

## MINUTES OF THE METRO COUNCIL

September 9, 1993

Councilors Present: Presiding Officer 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 4:01 p.m.

### 1. INTRODUCTIONS

None.

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

Richard L. Koenig, citizen, 1811 SE Oak, Portland, 97215, referred to an article printed in the September 9, 1993, edition of The Oregonian on Metro's solid waste fees and difficulty in financing the regional solid waste system because recycling levels had risen and less garbage was being disposed of. Mr. Koenig asked what Metro was doing about the solid waste rate structure and rising costs. Mr. Koenig expressed concern about illegal dumping and jurisdictional authority over same. Presiding Officer Wyers referred Mr. Koenig to the Bob Martin, Director of Solid Waste, and Council Analyst John Houser for further information.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. OTHER BUSINESS

#### 4.1 Review MERC Resolution No. 226

Presiding Officer Wyers announced per Council instructions at the June 24, 1993, meeting consideration of MERC Resolution No. 226 had been scheduled on this agenda for further and final Council review.

Jeff Blosser, Oregon Convention Center (OCC) director, said the Metropolitan Exposition-Recreation Commission (MERC) formed a task force to review the minority marketing needed to promote the OCC. He said the Council Regional Facilities had received several status reports on the same and that Councilor Washington had attended task force meetings. He said the Commission approved a Request for Proposals (RFP) on September 8.

Councilor Washington said he was pleased with the task force's process, work and the Scope of Work developed. He thanked Commissioners Mitzi Scott and Dick Waker, Mr. Blosser, Serge D'Rovencourt of the Hilton Hotel, Bernie Foster of The Skanner, Portland Oregon Visitors Association (P/OVA) representatives and Councilor McFarland, Regional Facilities Committee chair, for their work on this project.

Councilor McFarland said the RFP represented a good start on an effort to reach more people and would likely evolve for the better in the future.

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Council Analyst Casey Short explained the Council should vote to approve MERC Resolution No. 226 to allow the three-year marketing contract with P/OVA to go ahead.

**Motion:** Councilor Washington moved, seconded by Councilor Washington, to approve MERC Resolution No. 226.

**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 the motion passed.

**5. CONSENT AGENDA**

**5.1 Minutes of April 22, May 13, August 12 and 25, 1993**

Councilor Gardner noted he was listed as "absent" rather than "excused" for the August 25 meeting and asked what criteria was used to differentiate between the two categories. He said he was on a business trip during the time the meeting was held, but received no notification of the special meeting, and asked what savings resulted from adoption of Resolution No. 93-1841, A Resolution Amending Metro Resolution No. 93-1792 and Determining Certain Matters with Respect to the Issuance of Metro Waste Disposal System Refunding Revenue Bonds (Metro Central Transfer Station Project), 1993 Series A. Councilor Monroe briefly explained Resolution No. 93-1841.

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

**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 the Consent Agenda was adopted.

**6. ORDINANCES, FIRST READINGS**

**6.1 Ordinance No. 93-506, For the Purpose of Amending the Regional Urban Growth Boundary for Columbia South Shore, Policy 26 Area**

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

Presiding Officer Wyers announced that Ordinance No. 93-506 had been referred to the Planning Committee for consideration. She announced the Planning Committee's public hearing on this ordinance had been scheduled for October 26, 1993, consistent with the 45-day notice requirement of a public hearing on this ordinance.

Stuart Todd, Assistant Regional Planner, asked that Ordinance No. 93-506 be scheduled for a time certain after 5:00 p.m. on October 26 to comply with public notice requirements for UGB ordinances. Councilor Van Bergen, Planning Committee chair, and Mr. Todd briefly discussed timing and public notice requirements.

**6.2 Ordinance No. 93-511, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring \$62,500 from the General Fund to the Greenspaces Planning Division of the Regional Parks and Expo Fund for a Greenspaces Options Demonstration Project**

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

Presiding Officer Wyers announced that Ordinance No. 93-511 had been referred to the Finance Committee for consideration.

**6.3 Ordinance No. 93-512, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Funding the Lloyd District Local Street Improvement Assessment from the City of Portland on the Oregon Convention Center and Metro**

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

Presiding Officer Wyers announced that Ordinance No. 93-512 had been referred to the Finance Committee for consideration.

**7. ORDINANCES, SECOND READINGS**

**7.1 Ordinance No. 93-507, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring \$10,000 from the General Fund Contingency for a Voluntary Contribution to Assist in the Funding of the Institute of Portland Metropolitan Studies (Public Hearing)**

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

Presiding Officer Wyers announced that Ordinance No. 93-507 was first read on August 12, 1993, and referred to the Finance and Governmental Affairs Committee for consideration. She said the Finance Committee considered the ordinance on August 25 and recommended it to the full Council for adoption and the Governmental Affairs Committee considered it on August 19 and recommended the ordinance to the full Council for adoption also.

