

MINUTES OF THE METRO COUNCIL MEETING

June 13, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton reviewed the letter sent to Councilor Washington regarding the Transition Committee on Metro Consolidation. The letter was sent to the Council, upon their request, to clarify his position on consolidation. It is his belief that Metro should return responsibility of PCPA and Civic Stadium to the City. If we do accept permanent responsibility for these entities, certain conditions must be met which include financing resources from the City of Portland and Multnomah County and amending its process so that Metro has control of that tax. Third, he is requesting a tax study committee be established so that there is a regional base for any taxes and to be included in this is an examination of that tax status at Multnomah County. Fourth, there is a question concerning the organization of governance regarding MERC. He reiterated the Council's communication with the Executive Office concerning the creation of a separate non-profit, Metro would lose the authority to appoint the boards in order to have the 501-C3 status. Metro has a choice to make about how much separation is wanted, recommendations were included in his attached letter.

Mr Burton updated the Council about the role of facilitating the negotiations between the City of Portland, Beaverton and Washington County concerning the unincorporated areas between Beaverton, Portland and unincorporated Washington County. Metro has had community meetings about the unincorporated areas. This matter is before Metro because the Supreme Court indicated to these jurisdictions that, where there are conflicts in comprehensive planning because of the process we have in this region, Metro will make decisions to come up with solutions to conflicts and comp plans. Mr Burton has attempted to have these entities come up with an agreement which all parties have agreed to, so by the end of the summer he can come before the Council to present this agreement. Ultimately the decision will be the Council's. He recommended not getting involved and avoid being lobbying on this, defer this to the judicial process.

Mr Cooper gave some general guidelines on the parameters for conversations off the record about these unincorporated areas. He suggested avoiding conversations off the record. If conversations

do occur, remember what has been included and make sure these conversations are in the record. Avoid contact if possible. If a councilor receives letters, make sure copies are given to council clerks so at the time the proposal comes before the Council, the letters are in the file and can be reviewed by anyone who wishes to look at them. Mr Cooper will summarize this in writing for the Council.

Presiding Officer did stress that since three of the Council are within these jurisdictions, it is a good idea to avoid participating in the community meetings.

Councilor McLain noted that Councilors have already been asked to make comments. Councilor McLain indicated she had handled it by giving an historical overview of what had happened previously and indicate that because it was possibly a quasi-judicial situation, it was necessary to keep the response in an informational mode. She asked Mr Cooper if she could respond in such an informational mode? Mr Cooper will put a summary in writing for the Council. The issue to guard against is the conversation where the Councilor is hearing facts that may not be facts.

Judith Mandt, REM Administrator Manager, announced that REM will go over the 100,000 calls this year for the Recycling Information Center and on behalf of Councilor McFarland and Executive Officer Mike Burton, she is delivering Metrograms (buttons) to the Council. Buttons were distributed to the Councilors.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the June 6, 1996 Metro Council Meeting.

Motion: Councilor Washington moved the adoption of the minutes of the June 6, 1996 Metro Council Meeting.

Second: Councilor McLain seconded the motion.

Vote: The vote was 6 aye / 0 nay / 0 abstain. Presiding Officer Jon Kvistad declared the minutes unanimously approved by all those voting.

5. INFORMATIONAL PRESENTATION

5.1 Presentation of MPAC recommendations by Portland City Commissioner Charlie Hales - Presiding Officer Kvistad indicated that Mr Hales had asked to reschedule his appearance before the Council until the next Council meeting. This item is deferred until the next Council meeting.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 96-644**, For the Purpose of Granting a Franchise to Waste Management of Oregon/TDK Corporation for Operating a Solid Waste Processing Facility.

Ordinance No. 96-644 was assigned to the REM Committee.

7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 96-631B**, For the Purpose of Adopting the Annual Budget for Fiscal year 1996-97, Making Appropriations and Levying Ad Valorem Taxes, and

Declaring an Emergency.

