

MINUTES OF THE METRO COUNCIL

November 10, 1993

Council Chamber

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

Councilors Absent: Mike Gates

Also Present: Executive Officer Rena Cusma

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

Presiding Officer Wyers announced Councilor Gates was unable to attend this meeting due to illness, but noted that Councilor Van Bergen had asked that when Councilors were unable to attend meetings for any reason, simply be listed as "absent," rather than "excused" in the future.

Presiding Officer Wyers announced this meeting was being held on a Wednesday rather than the usual Thursday to accommodate the Veteran's Day holiday on November 11. Presiding Officer Wyers announced also that the Council meeting normally scheduled for November 25 had been moved to Tuesday, November 23, at 4:00 p.m. to accommodate the Thanksgiving Day holiday.

Presiding Officer Wyers announced that the Governmental Affairs Committee had requested a presentation of the "Metro Slide Show" before the full Council and said that would be done as the first item under Agenda Item No. 8, "Councilor Communications and Committee Reports."

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Update on Oregon Department of Transportation Six-Year Program Process, Schedule and Criteria

Executive Officer Cusma noted Andy Cotugno, Director of Planning, would give the update on the Oregon Department of Transportation (ODOT) Six-Year Program, process, schedule and criteria. Mr. Cotugno gave the report. The Council and Mr. Cotugno discussed the issues.

4. CONSENT AGENDA

4.1 Minutes of October 28, 1993

REFERRED FROM THE SOLID WASTE COMMITTEE

4.2 Resolution No. 93-1867, For the Purpose of Revising the Initial Term Commencement Dates for Members of the Solid Waste Rate Review Committee to Allow for a More Orderly Transition Between Terms

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

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Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and Monroe were absent. The vote was 11/0 and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 93-515, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule to Sustain Membership in the Oregon Tourism Alliance; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-515 had been referred to the Regional Facilities Committee and the Finance Committee for consideration.

5.2 Ordinance No. 93-521, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Funding an Intergovernmental Agreement with the City of Portland for a Predicate Study; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-521 had been referred to the Governmental Affairs Committee and the Finance Committee for consideration.

5.3 Ordinance No. 93-523, For the Purpose of Approving the Revision of the Metro Code Chapter 2.02, Personnel Rules

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

Presiding Officer Wyers announced that Ordinance No. 93-523 had been referred to the Governmental Affairs Committee for consideration.

6. ORDINANCES, SECOND READINGS

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

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

Presiding Officer Wyers announced Ordinance No. 93-506 was first read on September 9, 1993, and referred to the Planning Committee for consideration. The Planning Committee considered the ordinance on October 26, held a public hearing, and recommended Ordinance No. 93-506A to the full Council for adoption. She announced the Council would hear testimony at this meeting and consider Ordinance No. 93-506A as a legislative amendment to the Urban Growth Boundary (UGB).

Motion: Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-506A.

Councilor Kvistad gave the Planning Committee's report and recommendations. He said the ordinance would amend the UGB in the Columbia South Shore area. He said the UGB had to be amended to clarify a portion of the shore line in the Policy 26 area where several houseboat moorages were located. He said the existing UGB line was currently interpreted to be at the ordinary high water line, but said the mapped depictions of the boundary(s) appeared 300 feet wide on the maps. He said that led to inexact interpretations of the UGB line which required correction. He said several moorages had been annexed to both the City of Portland and the City of Gresham, but said the current interpretation of the existing UGB line was that it was at the end of the

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shore line and not at the end of the houseboat moorages. He noted information received from Planning Department staff and letters from residents in the area (documentation filed in the ordinance file).

Presiding Officer Wyers opened the public hearing.

Sharon Bjorn, Pride Services, Inc., 1315 E. Second St., Newberg, said she represented property owners in the Policy 26 area. She said it was necessary for the UGB to be adopted immediately so that the area could be annexed by the City of Gresham to receive necessary services, especially because of a high crime rate in the area. She said if the area was not annexed, the Department of Environmental Quality (DEQ) would force property owners to install sewer lines anyway. She said the annexation application to the City of Gresham demonstrated necessary services were economically and technically feasible. She said the annexation request would include all of the properties in the Policy 26 area which were located in unincorporated county property. She said City law did not permit annexation of lands outside the UGB line and asked that the 90 day waiting period be waived. She said the City was amenable to the application. She said the marina in the Policy 26 area needed upgrading and said seven agencies were involved in the permit process. She said immediate adoption was necessary to permit upgrading before or during the winter of 1994.

Councilor Washington asked for further clarification of crime in the area as cited by Ms. Bjorn. Ms. Bjorn said the parking area was detached from the living area and said it and the marina were often vandalized. Councilor Buchanan said he saw police patrols in the area often. Ms. Bjorn said it took several hours to get police response from Multnomah County.

