

## MINUTES OF THE METRO COUNCIL MEETING

April 29, 1999

Council Chamber

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

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:07 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

**Presiding Officer Monroe** called Mike Houck to the dais to read the Metro Proclamation for the Thirteenth Annual Great Blue Heron Week, May 3 to 9. He then handed the proclamation to Mr. Houck.

**Mr. Mike Houck**, Audubon Society of Portland, 5151 NW Cornell Portland, Oregon said Great Blue Heron Week was a cooperative effort by Metro Parks and Greenspaces, the city of Portland Park Bureau, city of Portland Environmental Services, and a large list of community groups that had also participated in putting together the various events that would be happening between May 1 and May 9. He noted:

- May 1 was the Second Annual Student Watershed Festival at Whitaker Pond
- May 3 Presiding Officer Monroe and Mike Burton with City Commissioners Saltzman and Francesconi would be at Willamette Park to encourage streambank restoration, a publicly owned facility that promotes the re-establishment of fish and wildlife habitat in that park,
- May 5, at 10:00 a.m. the interpretive signs would be unveiled, these signs interpret the Van-Port flood as well as fish and wildlife habitat values out at Heron Lakes Golf Course.
- May 5, there would be a Peninsula Crossing Trail/Willamette Cove Trip
- May 8, Smith and Bybee Lakes
- There was a canoe and kayak trip planned around Ross Island and into the lagoon to look at the heron's nests in Ross Island, with over 100 canoes and kayaks launched from Willamette Park

The objective was to get people out to enjoy some of these areas so they understood why we had worked so hard, at Metro and elsewhere, to protect those areas. Mr. Houck appreciated the fact that the Metro Council had acknowledged this event, a first for the council.

**Presiding Officer Monroe** thanked Mr. Houck for spearheading the effort.

**Art Lewellan, 3205 SE 32nd Portland OR** said he supported quite a few of the projects that the council was working on primarily in the transportation area. He confined his projects to transportation and said he supported the airport MAX and the central city streetcar, but could not support the south-north lightrail. He worked on highway projects and believed the upcoming resurfacing of the Ross Island Bridge was a mistake and should be delayed. Citizens should know about the length of time that the bridge was due to be closed and the hassle of traffic throughout the region. They also should know that the Ross Island Bridge was being planned for its real improvements in the future. He suggested that we should not go through this resurfacing project, it was not a dire necessity to do this now, later only to have to repeat resurfacing or add a lane. Ross Island Bridge was so narrow it was not a safe bridge, either for pedestrians or for traffic. His diagram showed the ring around Portland of the highway system of I-5 and 405 and how all freeways were able to run onto this freeway except for the ones in southeast: 99, McLoughlin, and Powell Boulevard all led onto the Ross Island Bridge. Traffic had to cut through neighborhoods because of the deficiency of the Ross Island Bridge. The highway proposal that redirected traffic so that it remained on the highways rather than being forced to cut-through neighborhoods was a proposal that should be supported. He showed a diagram of how one could improve the corridors: Powell and McLoughlin, but they all lead to the Ross Island Bridge. Now that we had no options for new bridges across the Willamette, we needed to focus on the Ross Island. He felt this was an opportunity for improving neighborhoods on both sides of the bridge. We should not allow ODOT to do a band-aid approach for the Ross Island Bridge. He noted that there were terrific opportunities for economic development, improved access, and neighborhood development. He submitted his drawing for the record. His latest proposal for the highways was to create an entrance to I-5 on the Morrison Bridge. He had been working on it for a year, this could be done while delaying the resurfacing of the Ross Island Bridge.

### **3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

### **4. AUDITOR COMMUNICATIONS**

None.

### **5. MPAC COMMUNICATION**

**Councilor McLain** said there was a number of councilors at the JPACT/MPAC joint meeting yesterday. They were going through the regional transportation plan, reviewing the work that staff had been doing over the last few months. There were some interesting conversations that were brought forward as they reviewed the material. MPAC and JPACT talked about the next time they would meet together. Afterwards there was an MPAC meeting. MPAC reviewed the Urban Growth Report Work Plan which dealt with capture rate and some of the other issues, including underbuild, and some additional elements. One of the items that came up was the 70% factor that dealt with the capture rate, what they thought the information that was updated meant, and what they were hoping to see the Council do with that information. There would be a formal presentation on these factors by MPAC as they came through.

