

**MINUTES OF THE COUNCIL  
METROPOLITAN SERVICE DISTRICT**

November 20, 1979

**Councilors In Attendance**

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

**Others in Attendance**

Mr. Phil Adamsak  
Ms. Jacqueline Rowles  
Mr. John D. Hoy  
Ms. Jerrie E. Hoy  
Mr. Jay Scoggin  
Mr. Philip Thompson  
Mr. Ted Spence  
Ms. Gina S. Whitehill  
Mr. Kent Mathewson

**Councilor Not In Attendance**

Coun. Craig Berkman

**In Attendance**

Executive Officer, Rick Gustafson

**Staff In Attendance**

Mr. Denton U. Kent  
Mr. Andrew Jordan  
Mr. William Ockert  
Ms. Michele Wilder  
Mr. John Gregory  
Mr. Terry Waldele  
Ms. Sue Klobertanz  
Mr. Tom O'Connor  
Mr. Merle Irvine  
Mr. McKay Rich  
Ms. Kathy Sampson  
Mr. Charlie Shell  
Ms. Marilyn Holstrom  
Ms. Caryl Waters  
Mr. Mel Huie  
Ms. Mary Carder

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**CALL TO ORDER**

After declaration of a quorum, the November 20, 1979, meeting of the Council of the Metropolitan Service District (Metro) was called to order by Presiding Officer Michael Burton at 7:30 p.m. in the Council Chamber of the Metropolitan Service District at 527 S. W. Hall Street, Portland, Oregon 97201.

**1. INTRODUCTIONS**

Chairman Burton introduced Mr. Kent Mathewson, saying that he is presently with the Metropolitan Fund in Michigan and that Mr. Mathewson has been active in the regional planning movement since its inception--organizing the first regional planning council, the Mid-Willamette Council in Salem. Chairman Burton welcomed Mr. Mathewson to the meeting.

**2. WRITTEN COMMUNICATIONS TO THE COUNCIL**

*Amended  
11/20/79*

Chairman Burton said that the Council had received a communication from Multnomah County Community Action Agency (MCCAA) again requesting an appointee to sit on their Administering Board. Chairman Burton reminded the Council that at a previous meeting he had been appointed as a representative to that Board. Since that time the Chairman was informed by MCCAA staff that the Metro representative would not be able to participate. Chairman Burton therefore asked staff not to indicate that Metro would appoint a representative. MCCAA now has indicated that there is a seat for Metro on the MCCAA Administering Board and has requested that a representative of Metro attend.

Councilors discussed Metro's participation in human services matters and felt that even though MCCAA provided a needed service, that it would not be appropriate at this time for a Metro representative to sit on that Board.

Coun. Williamson suggested that Metro appoint a citizen to attend those meetings. Chairman Burton said that Multnomah County Commissioners already appoint several citizen representatives.

Coun. Rhodes recommended that a letter be sent to MCCAA thanking them for their invitation, communicating that Metro wishes to cooperate with them on issues of metropolitan responsibility and requesting that they inform Metro when regional issues are on the agenda and the Council will send a representative to those meetings. It was the consensus of the Council that this should be done.

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**3. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS**

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

**4. CONSENT AGENDA**

**4.1 Minutes of the meeting of October 25, 1979.**

**4.2 A-95 Review directly related to Metro.**

**4.3 Contracts.**

Coun. Stuhr moved, seconded by Coun. Peterson, that the Consent Agenda be approved.

Coun. Deines questioned an item on page 4 of the minutes. He said that the dates of the minutes did not coincide and that these should be adjusted.

Coun. Williamson commented referring to the bottom of page 9 that the portion pertaining to highly technical matters should be removed.

Question called on the motion. All Councilors present voting aye, the Consent Agenda was approved as amended.

**5. REPORTS**

**5.1 Report from Executive Officer**

Executive Officer Gustafson reported that the Veterans Hospital Final Environmental Impact Statement (FEIS) had failed to include any of the matters brought out at the Metro Council meeting. A meeting had been called by citizens which was to be held November 21, 1979, at 3:00 p.m. to discuss the lack of contents of the FEIS and the fact that it did not address any of the concerns which were raised by the Metro Council. The Executive Officer commented that the Council had until December 17 to enter comments formally.

The Executive Officer reported that a letter had been received from the Governor regarding the designation of Metro as the A-95 Review Agency and the Metropolitan Planning Organization.

Mr. Gustafson said that on December 6 the Metro central office and the Metro extension at the Zoo will meet at the Forestry Center at 4:00 p.m. Councilors are invited to participate.

