

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

June 14, 1979

Councilors in Attendance

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

Others in Attendance

Mr. Fred Leeson
Mr. Kenneth D. Rose
Mr. Philip A. Marz
Mr. Ray Jaren
Ms. Susan Bailey
Mr. Clyde Barnhill
Mr. Bob Weil
Ms. Linda Williams

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Denton U. Kent
Mr. Andrew Jordan
Ms. Sue Klobertanz
Ms. Jennifer Sims
Ms. Linda Brentano
Mr. Terry Waldele
Mr. William Ockert
Mr. Tom O'Connor
Ms. Peg Henwood
Mr. Charles Shell
Ms. Gretchen Wolfe
Ms. Judith Bieberle
Ms. Karen Hiatt
Ms. Barbara Higbee
Mr. Kay Rich
Mr. Warren Iliff
Ms. Marilyn Holstrom
Mr. John Gregory
Mr. Wayne Coppel

MSD Council
Minutes of June 14, 1979

CALL TO ORDER

After declaration of a quorum, the June 14, 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 S. W. Hall Street.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

There were no written communications to the Council to be introduced at this time.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizens present who wished to address the Council at this time.

4. CONSENT AGENDA

4.1 Minutes of the meeting of May 24, 1979.

4.2 A-95 Review

4.3 Contracts

Coun. Rhodes corrected the minutes of May 24, 1979, 7.7 Resolution No. 79-53. She called attention to the fact that a motion had been made but no action was recorded. The Clerk commented that she had researched her records and found that all Councilors present voted aye, except Councilor Peterson who voted nay. This correction will be made.

Coun. Kafoury had corrections to be made on p. 4 under her report for the Planning and Development Committee. Coun. Kafoury said that the Durham Comprehensive Plan had been discussed but that there were no representatives there from the city of Durham. Coun. Kafoury also corrected a paragraph under the Transportation Committee report saying that her comment had been that she had read the minutes and noticed that Bill Young had expressed concern that the Committee was not doing more on the question of energy.

MSD Council
Minutes of June 14, 1979

With regard to 6.1, Ordinance No. 79-71, p. 7, Coun. Kafoury asked that comments she had made in this regard be entered into the record. She said that she had disagreed with the staff categorization and that she viewed the indirect source rule as a transportation control strategy. She felt the strategy had worked very well in negotiating with applicants for mitigating activities such as turn out lanes, better parking lots, etc. Coun. Kafoury said she strongly supported this program.

Coun. Kafoury continued that she had a correction on p. 11. In the third paragraph from the bottom of the page, she had said that she would support the "main" motion; add the word "main."

Coun. Peterson asked, concerning the A-95 Review for the city of Troutdale, if the \$2 million was to be a loan or a grant. Ms. Brentano told Coun. Peterson that this would be a loan.

Chairman Burton pointed out that under Item 2 of the contracts, the bid had been awarded to Rittenhouse and Zimmer, Contractor, for an amount of \$6,144.

Coun. Banzer said the Zoo Committee had reviewed the contracts and unanimously recommended approval of both contracts.

Coun. Williamson said the Transportation Committee had not reviewed the contracts since they had already been approved.

Chairman Burton asked for clarification of which transportation contracts were required to be included in this section. Coun. Kirkpatrick said it was her understanding all Transportation contracts over \$2,500 were to be included.

Coun. Kafoury said the Planning and Development Committee had reviewed and approved the contracts submitted for their recommendation.

The question was called on the motion. All Councilors voting aye, the motion to approve the Consent Agenda carried unanimously.

MSD Council
Minutes of June 14, 1979

5. REPORTS

5.1 Report from Executive Officer

The Executive Officer gave his legislative report. He reported on several bills and said that at this point all the MSD bills had passed the House and prospects for final passage of all the bills is good. The Executive Officer reported in particular on SB 925, the Emergency Siting and EFU Siting bill and said that it was passed out of the Senate Environment and Energy Committee with a unanimous "do pass" recommendation. The Executive Officer distributed a copy of the hand engrossed version of the bill and explained its contents.

Councilors discussed the bill and its possible effect on siting of future landfills.

Coun. Berkman complimented the Executive Officer and staff for the work done on this bill.

