

## MINUTES OF THE METRO COUNCIL MEETING

April 8, 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 2:02 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

None.

### 5. MPAC COMMUNICATION

**Councilor McLain** said there would be a MPAC Coordinating Committee meeting and MPAC meeting next week; agenda items include performance measures.

#### 5-A. JPACT COMMUNICATION

**Presiding Officer Monroe** asked Councilor Kvistad for a report of the JPACT meeting that morning.

**Councilor Kvistad** said JPACT voted unanimously to begin environmental studies on the viability of a north light rail from the Expo Center to the Rose Garden Transit Center. The north light rail project would be independently funded without additional taxes. JPACT also voted to move forward on the development of a work program for Clackamas County for bus and other transportation improvements. JPACT also addressed the 150 percent cut list, which would come before the Council today.

**Councilor McLain** congratulated Councilor Kvistad on the tenor and results of the JPACT meeting.

**Councilor Kvistad** said that this region owed a debt of gratitude to Dick Rieten of Northwest Natural for his leadership on the north light rail project.

**Presiding Officer Monroe** commended the level of excellent, progressive leadership among Portland's business leaders. He said Mr. Rieten's activities were a classic example of this type of leadership which was the reason for the region's livability.

## 7. CONSENT AGENDA

7.1 Consideration of the meeting minutes of the April 1, 1999, Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of the April 1, 1999, Regular Council Meeting.

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

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

## 8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 99-796**, For the Purpose of Authorizing a Transfer of Metro Yard Debris Processing Facility License No. YD-0197 from Scotts Hyponex Corporation to Clackamas Compost Products, Inc. to Continue Operations at an Existing, Approved, Yard Debris Processing Site and Declaring an Emergency.

**Presiding Officer Monroe** assigned Ordinance No. 99-796 to the Regional Environmental Management Committee.

8.2 **Ordinance No. 99-801**, For the Purpose of Transferring the Solid Waste Franchise for Operation of the Citistics Reload/Materials Recovery Facility for Citistics, Inc. to USA Waste of Oregon, Inc.

**Presiding Officer Monroe** assigned Ordinance No. 99-801 to the Regional Environmental Management Committee.

**Councilor McLain** announced Amendment 8 on Metro's contract would not come up for a vote until April 15, 1999.

## 9. COUNCIL APPROVAL METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) 150 PERCENT CUT LIST

**Motion:** **Councilor Kvistad** moved to approve the MTIP 150 Percent Cut List as amended by JPACT.

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

**Councilor Kvistad** said the region was facing a critical shortage of transportation funding. He said the requests for funding must be narrowed from over \$300 million to \$75 million. He said JPACT approved the recommendations of the Transportation Policy Alternatives Committee (TPAC) with minor amendments. He said the 150 percent cut list was the first cut, the final cut will occur in a month. He said he hoped the state would vote to increase transportation funding to meet the needs that MTIP could not address with its limited funding.

**Presiding Officer Monroe** said the Council received a thorough briefing of the 150 percent cut list on April 6. He asked Andy Cotugno, Transportation Planning Director, for a summary of the changes made at JPACT.

**Councilor Atherton** asked Councilor Kvistad about his earlier statement that the 150 percent list was consistent with the Council's stated goals. He asked where the Council's goals were written.

**Councilor Kvistad** said the goals in the 2040 Growth Concept and Regional Framework Plan were used in the ranking, along with all the goals and objectives of all the jurisdictions and parties represented in JPACT.

**Councilor Atherton** asked if there were any criteria that evaluated the potential for the beneficiaries of projects to fund or participate in their funding. He said the topic came up recently during a discussion of local improvement districts, spheres of influence, system development charges, et cetera. The funds for making decisions about Metro's flexible funds were very valuable to Metro. There were transportation modes for which this was the only way that they could be funded. He asked if JPACT considered this issue.

