

MINUTES OF THE METRO COUNCIL MEETING

December 10, 1998

Council Chamber

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

Councilors Absent: Ed Washington

Presiding Officer Kvistad convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

Councilor Monroe introduced Judge John Wittmayer, who would be swearing him in. He introduced his wife, Billie Monroe, and his mother-in-law, Bernice Hampton. He said Mrs. Hampton lived in an auxiliary housing unit on his property, made possible by Metro's code.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Metro Auditor, said she would be issuing two reports related to InfoLink. (These reports are attached to the meeting record.) These reports covered an independent review performed by Pacific Consulting Group. That group focused its work on four aspects of the InfoLink project: 1) the project's planning and management; 2) system selection; 3) project implementation; and 4) internal controls. The thicker of the two reports covered the first three items; the thinner covers internal controls.

She said she would provide only a brief overview; the Pacific Consulting Group would provide a detailed presentation in January to the new Council. She said the report found that staff had done an outstanding job of setting up InfoLink during the past two years. However, much work remained. For example, only five of the eleven PeopleSoft applications have been implemented. The others were significantly behind schedule. Processes also needed to be re-engineered, using the features of the new software, to eliminate duplicated entries and record-keeping.

She said many employees needed additional training. The recommendations the group offered fall into three categories: 1) future steps to complete the InfoLink project; 2) steps for maintaining the InfoLink System; and 3) steps to take if future project like InfoLink are undertaken.

Regarding future projects, the group recommended conducting feasibility studies for major changes in information system technology; doing pre-purchase testing to determine the functionality before paying; and using deliverable-based contracts for software services, rather than time and materials.

Current problems included the adequacy of project staffing and staff turnover; keeping pace with software upgrades, and lack of the availability of training for some of the versions that Metro was using. The lack of training has led to a high level of dissatisfaction among those who must use the product. Pacific Consulting estimated that Metro will need to spend \$0.5 Million to develop the InfoLink project to the point where it will provide reasonable benefits and achieve most of the goals originally planned. At the time the group made this estimate, Metro had about \$240,000 in its budget for InfoLink implementation. This would require \$220,000 to \$300,000 additional dollars.

Councilor Morissette asked if that was over and above the original amount.

Ms. Dow said yes. She said that estimate excluded the implementation of two of the eleven planned modules--asset Management and Time and Labor. She said it was important to keep in mind that Metro had spent far less on outside consultants than other governments have that have implemented similar systems. She said on the other hand, those governments were able to complete their projects in less time and were farther along in their upgrades.

She said the report also said that Metro will likely need to increase the amount of resources it uses annually to support InfoLink. It estimated that with the five applications that have been installed, five to seven employees would need to be dedicated to maintaining InfoLink in addition to from \$25,000 to \$50,000 in outside consulting services. When all 11 applications were in place, the number of internal staff required was estimated to be seven to ten, and the amount of external consulting, \$50,000 to \$100,000.

She said this report had been reviewed by Mike Burton, Executive Officer, and Jennifer Sims, Chief Financial Officer. She said they agreed with many of the recommendations in the report. Their complete response was included in the report.

She expressed appreciation for the cooperation and assistance of the Administrative Services Division. She said it was only through their hard work that Metro has achieved the level of success it enjoyed today.

Councilor Morissette commented that, although he would not be a Councilor when the Council takes action on this, nor did he support the original proposal, but he hoped Metro would get a handle on this soon. He said other agencies had had situations like this grow on them. He cautioned the future Council to be very careful. He said this sounded like something that started off being small and not overly expensive, and now has grown. He said he hoped this would be the last of it. He said computer programs and software upgrades continued to cost more and more.

Presiding Officer Kvistad postponed agenda items 5 and 6 and moved directly to item number 7, to accommodate Judge Wittmayer's schedule.

7. 1998 GENERAL ELECTION VOTE ACKNOWLEDGMENT AND OATH OF OFFICE.

7.1 **Resolution No. 98-2737**, For the Purpose of Accepting the November 3, 1998 Election Abstract of Votes for Metro.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2737.

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

Discussion: **Councilor McLain** said this was a housekeeping issue, to formally accept the election results.

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

Presiding Office Kvistad asked Judge John Wittmayer to swear Councilor Monroe into office. Judge Wittmayer stepped forward and performed the ceremony.

