

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

February 28, 1980

Councilors in Attendance

Presiding Officer Marge Kafoury
Vice Presiding Officer Jack Deines
Coun. Mike Burton
Coun. Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Ernie Bonner
Coun. Cindy Banzer
Coun. Gene Peterson

In Attendance

Executive Officer Rick Gustafson

Staff In Attendance

Mr. Denton U. Kent
Mr. Andrew Jordan
Mr. James Sitzman
Mr. Charles Shell
Mr. C. William Ockert
Ms. Priscilla Ditewig
Ms. Sue Klobertanz
Ms. Judy Ellmers
Ms. Marilyn Holstrom
Mr. Gayle Rathbun
Ms. Mary Carder

Others In Attendance

Mr. Bruce Etlinger
Mr. Mel Stearns
Mr. Charles Patrick
Mr. Carl M. Lindholm
Mr. Arthur Oulman
Mr. Ron Dennis
Mr. Richard Hamen
Ms. Cora Van Swearingen
Mr. Glen Patterson
Ms. Alwilda Wright
Mr. Walter R. Mitchell
Mr. Robert S. Miller
Mr. Alex Hogue
Mr. Todd Bauman
Ms. Beth Blunt
Mr. R. W. Blunt, Jr.
Mr. Terri Doctor
Mr. Dean Smith
Mr. Clyde H. Doctor

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CALL TO ORDER

After declaration of a quorum, the February 28, 1980, meeting of the Council of the Metropolitan Service District (Metro) was called to order by Presiding Officer Marge Kafoury at 7:30 p.m. in the Council Chamber, 527 S. W. Hall Street, Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions at this meeting.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

The Presiding Officer noted that she had received a letter from the Urban Education Housing Conference. The Presiding Officer said that she had received a letter from the Home Builders Association of Metropolitan Portland relating to agenda Item 7.1 that will be discussed under that agenda item.

The Presiding Officer noted that, in view of the interest of those in the audience, if no objection was heard, Resolution No. 80-133, Relating to Possible Metro Law Suit Veterans Administration, would be heard at this time.

Coun. Peterson introduced Resolution No. 80-133, saying that the Council of the Metropolitan Service District had discussed the matter of the Veterans Hospital on three different occasions, on none of which the Veterans Hospital was listed as an agenda item. As a result, Coun. Peterson felt that there had been no opportunity for public comment other than from those who were advocating mainstreaming of veterans in existing community hospitals. Coun. Peterson felt that mainstreaming did have some theoretical potential for saving money and providing better treatment for some veterans. He called attention to the fact that the "no build" option, required to be included in the Environmental Impact Statement (EIS) for a federal agency, had not been included for this facility. Therefore, the Council authorized staff to comment on the Draft EIS to the effect that the "no build" option was missing.

There is now before the Metro Council a question of whether the Council should help sponsor a law suit to seek an injunction to stop construction of the Veterans Hospital because of the alleged deficiency in the EIS. The Resolution proposed by Coun. Peterson and eight other Councilors indicates that, if Multnomah County desires to offer funds for legal action, the Council will hold public meetings for the purpose of hearing both pros and cons on this issue before deciding to proceed further with any action. Coun. Peterson said he personally had strong reservations about the timeliness, the propriety and the

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wisdom of Metro becoming involved in this issue, because the hospital is already authorized and because Metro has very heavy commitments in other areas.

Coun. Peterson moved, seconded by Coun. Banzer, that Resolution No. 80-133 be adopted.

Executive Officer Gustafson outlined a memo that he had provided to the Council concerning Metro involvement in the Veterans Administration Hospital issue. He summarized Metro's involvement in a proposed siting of the VA replacement hospital, calling attention to a number of points that staff had found to be inadequate on the Draft EIS.

Coun. Berkman said that, in light of the major staff commitment, and in light of potential involvement or non-involvement on the part of Metro, he would make a motion to table this Resolution.

Coun. Berkman moved, seconded by Coun. Schedeen, that Resolution No. 80-133 be tabled. All Councilors present voting aye, the motion carried.

Coun. Kirkpatrick asked to propose another motion. She stated that, although she recognized the Council's mandated role as an A-95 agency and the Council responsibility to review the EIS, and although she had some sympathy with the approach suggested to the VA to address a "no build" philosophy and mainstream veterans in this State, she felt it was clear that exercising that mandated function through legal action could significantly harm the veterans of this State by substantially denying them any upgrading and care if hospital funds were lost and mainstreaming did not happen.