**Councilor Kvistad** said yes, JPACT did consider this. He said different jurisdictions had different match criteria, and it depended upon a project-by-project basis. He said the problem was that there was billions of dollars of need and \$75 million in funding. He asked Mr. Cotugno to respond to the remainder of Councilor Atherton's question.

**Mr. Cotugno** said Councilor Kvistad was correct concerning the root source of the criteria; it came from the 2040 plan and was agreed upon by JPACT and the Council. He said the specific criteria and point system, however, was approved by the Council before JPACT solicited projects. He said preference was given to projects with public or private over-match.

**Councilor Atherton** said his concern was how the region could get out of its dire transportation funding situation. He said there was no better time to start recovering than right now. He said other funding options must be found and many community members support trail, pedestrian and bicycle options.

**Councilor Kvistad** stated that he supported a pedestrian and trail package in the 150 percent cut list.

**Councilor Kvistad** noted the two changes made to the 150 percent cut list at the April 8, 1999, JPACT meeting. First, Washington County dropped certain projects and added others; the effect was revenue neutral. Second, the Fanno Creek trail project was added at the request of local jurisdictions.

**Mr. Cotugno** said on the reverse side of the sheet they summarized all of the changes that occurred from testimony from the public hearing on 4/6/99 evening. The large sheet was the subject of action for the Council meeting (040899c-02) which may be found in the permanent record of this meeting. This sheet was the final cut list that incorporated these recommendations. Included in the packet was a model survey for the councilors to fill which gave Mr. Cotugno guidance on how much money the council would assign to each one of the modes with the top grouping being the 150% cut list and generally being the group that could spend the STP funds that were available. He asked councilors to fill out either the dollar column or the percent column but to assign no more than \$40 million to the first group and as much as the council wanted to the

second group. Mr. Cotugno's staff would then compile those results from the Metro Council and JPACT as they moved toward the final cut list.

**Councilor Kvistad** said one of the areas of controversy that there would be discussion about was on the road portion of the equation the maximum amount of money that could be spent on this side of the equation was 53% whereas on the alternative mode side of the equation, 100% could be spent. One of the big areas of contention would be the area of balance, also an area of concern expressed at the public hearing. The balance issue was still an area of concern especially on the west and south sides of the region. He said this was money that they were not expecting so this was an extra opportunity to fund some projects but it would be difficult to allocate equitably across the region. He felt that most of the projects that were on the list were deserving of funding, now it would be a matter of discretionary choice.

**Mr. Cotugno** noted that the very first project on the list was a project to fund the development activities, engineering activity for the Lombard Columbia connector. Freight shippers expressed concern about that connection. JPACT did not include that project in the 150% pot of money. However, they did say to ODOT, as a state highway, it really ought to be one of their next priorities. While this project was not the subject of this action, it was certainly out there as a statement of intent as Metro dealt with ODOT's portion of the program if that existed in the future.

**Councilor Kvistad** said that it was unanimously agreed to at JPACT to send a letter and memo to ODOT and the legislature letting them know that this project was a priority.

**Councilor McLain** asked Mr. Cotugno about Washington County taking three projects with lower rankings and replaced them with lower ranked projects. The only response to them she could make was that she assumed that Washington County, as a local jurisdiction, was looking at staging or issues of what could and should be done first. She wondered if they had that information when the projects were ranked. She thought it was pretty startling when they were reducing and taking out the project that ranked 16 out of 48, 11 out of 48, 12 out of 48 and replacing it with two lower ranked projects, 19 out of 48 and 43 out of 48. There had to be a reason for the selection of those particular projects. The second question she could not answer was that some of these requests were getting the project through the engineering stage versus the construction stage; were we digging ourselves into a deeper hole if we were putting off something that could actually be constructed in favor of something that was only going to be engineered and then not have money to take any of it to construction.

