

## MINUTES OF THE METRO COUNCIL

September 23, 1993

Council Chamber

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

**Councilors Excused:** Jim Gardner and Rod Monroe

**Also Present:** Executive Officer Rena Cusma

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

### 1. INTRODUCTIONS

Councilor Buchanan introduced Sausan Maknay, Department of Social Services, Iman, Jordan, visitor to the United States for the purposes of observing and studying government.

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

#### 2.1 Report from the Port of Portland - Plans for Intermodal Transportation and Land Use

Canceled; deferred to consideration by the Planning Committee at a future meeting.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

#### 3.1 Follow-up Presentation to the Council on CMAQ Projects List

Presiding Officer Wyers announced Agenda Item No. 3.1 had been moved to the "Councilor Communications and Committee Reports" agenda item at the end of this meeting.

### 5. CONSENT AGENDA

#### 5.1 Minutes of September 9, 1993

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

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

### 6. ORDINANCES, FIRST READINGS

#### 6.1 Ordinance No. 93-513, For the Purpose of Amending Metro Code Chapter 2.04, Adopting a Recycled Product Procurement Program for Metro

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

Presiding Officer Wyers announced Ordinance No. 93-513 had been referred to the Solid Waste Committee for consideration.

## 7. RESOLUTIONS

### 7.1 Resolution No. 93-1844, For the Purpose of Stating Intent to Submit to the Voters the Question of a General Obligation Bond Indebtedness for a Regional System of Greenspaces

Main Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1844.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. He explained the resolution set a date, or range of dates for Metro to secure a second vote on the Greenspaces bond measure. He said potential dates included March, May, September and November. He said the resolution also set a potential amount for the bond to range from \$135 to 175 million. He said the resolution directed Planning staff to return to the Council with specific recommendations on these and other options. He said the Greenspaces Masterplan directed that a portion of funding go to "local share" so that local jurisdictions could implement Greenspaces Program planning and implementation also.

Presiding Officer Wyers opened the public hearing.

Mike Houck, Urban Streams Council, urged the Council to adopt Resolution No. 93-1844 and Agenda Item No. 7.8, Resolution No. 93-1832.

Presiding Officer recessed the public hearing and noted Linda Marshall-Chao, Tax Study Committee vice chair, was available to brief the Council at this time.

## 4. OTHER BUSINESS

### 4.1 Tax Study Committee Briefing

Ms. Marshall-Chao briefed the Council on the Tax Study Committee's activities to-date. Craig Prosser, Financial Planning Manager, discussed when and where the Tax Study Committee would hold its public hearings in the three counties. The Council and Ms. Marshall-Chao briefly discussed the issues further.

### 7.1 Resolution No. 93-1844, For the Purpose of Stating Intent to Submit to the Voters the Question of a General Obligation Bond Indebtedness for a Regional System of Greenspaces (Continued)

Presiding Officer Wyers re-opened the public hearing.

James Dalton, Friends of Newell Creek Canyon, 13879 S. Holcomb Boulevard, Oregon City, urged the Council to adopt Resolution No. 93-1844.

Richard Meyer, Portland Audubon Society, 5151 NW Cornell, Portland, said he served on the Greenspaces Policy Advisory Committee and urged the Council to adopt Resolution No. 93-1844. He said professional help on the campaign would greatly assist efforts to get a bond measure adopted. He said efforts on the previous campaign had been too "grass roots."

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Barbara Stross, Friends of Balch Creek, 1716 SE 24th, Portland, said she taught at the Metropolitan Learning Center (MLC). She said Metro should move fast to acquire green spaces. She said she worked on mapping wetlands last year and actually saw bulldozers stopping at the edge of the areas she was mapping. She said her students at MLC had expressed willingness to be taxed in the future to preserve green spaces.

Jenny Jenkins, MLC student, 2033 NW Glisan, urged the Council to adopt Resolution No. 93-1844.

John Alland, Southwest Neighborhood Information, 7688 SW Capitol Highway, noted recent changes in personnel at the City of Portland's Planning Bureau. He said Metro should adopt this resolution and the Memorandum of Understanding with Multnomah County to acquire their parks system as quickly as possible.

Michael Carlson, Portland Audubon Society, 5151 NW Cornell, Portland, said consolidation of Multnomah County's parks system under Metro's auspices would lay an important foundation for the Greenspaces Program. He encouraged Metro's leadership role in development and community outreach efforts and offered the Audubon Society's assistance on same. He said the Greenspaces Masterplan was comprehensive in scope and would show the community that Greenspaces contained facets important to the community.