**Motion:** Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-507.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$10,000 from Contingency to pay the Institute of Metropolitan Studies. He explained the Institute had an independent board of directors comprised of civic leaders and elected officials including Presiding Officer Wyers and noted their board worked closely with other organizations on planning functions including the Forum on Cooperative Urban Services (FOCUS).

Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She said the Governmental Affairs Committee also unanimously recommended adoption of the ordinance by the full Council, with the condition that Metro review the dues budgeted to pay FOCUS. She asked if Metro had paid the dues to FOCUS yet and said the Committee discussed whether or not to approve the \$10,000 payment in lieu of paying FOCUS.

Presiding Officer Wyers opened the public hearing.

No citizens appeared to testify and the public hearing was closed.

The Council discussed the ordinance further. The Council asked for further clarification of both groups' function to ensure efforts on either side were not duplicated. Council Administrator Don Carlson said the Council adopted Resolution No. 93-1811 on June 10, 1993, which directed FOCUS dues should be paid. He

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said the Council Department had not yet received a bill from FOCUS. He said FOCUS would be paid unless the Council via another resolution directed staff not to do so. Councilor McLain said the composition of each group was different and that Metro was paying dues to both organizations to maintain contact and network with a variety of entities.

**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. 93-507 was adopted.

**7.2** Ordinance No. 93-508, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring \$11,626 from the Support Services Fund Contingency to Fund 0.42 FTE Temporary Assistance and Related Materials & Supplies in the Finance and Management Information Department (Public Hearing)

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

Presiding Officer Wyers announced that Ordinance No. 93-508 was first read on August 12, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 25 and recommended it to the full Council for adoption

**Motion:** Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-508.

Councilor Buchanan gave the Finance Committee's report and recommendations. He explained the ordinance would provide funding for temporary clerical support for the Tax Study Committee. He said the Financial Planning Division's secretary would continue to provide clerical assistance to the Committee and the temporary employee would fill in to assist the secretary with part of the existing work load. He said that arrangement would terminate December 31, 1993, that the Tax Study Committee was supposed to make its report to the Council by the end of November, and that the additional time would enable the secretary to distribute the final report and close the files.

Presiding Officer Wyers opened the public hearing

No citizens appeared to testify and the public hearing was closed.

There was no Council discussion.

**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. 93-508 was adopted.

**7.3** Ordinance No. 93-509, For the Purpose of Amending the Metro Code Relating to the Collection of User Fees and Excise Taxes from Franchised and other Designated Solid Waste Facilities (Public Hearing)

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

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Presiding Officer Wyers announced that Ordinance No. 93-509 was first read on August 12, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 25 and recommended it to the full Council for adoption.

**Motion:** Councilor Van Bergen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-509.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would simplify and clarify how and when solid waste rates and excise taxes were charged and billed to haulers.

Presiding Officer Wyers opened the public hearing.

No citizens present appeared to testify and the public hearing was closed.

Councilor Kvistad complimented Finance & Management Information Department staff for their work on the ordinance.

**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. 93-509 was adopted.

7.4 Ordinance No. 93-505, For the Purpose of Approving the Revision of Metro Code Section 4.01.050 Revising Admission Fees at the Metro Washington Park Zoo

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

Presiding Officer Wyers announced that Ordinance No. 93-509 was first read on August 12, 1993, and referred to the Regional Facilities and Finance Committees for consideration. The Regional Facilities Committee considered the ordinance on August 18, and the Finance Committee considered the ordinance on August 25, 1993. Both committees recommended the ordinance to the full Council for adoption.

**Motion:** Councilor Monroe moved, seconded by Councilor Gates, for adoption of Ordinance No. 93-505.

Councilor Monroe gave the Finance Committee's report and recommendations. He said the ordinance would raise Zoo admission fees by \$.50 effective in January. He said the Finance Committee debated the increase extensively and the Committee's consensus was that, even with a good contingency balance, future light rail construction would affect Zoo attendance too much. He said this increase would protect the Zoo's fiscal stability until construction was completed in 1997.

Presiding Officer Wyers opened the public hearing.

Scott Keller, citizen, 7504 SW View Point Terrace, Portland, asked when the last Zoo fee increase occurred, how much revenue would this increase raise, and whether the increase would be enough to cover anticipated deficits caused by light rail construction.

Councilor Monroe said the last increase was effective January 1992 and that the increased revenue would total approximately \$319,000 more per year.

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**Motion to Amend:** Councilor Kvistad moved, seconded by Councilor Gardner, to amend Ordinance No. 93-505 as follows: To increase adult rates from \$5.50 as proposed to \$6.00 and to decrease youth rates as proposed from \$3.50 to \$2.50, with other rates as proposed remaining the same.

The Council discussed the motion to amend.

**Vote on Motion to Amend:** Councilors Gardner, Hansen, Kvistad, McLain, Van Bergen and Washington voted aye. Councilors Buchanan, Devlin, Gates, McFarland, Monroe, Moore and Wyers voted nay. The vote was 7/6 opposed and the motion to amend failed.

Councilor Gardner said he could not support increasing Zoo fees because increasing rates would discourage people from visiting the Zoo in the middle of construction. He said the Zoo had an ample reserve fund at this time.