**Mr. Cotugno** responded that the trade off between engineering and construction was an important one. It was why ODOT was not spending money on developing projects, the message they wanted to send was why spend money on development when you don't have money to build the project. If you are pursuing money to build projects then you wanted to be completing engineering on projects, then, when you succeeded in getting the money those projects were ready to go and you didn't have to start from ground zero. It did take time to go through the engineering and environmental process. If, on the other hand, you didn't think you were going to get money, then you ought not waste the money on engineering for something that was not going to be built. The premise was we can't sit our hands, we have to build some of those projects, we have to get the engineering done because it did take so long. It may be that they would like to go to construction in two years and couldn't for three or four years so getting the engineering done pressed the issue. The specific thought process and debate that the Washington County Coordinating Committee went through was their acknowledgment that the I-5 Nyberg and Greenberg Road projects, which Metro recommended for construction on this list, had to go

through the engineering and right-a-way acquisition process. Metro would do this again in two years, Washington County's preference was that they were not going to be ready to go to construction within the next two years, other projects would be ready to go to construction with this money knowing that this review will occur again in two years at which time Washington County would be back asking for construction moneys. They did not want to encumber from this allocation the money that was not going to be going to construction.

**Councilor McLain** summarized that they were not ready to go to construction so they would like money for engineering because they couldn't use it on that project today. She then asked about the other two projects.

**Mr. Cotugno** agreed and added that it was true for I-5 Nyberg and Greenberg Road. On the Cornelius Pass project, it ranked well on the modernization category, the one that Hillsboro wanted to replace was one that was in the boulevard category, 15 out of 19. The Cornelius Pass project ranked well in the modernization category because it was a congestion location, the other one ranked on the boulevard category because it was more of an urban design concern for downtown Hillsboro than it was a congestion issue.

**Councilor Kvistad** followed up by saying that the Greenberg Road improvement were right in the middle of the regional center. They were in the process of finalizing the regional design center for the Washington Square area so this was engineering work that had to be done regardless.

**Presiding Officer Monroe** called for additional questions.

**Councilor Kvistad** thanked Mr. Cotugno, his staff, TPAC, and JPACT. The heavier lifting was still up coming. We would have had to determine those priorities, it would be difficult as there were competing priorities across the region but he thought they had a good partnership with JPACT. He thought this council had been a long time partner with all of the local jurisdictions. They would try to do the best they could for the entire region. He noted the upcoming schedule.

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

## 10. COUNCILOR COMMUNICATION

**Presiding Officer Monroe** announced that budget amendments should be submitted to Mr. Stone by Tuesday for consideration at the Council Budget Work Session on Wednesday, April 14th. A public hearing on the budget was scheduled on April 15, 1999 at the Council meeting. The Council/Executive Officer Informal meeting was canceled. The Budget Work Session on the 14th would be chaired by Councilor McLain.

**Councilor Washington** said during the Metro Operation Committee meeting there was a large contingent of people wishing to discuss the issue of Smith and Bybee Lake attempting to get Metro involved in the local share considerations to buy the Ledbetter Peninsula so that a jail could not be build on the property. There was a gentleman who was filming up at the dais. Councilor Washington felt that this was inappropriate, the dais area belonged to the council. Councilor Washington courteously asked the gentleman several times to go into the audience to do the filming. He ignored Councilor Washington's request. Councilor Washington expected respect, there had been several incidents where people had been rude. He was very upset but still remained respectful. He said this would never happen again on his watch.

**Councilor Kvistad** thanked the Council for coming to the five hour public hearing on transportation issues on April 6th.

**Councilor Atherton** reported that the Oregon City Commission debated at length the 20 year land supply mandate from the state and legislation that was currently before the legislature. The commission voted in favor of a resolution to ask the state legislature to repeal the 20 year mandate but also sent letters in regard to SB 87 and HB 2595, similar to the Council's action.

## **6. METRO LEGISLATIVE UPDATE**

**Ray Phelps**, Pacwest Communication, updated the Council on the legislation introduced at the request of Metro. Metro had five bills, of which now four were on the floor. One bill passed, the business license tax passed both the house and senate and was on its way to the governor for signature. In both houses there were only two persons voting in the negative and it had to do with a misunderstanding as to whether it was a tax measure as opposed to a facilitation process.