Commissioner Bonnie Hays, chair, Washington County Board of Commissioners, said support for a bond measure could be strengthened if cities and counties agreed together on how funds would be spent. She said such issues caused uncertainty during the last campaign. She said revenues for Greenspaces would originate within the Urban Growth Boundary (UGB) and asked whether counties could use those funds for areas outside the UGB. She said that issue should be clarified to avoid inequity.

Councilor Kvistad asked if the Metropolitan Policy Advisory Committee (MPAC) could be the forum, as a decision-making body, to address the issues raised by Commissioner Hays at this meeting. Commissioner Hays said that was outside MPAC's scope of authority per the Metro Charter. Councilor Devlin said the benefits to citizens outside Metro's boundaries should be demonstrated also. The Council and Commissioner Hays discussed the issues further. Councilor Moore asked Commissioner Hays if the issues she had raised affected hers and Washington County's support of Metro's bond measure. Commissioner Hays said whether or not her questions at this meeting were answered, her support and the County's support of Greenspaces was a separate issue and said she believed in preservation of green spaces. Commissioner Hays and Councilor Moore discussed the financial split between Metro and local jurisdictions. Councilor Moore asked if financial issues should be decided before the election or after. Commissioner Hays said timing would not matter if she could be assured 100 percent of funding would be solely dedicated towards the preservation of green spaces and natural areas, but said bond funds should not be applied for the maintenance of municipal/recreational parks. She said municipal parks should be funded by local government, and in that case, should get a 25 percent split for that purpose.

Chris Beck, Trust for Public Lands (TPL), 1211 SW 6th, Portland, urged the Council to adopt Resolution No. 93-1844. He noted concerns expressed by the Council Governmental Affairs Committee the previous week, but said as the bond measure campaign evolved and developed, those concerns could easily be alleviated and addressed. He said it was extremely important for Metro to acquire Multnomah County's parks system for the Greenspaces Program to be successful.

Scott Keller, citizen, 7504 SW View Point Terrace, Portland, asked where the revenue to pay for the Greenspaces Program would come from. He asked what effect payment of those revenues would have on the economy. He asked Councilor Devlin where revenues to repay the bond issue would come from. He said he was not familiar with the "75/25 split" referred to at this meeting. He asked where funds for maintenance of green spaces would come from. He did not support adoption of Resolution No. 93-1844. He said there would

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be a sales tax measure on the ballot in November and said that could completely overwhelm the Greenspaces ballot measure and said also the amount of funding Metro was asking for was too high.

Councilor Devlin answered Mr. Keller's questions on financing and revenue. Mr. Keller said another issue was how the bond measure would impact property tax revenues.

Linda Dobson, citizen, 2237 SE 13th, Portland, urged the Council to adopt Resolution No. 93-1844. She said Metro should pursue the original \$200 million amount asked for in the first ballot measure. She encouraged Metro to involve the community and said the ballot measure should be successful the second time around.

Presiding Officer Wyers said adoption of Resolution No. 93-1844 did not necessarily preclude asking for \$200 million when the measure was on the ballot.

John Sherman, Friends of Forest Park, 1912 NW Aspen, Portland, said Friends had raised \$1 million in the last four years for the acquisition of lands surrounding Forest Park. He said such fund raising was a big burden for citizens who could use assistance from government. He discussed Commissioner Hays' testimony given at this meeting, and said the issues she had raised had already been painfully and carefully worked out in the Greenspaces policy committees.

Irish Bunnell, citizen, 1729 SE 38th, Portland, urged Metro to take over Multnomah County parks system when that issue came before them. He said he was employed as a planner and an architect and served on the board of directors for the Wetlands Conservancy. He said it did not take a great deal of funding for local jurisdictions to purchase properties.

Zephyr Moore, citizen, 2732 NE 15th, Portland, said the Greenspaces Program must go ahead because available lands were being developed too rapidly. She said Metro's Greenspaces Program and Multnomah County's parks system should be consolidated. She said professional assistance should be procured for assistance on techniques on how to run a professional campaign for the second Greenspaces ballot measure.

Steve Johnson, Johnson Creek Corridor Committee, discussed work done by citizens to preserve the Creek, including fish surveys. He discussed the history of that area and noted his family had donated the area for public use and that citizen efforts had stopped vandalism and crime there. He said his property had a fish hatchery and that 80,000 fish had been put back into the Creek. He said maintenance issues had been raised at this meeting and noted stone walls separating farms in England had been maintained for centuries by families on a generational basis.

