

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

July 10, 1980

Councilors in Attendance

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

Others in Attendance

Mr. Bill Green
Mr. Steve Lockwood
Mr. Burton Weast
Mr. Ted Stroll
Ms. Anita Gluck
Mr. Norman Scott
Mr. Duncan Brown

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Mr. Charles Shell
Mr. McKay Rich
Mr. Andrew Cotugno
Mr. Keith Lawton
Mr. Steve Siegel
Mr. Bill Ockert
Ms. Jennifer Sims
Ms. Cynthia Wichmann
Ms. Pat Oldham
Mr. Tim Cauler
Mr. Tom Miller
Mr. Jim Sitzman
Ms. Marilyn Holstrom

**Metro Council
Minutes of July 10, 1980**

CALL TO ORDER

After declaration of a quorum, the meeting was called to order by Vice Presiding Officer Deines at 2:10 p.m. in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon 97201.

1. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

2. CONSENT AGENDA

2.1 A-95 Review, directly related to Metro

It was moved and seconded that the A-95 Review be approved as circulated. The motion passed unanimously.

2.2 Minutes of Meeting of June 16, 1980

Coun. Williamson commented that the meeting of June 16 was an adjourned meeting rather than a special meeting, and asked that reference to a special meeting be deleted. Coun. Stuhr moved, seconded by Coun. Kirkpatrick, that the minutes be approved as corrected. The motion passed unanimously.

3. ORDINANCES

3.1 Public Hearing on Ordinance No. 80-98, Adopting Housing Goals and Objectives and Providing for Implementation Thereof (First Reading)

Coun. Stuhr asked that Council concur with the Planning Committee's recommendation that the second hearing on this ordinance be postponed until a schedule and special procedures could be established, and that future discussions be focused on the draft as prepared by the Committee.

Coun. Schedeen moved, seconded by Coun. Peterson, that Ord. No. 80-98 be adopted.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-98 for the first time by title only.

There was some concern that the most recent revisions of the draft of the housing goals and objectives had not been circulated to the public, and it was pointed out that there would be ample time for interested citizens to study the latest version before the second public hearing.

The public hearing was opened.

Metro Council
Minutes of July 10, 1980

Mr. Burton Weast, Housing Policies Alternatives Committee member representing the Home Builders Association of Metropolitan Portland, 3140 N.E. Broadway, reminded Council of the history of development of the Housing Goals and Policies, expressing his belief that the document was ready for adoption and that it must be adopted before moving on to implementation measures and an allocation program. He remarked that Council was welcome to modify the document, but that the HPAC strongly disagreed with wholesale elimination or addition of policies at this point. He expressed particular concern over deletion of Objective C, Goal 1 (Buildable Land), regarding Metro support of tax revision measures designed to discourage large scale land speculation. Mr. Weast reminded Council that there had already been a great deal of citizen involvement on this issue and urged that there not be further delay in Council action on the matter.

Mr. Ted Stroll, 1509 N.E. 24th, representing the Portland Town Council, spoke in support of retaining the original language of Objective b, Goal 22 (Access to Housing), which lists specific segments of society to whom fair housing opportunity must be extended.

Ms. Anita Gluck, representing Multnomah County Community Action Agency, 4420 S.E. 64th, read a letter from Lea Wikman, Chairperson of MCCA's Housing Policy Committee, supporting the HPAC version of the Goals and Objectives and expressing special interest in providing a framework for providing low cost housing. She stressed the importance of implementing such goals and policies on a regional level, and urged that they be adopted in a timely manner.

Mr. Norman Scott, HPAC member representing the Clackamas County Department of Environmental Services/Public Works, referred to his previously submitted written testimony, explaining that while he supported the objective of creating housing goals and objectives, he did have some concerns about the document under discussion. He felt the word "ensure" was overused, and he questioned the appropriateness of listing the market level housing allocation plan as an objective unto itself. He felt an allocation plan would waste time and effort, would be difficult to enforce, and was premature. He urged its deletion from the Objectives, mentioning that local jurisdictions had consistently resisted this portion of the document.

Mr. Duncan Brown, HPAC member representing Multnomah County Planning and Development Division, 2115 S.E. Morrison, reported that many of his concerns had been satisfied by the changes proposed by Coun. Peterson. However, he took exception to any allocation based on criteria other than singly/multi-family mix and density. He then relayed Multnomah County Commissioner Gordon Shadburne's suggestion that there be more public involvement prior to adoption of the Goals and Objectives.

