

METRO COUNCIL

July 22, 1993

Council Chamber

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

Councilors Absent: None

Presiding Officer Wyers called the regular meeting to order at 4:01 p.m.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Debbie Gorham, Waste Reduction Manager, and Jim Goddard, Senior Solid Waste Planner, distributed, explained and showed the video, "Metro's Resourceful Renovation," dated June 1, 1993. The video showed how and what construction debris was recycled and what recycled materials were used during the construction of Metro Regional Center, in addition to the energy-saving devices that were installed.

4. OTHER BUSINESS

4.1 Metro Apportionment Commission Report

Bill Boyd, Metro Apportionment Commission chair, reported on the Apportionment Commission's work from April 1 to June 21, 1993 (Apportionment Commission report dated June 30, 1993, filed with this meeting's record). Mr. Boyd thanked fellow Apportionment Commissioners who served: Sid Bass, Gary Coe, Sheila Holden, Nadia Kahl, Arthur Monson and Ardis Stevenson; and Metro staff: Kimi Iboshi, Mark Bosworth, Nicole Ruhleder, and Apportionment Commission Analyst Frances Hunter. He thanked the Council for making impartial appointments to the Commission because he said that had meant the best Commission possible to create the best possible plan in an extremely short period of time. Mr. Boyd introduced Mr. Monson and Mr. Bass who were in attendance at this meeting also.

Councilor Moore told Mr. Boyd she had heard glowing commendations on his and the Apportionment Commission's work.

4.2 Tax Study Commission Report

Mike Ragsdale, Tax Study Commission chair, reported on that Commission's activities to-date. He said the Commission had spent their first month in orientation activities and would develop subcommittees to evaluate different financing options. He said the Commission would accept subcommittee reports in two months and then develop a recommendation for the full Council's consideration.

Councilor Moore asked what subject areas the subgroups would cover. Mr. Ragsdale said the subgroups would include: 1) A fiscal policy and philosophy group to discuss "linkages," or whether a tax should directly relate

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to enterprise activities, or be general in nature; 2) A group to review functions related to the activities Metro performed and determine whether projected costs were on-line; and 3) A third group to review revenue sources. He said the Commission might have further or different suggestions at its next meeting July 23 at 8:00 a.m in Metro center Room 270.

Councilor Devlin noted revenues tied to enterprise activities limited an agency's options in the future if its needs changed and asked how much the subcommittees would focus on that issue. Mr. Ragsdale noted because of the Charter, planning was now considered Metro's primary mission or function and planning was not enterprise-related. He said he would ask the specific subgroup to make recommendations on taxing strategies pertinent to planning and to allow for future flexibility.

Mr. Ragsdale said it was logical to assume a state transfer tax could be used for planning functions, but did not know if that would be possible. He asked Councilors to contact their state senators about HB 2883. Councilor Van Bergen said constituents from his district held a dim view of such a transfer tax and said the Tax Commission should develop one comprehensive taxing strategy. He said he did not want to see competing tax strategies, or one from the Tax Study Commission and one from the Regional Recreational Facilities Funding Task Force. Mr. Ragsdale said the Commission would fulfill its own charge, but would stay in touch with the Task Force. He said, however, that the Tax Study Commission's efforts should remain separate

5. CONSENT AGENDA

5.1 Minutes of June 24, 1993

FROM THE PLANNING COMMITTEE

5.2 Resolution No. 93-1825. For the Purpose of Amending the FY 94 Unified Work Program to Include the Single Corridor South/North Alternatives/Draft Environmental Impact Statement Work Element and Amending the FY 93 TIP Accordingly

FROM THE FINANCE COMMITTEE

5.3 Resolution No. 93-1817. For the Purpose of Confirming the Appointment of Patricia Shaw to the Investment Advisory Board

5.4 Resolution No. 93-1822. For the Purpose of Obtaining the Approval of the Metro Council to Write Off Certain Accounts Receivable

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

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

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 93-504. For the Purpose of Amending Metro Code Section 5.02.060 Relating to the Credit Policy at Metro Solid Waste Facilities

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

Presiding Officer Judy Wyers announced that Ordinance No. 93-504 was first read on June 24, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on July 14 and recommended it to the full Council for adoption.

Main Motion: Councilor Monroe moved, seconded by Councilor Van Bergen, for adoption of 93-504.

Councilor Monroe gave the Finance Committee's report and recommendations. He noted it was necessary to amend the ordinance.

Motion to Amend: Councilor Monroe moved, seconded by Councilor Gates, to amend Ordinance No. 93-504, Section 5.02.060(d) as follows: ~~[Interest] A finance charge of one and one-half percent [per month (18 percent per annum)] shall [begin to accrue] be assessed~~ on all past due charges on the fifteenth day of the month following the month in which a statement is mailed, and on the fifteenth day of each month thereafter. ~~[Interest] Finance charges will [accrue] be assessed~~ only on unpaid past due balances, and not on previously ~~[accrued interest] assessed finance charges.~~ Finance charges will continue to be assessed on negotiated repayment schedules. Payments will be applied first to finance charges and then to the oldest amount due.

