

MINUTES OF THE METRO COUNCIL

March 25, 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

Also Present: Executive Officer Rena Cusma

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

Executive Officer Cusma discussed the status of joint mediation between the Cities of Portland and Beaverton over their urban service boundary(s).

Executive Officer Cusma announced that Metro Regional Center had received its certificate of occupancy on the date projected by staff and that the project was on-time and under-budget.

4. CONSENT AGENDA

4.1 Minutes of February 25, 1993

REFERRED FROM THE PLANNING COMMITTEE

4.2 Resolution No. 93-1784, For the Purpose of Approving a Request for Proposals Document for Hearings Officer Services

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

4.3 Resolution No. 93-1768, For the Purpose of Amending the Regional Strategies Compact Forming the Oregon Tourism Alliance

4.4 Resolution No. 93-1780, For the Purpose of Confirming the Appointment of Metro Representatives to the Oregon Tourism Alliance Board

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

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 93-489, For the Purpose of Amending the Classification and Compensation Plans for Non-Represented Employees, and Awarding a 4% General Market Adjustment for Non-Represented Employees, in Lieu of a Cost of Living Adjustment

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

Presiding Officer Wyers announced that Ordinance No. 93-489 had been referred to the Governmental Affairs Committee for consideration.

5.2 Ordinance No. 93-490, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Project Increases in the Zoo Capital Fund and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-490 had been referred to the Finance Committee for consideration.

5.3 Ordinance No. 93-491, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Personal Services Increases in the Public Affairs Department and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-491 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 93-492, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Contractors License Program and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-492 had been referred to the Finance Committee for consideration.

5.5 Ordinance No. 93-493, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Funding Related Expenditures in the Planning Fund, Authorizing 1.25 New FTE in the Growth Management Division, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-493 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 93-484, An Ordinance Amending Metro Code Section 7.01.020 to Modify the Excise Tax Rate

Presiding Officer Wyers announced that Ordinance No. 93-484 was first read on March 11, 1993, and referred to the Finance Committee for consideration. She announced the Finance Committee considered the ordinance at its March 24 meeting and had continued consideration of same to its next scheduled meeting.

7. RESOLUTIONS

7.1 Resolution No. 93-1777, A Resolution Authorizing the Preparation and Submission of Refunding Plans Relating to the Advance Refunding of a Portion of Metro's Outstanding General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A, and Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A

Motion: Councilor Monroe moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1777.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the resolution would begin the process to refund Metro's general revenue bonds for Metro Regional Center and Metro's solid waste system revenue bonds for

Metro Central Station. He said current interest rates were low enough to make it cost-effective to refinance both bond issues. He explained the resolution would authorize the Executive Officer and staff to prepare a refunding plan and submit it to the State Treasurer for approval. He said if market conditions were such that 3 percent in savings could be realized, subsequent resolutions authorizing the issuance of new bonds would be submitted to the Council for adoption.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 93-1777 was adopted.

7.2 Resolution No. 93-1778A, For the Purpose of Withdrawing Metro's Participation in the Forum on Cooperative Urban Services (FOCUS)

Councilor Gates reported on Governmental Affairs Committee consideration of the resolution. He said he would like the resolution to be referred back to committee for further work and referred to letters on the resolution received from Darlene Hooley, Clackamas County Board of Commissioners Chairperson, and Mayor Rob Drake, City of Beaverton.

Councilor Gardner said he supported the resolution as it was presented at committee. He said its original purpose was to express displeasure with the recent direction and activities taken by FOCUS, and to withdraw from the organization because of those reasons. He said it now appeared that FOCUS was rethinking its direction and activities, and said if that were the case, he would support sending the resolution back to committee for further work.

Councilor Gates said Washington County leaders also wanted to see FOCUS re-prioritize and have Metro representatives participating more fully in FOCUS activities.

Motion to Refer Back: Councilor Gates moved, seconded by Councilor McFarland, to refer Resolution No. 93-1778A back to the Governmental Affairs Committee for further consideration.

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

7.3 Resolution No. 93-1782, For the Purpose of Adding Items to Metro's Legislative Agenda

Main Motion: Councilor Hansen moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1782.

Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She gave the Committee's recommendations and explained the resolution. Councilor Hansen noted Council Analyst Casey Short's March 24, 1993, memorandum, "HB 3385" addressed to herself with Legal Counsel's opinion attached. She explained the bill if adopted did not appear to affect Metro's authority to continue to operate the Memorial Coliseum through the end of the fiscal year.