Councilor McLain asked Zoo Director Sherry Sheng to conduct a survey to ensure Metro Zoo fees were comparable with other zoos in the nation. She said citizens should also be surveyed and given an opportunity to express their opinions of Zoo fees and rates. Councilor Kvistad expressed objections to increasing children's admission rates. Councilor Moore said Zoo admission fees would still be reasonable, but said the Zoo could implement incentives such as "dollars off" coupons for zoo admittance. She asked Zoo staff to report to the Regional Facilities Committee regularly on issues relating to the Zoo during the construction phase of light rail. Councilor Monroe said the public understood small inflationary increases.

**Vote on Main Motion:** Councilors Buchanan, Devlin, Gates, Hansen, McFarland, McLain, Monroe, Moore and Van Bergen voted aye. Councilors Gardner, Kvistad, Washington and Wyers voted nay. The vote was 9-4 in favor and Ordinance No. 93-505 was adopted.

**8. RESOLUTIONS**

**8.1 Resolution No. 93-1830, For the Purpose of Making a Citizen Appointment to the Transportation Policy Alternatives Committee (TPAC)**

**Motion:** Councilor Gates moved, seconded by Councilor Moore, for adoption of Resolution No. 93-1830.

Councilor Gates gave the Planning Committee's report and recommendations. He explained Rex Burkholder had been selected by a subcommittee of the Planning Committee to fill the vacancy left by Dapo Sabomehin on the Transportation Policy Alternatives Committee (TPAC). He said serving on the subcommittee were: Councilors Devlin, Moore and himself. He said the resolution also clarified the alternate selection process by allowing citizen members to select their own alternate within 30 days with the Planning Committee chair's approval.

Councilor Gardner said Mr. Burkholder had been effective advocate for commuters using modes other than individual cars to travel in the region.

**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. 93-1830 was adopted.

**8.2 Resolution No. 93-1833, A Resolution Approving an Addition of Representatives from Clark County and Vancouver, Washington to the Metro Policy Advisory Committee**

**Motion:** Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1833

Councilor Kvistad gave the Planning Committee's report and recommendations. He explained the resolution was the result of a request by Washington County representatives who asked for membership on the Metropolitan Policy Advisory Committee (MPAC). He said MPAC discussed the request and allowed two liaison members; one each from the City of Vancouver and Clark County, Washington. He said they would not serve as voting members, but would have all other rights.

**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. 93-1833 was adopted.

**8.3 Resolution No. 93-1838, For the Purpose of Extending Contracts for Environmental Work Associated with the Completion of the Hillsboro Corridor Final Environmental Impact Statement**

**Motion:** Councilor Moore moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1838.

Councilor Moore gave the Planning Committee's report and recommendations. She explained the resolution would extend existing contracts with Steven M. Siegel and Parametrix, Inc. originally planned for two phases. She said an evaluation was conducted after phase one to determine whether the same contractors should continue with the work for phase two. She said the evaluations were positive and that Planning Department staff found the consultants' work on the first phase qualified them to finish the second phase. She said the contracts were currently designated "B" contracts, but since contract costs were over \$10,000, the Council had to approve the contract extensions, and noted funding for the contracts was obtained via an intergovernmental agreement (IGA) with Tri-Met.

There was no Council discussion on Resolution No. 93-1838.

**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. 93-1838 was adopted.

**8.4 Resolution No. 93-1829A, For the Purpose of Endorsing the Region's Priority FY 95-97 Mitigation/Air Quality Program Projects for Submission to the Oregon Transportation Commission for Inclusion of These Projects**

**Motion:** Councilor Monroe moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1829A.

Councilor Monroe gave the Planning Committee's report and recommendations. He explained the Planning Committee received extensive public testimony on Resolution No. 93-1829A and said the testimony focused on inadequate public involvement on the list of projects, primarily Project 032 - Cedar Hills Boulevard: Park Avenue to Butner Road. He said citizens thought Project 032 was too expensive and that the funds could be better used for other projects. He said the Planning Committee amended the resolution to approve the projects

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list except for Project 032. He said the Planning Committee returned Project 032 to the Joint Policy Advisory Committee on Transportation (JPACT) for further work. He said because of the amendment made, the Planning Committee had been responsive to concerns expressed by the public.

Presiding Officer Wyers opened a public hearing.

Sid Bass, Metro Committee for Citizen Involvement (MCCI) member, said there was a need for citizen involvement on such projects early in the process. He said MCCI was studying this and similar issues and asked the Council to be aware that citizen involvement was necessary at the beginning rather than the end of a project or projects. He said MCCI would make recommendations to the Council on such issues later in 1993.