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, that the Metro Council declare its intent not to accept funds from Multnomah County to initiate legal action challenging the adequacy of the EIS for the Veterans Hospital.

Coun. Bonner said that it seemed to him that unless there was an official request for action on the part of the Metro Council that the Council would be ill-advised to continue the discussion.

Coun. Bonner moved, seconded by Coun. Williamson, to table Coun. Kirkpatrick's motion. The motion failed.

Coun. Williamson said he thought it was premature to terminate Metro's involvement in this matter at this time. He said the Council had not had a great deal of option for hearing the other side of the story.

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After further discussion of the motion, Coun. Bonner proposed an amendment. He said that it appeared Metro had commented on the Final EIS--that there was no documented need for a facility. With reference to that, Coun. Bonner moved, seconded by Coun. Banzer, to amend Coun. Kirkpatrick's motion to add a preliminary clause to the motion "Even though Metro has found that the Final EIS did not adequately address the need for the VA Hospital...."

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

Coun. Banzer commented that she was committed to the concept of mainstreaming and believed that building the hospital was an ineffective use of people's tax money. She would encourage the people that supported these efforts to continue their support.

Coun. Peterson said he intended to vote for the motion, because he felt that among other reasons it was inappropriate for Metro to sponsor such a law suit alone.

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

Mr. Arthur Oulman spoke in opposition to Metro becoming involved in litigation concerning the proposed VA Hospital.

4. CONSENT AGENDA

4.1 Minutes of the meeting of January 24, 1980.

Coun. Kirkpatrick moved, seconded by Coun. Peterson, that the minutes of January 24, 1980, be approved as circulated. All Councilors present voting aye, the motion carried.

5. REPORTS

5.1 Report from Executive Officer

Executive Officer Gustafson said that, with regard to the Oregon City Bypass, when the CRAG Board prioritized the Interstate Transfer funds it placed conditions on the use of those funds which specified that Clackamas County should provide assurances that development on land adjacent to the Bypass would be controlled to assure that the highway would not be overloaded. Clackamas County has complied with the conditions set for funding of the Bypass and federal Interstate Transfer funds should now be authorized. There was no action necessary on this item.

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The Executive Officer offered thanks for the assistance of Couns. Berkman and Burton, and said they had contributed to a very successful meeting with the Portland City Council. The Council has informally agreed that Metro should have responsibility for rate setting and management of the St. Johns Landfill.

The Executive Officer called attention to the mid-year status report which outlined expenditures and revenues, grant status and investment earnings.

Mr. Gustafson introduced Mr. Gayle Rathbun, the new Visitor Services Manager at the Zoo.

The Executive Officer informed the Council that Metro had reached agreement with Humphrey Construction Company for construction of the primate facility at the Zoo. Work is to be completed by March 1, 1981.

Mr. Gustafson told the Council that the Supreme Court, in a 5 to 1 decision, had ruled in Metro's favor in regard to the Clackamas County law suit. This was a strong endorsement by the Supreme Court of the concept of regional government.

5.2 Council Committee Reports

Ways and Means Committee: Coun. Kirkpatrick said that the Ways and Means Committee, in its final meeting this month, had recommended a process for Budget Task Force composition to consist of four Councilors and four citizen members.

Coun. Kirkpatrick called attention to a pink sheet she had prepared which outlined a Charge to the Budget Task Force. This was still in draft form, but it was basically the Charge that would be given to the Budget Task Force by the Council.

Councilors discussed the budget process and opportunities that would be provided for Council input. Coun. Rhodes said that she would strongly recommend that the Council have some background before making any decision. Coun. Kirkpatrick agreed with the suggestion and said that opportunities would be made available to the Council for input.

Planning and Development Committee

Coun. Peterson said the Planning and Development Committee

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had met February 25, and discussed the Beaverton Comprehensive Plan. This matter will be on this agenda at a later time.

Transportation Committee: Coun. Williamson said the Transportation Committee had not met since the last Council meeting.

Solid Waste/Public Facilities Committee: Coun. Deines said the Council had met in Executive Session to discuss the resource recovery facility.

Coun. Deines said that he wished to recommend the appointment of Howard Harvey to fill the remaining vacant seat on the Regional Landfill Siting Committee. Mr. Harvey would represent Washington County. The Washington County Solid Waste Advisory Committee had made the recommendation, and Mr. Harvey was a member of the Durham Siting Committee.

Presiding Officer Kafoury said that with no objection being voiced she would appoint Mr. Harvey to this Committee.

Coun. Rhodes reported on the program of information being disseminated regarding Johnson Creek. She said that most of the work of the Task Force has been put on "hold" until the boundaries are clarified.

