

MINUTES OF THE METRO COUNCIL MEETING

April 10, 1997

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Susan McLain, Ruth McFarland, 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

Councilor Washington introduced Councilor McLain's husband and daughter.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Councilor Naito updated the Council on transportation issues. The transportation bill that the committee was considering would likely move out of the Transportation Committee in the House tomorrow. She noted a handout that would be distributed to the Council that was presented at the JPACT meeting today with the highlights of the plan. (A copy of this may be found in the Permanent Record of the Metro Council.) The final update on the Eighmey would soon be available, she asked the legal counsel to report on this bill.

Dan Cooper, Legal Counsel, indicated that there was a memo in the Council's boxes that outlined the detailed provisions and included a copy of the Bill he had prepared that would be a substitute for the original filings of SB 608 and HB 3638. He was comfortable with this substitution in terms of continuing Metro's authority to do everything it was doing consistent with the Charter and rewriting the statutes in a way that would be neutral to Metro. Mr. Higby and he would be meeting with Mr. Sella who was the representative who introduced the house bill with Mr. Eighmey. They would be reviewing the recommended substitution to make sure everyone was in agreement with the details.

Councilor Naito asked the Council if they approved of Mr. Cooper continuing his involvement with this process and the amendments he had worked on.

Presiding Officer Kvistad recognized that without objection Mr. Cooper would be continuing in that role.

Councilor Naito said apparently there was some discussion about the additional \$10 vehicle registration fee for the high growth counties (Clackamas, Multnomah, Washington and Marion) questioning Metro's and TriMet's authority to increase the vehicle registration fees and whether the Committee should preempt Metro's ability to do that. Apparently it had not been done yet because the final form of the bill did not include preemption. She said that she would recommend Metro not add a vehicle registration fee and suggested making this position clear to the legislature. She felt that for now there were no worries about this matter.

Presiding Officer Kvistad informed the Council that they would be receiving information regarding this so Council could see the package coming forward on Friday.

Councilor Naito hoped next Thursday's Council agenda would include making a decision regarding that legislative piece and added she would vote in favor of it.

5. GROWTH SURVEY PRESENTATION

Mr. John Fregonese narrated a slide show regarding the growth survey and six related surveys. The surveys showed that about 1/3 of people in the region used transit and of those, about 1/2 made more than 7 trips a month and about half were fairly infrequent riders of about 2-6 times a month. The survey showed that of the people who used transit, about 2/3 owned a car and could have used it on that particular trip. Another 8% didn't have a car but could own one if they wanted to, and 20% didn't own a car. The light rail ridership tended to be more affluent with about 83% owning cars while about 60% of bus riders owned cars. From another survey, on a scale of "very likely/very desirable" to "very unlikely/very undesirable", about 45% thought it would be desirable to ride transit in the future. He pointed out that in most cities, transit ridership was something poor people did but the ridership in this area was mixed income, probably because of the Max line having more affluent riders. He showed differences in ridership by county and explained these differences.

Councilor Washington pointed out that school funding and school quality appeared on survey the separately but he felt they were related.

Councilor Naito pointed out another linkage was traffic congestion, mass transit and road repair issues.

Councilor McFarland asked if all regional facilities were included under the zoo questions.

Mr. Fregonese indicated that the only facility actually asked about in the survey was the Washington Park Zoo, not the other facilities and explained the rest of the results from the survey, comparing them with the last survey done. He explained that fairly positive answers appeared. He stated that Metro's name recognition had increased from 30% in 1990 to almost 90%. He said there was still confusion between Metro and TriMet.

Mr. Fregonese explained growth management issues from another survey, and how people's responses did not agree when the question was asked in a different way. The survey concluded that people got their news of Metro from the Oregonian and other newspapers and television, and that transportation and growth issues would need to be a focus explored through Metro's public involvement.

6. CONSENT AGENDA

6.1 Consideration of Minutes for the March 27, 1997 Metro Council Regular Meeting.

Councilor McCaig asked that her prepared remarks be added into minutes of March 27, 1997 where on page 9 she was the only no vote.

Councilor McFarland pointed out on page 7 that Sue Keil's last name is not "Peale".

Councilor Naito brought up a potential conflict of interest from her phone presence at the last meeting. She informed the Council of business holdings in the River District which could ultimately benefit from the Lovejoy project.

