

## MINUTES OF THE METRO COUNCIL MEETING

May 13, 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 2:04 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

None.

### 5. MPAC COMMUNICATION

**Councilor McLain** said MPAC had done a good job of going through the factors in Growth Report. There was a presentation made by Elaine Wilkerson on each of the issues being dealt with at the Growth Management Committee. These factors included parks, schools, place of worship, capture rate, job and employment, infill and redevelopment. MPAC passed out the majority of the factors without changes. At the May 26th MPAC meeting there will be more information provided by staff but MPAC was passing most of this information on to the Growth Management Committee. More formalized recommendations should be forthcoming.

### 6. METRO LEGISLATIVE UPDATE

None.

### 7. CONSENT AGENDA

7.1 Consideration meeting minutes of the May 6, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of May 6, 1999 Regular Council Meeting.

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

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

## 8. RESOLUTIONS

8.1 **Resolution No. 99-2773A**, For the Purpose of Approving the Year 10 Annual Waste Reduction Work Plan for Metro and Local Governments.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-2773A.

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

**Councilor McLain** reviewed Resolution No. 99-2773A, one which had a long history with the Metro Council. She explained that this was the tenth year of this annual waste reduction work plan. She recognized Jennifer Erickson and Bryce Jacobson, Solid Waste Planners. They had done a very good job working with local partners to ensure participation in these waste production programs. The resolution indicated to the local jurisdiction that Metro would be allotting those dollars to the waste production programs that Metro had reviewed. She noted the staff report and Exhibit A. Exhibit A, one of the most important elements of this particular year's project and program. Metro was signaling to the partners that Metro believed they had gotten a lot of real good products out of this waste reduction program but that it was time for a reassessment and transition into a program that would highlight and concentrate on areas that Metro thought were problematic in trying to get very difficult items out of the waste stream.

There was an "A" version because they included a line in the resolution which said, 'the annual waste reduction work plan funding distribution to local governments is to adhere to the plan and satisfactorily complete the work plan elements'. She thought this was important because, again, they had indicated to the local jurisdictions through this resolution that Metro was really looking at product, performance, and making sure that they were following the RSWMP document. She noted a discussion in Exhibit A which described what the transition year for the Annual Waste Reduction Plan Task Force framework would look like. Metro had made a commitment to the local jurisdictions that they wanted to continue to be partners with them but that as the jurisdictions go through their next year budget cycle Metro was prepared to help and assist in what that type of budget would be at the local jurisdiction and where Metro would be putting those dollars to be more effective on those focused projects. She added that it passed out of the committee unanimously.

**Councilor Atherton** said he had not reviewed this legislation so he would have to abstain on the vote. He asked whether the plastic composting bins that had been distributed by Metro at a relatively low cost was part of this work plan again.

**Councilor McLain** responded that the bins were still part of the work plan. Metro was subsidizing it less each year, trying to make it reasonable for someone to be able to purchase it but each year the amount of subsidy has been reduced.

**Jennifer Erickson**, Waste Reduction Planning Division of REM, said she believed that the subsidy this year was approved by council in a special session. She thought it was about \$70,000. The Year 10 Plan included an assurance that they would continue the composting bin program for this coming year.

**Councilor Atherton** noted that this was on the second page.

**Councilor McLain** said that this resolution set out the framework. Metro did have some of the budget items that were in different line items. This resolution guided the administration of this program and gave the basic parameters of the program.

**Councilor Atherton** added that he was in the business of office building management where they used many florescent light tubes. These tubes contained mercury materials and he thought they were a hazardous product to handle. He wondered if it was possible to develop a product to handle these light tubes and encourage recycling of the tubes. He thought that the type of container that could hold these tubes could be made out of recycled plastic.

**Vote:** The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Atherton abstaining from the vote.

8.2 **Resolution No. 99-2774**, To Waive the Metro Urban Growth Boundary Annual Filing Deadline for NSP Development Inc. and Beaverton School District No. 48J Locational Adjustment Petitions on Washington County.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 99-2774.

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

**Councilor Kvistad** said this resolution brought forward two petitions for waivers for work needing to be completed by Washington County. The waiver did not evaluate the property, the process. All of the individuals involved and the presenters would have to move forward through the process, through the hearings officer and also meet an October 1 deadline. If either of the petitions were not completed and or the county work not done by October 1st then these waivers would be null and void and would have to go into next year's cycle. To delay these two petitions would do an injustice to both of the petitioners. He urged an aye vote.