Douglas Terrill, Hillsdale Vision Group, 6346 SW Capitol Highway, Portland, asked the Council to refer Resolution No. 93-1829A back to the Planning Committee because of: 1) Lack of outreach for citizen participation in the second round of funding; and 2) Misplaced priorities regarding Project 003, Columbia Slough "Intermodal Expansion Bridge." He said currently, the railroad had made no commitment on this project as stated by David Lohman at the August 12 JPACT meeting. He said in page 7 of Planning Department staff's report, TPAC recommended moving the project to the priority list subject to FHWA and FTA arrangements with the railroads only. He said Project 003 should never have advanced to this level and also asked the Council to reconsider the "Students to Schools" project further. Mr. Terrill distributed written testimony (filed with the record of this meeting).

Ann Bakkensen, Hillsdale Vision Group, 1141 SW Mitchell Lane, Portland, said density in Hillsdale was increasing and that changes in traffic and arterials presented hazards such as blind spots and inadequate pedestrian crosswalks. She urged the Council to reject Resolution No. 93-1829A in its present form to give citizens the opportunity for input. She said citizens should receive an overview of proposed transportation plans. She urged the Council to encourage citizen participation in the decisions that affected them.

Councilor Gardner asked Ms. Bakkensen if she had heard of any of the projects proposed in Resolution No. 93-1829A via the City of Portland. Ms. Bakkensen said she had heard of Project 003, the Columbia Slough Expansion Bridge, but otherwise had seen no public outreach efforts by the City of Portland or other entities.

Councilor Moore said there had been no citizen involvement process at the local level. Councilor Devlin agreed the process had been inadequate at local levels, but said difficulties in identifying appropriate projects occurred because some jurisdictions did not advocate for the projects they could have advocated for. He asked how citizen involvement could be funded, or how governments could devote adequate resources to citizen involvement.

Ms. Bakkensen said federal monies were involved, that one Councilor had admitted there was no public involvement, and another Councilor had practically said public information efforts were impossible. Councilor Devlin clarified he meant there was not enough revenue to inform 1.5 million citizens of what projects were proposed on their behalf. Ms. Bakkensen said citizens were beginning to realize that they could define their own communities and what they should look like. She said Metro should acknowledge efforts made by local citizens groups.

The Council and Ms. Bakkensen discussed citizen involvement issues further. Councilor Gates encouraged Ms. Bakkensen to contact staff directly in the Planning Department for assistance on similar issues in the future. Councilor McLain said the resolution had to be adopted at this to secure federal funding for the other projects.

Councilor Buchanan asked Ms. Bakkensen where the project she mentioned previously was located.



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David Lohman, Port of Portland, 7528 SE 29th, said the Columbia Slough Bridge crossed the Columbia Slough at Rivergate.

Councilor Monroe explained the list was presented as a series of recommendations from JPACT to the Planning Committee. He said because of testimony given at the Planning Committee, the Committee removed Project 032, but did not have the authority to move up another project. He explained the Columbia Slough Project had received a higher rating than projects closer to Ms. Bakken's community.

Councilor Gardner said Metro could force local jurisdictions to prove they had an adequate public involvement process on projects in the future.

Katherina Woodward, Willamette Pedestrian Coalition, 6234 SW 30th Ave., Portland, thanked the two previous testifiers. She said she had devoted herself to transportation issues and problems for the last 15 years. She said a process for citizens, both informed and uninformed, should be instituted. She said citizens in Hillsdale were not informed about these federal funds and plans for them at the local level. She said at this point, local governments and Metro should determine how to prevent such situations in the future. The Council and Ms. Woodward discussed public involvement efforts further.

Kay Durtsch, SWNI, 2230 SW Calden, Portland, said citizens had done their best to participate. She did not believe the Columbia Slough bridge was the highest possible priority project. She said wrong information had been disseminated and wrong decisions had been made. She said her organization had only one week to obtain necessary information on the projects.

Received via fax and filed with the record of this meeting, was written testimony from Marc San Soucie, Bicycle Transportation Alliance, which stated: "1) There have been only limited opportunities for public input, and almost no opportunity for public submission of projects, in spite of the public input requirements of the ISTEA; 2) The ranking criteria include an unfortunately strict pair of requirements that projects submitted be listed on both the Regional Transportation Plan and the individual jurisdiction's Transportation System Plan. This serves to exclude many projects which might have far greater impact on air quality in the region; 3) There has been little critical evaluation of the technical details of the various projects. Analyses provided by the jurisdictions submitting projects have been accepted without question."

Presiding Officer Wyers asked if any other persons present wished to testify. No other persons appeared to testify and the public hearing was closed.

The Council discussed Resolution No. 93-1829A further. Councilors McLain and Gardner said testimony given at this meeting had caused them to question the suitability of some of projects. Councilor Moore said this was the Council's opportunity to amend the list which represented Round 2 of CMAQ funds/projects which would be effective until 1997. Councilor Kvistad said the projects represented regional equity. He said a project favorable to Washington County had been discarded, but said he respected the preferences given by Metro's regional partners. Councilor Hansen said many of the proposals came from local governments because they were supported by neighborhood associations throughout the process. She said Metro could ensure public involvement and participation with the next projects list. Councilor Devlin said although the public involvement process in this case was inadequate, Metro had to adopt the resolution to meet federal guidelines. Councilor Washington asked Planning Department staff to offer assistance to the citizens who testified on the resolution. Richard Brandman, Assistant Director, Planning Department, said he would act as Planning Department liaison for citizens who had testified.

