

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, April 21, 1999

Metro Council Chamber

Members Present: Ed Washington (Chair), Bill Atherton (Vice Chair), Jon Kvistad
Others Present: David Bragdon

Chair Washington called the meeting to order at 3:36 PM.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

3. CONSIDERATION OF THE MINUTES OF APRIL 7, 1999, METRO OPERATIONS COMMITTEE MEETINGS

Motion:

Councilor Atherton moved to recommend adoption of the minutes from April 7, 1999, meetings of the Metro Operations Committee.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad abstained. The vote was 2/0/1 in favor and the motion passed.

4. RESOLUTION NO. 99-2763, FOR THE PURPOSE OF REALLOCATING MULTNOMAH COUNTY LOCAL SHARE FUNDS AMONG EXISTING PROJECTS

Chair Washington opened a public hearing at 3:40 PM.

Kevin O'Sullivan, 7624 No. Kellogg Street, Portland, OR, 97203, read his testimony into the record. (A copy is attached to the meeting record.) He urged Metro not to support Multnomah County's siting a jail on the Leadbetter Peninsula and requested the county seek another site. If not that, then he requested that Metro purchase a 1500-foot buffer on the peninsula to protect sensitive species. In addition, he asked that Metro minimize or eliminate use of bond funds for capital improvements.

Councilor Atherton said he understood Mr. O'Sullivan's comments pertaining to the Leadbetter Peninsula. However, he said the resolution at hand related to use of the Multnomah County local share funds. He asked Mr. O'Sullivan if he had any comments on the fact that nearly half of the funds would be used for capital improvements rather than land acquisition.

Mr. O'Sullivan said he felt strongly that the funds should be used for acquisition first and foremost. He said the Peninsula should be a factor, because what happens there would affect Metro's interest in the property that neighbors the peninsula. To protect that interest, at a minimum a 1500-foot buffer should be purchased with those funds.

Councilor Atherton asked if any citizens from the north Portland neighborhoods sat on the Smith and Bybee Lakes Management Committee.

Mr. O'Sullivan said no citizens from the North Portland neighborhoods sat on that committee, although one seat designated for those neighborhoods has been vacant for several years. He was not sure why. He said his organization was concerned about its lack of representation on the committee.

Councilor Atherton asked who appoints the memberships.

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Mr. O'Sullivan said he believed it was the Smith and Bybee Lakes Trust Fund Manager, which means Metro and ultimately the Council.

Dennis Keepes, 9622 No. Pier Park Place, Portland, OR 97203, requested a fair evaluation of the purchase of the Leadbetter Peninsula to add to the Smith and Bybee Lakes Wetland Preserve. He had three questions he felt needed better answers: 1) Why has not the best science been used to evaluate the Peninsula? The most current study says the painted turtle needs 1500 feet for habitat. This information was not used in evaluating the Leadbetter Peninsula. 2) Why did Metro refuse to seat his neighborhood representative on the committee that made the Leadbetter Peninsula recommendation? He said a seat was there for neighborhood representation, St. Johns Neighborhood Association elected a representative, but the person had been refused a seat. 3) Why haven't Metro Councilors reviewed and voted on Metro's conditional approval to site the jail at Leadbetter? He said that was a non-representative decision. He said it would be premature to vote money for capital improvements until those questions have been adequately addressed. He requested a letter be sent to the Port of Portland and Multnomah County immediately, stating that Metro's position on Leadbetter had not been approved by the Council.

Donna Babbitt, 9941 No. Willamette Blvd., Portland, said she had met with Chair Washington on the issue of the possible jail siting on the Leadbetter Peninsula. She said she wanted to tie up a few loose ends after that meeting. She expressed concern about the public trust. She felt the Councilors had been left out of a political situation. She felt the citizens of north Portland had been left out, also. She cited a letter sent by Executive Officer Mike Burton to Sheriff Noelle, Dated December 7, 1998, which in her view endorsed the Leadbetter Peninsula as a jail site. She said she felt conflicting information had been sent by Metro's Executive Officer regarding Metro's compliance with Multnomah County's intention to site a jail on the Peninsula and with Metro's stated mission to protect the area for wildlife. She said beyond using the money to purchase the Leadbetter Peninsula, the Multnomah County local share money boils down to public trust. She said that to gain the public trust, the money that the voters intended to be used for acquisition should be used only for acquisition.

Chair Washington closed the public hearing at 3:55 PM.

Chair Washington asked Mr. Ciecko to respond to concerns and questions raised by the citizens during the public hearing.