5.3 A-95 Review Report

There was no discussion of this item and no action required.

6. OLD BUSINESS

6.1 Ordinance No. 80-86, Submitting Metropolitan Service District Zoo Serial Levies (two levies) (Second Reading).

Executive Officer Gustafson said that he was proposing an alternative which was not one of the staff's choosing. He was recommending that the Council postpone action on this measure until a time certain. As he had told the Council two weeks ago, he was uncertain whether Metro would receive the inflationary increase on the \$2 million serial levy. Since that time, he and staff had been investigating this matter through the Department of Revenue and the Attorney General's Office. The Attorney General had agreed to give a formal opinion by March 11.

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Mr. Gustafson asked to be allowed to review the legal aspects of the question. If Council agreed to postpone consideration of this matter, it would require a special meeting of the Council because the Ordinance must be filed by March 11. Mr. Gustafson suggested that the Council not set a specific time, but wait for delivery of the Attorney General's opinion to determine what potential effect his ruling would have.

Coun. Rhodes moved, seconded by Coun. Stuhr, to postpone adoption of the Ordinance to a special meeting to be held prior to 5:00 p.m., March 11.

Coun. Williamson moved, seconded by Coun. Kirkpatrick, to amend the motion to provide that the meeting be held at noon on March 11. Coun. Rhodes accepted that as a friendly amendment. There was a discussion of the motion and the amendment and the implications of the two.

Coun. Williamson said he would withdraw the motion for amendment. Coun. Kirkpatrick agreed to allow that. Coun. Williamson moved, seconded by Coun. Deines, to postpone the Second Reading of the Ordinance to a special meeting of the Council. All Councilors present voting aye, the motion carried unanimously.

A short break was taken.

7. NEW BUSINESS

7.1 Resolution No. 80-130, Recommending City of Beaverton Request for Acknowledgment of Compliance with LCDC Goals.

Executive Officer Gustafson said there were two issues under this agenda item. The first issue was a conditional action generally. That issue is being presented in a pink sheet which is before the Councilors.

Coun. Peterson said the Planning and Development Committee had considered this item. Essentially what Metro is suggesting is that LCDC not require that every Comprehensive Plan be complete to the last detail before action may occur. The Planning and Development Committee is recommending conditional acknowledgment until a deficiency has been corrected.

Mr. Jordan explained that at the present time the LCDC has three options; it can grant, deny or continue a matter until local jurisdictions solve deficiencies which LCDC discovers. Metro staff is suggesting that LCDC consider a

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new rule allowing a fourth option which would provide that a Plan which has one or more relatively minor deficiencies, but otherwise complies, could be acknowledged based on conditions to be carried out by a specified time. Mr. Jordan explained that, in appropriate cases, use of this option would be of benefit to the Oregon Land Use Program by rewarding local areas for jobs well done, while focusing future effort on specific deficiencies.

Coun. Peterson said the Planning and Development Committee had considered this proposed rule and would recommend that the Council approve forwarding this proposal to LCDC.

Coun. Peterson moved, seconded by Coun. Stuhr, that the Metro Council authorize the Executive Officer to forward the conditional acknowledgment draft rule proposal to LCDC for adoption.

Presiding Officer Kafoury noted that the draft rule provided a 10-day period for appeal. She questioned whether this would be consistent with other appeal processes and if this would allow sufficient time. Mr. Jordan agreed that this was not as long as most appeal processes that LCDC has; however, parties having interest in the matter will have had notice prior to the decision in any case.

There was a discussion of the appeal notice provision.

Coun. Banzer moved, seconded by Coun. Bonner, to amend page 4 to say "within 10 days of public issuance." She explained that the word "public" would be inserted before the word "issuance" in line 1.

Coun. Rhodes asked the definition of "issuance." She expressed concern that the decision could be rendered but the public would not really be notified. She thought there should be some provision for public notice of the decision.

Coun. Peterson suggested that the wording could be "10 days issuance of the Director's evaluation and public notice thereof."

Coun. Williamson called attention to the fact that a copy of the decision had to be forwarded to everyone who was listed under Item "E." Mr. Jordan agreed with Coun. Williamson and asked for time to work with this language. He said that if the Council could approve a rule and give the flexibility to work with those words he could prepare

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language that would reflect their concerns.

Coun. Banzer said that this would be agreeable. She did suggest that a copy of the evaluation should immediately be sent to a local coordination body. She said she would be comfortable to have Legal Counsel work on language with that intent.

