

MINUTES OF THE METRO COUNCIL

January 14, 1993

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: None

Presiding Officer Wyers called the regular meeting to order at 4:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of December 10, 1992

REFERRED FROM THE SOLID WASTE COMMITTEE

4.2 Resolution No. 93-1675, For the Purpose of Appointing Jeffrey Kee, Jim Michels and Larry Scruggs to Fill Three Expiring Terms on the North Portland Rehabilitation and Enhancement Committee

Motion: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 93-479A. An Ordinance Creating the Office of Citizen Involvement; Establishing a Citizen's Involvement Committee and a Citizen Involvement Process; and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-479 was first read December 22 and referred to the Governmental Affairs Committee for consideration. The Governmental Affairs Committee considered the ordinance on January 7 and recommended Ordinance No. 93-479A to the full Council for adoption.

Motion: Councilor Moore moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-479A.

Councilor Moore gave the Governmental Affairs Committee's report and recommendations. She explained the ordinance would establish the Office of Citizen Involvement, which bylaws had already been written and adopted. She said after extensive committee discussion, several amendments were adopted. She said the Committee discussed which Council committee should oversee the Office's functions and it was decided that the Office should report to the Council as a whole.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Councilor Gates noted a typographical error on page 3. He noted "balance" should be spelled "balanced."

Councilor McLain noted seven Councilors attended the first Metro Committee for Citizen Involvement (CCI) meeting. She agreed with Councilor Van Bergen that communications between the Council and CCI should be in writing for at least the first year. She said the Council should be as supportive in the CCI's first formative months as the CCI would be of the Council. She said Councilors should try to make their schedules as available to the CCI as possible and other citizen groups as well. She said it was important for the CCI to obtain whatever information they required from Council staff.

Councilor Devlin concurred with Councilors McLain's and Van Bergen's comments. He said communications in writing would be beneficial, but that a CCI representative(s) should present those comments in person to the Council. He said CCI should be allowed adequate time to report to the Council.

Councilor Devlin requested the Council be provided with a copy of the Council's rules as stated in Resolution No. 91-1467A.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-479A was adopted.

5.2 Ordinance No. 93-480A, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Councilor Salaries and Benefits and a Citizen Involvement Program; and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-480 was first read on December 22 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 7 and recommended Ordinance No. 93-480A to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Gardner, for adoption of Ordinance No. 93-480A.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance would provide sufficient funding to cover Councilor salaries and benefits as approved by voters via adoption of the Metro Charter and approve funding to increase the Associate Management Analyst for CCI and Councilor outreach from a 5. to 1.0 FTE.

Councilor Devlin noted the ordinance also approved the transfer of \$25,000 from the Election Expense line item to the Personal Services category because staff estimated that amount was not required for election expenses this year.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Councilor Gates noted the ordinance also reduced the allocation of per diem funds for the rest of the fiscal year.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Kvistad voted nay. The vote was 12 to 1 in favor and Ordinance No. 93-480A was adopted.

5.3 Ordinance No. 93-481, An Ordinance Amending Metro Code Section 2.01.170 to Repeal Councilor Per Diem Procedures; Establish Councilor Salary Procedures; and Declaring an Emergency

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-481 was first read on December 22 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 7 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Washington, for adoption of Ordinance No. 93-481.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance was companion legislation to Ordinance No. 93-480A, amending the budget to provide Councilor salaries. He said the ordinance would: 1) Repeal Metro Code procedures regarding Councilor per diem payments; 2) Provide for Councilors to receive salary payments in 24 equal payments to match Metro's current payroll system; 3) provide a procedure for a waiver of all or part of a Councilor salary including a requirement to sign a release form; and 4) provide for the receipt of full benefits for Councilors regardless of salary waiver and provide that the computation of benefits would be based on a full salary.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-481 was adopted.

6. RESOLUTIONS

6.1 Resolution No. 93-1724, For the Purpose of Establishing Appointing Authorities for the Metro Apportionment Commission

Motion: Councilor Devlin moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1724.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. He explained the Presiding Officer would be

required to make an appointment either from Clackamas or Washington County dependent upon who the Councilors from Districts 2 and 4 appointed. He said the Council had to meet a February 1, 1993 deadline, or appointments would be made by the Executive Officer. He stated for the record that the Governmental Affairs Committee made every effort to make it possible for any citizen in the region to serve on the Apportionment Commission. He said because of logistical considerations, approximately 4,800 persons in his district in Multnomah County were not eligible to serve. He said the Committee agreed that the pairing of districts for the purpose of making appointments to the Apportionment Commission did not imply those districts should be paired on a permanent basis in the future.

