

MINUTES OF THE METRO COUNCIL MEETING

June 11, 1998

Council Chamber

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

Councilors Absent: Lisa Naito, Patricia McCaig

Presiding Officer Kvistad convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, 3205 SE 8th #9 Portland, OR spoke again of his LOTI plan, an alternate to the South North Light Rail. He said he felt the Council's questions at the end of his previous testimonies proved that Council did not listen to anything he had to say. He urged Council to take a good look at his alternative which so far had never been considered. He reiterated all the obvious advantages to his alignment over anything Metro was looking at.

Aleta Woodruff, MCCI 2143 NE 95th Place Portland OR 97220 commented on the tour of the Metro facilities some MCCI members had taken the previous Tuesday with Margaret Sprinkle. She felt the tour was extremely informative and related the events of the day.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said Councilors would soon be getting a letter regarding MPAC's desire to continue coordinating monthly meetings. She said they would like a conversation with Presiding Officer Kvistad regarding meeting quarterly or monthly. She talked about the need to go forward with Functional Plan discussions including parks, school siting and affordable housing.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the June 4, 1998 Regular Council Meeting and the May 28, 1998 Metro Council/MPAC Joint Meeting.

Motion: **Councilor McFarland** moved to adopt the meeting minutes of June 4, 1998 Regular Council Meeting and the May 28, 1998 Metro Council/MPAC Joint Meeting.

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

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

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-764**, For the Purpose of Granting a Yard Debris Processing Facility License to C.L. Dannar Nursery to Operate a Yard Debris Processing Facility and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-764 to the Regional Environmental Management Committee.

7.2 **Ordinance No. 98-744**, For the Purpose of Adding to Designated Urban Reserve Areas for the Portland Metropolitan Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 98-744 to Growth Management Committee.

7.3 **Ordinance No. 98-761**, For the Purpose of Amending the Regional Solid Waste Management Plan.

Presiding Officer Kvistad assigned Ordinance No. 98-761 to the Regional Environmental Management Committee.

7.4 **Ordinance No. 98-762**, For the Purpose of Amending the Metro Code Chapter 5.01 regarding Solid Waste Facility Regulations and Making Related Adjustments to Chapter 5.02.

Presiding Officer Kvistad assigned Ordinance No. 98-762 to the Regional Environmental Management Committee.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 98-740**, An Ordinance Amending the FY 1997-98 Budget and Appropriations Schedule by Transferring \$45,469 from Capital Outlay to Debt Service in the General Revenue Bond Fund for the Purpose of Correcting a Technical Error, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-740.

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

Councilor McFarland said all of the ordinances she carried to this meeting were technical amendments and for that reason asked staff to explain them.

Craig Prosser, Financial Planning Division Manager, said debt service fees for the OEDD loan in the general revenue bond fund had been inadvertently understated and they had accidentally overstated the capital outlay amount, this Ordinance would correct the errors.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-740. There being no one present to testify, Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McFarland** urged adoption of the ordinance.

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

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

Motion: **Councilor Morissette** moved to adopt Ordinance No. 98-741.

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

Councilor Morissette reviewed the facility licensing process. He said there were still some concerns that were being discussed. He felt the ordinance would encourage recycling in the region and urged support.

Councilor Washington asked what the worst alternative would be.

Councilor Morissette said one alternative would be to move the facility, but the rural folks would not like that either. He said another bad part would be that if there were no recycling facilities the recyclables would end up in a landfill.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-741.

Mr. Brian Brophy, CR Brophy Machine, 13377 SE Johnson Rd Clackamas, OR said his objection to the plan was it was improper to submit a plan for traffic management required use of a shared roadway. He said he would not accept that plan. He said he would accept a traffic plan that did not use the common roadway but not their plan to stop cars on their shared roadway. He said he had been talking to his attorneys already.

Presiding Officer Kvistad asked if Mr. Brophy felt the negotiations were proceeding.

Mr. Brophy responded they had been proceeding for 3 years.