**Councilor McLain** said she wanted to make sure that the Council understood what this extension requested, it was an extension for a locational adjustment. This was a minor locational adjustment that had to be less than 20 acres. Metro had an annual deadline of March 15th. These two individuals were not able to finish their work by March 15th. The Council had granted extensions before because of circumstances that caused the individuals to be unable to get their work in by the deadline. The second issue was that at least one of the parcels was not in an urban reserve, in fact, it had been taken out of an urban reserve by the Council before 1999. She said there were some circumstances that had caused Growth Management Committee members to asked whether the Council was setting precedent with these requests and if there was more detail that they should have an opportunity to consider. She said, as chair of the Growth Management Committee, she was more than willing to asked that the resolution be returned to the Growth Committee for further discussion. She suggested that after the public hearing one of the option could be to return the resolution to committee.

**Presiding Officer Monroe** opened a public hearing on Resolution No. 99-2774.

**Robert Simon**, representing NSP Development, 712 Main Street, Oregon City, OR 97045 said this locational adjustment was a 12 acre piece adjacent to the Urban Growth Boundary outside the City of Sherwood. Part of the property was already in the UGB and part was not. The only reason for their application was to work out a road alignment with ODOT. They were addressing Hwy. 99W issues as they related to the Tualatin Sherwood Road and the intersection of 99W. The

second issue was a well that they had on their property which produced a 1000 gallon a minute of water. The city would like to address both of those issues. They had adopted and had public hearings on a draft transportation plan. They had included these items in that plan. They were waiting on Washington County. Washington County was still in the draft phase of their transportation system plan. They had no desire to propose something that would not have Washington County's approval. Technically, they only needed public comment but in all realistic aspects, if they expected any favorable review by Metro Council they would like to have Washington County's supportive of their request. Until Washington County went through their transportation system plan process and got out of the draft phase, he did not believe that they could get that favorable recommendation. They needed the additional time for Washington County to get through their draft phase on their transportation system.

He added that the Council was probably aware of the water issue and how much water the City of Sherwood needed. This well was a significant addition to the water capacity of the city but again it was in an urban reserve outside the Urban Growth Boundary. These were the reasons they picked a locational adjustment. He said this area abutted the wildlife reserve. As part of this plan, they were going to see a significant contribution of acreage to the reserve. It only made sense that everything that was within the 100 year flood plain, which was approximately three acres, should become part of the wildlife reserve. In effect, only nine acres would be added because the additional three acres would be part of the wildlife reserve.

**Councilor Bragdon** said he was less interested in the plan because the merits of the plan would be dealt with during the process. He clarified that the reason that they needed an extension on the deadline was because of dealing with other government agencies such as ODOT and Washington County and the time table that they had for making those decisions.

**Mr. Simon** said that was correct, it was primarily Washington County and their transportation plan process which they anticipated would take about four months. They would not be able to get a favorable recommendation if they couldn't get their transportation system plan further along in the process. They wanted the support of Washington County. The City of Sherwood was behind NSP Development Inc. 100 %. They really wanted the water and to address the Hwy. 99W Tualatin Sherwood Highway intersection issues.

**Councilor Bragdon** verified that it was the process of working it out with Washington County that caused them to come before council to request the extension.

**Mr. Simon** said absolutely.

**Councilor Bragdon** clarified that it was out of NSP Development's control in that other government agencies were delaying the process.

**Mr. Simon** said absolutely, there was nothing more they could do.

**Councilor McLain** clarified that the application was completely finished except for the letter from Washington County.

**Mr. Simon** responded no, the application was complete but for three items listed in Mr. Ray Valone's communication to him. Mr. Valone indicated that they needed to submit three full size tax maps (instead of 8 1/2 X 11 format) for this area for three of the adjoining parts. The piece of property showed up but not all on one tax map, so three were needed. They were also missing the public comment from Washington County, the only public comment they did not have. Third, Mr.

Valone indicated they needed to submit an updated title report for the property involved, he had one that was apparently more than 30 days old so Mr. Valone wanted a more recent title report. The application was submitted on time with the \$6000 deposit.