Councilor Moore expressed concern that Councilors would not wait until the last moment to make their appointments. Presiding Officer Wyers concurred.

Casey Short, Council Analyst, distributed appointment forms to the Council.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1724 was adopted.

6.2 Resolution No. 93-1726, For the Purpose of Authorizing the Metro Washington Park Zoo to Solicit Bids and the Executive to Execute a Contract for the Multi-Year Lease/Purchase of Staff Pagers

Motion: Councilor McFarland moved, seconded by Councilor McLain, for adoption of Resolution No. 93-1726.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the Zoo previously had rented approximately 50 beepers. She said Zoo staff discussed whether or not to purchase them outright, but found they could purchase them on a lease/buy option for three years. She said the lease/buy option was considered better than outright ownership because the beepers could be returned during that period of time for any reason.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1726 was adopted.

6.3 Resolution No. 93-1729, For the Purpose of Authorizing the Execution of the Energy Service Contract with Pacific, Power and Light Company

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1729.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the energy savings received would result in enough cost savings to pay back the loan. He said work asked for would include wall insulation, glazing, skylights, occupancy sensors, efficient energy signs, and other related items to save over 1 million kilowatts for an energy savings of 33 percent energy savings.

Councilor Hansen asked why such items were not asked for earlier. She said it would have been cheaper if Pacific, Power and Light (PPL) had looked at plans earlier in the process.

Berit Stevenson, Project Manager, explained some energy saving measures had been included in the Request for Proposals. She said staff was receiving funds from PPL because those items were planned for in advance. She said other changes were not implemented because staff had tried to keep costs down. She said no current construction would be torn out to implement these changes. She said PPL contacted Metro staff before Metro contracted with Hoffman on the design/build contract.

Councilor McFarland asked if construction was set and changes would be made at strategic points. She asked if this change order would increase costs overall. Ms. Stevenson said Metro consulted an engineering firm when writing the RFP and told the engineer what energy savings devices were wanted before a contractor was acquired. She said three proposers responded to the RFP and Hoffman was selected. She said at the same time, PPL offered to work with Hoffman on energy saving measures. She said some of the items were included in the RFP for a dollar value and some were not. She said not all items were included because they were not considered cost-effective. She said this change order would be funded by a financier program.

Councilor McLain said the same issues were discussed by the Regional Facilities Committee. She said PPL was offering a

special program that Metro was taking advantage of. She said this resolution did not represent a typical change order and involved a unique set of circumstances.

Councilor Van Bergen asked General Counsel Dan Cooper if the financier plan could be considered as a lien or a second mortgage on the building.

Mr. Cooper said \$293,000 had to be paid back by whatever entity paid the utility bill on the Sears Building. He said it was not considered a lien on the property or any other type of debt. He said such an arrangement was specifically authorized by statutory language which covered Public Utility Commission (PUC) acts. He said Metro's electric bill would be that much less because the improvements would save electricity. He said in the event Metro did not realize anticipated energy savings, give or take 10 percent, Metro would not have to repay the loan.

Councilor McLain said the contract was a good deal for Metro and a very positive item which should be communicated to the public. Ms. Stevenson said staff planned a press release.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1729 was adopted.

6.4 Resolution No. 93-1732, For the Purpose of Authorizing Issuance of a Request for Bids for the Construction of an Improved Cover System, Gas Collection System, Motor Blower Flare Facility, and Stormwater Collection System on a Portion of St. Johns Landfill

Motion: Councilor Washington moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1732.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the work to be done and that the total estimated cost of the contract would be \$11 million with \$2 million to be expended this fiscal year. He said Metro would require the contractor to perform at least 30 percent of the work with its own employees.

Jim Watkins, Engineering and Analysis Manager, displayed an aerial photograph of the landfill and showed what section would be closed this year and the area scheduled for closure in 1994. He said Subarea 4 would be closed after that. He said Subarea 1

would be closed this year and discussed cover materials to be used. He said what knowledge was gained from closure of Subarea 1 would affect closure of the next subarea. He said staff had learned extensive cover materials were required, so staff had reduced the grades down to 5 percent to save money and had requested the Department of Environmental Quality (DEQ) to allow that reduction. He said the engineers believed the area had settled enough to do so. He said staff wanted more data on grading to apply to another closure area. He said staff was evaluating vegetation, and removing a geo net, or water net, from the top slopes to allow more water for vegetation and said DEQ had allowed that in top slope areas.

