

## MINUTES OF THE METRO COUNCIL

January 27, 1994

Council Chamber

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

**Councilors Absent:** Mike Gates

**Also Present:** Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:04 p.m.

Presiding Officer Wyers noted Agenda Item No. 8.1 had been added to the agenda.

### 1. INTRODUCTIONS

None

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

Mike Ragsdale, citizen, candidate for Metro Executive Officer, urged the Council to sponsor and endorse a Greenspaces ballot measure in May 1994. The Council and Mr. Ragsdale discussed the issues.

Councilor Hansen introduced Bob Acres who, she said, was very active in the 40 Mile Loop and the Springwater Corridor Project(s). Mr. Acres concurred with Mr. Ragsdale's testimony to encourage the Council to initiate another Greenspaces ballot measure. He discussed the projects he himself worked on and distributed the "40 Mile Loop Trail Map" (filed with the record of this meeting).

Zephyr Moore, Bugs, Bees & Birds, 2732 NE 15th, Portland, said there should be green spaces with indigenous vegetation within the region and also within the city. He said Metro Regional Center itself could be a showcase of micro habitats. He said the Metro building had English ivy which suffocated other, good vegetation. He said English ivy was on the prohibited plant list for the City of Portland, but said that nurseries continued to sell it. He discussed a Portland group, Urban Forestry, which worked to involve students in inner city landscaping and gardening projects and distributed a position paper from same (filed with the record of this meeting). The Council and Mr. Moore discussed the issues.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 3.1 Appreciation Ceremony for Salmon Festival Sponsors and Salmon Festival Commemorative Blanket Designer

Executive Officer Cusma introduced Charlie Ciecko, Director of Regional Parks and Greenspaces; Multnomah County Commissioner Gary Hansen; and Bill Bakke, conservation director, Oregon Trout, and Richard Meyer, executive director, Portland Audubon Society.

Mr. Ciecko explained the purpose and function of the Salmon Festival which he said had just celebrated its tenth anniversary. He said to mark that event, Festival organizers wanted to recognize three sponsors and one individual for their support and commitment to the Festival.

Executive Officer Cusma presented commemorative blankets and certificates to: Cathy Ingram, creator of the Salmon Festival logo; Mike Krause, chief of biological resources, Oregon Bureau of Land Management; Joe Moreau, forest

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fisheries biologist, Mt. Hood National Forest; and Wayne Lei, director of environmental services, Portland General Electric.

**4. CONSENT AGENDA**

**4.1 Minutes of January 4 and 13, 1994**

**4.2 Resolution No. 94-1884, For the Purpose of Certifying that Tri-Met's Joint Complementary Paratransit Plan Update for 1994 Conforms to Metro's Regional Transportation Plan**

**Motion:** Councilor Moore moved, seconded by Councilor Washington, for adoption of the Consent Agenda.

**Vote:** Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gates was absent. The vote was 12/0 in favor and the Consent Agenda was adopted.

**5. ORDINANCES, SECOND READINGS**

**5.1 Ordinance No. 94-514A, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Sharing Payment with the Zoo for the Metro Construction Project Manager, and Declaring an Emergency (Public Hearing)**

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

Presiding Officer Wyers announced that Ordinance No. 93-514 was first read on October 28, 1993, and referred to the Regional Facilities and the Finance Committees for consideration. She said the Regional Facilities Committee considered the ordinance four times on November 3, 17, December 15, 1993, and on January 5, 1994. She said the Finance Committee considered the ordinance twice on December 22, 1993, and on January 12, 1994, and recommended Ordinance No. 94-514A to the full Council for consideration.

**Motion:** Councilor Devlin moved, seconded by Councilor McFarland, for adoption of Ordinance No. 94-514A.

Councilor Devlin gave the Finance Committee's report and recommendations and said the ordinance would change the budget allocation for Metro's construction manager. He said previously the allocation had been from the Zoo, but said the incumbent had actually been working on a variety of projects, most of which were not related to the Zoo. He said Ordinance No. 94-514A would allocate the costs of the position to the appropriate functions within the agency.

