

**METRO COUNCIL MEETING  
OF MARCH 14, 1996  
MINUTES**

**Council Chamber**

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

**Councilors Absent:** None

Presiding Officer Kvistad called the meeting to order at 2:02 p.m.

**1. INTRODUCTIONS**

None.

**2. CITIZEN COMMUNICATIONS**

None.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

**4. CONSENT AGENDA**

**4.1 Consideration of Minutes for the February 22, 1996, February 29, 1996, and March 7, 1996, Metro Council Meetings**

**Councilor Morissette** offered correction to the Minutes of February 22, 1996. He said, "My comments on the third page in Resolution 96-2283, 'Spending money to enhance the Convention Center' is what's written. It should read 'Expo Center.'"

The next correction **Councilor Morissette** offered was for the Minutes of the February 29, 1996. "Fourth page, part of Resolution 96-2260, 'Councilor Morissette announced that he had he met with groups,' it's TPAC and JPACT, I assumed that was assumed. I had met with people from both sides of the issue. The non-supportive people on the oxygenated fuel issue, as well as the supportive people. So, it wasn't TPAC and JPACT, so that needs to represent the opposing sides to hear what they had to say about the oxygenated fuel issue."

**Motion:** *Councilor McFarland moved for adoption of the consent agenda with the amendments as offered. Councilor Washington seconded the motion.*

**Vote:** *All those present voted aye. The vote was unanimous and the motion passed.*

**5. ORDINANCES -- FIRST READING**

**5.1 Ordinance No. 96-631, Adopting the Annual Budget for FY 1996-1997, Making Appropriation and Levying Ad Valorem Taxes; and Declaring An Emergency.**

The clerk read the ordinance by title, only.

**Presiding Officer Kvistad** announced the Ordinance would be sent to the Finance and Budget Committee.

**6. RESOLUTIONS**

**6.10 Resolution No. 96-2285, For the Purpose of Authorizing a Phase II Intergovernmental Agreement with Multnomah County Regarding Parks and Other Facilities.**

*(Councilor McLain entered the chamber.)*

***Motion:** Councilor McFarland moved adoption of Resolution No. 96-2285. Councilor Washington seconded the motion.*

**Councilor McFarland** said this was the same Resolution that came out of the Regional Facilities Committee. She indicated she wished to call to the attention of those present that there had been a negotiating team made up of Mr. Burton, herself, Multnomah County Commissioner Tanya Collier, County Chair Bev Stein. They reached some resolution of this in November and felt they had dealt with most of the questions. "However," she said, "in the last two or three weeks it has come to our attention that there were . . . differences that we had not dealt with. We sat down and tried to work those out, and we believe that we do now have a document that will meet concerns of the County Commission."

Councilor McFarland referred to the document before the Council entitled, "Intergovernmental Agreement," saying it would be referred to as "Exhibit A." She said this represented the changes they had put into the agreement to make it responsive to the County's concerns. The County's basic problem with the things that remained unresolved was "the business of the pollution that would be on the park sites that we would be taking from them. Already in Phase I, we had agreed that we would be responsible for anything that got on any of these sites after January 1, 1994. Because that's when we took over management. . . . What we have tried to put into this is: . . . During the period of time when it was under the County's management, they will be responsible for anything that happened to it, or any pollution on it. . . . Anything that comes from offsite, over which they have had no control, or anything that was introduced prior to their ownership of it, we (Metro) would try to protect them on that. . . . We will that the lead on that position . . ."

**Dan Cooper, General Counsel**, clarified that the team will work to resolve issues, referring to the group as a "dispute resolution panel." He said that it is his understanding that a motion is needed to substitute the new Exhibit A for the exhibit currently a part of the Council Agenda.

***Motion:** Councilor McFarland moved to substitute Exhibit A to the resolution. The motion was seconded by Councilor Washington.*

**Dan Cooper** advised the Council to the effect of language pertinent to Public Hearings adopted by the Multnomah County Commission is now included in the document in front of the Council. He also advised of a difference in the environmental indemnification section summarized by Councilor McFarland. Mr. Cooper said minor technical correction had been made to the document as it came out of the (Regional Facilities) Committee to make sure the numbers on the exhibits are matched.

