

**METRO COUNCIL
REGULAR MEETING OF DECEMBER 14, 1995
MINUTES**

Present: Presiding Officer Ruth McFarland, Assistant Presiding Officer Rod Monroe, Councilor Jon Kvistad, Councilor Patricia McCaig, Councilor Susan McLain, Councilor Don Morissette, Councilor Ed Washington

Absent: None

Presiding Officer Ruth McFarland called the meeting to order at 2:00 p.m. The Meeting was held in the Metro Council Chamber. Presiding Officer McFarland asked that the Council note the Revised Agenda in their packets. She said there were also copies of the Revised Agenda available for the public located on the table in back of the room.

Councilor McCaig said she wished to serve notice so people did not think her to be rude. She said that she believed the Revised Agenda had been distributed either today or yesterday. She went on to say this was the first time she had seen it. Councilor McCaig said she had a previous commitment, so she would stay as long as she could but would be leaving about five.

Presiding Officer McFarland said at least three others of the Councilors who also have previous commitments that pull them out of the Meeting. She said they would do the best they could and get as far as they could with the Agenda.

1. **INTRODUCTIONS:** None

2. **CITIZEN COMMUNICATIONS:**

Bob Robinson said he thought a lot of the citizens are more confused about all these euphemisms such as urban growth goals, Urban Growth Boundary, Urban Reserve Study. He said someone had said growth is inevitable, that we would have growth no matter what. He said there has also been times when people said the world was flat and that man could not fly. He reminisced about the day after Election Day in 1948 when the *Chicago Tribune* said that Dewey had won the election over Truman. He went on to say there is no such thing as growth is inevitable. He admonished the Council not to go against what the vast majority of people are saying in the Portland Metropolitan area that we do not want an expansion of the Urban Growth Boundary.

3. **EXECUTIVE OFFICER COMMUNICATIONS:** None

4. **CONSENT AGENDA**

4.1 **Consideration of the Minutes for the November 30, 1995 Metro Council Meeting.**

The minutes of the December 7, 1995 Metro Council Meeting were not available.

Motion: Councilor Monroe moved for approval of the November 30, 1995 Metro Council Meeting Minutes.

Councilor Morissette offered correction of the Minutes to say the Mayor Fowler of Oregon City's name had been misspelled.

Vote: The minutes of the November 30, 1995 Meeting of the Metro Council were accepted unanimously and approved as amended by Councilor Morissette.

5. INFORMATIONAL ITEM

5.1 FHWA/FTA Certification Review Briefing by Pat Levine of FTA (Seattle) and Fred Patron of FHWA (Salem).

Andrew Cotugno, Director, Metro Transportation Department, said a major part of Metro's designation as the Metropolitan Planning Organization for Transportation Purposes involves ensuring that we are meeting the federal requirements so that this region continues to maintain its eligibility for Federal Transportation Funds. There is really a lot more at stake than whether or not Metro receives its planning funds, but whether or not ODOT, Tri-Met, and the cities and counties continue to receive their construction funds for federally funded projects. He said Bob Klor from the Federal Highway Administration and Pat Levine from the Federal Transit Administration were both involved in a review of whether or not we are meeting those requirements. He then introduced Mr. Klor and Ms. Levine.

Bob Klor, Division Administrator, Federal Highway Administration in Oregon said the 1991 Intermodal Surface Transportation Efficiency Act and the resultant Metropolitan Planning Rule. These were the regulations that implemented the Act and reflected the Congressional intent to improve Urban Transportation Planning and to reemphasize the intermodal nature of the Intermodal Surface Transportation Efficiency Act. He said the common name for this Act is "ISTEA." ISTEA required the Federal Highway Administration and the Federal Transit Administration to jointly review and evaluate transportation planning process in each transportation management area (TMA) in this country. Transportation management area is an urban center with a population of 200,000 or greater. This particular transportation management area we are in includes Portland and Vancouver as well as Metro. He said the visit they were making here today is closure for the review of the Portland-Vancouver Transportation Management Area. He said they had a similar session the previous week in Vancouver. The review was done by their staff. The review was accomplished by reviewing existing documents that had been prepared by Metro and RTC staff including the 1992 Joint FHWA/FTA Independent Planning Review in Portland, Regional Transportation Plans, Transportation Improvement Programs, Air Quality Conformity Findings, Unified Planning Work Programs, and other available documents eliminating the subject of transportation planning in this urban area. After the desk review, their staff interview Metro, RTC staff, elected officials, as well as invited citizens during the period between June 19 and 22, 1995. The review has been finished, the report has been prepared, and their staff has certified the Portland-Vancouver TMA.

