward on the same day for specifically this purpose so the Council could review the document and make any changes necessary and have the final package on the 3rd. Then the final action would take place on the 10th.

Councilor Morissette said then the Presiding Officer would have to be willing to pull it out of committee and put it on the Council agenda.

Presiding Officer Kvistad said he had made that commitment because there was not going to be a council meeting on that day. He said the only reason they were having a meeting on that day now was to consider the ordinance.

Councilor Morissette asked Mr. Cooper if he had any idea on the timeframe of the Shapiro letter.

Mr. Cooper said less than 10 days.

Councilor McLain said a reason for the September 3rd meeting was that while the MPAC meeting on August 26th would produce some beginning thoughts they could not review the whole document until they saw the final product. She hoped at least the amendments could be on the 3rd.

Presiding Officer Kvistad said he wanted to have the final document in place by the 3rd. He said it would be Ordinance No. 98-772A that would more than likely be before Council following amendments. He noted the September 24th Council meeting had been requested to be held in Hillsboro and would be at 7:00pm at the Hillsboro School District Office. He also noted the draft preliminary dates of the public hearings on the expansion of the UGB.

11. ADJOURN

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There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:11 p.m.

Prepared by,

Chris Billington
Clerk of the Council

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