

MINUTES OF THE METRO COUNCIL MEETING

November 21, 1996

Council Chamber

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

Councilors Absent: Rod Monroe

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

Art Lewellan, L.O.T.I. spoke briefly about the proposal he had been working on for the last year and a half. Mr. Lewellan showed the Council the latest drawing of L.O.T.I.'s evolvement. He stated this was a streetcar proposal that evolved from three basic points of the alignment of the east bank, the trackless trolley for the mall from the Rose Quarter and a street car across Hawthorne and would end at Goose Hollow.

Councilor Washington thanked Mr. Lewellan for all of his work and appreciated his efforts.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. RISK MANAGEMENT SEMI-ANNUAL REPORT

Scott Moss, Risk and Contracts Manager for Metro, introduced Bill Jamison who worked within his department as the Emergency Manager. Mr. Moss reviewed the semi-annual report (included in the written record of this meeting which may be found in the Council Office). He noted the number of visitors per claim. The Convention Center had the lowest number of visitors per injury, at 149,000 visitors per injury. He felt these figures were very good.

Councilor McLain asked about the different type of facilities and the different types of activities, and how the number figures were arrived at.

Mr. Moss replied it was the sort of facilities they were, the amount of stairs they had, the square footage, the age, all of those things played a role in arriving at those figures. He further commented that Metro did purchase excess insurance. He further reviewed the Workers Compensations claims by department, MERC had the most claims. Most years the Zoo and MERC were fairly equal. He stated that back injuries were still the number one part of the body injured.

Councilor Washington asked what was done to help prevent those types of injuries and what about back injury prevention braces.

Mr. Moss replied that during this fiscal year the plan was to send all the employees who had physical jobs to a back injury prevention workshop. Metro did not require back braces at this point, back braces were highly questionable by the physician community, in that they may cause just as many injuries as they

stop. There had been injuries reported because of back braces, Metro did provide them but if the employee desired to wear one but was not required.

Presiding Officer Kvistad asked about the injuries due to being hit by objects, what sort of objects were those.

Mr. Moss responded those were things dropping off shelves, being hit by doors opening and closing and a variety of things but not being hit by autos.

Councilor McFarland asked about the increase in MERC injuries and wanted to know if part of that could be associated with the work being done at Expo.

Mr. Moss replied that Expo only had one claim. A lot of the claims were from stage hands, a number of claims from utility workers, most of the increase was due to the increase in the Convention Center claims. He pointed out that there were Environmental Impairment reserves to pay for any sort of pollution claims that may come along. There was \$215 million of property coverage currently. There were very few property losses except during the flood and the freezing. The flood was costing Metro around \$1 million although nearly all of that was expected to be recovered between the insurance carrier and FEMA.

Bill Jameson, Risk and Contract Management, stated he started in July conducting emergency management for Metro. He had been reviewing the current Metro Emergency Operations Plan and Draft Plan. He had been involved with several departments in applying for Hazard Mitigation Grant Funds through the State of Oregon. He had also been working with Bill Potter's security group, specifically looking at normal emergency and alternate communication between Metro sites. He had been participating with the Regional Emergency Management Group meetings and a variety of local flood and winter preparedness groups. He stated that Metro did have an emergency operations plan. Based on feedback and observations the Plan was viable but the participants in the plan were uncomfortable with it. He believed there needed to be training for the members of this group for what their role was and have alternative backups for each position. Once people had been trained, Metro could solicit input from staff about goals, prioritizing Metro activity, getting feedback regarding the plan and training deficiencies. He commented about Weather and Emergency Planning, he felt the need for emergency planning was a long term commitment that would yield rewards by saving life, reducing financial loss and enabling Metro to fulfill its commitments and to carry out its mission as a public agency.

Mr. Moss continued that Risk Managers liked to benchmark where they were at compared to other public entities and was shown in his report. He felt there was a good risk management program at Metro.

Presiding Officer Kvistad mentioned that Councilor Monroe was out of the country and if he were present he would have a very keen interest in this report. With the potential transfer of the PCPA facilities, what difference would this make in terms of Metro's Risk Management?

Mr. Moss replied that a thorough evaluation had been done and felt that it would not make any impact at all. Those entities had been subsidized, they had been having more costs and had been paying in revenue.