Motion: Councilor Monroe moved the adoption of Ordinance No. 96-631B.

Second: Councilor McLain seconded the motion.

Discussion: Councilor Monroe indicated that the TSCC had some minor recommendations. He asked that staff review TSCC's recommendations.

Dennis Stratchota indicated that TSCC certified the 1996-97 Metro budget and made three recommendations regarding the budget, 1) was with regards to the use of open space bond proceeds, the commission thought that the way several expenditures were portrayed, it appeared to be for operating purposes. The staff responded that expenses are, in fact, not for operating expenses, the accounting staff would work with the auditors to better portray those expenditures so that they did not appear this way, 2) this was an informational item only, this recommendation dealt with an interfund loan, the commission said that the budget included a \$500,000 loan from the Convention Center to Regional Parks and Expo fund and the local budget law requires that loans not repaid a year in advance be returned to the fund from which it was borrowed by the end of the ensuing fiscal year. Metro's response was that they recognized that this is an interfund loan and its repayment will be budgeted in fiscal year 1996-97 as required by the local budget law. Councilor Monroe added that this item has to do with the building of the new Expo facility, it will be on line and making money so the loan will be able to be repaid within the budget year. 3) this recommendation dealt with the intergovernmental revenue estimates and the indication that the award received varies intergovernmental revenues i.e., grant are uncertain. TSCC acknowledged that because the budget is only a plan there is no way that it can be totally reliable on estimates. Metro should closely monitor grant revenues as they related to the plan throughout the year, if the receipt is contingent upon future occurrence, then it may be prudent to postpone expenditure until the grant is certain. Mr Stratchota response to this was that they recognized that the budget is only a plan, that there is close monitoring of revenue for actual amounts received in comparison to budget and because the Transportation Department is most heavily dependent upon grant awards, Metro monitors the awards and receipt of grants on a monthly basis to make sure they are in line with the budget.

Mike Burton added that there is a considerable amount of grant activity that takes place in this budget as it does in any municipal style budget and there is often a need for placeholders as the actual funding allocations that occur from other levels of government don't always occur with the same timing that Metro would like to have them. There is fairly close monitoring process, the work plan in this year's budget supported the Executive Officer have a little tighter administration of the grants. The auditor is undertaking a review of this. This will give additional management and performance data over this next year.

Presiding Officer Kvistad **opened the public hearing**. There was no public testimony, Presiding Officer Kvistad **closed the public hearing**.

Councilor Morissette indicated that in a budget this size we could have found some ways to save money, he will not be supporting the budget. He had pointed to a way that moneys could be saved in the Solid Waste department. He is continually

concerned about the cost of operation of this facility. It was about \$1.6 million in savings when tipping fees were reduced a \$1 or \$2 a ton. It is important we continually go through the process of evaluating departments. At some point we are going to have to make some tough decisions and start reducing budgets in some areas. Therefore, he will not be supporting this budget as he hasn't in the past.

Presiding Officer Kvistad indicated he would not be supporting the budget as he has in previous budget votes due to a problem with excise taxes funding government.

Councilor McLain acknowledged that she was proud to support the budget. Three and a half months have been spent working on this budget. She believes a good job has been done on reviewing this budget for the public and that a higher level of scrutiny this next year would be warranted.

Councilor Washington acknowledged Chairman Monroe's wonderful job of getting the budget to the Council, a very good job was done on reviewing all the points and putting together a sound budget.

Councilor Monroe indicated that this is a prudent budget, a responsible budget, a well thought out budget, it reverses the trend of years of increasing the excise tax, it actually reduces it. He urged members of the Council to support the budget.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The votes was 5-2 in favor. Councilors Morissette and Kvistad voted nay, Councilors McCaig, Monroe, Washington, McLain, and McFarland voted aye. The motion passed.