First Motion to Amend: Councilor Hansen moved, seconded by Councilor McFarland, to amend Resolution No. 93-1782 to move HB 3385 from "oppose unless amended" to "monitor."

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

Councilor Kvistad asked for an explanation of SB 425.

Burton Weast, Western Advocates, said SB 425 would establish a vehicle emission fee in the Portland metropolitan area, direct the Environmental Quality Commission (EQC) to establish a fee schedule, and provide for funds to finance projects to reduce air pollution. He said the bill had been sent to a special committee and needed three votes to pass out of committee.

Councilor Gardner said the bill would put concepts on the table and then specific details could be added. He said the Council could endorse the bill in concept and testify on the issues when it was being worked on during hearings and work sessions.

Councilor Monroe said SB 425 was an important piece of legislation and applauded State Senator Ron Cease for sponsoring it. He said it was not likely to survive in the Senate or the House, but said it was important to demonstrate intent to comply with federal clean air standards and said the issues should at least be discussed by the Legislature.

Mr. Weast said language did provide guidance on what the fees potentially could be and said fees would be based on actual emission rates and miles driven and phased in over six years. He

said fees would be at least \$5 and not more than \$100 in 1994 and were designed to achieve at least a 20 percent reduction in volatile organic compounds (VOC).

Councilor Kvistad stated his opposition to SB 425 for the record because of its regressive aspect and negative impacts on citizens.

Councilor McFarland noted her March 25, 1993 memorandum, "Metro Opposition to SB 1004. She said that SB 1004, introduced at the Legislature earlier this week, could have a significant negative impact on Metro's solid waste disposal revenue. She said the bill would "prohibit a metropolitan service district from charging a tax or fee on petroleum contaminated soil (PCS) received at a facility not owned or operated by the district. Metro now charges the Tier One User Fee of \$19/ton on PCS taken to the Hillsboro Landfill and the various newly designated facilities. Staff conservatively estimates that \$1.3 million in fee revenue could be lost on about 70,000 tons of soil if this bill passes. Interestingly, the requestor of the bill is Regional Disposal Company which operates the newly designated Roosevelt Landfill. I would urge that Metro actively oppose this legislation."

Second Motion to Amend: Councilor McFarland moved, seconded by Councilor Kvistad, to put SB 1004 in the "oppose" category."

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

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 93-1782 was adopted as amended.

7.4 Resolution No. 93-1769, For the Purpose of Approving the FY 1994 Unified Work Program (UWP)

Motion: Councilor Moore moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1769.

Councilor Moore gave the Planning Committee's report and recommendations. She explained all projects called for were road

improvement projects and explained the resolution had to be adopted before adoption of Metro's FY 1993-94 Budget because of federal deadlines for funding applications. She said if the Unified Work Program could be amended later if necessary and said the resolution met Intermodal Surface Transportation Efficiency Act (ISTEA) requirements.

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. 93-1769 was adopted.

7.5 Resolution No. 93-1770, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

Motion: Councilor Monroe moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1770.

Councilor Monroe gave the Planning Committee's report and recommendations. He explained Resolution No. 93-1770 was companion legislation to Resolution No. 93-1769 and would officially certify the region's compliance with federal transportation planning requirements and was an integral piece to seek federal funding. He said it was Metro's responsibility to self-certify its own compliance and the federal government's responsibility to accept or reject that certification.

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. 93-1770 was adopted.

7.6 Resolution No. 93-1771, For the Purpose of Endorsing the Region's Proposed National Highway System as Required Under the Intermodal Surface Transportation Efficiency Action of 1991

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1771.

Councilor Kvistad gave the Planning Committee's report and recommendations. He explained the National Highway System (NHS), authorized under ISTEA, was the only Federal-Aid Highway System and was intended to consist of routes with national or international systems. He said those routes were eligible for

dedicated federal funding for modernization as long as they were constructed to principal arterial standards.

Councilor Moore stated for the record her concern about the inclusion of Murray Boulevard between Murray and Tualatin Highway because she did not believe it should be designated as part of the national highway system.

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. 93-1771 was adopted.

7.7 Resolution No. 93-1781B. For the Purpose of Providing Commentary and Response to the Tri-Met Strategic Plan

Main Motion: Councilor Devlin moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1781B.