George Donnerberg, citizen, 10411 SW 14th Drive, Portland, said he had worked three and one-half years to secure the necessary permits to improve the property. He said during that process, it was discovered the UGB did not extend out into the water, and said most of the permits were dependent on the UGB adjustment. He explained the permitting process and time lines further. He said if the ordinance was not adopted immediately, improvements would likely be delayed by at least one year. He said there was confusion about what police force would respond to calls because three jurisdictions were involved, the City of Gresham, the City of Portland, and Multnomah County.

Alice Blatt, citizen, 1523 NE Holladay St., Portland, said she belonged to several groups with concerns about environmental impact on the Columbia River. She said the South Channel had been designated a recreational channel by the U.S. Army Corps of Engineers. She said draft guidelines allowed a 15 percent intrusion into the Channel and said the marina and houseboats extended at least 40 percent into the Channel. She said recreational boaters said the Channel was dangerous especially during summer low water months and heavy usage. She said water problems had to be handled by the Multnomah County Sheriff's River Patrol, who were unable to get to the area in the summer because whoever was the responsible party to do so, no longer dredged the Channel. She said the Sheriff's Patrol had to go around Government Island to respond to calls. She said community groups would have appealed the decision to allow multiple use of the channel, primarily because of noise abatement reasons, but did not do so because of various problems. She said it was difficult to reconcile houseboat and recreational use. She said citizen's groups talked to the river master, but were told recreational boaters could go to the north and use the commercial channel. She asked if it was necessary for the UGB to extend to the middle of a channel simply because of a city requirement for annexation. She said there were marine and scenic problems, but said her concerns centered on citizen safety and the conflict between residential needs and recreational boating, and the failure of the jurisdictions involved to solve those problems.

Councilor Kvistad said he understood that not only construction considerations required the amendment, but also because houseboats were dumping raw sewage into the river, and needed sewer services as soon as possible.

Councilor Gardner said the City could not approve the annexation application until the UGB amendment was made. Ms. Blatt and the Council discussed technical considerations further. Ms. Blatt said citizens understood the environmental impact of no sewer services being available, but had hoped the other environmental issues could be addressed. Councilor Monroe asked Ms. Blatt what her current recommendation to do was. Ms. Blatt said she was happy that municipal services would be provided, but hoped the issues she had raised could be resolved before the ordinance was adopted. She said she did not know what solutions

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there were. Councilor Monroe said when the UGB was amended, Mr. Donnerberg could take care of immediate problems in the area, and said that further solutions could be arrived at in the future by the participating jurisdictions. Ms. Blatt said she had hoped the UGB amendment would follow the existing shore line only, but said she did not wish to impede Mr. Donnerberg's plans.

Councilor McLain said she did not plan to vote for the emergency clause originally, but said if it went forward, service problems would be resolved and hopefully involved jurisdictions would begin to solve the other problems raised at this meeting.

Councilor Moore asked staff how far the UGB could extend into the river.

Stuart Todd, Assistant Regional Planner, explained that the UGB would extend 550 feet into the river. Councilor Moore said she had asked Mr. Todd at the Planning Committee meeting why the UGB could not extend 15 feet only into the river. Mr. Todd said different cities had different criteria/codes on how far to extend dependent on the UGB. He said some cities allowed annexation beyond the UGB, but said in this case it was not practical to allow the UGB boundary to extend only 15 percent because there were other existing annexation boundaries mid-channel and said there were potential service areas that would not be covered. He said in response to concerns expressed by Ms. Blatt, the Division of State Lands would step in to address such problems. He said that this houseboat moorage was likely one of the last ones to be placed on the river.

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

Councilor Devlin said the UGB was developed and established in the early 1980s. He said when it was set up, a process error was made with regard to this type of area. He said citizens had the expectation that this type of area should be within the UGB. He said the municipal and other services were the responsibility of other jurisdictions and the Council's only concern should be correction of the UGB at this time.

Councilor Kvistad said UGB expansions should meet common sense standards of what was reasonable and prudent. He said this case met such standards.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gates was absent. The vote was 12/0 and Ordinance No. 93-506A was adopted.

6.2 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, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-519 was first read on October 28, 1993, and was referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on November 2 and recommended it to the full Council for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Buchanan, for adoption of Ordinance No. 93-519.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She said the vendor took approximately two years to develop the application to Metro and to get consensus from community and business leaders. She said in doing so, the vendor had set an example in siting a facility which could have potentially had problems. She said the vendor was clear about siting and design for a facility that would run for five years. She urged the Council to adopt the ordinance although

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initially Metro would suffer some loss in revenue because some solid waste would be diverted. She said at least 40 percent of the materials processed would be recycled.

