

MINUTES OF THE METRO COUNCIL MEETING

May 22, 1997

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:03 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellen, 3205 SE 8th, Apt. #9, Portland, Oregon, reviewed additions to his LOTI project for the South/North Light rail. He recommended changes to Metro's plan, utilizing the work that Metro had already done and adding his streetcar proposal. He said the purpose of the changes is to make the entire line more cost-efficient. Regarding concerns about loss of housing on Railroad Avenue, he asked for clarification as to whether the concern was for loss of present houses or loss of potential houses that would not be built. He suggested that if Railroad Avenue were narrowed along that corridor, you might not be able to put as many houses in that area. He stated that if Railroad Avenue is not widened, it would cause a traffic problem. Although he does not oppose development or the light rail, he suggested proceeding with caution and asked that his proposal receive thorough consideration.

Aleta Woodruff, 2143 NE 95th Place, Portland, OR spoke before the Council representing MCCI. She noted a letter that President of MCCI, Angel Olsen had received from the Executive Officer indicating that the Metro publication, *Link*, would cease to be published. MCCI felt that this newsletter was a very important link to the public. She requested that Metro please find the funds and staff to continue the publications.

Councilor McLain responded, agreeing that a newsletter is important. She added that some publication, whether it be Link or some other newsletter, would be considered in the new budget year. She asked for MCCI's help in improving the future newsletter.

Jon Stride, 888 SW 5th Ave, Portland, Oregon, [law office address] spoke about the proposed rate for A.C. Trucking. He pointed out that the proposed Ordinance fails to state what the recommendation is from the Rate Review Committee: the Ordinance contains only the proposed \$19.25 rate that Executive Officer Burton endorsed. He thought it ignored the Rate Review Committee's recommendation. Also, he pointed out that the information in the staff report did not accurately reflect the revenue Metro would collect by lowering A.C. Trucking's rate, then back-filling in with an equalization fee an amount up to the proposed \$70 rate. He stated that since the beginning of this process he had opposed the implementation of an equalization fee on

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legal grounds. He said that Metro proposed to put an effective rate on A.C. Trucking that is lower than the \$70, yet charge a rate of \$70 and take for itself a tax of the remainder. He said at some point Metro would be obligated to give A.C. Trucking notice of its right to a contested case hearing on the matter. He said when he receives that notice he will exercise that right. He urged Council to work toward a business solution instead.

Councilor McLain said it was important for the people in the room to understand that Mr. Stride is a lawyer for A.C. Trucking, and that the comment he just made were made in that capacity, rather than as a private citizen. She stated that she and Councilor Morissette sat on the rate Review Committee and they have looked for business solutions with that company and will continue to do so.

Presiding Officer Kvistad offered that the identification of Mr. Stride as A.C. Trucking's lawyer is important, but added that it is within Mr. Stride's rights as a citizen to speak on an Ordinance in a first reading.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, said that the Metro South Station was evacuated that morning due to hazardous fumes. Seven people were admitted to the hospital for observation; however, no injuries were incurred. The station remained closed all day.

Mr. Burton called attention to a package the Council had that includes an initiative filed to abolish Metro. This initiative proposes a constitutional amendment that prohibits regional governments, but language in the initiative exempts all districts except Metro. Clearly Metro and the Boundary Commission are the targets. Mr. Burton included in the package a memo from Mr. Shaw commenting on the proposed amendment. The ballot title had not yet been filed. He also enclosed a meeting notice from Metro Watch, which is funding this effort with Mr. Sizemore. The funding source for that effort is not known at this time.

He updated the Council on Ballot Measure 50, which passed. He noted that the State Legislature made some last-minute changes after some people had already cast their ballots. The changes reduce the amount of the tax cut by an estimated \$230,000. Before the last minute changes, the projected reduction in tax cuts was greater, \$370,000. These are very preliminary figures. That means, in the worst-case scenario, that Measure 50's passing would be no greater benefit to Metro than Measure 47, but this remains to be seen. Metro received notice from the Washington/Clackamas County that their tax statements will be delayed due to the complexity of figuring out what Measure 50 has done. Multnomah County is considering the same issue. Washington/Clackamas counties indicated their the payment due date may extended to as late as January 15th, which creates a cash flow issue for Metro. The bottom line was because of all of the uncertainties it would be inappropriate to make recommendations for the FY 1997-98 budget. Ballot Measure 50 clears the opportunity to raise fees without having to go to a vote of the people. Raising fees is something Metro had contemplated in relation to the Zoo, but has yet to balance raising fees with market consideration.