Councilor Devlin gave the Planning Committee's report and recommendations. He explained amendments made at committee resulting in the "B" resolution. He said the resolution as amended would allow Metro to more fully respond to the Tri-Met Strategic Plan and allow for consistency with the Regional Transportation Plan (RTP). He said the Tri-Met Strategic Plan would also allow the decision-making process for the Region 2040 Project to set the tone for future decisions regarding ridership and addressed the initial financial steps needed for the next five-year period. He said the "A" version of the resolution removed most critical comments to the second discussion draft and were successfully resolved in the new discussion draft before the Council. He said the "A" version was amended further leading to a "B" draft and noted Councilor Moore had amendments she wished to make to the "B" draft at this meeting also.

Motion to Amend: Councilor Moore moved, seconded by Councilor Devlin, to amend Resolution No. 93-1781B as follows (additional language underlined): To add a sentence at the end of Be It Resolved Section No. 3; Tri-Met is encouraged to advocate, through the Region 2040 process, a future urban form for which affordable transit can be provided. and to add a sentence at the end of Be It Resolved Section No. 5(C); The Metro Council strongly endorses the service expansion goal of Tri-Met's Strategic Plan which calls for the agency to "work to achieve attractive, transit-supportive pedestrian and biking environments" as an important means to increase the percentage of bike walking, and transit trips in the region.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion passed.

Vote on Main Motion as Amended: 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. 93-1781C was adopted.

7.8 Resolution No. 93-1764, For the Purpose of Authorizing the Executive Officer to Execute a Contract with the Matrix Management Group to Complete Study Elements I and II of the Comprehensive Waste Stream Characterization Study

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1764.

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

Councilor Buchanan noted the Solid Waste Committee had recommended Resolution No. 93-1764 to the full Council for adoption on March 16, but noted since that time Councilors, citizens and administrative staff had expressed some confusion about the resolution. He said questions had been raised about the contract's length, cost and minority participation.

Motion to Refer Back: Councilor Buchanan moved, seconded by Councilor McFarland, to refer Resolution No. 93-1764 back to the Solid Waste Committee for further consideration.

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Councilors McFarland, Washington, Gardner and Devlin supported the motion to refer the resolution back to committee. Councilor Devlin said if the resolution was not processed by the Committee within a short period of time, that a status report on the issues should be provided because many parties had participated in the contracting process.

Councilor Moore asked the Solid Waste Committee to state for the record the reasons for referring the resolution back to committee for further consideration.

Councilor McLain said the Solid Waste Committee had reviewed the resolution during two different meetings. She said bidders should be told what the Council's concerns were so that they could prepare presentations for consideration at the next Solid Waste Committee meeting.

Councilor Washington said he supported the resolution, but had expressed concerns about WBE and DBE participation. He said other Councilors had expressed concerns about the cost of implementing the contract. He said the \$75 per ton tipping fee would not increase this fiscal year, that tonnage levels were down and expressed concern about the status of the FY 1993-94 Solid Waste Department budget.

Councilor Van Bergen said he supported referral of the resolution back to committee because additional materials had been provided the Committee should review. He said the Committee should also check Department of Environmental Quality (DEQ) stipulations to ascertain if they still applied to such projects.

Presiding Officer Wyers supported the referral also and questioned whether a waste sort study should or would cost \$250,000. She said when the project was first discussed, project costs were estimated at \$150,000.

Councilor Gardner asked Legal Counsel Todd Sadlo about his opinion on contract "A" and "B" designations. He noted Mr. Sadlo said that contracts originally designated "B" contracts should stay in that category even they were expanded. He said if a contract spanned more than the period of one year, it should automatically become an "A" contract. Councilor Devlin noted the Council could designate whether contracts were "A" or "B" contracts. He said this contract was originally designated a "B" contract because it was considered a relatively minor project at the time of contract designation.

Vote on Motion to Refer Back: 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. 93-1764 was referred back to the Solid Waste Committee for further consideration.

7.9 Resolution No. 93-1765, For the Purpose of Authorizing the Executive Officer to Execute a Contract with the Environmental Careers Organization to Complete Study Element III of the Comprehensive Waste Stream Characterization Study

Councilor McLain said since Resolution No. 93-1765 was companion legislation to Resolution No. 93-1764, it should be referred back to the Solid Waste Committee also.

Motion to Refer Back: Councilor McLain moved, seconded by Councilor Buchanan, to refer Resolution No. 93-1765 back to the Solid Waste Committee for further consideration.