The pool chlorine bill SB 964 was up Monday afternoon at 4:30pm. Mr. Phelps indicated that because it was a solid waste measure he would be talking to Councilor Washington about this bill.

There would probably a hearing on the boundary change bill and the conservation easement bill within the next ten days. He had spoken to Councilor McLain about her availability to testify but he did not have any direction from the chairperson of that committee.

On SB 838, the lot line adjustment for open spaces, they were working with DLCD and the Farm Bureau to smooth out some concerns that they had. When the bill was initially introduced it got everyone's attention, now it appeared that most everyone was on board. The Oregon State Parks Department wanted the bill to pass.

Transportation funding bills were covered in the JPACT meeting, one was a \$.04 gas tax beginning January 1, 2000 with a \$10 increase in vehicle registration. Weight mile had not been calculated for that bill, HB 2082, was an AOI bill. AOI had to get aggressive, if they did not, there would be no funding. The 800 pound gorilla was the Oregon Truckers Association. They wished to eliminate weight mile. The flip side was that they were willing to agree to a diesel tax, that would be \$.01 over the gas tax. He spoke of the revenue cap without the weight mile. As a result they were talking about making up the difference in the registration fee. This set off the whole issue between intra and inter state. This was about a 12 fold increase being proposed. An in-state operator whose current registration fee was \$300 would see an approximate increase to \$3000. This would impact a lot of companies, there was no weight discrimination with this proposal. Consultants were looking at this to see if it was revenue neutral. Representative Lehman proposed an additional \$.02 getting closer to the AOI initial proposal of 3 and 3 in that the extra \$.02 would be used for modernization. There would be a 15 year sunset, the 15 years would be debt service. If you had the \$.04 and the \$10 vehicle registration increase, maintenance and repair could be covered with no modernization. He explained the distribution formula. The distribution was weighted very heavily toward local government.

Representative Lokan's bill, the ODOT reorganization, was on the Senate floor and it was going to pass. He concluded that we needed AOI, without AOI there was no funding mechanism.

**Presiding Officer Monroe** asked about SB 1031, granting boundary commission authority to Metro.

**Mr. Phelps** said this was one of the two bills he had mentioned earlier. He had spoken with Councilor McLain about this bill. It was his opinion this bill would have a hearing within the next week to 10 days. Councilor McLain would be testifying on that bill as well as on SB 1062, the conservation easement legislation. He noted the joint letter from the Presiding Officer and the Executive Officer on this legislation.

**Presiding Officer Monroe** indicated that Multnomah County Commission said they were planning to be very cooperative of our attempts to meet land use requirements. It was his hope that the legislature would move expeditiously on that bill.

**Mr. Phelps** said he had told the committee that there was no known opposition to either bill. Metro had had discussions with the three counties and the counties believed it was much more intelligent to have Metro control the boundary issues.

**Presiding Officer Monroe** asked Mr. Phelps his view of the current status of the prison siting issue.

**Mr. Phelps** said he believed that the governor would veto the bill, SB 3. Representative Krummel from Wilsonville, former mayor, had a working draft. He had put it in the process to have it printed, there would be a hearing on Day Road. The draft had essentially the elements that the Presiding Officer and Representative Krummel had talked about, particularly the Wilsonville tract. He believed that it would start through a hearing process within ten days. It did not yet have a bill number.

**Presiding Officer Monroe** asked if Brady Adams was still sitting on the Umatilla bill, had he signed it yet and sent it to the governor.

**Mr. Phelps** said the measure was still in the Senate.

**Presiding Officer Monroe** said his concern was that the longer he delayed sending it to the governor, the less time would be available to get another bill through.

**Mr. Phelps** said he did not share that thought, Representative Krummel's bill was moving on a track of its own. He felt there would be hearings on this bill.

**Presiding Officer Monroe** said until the governor vetoed the Umatilla site there would continue to be some people who would say, maybe the governor would change his mind about the veto.