There being no other persons present who wished to testify on this matter, the public hearing was closed.

Coun. Williamson moved, seconded by Coun. Berkman, that the second

**Metro Council
Minutes of July 10, 1980**

reading of Ord. No. 80-98, adopting the housing goals and objectives, be held on August 28, 1980. Following discussion, a vote was taken on the motion. Couns. Rhodes, Banzer and Peterson voted no; all other Councilors present voting aye, the motion carried.

4. RESOLUTIONS

4.1 Resolution No. 80-164, For the Purpose of Approving Special Zoo Admission Days for Fiscal Year 1981

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that Res. No. 80-164 be adopted, explaining that the intention was to continue the present policy until the new policy, currently under study, was developed.

Coun. Burton, seconded by Coun. Williamson, moved that the word "Easter" be stricken from "Easter Egg Hunt." Following discussion, a vote was taken on the motion. Couns. Burton and Williamson voted aye; all other Councilors present voting no, the motion failed.

Following further discussion, a vote was taken on the motion to adopt Res. No. 80-164. All Councilors present voting aye, the motion carried.

4.2 Resolution No. 80-165, For the Purpose of Advising Oregon's Congressional Delegation of the Need to Increase Appropriations for Assuring the Adequate Funding of the Portland Region Interstate Transfer Program

Coun. Williamson moved, seconded by Coun. Stuhr, that Res. No. 80-165 be adopted, and explained that there was not enough money to fund all the projects Congress had approved. The purpose of the resolution was to encourage a coordinated effort to ensure that funds for the Portland Region Interstate Transfer Program would be available. Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

4.3 Resolution No. 80-166, For the Purpose of Endorsing Tri-Met's Capital Grant Application for Construction of the Banfield Light Rail Transit Project and Amending the Transportation Improvement Program

Coun. Williamson moved, seconded by Coun. Banzer, that Res. No. 80-166 be adopted, reporting that JPACT had unanimously approved this item at their meeting that morning. Mr. Donald MacDonald of Tri-Met explained the current status of the project and outlined the tentative schedule, responding to questions from Councilors.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

There was a brief recess, during which Couns. Williamson and Berkman left the meeting.

5. NEW BUSINESS

Metro Council
Minutes of July 10, 1980

5.1 Temporary Rule No. CRB 80-4, Adopting Rule to Allow Negotiated Bid for Proposed Resource Recovery Facility

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that Temporary Rule No. CRB 80-4 be adopted, reporting that the Regional Services Committee had unanimously recommended approval.

Mr. Carl Winans, President of American Fabricators, agreed that a negotiated contract would be the best approach, but felt that the 150% bonding requirement was sufficiently oppressive to discourage some otherwise qualified firms from submitting a proposal.

Mr. Dean Gisvold explained that state law requires posting of a bond of at least 100%, and that the 150% figure had been set to ensure that overages which usually arise on this kind of project would be covered.

Executive Officer Gustafson explained the process by which the successful bidder would be selected.

Mr. Cary Jackson reported that proposals had been received from thirteen firms, and pointed out that since the project would be financed through revenue bonds and Metro has no history of debt, it was necessary to draw financially stable bidders.

Following discussion, Mr. Gisvold reminded the Council that they would be taking action on this rule in their capacity as Contract Review Board. Coun. Rhodes clarified her motion to indicate that this was the case.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

6. GENERAL DISCUSSION

6.1 Briefing on Air Quality Analysis by Air Quality Management Area Committee and Metro and DEQ Staff

Mr. Bill Ockert outlined the work of the committee to date, explaining in general terms which issues and possible approaches had been considered. He then discussed recent projections for pollutant levels and sources through 1987, concluding with comments about various methods of alleviating the problem.

Mr. Bill Green, DEQ representative on the Committee, discussed results of stationary source control analysis and the importance of pursuing transportation management measures as the primary approach to alleviating air pollution problems. He encouraged the Council to adopt as aggressive a stance on this issue as possible.

Mr. Steve Lockwood addressed the importance of implementing the ban on open burning, and outlined a number of on-site alternatives that are financially attractive and have proven effective in many

58
Metro Council
Minutes of July 10, 1980

geographical areas. He then discussed various areas in which the committee would be involved in the future, and outlined a number of approaches to air quality improvement which would be explored in detail. He remarked on the close relationship between land use and air quality problems and reminded Council of their responsibility for planning in those areas.

