

MINUTES OF THE METRO COUNCIL

CORRECTED

April 28, 1994

Council Chamber

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

Councilors Absent: Mike Gates and Ruth McFarland

Presiding Officer Wyers called the regular meeting to order at 4:05 p.m.

1. INTRODUCTIONS

Councilor Washington introduced a constituent from his district, Andee Short, daughter of Senior Council Analyst, Casey Short. Councilor Washington noted Ms. Short attended second grade at Alameda Grade School and was at Metro to participate in "Take Your Daughter to Work Day" activities. The Council welcomed Ms. Short to the meeting.

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

Bill White, citizen, 205 Berwick Road, Lake Oswego, asked the Council to enact a resolution requesting or ordering the City of Portland and the Willamette Shore Line Consortium to offer to sell 4 miles of the 6.5 mile railroad south of Sellwood Bridge for the fixed price of \$1.2 million on or before a fixed date summer of 1994. He said that was the price the Willamette Shore Line Consortium had paid for the whole railroad in 1988. He said that Metro should also be assured in writing that it could use the 3.5 miles of railroad north of the Sellwood Bridge for light rail or any other purpose it chose.

Mr. White said the reasons for such action were because Metro's South/North Steering Group had recommended dropping river transit and commuter rail, and that it had also recommended extending light rail on the west bank of the river south of Sellwood Bridge before crossing the east side, but with further consideration being given for crossing further north from downtown Portland. Mr. White said it made sense to buy the railroad portion he mentioned at this time since commuter rail was no longer being considered for the south 4 miles. He said Metro should also receive assurances in writing that it could use the 3.5 miles of track north of the Sellwood Bridge because, via intergovernmental agreement, it required a unanimous vote on the part of all six members of the Consortium to do anything with the 6.5 miles of track. Mr. White said it was normal and proper for the Consortium to raise the funds to purchase the railroad and to agree that the City of Portland, the title holder, do nothing without the unanimous consent of the six members. He said the IGA should be amended to allow only a majority vote from the six-member group.

Presiding Officer Wyers thanked Mr. White for his testimony and said the information he provided would be referred to the Council Planning Committee for review and possible action. Mr. White said his request for action on the issues was very important to Metro's effective operations and asked that the Council vote on the issues at the appropriate time and that each Councilor should give a brief reason on why he/she voted. He said that the Council in these issues was equivalent to an appellate court. Presiding Officer Wyers said the Council would consider the issues seriously, but did not think the issues he referenced would be pending soon. Mr. White said the Council should not wait too long to make decisions because of pending light rail construction.

J.B. Langston, member, Metro Committee for Citizen Involvement (MCCI), said he wished to compliment the Council on the work they had done in the past on MCCI and other issues. Presiding Officer Wyers thanked Mr. Langston.

METRO COUNCIL

April 28, 1994

Page 2

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Tabloid from Region 2040

Sherry Oeser, Senior Public Involvement Analyst, briefed the Council on the Region 2040 Tabloid. She said staff had hoped final copy would be approved this date, but said it was not at that point yet. She briefed the Council on input received to-date and listed all the groups/committees that had reviewed and commented on copy to-date. She said staff planned to mail it May 31. She said if that deadline was not met, open houses would have to be rescheduled. She thanked Councilors for their comments which she said had been very helpful.

Councilor McLain said the Tabloid would be pivotal to the formation of the final Future Vision Plan. She said it was essential that recipients took the time to review it carefully. She said it was important to take time to make sure the Tabloid was good, but urged staff to maintain existing schedules to avoid confusion.

The Council and Ms. Oeser briefly discussed Tabloid logistical details further.

4. OTHER BUSINESS

4.1 Consideration and Review of MERC Resolution No. 94-15

Motion: Councilor Hansen moved, seconded by Councilor Gardner, to return Resolution No. 94-15 to the Metropolitan Exposition-Recreation Commission (MERC).

Councilor Hansen said per Finance Committee discussion and action on April 27, Resolution No. 94-15 was no longer under consideration, but said the Council would likely review a future MERC resolution.

Motion: Councilors Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, Gates and McFarland were absent. The vote was 8/0 in favor and the motion passed.

5. CONSENT AGENDA

5.1 Resolution No. 94-1945, For the Purpose of Accepting a Nominee to the Metro Committee for Citizen Involvement (Metro CCI)

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

Vote: Councilors Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, Gates and McFarland were absent. The vote was 8/0 and the Consent Agenda was adopted.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 94-546, For the Purpose of Amending Franchise No. 12 for Pemco, Inc. to Authorize an Additional Temporary Location for Treatment of Petroleum Contaminated Soil and Declaring an Emergency (Public Hearing)

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

METRO COUNCIL

April 28, 1994

Page 3

Presiding Officer Wyers announced that Ordinance No. 94-546 was first read on April 14, 1994, and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on April 19 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor McLain, for adoption of Ordinance No. 94-546.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She explained that the Council had previously approved a franchise for Pemco, Inc. to operate its petroleum contaminated soil (PCS) and that this ordinance would allow Pemco, Inc. to move its equipment to another temporary location in Forest Grove. She said the terms of Metro's franchise meant that Pemco must obtain prior approval from Metro to perform such moves.

