

MINUTES OF THE METRO COUNCIL MEETING

July 2, 1998

Council Chamber

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

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Henry Kane, 12077 SW Camden Lane, Beaverton, OR 97008 spoke of the latest development in the Citistics Inc. matter. He wished to respond to a letter sent by Susan McLain June 30, 1998. 1) this was a matter that involved a floodplain and wetlands up against the proposed facility in downtown Beaverton near City Hall. The staff report ignored the duty of Metro to protect water, this facility would contaminate ground water, 2) additionally, the City of Beaverton, County Commission and Council were never aware of water aspects. Metro criteria did not deal with protection of the water and air, the record that Mr. Kane had submitted demonstrated that the City of Beaverton violated the comprehensive plan and the law and 4)the City of Beaverton gave no notice that a garbage facility was proposed. The first time this came up was when it was raised orally and then the Planning Commission entered an order expressly forbidding the applicant, Miller Sanitary to handle any putrescible or other garbage. He noted that Councilor McLain's letter said, we must keep the general public in mind, Mr. Kane trusted that Metro would do so.

Councilor McFarland asked Mr. Art Lewellan's response to Charlie Hales discussion about the Central City streetcar.

Art Lewellan, LOTI, 3205 SE 8th #9 Portland OR responded that she was reading it correctly. He was not against light rail he felt the streetcar and light rail could work together. If the duties of each system were split, we could create better access by including and incorporating the streetcar.

Councilor McFarland asked if Mr. Hales' proposal followed a piece of Mr. Lewellan's plan.

Mr. Lewellan said he supported the Central City streetcar for reasons previously mentioned. He reviewed his latest design which included streetcars and electric buses on the east side of the river and on the mall, a three part plan. He believed that the electric bus on the mall could remove four times as many diesel buses from the mall as the light rail. He felt that it was a good idea to lower costs. He said that he had received a flyer from Denver about their 16th Street shuttle system, recognized today as one of the most successful transit malls in the US. He heard from a member of the Metro staff that that system was a disaster. Mr. Lewellan indicated that their system was always filled. He thought his idea for an electric bus system on the mall was a good idea to lower the costs, similar to the Denver system. He felt we must build a better transit system. He review

some engineering flaws such as parking structures that created gridlock in the area. He felt this was mistake.

Councilor McFarland asked Mr. Lewellan to file the document so the Council could review it.

Mr. Lewellan added that he did not have faith in the South North Light Rail.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Auditor, updated the Council on two information items; 1) a report on the external quality review of her office mandated by professional standards and the Metro Code. This peer review was performed under the auspices of the National Association of Local Governments Auditors. The Association assigned two auditors to review her department, Paige Graves and Susan Reed. The two auditor's report gave that the Auditors Office a clean bill of health indicated that they were operating under the highest professional standards. They did have a few minor recommendations which the Auditor's Office was in the process of adopting. They did express praise regarding the fact that in the three years that the auditor's office has existed that the office had been able to become as established and well functioning as they were right now.

Second, she had issued a request for proposal to do an evaluation of the implementation of the InfoLink Project. The Auditor got seven responses to the RFP, her office would be meeting with the finalist this week and she was hopeful to advise the council on who the contract had been awarded to within the next few weeks. Her present plan was to commence this work in August.

Councilor Washington asked when Ms. Dow expected that audit to be completed?

Ms. Dow said the firms that they were considering expected to have the field work completed by the end of September and the report issued during the month of October.

5. MPAC COMMUNICATION

Councilor McLain reported that she and the Presiding Officer had attended a Coordinating Committee meeting which had been attended by the Mayor of Tualatin, the County Commissioner from Clackamas, and the Water Special District representative. The Presiding Officer agreed that there would be Coordinating Committee meetings during the months of July, August and September to work on some of the important land use materials that would be coming up including possible code changes and dealing with other issues such as urban reserves and urban growth boundary management.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the June 25, 1998 Regular Council Meeting and the June 16, 1998 Metro Council Public Hearing.

Motion: **Councilor McCaig** moved to adopt the meeting minutes of June 25, 1998 Regular Council Meeting and the June 16, 1998 Metro Council Public Hearing.