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**Vote:** Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner voted nay. The vote was 12/1 in favor and Resolution No. 93-1829A was adopted.

Presiding Officer Wyers recessed the Council at 6:35 p.m. The Council reconvened at 6:56 p.m.

**8.5 Resolution No. 93-1848, For the Purpose of Authorizing the Executive Officer to Enter into a Franchise Agreement with Willamette Resources, Inc. for Construction and Operation of the Metro West Station**

**Main Motion:** Councilor Buchanan moved, seconded by Councilor Moore, for adoption of Resolution No. 93-1848.

Executive Officer Cusma announced she did not recommend adoption of Resolution No. 93-1848.

**Bonnie Hays**, Washington County Board of Commissioners chair, and chair of the Washington County Solid Waste Systems Design Steering Committee (Steering Committee), and **Delyn Kies**, Washington County staff, listed reasons why the Council should adopt Resolution No. 93-1848 (written testimony filed with the record of this meeting)

The Council, Ms. Hayes and Ms. Kies briefly discussed the Steering Committee's testimony further.

Presiding Officer Wyers opened a public hearing.

**Robert Peterson**, citizen, 8655 SW Parkview, Beaverton, said the Council should listen comprehensively to all the testimony given at this meeting. He said he heard the vote on this issue was already set, but said the Council should listen to the taxpayers. He said Metro was created to avoid duplication of services by the counties and said Metro should not let a county dictate where a transfer station should be sited. He asked how such a transfer station would benefit citizens who paid lower disposal rates than citizens in two other counties who would have to pay higher rates to pay for it.

**Niki Phillipj**, citizen, 19325 SW Blanton St., Aloha, said she was against spending money on a transfer station that might never be needed. She said funds available should be used to build recycling facilities which would reduce solid waste and reduce the need for a new transfer station.

**Michael Lynch**, citizen, Safety Committee, 5417 NE 30th, Portland, said he had already expressed opposition to a new transfer station via letters and testimony at the Council Solid Waste Committee. He said he had heard solid waste rates could increase by as much as \$15 per ton and asked if that increase would cover the new transfer station or if there would be more increases later.

Councilor McFarland noted she was chair of the Rate Review Committee and that no such increase had been contemplated.

**Gloria Worden**, citizen, 9637 N. Fiske, Portland, asked the Council to follow staff's recommendation and vote against the transfer station.

**Elaine Chapman**, citizen, PO Box 12693, Portland, said she would have to pay substantially higher solid waste rates to pay for the new transfer station and said if Resolution No. 93-1848 passed, illegal dumping would increase.

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John Walker, Steering Committee member, 455 NW 97th Avenue, Portland, said he had testified in support of the transfer station before in his capacity as a solid waste hauler. He said four hauler associations with no monetary interest in the project supported construction of Metro West Station (MWS).

Councilor Hansen asked how many hauling firms in Washington County were one or two-truck firms. Mr. Walker said seven or eight were that size out of approximately 22 firms.

Brian Nichols, citizen, 3275 NE Holman St., Portland, said higher solid waste disposal rates would cause his family financial hardship.

Warren Womack, citizen, 860 NE Baldwin Drive, Hillsboro, said he owned a residential care home and said during the last five years his rates had doubled, but solid waste disposal services had not. He asked if this was the optimum time or location to build MWS. He said government services should be as centralized as possible and noted citizens could be dealing with corporate, health insurance and sales taxes in the future. He said a transfer station was a bad investment for the dollars involved. He said because of recycling, he produced half the curbside waste he produced two years ago, including medical waste, but said the cost of disposal had doubled anyway.

Councilor Moore and Mr. Womack discussed the issues briefly. Councilor Moore said there should be rebates for customers who recycled.

Steve Abeling, MCCI alternate member, 7619 SW Locust, Portland, said he resided in Washington County and said if MWS were built, the entire Metro region would subsidize a project that would help Washington County only.

Barbara Petersen, citizen, 8655 SW Parkview Loop, thanked Executive Officer Cusma for her bold stand in opposing construction of MWS. She said citizens in Clackamas and Multnomah Counties were in a really bad mood about unnecessary spending and said the transfer station decision was a decision that could be postponed.

Bruce Broussard, The Skanner, publisher, gave the Clerk approximately 2,000 signatures from citizens opposing construction of MWS. He said Metro should not build a new transfer station at this time.

Monica Stuart, citizen, said she was on a fixed income and could not afford her current garbage bill. She said her neighborhood's solid waste disposal rates were high already. She said higher rates meant citizens would put out their garbage hoping someone would pick it up. She asked why northeast Multnomah County had the highest disposal rates in the region.

Councilor McFarland said Metro charged a specific rate for tipping fees and that Ms. Stuart should contact the City of Portland, which franchised haulers to ask why her fees were so high. She said the Council fought not to increase the tipping fee in 1992 and said the Rate Review Committee and the Council empathized with citizens who paid high fees already. She said the Council was working not to raise the fees any more.