5. MPAC COMMUNICATION

Councilor McLain said that regarding the next piece of legislation, work was done at MPAC and also in an MPAC subcommittee dealing with this resolution. She called attention to Exhibit A, distributed to the Council, that represented this new work. She noted a few technical changes that had been added. She said those changes had been approved by MPAC. She said this would establish a boundary process. She said this the emergency clause would ensure that the process would be in place by January 1, 1999.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the December 3, 1998 Regular Council Meeting.

Motion: **Councilor McFarland** moved to adopt the meeting minutes of December 3, 1998 Regular Council Meeting.

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

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 98-791**, For the Purpose of Adopting a New Chapter in the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-791 to the Council, to be considered at its next meeting on December 17, 1998.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 98-768**, For the Purpose of Amending the Metro Code Authorizing Exemptions from Competitive Bidding for Utilities and Certain Other Types of Contracts.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-768.

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

Councilor McFarland explained that this ordinance would provide more leeway to those involved with Metro's utilities and other contracts, so Metro would not be bound totally by a bid. Rather, under certain circumstances it could ask for a proposal in place of a bid to allow other considerations to be factored in, if necessary. She said whatever the decision was, it still came before the Council. It simply provided more initial leeway in setting up certain contracts.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-768. No one came forward. Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

9.2 **Ordinance No. 98-790**, For the Purpose of Amending Metro Code 2.06 (Investment Policy) Regarding Authorized Qualified Institutions; and Declaring an Emergency.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 98-790.

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

Councilor Monroe explained that this ordinance would broaden the number of qualified institutions Metro could deal with to improve its portfolio performance. The proposal had been approved by the Oregon Short Term Fund Board. It had also been investigated and approved by the Investment Advisory Board. It would save the taxpayers' money. He urged an aye vote.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-790. No one came forward. Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

10. RESOLUTIONS

10.1 **Resolution No. 98-2722**, For the Purpose of Confirming the Appointment of Herbert S. Pelp and Eric Johansen to the Investment Advisory Board.

Motion: **Councilor Monroe** moved to adopt Resolution No. 98-2722.

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

Councilor Monroe said this resolution confirmed the appointments of Herbert Pelp and Eric Johansen to the Investment Advisory Board. Both of these individuals come highly recommended an highly qualified. Mr. Pelp had been assistant treasurer of ESCO Corporation for 28 years, and Mr. Johansen had extensive background in public finance. He urged support.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present

10.2 **Resolution No. 98-2725**, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Year 1999-00 through 2003-04.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2725.

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

Councilor McLain said this document sometimes did not attract much attention, although it was an important document. It was the Capital Improvement Plan. This helped Metro do long-range planning on a wide range of capital needs. In this particular plan, the bond measures for the zoo and the greenspaces/open space make up the majority of the capital improvements. The Metro Exposition-Recreation Commissions (MERC) made up the majority of the capital improvements, with a little over 49%; Regional Parks and Greenspaces constituted just over 35%. The Finance Committee met on this on December 9, and discussed at length the projects, the update, and related issues. She said one of the listed items, the Oregon Convention Center (OCC), remained in the plan. She said she understood that Councilor Morissette had questioned why the OCC would remain in the plan, given that it was rejected by the voters. She said because Councilor Morissette had not been present at Finance Committee Meeting to hear the argument, she would like someone from the Finance staff to speak to Councilor Morissette's concern.

Tom Imdieke, Metro Financial Planning, said an amendment proposed at the Finance Committee meeting that would put the OCC expansion project on the unfunded list and in its place puts an Expo Hall D, contingent on a financing plan to be completed later.

Councilor McLain continued to explain that as this particular capital plan was updated, some issues have been addressed at great length and others that have had only one or two airings. The one just mentioned--what was being replaced at this point--was Exhibit Hall D. She said that Exhibit Hall E had been added at the Expo site. The proposal to add Hall D was approved by the Regional Facilities Committee. She said she wanted to make it clear that this would not signify how all of the new hall would be funded. She said the Finance Committee discussed the options for financing at length. Mr. John Houser, Council Analyst, has submitted analyses that suggested from \$150,000 to \$200,000 that must be accounted for before this project could begin. That was not what was being voted on at this point, however. At this point, the vote gave conceptual approval to the project. She pointed out that one of the reasons for addressing this issue now was that the Executive Officer needed to have it in place by January of 1999, to allow him to complete his budget.

Councilor Morissette clarified that the OCC would be put on an inactive list and the Expo Center forward.

