

MINUTES OF THE METRO COUNCIL MEETING

January 28, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: Susan McLain (excused)

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor Bragdon said Councilor McLain and Tualatin Mayor and MPAC Chair, Lou Ogden, presented a draft document, "Principles of Partnership," to MPAC, and the committee reviewed the work plan presented in the Council Growth Management Committee.

Presiding Officer Monroe said MPAC members are pleased about the number of Councilors that have attended MPAC meetings this year and the strong interest shown by the Council.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the January 21, 1999, Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of January 21, 1999, Regular Council Meeting.

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

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

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 99-795**, For the Purpose of Adopting a Code of Ethics for Metro Officials and requiring registration of lobbyists.

Presiding Officer Monroe assigned Ordinance No. 99-795 to Metro Operations Committee. He reminded Councilors that any proposed amendments to the ordinance should be filed with Michael Morrissey, Senior Council Analyst, by Tuesday, February 2, 1999, to allow for their consideration at the Metro Operations Committee meeting Wednesday, February 3, 1999.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 99-792**, Amending the FY 1998-99 Budget and Appropriations Schedule in the Support Services Fund by Transferring \$270,000 from Contingency to Materials and Services and Capital Outlay in the Administrative Services Department for Unanticipated Expenditures in Information Management Services; and increasing the total FTE in the Administrative Services Department by 1.0 FTE System Analyst; and Declaring an Emergency.

Motion: **Councilor Park** moved to adopt Ordinance No. 99-792.

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

Councilor Park presented the ordinance. The substance of his remarks are included in the staff report, which is included in the meeting record.

Councilor Bragdon said he supports the Executive Officer agreement to review future training and retention related to PeopleSoft.

Councilor Washington said he will support the ordinance, and commended Councilor Park on his presentation.

Presiding Officer Monroe opened a public hearing. No one appeared to speak with regard to Ordinance No. 99-792. Presiding Officer Monroe closed the public hearing.

Councilor Kvistad said he will not support the ordinance because he is concerned about the project and the way in which the Council is addressing Support Services funds. He said he is specifically concerned about the buy down on the contingency. He recommended paying for a full time, in-house database administrator who knows PeopleSoft, rather than pay a consultant \$110,000.

Councilor Atherton asked staff to address Councilor Kvistad's question about hiring an employee rather than a consultant.

Jennifer Sims, Senior Director/Chief Financial Officer of Administrative Services, said historically, the database administration function had been in-house, but there had been high turnover. They attempted to recruit, but have not been able to attract a qualified party due to Metro's salary structure. The database administrator consultant would be used to fill in and train an existing staff person. In the meantime, they are in the process of working with the bargaining unit and researching their options for retention and attracting qualified people to fill the positions.

Councilor Atherton asked if the bargaining deal includes a way to retain a current staff member who is trained in PeopleSoft, as qualified people can command a salary of \$90,000, for which Metro's structure does not allow.

Ms. Sims said they are considering a combination of an increase in pay ranges for positions that are difficult to recruit and retain, and a bonus system for employees who stay.

Councilor Atherton said he would support this measure because he believes it is reasonable and timely.

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

9. RESOLUTIONS

9.1 **Resolution No. 99-2740**, For the Purpose of Authorizing the Executive Officer to Execute a Programmatic 4(f) Statement and Negotiate a right-of-way agreement with Clackamas County Department of Transportation and Metro property.

Councilor Atherton presented Resolution No. 99-2740. The substance of his remarks may be found in the staff report, a copy of which is included in the meeting record.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2740.

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

Motion to Amend Main

Motion: **Councilor Atherton** moved to amend Resolution No. 99-2740. A copy of his amendment is included in the meeting record.

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

Presiding Officer Monroe asked Dan Cooper, General Counsel, if the amendments proposed by Councilor Atherton are substantive and would delay action on the ordinance.

Mr. Cooper said action would not need to be delayed because it is a resolution, and not an ordinance.

Councilor Atherton spoke to his amendments. He said the first amendment would clarify that it would be a sale of land, at market value, and not a taking of land. The purpose of the second amendment is to clarify for the Oregon Department of Transportation (ODOT) and Clackamas County that parkway will not be used in any way to pay for the added expense of the bridge.

Councilor Atherton clarified that the second amendment would follow the last sentence of paragraph 1(d) under BE IT RESOLVED, and would be a separate sentence. He added the proposed language should read "Ceosts of the bridge will not be included in the cost of the project."

Mr. Cooper recommended that the Council clarify the expected funding source for the bridge: whether they would use transportation funds out of the project, or from another source.

