

# MINUTES OF THE METRO COUNCIL MEETING

June 26, 1997

Council Chamber

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

Councilors Absent:

**Presiding Officer Jon Kvistad** called the meeting to order at 2:00 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

**Presiding Officer Kvistad** called Mr. Jack Gallagher, Mr. Rick Faus and Mr. Richard Ross from the City of Gresham to testify indicating that the Ordinance they wished to speak to was on the agenda for first reading.

**Mr. Richard Ross, City of Gresham**, 1333 NW Eastman Pkwy, Gresham, OR 97030, noted the letter sent by Mr. Ed Sullivan on behalf of the City of Gresham and Fairview.

**Presiding Officer Kvistad** noted that the letter referred to would be delivered to the Councilors mail box, normally these would go directly to committee.

**Mr. Ross** continued that the request of the City of Gresham and Fairview was to defer the Council's action on Ordinance No. 97-706 which had come up previously as part of a housekeeping Ordinance (No. 97-690A) for modifying the 2040 Concept Map. This had been discussed at MPAC. MPAC voted to request that the Metro Council hold off action until the completion of mediation which would be going on throughout the next two months regarding the Fairview, Wood Village Town Center and the LUBA appeal that had been remanded to the local jurisdictions for mediation purposes.

**Mr. Rick Faus, City of Gresham's Attorney's Office**, 1333 NW Eastman Pkwy, Gresham, OR 97030, noted the letter submitted and reiterated that this matter should be held in abeyance or tabled until after August 13, 1997. There was substantial amount of disagreement amongst the cities of Wood Village, Fairview and Gresham over the development and scope of development at the MKC site. The originally proposed housekeeping measure alters the designation of that property from employment center to town center. However, at this point it did so in the midst of substantial disagreement about the scope of the development that should be allowed in a town center and substantial disagreement among the parties. The City of Gresham's view was that something that was housekeeping had now become substantive in nature. If this matter went forward now, the parties that were in mediation and trying to come to agreement would be forced to come into conflict on the Council's hearing on this matter as well as in the filing of a LUBA appeal of this matter. The City was hopeful that the Metro Council would consider tabling this matter until August 13th, which was the date when Wood Village Council would be meeting on this matter, it was also the date where the absolute end of mediation would have occurred. It was their hope that there would be agreement among all of the parties and the Metro Council could go forward with this matter without any conflict.

**Mr. Jack Gallagher, City of Gresham Council member**, 1333 NW Eastman Pkwy, Gresham, OR 97030, endorsed the MPAC agreement. He thought that it was a regional issues, it was under appeal right now. The only really plausible thing to do was to table it at this point and then after the negotiations were over with, take it forward from there. He appreciated the Metro Council's role as part of the regional planning in this area.

**Ms. Marilyn Holstrom, City Administrator for City of Fairview**, affirmed the City of Gresham official's recommendation to allow the cities to continue with mediation in a non-controversial setting. She noted Mr. Faus' comments. She requested the Metro Council table this item and support the MPAC recommendation.

**Councilor McLain** said she would be happy to explain the options in front of the Metro Council.

**Presiding Officer Kvistad** said Councilor McLain could submit her remarks under the first reading of Ordinance No. 97-706. He indicated that not all parties concerned were here but as a courtesy to the Council's guests, he wanted to provide this opportunity for them to speak.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. RATE REVIEW COMMITTEE AWARDS

**Mr. Bruce Warner**, Director of Regional Environmental Management, introduced three members of the Solid Waste Rate Review Committee who spent considerable hours and effort this year coming up with the first ever solid waste rate reduction for the agency. He called these members up to the dais, Ms. Monica Hardy, Mr. Barry Bennett, Mr. Steve Schaub. He noted that there were three members of the Rate Review Committee who could not attend the meeting, Ms. Shirley Coffin, Mr. James Cozzetto Jr. and Mr. Andy Thaler. He read a certificate that had been signed by the Executive Officer, "Whereas, Metro is empowered to create committees and commissions comprised of district citizens to assist the agency in completing its public services, and whereas the district has invested special trust and confidence in the capacity, integrity and fidelity of honored citizen, now therefore I, Mike Burton, Executive Officer of Metro, by the authority invested in me by the State of Oregon do hereby acknowledge your many hours of effort to make Metro's first rate reduction possible. The time and energy you devoted to pouring over technical financial data, negotiating between descent preferences, and critically evaluating conflicting representations of fact resulted in an unprecedented \$5 per ton rate reduction. You dedication and focus are exemplary and are greatly appreciated."