**Mr. Phelps** said everything he had seen would indicate the contrary. He noted the inside baseball game going on with regard to quid pro quo. He did not have enough information concerning the bargaining process to give input on this.

**Presiding Officer Monroe** wondered if Mr. Phelps had any late information since his discussions with Representative Krummel two weeks ago.

**Mr. Phelps** said that he did not have further information.

**Presiding Officer Monroe** added that Representative Krummel was looking for a reasonable way out of this dilemma. He had made it clear to the people in the Day Road area, constituents of his, that if it came down to a choice between Dammasch or Day Road, he would be supporting

Day Road. This had also been the position of the Metro Council. The Wilsonville Dammasch Town Center Plan was a major part of the 2040 plan for additional housing in the Wilsonville area where there was a jobs-housing imbalance.

**Mr. Phelps** added that Representative Krummel looked at where the growth would be occurring and determined that Day Road had less need for housing than the Dammasch site.

**Councilor Atherton** asked about a report on SB 87.

**Mr. Phelps** said the measure was on the Senate third reading calendar yesterday but had been delayed until the following Tuesday.

**Councilor Atherton** said SB 87 concerned the 20 year land supply mandate from the State. He asked about HB 2595, the Metro Council had sent a letter to Representative Wilson, Chair of General Government Committee and asked for a hearing on this legislation.

**Mr. Phelps** said he had not seen a copy of the letter and was unaware that the Council had sent a letter.

**Presiding Officer Monroe** asked Mr. Stone to provide a copy of the letter to Mr. Phelps.

**Mr. Phelps** said SB 87 had come out of a process in this area, supported by CREEC. The bill initially started off not working for Metro, the more productive way of dealing with the bill was to make it workable where Metro could be satisfied that it could continue to do as it was doing. Metro was being proactive unlike most government agencies who had been very scarce in their willingness to help. He felt that SB 87 was workable and the Metro could continue to do the planning processes so it did not restrict or limit Metro in any way.

**Councilor Atherton** said he had seen a copy of the engrossed version which had been sent to the Senate for a vote. It still had the mandate in the bill. He hadn't seen any changes in the bill that made it acceptable to Metro.

**Mr. Phelps** said he would defer to Mr. Cooper, with whom he had been working on amendments, but he thought it preserved the status quo. Changes had been made to reflect new language such as "employment" which made it far more workable for Metro. When you plan on growth, you must make provision for employment. Making those changes in the legislation allowed Metro to continue forward.

**Councilor Atherton** said it was possible he was not looking at the correct copy of the bill. The one he had seen still required an inventory among the various classes of commercial land use.

**Mr. Cooper** said there was only one engrossed 'A' version of the bill. The significant difference between the language in the first bill and second bill version was the ability to use estimates and statistical methods rather than hard data that had to be determined. He believed, the language as written now, allowed the Data Resource Center to use the current methods they were using under their current work program to do the projections. What had been achieved had been an explanation to the proponents of the bill, what it was that Metro actually did. They were using language now which described what Metro did. The bill still repeated the 20 year land supply for housing that was in the current law, which was the legislative description of Goal 14's long term land supply. This was a policy issue. At times, the Council had expressed concerns about what that meant. What had changed was the description in the bill of how you did the calculations. The



bill now coincided with what the Data Resource Center did. If the bill was adopted it would allow the DRC to continue their work program instead of doing something different than they were already charged with doing.

**Councilor Atherton** said it was still a 20 year mandate, it was still the state legislature believing that they could plan our communities better than we could plan our communities and meddle in our affairs. This was still the overriding thrust of what the bill was about.