Heather Nelson Kent, Planning and Capital Development Manager, Regional Parks and Greenspaces Department, said her understanding was that Councilor Atherton's amendment was to ensure that the cost of the bridge, which might be an additional cost to the project, would be paid for with transportation funded project, and not with other funds such as park funds. She said she is concerned that

the amendment is correct as written, and the result of adding the word “not” would be the opposite of Councilor Atherton’s intentions.

Councilor Atherton and Mr. Cooper agreed. Councilor Atherton clarified that the proposed amendment would stand as written.

Councilor Bragdon said he supports the amendments.

Councilor Park asked Ms. Nelson Kent or Mr. Cooper about the effect of substituting the word “sale” for “taking.”

Mr. Cooper said he saw no harm in using the word “sale” to reflect the actual events, which is a sale and not a condemnation.

Councilor Atherton said this action is supported by North Clackamas Parks and Recreation.

Vote to amend

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

Vote on the

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

9.2 **Resolution No. 99-2747**, For the Purpose of Authorizing Request for Proposals for an Exhibit Fabricator at Oregon Zoo.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 99-2747.

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

Councilor Kvistad presented Resolution No. 99-2747. The substance of his comments is included in the staff report, which is part of the meeting record.

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

9.3 **Resolution No. 99-2750**, For the Purpose of Approving an Intergovernmental Agreement with the City of Portland for Reforestation on Metro Open Spaces Property.

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2750.

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

Councilor Washington asked staff to give the Councilor report on Resolution No. 99-2750.

Jim Desmond, Manager of Open Spaces Acquisition, presented the resolution. The substance of his comments are included in the staff report, which is part of the meeting record. He added that the reforestation of properties purchased through Open Spaces bond money is time and labor intensive, and needs a licensed forester, which Metro does not have. Under the direction of the Executive Officer and the Council, he and his staff worked to contract out these services. He said his staff would continue to

serve in an advisory role to the City of Portland Bureau of Environmental Services (BES) Watershed Re-Vegetation Program.

Mr. Desmond said he is aware that the Council has received phone calls and correspondence from citizens objecting to the resolution. He addressed two of the citizen's concerns. First, some had suggested using Salmon Corps or other volunteer groups in lieu of the foresters. The problem with that suggestion is that volunteer groups are typically labor groups, not foresters, and they are not in the position to take on the 800-acre project. He said volunteer organizations would be involved in the project where appropriate. A second concern is that the Re-Vegetation Program is housed at the Bureau of Environmental Services; some have questioned the record of the BES in environmental matters. He said this issue is more difficult to address, but he has been extremely pleased with the work done by the Re-Vegetation Program, and they share the same philosophy. He said BES has contributed about \$700,000 toward the acquisition of Metro Openspace properties and has been an excellent partner in the Metro Greenspaces Acquisition effort.

Presiding Officer Monroe said there would be a public hearing on the resolution.

Councilor Kvistad asked if the IGA explicitly states that plants used in reforestation must meet Metro's guidelines for native species.

Jim Morgan, Senior Regional Planner, Open Spaces Acquisition, said the contract must conform with Metro's policy to use strictly native species of increased diversity in all plantings.

Councilor Kvistad asked Mr. Morgan to provide documentation at the time of implementation to verify that the requirement has been met. He asked Mr. Desmond about the Salmon Corps.

Mr. Desmond said he believes the Salmon Corps is a volunteer group affiliated with the Yakima tribe, and is typically comprised of young adults across Oregon and Washington who work on revegetation projects and other environmentally related efforts. He said Metro has used the Salmon Corps in the past and will continue to use them.

Councilor Kvistad asked about the terms of the contract.

Mr. Desmond said the terms of the contract are set out in the intergovernmental agreement (IGA) and are basically for the profession services and the forestry supervisory services and plant matter. He said the estimated annual cost will be \$20,160, which is significantly less than it would be through the private sector and retail plant cost. He said planting season is nearing and most of the activity will be conducted over the next few months.

Councilor Kvistad asked if Mr. Morgan has a process of monitoring in place.

Mr. Morgan said he has scheduled all the properties, the acreage, and when the properties are to be visited. The results will be reported to him as they occur.

Councilor Kvistad said Mr. Morgan answered his concerns about monitoring hours and results.

Councilor Park asked about costs involved in the project. He said he would like to discuss in the future whether it is good policy to have the private sector compete with the public sector.

Mr. Morgan said the purchase of plant material is coming from both the City of Portland and a few commercial growers who have worked closely with the department to develop the types of plants needed. He said the plant material needed is not commercially available.

Councilor Park said if the plant material is grown in the public sector, and not contracted out, then the demand is not created in the commercial sector.