Councilor McFarland noted the Regional Facilities Committee amended the ordinance, per Zoo staff's recommendation, to amend the ordinance section dealing with the Zoo capital fund to give the Zoo greater flexibility to pay for services provided by the construction manager. She said the Committee amended the ordinance to move \$65,600 from Personal Services to Contingency.

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

There was no Councilor discussion or questions.

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Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gates was absent. The vote was 12/0 in favor and Ordinance No. 94-514A was adopted.

6. RESOLUTIONS

6.1 Resolution No. 94-1890A, For the Purpose of Recommending to the Oregon Transportation Commission a Package of Program Reductions and Additions for Incorporation in the 1995 through 1998 State Transportation Improvement Program

Motion: Councilor Monroe moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1890A.

Councilor Monroe gave the Planning Committee's report and recommendations (a copy of which is filed with the record of this meeting). He said the resolution represented compromise on the part of all interested parties and resulted from legislative cuts made by the last State Legislature. He said the Joint Policy Advisory Committee on Transportation (JPACT) supported the Water Avenue on-ramp, but not during the next four years.

The Council discussed the issues. Councilor Devlin asked Andy Cotugno, Director of Planning, if \$13.4 million was still included in the resolution for construction on the I-5/217 Kruse Way Interchange and if the Oregon Department of Transportation (ODOT) still proposed to contribute an additional \$5 million for right-of-way purposes. Mr. Cotugno said those figures were correct and that the Council should have received confirmation in writing. Councilor Devlin said the Council had and submitted the ODOT letter from Bruce A. Warner, Region Manager, dated January 24, 1994, for the record. Councilor Devlin discussed the two phases and their costs with Mr. Cotugno who said projected costs were dependent on analysis in the first phase. He said no construction funds had been allocated as yet for the second phase. Councilor Devlin and Mr. Cotugno discussed the DEIS process. Councilor Devlin asked if the new project would require a supplemental DEIS only which could result in a quicker process. Mr. Cotugno said procedurally the requirement was to do a supplemental DEIS process, so that work already done was amended and/or reconfigured.

Presiding Officer Wyers opened a public hearing.

Gary Cox, Central Eastside Industrial Council (CEIC), 120 SE Clay, Portland, said the City of Portland had promised to build the Water Avenue on-ramp since 1957 and said if built, it would reduce industrial truck traffic in the city core. He said amendments made to the resolution were commendable, but did not address freight transportation issues.

Larry Westerman, Sensible Transportation Options for People (STOP), 13665 SW Fern St., Tigard, said STOP strongly supported the LUTRAQ study and supported transit-oriented development in Washington County. He said they were pleased to see the Council favored alternative modes of transportation and urged them to keep that portion of the resolution intact.

Mayor Alice Schlenker, Lake Oswego, 380 "A" Avenue, Lake Oswego, distributed a memorandum to the Metro Council, "I-5 at Highway 217 Kruse Way Interchange," dated January 27, 1994, and read the same. She urged the Council to fund interchange improvements with \$25 million as originally recommended and not the \$13.4 million currently proposed per ODOT recommendations.

Mr. Cotugno noted there had been confusion over some numbers listed because the table attached to the resolution referred to construction cost numbers. He said all construction projects had their own budgets. He said the table given was based on cuts as recommended by ODOT and said the amount available for construction was approximately \$13.4 million with an additional \$5 million for a total of \$18.4 million. He said ODOT had various projects with varying tiers.

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of importance. He said design and cost had yet to be determined. He said earthquake proofing costs and/or wider shoulders for ramps had not been included as yet and would be added later.

Councilor Monroe concurred with Mr. Cotugno and said ODOT and JPACT all unanimously supported the package before the Council at this time.

Councilor Devlin asked that the following be submitted and filed for the record: 1) His request that Mayor Schlenker's and oral comments made by other testifiers at this meeting be accurately transmitted back to ODOT, along with Mayor Schlenker's memorandum; and 2) The January 21, 1994, memorandum from ODOT to "Interested Parties." He asked Mayor Schlenker to describe intersection details further. She said the intersection was congested due to growth. She said traffic was constantly stopping and stacking and that improvements were needed as soon as possible.

