

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

April 26, 1979

Councilors in Attendance

Chairman Michael Burton
Vice Chairman Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Jack Deines
Coun. Jane Rhodes
Coun. Caroline Miller
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Betty Schedeen
Coun. Corky Kirkpatrick
Coun. Marge Kafoury

Others in Attendance

Ms. Sharon Derderian
Mr. Ted Spence
Ms. Linda Macpherson
Ms. Keiko Matsumura
Ms. Marlene Leahy
Mr. Ed Capps
Mr. Paul Bay
Mr. Steve Lockwood
Mr. Bob Weil
Ms. Laurel Wentworth
Mr. Paul Bay
Mr. John Frewing

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Andrew Jordan
Mr. James Sitzman
Ms. Judith Bieberle
Ms. Sue Klobertanz
Ms. Jennifer Sims
Ms. Linda Brentano
Mr. Terry Waldele
Mr. William Ockert
Mr. Tom O'Connor
Ms. Marilyn Holstrom
Ms. Peg Henwood
Mr. Charles Shell
Ms. Caryl Waters
Mr. Warren Iliff
Mr. Kay Rich
Mr. Merle Irvine
Ms. Barbara Higbee
Ms. Mary Carder

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CALL TO ORDER

After declaration of a quorum, the April 26, 1979, meeting of the Council of the Metropolitan Service District (MSD) was called to order by Presiding Officer Michael Burton at 7:00 p.m. in Conference Room "C" of the MSD offices at 527 SW Hall Street.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

There were no written communications to the Council.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Coun. Rhodes introduced Ms. Diane Quick, resident of Happy Valley, who wished to address the Council.

Ms. Quick expressed her concerns regarding problems of excessive housing development and lack of coordination in Clackamas County. She felt that citizens were not aware of proposed new developments because the city of Portland did not give sufficient notification.

Coun. Rhodes said she had investigated the problem regarding developments and had ascertained that the city of Portland refuses building permits unless there is a specific development plan. Regarding the development Ms. Quick had referred to, drainage will have been taken care of before the development is built.

Chairman Burton thanked Ms. Quick for bringing a potential problem to the attention of the Council.

4. CONSENT AGENDA

4.1 A-95 Reviews

Coun. Miller moved, seconded by Coun. Kirkpatrick that the Consent Agenda be approved.

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Coun. Kafoury asked, regarding the first project on the A-95 Review, why a letter of denial had been included in the Agenda which was dated March 30 and the Council was not approving the report until April 26. She could not understand the Council role in these reviews.

Linda Brentano, A-95 Review Specialist, explained the 30 day time limit on reviews. If the Executive Officer or the Council wish to register an objection, it must be done within that 30 days. The Council still has an opportunity to override that objection if it wishes.

Coun. Deines suggested that Chairman Burton appoint a committee or set up a mechanism so that some members of the Council would be involved in the A-95 Review process.

Coun. Stuhr felt it had been agreed that these requests would be referred to a Council committee at the beginning of the process.

Chairman Burton explained that A-95 Review was a process to provide, through a regional mechanism, review by local jurisdictions of applications for federal grants or other federal actions. He would come back with a recommendation if, in fact, the Council wanted to take a position on these reviews.

Coun. Miller said she appreciated the work staff was doing, but that she would like to know more about the review process.

The Executive Officer explained that A-95 is a communication device. Council is given an opportunity to reverse the recommendation.

Question called on motion. Motion carried unanimously.

5. REPORTS

5.1 Report from Executive Officer

Executive Officer Gustafson reported on the status of State legislation related to the MSD. He reminded Councilors that the hearing on HB 3078,

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relating to Council authority in relation to the Urban Growth Boundary, was to be May 11, 1979, at 1:30 p.m.

PUBLIC HEARING

5.1.1 Presentation of FY 1980 Budget

The Chairman declared the public hearing open.

The Executive Officer reported to the Council that the Budget Task Force had met several times to review proposals for the FY 1980 Budget, and had reached unanimous agreement with the Executive Officer on the budget he was now presenting to the Council. He explained that the Tax Supervisory and Conservation Commission will hold a public hearing on the FY 1980 MSD Budget June 1 - 10, 1979. If the budget is approved by the TSCC, MSD has two scheduled hearings on an adopting Ordinance, June 14 and June 28.

Executive Officer Gustafson outlined the seven funds comprising the budget and explained changes in the personnel services accounts.