Ms. Stuart asked why haulers in her neighborhood were white. She asked why there were no black haulers, and asked how blacks could get jobs in the hauling industry. She said the community needed more jobs that paid more than \$5.00 per hour.

Councilor Washington named some minority owned hauling businesses and said Ms. Stuart should contact industry representatives for job contacts.

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Councilor Hansen noted the City of Portland had the same hauling rate throughout the city except for the west side because of the hills. She said Metro did not set pick-up rates. She said costs increased even when Metro did not increase tipping fees and said Metro got blamed for those increases.

Ms. Stuart said if a transfer station was built in Washington County, she could not work there and the station would not benefit her community.

The Council and Ms. Stuart discussed the issues further. Councilor Moore said staff would mail Ms. Stuart a listing of all garbage haulers in the region.

J.C. Williams, affiliated with the Mellon Church of Christ, 3808 NE Portland, said he spoke for citizens in the community who could not afford higher solid waste disposal rates. He asked his representative on the Council to come to the church and talk to citizens about the issues. Councilor Hansen said she would do so.

Aida Rashad, citizen, 20 SE 8th, said she was appalled that citizens had to wait so long at a meeting to testify on the issues. She said she was a resident of northeast Portland and a volunteer at KBOO. She did not agree with construction of MWS because it would create inequities in the communities; the rates were already high enough; unemployment rates were high; businesses were thinking of leaving NE Portland without the added incentive of higher solid waste fees; she said Portland already had the one of the highest tipping fees in the nation; higher rates would affect morale with regard to recycling; said that if citizens were recycling more they should not have to pay higher solid waste fees; that Metro should look at alternatives for recycling and facilities for the same; that a 20-year agreement was too long a term to contract for; that MWS would dispose of much less tonnage than Metro Central and Metro South Stations (MCS and MSS); that citizens who supported Ballot Measure No. 5 would welcome lower garbage rates; that the community should not be penalized for recycling; and said citizens would not appreciate an increase at this time.

Naomi Carter, citizen and member, Mellon Church of Christ, said she was a senior citizen on a fixed income and opposed building a transfer station. She said she lived on \$650 per month, half of which she paid for housing. She said she owed on her garbage bill and was being charged interest.

Presiding Officer Wyers told Ms. Carter it was for her hauler to charge her interest unless she had signed a previous agreement to do so.

Mary Hayes, citizen and member, Mellon Church of Christ, said her garbage bill was high enough and opposed construction of a new transfer station that could raise her rates.

Pat and Allan Gamble, citizens and members, Mellon Church of Christ, 2111 NE 15th, Portland, testified against building a new transfer station. Ms. Gamble said her rent had doubled over the last three years and that another garbage increase would increase her rent. Mr. Gamble asked how governments could increase rates when citizens on fixed incomes did not get increases.

Gahiji Bostic, 109 NE Hancock St., Portland, concurred with Mr. Broussard's testimony given earlier.

Cheryl Sheppard, citizen, 3640 NE Lombard said she was a senior citizen and a widow and could not afford another garbage increase. She said she knew the costs of disposal were increasing, but said citizens were putting out less garbage and paying more.

Emma Castor, citizen, 510 NE Failing, Portland, said she had difficulty getting a job in the NE area although she had worked on the survey for Mr. Broussard. She said no one had taken time to go into the community and

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demonstrate what recycling was. She said bills were high and that trash had been piled in areas for up to six months. She said citizens called the City of Portland to complain, but that it was still not picked up. She said citizens paid for plastic recycling containers which were being used for other purposes. Ms. Castor asked why senior citizens were not charged lower disposal rates.

Timothy McNair, citizen, 3633 NE 11th, Portland, said he worked on the survey sponsored by Mr. Broussard also and asked why citizens were penalized for recycling. He said he felt cheated that the survey did not result in more jobs for the community. He stated for the record he opposed any solid waste fee increase for whatever reason. He said Metro should spend funds intended for MWS on a recycling center located in NE Portland and provide jobs to the community.

Reverend W.R. Richardson, citizen, 1732 NE Delmar, agreed with previous testimony given. He said he was worried about increased illegal dumping. He said he missed his garbage pick-up on one Friday, and was charged \$8 extra for the extra bag he put out the next week. He said extra charges such as those were a hardship for citizens on fixed incomes.

Scott Keller, citizen, 7504 SW View Point Terrace, Portland, said \$11 million spent by Metro to build MWS was too much money. He said he saw nothing in the documentation on debt service, principle or interest payments. He said the letter of credit was for a five-year period, and the contract length was for 20 years, and asked what guarantees Metro would have after the letter of credit guarantee had elapsed. He asked, if MWS defaulted such as the Metro-Riedel Composter facility, which party would be liable. He noted testimony given at this meeting by citizens who stated it would be a hardship to pay higher solid waste dumping fees. He also expressed concern about increased illegal dumping.