5. CONSENT AGENDA

5.1 Consideration of the Minutes for the November 7, 1996 and November 14, 1996 Metro Council Meetings.

Motion: Councilor Morissette moved for the adoption of the minutes of November 7, 1996 and November 14, 1996 Metro Council Meetings.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor Morissette stated he had a change for the minutes of the November 14, 1996 meeting. He referred to page 16 in his comment section. It should read, 'freezing the Urban Growth Boundary' and asked that change be made for the record.

Presiding Officer Kvistad stated that change would be made prior to the motion.

Councilor McFarland stated she had a change to the November 14, 1996 minutes on Page 15 clarifying what she had said. She said the name on the letterhead was spelled exactly like hers but was not a relative.

Presiding Officer Kvistad commented that in the minutes, when there were new directors coming in, it was policy to jest with the new Directors coming into the Executive side or manager of a department. He asked that a note be added to the minutes showing that the discussion was in jest so that people would not think some of those comments were meant seriously.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The minutes were approved as amended.

6. ORDINANCES - FIRST READING

6.1 Ordinance No. 96-665, For the Purpose of Coordinating Comprehensive Plans by Establishing an Urban Service Boundary.

Ordinance No. 96-665 was assigned to the Growth Management Committee.

6.2 Ordinance No. 96-657, For the Purpose of Amending the FY 1996-97 Budget and Appropriations Schedule, Transferring \$10,000 from the General Fund Contingency to Council Materials and Services.

Ordinance No. 96-657 was assigned to the Finance Committee.

6.3 Ordinance No. 96-667, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Spectator Facilities Fund by Transferring \$273,500 from Contingency to the Materials and Services and Capital Outlay Portions of the Portland Center for the Performing Arts Budget to Provide for Capital Renewal and Replacement; and Declaring an Emergency.

Ordinance No. 96-667 was assigned to the Regional Facilities with a review by the Finance Committee.

7. ORDINANCES - SECOND READING

7.1 Ordinance No. 96-647C, For the Purpose of Adopting the Functional Plan for Early Implementation of the 2040 Growth Concept.

Presiding Officer Kvistad stated this item had already been moved and seconded.

Motion: Councilor McLain moved the adoption of Ordinance No. 96-647C.

Seconded: Councilor seconded the motion.

Discussion: Councilor McLain noted that there had been a lot of hard work done particularly in the last 2 months to bring together some very important issues so the local partners, who the Council wanted to have implement this 2040 Growth Concept, could feel comfortable with the type of parameters that had been put forward. The main theme throughout had been livability, doing landuse and transportation better and in a connected way. She also pointed out that since September of 1995 they had been refining and now had a final product to bring forward for final action.

Presiding Officer Kvistad opened a public hearing and closed the public hearing at 2:31 p.m.

Councilor Morissette stated that the Functional Plan to him was a zero option. He thought that although he supported the 2040 process, he felt the Functional Plan was pushing too hard. What the Plan said was they were going to be able to find a place for 248,000 additional houses inside the current Urban Growth Boundary. That was not logical to Councilor Morissette and did not make sense, it was pushing too hard. It would hurt renters and make less affordable housing. It would hurt lost housing choices, so other than the wealthiest, the average citizen would not have the choices they deserved. It would hurt existing neighborhoods, you could not put one new home for every two that currently existed and stay out of their neighborhood. He believed it would cause sprawl because too tight an Urban Growth Boundary caused places like Newberg, Scappoose, Sandy and others to hold housing because people could not find it in the Metro area because it was too expensive. In order to make this Plan work, a lot of the valuable assets would have to be built on places such as Alpenrose. He also felt this would mean there would be many less places to put the future schools so that there would not be the same opportunities to have the same types of schools in the future. 85% of the people or more would have to continue to drive, which with the current infrastructure there would be a congestion problem. Density costs just like outward movement costs, balance was the key. The solution in his opinion was balance. The boundary needed to be expanded by 3 to 4% and also to use the land within the current Urban Growth Boundary more wisely, increased density in appropriate locations and would make it so people had those kinds of choices. He felt as going through this process, that that was ultimately what was going to happen and was fearful that the Council was kidding themselves by voting for this Plan. He believed again that this was the zero option and they were pushing too hard and would hurt too many people and felt it was wrong as an elected official to support that.

Presiding Officer Kvistad commented that he did agree with many parts of this Plan, he could not in good conscious vote for this due to certain portions of the Plan. He believed it put regional jobs, affordability and the livability of some of the communities at risk. While there were many good things in the Plan, he felt some of those items were too big of a risk to take and wished they were scaled back. He felt the staff work that had been put in had been very solid and thanked everyone for their hard work.