The Executive Officer commented on Tri-Met "Tri-It" Week and said that staff will make a commitment to ride to and from work on Thursday, June 21.

The Executive Officer continued that next week the Zoo is offering a free train ride to all people who hold a transfer from Line No. 63, the new service instituted for Zoo patrons.

The Executive Officer commented that there would be a visitation from the Greater Vancouver Regional District on Friday. Staff has planned a full schedule for them. The Agenda was circulated and the Council invited to attend.

The Executive Officer continued that he had recently attended a conference in Aspen, Colorado, where he had been invited to participate on a panel concerning the future of urban transportation.

MSD Council
Minutes of June 14, 1979

5.2 Council Committee Reports

Planning and Development Committee: Coun. Kafoury reported that the agenda from the last meeting had been in the packet and that the Committee had recommended that the Gladstone Plan Review, preliminary submission, be recommended for Council adoption at a later meeting. The Committee felt that the plan had been extremely well done. The Committee had reviewed a one year extension request from Washington County which will come before the Council at a later date. Coun. Kafoury said the meeting of the Planning and Development Committee on the 11th had been a workshop where the Committee had reviewed goals and objectives on economic development, housing and land use. These will be forwarded to the Council for their review.

Ways and Means Committee: Coun. Kirkpatrick said the agenda for the next Ways and Means Committee meeting to be held Tuesday, June 17, and the minutes had been in the packet. She said that it was important that the Council discuss the retreat which would be held the latter part of July so that planning could be completed in that regard. She was passing around a sign up sheet to ascertain how many Councilors were interested in using bus transportation for the trip to the retreat.

Solid Waste/Public Facilities Committee: Coun. Berkman reported that minutes of the meeting of June 5 had been circulated in the agenda. He felt there was an item that should be of interest to the Council which related to the City of Portland's interest in the energy policy. Coun. Berkman said the Committee would welcome Council input.

Coun. Rhodes reported on the Johnson Creek Task Force and asked that the Chairman appoint, and the Council approve the appointment of, two new members to the Johnson Creek Task Force. John Sewell will replace Bob Packard of the City of Portland Park Bureau, and Stan Morris has been appointed to represent the city of Gresham.

MSD Council
Minutes of June 14, 1979

Coun. Rhodes moved, seconded by Coun. Peterson, that John Sewell and Stan Morris be appointed as members of the Johnson Creek Task Force. All Councilors present voting aye, the motion carried unanimously.

JPACT: Coun. Williamson said he had received a sheaf of letters from persons in the Marylhurst area asking that a traffic light be installed there.

Coun. Williamson suggested that the JPACT and Solid Waste/Public Facilities Committee should meet to talk about energy and the energy report in particular and summarize what is being done with regard to transportation problems in the region. He thought that the role of MSD should be discussed before getting into the area of energy.

Chairman Burton suggested that there is a potential for MSD to become involved, but that there is an existing work program and staff should not be taken from other work for this effort.

Coun. Stuhr agreed that it would be well for the Committees to have a joint meeting to talk about the content of the City of Portland Energy Report.

Chairman Burton said he would leave this to the discretion of the Chair of the two Committees.

Corrected per
minutes of
6/28/79

Coun. Williamson said the JPACT had considered the waterway transit proposal of Mr. Ken Rose and that Coun. Miller had prepared some suggestions for a resolution relating to this matter. Coun. Miller said she would defer to the Chairman and bring this matter up at a later meeting.

Zoo Committee: Coun. Banzer said some exciting things had been going on at the Zoo. She said that the Zoo Director, Warren Iliff, had had some input at the state legislature in the matter of the designation of the Swallowtail Butterfly as the official Oregon State insect.

MSD Council
Minutes of June 14, 1979

Coun. Banzer said that July 3 will be the 20th anniversary of the Zoo and that a celebration has been planned on that date in commemoration.

Coun. Banzer commented that the construction of the primate exhibit is going well.

Coun. Banzer urged all persons present to attend the Summer Jazz concerts being held weekly at the Zoo.

- 5.3 A-95 Review Report: Chairman Burton commented that a new procedure has been instigated to provide a report to the Council on A-95 Reviews which require no Council action. The first of these reports is included in this Agenda.