**Councilor Morissette** then handed the certificates to each of the Rate Review Committee that were present. He thanked the entire committee.

**Presiding Officer Kvistad** also thanked the committee for their hard work.

**Presiding Officer Kvistad** made two introductions, Suzanne Myers, new Council Assistant, and Randy Choy, the new Council Intern from the University of Oregon.

### 5. POTENTIAL ISSUES REGARDING STATE LEGISLATION

**Councilor Naito** said she did not have much to report other than what the Council had read in the newspaper about the Transportation package. It was still under negotiation.

The Boundary Commission bill was still on the Governor's desk. She noted the memo that Council had received from Craig Prosser to Councilor Patricia McCaig regarding the status of Measure 50 and the Zoo. The City of Gresham was seeking an amendment to the implementation of Measure 50 that would have allowed some public safety consideration for them. It would have taken about \$47,000 out of Metro's Zoo budget. The Multnomah County hit would have been 1.7 million. This bill was being monitored.

**Presiding Officer Kvistad** said there were two items before the Finance Committee, he recessed the Metro Council and called the Finance Committee to order.

Upon completion of the Finance Committee's business, the Presiding Officer reconvened the Metro Council meeting.

## 6. CONSENT AGENDA

6.1 Consideration of Minutes of the June 12, 1997 and June 19, 1997 Metro Council Regular Meeting minutes.

**Motion:** **Councilor Washington** moved the adoption of the June 12 and 19, 1997 Metro Council Regular Meeting.

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

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

## 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 97-706**, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Title 4 Map regarding the Wood Village Town Center.

**Presiding Officer Kvistad** called for a report from Councilor McLain on this item based on a MPAC meeting the previous evening.

**Councilor McLain** reviewed Ordinance Nos. 97-690, 97-690A and 97-706. Ordinance No. 97-706 was on the docket to separate out the controversial Wood Village/Fairview/Gresham mediation issue. That piece had been taken out of the Ordinance No. 97-690 and made a separate issue so that no matter when the Council voted on it whether it be after August 13th or whether it be later than that, it could be dealt with as a separate issues because there was mediation ongoing. They wanted to make sure that the local jurisdictions had an opportunity to talk out and work out their issues on this before the Metro Council would take action on that particular area. They did have an interest in correcting and updating the 2040 Growth Concept Map. This was why Ordinance No. 97-690 had been reviewed by Growth Management Committee, MPAC, and had been put on the docket for July 3rd to correct the 2040 Growth Concept map in areas of Portland and Hillsboro. All of those pieces had been reviewed and accepted as non-controversial and just corrections to the map. To be able to do that, today the Council would have to suspend the rules which would take 5 votes, and would then be allowed to put in Ordinance No. 97-690A, which would include only Hillsboro and Portland and would not have the Wood Village piece. She noted Mr. Michael Morrissey, Council Analyst, staff report. The 2040 Growth Concept Map was the map that had town centers, the regional centers, the main streets and other components of 2040 Growth Concept. She noted that the area on the maps that would be changing would be a mislabeled main street in Hillsboro. So they would be taking the old Cornell Road as a main street and taking that off and adding the new Cornell Road which was actually the main street. It was a correction of the map. In the Wood Village/Fairview/Gresham area there was a disagreement as to where the town center was located. On the 2040 Growth Concept Map it was a purple blob. It was up to the local jurisdictions to decide where those actual lines would be drawn. It did not change the targeted numbers for any of those three jurisdictions or the responsibility to the Functional Plan. She thought it would be helpful if Metro would wait until the mediation was done in those three jurisdictions. If the Council chose to have Councilor McLain suspend the rules what the Council would be doing would be to replace Ordinance No. 97-690 with 97-690A and would be forwarding the corrections to the 2040 Growth Concept Map in the Portland and Hillsboro areas only leaving the Gresham/Wood Village/Fairview separated out into the first reading of Ordinance No. 97-706. The Council would have an opportunity after it had been to committee to hear the committee's suggestion on if they

should honor the request made by both MPAC and the jurisdictions to hold off on this ordinance until August. It was her belief as committee chair that this would happen.