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

Vote: The vote was 6 aye/ 0 nay/ 0 abstain for the 6/25/98 minutes and the vote was 4 aye/ 0 nay/ 2 abstain for 6/16/98 minutes. The motion passed with Councilors McLain and Morissette abstaining from the 6/16/98 minutes.

7. **ORDINANCES - SECOND READING**

7.1 **Ordinance No. 98-755**, An Ordinance Amending the Metro Code Regarding the Office of Citizen Involvement Effective June 1998.

Motion: **Councilor McFarland** moved to adopt Ordinance No. 98-755.

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

Councilor McFarland said these changes placed the office of MCCI under the auspices of the Executive Officer, included issues on alternate members, other code changes necessary for the evolution of the Office of Citizen Involvement and put MCCI in harmony with their bylaws and the Metro Code.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-755. No one came forward. Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

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.

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

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

Discussion: **Councilor Morissette** reviewed that this ordinance was to relicense the McFarlane's Bark Inc. facility in the Gladstone Milwaukie area. The staff had come up with numerous ideas as to how Metro could mitigate some of the concerns people had in the area. There were concerns by Mr. Brophy about congestion and buffers. He noted an "A" version of the ordinance which resolved those concerns among the parties.

Councilor Washington said he had voted against this in committee, he would now support the ordinance as amended because the issue that he had raised had been addressed.

Councilor McCaig asked for clarification about the "A" version.

Presiding Officer Kvistad indicated that Councilor Morissette would need to move to substitute Ordinance No. 98-741 with 98-741A. The ordinance would be held over for one week and the final vote would be scheduled for July 9 because of the substantive nature of the amendment.

Motion to

Amend: **Councilor Morissette** moved to substitute Ordinance No. 98-741 with 98-741A.

Seconded: **Councilor McCaig** seconded the amendment.

Vote to

Amendment: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-741A. No one came forward. Presiding Officer Kvistad closed the public hearing.

Presiding Officer Kvistad announced that final action on Ordinance No. 98-741A would be under consideration at the July 9, 1998 Metro Council meeting.

8. RESOLUTIONS

8.1 **Resolution No. 98-2671**, For the Purpose of Appointing a Replacement Councilor to Fill the Office of Metro Councilor for Council District No. 6.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2671.

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

Presiding Officer Kvistad explained the process for selection of a Metro Councilor for Council District No. 6 indicating that the Council would first ask those candidates who had applied to come forward and make remarks, the Council would be allowed to ask each candidate questions and receive questions from the candidates, then there would be general council discussion. A written ballot would then be handed out to the council and a written vote taken, a candidate would require four votes to be appointed. The ballots would be collected and the totals announced by the Clerk of the Council. The Council would then ask if the person wished to be sworn in at this time or at the beginning of the next meeting. If there was not a majority vote of four on the first ballot, there would be a second ballot. If the second ballot showed no majority, the resolution would be held over one week to give council an opportunity to speak to the candidates again. He noted that the Council Office had attempted to contact Mr. Owens several times but he had left no phone number on his application. He had received notice of today's meeting.

Utilizing the process that was used at the public hearing, the Presiding Officer asked each candidate to speak to their candidacy. He asked Mr. Pratt to begin, followed by Mr. Monroe and finally by Ms. Dingfelder.

Scott Pratt said as he had campaigned for this position over the last few months he had been asked several question more often than others, what is Metro and what does it do. This was a great opportunity for Metro because it did not yet have a negative image in the view of most people in the region. At the same time this was a problem for Metro because it didn't also have a lot of support from people in the region because they didn't know what it was. Right now more than ever Metro needed that support. The Regional Framework was a good document but at this point it was still mostly just a plan. As we got into the hard work of implementing the plan, we were going to need the support of the citizens of this region in order to do so successfully. Metro had also put a bond measure on the ballot to expand the Convention Center. Metro was going to need a lot of support to successfully pass that bond measure. More important than any of this was that in two years Metro was likely to be facing an initiative to abolish Metro. During the next two years, Metro had to build support for itself, its policies and goals in order to defeat that statewide ballot measure. They must get support starting now and in this region. Metro would best be able

