

MINUTES OF THE METRO COUNCIL MEETING

January 9, 1997

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Lisa Naito, Don Morissette, Susan McLain, Ruth McFarland, Patricia McCaig, Ed Washington

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:04 p.m.

1. INTRODUCTIONS

Presiding Officer Kvistad welcomed Councilor Lisa Naito to her first Metro Council meeting.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. REGIONAL PARKS AND GREENSPACES ADVISORY COMMITTEE REPORT

Mr. Bob Akers, President of Metro Parks and Greenspaces Advisory Committee, thanked the Council for the opportunity as a citizen to represent the rest of the citizens in the Parks and Open Spaces Program. Serving as a citizen over the last year and a half had allowed not only an opportunity to do something good for the community but also to get to know what government was all about. He acknowledged the wonderful staff that the committee had worked with and the great things that they were doing for the community. Mr. Ron Klein had gone out of his way to help with the committee. He also acknowledged Charlie Cieko's, Director of Parks and Greenspaces, and the outstanding job he had done on the school and community programs with limited funds. The large part of the committee's time in the last year had been dealing with the acquisition of open spaces bond levy. Mr. Jim Desmond had done an outstanding job of parks and greenspace acquisition. The figures represented the kind of outstanding job Metro Parks and Greenspaces was doing, Metro's acquisition of land to date was 1564 acres, about 25% of the goal. Metro had spent \$14.2 million, about 13% of the moneys designated to buy land. In the near future he believed what the region must find some way to finance our parks, an important part of the community. He thought that the region must be creative in finding new ways to finance the parks. The region would be hurting the citizens if the region let parks go last and put money in other places first. He believed that financing parks was almost as important as school financing. He recommended that the committee and Council set aside one evening a year where there would be a brainstorming session to deal with problems and achievements as well as a time set aside for citizens' input through the Chairmen of the different advisory groups to meet with the Council so that Parks can see what other citizen advisory groups were doing. In summary, Metro must find ways to finance the park system, have good region parks, sports parks, neighborhood parks. What would make the park system really great would be a connective trail system tying the parks and communities together, for example, the Peninsula Crossing Trail that was on the 2626 bond levy and the Spring Water trail tying Gresham to Portland. Some recommended goals would be for a Fanno Creek Trail system that would tie Washington County to downtown Portland, a Burlington Northern Rails to Trails to tie Hillsboro and finally a trail system that would tie the region from Pacific

Coast to the Pacific Crest Trail. He suggested that advisory groups were there to work together to make government stronger and something for the citizens to be proud of.

Councilor Washington thanked Mr. Akers, the Advisory Group and the staff.

5. SEMI-ANNUAL REPORT ON CONTRACTS

Mr. Scott Moss, Risk and Contracts Manager, gave the semi-annual report on contracts. Contracts were 30% higher than the prior report with 1024 contracts valued at just over \$1 billion. Most of the contracts were related to personal services contracts. A letter was sent to the neighboring governments to see what the percentage of contracts they had, however, no government responded. The value of most of the contracts were under \$10,000, with about 125 contracts over \$25,000. There were a number of changes and improvements since the last time the report was given. A 24 hour hotline number and an internet page had been established to allow contractors to call in and find out what project were upcoming. A quarterly newsletter was also being sent out to vendors, particularly minority women vendors. The Department would soon be introducing purchasing cards, much like a credit card to do purchasing. This would save on 5000 to 6000 purchase orders per year and make things much more efficient.

He spoke of the Disparity Study. In 1994, the Council and other governments in the region authorized a disparity study. The results of this were completed in the Summer of 1996. The department had implemented a variety of things noted in the bullets (this report was included in the permanent record of the Council) as well as planning for additional things, also noted in the report. These would be done as time and resources allowed. In March 1997, Mr. Moss planned to return to Council with a recommendation to change the Metro Code to do at least four of the seven or eight recommendations listed in the report: 1) to establish an emerging small business program, 2) to create a shelter market for ESB/NBE//WBEs for construction projects under \$25,000, 3) to increase Metro's good face efforts from \$50,000 to \$200,000 and 4) to require contractors who do business with Metro to hire minority and women owned apprentices.

Presiding Officer Kvistad asked about the MERC line item under contracts. Did it include the \$13 million construction completion out at Expo?

Mr. Moss said that he believed so.

6. CONSENT AGENDA

6.1 Consideration of the Minutes for the December 12, 1996 Metro Council Meeting and Work Session and December 19, 1996 Metro Council Meeting.