**Presiding Officer Kvistad** noted that Councilor McLain's final comment was a separate issue. He then called for questions on this item.

**Councilor McCaig** ask if the Council had the "A" version in front of the Council. It was difficult to vote without seeing the ordinance changes.

**Presiding Officer Kvistad** said that since this was housekeeping and the testimony received earlier spoke to the very issue of separation so that it may be dealt with separately from all of the other technical adjustments. Otherwise all of the technical adjustments would have to be delayed in order to deal with that one particular adjustment. By doing this, it separated out the issue in the Fairview/Wood Village area while leaving the rest of the adjustment available for the Council to consider.

**Councilor McLain** suggested to the Council that what was in front of them they had seen before. What was being omitted was the piece about Wood Village, Fairview and Gresham.

**Councilor Naito** asked what the need was for doing all of the technical amendments now. Why did the Council need to move ahead so rapidly with the technical amendments, why not hold those over?

**Councilor McLain** responded that the issue was that the Functional Plan was in place and the 2040 Concept Map was part of that Functional Plan. If the map was not correct, it could cause those jurisdictions problems as they were planning to try and meet the Functional Plan and meet the conditions of the Functional Plan. For example, in Hillsboro where they had a mis-stated main street, it was on their plan document and it was a mistake. The correct map needed to be out there as soon as possible.

**Presiding Officer Kvistad** followed by saying that the situation was, with all of the technical adjustments, the Council only had the one issue which was an issue that was contentious. If the Council was to go forward with the motion in tact, if there was a LUBA appeal or any other type of appeal, all of the technical adjustments would be appealed versus this approach which separated it out so that the controversial issue was its own separate item and the rest of the technical adjustments could go forward for all of the other local jurisdictions. He recommended to the Council to move these ordinances forward.

**Motion:** **Councilor McLain** moved to suspend the rules to replace Ordinance No. 97-690A for Ordinance No. 97-690.

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

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

**Councilor McLain** asked Mr. Dan Cooper, Legal Counsel, what the correct motion should be.

**Mr. Cooper** responded that the motion should say, „move to substitute the text of 690A for the existing 690“. The scheduling was up to the Presiding Officer.

**Motion:** **Councilor McLain** moved the substitution of the text of Ordinance No. 97-690A to replace Ordinance No. 97-690.

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

**Discussion:** **Presiding Officer Kvistad** asked Mr. Cooper if this substitution required a public hearing.

**Mr. Cooper** responded, no.

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

**Councilor McCaig** noted that it did not do much good to get the materials and the agenda, even if it was housekeeping, that the Council did not have a chance to be prepared for. She appreciated that it was housekeeping and not controversial but it did not bode well for the Council to keep doing business this way. Delaying it a week in order for the Council to have some comfort with it and have the materials in front of the Council would have been terrific. She recommended trying not to put these kinds of items on the agenda any more. It would be helpful.

**Presiding Officer Kvistad** had suggested this to staff already.

**Councilor Naito** suggested that the Council's action today should not be viewed as a non-controversial issue. There were a number of people who testified before that they wanted the original technical changes to proceed. This was a controversial issue and more a policy decision that the Council would let the parties go through mediation and not make the technical changes that everyone had expected to be made. She did not think that the Council should suggest on the record that this was a non-controversial action that they had been taking. She thought that they had all agreed that the Council should let the parties mediate and then take up the matter and review it.

**Councilor McCaig** said that she thought what the Council did was to eliminate the controversy by just moving forward the technical items. It was not that the issue went away but the Council had not taken any action which would contribute to the controversy.

**Presiding Officer Kvistad** said that was correct, what the Council had done was separate out the item which was controversial so that the parties can still move forward with their negotiations.

**Councilor Naito** added, she thought that the Council should make it clear for the record that the Council's action today should be viewed as not taking any action with respect to the propriety of the technical amendments because the action of deletion could be viewed to some as an intentional act that the Council was supporting one side or the other. She thought the Council should be very clear that by not taking an action, the Council was not taking any position with any of the parties involved. The Council was simply tabling this matter for a future decision.