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

Vote: Councilors Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, Gates and McFarland were absent. The vote was 8/0 and Ordinance No. 94-546 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 94-1937, For the Purpose of Amending the FY 1994 Metro Transportation Improvement Program to Allocate Funds to Support the Extension of Westside Light Rail to the City of Hillsboro

Motion: Councilor Gardner moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1937.

Councilor Gardner gave the Planning Committee's report and recommendations. He explained the resolution would amend the FY 1994 Transportation Improvement Plan (TIP) and request amendment of the State Transportation Improvement Plan (STIP) to line up funding for the potential extension of Westside Light Rail (LRT) from 185th Avenue to the City of Hillsboro. He said the resolution specifically asked for the reallocation of \$8 million in Section 9 funds for FY 1995 and also for the reallocation of an additional \$75 million in Section 3 discretionary funds to be dedicated to the project. He said both actions would put funding in place so that if Metro did get final approval from the Federal Transit Administration (FTA) to add the extension, Metro could demonstrate regional and statewide support for the funding sources to pay for the project.

Vote: Councilors Buchanan, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Gates and McFarland were absent. The vote was 10/0 in favor and Resolution No. 94-1937 was adopted.

7.2 Resolution No. 94-1930A, For the Purpose of Describing Intended Metro Action on Final Region 2040 Reports and Comments

Main Motion: Councilor Moore moved, seconded by Councilor McLain, for adoption of Resolution No. 94-1930A

METRO COUNCIL

April 28, 1994

Page 4

Councilor Moore gave the Planning Committee's report and recommendations. She said the Planning Committee amended the original resolution to reflect comments made at MPAC during its review of the resolution. She said MPAC was reflecting comments made to them by MTAC. Councilor Moore noted Peggy Lynch, Future Vision Commission member, called her the date of this meeting to express concern about the inclusion or non-inclusion of the Future Vision Commission in the process.

First Motion to Amend: Councilor Moore moved, seconded by Councilor McLain to amend Resolution No. 94-1930A to add the Future Vision Commission along with other bodies/entities in the first Be It Resolved Section to give the Metro Council comments/recommendations on Region 2040 reports.

The Council discussed the motion to amend. Councilor Van Bergen objected to including the Future Vision Commission and asked who would have authority over final Metro Council action. Councilor Kvistad said he understood MPAC's role in the process, but did not think Future Vision should be included, and asked the Council to adopt the resolution as originally presented at this meeting. Councilor McLain said the Council asked Future Vision to submit their comments when they held their workshop on Region 2040. She said the Commission had worked diligently for the last seven months and their comments should be included and said it would be beneficial to include comments from as many entities as possible.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Hansen, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Kvistad voted nay. Councilors Gates and McFarland were absent. The vote was 10/1 in favor and the motion to amend passed.

Councilor Van Bergen again asked which entity would have final authority over the 2040 process. Councilor Moore said the Council would.

Second Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Buchanan, to amend Resolution No. 94-1930A by replacing "intends" in Be It Resolved Section Nos. 4 and 5 with "shall."

The Council discussed the amendment. Councilor Devlin stated for the record that the language "shall describe applicable state, regional and local government implementation responsibilities" meant that the language "shall," or "intend," to describe state responsibilities was a matter of recommending what state responsibilities were and that the language "shall describe...local government...responsibilities" was limited by Metro's abilities under the Charter in what responsibilities it could indicate belonged to local governments. He said the Council lacked the authority to direct the state or local government on any issues it might see fit to do so. Councilor Van Bergen said the legislation currently before the Council was a resolution only and could be changed by the Council any time it wanted to do so. Councilor Gardner said the resolution described a process rather than an action. Councilor McLain said revised language clarified the Council's intent.

Vote on Second Motion to Amend: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and McFarland were absent. The vote was 11/0 in favor and the motion to amend passed.

METRO COUNCIL

April 28, 1994

Page 5

Vote on the Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and McFarland were absent. The vote was 11/0 and Resolution No. 94-1930B was adopted.

7.3 Resolution No. 94-1949, For the Purpose of Endorsing the ODOT/DLCD Funding Recommendations for the Transportation and Growth Management Grant Program

Motion: Councilor Gardner moved, seconded by Councilor McLain, for adoption of Resolution No. 94-1949.