8. RESOLUTIONS

- 8.1. **Resolution No. 96-2338**, For the Purpose of Authorizing to Metro Code Chapter 2.04.041(C), Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Eastman Kodak Company to Provide Maintenance and Repair Service on the Kodak 300 Duplicator.

Motion: Councilor McFarland moved the adoption of Resolution No. 96-2338.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McFarland said that Metro have an Eastman Kodak duplicator in the print shop, Eastman Kodak is the only company that can service this duplicator. Metro has received good service in the past from Eastman Kodak.

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

- 8.2 **Resolution No. 96-2346**, For the Purpose of Authorizing Execution of Multi-Year Contracts for Primary Service and System Acquisitions and for an Exemption to Contract Code 2.04.044 Granting Authority to the Executive Officer to Enter into Additional Contracts on the Management Information System Project.

Motion: Councilor McFarland moved the adoption of Resolution No. 96-2346.

Second: Councilor Monroe seconded the motion.

Discussion: Councilor McFarland indicated that this resolution has been reviewed several times, this resolution is to support software and training for our new MIS system.

Councilor Morissette questioned the amount being spent on training fees, 3200 hours at a rate of \$145.00 per hour, for a total of \$42,000.00.

Councilor McFarland understood that the number of hours projected for training was a maximum and it was unlikely that Metro would reach that number of hours for training.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. Councilors McCaig, Monroe, Washington, McLain, McFarland and Kvistad voted aye. Councilor Morissette voted nay. The motion passed.

- 8.3 **Resolution No. 96-2347**, For the Purpose of Authorizing an Exemption to the Metro Code Chapter 2.04.060, Personal Services Contracts with the Portland Art Museum for Sponsorship of an Educational Program in Conjunction with the Museum and Intel Foundation.

Motion: Councilor McLain moved the adoption of Resolution No. 96.2347.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McLain gave an overview of the resolution and indicated that there was a letter from Judith Mandt, the Administrative Manager, attached which answered many of the questions that the REM committee had concerning this proposal. Questions that concerned the committee included; what the criteria was that had been used to select the process and the committee found that there was no real criteria that had been formalized for unsolicited proposals. Councilor McLain indicated that the Council may wish to address the criteria issue in more detail at another time as it effect other unsolicited proposals that come before the Council. The budget impact on this proposal is \$5000. Another question asked by the REM committee was what type of cash contribution or in kind service do other members of this partnership bring to the project. Ms Mandt responded to this question in her memo; Intel's Foundation is providing a cash contribution of \$32,500, Washington Mutual Foundation contributed \$5000, Planet Productions contributed \$50,000 of in kind services, and Sony contributed \$5000 of in kind services.. Several other businesses have provided in kind, creative and audio services. The Museum's contribution is one years work on the part of one staff member to design and coordinate the program.

Another question which arose in committee was why was it necessary for a sole source contract. It was brought to their attention that the Museum was the entity that had been designated to provide this service. It was important that contact be kept in place. Why is Metro involved? First, the goal of waste reduction; there was tons of paper involved in this project. Intel's contribution would put this in a CD-ROM format so there would be a great reduction in paper recycling. This meets both the waste reduction responsibilities and goals. The criteria that was applied to selecting this project has been provided in the memo. Requests are received for this

type of technology in the business grant program and this project fit the waste reduction goal, the types of goals we have in RSWMP.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. The vote was 4-3 in favor. Councilors Monroe, Washington, McLain and McFarland voted aye, Councilors McCaig, Morissette and Kvistad voted no. The motion passed.

- 8.4 **Resolution No. 96-2323**, For the Purpose of Authorizing Change Order No. 19 to the Contract for Operating Metro Central Station, Change Order No. 19 to the Contract for Operating Metro South Station, and Change Order No. 20 to the Contract for Waste Transport Services.

Motion: Councilor McLain moved the adoption of Resolution No. 96-2323.

Second: Councilor McFarland seconded the motion.

