

## MINUTES OF THE METRO COUNCIL

October 28, 1993

Council Chamber

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

Councilors Excused: George Van Bergen

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

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 3.1 Metro's Eighth Annual Recycling Recognition Awards to Honor Individuals, Businesses and Organizations Which Have Made Outstanding Contributions to Waste Reduction or Recycling in the Region

Executive Officer Cusma explained that Metro gave annual recycling recognition awards to recognize and thank individuals and businesses who had made significant contributions to waste reduction and recycling in the region.

Council Devlin presented the first Recycling Recognition award to Kathy Elshire for her exceptional volunteer contribution towards home composting. Councilor Gardner presented the second award to Jeanne Roy of Recycling Advocates for her activism, advocacy and outstanding contributions to waste reduction and recycling in the region; Councilor Gardner presented the third award to Don Nail for his outstanding contribution on construction site recycling in the construction of Metro Regional Center; Councilor Gates presented the fourth award to Dr. Bill Stewart for his outstanding professional contribution to yard debris composting; Councilor Kvistad presented the fifth award to Chris Rasmussen of Rasmussen Paint Company for their significant contribution to the development of markets for recycled paint; Presiding Officer Wyers presented the sixth award to Dr. Wayne Lei of Portland General Electric for outstanding and extensive contribution to waste minimization efforts and resource stewardship.

### ADDITIONAL ITEM

#### 3.2 Employee Service Awards

Councilor Hansen explained new procedures per Executive Order No. 43 to acknowledge Metro employee service. She distributed service certificates and pins for ten years of Metro service to Don Carlson, Council Administrator, and for five years of Metro service to Dan Cooper, General Counsel, and Paulette Allen, Clerk of the Council.

### 4. CONSENT AGENDA

#### 4.1 Minutes of October 14, 1993

REFERRED FROM THE FINANCE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD

4.2 Resolution No. 93-1857, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c) Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Eastman Kodak Company to Provide Maintenance and Repair Service on the Kodak 300 Duplicator

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

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was 12/0 in favor and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 93-510, For the Purpose of Amending the Regional Wastewater Management Plan and Authorizing the Executive Officer to Submit it for Recertification

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

Presiding Officer Wyers announced Ordinance No. 93-510 had been referred to the Planning Committee for consideration.

5.2 Ordinance No. 93-514, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Sharing Payment with the Zoo for the Metro Construction Project Manager, and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-514 had been referred to both the Regional Facilities Committee and the Finance Committee for consideration.

5.3 Ordinance No. 93-518, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding Replacement of Personal Computers in the Office of General Counsel, and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-518 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 93-519, For the Purpose of Granting a Franchise to Energy Reclamation Inc. for the Purpose of Operating a Solid Waste Processing Facility

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

Presiding Officer Wyers announced Ordinance No. 93-519 had been referred to the Solid Waste Committee for consideration.

5.5 Ordinance No. 93-520, For the Purpose of Determining Which Facilities Contemplated for Transfer from Multnomah County to Metro are Public Cultural, Trade, Convention, Exhibition, Sports, Entertainment, or Spectator Facilities, or a System of Parks, Open Spaces, or Recreational Facilities of Metropolitan Concern

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

Presiding Officer Wyers announced Ordinance No. 93-520 had been referred to the Governmental Affairs Committee for consideration.

**6. RESOLUTIONS**

**6.1 Resolution No. 93-1855, For the Purpose of Confirming the Appointment of Bernard Foster to the Metropolitan Exposition-Recreation Commission**

(Please note: This resolution was listed incorrectly on the October 28 agenda as Resolution No. 93-1835 and has been corrected for the record.)

**Motion:** Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1855.

Councilor Washington gave the Regional Facilities Committee's report and recommendations

**Bernard Foster**, Metropolitan Exposition-Recreation Commissioner (MERC) appointee, thanked the Council for appointing him to the Commission. Mr. Foster discussed community values and the future of the region. He said serving as a MERC Commissioner would be a new process for him and planned to learn as much as he could about MERC and Metro operations.

Councilor Gates thanked Mr. Foster for his willingness to the serve on the Commission.