**Mr. Cooper** responded that the existing goals that had been in place on a long term basis, which Metro must comply with, had an economic development goal, a housing goal as well as the urbanization goal in Goal 14. The net effect of those goals, as reflected in our code provisions amended in 1992 while in periodic review, was to reflect compliance with all of the goals. Every five years Metro had to review the existing land inside the urban growth boundary to determine whether there was a need for a long term supply of land for both housing and employment. 'Long term' had been consistently construed by this council and LCDC in the past to be something around 20 years. What the statute did when 2709 was adopted was to fix that at 20 years rather than something around 20 years. If adopted, one of the effects that this bill would do, would be to fix "long term" at 20 years rather than around 20 years.

**Councilor Atherton** said there were 15 state goals that applied to Metro's planning program, housing and jobs were only two of those goals. This legislation was highlighting and focusing on those two goals. If the legislation included a 20 year supply of uncrowded school, uncongested roadway, parks, open spaces, fish in the streams, would that not be consistent with a critique of this legislation.

**Mr. Cooper** said he was not here to debate policy issues with Councilor Atherton. He pointed out that one of the things that this council, all local governments as well as the legislature struggled with was the difference between land use planning, comprehensive plans and ordinances which set requirements for development and how to fund required pieces that the public had always traditionally paid for in the past when there weren't public dollars now to do that. Transportation and schools were two very costly items. Metro had authority under their charter and the statutes to require local governments develop comprehensive plans and move the Urban Growth Boundary. Metro did not have authority to require any particular local government to budget in any particular way at any particular level and unless Metro wanted to go to the voters, they also had no significant way to raise money for transportation for road construction.

**Councilor Atherton** said you raised the issue of cost. He said perhaps that was the element Metro needed to focus on, who paid for this.

**Presiding Officer Monroe** asked Mr. Phelps his response on the letter that the Council had sent to Representative Wilson.

**Mr. Phelps** said he would follow-up on the letter and see if there was a possibility of a hearing.

**Councilor Park** asked about SB 87 regarding the timeline. Was the current timeline still in effect? What effect did that have on Metro if the timeline was still in effect? In the workload, would it allow Metro to stay in sync with what Metro was currently doing?

**Mr. Cooper** said he believed the bill, as written, would not require Metro to advance any timeline. It simply would be required when Metro did their next review. Metro was currently in a work program. He did not know when it was intended to be finished and it did not coincide with

Metro's current timeline for moving the urban growth boundary based on the housing need that was determined preliminary in December of 1997.

**Councilor Park** said he thought that under one of the original drafts there had been a timeline with date certians.

**Mr. Cooper** said they did not tie it to the timeline that was mandated by HB 2493 of 1997, 1998, and 1999.

**Councilor Park** said his opinion on this bill was that it was repetitive given what Metro had to do with the residential need, Metro had to calculate this need anyway. He believed the main discussion about the 20 year land supply would occur later. He then asked about Ballot Measure 66 bill. Was everything frozen until the school issues were dealt with and then they would see what money was left?

**Mr. Phelps** said yes.

**Councilor Park** asked about the progress with the House Joint Salmon Committee.

**Mr. Paul Phillips**, Pacwest, said they were meeting today. Ways and Means Committee was also looking at salmon funding. There was a lot of movement on this issue. The hearing that was held at Metro was a great success. The legislators reception of this hearing was exceedingly positive especially in comparison to other governmental units that participated. There was still some discussion as to who should be the lead agency in the tri-county metropolitan area. They expected there to be a different blue print out on the salmon plan. It had not come yet. There would be two public forums outside of Salem discussing the salmon plan before the end of the session. He would let the Council know about the dates and times once announced. It would be important for the council to participate in those forums. The salmon issue was dominating the natural resource discussion.

**Councilor Park** said his comment to that was that the only thing worse than responsibility without authority was authority without funding. If indeed it was decided that Metro was the best lead agency in the region for this responsibility, he suggested that the lobbyists carry his concerns about authority and funding to the legislature.

**Mr. Phillips** assured the Council that the Presiding Officer and Executive Officer had made that very clear to them, responsibility without funding was not something Metro was looking towards.

**Councilor Atherton** asked if they were going to have a council communication session on the agenda.

**Presiding Officer Monroe** said they had already had councilor communication but he would allow a continuation of that communication.