He reported an increase in attendance at the Oxbow, Blue Lake, and Marine facilities. Attendance at the Zoo was down, presumably due to weather.

He added that he and Councilor Washington were in Vancouver today and learned that the Interstate Bridge, north bridge section, would be closed for three weeks in September. This

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closure was characterized at the Vancouver meeting as having the effect of a “planned disaster. It was estimated at that meeting that the peak hour back-up southbound would be roughly 51 miles long and the northbound back-up would be roughly 42 miles long if no measures are taken to ameliorate the situation. He said that Amtrak indicated it was willing to put three trains on the system each way to assist in the transit of people, but Amtrack did not want it to be thought of as any sort of “pilot project.” The public needs to be aware of the planned closure and plan for it well ahead of time.

Councilor McLain asked what had been done toward alerting the public as to when the three-week closure would be. Mr. Burton responded that it was discussed at the meeting, and the reason it wasn't out yet is that the contract on the bridge has not yet been awarded. The starting date would be in the bid. The bid should be awarded in the next two weeks. As soon as that happens and the date is known, there will be a massive educational effort that will extend from Seattle to Eugene to Bend, as the effects will be widespread and quite dramatic.

Councilor McLain emphasized the importance of letting the public know that the reason the bridge repairs require closure is for safety. It cannot be safely repaired any other way, but the public needs to know there is no option.

Councilor Washington supported Councilor McClain's insistence that the public be kept informed and further emphasized the importance of not holding back information on how inconvenient it will be. The public will need to be prepared for a very difficult time.

Presiding Officer Kvistad said in the March JPACT meeting there was discussion about the possible replacement structure to replace the I-5 Bridge. He said a letter would be distributed concerning this.

4. URBAN GROWTH REPORT BRIEFING (RESOLUTION NO. 96-2392B)

Mike Burton reviewed his written report (included in the Permanent Record of this meeting).

Councilor Morissette asked if it wouldn't be a good idea to get with willing jurisdictions to start master planning some of the first-year property.

Mike Burton answered that he agreed with that and that the master planning process was not going to get done overnight. He said there were jurisdictions that had requested additions to their areas that would be willing to come in and start that process right away. He didn't know of anything to prevent the planning to start right away but wanted to pass it through the legal counsel. He noted a possible timeline for this on the back of a page handed out to Councilors.

Mr. Burton said there was a point where density doesn't work although he thought jurisdictions should continue with in-fill and redevelopment efforts. He said there was a point at which a neighborhood could lose its identity. Infrastructure might also not support density. What we need to remember is that we will run out of land and we need to provide for enough land.

Councilor Morissette continued that affordable housing was a casualty of the process and it is important to recognize that. He said the current total is 7,000 acres. One thousand acres, in addition to the 7,000, is park land. The whole thing would net about 6,100 buildable acres. People are struggling more and more to buy their own homes. He reported that besides affordable housing, some neighborhoods would suffer from too high a density.

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Councilor McLain added there were other elements to consider. She said hard work had been done on the Functional Plan and everything that went with it and a lot of jurisdictions agreed. She felt the report helped with understanding what the protection of natural areas within the Urban Growth Boundary meant. She said the protection means that if you want to protect a stream corridor or a watershed, you have to have buffers. The planning needs to be scientific. She reported continued work on the Functional Plan as well as the Growth Report and the protection elements named.

She cited another important element was it was very important to realize that we have got to check Council work again and again to be sure the Functional Plan numbers were getting credit and it was important not to get 1994-95 numbers and 1996 numbers mixed. She stated that Council had called 1994 a "hallmark year." She said the Council should try to look at estimating what 1996 means when working with 2017 numbers. She felt it was a very important issue and said she planned to spend a lot of time with staff and Council members. She mentioned one final element, the time schedule, that she and Councilor Morissette and Executive Officer Burton had looked over and agreed was doable. It would mean adjustment to the work plan presented to MPAC. She said it was important to recognize the general public and MPAC and advisory groups all had to be brought up to speed on why it was doable and preferable. She reiterated the idea that they should not just gather numbers. If they go December 1997 with the process, they need to go on to 2018 and gather more numbers. She said it was important to take a step forward so Council would not lose the support. She said that the way to get it back to MPAC and other jurisdictions was to make a decision.

