

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

December 6, 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. Bruce Etlinger
Ms. Beth Blunt
Mr. Robert W. Blunt, Jr.
Mr. George Hubel
Mr. Dean Smith
Mr. T. Fulbright
Ms. Patty Mantia
Ms. Colleen (Acres)
Mr. D. Kohlhiff
Mr. Phil Adamsak
Mr. Peter A. Nathan, MD
Mr. Bob Weil

In Attendance

Executive Officer Rick Gustafson

Staff In Attendance

Mr. Denton U. Kent
Mr. Andrew Jordan
Mr. James Sitzman
Mr. Charles Shell
Ms. Peg Henwood
Mr. Mel Huie
Mr. Tom O'Connor
Ms. Marilyn Holstrom
Ms. Berta Delman
Mr. Warren Iliff
Mr. Ray Bartlett
Ms. Priscilla Ditewig
Ms. Kathy Sampson
Ms. Caryl Waters
Ms. Mary Carder
Ms. Sonnie Russill
Mr. Dennis O'Neil

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CALL TO ORDER

After declaration of a quorum, the December 6, 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, 527 S. W. Hall Street, Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Chairman Burton said he had received a letter from Lloyd Anderson, Executive Director of the Port of Portland, which updated a land development project of the Port. All members of the Council received a copy of that letter.

Chairman Burton said a letter had been written to the Executive Officer by Governor Atiyeh concerning renewal of federal planning designations for Metro.

Chairman Burton received a letter from Diane Spies. All Councilors had also received the same letter.

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

Mr. Bruce Etlinger, representing the Coalition for Better Veterans Health Care asked permission to read a statement. Chairman Burton ruled that he could do so. Mr. Etlinger read a statement protesting the FEIS for the Veterans Hospital and asked Council cooperation with the Coalition for Better Veterans Health Care to request the Veterans Administration to review the option it had chosen before making a final decision to construct the hospital.

Chairman Burton said the Council would consider this matter under New Business.

4. CONSENT AGENDA

4.1 Minutes of the meeting of November 8, 1979

4.2 A-95 Review directly related to Metro.

4.3 Contracts

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

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Coun. Rhodes said that on page 10 of the minutes it was reported that Coun. Kirkpatrick had said that three jurisdictions had already endorsed this proposal. What Coun. Kirkpatrick had actually said was that three jurisdictions had already endorsed development guidelines in the LID proposal.

Question called on the motion. The consent agenda was unanimously approved with amendments made as noted.

5. REPORTS

5.1 Report from Executive Officer

The Executive Officer called attention to posters displayed in the reception area and said that these were Zoo posters which were on sale either at the Zoo Gift Shop or here at Metro. He explained that proceeds from the sale of these posters would go for support of the capital program.

The Executive Officer requested the General Counsel to report on a court case regarding the Urban Growth Boundary.

Mr. Jordan explained that three property owners from Happy Valley had filed a Request for Mandamus and Injunction against LCDC and Metro to prevent acknowledgment of the UGB, at least until such time as those property owners had had new hearings before a new hearings officer. The decision whether or not a preliminary injunction would be granted would be made by December 7.

The Executive Officer introduced four new Metro employees Dennis O'Neil - Solid Waste; Sonnie Russill - Administrative Assistant to the Executive Officer; Priscilla Ditewig - Council Secretary; and Berta Dellman - Citizen Involvement Coordinator.

The Executive Officer said that two notable events had occurred this day. Denton Kent had been named Chairman of the Oregon COGs. He had also been selected to become a member of the National Urban Policy Roundtable. Mr. Gustafson asked Mr. Kent to report to the Council about the Natural Urban Policy Roundtable.

Mr. Kent explained that the Urban Policy Roundtable consisted of 50 people who were selected to study and make advisory comments on national urban policy.

The Executive Officer introduced Steve Siegel who had prepared a special report on the Westside Transitway

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Project. He said that the Council had a significant decision concerning the Westside coming before it at its meeting of December 20. The Council would make its final decision after the local jurisdictions had adopted individual resolutions.

Mr. Steve Siegel introduced Bob Schalk, Peg Henwood, Frank Angelo, Andy Cotugno and Craig Ferris, staff members involved in the Westside project. Mr. Siegel said that the Council would select five options for further study, for more detailed planning and for special involvement. Resolutions would amend the UWP to meet needs of that process. Mr. Siegel said that the members involved in the project had worked very hard to obtain public involvement and had spent a great deal of time holding meetings in the jurisdictions affected. The Council will be expected to hold public hearings and amend the existing UWP to include the options they decide on.