to meet these challenges by appointing a councilor to Metro region 6 that had broad support from a large segment of the community. He had that support. As shown at the public hearing, in the letters and calls, he had support from a lot of different people; environmentalists, business people, home builders, home owners, democrats and republicans, liberals and conservatives, attorneys he had worked with and opposed, friends, neighborhoods associations leaders, community activists, people throughout the region. For most of his adult life he had spent a lot of time encouraging and helping people to become involved in decisions their government made. This was a good way for Metro to build support. People wanted to be involved in decisions about growth, they demanded to be involved in decisions that effected them and that effected the future of their neighborhoods, cities in this region. By involving them, by listening to them and taking their suggestions seriously, we could build support for Metro and we could successfully implement the Regional Framework Plan. Metro was very important not only for managing growth but also for managing the regional entertainment facilities such as the Zoo and the Convention Center and for managing solid waste disposal. Most people in this region didn't know that these were Metro's functions. Many people barely knew that Metro existed. Metro had an opportunity to build substantial support, support which would help it survive and meet the challenges ahead. He felt he was best qualified to help to build that support. He had support from a lot of people in this community. These people knew that he was dedicated to protecting and improving the quality of life in this region. They knew that he would involve them and others in the decisions that Metro made. They knew that his history of building effective community and citizen involvement was what was necessary to help Metro meet the challenges and opportunities ahead. He suggested that the council should appoint him as the next Metro District No. 6 councilor because of his job experience, his history of volunteering and community activism and his broad community support. These all made him the best candidate to help Metro survive and grow.

Rod Monroe thanked the Council. Metro was a wonderful experiment in regional government, an elected regional government, an experiment that was yet to prove itself. He wished to be a part of that process that proved not just to this community but to the nation that elected regional government can work, can act as an effective catalyst in bringing diverse interests and diverse government officials together. Metro represented 24 cities and three counties. The most important thing that Metro did was to facilitate, to act as a catalyst in bringing elected officials and special interest groups together to talk about the important choices that we have to make to improve and enhance the livability of this region, choices that involve land use, transportation, water and air quality, accoutrements that we have with the regional facilities - the Convention Center, the Performing Arts Center, Expo. If he was asked to return as a Metro Council he was in a place in his life where he could be a full-time Metro Councilor. His business was managed by others and his teaching responsibilities had been set aside. He looked forward to the opportunity to travel around this region again to meet with the majors and city council people and to help draw them together and continue the effort of Metro to keep them talking to each other so that we can make the right kinds of choices. The people in this region would have choices about how they live, how they move around from one place to the other, and that those choices will be their choices not some choice forced upon them by having no other resources.

Jackie Dingfelder thanked the council. She had shared her remarks about her qualifications at the June 16th public hearing. 25 of her supporters attended that forum, many testifying on her behalf. Today she wished to review who she was and why she thought she was the best candidate and what she would like to accomplish if she was appointed to this position. She currently served as coordinator for the Tualatin River Watershed Council. In this capacity she had developed excellent working relationships, forged partnerships with cities and counties, special districts, businesses, developers, environmental groups, farmers and citizens throughout the region. She was deeply committed to Metro issues, land use planning, parks and open spaces, transportation,

solid waste management and oversight of important facilities such as the Zoo and the Convention Center. She had also been an active member of the community and Metro District 6, serving on two Portland municipal committees, two Metro committees MTAC and WRPAC, and had served on the board of a non-profit organization in the City of Portland. She had exceptionally strong technical abilities, almost fifteen years of professional experience in land use planning, public involvement, and budget and staff management. She held graduate and undergraduate degrees in regional planning. Why was she the best candidate? First, she thought the greatest strength that she offered was the ability to work with different types of people. She knew how to bring diverse groups together to reach consensus and create partnerships that worked. Her success on the Tualatin Basin illustrated her willingness to listen and understand different view points. Second, she was up to speed on Metro issues and Metro's legislative process including the role of advisory committees and how Metro set policies in the region. She served on two Metro advisory committees currently and worked extensively with staff. She emphasized that she was not a single issue person, this had come up in several conversations. Her experience and knowledge matched Metro's areas of expertise and responsibility. She was a hard worker, a quick study. She listened to people and strived to gain a clear understanding of issues from all sides as part of her decision making process. Third, she reviewed what she would like to accomplish if she were appointed. She believed the most important issue facing the region right now and the Metro Council was the implementation of the 2040 Regional Framework Plan. It was also where her unique skills and experiences would allow her to make a significant contribution to the Council's work. The success of the Framework Plan depended on creating and maintaining partnerships with Metro and the 27 local jurisdictions in the tri-county area. She understood the important role of Metro as the only entity with a regional perspective. However, she recognized that local partnerships and working with citizens was crucial to Metro's success. She knew how to build those partnerships and reach consensus. In summary, what she offered was commitment, experience and a regional approach that worked. She believed she would be a positive addition to the Metro Council. She asked the Council to appoint her to represent Metro District No. 6.

