

MINUTES OF THE METRO COUNCIL MEETING
February 15, 1996
Council Chamber

Councilors Present: Presiding Officer Jon Kvistad, Deputy Presiding Officer Susan McLain, Councilor Rod Monroe, Councilor Ed Washington, Councilor Don Morissette, Councilor Ruth McFarland

Councilors Absent: Councilor Patricia McCaig

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

1. INTRODUCTIONS

None

2. CITIZEN COMMUNICATIONS

Mr. George D. Ward, 4941 SW 26th Dr. Portland, Consulting Civil Engineer, addressed the Council. He presented his idea of recycling sand bags that were used during the recent flood. His suggestion was that the bags be used to build permanent dikes along the 500 year flood plain. He distributed a copy of his report that is part of this permanent record.

Councilor McFarland suggested that Mr. Ward talk to the Solid Waste Department about his proposal. She also asked for a further report at the next REM Committee meeting.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Mike Burton presented the Council with a flood damage update:

The Zoo remains open despite land slides. The Rose Garden Station has a slide on the rail road tracks that will require extensive work to shore up the hillside. The rail road track was damaged in several areas and there was a sink hole under the goat exhibit of fairly small but deep dimensions.

There is serious damage by erosion to landscaping and roadways at St. John's landfill. Most of the equipment had been moved out before high water caused major damage.

The Metro South hazardous waste station was under water and out of operation for the time being. The Department of Environmental Quality has certified there is no contaminated water at this site, however. There is damage to electronic systems and internal walls at the Metro South facility but the transfer station itself is fully operational. Regular solid waste handling is ongoing at Metro South Transfer Station except for the hazardous waste facility.

Oxbow park received extensive damage to trails and water system and all boat landings remain closed. Smith and Bybee lakes sustained damage to trails.

MERC facilities went without serious damage.

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Mr. Burton briefed the Council on FEMA reimbursements. He reported that infrastructure damage repair expenses can be recovered at the typical FEMA reimbursement rate of 75%. Reimbursement briefings will be held next week by FEMA.

FEMA has been briefed on Metro's debris removal and household hazardous waste plan. The Executive Officer said the plan concept has been approved by FEMA. Mr. Burton presented a draft resolution regarding debris removal that becomes part of this permanent record.

Jim Goddard, Regional Environmental Management staff member, presented information regarding collection sites for flood related waste.

Councilor Washington asked Mr. Goddard how waste will be determined to be flood related. Mr. Goddard said a voucher or sign-in system has been developed.

Councilor Monroe asked about the exact location for the dump site in his district. Mr. Goddard said it would be at Lents Park.

Mr. Burton said the Recycling Information Center has received 2400 calls regarding recyclable flood debris. Mr. Burton said he has authorized employees to take up to two work days to volunteer for clean up duty.

Executive Officer Burton said that in the Metro Charter under section 6 there are assigned functions to Metro; one of which includes the metropolitan aspects of natural disaster planning and coordination of response.

Mr. Burton thanked people who put in a tremendous amount of time trying to save facilities by helping with sandbagging (for example).

Councilor Morissette asked what role Metro has in situations like the recent flood.

Mr. Burton said Metro pointed out the fact that it was a regional issue and that major damage was experienced not by the Willamette but the Tualatin and Clackamas Rivers. There is no role other than the convening role and that needs to be determined before the next disaster of this magnitude occurs.

Councilor Morissette asked if Metro had done all that was expected. Mr. Burton answered in the affirmative.

Councilor McLain said the staff and the Executive Officer did an excellent job dealing with the flood and all the related ramifications.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the February 8, 1996 Metro Council Meetings.

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Presiding Officer Kvistad announced that the minutes of the February 8, 1996, Council meeting were not yet available for Council approval. They will be available for approval at the February 22, 1996, Metro Council meeting.

5. Informational Items

5.1 Presentation of FY 1996-97 Proposed Budget by Executive Officer Mike Burton.

Mr. Burton presented the proposed budget for 1996-97. He presented the council members with a written copy of his oral report that is included as part of this permanent record.

Councilor Morissette asked Mr. Burton if the excise tax and tipping fee will stay the same. Mr. Burton said "yes."

Councilor Monroe, Chair of the Finance Committee said the process of budget approval has begun. His committee will meet weekly through the process until the budget is ready for adoption.

5.2 Committee report on MERC Resolution No. 96-4 A Resolution Authorizing the MERC General Manager to Request Bids, Proposals, Award and Enter into Contracts for Upgrading of the MERC Management Information Computer.

