

MINUTES OF THE METRO COUNCIL MEETING

April 9, 1998

Council Chamber

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

Councilors Absent:

Deputy Presiding Officer McFarland convened the Regular Council Meeting at 2:03 p.m. She announced that the Presiding Officer was delayed but would be at the meeting shortly.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, LOTI Designer, 3205 SE 8th #9 Portland OR 97202 supported light rail but did not support the South North Light Rail project. He felt that there were lots of people who were opposed to the light rail and the tension would increase because some people felt their needs were not being met by Metro or Tri-Met.

Deputy Presiding Officer McFarland asked if he was against the project design or the project itself.

Mr. Lewellan said he was a strong supporter of the light rail but not of the design itself.

Deputy Presiding Officer McFarland asked where Mr. Lewellan had the light rail crossing the river.

Mr. Lewellan said his design crossed at the Rose Quarter. He said his design included a trolley, electric buses and the light rail. He noted his most current design. He summed up by saying a compromise was in order. East bank alignment would be a better route for the light rail.

Deputy Presiding Officer McFarland thanked Mr. Lewellan for his input and all the work he had done.

3. SOUTH/NORTH LIGHT RAIL UPDATE

Richard Brandman, Assistant Director of Transportation Planning Department, introduced Leon Skiles, South North Project Manager and said they would give a brief update on the South North Light Rail. He said the public comment period would close April 24th. He noted the hundreds of comments received concerning the proposed design. He said 80% of the comments were favorable to light rail moving forward. He said there were many comments regarding individual alignments. He shared slides with the Council.

Councilor Washington said the work session for the South/North Light Rail was on April 23, 1998 following general business of the Regular Council meeting.

Mr. Brandman continued his presentation and reviewed alignment issues such as Milwaukie, downtown, north Portland, and others. He shared concerns from citizens regarding zoning and ridership issues. He discussed the alignment issues at the westbank of I-5 and along Interstate Avenue. He extended an invitation to the upcoming workshop to the Councilors and called Mr. Skiles to the microphone.

Councilor Naito asked if the document contained all of the different alignments?

Mr. Brandman said that the document included all of the alignments as well as the costs and trade-offs in detail. He said the document would be used at the workshop.

Councilor Morissette asked Councilor Washington if when the decision was narrowed down, would Councilor Washington not expect Council to pick and choose among the choices.

Mr. Brandman said the final determination by Metro Council would come on July 23rd and, prior to that, on June 4, 1998, the Steering Committee would make a recommendation.

Councilor Morissette told Councilor Washington that it would work best for him if he had before him the options available regarding any controversies along the entire line in advance of the Steering Committee decision.

Councilor Washington asked for clarification from Councilor Morissette regarding the request.

Councilor Morissette suggested a chart that showed the different line designs options and asked for an "exploratory" vote of the Council to poll the general consensus of each item.

Councilor Washington asked council and Councilor Morissette if they had a timeline for this process and said he would try to work something out.

Councilor Morissette suggested rather than more briefings he would like to review the issues and give input.

Councilor Washington said the purpose of the briefings was to make sure Council would hear about everything that was happening.

Councilor McCaig said the briefings have been very valuable. She thought the question that was being raised was when would it be best and most productive for Council to give preliminary advice and/or discussion about the way Councilors were leaning on some of the decisions rather than have all of the advisory groups go forward without ever having discussion with the Council about what their opinion was for issues in their districts.

Councilor Washington said that was the intent of the work session on April 23, 1998.

Mr. Brandman suggested that after the public comment closed April 24th and before June 4th that council have a work session around the second week of May for this kind of discussion.

Deputy Presiding Officer McFarland said that specifics of that meeting needed to be discussed.

Councilor McLain said that her understanding from the Transportation Planning Committee meeting was that was what the meeting was to do. She had a concern about the May 7 night due

to Title 3 and Budget hearings. April 23 or some other date would offer a better opportunity for discussion of the light rail.

Councilor Naito said that May 7th was a Title III Public Hearing at 2:00 p.m., not at night, but the agenda would be very full.

Councilor Washington said he did not want to choose the date for the council. He asked for messages from the council which suggested dates to be left for him so the date could be chosen.

Councilor Morissette suggested the week after May 7th at their regularly schedule meeting, May 14th.

Councilor Washington said he would start with that date and query Councilors.

