

# MINUTES OF THE METRO COUNCIL MEETING

July 16, 1998

Council Chamber

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

Councilors Absent:

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

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

None.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

None.

**Councilor McFarland** asked where Arleta Woodruff was? She had been missed at the council meetings lately. She was told Ms. Woodruff had been under the weather.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the July 9, 1998 Regular Council Meeting.

**Motion:** **Councilor Morissette** moved to adopt the meeting minutes of July 9, 1998 Regular Council Meeting.

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

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

## 7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 98-744A**, For the Purpose of Amending Ordinance No. 96-655E to Add Land to Designated Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary to provide for a State Prison; Amending RUGGO Ordinance No. 95-625A; and Declaring an Emergency.

**Motion:** **Councilor Morissette** moved adoption of Ordinance No. 98-744A.

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

**Motion to Amend:** **Councilor Morissette** moved to substitute Ordinance No. 98-744A with Ordinance No. 98-744B.

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

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

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-744B.

**Mayor Charlotte Lehan**, City of Wilsonville, said the City of Wilsonville continued to support this ordinance.

**Presiding Officer Kvistad** closed the public hearing.

**Presiding Officer Kvistad** announced that this ordinance would be held over until next week for the final consideration.

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

**Motion:** **Councilor Morissette** moved to adopt Ordinance No. 98-761.

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

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-761. No one came forward. **Presiding Officer Kvistad** closed the public hearing.

**Discussion:** None.

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

7.3 **Ordinance No. 98-762B**, For the Purpose of Amending the Metro Code Chapter 5.01 Regarding Solid Waste Facility Regulation, Making related adjustments to Chapter 5.02; and Declaring an Emergency.

**Motion:** **Councilor Morissette** moved to adopt Ordinance No. 98-762B.

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

**Motion to**

**Amend:** **Councilor McFarland** moved to amend Ordinance No. 98-762B by amending language in Section 33 of the Metro Code.

**Councilor McFarland** said the amendment (a copy of which may be found in the permanent record of this meeting) would ensure compliance of future vendors to the same standards as STS so any waste transported through the gorge would be carried in an environmentally safe manner. She said it would also ensure that Metro could maintain its partnership with the fringe areas. She noted the item that concluded tarps and fliptops would not be considered sealed containers for transporting the waste through the gorge. She urged acceptance of the amendment.

**Councilor McCaig** asked Councilor McFarland why this needed to be part of the Code when it had been administrative rule in the past. She felt it was bad public policy.

**Councilor Morissette** said there had been some debate as to what was council decision and what was administrative.

**Councilor Monroe** asked what had happened to the strict regulations regarding transporting putrescent waste through the gorge. He asked if it was being added to the Code because of the possibility of contracting with other carriers to transport small portions of waste through the gorge to Arlington.

**Councilor McFarland** responded that Jack Grey sold out to STS. She said there was some question as to whether the requirements of the contract were valid and pertained to any new entity. She said they did not want to mention a specific hauler by name in the code. She added that she believed this had always been a Council issue and belonged in the Code.

**Councilor Monroe** said the situation had in fact changed and therefore it could be appropriate to make sure these protections were guaranteed in the Code and not just in a contract with a company.

**Presiding Officer Kvistad** asked if the "C" version was the "B" version with Councilor McFarland's amendment included.

**Mr. John Houser, Council Analyst,** responded yes.

**Councilor McLain** asked if the vote would be for the "C" version?

**Presiding Officer Kvistad** clarified that the vote would amend the "B" version and if that amendment passed it would become "C".

**Councilor Morissette** said it would be an amended "B" with the modification that Councilor McFarland brought forward regarding the types of containers allowable.

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

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The amendment passed with Councilor McCaig voting no.

**Presiding Officer Kvistad** asked about the series of amendments that had been presented at the REM Committee.

**Mr. Houser** responded that the Presiding Officer's amendments were considered in committee and adopted.

**Presiding Officer Kvistad** noted Section 13A said he thought it was to be amended to require Council approval for franchises and licenses.

**Mr. Houser** thought that language was provided for in another area.

**Doug Anderson**, REM, said this language had been struck from this section because the new Code added licensing and certificates to the franchising authority.

**Presiding Officer Kvistad** said he had just wanted to make sure the language appeared somewhere in the Code.

**Councilor McFarland** said she did not see the same language in both.

**Marv Fjordbeck**, Legal Counsel, said the language was in "E" and initially in "17A".

**Doug Anderson** said the franchise language was in "18A".

**Councilor McCaig** said Councilor Morissette had done a very good job and she appreciated the work he had done. She said she would support the amendment but was disappointed in how the issues of the relationship and role of the Council and the Executive were resolved. She said policies and criteria had been established so that every single item did not have to come before the Council. She felt this amendment was a step backward from that decision.

**Presiding Officer Kvistad** called for further questions.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-762C. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Discussion:** **Mr. Cooper** noted that the Ordinance would have to be continued for a week because of the amendment.