Linn Sharp, citizen, 10906 SE 54th Place, Milwaukie, said she was one of the first citizens to work on the now-called Greenspaces Program in 1988. She discussed her efforts to inventory natural areas within Metro's boundaries. She said she was disappointed at the time to learn the only tool available for such work was high-level aerial photography and said she drew the terrain by hand on maps. She said that inventory showed how much the terrain had changed since 1981 because of the real estate boom. She said more natural areas and green spaces were lost every day, but did not think the measure should be on the ballot in November, but should be put to the voters in spring, 1994. She noted she also served on the North Clackamas Regional Park Advisory District Board. She favored a split between Metro and local jurisdictions. She said the Multnomah County parks system should be consolidated with Greenspaces to add credibility and because business and civic leaders would be needed for support. She said there should also be an educational outreach program to illustrate social and other benefits to the community.

Robert Mann, Washington County ESD, 17705 NW Springville Road, Portland, noted timber in natural areas was beginning to disappear because it fetched a good price and said Metro act quickly to preserve natural areas.

Carol Pinegar, citizen, 2535 NE 13th, Portland, submitted written testimony (filed with the record of this meeting). Ms. Pinegar urged the Council to vote yes on Resolution No. 93-1844.

John LeCavalier, president, Fans of Fanno Creek, PO Box 25835, Portland, submitted written testimony (filed with the record of this meeting) in support of the resolution also. He asked Metro to: 1) Work with Multnomah County Parks to take over Multnomah County parks and related facilities; said 2) The Council should commit to developing a "Blue Ribbon Panel" of local civic and business leaders because without such commitment, the bond measure should not be forwarded; and 3) Metro should seek campaign help from outside professionals to ensure the success of the campaign.

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 briefly discussed Resolution No. 93-1844.

Motion to Amend: Councilor Devlin moved, seconded by Councilor McFarland, to amend Resolution No. 93-1844 by adding a fifth Be It Resolved section as follows: "5. That staff is further directed to establish a process to consult with business and civic leaders for recommendations on the particular election date and bond measure amount, and return to the Council by October 15, 1993, with a specific recommendation on the consultation process."

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

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Monroe were absent. The vote was unanimous and Resolution No. 93-1844A was adopted.

#### ADDITIONAL/UNSCHEDULED ITEM

Councilor Moore announced her intent to move for reconsideration of Resolution No. 93-1848 defeated by a 7/6 vote at the September 9 Council meeting. Councilor Moore read from a prepared statement (filed with the record of this meeting).

Motion to Reconsider: Councilor Moore moved, seconded by Councilor Devlin, to reconsider Resolution No. 93-1848.

The Council discussed the motion to reconsider.

Vote on Motion to Reconsider: Councilors Buchanan, Devlin, Hansen, Kvistad, McLain, Moore and Van Bergen voted aye. Councilors Gates, McFarland, Washington and Wyers voted nay. Councilors Gardner and Monroe were absent. The vote was 7/4 in favor and Resolution No. 93-1848 was before the Council for consideration.

Motion Councilor Moore moved, seconded by Councilor McLain, to return Resolution No. 93-1848 to the Solid Waste Committee for consideration at the same time the Committee considers the franchise application of A.C. Trucking for the Forest Grove Transfer Station, but in no case, any later than January 15, 1994.

Executive Officer Cusma said the Council made their decision on the resolution at its September 9 meeting and that it was unfair to resurrect the resolution without due public notice to the citizens who testified on the issues earlier. She said reviving the issue again would make Metro look badly and smacked of deals being made in private behind back doors.

Councilor Gates said the real issues were not about tonnage or the lack thereof and/or routing haulers or other issues, but had to do with money. He said the City of Wilsonville wanted the property taxes and that Oregon City and Clackamas County wanted to promote the End of the Oregon Trail. He said he was in favor of the latter also, but said unless all of Metro South Station was removed, reducing tonnage would not change circumstances in that location. He said this sort of action was why government was becoming less and less relevant to citizens on a daily basis.

Councilor McLain said people would not and should not be cut out of the process. She said the vote was for reconsideration only which did not mean the Council would build the Metro West Station. She said the action should be taken to consider all of the available information in a comprehensive manner. She said citizens would have the opportunity to testify again at the Solid Waste Committee and Council levels.

Councilor Devlin said that some Councilors felt that all options related to the Forest Grove Transfer Station (FGTS) had not been fully explored and that they should be. He said his biggest concern as a Councilor was what was best for the region as a whole, as well as to evaluate the needs of his district. He said the previous decision made by the Council on September 9 was also a decision not to fully address or assess those needs.

Councilor Buchanan said the Solid Waste Committee would deal with the issues in a comprehensive manner and conduct a thorough public hearings process.