Discussion: Councilor McLain indicated that this resolution was to 1) conduct a pilot project to separate wood waste from other waste that is suitable for production into hog fuel, 2) to increase to amount of waste that is recovered at the Metro transfer station especially the Southern Station, and modify the Metro recycling credit, 3) is to allow commercial haulers to deliver transfer trailers of waste to the Metro Central Station during off hours to avoid traffic congestion. These are all extremely important issues. A slide show during the committee meeting demonstrated how much clean waste is out there. This indicated to the committee that by recovering this waste we will be helping our recycling programs. We are also working on other issues such as improving the Southern or Metro Transfer Station and doing a better job of recovery. Key issues that should be dealt with are that Metro charges customers a disposal fee of \$54.00 per ton for source separated yard debris and for the yard debris delivered to the Metro South Transfer Station it currently cost Metro about \$90.00 per ton to pay the contractor to transfer, transport and dispose of yard debris and compost. This compares to an estimated cost of \$24.00 a ton to transport it to the Metro Central Transfer Station process and put into hog fuel. This action will save Metro money.

Councilor Morissette asked if there was testimony on both sides or was this well supported? Councilor McLain responded that it was supported by staff and there was no testimony at the committee level.

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

- 8.5 **Resolution No. 96-2348**, For the Purpose of Authorizing the Executive Officer to Extend Contracts with Devin Oil Company, Inc. and Stein Oil Company for Purchasing Diesel Fuel.

Motion: Councilor McCaig moved the adoption of Resolution No. 96-2348.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McCaig has to do with saving money, no other supplier, and needing our approval to extend the contract.

Jim Watkins, Engineering Manager for REM, spoke about the contract which was

competitively bid for a 15 month duration. In the contract there is the option to have three one year extension upon Council approval. REM is now negotiating with Jack Ray to eliminate the clause, they are asking for a one year extension to remove that clause so that longer terms can be implemented and hopefully get a better price. The current savings are \$30,000 to \$50,000 a month by purchasing Jack Ray's fuel. The only things that vary in this contract is the transportation and the mark up, transportation is \$.025 a gallon and markup is \$.015. There is not a lot of money to be saved beyond what is already being saved.

Councilor Monroe supported the continuation of the contract.

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

8.6 **Resolution No. 96-2321A**, For the Purpose of Revising the By-Laws of the Water Resources Policy Advisory Committee.

Motion: Councilor McLain moved the adoption of Resolution No. 96-2321A.

Second: Councilor Washington seconded the motion

Discussion: Councilor McLain pointed out that this advisory committee has been in existence providing technical advise to the Metro departments on many of the storm water and quality of water issues before Metro. Exhibit A explains the changes to the membership and to updates in the by-laws. Primary changes may be found on pages 1 through 4. The biggest change is the philosophy, the description and focus of the committee. Councilor McLain read the new philosophy. She suggested that this was a good update to the by-laws and the committee.

Amendment: Presiding Officer Kvistad amended the resolution so that the "Coalition for the Livable Future" membership was changed to "an environmental member at large".

Second: Councilor McLain seconded the motion.

Vote: The vote on Presiding Officer Kvistad's proposed amendment was 6 ayes/ 1 nay/ 0 abstain. The motion passed.

Vote: The vote on the full resolution as amended was taken. The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed.

8.7 **Resolution No. 96-2345**, For the Purpose of Approving and Adopting the Ancient Forest Preserve Draft Master Plan.

Motion: Councilor McFarland moved the adoption of Resolution No. 96-2345.

Second: Councilor McLain seconded the motion.

Discussion: Councilor McFarland indicated that this plan honors our commitment in the green spaces master plan for Forest Park and its environs. This is a plan by which we have worked out an ability to protect the land around Forest Park. There

was a bid process to develop this plan. The more ancient forest that survives in an urban, setting the better, these forests should be protected.

Chris Wrench, 3103 NW Wilson, Portland, OR 97210, brought to the attention of the Council that this resolution was time certain for 3:25pm. She is here to testify, she is very much in favor of this resolution but there will be at least one individual coming with concerns, i.e., parking.