Presiding Officer Kvistad commented this was an opportunity to move ahead. He said that even though they may have differences on the issues, they recognized that ultimately it would be master-planned and they would be working together.

5. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Councilor Naito said several bills passed the House Floor, 624 and 625. She said 626, the Parks bill with Multnomah County, was in the House E & E committee on Friday. She would be meeting with Representative Shrader.

Regarding the Boundary Commission, Councilor Naito met with the group and ironed out differences. She believed there was agreement on the final bill. She said as soon as the amendments are prepared she will share them with Committee and Council. There was some difference about the date of implementation. It was her belief that the Council should not take a position on that other than letting individual views be known to Representative Strobeck.

Councilor McCaig said there were amendments proposed to the bill that came from a non-friendly source. The amendments would have tied Metro's hands significantly in their ability and role in making determinations on the direction of the Boundary Commission. It would have required a joint decision of MPAC and the Metro Council on any item discussed before the Boundary Commission. She said they negotiated with the special districts and the result was satisfactory. She said the folks who proposed that amendment did not want the implementation date to be until 1999 because if they failed to protect the Boundary Commission in this legislature, they wanted another shot in 1999 before implementation.

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Councilor Naito continued commenting on Bill 2493. It was her perception the bill was moving and on its way. The Executive Officer recommended amendments, basically to make the bill more workable to Council. She reported the determination of the amount of buildable lands would be made by December 1997 or January 1998 and there would be a two-year implementation period. The other thing the Executive Officer requested was an appeal to the department in the event that the timeline could not be met.

6. CONSENT AGENDA

6.1 Consideration of the Minutes of May 15, 1997 Metro Council Regular Meeting.

Motion: **Councilor Washington** moved the adoption of the minutes of May 15, 1997 Metro Council Regular Meeting.

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

Discussion: None.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. Council McFarland abstained as she was not in attendance. The minutes were approved as written.

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 97-698**, An Ordinance Amending the Fiscal Year 1996-97 budget and appropriations schedule by transferring \$94,411 from contingency 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.

Presiding Officer Kvistad assigned Ordinance No. 97-698 to the Finance Committee with a review in the Regional Facilities Committee if so desired.

7.2 **Ordinance No. 97-699**, An Ordinance Amending the Fiscal Year 1996-97 budget and appropriations schedule by transferring \$10,000 from personal services to materials and services in the MERC Administrative Fund to provide for unanticipated temporary labor needs; and declaring an emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-699 to the Finance Committee.

7.3 **Ordinance No. 97-701**, For the Purpose of Approving the Transfer Rate for Ambrose Calcagno, Jr., d.b.a. A.C. Trucking, Operator of the Forest Grove Transfer Station.

Presiding Officer Kvistad assigned Ordinance No. 97-701 to the Regional Environmental Management Committee.

7.4 **Ordinance No. 97-702**, An Ordinance Amending the Fiscal Year 1996-97 budget and appropriations schedule by transferring \$10,000 from contingency to personal services in the

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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.

Presiding Officer Kvistad assigned Ordinance No. 97-702 to the Finance Committee.

8. RESOLUTIONS

8.1 **Resolution No. 97-2505A**, For the Purpose of adopting cost-cutting amendments to the South/North Light Rail Alternatives and Design Options to be studied further in the Project Draft Environmental Impact Statement.

Motion: **Councilor Washington** moved the adoption of Resolution No. 97-2505A.

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

Discussion: **Councilor Washington** reviewed Resolution No. 97-2505A. Councilor Washington asked that Mr. Brandman expound.

Mr. Richard Brandman, Assistant Transportation Director, said that this was a unanimous recommendation from JPACT and the South North Steering Committee. It had been reviewed and recommended unanimously from the Portland and Milwaukie City Councils. The data were found sound and presented in an understandable way in the briefing document by the Data Review Panel. He said the project was different than the one previously proposed. Segments are proposed to be deferred, notably in downtown and Clackamas and north Portland. At the Transportation Planning Committee meeting, we tried to clarify one point in the resolution. The Amended Resolution is 2505A. The amended resolution clarifies that in the Environmental Impact Statement that they would identify a summary of the costs, ridership and significant benefits and impacts associated with the Expo Center terminance and Kenton.