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

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 Ordinance No. 93-504A was adopted.

6.2 Ordinance No. 93-503. For the Purpose of Amending Metro Code Section 5.06.065. Criteria for Funding Metro Central Station Community Enhancement Projects/Programs

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

Presiding Officer Wyers announced that Ordinance No. 93-503 was read for a first time on June 10, 1993, and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on July 6, 1993, and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan, for adoption of Ordinance No. 93-503

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

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Councilor Van Bergen asked if Metro would retain some control of assets funded through the One Percent program via mortgages or co-ownership. Councilor Hansen said the disbursement of funds in this case meant an outright grant of money.

Katie Dowdall, Community Enhancement Coordinator, said this ordinance would fund the purchase of computers for Linnton Community Center and said Metro would not own the computers. She said in the case of a large acquisition or the acquisition of property, Metro could insert language on ownership of same. Councilor Hansen asked if Metro would be liable in such case. Ms. Dowdall said language could also be inserted to protect Metro. Councilor Van Bergen noted a One Percent grantee had just gone out of business and asked if Metro could recover its investment in that company. The Council and General Counsel Dan Cooper discussed the issues. Councilor Devlin said staff could review the prior history of such grants and establish protections for Metro in the case of liability or investment in the future to protect Metro to prevent vendors from going out of business and then selling equipment paid for by Metro. He said if Metro did pay for the partial purchase of a property, that should be an outright gift, but that Metro should have some protection.

Presiding Officer Wyers opened a 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. 93-503 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 93-1821. For the Purpose of Approving the Selection of Hearings Officers for Contested Case Hearings

Motion: Councilor Moore moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1821

Councilor Moore gave the Planning Committee's report and recommendations.

Vote: 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 Resolution No. 93-1821 was adopted.

7.2 Resolution No. 93-1820. Recommending Selection of a Locally Preferred Alternative and Making an Associated Land Use Decision for the Hillsboro Corridor Project

Motion: Councilor Moore moved, seconded by Councilor Devlin, for adoption of 93-1820.

Councilor Moore gave the Planning Committee's report and recommendations. Councilor Moore noted the Tri-Met Board of Directors would vote on this item July 28, 1993.

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. 93-1820 was adopted.

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7.3 Resolution No. 93-1823. For the Purpose of Adding One New Project to the Year Five Project List for the One Percent for Recycling Program for Fiscal Year 1992-93

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1823.

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

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. 93-1823 was adopted.

7.4 Resolution No. 93-1824A. For the Purpose of Establishing a Process for Evaluation of Metro's Solid Waste Fees, Consideration and Review of a New Rate Structure for FY 94-95, and Completion of Chapter 11 (Rates) of the Regional Solid Waste Management Plan

Motion: Councilor McFarland moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1824A.

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

Councilor Moore asked if the group would review the proposed tax on recyclables. Councilor McFarland said the fee in question was a system management fee on all items. She said the committee would review all aspects of how the Solid Waste management program subsidized recycling activities. The Council briefly discussed the resolution further.

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. 93-1824A was adopted.

7.5 Resolution No. 93-1827. For the Purpose of Authorizing Issuance of a Request for Proposals for Laboratory Services for St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1827.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. The Council briefly discussed the resolution further. Councilor Moore asked if the results from this study could be used for analysis on facilities such as Riverbend Landfill. Councilor McFarland said that was possible, but noted the St. Johns Landfill was a facility in the process of closure and the Riverbend facility was active.

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. 93-1827 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers distributed a memorandum from Mr. Carlson dated July 22, 1993, "Fleet Car Assigned to Council Department" and explained same.

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Presiding Officer Wyers noted two Council retreats had been scheduled for September 24 and October 4, 1993, from 3:00-7:00 p.m. She noted October 4 was the date of Metro's annual Regional Growth Conference and said she would ask the facilitators to provide an alternative date.

Councilors McLain and Moore asked what efforts had been made to-date to publicize the Growth Conference.

Lisa Creel, Associate Public Affairs Specialist, said advertising efforts were being made later in the year than usual because the Planning Department had just acquired a new public involvement planner. She noted this year's Growth Conference would also include an evening session to facilitate attendees who worked during the day.

Presiding Officer Wyers said she was working on a process to enable all Councilors to report on activities related to the advisory committees they served on.

Councilor McLain distributed her memorandum dated July 21, 1993, "Council Committee Reorganization." She said the memorandum would either: 1) Direct staff to prepare a draft resolution for consideration at the Governmental Affairs Committee to establish the committee structure for 1994 and establish a procedure for the selection of committee chairs; or 2) Hold a Council work session or retreat to enable the Council to discuss their views of the current committee structure and alternatives the Council might want to pursue next year. She said such a session should be held no later than mid-September so that results and conclusions could be implemented for 1994. Councilor Gates said discussion of those issues directly related to selection of the Council's Presiding Officer and discussion of same should be deferred to Fall 1993. Councilor Devlin said such changes could be discussed in Fall 1993. He said such changes could require amending the Metro Code which would require additional time. He said there had been some discussion that the Budget Committee should be a committee of the whole and said that and other issues should be discussed in mid-September also.