Mr. Dan Chandler, representing McFarlane's, 1727 NW Hoyt #B Portland OR 97209 said the plan would make the odor and traffic problems better if not fix them. He said 2 relatively small businesses had been trying to work out an easement for the road and he thought the agreement had been drafted this morning though not everyone had seen the document. He said this had been a dispute between 2 neighbors and Metro did not need to be in the middle of it. He asked Council to approve the plan and the neighbor dispute would be worked out.

Mr. Neil Alongi, Maul Foster and Alongi, 7223 NE Hazel Dell Ave Vancouver, WA 98665 introduced himself as the civil engineer on the site plan for McFarlane Bark. He said he had provided plans to separate inbound traffic and fix the problem of trucks competing for the same roadway. He said they had worked out a method of payment that would change for peak days so the queuing problem would soon be resolved.

Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McLain** said that the franchisee had met all of the licensing requirements of Metro although there was still the debatable issue in traffic management. She agreed that the neighbors might appreciate the other elements, like the compost maintenance to control odor and dust should be done as soon as possible. She stated the importance of people being able to come to Metro with problems such as these and said that Metro would stay vigilant of these problems when licensing.

Presiding Officer Kvistad commented that he had always requested the submissions be complete before they were turned in. He said he would vote to approve but his qualifier would be resolution as soon as possible and in a positive way. He said he would follow up to be sure it was moving along.

Councilor Washington said he would vote no until the problems were resolved.

Councilor Morissette suggested analyzing the entire process because of the stringent requirements put on McFarlane's. He felt they had done a lot to make their facility better. He urged support of the Council.

Vote: The vote was 4 aye/ 1 nay/ 0 abstain with Councilor Washington voting nay. [Mr. Dan Cooper indicated that due to the emergency clause in the ordinance, it required a vote of 5 aye. He said a 4 - 1 vote neither defeated nor passed it so it could be held over. The alternative would be to amend it, remove the emergency clause, continue it a week because it was amended, and have another vote.]

Presiding Officer Kvistad said the item would be held over to the next agenda.

8.3 **Ordinance No. 98-746**, An Ordinance Amending the FY 1997-98 Budget and Appropriations Schedule to Recognize \$44,000 in New Grant Revenues, Reclassify Certain Expenditures, Transfer Funds from the Regional Parks Fund Contingency to Various Line Items within the Fund, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-746.

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

Mr. Prosser explained this \$44,000 was for part of the dredging needed at the M. James Gleason boat ramp due to flooding and reclassifying certain expenditures would adjust items inherited from other departments to fit into Metro's budget classifications.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-746. There being no one present who wished to testify, Presiding Officer Kvistad closed the public hearing.

Discussion: None.

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

8.4 **Ordinance No. 98-747**, An Ordinance Amending the FY 1997-98 Budget and Appropriations Schedule transferring \$4,000,000 from Open Space Fund Contingency to Capital

Outlay in the Open Space Fund in the Regional Parks and Greenspaces Department to provide Funding for Unanticipated Expenditures, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-747.

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

Mr. Prosser explained the unanticipated expenditures had to do with acquisition of land.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-747. There being no one present who wished to testify, Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McFarland** urged Council's aye vote.

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

8.5 **Ordinance No. 98-749**, An Ordinance Amending the FY 1997-98 MERC Operating Fund Budget and Appropriations Schedule for the Purpose of Transferring Appropriations to Increase Operating Expenses, Debt Service and Capital Outlay, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-749.

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

Discussion: **Norman Kraft, MERC Financial Operations Analyst**, addressed the issues presented in the ordinance. He said timing of some debt service payments and additional outlay for the Expo Center were the major things. He said the money was needed to improve the sound system between buildings at the Expo Center and their parking lot improvement project in progress had found more money was needed to complete the project. He said that would move the parking lot improvement project from operating capital to CIP.