### **6. METRO LEGISLATIVE UPDATE**

**Mr. Dan Cooper, Legal Counsel**, said SB 838, Metro Open Space bill, passed out of committee unanimously and would go straight to the Senate floor with a positive recommendation.

Another bill came out of the Senate Water and Land Use Committee on Tuesday afternoon that was a bit of a surprise. It was Senate Bill 1187, as introduced it would have exempted any land to which an exception to Goal 3 and 4 had been taken from any other state land use planning goals. It looked like such a strange bill, that Metro didn't comment on it. Metro didn't think that anybody would ever consider such a thing and did not figure that the people that were proposing it probably had something else in mind, much more narrow than that—exempt all 750,000 of exception land in the state from any other land use planning requirements. There was an amendment made, and the bill came out of committee. The amendment narrowed the exception to just goal 14. The effect was that any land outside the urban growth boundary that was exception land could now be zoned for what had previously been considered an urban use. That would open the door for industrial, retail, high-density subdivisions. . He indicated that he and Mr. Phelps had talked separately with the lobbyist for the Oregon Realtors Association who were the advocates for the bill. They were told that the Association had no intention of disrupting Metro's management of the Urban Growth Boundary but the bill, as amended, did exactly that. It was Mr. Phelps and his recommendation to oppose this bill. It was hard to imagine how a bill that had that language in it could be corrected in a manner to narrow it to something that would be acceptable to the Council.

**Motion:**           **Councilor Atherton** moved to have the Metro Council oppose SB 1187.

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

**Councilor Park** asked in terms of the relationship to the Urban Reserve designation, those lands would also fall under this?

**Mr. Cooper** said it would.

**Councilor Park** asked if the net effect would be that it would allow parcelization under 20 acres?

**Mr. Cooper** said it would because the Urban Reserve rule was predicated on Goal 14, the bill probably totally blew out the urban reserve rule. Because all of our calculations of the 20 year land supply were predicated on assumptions that you would continue rural densities outside the Urban Growth Boundary, it completely changed the landscape of everything Metro was doing, and it was hard to assess what exactly it did do. It was very clear that it would be a major change in Oregon land use planning law. The consequences were vast.

**Councilor Park** recapped by saying the current urban reserve rule was to keep parcelization to a minimum, to allow for future urbanization at a useful density so you didn't have a development pattern that would inhibit that.

**Mr. Cooper** said that in any areas that were outside the Urban Reserves that were exception lands but might, at some time in the future, be needed as additional Urban Reserves might be subject to urbanization after this statute passed, and therefore would not be capable of acting as future reserves either.

**Presiding Officer Monroe** said we had made a conscious effort to maintain separation, at the request of people who lived in the Metro area and officials in the satellite cities of Sandy, Canby, Scappoose and Newberg satellite towns. This would allow urbanization to suck those satellite

cities into the big mass, unless the separation was entirely farmland, which in most cases it was not. Any time there was exception land in those gaps it would allow those gaps to cease and the whole concept of rural reserves separating cities would be lost.

**Councilor Atherton** asked who was the sponsor of the bill.

**Mr. Cooper** said it was introduced at the request of the Oregon Realtors Association.

**Councilor Atherton** said that was a disappointment. In conversations with people from that organization they had expressed their commitment to the land use planning program for the state of Oregon and to the concept that we needed to live in livable communities and build livable communities. We couldn't just live out in the country and exploit the cities. He was surprised by this because the bill would gut land-use planning in Oregon, and was designed to exploit the investment that we had made in all of our communities. He asked for an aye vote.

**Presiding Officer Monroe** asked which committee the bill came out of.

**Mr. Cooper** said it was from the Senate Water and Land Use Committee.

**Presiding Officer Monroe** asked what the vote was.

**Mr. Cooper** did not know.

**Presiding Officer Monroe** said the motion was for the Council to take a formal position opposing Senate Bill 1187 and instruct the lobbyists in Salem to try to get the bill defeated on the floor of the senate.

**Councilor Kvistad** asked if this required a majority or a unanimous vote?

**Presiding Officer Monroe** said it required a majority.

**Mr. Cooper** agreed that it required a majority.

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

**Presiding Officer Monroe** asked Mr. Cooper about other legislation.

**Mr. Cooper** said there was nothing further than was discussed on Tuesday.

**Presiding Officer Monroe** said he testified on SB 1313.

**Mr. Cooper** said that SB 1313 appeared to be subject to no further action in committee according to the chair.

## 7. CONSENT AGENDA

7.1 Consideration meeting minutes of the April 15, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of April 15, 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. 99-803**, For the Purpose of Amending Chapter 3.09 of the Metro Code Relating to Local Government Boundary Changes and Declaring an Emergency.