Councilor Hansen asked if vegetation was being planted in stages or all at once. Mr. Watkins said vegetation would be planted in stages. He explained the motor blower flare facility and said Subareas 1, 2 and 4 had been drilled and were being naturally vented. He said only Subarea 1 was being tapped at this time and piped to a motor blower facility where gas was burned off. He said Metro would attempt to sell gas in summer 1993.

Councilor Van Bergen asked if the process created odor. Mr. Watkins said there was odor from the garbage at this time. He said odor would be mitigated as covers were installed. Councilor Van Bergen asked if the gas presented a danger. Mr. Watkins said gas disposal had to be properly administered and noted the next agenda item was pertinent to that issue.

Councilor Washington asked what steps were being taken to prevent leachate into the Slough. Councilor McFarland said the only way to prevent more leachate was to cover the top properly because St. Johns was an old landfill and operational before proper environmental protections were established.

The Council briefly discussed leachate considerations further.

Bob Martin, Director of Solid Waste, said there was no evidence of any leachate or contamination. He said there had been minor seepage into adjacent sloughs; non-secondary contaminants that could be detected in adjacent aquifers. He said Metro, DEQ and consultants did not believe those contaminants represented any harm to the public and said they were monitored on an ongoing basis. He said Councilor McFarland was correct in that there was no way to reverse 50 years of the landfill's history.

Councilor McFarland noted Metro did have a contract in place with the Graduate Institute for modelling on plume movements.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1732 was adopted.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item No. 6.5.

6.5 Resolution No. 93-1733, For the Purpose of Authorizing an Exemption to the Competitive Procurement Procedures of Metro Code Chapter 2.04.053, and Authorizing a Change Order to the Design Services Agreement with Parametrix, Inc.

Motion: Councilor Buchanan moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1733.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations. He explained the resolution would adopt a change order to the existing design services agreement with Parametrix for services related to closure of SJL. He said since the gas collection and flaring system in Subarea 1 recently became operational, staff explored options for managing that system. He said Parametrix had offered to fully manage the system for \$109,000. He said after training, Metro staff could provide most of the gas system management work. He said the change order would allow Metro to call on Parametrix to handle questions or problems about the system that Metro staff could not resolve. He said the change order covered calendar year 1993. He said maximum expenditure under the change order would be \$46,700. He said a total of \$30,000 was budgeted for this fiscal year and then \$16,700 for the first half of fiscal year 1993-94.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1732 was adopted.

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

6.6 Resolution No. 93-1743A, Endorsing the Region's Proposal to Participate in the FHWA Congestion Pricing Pilot Program

Motion: Councilor Moore moved, seconded by Councilor McLain, for adoption of Resolution No. 93-1743A.

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Councilor Moore gave the Planning Committee's report and recommendations. She explained the Joint Policy Advisory Committee on Transportation (JPACT) approved the "A" version the date of this meeting. She said there was a great deal of discussion on the resolution pertaining to congestion pricing, how it related to the Western Bypass study, how it could be implemented in the region, what part of the region, and whether or not it was an effective way to address looming traffic congestion problems. She said Metro was pursuing a grant from the Federal Highway Administration (FHWA) which had a January 23, 1993, deadline. She said the Planning Committee voted 4 to 1 to recommend adoption by the full Council. She said funds received would fund a pilot project to evaluate the feasibility of doing such a project. She said once feasibility was evaluated, Metro could implement a congestion pricing pilot project somewhere in the region. She said Councilor Gates voted against the resolution in committee and asked him to address his areas of concern. She explained the Committee amended Be It Resolved Section No. 4 to replace "pursue" with "evaluate the feasibility of" and then potentially implement a congestion pricing pilot project. She said it was important that Metro go forward with the project. She said JPACT and the Transportation Policy Alternatives Committee (TPAC) discussed the issues and there was consensus that this project was a good way to evaluate congestion pricing.

Councilor Gates said he voted nay at committee because the intent of the study was to find out if toll roads and toll booths would work in the metropolitan area. He asked what their purpose would be. He said previously, toll roads and toll bridges paid for specific items such as bridges and roads. He said it was not right to institute tolls simply to control traffic. He said the public had not really been told what they would be for. He asked who would receive the funds raised and what they would be used for.

Councilor McLain said Councilor Gates' comments supported why the pilot project should be pursued. She said funds were already included in the Intermodal Surface Transportation Efficiency Act (ISTEA) and that the federal government was supportive of the project because it was very interested in the results. She said they wanted reasonable projects. She said a basic concern was that feasible congestion pricing would be in the political arena. She said the pilot project would enable staff to answer questions on whether there should a toll booth or toll road or some kind of network in the region. She said JPACT discussion this date was interesting because all of its members voted aye because they were interested in the information that would be provided from such a study. She asked the rest of the Council to view the

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project with an open mind. She noted similar projects had been successful in California, Idaho, Hawaii and other states.