Presiding Officer Kvistad asked the clerk to read the committee report by title only.

Councilor Monroe opened the discussion by stating that there was a possible inappropriate use of emergency funds since this is not really an emergency. He said that he, Councilor Washington, and Executive Burton agree that this is not good use of emergency funds and that it would not do irreparable damage to MERC to wait until the next budget is presented and adopted..

Councilor McFarland made the minority report. She said this process was begun in October 1995 and heard three or four times by the MERC Commission. With the present commission in place and with the present manager MERC has done a good job. There has been a dramatic increase in the uses of PCPA and the Convention Center. The computer system is 10 years old and not large enough to handle the business MERC is handling now. She believes the Council would be remiss to not give MERC the equipment they need to do their work.

Mr. Gary Conkling, Chairperson of the MERC Commission, addressed the Council. Heather Teed, MERC Director of Fiscal Operations was with Mr. Conkling. Mr. Conkling said for the last 2 years he has served as liaison on the MERC budget committee. He said he felt that MERC needed to show strong fiscal restraint and reduce net outflow in the facilities to a point where they were generating positive cash flow. He said a critical part of the ticket soft ware is obsolete. Because of the business success and because of the critical change in soft ware to a windows operating environment he feels it is time to upgrade. He said investing in intelligent software and computers is just a part of doing business today. He said MERC will survive regardless of the Council decision and they will continue to do their business as best they can.

Executive Officer Burton said of particular concern is the timing on this issue. He would like to see some additional time taken to assure all questions have been considered.

Presiding Officer Kvistad said he understands what it is like to have to deal with an elected body. He asked Mr. Conkling if MERC could get by with their current system until July 1996.

Mr. Conkling answered in the affirmative. He said, however, that what they want to purchase are "off the shelf" Personal Computers only as opposed to operating systems that are untried or untested.

Councilor Washington mentioned the uncertainty of what is going to happen in the negotiations and going through the budget process would be the best for constituents.

Motion: Councilor Monroe moved that the Council ask MERC to withdraw this budget request at this time and include it in their FY 96-97 budget request.

Second: Council Washington seconded Councilor Monroe's motion.

Vote: 5 to 1 yes. The motion passed. Councilor McFarland voted no. Councilor McCaig was absent.

NOTE: The forgoing is an advisory vote only, per General Counsel Dan Cooper, but it does state the intent of the Metro Council.

Councilor McLain gave a report on the progress of the Boundary Commission. Her report is included in the permanent record of this meeting.

6. ORDINANCES - FIRST READINGS

- 6.1 Ordinance No. 96-634, For the Purpose of Granting a Franchise to Waste Recovery Inc. for the Purpose of Operating a Solid Waste Processing Facility and Amending Code Section 7.01.050 Regarding Excise Tax Exemptions.

Presiding Officer Kvistad assigned Ordinance NO. 96-634 to the Regional Solid Waste Committee.

7. ORDINANCES - SECOND READINGS

- 7.1 Ordinance No. 96-628, Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Conducting the FHWA Pre-project Study of Congestion Pricing, Authorizing Two New FTE, Recognizing Federal Grant Funds and Local Match Expenditures, and Purchasing Two Laptop Computers; and Declaring an Emergency.

Motion: Councilor Monroe moved for adoption of Ordinance No. 95-628

Second: Councilor Morissette seconded the motion.

Presiding Officer Kvistad opened a public hearing. There was no public testimony.

Vote: All those present voted Yes. Councilor McCaig was absent. The vote was unanimous and the motion passed.

8. CONTRACT REVIEW BOARD

- 8.1 Resolution No. 96-2272, For the Purpose of Amending the contract Between Metro and Barney and Worth (Contract No. 904404) for Consultant Services Associated with the Completion of the Portland Metropolitan Area Arterial Fund Program.

Motion: Councilor Monroe moved for adoption of Resolution No. 96-2272
Second: Councilor Morissette seconded the motion.

Vote: All those present voted yes. Councilor McCaig was absent. The vote was unanimous and the motion passed.

9. RESOLUTIONS

- 9.1 Resolution No. 96-2278, For the Purpose of Approving the FY 1995-96 Supplemental Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission.

Motion: Councilor Washington moved for adoption of Resolution No. 96-2278.

Second: Councilor McLain seconded the motion.

Vote: The vote was 5 to 1 yes. Councilor Morissette voted No. Councilor McCaig was absent.

- 9.2 Resolution No. 96-2280, For the Purpose of Requesting Multnomah County to Amend its Transient Lodgings Tax Ordinance to Allow Tax Receipts to be used to Finance Construction of a New Hall at the Expo Center.