Pat Levine, Acting Regional Administrator, Federal Transit Administration, Seattle Regional Office, said she wanted to briefly highlight the report. A report was issued that presented the fact that Metro is certified. Metro was certified with "Corrective Actions." Ms. Levine complimented Metro on having a really outstanding regional transportation planning process. The bulk of their observations is that Metro has a really outstanding planning program. She said Portland is a leader in the linkage of transportation and land use planning. She said the 2040 planning effort is an outstanding example of the kinds of work Metro has done in that area. Ms. Levine said she thinks Metro is a leader in travel demand forecasting. She said they were impressed with the documentation of the public

involvement program and the extra effort Metro had put forth. She said they felt Portland was a national model in this area. The other things they really liked was Metro had done a financially constrained transportation plan and also had a vision transportation plan. This was in order that the citizens could contrast the two. Ms. Levine said there is a need for agreement with other government agencies such as TriMet, ODOT, and the like. Although Metro has many of the agreements, they had not been updated since ISTEA was enacted. Therefore, Metro received the recommendation that these agreements be updated to reflect the changes in ISTEA. She said there was also an old bi-state agreement between RTC and Metro, and they felt it was important to have that kind of agreement even though it is not actually required. That agreement is also recommended for update. In the area of both the transportation improvement plan and the regional plan, Ms. Levine said she wished to emphasize that certification is of the process. At the time certification was done last June, Metro had a really good process but the plan was not in place. Comments were made to the effect that the plan had not been finalized and the conformity finding had not been accomplished at that time. A recommendation was also done on the plan that Metro look at where major investment studies would be required in the future. Although public involvement was outstanding, a suggestion was made that Metro look at how it could improve reaching out to transit-dependent and lower-income individuals. Ms. Levine said they especially made recommendations about the time and locations of meetings. She said ISTEA has requirements that you look at fifteen factors and document how those factors are included in the planning process. She said recommendations were made to "beef up" TriMet's Transit Development Program as that feeds into the Regional Transportation Plan. Ms. Levine said she wished to reiterate that what they are looking at, as much as anything, is the process and they think Metro has a great planning process. She asked that when Metro looks at Corrective Action and recommendations, that it be taken in the context of her previous statement.

Andrew Cotugno reminded the Council the aforementioned report was contained in their meeting packets as well as a memo to Mike Burton from him. This memo itemized how Metro has responded to the Corrective Actions raised. He said as Ms. Levine indicated, the three largest areas of concern have been satisfied. Mr. Cotugno said a plan had been adopted in June. Upon completion of the Region 2040 Allocation Process in July, this concluded the last action that had to be taken on the Transportation Improvement Program. In October, Metro submitted the Air Quality Conformity Analysis on the both. These are the requirements that are most important and are now satisfied, which are now behind us. Mr. Cotugno went on to say the area that is most significant and needing to be addressed involves intergovernmental agreements. There are a lot of interrelationships between governments and who has what role that are now a part of Metro's operating practices. The expectation of the intergovernmental agreements is that they will spell out the roles and responsibilities. Mr. Cotugno said there was one recommendation not quite done at the time this was written, but is done now. This is Metro's agreement with places like Gaston and North Plains on who does air quality planning for that area. Mr. Cotugno said the last one he wanted to mention is an area Metro has been partially involved with in the past, and that is a Corrective Action that TriMet's Five Year Service Plan needs to be better and be a better basis for short range transit decisions. Mr. Cotugno said that annually, in the past, Metro has reviewed TriMet's ParaTransit Service Plan. He said this would have Metro reviewing also TriMet's overall Five Year Service Plan and not just the ParaTransit Plan. He said there would be more detail in the future than there has been in the past.

