

MINUTES OF THE METRO COUNCIL MEETING
February 29, 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 2:20 PM

1. INTRODUCTIONS

None

2. CITIZEN COMMUNICATIONS

Jean Ridings and Jane Graybill presented a letter to the Council which becomes part of permanent record of this meeting. Their concern is the need to list "levees" on table 7, p. 22 under the land use group "potential Catastrophe if Damaged" found in Metro's booklet "Using earthquake Hazard Maps for Land Use Planning".

Councilor McLain requested this information be given the Jerry Uba, Growth Management Services and commended both women for their hard work in this regard.

Councilor Washington agreed with Councilor McLain and added his own commendation to both women for being citizen activists and encouraged them to keep the good work up.

Councilor McFarland pointed out that this information needs to be included in planning maps and suggested that the planning department also receive this information.

Presiding Officer Kvistad requested additional information about the meaning of the DEQ phrase "proposed fault." Ms. Ridings replied that two maps were included in each councilor's packet and these as well as an fax included in the packet explained this terminology which relates to a recently-discovered fault zone.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the February 15, 1996 Metro Council Meetings.

Motion: Councilor Ed Washington moved for acceptance of the February 15, 1996 Metro Council Minutes.

Second: Councilor Susan McLain seconded the motion.

Vote: The vote was 6/0 in favor of passage and Presiding Officer Kvistad declared the minutes approved unanimously.

5. ORDINANCES - FIRST READINGS

- 5.1 Ordinance No. 96-636, Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Adjusting the Planning Fund Budget to Reflect Unanticipated Program Increases in the Growth Management Services Department, Authorizing Additional FTE, and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 96-636 to the Growth Management Committee with a secondary review by the Finance Committee.

- 5.2 Ordinance No. 96-635, Relating to Contract Policies Amending Metro Code Chapter 2.04.

Presiding Officer Kvistad assigned Ordinance No. 96-635 to the Governmental Affairs Committee.

6. ORDINANCES - SECOND 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.

Motion: Councilor Ruth McFarland moved adoption of Ordinance No. 96-634.

Second: Councilor Rod Monroe seconded the motion.

Discussion: Councilor McFarland presented an amendment making it Ordinance 96-634A. This amendment included terms that were previously agreed upon at the time of franchise negotiations but were inadvertently left out of the ordinance itself.

The amendment included the following language:

13.3 For a period of three years, beginning with the initial date of this franchise and while franchisee implements new wire recovery technology, franchisee shall pay to Metro a flat user fee per year of \$4000. If, during this three-year period the residual rate exceeds 40% of any single year, the terms and conditions of the rate schedule as defined in 13.3A shall apply for a subsequent one-year period.

13.6 Franchisee shall establish objective criteria and standards for acceptance of tires and will submit a copy to Metro within ten days of execution of this agreement. To minimize potential customer conflicts regarding the recoverability of loads, the franchisee shall minimize the number of rate categories and shall not change the rates during an operating day but rates shall be charged on a continuing basis as market demands may dictate. Public rates charged at facility will be posted on a sign near where fees are collected.

Motion: Councilor McFarland moved adoption of the previously-stated amendments.

Second: Councilor Washington seconded the motion to amend.

Vote: The vote was 6 yes and 0 no with Councilor McCaig absent.

Vote: 6 yes and 0 no. The vote was unanimous and the motion passed. Councilor Patricia McCaig was absent.

Councilor McFarland asserted that the franchisee has been involved, for some time, in recycling tires. Metro has had considerable difficulty in this endeavor in the past because used tires are not easily and economically recycled. Because this franchisee has been able to effectively and profitably recycle tires for a number of years, Councilor McFarland urged acceptance of this ordinance.

Public Hearing: None.

Motion: Councilor McFarland moved adoption of ordinance No. 96-634.

Second: Councilor Washington seconded the motion.

Vote: 6 yes and 0 no. The vote was unanimous and the motion passed. Councilor Patricia McCaig was absent.