Councilor Washington asked where the new information referred to had been two weeks ago. Councilor Moore said a new application had been submitted the week of September 20 and she had just seen it the date of this meeting. She said the Council should have the opportunity to evaluate the new information. Councilor Washington said if any more new information was going to be provided, he wished to see it immediately. Councilor McLain said it was a courtesy to allow parties to provide new information or a new interpretation of existing information.

Councilor Hansen said the Council was not acting in an underhanded manner and objected to allegations that it was. She said it was the Council's right to review such information.

Councilor Van Bergen said the issue now before the Council was whether or not to refer Resolution No. 93-1848 back to the Solid Waste Committee and said the Council should move to the issue at hand.

Councilor McFarland said she had difficulty with the fact that Metro had a put-or-pay contract which paid a vendor \$16,000 per month at a transfer station which was below tonnage capacity. She said until Metro used its existing facilities to their fullest capacities, she could not support building a new transfer station.

Councilor Moore said she did not raise the issues frivolously. She said because of the way staff handled the issues/information, the close vote at the Council meeting September 9, and the questions raised, had made her want to have as much information as possible on the issues before the Council made its final decision.

Presiding Officer Wyers opened a public hearing.

Bruce Broussard, president, Cad Tek, 1106 W. Burnside, Suite 400, Portland, expressed strong objections to reconsideration of Resolution No. 93-1848. He appreciated the points made by Councilor Moore, but said he would not have even known the Council was going to do this at this meeting but for the fact that he came to Metro's Data Resource Center to buy a map. He said the Legislature should examine whether or not Metro should be in existence. He said because of this action, the Metro Council had no credibility. He said he and other citizens came and testified strongly against Metro building a new transfer station where it was not needed and raising solid waste rates. He said he and those citizens could come again, but did not know if there was any point to doing so. He expressed strong disappointment that the Council did not respect input from the public. He said it was unfair to vote again on an issue that had already been defeated. He said the issues had already been before the Council for a long time. He said the Council represented the public and should work for the public's best interests.

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

Vote: Councilors Buchanan, Devlin, Hansen, Kvistad, McLain, Moore and Van Bergen voted aye. Councilors Gates, McFarland, Washington and Wyers voted nay. Councilors Gardner and Monroe were absent. The vote was 7/4 in favor and Resolution No. 93-1848 was referred back to the Solid Waste Committee for consideration.

7.2 Resolution No. 93-1843, For the Purpose of Authorizing the Execution of the Lease Agreement between Metro and the City of Portland Bureau of General Services for a Community Policing Center in the Metro Regional Center

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1843.

Councilor Hansen gave the Regional Facilities Committee's report and recommendations. Councilor McFarland entered Council Analyst Casey Short's September 22 memorandum, "Community Policing Facility," into the record of this meeting. Mr. Short's memorandum to Councilors McFarland and Hansen defined the purpose of, and for what activities, the facility would be used for.

Lieutenant John Hren, Portland Police Bureau, explained to Councilor Van Bergen that City of Portland police always carried firearms on their person.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Moore and Washington voted aye. Councilors Van Bergen and Wyers voted nay. Councilors Gardner and Monroe were absent. The vote was 9/2 in favor and Resolution No. 93-1843 was adopted.

Councilor Hansen was excused from attendance at this time in order to attend another meeting.

7.3 Resolution No. 93-1847, For the Purpose of Commending Mike Hollern, Chair of the Oregon Transportation Commission, for His Leadership Role in Transportation

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1847.

Councilor Van Bergen gave the Planning Committee's report and recommendations and explained Mr. Hollern was retiring from his post as chair of the Oregon Transportation Commission. He said he had known and worked with Mr. Hollern for many years and valued his contributions in improving transportation in Oregon. He said Mr. Hollern's work and administrative leadership had been exemplary.

Vote: Councilors Devlin, Gates, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Gardner, Hansen and Monroe were absent. The vote was unanimous and Resolution No. 93-1847 was adopted.

7.4 Resolution No. 93-1816, For the Purpose of Endorsing the Carbon Monoxide (CO) Contingency Plan

Motion: Councilor Devlin moved, seconded by Councilor Moore, for adoption of Resolution No. 93-1816

Councilor Devlin gave the Planning Committee's report and recommendations. He said the resolution endorsed the carbon monoxide (CO) contingency plan. He said Metro had already adopted a state implementation plan for air quality. He said the region was currently classified as a "non-attainment" area for both carbon monoxide and ozone, and therefore, Metro had to forward this plan to the Department of Environmental Quality (DEQ) to demonstrate how the region would reach "attainment" by November 1993 for ozone and December 1995 for carbon monoxide.

