

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
August 4, 1983

Councilors Present: Councilors Banzer, Bonner, Deines,
Etlinger, Hansen, Kafoury, Kelley,
Kirkpatrick, Van Bergen, Waker, and
Williamson.

Councilors Absent: Councilor Oleson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Warren Iliff, Kay Rich, Donald Carlson,
Andrew Jordan, Ray Barker, Andy Cotugno,
Jack Bails, and Dan LaGrande.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Presiding Officer Banzer stated if there were no objections that the date for the first meeting of the Council in September would be changed from September 1 to September 8 because of the Labor Day weekend, and that the Committee meetings would also be pushed back a week with Development Services Committee meeting September 12th, Services Committee meeting September 13th, and Council Coordinating Committee meeting on September 19th.

3. Executive Officer Communications.

Rick Gustafson, together with Warren Iliff, Zoo Director, presented a progress report on the master planning at the Zoo. Mr. Iliff presented a memo regarding the Interim Master Plan Report (a copy of which is attached to the agenda of the meeting). He presented and reviewed with the Council a schematic design which included proposed improvements such as the Cascades Exhibit and a new entrance to the Zoo.

Councilor Williamson asked how the master plan linked with funding. Mr. Gustafson said that by October or November they

would know what the funding needs were and ultimately the plan would provide the information for a decision on the amount of funding to be requested in a levy and what capital expenditures might be obtained from private contributions.

Mr. Gustafson then reported on the following items:

1. The Greater Vancouver, B.C. visit by himself and some of the members of the Council.
2. The Oregon City Planning Commission decision on the construction of the wash rack at CTCR and the lifting of the tonnage limit at CTCR. He said the wash rack was approved with three bays allowed instead of the four proposed, and that the tonnage limit was raised but fees and fines would be levied for exceeding 800 tons a day. He said the two items would be before the Oregon City Council on August 11th and staff was formulating a recommendation on how to proceed.
3. Distributed to the Council the 1982-83 contract reports and W/MBE goal attainment summary and the Summary Affirmative Action Report for June 1983. (Copies are attached to the agenda of the meeting).

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

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

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 A-95 Review Report.
- 6.2 Minutes of the meeting of May 2, 1983.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Kafoury seconded the motion.

Councilor Van Bergen asked what role Metro played in the review process and said he had some concerns about favorably approving the reports when he might be opposed to some of the requests for funding.

Mel Huie, Local Government Assistant, and Mr. Gustafson explained the process and Metro's role. Councilor Kirkpatrick stated the A-95 process was in transition and new regulations would be forthcoming.

Vote: The vote on the motion to adopt the Consent Agenda resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Oleson.

Motion carried, Consent Agenda adopted.

7.1 Consideration of Resolution No. 83-420, for the purpose of adopting the Regional Bicycle Plan.

Motion: Councilor Williamson moved adoption of Resolution No. 83-420. Councilor Kafoury seconded the motion.

Andy Cotugno, Transportation Director, reviewed the background of the Regional Bicycle Plan and outlined briefly the policies of the plan as well as the recommended route network and facilities for bicycles.

Councilor Bonner asked if the plan included uniform standards for constructing the network. Mr. Cotugno responded it did not and that each route would go through its own engineering and design analysis before construction.

Councilor Etlinger asked if the network linked up to the 40 mile loop. Mr. Cotugno responded that in some areas it did but explained that the plan was not intended for recreational purposes but for and to serve the major destinations in the region.

Councilor Van Bergen noted that there was a need to encourage the bicyclist to abide by the rules of the road and that the plan didn't go far enough to assure compliance.

Councilor Etlinger commented that he favored an ongoing safety encouragement program beyond the end of the federal funding.

There was no public testimony.

Presiding Officer Banzer read two letters into the record supporting the Bicycle Plan from Robert Schumacher, Chairman, Board of Clackamas County Commissioners, and Paul Reiter, Chairman, Beaverton Bicycle Task Force.

Vote: The vote on the motion to adopt Resolution No. 83-420 resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Oleson.

Motion carried, Resolution adopted.

8.1 Consideration of Regional Development Committee recommendation regarding the Project Initiatives Program.

Councilor Kafoury deferred to Councilor Kelley to introduce the item.

Councilor Kelley explained that the survey of the Council had resulted in a tie between Drainage and Parks and that the Regional Development Committee was recommending that drainage be addressed first because it was believed it would not take a great deal of time.

Motion: Councilor Kelley moved that the Council adopt the Development Committee recommendation that drainage be the first area to be addressed under the Project Initiatives Program.

Mr. Barker, Council Assistant, clarified the steps of the first task to be completed and said that the second task would not be undertaken until the Council had reviewed the results of the first steps.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

8.2 Report on Status of Resolution No. 83-421 (Tri-Met/Metro Relationship).

Presiding Officer Banzer stated a memo had been distributed from herself and Executive Officer Gustafson regarding the results of a meeting with Mr. Drummond, President of the Tri-Met Board, as well as recommendations for next steps (a copy of the memorandum is attached to the agenda of the meeting). She then outlined the recommendations being presented for Council consideration:

That the Metro General Counsel develop an analysis of options available for structural changes in the Metro/Tri-Met relationship. These options should include at least the following:

1. Metro voting to take over Tri-Met.
2. Metro creating a transit commission to operate the transit system.
3. Metro and Tri-Met remaining separate, but Metro appointing the Tri-Met Board.
4. Severing the marriage clause and using existing authority to further influence transit investments.