Coun. Peterson suggested that, since the committee relating to the Metropolitan Development Department is the Planning and Development Committee, that the name of the Metropolitan Development Department be changed to Planning and Development Department. Mr. Gustafson agreed that this would make sense. He explained that the Planning Fund includes the departments of Transportation, Public Facilities and Metropolitan Development.

Mr. Gustafson asked Mr. Shell to explain the pass through funds.

Mr. Charles Shell, Director of Management Services, explained that a problem had not been resolved relating to inclusion of certain funds in the budget. There is a question whether, under State Budget Law, certain LEAA and Urban Mass Transit pass through funds should be included in the adopted MSD budget.

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Staff expects to have a recommendation on these pass through funds at the meeting of May 10.

There was no one present who wished to speak concerning the budget. The public hearing was closed.

5.2 Council Committee Reports

Local Officials Advisory Committee: Chairman Burton said a steering committee of LOAC will be meeting in the near future to prepare proposed bylaws. There will be a meeting of the full LOAC May 23.

Solid Waste/Public Facilities Committee: Coun. Berkman reported that the Solid Waste/Public Facilities Committee had met April 17. Councilors have an agenda in the packet for the meeting to be held May 1.

Transportation Committee: Coun. Williamson said the Transportation Committee has pursued a plan for a joint committee with locally elected officials. Volunteers have been solicited to serve on this joint committee. Subject to Council approval, the following have been requested, and have agreed, to serve on the Joint Policy Advisory Committee on Transportation (JPAC): Stan Skoko, Jim Fisher, Don Clark, Larry Cole, Allen Manuel, Neil Goldschmidt, Al Myers (alternate, Mary Opray).

Chairman Burton asked that the Council vote to confirm these appointments.

Coun. Williamson moved, seconded by Coun. Deines, that the foregoing persons be appointed to serve on the JPAC.

Coun. Kafoury asked about the issue of voting on the committee. Coun. Williamson said this matter would be discussed at the May 10 meeting of the committee.

Coun. Rhodes asked about the matter of appointments, whether the Committee Chairman appointed persons, and if these appointments were confirmed by the Council.

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Chairman Burton said the Chairman of the Council makes all appointments and the Council reserves the right to confirm all appointments.

Chairman Burton asked that the names of Connie Kearney and Rose Besserman be added and that they be included in the motion. It was Council consensus that this be done.

Question called on motion. The motion carried unanimously.

Planning and Development Committee: Coun. Kafoury said the Planning and Development Committee report was included in Councilor's folders.

Chairman Kafoury reported that a special meeting would be held at her home the evening of Wednesday, May 2, at 7:30 p.m. She said the Committee wanted to highlight planning of the region in open discussion.

Ways and Means Committee: Coun. Kirkpatrick said she had no report other than that the Budget Task Force had completed its work and the budget had been submitted by the Executive Officer.

Zoo Committee: Councilor Banzer said copies of the Agenda and backup reports had been included in the packet. She invited Councilors to a preview opening of the nocturnal exhibit.

5.2.1 Resolution No. 79-44, Supporting Legislation to Clarify Authority of MSD to Adopt and Enforce an Urban Growth Boundary

Coun. Rhodes moved, seconded by Coun. Banzer, that Resolution No. 79-44 be adopted.

Coun. Kafoury said the committee had unanimously voted to endorse the State legislation for clarification of MSD authority. She said the committee urged support of the legislation, and requested that the Council adopt the Resolution.

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Question called on the motion. Rollcall vote. All Councilors present voting aye, the motion carried unanimously.

6. OLD BUSINESS

6.1 Ordinance No. 79-70, Amending Budget Ordinance No. 60 to Transfer Appropriations Within Funds
(Second Reading)

It being ascertained that it was Council consensus to do so, Ordinance No. 79-70 was read by Mr. Jordan the first time by title only.

Coun. Kirkpatrick explained that the action requested was approval of the first reading of an Ordinance to implement a supplemental budget. She said that second reading and final adoption of the supplemental budget would occur at the meeting of May 10.

Coun. Kirkpatrick outlined action taken by the Tax Supervisory and Conservation Commission (TSCC) through public hearing and certification. She said the Ways and Means committee recommended approval.

No action was required at this time.

7. NEW BUSINESS

7.1 Resolution No. 79-40, Updated Study Process and Schedule for Establishing Priorities for MSD Regional Reserve

Coun. Schedeen moved, seconded by Coun. Kafoury, that Resolution No. 79-40 be adopted.