**Presiding Officer Kvistad** clarified that what the Council had was a separation not a deletion. Ordinance No. 97-706 was the separated stand alone item. The vote taken was the item that came out of committee, Ordinance No. 97-690. The item on the agenda for first reading was Ordinance No. 97-706 was the complimentary first reading of the separated section. The Council did not delete, the ordinance was just separated. This item in not way said that the Council took a position on that particular portion of the item.

## 8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 97-679A**, For the Purpose of Adopting the Annual Budget for Fiscal Year 1997-98, making Appropriations, Creating Funding, Closing Funds, Levying Ad Valorem taxes, Authorizing Interfund Loans, and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-679A.

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

**Discussion:** **Councilor McFarland** read for the record, total budget \$411,282,283. The Council had passed ad valorem taxes of \$27,242,104. \$7,668,510 shall be for the Zoo operating fund, \$19,573,594 shall be for the General Obligation Bond Debt Service Fund with said levy needed to repay a portion of the proceeds of the Convention Center Project General Obligation bond approved by the voters

November 4, 1996. The Open Spaces, Parks and Streams General Obligation Bond was approved by the voters in 1995 and the Zoo Oregon Project General Obligation Bonds was approved by the voters on September 17, 1996. Metro had made some provisions in this budget for some loans from ourselves, in particular Metro had made a provision for a loan not to exceed \$750,000 from Risk Management Fund. It was anticipated to provide necessary cash flow if Multnomah County was required to refund property taxes under a law suit currently pending in the Oregon Supreme Court. Metro had also made an allowance for a loan not to exceed \$7,500,000 from the Solid Waste Revenue Fund to the General Obligation Bond Debt Service. This was in recognition of the fact that Metro may not have the sequence of events surrounding Metro's taxes that they collected which would normally happen in time to take care of these debts. If Ballot Measure 50 interfered with people being able to get their taxes out, Metro had put a contingency in the budget that Metro believed would deal with their responsibility on this. The budget came out of the Finance Committee with two no votes and the rest were in favor. She urged the Council's adoption for the Metro operation this year.

**Presiding Officer Kvistad** opened a public hearing on Ordinance NO. 97-679A.

No one came forward.

**Presiding Officer Kvistad** closed the public hearing

**Discussion:** **Councilor Morissette** noted he would be voting no on the budget. He indicated that the Council had heard his reasons in the Finance Committee. He commented on the original budget submitted by the Executive. He thought it was a very good one with the hold the line items in it.

**Councilor McLain** indicated that one of the reasons she felt this budget was one of the most difficult to work through was because of Measure 47 and the partners that Metro had out there in the local jurisdictions, both the counties and the cities and trying to react to them and help them and support them in essential services that were necessary to carry on the business of the communities. She felt that the Council had tried very diligently to review their needs. She felt the budget reflected that assistance and that help. Every year Metro tried to refine and find more efficiencies in the budget and the way things were done at Metro. She thought that they had done that this year. She thought there had been an opportunity for Metro in this year to see that there were citizens that would like to be more involved both MCCI and general citizens. It was her hope in this budget process for next year that the Council had an opportunity to review how to enable the general citizen to have more of an understanding of the Metro budget. It was very important to remember that almost half of the Metro budget was voted approved bonds for both the Open Space, Green Space Program and for elements of the Zoo. The public had said to Metro, we value our open spaces, regional zoo and it was important to help carry on those purposes and those services. She was proud to be able to vote for this budget again this year.

**Presiding Officer Kvistad** thanked Metro staff and the Finance Committee staff for their hard work on this budget. He also thanked Mr. Mike Burton, Executive Officer for being a good partner. He thanked the members of the Council and Councilor McCaig for the chairing the Budget/Finance Committee. In so far as he was concerned, this would be the first time that he would be voting in favor of the Metro budget. This was a difficult thing for him to do considering his beliefs on excise taxes and niche tax funding. Considering the environment that Metro was in and that we had made some commitments, he felt he had to step up to the plate and get involved and make some difficult decisions. He would be voting in favor of the budget today. He had given his word and his commitments.