6.2 Ordinance No. 96-632, Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Adopting the FY 1995-96 Supplemental Budget, and Declaring an Emergency.

Presiding Officer Kvistad advised the Council that this Ordinance can not be adopted until a letter is received by the TSCC. The letter is anticipated early next week and the Ordinance will be read and considered at the March 7, 1996 Metro Council meeting.

7. RESOLUTIONS

7.1 Resolution No. 96-2288, For the Purpose of Initiating a New Functional Plan Ordinance to Implement 2040 Growth Concept.

Motion: Councilor McLain moved for adoption of Resolution No. 96-2288.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McLain pointed out that this is a RUGGO-required resolution which initiates the Growth Management Functional Plan. Metro has been requested by MPAC, JPACT and WRPAC to go forward with a functional plan that has been entitled Interim Measures. This resolution puts that particular course into action. This resolution was passed unanimously by the Growth Management Committee.

Public Hearing: None.

Vote: The vote was 6 yes and 0 no. The vote was unanimous and the motion passed. Councilor McCaig was absent.

7.2 Resolution No. 96-2284, For the Purpose of Approving the Contract that will Execute the US Environmental Protection Agency (EPA) Grant to Metro for the Clackamas River Watershed Technical Project.

Motion Councilor Morissette moved for adoption of Resolution No. 96-2284.

Second: Councilor McFarland seconded the motion.

Discussion: Councilor Morissette stated that this resolution is an Environmental Protection Agency grant through Metro to complete research in an effort to protect the watershed in the Clackamas River basin. \$1764 goes to the Wetlands Conservancy; \$10,000 to the Oregon Graduate Institute; \$2000 to the Friends of Clackamas River. Councilor Morissette asserted that as the area continues to grow, it is incumbent upon us to do what is possible to protect this valuable watershed.

Public Hearing: None.

Vote: The vote was 6 yes and 0 no. The vote was unanimous and the motion passed. Councilor Patricia McCaig was absent.

7.3 Resolution No. 96-2260, For the Purpose of Recommending to the Environmental Quality Commission (EQC) the Transportation Control Measures (TCM's) Contingencies, and Emissions Budgets to be Included in the Portland Region's Ozone and Carbon Monoxide Maintenance Plans.

Motion: Councilor Monroe moved for adoption of Resolution No. 96-2260.

Second: Councilor McLain seconded the motion.

Councilor Monroe spoke to the motion. He commented that this resolution has come from TPAC and JPACT and deals with recommendations to the Environmental Quality Commission regarding transportation control measures for this region in order to maintain the present standards for ozone and carbon monoxide. The region is currently in compliance with Federal Standards. Councilor Monroe stipulated there is a very close relationship between emissions / industrial capacity / jobs. By continuing oxygenated motor fuels at least through 1998-1999, Metro will be ensuring that the possibility of job growth in this region and the health and well-being. Councilor Monroe specified for the record the language used: *That we will maintain the oxygenated fuel program at least through 1998-1999 season and the program will be re-evaluated at that time as to whether or not it ought to be continued in the future years.*

Councilor Morissette announced that he had met with both TPAC and JPACT. He stated his conviction that Metro is well below the requirements of DEQ. He argued that DEQ has done some research in making their position know that we will not adversely impact the potential for job growth in this region by eliminating the oxygenated fuel. Councilor Morissette declared his support for the airshed and the environment but also established that the potential for savings in this outweigh the risks that we have in going over those limits. He asserted that when he had voted for this process in committee, it was not with a due pass recommendation. It was made

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so that this matter could be brought before the full council for debate and make, as a collective, a decision.

Councilor McLain stated that not enough is currently known to make a solid recommendation and urged that additional information be gathered until a later date for a constructive debate.

Public Hearing:

Randy Tucker, 1536 SE 11th Avenue, Portland OR 97214, representing OSPIRG testified that his organization opposes any plan that would eliminate or suspend the current oxygenated fuels program that is used during the winter months.