Charles Ciecko, Director Open Spaces, said that regarding the charge that the Smith and Bybee Lakes Management Committee endorsed the Leadbetter Peninsula as a jail site, he had re-read the letter sent to Sheriff Noelle on December 7, 1998, and a letter sent to the Multnomah County Commissioners on February 5, 1999. In neither letter does the management committee say it endorses the Leadbetter site for jail construction. The letters do list concerns and recommendations with the assumption that a "thorough and complete" public process be held first. The letters then state that if the site is ultimately chosen, the committee would like to participate to make certain the wildlife area would be protected as the project proceeds. Mr. Ciecko said neither the management committee nor Metro participated in selecting this site for the jail.

Mr. Ciecko introduced Jim Morgan, the executive office's representative to the Smith and Bybee Lakes Management Committee, to explain why a North Portland representative's position had remained vacant on the committee.

Mr. Morgan said when the committee was formed, the makeup was guided by the Natural Resources Management Plan, adopted by the Metro Council and the Portland City Council. One of the positions was designated for the Peninsula Neighborhoods Association, an umbrella organization for all the neighborhood associations in North Portland. That umbrella association subsequently dissolved and nothing took its place. The vacancy occurred after that, but no process had been designed to select a representative impartially from all the former member associations. The office of neighborhood associations for the city of Portland has since been asked to have the presidents of all the associations select a north Portland representative.

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Mr. Cieccko asked Mr. Morgan to address the issue of whether the peninsula had received a fair scientific evaluation as to its biological importance to the area.

Mr. Morgan said that prior to the fill's being added in 1992, the site had been a wetland. In 1992 it was filled under a 1989 agreement between the Port of Portland and other agencies. That agreement is currently being legally challenged, although at the time of the fill the Port acted in good faith. There has been no development on the peninsula since 1992. The fill, composed of dredge spoils from the Columbia and Willamette rivers, has been sterile, with low to no habitat value. Use by wildlife has been incidental as animals cross over it to reach other areas. However, development activities on the peninsula would have an impact on the surrounding area. The Smith and Bybee Lakes Management Plan addresses potential disruption. The sheriff's department has had to appear before the committee as any developer would need to, to ensure that the development complies with the overall management plan. The committee has the responsibility to minimize the effect of this or any other development on the management area. The county has been extra cooperative in this regard. He felt the management committee's obligation and desire to work with developers who are particularly cooperative had been misinterpreted by some. He said the committee does not endorse nor desire any development in the area, but development is bound to come and it would be unrealistic not to address it.

Councilor Atherton asked where a 1500-ft buffer would be. Mr. Morgan said it would include the entire peninsula.

Councilor Atherton asked when the results of the painted turtle study would come in. Mr. Morgan said early results are expected in December of this year but the study would not be complete for five years.

Mr. Cieccko addressed the issue of spending bond money only for land acquisition. He quoted from Resolution 95-2074A, the resolution that referred the bond measure to the voters: "In addition to the regional areas and trails, \$25 million of bond proceeds will be used to buy and make capital improvements on lands for local open spaces and trails." He said Metro had assumed responsibility for Multnomah County's local share, and the resolution at hand deals only with that. This resolution does not propose to change any of the regional target areas. Only a portion of the local share would be moved, and that because some projects had come in under budget or had been completed with other funds. Mr. Cieccko said many of the jurisdictions had taken advantage of the opportunity to reallocate local share funds under these conditions. No voters' trust would be compromised.

Chair Washington clarified that acquisition of the Leadbetter Peninsulas was not part of the resolution at hand. Mr. Cieccko said that was correct.

Councilor Atherton asked about the original local share budget estimates. He asked if a greater percentage of the money should be put toward acquisition now. He suggested perhaps there was a more pressing need for acquisition now than when the bond measure was originally passed.

Mr. Cieccko said two-thirds of the target acreage has been acquired and just under half of the funds remain. He was optimistic that with those funds the original goal of acquiring 6,000 acres could be exceeded. He said many people had now begun to ask when the properties would become accessible to the public. He said passage of this resolution would make some of the areas already available to the public--specifically Oxbow Regional Park and Howell Territorial Park--more accessible.

Councilor Atherton asked if Metro had ever used volunteers from apprenticeship programs on construction projects.

Mr. Cieccko said Metro has used carpenter's apprentices for construction at Blue Lake Park, but that would be an avenue to continue to pursue.

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Councilor Atherton said he understood that the Intergovernmental Agreement (IGA) with Multnomah County required a public process. He asked if there had been a public process. Mr. Cieccko said with the Multnomah County's transfer of its regional park facilities to Metro came the obligation on Metro's part to conduct the public process. Use of the citizens advisory committees and obtaining Council approval constitutes Metro's public process.

Councilor Atherton asked if citizens had participated as volunteers in construction projects. He noted that he had participated in such projects.

Mr. Cieccko said citizen volunteers had been used on trails and for plantings. He did not recall volunteers ever constructing buildings.