Presiding Officer Wyers opened a public hearing.

Anne O'Ryan, public affairs manager, American Automobile Association of Oregon (AAA), 600 SW Market Street, Portland, said Resolution No. 93-1816 would increase the oxygen content of winter fuel from 2.7 to 2.9 percent. She said AAA applauded Metro's efforts to achieve clean air for the region, but also believed those efforts would be seriously compromised by the fact that Oregon did not have a fuel testing program. She said Oregon was one of only six states without a fuel quality or testing program. She said without such programs/testing, those states became dumping grounds for fuel that had been rejected elsewhere. She cited two reports: 1) "The Public Citizens Report" dated 1993; and 2) The U.S. General Accounting Office's report. She offered to make the reports available to the Council upon request and said both had determined there were serious problems related to the lack of fuel testing. She said oxygenated fuel caused problems in Oregon because there was no proof that Oregonians were getting the fuel they were supposed to be getting. She urged the Council to join AAA to find a solution to the lack of fuel testing in Oregon.

To Councilor Van Bergen's question, Ms. O'Ryan said AAA supported Metro's efforts to achieve clean air and oxygenated fuel content, but were concerned about improper fuels being oxygenated and causing problems for travellers. Councilor McFarland said when she used oxygenated fuel, her mileage had reduced dramatically. Ms. O'Ryan said oxygenated fuel should not cause problems if the proper fuels were oxygenated. Councilor Devlin asked how the federal government handled the issues. Ms. O'Ryan said the Environmental Protection Agency's (EPA) budget had been cut and such testing had been eliminated. She said the State's Agricultural Division of Weights and Measures also used to conduct fuel tests. She said AAA and Oregon's Agricultural



Department supported Senate Bill 260 which would have required fuel testing, but said it did not get out of committee.

Howard Harris, Oregon Department of Environmental Quality, Air Quality Division, 811 SW 6th Avenue, Portland, noted he served on the Transportation Policy Alternatives Committee (TPAC). He said DEQ did test fuels in winter for oxygenated levels and/or content. He said fuel quality was an issue, but should be separated from oxygenated fuel issues. He said fuel testing was outside of DEQ's authority. He noted vehicle fuel economy was reduced in winter because gasoline was actually less dense than in summer and had less energy content. He said drivers had more stops and starts in winter than in summer which reduced fuel economy also.

Councilor Washington asked whose responsibility it would be to test fuel. Mr. Harris said it appeared to be the Agricultural Department's responsibility, but said the issue should be finally decided by the State Legislature.

Vote: Councilors Buchanan, Devlin, Gates, Kvistad, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor McFarland voted nay. Councilors Gardner, Hansen and Monroe were absent. The vote was 9/1 in favor and Resolution No. 93-1816 was adopted.

7.5 Resolution No. 93-1846, For the Purpose of Endorsing the Region's Reapplication to the Federal Highway Administration for Participation in the ISTEA Congestion Pricing Pilot Program

Motion: Councilor Moore moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1846.

Councilor Moore gave the Planning Committee's report and recommendations. She said the resolution was Metro's second application for a grant for a congestion pricing pilot program. She said the Federal Highway Administration (FHWA) rejected Metro's first application. She said this resolution would allow Metro to restructure its original application. She said an extensive public process with focus groups was envisioned to examine the real potential for congestion pricing in the region. She said following that analysis, one site would be selected for a demonstration project. She said to actually implement the project, the State Legislature had to approve it during the 1995 Legislative session.

Presiding Officer Wyers opened a public hearing.

Ms. O'Ryan testified again and gave statistical information on polls taken by AAA. She said 82 percent of those polled expressed objection to congestion pricing. She said another survey showed over 70 percent of those polled objected also. She said SB 536 on congestion pricing failed during the 1993 Legislative session. She said AAA opposed congestion pricing because: 1) It constituted double taxation because citizens already paid for maintenance through gas taxes and the right to use roads via registration fees; 2) Studies showed that congestion pricing would hurt commuters because they could not exercise flexibility on when they had to travel to and from work; 3) Per September 9 JPACT discussion, Washington County's representative opposed congestion pricing because it was a tax without the benefit of voter approval and singled out automobiles only; and 4) She said The Wall Street Journal reported such taxes would impact the working poor the most. Ms. O'Ryan encouraged Metro to find other alternatives to congestion pricing.

The Council and Ms. O'Ryan discussed the issues further. Councilor McLain said if the Council adopted the resolution at this time, congestion pricing would not be implemented, but a study on the feasibility of congestion pricing only would be endorsed.