Leon Skiles talked about the land use final order for the South North Light Rail project required by state law. He talked about seeking the approval of Council for the intergovernmental agreement between the Oregon parties that made up the Steering Committee. He mentioned that there would be a hearing for some special rules and adoption of the land use final order. He said details of what the land use final order meant would be discussed at the next meeting.

Councilor Washington thanked Mr. Skiles, Mr. Brandman and the Council for their indulgence in working through the date issue.

4. EXECUTIVE OFFICER COMMUNICATIONS

Randy Ealy, Analyst to the Executive Officer, said one of the first items he developed since he came on board was writing a resolution that Council adopted asking Governor Kitzhaber to take a look at the alternative site for the jail in Wilsonville. He explained some of the outcome of that resolution and that discussions were taking place regarding the issue.

Councilor Naito said if the governor chose to go with the other site, would he have very broad supersiting authority so no action would be needed from Council.

Dan Cooper, Legal Counsel, said the governor had decided on a site under his broad statutory authority but the alternative site raised some questions from the governor that would be explored.

Presiding Officer Kvistad commended the Executive Officer and Mr. Cooper as well as the Governor for the tremendous positive working relationship they have had for something that had been so controversial.

Mary Weber, Growth Management, said there would be an ad coming out in the paper, as required, regarding changes to the Urban Reserves as well as a general public notice that would be in Tuesday's paper concerning the alternative site.

Mr. Ealy noted the attachment from Larry Shaw with today's packet regarding the specific timelines.

Mr. Cooper said the Governor had targeted June 12 as the day he would have as much certainty as he could about the questions he had asked. He said that was based in part on this timeline. This did not commit Council to do anything.

5. AUDITOR'S REPORT ON EXPO CENTER EXPANSION: CONSTRUCTION COST MANAGEMENT.

Alexis Dow, Metro Auditor, and Mr. Doug U'ren, reviewed the Expo Expansion. Their audit focused on the construction costs which were about 85% of the total project budget. They determined that the construction budget was reasonable and MERC managed the costs efficiently. She felt it was very important to have good construction costs management. The overall budget was reasonable. They hired a construction consultant who had a computerized cost estimating model and they came within 1% of what was actually budgeted. MERC did management the cost of the project sufficiently. She said as auditors they had to consider better ways to do things. Areas of improvement included improving procedures for documenting construction decisions. The processes should be better defined. She said they also felt that a better job could be done to make sure the indirect costs were competitively priced.

Mr. Doug U'ren, Senior Auditor, added that indirect costs included rented equipment costs and that sort of thing. He said they were suggesting to set a threshold and benchmark any costs over \$10,000 to go to outside vendors to see if the price was competitive.

Ms. Dow said another recommendation had to do with the costs reimbursed. She said 32 out of 40 of the items reviewed had adequate documentation and 8 of them were not documented as completely as they should have been. She concluded that their goal in coming up with these recommendations was not only to look at this particular project, but to take the recommendations and build on them to ensure success with other projects in the future, such as the Oregon Project.

6. MPAC COMMUNICATION

None.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the March 26, 1998 Regular Council Meeting.

Motion: **Councilor Morissette** moved to adopt the meeting minutes of March 26, 1998 Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

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

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 98-735,** For the Purpose of lowering the minimum for group discount classification from 25 to 20 persons and granting complimentary admission to the drivers and escorts of pre-formed tour groups at Metro Washington Park Zoo.

Presiding Officer Kvistad assigned Ordinance No. 98-735 to Regional Facilities Committee.

8.2 **Ordinance No. 98-739**, Amending the FY 1997-98 MERC Budget and Appropriations Schedule for the purpose of adopting the FY 1997-98 supplemental budget and declaring an emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-739 to Finance Committee.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 98-734**, Amending and Readopting Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

Motion: **Councilor Washington** moved to adopt Ordinance No. 98-734.

Seconded: **Councilor Morissette** seconded the motion.

Councilor Washington said the Ordinance was to protect public funds that were under Council's responsibility. He urged an aye vote.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-734. No one came forward. Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor Washington** spoke regarding the motion to readopt this investment policy with a minor change to clarify the policy related to maintaining diversity and investment of funds. He explained that state law required annual readopting of the policy due to the nature of the investment. He said the comments of the state board of review had been incorporated into the policy which was unanimously passed by the Finance Committee.