1. Bill Smith, 9320 Barbur Boulevard, Portland OR 97219 and representing the American Lung Association spoke in favor of the resolution.

2. Neil M. Koehler, 21117 Case Road NE, Aurora OR 97002 and representing Northwest Bioproducts Coalition spoke in favor of the resolution.

3. Tom Novic, 838 SW First, Suite 430, Portland OR 97204 and representing Northwest Bioproducts Coalition spoke in favor of the resolution.

4. Melissa Sherlock, 555 Anton Boulevard, Costa Mesa CA 92626 and representing Western States Petroleum Association spoke against the resolution.

5. Mike Sherlock, 777 13th ST SE, Suite 120, Salem OR 97301, Executive Director of Oregon Gasoline Dealers Association, spoke against the resolution.

7. Kathleen Curtis Dotten, 101 SW Main, Suite 245, Portland OR 97204, representing Oregon Metals Industries Council spoke against the resolution.

Councilor McLain asked if portions of the work Metro is here attempting are in fact illegal, as stated by Ms. Sherlock.

General Counsel Larry Shaw responded that the specific statute would need to be reviewed but, in general, interpreting estimates regarding the amount of reduction of CO produced in the future and extrapolating an air quality management plan from those estimates would most likely not be illegal.

John Koalchek, manager of Air Quality Planning from the Department of Environmental Quality stated that there is a possibility of illegality but he is unable to state so for certainty at this point. The Commission will deal with this issue in July, 1996.

Councilor McLain said this issue has been well researched and reviewed. She said we have something that is working now further affirmed that said the law should be left alone if it is working at this point. Councilor McLain stated that she doesn't necessarily think it is a bad thing to do better than the minimum requirements.

Presiding Officer Kvistad said the only information he received was from the industry and further was dismayed by the letter signed by various members of Metro Council a few weeks in the sense that he was not notified of this letter.

Councilor Monroe reiterated his concern about the availability of jobs and further announced that the resolution at hand is a recommendation only and not a mandate.

Vote: The vote was 4 yes and 2 no. Councilor Morissette and Presiding Officer Kvistad voted no. Councilor Patricia McCaig was absent. The motion passed.

8. OTHER ACTION ITEMS

- 8.1 Intermodal Surface Transportation Efficiency Act Reauthorization — Portland, Oregon Regional Position Paper. (Action Requested: Motion to accept paper as written.)

Motion: Councilor Rod Monroe moved for acceptance of the paper as written.

Discussion: Councilor Monroe stated that this is a position paper for the Intermodal Surface Transportation Efficiency Act Reauthorization requesting the Federal Government to continue the funding of the Intermodal Surface Transportation Efficiency Act.

Second: Councilor Susan McLain seconded the motion.

Vote: The vote was 6 yes and 0 no. The motion was declared passed by Presiding Officer Kvistad. Councilor McCaig was absent.

9. COUNCILOR COMMUNICATIONS

Presiding Officer Kvistad thanked Ms Cathy Ross for her years of service to Metro Council.

Councilor Washington stated his good wishes for Ms. Ross as well as his appreciation of her work with Metro Council.

Councilor Morissette made comments based upon an article that was in the paper. He stated that he is working very hard to see that for the rest of the twenty years Metro is planning, that we don't make mistakes. He has spent twenty-plus years in the field and sees a distinctly different world than what is often presented at this Council. People constantly come before Council who tell Metro that they are going to raise densities and make the development process simpler. He stated his belief in a more compact form of urbanization. What he does not support is when someone says that and then goes out and does the exact opposite in implementing the plans in the real world. He stated that, for the benefit of the local officials, he knows how hard it is to stand up to some of the more vocal opposition groups in their resistance of the high-density infill. Councilor Morissette stated that his efforts are simply to give the entire team here at Metro the clearest picture possible.

There being no further business for the Council Presiding Officer Jon Kvistad adjourned the meeting at 3:37 PM

Prepared by,

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David Aeschliman
Council Recorder