Presiding Officer Kvistad called for Mr. Owens once again. No one came forward.

Councilor McFarland stated that the Council was in a singularly lucky situation in which she did not think that the Council could go wrong. She had received letters and phone calls supporting all of these candidates from people whose opinion she valued highly and from people she trusted and believed that they understood things that the Council was going to try to appoint someone to do. She said the Council must settle on one candidate but she thought the three that were present all had additional strengths to bring to the Council. She felt that the Council had an exceedingly good field of candidates to select from. She commended all three candidates for their public spiritedness and willingness to take on this job.

Presiding Officer Kvistad called for questions and commended all three candidates for taking the time to meet with Council. He called for nominations.

Motion: **Councilor McLain** moved to forward the nominations of the applicants who had fulfilled the application process: Rod Monroe, Jackie Dingfelder, Scott Pratt, and D.W. Owens.

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

Presiding Officer Kvistad called for further comments or questions from the Council and then announced that a ballot would be distributed to each councilor. Each councilor was asked to cast a ballot for only one candidate and sign their ballot. Those ballots would be forwarded to the

Clerk of the Council. She would announce the vote of the total but not which candidate the individual councilors voted for. If no candidate received four votes on the first ballot, the Council would move to a second ballot.

Chris Billington, Clerk of the Council, announced the vote was 5 votes in support of Rod Monroe and 1 vote in support of Jackie Dingfelder.

Presiding Officer Kvistad declared, on a five to one vote of the Council, this Council nominated and had appointed Rod Monroe to fill the vacancy until November. He asked Mr. Monroe if he wished to be sworn in now or at the next Council meeting.

Mr. Monroe wished to be sworn in immediately.

Councilor McCaig asked for clarification, were the ballots individually available for public review or just the total.

Presiding Officer Kvistad said the ballots were a public vote so although the Clerk did not read the individual councilor votes, the individual ballots would be available as part of the public record. He told all three candidates how impressed he was with all of them. He felt this would be a terrific election and any one of the candidates would be a credit to this organization. He thanked all of the candidates for their time.

Mr. Dan Cooper, Legal Counsel, suggested that the Council now vote on the resolution.

Presiding Officer Kvistad noted that Rod Monroe's name would be added to the resolution as the selected nominee.

Vote: The vote was 5 aye/ 1 nay/ abstain. The motion passed with Councilor McCaig voting no.

Chris Billington, Clerk of the Council, administered the oath asking Mr. Monroe to raise his right hand and say, "I, Rod Monroe, do solemnly swear that I will faithfully perform the duties of the office of Metro Councilor; District 6, and that I will support the Constitution and Laws of the United States, the Constitution and Laws of the State of Oregon, and the Charter and Laws of Metro, according to the best of my ability."

Presiding Officer Kvistad congratulated Councilor Monroe and welcomed him to the Metro Council.

Councilor Monroe joined the Council at the dais.

8.2 **Resolution No. 98-2667**, For the Purpose of Accepting June 1998 Nominees to the Metro Committee for Citizen Involvement (MCCI).

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2667.

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

Discussion: **Councilor McFarland** recommended the nominees for MCCI. She asked Ms. Woodruff to come forward and speak about the candidates.

Aleta Woodruff, Vice President of MCCI, 2143 NE 95th Place Portland OR 97220 said that MCCI had worked diligently to keep the chairs filled, with 27 members it was difficult to find nominees. She felt all of the nominees were very superior people. Lynn Partin, Steve Sechrist, and Stanley Lewis wished to serve on MCCI and were recommended for approval by the Council.

Councilor Washington thanked Mr. Lewis for representing the district and for attending the council meeting today.

Councilor McFarland said that she felt the members of MCCI were just as important as anything else that Metro did. She recommended that all three nominees be approved by the Council.

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

8.3 **Resolution No. 98-2668**, For the Purpose of Approving a Public Involvement Planning Guide on Behalf of the Metro Committee for Citizen Involvement.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2668.

