

MINUTES OF THE METRO COUNCIL REGULAR MEETING

Thursday, June 5, 1997

Metro Council Chamber

Members Present: Jon Kvistad (Presiding Officer), Ruth McFarland (Deputy Presiding Officer), Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Members Absent: Lisa Naito

Presiding Officer Kvistad called the meeting to order at 2:03 PM.

1. INTRODUCTIONS

Councilor McFarland introduced Aleta Woodruff from the Metro Committee for Citizen Involvement.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Chris Deffenbach, Project Manager, South Willamette River Crossing Study, appeared before the Council to present the SWRC study for improvements in crossing strategies between I-205 and Marquam Bridge. She said their purpose was to identify and prioritize crossing improvements in the corridor between the I-205 bridge and Marquam Bridge for the regional transportation plan to identify crossing improvement strategies. She said it was needed because demand exceeds capacity on the existing system. This affected people's ability to cross over the river and/or travel within the corridor. She reported there had been a lot of growth in this area since 1925 when the Sellwood Bridge was constructed and the I-205 Bridge, though recent, really served a different travel pattern than the crossing needs in its corridor. She said the Sellwood Bridge was approaching the end of its planned lifespan which was one reason for doing the study now and not years from now. She said the region had a decision to make on whether to continue to invest in maintain the bridge or to replacement or some other way to meet the crossing demand in this area. She explained the process for choosing the 7 final study areas and said about 1,000 newsletters would be going out the next day asking for comments. She said they had produced a report and executive summary and were seeking action on this proposal by TPAC, JPACT, the Transportation Committee and the Metro Council. She said they were simultaneously reviewing the purpose of the study, findings and status with City Councils, County Commissions and business and neighborhood groups upon request. She noted a memo that would be distributed with a schedule.

Councilor Washington said he would be asking staff to keep Council and people apprised of major issues regarding transportation.

4. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Presiding Officer Kvistad reported that Councilor Naito was required to be in Salem to follow up on transportation issues and he was unaware of other legislative issues that needed to be brought up.

Councilor McLain pointed out that HB 2493 had passed the House 42-17. She explained this was the bill having to do with proposed density issues and performance measure issues. She said work was being done on the language of the bill including some that said there would be a 2 year timeframe for completing the analysis as required under ORS197.2963. She also reported language regarding an extension if needed. She said she was also being asked to rethink Section 4 on performance measures.

She said they were keeping close tabs on this as well as a notification bill that would require Metro to pay for all notification. She asked Mr. Cooper to give details.

Councilor McCaig asked why Metro was proposing amendments when the decision had been made by the Council not to take a position on this item.

Mr. Dan Cooper. Legal Counsel responded that the Growth Management Committee had discussed this bill at their last meeting and felt the Resolution the Council had adopted for circumstances like this was sufficient for us to work for amendments on HB 2493 in order to maintain Metro's present position of planning authority. He said that upon instruction from the 3 Councilors present at that meeting, he met with Mr. Chandler and Rob Drake, the Chair of MPAC yesterday morning and heard from Mr. Chandler that he was going to have amendments prepared. He faxed them and Mr. Morrissey had copies available. He said they were amendments that the home builders would support for their bill which was friendly to Metro because they provided the language that gave the Department of Land Conservation Director the ability to give Metro an extension if needed. Separately, the bill provided for 11 different performance measures.

He expressed concerns to Mr. Drake that were raised in the Growth Management Committee that the measures weren't very exact and eliminated the ability for the Metro Council to create the performance measures as the functional plan currently required. He reported Mr. Chandler had no objection to having the bill revised so Metro would write its own performance measures as long as the subject matters dealt with were those in the bill. Mr. Cooper said the measures already pretty much matched the provisions in Metro's Ordinance. He said Mr. Chandler had faxed a message of approval for the amendments. He explained that the Executive Officer had concurred in these actions through long distance phone conversations with one of his staff while he was out of town.

Councilor McCaig asked if she was to assume that since the negotiations were going forward that it meant the Council supported the amendments and the bill.

Presiding Officer Kvistad said no, that Councilor Naito and the members of the Government Affairs Committee had been delegated the authority to review bills and make recommendations in conjunction with the substantive committees involved if there were areas of concern. He said Councilor Naito had come forward with a recommendation to look at this bill because there were areas of concern within the bill. He said she was well within her authority to do so. He said the recommendations being made would make the bill non-Metro adversarial.

Councilor McCaig said her issue was not the process, but that if there was a change in Council's formal position, a position of "no position", all Councilors should be informed because it had been a collective position of the body.

Councilor McFarland supported Councilor McCaig's position because, she explained, once amendments were added to something, it could end up very different than it started out even if we were neutral to begin with. She said Council must have an opportunity to act before anyone says yes, the Council supported this.

Presiding Officer Kvistad recognized that fact and explained that was how it would be.