Councilor McLain stated she was very proud to be voting in favor of the Functional Plan and that this was not a zero option choice. If there was a risk it was not to go forward with the Functional Plan because what had been done in the past had not worked. As discovered over the last 2-1/2 years there were ways to do somethings better. It would help bring more choices to the inventory of housing that there was for a wide band of salary types, the reason for that was because of the housing and job balance that would be achieved through the Functional Plan and the 2040 Growth Concept. As far as neighboring cities taking houses, yes they would take some more houses but right now she was excited to say that there were IGA's with Canby, North Plains and Sandy in the wings. Those cities realized if they worked with Metro, we could make their communities and our communities successful. She commented on the notion of schools, stating that she had talked to the superintendents and helped to bring them into the process and what they wanted was Metro to be there to help them make sure that schools were in the front part of the process for planning. She agreed with Councilor Morissette that density was a balancing act. What that meant was the Functional Plan and the 2040 Growth Concept putting that density in the right places. She commented that the Urban Growth Boundary had not been discussed yet. The Functional Plan and the URSA decisions coming up were going to help discuss just how exactly, if any, the Urban Growth Boundary would be moved. It was not limited by the Functional Plan, the Functional Plan allowed to temper that decision and to make sure that it be done in a right way and an appropriate way.

Vote: The vote was 4 aye / 2 nay / 0 abstain. The motion passed with Councilor Morissette and Presiding Officer Kvistad voting nay.

7.2 Ordinance No. 96-660A, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Spectator Facilities Fund by Transferring \$26,500 from Contingency to the Capital Outlay Portion of the Portland Center for the Performing Arts Budget to Provide for Capital Renewal and Replacement; and Declaring an Emergency.

Motion: Councilor McFarland moved the adoption of Ordinance No. 96-660A.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McFarland reviewed this motion stating this was broken off from the original Ordinance which would come to \$300,000. The reason this was broke off was because it could not all go through the Finance Committee due to the fact the Chair was out of town. This recommendation was brought forward because it was an emergency. This money was needed to repair the HVAC and temperature controller in the Performing Arts Center. This money was \$13,000 for each of the two units that would fit on the roof with \$500.00 for the chemicals to recharge the units. She urged the Council to pass this Ordinance for this amount. As she understood this amount would come out of the Contingency Fund and the rest of it would come from a different fund that was already in place.

Presiding Officer Kvistad replied that there was a surplus that came over and there was a fund balance transfer from when Metro owned the old Coliseum which was funding that went to those facilities. That was where the transfer came from.

Councilor McFarland commented that this did not require any money to come out of the budget and the other amount was from their contingency.

Vote: The vote was 5 aye / 0 nay / 0 abstain. The motion was unanimously passed. Councilor McCaig was not present.

9. COUNCILOR COMMUNICATION

Presiding Officer Kvistad stated that it was Dan Cooper's Birthday and wished him a happy birthday.

Councilor Washington stated that Metro had been working with the City of Portland and Multnomah County for the past nine years regarding the disposition of the PCPA (read statement to the Council). He asked the Council to support this resolution and asked Jennifer Sims to give a financial report of this item.

Jennifer Sims briefed the Council on this resolution. Projected for next year there would be a total of about \$5.6 million, from the 3% levy by Multnomah County. Mr. Ridgely's proposal would allocate those funds in this way, \$1.3 million to the City of Portland for the Performing Arts Center Operation and Marketing, \$300,000 to go for arts and cultural tourism, and the balance of that money to the Convention. The key part of the proposal was that none of those monies would be available for any kind of major capital requirements. These were intended for operation not for reconstruction or the major repairs. The current projection for fund balance for the Convention Center next year was \$2.5 million. The original proposal would incur a couple of years of deficits. Mr. Ridgely had worked closely with the arts and the lodging industry in putting this together.

Councilor McFarland said that it was imperative that we send a message to the county and city that Metro supported Councilor Washington's funding proposal. This plan would be most apt to fund the facilities in an adequate manner. It was imperative that everyone on the County Commission understand that Metro supported this way of keeping enough facilities for the Convention Center. The hotel/motel tax was passed for the specific purpose for building the Convention Center. Metro needed to keep appropriate

funding for the Convention Center. She was disappointed that this resolution was not on the agenda today.

Councilor Washington asked to suspend the rules.