Coun. Williamson congratulated Mr. Siegel and the group working with him for the excellent presentations that had been made concerning the Westside project.

5.2 Council Committee Reports

JPACT: Coun. Williamson said JPACT had not met since the last Council meeting but had meeting scheduled for Monday and Tuesday. There would be several transportation items on the December 20 agenda scheduled.

Zoo: Coun. Banzer said that Councilors had received a copy of the Annual Report at the recent retreat. She said that the Zoo programs will be continued, and that the Committee was working out development plan recommendations. Other items considered by the Zoo Committee would appear on tonight's agenda.

Citizen Involvement: Coun. Stuhr said that there had been 129 applicants for the position of Citizen Involvement Coordinator. She gave some background on Berta Dellman, the new public involvement coordinator, and said she felt the choice had been good. Coun. Stuhr said the Westside Transitway, the McLoughlin Corridor project and the Resource Recovery project had all included neighborhood meetings as part of their preparations along with other coordination efforts. Coun. Stuhr said that much progress had been made in relation to the Johnson Creek project.

Planning and Development Committee: Coun. Kafoury deferred to Coun. Peterson, saying she had not been

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present at the last Committee meeting. Coun. Peterson said that the Planning and Development Committee had discussed a report that would be issued to the Pacific Northwest Regional Community as a partial satisfaction of a grant to Metro. A draft of this report will be forwarded to Councilors. The Committee was concerned with the fact that the Council does not have a policy on economic development and, therefore, this report should not be presented as the position of the Council. In view of that fact, staff had drafted a letter for the signature of the Chairman pointing this fact out. Coun. Peterson read the proposed letter.

*amended
1/24/80*

Coun. Peterson said the Planning and Development Committee had considered about 20 applications for three positions on its Housing Policy Alternative Committee. The recommendation of the Committee for the position on Multnomah County was for Sister Marjorie Ille; Gail Brown-Arend was recommended for the position in Clackamas County. Coun. Peterson moved, seconded by Coun. Kafoury, that these appointments be approved. All Councilors present voting aye, the motion carried unanimously.

Coun. Peterson said the Committee had also received 20 applications for the Land Market Monitoring Policy Alternatives Committee positions. He recommended that Erma (Blackie) Walsh and Kenneth G. Bostwick be appointed to that Committee. Coun. Peterson moved, seconded by Coun. Kafoury, that these appointments be approved. All Councilors present voting aye, the motion carried unanimously.

Ways and Means Committee: Coun. Kirkpatrick said the Ways and Means Committee had reported at the last meeting on the Quarterly Report. She said that Resolution No. 79-109 would be on the agenda under New Business to adopt the Quarterly Report.

Solid Waste/Public Facilities Committee: Coun. Berkman said the Committee had considered a number of items at its last meeting. He asked that Coun. Rhodes give an update on the Johnson Creek Task Force. Coun. Rhodes said that she had made a mistake in saying that not enough was happening in connection with this Task Force. Problems are now getting solved and everyone is working very hard on it.

Coun. Berkman said the Solid Waste/Public Facilities Committee had approved two contracts which would be referred to the Council for further approval. In

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addition, the Committee had received a request from Multnomah County to approve a variance in connection with a property where they wished to build some of their shops. The Committee had recommended that this request be approved with conditions. This will be coming to the Council for final action, probably at the next Council meeting.

The last item in the Committee report related to a report that the Committee had received from the Landfill Siting Advisory Committee for Clackamas County. The CH₂M study referring to birds was the subject of that meeting. Based upon public comment, the unanimous recommendation of the Citizens Advisory Committee for Clackamas County was that all work being done by Metro be terminated. The Solid Waste/Public Facilities Committee advised members of that Advisory Committee that the matter would be discussed at its next meeting. Previous to that meeting, the Council Policy Alternatives Committee for Solid Waste had met to discuss the merits of the CH₂M HILL bird study and had unanimously voted that Metro proceed to continue studies in that area. Thus, the Solid Waste/Public Facilities Committee was faced with two opposing recommendations. After lengthy discussion it was the consensus of the Committee and staff to suspend further work on the Mira Monte studies until January in order to get clarification on the legal liability to Metro and other governmental jurisdictions in connection with this study.

