

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, July 7, 1999

Metro Council Chamber

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

Chair Washington called the meeting to order at 3:35 PM.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

Peter Teneau, 2715 No. Terry, Portland, OR 97217, addressed the committee to oppose locating an amphitheater at Expo. He said he has intimate knowledge of this area from his work on Multnomah County's proposed jail siting, work on the Columbia Slough Watershed's mitigation subcommittee, and other work in PEN-1. (More details are contained in Mr. Teneau's written comments, attached to the meeting record.) Briefly, he suggested that Metro first determine if Expo would be the best location for an amphitheater. If the arguments favor that location, then the amphitheater should be located on existing Metro property, not on potentially restorable open space to the south that connects other open spaces. He also urged Metro to accommodate parking by building a structure rather than by using acres of paved lots. He offered to lead a tour for any Councilors who would like to see the area first-hand.

Councilor Atherton thanked Mr. Teneau for bringing this information forward.

Richard Ellmyer, 9124 N. McKenna Ave., Portland, OR 97203, supported Mr. Teneau's position. He urged the Councilors to visit the site with Mr. Teneau. He said he did not so much oppose an amphitheater as the location. He said he saw a conflict in Metro's taking several acres of potentially restorable greenspace that it already owns and putting it into commercial use while using voter-approved tax money to purchase other open spaces.

Councilor Kvistad said he agreed about the lower portion of the area, but the upper portion is full of rubble and has been used as a parking lot. He said Metro's Greenspaces Department had been working on a plan to restore the lower portion, but he doubted if restoration would be the best use of the upper portion.

Mr. Teneau said he had not yet seen a study that convinced him Expo would be the best place to site a regional amphitheater. But if he were convinced, he would still recommend keeping development farther north than Councilor Kvistad had suggested.

Councilor Kvistad said the fill and old concrete slab area was not the kind of property Metro sought to acquire or restore. In his view, the greenspace money would be better spent on scarce, undisturbed property that has ecological value.

Mr. Teneau said restoration would be the best use of this property because of the connectivity it would provide with other greenspaces. He also said that because the area has been designated as a mitigation site, another party who needs mitigation credit could use that site. The funding could then come from a source other than Metro.

Councilor Kvistad reiterated his support for greenspace purchases and restoration of the lower portion of this site, but his commitment was to finding the best use for this property to maximize the public value.

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Chair Washington thanked Mr. Teneau for the discussion, but said this whole issue would be discussed in much more depth soon. He said he hoped this kind of conversation would take place then.

Councilor Atherton expressed his appreciation for Mr. Teneau's information, especially with regard to connectivity and alternatives to building flat, paved parking lots.

3. CONSIDERATION OF THE MINUTES OF JUNE 23, 1999, METRO OPERATIONS COMMITTEE MEETINGS

Motion:

Councilor Atherton moved to recommend adoption of the minutes of the June 23, 1999, meeting of the Metro Operations Committee.

Vote:

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

4. METROKIDS HISTORICAL SUMMARY

Bill Jemison, Manager, Risk Management, said the purpose of his presentation was to explain the reason Metro would soon issue an RFP for a child-care contractor. (Information about the current child-care contractor can be found in a memo from Mr. Jemison to the Committee, included in the meeting record.) He said the contract with Joyful Noise would expire at the end of this year, and a committee had been formed to develop an RFP to solicit another contract. The committee would consist of six people, including a representative from Property Services, Laurie Wulf; a representative from the Executive Office, Kathy Kirchner, a MetroKids parent employed by Metro, Robin Brooks; a MetroKids parent not employed by Metro, Colette Rees, and a representative from the Council. Councilor McLain had expressed an interest in being the Council's representative. She was involved in the original RFPs, and she has more background than anyone else does on the committee. Mr. Jemison requested she be appointed.

Mr. Jemison said this committee would be charged with providing quality to the children of Metro employees and others, on-site child care at a reasonable and competitive cost. He said that before the RFP can be released, the Council would need to be notified 10 days prior.

Mr. Jemison called the committee's attention to his memo (in the meeting record) that summarizes Metro's subsidy to the child care service. He said Metro's direct cost for operating the day care amounts to about \$22,000. The subsidy rate shown in the memo, which is much higher, includes indirect costs.

Councilor Kvistad asked what the age range was of MetroKids. Mr. Jemison said they ranged from six weeks to five years old.

Councilor Atherton asked how many children are served. Mr. Jemison said about 60.

Councilor Atherton asked if other facilities are available within a quarter of a mile of this one. Mr. Jemison said the State Building and the Bonneville Power Administration building have YMCA operated centers. Also, a church operates a day care a little over a quarter of a mile away.

Councilor Atherton asked if the state required that the air quality near the day care be tested. He noted lots of day care facilities are near highways and high traffic areas. Mr. Jemison said he was not aware of any state requirement to do that, but if such a requirement existed, the contractor would be responsible.