Rod Adams, Thompson Adams DeBast & Helzer, 3500 SW Hall Boulevard, Beaverton, representing A.C. Trucking, distributed written testimony (filed with the record of this meeting) stated A.C. Trucking's opposition to construction of MWS by WRI and discussed future negative impacts on the Forest Grove Transfer Station (FGTS) and local haulers.

Charles Marshall, Chrome Data Corporation, and Councilor Moore discussed materials recovery costs.

David Knowles, Davis Wright & Tremaine, and Merle Irvine, Willamette Resources, Inc. (WRI) vice-president, testified on the issues. Mr. Knowles said the decision at hand was not a choice between "no" increase and "some" increase in fees. He said there had to be some fee increases to relieve MSS in the next few years. He discussed the letter of credit.

Councilor Hansen asked for additional information on the letter of credit from staff. The Council and Mr. Knowles discussed the letter of credit further.

Councilor Van Bergen said the resolution did not obligate the Executive Officer to sign the contract with WRI if the Council adopted it. Councilor Devlin asked if the service agreement were approved, and the letter of credit was found to be unsatisfactory later, whether Metro could withdraw from the contract with no penalties. Dan Cooper, General Counsel, said WRI would have one year to sell bonds. He said if that was unsuccessful, either party could withdraw if they acted in good faith. The Council and Mr. Cooper discussed financing issues further. Mr. Knowles noted the letter of credit had only been issued a few days earlier. He said since the service agreement had already been agreed upon, it had seemed pointless to discuss the letter of credit.

The Council discussed financial details further with Jennifer Sims, Director of Finance & Management Information (FMI) and Chip Pearson, Principal Financial Management (PFM). Mr. Pearson said the letter of

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credit was not marketable at this point. He said a five-year term was better than the one-year term previously proposed, but said investors wanted to know exactly what would happen in the future. He said other items that caused concern included the fact that no liens could be placed on WRI's other holdings without First Interstate's approval. Mr. Pearson discussed the letter of credit further.

The Council and Mr. Cooper discussed and compared the letter of credit with similar experiences gained from closure of the compost facility. Mr. Cooper noted the compost facility had been covered by a Lloyd's of London policy. Mr. Knowles said many financial issues were not pursued or clarified after Executive Officer Cusma announced her opposition to construction of MWS.

Dwayne Sorenson, WRI's parent company president, testified in favor of adopting Resolution No. 93-1848.

Bob Martin, Director of Solid Waste, commented on testimony given at this meeting and other issues related to MWS. The Council and Mr. Martin discussed the issues including flow control, forecasting, rates now and in the future, and Metro possibly franchising haulers in the future.

Councilor Gates noted the Solid Waste Committee report listed reasons to delay the Council's making a decision at this time. He said those reasons included the opportunity to gather more data on tonnage; pending federal legislation and court decisions on flow control; Metro's rate structure study planned for completion by December 1993; Metro's current organic waste stream study; Metro's agreement with Multnomah County for increased flow control and illegal dumping enforcement, and system issues raised by station proponents which included: 1) revising the Regional Solid Waste Management Plan (RSWMP); 2) developing a system for how flow control would be implemented; 3) potential modification of MSS; and 4) the potential of a differential rate structure in Washington County. He said if the Council delayed its decision on MWS, that would allow additional time for these and other issues to be addressed.

Motion to Lay on the Table: Councilor Gates moved, seconded by Councilor Gardner, to lay Resolution No. 93-1848 on the table until March 10, 1994.

The Council discussed the motion. Councilor Gardner said an additional six months would give the Council more time for an educated decision. Councilor Kvistad objected to such a motion being made at this stage in the process. Councilor McLain concurred with Councilor Kvistad's comments about the timing of the motion coming after five hours of public testimony, but prior to full Council discussion of the issues. She said a six-month delay would not improve estimates very much and said exercising flow control would be very different if MWS was going to be built. She said recycling subsidies depended on how many solid waste facilities Metro was going to have. Councilor Devlin said the Council should ask if MWS was necessary to have the kind of regional solid waste system Metro wanted to have in place. To Councilor Devlin's question, Executive Officer Cusma said she expected very specific instructions from the Council if she was to proceed with acquisition of the transfer station. She said that she would anticipate the need for the Council to adopt an ordinance to require construction of the station. Councilors Moore and Monroe opposed the motion to table. Councilor Washington said he was prepared to vote at this time. Presiding Officer Wyers said she would vote nay.

Withdrawal of Motion to Table: Councilor Gates, with Councilor Gardner's consent, withdrew the motion to lay Resolution No. 93-1848 on the table.