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The Executive Officer continued that he had been in Washington, D. C., and Baltimore, last week. He and Steve Siegel of the Metro staff had met with the UMTA officials about the Westside Transitway and had received very favorable comments. Mr. Gustafson said that he had also spoken to the Conference of Mayors in Baltimore about regional transportation. They were quite interested in the Metro program.

Mr. Gustafson said that there has been no official statement from the Department of Environmental Quality (DEQ) regarding the landfills that are being investigated by Metro. The Director of the DEQ has indicated that he would be willing to appear before the Council to discuss problems with proposed landfill sites. The Executive Officer said staff meetings will be held in the near future to discuss the policy of DEQ with regard to landfill siting.

## 5.2 Council Committee Reports

Ways and Means: Coun. Kirkpatrick said that the Ways and Means Committee had considered the first quarter financial report, and will attempt to answer any questions Councilors may have concerning this report.

Coun. Kirkpatrick reminded Councilors of the Council retreat to be held December 1 here at Metro.

The Finance Task Force will have a final meeting November 26. If there is time at the retreat, Coun. Kirkpatrick will present a report on that meeting.

Coun. Williamson asked if the financial statement would be considered at any other time or if there was anything that the Council should know about it. Coun. Kirkpatrick said that staff had taken strong measures to achieve what the Council had asked of them. If there were any questions Coun. Kirkpatrick would be happy to talk about them at the retreat. At this point the Ways and Means Committee had unanimously accepted this portion of the quarterly report.

Solid Waste/Public Facilities: Coun. Deines said that the Committee report had been included in the minutes. He said that the Solid Waste Collection Franchising Ordinance would probably be ready for consideration at the next Council meeting. Coun. Deines reported that he had attended a meeting of a Landfill Siting Committee at Mira Monte.

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Coun. Rhodes reported regarding the Johnson Creek Task Force that many decisions had been made, some of which had already been changed. She reported on the Local Improvement District (LID) Ordinance which had been approved by the Johnson Creek Task Force. There had been a meeting with Mayors and Commissioners from the six jurisdictions involved and the result of that was they had offered to pay for forming an LID. Staff has prepared a follow-up letter which will be forwarded to the Mayors and Commissioners. Coun. Rhodes reported that the Corps of Engineers had written saying that they would remove the Johnson Creek project from the inactive list.

Coun. Miller asked if the Mayor of Troutdale had been present at the last meeting. Coun. Rhodes said that he had not, but that Troutdale was not one of the districts in the Johnson Creek project. Troutdale did have input on the ordinance and had supported the veto power, which the Committee had decided not to include. Coun. Miller said she was sorry that the Committee had decided not to include the veto power. Mr. Kent explained that there had been a misunderstanding on terms in the general ordinance in that this ordinance was for all purposes rather than just drainage. The Troutdale letter was directed against a general LID ordinance that could take over sewers and other operations the local governments might have.

Zoo Committee: Coun. Banzer said the major interest of the Zoo Committee at present is a benefit concert which will be occurring in two weeks.

JPACT: Coun. Williamson said the Transportation Committee minutes of the first meeting are included in the packet. The Transportation Committee met with the Executive Officer and talked about long-term projects.

Coun. Williamson said Mr. H. Cook has been approved for appointment to the Air Quality Advisory Committee. He was recommended to the JPACT by the Washington County Commissioners.

Coun. Stuhr moved, seconded by Coun. Schedeen, that Mr. H. Cook be appointed to the Air Quality Advisory Committee. All Councilors present voting aye, the motion carried unanimously.

Planning and Development Committee: Coun. Peterson said the minutes of the November 5 meeting were included in the

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packet. He said the Committee had adopted the Goals and Objectives Guidelines and Work Program. These are Goals and Objectives for the Planning and Development Committee but they do affect the whole Council. After the adoption of the Goals and Objectives Guidelines and Work Program the Committee had a special meeting to discuss the budget. The Committee also discussed comprehensive plans of Johnson City and Cornelius.

Regarding groundwater, the Planning and Development Committee suggested to Multnomah County that they consider several alternatives: 1) that they accept assistance to secure from Metro the necessary funds to complete the Inverness Sewer System; 2) that the Metro area participate with Multnomah County and the Department of Environmental Quality in order to obtain a grant under the "208" program; 3) that Metro request that Multnomah County revise its proposed groundwater plan to consider possible alternatives; 4) that Multnomah County not allow building of single family or multi-family or commercial sites on land serviced by cesspools pending completion of the sewer system. Multnomah County Board of Commissioners decided not to adopt their staff recommendation, but is discussing the Planning and Development Committee recommendation seriously and is holding the matter over until December 1.