**Vote:** The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McCaig and Morissette voting nay.

8.2 **Ordinance No. 97-693**, Amending the FY 1996-97 Budget and Appropriations to Adjust the Growth Management Services Department Budget in the Planning Fund to Transfer Appropriations from Materials and Services to Personal Services to Complete Approved Projects; and Declaring an Emergency.

**Motion:** **Councilor McLain** moved the adoption of Ordinance No. 97-693.

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

**Discussion:** **Councilor McLain** reviewed Ordinance No. 97-693. The Growth Management Department was requesting moving \$21,118 from the Miscellaneous Professional Services to Personal Services. The reasons were that in one case a consultant that had been contracted with was unable to complete the project due to health reasons. The department requested assistance from a staff person from a different department to complete the project. The staff time was paid by the Growth Management Department. In addition the department had determined that it would be cost effective on a few projects to hire temporary interns to conduct the research rather than hiring consultant. These projects included the Regional Framework Plan, the Urban Growth Management Function Plan, Martin Luther King main street program and due to the technical nature and recent public inquires on Urban Reserves, support staff was needed to help work out some of the issues that the general public was asking of Metro on Urban Reserves. This transfer was to pay for those services.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-693.

No one came forward.

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

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

8.3 **Ordinance No. 97-694**, An Ordinance Amending the FY 1996-97 budget and appropriations schedule by transferring \$80,000 from personal services to materials and services in the Spectators Facilities Fund to provide for unanticipated concessions expenditures at the Portland Center for the Performing Arts (PCPA), and declaring an emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-694.

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

**Discussion:** **Councilor McFarland** indicated that the Finance Committee had just considered this ordinance.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-694.

No one came forward

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

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

8.4 **Ordinance No. 97-695**, An Ordinance amending the FY 1996-97 budget and appropriations schedule by transferring \$23,500 from materials and services to capital outlay in the MERC Administration Fund to provide for Unanticipated Capital Expenditures, and declaring an emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-695.

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

**Discussion:** **Councilor McFarland** indicated this ordinance had just been reviewed in the Finance Committee.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-695.

There was a question from the audience about whether this was for the 1997-98 budget and appropriations schedule (as noted in the agenda) or if it was for the 1996-97 budget and appropriations schedule (as included in the agenda packet)?

**Presiding Officer Kvistad** clarified that the agenda had a typo but it was not an error in the ordinance.

**Councilor Naito** said the Finance Committee ordinance was correctly noticed and the error was in the Council agenda.

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

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

8.5 **Ordinance No. 97-698A**, Amending the FY 1996-97 Budget and Appropriations Schedule By Transferring \$88,601 from Contingency and \$80,000 from M & S to Capital Outlay in the Expo Center Portion of the Regional Parks and Expo Fund to Provide for Unanticipated Capital Outlay Expenditures; and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-698A and clarified the changed wordage of the ordinance.

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

**Discussion:** **Councilor McFarland** said that this was taken up in the Finance Committee and she reiterated what the title was for the A version. There was a certain amount of money saved on Expo, so there were some funds to spend for what was originally scheduled as very lean kinds of appearances for the building. By using these funds, both the money from contingency and the \$80,000 from Materials and Services Capital Outlay, Metro was going to be able to furnish that building in the way that Metro would like to do without borrowing the \$500,000 from the Convention Center Fund which was a potential to finish it up. In actual fact, this constituted a certain level of savings, it also was a savings and there would be no further money that would have to be borrowed from the OCC funds and Metro could now pay off Intel. She believed this was a good ordinance to support. This also took all of the money out of the contingency for Expo leaving intact the money for the contingency for Parks and Open Spaces. This broke up the two of these. There was no longer any contingency in that particular fund that would apply to Expo. It was now in a different fund, all of the Parks funds were left intact.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-698A.

No one came forward.

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

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

8.6 **Ordinance No. 97-699**, Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$10,000 from Personal Services to Materials and Services in the MERC Administration Fund to Provide for Unanticipated Temporary Labor Needs, and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-699.

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



**Discussion:** **Councilor McFarland** said that this was a position at MERC which was going to be filled with a permanent employee, that was delayed so that this funding had to come for the temporary help that took the place of the permanent employee that MERC would ultimately have.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-699.

