

MINUTES OF THE METRO COUNCIL MEETING

February 25, 1999

Council Chamber

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

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 7:02 P.M.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said she would report on MPAC Communications during Council discussion of Resolution No. 99-2753.

6. METRO LEGISLATIVE UPDATE

Jeff Stone, Council Chief of Staff, said House Bill (HB) 2512, sponsored by Gary Hansen, the Contractors Business License Program, passed the House 58-0, and would go to the Senate. HB 2595, sponsored by Representative Kurt Schrader, which eliminated the 20-year buildable land supply requirement, had been referred to committee.

Mr. Dan Cooper, Legal Counsel, said he understood that HB 2595 was probably dead on arrival in committee.

Mr. Stone said HB 2657, which prohibits imposing construction excise taxes, sponsored by Representative Leslie Lewis, had a hearing today.

Mr. Cooper said he attended the hearing and spoke to Jon Chandler, Home Builders Association of Metropolitan Portland, and there may be a possibility to work with him on amendments to ensure that the Metro builders business license fee was not prohibited by HB 2657.

Mr. Cooper said HB 2658 prohibited land use regulations that established prices for housing or required sales to particular classes of purchasers. He said the bill was aimed at prohibiting what the home builders industry called mandatory inclusionary zoning. The Regional Framework Plan amendments adopted by the Metro Council last summer included a provision that the Affordable Housing Technical Advisory Committee (HTAC) may make a recommendation to the Council for a constitutionally valid mandatory inclusionary zoning requirement for local governments. He said the committee appeared predisposed towards HB 2658, and he and Metro lobbyist Ray Phelps remained neutral and informative in their testimony. He said he and Mr. Chandler would also work together to draft amendments on HB 2658.

Mr. Stone said there would be a hearing March 4, 1999, on SB 87 before the Senate Water and Land Use Committee. SB 94, the Wild Bill, had a work session on February 23, and it was scheduled to go the Senate floor either February 26, or early the next week.

Mr. Cooper said the advocates of SB 87 seem opposed to substituting the word "employment" for "industrial, retail, and commercial activities." He said he and Mr. Phelps hoped to meet with them soon to understand their concern and hopefully find an agreement. He said the second amendment they will propose was to clarify that the bill refers to the Metro UGB, and not each city boundary within Metro's jurisdiction. SB 94 was referred back to committee by the full Senate, amendments were passed during a work session, and it had been sent back to the Senate floor. He said the amendments appeared to have narrowed the scope of the bill, removing it from Metro's scope of interest.

Councilor Atherton asked to what committee HB 2595 was referred. Mr. Cooper said HB 2595 was referred to the House General Government Committee.

Councilor Kvistad asked if there had been any information about the rider concerning approvals on land use decisions. Mr. Stone said no.

7. PORTLAND METROPOLITAN AREA FEDERAL TRANSPORTATION POSITION PAPER

Richard Brandman, Assistant Transportation Director, presented the Portland Metropolitan Area Federal Transportation Position Paper. The Joint Policy Advisory Committee on Transportation (JPACT) forwarded the paper to the Council unanimously. It was the collection of the transportation priorities for which this region was requesting federal assistance for next year. The Portland Metropolitan Area Federal Transportation Position Paper included information presented by Mr. Brandman and was included in the meeting record.

Councilor Atherton asked about the environmental impact of the Columbia River Channel Deepening, and asked if JPACT considered the report by the National Institute of Marine Fisheries (NIMFs).

Mr. Brandman said he did not believe JPACT looked at the NIMFs report, but support for the project would be contingent on proper adherence to environmental regulations.

Councilor Atherton asked if JPACT considered the connection with the channel deepening project and Metro's growth policy, and whether the project would be more appropriate at a different port on the Columbia River, so that all of the economic power and population growth was not concentrated in this region.

Mr. Brandman said to his knowledge, that was not discussed at JPACT.

Councilor Bragdon said all of the other ports along the Columbia River, both in Washington and Oregon, supported the project.

8. CONSENT AGENDA

8.1 Consideration meeting minutes of the February 18, 1999 Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of February 18, 1999 Regular Council Meeting.

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

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9. RESOLUTIONS

9.1 **Resolution No. 99-2753**, For the Purpose of Authorizing the Executive Officer to Sign Neighbor City Intergovernmental Agreements with the City of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2753.