6.3 Five-Year Operational Plan and Financing Options

Mr. Charles Shell summarized the financing options presented in the agenda materials and outlined the basic decisions that were before the Council.

There was lengthy discussion among members of the Council concerning the implications of the various options, with regard to both the extent of funding which might be appropriate and to possible impacts on voters.

Coun. Stuhr moved, seconded by Coun. Rhodes, that Option #2, a tax base which would provide \$700,000 per year for general Metro operations, be approved. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

Council then addressed the question of zoo funding, discussing the desirability and appropriateness of including all or part of the zoo's capital serial levy in a tax base, the opportunity which that action would provide for relieving homeowners of some tax load, and the effect of various options on the zoo operations and capital improvement programs.

Coun. Kirkpatrick moved, seconded by Coun. Rhodes, that the proposed tax base include funding for the zoo which would replace the serial levies as follows: 1) operations funding would be provided at the existing level; 2) the annual capital commitment for the zoo would be reduced by \$300,000, retaining capital funding but stretching it over a longer period of time. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

Ms. Jennifer Sims reminded the Council that their decision to limit Metro's general fund request to \$700,000 meant that some proposed activities could not be funded, and asked that program priorities be discussed.

There was extensive discussion of possible rankings of priorities and disposition of funds.

Coun. Burton moved, seconded by Coun. Stuhr, that priorities be renumbered as follows: 1-Land Use, 2-Drainage, 3-Sewers, 4-Energy, 5-Economic Development, 6-Housing Planning, 7-Disaster Preparedness, 8-Tri-Met Study, 9-Goals & Objectives, 10-Boundary Commission. He explained that his intent was simply to establish the top ten priorities without ranking them against each other individually at this point.

**Metro Council
Minutes of July 10, 1980**

Following further discussion, Coun. Peterson moved, seconded by Coun. Schedeen, to amend Coun. Burton's motion by substituting Plan Review for Disaster Preparedness. A vote was taken on the motion. Coun. Kirkpatrick voted no; all other Councilors present voting aye, the motion carried.

A vote was taken on Coun. Burton's motion as amended. Coun. Rhodes voted no; all other Councilors present voting aye, the motion carried.

Executive Officer Gustafson gave a brief report covering the following topics:

- 1) Metro would be running an exhibit at the upcoming Neighborfair.
- 2) The status and projected schedule of the hiring of the legislative liaison position and establishing of a confirmation procedure for that position.
- 3) Metro had received a \$90,000 grant for methane recovery at the St. Johns Landfill.
- 4) Report on the recent trip to Europe.

The Council then went into Executive Session in accordance with the provisions of Oregon state statute.

The meeting was then adjourned to 7:30 p.m. at the Franklin High School, 5405 S.E. Woodward, Portland, Oregon, for the purpose of conducting a public hearing and first reading of Ordinance No. 80-92, for the Purpose of Levying, Apportioning and Specifying Collection of Assessments for Phase I of the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District.

Respectfully submitted,


Cynthia M. Wichmann
Clerk of the Council

MINUTES OF AN ADJOURNED MEETING
OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 10, 1980

Councilors in Attendance

Vice Presiding Officer Jack Deines
Coun. Betty Schedeen
Coun. Gene Peterson
Coun. Corky Kirkpatrick
Coun. Mike Burton
Coun. Jane Rhodes
Coun. Donna Stuhr
Coun. Cindy Banzer

In Attendance

Executive Officer Rick Gustafson

An adjourned meeting of the Council of the Metropolitan Service District was scheduled at 7:30 p.m. at Franklin High School, 5405 S.E. Woodward, Portland, Oregon, for the purpose of hearing public testimony on Ord. No. 80-92.

After declaration of a quorum, the meeting was called to order by Vice Presiding Officer Deines at 7:40 p.m.

Ordinance No. 80-92, For the Purpose of Levying, Apportioning and Specifying Collection of Assessments for Phase I of the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District (First Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-92 for the first time by title only.

Vice Presiding Officer Deines described the background of the project and asked that speakers address only the subject of the assessment formula or specific assessments. He announced that no decision would be made at this meeting and that second reading was scheduled for July 24th.

Mr. John LaRiviere explained the assessment formula and presented the staff report.

The public hearing was opened.