Vote on Motion to Refer Back: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion passed.

7.10 Resolution No. 93-1776, For the Purpose of Authorizing the Executive Officer to Enter into a Contract with Tri-State Construction, Inc. for Work Associated with the Closure of Sub-Areas 2 & 3 of the St. Johns Landfill

Motion: Councilor Washington moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1776.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the contract called for represented the next major step in the closure of the St. Johns Landfill. He said the contractor would be responsible for providing the cover system in Subareas 2 and 3 over approximately 120 acres. He said additionally, the contractor would build the motor blower flare facility for the flaring of methane gas produced by the landfill.

Councilor Van Bergen asked what advantages Metro would gain from gas recovery. Councilor McFarland said staff expected to gain an estimated \$85,000 in revenue from the sale of methane gas. She did not know whether Metro would be expected to pay federal tax on gas revenues or not. Presiding Officer Wyers asked Council Analyst John Houser to research that issue. Councilor McLain

asked how much Metro paid for dirt to cover the landfill subareas. Councilor Washington explained Metro's contract with John L. Jersey Company provided dirt for landfill coverage. Councilor McLain asked why Metro paid for dirt and asked if it could be gotten for free.

Bob Martin, Director of Solid Waste, explained the dirt for fill materials had to meet certain specifications. He said Metro did accept free fill dirt if it met coverage specifications. He said dirt disposers did not charge Metro and Metro did not charge them which reduced some costs. He noted Metro could also get fill dirt from Tri-Met when excavation work on the Westside Lightrail tunnel began.

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. 93-1776.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor McFarland discussed when the Regional Facilities Funding Task Force would submit its final report to the Council.

Councilor McFarland discussed a Metropolitan Exposition-Recreation Commission (MERC) special meeting held to acquire an interim director and the Council discussed the same, including the application of MERC and Metro personnel rules on hiring.

Councilor Gardner noted the Metropolitan Policy Advisory Committee (MPAC) held its first meeting on March 24 and discussed Council representation, three seats, on same. He noted MPAC passed a motion asking Metro to abolish the Regional Policy Advisory Committee (RPAC) and assign its duties to MPAC. He noted MPAC would meet in conjunction with RPAC on April 14. The Council as a whole discussed MPAC's and RPAC's duties and functions.

Councilor McLain discussed the Council committee structure and the role of Councilors attending committees upon which they did not serve. The Council as a whole discussed the same.

Councilor Gates noted the Governmental Affairs Committee would review whether or not to support Multnomah County ballot measures based on Commissioner Tanya Collier's request to do so.

Councilor Van Bergen asked what the status of the Apportionment Commission was. Council Administrator Don Carlson reported on the status of staff and material support for the Commission.

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The Council as a whole discussed how the Council should interact with the Apportionment Commission and unanimously passed the following two motions:

Motion No. 1: Councilor Hansen moved, seconded by Councilor Moore, that Metro Councilors make no communication, written or oral, with the Apportionment Commission or their staff outside of open, public meetings, and that Metro maps with individual addresses of Councilors marked in their districts not be provided to the Apportionment Commission except upon the Apportionment Commission's request.

The Council as a whole discussed Motion No. 1.

Vote on Motion No. 1: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was unanimous and Motion No. 1 passed.

Motion No. 2: Councilor Hansen moved, seconded by Councilor Moore, that Councilors be available for interviews at the Apportionment Commission's request during open, public meetings.

The Council as a whole discussed Motion No. 2.

Vote on Motion No. 2: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was unanimous and Motion No. 2 passed.

Councilor Moore noted she and Councilor McLain would participate in Region 2040 community presentations and asked if other Councilors planned to participate also.

Councilor Gardner noted Lake Oswego Mayor Alice Schlenker and Barbara Wiggin, former Gresham City Councilor, had been appointed to the Future Vision Commission by MPAC and discussed Washington State's appointment to the Commission.

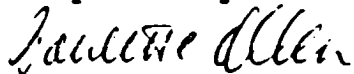
Councilor Washington noted he and Councilor Gates would conduct tours for citizens at Metro Regional Center when it opened and invited other Councilors to participate in conducting tours.

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Councilor Monroe announced Phase I of the Budget process for FY 1993-94 had been completed and the Budget Committee would begin Phase II.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paulette Allen".

Paulette Allen
Clerk of the Council