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5. RESOLUTION NO. 99-2813, FOR THE PURPOSE OF AMENDING THE CLACKAMAS RIVER GREENWAY TARGET AREA REFINEMENT PLAN

Charlie Ciecko, Director, Regional Parks and Greenspaces, explained why this target area refinement plan needed to be amended. (More details can be found in the staff report to the resolution, contained in the meeting record.) He said Metro has the opportunity to acquire, through a combination of gifts and purchases, almost 300 acres of land that straddles the Clackamas River. This property borders other publicly owned and restorable land. It presents a unique opportunity to protect valuable habitat. This property lies a couple of miles outside the Urban Growth Boundary, near an area has been targeted to absorb considerable population growth. Before Metro can proceed with the acquisitions, it must first amend the target area refinement plan.

Jim Desmond, Regional Parks and Greenspaces, reviewed the history of the refinement plan as it existed right after the bond measure was passed. He said the refinement plan had focused on properties with direct access to the Clackamas on the north bank. The south bank was less threatened because of zoning. This plan would extend the original area one property farther. In the time since the first refinement plan was passed, some of the opportunities to acquire areas between Gladstone and Carver have disappeared. The focus has thus changed to include properties on the other side of the river. The potential for restoration and enhancement in this area is high, in spite of the area's past use as an aggregate mine.

Mr. Desmond showed slides of the area and pointed out potential picnic sites and good fish-spawning habitat.

David Moscovitz, Metro Salmon Recovery Coordinator, explained the importance of the area as potential spawning habitat, especially with the changes that occurred as a result of the 1996 flood. He said the river channel has been unstable since that flood. Protecting this area will allow the river time to stabilize its flow.

Barbara Edwardson, Metro Greenspaces Real Estate Negotiator, indicated on a map where the flood affected the property. She pointed out the location of the donated piece of property and that of the properties Metro would acquire, given Council approval.

Mr. Ciecko added that a future leg of the Springwater Corridor Trail would pass by immediately adjacent to this property. This leg of the trail has not yet been funded, but will eventually go all the way to Estacada.

Councilor Atherton said that had he been on the Council when the original plan was adopted, he would have asked that it be extended farther upstream. He said this part of the river is well known among those interested in the river and the watershed. He asked if the plan could be extended farther upstream at this time.

Mr. Desmond said he had not investigated that possibility, because other publicly owned property, namely that belonging to the BPA, lies upstream. However, the department could look into it. He said that at 300 acres, the department felt it was already dealing with a lot of property. They were so excited, perhaps they had not thought big enough.

Councilor Atherton suggested contacting Eric Carlson at the Clackamas River Basin Council for his assessment of the possibility. He also noted that this property has been a gravel quarry in the past. He asked if this left any Level 1 problems. Mr. Desmond said that had been looked into and the department was comfortable with the information received. He said the property had been legally and properly filled. In addition, legal protections had been included in the agreements. He said the donors of the 130-acre portion had been extremely cooperative and professional in all aspects of this transaction.

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Stanley Stevens, 27001 SE Suttle Rd; Eagle Creek, said he and his wife, who live on property near the site in question, had long fought for the health of the river. They have lived there since 1965. He gave a rich history of the property, which began with his grandfather's purchase in 1902. He shared memories of family picnics on the property.

He noted that the Springwater Trail lies along an old railroad right of way that went to Estacada. His grandfather deeded property for part of that section of the railroad. Mr. Stevens talked about the 1964, 1972, and 1996 floods and the effects they had on the river channel. He explained his family's philosophy of harvesting timber on a sustained-yield basis. He noted that the land has aggregate on it, but he did not wish to see it mined. He emphasized that he and his wife are dedicated to conservation and to preserving the ecological health of this river land.

Chair Washington asked Mr. Stevens to point his property out on the map. He asked Mr. Stevens how he stood on the resolution before the committee.

Mr. Stevens said he had not come with a stand and he had not intended to testify. He said he had come to listen. He said artifacts had been found on property quite near that in question and could possibly exist on the property itself. He said he opposed mining the property for that reason as well as reasons related to protecting fish spawning habitat.

Motion:

Councilor Atherton moved to recommend Council adoption of Resolution No.99-2813.

Vote:

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

Councilor Atherton will carry the motion to a meeting of the full Council.

6. RESOLUTION NO. 99-2816, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TIGARD TO MANAGE THE PROPERTY IN THE FANNO CREEK GREENWAY TARGET AREA

Heather Nelson Kent, Parks and Greenspaces, pointed out the property, known as the Lowery Property, on a map. (Details of this resolution, including maps, can be found in the meeting record.) She explained that this would be a management agreement with the City of Tigard. She said typically management of properties is offered to the jurisdictions in which they lie. She said that ordinarily the agreements are boilerplate. This agreement was a little different. As required by Metro before the public is allowed to use a greenspace, the City of Tigard has been developing a master plan. The city already has a plan for Woodard Park and owns property adjacent to this. This property will augment that property.