Motion: **Presiding Officer Kvistad** moved the unanimous consent of the minutes of December 12, 1996 and December 19, 1996.

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

Discussion: **Councilor McLain** asked the December 12, 1996 minutes be changed to accurately reflect her vote for reconsideration of Site 65, the second vote taken on Site 65 was Councilors McLain and McCaig voting aye, Councilors Washington, Monroe, Morissette, McFarland and Presiding Officer Kvistad voting nay. The vote was 2 aye, 5 nay. The motion failed to reconsider Site 65.

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

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 96-670**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Zoo Capital Fund by Transferring \$103,206 from Contingency to Materials and Services to Pay for September Elections Expenses; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 96-670 to the Regional Facilities Committee.

8. RESOLUTIONS

8.1 **Resolution No. 96-2424**, For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Amended Open Spaces Implementation Work Plan.

Motion: **Councilor Washington** moved for the approval of Resolution No. 96-2424.

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

Discussion: **Councilor Washington** asked Mr. Michael Morrissey to give the staff report on this resolution. He also noted that Councilor Naito had some friendly amendments to this resolution.

Mr. Michael Morrissey, Council Analyst, said that this resolution was passed out of the Regional Facilities Committee in December by a unanimous vote. After a year's work on background of acquisition, the Regional Parks and Greenspaces Department came forward with some recommended changes to both their acquisition parameters and their due diligence language. There wasn't much discussion during committee. Highlighted in the acquisition parameters particularly were the notion of "cadillac appraisals" or full value appraisals which weren't always needed. This resolution listed circumstances whereby those might not be needed and then what would happen if they weren't needed. Under the due diligence language there was a clarification of unusual circumstances.

Councilor Washington indicated that prior to this Council meeting, Councilor Naito found some beneficial things that the Council may wished to change in the resolution.

Councilor Naito said she had some amendments to the resolution. She proposed that under the specifications where a complete valuation appraisal was not necessary, there were two instances where that determination was made by Metro staff, in "c" where the valuation was determined to be non-complex and "d" where the property was determined by the refinement plan to be a top priority or where time was of the essence.

In those circumstances where Metro staff were determining where a complete appraisal was not necessary, she recommended that it was not appropriate for the Metro staff then in the next section to be the body that was also determining the appraisal itself. In order to have a checks and balance system, she suggested amending the resolution so that in the above mentioned situations where an independent appraisal or a restricted residential type of appraisal should be achieved. She had discussed this with Jim Desmond and he concurred. The other part of the amendment dealt with where the staff needed flexibility in this very volatile market to go above an appraisal, partly because property was changing value so quickly. The staff recommended that they be given a 10% figure to go above the appraised value. Her concern was there be put on a dollar cap of a maximum of \$50,000 so that the staff had the flexibility they needed with the

smaller parcels. If the property was over \$500,000 they would have to come back to Council for consideration.

Mr. Jim Desmond said that he felt that Councilor Naito's amendment was well thought out and well stated. The background was that in one situation the way the work plan was originally drafted, staff was getting a complete valuation, full, narrative appraisal on every single acquisition. The cost of such an appraisal ran \$5000 to \$7000. There were situations where Metro was buying properties that might be worth \$10,000 to \$15,000 and spending \$6,000 of public money to determine that the property was worth \$10,000. A number of corridors had suggested the staff tie the type of appraisal needed to the type of property being purchased. On properties that were less than \$100,000 or exactly like something purchased next door, the staff could get an independent appraiser's written opinion of value or a summary report completed by the staff MIA appraiser competent to do their own appraisals. Councilor Naito's amendment said that in the two situations where it was not an objective situation but the staff appraiser determining that something was non-complex and there should not be a \$6,000 cadillac appraisal, if it were the staff appraiser making that determination, then the staff appraiser's summary report should not be used but rather the written opinion valued by the independent be obtained. He referred to the 10%, the department had found that the appraisal process was not exact, appraisers were expert but they also made judgment calls and the department was in a situation where even if the appraisal was \$1.00 over fair market value, if the seller would not agree to the exact amount of the appraisal, staff had to return to the Executive Session of Council. This was a problem for some of the sellers, the 10% gave a cushion and the \$50,000 ceiling also made a lot of sense from a responsible public point of view. The staff was trying to save public money on appraisals, still have independent valuations of what properties were worth but not be wasting public money in that process.

Motion to

Amend: **Councilor Naito** moved the Naito amendment to Resolution No. 96-2424.