Coun. Kirkpatrick suggested that Council members who have a strong feeling concerning a moratorium should be present at the Multnomah County meeting.

5.3 Multnomah County Groundwater Quality Report.

There was no action required on this matter and none was taken.

A short break was taken.

6. PUBLIC HEARING

6.1 Ordinance No. 79-80, Establishing Temporary Restrictions on Land Development Within the Urban Growth Boundary.  
(First reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-80 the first time by title only.

The public hearing was opened.

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Mr. Philip Thompson, architect and planner, spoke regarding restrictions placed by the Ordinance. He said that as far as he could ascertain, any one who owned land that did not have a sewer could not develop or build on that land. Mr. Thompson said he was in opposition to adoption of this ordinance.

There being no other citizen who wished to speak at this time the public hearing was closed.

Coun. Peterson moved, seconded by Coun. Schedeen, that Ordinance No. 79-80 be adopted.

Chairman Burton reminded the Council that it had instructed staff to prepare this ordinance to ensure that there would be no unwarranted development that would occur outside the exceptions.

Coun. Kirkpatrick moved, seconded by Coun. Miller, to develop amendments to Ordinance No. 79-80. Coun. Kirkpatrick said that it had been the intent of the Planning and Development Committee that this ordinance be keyed to acceptance of the UGB by LCDC. In two different instances the ordinance contained references to specific dates; therefore, she moved that on page 4, section 3, subsection C, the wording be amended to say "...recorded prior to acceptance of the Urban Growth Boundary by LCDC," and, that this amendment also be incorporated on page 5, section 4.2.

Mr. Jordan said he would draft these amendments to be offered at the next Council meeting. Coun. Kirkpatrick with the concurrence of her second said that this would be all right. Coun. Williamson asked that Mr. Jordan check to make sure that the Council can delegate authority as to when its ordinance becomes effective.

Coun. Deines asked if it was correct that the counties had passed resolutions containing the same prohibitions as were in this ordinance. Mr. Sitzman said that they had and that by July of 1980 they would be in effect; however, there was nothing to take care of the problem in the interim.

Coun. Schedeen asked if this six-month restriction was something that LCDC had requested of Metro. Mr. Sitzman said it was not specifically, but LCDC had requested that Metro do everything possible to control development in those areas. Mr. Sitzman continued that staff had entered into discussions with all three Washington County

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officials and had spoken with staff at the other two county levels. The major question in Clackamas County was why this restriction was not applied to the cities as well.

Coun. Stuhr said that prior to August 23, the Council had a proposal before them that did not apply for exception on lots of record. It was decided that lots of record should be exempted. The Committee had asked staff to amend the resolutions setting an effective date of August 23. Only lots of record created prior to this time would be exempted. Since that time the date had been moved up to December 14, recognizing the fact that local jurisdictions could not have their plans done, and that there would be no legal basis to prevent any new lots of record being created. The Council needs to adopt this ordinance to prevent future problems until local jurisdictions can complete their comprehensive plans and have their controls in place.

Coun. Kirkpatrick pointed out that this ordinance only affects specially designated areas which appear on the attached map. Mr. Sitzman pointed out that there were two restrictions, one on residential development in areas on that map, and the second to restrict septic tank development on lots that were created after the date of acceptance in all unincorporated areas of the UGB.

Mr. Jordan explained the septic tank and cesspool restrictions.

Mr. Thompson asked to comment on two items that had been brought up during the discussion. He spoke regarding Washington County plans, saying that a hearing on their ordinance on septic tank limitation was scheduled for November 28.

Chairman Burton announced that the second reading of Ordinance No. 79-80 would be December 6.

Coun. Miller asked to speak to the matter brought up by Mr. Thompson. She felt that the Ordinance title was extremely confusing. Coun. Miller suggested that brief statements be made regarding the impact of an ordinance when it was presented. She said she would appoint herself as a Task Force of one to try to see that this was accomplished. She did not think that in this case the title was clear enough.



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7. OLD BUSINESS

- 7.1 Ordinance No. 79-79, Amending Ordinance No. 79-73, Personnel Rules, Relating to Definition of Anniversary Date (Second Reading).

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

Chairman Burton reminded the Council that there was a motion before them which had been made at the previous Council meeting. There was no discussion on the motion.

Roll call vote. All Councilors present voted aye. Couns. Rafoury and Berkman were absent. The motion carried.