Coun. Williamson said the Updated Study Process and Schedule for Establishing Priorities for MSD Regional Reserve updates the proposed process for establishing priorities to allocate the \$20 million MSD reserve fund which was established to allocate funds for various regional highway and transit projects outside the city of Portland. Establishment is, however, contingent on official approval

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of the I-505 withdrawal by the US Department of Transportation.

Mr. William Ockert, Director of the Transportation Department, said that TTAC and the Transportation Committee had approved the procedures and priorities.

Councilors questioned Mr. Ockert about the process and whether it will be possible to use this document for study of other funds.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

7.2 Resolution No. 79-41, Transferring \$58,650 from Clackamas County/Cities Contingency Account to Meet Cost Overrun on Preliminary Engineering for Highway 212 Project.

Coun. Stuhr moved, seconded by Coun. Schedeen that the Council adopt Resolution No. 79-41.

Coun. Williamson reported that the Transportation Committee had recommended approval of this resolution.

Mr. Ockert gave Council an overview of this project and reasons for the overrun.

Mr. Ockert explained that staff had prepared a memorandum describing Interstate Transfer Contingency Accounts established by the CRAG Board. He called attention to a chart outlining the status of Mt. Hood Interstate Transfer Fund Contingency Accounts. He said funds for this particular project come out of the Clackamas County/Cities Category.

Councilors expressed concern with the size of the overrun on this project.

Mr. Ted Spence, ODOT, explained that this project had only been through the preliminary engineering phase, and that it is extremely difficult to estimate the cost of a project before this phase is completed.

Question called on the motion. All councilors present voting aye, the motion carried unanimously.

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7.3 Resolution No. 79-42, Amending Transportation Improvement Program (TIP) to Include Tri-Met Project for Repowering 200 Buses.

Coun. Stuhr moved, seconded by Coun. Kirkpatrick that the Council adopt Resolution No. 79-42.

Coun. Williamson said the Transportation Committee recommended adoption of the Resolution. He said Mr. Paul Bay and Mr. John Frewing of Tri-Met were present to answer any questions Council might have. Coun. Williamson explained that the basic proposal is to renovate 200 buses. This would involve less expenditure than would be involved to purchase new buses.

Mr. Paul Bay confirmed Coun. Williamson's statement, and added that time was an additional factor. At present the time lag for purchase of new equipment has increased, so that maintenance problems are expected with the existing fleet. He explained that it is planned to purchase new or rebuilt engines and go through the buses one at a time with existing staff.

Question called on the motion. All councilors present voting aye, the motion carried unanimously.

7.4 Resolution No. 79-43, Authorizing \$204,000 of Funds Allocated to Macadam Avenue Project for Preliminary Engineering on South Portland Circulation Project and Amending TIP Accordingly

Coun. Kafoury moved, seconded by Coun. Stuhr, that Resolution No. 79-43 be adopted.

Coun. Williamson said the Transportation Committee recommended approval of this resolution, and that the city of Portland had approved the funding. He continued that staff had done a systems analysis and recommended approval.

Mr. Ockert explained the systems analysis and said that this was the preferred alternative. He believed the City should go into preliminary engineering and address some of the questions raised by staff.

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Councilors questioned various aspects of the proposal, and the possible effect on the neighborhood. Coun. Berkman questioned whether neighborhood committees had been formed and if the City had been in contact with them.

Ms. Laurel Wentworth, Transportation Planner for the city of Portland Planning Bureau, said the City had been in contact with all committees and had discussions with them. This was one of the reasons for further studies.

Question called on the motion. Rollcall vote. Couns. Banzer, Peterson, Kafoury, Stuhr, Williamson, Kirkpatrick, Rhodes and Schedeen voted aye. Couns. Miller, Burton, Berkman and Deines voted nay. The motion carried.

7.5 Resolution No. 79-45, Authorizing Acceptance of UMTA Assistance for Air Quality Planning.

Coun. Rhodes moved, seconded by Coun. Peterson, that Resolution No. 79-45 be adopted.

Legal Counsel Jordan explained that, while other federal departments do not have such a requirement, UMTA requires that governing bodies formally accept their grants.

Question called on the motion. The motion carried unanimously.

8. ANNOUNCEMENTS

Chairman Burton announced that several Councilors will be attending the NARC conference in Detroit.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Mary E. Carder
Clerk of the Council

7-15