**6.2 Resolution No. 93-1854, For the Purpose of Authorizing a Lease to Procure Computer Equipment for the Planning Department and a Kodak Copier for the Finance & Management Information Department**

**Motion:** Councilor Kvistad moved, seconded by Councilor Monroe, for adoption of Resolution No. 93-1854.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the resolution would authorize a lease financing agreement with U. S. National Bank for office equipment. He said the Planning Department would acquire \$206,142 in computer equipment and the Finance & Management Information Department would acquire a Kodak duplicator for \$40,855. He noted the lease agreement, made available to Metro because of its membership in the Special Districts Association of Oregon (SDAO), was at an interest rate of 4.05 percent, lower than current available interest rates.

**Vote:** Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors McLain and Van Bergen were absent. The vote was 11/0 in favor and Resolution No. 93-1854 was adopted.

**6.3 Resolution No. 93-1863, A Resolution Amending Resolution No. 93-1795 with the Respect to Authorization of General Revenue Bonds (Metro Headquarters Building Project)**

**Motion:** Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1863.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained Resolution No. 93-1863 amended Resolution No. 93-1795 adopted by the Council on May 13, 1993. He said because of market conditions at that time, Metro Headquarters General Revenue Bonds were not refunded via Resolution No. 93-1795 because Metro could not achieve the required 3 percent savings. He said Resolution No. 93-1863 amended the previous resolution to: 1) Increase the maximum amount of refunding bonds from \$26 to \$27 million; 2) Authorize a partial refunding of the bonds in addition to a full refunding;

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3) Authorize the use of a "forward supply contract" in structuring the escrow account; and 4) Authorize the Executive Officer to set the dated date of the bonds as needed to facilitate the sale of the bonds.

Presiding Officer Wyers opened a public hearing.

Scott Keller, citizen, 7504 SW View Point Terrace, Portland, thanked Metro for its efforts to save the region money with the refinancing bond and asked what a forward supply contract was.

Craig Prosser, Financial Planning Manager, explained to Mr. Keller that a forward supply contract was a tool currently used in the municipal bond market and recommended for Metro's use by its Bond Counsel to sell the right to invest monies in the escrow account during periods when Metro could not earn interest on same. He said Metro asked for the authority to do so in the resolution to circumvent problems currently encountered by all issuers of negative arbitrage in the escrow account. He said the rates were improving, but said a forward supply contract would provide additional flexibility if needed.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was 12/0 in favor and Resolution No. 93-1863 was adopted.

Presiding Officer Wyers recessed the Council at 4:45 p.m. The Council reconvened at 4:51 p.m.

6.4 Resolution No. 93-1858, For the Purpose of Endorsing ODOT Region I Priority FY 95, FY 96 and FY 97 Transportation Enhancement Projects for Inclusion in the 1995-1998 Transportation Improvement Program

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1858.

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

Motion to Substitute: Councilor Moore moved, seconded by Councilor McLain, to substitute Resolution No. 93-1858B for Resolution No. 93-1858. Under the same motion, the seventh Whereas clause was deleted; Be It Resolved Section No. 4 was deleted, and Be It Resolved Section No. 5 became No. 4.

Councilor Moore gave the minority report for Resolution No. 93-1858B

Councilor Moore noted letters received on the issues from Marc San Soucie, Bicycle Transportation Alliance and Roger M Ellingson, citizen.

Presiding Officer Wyers opened a public hearing.

Patricia Miller, citizen, 11165 NW Cornell Road, said she owned property across from the proposed 112th Avenue Linear Park, was a member of the local citizen planning organization (CPO) and committee for citizen involvement (CCI), and that she had participated in the appeal to the Land Use Board of Appeals on the project in question. She said 112th was a road not yet on the map, had not yet had a hearing and was pending a LUBA appeal to put it on the map. She asked why a pedestrian path would be put on a road that did not yet exist. Ms. Miller distributed a letter from neighbor and citizen Jane Finnegan dated October 27, 1993, which stated that allocating funds for a project still in the planning stage and pending appeal was not the best use of public funding. Ms. Finnegan's letter said building a road on 112th was not the best available option and said the preference of local residents had not been sought. Ms. Miller urged the Council to adopt Resolution No. 93-1858B as amended.