**Presiding Officer Monroe** assigned Ordinance No. 99-803 to Growth Management Committee.

8.2 **Ordinance No. 99-804**, Amending Metro Code Section 4.01.050, and Revising Admissions Fees and Policies at the Oregon Zoo.

**Presiding Officer Monroe** assigned Ordinance No. 99-804 to the Metro Operations Committee.

## 9. ORDINANCES - SECOND READING

**Presiding Officer Monroe** took Resolution No. 99-2776 out of order at the request of Councilor Washington, proposed committee members were in the audience.

10.4 **Resolution No. 99-2776**, For the Purpose of Appointing Lynn Taylor, Selena Mason, Judy Changers and Trevor Nelson to fill three Expiring Terms and One Vacant Position on the North Portland Rehabilitation and Enhancement Committee and Declaring an Emergency.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 99-2776.

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

**Councilor Washington** said that since 1995 the North Portland Rehabilitation and Enhancement Committee had awarded over \$1.3 million to 213 projects. The grants funds came from interest on fees collected by Metro from 1985-1991 on garbage disposed at the now closed St. Johns landfill. This fund had over \$2 million in it, and the committee awarded grants on the interest from the fund. Grants were awarded to projects that contributed to the quality of life in the community. Most projects included matching funds and donated labor. Resolution No. 99-2776 considered approval of four new members. Three of the new members would each serve a four-year term, Lynn Taylor from Arbor Lodge, Selena Mason from Kenton, and Judy Chambers from University Park. Trevor Nelson would fill the vacancy left by Larry Hollowbow from St. Johns for the next two years. The other three committee members were Jim Bennett presently on the committee from Overlook, Cheryl Butler from Portsmouth, and Gary Bone from Cathedral Park. As chair of this committee, Councilor Washington introduced the committee members that were present: Lynn Taylor, Selena Mason, and Trevor Nelson. He reviewed each prospective committee member's credentials.

- Lynn Taylor came to the committee with over 12 years in the neighborhood. She was a consulting teacher at John Bow elementary school for 10 years and is now an instructional specialist for Portland special education teachers. She also worked part time as a realtor in North Portland as well as being a board member of the Peninsula Community Development Corp.

- Selena Mason lives in Kenton and has been very active in Project Network, she has also worked with the Boys and Girls Aid Society and Parent/Child Services, Inc.
- Trevor Nelson recently purchased a home in St. John and is actively involved in St. John's 21<sup>st</sup> Century Steering Committee. He is an architect and interested in urban design and is currently on the AIE Urban Design Committee.
- Judy Chambers was unable to attend, she has been a resident of University Park for over 33 years and is currently on the Board of Directors for the Multnomah Education Service District. She has been involved for many years in the Peninsula School and Roosevelt High School Budget Committee.

He also thanked Ms. Katie Dowdall for all of her hard work on this committee.

**Mr. Trevor Nelson** shared his interests in the committee. There were many opportunities where his background in architecture and urban planning would be helpful in accomplishing the necessary growth and transportation planning that the North Portland area was facing.

**Ms. Lynn Taylor** said that she was excited to be part of this committee, having worked and lived in North Portland there had been a lot of changes taking place, all for the better. She was very impressed with the area and wanted to be part of the developments that were going on and invest in projects which enhanced North Portland.

**Ms. Selena Mason** shared that she had recently bought her home in the Kenton area, just over two years ago, and it was purchased through the Portsmouth Community Redevelopment Program. This program stipulated that she needed to stay in the house for 10 years before she could sell it, so she was tied to the house and neighborhood. She was excited to be able to work to enhance the community. She brought 20 years experience in social services, in program management and directing, and had submitted numerous grants and proposals. She wanted to now be on the receiving end.

**Councilor McLain** thanked them all for volunteering.

**Councilor Washington** thanked the nominees for their willingness to serve.

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

**Presiding Officer Monroe** said they would consider the budget beginning with Ordinance No. 99-793.

9.1 **Ordinance No. 99-793**, For the Purpose of Adopting the Annual Budget for Fiscal year 1999-00, Making Appropriations, and Levying Ad Valorem Taxes; and Declaring an Emergency.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-793.