- 5.4 Information Report - Primate Project: Mr. Warren Iliff reviewed the project for a new primate exhibit and said that bids will be opened on June 26. It is expected that the bids will come in within the budgeted amount.

Mr. Iliff introduced Steve McCusker, Curator of the Zoo and General Manager of the Primate Project. Mr. McCusker explained the deletions and the deduction alternates and reasons these items were felt to be expendable. Councilors questioned Mr. McCusker about the deletions and asked whether the deletions will detract in any way from the project. Mr. McCusker said deletion of these items will have no adverse effect.

Mr. Iliff introduced Mr. Marvin Jones from the San Diego Zoo, who was visiting in the Portland area.

- 5.5 Metro Water Resources Report: Mr. Terry Waldele said the Corps of Engineers, Urban Studies Team, had prepared 13 reports which he had given to the Council for their perusal. These reports were on the water supply and drainage studies. Mr. Waldele introduced Mr. Clyde Barnhill, Ms. Susan Bailey, and Mr. Ray Jaren, and said that Susan Bailey would report on the drainage study. Mr. Waldele said action requested of the Council at this time would be approval of release of these reports for public review.

MSD Council
Minutes of June 14, 1979

Ms. Susan Bailey told the Council that her input into the Metro Study had concentrated on sections dealing with flooding and drainage and the subsequent erosion. She outlined the drainage plans, after which she said the Corps of Engineers had discussed what role MSD should play in drainage management. The Corps had decided that in most cases, MSD would not be the best entity to be considered as the lead agency. They could better act as coordinators for drainage planning when more than one jurisdiction was involved and could provide information to make sure the planning was done properly.

Councilors questioned Ms. Bailey about certain facets of the drainage report.

A short break was taken.

When Councilors returned they turned their attention to the water supply plan and discussed the Portland water supply and what would happen if the City of Portland decided to use funds received from sale of water to other jurisdictions for funding of things unrelated to their Bull Run water supply.

Coun. Deines moved, seconded by Coun. Peterson, that the Council approve release of the Corps of Engineers documents for public comment and review. The motion carried unanimously.

6. OLD BUSINESS

- 6.1 Ordinance No. 79-72, Adopting Annual Budget of the Metropolitan Service District (MSD) for fiscal year 1980, making appropriations from funds of the District in accordance with said Annual Budget and levying ad valorem taxes (first reading).

It having been ascertained that it was the Council consensus to do so, the Clerk read Ordinance No. 79-72, the first time by title only.

Coun. Kirkpatrick moved, seconded by Coun. Miller, that the Council adopt Ordinance No. 79-72. Coun. Rhodes asked that, before the Budget was adopted, some typographical errors be

MSD Council
Minutes of June 14, 1979

corrected. In particular on p. 26, Personal Services, the amount of "\$500,000" should be corrected to "\$438,542."

Corrected
per minutes
of 6/28/79

Coun. Berkman asked if the Council was adopting the Budget, or if the actual adoption would be at the next meeting.

Chairman Burton said the second reading on the 28th would be the hearing, that the Council was simply making a motion to put the matter before the Council at this time.

Coun. Kirkpatrick asked if it would be appropriate for her to make a report as Chairman of the Ways and Means Committee at this meeting or if she should wait until the hearing. Chairman Burton ruled that her remarks could be made at this time.

Coun. Kirkpatrick outlined the process used to complete the Budget and problems encountered with decreased funds. She commented on improvement in ongoing programs, and provision for new programs. Coun. Kirkpatrick called attention to the question of adequate contingency and outlined methods proposed to build an adequate contingency with carry-over funds for next year.

Coun. Kirkpatrick explained that the Tax Supervising and Conservation Commission (TSCC) members were most impressed by the number of Councilors who attended the hearing, and said the TSCC had shown a genuine interest in the MSD efforts. Coun. Kirkpatrick said that the TSCC has returned the Budget to the Council for final action.

6.2 Resolution No. 79-54, Establishing Criteria for the MSD Reserve from Interstate Transfer Funds.

Coun. Williamson said that the study process previously approved by the Council stated that criteria for establishing problem and project priorities for the MSD Reserve of Interstate Transfer Funds are to be adopted by the Council. JPACT had recommended approval of the criteria prepared by staff along with a number of amendments.

