

**MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT**

**September 25, 1984**

**Councilors Present:** Councilors Banzer, Bonner, Cooper, Deines, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

**Staff Present:** Jennifer Sims, Eleanore Baxendale, Ray Barker, Ed Stuhr, Dennis Mulvihill, Norm Wietting, Peg Henwood, Dan Durig, Andy Cotugno and McKay Rich

A regular meeting of the Council was called to order by Presiding Officer Kirkpatrick at 5:30 p.m.

**1. INTRODUCTIONS**

None.

**2. COUNCILOR COMMUNICATIONS**

The Presiding Officer reported staff had recommended Metro's testimony before the Department of Environmental Quality (DEQ) regarding proposed rules for Senate Bill 405 focus on four major elements: 1) the DEQ maintain flexibility; 2) concerns about the recycling report be expressed; 3) Metro and DEQ roles be clarified; and 4) DEQ explain how landfill recycling fees will be used. She asked Councilors Hansen and Waker to review the draft testimony prepared by staff and to give her any comments before the October 1 testimony date.

At Presiding Officer Kirkpatrick's request, Executive Officer Gustafson distributed a memorandum from Eleanore Baxendale and Don Carlson explaining the impact of Ballot Measure 2 on the Metropolitan Service District. The Executive Officer reviewed the memorandum with Councilors and answered specific questions.

Presiding Officer Kirkpatrick then introduced a draft resolution for the purpose of opposing Ballot Measure 2. She said she would consider Council comment and submit a final version of the resolution for Council action on October 11, 1984. After discussion about the possible effects of the passage of the Ballot Measure, it was the consensus of the Council to support the resolution.

**3. EXECUTIVE OFFICER REPORT**

Executive Officer Gustafson reported on the status of the current office space lease which he said would expire in two years. He introduced Mark Madden who had been appointed as Metro's agent to analyze the current lease arrangement and to seek out other office space options. He then distributed to the Council a matrix of three options for office space: 1) remain at the Pactrust Building; 2) build-to-suit at the Zoo; and 3) relocate to a core area building.

The Executive Officer asked the Council for guidance on which direction staff should take. It was the consensus of the Council to not build-to-suit at the Zoo and to investigate other office space in the core area as well as locations beyond the core area. Public access to the Metro offices and meeting places was of particular concern to the Council.

Executive Officer Gustafson reported the Multnomah County Commission conducted a hearing earlier in the day regarding the amendment for the Comprehensive Plan. He then invited Dan Durig to provide the Council with more information about the hearing. Mr. Durig said the Commission proposed 11 changes to the Plan which would probably delay a decision until after the first of the year. Overall, he said he thought the hearing went well.

Councilor Cooper asked if the Commission had addressed the issue of expanding the St. Johns Landfill. Mr. Durig replied this issue was addressed as well as Metro's commitment to waste energy.

Councilor Van Bergen asked about the status of Metro's appeal of the Wildwood decision. The Executive Officer replied the State Supreme Court would probably rule next month whether to accept the case. Mr. Durig added one question that could come up before the County Commission was whether they want to wait for the Supreme Court opinion before they proceed with the County hearing process.

Councilor Hansen asked Mr. Durig for more information regarding the recent news report about PCBs found at the St. Johns Landfill. Mr. Durig said the firm of Crosby & Overton had agreed to share the cost of securing aquifer samples which would detect where and to what extent the PCBs were present in the landfill. If there were problems, he said they would be handled on a case-by-case basis with assistance from the EPA, DEQ, Genstar and Crosby & Overton.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Mrs. Geraldine Ball, 11515 S.W. 91st Avenue, Tigard, Oregon 97223, said she was concerned the Council had not yet adopted a resolution authorizing the Executive Officer or his designate to submit comments to the Land Conservation and Development Commission (LCDC) recommending the city of Tigard's requests for Acknowledgment of Compliance with LCDC Goals. She asked if such a resolution would be adopted before the Tigard Plan came before the LCDC on October 11, 1984. If the Council did not intend to adopt a resolution, she asked which parts of the Plan were not in compliance

with the Goals and had the city of Tigard been advised of Metro's position. The Presiding Officer requested Steve Siegel meet with Mrs. Ball that evening to resolve the problem. Later in the meeting, Mr. Siegel reported the information requested by Mrs. Ball could not be located, but Jill Hinckley would contact Mrs. Ball the next day to answer her questions. Presiding Officer Kirkpatrick asked Mrs. Ball to contact the Council if she needed further assistance.

6. CONSENT AGENDA

Motion: Councilor Kafoury moved to adopt the Consent Agenda. Councilor Cooper seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Deines and Williamson

The motion carried and the Consent Agenda was adopted.

7. ORDINANCES

7.1 Consideration of Ordinance No. 84-178, for the purpose of amending Ordinance No. 84-172 and transferring appropriations (Second Reading)

The Clerk read the Ordinance by title only.