Presiding Officer Kvistad said that he had been in contact with several members of the County Commission and thought they had been good partners with Metro. He thought what would be seen from them would be very positive on Metro's behalf.

8. RESOLUTIONS

8.1 Resolution No. 96-2419A, For the Purpose of Authorizing Signature of the Intergovernmental Agreement Forming the Regional Water Providers Consortium.

Motion: Councilor McLain moved the adoption of Resolution No. 96-2419A.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McLain commented the packet of information enclosed a noted letter from WRPAC, articles from the Oregonian and submitted letters. She pointed out that 15 of the local jurisdiction and water providers had already approved joining this consortium. There was a Public involvement segment that had occurred after two years and highlighted some of the strategies that had been used. Councilor McLain reviewed what this resolution did. It would authorize Metro to sign an Intergovernmental agreement for forming the Regional Water Providers Consortium. It would endorse the Regional Water Supply Plan as the Regions Water Supply Strategy for the future and it would declare that Metro would allocate approximately \$10,000 in 1996-97 dues to the Consortium and would appoint Metro members to the Consortium Board and the Technical Committee.

Councilor Washington asked if this would mean drinking Willamette River water.

Councilor McLain responded that in the strategy they tried to make sure they kept all of their options open but looking at the list the Willamette River water was on the very bottom.

Presiding Officer Kvistad opened the public hearing at 3:00 p.m.

Mr. Jessie Lowman, General Manager of the Tualatin Valley Water District, urged the Council to support this resolution. He stated the IGA was flexible enough to allow any of the sub-regions or any of the groups within this Consortium Group to address any regional needs or sub-regional needs and did not commit any of the other participants to participate if they did not wish to. The Regional Plan was also an integral part of the 2040 Plan. About 2 years ago or so the Metro staff was invited and participated very heavily in this and allowed them to use their protection of populations and planning that was being done through the 2040 Plan. The water providers looked forward to the continued participation and the partnership and encouraged Metro Council to approve the IGA so they could continue with the logical, reasonable and positive approach to water service to the region. He urged the Council for their support.

Presiding Officer Kvistad closed the public hearing at 3:03 p.m.

Councilor McFarland noted calls from constituents and encouraged Council to support the resolution. She understood that there were some things that some people would like to see differently within this. The number one request that she had gotten from people who were either reluctant in their support or not supporting it was they wanted to see further public involvement and public oversight. She believed that should be built into the structure as going forward.

Presiding Officer Kvistad stated when he was President of Tigard Water District, this issue was exciting for those who were interested in the water issue. This had taken a long time to come together and was a pretty big deal. He thought that having a quality supply of water and having this many jurisdictions working together helped to build a better region and delivered a better resource to all the citizens within the jurisdictions. This would become a component in the Regional Framework Plan and would be dealing with this as element of that plan. He was glad to be able to vote in favor of it.

Councilor McLain noted an amendment for the request for public participation.

Presiding Officer Kvistad reopened the public hearing at 3:07 p.m.

Dale Sherbourne, Concerned Citizens with Water Management urged the Council to vote no on this resolution. His concerns were many but saw one in particular in the Oregonian regarding peoples willingness to drink water from sources of less purity initially than the Bull Run. He stated that was a minority of opinion and it was also found that the majority of the people not in the Portland area did not know where their water came from. He felt that with education as to where their water sources could come from and what their qualities were, people would think of it unconscionable to drink the Willamette River water if they had an option to take it from a cleaner source. He stated he had been studying this since 1973 when he started his course work. He visited almost every water treatment plant, dam facility and waste water treatment plants. He stated the best source of water to give people would be from the higher mountain ranges. The transmission lines were not any longer than the City of New York's, which supplied much larger population with also a drinking water that did not have a filter treatment plan on which was also subject to surface water treatment rule. They had decided to buy up their watersheds and protect their watersheds, rather than go to a less quality of drinking water for their citizens. He thought the same should be true for the City of Portland. This study did not differ from the one that was seen when the Council rejected it because it aimed at the Willamette River. The Council said they needed to go back to the drawing board which they did. The only thing that they did was they added the Columbia River and the Bull Run to go on concomitantly. But all of the data that they used eliminated the Bull Run as a source had continued to stay in there. He felt it was still the same report and still went to the Willamette River. It would be beneficial at this time to make the move and say for the interest of the metropolitan area they would be willing to go to the Willamette River and support some kind of regional plan for that plant and see if that would get passed. He saw this as merely postponing it, putting it off to another group so that citizens would have even less input into this. From his television program he had not found any supporters of drinking the Willamette River water. The people who did show support of that were the ones who would like to see that put on the people so there could be a clean up of the Willamette River. He did not think that was a logical way of getting the Willamette River cleaned up. The Little Sandy was a logical place to put the next impoundment of the water to be transmitted to the region because of its high altitude, its isolation from population and disturbance. That had been eliminated by this report even though it had been referred to by the City Council. Mr. Sherbourne closed saying that in signing this the participants agreed to the Regional Water Supply Plan which went to the Willamette River, it never changed, it only changed two words and that was the only thing that had changed. There was little to be gained and owing a lot of money to be spent on finding a way to delude the people into thinking that they could drink the Willamette River.