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

**Mr. John Houser, Senior Council Analyst**, noted that the ordinance would go to the tax supervising authority after being approved by the Council. The Councilors had a document which summarized the monetary budget amendments which had been approved and those pending as well as budget notes which had been approved. He said there were two technical amendments before the council today. The first was the federal fund that the agency would receive to proceed with additional study-related work on a potential Columbia extension lightrail

line. The amount of that amendment was about \$4 million. The second item was to recognize the estimated level of expenditure related to the potential expansion of the Oregon Convention Center. That amount was about \$6.6 million. He said that this may seem like a relatively small number, given the potential size of that project, but it recognized that during the coming fiscal year the work would focus on preparatory work, like preparation of architectural drawings and design, obtaining of the necessary permits, and some of the early site preparation work. Staff had indicated that there would be a two year to thirty month timeline for the actual completion of that project. These changes were summarized in a final adjustments to the FY 1999-2000 proposed budget memo that was directed to the presiding officer from the executive officer. (A copy of these technical amendments may be found in the permanent record of this meeting.)

**Presiding Officer Monroe** said they should be considered separately. First, the technical adjustment for a study work for a Columbia River Lightrail line would be considered.

**Motion to**

**Amend #1:** **Councilor Kvistad** moved to amend Ordinance No. 99-793 concerning the technical amendments including \$4,000,814 for Columbia Extension of Light Rail and Various South Corridor Studies.

**Presiding Officer Monroe** said it was outlined in the April 26, memo entitled "Final Adjustments to the FY 99-00 proposed budget" on pages 1 and 2.

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

**Presiding Officer Monroe** asked about the funding.

**Mr. Houser** said it was federal money that came from the same source that would have financed a South-North lightrail in its entirety.

**Councilor Park** asked what was being taken in sections, the outline of the 26<sup>th</sup>?

**Presiding Officer Monroe** said the convention center capital project would be voted on separately. The current discussion was focused on the first two pages of the memo.

**Councilor Park** asked if this only dealt with the north section at this time.

**Presiding Officer Monroe** said this discussion was about the lightrail.

**Councilor Kvistad** reminded them that this needed to be budgeted and within the correct line items in the budgets, since they were not Metro general fund or Metro funds in and of themselves.

**Mr. Houser** said that they were budgeting anticipating the receipt of these funds, they didn't actually have them at this time.

**Presiding Officer Monroe** said they were essential creating placeholder—assuming that the funds would come, and when and if they did, the Council had already determined how they would be expended.

**Councilor Bragdon** said there was an element in these funds, as approved by JPACT, for the South corridor bus. He asked if this was included in this discussion.

**Presiding Officer Monroe** said it was. The money for studying the bus project on McLoughlin was also in this amendment, as well as the Washington County Commuter Rail Project.

**Councilor Atherton** noted that the amount of the funds indicated for the busway studies were an order of magnitude lower than those for the lightrail and asked for an explanation.

**Councilor Kvistad** said that Commissioner Lindquist was the advocate on JPACT and before this council on that project. At his request, and the request of the county commission, JPACT did not pursue any other alternatives. This was the alternative they asked us to pursue—south lightrail. In the meantime, rather than having a backup placeholder in terms of dollars to start a study or have a study in place of where would we go next, we had nothing available. We had made a commitment in this format to the county to say we understood that, because of the vote, lightrail was not going to the south at this time, but that didn't mean that the county was off of the planning list. We agreed to move forward as quickly as possible to create that backup plan, which we did, at their own request. That was the reason in terms of the dollar difference. We needed to plan it, know where it was going to go, know how it was going to work before we got to the point of allocating money. It was going to be six or eight months to get it started, and a year before we were going to have some idea of what that might run. In the next funding cycle we would figure how to fund that kind of a program.

**Mr. Richard Brandman, Transportation Planning Director**, said that the funding that was available for the South bus corridor study was the seed money that would allow us to do the alternatives analysis so we could determine what we would want to go out and eventually construct. The larger lightrail budgets that you were used to seeing here had been pass-through moneys primarily for engineering work, and it was more than seed money to get the lightrail study, it was actually to do the engineering work to get it ready for construction.

**Vote to**

**Amend #1:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Motion to**

**Amend #2:** **Councilor Washington** moved to amend Ordinance No. 99-793 by recognizing the estimated expenditures for the Oregon Convention Center expansion project of \$6,605,000.

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

**Michael Morrissey**, Senior Council Analyst, pointed out that, like the previous amendment, this was in anticipation of moneys arriving. The MERC staff said that there was information from the city of Portland that allowed Metro to do this, but they hadn't signed any kind of agreement with them, and there would be an IGA coming. Second he noted that this amendment reestablished a fund that was due to go out of order, the Convention Center Capital Project Fund. This would reestablish the fund as well as put money into it.