5.2 Informational Briefing Related to the Comprehensive Annual Financial Report for the Year Ended June 30, 1995

Alexis Dow, Metro Auditor, said Oregon State Law requires that there be an annual audit of Metro's financial records and transactions by independent public accountants. She went on to say that in accordance with the Metro Charter, she had appointed KPMG Peat Marwick to conduct the audit. Ms. Dow said the audit resulted in an Unqualified Opinion on the financial statement. In addition to this Unqualified Opinion, Metro is also required to have a comprehensive single audit of its Federal Financial Assistance Programs in accordance with the Single Audit Act. This audit was also performed, with the report being issued under separate cover. Ms. Dow introduced representatives of Peat Marwick, Joe Hoffman, Partner in Charge of the Engagement, and Merle Waterman, the Manager on the Engagement. She said also present were Don Cox, Metro's Accounting Manager, and Karla Lenox, the Financial Control and Reporting Supervisor.

Don Cox, Metro Accounting Manager, said they were here to present the audit report to the Council. Mr. Cox described the contents of the report, saying it was more than one hundred pages, three to four sections, contains an introductory section with a transmittal letter from Executive Officer Burton, a transmittal letter from Chief Financial Officer, Jennifer Sims and Don Cox, the financial section consisting of a transmittal letter from Auditor Dow and the Auditor's Opinion, financial statements, schedules and footnotes. The report was completed one week earlier in the audit process than was last year's report. Significant improvements were made in the efficiency of the audit and the preparation of the financial report. One significant change is in the building management fund, was reclassified from an enterprise fund type to an internal service fund type. He said accounting-wise there are no changes in the rules because it is a similar fund type, it's just the it is listed in a different column. Mr. Cox said there were no overexpenditures to report for fiscal year 1995. He said this was the first time in many years that they have not had to report budgetary overexpenditures. He said he wished to recognize Karla Lenox because she has put in a lot of hard effort over the past two to three years that has resulted in the efficiencies gained.

Joe Hoffman, Engagement Partner on the Audit of Metro, said the audit of Metro is conducted for three purposes. The first is for them to express an opinion on the financial statements of Metro. The second purpose is to comply with Oregon Minimum Standards. There are two reports issued in conjunction with this piece of the work: located behind the last tab of the Comprehensive Annual Financial Report and the tab reads "Audit Comments and Disclosures." The thing important for this group to recognize is that their two reports on compliance with Oregon Minimum Standards are also Unqualified Opinions. He said they have no findings to report. Mr. Hoffman said in the past when there have been overexpenditures, this would be the type of thing that would have appeared in this report. The third purpose of the audit is to indicate Metro's compliance with the requirements of federal grants under the Single Audit Act. The reports relative to the Single Audit Act are included in the document entitled "Independent Auditors' Reports in Accordance with the Single Audit Act of 1984." He reported there are actually seven separate reports in the document. There are no questioned costs in any of the reports. He reported they found nothing to indicate Metro was not complying with federal laws with regard to the handling of its grants. Mr. Hoffman said there are certain things he is required to communicate under generally accepted auditing standards. One of the things is that the financial statements are the responsibility of management of Metro. He said their job is to audit those financial statements and express an opinion. Mr. Hoffman said, "As has been indicated, our opinion is an Unqualified Opinion." He said he would like to reiterate what Don Cox said. Mr. Hoffman relayed "That is that a lot of credit for the smoothness of the audit this year can

be attributed to Karla Lenox. She has done a fine job of assisting us in getting through the audit process as well as putting together this document. There are very few government agencies that I see where the first draft of the CAFR (Comprehensive Annual Financial Report) that I review has as few changes or suggestions on my part as this one did. Some people think I'm pretty picky. . . . even with that, I had a hard time finding fault with what Karla had done."