Councilor Morissette asked if the amount covered improvement for the entire parking lot. He said his concern was that CIP had been pretty aggressive with their resources when they laid out their budget and now these problems seemed to all stem from CIP's underestimation of their allowances. He wondered at what point CIP would need to be revisited because there wasn't enough money to finish everything it called for.

Mr. Prosser said the money was for specific repairs and stripping for upkeep only. He said CIP started very early in the fiscal year and that, in fact, they had been in the process of getting ready to start the Capital Improvement Planning process for 1999-2000. He explained that the original estimate of this project placed it below the threshold of CIP inclusion but that the additional amount needed by the project brought it above the \$50,000 threshold Councilor Morissette had asked about. He said the budget process was the way to handle the problem.

Councilor Washington asked if the parking lot was being capped so it did not have to be torn up.

Mr. Kraft said they were not capping but fixing cracks. He said in some places they had to dig it out and in some places they could patch it substantially with what was there and put a cover coat on top to prevent water from coming through. He added that the lot had to be restriped after the work was done.

Councilor Washington asked how large the area was that was being patched.

Mr. Kraft answered the areas were north of the building and down into the lower parking lot, which was the part they had underestimated. He said it was not all in one area, but where needed.

Councilor McFarland said they had had this discussion about the surface before and this would come under “an ounce of prevention is worth a pound of cure”. She said the cracks needed to be fixed quickly to stop deterioration that would cost a lot more to fix.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-749. There being no one that came forward to testify, Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McFarland** urged an aye vote.

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

8.6 **Ordinance No. 98-751**, An Ordinance Amending the FY 1997-98 Budget and Appropriations Schedule in the Support Services Fund and in the Building Management Fund for Various Funding Purposes, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-751.

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

Discussion: **Jennifer Sims, Chief Financial Officer**, explained this ordinance would correct a misunderstanding about a debt service payment which inadvertently resulted in additional fees and charges of \$1,200. She proposed a transfer from contingency to debt service. She explained the circumstances that resulted in a shortfall for expenses in the parking garage and an unexpected \$25,000 repair of the sewer in the Metro building. She said there had also been some lower operational costs for the facility. She said that resulted in a \$38,000 shortfall. She proposed a transfer of the \$38,000 from support services to the building fund of discretionary revenue that had been derived from the Contractor’s Licensing Program profits.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-751. There being no one that came forward, Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McFarland** urged an aye vote.

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

8.7 **Ordinance No. 98-752**, An Ordinance 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 in the Washington Park Zoo (Oregon Zoo). and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-752.

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

Discussion: **Councilor McFarland** said there was a need to overlap certain personnel and was justified by all the things that would get done at the zoo.

Mr. Prosser said more money was needed for temporary seasonal help due to the increase in the minimum wage. He said “temporary” meant no longer than 6 months and provided seasonal help for the zoo such as groundskeepers, food service, education aides, custodial, etc. He said there had been some custodial time lost due to injury and illness and there had been and would need to be extra coordination with the construction at the zoo.

Councilor Morissette asked if this had anything to do with the working relationship between the administrators and the staff at the zoo.

Mr. Prosser said not to his knowledge.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-752. No one came forward to testify. **Presiding Officer Kvistad** closed the public hearing.

Discussion: **Councilor McFarland** urged an aye vote.

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

8.8 **Ordinance No. 98-754A**, An Ordinance Amending the FY 1997-98 Budget and Appropriations Schedule by transferring \$12,000 from Contingency to the Office of General Counsel Portion of the Support Services Fund for Various Funding Purposes, and Declaring an Emergency.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-754A.

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

Mr. Prosser said the Office of the General Counsel had experienced additional costs this fiscal year. He explained 1) the-LUBA appeal cost was higher than anticipated, 2) remodeling of the basement gallery space had incurred additional and unexpected capital outlay costs, and 3) the appeal of the Convention Center Bond Measure ballot title had cost more than anticipated.

Councilor McLain asked if the \$12,000 covered everything and was told it did.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-754A. No one came forward to testify. **Presiding Officer Kvistad** closed the public hearing.