**Councilor Park** asked if this was merely a budget item or was it moving forward with the project.

**Presiding Officer Monroe** said it was a placeholder only, anticipating moneys coming from City of Portland. Metro and Multnomah County would have to raise two new taxes and send that money over. None of those things had happened yet, so this was just a placeholder.



**Vote to**

**Amend #2:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Mr. Houser** said that the Presiding Officer had indicated to his fellow councilors that he was going to bring forward a budget amendment. It dealt with the payment of dues to the National Association of Regional Councils, or NARC. The Council Office had checked and been advised by that organization that those annual dues would be \$8,840. He thought it was the Presiding Officer's intent that these funds would come from existing general fund resources. Probably the most appropriate place to budget them would be within the Council Office budget under the line item that dealt with Payments to Other Agencies.

**Motion to**

**Amend #3:** **Councilor Washington** moved to amend Ordinance No. 99-793 amending the Council budget to add \$8,840 to Materials and Services to pay annual National Association of Regional Councils dues.

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

**Councilor Washington** said these were the dues for National Association of Regional Councils. He had attended every year. Metro used to be active members of this organization. Metro was the premier regional government in the country. He urged the council to support this amendment, if they were going to participate, then they should pay their fair share.

**Councilor Atherton** asked if NARC ever had training or conventions on the west coast.

**Councilor Washington** said it changed. The national convention was in a different place every year. The spring convention for lobbying and training was always in Washington, D.C. NARC did training, but most of it was back on the east coast. However, he was sure that if there was a request to do it elsewhere, they would consider it. They were interested in working with everyone and would likely accommodate such a request.

**Mr. Houser** said there was also a western region of the association that consisted primarily of the west coast states. They had annual meetings which rotated among California, Oregon, Washington, and Idaho. On at least two occasions in recent years the meeting had been held in Oregon.

**Councilor Washington** thanked Mr. Houser for the clarification. This year the western session was in California and was a combination of the WCOG and the National Association in Monterey in June or July. Their western conference included training as well.

**Vote to**

**Amend #3:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Mr. Houser** said there were no other amendments that the analysts were made aware of.

**Presiding Officer Monroe** said the Council could not finally approve the budget today, but they would take up the resolution to send it to TSCC. Final approval of the budget would be on June 17. TSCC had scheduled a public hearing on the budget at 11:30 a.m. on June 10, he urged everyone to attend.

**Presiding Officer Monroe** asked if this was the same amendment that had failed before.

**Councilor Kvistad** said it was.

**Presiding Officer Monroe** said Ordinance 99-793 was still before them.

**Motion to Amend #4:** **Councilor Kvistad** moved to eliminated the Analyst position in the Executive Office budget.

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

**Councilor Kvistad** reviewed that the position had become vacant, that Mr. Raphael held. It was a \$65,000 position with pay and benefits. It had been filled since that vacancy occurred by the executive officer. In light of the fact that the Council approved a new \$100,000 position plus benefits, he felt that with the reductions in the council office, it would be prudent for the council to have this discussion.

**Presiding Officer Monroe** asked if this was the position that was currently held by Mr. Pete Sandrock?

**Councilor Kvistad** said it was.

**Mr. Burton** declined to comment on this.

**Councilor Atherton** said he opposed this amendment. In part, because they had a discussion two weeks ago where they talked about this agency's response to the endangered species act listing of the imperiled salmon in our region. We had a discussion at that time about how we could provide further service to the communities of the region and exercise a management role in watershed work. It was not timely, the subject did not come up in time to bring this to this budget, but we were examining it as part of WRPAC. Perhaps with a resolution from this council the expectation was that we were going to ask the executive officer's office to provide some serious management service in this regard and he thought this position was consistent with that expectation.

**Councilor Park** asked a point of clarification about the current carry over projected, and what was the carry over four years ago.

**Ms. Jennifer Sims**, asked if Councilor Park was referring to the general fund balance. Currently, based on revised tonnage estimates and actions of the council the projected ending balance at the end of this fiscal year was approximately \$350,000 and for next year it was about \$100,000. Four years ago it was approximately \$1.5 million.

**Councilor Park** asked how much of the \$350,000 was unexpended funds carried forward from this year.

**Ms. Sims** said all of it

**Councilor Park** said he meant how much had been authorized in the prior fiscal year by the prior council and was not expended. He asked how much of that made up the carry forward.