Merle Waterman, Manager with KPMG, said there are a number of other things they are required to report to the Council under "Professional Standards." One of those things is significant accounting policies to the extent that there were any contentious issues, any changes in the report that would make year's financial statement different and not consistent with the prior year. He said there were none. Mr. Waterman said, "Any significant accounting policies are listed in the footnotes. Number one, two that required judgment, a considerable amount of judgment is the postclosure liability for the landfill costs. The second is an estimate for self-insurance reserves. Those are two primary areas within the financial statements where management had a significant amount of judgment. Our responsibility was to look at the reasonableness of those judgments, of management's conclusions. There is no right or wrong answer, but based on the work we perform, we thought that the judgments made were reasonable. There were no significant audit adjustments. In fact, there were none during the current year. There were a couple of minor items that were immaterial that we found, but for most part a very clean audit. We did not have any disagreements with management on any accounting issues on any status of the books and records. . . . to the best of our knowledge, there was no consultation with other accountants based on the management of Metro. Finally, we are required to report to you whether or not there were any difficulties encountered during the audit. Previously, as we said, there were none. Last year at this time we reported to you that we had come across some difficulties in performing the Single Audit for the federal grant areas. A lot of our Management Letter Comments that we had initiated last year, significant improvements had been made on those comments and all of those had been implemented or were in transition. . . . we had a much cleaner audit, no findings this year."

Don Cox, Metro Accounting Manager, said he wanted to add to Mr. Waterman's remarks. He said in response to the prior year's Management Letter Comments, a memo had been provided to the Council by Executive Officer Burton describing the status of those comments.

Merle Waterman, Manager with KPMG, said Peat Marwick does not have a Management Letter to issue this year. He said this is a compliment to the fine job that Jennifer, Don, and Karla do along with the rest of their folks.

Alexis Dow, Metro Auditor, said the presentation of the Comprehensive Annual Financial Report for the Year Ended June 30, 1995. She said this report has been presented to the Government Finance Officer's Association for their Award of Achievement. Ms. Dow said this takes a year to process and to see if the report meets the standards. She introduced Kathy Try who would be presenting an Award for last year's Comprehensive Annual Report.

Councilor Kvistad said he did not want this to go by without recognizing the staff and the audit staff for the fine job. He said this was an outstanding piece of work. He said he thinks that what was heard from the auditors talking about how little they had to go through and make comments on speaks well of our staff. This is incredible work, and you did a great job.

Kathy Try, State Representative, National Government Financial Officer's Association for the United States and Canada, said she was here to present the award for the fiscal year ending June 30, 1994. She read "Certificate of Achievement for Excellence in Financial Reporting Presented to Metro, Oregon For Its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1994." She said this Certificate is presented by the Government Finance Officer's Association (DFOA) of the United States and Canada to government units and public employee retirement systems whose Comprehensive Annual Financial Report achieved the highest standards of governmental accounting and financial reporting. She mentioned this is not the first award, and added that just because the award is received once, does not mean it will happen again. Each year the report is sent to a different group of three people, CPAs with expertise in governmental accounting. They have a ten page application with which they review your report. Plus, you must comment on the prior year's comments. She said these people are not from the State of Oregon. They know nothing about the State of Oregon, nor do they know anything about Metro. They look at the report in a very neutral, unbiased manner. You must receive a unanimous vote by the three-member committee. Ms. Try said this is a very useful tool for the bond analyst. She said DFOA liked to recognize individuals as well, and presented Certificates to Don Cox and Karla Lenox. These Certificates are awarded to individuals who have been instrumental in their governmental unit, the Certificate of Achievement in Excellence in Financial Reporting.

5.3 Informational Briefing on Metro Receiving a Federal Grant for the U.S. Environmental Protection Agency for Clackamas River Watershed Technical Project