Jack Burns, Burns Brothers, CEIC member, 516 SE Morrison Street, Suite 1200, Portland, distributed a report "The Central Eastside Industrial Sanctuary: Seven Year 23,000 New Jobs Mission Statement" and said up to 30,000 jobs with a payroll of \$250 million per year could be created if the industrial area received the on-ramp. He said the City of Portland had overstepped its authority by deciding against the ramp. He urged the Council to write a letter to ODOT urging them to do another study on the ramp. He discussed his business, how many employees it had on the payroll, their profiles, and said the central eastside area needed the support of the City to provide jobs in the City's core.

The Council and Mr. Burns discussed the issues further.

Peter Fry, CEIC member, 733 SW 2nd, #215, Portland, responded to City of Portland Mayor Vera Katz's memo (filed with the record of this meeting) sent to the Council the date of this meeting. He said because of lack of improvements, unnecessary accidents took place at intersections and noted the increase of traffic through the area in question due to OMSI's new location. He discussed heavy industrial traffic on bridges such as the Hawthorne Bridge. He said building the Water Avenue on-ramp would prevent and or mitigate many problems. He said the CEIC needed the Council's assistance on these and other issues.

Anne O'Ryan, public affairs manager, AAA Oregon, 600 SW Market St., Portland, urged the Metro Council not to make the additional \$36 million in road growth cuts because of anticipated growth in the metro area. She said expansion was needed to maintain the status quo for existing traffic and discussed those issues further. She said reprogramming highway funds would defy legislative intent and violated the trust of the voters.

The Council and Ms. O'Ryan discussed the issues further. Councilor Devlin said Oregon constitutional provisions did not impact federal funds received by the state and said the federal government made it clear they wanted to see such funds used for more than just highway modes. Ms. O'Ryan discussed AAA's efforts to get the State Legislature to authorize an additional tax to fund alternative modes of transportation. Ms. O'Ryan reiterated that state gas taxes should be used for road improvements.

Jim Howell, Citizens for Better Transit (CBT), 3325 NE 45th Avenue, Portland, said CBT had consistently opposed the on-ramp, but said their opinion had not been solicited by the City Council and or Metro. He said Metro should have all the facts in place before it sent the City a letter supporting construction of the Water Avenue project. He said CBT anticipated the project would have many problems. He said those problems included public safety and transportation issues. He disagreed with the assumption that the on-ramp would discourage urban sprawl. He said CBT agreed with CEIC that the industrial area needed more access from the east side, but said it should not be achieved via a bad project. He said there were other, less expensive options that could be explored such as the Flanders Street on-ramp which CBT had long proposed.

The Council and Mr. Howell discussed the issues.

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Moshe Lensky, citizen, 4314 SE Crystal Springs Blvd., Portland, said interested parties had tied the on-ramp to increased jobs, but said he did not believe there was any evidence or connection between the two. He said the evidence actually pointed to the opposite conclusion and asked if a southbound access could be created for trucks. The Council and Mr. Lensky discussed the issues further.

Presiding Officer Wyers asked if there were any other persons who wished to testify on Resolution No. 94-1890A. No other persons appeared to testify and the public hearing was closed.

The Council discussed the resolution. Councilor Moore concurred with Councilor Monroe's assessment that the resolution represented compromise for all parties involved. She noted the chart distributed by staff at a December 17 and said it listed construction funds only. She said alternative mode projects were not "slush funds" as had been stated at one Planning Committee meeting. She discussed funds spent to-date on alternative projects. She expressed concern about the Sylvan Interchange and entered a letter for the record from Bruce Warner, ODOT, to show that part of the \$50 million allocated for the Sylvan westbound lane would be used for preservation. She expressed concern about the Westside Corridor Project and said part of the project had been erroneously deferred. She said the deferred portion included sound wall mitigation on the south side of Sunset Highway and a bicycle lane meant as part of the corridor project to connect neighborhoods.

Councilor Devlin entered previously referred to and additional documents for the record: 1) Memo from Lake Oswego Mayor Alice Schlenker with the ODOT attachment to interested parties which stated that ODOT identified the total need for the I-5/Highway 217 Kruse Way Interchange project at \$25 million; and 2) Letter from the City of Tigard faxed the date of this meeting with copies of previous letters which also identified the I-5/Kruse Way Interchange project and reiterated another request not under consideration at this time related to 99 Hall Boulevard intersection improvements included in a previous development section of the Transportation Improvement Project (TIP). He said ODOT had stated that project was still under study, but that it should not be considered a new project. Councilor Devlin said as a result of that ambivalent status, the latter project was "stuck."