**Ms. Sims** said because their budgeted contingency and unappropriated amounts were higher than that, she could say all of that money was planned to be carried over and was not budgeted to be spent.

**Councilor Kvistad** said the council budget had a carry over of approximately \$85,000 and the executive office had a carry over of about \$17,000.

**Councilor Washington** said he would not be supporting this amendment because he felt the appropriate time to discuss it was some time ago. He felt the recent actions taken in this council would mean there was a mechanism in place to address these issues. He said everyone should be on notice that that was the way it was. He was uncomfortable with the way this issue was handled and felt they had taken steps to alleviate this kind of problem in the future.

**Presiding Officer Monroe** said that the Executive Officer had asked for a Council/Executive retreat to review, among other things, the budget process so council would have an opportunity to weigh in at an earlier time on the formation of the budget which would be a more appropriate way to deal with questions such as this.

**Councilor Kvistad** said the way the positions had been handled bothered him a great deal. He reminded council that when they started this discussion the office was still filled by the previous person and was becoming vacant. He noted it was filled with full knowledge that the position was to be eliminated in order to fund the new \$100,000 position now filled by Mr. Warner. He said the fact that the position had been filled was not the problem of the council. He said when they had discussed the roll over contingency for the NARC dues, the thought was that the council was being fiscally imprudent by running the unexpended balance down. He took great issue with that since the council had saved almost \$100,000 from their budget by managing staff and expenditures well. He said this did not have anything to do with the way Mr. Burton managed his office but it did have to do with the position. He had no problem with Mr. Warner helping with the management of this agency but did have a problem with the funding level. He believed the position was not a management or policy position and would not be used as such. He believed it was a political position. He felt that, in this particular instance, since the position was open, the council had a contingency. He felt that this amendment was appropriate, prudent and timely. He was not one to go after people's jobs but this was on the table and was filled to keep it, not filled to further the debate. He said he would like to see it cut and felt very strongly about it.

**Vote to**

**Amend #4:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Atherton, McLain, Washington, Bragdon and Presiding Officer Monroe voting no.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-793.

**Mr. Shane Endicott**, 2205 N. Humboldt, Portland, OR , director of the Rebuilding Center, a project of Our United Villages, 2015 NW 23rd, Portland, OR 97210, said he had been a part of an informal group of non-profit and for-profit businesses called the Metro Sustainability Forum which met at Metro to look at ways to enhance diverting solid waste out of the land fills. He said they had come to believe there was a great deal of capacity in the business to recapture and reuse a lot of the waste in this region. He said the rebuilding center diverted solid waste and remodeling and building materials aided by a grant from Metro for machinery to do it. He represented the group in asking for consideration of support for the development of a business revitalization work plan but open the work plan to include other local intermediaries so they could partner with Metro to leverage private money with Metro's investment, to increase the general account business

revitalization line item at least \$750,000 this year and continue to increase the fund each year for the next 3 years until the fund had approximately \$2.5 million to work with. He felt it would be a great service to the community to put this money into expanding recycling.

**Presiding Officer Monroe** thanked Mr. Endicott for his partnership with Metro to achieve recycling goals. He urged him to pay attention to the hearing schedule of Councilor Washington's committee on Amendment 8 which would change the funding and open up a secondary budget process.

**Councilor Washington** said he had conversations with Mr. Endicott and others and knew he would be testifying tonight. He asked the testifier to get his information to Mr. Houser so the requests could be reviewed.

**Mr. Robert Bole**, The Enterprise Foundation 1020 SW Taylor #800, Portland, OR 97205 noted a previous meeting where he introduced the Enterprise Foundation to the council and discussed their interest in working with Metro to create a resource for businesses. He had asked for the same things that Mr. Endicott had asked for today. He went on to describe his vision of how a business recycling fund could work and how the private sector could participate. He said he understood this was a significant leap for Metro but felt the partnership could work well. He urged consideration of participating in this project.

**Councilor Washington** suggested that Mr. Bole also get his information to Mr. Houser. He said Metro really wanted to do to very best in this area and appreciated the information and ideas.

**Mr. Dennis Brown**, Roof Gone Recycling, 205 NE 148th Ave Portland OR 97203 urged the council to support the Enterprise Foundation and encouraged other companies to participate also. He said he was still researching the best ways to recycle, on the east coast and in Germany.

**Councilor Bragdon** asked if other places did it better due to technological reasons we lack or was it a matter of the local market for the by-product of that recycling.