Mr. Cooper noted for the record the Council Clerk has the original of this document that has all the correctly numbered exhibits attached with the County Sheriff's facilities marked. This is the document to be signed and placed in the files.

Mr. Cooper said he had conversations with the Multnomah County Counsel about several relatively minor points and identifying who is responsible for legal representation. Also, he discussed the costs involved in training reimbursable to the Sheriff's Office by Metro when they are dealing with Parks personnel having training in Public Safety issues. Metro Parks can attend scheduled Sheriff's training classes on a space available basis free of charge. However, if Metro wishes to schedule any training at Metro's request, Metro will reimburse the Sheriff for those expenses.

**Councilor McCaig** asked Mr. Cooper for clarification on a point involving the environment.

**Dan Cooper** responded, "If there is an environmental contamination problem that originates during the County's control of the property, on the property, the County has accepted responsibility for that. If it's anything else, Metro is agreeing to protect the County and make sure that the County has no liability. Now, we may not have liability ourselves, but we're guaranteeing that the County doesn't have any liability. Thirdly, there's a dispute resolution process that's set up so that questions as to whose responsibility is it can be resolved without needing to go to court; with the use of three experts and the benefit of the doubt in that expert process falls to the County. So that if there is a question as to how this really happened. If the answer is you just don't know, then the County is not responsible."

**Councilor McCaig** asked how that related to the property adjacent to the property to the County's current property.

**Dan Cooper** responded, "If property that is adjacent has contamination on it that migrates into the property we will take control of and own, then we may not be able to do things on that property until it's cleaned up. . . . Under current law, we don't have an obligation to pay for those clean-up costs, but if there's nobody else who is solvent who does have that obligation, it may be a very long time before the government finds the money to clean it up. Because the super fund is drying up. DEQ doesn't have much funding to deal with orphan sites. . . . So, those are problems that we are accepting will be our problems and not Multnomah County problems."

**Multnomah County Commissioner Tanya Collier** thanked those who helped work through the difficulties of the process. She said this matter had come up on her first day as a County Commissioner, and is now, three years later, a historic moment.

**Councilor Washington** thanked Commissioner Collier for all of her excellent effort, along with others who worked on the project.

**Presiding Officer Kvistad** spoke of his delight at the two entities coming together in agreement, thanking Commissioner Collier for her hard work.

**Councilor Morissette** said, "My concern is, with limited resources in this government and a rather daunting task of planning for the region with those limited resources. I'm not sure this is one of the businesses we should be in. My opposition to this takeover doesn't reflect any lack of desire for the Smithsonian to come here. Or, for our ability to, in the future, do a good job with these facilities. It's just how many things can you do with the resources you have. Our primary function is land use/transportation planning. So, with that, I'll probably just close, having put that on the

record. There is one other point to this that regional taxpayers, in the future, could be asked to do some capital improvements. I now understand that number isn't twenty million dollars, but it is a substantial sum. I would just only argue, once again, that Washington and Clackamas probably have what they consider to be, as I know they have, regional facilities, as well. So, it's important that if we do share, potentially, the burden of providing resources through these facilities as we may potentially be doing, that we keep that in mind in who we ask to pay for them. Because, other people have what they consider to be significant regional resources, as well. If we're going to share, regionally, in these kinds of things, that might be a more balanced approach in finding resources for them."

**Councilor McLain** said she is delighted to move this forward, and would be happy to vote for it. She said she felt that both Multnomah County and Metro, along with their Executive, the Council, and legal staffs had been very careful to make sure that responsibility is being maintained for the taxpayers and indemnity issues are covered. Councilor McLain said a level one study had been conducted, and there were no known issues.

Councilor McLain said, "My delight, though, is coming to the point that the Expo, coming under our leadership, is going to be put together with another package of Regional Facilities that will be enhanced by the Expo being with this package. We're going to make money on it. We're going to have wonderful events like the Smithsonian Institute type of events there. Secondly, we're going to get some parks that are going to be the very glue that puts the Master Plan, the Greenspace Master Plan, that we've been working on for so many years, together. It's going to be key to the open space regional transportation connections that we'll want in this region for all of our citizens. I'm delighted! It is a historic day and I'm proud of all of us. Thank you."