8. NEW BUSINESS

- 8.1 Resolution No. 79-103, Revising the Process of Authorizing Federal Funds for Committed Projects.

Coun. Williamson moved, seconded by Coun. Stuhr, that Resolution No. 79-103 be adopted. Coun. Williamson said that the Council had talked earlier in the year about the cost overruns of transportation projects. He explained that the Committee had met with representatives of the jurisdictions to discuss new mechanisms to deal with these overruns.

Coun. Williamson commented that staff had put in a great deal of work and had presented several alternatives before the Committee arrived at the proposal that was before the Council. The Committee recommended adoption of this resolution and approval of the recommendation.

Coun. Kirkpatrick asked for the rationale of putting what appeared to her to be two different things in the same resolution. Mr. Ockert explained that the process allocated funds for the next eight years. Rideshare had only received a funding commitment until June of 1981. If it was not included in this resolution it would be left for a number of years without funding.

Mr. Paul Bay explained the Tri-Met Rideshare Program to the Council.

Coun. Kirkpatrick was still concerned and felt that it would be neater to have two separate resolutions.

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Coun. Miller agreed with Coun. Kirkpatrick that she would like to see resolutions clearly written.

Coun. Kirkpatrick moved, seconded by Coun. Miller, that references to the Rideshare Program be removed under the fourth and fifth WHEREAS, including any references in the exhibit that would pertain to those matters.

Coun. Miller clarified that she intended to support the Rideshare issue but that she supported Coun. Kirkpatrick's amendment simply because she thought the process and procedures had to be clear. Coun. Williamson agreed that things should be clear, but he said that this matter should be included in this resolution. Coun. Stuhr agreed with Coun. Williamson and said that passage of this amendment would only serve to create more work for staff.

Chairman Burton called for a roll call vote on the motion to amend Resolution No. 79-103. Couns. Kirkpatrick, Deines, Schedeen, Miller and Burton voted aye. Couns. Stuhr, Williamson, Rhodes, Banzer and Peterson voted nay. Couns. Berkman and Kafoury were absent. The motion failed.

Roll call vote on Resolution No. 79-103. Couns. Stuhr, Williamson, Rhodes, Schedeen, Miller, Banzer, Peterson, Burton voted aye. Couns. Kirkpatrick and Deines voted nay. Couns. Berkman and Kafoury were absent. The motion carried.

8.2 Resolution No. 79-104, Authorizing Funding for West Portland Park and Ride Illumination Revision Project.

Coun. Williamson moved, seconded by Coun. Stuhr, that Resolution No. 79-104 be adopted.

Coun. Williamson reported on the reason for recommendation for lighting at the Park and Ride project, saying that due to intense vandalism this was seen to be the best solution for the least cost. By elevating the luminaries, vandalism would be decreased. Coun. Williamson said that Don Clark, County Executive, Multnomah County, had suggested that the law enforcement agency be consulted regarding possible ways to reduce this vandalism. Staff is investigating this possibility.

Coun. Rhodes commented regarding crime prevention that she hoped the Committee would take advantage of this possibility. Mr. Spence of ODOT said that this was a good idea and that he would get in touch with Don Clark to identify how this can be taken advantage of.

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

- 8.3 Resolution No. 79-105, Amending Interim Transportation Plan (ITP), the Functional Classification System, and the Federal Aid Urban System (FAUS).

Coun. Peterson moved, seconded by Coun. Banzer, that Resolution No. 79-105 be adopted.

Coun. Williamson said that he thought this was self-explanatory. He recommended that the Council accept the staff recommendation that this segment be classified as a Collector under the conditions set forth in the resolution.

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


9. ANNOUNCEMENTS

Chairman Burton reminded the Council that on November 29 between 5:30 p.m. and 6:30 p.m. the Metro Council would be holding a reception for State Legislators here at Metro. He encouraged all Councilors to attend that meeting.

Coun. Miller said that she had sent a communication to the Executive Officer expressing her concern that the staff person hired to deal with Council affairs should be a qualified minority employee. She asked if other Councilors had similar feelings that they express them. Coun. Williamson asked for a report from staff on how many minorities were employed and asked that an attempt be made to recruit more minority persons. Coun. Deines said that this matter had been taken up at the last Ways and Means Committee meeting where personnel policies were discussed. He said he had talked to Executive Officer and the Director of Management Services and that they are aware of Council feelings and will attempt to more actively recruit minorities.

There being no further business to come before the Council at this time the meeting was adjourned.

Respectfully submitted,



Mary E. Carder  
Clerk of the Council

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