**Jack Orchard** was the author of the request for continuance on behalf of the Beaverton School District, 1100 One Main Place, 101 SW Main, Portland OR 97204. Their request had been accurately portrayed by Councilor Kvistad. The School District had an offer of a school site made to them by a property owner in February. They immediately performed the on-site reconnaissance for the site and found that it met all of the district's basic criteria to serve as an elementary school site. They immediately engaged in discussions with Washington County. The reason for the continuance was that the county wanted to take a good hard look at the request and had asked the school district to work with staff from the county in formulating some responses to questions that staff and the Commission had. Mr. Simon had indicated the approximate timeline that the county had and they anticipated that the county work could be completed by the October 1st deadline. The two choices that were out there was to get a proforma action by the County, no position at all, which neither Metro staff or the school district thought was particularly instructive or helpful to anyone in this process or to move through the type of process that the county staff preferred and that was to take a look at the servicing issues, the growth management issues, etc. He thought that the reason they decided to proceed this March and would like to proceed today was that the Beaverton District was one of the very few agencies that had had as up to date demographic information as anyone in the Metro area. The School District had worked with Metro staff, Dennis Yee, as well as PSU to do growth and demographic projections. They had information about what the numbers would be with low, mid and high growth scenarios. The District had a need for school sites in this area. He appreciated Councilor McLain's desire to have discussion. In the school district's case putting it over for two weeks put it on the back burner for two more weeks with county staff. County staff was awaiting some word on a process through Metro in terms of how it staffed itself up. The school district would like to move ahead, they were not here to present the merits or tell Council why this locational adjustment should be made. They were merely here to deal with the process issue, to have as full a process and as complete a process as possible.

**Assistant Superintendent Steve Ladd** said he had no additional comments.

**Councilor McLain** asked if their application was completed except for that one letter.

**Mr. Orchard** said it was complete with the exception of three items. They needed to finalize the legal description for the specific parcel and this was a bit fluid, this was some of the county discussion. There were also some service provider letters, largely county agency generated that needed to be provided. Those letters were in process and some had already been received.

**Councilor McLain** asked if the fee had been paid.

**Mr. Orchard** said it had been paid the day they filed the application.

**Councilor McLain** indicated that she asked the question because the agency had just increased those fees. She was attempting to figure out how it would be most beneficial for those individuals not to pay fees or pay more money until they had things in line so they were ready to go in the process. Both parties were waiting on Washington County to finish their RTP, who was waiting on Metro to finish its RTP. She wanted to make sure that the four month window was not too much to expect. She asked if they honestly believed this would be concluded before the end of this year or would it be better to come back next year with an application by March 15, 2000.

**Mr. Orchard** said their application was not implicated in the RTP discussion, it was strictly a planning growth management analysis by county staff. Secondly, the school board had made a decision that it needed, as part of its long range planning process which was in process right now, to move ahead with this application. They wanted to get some answers on this site. It was a very attractive site, well located to serve existing and future populations. The board would like to have answers during 1999 on this site. It became a pivotal site in the northwest quadrant of the district in terms of facilities planning. The school district did have a commitment from Washington County that they would move directly ahead with consideration of the district's application. He felt people were on board to get some answers and move this as part of the 1999 agenda.

**Councilor Atherton** asked if their school district had the opportunity to condemn property for school sites?

**Mr. Orchard** responded that it did.

**Councilor Atherton** asked, as part of the district's planning process, did they have a policy on providing pathways and alternatives for children to get to school other than the automobile.

**Mr. Orchard** said the Beaverton School District was probably the largest mass transit provider and user in Washington County. All of the school grounds had been designated under a series of intergovernmental agreements for well over 20 years for community use. Virtually every school ground had pedestrian pathways and connections whenever possible where TriMet bus could serve those sites. The newest school in the Beaverton District, Southridge High School, had been specifically designed to take advantage of whatever mass transit opportunities there were in the area and had a system of connecting pathways, sidewalks, to accommodate neighborhood pedestrian movements. Early on they understood the benefit in trying to create fewer automobile trips, additional parking at schools ended up being costly real estate that the district had to acquire and improve as part of school sites. They tried to maximize bicycle and pedestrian usage. The bicycle usage was fairly good at the elementary school level.

**Councilor Atherton** said that the reason he had asked was that the site was outside of the urban growth boundary so he was concerned about the lack of transportation planning.

**Mr. Orchard** said it was across the street from the Urban Growth Boundary. What he thought was that this site would serve as the impetus for better pedestrian connections for an area that was already urbanized in three quadrants. This was the only quadrant of the West Union, 185th intersection that was not within the Urban Growth Boundary and was not urbanized.

**Councilor Atherton** said doing planning by locational adjustment was a concern.

**Mr. Orchard** agreed and one of the things they had under active discussion with Metro and county staff was the configuration of the acreage being considered. They were very open to having those discussions. This was the parcel that was made available to the school district, they were open to talking about a reconfiguration if that made sense from the standpoint of public policy with this agency, the county and other agencies. The school district would certainly address those issues that had been raised by the councilors. He said the school district had made a very careful commitment to non-auto movements.