**Councilor McFarland** said she wished to thank Commissioner Collier for coming before the Council in such a gracious manner and talking with the Council about how her real and genuine concerns have been resolved. She also gave kudos to the Council and staff as well as the County Commission's staff. She said "They have absolutely set to in a most professional and rapid manner. Perhaps unheard of speed in the movements of government. Nonetheless, I think we have come to this historic moment where the majority of this Council, the majority of the County Commissioners, our elected Executive, and perhaps other people . . . that all are feeling good about this process today. It's very seldom that we do something that we do something that we all have a feeling of a win-win situation. So, I think this is an occasion for kudos all around, everybody concerned that has been dealing with this."

**Dan Cooper**, as a point of clarification, said the first vote is actually to substitute the document. The second vote is pass the Resolution.

***Vote:** The vote was 7-0, passing with unanimous approval.*

**Presiding Officer Kvistad** said the Council would now move to the motion as now substituted, which is Resolution No. 96-2285.

***Vote:** The vote was 6-1(Councilor Morissette voted Nay), passing approval of the Resolution.*

**6.1 Resolution No. 96-2292, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism for the Sponsorship of the Annual SOLVIT Cleanup Event on Saturday, April 20, 1996.**

The clerk read the resolution by title, only.

***Motion:*** *Councilor McCaig moved adoption of Resolution No. 96-2292. Councilor McLain seconded the motion.*

**Councilor McCaig** said this was a very swell thing, had been around a long time with Metro involvement. She said the partners involved this year are: US WEST, PGE, Weyerhaeuser, and KINK Radio. Councilor McCaig referred to the Agenda documentation, which provided the numbers and types of debris which had been reclaimed from illegal dumpsites. She said she thinks it is an extraordinary program and that one of the reasons it had been so successful has been because of Jack McGowan's relentless, tenacious leadership and commitment and his ability to share the same, involving a large number of individuals. Councilor McCaig said she believes this is one of those things that sets Oregon aside from the rest of the nation in terms of its public-private partnership and our willingness to protect the environment.

**Jan McGowan, Stop Oregon Litter and Vandalism,** offered Jack McGowan's regrets for his inability to attend the Council Meeting. She offered to respond to any questions.

***Vote:*** *The vote was 7-0, passing unanimously.*

**6.2 Resolution No. 96-2262, For the Purpose of Authorizing the Executive Officer to Amend Public Contract 904257 with United Recycling to Purchase Manufacturing Equipment Under the Metro Recycling Business Development Grant Program.**

The clerk read the resolution by title, only.

***Motion:*** *Councilor McLain moved adoption of Resolution No. 96-2262. Councilor Washington seconded the motion.*

**Councilor McLain** explained that this is a clean-up type of an action. The proposed contract amendment does not change the dollar amount of the original contract. It simply makes a change order amendment that allows the funding to be spent in a slightly different way with the project. The grantee had purchased one shredder to shred the inside of drywall, with the plan to purchase a second shredder to permit reclaiming of the paper covering of the drywall. However, they found no market for the covering, so they do not need a second shredder. They will use the funds to assist with the shredder number one purchase price.

***Vote:*** *The vote was 7-0, passing unanimously.*

**6.3 Resolution No. 96-2295, For the Purpose of Approving a Flood Debris Removal Action Plan and Extension of Credit for Disposal of Flood-Created Debris.**

The clerk read the resolution by title, only.

***Motion:*** *Councilor McLain moved adoption of Resolution No. 96-2295. Councilor Washington seconded the motion.*

**Councilor McLain** said, "In the recent flood that we had, we know that Metro was responsible for taking in a lot of flood debris and removing it. We came up with a Metro Flood Debris Removal

Action Plan, which has already been put into action, and was quite successful in taking care of our responsibilities of disposal. . . . What we are doing, basically, in a situation like this is to go back and do the paperwork. We've actually done the work already out there on the ground. . . . So, we simply had our staff come to us with a resolution that indicates that we did take responsibility that we were doing the credit requirements that are attached in Exhibit A to take care of the disposal that we have already taken care of. We're hoping for reimbursement of these dollars through the FEMA program, and we've done a good job in making sure we've gotten the written documentation to be able to do that through our local jurisdictions.

**Councilor Morissette**, asked if FEMA would cover the cost of this up to the seventy-five percent, from where does the other twenty-five percent come.