Question called on the motion. Couns. Kafoury, Stuhr, Burton, Williamson, Berkman, Kirkpatrick, Rhodes, Schedeen, Bonner, Peterson voted aye. Coun. Deines voted nay. The motion carried.

The Council went on to deal with the issue of the city of Beaverton's request for acknowledgment of compliance with LCDC Goals. Coun. Peterson said the Planning and Development Committee were pleased with the presentation made by the city of Beaverton--everything was in compliance except one item.

Executive Officer Gustafson introduced Mayor Jack Nelson, and Planning Director Linda Davis, Mr. Mike Kronenberg, and Mr. Scott Burgess of the city of Beaverton.

Ms. Sue Klobertanz gave a brief overview of where the city of Beaverton is now and where it had been a few years ago. She gave a background of what went into preparation of the Plan.

Coun. Williamson moved, seconded by Coun. Stuhr, that Resolution No. 80-130 be adopted.

Mayor Nelson told the Council what the city of Beaverton had done to bring the plan into line with the Statewide Goals. He said the proposal for conditional acknowledgment was, in his opinion, a positive step for land use planning because planning is something that does not culminate with the placing of a sticker on a map.

Presiding Officer Kafoury asked Mayor Nelson how Beaverton was proceeding with capital improvements to keep up with the tremendous rate of growth. Mayor Nelson explained what the City is doing to keep up with capital improvements in line with growth.

Coun. Stuhr commented that Beaverton had met its responsibility as far as accepting its share of density in the region.

There was no public comment on the Plan.

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The Presiding Officer called attention to a communication from the Home Builders Association, saying they were filing an opposition to the Beaverton Comprehensive Plan.

Coun. Kirkpatrick objected to the Home Builders Association addressing their letter to LCDC, and said that the Planning and Development Committee had not received a copy of this correspondence. She felt that some of their charges were not valid. Ms. Klobertanz said that she had expressed the same concerns to the the Home Builders Association and they had apologized for not gearing into the Metro process.

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

7.2 Resolution No. 80-131, Authorizing Urban Mass Transportation Administration (UMTA) Federal Funds for Special Transportation Section 16 (b) (2) Projects.

Coun. Williamson explained that adoption of Resolution No. 80-131 would authorize federal funds of \$136,920 to purchase ten lift vehicles to provide special transportation services in the metro region. Coun. Williamson said that the Resolution had been approved by TPAC and JFACT.

Coun. Williamson moved, seconded by Coun. Rhodes, that Resolution No. 80-131 be adopted. All Councilors present voting aye, the motion carried unanimously.

7.3 Resolution No. 80-132, Allocating a Metro Reserve of Approximately \$22.1 Million.

Coun. Williamson reminded the Council of past action Council had taken to work out criteria to allocate the approximately \$20 million Reserve to fund specific projects in the area as well as to specify eligible projects. Adoption of this Resolution would authorize use of portions of the fund for ten of the eligible projects which do not directly relate to the McLoughlin and Westside Corridor projects. Adoption would also allocate 32.8 percent of the Reserve funds to a new account to support regional projects relating to the Westside Corridor. In addition, 27.2 percent of the Metro Reserve would be allocated to support projects relating to the McLoughlin Corridor project. The JFACT has recommended that Council allocate the funds in three separate phases. The first phase involves funding the eligible projects. The second and third phases (to allocate the new revenues) will come before the Council at a later date.

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Coun. Williamson called attention to a technical error in the Resolution and asked that the Council adopt the Resolution with the understanding that it will be amended. The error is in the Attachment to the Resolution and should be amended to read "Clackamas Town Center Transit Station." Coun. Williamson said all the proposed items had been approved by affected jurisdictions.

Councilors commented on the Metro Reserve and the allocation of funds.

Coun. Rhodes expressed concern about the Rideshare Program. She said that it was listed in this Resolution and would also be eligible for funds reserved for projects relating to the Westside and Southern Corridors. She felt the Rideshare Program was a good program, but that these were not the right pots of money to use to fund this program.

Coun. Rhodes moved, seconded by Coun. Deines, to amend Resolution No. 80-132 to remove the Rideshare Program from the list on the second page of the Resolution under the first BE IT RESOLVED.

Coun. Williamson pointed out that the Rideshare funds were being expended by Tri-Met. This additional funding, together with funds being authorized by the City of Portland, would enable that program to continue in operation until approximately 1984. This portion of the allocation had been supported by all jurisdictions.

There was further Council discussion about the motion to amend. The Executive Officer pointed out that if other funds should become available for this purpose the Council could amend the Resolution at a later time.