Councilor McCaig said the amendment that came forward came at the request of Councilors Kvistad and McFarland. She said it would constitute a \$15 to \$19 million CIP project. She said the consideration at hand, the CIP for next year, contained three substantial items that total about \$119 million. Many smaller projects were also in it, but those were already in the works. Councilor McCaig then asked Councilor McLain to speak for the record to the Executive Officer's intentions in moving forward with Exhibit Hall D, should the Council decide to move forward with it.

Councilor McLain said one concern she had as a Councilor was the fact that even though this seemed like a good idea to continue to develop the Expo Center, was using excise tax to fund the void of \$150,000 to \$200,000. One of the comments the Executive Officer made was that he would also be happy to move forward with this project, but he was going with the understanding that planning, one of the major functions of this agency, would not be underfunded. He said he

would not allow that mission to be hampered. She said with that in mind, the staff would move forward to investigate ways to provide the needed funds.

Councilor McCaig said she had argued in the meeting that it was premature to put this item in the CIP. This was a resolution that had had two public hearings, one before the Regional Facilities Committee and once before the Metro Council. The Resolution consisted primarily of directing the staff to go forward putting together a financing plan. She said considerable work remained to be done balancing the needs of the region in the next fiscal year. She said she was concerned that putting this item into the CIP the day before the amendment went forward, gave legs to something that did not yet deserve legs. She said it might, eventually, after further review that provided a better understanding of the coming financial needs. However, the proposal would, in fact, draw down the excise tax somewhere between \$150,000 to \$200,000, and those were the only funds available to fund the other needs of this government, which had higher priority. She said the discussion was healthy about this, although it was passed. She said she would support the CIP, because the plan on the whole was fine.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously among those present.

10.3 **Resolution No. 98-2730**, For the Purpose of Amending the Capital Improvement Plan for Fiscal year 1998-99 through 2002-03.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2730.

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

Discussion: **Councilor McLain** said this was an amendment to the same CIP just discussed. She said specific projects needed to be amended in. She listed the projects and the cost. She said the funds for these projects would come from the existing budgets or would be moved from other projects. The Oregon Zoo, the Lory Exhibit, with an estimated cost of \$250,000. The Reptile House at the Oregon Zoo, estimated to cost \$75,000. That would refurbish the former gift shop. The other major project would replace the drapes at the Civic Auditorium, estimated to cost \$90,000 in drapes and a mechanical track on which to mount the track. She offered to answer any questions. She said other projects would be removed from the list and be placed on the unfunded list to enable these projects to be completed.

Councilor McCaig said these were available funds, and involved transferring funds from other projects on the advise of the Director of the Zoo or MERC, in the case of the Performing Arts Center. She said this would amend the current year's CIP. She said the previous vote amended next year's CIP.

Councilor Morissette clarified that this was how they were choosing to spend their money and there was no more subsidy.

Presiding Officer Kvistad said he had gone with Ms. Sherburne to the auditorium. The drapes had been there for 30 years and were much more important than replacing seats.

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

10.4 **Resolution No. 98-2732**, For the Purpose of Authorizing the Executive Officer to Execute a Recycling Business Development Grant with Mursen Environmental, Inc.

Motion: **Councilor Morissette** moved to adopt Resolution No. 98-2732.

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

Discussion: **Councilor Morissette** noted the executive summary and said this was a \$80,000 grant, in the budget, to recover food waste. He said it contained some provisions to recapture some of the funds.

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

11 POSSIBLE ACTION ON URBAN GROWTH BOUNDARY ORDINANCES AND RESOLUTIONS.

11.1 **Ordinance No. 98-779C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.

11.2 **Ordinance No. 98-788B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.

11.3 **Ordinance No. 98-786C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.

11.4 **Ordinance No. 98-781C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.

11.5 **Ordinance No. 98-782B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.

11.6 **Resolution No. 98-2726B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 65 in Washington County.

11.7 **Resolution No. 98-2728B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 51, 52, 53, 54 and 55 to the Hillsboro Regional Center Area.

11.8 **Resolution No. 98-2729C**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, 42, 62 and 63 in the West Metro Subregion.

Motion to Amend: **Councilor Monroe** moved to substitute Ordinance No. 98-779C with Ordinance No 98-779D to add the first tier areas of urban reserves 33 and 34 to the ordinance.

Seconded **Councilor Morissette** seconded the amendment.

Discussion: **Councilor Monroe** said this motion added URAs 33 and 34 to the ordinance currently covering URAs 43 and 47. The motion would allow the first tier portions of URAs 33 and 34 to be amended into the UGB. The areas were relatively small in size with services nearby. Lake Oswego had committed to complete conceptual planning for both areas.