No one came forward.

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

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

8.7 **Ordinance No. 97-702**, Amending the FY 1996-97 Budget and Appropriations Schedule by Transferring \$10,000 from Contingency to Personal Services in the Office of the Executive Officer's Portion of the General Fund to Provide for Unanticipated Unemployment Expenditures and other Personal Services Needs, and Declaring an Emergency.

**Motion:** **Councilor McCaig** moved the adoption of Ordinance No. 97-702.

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

**Discussion:** **Councilor McCaig** reviewed Ordinance No. 97-702 indicating that the title spoke specifically to the request.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-702.

No one came forward.

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

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

8.8 **Ordinance No. 97-703**, For the Purpose of Granting a Franchise to K.B. Recycling Systems, Inc. for Operating a Solid Waste Processing and Recovery Facility.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-703.

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

**Discussion:** **Councilor McFarland** spoke to both Ordinance No. 97-703 and 97-704 because they represented the franchise for K.B. Recycling Systems for operating a solid waste processing and recovery facility. The reason why there were two for these ordinances was because the present facility would be phased out and they would be building a new facility. The present one was at Deer Creek Lane and the other would be on Clackamas Street. In order for them to continue to operate one that they were now operating, Ordinance No. 97-703 franchised them to continue with that operation whereas Ordinance No. 97-704 would franchise the new operation when it came on. They anticipated about a 6 to 8 month phase out and phase in process. This was exactly like several others that Metro had franchised.

**Councilor Washington** said, historically this franchise was the Kahut Family. This was the same Joe Kahut who fought as a light weight boxer back in the sixties.

**Presiding Officer Kvistad** opened a public hearing on both Ordinance No. 97-703 and 97-704.

No one came forward.

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

**Councilor Morissette** pointed out that this was a policy decision, these Ordinances encouraged recycling but with the repercussion of less revenue to Metro.

**Councilor McLain** suggested reminding ourselves and our staff that as we continued to go forward with franchises for our MERFs during the time that the Council was reviewing the Metro Code, there were particular areas that they had asked staff to look into and they wanted to make sure that the folks that Metro was giving this franchise to today understand that they were very concerned about the variances areas and they would be looking at those very carefully as they reviewed the Metro Code.

**Presiding Officer Kvistad** followed Councilor Morissette's comments in terms of looking for ways in which to privatize some of Metro's public sector items and also looked forward to working with people who had been very good partners with Metro.

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

8.9 **Ordinance No. 97-704**, For the Purpose of Granting a Franchise to K.B. Recycling Systems, Inc. for Operating a Solid Waste Processing and Recovery Facility.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 97-704.

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

**Discussion:** **Councilor McFarland** said she had already spoken to this.

**Presiding Officer Kvistad** noted that the previous call for a public hearing had included this ordinance.

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

## 9. RESOLUTIONS

9.1 **Resolution No. 97-2459**, For the Purpose of Approving An Intergovernmental Agreement with the City of Gresham for a Sanitary Sewer Outfall Pipeline Easement At Blue Lake Regional Park.

**Motion:** **Councilor Naito** moved the adoption of Resolution No. 97-2459.

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

**Discussion:** **Councilor Naito** said this was an intergovernmental agreement that would allow an easement to go on the Blue Lake property for sanitary sewer outfall pipeline. The City of Gresham would be paying fair market value and fully reimburse Metro for all of the legal and other costs which had been incurred by Metro in conjunction with this. There was significant testimony that this was necessary to put in place, it would be restored to its original condition.

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

9.2 **Resolution No. 97-2523**, For the Purpose of Authorizing an Amendment to Metro Contract No. 904266 for Additional Studies for Utility Feasibility and System Capacity Analysis Related to the Regional Framework Plan.

**Motion:** **Councilor McLain** moved the adoption of Resolution No. 97-2523.

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

**Discussion:** **Councilor McLain** said this amendment was to finish up and complete some work that cost \$10,000 more than anticipated. The additional services were identified in the scope of the work and were needed to finish the study. There was a critical aspect of this work that was used in the Urban Reserve decision that was made recently. This analysis would continue to be used in conjunction with other factors as Metro moved toward a UGB decision in the next several years. They asked for this money to pay for the work that was already completed as per the scope of work in Exhibit A.