Question called on the motion to amend the Resolution. The motion failed.

Coun. Deines moved, seconded by Coun. Bonner, to amend paragraph 8, page 3, to change the word "include" to "exclude."

Coun. Williamson said that there had been discussion about this item, and there had been reservations about using these funds, but including them would maintain flexibility and the Council could consider them at a later time.

Question called on the motion to amend. The motion failed.

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

Coun. Williamson said that he did not feel that the adoption of Ordinance No. 80-86 could be postponed to a special meeting. He suggested that the Council should have a Second Reading of the Ordinance at this time and have the next meeting an adjourned meeting of this one. Mr. Jordan suggested that this meeting be adjourned to a time to be set by the Chair. The reading could occur at that time.

Coun. Williamson moved, seconded by Coun. Berkman, that the Ordinance be read at this time.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-86 the second time by title only.

8. DISCUSSION OF METRO OPERATIONAL PLAN SURVEY.

Ms. Jennifer Sims explained that the Operational Plan Survey had been printed and that a small group of people had filled out a sample survey after which they gave suggestions for revisions. She said that the staff is working to make the survey a little shorter, and has incorporated Council comments and those of the persons who tested the survey. Ms. Sims said approximately 450 persons have agreed to participate in the survey.

There was no action required on this matter.

Presiding Officer Kafoury said that she had circulated a memorandum which outlined proposed Committee and Task Force assignments for the year. Also attached to the memorandum was a brief description of the three new Task Forces she proposed for special Council projects. These Task Forces were: Goals and Objectives; Communication; Waste Reduction.

Presiding Officer Kafoury said that Committee assignments and formation of the new Task Forces were being presented for Council ratification. Presiding Officer Kafoury explained that upon ratification, the Council Coordinating Committee would develop and recommend for Council approval, Standing Committee and Task Force meeting schedules, and a detailed Charge for each new Task Force.

Coun. Schedeen moved, seconded by Coun. Rhodes, that the Council ratify Committee assignments and formation of three new Task Forces, as proposed by the Presiding Officer.

Coun. Rhodes said that she was concerned about the placement of the

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Johnson Creek Task Force. She thought it needed to coordinate with the Solid Waste Committee. Coun. Rhodes also expressed concern about the Goals and Objectives Task Force. She said that this would be an extremely time-consuming assignment for staff.

Coun. Kirkpatrick expressed concern that this memorandum had just been distributed at this meeting.

Coun. Kirkpatrick moved, seconded by Coun. Deines, to table the Committee assignments and formation of the Task Forces. A vote was taken on the motion. The motion failed.

Coun. Williamson said he was not opposed to putting off the decision on the assignments, but he could see no reason to do so.

Coun. Peterson said this was the first time the Council had been exposed to this proposal and that he really felt the Council should have an opportunity for an exchange of views before taking action.

Coun. Peterson said that he had expressed an interest in being a member of the Services Committee and that he was disappointed that the Presiding Officer had not included him on that Committee. Presiding Officer Kafoury said that she had agreed to include Coun. Peterson on the Services Committee and that it was simply an oversight that his name did not appear. She had intended that he be a member of the Services Committee.

Coun. Kirkpatrick said that her prime concern was having Committees that consisted of a majority of the Council members. She also felt that she could serve best on one of the other Committees--that she was not well versed on Services matters. The Presiding Officer said that she felt Coun. Kirkpatrick's point regarding the size of Committees was well taken and that this would be a good time to discuss this matter.

Coun. Williamson suggested that the Council adopt this proposal at this meeting and get started with the new Committees, and that if within the next two weeks there were suggestions for amendments, these could be made at the next meeting.

Coun. Berkman did not feel that the Council should adopt a motion with the understanding that it would be amended in two weeks.

The Presiding Officer called for a roll call vote. Couns. Rhodes, Schedeen, Bonner, Banzer, Kafoury, Stuhr, Williamson, Berkman voted aye. Couns. Kirkpatrick, Deines, Peterson voted nay. Coun. Burton abstained. The motion carried.

Presiding Officer Kafoury announced that the Council Coordinating Committee would meet after the Council meeting.

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Coun. Williamson moved, seconded by Coun. Deines, that the regular meeting of the Metropolitan Service District Council be continued to an adjourned meeting of the meeting of February 28, to be held on or about March 11, to be called at a time and place to be established by the Chair. All Councilors present voting aye, the motion carried unanimously.

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

Respectfully submitted,

Mary E. Carder
Clerk of the Council

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