Discussion: **Councilor McFarland** urged an aye vote.

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

9. RESOLUTIONS

9.1 **Resolution No. 98-2640B**, For the Purpose of Establishing Timelines for Meeting Metro’s Obligation to Expand the Urban Growth Boundary.

Motion: **Councilor Morissette** moved to adopt Resolution No. 98-2640B.

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

Discussion: **Councilor Morissette** said this would meet the requirement to add 50% of the need into the Urban Growth Boundary. He said the goal was to lay out a timeframe to work through that process. He said there was a lot of work to be done and asked the Presiding Officer to fill the committee as he was the only one left on it. He said he was excited about the additions to the UGB and felt it was a step toward helping with the affordable housing problems of the region. He thanked staff for the opportunity to help figure out the solution to meet the legal requirements. He hoped Council would support the resolution.

Councilor McLain said a discussion was taken up at the MPAC and they had made a motion to support the resolution. She said there would be a letter regarding specific issues that needed to be reviewed.

Councilor Morissette urged support of the resolution.

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

9.2 **Resolution No. 98-2649**, For the Purpose of Authorizing the Release of RFB 98B-32-REM, for the Construction of an Extension of the Main Transfer Building at Metro South Station.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2649.

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

Discussion: **Councilor Washington** explained the necessity for this resolution and the need for the expanded room for tipping on weekends. He was concerned about the cost.

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

9.3 **Resolution No. 98-2650**, For the Purpose of Authorizing the Release of RFB #98B-33-REM, for the Construction of a Truck Wash at Metro South Station.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2650.

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

Discussion: **Counselor McFarland** explained the need for a new truck wash and urged Council's support.

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

9.4 **Resolution No. 98-2653**, For the Purpose of Authorizing the Execution and Delivery of a Lease/Purchase Agreement, Declaring Intent to Reimburse Expenditures, and Related Matters.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2653.

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

Discussion: **Councilor McFarland** asked Craig Prosser to explain the Resolution.

Mr. Prosser explained this resolution would authorize \$135,750 for a 3 year lease-purchase of computer equipment necessary for the upgrade of Metro's central computer network. He said the dollar amount was as expected in the CIP but the interest rate was lower.

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

9.5 **Resolution No. 98-2656**, For the Purpose of Authorizing the Release of RFB #98-35-REM, for the Provision of Diesel Fuel.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2656.

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

Discussion: **Councilor McLain** said this would let a bid for 1.4 million gallons of #2 low sulfur diesel fuel to be provided at separate locations. She said the request was for the Executive Office to let it to the lowest bid.

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

9.6 **Resolution No. 98-2663**, For the Purpose of Authorizing a Request for Proposals for a Personal Services Contract to Represent Metro before the 1999 Session of the Oregon Legislature.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2663.

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

Discussion: **Councilor McFarland** reviewed the resolution. She said this had happened every year to be ready for the legislative session and urged support.

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

Presiding Officer Kvistad recessed the Metro Council meeting and convened the Contract Review Board.

10. CONTRACT REVIEW BOARD

10.1 **Resolution No. 98-2654**, For the Purpose of Authorizing Change Order No. 1 to the Contract for Operating Metro Central and South Transfer Stations.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2654.

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

Discussion: **Councilor McLain** said this would establish prices for BFI with a change for Metro for the following items: expanded hours for haulers using automated scale system, transfer of the treated medical waste, labor to assist the public in unloading at Metro South and landscape maintenance at Metro Central. She explained the reasons for the request. She said the contract would go up \$921,713 for the 5 years of the contract

Councilor Morissette said that it was his understanding that there was no budget impact, it was a user pay program.

Councilor McLain said she could agree that it was a budget neutral item because of the demand for the services.

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

Presiding Officer Kvistad adjourned the Contract Review Board and reconvened the Metro Council Meeting.

11. COUNCILOR COMMUNICATION

None.

12. 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

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