Kenneth Kahn, Director, Tamalpais Software, P. O. Box 02338, Portland, Oregon, was invited by Councilor Banzer to address the Council regarding the purchase of proposed computer equipment. Mr. Kahn recommended staff purchase an IBM personal computer rather than an Apple Macintosh. He said the IBM computer would cost \$942 less and provide more options than the Apple computer.

Councilor Kelley said because three separate funding issues were before the Council under one ordinance, she was uncertain how to vote if she did not support one of the issues. The Presiding Officer said budget change ordinances had traditionally been grouped together to streamline the approval process but any item could be changed or deleted by amendment. However, the Presiding Officer said she would be open to suggestions for improving the budget adjustment process.

Motion: Councilor Kafoury moved to amend the main motion to adopt the Ordinance, made by herself and Councilor

Bonner on September 13, 1984, by deleting Section 2 and corresponding budget detail pages relating to the purchase of computer equipment. Councilor Bonner seconded the motion.

Councilor Bonner said he would vote for the motion, as amended, because he did not think the purchase of computer equipment was of an emergency nature and funds should not be transferred from Contingency. He invited staff to budget these items during the FY 1985-86 budget process.

Councilor Kafoury explained she would be willing to reconsider staff's plan for computer equipment in the future if a more thorough work plan were submitted, but she had not been persuaded by the information presented to the Council that the budget transfer should be supported.

Vote: A vote on the motion to amend the Ordinance by deleting Section 2 and corresponding information relating to computer equipment, resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Deines, Kafoury, Kelley, Oleson, Van Bergen, and Waker

Nayes: Councilors Hansen and Kirkpatrick

Absent: Councilor Williamson

The motion carried and the main motion was amended.

Motion: Councilor Waker moved to amend the main motion to include a new clause in the Ordinance which would read: "WHEREAS, The need of recruiting a new Zoo Director is of paramount importance and a budget amendment is necessary to support that need." This, he said, would make it clear that funding of this project was part of the Ordinance. Councilor Hansen seconded the motion.

Vote: The vote on amending the main motion resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Nay: Councilor Deines

Absent: Councilor Williamson

The motion carried and the main motion was amended a second time.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Nay: Councilor Deines

Absent: Councilor Williamson

The motion carried and Ordinance No. 84-178 was adopted as amended.

7.2 Consideration of Ordinance No. 84-179, for the purpose of amending the Public Contract Procedures for emergency contracts, Code Section 2.04.011 and 2.04.030 (Second Reading)

The Clerk read the Ordinance by title only.

There being no public testimony or discussion of the ordinance, a vote was taken on the motion to adopt the Ordinance.

Vote: The vote on the motion to adopt Ordinance No. 84-178, made by Councilors Kafoury and Bonner on September 13, 1984, resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Naye: Councilor Deines

Absent: Councilor Williamson

The motion carried and Ordinance No. 84-179 was adopted.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 84-497, for the purpose of adopting the Year 2005 Forecast of population and employment for use in Metro's functional plan

Keith Lawton explained the process used to develop the forecast which involved the participation of professional planners representing public and private interests in the region. Mr. Lawton also said both TPAC and JPACT had reviewed the forecast and recommended approval of the Resolution.

Motion: Councilor Kafoury moved for adoption of the Resolution. Councilor Waker seconded the motion.

Councilor Kelley asked if all the planners participating in the process agreed that 10,000 new jobs would exist in the region. Mr. Lawton responded that most of the planners agreed with the assumption, the city of Banks being the most pessimistic.

Councilor Bonner asked if there were other disagreements about the Forecast among the planners involved in the process. Mr. Lawton responded that because many people were involved in the process, there were some differences of opinion. He said a formal delphi process was used to determine a range of responses about specific concerns. If ranges were too varied, the planners engaged in further discussion until reasonable agreement could be reached, he said.

Councilor Kelley asked if changes were made when the planning group reconvened, would the Council be given the opportunity to revise the Forecast. Mr. Lawton said the Council would have this opportunity if significant changes were made.

Vote: The vote on the motion to adopt the Resolution resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Willimson

The motion carried and Resolution No. 84-497 was adopted.

8.2 Consideration of Resolution No. 84-498, for the purpose of adopting the FY 1985 to post-1988 Transportation Improvement Program and the FY 1985 Annual Element

Andy Cotugno explained the Resolution before the Council would consolidate all Council actions over the past year one annual update and establish anticipated FY 1985 highway and transit programs. Mr. Cotugno then reviewed specific projects covered under the proposed Resolution.

Motion: Councilor Kelley moved to adopt the Resolution. Councilor Kafoury seconded the motion.

In response to the Presiding Officer's request for a JPACT report, Councilor Waker said the Joint Policy Advisory Committee on Transportation unanimously approved the Resolution. Councilor Waker also said he was concerned about Tri-Met's transfer of capital funds to the operating fund for the third consecutive year. He asked if staff had received a five-year operations plan from Tri-Met. Mr. Cotugno replied he had not yet received a plan. Councilor

Cooper said he was also concerned about the agency's apparent lack of financial planning.