Mr. Morgan agreed that there is a conundrum of trying to develop plant material commercially but at the same time, have it available for year-to-year projects. He said they are developing partnerships between governments and commercial growers.

Councilor Bragdon asked if the fee of \$40 per hour is for a strictly supervisory personnel fee.

Mr. Desmond said that was correct, the \$40 per hour fee is for the professional services for the City of Portland's foresters, who would supervise the work crews. He said the work crews could either be volunteers or groups to which the city contracts out.

Councilor Bragdon asked if a Request for Proposals (RFP) was submitted, and if staff knows the private sector market for those professional services.

Mr. Desmond said they did not enter into a formal RFP process because after making a few phone calls, it was clear that the BES rate was dramatically lower than any private sector rates.

Mr. Morgan said the purchasing of the plant material was through the city but most of the material does come from commercial suppliers, and there was a bid process to obtain the best possible price on the commercial market. He said the IGA would take advantage of the City's experience and its established relationships with commercial growers.

Councilor Bragdon asked about the advantages and disadvantages doing the work in-house.

Mr. Desmond said the Parks Department proposed both a parks forester and a volunteer coordinator in last year's budget, but agency was trying to limit new full time equivalents (FTEs). The department asked to prioritize the two new positions requested, and Charles Ciecko, Manager of Parks and Greenspaces, determined that the volunteer coordinator was the more eminent need. They were requested to see if they could hire a forester on contract for less money than a new FTE, so they are thrilled to have found an arrangement for \$20,000 to \$25,000 through the BES.

Councilor Atherton asked if Metro expects to purchase significant amounts of plant material in the future, and should consider announcing its purchase plans be announced to the private sector.

Mr. Morgan said no, he expects the amount of plant material purchased in the near future to stay the same or decrease.

Mr. Desmond added at this point, 4,000 acres have been purchased of a total goal of 6,000 acres, so they do not anticipate as many new properties.

Councilor Atherton said he understands the Weyerhaeuser and other large timber companies make plant materials available as donations, and he asked if Metro has taken advantage of that.

Mr. Morgan said normally they do not, mainly because if a planting is scheduled for January or February, and labor contracts are in place, the plant material needs to be committed. He said most of the

surplus plant material does not become available until February or March. He said they have used it in the past when they have added on additional acreage or properties.

Presiding Officer Monroe opened a public hearing on Resolution No. 99-2750.

Liz Callison, West Multnomah Soil and Water Conservation District, 6039 Southwest Knightsbridge Rive, Portland, said that Salmon Corps has an office in the Portland area. She read her letter into the record, a copy of which may be found in the permanent record of this meeting.

Chuck Fall, 3712 Southeast Salmon, Portland, said is concerned that Metro has taken over the management of Lone Fir Cemetery, in his neighborhood, but does not have a licensed forester on staff. He said 6,000 acres of openspace is a significant property issue, and not having a forester in-house is poor management. He recommended withholding action on Resolution NO. 99-2750 for further analysis. A copy of his testimony is included in the meeting record.

Presiding Officer Monroe closed the public hearing.

Councilor Washington clarified for Ms. Callison that staff was not brought in to sell the Council on anything; staff was brought in to inform the Council.

Ms. Callison asked if Councilor Washington was referring to staff from the Columbia Slough Project. Councilor Washington said he meant Metro staff.

Councilor Washington asked Ms. Callison for her suggestions on what the Council should do instead of the measures outlined in Resolution No. 98-2750.

Ms. Callison said she knows staff was had a number of discussions, including with the potential contractor, about doing an in-house project. She said she supports that idea. She does not think the Council needs to be pushed into a decision for this planting season. She recommended delaying action for a few weeks to a month in order to get more input. She said staff has not spoken with any members of the public, some of whom have experience, even on Metro projects.

Councilor Park asked Ms. Callison if suggestion of delaying a month and then going through another process, is essentially recommending that the planting not be done this year.

Ms. Callison said no, it would not necessarily hold up the planting. She said if the Council approves Resolution No. 99-2750 in a month, the planting should still be able to occur as scheduled. She asked if it would be a serious option for Metro to consider doing reforestation in-house, and if staff had ever asked the Council for a forester position.

Presiding Officer Monroe said according to staff testimony, a year ago in the budget cycle, a forester position was requested by the department, but the Executive Officer did not have the funding and it was not recommended to the Council.

Ms. Callison said if Resolution No. 99-2750 is not approved for this season, it would necessarily mean that the planting season would be lost.

Councilor Park asked Ms. Callison when she thought the planting could occur, assuming the Council did not approve the resolution, went through an additional process and tried to develop a volunteer group under Metro guidance. Secondly, he asked who had the ultimate responsibility of seeing that the project was completed in the Tryon Creek streambank project Ms. Callison coordinated.