MSD Council
Minutes of June 14, 1979

Coun. Williamson moved, seconded by Coun. Kafoury, that Resolution No. 79-54 be adopted.

Coun. Stuhr said she had discussed this matter with Mr. Ockert and with others and that she was uncertain as to whether it was appropriate to adopt criteria at this time. The Council has not had adequate time to consider the implications of amendments. She was not sure that local jurisdictions had had an opportunity to review the amendments or whether there had been sufficient citizen input.

Coun. Williamson explained that the amendments had been suggested by JPACT.

Coun. Rhodes questioned whether the motion included the June 14 amendments. Coun. Williamson said that he had intended to include these amendments in his motion. Coun. Rhodes said that she had problems with the amendments handed out at this meeting.

Chairman Burton ruled that the motion was to adopt the resolution and that the amendments had not been introduced.

The Executive Officer said that there were two different items to be voted on, the criteria, and the amendments, and it would be helpful to staff if the criteria were adopted at this time. He said there might be others that the Committee would want to add, but that this could be done at a later time.

Chairman Burton said that he was going to rule that the amendments could not be introduced at this time.

There was discussion on the main motion which was for adoption of the resolution as written.

Coun. Stuhr said she had no problem with the resolution as written. She did feel that the amendments should be more carefully considered.

Coun. Williamson suggested that the Council adopt the main motion at this time and send the amendments back to JPACT for reconsideration in July.

MSD Council
Minutes of June 14, 1979

Mr. Ockert pointed out that according to the study process the criteria suggested in the amendments would not be used until the second half of the study begins in September. Therefore, additional time could be taken to consider the amendments.

Coun. Kafoury suggested that if the Council had problems with the long-term criteria that they adopt that portion concerning the short-term criteria at this meeting and consider the long-term criteria at a later time.

Coun. Rhodes moved, seconded by Coun. Miller, that the question be called. All Councilors present voting aye, the motion carried unanimously.

Vote was taken on the main motion to adopt Resolution No. 79-54. All Councilors present voting aye, the motion carried unanimously.

Coun. Williamson asked to report on JPACT action on the State Improvement Plan for air quality on the matter of the .08 Ozone standard in the state. He said that the Environmental Quality Commission had decided to put the .08 standard in the SIP and that this was contrary to the Governor's recommendation. The JPACT felt that this would be potentially damaging to the metropolitan region. The JPACT had resolved to ask the Council to urge the Governor and the EQC not to put the .08 standard in the SIP.

Coun. Williamson moved, seconded by Coun. Stuhr, that the MSD Council urge the EQC to support the Governor's recommendation that the EQC follow the federal standard and guidelines for a .12 Ozone standard by 1987. To assure effective coordination with federal programs the Council will consider the stricter standard of .08 ozone at a later date but urges delay of inclusion of a stricter standard in the SIP until there has been further scientific review.

Chairman Burton asked about the policy implications of this resolution.

MSD Council
Minutes of June 14, 1979

Coun. Williamson said that in essence adoption of this resolution would simply reaffirm the position the Council had taken at its last meeting.

Chairman Burton could see no reason in this case for the Council to adopt this motion.

The Executive Officer said that he believed it was absolutely essential that he and the chairman of the Transportation Committee attend the EQC hearing June 25. Adoption of this resolution would enhance the Governor's position and reaffirm the Council's belief that the .12 was a realistic standard in connection with the SIP, at this time.

Coun. Peterson felt that the motion adopted at the last meeting adequately stated the MSD position.


Coun. Williamson said the motion he had made contained compromise language which reaffirmed the Council position without in effect taking sides.

There was further discussion, after which the Chairman called for a roll call vote on the amendment.

Couns. Rhodes, Schedeen, Miller, Stuhr, and Williamson voted aye. Couns. Berkman, Kirkpatrick, Deines, Banzer, Peterson and Burton voted nay. Coun. Kafoury abstained. The motion was defeated.

There being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,



Mary E. Carder,
Clerk of the Council

MC/gl
4046A
D/3