Councilor Devlin said he clarified during Planning Committee discussion on issues related to the I-5 217 Kruse Way Interchange that a clear understanding of the issues on the project's future should be developed between Metro and ODOT. He submitted a letter for the record from Bruce Warner, ODOT, dated January 24, 1994, to himself which stated the total anticipated amount for phase one was \$18.4 million and which indicated the projects had additional needs, and affirmed ODOT's commitment to working with all affected entities on the project. He said JPACT had identified similar issues in its report attached to the Planning Committee's report. He said there should be no throwaway elements in the project; that the project necessary to address the problems would be built; that the initial phase was backed by additional phases identified in the development sections of the proposal; and that the final stages would likely impact the Western Bypass Study which would in turn impact what the interchange would ultimately look like. He noted also that Exhibit 1, in addition to the \$13.4 million listed, clearly identified Projects 2 and 15 under the development section which carried additional funding that would be allocated in future to the project.

Councilor Devlin discussed the history of the project for the record. He discussed the last State Legislature's work on the federal transportation package submitted. He said shortfalls in revenue and too-high estimates of state revenue and gas tax receipts created the need, during the summer of 1994, to cut the TIP. He said those cuts were identified and allocated throughout the region. He said Metro had held discussions, that a process was developed and there was agreement on that process. He said at the time, all of the projects were on almost equal footing. He said the Water Avenue on-ramp had been reduced in status since then as had the I-5 217 Interchange. He said after years of work and millions of dollars spent, it was determined that the latter project would not work without further expansion. He said it was considered unrealistic to expand the project because it had already grown so much. He said a substitute improvement was suggested and said that substitute meant a cost reduction which everyone else in the region eagerly supported to get more money for their own projects. He stated for the record that, in October 1994, he checked with

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officials in Lake Oswego and Tigard who assured him they had good communication with Metro staff on this process. He said they had expressed dismay over the lack of communication from ODOT staff. He said the most recent letter from Mr. Warner stated that communications from ODOT staff would improve.

Councilor Devlin also stated for the record that ODOT appeared committed to complete the revised project within a time frame close to what the original project's time frame had been. He noted the project was originally ranked No. 2 in the region for specific funding and that it represented extreme safety problems.

Councilor Devlin also stated for the record it was important that Metro make the attempt to dedicate the \$29 million available for alternative modes of transportation within the region. He said it was important to achieve some balance in transportation modes and discussed the issues further.

Councilor Gardner said the decision on how to fund this program was significant. He said original goals had been to avoid road congestion, but said that auto-dependent growth/development had been encouraged, and that had created conflict. He said state and local governments had made steps to improve the situation and said this resolution represented the beginning of a shift from just having roads to also having alternative modes.

Councilor Van Bergen noted he testified before the City Council in October or November, 1993, on the Water Avenue on-ramp issue and was allowed only three minutes for testimony. He said he appeared in his capacity as chair of JPACT, representing multiple jurisdictions, and said he could not believe he was only allowed three minutes to testify. He said the only way to deal with the City was via a letter as proposed. He said the Water Ramp issue represented a debacle of 37 years standing. He said Portland had lost jobs because the issue had not been resolved. He did not like the resolution as presented.

Councilor McLain thanked Metro staff for the work they had performed on the project and discussed the issues further. She said Metro had done its job properly on this project.

Councilor Kvistad thanked Metro staff also as well as Councilors Buchanan, Devlin and McLain.

Councilor Monroe summarized again what the resolution would do. He said the projects appeared to involve a great deal of money, but noted Westside Light Rail would cost approximately \$1 billion and \$2 billion would be spent on the South/North Light Rail project.

Vote Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gates was absent. The vote was 12 0 and Resolution No. 94-1890A was adopted.