Presiding Officer Kvistad stated he was a viewer of Mr. Sherbourne's program. He asked if he would prefer the third dam option on Bull Run.

Mr. Sherbourne replied not a third dam on Bull Run. He stated that would have to happen. With the projected population they would have to build the extra impoundment's up there eventually. He stated they were 20 years behind and was not in the position to wait until 2050. He spoke of Senator Hatfield's bill that cutting up trees in the Bull Run and the Little Sandy would not be inhibited for the production and / or the protection of water supply. Going to the Willamette River would be a short sided solution to the drinking water problems for the region.

Ms. Roberta Joyner Senior Planner with Portland Water Bureau stated that Council should have received a letter from Mike Rosenberger, Administrator of the Water Bureau (included in the written record of this meeting minutes). She read the letter for the record.

Presiding Officer Kvistad closed the public hearing at 3:18 p.m.

Presiding Officer Kvistad did not see this as being a Willamette River source only option.

Councilor McFarland stated she was going to join the Presiding Officer in his yes vote and stated she was not in favor of drinking water that came off of deformed fish.

Councilor McLain commented that in this resolution they made sure to emphasize the issues of public participation as they went forward in this non-static plan. The linkage between land use planning and water supply planning was to be emphasized very much from this Council's perspective. If this resolution was passed joining at the table besides Portland would be Beaverton, Canby, Clackamas, Gladstone, Damascus, Gresham, Hillsboro, Oak Lodge, the South Fork Water Bureau, Troutdale, Tualatin, Tualatin Valley Water District, West Slope Water District, Wilsonville and Wood Village. She did believe that they were all very concerned in those issues and in the placement of where those water districts were and would be looking at all options. She urged the Council for an aye vote.

Vote: The vote was 5 aye / 0 nay / 0 abstain. The motion was passed unanimously. Councilor McCaig was not present for the vote.

Presiding Officer asked council to suspend the rules.

Motion: Councilor Washington moved to suspend the rules.

Seconded: Councilor McFarland seconded the motion to suspend the rules.

Vote: The vote was 5 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

8.2 Resolution No. 96-2428, For the Purpose of Endorsing a Proposal to Fund the Portland Center for the Performing Arts, the Oregon Convention Center, and the Arts.

Motion: Councilor Washington moved to adopt Resolution No. 96-2428.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McLain commented she thought it was important for the Council to be present at meetings such as the one Councilor Washington attended at Multnomah County. She wanted to make sure that staff or Councilor Washington let the Council know when those meetings were. She stated there was no lack of support for the Regional Facilities and there was no lack of support for the PCPA, the stadium or the OCC in this Council's make-up. She thought it was very important to go forward with their active support that was attempted to be done through management. She thought that no matter what the outcome was, this Council had shown support through willingness to participate, support and management. She felt the Council needed to be an active partner throughout all of those meetings.

Presiding Officer Kvistad commented that the vote would show a strong endorsement on the part of the Council to support the County to continue their support for this. He also thanked Mr. Ridgely and staff for doing what he thought was outstanding work on the Council's behalf and on behalf of Metro facilities.

Councilor Washington advised that this process had not been a one person process. He thanked staff for their assistance. He said this resolution was critical and important. He thanked Councilor McFarland for her support on this item.

Vote: The vote was 5 aye / 0 nay / 0 abstain. The motion passed unanimously
 of those present.

Presiding Officer Kvistad said he would ask Executive Officer to move forward on this item. He also asked the members of the Council to join Councilor Washington in working with the partners at the county to move this agenda forward.

Ms. Billington, will you please call the roll.

10. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 3:30 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Millie Brence
Council Assistant