Ms. Callison said completion of the Tryon Creek project was her responsibility; she applied for the grant and hired the necessary people. She said it may be possible to do some or most of the planting in the fall. She said Metro staff does not appear to be well aware of many of the community groups available to help with the work.

Councilor Park asked if the prior project was under the Forest Practices Act and subject to those rules.

Ms. Callison said no, they obtained funding for Oregon Department of Fish and Wildlife Restoration and Enhancement Board. She said it was a precedent setting project because it was the first time that agency had invested in an urban stream. She said the land was Metro park land, in Portland, and not subject to the rules of the Forest Practices Act.

Councilor Park asked Mr. Desmond if Metro is under any special rules and responsibilities because the land in question is under the Oregon Forest Practices Act.

Mr. Desmond said the properties that fall under the Forest Practices Act, which requires that a certain number of trees per acre be planted and nurtured so that they are free to grow at the end of five years. He said every season is important to reach that goal, and they are concerned that if plant materials are not planted now, they could be overtaken by exotic plants and crowding plants this summer. He said the next few months are critical in the process.

Councilor Atherton said he listened carefully to Ms. Callison and Mr. Fall, and they raised a number of interesting policy questions. He said he made a list of five clear policy points for the Council to consider in its decision making: 1) keep costs as low as reasonable, 2) use the efficiencies of the private sector as much as possible, 3) build up the ability to use volunteers to keep costs low and build a sense of community, 4) develop a long-range plan for urban forestry, and 5) the Council needs to ask the Executive Officer to develop a plan for establishing long-term funding. He said Ms. Callison made excellent points, but he is persuaded by staff that there are some lands which needs services immediately.

Mr. Desmond stressed the Parks Department's commitment to using volunteers and reviewed their current volunteer program. He said Ms. Callison's project at Tryon Creek was a model project and the department is thrilled with her work. He pointed out, however, that the Tryon Creek project covered about .5 acre in a densely populated, active neighborhood, whereas the proposed lands are much larger and more remote.

Councilor Washington said he appreciated the testimony from all sides. He said he does not find any compelling reasons in the testimony he heard to overturn the resolution, and he urged the Council to vote yes.

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

9.4 **Resolution No. 99-2751A**, For the Purpose of Appointing Nominee Ted Kyle to the Metro Committee for Citizen Involvement (MCCI).

Motion: **Councilor Washington** moved to re-refer Resolution No. 99-2751A to the Metro Operations Committee.

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

Councilor Kvistad made a point of order that at the request of the committee chair, a resolution may be re-referred without a motion. He said it is almost automatic, unless there is an objection.

Presiding Officer Monroe agreed, but said he would like Kay Durtschi, MCCI Chair, to speak before he asked for any objections.

Ms. Kay Durtschi, MCCI Chair, said she is happy to speak before the new Council and looks forward to the next year. She invited the Council to the meetings of MCCI, and thanked Councilor Bragdon for attending the meeting last week. She said she finds the method in which Resolution No. 99-2751A was re-referred to committee unsettling. She said MCCI is a chartered committee of Metro, and its bylaws are approved by the Council. She said MCCI follows a standard procedure, set out in its bylaws, to appoint nominees to the committee. MCCI is a committee of 27 people from the community within the Metro boundary, representing each of the Councilor districts and the counties at large. In addition, MCCI has written a set of principles which were brought to the Council and approved over a year ago. At least 14 of the current 27 members of MCCI are employed, and therefore MCCI holds its meetings in the late afternoon or early evening to accommodate those who are employed. She urged the Council not to discredit employment or place of employment because where members are employed is not a major criteria for membership in MCCI. She said MCCI is and has been composed of former Metro Councilors, business people, and citizen activists, and they are always seeking more diversity on the committee. Hence, she finds it appalling that a new member of the Council has sought to undermine the process followed by MCCI, which was in place and in progress before the name of MCCI's nominee came before the Council. She asked the Council to consider that MCCI does not feel it has conflicts of interest because they address citizen involvement. She asked the Council to carry the nominee's name forward and approve it as soon as possible so that MCCI can operate at full strength to ensure citizen involvement in all aspects of Metro.

Councilor Bragdon said he was not a member of the committee that forwarded the nomination to Council, although he did observe it was forwarded by a vote of 3/0. He said he was present at MCCI's last meeting, and noted that the nominee attended and was greeted by the committee with an enthusiastic round of applause. He said during consideration of Resolution No. 99-2750, the importance of volunteers and citizen involvement was stressed, and he would not want to do anything to discourage a legitimate nominee.