**Councilor McFarland** said she was not truly happy with the changes in Code although her name was on the amendment. She said she had been most unhappy with the level of the enforcement for franchises and licenses. She said there was no question that there were some facilities making illegal hauls of purely putrescible waste. She asked that any questionable hauling practices be reported to her because she believed the people who continued to flaunt the illegal practices needed to be dealt with strongly. She said every illegal haul hurt Metro and its partners.

**Councilor McLain** said she would be voting in favor of the Code because she believed the amendments made in committee and before council were positive. She felt the Code was best at setting performance standards. She thanked Councilor Morissette for his hard work.

**Councilor Washington** thanked the Chair of REM Committee for his hard work and said the staff had done an excellent job.

**Presiding Officer Kvistad** responded to Councilor McCaig's comments by explaining that the changes he had requested did not change the way in which Metro operated. He said the only two

areas in which the Council would be specifically involved, granting licenses and franchises, were areas which regulated cash flow and people who did business with Metro.

**Councilor Morissette** closed by saying that he did not want to lose sight of the incentive based solutions of the new Code.

**Presiding Officer Kvistad** announced that this being an ordinance, it would be held over for final vote at the next Council meeting.

## 8. RESOLUTIONS

8.1 **Resolution No. 98-2675A**, For the Purpose of Approving the Content of Printed Materials for the 1998 Oregon Convention Center Bond Measure.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 98-2675A.

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

**Motion to**

**Amend:** **Councilor Monroe** moved to amend Resolution No. 98-2675A with the addition of artist's renderings and drawings which would provide information to the voters.

**Seconded the**

**Amendment:** **Councilor McFarland** seconded the amendment.

**Councilor McFarland** said she felt this was an appropriate amendment.

**Vote** The vote was 7 aye/ 0 nay/ 0 abstain. The motion to amend passed unanimously.

**Discussion:** **Councilor Monroe** asked if this would be substantive and require hold over.

**Presiding Officer Kvistad** said resolutions did not require hold over.

**Councilor Morissette** questioned the ballot title.

**Mr. Cooper** said the ballot title had been reviewed and certified by a judge with a minor change.

**Vote**

**to Amend:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion as amended passed unanimously becoming Resolution No. 98-2675B.

## 9. COUNCILOR COMMUNICATION

**Presiding Officer Kvistad** announced there would not be a Council meeting on July 30th. He said there would be a meeting on July 23rd. He reminded Councilors that next week's meeting would be at 5:30 PM. He announced the Growth Management Committee had no agenda items for the upcoming meeting so the meeting had been canceled.

**Councilor Morissette** clarified the earlier time for the evening meeting was due to the public hearing.

**Councilor Washington** asked Councilor Morissette to comment about the council referring South North Light Rail back to voters.

**Councilor Morissette** said that he had prepared an amendment to the resolution recommending the new South North Light Rail be put before the people for a vote.

**Councilor Washington** said he preferred sending a letter of support to Tri-Met over making an amendment because the matter was Tri-Met's responsibility.

**Councilor Monroe** said he strongly believed that Tri-Met was headed in this direction and a formal action by Council could be considered a bit heavy handed.

**Presiding Officer Kvistad** said the land use final order and the overview of the siting would come before the council for review at the next meeting.

**Councilor Morissette** commented that his support of South North Lightrail was contingent on a public vote because they had made substantive changes with the amendment.

**Councilor McCaig** asked Councilor Washington if the next week's vote was specifically on the alignment and was told it would be on the alignment and the land use.

**Councilor McCaig** said she was not opposed to letting Tri-Met know the Council would support a vote but expressed hesitancy regarding how the information would be conveyed to Tri-Met, a letter or a resolution.

**Councilor Washington** commented that he understood Councilor Morissette's purpose but would feel much more comfortable sending a letter than making a resolution.

**Councilor Morissette** said he would be bringing forward an amendment because the alignment change was a new plan and he felt a vote should be recommended.

**Presiding Officer Kvistad** said Tri-Met's moving toward a vote on this project was a positive step and he encouraged it.

**Councilor McFarland** said Regional Facilities would not be meeting next week.

**Councilor McLain** said that Government Affairs would meet at 12 noon on Monday.

## 10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 2:56 p.m.

Prepared by,

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 Chris Billington  
 Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
071698c-01	6/26/98	Ordinance No. 98-744B	TO: Metro Council FROM: Legal Counsel	Ord No 98-744B
071698c-02	7/13/98	Ordinance No. 98-744B Urban Reserve Findings and Conclusions	TO: Metro Council FROM: Larry Shaw Legal Counsel	Ord No 98-744B
071698c-03	7/16/98	Amendment to Ordinance No. 98-762B	TO: Metro Council FROM: Ruth McFarland	Ord No 98-762B
071698c-04	7/16/98	Ordinance No. 98-762C	TO: Metro Council FROM: Ruth McFarland	Ord No 98-762C
071698c-05	7/9/98	Regional Facilities Committee Report on Resolution No. 98-2675A	TO: Metro Council FROM: Analyst Morrissey	Resolution No. 98-2675A
071698c-06	7/16/98	Oregon Convention Center Fact Sheet 1: Overview and Background Exhibit A Artist's Rendering and Architectural Diagrams	TO: Metro Council FROM: Councilor Monroe	Resolution No. 98-2675A