Metro Council
Minutes of July 10, 1980

Ann Serrano, 7441 S.E. 122nd Ave., read an open letter from Oregon Fair Share announcing a citizens' meeting to discuss the L.I.D. and other alternatives for the Johnson Creek Project, to be held at 7:30 p.m. on July 22 at Douglas High School.

Tom Barnes, 14848 S.E. Caruthers Ct., reported that residents of his community were 98% in opposition to the project and commented that their drainage water flows north.

Dean Delavan, 9314 N. Kellogg, suggested that the hearing was being held to satisfy the letter of the law and that the public was being manipulated.

Ruth Matheny, 6305 S.E. Clatsop, reported that nine out of ten of her customers opposed the procedure being followed to fix the creek.

Marlene Brandt, 9903 S.E. 49th, Milwaukie, reported on a meeting between Fair Share, Mr. Gustafson and Coun. Rhodes, at which Fair Share suggested some alternatives to the L.I.D. such as taxing industrial and real estate speculators along the creek, getting local and other governments to share the cost, or applying for federal grants.

Dale Matheny, 6305 S.E. Clatsop, asked Council members to attend the citizens' meeting and suggested that the issue be brought to a vote of the people.

Caroline Oman, 15424 S.E. Stark, said she had a gravel pit beside her house with water standing in it and asked how she could be contributing to the problem.

Laurence E. Jensen, 3915 S.E. 104th, remarked that government gets its just powers from the consent of the governed and suggested that recalls would be in order.

Mr. Robert F. Shepperd, 12730 N.E. Rose Parkway, said his water table was below the level of the creek and reminded Council of his request to have a CPA present when remonstrances were counted.

Herb Wilton, 7800 S.E. Luther Rd., said that his property hadn't flooded in sixty years even though he lives on the creek.

Vernal Edwards, 8332 S.E. Gray St., said he was told when he bought his property twenty years ago that it had perfect drainage.

Chuck McClosky, 9608 S.E. 74th, commented that he was not against fixing the creek but objected to the way it was being done.

William B. Willmes, 5625 S.E. Drefs Hill, asked Council to reconsider their vote on the L.I.D. and objected to the property tax as being regressive and hard on senior citizens. He felt Phase I did not benefit all property owners equally.

Metro Council
Minutes of July 10, 1980

Ruth Davis, 14141 S.E. Market, objected to the notification process and called for a class action suit.

Jeanne E. Orcutt, 4201 N.W. 3rd, Gresham, objected to the method of assessment based on assessed valuation and total benefit, and felt that her property would not benefit from the project in any case.

Fred Fish, 7415 S.E. 89th Ave., asked what the duration of the project would be.

Rev. Clifford H. Goold, 9233 S.E. Cora, claimed that the project as planned would not solve the problem and would be a waste of money, and suggested that all three counties should be taxed.

Michael Delves, 3023 S.E. 112th Ave., objected to the assessment being based on the assessor's rolls, since not all property is assessed at the same time, and asked for clarification of some of the language and the process for petitioning for exclusion. He was referred to staff.

Don A. Stogsdill, 3898 S.E. Wake St., Milwaukie, commented that his property drains into a drywell and questioned the manner in which the district had been divided.

Everett R. Albert, 17963 S.E. Tibbetts, suggested that the people who live on the creek should be responsible for the project.

Jean Hood, 2134 S.E. 174th, asked if the remonstrances were available to the public and wanted to know how the assessment was figured.

Frank B. Adrian, 3105 S.E. 180th, asked how many Councilors live in the boundaries and how much money had been spent on research on Johnson Creek.

Marvin Watkins, 2340 S.E. 147th, protested because he would gain no benefit from the project and his property did not contribute to the runoff.

Paul Kittleson, 9162 S.E. Mason Hill Dr., felt that Council had gone through the motions of debate on the issue but not the spirit. He asked that the matter be submitted to a popular vote.

Donald H. Thom, 2317 S.E. 147th Ave., felt that Metro was violating Oregon law.

Dennis V. Fantz, 1828 N.E. 155th, felt that the properties assessed should be those that flooded and whose value would be increased by control of the flooding.

Harley Phelps, 9394 S.E. 42nd, felt that the proposal was taxation without representation.

**Metro Council
Minutes of July 10, 1980**

George J. McCurdy, 5425 S.E. Flavel Dr., spoke against the assessment, saying that his land did not drain into the creek.