Coun. Berkman reported that the Committee was concerned with conflicting views received from the Department of Environmental Quality and the State Aeronautical Department. The Committee felt that it was time staff began to review with the DEQ staff problems concerning the role of DEQ and Metro in the landfill siting issue. The Committee suggested that Mr. Irvine determine whether or not it would be best to have staff work with staff or whether it would be well for the Council to meet directly with the EQC Commission to iron out this conflict. It was a the feeling of the Committee that the Council should support a temporary halt in any further work at Mira Monte until these questions could be answered.

Chairman Burton said he was personally in agreement that an attempt should be made to clarify the roles of Metro and DEQ. No Council action at this time.

A short break was taken.

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5.3 A-95 Review Report.

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

6. OLD BUSINESS

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

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

Coun. Kafoury moved, seconded by Coun. Deines, that Ordinance No. 79-80 be tabled.

Coun. Kafoury explained that the Planning and Development Committee had introduced this Ordinance because of a concern that land resources would be developed prematurely. Since its introduction the Committee had reexamined the necessity for the Ordinance in view of the assurance of Washington County that official local policies were already in place which precluded additional development of these areas. The County had agreed to provide monthly reports to the Metro staff on any building activity in these areas.

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

7. NEW BUSINESS

7.1 Resolution No. 79-106, Requesting Loans from Cities and Counties in Johnson Creek Basin to Support Metro's Formation of a Local Improvement District (LID).

Coun. Rhodes moved, seconded by Coun. Stuhr, that Resolution No. 79-106 be adopted.

Coun. Rhodes reported that adoption of this Resolution would ensure that responsibility for initial financing of the Johnson Creek LID would be distributed equally among six local jurisdictions in the Basin. She said Milwaukie had already formally approved this recommendation, Clackamas County had informally approved it, Portland had approved its fair-share and the Committee had been assured full support of the Multnomah County Executive, but they were not sure where the Multnomah County Commission stood at this time.

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There being no questions or discussion of this matter, the question was called on the motion. All Councilors present voting aye, the motion carried unanimously.

7.2 Resolution No. 79-107, Establishing Free Admission at the Washington Park Zoo.

Coun. Banzer moved, seconded by Coun. Peterson, that Resolution No. 79-107 be adopted.

Mr. Iliff said that this was a pilot program and that the Committee would report back in the spring as to its success. He said that the primary impact of the program was to increase off-season visitations by encouraging children to visit the Zoo with their parents between November and April. This would make the Zoomobile Classroom visits more attractive to teachers and students and tie the education outreach program more closely to Zoo visitations.

All Councilors voting aye, the motion carried unanimously.

7.3 Resolution No. 79-108, Supporting a Regulated Collection Industry.

Coun. Miller moved, seconded by Coun. Berkman, that Resolution No. 79-108 be adopted.

Mr. Merle Irvine explained that this issue had been discussed by the Solid Waste/Public Facilities Committee. Coun. Williamson said that the City of Portland was conducting a study of various ways to approach this matter. Mr. Irvine said that one staff person had been hired and public meetings were being held to discuss the collection franchise. Coun. Williamson said he understood that it was possible that this would be done by contract rather than franchise. Mr. Irvine agreed that there were two basic alternatives, one being a franchise. The Resolution did not speak specifically to franchises, but to a regulated collection industry.

Coun. Kirkpatrick questioned use of the word "encourage" rather than "demand" in the Resolution. Coun. Berkman explained that, should this policy be adopted, it would afford an opportunity for Metro to work in cooperation with the collection industries to accomplish a number of things that might impact the solid waste issue in a positive way.

There was further Council discussion of this Resolution.

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The Executive Officer said it was appropriate for the Council to discuss the policy regarding regulation of the waste collection because it directly impacted Metro's ability to solve the waste problem. It was important that the Council should look at the overall policy with regard to collections. Mr. Gustafson suggested that a model regional ordinance for franchising be developed and that Metro seek a close relationship with local governments to attempt to solve this problem and keep an effective industry.

Chairman Burton said he felt this was a part of putting into place a total workable recycling solid waste system.

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

7.4 Resolution No. 79-109, Establishing Revised Budget Control Procedures.

Coun. Kirkpatrick moved, seconded by Coun. Rhodes, that Resolution No. 79-109 be adopted.

Coun. Kirkpatrick explained that the matter of revising budget control procedure had been discussed at the retreat. The budget procedure now in effect was adopted in connection with the fiscal budget, to assure that a contingency would be built. The Ways and Means Committee has reviewed the way this has been structured so that Metro could come up with a supplemental contingency.

