

# MINUTES OF THE METRO COUNCIL MEETING

May 21, 1998

Council Chamber

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

Councilors Absent: Patricia McCaig (excused)

**Presiding Officer Kvistad** convened the Regular Council Meeting at 2:02 p.m.

## 1. INTRODUCTIONS

**Councilor Morissette** introduced Brian Butler, a student who was at today's Council meeting for Career Day. Presiding Officer Kvistad invited Brian to sit at the dais.

## 2. CITIZEN COMMUNICATION

None.

## 3. EXECUTIVE OFFICER COMMUNICATION

**Mike Burton** presented an award from the Government Financial Officers Association for Distinguished Budget Presentation to the Financial Planning staff. He noted that the department continued to do an outstanding job of planning and budgeting. Mr. Craig Prosser presented the award to the Deputy Finance Chair, Councilor McFarland.

**Councilor McFarland** accepted the award.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

None.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the May 14, 1998 Regular Council Meeting.

**Motion:** **Councilor Naito** moved to adopt the meeting minutes of May 14, 1998 Regular Council Meeting.

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

**Vote:** The vote was 5 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Morissette abstaining from the vote.

**7. ORDINANCES - FIRST READING**

7.1 **Ordinance No. 98-738**, For the Purpose of Adopting Ethical Requirements for Metro Officials and for Lobbyists.

**Presiding Officer Kvistad** assigned Ordinance No. 98-738 to the Government Affairs Committee.

7.2 **Ordinance No. 98-741**, For the Purpose of Granting a Yard Debris Processing Facility License to McFarlane's Bark, Inc. to Operate a Yard Debris Processing Facility and Declaring an Emergency.

**Presiding Officer Kvistad** assigned Ordinance No. 98-741 to the Regional Environmental Management Committee.

**Councilor McFarland** clarified that this company was not related to her, the name was spelled different.

7.3 **Ordinance No. 98-745**, For the Purpose of Granting a Franchise to Citistics, Incorporated for the Purpose of Operating a Combined Transfer Station and Solid Waste Materials Recovery Facility.

**Presiding Officer Kvistad** assigned Ordinance No. 98-745 to the Regional Environmental Management Committee.

7.4 **Ordinance No. 98-752**, Amending the FY 1997-98 Budget and Appropriations Schedule by transferring \$120,000 from Contingency to Personal Services in the Zoo Operating Fund to provide for increased Temporary Staffing at the Oregon Zoo, and Declaring an Emergency.

**Presiding Officer Kvistad** assigned Ordinance No. 98-752 to the Regional Facilities Committee.

7.5 **Ordinance No. 98-754**, Amending the FY 1997-98 Budget and Appropriations Schedule by Transferring \$10,000 from Contingency to the Office of General Counsel Portion of the Support Services Fund for Various Funding Purposes, and Declaring an Emergency.

**Presiding Officer Kvistad** assigned Ordinance No. 98-754 to Finance Committee.

**8. RESOLUTIONS**

8.1 **Resolution No. 98-2647**, For the Purpose of Authorizing Release of RFB #98B-26-REM for the Construction of a Maintenance Building at the St. Johns Landfill.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2647.

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

**Discussion:** **Councilor Washington** reviewed that Metro was still in the process of closing down the St. Johns Landfill. There was a lot of equipment at the landfill that needed to be under cover. This was a building for equipment storage and would also provide space for the staff. He urged the support of the council.

**Councilor Morissette** said he supported this measure and pointed out the additional cost to this project, with the effects of the new Title 3 regulations, was approximately \$29,000 on a \$476,000 project.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.2 **Resolution No. 98-2648**, For the Purpose of Amending the Metropolitan Transportation Improvement Program to Authorize \$1,082,000 of Congestion Mitigation/Air Quality (CMAQ) Funds in Federal Fiscal Year 1998 for the Purchase and Installation of Standby Power at Union Station and Purchase of Two Cab-Cars for the Pacific Northwest Passenger Rail Program.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2648.

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

**Discussion:** **Councilor Washington** said this was from the CMAQ federal fund. The purpose of this resolution was to provide the opportunity to get more people on the trains at Union Station. A part of this resolution was to buy a cab so they could spend less time with turning the train around. It also included the purchase of equipment to help with air quality. There was discussion at JPACT on this resolution. He urged the council's support.

**Councilor McFarland** asked what cab cars were?

**Councilor Washington** responded that the cab car was the engineer's car.

**Mr. Andy Cotugno**, Transportation Planning Director, said a normal locomotive had all of the power units in the cab car to control operation of the train. The idea was to put in a cab car on the other end of the train to operate the locomotive from either end of the train.

**Councilor Washington** asked if the train could then operate in tandem?

**Mr. Cotugno**, said no, it was a matter of being able to drive it from either end.

**Councilor Washington** clarified that it was tied to the power unit at the front end. He asked **Mr. Cotugno** to address the council on the air quality aspects.

**Mr. Cotugno** said there was two different items; one was the stand-by power, when the train laid over night, they would leave the locomotive running to run the refrigeration equipment and air conditioning. The locomotive was putting out pollution all night long. The stand-by power unit allowed them to plug the train in and turn off the locomotive off while keeping the refrigeration and air conditioning running. The other was that the train had to make a number of maneuvers to get pointed back in the other direction. With the addition of a cab car at the other end of the train, they could walk to the other end of the train and leave. There was less shuttling around of the locomotive to get it on the right end of the train, thereby creating less pollution during the shuttling activity.