Motion Councilor McFarland moved for adoption of Resolution No. 96-2280.

Second: Councilor Washington seconded the motion.

Vote: The vote was 5 yes 1 no. Councilor Morissette voted no. Councilor McCaig was absent.

- 9.3 Resolution No. 96-2271, For the Purpose of Authorizing Release of Request for Proposal # 96R-4-PK for the Oxbow Regional Park Master Plan Authorizing the Executive Officer to Enter into a Multi Year Contract.

Motion: Councilor Washington moved for adoption of Resolution No. 96-2271.

Second: Councilor Monroe seconded the motion.

Vote: All those present voted yes. Councilor McCaig was absent. The vote was unanimous and the motion passed.

9.4 Resolution No. 96-2263, For the Purpose of Amending the Metro Transportation Improvement Program (MTIP) to Program CMAQ Funds for Operation of Willamette Valley High Speed Rail.

Motion: Councilor Monroe moved for adoption of Resolution No. 96-2263

Second: Councilor McLain seconded the motion.

Vote: All those present voted yes. Councilor McCaig was absent. The vote was unanimous and the motion passed.

PUBLIC TESTIMONY: GREEN SPACES REFINEMENT PLANS

1. Sharon Meek, 17855 SW Skyline Woods Ln. Beaverton, Or., addressed the council. She pointed out that the original purpose of the Greenspaces program was to purchase natural areas and hold them in public trust for the future use of both people and wildlife. The area proposed for Cooper Mountain was to consist of approximately 428 acres. The only sight that meets that criteria is #5.

2. Trudy Reusser, 17345 SW Reusser Ct., Beaverton, spoke to the council. She said she was there to tell the human side of the story. She said her husband's grandfather was one of the first settlers on Cooper Mountain. She said there are about 10,000 people living on Cooper Mountain. She said many of them support sight #5.

3. Kathryn Sayles, 16985 SW Kemmer Rd. Beaverton, testified. She said sight 1 is a mature forest that includes old growth and sight 5 is largely clear cut. Sight 1 is within the UGB and close to several sub-divisions of homes. Sight 5 is more rural beyond the UGB. She said sight 1 is relevant and sight 5 is not. Sight 5 would require replanting and take years to recover. Sight 1 provides an immediate benefit.

10. EXECUTIVE SESSION

Held Pursuant to ORS 192.660(1)(e) Deliberations with Persons designated to negotiate real property transactions. Public comment regarding the refinement plans will be accepted subsequent to the executive session.

10.1 Resolution No. 96-2274, For the Purpose of Approving a Refinement Plan for the Forest Park Target Area as Outlined in the Open Space Implementation Work Plan.

Motion: Councilor Washington moved for adoption of Resolution No. 96-2274.

Second: Councilor Monroe seconded the motion.

NOTE: Councilor Morissette declared a conflict of interest and stated he would not vote on Resolution No. 96-2274.

Vote: The vote was 5 yes 0 no. Councilor Morissette abstained. Councilor McCaig was absent.

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10.2 Resolution No. 96-2275, For the Purpose of Approving a Refinement Plan for the Cooper Mountain Target Area as Outlined in the Open Space Implementation Work Plan.

Motion: Councilor McLain moved for adoption of Resolution No. 96-2275
Second: Councilor Washington seconded the motion.

NOTE: Councilor Morissette declared a conflict of interest and stated he would not vote on Resolution No. 96-2275.

Vote: The vote was 5 yes 0 no. Councilor Morissette abstained.
Councilor McCaig was absent.

11. OTHER ACTION ITEMS

11.1 Goal 5: Metro Testimony to LCDC (Approval Requested)

Motion: Councilor McLain moved for approval of Goal 5 testimony.
Second: Councilor Washington seconded the motion.

Citizen Dave Hunnicutt, PO Box 230637, Tigard, Or., representing Oregonians in Action spoke against approval. He submitted a written copy of his remarks that is included in the permanent record of this meeting. He suggested Oregonians in Action be allowed to participate in the rule making process once the actual draft language for the rule is completed.

Councilor McLain said Mr. Hunnicutt could testify at the Growth Management Committee when they get to that level of detail.

Vote: 3 yes 1 no. Presiding Officer Kvistad voted no. Councilors McFarland, Morissette, and McCaig absent.

12. COUNCILOR COMMUNICATIONS

None.

There being no further business for the Council Presiding Officer Kvistad adjourned the meeting at 4:55 PM

Prepared by,
Cathy Ross
Acting Clerk of the Council