Metro Executive Mike Burton said the Clackamas River is one of the most significant cold water fisheries in the Pacific Northwest. He said it is one of the few left that still has the capacity for being able to maintain salmon spawning areas. It is an important municipal drinking water source, providing drinking water for over 170,000 people (about 6% of Oregon's population). It also provides water for wholesale and retail agricultural activity as well as the recreational boating, fishing, and swimming activities. Mr. Burton reported that Metro and Clackamas County project significant growth in the areas around the river which will have an effect on the river. There are land use changes for urbanized portions of that occurring already and has an impact on the resource and the watershed and its current uses. The National Marines Fishery Service could list certain species as endangered in the watershed which would impact federal funding available for transportation and other activities. He said due to the values and benefits of the river, it is important for us to take a proactive stance in managing the river's resource and protecting the watershed along with our partners who are involved with that. What the project proposes to do is to assess data available from different sources in the watershed to produce maps with available data, to identify a rapid assessment methodology for use in selected sub-basins and to identify current citizen stewardship activities in the watershed. He said sponsorship in this is with the U.S. Environmental Protection Agency (EPA) in their Willamette Basin Initiative. We are working in partnership with the Oregon Graduate Institute's Watershed Research Project and the Wetlands Conservancy. The participants in this with us are Clackamas County, the U.S. Forest Service, the Bureau of Land Management, and the Clackamas River Water District. The funding for the project is \$127,000 for the first year. EPA has indicated interest in doing a multi-year contract with us. What is hoped to be produced from this is a report summarizing the issues and technical information available on the watershed. We do not have this information available in one place right now, and we are attempting to source data this into one place. This will give us an inventory of the GIS data available from

agencies in the watershed, the maps, dictionaries, and analysis. Mr. Burton said they hope to report documenting field assessment methodology in recommending one to be used in the watershed. He said this would help in the way in which they may have an impact in this area and how factors can be offset and mitigated. Also hoped to be reported on technical needs of citizen groups in the watershed and fund a student watershed monitoring group, as a great deal of interest has been demonstrated from the Oregon Graduate Center. Clackamas Watershed has the capacity for providing a variety of water needs.

Rosemary Furfey, Senior Regional Planner, Metro Growth Management Services, thanked Mr. Burton for emphasizing these facts. She went on to say she wanted to emphasize the proactive nature of this project, and this is why the EPA is anxious to work with us and the county and federal land managers. Ms. Furfey reminded the Council they had heard about salmon issues in the lower Columbia Basin. She said this is an opportunity to get ahead of the curve. Whereas salmon stock has declined significantly throughout the Columbia Basin, and federal agencies and land managers and the county sees this as an opportunity to be proactive. So we don't get to a point of listing species, and then everyone digs their heels in and lawyers speak to each other. She said this is a significant opportunity in the Columbia River Basin and she is excited to see Metro taking leadership in this effort.

Councilor Kvistad asked Ms. Furfey if Metro is going to incorporate part of this concept into the Regional Water Supply Plan.

Rosemary Furfey responded in the affirmative. She went on to say the data Metro will be collecting would be directly related to the Regional Water Supply Study. The Clackamas River is one of the significant regional sources which will be expanded. She said that as it is expanded, Metro will look at the ramifications to salmon species and land use impacts. Clackamas River Water District is very interested in expanding watershed management in the region. The water quality source of the river is directly related to their operation. They are working very closely with Metro to ensure that Metro is looking comprehensively on a watershed basis. Specifically, Metro will use the technical information collected to make sure it is complementary to the Water Supply Project. Data collected will be shared with them, and should support that effort as well.

Councilor Kvistad asked Ms. Furfey if this will go to WRPAC, to the Leadership Group.

Rosemary Furfey responded in the affirmative. She went on to say there is a technical committee for the project and representatives from Clackamas River Water are on that technical committee, and so that linkage has been made.

Metro Executive Mike Burton also responded to Councilor Kvistad's question with the following response. When the APA first approached Metro about this project, he said he did not want to go off without the partnership of Clackamas County and the water districts in the area. This was an entry point for this was that it would become part of the process.

Councilor Kvistad said having come from a water district, he was well aware of how interesting things could be when certain entities were not included.

6. ORDINANCES - FIRST READINGS

6.1 Ordinance No. 95-625A, Amending the Regional Urban Growth Goals and Objectives, and Adopting Metro 2040 Growth Concept and Metro 2040 Growth Concept Map

The clerk read the Ordinance by title, only.

Motion: *Councilor McLain moved for approval of Ordinance No. 95-625A.*

The Public Hearing on 95-625A was opened by Presiding Officer McFarland at 2:45.

6.2 Public testimony regarding RUGGOs.

Mark Whitlow presented oral and written testimony, a copy of which is filed with the permanent copy of these minutes.

Mr. Larry Shaw advised the Council that they needed to have before them all the material pertaining to the RUGGOs is all collected before them. Mr. Fregonese stipulated that the Council had before them all the material required.