Geoff Hyde, citizen, 10217 NW Alpenglow, Portland, urged the Council to remove Project 37 from the list. He said the project would not provide a bike path or pedestrian crossing. He said the project did not meet the standard criteria and urged the

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Council to substitute another, more worthy project. He discussed the project site in question, access to and from same, and uses for same in further detail.

Commissioner Bonnie Hays, Washington County Board of Commissioners chair, distributed her letter dated October 28, 1993. Commissioner Hays urged the Council to approve the 112th Linear Park as recommended. She said the necessary planning had been done and the concerns raised at this meeting had been addressed. She introduced Mike Borreson, Acting Deputy Director of Land Use and Transportation, Washington County, who displayed a map of the site of the project. She noted the Council had already received a letter from Neal Winters, Assistant Manager, Tualatin Hills Park & Recreation District, which stated Tualatin's approval of the project. Commissioner Hays said LUBA's ruling would be on what process Washington County would be allowed to use and discussed project details further.

Mr. Borreson discussed the project also and discussed the disposition of funds for same.

Irma Trommlitz, citizen, 515 NW 112th, Portland, said she wished to refute negative testimony given earlier at this meeting. She said Project 37 was one of the most controversial projects in Washington County, but had undergone a great deal of public process via the local CPOs. She said she would lose 50 feet of her own property for the linear park, but supported its design. She said approximately 15 homeowners would be directly affected by the park and said four were moving and had no opinion about the status of the park, eight endorsed the project, one was opposed and the other two were unavailable for comment. She displayed a listing of 40 residents who were supportive of the project and saw it as a benefit to them (a copy of which is filed with the record of this meeting).

The Council and Ms. Trommlitz discussed the issues further. Councilor Devlin said Resolution No. 93-1858B did not prevent Project 37 from receiving enhancement funds, but would send it back to the Joint Policy Advisory Committee on Transportation (JPACT) for reconfirmation as a project. He asked Ms. Trommlitz if she and other testifiers would appear at JPACT to support her position. He said all that the Council had heard on the project to-date was that it was an inappropriate use of Intermodal Surface Transportation Enhancement Act (ISTEA) funding. Ms. Trommlitz said the Council should vote aye or nay at this point because the Council had heard all of the information available. Councilor Kvistad said this was the first time the Council had heard from a resident or residents. He noted there were two nay votes at JPACT on the issue and the rest of JPACT was in support. Councilor McLain said policy makers had never discussed ranking of the projects, but had simply received them as a lump package. She did not disagree with the merits of the project, but said the Council had to decide on a lump sum and said there were many worthy projects. She supported the supposition that there could be flaws in how the projects were ranked.

The Council discussed the issues further. Councilor Monroe said JPACT's structure was not conducive to public testimony. He said it was comprised of busy public officials who took recommendations from other agencies and/or jurisdictions who had already done the necessary work, held public hearings, and processed information. He said JPACT did take public testimony, but was not really set up for it. He said JPACT operated under the assumption that the public input process had already taken place. He said Metro was comfortable with public input, but said the alignment in question had not yet been approved by Washington County. He said it was an extremely expensive project when compared to others. He said when considered by the Planning Committee, there was a proposal that the project be left in, but with an amendment that stated the Council's approval did not indicate citizens should be forced to accept the road being built. He said the Council could not approve the project now, but said if the right-of-way was approved in the future, the Council could look at the project again. He said Project 37 should be sent back to JPACT.

The Council discussed the issues further. Councilor McFarland asked how the project would be funded. Councilor Moore said Washington County used a committed \$400,000 to get a higher federal ranking for other projects. Councilor Devlin said the debate had been on whether the most appropriate use of limited funds from ISTEA had been made. He said Ms. Trommlitz's testimony had convinced him that it was, but said he still had questions about the process used and said the Council should talk to JPACT about whether it should analyze projects based on their individual merits and make recommendations based on the same. He said JPACT should deal with the issues raised on public testimony, or lack thereof. He said pertinent advisory committees

should take full testimony. He stated for the record he believed JPACT could send Project 37 back to the Council, or take testimony and affirm its original recommendation. He said JPACT could also recommend that one of the projects on the contingency list be moved up. He said discussion on this and other projects should take place because there were not enough funds to fund basic transportation needs.