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

9.3 **Resolution No. 97-2526**, For the Purpose of Authorizing the Release of Bids for the Construction of Improvements to Metro South Station.

**Motion:** **Councilor Washington** moved the adoption of Resolution No. 97-2526.

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

**Discussion:** **Councilor Washington** said this resolution was for added improvements at Metro South. This was necessary because the first flood protection wall, some added construction would provide added insurance that future high waters would not damage or close the Metro South facility. It had been hit by high water several times. The widening of the access road would provide improved customer service to Metro commercial haulers as well as reduce traffic stacking on to Washington Street. The new scale and scale house would relieve the outbound traffic jam and improve service to customers. The retaining wall and access improvement to the Jack Ray trailer scale would help lessen the need for constant repair of the trailer scale. The total for the proposed improvements was approximately \$400,000. There was \$2.2 million available for improvement of Metro South in FY 1997-98 budget. This estimate exceeded the amount estimated for the capital improvement project by \$150,000 because the project included a flood protection wall and a retaining wall to widen access to Jack Ray's trailer scale.

**Presiding Officer Kvistad** clarified that the flood two years ago flooded both the household hazard waste section and the paint recovery area. This retaining wall for flood protection was quite important.

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

9.4 **Resolution No. 97-2527**, For the Purpose of Approving the Amendment to the South/North Draft Environmental Impact Statement Consultant Services Contract with Parametrix Incorporated, No. 904021 to Incorporate Analysis of Adopted Cost-Cutting Measures.

**Motion:** **Councilor Washington** moved the adoption of Resolution No. 97-2527.

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

**Discussion:** **Councilor Washington** said this was a \$310,000 amendment to the contract with Parametrix. The Council had already approved the cost cutting measures and the DEIS for South/North. All this did was comply with the federal requirement that it be added to the contract. This made the contract in order.

**Councilor McCaig** asked if cost \$300,000 to amend the contract?

**Councilor Washington** said the amended amount was \$310,000.

**Councilor McCaig** said that was what they were amending the contract to reflect, it was not a cost to Metro.

**Councilor Washington** asked Mr. Skiles responded for clarification.

**Mr. Leon Skiles**, Transportation Department, said it was an amendment to increase the value of the contract with Parametrix Inc. by \$310,000 to perform the environmental analysis work on the new alternatives that were added as a part of cost cutting. It would bring the DEIS (Draft Environmental Impact Statement) into compliance with the cost cutting work.

**Councilor McCaig** questioned, because our cost cutting proposal, some of which were new and were not reviewed previously?

**Mr. Skiles** said that was correct, for example, Hwy. 24 had no environmental work done so they must do wetland and noise analysis.

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

## 11. COUNCILOR COMMUNICATION

**Presiding Officer Kvistad** noted the changes that had occurred within the past week and requested a Council staff meeting to reevaluate the procedures. There would be some general changes in the way in which items were noticed and with staff work, prior to and following committee and council meetings.

**Councilor Naito** said she would be happy to participate in this meeting. She had received a number of recommendations in Government Affairs Committee about improvements that could be made. Her concern was that if there was a committee structure, if a new item or amended version of an ordinance or resolution came before the full Council, her preference would be that it be pulled back by suspending the rules and taken back to committee for the substitution. If there were circumstances where this time might not work, then each committee member should be notified that there had been a change.

**Presiding Officer Kvistad** said that this was exactly the point he wished to discuss with staff and then at some point in July there would be a Council work session.

**Councilor Washington** said some time ago council staff used to provide the agendas in a book, tabbed by the various items. It was his hope that the staff might consider reintroducing this tabbed book.

**Councilor McLain** noted the meeting with MPAC on June 30, 1997, Monday, 8:00 am to 12:00 noon at the Oregon Convention Center Room 120-C and Gordon Davis will be the facilitator.

**Councilor Washington** asked what the total membership of MPAC was.

**Councilor McLain** responded 27 members.

## 12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:35 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

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Ruth McFarland

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G.M. Committee Report Ord

97-690

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5/20/97

Cost Cutting Measures Final

Report Draft

062697c-05

FY 1997-98

Approved Budget