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

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

Discussion: **Councilor Washington** thanked Councilor Naito for bringing forward her amendment to the resolution.

Presiding Officer Kvistad said that the Council would move to a vote of Resolution No. 96-2424 as amended.

**Vote on
the Main**

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

8.2 **Resolution No. 96-2445**, For the Purpose of Approving a Service Plan to provide assistance, including rate relief, to regional citizens and local governments to the Metro region for disposal of storm and flood-related debris.

Motion: **Councilor Morissette** moved the approval of Resolution No. 97-2445.

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

Discussion: **Councilor Morissette** said that this was similar to the program done in February 1996 to help the regional partners and citizens with some of the debris that the last several storms had left. This resolution allowed residents to drop off storm debris on January 4, 5, 11 and 12 at the transfer stations. Local government helped in paying for some of the removal of storm debris up to \$35.00 per ton. Transfer station between January 24 and 26 had a reduced car charge of \$10.00 and truck charge of \$19.00, a 75% reduction to 25% of the cost with a cap of about \$200,000 as a maximum, similar to the February program.

Bruce Warner said that this was a very coordinated program with all of the local governments. He recognized Mr. Dennis O'Neil, Incident Commander, Kelly Shafer Hossaini and Bryce Jacobson for their assistance. This program was similar to last year's, reducing the cost of the value of what was normally charged at the transfer stations for disposal of flood damage materials, wall board, lumber, rugs, etc. The big difference from last year was the ice storm this year which resulted in a lot of wood debris. The program aided the small cities in the east Multnomah County as well as ensuring that these materials didn't end up in a landfill.

Councilor McCaig said that although there was no doubt that this was necessary given the storms, there was no criteria in place which allowed Metro to evaluate under what criteria and when, what kind of an emergency would allow a \$200,000 allocation. She believed it was important that Metro had something in place that would allow them to make those decisions under a different set of circumstances in a predictable way rather than be guided by whatever the current emergency was or the perception of emergency.

Presiding Officer Kvistad asked Mr. Warner to make note of Councilor McCaig's recommendation.

Mr. Warner indicated that there would be a disaster plan before Council soon to let Council know what Metro had been doing with local governments over the last year since the last event. He acknowledged Councilor McCaig's recommendation noting that Metro had not yet outlined specific triggers which would indicate when Metro would enter into this type of emergency operation. The governor's declaration of Clackamas County was Metro's trigger for this current disaster, last year's declaration by both the governor and then by the President were Metro's triggers. REM would be coming back to Council with a disaster plan and a companion piece which outlined those triggers when Metro would start such type of operations in the future.

Councilor Washington asked about number 3 of the staff report which said that flood debris tickets would be provided for each resident to complete, did this mean that ticket would be provided at the transfer station?

Mr. Warner answered yes.

Councilor Washington suggested that the tickets not be long as the lines at the transfer station would be. It was his hope that this process would be expeditious for the public's benefit.

Councilor McLain mentioned that she felt it was important to coordinate that disaster plan with the emergency managers, with the jurisdictions, with the different type of emergencies that this agency had dealt with whether it be earthquake or another type of disaster. There was a whole group of ideas there that could be drawn upon, to coordinate it better and have more ideas that would make a better product.

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

8.3 **Resolution No. 96-2416**, For the Purpose of Appointing Barry Bennett to the Metro Solid Waste Rate Review Committee.

Motion: **Councilor McCaig** moved the approval of Resolution No. 96-2416.

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

Discussion: **Councilor McCaig** said that there was currently a vacancy on the Solid Waste Review Committee. The Executive Officer appointed six of the members with the seventh being appointed by the Presiding Officer serving as a Councilor. The business and financial experience position was the one that was vacant. Mr. Bennett came highly recommended by the Executive, the Council's role was to confirm him. She noted Mr. Bennett's record and his publication, "The Day I Cross-examined God". She joked, by saying that she was curious how that publication might relate to serving on the Solid Waste Review Committee. She moved that the Council confirm the Executive's nomination.

Councilor McFarland acknowledged Mr. Ross Hall's work on the Rate Review Committee. Mr. Hall filled the position very adequately, very well. He was a very conscientious member of the board. She thanked Mr. Hall for all of his hard work.

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

9. COUNCILOR COMMUNICATION

Presiding Officer Kvistad asked about holding Finance Committee on Thursday prior to Council meetings so that two of the Councilors would not have to serve on committees four days during the week. He asked Councilor McCaig if that would be appropriate?