**Mr. Brown** responded that this was due to the lower tipping fee which did not promote recycling. He said areas that paid well over \$100 a ton had incentives to find different ways to manage the waste stream. He said they still needed to promote recycling even in the face of Metro's lowered tipping fees. In response to a question from Councilor Washington he said they used their reused roofing product for dust and erosion control, kind of like a mud barrier to the gravel.

**Presiding Officer Monroe** noted a letter of testimony from Jerry Rust dated April 28, 1999 regarding the budget and entered it into the record.

**Presiding Officer Monroe** closed the public hearing.

## 10. RESOLUTIONS

10.1 **Resolution No. 99-2749**, For the Purpose of Approving the FY 1999-00 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-2749.

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

**Councilor McLain** said it was an Oregon budget law that they take the budget at this stage of the proceedings and send it to the TSCC by May 15. TSCC would return it June 10 with suggestions, ideas and questions. The TSCC public hearing would be at 11:30 and there must be a quorum in attendance.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting nay.

10.2 **Resolution No. 99-2771**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline - April 1999.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-2771.

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

**Councilor McLain** said this resolution dealt with requested extensions from some jurisdictions so they could continue to work on functional plan requirements. She said the timelines ranged from October 2000 to September 1999 and were very specific about the tasks to be completed by the extension date.

**Councilor Kvistad** pointed out that many of the cities on the westside had been having difficulty with some of the compliance things. He felt the council had been very understanding of their needs and concerns. He was supportive of the resolution.

**Councilor McLain** clarified that giving extensions did not give exceptions and it was important to make sure they had adequate time to accomplish the work the council had suggested was important for substantial compliance. She reiterated that they were not exceptions.

**Councilor Park** asked Councilor Kvistad if the cities were having trouble with this compliance, did he believe that perhaps they should not be given additional land to have more to work on.

**Councilor Kvistad** said under the circumstances, if you looked at the list, most of them did not have that problem. Legislation going through and the land use decisions by Metro made more problems rather than less.

**Councilor Park** said he did not have a problem with land in Washington County coming in, it was the type of land.

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

10.3 **Resolution No. 99-2772**, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to Approve an Element of Tri-Met's Bus Purchase Program.

**Motion:** **Councilor Bragdon** moved to adopt Resolution No. 99-2772.

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

**Councilor Bragdon** explained that this item would amend part of the MTIP plan to allow Tri-Met to purchase buses with federal money and use their general fund money toward the airport lightrail program. He said this was contingent on the MTIP process continuing and did not preempt JPACT's decision about the final allocation.

**Councilor Atherton** felt this was clearly more about light rail than about buses. He said he was quite shocked when he read the study at the extent of the mitigation that would be necessary for the surface transportation problems that would be generated. He felt lightrail would not come close to mitigating the problems. From his experience at Kruse Way in Lake Oswego, he knew the full buildout impact had to be looked at. He felt Tri-Met could find a way to finance the \$18 million without using the region's flexible funds to push this private development project. He had abstained from the vote at committee because he did not have the full information and now felt he still did not have a great deal of information. He said he would vote no on this resolution because they had not looked at the full buildout implications of what they were setting in motion.

**Councilor Bragdon** urged an aye vote. He said this was a step toward the airport lightrail extension by giving Tri-Met the flexibility to use these funds to purchase buses and proceed with the partnership between Metro, the City of Portland and the private sector to make airport lightrail a reality.

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

## 11. COUNCILOR COMMUNICATION

**Councilor Washington** said his testimony regarding the employee may have come across that he was taking a shot at Councilor Kvistad. He said that was not his intent and hoped the council knew he never intentionally did that.

**Councilor Kvistad** said in 1993 and 1994, and again in 1997 and earlier this year, they had some discussion about having urban design workshops where the council could travel to actual mixed use developments to see what they were about. He had the opportunity to talk to some of the folks involved in Seaside and in Orlando as well as the Calthorped project outside of Sacramento. He thought perhaps, working through Councilor McLain's committee, they could put together a workshop each year to travel to see what other regions were doing. As we go into the next few years it was going to be more critical as we start doling out TDM money, talking about lightrail enhancements, where we might go and develop. He thought it would be worthwhile, we started this back in 1993 when Councilor Wyers was the Presiding Officer, and we went to Toronto Metro. It was an eye-opener about what the others were doing. It might be good for us. The Council didn't normally do it, it was not a junket. With as much as was coming up for this group of seven in particular to learn and see what was going on, and/or maybe have people from these communities come here to give us presentations, it might be an expenditure that would be worth our while. If Councilor McLain or the group felt that this would be worthwhile, there were some fascinating things happening and it would be very interesting for us to see them.