Councilor Kvistad requested the insertion of the Bogle and Gates comments into the record at this point.

Councilor McLain stated that the staff, advisory groups, citizens as well as the business community have all been actively involved in the review and updating process of the RUGGO document. Councilor McLain stated her belief that the RUGGO document is an excellent example of a fine foundation for the work that Metro is presently doing. Councilor McLain affirmed her hope that a unanimous vote would be shortly forthcoming on the RUGGOs document.

Vote: Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad and Presiding Officer McFarland voted aye. The vote was 7/0 and the motion to adopt Ordinance 95-625A was adopted unanimously.

Ordinance 95-2244

Motion: Councilor McLain moved and was seconded by Councilor Monroe for the adoption of Ordinance 95-2244, For the Purpose of Amending Urban Reserve Study Areas.

Councilor McLain explained that the 2040 Decision-Making Process is continuing with deliberations. This meeting today is one of a series of meeting where this resolution will be discussed, the map review and discussing the Urban Reserve Study Areas. Councilor McLain stated that there was not supposed to be public testimony on this issue today. Councilor stated that the public has been requested not to bring redundancy in the way of testimony. If there is any change or consideration in the technical information that staff has done, that the public would like to have the Committee deliberate on, the public has been requested to place this in writing and submit it through the proper Committee channels.

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Councilor McLain suggested that the Council spend some time at this meeting discussing the procedure for which each Parcel will be dealt with. She suggested that each parcel be dealing with individually.

Councilor McLain suggested that today the Council deal with the Exclusive Farm Use issue, the job / housing balance issues, the rating scale and the process with which the map will be dealt with.

Councilor Morissette stated his concern that the Council will adopt an appropriate pace for making these decisions; one that will not cause the Council to make inappropriate decisions. Councilor Morissette stated that he had done some of his own research regarding capacity of roads, etc., and is concerned that some of the recommendations in the Executive Officer's report might wind up exacerbating some of the Council's concerns. Councilor Morissette stated that the percentage of classification of EFU soils on particular parcels of land as well as evaluations of jobs-rich and housing-rich areas would be particularly helpful to him in reaching appropriate decisions.

Executive Officer Burton stated that the information Councilor Morissette requests is available...the question being how it should be formatted in order that it would be useful to Council Morissette. This could be accomplished in a week or two. Mr. Fregonese responded as well by stating that a spread sheet has been created and this would be made available to Councilor Morissette and his staff, along with a computer for analysis of the data.

Presiding Officer McFarland stated that Metro Council would not take final action on the ordinance today. She further stated that no public testimony would be received today.

Executive Officer Mike Burton discussed councilor requests for additional information as well as a memo which deals with an update on the URSA.

Executive Officer Burton referred specifically to a letter regarding Parcel 80. In this parcel, consisting of 62 acres, 61 acres of which are zoned EFU. The letter complains that the owners of that property didn't either ask for a change in designation or did not now want to go through the process. In the Executive Officer's recommendation, there was an assumption that the county zoning was correct. LCDC has made it clear that exception lands are to be used first; that farm and forest resource lands are to be used only as a last resort. The problem with exception land is if they are not included in the UGB, they can produce rural sprawl.

Mr. Fregonese discussed the variables used in the rating system applied to each parcel of land. They are: Proximity to the UGB, based on the average distance of the area from the current UGB; Access to arterials, how close is the parcel to an arterial; Proximity to centers, how close is the parcel to a town center or a regional center; terrain and slope with wetland and flood plains; Soil classification is based on the percentage of the land that is zoned EFU as well as the soil type, if there is high value soil and you are 100% EFU, you get no points. The points always add up to 100 which is the maximum number of points obtainable. The break point, currently, is 75. Mr. Fregonese discussed the proper use of this spread sheet called URSA-Matic. Mr. Fregonese told the Council that each member would be supplied with a computer disk containing all the pertinent information. The Metro Council Office would also be supplied with a computer equipped with Quattro-Pro software in order to run this spread sheet.

Councilor McLain stated her wish that the Council continue to discuss the meanings of the soil classifications and their weightings. She also hoped the Council would consider carefully the ratings of town and regional centers in order to attain true job / housing balance both on small and large scale.