8. OTHER BUSINESS

8.1. Consideration of a Letter to City to Portland Mayor Vera Katz Related to Water Avenue Ramps

Main Motion: Councilor Monroe moved, seconded by Councilor Kvistad, for approval of the letter to Mayor Vera Katz as provided by Mr. Cotugno printed under Agenda Item No. 8 1.

Presiding Officer Wyers opened a public hearing.

James Beard, Oregon Environmental Council (OEC), 027 SW Arthur Street, stated for the record that the OEC, during the Eastbank Freeway Options Review, supported construction of the Water Avenue on-ramp with some caveats and gave the reasons for same. He said the caveats were made because, if the ramp was built, it should be reserved for

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freight use only and discussed methods to ensure that exclusive use. He said building a road to lighten congestion did not work. He said as soon as there was increased capacity that capacity was fully utilized. He said the Eastbank Freeway Options Review recommended exploring southbound access also.

Mr. Beard discussed the draft letter before the Council and recommended the version drafted by Councilor Gardner be used instead because it asked for more study and analysis of southbound options.

Mr. Fry testified again and discussed the letter before the Council. He discussed the CEIC's position on alternative modes. He said the letter should be sent to make Metro's position clear and make the City realize the issues were regional in scope. He said the Council might wish to add, "and the rest of the region" after "The Metro Council urges..." in the second sentence on page 2 of the letter.

The Council discussed testimony given and language as suggested.

Motion to Substitute: Councilor Kvistad moved, seconded by Councilor Gardner, to substitute the Councilor Gardner/Kvistad draft letter for Mr. Cotugno's letter, as amended with language as recommended by Mr. Fry; to delete language at the end of the last sentence on page 2, "~~be resolved~~" and to replace it with "to add some urgency to the decision."

The Council briefly discussed the motion to substitute. Councilor Gardner said he preferred Metro did not send a letter at all. He said Metro intent was clear via JPACT action and in resolution language.

The Council as a whole discussed the letter further.

Vote on Motion to Substitute: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gates was absent. The vote was 12/0 and the motion passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen and Washington voted aye. Councilor Gates was absent. The vote was 12/0 and the main motion as amended passed unanimously.

Presiding Officer Wyers called a recess at 7:42 p.m. The Council reconvened at 7:55 p.m.

**6.2 Resolution No. 94-1889, For the Purpose of Stabilizing and Expanding Markets for Yard Debris Compost by Designating Product Standards**

Motion Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No 94-1889.

Councilor McFarland gave the Solid Waste Committee's report and recommendations.

The Council discussed Resolution No. 94-1889.

Vote: Councilors Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Gates were absent. The vote was 11/0 and Resolution No. 94-1889 was adopted.

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**6.3 Resolution No. 94-1887, For the Purpose of Authorizing the Issuance of a Request for Proposals, and Authorizing the Executive Officer to Enter Into a Contract for Services to Create a Booklet "What's a Household Hazardous Waste Facility?"**

**Motion:** Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 94-1887.

Councilor Hansen gave the Solid Waste Committee's report and recommendations.

The Council discussed Resolution No. 94-1887.

**Vote:** Councilors Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Gates were absent. The vote was 11/0 and Resolution No. 94-1887 was adopted.

**7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

Councilor Devlin said he would not be able to attend the February 10 Council meeting because he had to be in Eugene to attend another meeting.

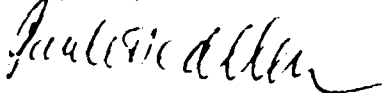
Councilor McLain invited Councilors to attend the Student Congress being held at Glencoe High School January 29, 1994.

Councilor Van Bergen said the Council had improved as a whole, but said the Council's rules were still being violated by the making of philosophical statements, and/or asking questions stretched out to include philosophies and/or to make statements. Presiding Officer Wyers said the issue should be discussed in further detail in the future, but noted the method of commenting on issues while asking questions was standard procedure for many governmental bodies.

Presiding Officer Wyers noted Council Department staff were receiving increasing requests for information on Councilors. She reminded the Council that members of the public and the press could ask for, and receive, information on Councilors. She said staff would inform her as Presiding Officer of specific information requests and she would then inform the pertinent Councilor. She asked the Council to talk to her if they had any concerns about the issue.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 8:09 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council  
MCMIN94.027