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

9.2 **Ordinance No. 98-737**, Amending the FY 1997-98 budget and appropriations schedule in the Support Services Fund by transferring \$15,000 from the Administrative Services Department to the Office Of the Auditor and transferring \$4,600 from Capital Outlay to Materials and Services within the Office Of the Auditor to provide funding for conducting an implementation review of the InfoLink project.

Motion: **Councilor Morissette** moved to adopt Ordinance No. 98-737.

Seconded: **Councilor McFarland** seconded the motion.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-737. No one came forward. Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor Morissette** went over the ordinance for Council, reviewing what would be considered in the InfoLink project.

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

10. RESOLUTIONS

10.1 **Resolution No. 98-2619**, For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2619.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** reviewed the resolution for the Council and said it had passed by unanimous vote out of the Transportation Planning Committee on April 7. She discussed some of the projects that would be valuable for the 2040 growth concepts and trying to get people to use alternate modes of transportation. She explained the key points of the resolution. She urged an aye vote.

Councilor Morissette said he had no problem with this resolution as proposed. He suggested leveraging the money with a goal of maximizing the partners' side of the investment and minimizing Metro's so it would go further and being cautious about the assembly of land.

Councilor Naito said she thought this was an exciting opportunity and Metro should be recognized as a national leader in land use planning and transportation linking. She complimented the staff.

Councilor McFarland asked if this was federal money and Metro had it to use, why was it called a loan in paragraph 6?

Mr. Andy Cotugno, Transportation Planning Director, said there was a \$3,000,000 grant that was federal money available to this program, and it also authorized up to a \$2 million loan from the state infrastructure bank. The state infrastructure money was also federal money.

Councilor McFarland said if it was a loan when do we have to pay it back.

Mr. Cotugno said the grant did not have to be paid back but the loan would be used for land purchase and land sale would provide the proceeds for paying it back.

Presiding Officer Kvistad clarified that it was basically a revolving fund.

Councilor McFarland said she was uncomfortable with calling it a loan.

Councilor Washington thanked Mr. Cotugno and staff for their hard work.

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

Presiding Officer Kvistad dismissed the regular Council Meeting and convened the Contract Review Board for discussion and action of a resolution.

11. CONTRACT REVIEW BOARD

11.1 **Resolution No. 98-2622**, For the Purpose of Approving Sole Source Agreements for Mark Bradley Research and Consulting, Cambridge Systematics and John Bowman and Associates.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2622.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Councilor Washington** asked Mr. Cotugno to explain this resolution.

Mr. Cotugno explained the Los Alamos connection with transportation in Portland. He explained their computer capabilities and shared that there was a short video of the project. Portland would be the first full national application of the whole program. He said it was a real coup to secure this capability and would place Portland at least 5 years ahead of the rest of the country before it started being deployed in other metropolitan areas. This would provide Portland with first class capabilities. It was happening now because computers were finally catching up to have the capacity at the right cost to do this kind of stuff. The Los Alamos labs had the capability today.

Councilor Washington thanked Mr. Cotugno for talking to Councilor McFarland about the contract.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor McCaig absent from the vote.

Presiding Officer Kvistad dismissed the Contract Review Board and re-convened the regular Council Meeting.

12. COUNCILOR COMMUNICATION

Presiding Officer Kvistad said they would follow up on the work session on the South North Light Rail. He asked interested Councilors to contact him regarding membership on the advisory board.

13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:11 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document	Document Date	Document Title	TO/FROM	RES/ORD
----------	---------------	----------------	---------	---------

Metro Council Meeting

April 9, 1998

Page 8

Number

040998c-01

April 1998

LOTI Loop Oriented
Transit-Mall
Intermodal Final Draft
South/North Corridor
Project Briefing
Document

TO: Metro
Council FROM:
Art Lewellan

040998c-02

March 20, 1998

South/North Corridor
Project Briefing
Document

TO: Metro
Council FROM:
Richard
Brandman
Transportation
Planning Dept.

040998c-03

4/9/98

Wilsonville Prison
Alternate Site
Consideration memo
and attached memo on
Wilsonville Special
Need UGB

TO: Metro
Council FROM:
Mike Burton

040998c-04

4/9/98

Amendment Process
Expo Center
Expansion:
Construction Cost
Management

TO: Metro
Council FROM:
Alexis Dow,
Metro Auditor

040998c-05

3/4/98

MERC's response to
the Expo Center
Expansion audit

TO: Alexis
Dow, Metro
Auditor FROM:
Gary Conkling,
Chair of MERC