**Councilor Atherton** appreciated his response and how that would fit into the application. In the past he had an opportunity to deal with a similar problem. They had included a very simple

statement in the plan which reshaped people's thinking about planning a very large area similar to what the school district had set out here. That statement was that every child must have the opportunity to walk or bike safely to school. This was used as a planning guideline and made a very significant change.

**Mr. Orchard** said they supported that planning guideline and as Councilor Atherton was aware, there were state statutory requirements on when mass transit service must be available to transport students. One of the complexities about the Beaverton School District was that it was almost the second largest school district in the state and the attendance areas got very attenuated given the growth that had occurred. Their board was on record as supporting the concept of neighborhood elementary schools for the very reason Councilor Atherton described so that students and parents could get to the school by means other than automobile.

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

**Presiding Officer Monroe** said this was an interesting discussion but what was being deliberated now was whether or not an extension in their ability to get this locational adjustment should be granted. The most germane discussion would be whether or not they had done everything appropriate within the guidelines to meet the deadline and whether or not an extension was appropriate at this time rather than on the specific merits of the locational adjustment. If this locational adjustment came back to the Council and there was a recommendation from the hearings officer for or against it, then it was appropriate to get into a discussion about the details of whether or not the council wanted to grant the locational adjustment or not. The Council was not debating at this time whether to grant the locational adjustment but rather whether to grant the extension in their ability to apply for a locational adjustment.

**Councilor Park** asked for clarification about the Beaverton property, was the property within any proposed urban reserve area.

**Presiding Officer Monroe** responded that it was not.

**Councilor Park** summarized that there would be nothing proposed in that area for the next 50 years. He then asked if the NSP Development property was in a proposed urban reserve area.

**Councilor Kvistad** said the Council was going to be the ultimate arbiter of this depending upon the recommendations of the hearings officer. Debating the merits of the application was not appropriate at this time. What was being decided today was whether the Council allowed, under the circumstances, a waiver. This resolution was about as clean and simple a proposal as possible. He felt that the applicants had met the test. He felt these extensions were going to become more common. As things become more complicated due to the Council's decisions on urban growth issues, he believed, these extension requests would become more of a common occurrence. By allowing the waiver to go forward did not indicate that this Council endorsed or supported the application. The resolution simply said that we granted the time certain waiver to allow the paperwork to come through and then they still must go through the hearings officer process. He urged approval of this resolution and cautioned the Council about debating the merits of the locational adjustment at this time. Should the adjustment request come back to Council, they would be the court of last resort for an applicant. He did not want the debate to be prejudiced and place the Council in jeopardy.

**Councilor Park** appreciated the input from Councilor Kvistad. The reason for his questions was to help his level of comfort as to whether to move the resolution forward or to refer it back to the

Growth Management Committee for consideration. His decision would be influenced dependent upon whether these areas were or were not in proposed urban reserve areas.

**Presiding Officer Monroe** said he would allow Ms. Weber to answer the question about the urban reserve.

**Mary Weber**, Community Development Manager for the Growth Management Services Department, said the NSP site was not in an urban reserve area.

**Presiding Officer Monroe** clarified, neither site was in an urban reserve.

**Councilor Washington** called for the question.

**Councilor Atherton** said the Presiding Officer's comments about the waiver at this time were appropriate as well as Councilor Kvistad's. He and Councilor Park were not debating the merits of the application but what the applicants were going to use this time for.

**Councilor Bragdon** said they had a discussion as to whether members of the Growth Committee were comfortable with this resolution. Having heard today's debate, he was comfortable with the resolution. The Council was not discussing the locational adjustment but the deadline for pursuing one. The only questions to consider were what were the circumstances, did they miss the deadline, was it beyond their control or were they making a good faith effort to catch up. He felt the answer was yes, the applicants had made a good faith effort.

**Councilor McLain** said she would not request that the resolution come before the Growth Management Committee because she thought that at least one of the committee members had expressed a comfort level with this resolution. She believed the Council was dealing with process and agreed with Councilor Bragdon. They were trying to be fair to the applicant to indicate if they thought it was going to be a costly process. They were attempting to make sure that the timing was correct for the amount of work that was still to be done. They were dealing with process as much as possible, not merit. She said, with the understanding that they were voting on process only, she could vote this forward.