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

Discussion: **Councilor McLain** said the committee supported this resolution unanimously. MCCI had spent a lot of time on this guide. The guide was to provide a concept, a document, a guide allowing the different departments to make sure that we had effective citizen involvement. Effective citizen involvement meant getting the right mixes of citizens in the appropriate places at the appropriate times to give their opinions, thoughts and ideas. She believed that this document did this. She reviewed the guide. She felt that the document was very user friendly.

Councilor Morissette said that this looked like a lot of work for one person to be able to provide the staff work for. He asked if there was a contemplation that there would need to be an increase in the budget to accomplish this?

Councilor McLain said her understanding was that this guide was to be used for staff that we already had and those staff would be the people in the various Metro departments.

Karen Withrow, MCCI staff person, said that MCCI had recently restructured their committees so that MCCI had a liaison from each one of the departments working with a small group of MCCI members on choosing projects from their work plan that would involve citizens already or ones that should be involving citizens and creating these plans together.

Councilor Morissette asked Ms. Withrow if it was her assumption with the Executive group and the Department heads that all of these functions could be performed within the current budget.

Ms. Withrow said she believed in most cases these things were already being done. It was more a matter of documenting it before it was done, having a plan that MCCI could review to determine the most effective way of approaching citizen involvement rather than were we doing it at all.

Councilor Washington asked who put the document together.

Ms. Withrow said it originated from the Transportation Planning Public Involvement Planning Guide that was approved by the council several years ago. A subcommittee from MCCI worked on it after this and then Ms. Withrow had done some final work.

Councilor Washington noted the glossary of acronyms. He felt this was great.

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

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

9.1 Resolution No. 98-2661, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Sandy River Gorge Target Area.

Members Present: Charles Ciecko, Ben Williams, Alison Kean-Campbell, Nancy Chase, Tim McNeal.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2661.

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

Discussion: **Councilor McFarland** reviewed that this property was a very important piece of property because it was in Metro's target area, it was a part of what would eventually be a part of a corridor that led into the national forest and it would offer a wildlife corridor that may be very important to the survival of some of the species. She felt this fit with the bond measure goals. This purchase was from Longview Fiber. A lot the land in that corridor was also on Longview Fiber land.

Councilor Washington thanked Mr. Ciecko and his staff for their hard work.

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

10. COUNCILOR COMMUNICATION

Presiding Officer Kvistad announced that the legal findings on Ordinance No. 98-744A should be in the councilors boxes today. These findings will be brought forward at the July 9th Metro Council meeting as a "B" version. Final consideration would be at the July 16th Metro Council meeting.

Councilor McCaig asked if this was another public hearing?

Presiding Officer Kvistad said no but he must open a public hearing on all ordinances, it would be an action item on the findings.

Mr. Dan Cooper said they would be giving notice to the opponents of the findings, he would not be surprised if the lawyers took the opportunity to come down, complete the record and object to the findings.

Presiding Officer Kvistad said he did not anticipate a major public hearing.

Presiding Officer Kvistad introduced Ben Williams, the new Council intern from the University of Oregon. He was studying Urban Planning and would be working with Council Outreach.

He also announced that the Metro Council Office would be closed on July 3rd, which was the 4th of July holiday.

Councilor Washington asked if Presiding Officer Kvistad had the oxygenated fuel letter.

Presiding Officer Kvistad said that he did.

Councilor Washington asked if he could meet with Councilors McCaig and McFarland briefly about this letter.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:15 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
070298c-01	June 1998	External Quality Control Review A Report by the Office of the Auditor	TO: Metro Council FROM: Alexis Dow, Auditor	
070298c-02	7/2/98	Testimony at Metro 7/2/98	TO: Metro Council FROM: Art Lewellan	
070298c-03	6/98	Attachment 5 titled Site Plan Layout for McFarlane Bark	TO: Metro Council FROM: Maul, Foster & Alongi, Inc	Ord No. 98-741A

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6/25/98

Memo concerning
request to amend Ord
No 98-741 Granting a
yard Debris
Processing Facility
License to
McFarlane's Bark and
Declaring an
emergency.

TO: Metro
Council FROM:
Bruce Warner,
REM Director

Ord No 98-
741A