Councilor Moore said she was committed to her constituents in Washington County, but could not vote for the transfer station because it was not a good financial thing to do for the region at this time. Councilor Van Bergen said people should stop viewing the collection as being aggressive. He said if franchises were taken

away, that would destroy communities supported by franchise fees, lead to mandatory pick-up, and then Metro would start picking up garbage and be put in the position of providing social services. He said there was no good reason for Clackamas County to continue to bear the burden of too much solid waste disposal. He said he was not originally in favor of MWS being a privately-owned facility, but believed financing problems as discussed at this meeting would be cured. Councilor Gates said he had problems with the process as a whole to procure the facility and said it was not necessary to build it. He said Metro would not need such a facility for another 15-20 years. Councilor Devlin said many of the concerns expressed at this meeting were valid, but believed MWS was needed. He said Metro was a regional entity which planned on a regional basis. He said it would be difficult to state Metro had a regional solid waste disposal system if there was no transfer station in Wilsonville. He said the decision to build could be delayed for a only a minimum of five more years. Councilor Hansen said the St. Johns community had suffered from the burden of solid waste disposal for over 50 years. She said Metro could not continue to postpone completing the solid waste system because construction costs were not going to be any cheaper later. She said Metro could pay now, or pretend to save taxpayers money until 5-10 years from now when the present Council would not be around to answer for it. She said MWS would complete a system that was needed on a regional basis. Councilor Kvistad said he would like to be able to say he had saved the taxpayers \$10 million, but said it would cost more in the long run if the transfer station were built later. Councilor McLain said individual Councilors were not making their decisions lightly, but were making decisions based on different perceptions of the same facts.

Vote on Main Motion: Councilors Buchanan, Devlin, Hansen, Kvistad, McLain and Van Bergen voted aye. Councilors Gardner, Gates, McFarland, Monroe, Moore, Washington and Wyers voted nay. The vote was 7/6 opposed and the motion to adopt Resolution No. 93-1848 failed to pass.

Presiding Officer Wyers recessed the Council at 11:54 p.m. The Council reconvened at 12:01 a.m.

**8.6 Resolution No. 93-1836A, For the Purpose of Establishing Meeting Times for the Council and Council Standing Committees**

Motion: Councilor Gardner moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1836A.

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

Presiding Officer Wyers opened a public hearing.

Gail Cerveny, MCCI chair, said responses to MCCI's survey on meeting times was 60 percent in favor of changing meeting start times from 4:00 to 5:00 or 5:30 p.m.

The Council briefly discussed the resolution.

Motion to Lay on the Table: Councilor Monroe moved, seconded by Councilor Buchanan, to lay Resolution No. 93-1836A on the table.

Vote on Motion to Lay on the Table: Councilors Buchanan, Gates, Hansen, Kvistad, McFarland, Monroe, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Gardner, McLain and Moore voted nay. The vote was 9/4 in favor and Resolution No. 93-1836A was tabled.

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**8.7 Resolution No. 93-1839, For the Purpose of Establishing a Schedule and Process for Council Consideration of the FY 1994-95 Proposed Budget**

**Motion:** Councilor Devlin moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1839.

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

Councilor Moore asked Ms. Sims if she agreed with the resolution. Ms. Sims said she did not.

**Vote:** Councilors Buchanan, Devlin, Gardner, Kvistad, McFarland, Monroe, Van Bergen, Washington and Wyers voted aye. Councilors Gates, Hansen, McLain and Moore voted nay. The vote was 9/4 in favor and Resolution No. 93-1839 was adopted.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item No. 8.8.

**8.8 Resolution No. 93-1835, For the Purpose of Exempting SCT Financial Software System Maintenance Contract and Four Unisys Contracts from Competitive Bid and Authorizing Execution of the Required Contract Documentation on All Five Contracts**

**Motion:** Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1835.

Councilor Kvistad gave the Finance 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. 93-1835 was adopted.

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

**8.4 Resolution No. 93-1829A, For the Purpose of Endorsing the Region's Priority FY 95-97 Mitigation/Air Quality Program Projects for Submission to the Oregon Transportation Commission for Inclusion of These Projects (Continued)**

**Motion:** Councilor Gardner moved, seconded by Councilor Gates, to request that the Planning Committee review the "Students to Schools" project proposed by the Hilldale Vision Group, for possible inclusion on the CMAQ contingency list.

The Council discussed the motion.

**Vote:** Councilor Gardner voted aye. Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted nay. The vote was 12/1 opposed and the motion failed.

**9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**



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**Councilor McFarland explained parliamentary procedure with regard to withdrawing a motion from consideration by the body.**

**Councilor McLain objected to abuse of parliamentary procedure. She said making a motion to table at 11:30 p.m. was abusive to both fellow Councilors and citizens. She said Councilors who subscribed to such maneuvers should come to the facilitators' work sessions scheduled for September 24 and 27.**

**Councilor Van Bergen said he had been appointed to a committee on high speed rail and would report to the Council regularly. He said there should be some forum for Councilors to regularly report on the liaison committees they were assigned to.**

**Councilor Kvistad said if Council and other meetings were going to last this long in the future, the Council should think about reinstating meals for Councilors again. He said that non-represented employees staffing the meetings should receive time and one-half compensation.**

**Presiding Officer Wyers thanked Kathie Stimac, Portland Cable Access (PCA), and Lisa Creel, Public Affairs Specialist, for staying to the end of this meeting.**

**All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 12:32 a.m.**

**Respectfully submitted,**



**Paulette Allen  
Clerk of the Council  
MCMIN93.252**