Councilor McLain said Councilor Naito may be back at the end of this meeting and have the opportunity to provide an overview.

Councilor Washington said Transportation Bill 3361 had gone back to committee and the possible outcome was unknown.

5. CONSENT AGENDA

5.1 Consideration of Minutes for the May 22, 1997 Metro Council Regular Meeting and Work Session

The minutes were not available to Council. They will be available next week.

Jeff Stone, Assistant to the Presiding Officer said Suzanne Myers would be on board on June 23.

Presiding Officer Kvistad introduced new Council Assistant Pat Emmerson to the Council. Also mentioned Suzanne Myers would be joining the staff the week of June 23rd so both Council Assistant jobs would be filled.

6. ORDINANCES - SECOND READING

6.1 Ordinance No. 97-696, Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$12,000 from Materials and Services to Capital Outlay in the Building Management Fund to Provide for Modifications to the Metro Regional Center, and Declaring an Emergency

Motion: **Councilor Morissette** moved to approve Ordinance No. 97-696.

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

Discussion: **Councilor Morissette** said this would move the money to get to a point where \$68,100 would be saved at the expense of \$23,500 by eliminating security in the evening and adding a camera and key passes. He urged support.

Presiding Officer Kvistad opened a public hearing.

There being no response.

Presiding Officer Kvistad closed the public hearing.

Presiding Officer Kvistad expressed concern about not having security in the building in the evenings for Council access to the building. Staff had assured him they will meet every security need.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

6.2 Ordinance No. 97-697, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$3 million from Open Space Fund Contingency to Capital Outlay in the Open Spaces Fund and Transferring \$7,000 from Smith and Bybee Contingency to Personal Services in the Smith and Bybee Lakes Fund and Transferring \$34,600 from the Regional Parks and Expo Fund Contingency to Personal Services in the Regional Parks and Greenspaces Department to Provide Funding for Unanticipated Expenditures; and Declaring an Emergency.

Motion: **Councilor McFarland** moved to accept Ordinance No. 97-697.

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

Discussion: **Councilor McFarland** said this was a relatively self explanatory ordinance by title. She asked for someone to explain why the money was spent faster than anticipated.

Mr. Charles Cieko, Regional Parks and Greenspaces Department, explained the reasoning for each part of the ordinance request.

Councilor McFarland urged Councilor's aye vote on this Ordinance.

Council Washington asked about the Chinook Landing area.

Mr. Cieko said Chinook landing and a portion of Blue Lake were underwater at this time due to high Columbia River water.

Presiding Officer Kvistad opened a public hearing.

There was no response.

Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

6.3 Ordinance No. 97-689-A, For the Purpose of Amending the 1992 Regional Transportation Plan to Include the Need, Mode, Function, and General Corridor for the I-5/99W Connector.

Motion: **Councilor McLain** moved moved the adoption of Ordinance 97-689A.

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

Discussion: **Councilor McLain** presented the reasoning behind this Ordinance. She explained the citizen involvement and reports provided during the long-term study of this ordinance. She urged aye vote and asked for questions.

Presiding Officer Kvistad opened a public hearing.

There was no response.

Presiding Officer Kvistad closed the public hearing.

Presiding Officer Kvistad commented that this Ordinance and the following Resolution had been very important to him and his community and while he did not support elimination of a total bypass, under the circumstances, this was the best he could get for his community and would support the ordinance.

Councilor McLain said if you supported the addition to the RTP, vote for this Ordinance, and if you were not happy that the entire project was not being built you would look at the resolution that follows.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

7. RESOLUTIONS

7.1 Resolution No. 97-2497, For the Purpose of Endorsing the Recommended Arterial and Highway Improvement Contained within ODOT's Western Bypass Study and Amending the 1995 Interim Federal Regional Transportation Plan

Motion: **Councilor McLain** moved to adopt Resolution No. 97-2497.

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

Discussion: **Councilor McLain** explained this action made sure connector would be on the preferred project list in the Interim Federal RTP. She said it would be adopted in the 2040 Growth Concept and as part of the 1997 RTP update to determine full consistency with the Regional Growth Concept. She said this met the requirements of the Transportation Planning Rule.

Presiding Officer Kvistad opened a public hearing.

Meeky Blizzard, Executive Director of Sensible Transportation Options for People, 15405 SW 116th #202B, Tigard, OR, appeared before the Council on behalf of STOP to speak in support of Resolution No. 97-2497.

Keith Bartholomew, 1000 Friends of Oregon, 534 SW 3rd Avenue, Suite 300, Portland, OR 97204 also spoke in support of the Resolution. He said he was happy to continue to work on 2040 and other planning initiatives a success.

Presiding Officer Kvistad closed the public hearing.

Councilor Morissette said we needed roads as well because more and more people were coming and all would not choose alternative transportation.