Councilor Morissette commented that he wasn't present at the last meeting so he wouldn't be voting.

Motion: **Councilor McFarland** moved to approve the minutes of the March 27, 1997 meeting with the corrections, additions and declaration of conflict of interest added.

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

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Morissette abstaining from the vote.

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 97-673**, For the Purpose of Adopting the Regional Disaster Debris Management Plan and incorporating Part 2 into the Regional Solid Waste Management Plan.

Presiding Officer Kvistad assigned this Ordinance to the Regional Environmental Management Committee.

7.2 **Ordinance No. 97-686**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule By transferring \$223,718 from Contingency to Personal Services and Capital Outlay of the Zoo Operating Fund, and Declaring an Emergency.

Presiding Officer Kvistad assigned this Ordinance to the Regional Facilities Committee.

7.3 **Ordinance No. 97-687**, Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Reflecting Funding increases due to Costs Associated with Disaster Disposal in Excess of Budget Expectations, Transferring Appropriations within the Solid Waste Revenue Fund, and Declaring an Emergency.

Presiding Officer Kvistad assigned this Ordinance to the Regional Environmental Management Committee.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 97-681B**, For the Purpose of Amending Metro Code 5.02; reducing disposal fees charged at Regional Solid Waste Facilities and Making Certain Form and Style Adjustments and Increasing Excise Tax on Users of Solid Waste Facilities. (Consideration of Veto Override)

Motion: **Councilor McLain** moved for veto override on Ordinance 97-0681B.

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

Discussion: **Councilor McLain** stated that the veto override was with the support of the Rate Review Committee. She explained that this ordinance cleaned up some of the definitions of "special waste", allowed the Executive Officer to deny waste that appeared to be unacceptable because of health, safety risk or likely damage to transfer station equipment, allowed the Executive Officer to give a \$25 rebate for the service charge on covered loads, and allowed the Executive Officer to waive fees under extraordinary conditions. She stated that this was a good policy and Council was proud to bring it to the public to reduce their fees by \$5 over 1995's \$75 rate.

Presiding Officer Kvistad opened a public hearing on this ordinance.

Mr. Bill Spidal stated that Mike Burton vetoed this ordinance basically because what Council was doing was giving the garbage haulers a \$5 million reduction which only "might go to rate payers" and the increase of the excise tax would put \$630,000 into the general fund which would have no public oversight other than what Council wanted to do. He stated he spoke with Councilor Naito and was told that \$100,000 might go to OMSI. He stated that this was not what the people voted for when they created Metro, and this was not where they wanted their money to go. He also stated that he knew this was the first time Mike Burton had vetoed anything. Mr. Spidal stated that Mr. Burton was one of the most popular politicians in this area today and basically, if Council chose to go against him and his trying to protect the public, they had that

right but when they came up for re-election the public would look at that. He stated that an additional excise tax without telling the public where it would go was not good for rate payers in Portland. He asked that Council not override Mike Burton's veto because the public truly had confidence in him but not in the Council today.

Presiding Officer Kvistad closed the public hearing

Councilor Naito wanted to make clear for the record that she offered to show Mr. Spidal the whole package of where Council decided to go with the excise tax. She stated that she showed him the entire amount of increase in tax will go to parks though they talked about other matters at that time, and she wanted to make it clear that she supported the increase going where it was going.

Councilor McLain added that the budget process was not finished and welcomed any citizen to watch the budget line item process.

Councilor Morissette shared his opinion that it was an appropriate Executive veto and hoped Council would not override the veto. He stated that he felt the excise tax was wrong. He said that as chair of the Solid Waste Committee he worked hard with others to reduce the solid waste tipping fee \$5 a ton. He stated that he would vote against this Ordinance because although he clearly supported the reduction, he did not support the 1% excise tax increase. He said he believed this regional tax should not be used for Multnomah County parks.

Councilor McCaig stated that she had also spoken against this Ordinance at every opportunity. She commented that she thought it was a sad thing and would make it more difficult for Council to work with the Executive Officer on the significant issues ahead. She stated that she had hoped through the initial discussions and the objections of the Executive and herself as Chair of the Budget Committee and Councilor Morissette as Chair of the Solid Waste Committee that Council understood why the Executive was so concerned. She stated that given the nature of the controversial issues ahead for Council and the working relationship needed with the Executive Officer and partners in local government as well as the public, and each other she thought this matter truly unfortunate. She felt it would bode poorly for the Council in the larger decisions in the future.