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Scott Keller, citizen, 7504 SW View Point Terrace, Portland, expressed concern about congestion pricing and Metro's involvement in same. He said such issues should be handled by the U.S. Department of Transportation. He said local jurisdictions would oppose congestion pricing and urged the Council not to adopt the resolution.

Jim Beard, Oregon Environmental Council (OEC), 027 SW Arthur, Portland, noted in response to Mr. Keller's testimony that the Oregon Department of Transportation (ODOT) was involved in the application process. He said with regard to Councilor Gates' assertion that congestion pricing was merely terminology for "toll roads," he said toll roads were usually instituted to pay for a specific road, branch or tunnel built, or to add capacity. He said congestion pricing was not aimed at new building or capacity, but meant to make the use of roads more efficient. He said fee revenues could potentially be used to provide alternative transportation or, if appropriate in a corridor, to add capacity if the demand was there. He said in response to Ms. O'Ryan's statement that citizens had no control over where they worked or lived, which made congestion pricing a burden, that citizens did have control over where they worked and/or where they lived. He said it could be demonstrated that citizens did move closer to their work.

The Council and Mr. Beard discussed the issues further. Councilor Kvistad said he did not believe in social engineering using dis-incentives. He clarified that Metro was authorizing and sponsoring a feasibility study only. Councilor Van Bergen said this was the first time he had heard that any revenue would be made from congestion pricing. Mr. Beard clarified with regard to funding that he meant the textbook application of congestion pricing and not the pilot project itself. Councilor Gates again stated his opposition to Resolution No. 93-1846. Councilor Moore said there was interest in evaluating project's possibilities and that the issues should be explored. She asked Planning staff to present the Planning Committee with the actual application for review.

Vote: Councilors Devlin, Kvistad, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and McFarland voted nay. Councilors Buchanan, Gardner, Hansen and Monroe were absent. The vote was 7:2 in favor and Resolution No. 93-1846 was adopted.

Presiding Officer Wyers recessed the Council at 7:01 p.m. The Council reconvened at 7:20 p.m.

7.6 Resolution No. 93-1845A, For the Purpose of Allocating I-205 Interstate Transfer Funds to the South/North Alternatives Analysis and Committing LRT Bond Measure as Replacement Funds and to Amend the FY 94 TIP Accordingly

Motion: Councilor Kvistad moved, seconded by Councilor Van Bergen, for adoption of Resolution No. 93-1845A.

Councilor Kvistad gave the Planning Committee's report and recommendations. He said several months previously, Metro approved a grant application for \$987,000 to complete the funding package for the South/North Alternatives Analysis process. He said at the time, \$4 million in state lottery funds from the State Legislature, but that Metro had received \$2 million only which created a shortfall. He said there was approximately \$400,000 in carryover funds from pre-AA activities, making up the remainder amount of \$1.6 million. He said the resolution would authorize another grant application for E-4 Interstate Transfer I-205 Bus Lane funds for \$1.6 million to complete the study effort. He said Metro would borrow the \$1.6 million from bus lanes allocated for I-205 to dedicate to the application. He noted a letter from Tri-Met stating they would, on a date certain, reimburse those funds.

There was no Councilor discussion or questions.

Vote: Councilors Buchanan, Devlin, Gates, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner, Hansen and Monroe were absent. The vote was unanimous and Resolution No. 93-1845A was adopted.

7.7 Resolution No. 93-1840, For the Purpose of Adopting the FY 1994 to Post-1997 Transportation Improvement Program and the FY 1994 through Three-Year Approved Program

Motion: Councilor Kvistad moved, seconded by Councilor Van Bergen, for adoption of Resolution No. 93-1840.

Councilor Kvistad gave the Planning Committee's report and recommendations. He explained the Transportation Improvement Program (TIP) served as the basis for allocating federal funds throughout the region for Tri-Met, Oregon Department of Transportation, and local road projects. He said with the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA), there had been changes in federal law which should be reflected in the TIP. He said previously, there had been five-year TIPs with a one-year annual element. He said the five-year TIP was being reduced back to three years with the first year being priority projects. He said the new structure differed from the old in that, if projects from the first-year list were not ready and slipped from the list, priorities from the remainder of the three-year program could be brought forward so that funding opportunities were not lost. He said this TIP schedule was financially constrained and must fit the resources available. He said previously, Metro had been allowed to over-program projects. Councilor Kvistad noted a letter received from the Oregon Environmental Council dated September 22, 1993, expressing objection to the TIP as proposed by Metro. He did not know if OEC's director or board had signed off on the content of the letter.