Mr. Borreson said Washington County did not have the funding for the bicycle path in question. He said the total cost of purchasing the right-of-way and construction of the road and linear park would be approximately \$7.5 million. He said Washington County had spent \$680,000 to-date on preliminary engineering, right-of-way purchases and citizen involvement. He said another \$1.1 million had been budgeted, leaving a shortfall of \$5.8 million. He gave historical background on 112th and said an extensive public process had been utilized over the project from many years.

Councilor Moore stated for the record the list of Washington County projects already funded by the Transportation Improvement Program and displayed the map which gave justification for the Cedar Hills Boulevard project.

The Council and Mr. Borreson discussed the issues further. Councilor Gardner said Councilor Moore's main question was why the project had been ranked as high as it was. Councilor Gates said it was not for the Council to change decisions at this juncture and said local governments had already signed off on the project lists. The Council and Mr. Cotugno discussed the issues. Councilor Hansen asked if local jurisdictions could change the projects. Mr. Cotugno said they could not. Councilor Hansen and Mr. Cotugno discussed how federal project funds were tracked and accounted for. Councilor Hansen asked if it was possible for staff to provide reports on same in the future. Mr. Cotugno said staff would provide such reports. Councilor Kvistad said to change the project list at this point in the process was bad public policy and did not indicate respect for decisions already made by local governments.

Vote on Motion to Substitute: Councilors Devlin, Gardner, Hansen, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors Buchanan, Gates and Kvistad voted nay. Councilors McLain and Van Bergen were absent. The vote was 8/3 in favor and the motion to substitute "B" as amended for Resolution No. 93-1858 passed.

Councilor Kvistad again expressed concern about the process used at this meeting. Councilor Devlin did not agree with Councilor Kvistad and said he did not feel he would be responsive to citizens if he simply accepted everything staff submitted with no questions asked. Councilor Gates expressed concern that this action had weakened JPACT, local governments and their staffs. Councilor Hansen said the Council's action had strengthened the public process. Presiding Officer Wyers said the Council's discussion of the issues at this meeting had not weakened JPACT or the process.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Hansen, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors Gates and Kvistad voted nay. Councilors McLain and Van Bergen were absent. The vote was 9/2 in favor and Resolution No. 93-1858B was adopted as amended.

Presiding Officer Wyers recessed the Council at 6:50 p.m. The Council reconvened at 6:55 p.m.

## 8. OTHER BUSINESS

### 8.1 Tax Study Committee Briefing

Wayne Attebury, Tax Study Committee chair, said the Committee had developed its draft recommendations and begun its public hearings process. He said the Committee would submit its report by the Council's deadline of November 15, 1993. He said the Committee had reviewed Metro's need for an additional \$9.4 million in revenue, determined what functions/projects should be funded, and tried to focus on Metro's requirements/needs. He said the Tax Study Committee developed a recommendation to

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fund \$7.4 million. He said the Committee would recommend a long-range funding mechanism adopted by Metro whenever the Council felt it could justify such tax to the voters. He said in the interim, the Committee recommended a niche tax to fund planning as it was mandated under the Charter and said real estate taxes could be utilized. He said the public had to accept a method to fund beyond a niche tax and said Metro should adopt both a real estate tax and a pay roll tax to fund operations for the long term. He said the Committee had held public hearings October 27 and 28, and would hold one on October 29. He said the Committee had made presentations to Forum on Cooperative Urban Services (FOCUS) and to the Portland Board of Realtors and had met with other interested parties. He said he knew that people believed there had not been enough sufficient notice. He said in the beginning, mailings were sent to 40 citizens in addition to organizations. He said the mailing list had since expanded to 100 names. He said the meetings had been advertised and that at most of their meetings, a member of the press had been present. He said the Committee had received no support for any of the taxing alternatives offered. He said the only funding alternative offered was that Metro should include manufactured housing under a real estate tax. He said the only letter of opposition other than one from a real estate group was from School District #40 in Beaverton because they feared competition with school funding.