Councilor Van Bergen asked if this contract would violate the contract with Oregon Waste Systems, Inc. Councilor McFarland said it would not.

Presiding Officer Wyers opened the public hearing.

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

Councilor Moore asked how Metro would know when the vendor had reached the 45 percent limit. Councilor McFarland said inspection would take place at the gate and there would also be surprise inspections. Councilors Van Bergen and McFarland discussed monitoring enforcement.

Vote: Councilors Buchanan, Devlin, Hansen, Kvistad, McFarland, McLain, Monroe, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Gates were absent. The vote was 11/0 and Ordinance No. 93-519 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 93-1851, For the Purpose of Funding Third-Year of Greenspaces Projects to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors and Upland Sites

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1851.

Councilor Devlin gave the Planning Committee's report and recommendations. He explained the resolution would approve 17 projects and said the program was financially funded by the U.S. Department of Fish and Wildlife. He said per Senator Mark Hatfield's office, an additional \$300,000 could be available next year. Councilor Devlin said those monies were linked to an Interior Committee report currently in conference committee. He said if those funds were released, \$220,000 would be available for the program itself and the remaining \$80,000 would go the U.S. Department of Fish and Wildlife for their overhead.

Vote: Councilors Buchanan, Devlin, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Gates were absent. The vote was 11/0 and Resolution No. 93-1851 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

ADDITIONAL AGENDA ITEM

Public Affairs Department Presentation of Metro Slide Show

Vickie Rucker, Director of Public Affairs, explained/presented the "Metro Slide Show." The Council as a whole offered comments, suggestions and changes for the slide show.

8.1 Advisory Committee Reports

(a) Forest Grove Enhancement Committee

Councilor McLain noted her hand-out to the Councilors earlier listing enhancement projects funded by the Forest Grove Enhancement Committee. She said the Forest Grove City Council did not participate in selection of the projects, but merely

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signed off on projects as recommended. She said she had provided the City Council with information on other Metro enhancement committees. She said the projects selected in the past had been of high quality. She said the enhancement funds were considered important, but said she would like them to tighten criteria and develop a brochure to provide interested persons with. She said interested persons were often unsure of how to write up proposals on enhancement funds.

Councilor Hansen said Katie Dowdall, Community Enhancement Coordinator, provided interested persons with the services of a consultant to help write grant proposals.

Presiding Officer Wyers said 1% for Recycling Committee selection criteria had been revised several times and that those revisions had proven to be quite helpful.

(b) Composter Community Enhancement Committee

Councilor Buchanan said the Committee had been inactive for a year since the Riedel Composter Facility had closed and said there was little money with which to fund new projects and also maintain projects already funded and in progress in the area. He expressed concern about five projects that would require funds for maintenance, specifically the Disabled Transportation Program. He noted also that signs identifying the neighborhood had been vandalized. He said there was only \$2,400 in funding left. He hoped the Committee could be merged with another enhancement committee that had an ongoing funding source.

Councilor Hansen said per other enhancement committee bylaws, their boundaries were set and their funds could not fund projects outside their boundaries. She said the enhancement committees always built maintenance into proposals offered. She said usually proposers had other sources of revenue for maintenance. Councilor Buchanan said the Council should try to get monies for the enhancement committee to continue and maintain the few programs/projects it had.

(c) North/South Steering Committee

Councilor Monroe said the North/South Steering Committee held its first meeting on October 1 and set up the structure of the committee and advisory committees. He said because of gaps in membership from inner Northeast Portland and north of Vancouver, two citizens from the advisory committee were added. He said the Committee expressed concern about the old Traction Company right-of-way. He said the next meeting would be held December 2 and would address that issue. He said the citizens advisory group recommended adding a new route for consideration entirely east of the Willamette River, not to go into downtown Portland, but to go up around the Martin Luther King corridor. He said the Committee would meet on a quarterly basis and the citizens advisory group could meet more frequently than that. He said the committee's purpose was to narrow the scope until one alternative preferred route was selected.

Councilor Hansen said she had believed two citizens were on the committee from northeast Portland that could have covered the gap. She said citizens had told her they were amazed at the quality of information given them and that staffs from either agency were unbiased and supportive of citizen efforts. She noted the comments of one citizen, originally from New York City, who had told her Oregon's political process was the most open, participatory democracy he had ever seen. Councilor Monroe said one of the biggest problems for the Committee to resolve was how to get across the Willamette River. He said there had been one proposal for a tunnel but said there was an even more expensive option for cars and light rail which would make it part of the highway system and therefore, eligible for federal funding. He said a bridge seemed unfeasible because of boats and east winds.