Vote: The vote was 5 aye / 1 nay / 0 abstain. The motion passed with Councilor Morissette voting nay.

7.2 Resolution No. 97-2501, For the Purpose of Appointing Members of the Regional Natural Hazard Technical Advisory Committee

Motion: **Councilor McLain** moved to adopt Resolution No. 97-2501.

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

Discussion: **Councilor McLain** gave a history of Resolution 96-2367 to create Regional Natural Hazards Technical Advisory Committee (HAZTAC) and said that this Resolution was to get this committee off the ground.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously.

7.3 Resolution No. 97-2503, For the Purpose of Endorsing the Purchase of Used Equipment for the Metro Washington Park Zoo

Motion: **Councilor McFarland** moved to approve Resolution No. 97-2503.

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

Discussion: **Councilor McFarland** said this had to do with expansion of the zoo and some equipment that could be used in other parts of the zoo expansion that would lead to a considerable savings of money. She assured the Council that very good equipment could be bought used. She urged an aye vote.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

7.4 Resolution No. 97-2509, For the Purpose of Approving Change Order No. 8 to the St. Johns Landfill Closure of Subareas 4 and 5 Contract

Motion: **Councilor Washington** moved passage of Resolution No. 97-2509.

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

Discussion: **Councilor Washington** explained gas leakage and oxygen infiltration at the perimeters of the St. John's landfill and the need for this Resolution to create trenching and extended cover of the subareas that needed it.

Councilor McFarland said she had been involved with the St. John's landfill for some time. She said all her questions had been answered satisfactorily and she would be voting aye on the Resolution and urged Councilors to do likewise.

Presiding Officer Kvistad clarified that the St. John's closure account had sufficient funds in it and that this money would come from this fund as it was intended.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed.

7.5 Resolution No. 97-2511, For the Purpose of Approving Amendment No. 2 to the Public Contract with PeopleSoft, Inc. for the Provision of Consulting Services

Motion: **Councilor Washington** moved approval of Resolution No. 97-2511.

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

Discussion: **Councilor Washington** said this additional funding was to provide for training and consultant services and asked Mr. Butler to comment.

Doug Butler, Administrative Services Director, said this was a cost-neutral proposal to transfer funds from one contractor to another for training and consulting services.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed.

Councilor Morissette explained his vote was aye because, even though he thought it was too expensive, he knew staff would spend the money wisely.

8. COUNCILOR COMMUNICATIONS

Presiding Officer Kvistad said adjusted calendars had been distributed to Councilors. He asked for discussion to finalize the calendar.

Councilor McLain commented on the timeline. She discussed the process for development and who she had talked with. She pointed to a typographical error needed to change August 21 to August 5 for the meeting and the RFP, last column, August 18 should be changed to August 5th. She talked about how to avoid redundancy in Council work. Growth Committee saw the advantage to this revision of the calendar was making goals clearer.

Councilor McCaig said the housing needs analysis portion at the front of the time line was the element she struggled with, at the initial reviews and the direction Council would pursue. She hoped these issues would come before the full Council for information sharing and gathering.

Presiding Officer Kvistad said the 5th would be an open meeting anyone could attend and at the Council Meeting on the 7th it would be brought up as a general discussion item.

Presiding Officer Kvistad announced there would be no Council/Committee meetings the last two weeks of August.

Councilor Morissette said the August 5 meeting would be an open meeting and any Councilor in attendance would be welcome to vote.

Councilor McLain said she did not anticipate any action items at the meeting and that the agreement was action items would take place at Council Meeting of the 7th where members could vote.

Councilor Morissette asked some clarifying questions about the document changes and if they would be discussed with Council.

Vote on acceptance of timeline: 5 aye / 1 nay / 0 abstain, with Councilor McCaig voting nay.

Councilor McFarland asked for Mr. Cooper's comments about his telephone conversation.

Mr. Cooper said the conversation with Mr. Chandler related to the revisions of the HB-2493-A 3 amendments he was prepared to introduce based on conversations with Mr. Fregonese and Councilors McLain and Naito about concerns in the bill.

Councilor McLain said the last two weeks of August had not said Advisory Committees like WRPAC could not meet. She asked if it would be okay to meet.

Presiding Officer Kvistad said we do not make those decisions for them and it was all right to meet.

There being no further business before the committee, Presiding Officer Kvistad adjourned the meeting at 3:16 PM.

Prepared by,

Chris Billington
Clerk of the Council

C:\LR\BUDGET\BUD97-98\021997FN.DOC

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
060597c-01	6/4/97	Growth Management timelines	Council/McLain
060597c-02	6/3/97	proposed amendments to HB 2493	
060597c-03	June 97	S Willamette River Crossing Study Update	Chris Deffebach
060597c-04	6/3/97	Memo re: above	Andy Cotugno
060597c-05	April 97	screening results and recommendations on above	Metro Transportation Planning