**Councilor Kvistad** appreciated the discussion on the resolution. As the way in which the county and other local jurisdictions must deal with these locational adjustments got more complicated, more extension would probably come forward. The adjustments were specifically that, for locations, and had to go through a complete process. The Council wanted to make sure that if the applicant had made a good faith effort to meet the deadlines and requirements, he thought that with as difficult as they knew it was to deal with some of these land use issues, that the Council's understanding of what the applicants were going through and how these things worked really pointed to the Council's ability to allow items like this to come forward. He felt this resolution was very clean, simple and that both of the applicants had met the test. He asked for an aye vote.

**Presiding Officer Monroe** said that his understanding was that this resolution took five votes for approval. He asked Mr. Fjordbeck for further explanation.

**Mr. Marv Fjordbeck**, Legal Counsel, said the Metro Code required an affirmative vote of two thirds of the council to waive the filing deadline.

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



8.3 **Resolution No. 99-2785A**, For the Purpose of Amending Resolution No. 97-2552A to Establish a Revised process for Calling Evening Meetings of the Metro Council.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 99-2785A.

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

**Councilor Washington** said that at the May 5, 1999 Metro Operations Committee meeting the members voted unanimously to recommend the Council's adoption of this resolution. This continued the practice of making night meetings available to the public. This resolution requested that the authority to call those meetings be given to the Presiding Officer at his discretion. Part of what the Council had found out over the past several years of night meetings was that many times the Council and staff were the only ones in attendance. When there was an important issue the Council got good turnout, so what this resolution did was utilize the time of every councilor more effectively. He thought that this proposal had good merits and allowed flexibility to call night meetings when there were important issues before the Metro Council. Also, the Metro Committee for Citizen Involvement supported this, the Council was not abandoning night meetings, just trying to utilize the time better. In addition, the chair of MCCI, Ms. Durtchi asked that we further amend Resolution No. 97-2552A, so that in the future, for the Volunteer Recognition Celebration, only citizen members were recognized. In the past when we had recognition for members it has been Metro employees and everybody else. This was an opportunity to make sure that those people who really were volunteer citizens be given the opportunity to have that recognition. That was what this resolution did and he urged an aye vote.

**Councilor Bragdon** said he wanted to support this with the proviso that we actually used the flexibility that it gave the Council. It was great to give the Council more flexibility, and the current system fixed quarterly meetings and prescribed the date. Having the flexibility was good but the Council needed to undertake that we were going to use it. If the Council stayed with the concept of trying to do evening meetings four times a year that was a good philosophy, though it may be three times in the fall if things were happening then and not at all in the summer.

**Councilor McLain** echoed Councilor Bragdon's comments and said that it could be more than four if we were going to be flexible and there was a need for more than four. She indicated that she believed that the work done by the Metro Operations Committee improved the document and improved some of the ideas that MCCI had been striving to work toward for the past few years. She said there may be a limit to how many night meetings a particular council cares to have, and then it was important for there to be some way for the Presiding Officer to figure out what the prioritized list might be of issues that would come in front of the public. She hoped that it could be brought up at the retreat as an agenda item.

**Presiding Officer Monroe** said he had initiated this resolution, when we had a night meeting just because the calendar said it was time to have one. There was nothing of particular interest to the public and when the meeting occurred, the chamber was empty. The Council not only did a disservice to the public, but we cost them money because we had to pay overtime and additional costs when we had staff here at night. That was an added expense. He thought four nights per year may not be enough. We had some very important things coming up. Any time any councilors asked for a night meeting either in the chamber or in their district or there was a particular issue important to an area of the region, he had attempted to accommodate the request. The key thing was that we served the public, and especially when we were talking about spending additional tax dollars, night meetings did cost additional tax dollars, it was critical that those be

well spent. This government prided itself, rightfully so, in being open, perhaps the most open government in this region, maybe in the whole United States, certainly one of the most open governments that he had ever worked with, and we wanted to continue that. We wanted to be available and to make the public feel that they could reach out and touch us, that they had input, that they didn't have to take a day off from work to make their concerns be heard. It was important that when needed we had night meetings, whether they were here or someplace else, and under this resolution, if it passed each one of the Council would have the opportunity individually and collectively to have input as to when those night meetings should be held and where they should be held.

**Councilor McLain** asked whether they could request at least one meeting in their respective districts annually, that was what used to be in there, when the resolution was first proposed.