Ms. Wilkerson said in response to a question that area #33 contained 29.3 acres and included 96 dwelling units and 52 jobs. UR #34 contains 7.4 acres including 11 dwelling units and 4 jobs. For a total of 36.7 acres, 107 dwelling units and 56 jobs. They were first tier.

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

Motion to Amend: **Councilor McLain** moved to amend Ordinance No. 98-788B to add Exhibit C, the findings prepared by the Office of General Counsel, and conditions F. 1 through 10.

Seconded **Councilor Morissette** seconded the amendment.

Discussion: **Councilor McLain** read the amended parts of the ordinance which follows:

F. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the City's comprehensive plan shall be amended to include the following provisions:

(1.) The functional classification of the Tualatin Valley Highway shall be changed to "principal arterial" consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(2.) The transportation element of the comprehensive plan shall be amended to require the Access Management Strategies in the August 25, 1998 Draft Hillsboro TSP, or substantially equivalent policies.

(3.) The transportation element of the comprehensive plan shall be amended to adopt the alternative Level of Service provision authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

(4.) The transportation element of the comprehensive plan shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

(5.) The transportation element of the comprehensive plan shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following on-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

• Davis Road from River Road to Gordon Creek neighborhood/mainstreet center: new two lane community street.

• Davis Road through the Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.

• Davis Road through the Gordon Creek neighborhood/mainstreet center to Century Blvd.: new two lane community street.

- Davis Road from Century Blvd. to 229th: new two lane community street.
- Brookwood Ave. from TV Highway to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Brookwood to Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Century Blvd. from TV Highway to Davis Road: new two lane community street.
- Alexander St. from Brookwood Ave. to 229th: new two lane collector.
- 229th Avenue from TV Highway to McInnis Lane: new two lane collector.
- River Road from Witch Hazel to Gordon Creek: new three lane arterial.

(7.) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following off-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

- River Road from Gordon Creek to Rosedale Road: reconstruct to two lanes.
- River Road at Witch Hazel: left turn lane, signalization.
- Brookwood/Witch Hazel at TV Highway: realignment, added lanes, new traffic and RR signalization.
- Brookwood from TV Highway to Baseline: reconstruct to 3 lanes, and rebuild curves at Ash St. and Golden Road.
- Brookwood Ave. from Baseline to Cornell: construct to three lanes.
- Century Blvd. from Baseline to Century High School: new three lane roadway extension.
- Century Blvd. from Baseline to Cornell Road: reconstruct to three lanes.
- 229th from 2,000 feet north of Butternut Creek to Rosedale Road: reconstruct two lanes.
- Brookwood at Cedar Street: channelization and signalization.
- Brookwood at Bently: channelization and signalization.
- Brookwood at Golden: channelization and signalization.

(8.) The transportation element of the comprehensive plan shall be amended to provide for a corridor study of the Tualatin Valley Highway prior to development approvals to provide additional means of maintaining the through traffic capacity while providing acceptable access to and across the highway from Beaverton to Hillsboro.

(9.) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

(10.) Funding strategies and planning requirements shall be adopted for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

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

Councilor Monroe commented that the Pleasant Valley golf course and a portion of URSA #6, which Clackamas County favored bringing in entirely, could not be brought in this year due to notice requirements and the fact that area #6 had not been included in the first tier. He said he would pursue the request to bring the entire golf course into the UGB next year.

Motion to Amend: **Councilor Monroe** moved to amend Ordinance No. 98-781C to add the 235 acres south of the Clackamas/Multnomah County line in urban reserve area #5.

Seconded **Councilor McFarland** seconded the amendment.

Discussion: **Councilor Monroe** said the area was removed by action of the Council last week, Dec. 3, 1998. However it was in Urban Reserve area #5 at the beginning of the Metro Council process to consider amending the UGB, was noticed properly, was subject to productivity analysis and required staff analysis. This motion included amending the map for Ordinance 98-781, and the findings, to be consistent with the ordinance, as amended.

Councilor McFarland said in the nearly 9½ years she had been on the council this was her first mistake. She said staff and others had convinced her that the lake with the ducks was a different piece than she had thought. She said although this property had wetlands, the plans for it adequately dealt with them. She urged putting the property back.

Councilor Monroe said the area added 1,594 dwelling units which brought the total of approved dwelling units to about 15,700 by ordinance, which was a little less than the 16,000 which was half the need.