Councilor Hansen said after the engineering analysis, a tunnel might not be feasible. Councilors Hansen and Monroe discussed tunnel feasibility issues further either.

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(d) Greenspaces Update

Councilor Devlin said the Council had just addressed the third year restoration grants at this meeting and noted Councilor Hansen and he and many other persons had served on the selection committee. He said the selection process represented a great deal of work. He said discussed current work being done on enhancement proposals and announced the GreenCity Data Project had just received a sizable grant from a national science foundation. He noted Councilor Moore chaired the Trails Group and had tied Greenspaces transportation issues and discussed other items of interest further. He noted that Metro had committed that, when the Regional Policy Advisory Committee was created, when the various policy advisory committees (PACs) had completed their tasks they would go out of business and refer the rest of their business to the Metropolitan Policy Advisory Committee (MPAC). He said there was still a need for a Greenspaces Technical Advisory Committee and consensus by that committee that their structure should be reconfigured. Councilor Devlin noted and said the Council had adopted a resolution of intent for a bond measure in 1994. He said May, September or November were the likely dates for a bond measure at this point. He said Metro had received responses from almost every regional jurisdiction on how they would expend the funds they received from a successful bond measure. Councilor Devlin discussed the Greenspaces Options Program. He noted Metro staff, with Councilor Washington participating, had held a final meeting with Multnomah County on the intergovernmental agreement (IGA) on transferral of the County's parks to Metro. He said the IGA was almost in final form, and all the technical amendments Metro had wished to make had been addressed. Councilor Devlin said the Greenspaces Program had received a lot of recognition not only locally, but also on a national basis. He said Senator Hatfield's and former Representative Les AuCoin's support and assistance had been beneficial to the Greenspaces Program.

Councilor Hansen noted she hosted a tour of available Greenspaces in North/Northeast Portland and said the tour participants were very enthusiastic about the amount of available urban Greenspaces that could be saved. She said there was foundation/grant money available to buy properties and that Councilor Moore's work on the trails was coming to fruition. She said if a bond measure passed, Metro would be able to maintain and continue current work and do a great deal more. She said stable funding could accomplish as much in two years as had been accomplished in the last 10 years.

Councilor Van Bergen asked for clarification about Councilor Devlin's earlier comment about folding PACs into MPAC. Councilor Devlin again explained that when PAC duties were discharged, the PACs would fold and leftover duties, if any, would be put under the auspices of MPAC. He said that plan should be rethought because it would be very difficult for MPAC to cover all issues comprehensively. Councilor Van Bergen said the issues should be reviewed again to see if PACs should be continued or not. Councilor Devlin concurred with Councilor Van Bergen said that citizens should be included in that discussion also.

Presiding Officer Wyers noted she had asked Lindsey Ray, Council Administrative Secretary, to compile a list of all of the advisory committees and had asked Councilor Gates to schedule a discussion of the same before the Governmental Affairs Committee.

Councilor Devlin said tackling all pertinent issues at the same time could be overwhelming. He noted that the Solid Waste Policy Advisory Committee had been restructured this year. The Council discussed PACs and related issues further. Presiding Officer Wyers said also to be decided whether or not a Councilor should be appointed in a liaison capacity to the Metro Committee for Citizen Involvement (MCCI). She suggested formation of a short-term Council task force to discuss MCCI's funding needs.

Councilor Moore noted she received a letter from Peggy Lynch, MPAC member, on design images as well as a letter from State Senator Bob Shoemaker about the Metro Tax Study Committee, as well as a letter received from another party on long-term federal funding. She said she wanted Public Affairs Department staff to work with MCCI to inform the public on those three issues. She wanted the dates of any meetings to be released to the media as soon as possible. Councilor Moore noted there had been concern about short public notice for Region 2040 Urban Design Workshops.

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Lisa Creel, Associate Public Affairs Specialist, discussed Public Affairs Department notification requirements and procedures. Regarding the Region 2040 Workshops, Ms. Creel noted Planning Department staff had acknowledged the public notification difficulties and that staff from both departments were working to resolve the problems at this time.

Councilor Moore asked about the status of the City Center Parking contract. Presiding Officer Wyers said the dispute over the award of Metro's parking bid would be decided in the courts and that Legal Counsel believed Metro's chances for winning were good.

Presiding Officer Wyers said the Council would hold the first of several public hearings at the November 23 Council meeting on the Tax Study Committee's recommendations.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 6:36 p.m.

Respectfully submitted,

Paulette Allen
Clerk of the Council
MCMIN93.314