**Councilor McLain and Presiding Officer Kvistad** responded that it comes from the Contingency Fund.

*Vote: The vote was 7-0, passing unanimously.*

**6.4 Resolution No. 96-2296A, For the Purpose of Authorizing RFP No. 95R-17B REM for Phase II Commercial Food Waste Collection and Processing and Authorizing the Executive Officer to Enter Into a Contract.**

The clerk read the resolution by title, only.

*Motion: Councilor McCaig moved adoption of Resolution No. 96-2296A. Councilor McLain seconded the motion.*

**Councilor McCaig** said this was a maximum \$175,000 contract, in two phases. The purpose of this is to deal with commercial food waste collection and processing. The first phase was a general phase to get an idea of who was out there and what kinds of proposals there might be, there were seven different proposals. The second phase is to ask for specific kinds of proposals to accomplish the task. This would be allowing Metro to go out with a Request For Proposals for Phase II of the \$175,000 contract.

**Councilor McLain** said she thinks this to be one of the most exciting items to come out of the solid waste department for a long time. She said the organic waste stream is a major portion of the waste stream that needs to be removed from that going to the landfill. She said this pilot type project will allow us eventually to do that.

*Vote: The vote was 7-0, passing unanimously.*

**6.5 Resolution No. 96-2297, To Authorize Obtaining a Loan to Finance Improvements to the Portland Metropolitan Exposition Center.**

The clerk read the resolution by title, only.

*Motion: Councilor Monroe moved approval of Resolution No. 96-2297. Councilor Washington seconded the motion.*

**Councilor Monroe** said this has to do with the new building at the Expo, which will be used by the Smithsonian a year from now. He said this authorizes the sale of up to three million in privately

backed revenue bonds, backed by a corporation, not taxpayers' property or money. The revenue bonds will be repaid from the receipts and income stream from the project.

*Vote: The vote was 7-0, passing unanimously.*

**6.6 Resolution No. 96-2298, To Authorize Obtaining Interim Financing for Improvements to the Portland Metropolitan Exposition Center.**

The clerk read the resolution by title, only.

*Motion: Councilor Monroe moved adoption of Resolution No. 96-2298. Councilor Washington seconded the motion.*

**Councilor Monroe** said work needs to begin right away, even before the revenue bonds can be marketed. This provides interim financing of up to one-half million dollars for a total of up to three and one-half million dollars for the project. The half million start-up money could come from things like a line of credit through a bank, or from other sources, there are several possibilities. This measure is very important because the timeline for construction is so short that it has to begin immediately.

*Vote: The vote was 7-0, passing unanimously.*

**6.7 Resolution No. 96-2287, For the Purpose of Ratifying the LIU Local 483 Collective Bargaining Agreement.**

The clerk read the resolution by title, only.

*Motion: Councilor McFarland moved adoption of Resolution No. 96-2287. Councilor Washington seconded the motion.*

**Councilor McFarland** said this agreement in response to the membership of this union working without a contract since June 30, 1995. This group of people work chiefly at the zoo and parks. This union differs from the union in Metro headquarters. The zoo and parks management asked that there be further definition for sick leave and sick leave privileges. Those provisions are now included in the contract. The cost for the contract for this fiscal year is well within the adopted budget figures.

*Vote: The vote was 7-0, passing unanimously.*

**6.8 Resolution No. 96-2289, For the Purpose of Confirming a Citizen Member Appointee to the Metro Policy Advisory Committee.**

The clerk read the resolution by title, only.

*Motion: Councilor Washington moved adoption of Resolution No. 96-2289. Councilor McLain seconded the motion.*

**Councilor Washington** said this was to appoint Mr. Mitchell C. Wall to serve as a Citizen Member of the Metropolitan Policy Advisory Committee (MPAC), representing Metro. Mr. Wall lives in Washington County. Executive Officer Burton has recommended Mr. Wall.

***Vote:** The vote was 7-0, passing unanimously.*

**6.9 Resolution No. 96-2290, For the Purpose of Confirming a Citizen Member Alternate to the Metro Policy Advisory Committee.**

The clerk read the resolution by title, only.