Councilor Gardner gave the Planning Committee's report and recommendations. He explained the resolution had undergone extensive review via the Planning Committee, MTAC, and then MPAC and JPACT at a joint meeting. He said throughout the process, suggestions were made and incorporated into the resolution which would endorse a grant program approved by the State Legislature in 1993 in the amount of \$2 million to be spent in the metropolitan area for proposals that would integrate land use and transportation planning in innovative ways and develop proposals to manage growth that could encourage compact growth and encourage bicycle and pedestrian transit ways. He said the grant program was developed into three categories and said Metro's area covered Categories 1 and 2. He said it was originally planned that Metro would have a role in deciding who would receive funding, but said Metro ended up being a proposer in both categories. He said Metro then changed its role to provide technical background and support only.

Councilor Gardner discussed a proposal submitted by the City of Beaverton that was not selected. He said that proposal would have evaluated Beaverton's overall transportation system plan and review ways to make it more consistent with the Transportation Planning Rule. He said the selection committee did not feel the proposal was specific enough and the work program did not clearly demonstrate how it would comply with the Transportation Planning Rule. He said at Councilor Moore's urging, a residual proposal would be developed by transportation/growth management staff from ODOT and DLCD to work with Washington County and Beaverton to prepare a proposal to use any residual funds to address arterial and collector street standards. He said that intent would be included in the cover letter to ODOT and DLCD. He said the resolution meant local jurisdictions would get \$2 million they previously would not have had to help them comply with the Transportation Planning Rule.

Councilor Van Bergen asked how and where vehicles and trucks were included in the grant program. Councilor Gardner said one of the categories specifically focussed on how to improve bicycle, pedestrian and transit aspects of new development. He said several of the projects developed dealt with roads via planning, not construction, and discussed specific projects. Councilor Gardner said development of alternative modes would improve the roads via less congestion. He said allocation of funds for projects being built was completely different and said most of such funds were used for road projects.

The Council briefly discussed the issues further.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilors Gates and McFarland were absent. The vote was 10/1 in favor and Resolution No. 94-1949 was adopted.

7.4 Resolution No. 94-1932, For the Purpose of Establishing Personnel Policies for Council Department Employees

Motion: Councilor Buchanan moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1932.

Councilor Buchanan gave the Governmental Affairs Committee's report and recommendations.

Councilor Devlin asked if the resolution altered the status of union employees employed in the Council Department. Presiding Officer Wyers said it did not. To Councilor Kvistad's question, Senior Council Analyst Casey Short, explained the resolution would keep Council Department employees' personnel rules on a par with other Metro employees except that they did not report to the Executive Officer due to separation of powers.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and McFarland were absent. The vote was 11/0 in favor and Resolution No. 94-1932 was adopted.

7.5 Resolution No. 94-1933, For the Purpose of Creating the Department of General Services and Confirming the Appointment of Douglas E. Butler to the Position of Director of General Services

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1933.

Councilor Washington gave the Finance Committee's report and recommendations. He explained what the resolution would do. He said functions would be transferred immediately upon adoption of the resolution, but explained for financial management purposes the FY 1993-94 Budget would not be amended to reflect those changes.

The Council discussed the resolution. Councilor Van Bergen said he Council should have the authority to create and/or dissolve departments. He said the future Council should establish a process in the Metro Code. Councilor Moore asked if new job descriptions were available. Don Carlson, Council Administrator, explained the new department would have more responsibilities than the old one and noted the Council would adopt a pay and classification plan eventually to reflect these and other changes. Councilor McLain discussed the new department's work plan and said it had been agreed to give the new department six months to implement it. Councilor Kvistad said the original goal had been to eliminate the department, but said the final product was a bigger department with a more comprehensive work plan and said he would vote nay on the resolution. The Council discussed the issues further.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Kvistad voted nay. Councilors Gates and McFarland were absent. The vote was 10/1 in favor and Resolution No. 94-1933 was adopted.

7.6 Resolution No. 94-1951, For the Purpose of Authorizing a Multi-Year Intergovernmental Agreement with Tri-Met for Construction Management Services for the Westside Light Rail Project

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Resolution No. 94-1951.

Councilor Buchanan gave the Finance Committee's report and recommendations.

METRO COUNCIL

April 28, 1994

Page 7

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and McFarland were absent.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers noted her memo to the Council on amendment procedures when the full Council May 5 to finish work on the Proposed FY 1994-95 Budget.

Councilor McLain noted a memo received by herself and other Councilors on issues related to the "Metro Kids" day care center at Metro Regional Center. She said she and Councilor Hansen would meet with General Services Department staff to discuss those issues.

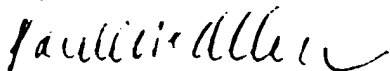
Councilor McLain distributed her memo, "Disposition of Waste from the Forest Grove Transfer Station" dated April 28, 1994.

Councilor Monroe said the Finance Committee would hold a work shop to discuss long-term funding options. He said the preliminary date and time had been set for May 25 from 4:00 to 9:30 p.m.

Councilor Van Bergen asked the Council would do about the issues raised by Mr. White at the beginning of this meeting. Councilor Devlin said that he and Councilor Gardner would draft a resolution for the Planning Committee's consideration.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 5:55 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council
MCMIN94.118