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

Mr. Cooper said to keep things straight, the last ordinance version published would have the higher letter.

Presiding Officer Kvistad said then, the amended ordinance would be called Ordinance No. 98-781D.

Motion to Amend: **Councilor Monroe** moved to amend Ordinance No. 98-782B to include Exhibit C, the findings prepared by the Office of General Counsel, and conditions F through H.

Seconded **Councilor McFarland** seconded the amendment.

Discussion: **Councilor Monroe** said this amended in the findings to support the action taken last week as follows:

F. Prior to urban development, an urban service agreement consistent with ORS 195.065 and based on the Rosemont Village Concept Plan shall be entered into among the units of local government and special districts that provide service to this area and that are identified as appropriate parties by a cooperative agreement under ORS 195.020.

G. Prior to urban development, an enhanced sheriff patrol or other service agreement with a city police agency shall be approved to provide an urban level of police service to this area.

H. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the appropriate city or county indicated in the urban services agreement for this area shall amend its comprehensive plan to include the following provisions:

1. Land use designations and zoning shall be adopted consistent with Exhibit A of this ordinance and this concept plan as it may be further described in the urban services agreement prior to its adoption into the appropriate comprehensive plans under Metro Code 3.07.1130.

2. The functional classification of the streets and roads serving this area added to the UGB by this ordinance shall be changed to be consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

3. The transportation element of the comprehensive plan of the governing cities and Clackamas County shall be amended to adopt the alternative Level of Service provision for the area added to the UGB by this ordinance authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

4. The transportation element of the comprehensive plan of the governing cities and county shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

5. The transportation element of the comprehensive plan of the governing cities and county shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

6. The Public Facilities Plan shall be amended to add rough cost estimates for each of the on-site transportation facilities in Exhibit "D" (Table 2A) and off-site transportation facilities Exhibit "D" (Table 3A) needed for this area to address existing and future needed road improvements which were identified in the approved urban reserve plan.

7. A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

8. Funding strategies and planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

Councilor McLain said even though she would not be voting for the Stafford piece, she would be voting of the conditions to be added because if it was going to be brought in in Ordinance form she wanted the conditions there.

Vote: The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting no.

Presiding Officer Kvistad said that made the ordinance a "C" version.

Motion to Amend: **Councilor McLain** moved to amend Resolution No. 98-2728B on Urban Reserve Areas 51-55 to change Exhibit "B" "findings" to "staff report and process".

Seconded **Councilor Morissette** seconded the amendment.

Discussion: **Councilor McLain** read the use of “findings” in this Resolution was requested by property owners in the initial draft. However, findings were used to explain the final UGB amendment decisions in the five ordinances we have prepared. The use of “findings” was inappropriate with this Resolution of Intent that was not a final UGB amendment decision.

She was concerned that using findings with this Resolution of Intent will send the wrong message to the courts that review this action. Our acknowledged Metro Code clearly stated that this action was a step in the process for a UGB amendment. Metro’s process to this point indicated that enough evidence had been presented to indicate that a UGB amendment will occur and that Metro’s jurisdictional boundary should be amended.

However, the final action to approve the UGB amendment occurred when the ordinance adopting it was approved. That happened after Metro has land use jurisdiction after Metro’s district boundary was moved. That was when findings were appropriate.

We have been promised an appeal of this Resolution. She made this motion to keep the words of this Resolution fully and clearly consistent with the process in the Metro Code and state law.

Councilor Morissette said this had virtually no impact on the original ordinance and he supported it going forward.

Councilor McLain said she felt the words had meaning.

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

Presiding Officer Kvistad noted that the resolution was now a “C” version.

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

Members Present: Dan Cooper, Larry Shaw, Elaine Wilkerson, Scott Weddle, Ken Helm and the media

13. COUNCILOR COMMUNICATION

Councilor McLain noted, regarding the work they were doing with the boundary commission on the new chapter of Metro code dealing with local government boundary changes, that there was an emergency clause and it would take 5 votes to pass. She suggested asking for updates from Mr. Cooper or Mr. Houser if needed. She also noted that there would be 3 outstanding issues following them into the new year which could be discussed January through March.

Presiding Officer Kvistad said there would be final actions on ordinances and resolutions next week.

14. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:00 p.m.

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Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
121098c-01	December 1998	InfoLink Project Review	TO: Metro Council FROM: Alexis Dow, Metro Auditor	
121098c-02	December 1998	Internal Controls Review	TO: Metro Council FROM: Alexis Dow, Metro Auditor	