Councilor McCaig responded that the issue was consolidating the time effectively for all Councilors. The Finance Committee was a meeting of the whole. Thursday was the only day that all of the members of the Council were at Metro so it did make sense to have the Finance Committee before or after Council.

Presiding Officer Kvistad said he could tentatively schedule the Finance Committee for 1:00 p.m. but Councilor McCaig could set the time for them because many times those meetings were flexible.

Councilor McLain indicated that she couldn't attend until 1:15 p.m. on that day for the Finance Committee so she would like to have the opportunity to attend those Finance Committee meetings as long as they were going to be a committee of seven. She could be at Metro for an early morning meeting or after 1:15 p.m. but she could not be here between 10:30 am and 1:00 p.m.

Councilor McFarland suggested starting the Finance Committee meeting at 1:30 p.m.

Presiding Officer Kvistad said that this would mean that the time for Council would have to be shifted until a bit later. On those days that there was a Finance Committee meeting it was possible to start Finance at 1:30 p.m. and then have Council begin at 3:30 p.m.

Councilor McCaig urged not to change the Council meeting times. If necessary the Finance Committee could be after the Council meeting. She asked that if there were other Councilors available to meet in the morning could this be a consideration?

Presiding Officer Kvistad said that if all three or four of the committee members were available to do a morning meeting and agreed to do a morning meeting, it was possible to have morning meetings. It had been the custom that meetings be held when all members of the committee could attend. He asked the Council to let him know as soon as possible.

Councilor McCaig said that the schedule was driven by when Councilors were available and she understood that there was no flexibility with some Councilors but if possible and committee members agreed, the flexibility to have committee meetings in the morning was a possibility.

Councilor McLain acknowledged the Vice Chair of MCCI, Aleta Woodruff and said that the reason why the Council has tried to have some consistency in the meeting times was for the ability of the public to have some continuity in knowing when those committees met from year to year and to have some opportunity to attend. Metro was not like the state legislature, we did not deny public access at times where people were working an 8 hour day. The Council had tried very diligently to offer meetings even later than 1:30 or 3:30 p.m. so that the public could be at the meetings. She was not the only Council who could not attend meetings between 10 am and 1:30 p.m. It had been the practice of the Council for the past 6 years that the Councilors were not just accommodated but also the public. MCCI had mentioned not once but many times the request to have meetings in the evening. She understood that Councilor had part-time jobs and other responsibilities, it was important to remember that Council was not here just at their pleasure but at the pleasure of the public. She had seen consistently where two things matter to the public, one, that there were consistent meeting times and two, they had an opportunity to attend after their work day.

Presiding Officer Kvistad said he felt that the members of the Council would be sensitive to the requests and concerns of the public.

Aleta Woodruff, 2143 NE 95th Place, Vice Chair of the MCCI, called attention to the January 23, 1997 at 6:00 p.m.. MCCI would like to request that when the scheduling was made and the agenda was set, that the MCCI presentation could be time positive because there was a very serious conflict in that the City/County meeting was the same night at 7:00 p.m. At least two of the board members on the steering committee needed to be at Council at 6:00 p.m. and at the City/County meeting at 7:00 p.m. Council was not the only one who have these conflicts. MCCI did appreciate the evening meeting, this would be for the presentation of the principles which MCCI had put together and also for the introduction of new members.

Presiding Officer Kvistad said that the meeting on January 23, 1997 was the public hearing on the Boundary action on the City of Portland/City of Beaverton, Washington/Mutnomah Counties boundary scheduled to begin at 6:00 p.m.

Councilor Naito said the first committee meeting of the Government Affairs Committee was schedule for Martin Luther King Day. She would like to have the committee meet during that regularly schedule meeting week but on a different day. She would be conferring with Committee members about a specific day and time.

Councilor McFarland asked if Regional Facilities was also on Monday, January 20, 1997?

Presiding Officer Kvistad affirmed Councilor McFarland and suggested that she may wish to speak to her committee about another meeting day for that week. He announced that on the January 16, 1997 meeting, he had asked the Executive and staff to make a presentation on the boundary dispute so that Council was up to speed on the issues prior to the public hearing on January 23, 1997.

Councilor Washington asked if REM was still at 1:30 p.m. on Wednesday?

Presiding Officer Kvistad responded yes.

10. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 2:55 p.m.

Prepared by,

Chris Billington
Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
010997c-1	010997	Naito Amendment	Councilor Naito