**Councilor Naito** said from reading the staff report it looked like it would allow the stand-by services to remain on. In looking at rail service, this resolution would allow those services to continue while you were at the station or make the ride much more enjoyable for the passengers. This was something that we needed to continue to work for as a community and as a culture. She

said look at the trains in Europe and Canada and how frequently people were willing to ride them because they were well maintained and had the amenities that most travelers had come to expect. People were willing to pay a bit more to have those comforts of travel. It was very important that we continued to look at these kind of amenities to make it more enjoyable for the ridership.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 9. CONTRACT REVIEW BOARD

9.1 **Resolution No. 98-2652**, For the Purpose of Amending the South/North Technical Assistance, Financial Analysis and Intergovernmental Coordination Consultant Services Contract, No. 904099, with the Larkin Group, Inc. to Incorporate Activities Associated with Preliminary Engineering and the Final Environmental Impact Statement.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2652.

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

**Discussion:** **Councilor McLain** said that in March of 1995, the Council adopted a resolution which authorized a release of request for proposal for consultant services to prepare technical assistance. The technical assistance, the financial analysis and the intergovernmental agreement coordination was for the South North project draft environmental impact statement. This resolution authorized the Executive Officer to execute an amendment in the amount of \$293,316. This would be a revision to the contract and scope of work to do similar work as found in Exhibit A. This work was not to exceed the original budget. This resolution would allow Metro to begin the final needed environmental impact statement work that must be done on this project.

**Councilor Morissette** said it had grown and they expected the adjustments. Everything was in line with what had already been set into place.

**Councilor McLain** affirmed Councilor Morissette's summary. This was an RFP so they had scoped out what they wished to have done. The first portion of the first phase helped narrow down what had to be done in the second phase. This work was predictable, followed the first phase work and they were looking at using this particular contract because of the expertise of the vendors.

**Mr. Cotugno** added that the RFP included a phase one and two. They signed the contract to start phase one to take them through the draft EIS step of the work. This was the extension to go into phase two, the RFP covered both halves. It had not grown unexpectedly, they were simply moving into phase two as the project moved into phase two.

**Councilor Morissette** clarified, it was based on Metro's request.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 10. COUNCILOR COMMUNICATION

**Councilor McLain** handed out a program. This program was the Common Voices 1998 Music about our Watershed which the council had been invited to attend. There were a blended class of

fifth and sixth graders who had gotten one of the Metro Educational Grants. They were learning more about watersheds and salmon. This class, using this grant, had raised salmon in their classroom and then released them up at Hagg Lake. They also had created a video and songs (she noted one of the songs). It was enjoyable, professional, educationally sound and provided a lot to think about as far as policy makers for having to deal with quality of water and flood mitigation. She encouraged the students to come to the open houses and public hearings to testify. There was also a slide show which she was going to try and provide to Metro. The students encouraged passing Title 3.

**Councilor Morissette** spoke about Title 3, the stream preservation plan. We all support the protection of the streams and the salmon. The problem was a procedural problem. He believed what was going to happen shortly, without some negotiated settlement, was a vote on Title 3, making adjustments very difficult. The problem that he had with Title 3 was that the majority of the home owners that would be effected did not know about the effect. There was 30,000 to 40,000 home owners that, he believed, were not engaged in this discussion that would go, in some cases, from a zero set back to a 50 foot set back, restricting what they could do on that property from building a structure to modifying their landscaping. He thought it was incumbent upon the Council and Metro, as a good government, to make sure, once the property owners were notified, because there had been agreement that local governments would notify home owners of Title 3 ramifications, to set up a process for final decision at the time that people had had the opportunity to engage. Some may think that the point he was trying to make was just to extend the eighteen month implementation period. He said absolutely not. There was nothing wrong, in his opinion, with creating a six month window for the local governments to work with the effected property owners and the constituencies in the region after they had been notified about the buffer requirements, non-native vegetation and activity restriction in those effected areas. If there was something that we could do and still protect the streams that came as a solution for those effected property owners, he believed this would be wonderful. He suggested that the process should be brought back to the Council, a final decision made after that notification to property owners, allowing for a six month notification period and then allowing implementation of Title 3 to occur over the following twelve months. This would not extend the eighteen month period but allow people, once they had been notified, an agreement to notify the effected property owners and the opportunity to realize that what the property owners thought that they could do with their property they were probably not going to be able to do to the same degree in the future. Councilor Morissette did not fear that there was going to necessarily have to be a lot of changes but he did think that once those effected property owners were engaged, they would come up with some creative solutions, not diminishing our ability to protect the streams, but still protecting their home owners property rights.

**Councilor Naito** announced the specially set meeting of the Growth Management Committee at 2:30 p.m. on Thursday, May 28, 1998 in the Metro Council Chamber where they would be hopefully considering the final vote for Title 3 in committee. Several issues to be discussed were the wetlands and notification issues.

The productivity analysis of the Urban Reserves had been awarded. A contract had been awarded to Pacific Rim Resources, Echo Northwest and W & H Pacific. This group was selected to complete the work on the productivity analysis. There were two companies that submitted proposals to do the work. They were both excellent presentation, Metro chose to go with the above mentioned group. If Council had questions, she suggested, contracting Elaine Wilkerson.

**Councilor Washington** commented to Councilor McLain that she had had the largest waste collection in her district. He congratulated her on this accomplishment.

**Presiding Officer Kvistad** thanked the staff and council for their kindness, supportive words and all of the hard work in making up for his absence while he was running for the congressional seat.

**11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 2:27 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
052198c-01	5/20/98	Common Voice 1998 Music about Our Watershed program brochure	TO: Metro Council FROM: Councilor McLain	