Andy Cotugno, Director of Planning, said staff recommended proceeding with the TIP as written. He said comments submitted by the OEC in their letter were heard by JPACT, the Planning Committee, TPAC and a public workshop held prior to TPAC. He said with regard to the policy concerns raised in the letter, Metro staff did not disagree. He said language had been included in the resolution to include the public process and to work with the Metro Committee for Citizen Involvement (MCCI) to improve that process. He said staff disagreed with the assertion that those requirements should be included in this TIP and that Metro had not met federal requirements for this TIP. He said the forum for examining such policy issues rested with the Regional Transportation Plan (RTP) update, the 2040 Plan, and/or the newly-required congestion management system, and said those forums would give Metro the opportunity to change the TIP if necessary and said that was staff's intent. Mr. Cotugno said staff had worked well with the OEC on many other issues including Resolution No. 93-1845A just adopted by the Council.

Councilor Moore asked at what point a project could be deleted from the TIP. Mr. Cotugno said legally, at any point during the development of a project, a project could be dropped. He said Metro might have to pay back federal funds in that case. He said the more funds spent, the less likely it was that a project would be dropped, especially after an environmental impact statement (EIS) process. He said once a project survived state land use and federal environmental planning requirements, the decision had really been made to build that project as well as the decision to use right-of-way funds.

Councilor Moore and Mr. Cotugno discussed the issues further. Councilor Moore said many significant projects never went through such processes. She asked why Metro was going from a five-year TIP with the opportunity for updates to a three-year TIP with no opportunity for updates. Mr. Cotugno said the TIP was fiscally constrained by the federal government. He said previously with the one-year element, staff over-programmed the schedule at 130 percent so that if a project slipped, the project list would still be full. He said staff now had to program exact amounts, so it was inevitable that some projects would not survive. He said

staff needed to have the flexibility to have projects move up in priority and said a three-year TIP allowed projects to carry over into the next fiscal year.

The Council and Mr. Cotugno discussed the issues further. Councilor Devlin noted the RTP was due for a major update in 1995 and discussed other major comprehensive framework plans scheduled for updates and/or completion. He asked how Metro would determine a project would do "no harm" and ensure needed projects received the necessary funding. Mr. Cotugno said projects implemented in the previous year using ISTEA and other funding mechanisms demonstrated the "no harm" policy. Councilor Devlin and Mr. Cotugno discussed project criteria further. Councilor Devlin asked that staff's written response to letters such as that received from the OEC be distributed to the Planning Committee. The Council and Mr. Cotugno briefly discussed the issues further.

Presiding Officer Wyers opened a public hearing.

James Beard, Oregon Environmental Council, said he had argued for a long time to improve the public involvement and comment process. He said ISTEA itself did not require public involvement, but that Metro was required to undergo a public involvement process. He expressed concern about "grandfathering" older projects into the new TIP that did not meet ISTEA criteria now. He said after discussions with Metro staff, there was potential to address such issues in the future.

Greg Jones, City of Portland Office of Transportation, 1120 SW Fifth, Room 702, Portland, urged the Council to adopt the resolution at this time because Portland had projects with funding dependent on the resolution. He said the City was aware of, and would work with Metro on, the public involvement process. He said until the 2040 Plan was complete, it would be difficult to make decisions about projects deleted and/or added from the list, but said many current projects did meet the intent of ISTEA and Goal 12.

Kathy Busse, Multnomah County Transportation Division, said Multnomah County was aware of concerns expressed about the public involvement process to-date with regard to the TIP projects. She said there was extensive public involvement via local Capital Improvement Programs (CIP) at city and county levels well in advance of submitting projects to Metro and explained Multnomah County's public involvement process further. She said Multnomah County hoped to develop a coordinated public involvement process with Metro. She said Multnomah County could work with Metro and identify its role in the process and when and where citizens could get involved. She noted 60,000 brochures were mailed out for several workshops.

The Council and Ms. Busse discussed the issues further. Councilor Moore expressed strong concern about the lack of coordination on public involvement in the past and welcomed Multnomah County's efforts to coordinate citizen involvement. Councilor Washington asked what the volume of citizen response was to the brochures. Ms. Busse said the turn-out was uneven for the different events and attendance had ranged from 4-60 citizens.

Mike Borreson, Washington County Department of Land Use and Transportation, said Washington County had a few projects in the TIP list including two bridge replacements and two safety projects. He said the county went through an extensive public involvement process on how to better access and utilize Sunset. He said two roads were submitted for safety funding and the County undertook another citizen involvement process on that application also. He expressed concern that delay on this resolution meant ODOT or another agency would delay the projects and reject bids. He said bids submitted to Washington County had come in under bid.