She said there may be other options that should be evaluated and that Council members were encouraged to forward those to the Executive Officer for inclusion in the analysis. The General Counsel, she said, would review the legal aspects to such alternative actions and his analysis would include at least the following:

1. Metro actions, ordinances or resolutions required to implement one of the options.

2. Legal issues or precedents involved in such transitions including potential legal actions required to fully carry out the action, i.e., personnel changes, ordinances, tax ordinances, etc.
3. Legislation required or actions by other governmental bodies in order to carry out the transition or the change in the proposed relationship.

She said a progress report on the legal analysis would be presented at the last Council meeting in September.

Councilor Williamson asked if the Legal Counsel would give a run down on every option or pick one and do an analysis. Mr. Gustafson responded that an analysis of the actions required for all the options would be presented.

Councilor Williamson then asked if the Metropolitan Citizens League study was discussed with Mr. Drummond. Mr. Gustafson responded that it was briefly discussed and Mr. Drummond had expressed concern about how much importance the Tri-Met issue would play in such a study.

Councilor Etlinger stated he supported the recommendation but expressed interest in getting more information beyond the scope of the legal analysis. Presiding Officer Banzer responded that a legal analysis of the major options needed to be examined first.

Councilor Kirkpatrick commented that ultimately the decision was a political one and expressed concern that the analysis would take a great deal of Mr. Jordan's time.

Councilor Van Bergen stated he was opposed to the recommendation and that he agreed with the Governor that there was no benefit to the community and it is not now timely.

Councilor Etlinger said that a majority of the Council had already expressed its interest in studying the Metro/Tri-Met issue and said that the minority of the Council should respect the majority vote.

Councilor Williamson said that Metro was harming itself by taking the issue on too fast and that it could end up being another black eye for Metro.

Motion: Councilor Williamson moved that the Council not proceed with a legal analysis on the Metro/Tri-Met relationship. Councilor Van Bergen seconded the motion.

Councilors Kelley, Bonner and Hansen made comments to the effect that their interpretation of the recommendation was that it only suggested additional information on the issue be obtained and that it did not propose that any decision be made to take Tri-Met over.

Councilor Kafoury said she was opposed to the analysis and that it was wrong to isolate the Tri-Met issue from a general study of the organization as proposed by the Metro Citizens League and which she supported.

Vote: The vote on the motion resulted in:

Ayes: Councilors Deines, Kafoury, Kirkpatrick,
Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Etlinger,
Hansen, Kelley, and Waker.

Absent: Councilor Oleson.

Motion failed; legal analysis to proceed.

8.3 Legislative Report.

Donald Carlson, Deputy Executive Officer, noted that a memo from Tom O'Connor, Legislative Liaison, regarding the bill status of Solid Waste and Zoo related items was included in the agenda of the meeting and that Mr. O'Connor would be before the Council Coordinating Committee at their next meeting to brief the Committee on the funding situation.

Mr. Barker presented a brief report on general legislation considered by the 1983 Legislature:

- HB 2228 Tri-Met Bill regarding a financial plan (passed).
- SB 318 Ex Parte Contact on land use matters (passed).
- HB 2781 Would eliminate marriage clause between Metro and Tri-Met (tabled).
- SB 297 May have created additional liability for public officials (tabled).
- HB 3017 Would require Metropolitan Service Districts to establish commissions to set policy for parks, libraries, etc. (was in committee upon adjournment).

Jack Bails, Criminal Justice Director, then presented a staff report regarding proposed legislation that would have changed

Metro's authority to finance regional corrections facilities. He said the bill as originally proposed was passable and that it was the Executive Officer's recommendation that the Council support the change in Metro's authority, as indicated in H.B. 2453; and that Metro contact representatives of the three Counties and members of the metropolitan area legislative delegation to ascertain whether or not there is support to request the Governor and legislative leadership to introduce such a bill in the special legislative session, should one be held. (A copy of the staff report is attached to the agenda of the meeting).

Motion: Councilor Williamson moved that the Council adopt the Executive Officer's recommendation. Councilor Kirkpatrick seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury and Oleson.

Motion carried.

9. Committee Reports.

Councilor Kirkpatrick urged Councilors to submit any mailing lists they had to the Friends of the Zoo for invitations to the Penguin Ball.

Councilor Van Bergen noted that a memo he had received from Mark Brown, Development Services Department, regarding the Lake Oswego Plan Review called for a telephone poll of the Council in order to meeting LCDC's deadline for comments (a copy of the memo is attached to the agenda of the meeting). He said he was concerned that such a poll might not be legal. He proposed that the Council take action on the matter that night.

Motion: Councilor Williamson moved that the Council recommend a continuance of Lake Oswego's Plan acknowledgement. Councilor Etlinger seconded the motion.

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Mr. Jordan suggested that in lieu of the motion presented, the Council could give the Development Committee the authority to act on its behalf to make a recommendation to LCDC.

Councilor Kirkpatrick stated that since she represented Lake Oswego she would like the opportunity to vote on its plan.

Councilor Williamson withdrew his motion and made the following motion:

Motion: Councilor Williamson moved that the Development Committee and Councilor Kirkpatrick be delegated the authority to act on behalf of the Council to make a recommendation to LCDC on the Lake Oswego Plan. Councilor Van Bergen seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury and Oleson.

Motion carried.

There being no further business, the meeting adjourned at 9:50 p.m.

Respectfully submitted,


Everlee Flanigan
Clerk of the Council

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