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

Councilor McLain presented Resolution No. 99-2753, which would approve an Intergovernmental Agreement (IGA) among the Cities of Sandy and Canby, Clackamas County, Metro and Oregon Department of Transportation (ODOT). A committee report and staff report to the resolution included information presented by Councilor McLain, and were included in the meeting record. She said Resolution No. 99-2753 was unanimously supported by MPAC, and the mayor of Wilsonville submitted a letter stating the City of Wilsonville's support of the IGA. She said the new mayor of Gresham expressed some concern, but was reassured by the mayor of Sandy that the IGA would not prevent all development in the green corridors. She said public notice would occur prior to any zoning changes by the jurisdictions.

Presiding Officer Monroe opened a public hearing on Resolution No. 99-2753.

Terry Prince, Councilor, City of Canby, said the City of Canby supports Resolution No. 99-2753. He stressed the importance of greenspace in the region, and said it was important for cities and counties to continue working cooperatively with each other.

Presiding Officer Monroe closed the public hearing.

Councilor McLain noted three maps of the IGA agreement areas, which were included in the meeting record. She added that Lou Ogden, Chair of MPAC and Mayor of Tualatin, supported Resolution No. 99-2753.

Councilor Kvistad said he did not oppose green corridors or urban reserve criteria. He said he would not support Resolution No. 99-2753. Hundreds of families living in designated areas had not received notice of the IGAs. He said it was unacceptable to move forward without at least a notice to affected property owners.

Councilor Atherton said Councilor Kvistad's point about giving notice was reasonable if a change had been made to someone's zoning or ability to use one's property. He said Councilor Kvistad's concern did not apply to Resolution No. 99-2753, however, because the land had been designated rural reserves and there had been no administrative or legislative change in the status of the use of those properties.

Councilor Park said he initially shared some of Councilor Kvistad's concerns, and he discussed the matter with the City of Gresham. He said the City of Gresham stated at MPAC that while it was not entirely satisfied with the process, it was comfortable with the product. He said he still had some concerns about notification, but this would be a five-year process, property owners would have an opportunity to work with the jurisdictions, and none of the areas would be down-zoned. He said he would support Resolution No. 99-2753.

Councilor Kvistad thanked the committee chair and the Council for delaying action on Resolution No. 99-2753 so that it could be reviewed again by MPAC.

Councilor McLain said in regard to public process, Resolution No. 99-2753 did not change any zoning. As communities determined their comprehensive plans, any zoning changes that would affect property rights would occur after a full, local comprehensive outreach and notification process.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain, with Councilor Kvistad voting no. The motion passed.

9.2 **Resolution No. 99-2754**, For the Purpose of Endorsing the Use of Passenger Facility Charges for Construction of the Light Rail Project to Portland International Airport.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 99-2754.

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

Councilor Kvistad presented Resolution No. 99-2754, which would demonstrate regional support for the Port of Portland's application to the Federal Aviation Administration (FAA) to allow the use of some of the passenger facility charge (PFC) funds collected at the Portland International Airport for construction of the "terminal segment" of the light rail (MAX) extension to the airport. A staff report to the resolution included information presented by Councilor Kvistad and was included in the meeting record.

Mr. Brandman noted that the \$2.00 facility passenger fee increase mentioned by Councilor Kvistad was independent of this application; the airport light rail project could be done under the existing \$3.00 facility passenger fee. Mr. Brandman referred to a two-page brochure, Airport MAX Extension, which was included in the meeting record.

Joe Walsh, Airport Light Rail Extension Project Director, Tri-Met, reviewed the funding sources for the project. He said the FAA was expected to make its decision in May to approve or deny the use of PFCs for the airport MAX extension, and he was optimistic that it would be approved. He reviewed the public involvement, which included a public review committee with representatives of each of the stake holders. Public support had been very strong for this project.

Councilor Atherton asked Mr. Walsh what percentage of passengers were expected to use light rail to go to the airport.

Mr. Walsh said using the 15-year planning horizon, more than 7,500 riders were expected per day, or 2 million per year. He said the most conservative figures showed six percent of arriving and departing passengers would use the light rail.

Councilor Atherton asked how to present the proposal to the 94 percent of passengers who would pay for the light rail extension but not use it.

Mr. Walsh recommended stressing that two people on light rail equaled two less vehicles in the traffic stream. He said different people would use light rail depending on the type of trip.

Councilor Atherton asked if there were any plans for a high occupancy vehicle (HOV) lane on Interstate 205 from Clackamas County.

Mr. Brandman said there were no plans for an I-205 HOV in the planning horizon.

Councilor Atherton said he was appalled by traffic impact expected by 2015 due to the Cascade Station Portland International Center (PIC) plan district. He said he had not seen any funding proposals.

Mr. Walsh said it was his understanding that the traffic impact would occur with or without the Cascade Station development.