Councilor Kvistad asked for the percentage of Oregon that the current UGB land mass represents. Mr. Fregonese stated that he would research this question and provide the answer at a later date. Councilor Morissette stated that it is a necessity that we protect the prime farm and forest lands presently existing in our region.

Councilor McLain stated the process to be used for preliminarily placing parcels of land within the proposed URSA, after which a map will be prepared by the Growth Management Department, at which time public hearings will be held for constituent's comments.

Presiding Officer McFarland declared the discussions upon the Urban Reserve Study Areas to be closed at this time.

***Vote:** Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad and Presiding Officer McFarland voted aye. The vote was 7/0 and the motion to adopt Ordinance 95-625A was adopted unanimously.*

7. RESOLUTIONS

7.2 Resolution No. 95-2244, For the Purpose of Amending Urban Reserve Study Areas

***Motion:** Councilor McLain moved and was seconded by Councilor Monroe for the adoption of Ordinance 95-2244.*

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Presiding Officer McFarland declared the Public Hearing closed at 3:00 p.m.

7.1 Resolution No. 95-2231, For the Purpose of Certifying That Tri-Met's Joint Complementary ParaTransit Plan Update for 1996 Conforms to Metro's Regional Transportation Plan

The clerk read the Resolution by title, only.

Motion: Councilor Kvistad moved for approval of Resolution No. 95-2231. Councilor Washington seconded the motion.

Councilor Kvistad said as the Metropolitan Operating Organization for the Region to ensure compliance with ADA requirements in terms of the ParaTransit. ParaTransit is the ADA component of TriMet's Transportation Planning. In conjunction with TriMet's Citizens for Accessible Transportation Committee, Glen Boley came to discuss where they had come and where they planned to go with future work to develop programs for those who need special services from TriMet.

Councilor Kvistad read from printed material the following information. "The original ADA Transportation Plan as developed by TriMet and adopted by the TriMet Board of Directors on December 18, 1991 outlined the requirements of the Act as applied to TriMet Service Area. The deficiencies of the existing service when compared to the requirements of the new Act and the remedial measures necessary to bring TriMet and the region into compliance with the Act. The final rule also requires that Metro as the Metropolitan Planning Organization review TriMet's ParaTransit Plan annually and certify that the Plan conforms to the Regional Transportation Plan. This certification is one of the required components without which TriMet cannot be found in compliance with the ADA."

Councilor Kvistad advised the Council that in their packets they had specifics and a time table for the ParaTransit Updates. He went on to say we have received assurances from Mr. Boley and TriMet that they are working through the areas where they are currently deficient. The Transportation Planning Committee has found this to be in order. Councilor Kvistad recommended to the Council an "aye" vote.

Vote: The Council voted unanimously in favor of Resolution No. 95-2231, the vote was 7/0.

7.3 Resolution No. 95-2249, For the Purpose of Authorizing an Amendment to the Existing Intergovernmental Agreement with Multnomah County Regarding Parks and Other Facilities

The clerk read the Resolution by title, only.

Motion: Councilor Washington moved for approval of Resolution No. 95-2249.

Councilor Washington read printed information. "The Council adopted Resolution No. 93-1887 on December 9, 1993, which approved an Intergovernmental Agreement (IGA) with Multnomah County for the transfer of Expo Center and Regional Parks Management to Metro effective January 1, 1994. The Intergovernmental Agreement stipulated that in the event that the parties do not reach a mutual written agreement Phase II Transfer of Ownership by January 1, 1996 this Agreement shall terminate effective June 30, 1996. Metro and Multnomah County representatives have negotiated terms of a final transfer of the County facilities including Expo, Blue Lake and Oxbow Regional Parks, Glendoveer Golf Course, fourteen Pioneer Cemeteries, and other facilities. Negotiators from Metro were Executive Officer Mike Burton and Presiding Officer Ruth McFarland. Negotiators from Multnomah County were Chair Beverly Stein and Commissioner Tanya Collier. These officials agreed in principle on November 27, 1995 to the terms of a final transfer. Legal Counsel and staff of both agencies have worked to prepare a Phase II IGA to be effect the transfer to be effective July 1, 1996. Resolution No. 95-2249 proposed to amend the original Intergovernmental Agreement to extend for three months the deadline for a mutual written agreement to transfer the facilities from Multnomah County to Metro. This Resolution is needed to avoid triggering the automatic termination provision in the 1993 IGA which would return the facilities to the County. Approval of Resolution No. 95-2249 only extends the time for preparation of the final agreement. It does not constitute approval of the final transfer itself. The Phase II IGA making the transfer will come before the Council for consideration when it has been drafted." Councilor Washington then said this is merely a technicality. He asked for questions, saying Mr. Cooper and/or the Presiding Officer could respond.