Councilor Devlin said major social implications were connected to congestion pricing. He said the resolution language contained so much cautionary language that he wondered if Metro would actually qualify for the funding. He said the Oregon Transportation Commission (OTC) had referenced the need for congestion pricing. He said if Metro pursued the demonstration project, it should remain a demonstration project and should not be pursued if proven not to work. He said Metro had no identifiable significant source of funding to replace the Sellwood Bridge. He said there had to be a funding source for a light rail crossing on I-5. He said Metro had to communicate to constituents that change had to happen in some way at some point.

Councilor Monroe said he attended JPACT this date also and that JPACT did not have high hopes of Metro obtaining the funding because the metro region had no toll bridges and toll roads in place any more and would be competing against other jurisdictions that did. He asked if the Council would have the opportunity to review the specific pilot project before it was implemented.

Councilor Moore said it was clearly understood that the Council would have another opportunity to review the project before implementation. Councilor Monroe said he would support the resolution although he did not agree with toll roads and bridges.

Councilor Gardner said the funding represented the chance to demonstrate if the technology would work and if congestion pricing was acceptable to the public. He said it was not the pilot project's primary purpose to raise money, but to try to determine peak hours of demand on roads and ascertain traffic behaviors. If he said just 10 percent of peak hour demand could be diverted, a great deal of money would be saved. He said debate would come later on whether there should be a full congestion pricing program in place and on how to spend those funds. He agreed it was unlikely Metro would get the funding because other jurisdictions were pursuing the project much more aggressively.

Councilor Hansen asked if Metro would perform the study if the federal funding was not available.

Andy Cotugno, Director of Planning, said that would have been a policy question for the Council to decide if the project had sufficient merit. He said Metro would likely have done it anyway, only on a more incremental basis. He said in December, JPACT voted unanimously to not attach the study to the Western

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Bypass and to do a regional evaluation of congestion pricing which he said ODOT had indicated they would pay for. He said ODOT would contribute \$50,000 to outline parameters of congestion pricing and lay some initial groundwork regardless of whether federal funding came through or not.

Councilor Hansen said it did the public a disservice to presume what they would and would not like. She said the vote at this meeting did not mean the Council committed itself further than this project.

Councilor Van Bergen said citizens took roads very seriously. He said if Metro could find a reasonable study that people could accept, it was more likely to be successful.

Councilor McFarland commended the Planning Committee on its amendment to the resolution which made it clear that Metro supported a study only at this time and that otherwise she could not have supported the resolution.

The Council briefly discussed the issues further.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers. Councilor Gates voted nay. The vote was 12 to 1 in favor and Resolution No. 93-1743A was adopted.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers reminded Councilors of the Council work session scheduled for January 23, 1993.

Councilor Gates asked Councilors to locate their nearest fax machines for future use, discussed his memo on equipment inventory, said he was working on having Public Cable Access film Governmental Affairs Committee meetings with volunteer labor and borrowed equipment, said he would like to discuss emergency preparedness at the January 28 Council meeting, said the resolution forming the legislative committee needed to be updated to stipulate generic membership of committee chairs, said the Government Affairs Committee would revisit Metro Committee for Citizens Involvement (CCI) bylaws on Councilor appointment and review, and discussed his memo on a lap top computer trial period to create a "paperless" office.

Presiding Officer Wyers said the Legislative Committee would meet January 28 and would discuss legislation on plastics recycling

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and development and land use laws per the Regional Urban Growth Goals and Objectives (RUGGOS).

General Counsel Dan Cooper said House Bill 2240, filed this date, was an omnibus bill to clarify elections law and would correct the difficulties encountered by Councilor Washington because of his original appointment to, and subsequent primary and general election races for, District 11.

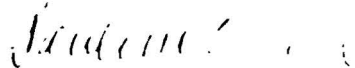
Councilor Devlin asked Mr. Cooper to research whether a county should pay for expenses related to errors if those errors were made by the county.

Councilors Hansen and McLain discussed agenda items for the January 23 Council work session including committee work plans, the Presiding Officer job description, and the Presiding Officer selection process.

Presiding Officer Wyers noted she would respond via letter to The Oregonian regarding its editorial on 4:00 p.m. Council and committee meeting times.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 6:05 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council