Chairman Burton said that he had been concerned that there might be potential layoffs. Some of that had come to pass, but he felt that much had been done positively. He was not totally in favor of this Resolution but he would support it.

There being no further discussion, question was called on the motion. All Councilors present voting aye, the motion carried unanimously.

7.5 Request from group "Coalition for Better Veterans Health Care," for Council concurrence.

Coun. Williamson moved, seconded by Coun. Banzer, that Metro form a Task Force to be headed by a Councilor to investigate the possibility of entering into legal action on the matter of the IES on the Veterans Hospital. Further, the Task Force should investigate, together with other jurisdictions, veterans preference for receiving

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medical care and investigate the possibility of an alternative proposal for delivery of health care to veterans. The Task Force should report back to the Council before taking any action.

Coun. Williamson continued that the Task Force should not do this alone, but with the City of Portland, Multnomah County and the Veterans for Health Care.

Coun. Stuhr asked that staff respond to the question of the time when legal action must be taken.

Marilyn Holstrom, Local Government Assistance Coordinator, said there is no time frame. Metro can come in any time within the next six to nine months and still have some kind of impact on the design phase and other phases.... Ms. Holstrom reviewed past action taken by the Council and other jurisdictions involved in the review. She explained the options Metro had concerning the EIS.

Coun. Rhodes discussed the matter of the budget and staff time required to comply with the proposed resolution. She said it would be necessary for some time to be taken from other tasks to work on this assignment. She did not believe this was a current role Metro should be involved in. Metro should support Multnomah County but should not act as the lead agency. Therefore, the Council should not take a position in support of any of the options because it had not been involved in the process. Coun. Rhodes said she would recommend against further involvement in this project on an official basis.

Coun. Williamson said the motion only spoke to investigation. Chairman Burton said the Coalition was already investigating the possibility of whether legal action could take place. He suggested that perhaps a member of the Council should be designated to become a member of that Coalition. Coun. Williamson said he would like to have staff do some spade work in the area. Perhaps if the Council could lend some official weight or credence to the effort it might be helpful.

The Executive Officer said it was clear that the Council was interested in supporting the effort of the Coalition. He felt that they could reiterate their endorsement of the option to the Veterans Hospital and willingly participate in some kind of joint effort when there is discussion of appropriation of resources. The Council does not have any legal authority in that area. Executive Officer felt that Metro could lend its assistance, but should be very careful about lending its resources.

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There was further discussion of the matter of appropriating resources to assist in this venture.

Coun. Peterson asked to amend the motion to provide that a limit of staff time be set at 16 hours. Coun. Williamson said he would accept that as a friendly amendment. Coun. Banzer agreed.

Coun. Schedeen reported that after the last Council discussion on this matter she had called Congressman Duncan, asking his reaction to Metro continuing this effort, and whether he would join in making a statement to suggest that there be no hospital at all. Congressman Duncan had said that he could not join with Metro, but would like to see Metro move ahead to check the potential of this proposal.

Coun. Kirkpatrick moved, seconded by Coun. Kafoury, that two hours of staff time be designated for this project and that a decision be postponed until the next Council meeting.

Roll call vote. Couns. Kirkpatrick, Peterson, Kafoury and Burton voted aye. Couns. Stuhr, Williamson, Berkman, Rhodes, Schedeen, Miller, Banzer voted nay. Coun. Deines was absent. The motion failed.

Roll call vote on Coun. Williamson's main motion to form a Task Force and designate staff time. Couns. Stuhr, Williamson, Schedeen, Miller, Banzer voted aye, Couns. Berkman, Kirkpatrick, Rhodes, Peterson, Burton voted nay. Coun. Kafoury abstained. Coun. Deines was absent. The motion failed.

Coun. Williamson asked to make the same motion without including any staff time. Chairman Burton asked if, since Metro has already played a role in this matter and had taken a position, it would satisfy Coun. Williamson if he asked him to act as the Metro representative to the Coalition. Coun. Williamson asked Coun. Schedeen if she would take on this task. She agreed and Couns. Miller and Kafoury volunteered to attend as Metro representatives.

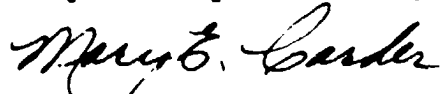
8. ANNOUNCEMENTS

Chairman Burton announced that the Council would go into an informal meeting on Committee structure immediately following adjournment of this meeting.

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

Respectfully submitted,



Mary E. Carder
Clerk of the Council

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