Councilor McFarland stated that getting the \$5 reduction in tipping fee this year was a first as far as she knew as Chair of Rate Review Committee for last 5 years and as Vice Chair of the Solid Waste Committee and she commended Councilor Morissette for doing it. She stated that they lowered it \$1 more than current recommendations and that they were only responsible for the garbage from the transfer station to its final destination in a sanitary landfill and had no control of the garbage from the can to the transfer station. She said that was controlled by local government. She explained that the tipping fee was only one of several factors that entered into the cost for the people at the garbage can. She stated, however, that if one factor was reduced, it was a good thing and it gave them room to pass that on to the rate payers.

Councilor McLain closed by reiterating the benefits of the \$5 reduction in the tipping fee. She asked Council for the 5 votes to override Executive Officer veto.

(For clarification, a yes vote is to override the veto, a no vote is to sustain the veto.)

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

9. RESOLUTIONS

9.1 **Resolution No. 97-2488**, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee (TPAC).

Motion: **Councilor Washington** moved to adopt Resolution No. 97-2488.

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

Discussion: **Councilor Washington** explained that TPAC was a transportation committee to which 3 additional members needed be added. He stated that from 20 applicants who answered advertisements for the positions, the field was narrowed to 7 finalists. He said that on March 31, Andy Cotugno, Director of Transportation, Pamela Pack, transportation staff member, Presiding Officer Kvistad and Councilor Washington interviewed the finalists (Pamela Alegria, Keith Bartholomew, Rex Burkholder, Scott Franklin, Michael Miller, John Porter, and Richard Sadler). He stated that Keith Bartholomew from 1,000 Friends, Michael Miller and Richard Sadler were chosen to fill those positions with consideration of interest and regional representation. He urged Council to approve this choice.

Councilor Naito stated that she knew Keith Bartholomew to be a very smart and knowledgeable person and agreed with his appointment.

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

10. **COUNCILOR COMMUNICATION**

Councilor McLain felt it was important to mention that Lee Zimmerman who worked at Metro died quietly last night after many years of fighting cancer. She said that Ms. Zimmerman was a good ambassador for Metro as well as a good employee.

Councilor Washington wanted Presiding Officer Kvistad to read a prepared statement and said he would be back.

Presiding Officer Kvistad explained that at the last meeting of the Metro Council, Mr. Lewis Marcus, Chair of the Friends of Cathedral Park Neighborhood Association came before this Council to talk about a report issued by the General Counsel to the Executive Officer.

Presiding Officer Kvistad reading from the written statement of Councilor Washington:
"I reviewed this report with the General Counsel and feel that the following statements should be made to close this matter: The conduct of the member of the Transfer Station Enhancement Committee was wrong and it did violate the Code of Ethics issued by the Executive Officer. I agree with the Executive Officer that this matter should now be concluded by making sure that all members of the Enhancement Committee are made aware of this complaint and of the requirements of the Ethics Code.

Presiding Officer Kvistad stated that he would forward this and Councilor Washington's statements regarding the issue that was before Council last week to the offices of the Legal Counsel and the Executive Officer for discussion and review.

Presiding Officer Kvistad stated that the Smithsonian Exhibit was going very well and urged everyone to take the opportunity to go through it. He recommend it highly as a truly fascinating exhibit and said that by Tuesday of next week, it looked like the total number of people who have seen it would be at 150,000 for the first week.

11. **ADJOURN**

There was no further business to come before the Metro Council. Presiding Officer Kvistad adjourned the meeting at 3:08 p.m.

Prepared by,

Chris Billington
Clerk of the Council

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DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
041097c-01		Transcript 032697c meeting	McCaig
041097c-02	Feb 97	'97 G.M. Survey Summary	Davis & Hibbits, Inc.
041097c-03		Regarding Ethics Complaint	Ed Washington
041097c-04	4-2-97	Pdx Regional Trans Funding	
041097c-05	4-8-97	HB 3163 Proposed Elements	