Presiding Officer Wyers thanked Mr. Attebury and the rest of the Tax Study Committee for their work on Metro funding issues. Councilor Devlin also thanked Mr. Attebury and the Committee. He said he did not know of any governmental body that had been able to get a tax on income adopted in Oregon. Mr. Attebury said Metro could also look at a broad-based utility tax or even a sales tax. He said the method used had to be fair to all and had to be a broad-based assessment to fund Metro and its responsibilities well into the future. He said it would be a tough sell. He said it would take Metro a long time to convince the public that such a tax was needed. He said the niche tax related to real estate was the most practical alternative right now, and said that could be calculated on percentage of value or on square footage.

Councilor Monroe thanked Mr. Attebury and the Committee for their work. He said he did not know what option(s) the Council would end up choosing, but liked the recommendation to sunset the tax.

Councilor Gardner also thanked Mr. Attebury and the Committee for the work they had done. He said he knew the Committee had a very short time schedule to do their work. He knew the public hearings portion could be difficult.

Councilor Kvistad said he had had difficulty with defects in the public notification process. He did not think citizens had been given enough time to get involved in the process. He said he expressed the same opinion at the Finance Committee meeting on October 27.

**2 COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

**2.1 Advisory Committee Reports**

**(a) North Portland Enhancement Committee**

Councilor Hansen distributed a list of projects funded by the Enhancement Committee and discussed same. She noted that although the St. Johns Landfill was no longer operational, the Committee had a sizable reserve fund that had been enhanced via investment/high interest rates. She said the Committee kept its capital funds in reserve and spent interest income only.

**(b) Metro Central Enhancement Committee**

Councilor Hansen reported Enhancement Committee's activities to-date. She noted that Katie Dowdall, Community Enhancement Coordinator, kept track of numerous contracts and provided the enhancement committees and herself with solid staff support. She said the Enhancement Committee members appreciated Ms. Dowdall's efforts on their behalf very much, as she did also.

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(c) Computer Enhancement Committee

Deferred.

(d) Oregon City Enhancement Committee

Deferred.

(e) Forest Grove Enhancement Committee

Deferred.

Councilor Gardner additionally reported on the first joint meeting held by the Metropolitan Policy Advisory Committee (MPAC)/JPACT to receive information and hold a mutual discussion on Region 2040 and Future Vision. He said the two committees discussed Clark County which he said was well on its way to beating Metro in developing a Future Vision for themselves. He said there was broad agreement that the two committees needed to work together again and coordinate more closely. He said another joint meeting had been tentatively set for January 1994.

Presiding Officer Wyers said she; Councilor Monroe; Executive Officer Cusma; Jennifer Sims, Director of Management & Information; Don Carlson, Council Administrator; would meet next week to begin work on the Tax Study Committee's draft recommendations to-date.

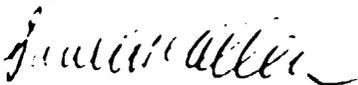
Councilor Gates said the issue of citizen input or lack thereof came up at several different points at this meeting. He said video operations should be fully funded and set up in the Council Chamber to allow access to Metro meetings so that more than one public access channels could broadcast them.

Councilor Devlin said the level of discussion at the joint MPAC/JPACT meeting was quite high. He said the Council should be able to spend more time analyzing issues in committee, and said it seemed at times as if the Council only processed legislation. He said he did not want to get into the level of detail that staff did, but did want to explore how much funds were required to meet the state's transportation needs. He said project costs rose constantly and that the Council never questioned the costs, but agreed with them as given.

Presiding Officer Wyers noted that during Finance Committee deliberations October 27, the Committee realized that Recycling Information Center (RIC) supervision was still under the Public Affairs Department, but per Budget Committee action and a budget note, the RIC should be under the purview of the Solid Waste Department. She said the Finance Committee would investigate that issue more thoroughly.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:45 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council