Responding to Councilor Bonner's question, Mr. Cotugno said staff have continued to request a five-year operational plan from Tri-Met but their Board of Directors had not completed the decision-making process for the plan. Because it was necessary to make these decisions in a public forum, it would be some time before the plan is available, he said. The Presiding Officer said she would request a status report from the Board of Tri-Met.

Councilor Oleson asked if, in view of Tri-Met's financial status, immediate action on Resolution No. 84-498 were necessary.

Mr. Cotugno replied that because the federal fiscal year started October 1, a delay in adoption would not be advisable. The Executive Officer added that tabeling the Resolution would not be consistent with Metro's goal of strengthening communications with Tri-Met.

Vote: The vote to adopt the Resolution resulted in:

Ayes: Councilors Bonner, Cooper, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Banzer, Deines and Williamson

The motion carried and Resolution No. 84-498 was adopted.

8.3 Consideration of Resolution No. 84-500, for the purpose of adopting legislative proposals regarding District finances

Motion: Councilor Van Bergen moved to adopt the Resolution. Councilor Bonner seconded the motion.

Executive Officer Gustafson explained adoption of the Resolution would establish the general principals on which Metro would build its legislative program. These principals included: 1) uncoupling approval of Zoo financing from authorization to provide non-zoo functions; 2) providing state-shared revenues for general government purposes; 3) giving Metro authority to tax Metro services for general government purposes; and 4) continuing local government dues.

Because Metro would be collecting \$1 million in additional revenues under the above program, Councilor Kelley asked how the additional revenue would be expended. The Executive Officer replied the request for \$1 million included approximately \$770,000 currently expended annually from the General Fund, as outlined in the current budget document. The remaining \$230,000 request related to

intergovernmental cooperation (\$60,000) and the cost of conducting the Multnomah County Library Commission Study and subsequent election (\$125,000 - \$175,000).

Councilor Oleson asked Roger Martin what he thought legislative reaction would be to the proposed cigarette tax. Mr. Martin replied it would be difficult to predict reaction at this time since the outcome of Ballot Measure 2 was unknown. Given, however, the measure would not pass, Metro would be competing with other interests for State funds. If these were included in a package with other items, he said, our chances for funding would increase. However, Mr. Martin said he had not talked with Legislators from outside the District and could not predict how they would react to the funding package.

Vote: The vote on the motion to adopt the Resolution resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Banzer, Deines and Williamson

The motion carried and the Resolution was adopted.

8.4 Consideration of Resolution No. 84-502, for the purpose of establishing a regional corrections task force

Motion: Councilor Kafoury moved to adopt the Resolution. Councilor Van Bergen seconded the motion.

Councilor Bonner reported the Council Management Committee and recommended the proposed the regional corrections task force be comprised of three members, one being a representative from Clackamas County, and one alternate member. Presiding Officer Kirkpatrick said the Executive Officer would serve on the task force and she wished to appoint herself as a Clackamas County representative. She also wished to appoint Councilor Cooper as an alternate member.

Councilor Kafoury asked that her motion be amended to clarify the task force would be involved in regional adult criminal justice planning.

Vote: The vote on the motion, as amended, resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick



**Absent:** Councilors Banzer, Deines and Williamson

The motion carried the Resolution No. 84-502 was adopted as amended.

**8.5 Consideration of Resolution No. 84-503, for the purpose of appointing citizen members to the Transportation Policy Alternatives Committee (TPAC)**

**Motion:** Councilor Van Bergen moved to adopt the Resolution and Councilor Bonner seconded the motion.

Councilor Hansen requested a separate vote be taken for each of the two candidates recommended for the Committee.

**Motion:** Councilor Van Bergen moved to appoint Janice Foster to TPAC. Councilor Bonner seconded the motion.

**Vote:** The vote on the motion resulted in:

**Ayes:** Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker and Kirkpatrick

**Absent:** Councilors Banzer, Deines, Kafoury, Oleson and Williamson

The motion carried and Janice Foster was appointed to TPAC.

**Motion:** Councilor Van Bergen moved to appoint Jon Egge to TPAC and Councilor Bonner seconded the motion.

**Vote:** The vote on the motion resulted in:

**Ayes:** Councilors Bonner, Cooper, Kelley, Van Bergen, Waker and Kirkpatrick

**Nay:** Councilor Hansen

**Absent:** Councilors Banzer, Deines, Kafoury, Oleson and Williamson

The motion carried and Jon Egge was appointed to TPAC.

**9. COMMITTEE REPORTS**

None.

**EXECUTIVE SESSION**

At 8:20 p.m., Presiding Officer Kirkpatrick called the meeting into

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Executive Session under the authority of ORS 192.660(2). Present were Councilors Bonner, Cooper, Deines, Hansen, Kelley, Van Bergen, Waker and Kirkpatrick.

There being no further business, the Presiding Officer adjourned the meeting at 8:50 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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