**Presiding Officer Monroe** said it was an excellent suggestion, and pointed out that Fairview Village, which was in our area, that he really enjoyed touring and learned a great deal from the site.

**Councilor Park** said Councilor Kvistad's suggested sounded intriguing and he hoped it would not be viewed as a junket. There were some critical questions that the Council needed to be looking at given that the round in Beaverton made the front page a couple days ago, and there was some value to looking at how these sites were put together. Fairview Village was nice, but it was an extremely small project, 20-30 acres. Some of these that they were putting together were hundreds of acres and he thought that the Council needed to look at some of these examples to

help them think outside the box. His other comment was related to what Councilor Washington said. In terms of looking at that position in the executive office, he echoed that it wasn't in terms of looking at the employee in the office, it's more in terms of what bothered him about the hiring at this particular time, when the council did not hire an individual, trying to help out with the budget. In his own business to look at the bottom line where the carry-forward was essentially zero, and then to go ahead and fill a position, that just made him uncomfortable. He wished the person well in the position, but the statement needed to be made, and he didn't think that Councilor Kvistad was taking a shot at anybody, it was just a good, healthy debate, and something that this council was willing to do, and he appreciated that.

**Councilor Washington** said he would love to go on a growth management expedition led by Councilor McLain, whether it was Fairview Village or wherever, he was looking forward to it.

**Councilor Bragdon** endorsed what Councilor Kvistad and suggested one opportunity to follow up on that. The Congress for the New Urbanism, which was a collection of planners, architects, and developers who did these types of development was actually going to have their conference in Portland in the year 2000. A lot of those people were going to come here, they all had slide shows and all kinds of things that they could share with us. Maybe if we stepped in and helped to host and encourage that happening, it would be a good chance for us to learn from them. Their conference this year was in Milwaukee. He and Councilor McLain had talked about that, and he was going to the conference, he had been offered a scholarship. The conference was in June. If he went he would bring back information.

**Councilor Washington** said in Sunday's Parade magazine there was an article revitalization projects in Chattanooga, Tennessee, and in one of the excerpts they had a picture of Portland as one of the cities that was doing it right.

**Councilor McLain** said Mr. Kvistad's idea warranted some review, but we might be able to get more involvement of the whole council or of people in our community that would be working with some of these ideas if we did do something here and invited others. As Councilor Bragdon pointed out there were a couple of opportunities coming up in the year 2000 that would allow us to do that. She didn't get to go on the Toronto trip, but she remembered that Mr. Kvistad and some of the staff members that went did indicate that they felt that it had been a worthwhile endeavor and that it had enriched some of their ideas. Maybe the Council could do both, it made some sense to try and make sure we did something here in the region and that there were other opportunities out there for us.

**Councilor Atherton** said that it was a good idea to look at examples of the way things could be done. He and Councilor Park were both pilots, had flown around the region. There were some examples here, in Oregon, of what could be seen from a light aircraft, and the conversations you can have. He would be willing to take any members of the Council up, between the two of us we could carry the full seven of us in two planes.

**Councilor Park** said it had been brought to his attention that our response to the court of appeals had been turned in and it was his understanding that it was going to be brought to the council prior to it being submitted for the Council to review and to see if it was within what they would like to have seen put forth. That opportunities had left us, but he wanted to note that that was what was supposed to occur.

**Mr. Dan Cooper** said if that was his understanding it was not his and he apologized if there was a misunderstanding, he delivered copies of the two briefs that they had already filed, and the third

one would be on their desks in the morning, when it was done. He thought they would find it consistent with the discussions they had about the positions they would be taking. He apologized for not clearing up the misunderstanding they had about whether he would have a chance to see that. They had two weeks to get it from the attorneys onto paper and printed and published and off to the court of appeals. They didn't think there was time to get through that pace, but he took responsibility for the misunderstanding.

## 12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:54 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
042999c-01	5/1-5/9/99	13 <sup>th</sup> Annual Great Blue Heron Week	Council/Mike Houck	
042999c-02	4/29/99	Ross Island Bridge Proposal	Council/Art Lewellan	
042999c-03	4/28/99	Letter from Jerry Rust	Council/Jerry Rust	Ord. No. 99-793
042999c-04	4/29/99	Memo Re: Budget Status	Council/John Houser and Michael Morrissey	Ord. No. 99-793