Presiding Officer Kvistad moved to this to the end of the agenda because public testimony was time certain for 3:25pm.

Public Hearing was opened at 3:25pm.

Chris Wrench discussed the perceived parking space problem. The ancient Forest Park will have five spaces. There are 12 designated spaces at McLay Park and an equal number of spaces on the street. She does not perceive any traffic problem. There is a problem for local residents around the Lief Erickson Drive access to the Forest Park because of a major mountain bike access. The Parks Bureau and City of Portland have made it a major objective to find another alternate mountain bike to Forest Park to relieve that neighborhood situation.

The Ancient Forest Preserve will not have mountain bike use so there is no anticipated problem with regards to parking.

Councilor Morissette indicated that he owns property in the general area so rather than have even a perception of a conflict he won't participate in this process.

Cathy Turner, 5205 SW Menefee Drive Portland OR 97201, Vice President of Friends of Forest Park, believes the management plan before Council is a very good balance of multiple objectives with this piece of property both to preserve it in its relatively pristine quality and to use its for its great educational and recreational potential. Acknowledged Metro staff's efforts in developing this thorough plan.

Nancy Broshot, 1126 8th St, Oregon City, OR 97045, member of the Technical Advisory Committee for Master Plan for the Ancient Forest Preserve as well as a PhD candidate at PSU with a research site in the Forest. This would be an asset for Metro to have this as a resource. She supports this resolution.

Leslie Labbe, 4935 SW Barnes Rd, Portland, OR 97221, supports this project and would like to include all those in the audience who support this project but do not wish to speak before the Council.

Jamey Hampton, 9400 SW Barnes Rd., Portland, OR 97225, representing Hampton Resources,. This company owned the old growth reserve before Friends of Forest Park purchased it. It had a preservation merit. Funds were raised from the public which reflected the public's support of this reserve. Fundamental tenant of the project is to allow the public to experience an old growth forest. He also supports this plan. He supports granting an easement across his land for the purpose of this plan.

Arnold Rochlin, PO Box 83645, Portland, OR 97283, treasurer of the Friends of

Forest Park, collected over \$650,000.00 from 4000 people. There was astonishing interest from the public in this project. They collected 103% of the pledged money. This is something the people really want. Concerning the parking issue, Mr Rochlin lives next to a parking lot, one of Forest Park's parking lots and share the driveway access with the public. He has found no problems with the traffic to date.

Donna Green, 16238 NW McNanee Rd, Portland, OR 97231, asked if the Council had received the letters she has sent? She spoke about the five parking spaces allotted for the Forest Park. She is concerned that there will not be enough parking spaces. She represent McNanee Home Owners Association. Several members are very concerned about the impact that this will have on the local road, a two lane road with no sidewalks. There are a lot of bicyclists, animals, and children. She believes that Hwy. 30 would be a better access to the park than a local access road. Public involvement and concerns that need to be addressed are reflected in the attached letter and include two potential hazardous traffic condition, increased traffic, neighborhood impact, fire protection, vagrancy, police, sanitation, water, environmental concerns. Multnomah County granted approval of a two lot land division, no where was there an indication that McNanee Road would be considered for public access only emergency access. Ms Green reiterated that three times as many people prefer the parking on Hwy. 30 to McNanee Road. They would like to see a cost estimate comparing the two parking sites and prior to a decision being made take a look at the estimated costs in terms of safety and livability. She feels that all of these questions should be addressed before a decision is made.

Councilor McLain thanked all of the speakers that came to testify particularly the last speaker, Donna Green. She appreciates the effort that Ms Green has made in the involvement process of this master plan. Councilor McLain visited the site and Ms Green's home. She believes that those who will be coming to Forest Park will be hardy hikers. She also agrees that the neighborhood does have a right to question issues such as fire protection and vagrancy. She indicated that Table 6 should answer some of the questions concerning costs. Metro is taking on a lead responsibility in these problems. Metro can't give answers until we have experience there. We have done our very best job to make sure there is a master plan in place and will keep the issues of fire, garbage, etc. as the park is developed.