Councilor Kvistad said a program is in place that allows proceeds from the sale of homes acquired as part of larger acquisitions to be used to improve properties. This could replace some of the greenspaces bond money set aside for capital improvements.

Mr. Cieccko offered to provide more information on the proposed improvements at Howell and Oxbow that this resolution would allow.

Heather Nelson Kent, Planning and Education Division, said implementing the master plans that have already been approved by the Council would be high priorities. She showed an example of the water that comes from the tap at Oxbow. It was brown from iron in the water. She showed pictures of the primitive restrooms that exist there now and an old picnic shelter. (The are attached to the meeting record.) The water and electrical systems as well as the restrooms and picnic shelters would be upgraded. The camping area would be enlarged by 20 new campsites. .

At Howell, currently the park can be open only on weekends during the summer. There are no facilities for year-round use. None of the wildlife viewing areas is accessible to the public at this time. The improvements out there could provide a new regional park for the region. Improvements that could be done include adding paved trails that would be fully accessible for those in wheelchairs, a couple of picnic shelters, and a restroom. These facilities would complement the historic house that exists there now. A side benefit would be to relieve some of the pressure that Sauvie Island has had from visitors, to reduce conflicts between island residents and tourists.

Motion:

Councilor Kvistad moved to recommend Council adoption of Resolution No. 99-2763.
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Councilor Atherton expressed his appreciation for the explanations and pictures. He said he had raised the issue of using union apprentices for construction because he had had a good personal experience using such apprentices in the construction of a complex project. The experience was mutually beneficial. He said he still felt more of the money should be spent for acquisitions in response to calls from citizens who had expressed concern over the recent fish listings. Regarding the Leadbetter Peninsula and the jail, he said he cannot be too critical because Clackamas County has a jail problem, so many Clackamas County prisoners must be housed in Multnomah County. He said he could foresee some cooperation among the three counties for siting the jail.

He suggested amending the resolution to include a clause that would promise to seek innovative possibilities for reducing costs by using citizen volunteers, who also benefit by being able to participate.

Councilor Washington suggested leaving the resolution without amendments. He suggested the issue be addressed through a letter to staff encouraging use of volunteer citizens.

Councilor Kvistad said he had missed the last meeting, so he had not heard all of the discussion. However, he said he understood the frustration with siting a jail. He said his district had been going

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through the same issue in Wilsonville, and it was a mess. He said he did not think the jail siting should be mixed up with reallocation of the share funds. He thought they were separate issues.

Chair Washington said he would support the resolution. He said it was not about prisons; it was about reallocation of Multnomah County share funds. He did not want to get involved in the prison siting. That was not Metro's responsibility.

Councilor Atherton said that when this goes to the Council, he would offer language that if ways can be found to reduce costs, the savings would go toward acquisitions.

Vote:

Chair Washington and Councilors Atherton and Kvistad voted aye. The vote was 3/0 in favor and the motion passed unanimously

Chair Washington will carry the motion to a meeting of the full Council.

5. COUNCILOR COMMUNICATIONS

Councilor Atherton thanked the citizens who had testified for taking time out of their day to participate in this process.

On another subject, Councilor Kvistad said there was a possibility for the northern component of the light rail to go to the Expo center. He said that might entail doing work on some phase 3 components, namely sidewalks and pathways, depending on where the light rail is sited. He said this might be a subject of discussion in the next few months.

There being no more business to come before the committee, Chair Washington adjourned the meeting at 4:35 PM.

Prepared by,

Pat Emmerson
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 21, 1999

The following have been included as part of the official public record.

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
Resolution No. 99-2763	4/21/1999	Telephone message from Dorothy Gage to committee opposing use of funds for capital improvements instead of acquisitions	042199mop-1
	4/12/1999	Memo from Linda Hval, St. Johns Neighborhood Assn., to Multnomah County commissioners and Sheriff Noelle objecting to the jail siting	042199mop-2
	4/12/1999	Memo from Linda Hval, Metro requesting that it purchase the Leadbetter Peninsula	042199mop-3
	4/12/1999	Memo from Linda Hval, representation for St. Johns on the management committee	042199mop-4
	3/29/1999	Memo from Linda Hval, Metro appointing Kevin O'Sullivan to the management committee	042199mop-5
	4/15/1999	Follow-up information from Charles Ciecko on the Leadbetter Peninsula	042199mop-6
	4/21/1999	Written testimony from Kevin O'Sullivan	042199mop-7
	(no date)	Pictures of current facilities at Oxbow Park	042199mop-8

Testimony Cards

Kevin O' Sullivan, St. Johns Neighborhood Assn.
Dennis Keepes, Friends of Smith and Bybee Lakes
Donna Babbitt, resident of north Portland