Presiding Officer McFarland said this simply gives Metro Council time to finish off the product that we believe we can present to the Council without discomfort on the part of the Council.

Councilor Kvistad said he had noticed in the first "WHEREAS" that it said January 1 for actual transfer. He asked if it was actually July 1 that Metro takes ownership.

Presiding Officer McFarland responded yes and added it had to come through the Council and be approved. She said they waited so late to reach agreement that staff has not had the opportunity to set up the sequence to ultimately be brought before the Council.

Councilor Washington urged full approval of the Resolution.

Vote: Votes in favor of adopting Resolution No. 95-2249 totaled 7/0, making the adoption of the Resolution unanimous.

8. EXECUTIVE SESSION

Held Pursuant to ORS 192-660 (1)(e) To Conduct Deliberations With Persons Designated By the Governing Body to Negotiate Real Property Transactions.

Presiding Officer McFarland closed the Executive Session portion of this Meeting and resumed the regular Council Session.

Dan Cooper, General Counsel, Office of General Counsel, informed Presiding Officer McFarland the first order of business would be to move to Suspend the Rules to consider it as a non-referred resolution.

Motion: *Councilor Kvistad moved for Suspension of the Rules.*

Vote: *The Rules were Suspended through unanimous approval of the entire Council.*

Motion: *Councilor Washington moved for Council adoption of Resolution No. 95-2255 for the purchase of Forest Park property.*

Vote: *Unanimous in favor of adopting 95-2255 by all those present, 6/0. (Councilor Morissette was not in the room.)*

8.1 Resolution No. 95-2246, For the Purpose of Authorizing the Executive Officer to Enter a Purchase and Sale Agreement to Purchase Property in the Clackamas River Greenway Target Area

The clerk read the Resolution by title, only.

Motion: *Councilor Washington moved for Council adoption of Resolution No. 95-2246.*

Vote: *Unanimous in favor of adopting 95-2246 by all those present, 6/0. (Councilor Morissette was not in the room.)*

9. COUNCILOR COMMUNICATIONS

Councilor McLain summarized what the Council had agreed to do in response to their discussion of the order for 2040 work by the Council. She summarized as follows:

- We agreed to December 21, 1995 for our next Meeting.
- We agreed to NOT meet on December 20, 1995.
- We agreed to begin at 2:00 p.m. on December 21, 1995.
- We agreed to meet for longer periods of time at our Meetings until the review of the map and Resolution 95-2244 is completed.
- We agreed to discuss the criteria/ranking as per individual Councilor needs.
- We agreed to review Map as per:
 - Start with a location and review of a single quad and then to continue to the next locations
 - Cover all Study Areas, all requests, and all Amendments in each area as we proceed.

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- Staff will be able to provide acreage amounts, scores, proponents and Executive Officer Recommendations as we continue.


Presiding Officer McFarland said the staff can presume the Council will probably be staying through the dinner hour.

Councilor Monroe said there was a little of a problem with December 21 in that it is getting close to Christmas and he has family evenings planned along with church activities every night of that week. He said this is why he had suggested we might want to start earlier and work through the day. Working through the night past 6 p.m. would be an imposition on his family.

Councilor McLain said she would like to say that she is here, available, and wants to do the work, and is willing to work until everyone is ready to go home.

There being no further business to come before the Council, Presiding Officer McFarland adjourned the Meeting at 4:51 p.m.

Submitted by,


Cora Elizabeth Mason
Council Assistant

2040 Material Submitted by,


David Aeschliman
2040 Recording Clerk