**Councilor Washington** accepted that as a friendly amendment.

**Mr. Stone** said that that wasn't taken out, it was still in the original resolution.

**Councilor Park** asked for clarification in terms of the word timing, he asked if that merely referred to the time of day, or the day of the week as well.

**Presiding Officer Monroe** said he would be reticent to schedule regular council meetings other than Thursday, because Thursday was always the day. He thought it was possible, but unless there was strong urgency to do so, he would be reticent to do that. He thought they were only discussing the time of day.

**Mr. Stone** said that the council had on occasion had full council meetings on Tuesday when they had hearings out in the region, especially pertaining to the urban growth boundary. Those were officially sanctioned Metro council meeting, but they were just special meetings.

**Presiding Officer Monroe** said that the meetings with the regular agenda were on Thursday, and the special meetings on other days were only for discussion of specific topics. He then opened a public hearing on Resolution No. 99-2785A.

**Kay Durtschi**, MCCI President, said she felt the Council had said it all. She encouraged the council to hold at least four evening meetings. And thinking about the monetary issues, those people that had to come during the daytime usually had to take time off during work, so there was a monetary effect whether meetings were at night or during the day. There had been a lot of discussion since this amendment concerning the volunteer recognition celebration was put forward about the citizens, but she wanted to solidify what she had said to Councilor Kvistad, that citizens meant it didn't take away from anyone who attended, we wanted to include not exclude any and all people who gave of their time and effort to Metro. It was a benefit to the Council, to our MCCI committee to get the citizens involved and to further citizen participation in Metro.

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

**Councilor Washington** urged an aye vote.

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

## 9. CONTRACT REVIEW BOARD

**Presiding Officer Monroe** recessed the Metro Council and convened the Metro Contract Review Board for consideration of Resolution No. 99-2779.

9.1 **Resolution No. 99-2779**, For the Purpose of Authorizing Distribution of a Request for Proposals for Financial Advisory Services and Authorizing the Executive Officer to Sign a Contract with the Successful Proposer for a Three-Year Period Beginning July 1, 1999.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-2779.

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

**Councilor McLain** said that Metro used an independent financial advisor for a variety of expert advice on a number of things, including our debt assurance, debt management, developing financing and funding strategies, and also on our bonding issues. It helped us with the bond debt administration and support. There were a number of projects we had that fell into that line of work plan. We had had a very good rapport with the folks we had worked with in the past. This particular resolution was going to help us provide that type of support to our staff here in the building. The staff report indicated that some of the items that we would be receiving with this particular assistance would be to provide services relating to the bond sales, preparation of final and preliminary official statements, scheduling and structuring of sales instruments, helping to negotiate bond sale terms, conditions, contact and rating agencies. It listed another four or five items that we were covering. This was going to allow the executive officer to sign a contract and that would be for a three year period beginning on July 1, 1999. She noted the last page, she thought there was some other additional information that would be of interest, that was besides dealing with MERC, the Oregon Zoo, some of the solid waste management issues, and general government financial advice. There were a couple of additional projects, those projects included regional transportation, growth management planning funding, and regional park funding for operations and purchases of lands, which we had some different challenges ahead of us while we were getting some of the harder lands to acquire and we were trying some different strategies and some creativity with how we were putting together financial packages. Those were just some of the elements that would be available to us. The cost of a new contract would depend upon the proposals that we received, but it was expected that the cost and the range were \$150,000 to \$175,000 for that three year period. We has a very able staff member who would answer questions.

**Councilor Washington** wondered if the presenter of the resolution would go over the background. He was interested in bond and administration support and also Metro, and asked Councilor McLain to give this council a detailed analysis of each one of those.

**Councilor McLain** said that Mr. Prosser would be the best one to give the staff's expert advice on that background.

**Councilor Washington** said it wasn't earthshattering, and since Councilor McLain wouldn't explain further he would accept the explanation she had already given and did not need to hear Mr. Prosser's explanation.

**Councilor Bragdon** said that Mr. Hansen talked to us about the Investment Review Board that we had of professionals in the industry who came in on a periodic basis to review our investments and our practices. He did not see any of that in the staff report. There was a list of other departments that this consultant or advisor would relate to, and not seeing the Investment Review

Board he wondered if it was a different issue that they were dealing with or was it complimentary.

**Mr. Craig Prosser**, Financial Planning Manager, said this contract on financial advice dealt with the debt side of things as opposed to the asset management. Metro did rely on them for some advice related to investments of bond proceeds, in which case we were coordinating with the Investment Advisory Board.