Councilor Kvistad said the airport was expecting a 50 percent increase in passenger traffic by 2020, and there needed to be some way to get people to and from the airport. This extension with the public/private partnership at least gave an option to not have to do massive expansion of existing road infrastructure in that corridor. There would probably need to be increases in either vehicle lanes or other sources of transit on all of the major arterials over the next 20 to 30 years.

Councilor Atherton said this could be a great opportunity to look at zones of impact and assess Metro's regional role in that. He said very few people from his district would be able to use light rail to get to the airport, but they would be paying the fees. He said he could support Resolution No. 99-2754 if it included plans to provide transit service to Clackamas County along I-205, and identified funding to mitigate congestion on the main roads to the airport.

Councilor Park asked how the PFCs at Portland International Airport compared to other major airports, such as Denver and San Francisco.

Jim Lauventhal, Port of Portland, said Portland International Airport was about thirty-third in the country in terms of passenger enplanements. He said in terms of Denver International Airport, he would estimate that Denver was roughly double the passenger count in Portland. He said he did not have any figures on Denver's landing fees, but they were substantially higher with the new facilities. He said in general, the airlines considered the Portland International Airport to be fairly conservative compared to other airports.

Councilor Bragdon said another factor to consider was that light rail to the airport would minimize parking, in addition to minimizing traffic congestion.

Mr. Lauventhal said there was still a major capacity problem that needed to be addressed, with or without the MAX airport extension project.

Councilor Atherton noted that the Cascade Station study talked about the north-bound I-205 findings and traffic study. It said an HOV lane, as a fourth north-bound lane, would be required, and it talked

about an extra on-ramp and widening the roads. He said this would be an excellent opportunity to extend that HOV lane into Clackamas County, where many residents of the region did not have convenient access to light rail. He said he wished the three dollar PFCs could help fund the necessary road improvements.

Councilor McLain thanked the voters for their vision on the westside light rail, because an extension connected to the east and west system was valuable. She said hopefully within the next 15 years, a south/north light rail alignment would serve residents in Clackamas County.

Councilor Washington called for the question.

Presiding Officer Monroe said he would allow Councilor Atherton to comment and Councilor Kvistad to close before taking a vote.

Councilor Atherton said he mentioned the issue of system development charges (SDC). He asked if the Port of Portland or the City of Portland had begun anything like that.

Mr. Walsh said there was an SDC charge for transportation on the project, and there was also one paid associated with the terminal facilities.

Councilor Atherton asked if that SDC was geared toward a zone of influence, and would it take care of those regional facilities such as 82nd Avenue, I-205, and Sandy Boulevard.

Mr. Walsh said the City of Portland had a list of projects in which they invest, and he assumed it did not include I-205, as it was a state facility.

Councilor Kvistad said the \$3 fee was universal across the country. The \$2 extended fee was what the federal government was working on now, which may or may not apply to the project. He said this package was unique in the country; it had terrific long-term ramifications for both transportation, the Port facilities, and the region as a whole. He recommended an aye vote on Resolution No. 99-2754.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain, with Councilor Atherton voting no. The motion passed.

9.3 **Resolution No. 99-2755**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2755.

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

Councilor McLain presented Resolution No. 99-2755. A staff report to the resolution included information presented by Councilor McLain and was included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, with Councilor Washington absent. The motion passed unanimously of those present.

10. CONTACT REVIEW BOARD

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

10.1 **Resolution No. 99-2739**, For the Purpose of Approving Sole Source Agreement for Aquanetics Systems, Inc., at the Oregon Zoo.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2739.

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

Councilor Atherton presented Resolution No. 99-2739. A staff report to the resolution contained information presented by Councilor Atherton and was included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, with Councilor Washington absent. The motion passed unanimously of those present.

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

11. COUNCILOR COMMUNICATION

Councilor McLain reminded the Council of the Metro Committee for Citizen Involvement (MCCI) retreat on Saturday, February 27, at 8:30 A.M. at the Oregon Zoo.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 8:18 P.M.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
022599c-01	2/18/99	Minutes of the Metro Council Meeting, February 18, 1999	TO Metro Council / FROM Chris Billington	
022599c-02	2/17/99	Draft map of IGA Agreement Area (Metro, ODOT, Canby, Sandy and Clackamas County) Neighborhood Cities Map		Res. No. 99-2753
022599c-03	2/25/99	Map of IGA Agreement Area (Metro, ODOT,		Res. No. 99-2753

022599c-04	2/24/99	Canby, Clackamas County) Map of IGA Agreement Area (Metro, ODOT, Canby, Clackamas County)	Res. No. 99- 2753
022599c-05	2/25/99	Airport MAX Extension	Res. No. 99- 2755