Presiding Officer Monroe asked Councilor Washington to comment on his intent for Resolution No. 99-2750.

Councilor Washington said his intention is to bring Resolution No. 99-2751A back to committee for further consideration.

Councilor Park said he recently spoke with an MCCI member from his district and was comfortable with the process that took place and supported the nomination, even though he had not met the nominee personally.

Presiding Officer Monroe asked for any objection to the motion. There was none. Presiding Officer Monroe re-referred Resolution No. 99-2751A to the Metro Operations Committee.

10. CONTRACT REVIEW BOARD

Presiding Officer Monroe recessed the Council Regular Session and convened the Contract Review Board.

10.1 **Resolution No. 99-2738**, For the purpose of Authorizing an amendment to Contract 920909 with Natural Data for a Database Administrator.

Motion: **Councilor Park** moved to adopt Resolution No. 99-2738.

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

Councilor Park presented the resolution. The substance of his remarks are included in the staff report, which is part of the meeting record.

Councilor Kvistad complimented Councilor Park on his presentation. He said while he has concerns about this item, as it relates to the total project, he feels it is important for the Council to move forward on Resolution No. 99-2738 in order to stay on its timelines. He said he will support the resolution.

Councilor Park urged an aye vote.

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

Presiding Officer Monroe adjourned the Contract Review Board and reconvened the Council Regular Session.

11. COUNCILOR COMMUNICATION

Councilor Washington apologized for any offense that may have been given during the meeting and said it was all meant in fun.

Councilor Park said he would like to continue discussions about the direction of Metro's volunteer programs and Metro's responsibilities under the Forest Practices Act. He said he would also like to use as much material out of the private sector as possible.

Councilor Kvistad said it is the Council's custom to give a hard time to new Councilors the first time they carry ordinances or resolutions at the full Council.

Councilor Atherton said as fellow pilots and farmers, he and Councilor Park have thick skins and are not bothered by the Council's attempts. He mentioned his hearing disability and said he is still learning the sound system in the Council Chamber.

Councilor Bragdon empathized with his two fellow new Councilors and said he would not be at Council for the next six months.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:37 p.m.

Prepared by,

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
012899c-01	1/21/99	Minutes of the Metro Council Meeting, January 21, 1999	TO Metro Council/FROM Chris Billington, Clerk of the Council	6.1 Consent agenda
012899c-02	1/27/99	Staff Report, Ordinance No. 99-795	TO Metro Council/FROM Michael Morrissey	Ordinance No. 99-795
012899c-03	1/28/99	Councilor Atherton amendments to Resolution No. 99-2740	TO Metro Council/FROM Councilor Atherton	Resolution No. 99-2740
012899c-04	1/26/99	Letter in support of Resolution No. 99-2740	TO Presiding Officer Monroe/FROM Mike Henley, NCPRD Director	Resolution No. 99-2740
012899c-05	1/28/99	Metro Operations Committee Report, Resolution No. 99-2750	TO Metro Council/FROM Councilor Washington	Resolution No. 99-2750
012899c-06	1/27/99	Staff Report, Resolution No. 99-2750	TO Metro Operations Committee/ FROM: Michael Morrissey	Resolution No. 99-2750
012899c-07	1/28/99	Copy of electronic mail regarding Resolution No. 99-2750	TO George Kraal (cc: Metro Council)/FROM Liz Callison	Resolution No. 99-2750
012899c-08	1/27/99	Summary of phone message from Chuck Fall	TO Metro Council/FROM Chris Billington	Resolution No. 99-2750 and 99-2751A
012899c-09	1/28/99	Summary of phone message from Dorothy Gage	TO Metro Council/FROM Chris Billington	Resolution No. 99-2750 and 99-2751A
012899c-10	1/28/99	Summary of phone message from Nancy Kelly	TO Metro Council/FROM Chris Billington	Resolution No. 99-2750 and 99-2751A
012899c-11	1/27/99	Summary of phone messages from Para Fadrey, Corinne Weber, Deedee	TO Metro Council/FROM Chris Billington	Resolution No. 99-2750 and 99-2751A

012899c-12	1/27/99	Kerbaugh Phone message from Mary Rigg	TO Rod Monroe, Jon Kvistad/FROM Mary Rigg	Resolution No. 99-2750 and 99- 2751A
012899c-13	1/26/99	Letter urging opposition to Resolution No. 99- 2751A	TO Metro Council/FROM Lewis Marcus	Resolution No. 99-2751A
012899c-14	1/27/99	Phone message from Sally McLarty	TO Metro Council/FROM Suzanne Myers	Resolution No. 99-2751A