Councilor Van Bergen noted the Willamette Week NewsThin article on Metro Council races in the May 1994 primary election. He said when he began serving on the Metro Council, the race for Presiding Officer took approximately two weeks and now took months. He said discussion of the Presiding Officer race should be deferred until the fall. He said he had always supported committees of the whole, but said such a structure required discipline. He said rules for committees of the whole should be set now so that the seven-member Council beginning in January 1995 would have a firm foundation.

Councilor Moore said proposing discussion of committees of the whole was meant to separate the work of the body from the election of the Presiding Officer. She said to defer discussion on committee structure until Fall 1993 could be too late and said she would rather begin work on the issues in August.

Councilor Gardner said committees of the whole required discipline and concise decision-making processes. He said if discussion on committee structure waited too long, selection of the Presiding Officer would be concurrent. He said the process began early last year also. He said if the issues became too divisive, the Council could move on. He said if debate was deferred too long, it would be even more difficult to decide the issues.

Councilor Kvistad said such issues were closely connected with selection of the Presiding Officer last year and said he did not want the current committee structure changed. He said committees with 13 members would not be productive and a committee of the whole structure should be left for the seven-member Council to decide.

Councilor Hansen said committee work plans should be developed and said discussion should focus on the issues only.

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Presiding Officer Wyers asked the Council to give the issues further thought and said the issues could be discussed at the next or future Council meetings.

Councilor McLain said the September 24 Council retreat meeting could be used to address the issues. Presiding Officer Wyers said that meeting's agenda was not fully set and that discussion could be included.

Councilor Gates noted a memorandum from Merrie Waylett, Senior Management Analyst, "Sales Tax Update" dated July 21, 1993, which updated the Council on the status of pending sales tax legislation.

Councilor McFarland reported on her tour of the Bull Run watershed taken with Councilor Kvistad and staff from both Metro and the City of Portland.

Councilor Monroe said Councilors should review their paychecks to determine if they were incorrectly deducted for parking structure fees.

Councilor Kvistad suggested the Council give consideration to holding one Council meeting apiece in Multnomah, Washington and Clackamas Counties in 1994.

Presiding Officer Wyers asked Councilors to continue giving feedback on their trips and tours to other Councilors.

Councilor Hansen the Metro Committee for Citizen Involvement (MCCI) could offer suggestions on meeting sites for the Council in the three counties.

Presiding Officer Wyers said the MCCI planned to complete their work plan by September and were eager to report to the Council on their progress.

Councilor Van Bergen asked that lights in the Council Chamber be dimmed and/or repositioned so that they were not as bright.

Councilor Gates asked when Public Cable Access (PCA) would install permanent cameras in the Council Chamber as originally planned. Ms. Creel explained PCA had less money than anticipated to install cameras. Councilor Gates asked how much it would cost. Ms. Creel said the cost would be approximately \$50,000 and that the audio-visual vendor worked closely with PCA to make sure the Council Chamber would be compatible with their needs. Councilor Gates asked how much it cost to configure the Council Chamber for that purpose. Ms. Creel said she would research those costs and report back to the Council on same.

Ms. Creel noted she had met with nine Councilors, would meet with the other four Councilors and would submit her work plan for the Council soon.

Councilor Devlin said some Councilors were using the parking structure who did not pay for parking and said they should be treated like any other violator.

Councilor McLain noted the first Future Vision Commission meeting had been held on July 19, and said the next one would be held on August 2.

Councilor McLain asked if it would be possible for the Future Vision Commission's meetings to overflow beyond the Annex into the Council Chamber. She said if not, the post in the middle of the Annex obstructed participants' view of each other. Mr. Carlson said that was possible, but noted the "Council Chamber Usage"

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manual distributed to Councilors was meant to prevent what had happened at the old building. He said at the old building, staff had moved furniture and not replaced it and disturbed the old sound system. He said it was acceptable to move the Annex doors and push the tables out to avoid the column, but said such meetings should take place in the Annex only. He noted Councilor Gates' request that staff be allowed to beverages in the Council Chamber. He said such questions were for the Council to decide, and asked that if administrative staff asked Councilors to use a room, Councilors should refer staff to Council staff to book a room.

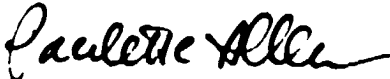
Councilor Hansen said eating and drinking should be allowed in meetings because a great deal of meetings were held at lunch time. The Council briefly discussed the issues further.

Presiding Officer Wyers thanked Councilor McLain for her work on the Future Vision Commission.

Casey Short, Senior Administrative Services Analyst, distributed his and Mr. Carlson's memorandum dated July 22 "Tour of Multnomah County Regional Parks Facilities" and asked how many Councilors would like to attend the tour. Eight Councilors indicated they would attend the tour.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 8:10 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council