**Councilor Atherton** asked about the need for a three year contract.

**Mr. Prosser** said Metro preferred the longer term contract for continuity over time. A lot of what we were doing was developing a strategy to deal with the financial markets over time. If we had to go out every year and potentially have a different financial advisor each of those three years we could end up with a zig-zaggy strategy, we preferred to take the longer view.

**Councilor Atherton** asked if this was similar to projects he had worked on with Mr. Prosser previously, with bonds.

**Mr. Prosser** said it was.

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

**Presiding Officer Monroe** adjourned the Contract Review Board and reconvened the Metro Council.

## 10. COUNCILOR COMMUNICATION

**Presiding Officer Monroe** announced that former Council Analyst Meg Reinhold had a baby boy on May 9. Also, Mr. Stone and Mr. Warner were working hard on our agenda for the retreat on the twenty-fourth and twenty-fifth of this month. If councilors had suggestions for agenda items they should talk to Mr. Stone about them, and we would try to work them in. Menu suggestions would be acceptable too.

**Councilor Kvistad** said this morning JPACT took the votes on the allocation of the \$75 million in regional moneys. It was a very difficult and delicate situation to hone down from \$300 and some million to \$75 million, the requests from around the region. This morning's meeting was probably one of the finest efforts of regional cooperation he had seen out of our partners in his tenure. We watched some potential areas of major difficulty resolve themselves and that was what regional cooperation was all about, and what this government did best, which was to facilitate positive solutions. He thanked Councilor Bragdon, the members of the council who attended, and Commissioner Kelly from the county, Commissioner Rogers and Washington County, they put an extra \$500,000 on the table for us to be able to allocate and fund projects across the region and Mr. Hansen from TriMet and many others that were there. It was a terrific job and very difficult. He thought they went through those lists and got to a decision that he thought people would be proud of. He wanted to publicly thank all of the folks that made that happen, it was really terrific, and the decision, while painful, was a positive one. For those who didn't attend, he could describe it further after the meeting.

**Presiding Officer Monroe** said that Councilor Kvistad managed the meeting beautifully, with great skill, as always, but it was a delicate situation that required some finesse, and he was a man with true finesse.

**Councilor Bragdon** echoed the presiding officer's comments. He also thanked the other councilors, there had been nervousness a lot of the time when the Council flexed its muscles and tried to assert some policy, and we were able to do that in a positive way and come up with a better product. Councilor Kvistad thanked him, but he felt like he was there with everybody else, and that was what made it work. He also echoed the Presiding Officer's comments in terms of the conduct of the meeting. There was, obviously, tension, in the air at 7:30 a.m. and that was dissipated largely through the conduct of the meeting. He gave Councilor Kvistad credit for that.

**Councilor Park** congratulated those members of the council that sat on JPACT. It was truly region at work, the region at its best in terms of give and take. He echoed the comments about Councilor Kvistad, they may disagree often, but the conducting of the meeting was a good mix of seriousness and humor and knowing when to pull in the reins and when to let the group run. He thought Councilor Kvistad deserved accolades for a job well done on a difficult situation with some contentious issues. During the break you could see the lobbying going on as people were really trying to determine what they could live with.

**Councilor Atherton** said it was an excellent meeting and asked if Councilors Kvistad and Bragdon could characterize for the viewers what was the source of the tension and what was the resolution.

**Councilor Kvistad** said the \$5 billion in needs was the source of the tension, and there was no money coming from the state, every jurisdiction desperately needed different items for their jurisdictions as well as the region and having so much at stake, we were fortunate that the extra \$75 million came as part of the new T21, formerly Istea funds, that were unexpected from the federal government. The tension came from the great need in the region. Every project had merit, every project that came before us, of the \$300 million were the critical projects of the region, the key projects. To have to whittle the key projects down to those that fit within that small amount of money--\$75 was a lot of money in the scheme of things, in general transportation terms \$75 million didn't even scratch the surface of a \$5 billion need. The need was just to bring us up to a standard, that was not any extra. The region needed \$5 billion to be able to complete and bring us current. Knowing that, and only having \$75 million, and with the uncertainty coming out of Salem, the group of folks, everybody from the bike lobby to hard-core road folks to bridge to freight to TDM projects—everybody was at the table. The public hearings we had were very difficult in that everybody felt very strongly about the issues that were before us. A lot of our ability to do work came from our years of 2040 work which had taught us that every perspective was valid. It was a matter of making the decisions and making sure people felt validated—that we heard them even though we had to make tough decisions. When push came to shove and you had elected officials that had to make difficult decisions in public dealing with issues affecting the community at large it was very difficult. It required a skill set that we were very fortunate to have in the regional people that were at the JPACT table. JPACT operated under the surface, people didn't realize how incredibly powerful and difficult it was any time, let alone when you had a constrained finance budget. We were recognized across the country as being the one federal Metropolitan Planning Organization for transportation funds that really worked and sets the standard for the entire country. We did that because people cared, but when push came to shove we were able to find common solutions and sometimes take a step back from our hard-core positions to find accountability. For example, Roy Rogers in Washington County had their Murray project, which was \$1 million in funds out of this \$75 million. They were able to come in and feel comfortable about saying that they were able to get bids lower than what they were expected, and rather than hold that in reserve and worry about the region coming and taking it from us, we were willing to put more on the table more than we had available to us, because we