**Councilor Washington** said he wanted to assure our cable cameramen that his previous comments were not meant for them.

**Mr. Phillips** said the session was beginning to pick up speed. Bills would start moving through. He was sure that the Council would have opinions about some of the bills, he encouraged the council to let them know about letters being sent and issues that effected the agency or their constituents. They would be as responsive as they could be.

**Mr. Phelps** added that he sent daily emails to Mr. Stone, Mr. Cooper, Mr. Raphael, Ms. Goss-Duran and Ms. Kirchner.

**Presiding Officer Monroe** said it had been requested to return to Councilor Communications.

**Councilor Atherton** said he still thought the council needed to clarify their communication about SB 87 with the legislature and the business of the state mandating local jurisdiction on how they should carry out their planning program. He said that Mr. Park had analyzed this current bill as a “feel good” piece of legislation. He was uncomfortable sitting by, standing neutral on changing laws this way while this state’s interference process went forward. He felt that the Council should speak up on this and make it very clear that we did not support SB 87, that it was unnecessary, unwarranted.

**Motion:** **Councilor Atherton** moved that the Council send a communication to the legislature that the Council does not support SB 87, A engrossed version.

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

**Councilor Kvistad** said this would be a huge error on Metro part to do this. He believed to send a communication on this item would do nothing to enhance its options to be changed. If the Council was to send this letter, he would personally write a letter in support of SB 87 and lobby in support of SB 87.

**Councilor McLain** said she could not vote for this motion because we had spent a great deal of time working on amendments, talking to them about the meanings of the definitions and terms, and making sure that the legislation was something that Metro believed they could live with, with the status quo responsibilities that were put upon Metro with the 20 years land supply that was already requested of Metro through other legislation. With that type of a motion we would not change that responsibility. Metro would still have the residential work on its plate, the responsibility to deal with Metro’s goals which was a balance of residential and jobs, so we would be gathering that information even though we may not use the same methods that they started out thinking that they would want to have used in SB 87. She did not believe that this motion would change anything that was happening inside of Metro today. There was a bigger issue, a 20 year land supply in residential and industrial as well as having the state involved in requesting that any local jurisdiction have a 20 year land supply. She felt that this Council needed to continue to discuss this issue but she did not believe that this motion was going to help us do that nor did she think that the timing on the motion would help the council have a good conversation on those issues. She would be voting no on the motion with the understanding that she still wanted to have the 20 year land supply discussion.

**Councilor Park** said he would be voting no on the motion. He personally did not believe in the 20 year land supply but he felt there was a bigger issue and that was one of credibility of this council. He said what Councilor Atherton brought up concerning the 20 year land supply issue was a different issue. He felt it would be debated in the region and across the state but he did not think SB 87 was the correct vehicle at this point in time.

**Councilor Washington** said he would not be supporting this motion. The method and timing was not good.

**Presiding Officer Monroe** said he had been working very hard to build bridges with the legislature to try to improve the image of Metro in Salem and to try to get folks in Salem to listen to Metro on issues that were of dire concern not only to the region but to the State of Oregon to try to convince them that there was not two Oregons, there was one Oregon and that we were all in it together. He believed that if this motion was successful today it would undo everything he and the lobbyists had been trying to accomplish for the last four months so he could not support this motion.

**Mr. Phillips** said starting in September they had worked with Councilor Kvistad and the Executive Officer to reposition Metro with the legislature and focus in on a group that they would work with proactively. They might not always agree but when we disagreed they would know why and what the policies were and that we would work for amendments that would help Metro. That relationship had been phenomenally successful thus far in the session. The Committee, specifically on SB 87, had adopted, adjusted, changed and been responsive to Metro's requests. He had served 14 years in the legislature and 5 years in the governor's office, one of the things that frustrated the legislators the most was when you worked diligently with a group that had an interest, adopted their changes, then all of the sudden they were against you. It made you wonder why you worked with them in the first place. Why bother. He suggested that there was a deeper philosophical issue that the Council needed to debate in this forum at a different time and determine where the Council wanted to go with the 20 year land supply issue. This was a legitimate public policy debate separate and apart from a bill that Metro had been working on with legislators, some of whom were not from this area, but had been responsive to Metro's requests. Changing positions now, which the resolution did, would not be the best way to position Metro from a communication stand point. This did not say that the issue wasn't legitimate, he was not sure now was the time to do it in this bill. It would make Metro's lobbyists job much more difficult. He encouraged the Council not to change direction on the bill.