George M. Uland, 3631 S.E. 160th, felt the project should be paid for by the Corps of Engineers.

Richard Dove, 15806 S.E. Kelly, asked how he would benefit from the project.

Macdale Fisher, 4229 S.E. 103rd, pointed out that people who live on the creek chose to do so, and suggested taxing the city planning commissions who allowed building in the floodplain.

Martin Halvorsen, 4023 S.E. 132nd, protested the assessment as an unfair tax and objected to the lack of publicity.

Donald Crawford, 5915 S.E. Nehalem, complained about inconsistencies in the notices and asked that people be allowed to vote on the issue.

Albert Stephens, 3811 S.E. 134th, asked what, if anything, could stop the project. Mr. Gustafson responded.

Walter Haynes, 4748 S.E. Arden, Milwaukie, felt their assessment was too high and suggested that the area adjacent to the creek be condemned and the state asked to pay for the project.

Mary E. Goodwin, 14964 S.E. Carthers Ct., pointed out that persons living on the creek voted against an opportunity to solve the problem years ago.

Rose Osborne, 10023 S.E. Pardee, said she had lived in the same house for sixty years and never had flooding till people were allowed to build. She felt the county was responsible.

Paul Blackburn, 3734 S.E. 130th, asked for an opportunity to vote on the project.

Letty Barrett, 4492 S.E. Logus Rd., Milwaukie, representing Fair Share, called attention to the votes of Council members and pointed out that of those voting in favor of the project, only Coun. Rhodes had constituents in the area. She complained that the process was undemocratic.

Ralph A. Vidito, 19026 S.E. Division, Gresham, suggested that there should be ways to pay for the project without taxation, such as re-directing funds allocated to Mt. Hood Freeway or the Port of Portland.

Debra C. Gardiner, 13740 S.E. Grant Ct., thought those living on the creek should pay for the project.

Harry Law-Hing, 6305 S.E. 94th Ave., thought notices should have been sent by certified mail and that more time should have been allowed for remonstrating.

Metro Council
Minutes of July 10, 1980

Gary Newkirk, 7908 S.E. 62nd Ave., believed that assessment on a straight millage rate was outside the authority of an L.I.D., since state statute requires assessment according to direct benefit received. He believed that cities and counties which allowed development along the creek should be required to support the project financially.

Don Graber, 12331 S.E. Anna Ct., Boring, said that people who have knowingly chosen to live in the flood plain should pay their own bill.

Mary Bonnito, 4639 S.E. 104th, asked who would be voting on the ordinance following the second reading. Coun. Deines responded.

Curtis G. Horner, 9311 S.E. Stanley Ave., Milwaukie, admitted that the creek was a problem but protested against the project.

Roy Johnson, 10307 S.E. Flavel Ct., commented that the railroad should help pay for the project since they contributed to the problem.

Mel Paulson, 12264 S.E. 36th Ave., Milwaukie, remarked that in his time as a member of the Milwaukie city council he has learned to listen to the people and urged the Council to do the same.

Frank Fleck, 7507 S.E. 105th, felt that developers should have to pay for the project.

Glenn W. Sjodin, 7358 S.E. 92nd, stated that the hearings had been illegal since not all notices were mailed out before the hearing, and asked for exact costs for the project.

Don Berke, 2255 S.E. 113th, felt that anyone not directly affected should not pay, and complained about the notification process.

Michael Tomasini, 340 N.W. Wallula, Gresham, complained about late notification and objected to paying for a project that benefited private property.

Doris West, Rt. 2 Boc 1121, Estacada, asked how many homes were directly affected by flooding and suggested that they be relocated to higher ground and the creek left alone.

Bill Lamorille, 3031 S.E. 141st, asked several questions about procedure, to which Mr. Gustafson responded. Mr. Lamorille then advocated a broader base as suggested by Mr. Dennehy.

Jeff Fish, 1450 S.W. Woodward Way, spoke against the project and asked about the procedure for exclusion. Mr. Gustafson responded.

Roma Sexton, 15888 S.E. Monner Rd., felt that the Council should listen to the majority of the people and cancel the project.

Mr. Michael Tomasini spoke further against the project.

There being no other persons present who wished to testify on this matter, the public hearing was closed.

**Metro Council
Minutes of July 10, 1980**

There being no further business, the meeting was adjourned.

Respectfully submitted,



**Cynthia M. Wichmann
Clerk of the Council**