had found these savings, to make them available to the region. That was the difficult area, it was not a matter of managing the meetings, that was a skill, but it would not be possible if the group was anything less than caring about the region as a whole and less parochial than they would be somewhere else. It was very difficult, but it was the folks that were there and their assurance and good feeling that we were in it together that made it work.

**Councilor Atherton** said this was a good summary and began to show the depth of the hole we were in. When you talked about \$5 billion and we had only a very small amount of flexible funding available to us. Until we solved this problem, we had unmet maintenance needs that were on the order of \$50 million per year. While we were having the JPACT and we had gone through months of decision making over \$75.8 million, every day that went by these unmet needs of maintenance kept cropping up. People needed to know that and we needed to find better funding—we had had good discussion on that. He noted the outstanding meeting we had with MPAC and JPACT. People were really coming to realize that we did have some funding options, but the world would be different in the future than it had been in the past. He appreciated everyone's effort on that.

**Councilor Washington** commented that JPACT was the greatest example of regionalism that he had seen. They did it all of the time, today was a tremendous process simply because the need was so great and there was such a small amount to work with, but everybody knew when they came in that meeting that they weren't going to get everything they wanted. People worked together to make sure that everybody got at least some of what they needed and they walked away feeling good. Most of us had been dealing with this for some time, and we continued to deal with it. This morning was a tremendous coming together of a phenomenal dealing with a regional concern so critical as transportation.

**Presiding Officer Monroe** said he had traveled around the county and talked with other local officials and state legislators from other states. They were amazed at the level of cooperation and coordination that we had in this region. We had come to expect it, but it truly was unique. It was the way government ought to be done, the fact that we had the only elected regional government in the nation had something to do with the level of cooperation and coordination that we had. It was partly because of the structure of things and it was largely, as Councilor Kvistad said, because of the high level of public officials that we had elected in this region from the various cities and counties and representative entities.

**Councilor Park** noted a study done by American Farmland Trust on Skagit County in Washington. He said page 6 was probably what they should look at if they were interested in other parts of it, how the study was put together. The study just brought to light the costs of the different types of growth that we had and it opened up some questions about the jobs\housing balances and what was fair. He thought that whether you wanted to accept the numbers, and all of us knew that numbers could be skewed, he would take this with a grain of salt, whether it came from him or Councilor Kvistad. Residential development for every dollar in revenue that it generated, it costs \$1.25 in services to provide that. The other extreme was industrial development; for every dollar in revenue it only costs 29¢ to service. To bring this up, that there were costs to growth, and there was income in growth and we needed to strive toward getting the correct balance.

**Councilor Atherton** appreciated Councilor Park providing this information. This had been available for many different places in the country, and it was interesting that the ration for farm and forest land and that kept on going, that was sustainable year after year. It costs 51¢ and they produced \$1 in revenue. Farmers did contribute significantly to the economy. Also, reviewing

Metro Council Meeting

May 13, 1999

Page 15

the cable tv schedule on the back of the agenda, there were no times listed for TVCA on channel 21 and channel 30. Also, the opportunities for people to view this at convenient times in the evenings when we were talking about our evening meetings, maybe some other numbers needed to be filled in here, but it seemed like there may be some blank spots. Also, he reported that he spent some time at the meeting yesterday with utility executives with Enron and PGE. He learned some interesting things, one was that we had talked about the costs of growth, but we hadn't focused on the cost of providing utility services. We were getting some numbers now and evaluating these. We had some concurrence and discussion with the executives there. The average electricity bill in our region was about \$50/month, about \$14 of that went to pay the costs of growth.

## **11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:25 p.m.

Prepared by,

Chris Billington  
Clerk of the Council