**Councilor Atherton** said the reason that he made the motion was to provide clarity to the conflict that was at hand. The discussion that the Council had just gone through provided that clarity to the Council and to the public. Councilors McLain and Park had suggested that perhaps this was not the time to fight this fight but we did need to point out a time when we did come to a recognition of this issue. He felt the current recommendation of the council to ask for a hearing on the bill was a positive direction.

#### **Withdrawal**

**of Motion:** **Councilor Atherton** withdrew his motion and asked his seconder if he would concur to withdraw the motion.

**Presiding Officer Monroe** said with Councilor Bragdon's agreement the motion was withdrawn.

**Councilor Bragdon** concurred.

**Mr. Cooper** added that Mr. Phelps had reported to him that HB 2880 and 3005 were going to have hearings tomorrow. HB 2880 would change the methods for calculating housing supply and force Metro to go back through the process all over again. The effect of HB 3005 would be to repeal the significant features of our Urban Growth Management Functional Plan which try to direct density along the transit corridors rather than sprawling the urban growth boundary. He thought Metro had started off with the assumption that those were bills that Metro was going to be instructing Mr. Phelps to oppose. He wanted to make sure the Council was clear on this so they did not have any misunderstandings about what they should be communicating to the committee.

**Presiding Officer Monroe** instructed the Metro lobbyists to oppose these two pieces of legislation vigorously.

**Councilor McLain** said those two were at the very heart of Metro's 2040 Growth Concept. It seemed to her that there should be a staff person accompanying the lobbyists to explain that concept.

**Mr. Cooper** said it was his recommendation to have an elected official explain the concepts. The planning staff was preparing testimony.

**Councilor McLain** indicated that she would be available to testify.

**Presiding Officer Monroe** said that Councilor McLain would speak for the Council.

**Mr. Phelps** suggested that Councilor McLain meet him at the information desk and Mr. Cooper provide her a copy of the bill for her review.

**Mr. Phillips** said he would be in Salem all day if she had any questions. These were pretty straight forward bills.

**Councilor Park** asked who the sponsoring agent was on both bills.

**Mr. Cooper** said 2080 was Representative Lewis and 3005 was at the request of Oregonians in Action.

**Councilor Kvistad** asked if anyone would entertain a motion to support either of those bills?

**Councilor Park** said he may be available to go to the hearing as well.

**Presiding Officer Monroe** said without objection it was so ordered that Metro was in opposition to those two bills.

**Mr. Phillips** cautioned that there may be several bills like this that could show up next week because of the April 22nd deadline for hearings.

## 11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:38 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

Document	Document Date	Document Title	TO/FROM	RES/ORD
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Metro Council Meeting

April 8, 1999

Page 14

Number

040899c-01

4/8/99

JPACT Revisions of  
TPAC's Priorities  
2000 "150%" Short  
List and Requests to  
Revise the TPAC  
Recommended 150%  
Short List received at  
the 4/6/99 Priorities  
2000 Public Hearing

TO: Metro  
Council FROM:  
Andy Cotugno,  
Transportation  
Planning  
Director

040899c-02

4/8/99

JPACT Approved  
Priorities 2000 150%  
Short List

TO: Metro  
Council FROM:  
Andy Cotugno

040899c-03

4/8/99

Draft JPACT  
Resolution

TO: Metro  
Council FROM:  
Andy Cotugno