The Council and Mr. Borreson briefly discussed the issues further. Councilor Moore asked whether Washington County's public involvement process was the same as the CIP process. Mr. Borreson said it was

not and that the Washington County Board of Commissioners had just approved a CIP public involvement process.

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

Councilor Moore stated her discomfort with switching to a longer TIP schedule. She said staff's testimony at this meeting had reassured many of her concerns. Councilor Moore asked staff to delete the last two sentences from page 4, paragraph 3: "Local CIP development includes outreach to members of the general public and to representatives of local Community Planning Organizations (CPOs) formed under authority of ORS Chapter 197. Public comment on CIP project lists is obtained both during the initial list formulation process and as a part of hearings held prior to CIP adoption by local ordinance." She said as Metro's public involvement process currently stood, she did not believe the language was factual. She said staff could include it if it said, "In some instances..." Mr. Cotugno said the language would be deleted.

Councilor Kvistad said the Council's purpose was to set general policy for the region as a whole. He said the TIP process was a prudent, long-term planning strategy and tool for the agency. He said it was important to recognize that Metro had regional partners and that the process would continue to evolve.

Vote: Councilors Buchanan, Devlin, Gates, Kvistad, McLain, Moore, Van Bergen and Washington voted aye. Councilors McFarland and Wyers voted nay. Councilors Gardner, Hansen and Monroe were absent. The vote was 8/2 in favor and Resolution No. 93-1840 was adopted.

7.8 Resolution No. 93-1832, For the Purpose of Establishing a Greenspaces Options Demonstration Project

Motion: Councilor Devlin moved, seconded by Councilor Kvistad, for adoption of Resolution No. 93-1832.

Councilor Devlin gave the Planning Committee's report and recommendations. He said the Council would consider Ordinance No. 93-513 to provide funding for the demonstration project at its October 14 meeting. He said the options could be purchased either via general obligation bond revenues, if that was approved on the ballot, or by local jurisdictions and funding sources with money set aside specifically for the purpose of acquiring natural areas.

Councilor Van Bergen said supporters of the resolution did not sell their case very well when testifying at the Planning Committee. He said they seemed unable to identify what an option actually was. He said they also did not appear to agree on the number of options that would actually be purchased. He said if the Greenspaces measure was going to be on the ballot, supporters should identify and define the program further.

Councilor Devlin clarified for the record that Metro would purchase three to four properties, that the Trust for Public Lands (TPL) would purchase the three to four properties also, and that Exhibit B stated six to eight properties would be purchased. He said that language should be changed to read, "three to four."

Vote: Councilors Buchanan, Devlin, Gates, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner, Hansen and Monroe were absent. The vote was unanimous and Resolution No. 93-1832 was adopted.

**8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

**3.1 Follow-up Presentation to the Council on CMAQ Projects List**

**Motion:** Councilor Moore moved, seconded by Councilor Buchanan, to approve a letter from the Council to JPACT endorsing the Planning Committee's direction to: "Provide a funding pool in the amount of \$896,000 to Washington County for completion of the Cedar Hills-Hall Boulevard 'alternate to 217 bike lane system' to be allocated following a public review process to determine and prioritize the most critical links needed to complete the system."

Councilor Van Bergen asked Mr. Cotugno if he agreed with the content of the draft letter distributed. Mr. Cotugno said he did.

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

**8.1 Advisory Committee Reports**

**A) Friends of the Washington Park Zoo Board of Directors**

Councilor McFarland reported on Friends of the Zoo Board of Directors' activities to-date.

**B) Metropolitan Policy Advisory Committee**

Councilor McLain reported on the Metropolitan Policy Advisory Committee's activities to-date.

**C) Water Resources Policy Advisory Committee**

Councilor McLain reported on the Water Resources Policy Advisory Committee's activities to-date.

**8.2 Fact-Finder's Report: Resolution of Informal Employees' Complaint**

Presiding Officer Wyers distributed and filed for the record the final report on the resolution of an informal complaint made by Council Department employees. She said the matter was now considered officially resolved. Councilor Van Bergen expressed strong objections to the process used and said the complainants should have identified themselves when making the complaint. Councilor Van Bergen stated for the record that he was frustrated over how the matter had been handled. Councilor Buchanan said the evidence in the report was flimsy at best and the results dismaying.

Presiding Officer Wyers distributed her memorandum on upcoming Councilor workshops and noted Planning staff had requested an all-day workshop be held January 15 on Region 2040 issues. She asked Councilors to tentatively schedule the workshop at that time. Councilor Gates said a large enough room should be booked so that all those who chose to do so could attend comfortably.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 9:01 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council