Councilor Washington asked a question about traffic visibility. He suggested that a consideration of road mirrors may be an option.

Pat Lee, Manager of Planning and Capitol Development for the Parks and Greenspaces Dept. responded to Councilor Washington's question. The Master Plan does not propose that Metro should be the managing entity for this park. If we are the managing entity, there would be a requirement to come back for a use permit in order to build the parking lot. Specific traffic issues would be addressed at that time and mitigation that we would want to ensure that are carried out to protect the McNanee as well as visitors to the site.

Councilor McFarland acknowledged the participation of these groups at the committee level and the Council levels. She recommended adoption of the plan and hoped that these concerns will be address as Forest Park is developed.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Of those present, the motion passed unanimously

Public testimony closed Chris Wrench, Nancy Broshot, Leslie Labbe, Jamey Hampton, Arnold Rochlin, Donna Green, and Cathy Turner

Response to Washington asked

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

9.1 Resolution No. 96-2340, For the Purpose of Approving a Refinement Plan for the Willamette Cove Target Area as Outlined in the Open Space Implementation Work Plan.

9.2 Resolution No. 96-2341, For the Purpose of Approving a Refinement Plan for the Columbia River Shoreline and Islands Target Area as Outlined in the Open Space Implementation Work Plan.

9.3 Resolution No. 96-2349, For the Purpose of Authorizing the Executive Officer to Purchase Property as an addition to Howell Territorial Park.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 109-660(1)(e) at 3:02 PM.

Present: Mike Burton, Cable Access Cameraman, Jim Desmond, Nancy Chase, Charles Ciecko, Jeff Stone, Michael Morrissey, John Houser, Amy Kircshbaum, Chris Rigby, Ray Barker, Daniel Cooper.

Presiding Officer Kvistad closed the Executive Session at 3:22 PM.

Motion: Councilor Washington moved for adoption.

Second: Councilor McFarland seconded the motion.

Vote: 7 ayes/ 0 nays/ 0 abstain.

Motion: Councilor Monroe moved for adoption.

Second: Councilor Washington seconded the motion.

Vote: 7 ayes/ 0 nays/ 0 abstain

Motion: Councilor McFarland moved for adoption.

Second: Councilor Morissette seconded the motion.

Vote: 7 ayes/ 0 nays/ 0 abstain.

10. COUNCILOR COMMUNICATIONS

10.1 Councilor McFarland asked Ms Lisa Godwin from Public Affairs to speak to the planned celebration for the individual who was the 100,000 caller to Metro Recycling. The celebration is planned for noon Monday, June 17 in the Recycling Information Center. There will be prizes for the winner as well as cake and ice cream. There will also be a media advisory about this celebration. The phone number on the button is 234-3000 for the Recycling Information Center.

10.2 Councilor Washington first meeting of county/city metro consolidation concerning the PAC and Stadium will be held on June 20th at 8:00am in Commissioner Mike Lindberg's office.

10.3 Any Councilor with office equipment needs should speak with Presiding Officer Kvistad or Jeff Stone at their earliest possible convenience

11. ADJOURN

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 4:03 pm.

Prepared by

Chris Billington
Clerk of the Council

***Addendum/Attachments:**

A copy of the originals of the following documents can be found filed in the Permanent Record of this Meeting, in the Metro Council Office.

<u>Document Number:</u>	<u>Document Origination/Originator:</u>	<u>Document Date</u>
061396-01	Seth Tane Citizen Advisory Panel 13700 NE Newberry Rd Portland, Oregon 97231	June 10, 1996
061396-02	Donna Green 16238 NW McNamee Rd Portland, Oregon 97231	June 3, 1996