Ms. Kent said the unusual aspects of this IGA include the fact that this is a 20-year agreement rather than 10-year. Also, an ODOT wetland mitigation site of about 0.7-acre came with the property and has been included in the agreement. Any mitigation project would need Council approval for an easement before it could be undertaken.

The most significant difference arises from the fact that a home that exists on the property, but the city of Tigard does not want it. Management of the home has been left to Metro. She said Mr. Desmond would discuss possibilities for managing the home.

Mr. Desmond said that since the inception of the greenspaces program, Metro has not declared any property surplus nor sold any property. Until land has been master-planned, surplus is hard to determine. In this case, because the Tigard has determined that the house is not necessary for the management of the park and not appropriate for demolition, it might be a candidate for Metro to declare as surplus and be sold. The proceeds could be returned to the Fanno Creek acquisition fund. Mr. Desmond said that suggestion had not been included in the staff report, although he had asked Metro's legal counsel to

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investigate the legal implications and mechanics of selling property. Mr. Desmond said the department did not want to delay this IGA for the city of Tigard, so this resolution does not concern the future of the house. However, the issue would be brought back before the committee and the full Council if the committee gave a nod test today to the idea of selling the house.

Councilor Atherton verified with Mr. Desmond that the city of Tigard did not want the house.

Mr. Desmond said that was correct. He said the park is small, so unlike some large regional parks, it would not need an onsite caretaker. Metro had rented the house to AmeriCorps students for the summer.

Councilor Kvistad asked how much of the property around the house would be sold with it. Ms. Kent said about 3/4 of an acre. An existing barn would be converted to a picnic shelter. Councilor Kvistad questioned how salable a house would be with a picnic shelter close by.

Mr. Desmond said it would be a feature that would appeal to some people and not to others. He said the market value has been estimated at \$150,000. He said the public's response to a sale by Metro could not be predicted.

Councilor Kvistad suggested developing a Metro policy to address sale of property. Mr. Desmond said as far as the proceeds go, federal law requires they be used only for the same purpose for which the original funds were designated.

Councilor Atherton asked how much of Tigard's local share it had spent on the master plan. Mr. Desmond said he was not certain, as the city had revised its original plan several times. He estimated it to be about one-third to one-half. Much of it had gone into improving the Fanno Creek Trail.

Councilor Atherton asked if Tigard anticipated purchasing more property to expand the park. Mr. Desmond said the surrounding area had been built up, so there would be no opportunity to expand.

Councilor Atherton noted that one of the key issues lies in a local jurisdiction's managing a regional facility purchased with regional funds. Heather Nelson Kent said the master plan adopted by the Tigard City Council is consistent with the greenspaces master plan. She said that is one of conditions the master plans must meet before Metro considers transferring management.

Councilor Kvistad said the situation concerning the house is new and should be tracked.

Motion:

Councilor Kvistad moved to recommend Council adoption of Resolution No. 99-2816.
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Vote:

Chair Washington and Councilors Atherton and Kvistad voted aye. The vote was 3/0 in favor and the motion passed unanimously.
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Councilor Kvistad will carry the motion to a meeting of the full Council.

Mr. Desmond asked for verification that the committee would be willing to consider sale of the house as appropriate, if legal counsel approves. Mr. Desmond's question passed the nod test.

Councilor Kvistad suggested putting together a policy to deal with the sale of property in cases like this. The process for the sale needs to be developed and a fund should be created for the proceeds. Mr. Desmond agreed.

Councilor Atherton asked about the possibility of renting out the property and using the rental income for maintenance. Mr. Desmond is said that is what is currently done with the other, similar properties. He said that the question of whether proceeds from a sale could be used for maintenance has not yet been definitively answered by legal counsel.

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Mr. Ciecko said the issue of sale of lands or improvements was discussed prior to submitting the bond measure. The conclusion at that time was that the money needs to follow the purpose. Thus, if a capital asset acquired with bond money is sold, the proceeds must be used to acquire another capital asset. Currently rental receipts offset the general fund support of the land bank program, dollar for dollar.

Chair Washington requested that that information be made available when the issue of the sale of the house comes back before the committee.

7. COUNCILOR COMMUNICATIONS

There being no more business to come before the committee, Chair Washington adjourned the meeting at 5:02 PM.

Prepared by,

Pat Emmerson
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 7, 1999

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

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
Citizen Communications	7/6/1999	An Amphitheater at Expo, by Peter Teneau	070799MOP-1
	no date	Amphitheater--A Land Use Issue, by Peter Teneau	070799MOP-1

Testimony Cards

Peter Teneau
Richard Ellmyer