Presiding Officer Kvistad opened a public hearing on Resolution No. 97-2505A.

Mr. Rick Williams, Chairman of the South/North Citizens Advisory Committee, 825 NE Multnomah, Box 108, Portland OR 97232, commented that the Citizens Advisory Committee had been together and working with Council since 1992 and had representatives from all along the line. He explained the purpose of the Committee was to make citizens aware of what was going on during the process. He said the message from the citizens were very clear: 1) cut costs, and 2) go forward with Light Rail.

He said that although the CTC fully concurred with the recommendations, they were concerned and wanted to reaffirm their commitment to Oregon City in Phase Two.

Another concern he wanted to pass on to the Council regards the east side of the river. He said it had been difficult to drop the east side connector from the DEIS (Draft Environmental Impact Statement) process. He said that although they might be putting aside their commitment to the east side connector, they were not putting aside their commitment to the east side of the river. But he felt the Central City Bus Concept Plan was the way to go. The Committee unanimous concurred to support the Lombard option. He stated that the Committee strongly supports the concept of commuter rail, even though they believe it conflicts with the current project and shouldn't compete for the same funds.

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Commissioner Ed Lindquist, Clackamas County Commissioner, 906 Main Street, Oregon City, OR (County Commission's Office). He is also a member of JPACT and chairs its finance committee. He reported that JPACT concurred with the Amendment and what Mr. Williams had said, but Clackamas County was where most of the air pollution ended up. He said due to that fact the area could not take density or growth without light rail. He said Clackamas County supports this Measure unanimously and appreciates the effort.

Mr. Stan Lewis, 111 SW Harrison, Portland, OR member of South North CAC since 1993, stated that he spoke on behalf of the Downtown Community Association. He related to the Council his experience as a youngster growing up in this area and supported the notion of viewing projects from a regional perspective and with the common good in mind. He said he found citizens overwhelming support the project.

Ms. Katherine Lawson, Liaison Planner for Portland State University, PO Box 751, Portland, 97207, stated that Portland State University was in support of the Resolution, particularly Item 2.F to replace the perpendicular turn alignment on Harrison to SW 5th and 6th with a diagonal alignment and to add the MAX Connector Alternative to the DEIS, composed of the four-mall alignment from the new Urban Center Plaza at Portland State.

Presiding Officer Kvistad closed the public hearing.

Councilor Washington thanked the staff and all involved with the project. He urged an aye vote.

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

8.2 **Resolution No. 97-2507**, For the Purpose of adopting the South/North Steering Committee Commuter Rail overview and recommendation report.

Motion: **Councilor Washington** moved the adoption of Resolution No. 97-2507.

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

Discussion: **Councilor Washington** said that this Resolution called for a series of JPACT workshops this fall to determine whether commuter rail should be considered for inclusion in the Regional Transportation Plan. He explained that it was different than the South/North Light rail: Commuter Rail serves long trips, commonly 30-50 miles long. whereas Light rail serves trips of less than 15 miles. He recommended Council review the information. He urged an aye vote.

In closing Councilor Washington said the conclusions had been unanimously endorsed by the South/North Steering Committee and JPACT. He again urged an aye vote.

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

9. COUNCILOR COMMUNICATION

Councilor Morissette said he would be on vacation next week.

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10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting.

Prepared by,

Chris Billington
Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
052296c-01	6/3/97	Letter re: MPAC vote	Jon Kvistad from Rob Drake
052297c-02	5/20/97	Letter re: Council Work Session Items	Susan McLain
052297c-03		LOTi	Art Lewellan
052297c-04	5/22/97	Amended S/N Length Alt.	
052297c-05	4/22/97	Letter re: Downtown Portland Oversight Committee Recs.	Chuck Armstrong
052297c-06	5/22/97	Executive Communication	Jon Kvistad from Mike Bur
052297c-07	5/22/97	Revised UG Report & Housing Needs Analysis	Jon Kvistad from Mike Bur
052297c-08	5/16/97	Re: ISTEA Reauthorization	Congresswoman Eliz. Furs
052297c-09	5/20/97	Cost Cutting Measures Final Report	