***Motion:** Councilor Washington moved adoption of Resolution No. 96-2290. Councilor Morissette seconded the motion.*

**Councilor Washington** said this resolution was basically identical to the previous resolution. Mr. Demi Desoto was recommended by the Executive to serve as an alternate on MPAC.

***Vote:** The vote was 7-0, passing unanimously.*

**Presiding Officer Kvistad** declared the Public Meeting closed for the purpose of holding the Executive Session. The time was 2:55 p.m.

**7. EXECUTIVE SESSION**

**Held Pursuant to ORS 192-660(1)(e). Deliberations with persons designated to negotiate real property transactions.**

**Presiding Officer Kvistad** declared the Executive Session closed for the purpose of reconvening the Public Meeting. The time was 3:20 p.m.

**Presiding Officer Kvistad** passed the gavel to **Deputy Presiding Officer McLain** for the purpose of having the ability to make motions on resolutions from the perspective of a Metro Councilor.

**7.1 Resolution No. 96-2299, For the Purpose of Approving a Refinement Plan for the Tualatin River Greenway and Access Points as Outlined in the Open Space Implementation Work Plan.**

***Motion:** Councilor Kvistad moved adoption of Resolution No. 96-2299. Councilor Washington seconded the motion.*

The clerk read the resolution by title, only.

***Motion:** Councilor McLain moved to amend 96-2299 to add Cherry Grove and the Lee Falls areas to the target area in the refinement process. Councilor Monroe seconded this motion,*

*supporting the staff's suggestion that this addition be in a Phase II mode, and that if there were sufficient funds after Phase I, that extension could be granted. Councilor McLain accepted Councilor Monroe's "friendly amendment."*

**Jim Desmond, Parks and Greenspaces**, responding to a question to clarify the amendment for Councilor McCaig, said: "My understanding is that we added the Cherry Grove area as Tier II Acquisition Priority for an additional access point on the Tualatin River to be acquired, presuming that there are funds available after we acquired four in between 99 and Jackson Bottom." He said that if staff did their job right, they should find money to do this.



***Vote:** The vote was 6-0. (Councilor Morissette was not present.)*

**Deputy Presiding Officer McLain** announced that, at this time, the amendment passed, and the Council was back to Resolution 96-2299A in its amended capacity.

***Vote:** The vote was 6-0. (Councilor Morissette was not present.)*

**7.2 Resolution No. 96-2300, For the Purpose of Approving a Refinement Plan for the Tonquin Geologic Target Area as Outlined in the Open Space Implementation Work Plan.**

The clerk read the resolution by title, only.

***Motion:** Councilor Kvistad moved adoption of Resolution No. 96-2300. Councilor Washington seconded the motion.*

There was no discussion.

***Vote:** The vote was 6-0. (Councilor Morissette was not present.)*

**Deputy Presiding Officer McLain** yielded the Chairing of the Meeting back to **Presiding Officer Kvistad**.

**7.3 Resolution No. 96-2301, For the Purpose of Approving a Refinement Plan for the Rock Creek Greenway as Outlined in the Open Space Implementation Work Plan.**

The clerk read the resolution by title, only.

***Motion:** Councilor McLain moved adoption of Resolution No. 96-2300. Councilor Washington seconded the motion.*

**Councilor McLain** said this Rock Creek Greenway is in the Hillsboro area and is a significant greenspace and a regionally significant open space area. Councilor McLain said she is very excited about its potential and possibility in this refinement stage. Refinements are being worked on all the way from Jackson Bottom up through and across Highway 26 to the north, up by Abbey Creek and other areas to the north of Highway 26. She said this is a very exciting part of the 26-26 package.

***Vote:** The vote was 6-0. (Councilor Morissette was not present.)*

**8.0 COUNCILOR COMMUNICATIONS**

**Councilor Washington** said he wished to applaud the Council on the way it "sliced through this gigantic Agenda today and the efficiency that was shown by this group." He thanked the Councilors for their support on the Expo resolutions, saying he was very pleased with the end results.

**9.0 ADJOURN**

With no further business before the Council, Presiding Officer Kvistad adjourned the meeting at 3:32 p.m.

Prepared by,

Cora Elizabeth Mason  
Council Assistant  
Acting as Clerk of the Council

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Revised March 20, 1996 at 3:22 p.m.