

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 26, 1985

Councilors Present: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Councilors Absent: Councilors Kafoury and Bonner

Also Present: Rick Gustafson, Executive Officer

Staff Present: Eleanore Baxendale, Don Carlson, Vickie Rocker, Phillip Fell, Jennifer Sims, Kay Rich, Dennis Mulvihill, Andy Cotugno, Sonnie Russill, Ed Stuhr and Ray Barker

Deputy Presiding Officer Waker called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Councilor Kelley reported on her recent tour of the Cleveland, Ohio, regional Metro Parks system. She said Ray Barker would soon distribute a report to Councilors regarding the park system's financing.

3. EXECUTIVE OFFICER COMMUNICATIONS

Contract with Clackamas County for Clackamas Transfer & Recycling Center (CTRC) Cleanup. Executive Officer Gustafson explained Metro had entered into an agreement with the County to use youth, through the Juvenile Services Program, to clean up litter surrounding the CTRC area.

Tax Exempt Bonds for Solid Waste Facilities. The resolution adopted by the Council urging the United States Congress to continue allowing tax exempt bonds was read before the U.S. House Ways and Means Committee. Dan Durig testified before the Committee representing the National Resource Recovery Institute, the Executive Officer reported.

Personnel Officer. Executive Officer Gustafson introduced Randy Boose, newly appointed Metro Personnel Officer, to the Council.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Deputy Presiding Officer Waker reported he and other Councilors continued to receive correspondence related to siting of the Washington Transfer & Recycling Center.

Eleanore Baxendale reported all Councilors had received correspondence related to the Urban Growth Boundary (UGB) amendments. Because the correspondence provided new information on the soon to be acknowledged Boundry, and because the Council tentatively agreed they would not take any new information, that correspondence was not distributed to Councilors. Ms. Baxendale said the correspondence would be released to Councilors when a policy for distributing such materials was established. After discussion on the matter, Ms. Baxendale said she would prepare a memo on policy for Council consideration.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved to adopt the Consent Agenda and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Hansen, Kafoury and Bonner

The motion carried and the following items were approved or adopted:

- 6.1 Minutes of the Council Meeting of August 22, 1985
- 6.2 Resolution No. 85-592, Revising Transportation Improvement Project Management Guidelines
- 6.3 Resolution No. 85-593, Adopting the FY 1986 and Post-1989 Transportation Improvement Program and the FY 1986 Annual Element
- 6.4 Resolution No. 85-598, Designating the Executive Officer, Deputy Executive Officer, and the Manager of Accounting to Conduct Bank Safe Deposit Transactions

7. RESOLUTIONS

Deputy Presiding Officer Waker announced the title for Item No. 7.4 was incorrectly printed on the meeting agenda and should be titled: "Consideration for Release of the Draft McLoughlin Boulevard Improvement Program for Consideration by the Affected Jurisdictions."

7.1 Consideration of Resolution No. 85-595, for the Purpose of Adopting Affirmative Action Goals and Objectives for Fiscal Year 1985-86

Sonnie Russill explained the Council had adopted an ordinance which established Affirmative Action policy, including the annual adoption of fiscal year goals and objectives. She then reviewed FY 1985-86 goals which had not changed from those of FY 1984-85. These goals included attaining parity, or maintaining parity where it had been achieved, with the female and minority work force for the region. More detailed information regarding program goals was contained in the agenda materials.

Councilor Gardner pointed out errors at the bottom of Tables 8 and 9 of the staff report: the word "males" should be changed to read "minorities."

Motion: Councilor Kirkpatrick moved Resolution No. 85-595 be adopted and Councilor Oleson seconded the motion.

Councilor Oleson asked staff to respond to the written comments of Robert Phillips distributed to Councilors. Executive Officer Gustafson said Mr. Phillips made some very good points which he intended to incorporate into a revised Executive Order on Affirmative Action. He said the new Personnel Officer would be working on that project. The Executive Officer then commended Ms. Russill for doing a fine job as Acting Affirmative Action Officer since May 1985.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Hansen, Kafoury and Bonner

The motion carried and Resolution No. 85-595 was adopted.

7.2 Consideration of Resolution No. 85-596, for the Purpose of Adopting Disadvantaged Business Program Goals for Fiscal Year 1985-86

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-596. Councilor Myers seconded the motion.

Ed Stuhr reviewed materials contained in the agenda packet and explained the Disadvantaged Business Enterprise (DBE) Program was required by the Department of Transportation (DOT). Some changes in Metro's program were required by DOT, he said, and when those changes were approved by DOT, staff would return to the Council requesting adoption of a revised DBE program ordinance. Mr. Stuhr then explained how staff advertised contracting and procurement opportunities in order to attract female and minority business participation.

In response to Councilor Gardner's question, Mr. Stuhr said during FY 1984-85 Metro had come closer to achieving DBE participation goals than Women-owned Business Enterprise (WBE) participation goals because more effort was expended to attract DBE participation. This fiscal year, additional emphasis would be placed on meeting goals for WBE participation, he said.

Maxine Pierce, owner of a highway construction WBE, and President of the Association of Women Contractors, testified the Association had never received notice of Metro's projects. She requested Metro work with the Association to improve WBE participation.

In response to Councilor Waker's question, Mr. Stuhr reviewed the standard procedure for notifying WBE's and DBE's of Metro projects. Procedures included publishing calls for bids in trade-related and minority publications for projects over \$10,000. In addition, notices were mailed to all applicable WBE and DBE businesses listed in regional directories of certified businesses, he explained. Councilor Waker requested staff work with the Association of Women Contractors regarding notification of Metro projects.

Albert R. "Skip" Collier of Professional Training Systems explained his firm worked with women and minority-owned business. He requested Metro increase its current 3 percent WBE participation goal by 1 percent each year until WBE's participated in 50 percent of Metro construction projects. He also requested Metro not lower its goals for DBE participation for Personal Services contracts. Mr. Collier disagreed with staff's recommendation that not enough DBEs existed to support higher participation. He suggested Metro advertise contracts under \$10,000 in newspapers with minority readerships in order to improve participation for these contracts.

Executive Officer Gustafson recommended the Council adopt the DBE program goals as recommended by staff, explaining the Council should adopt achievable goals. He reported Metro had met its DBE goals for construction projects and was working to improve its WBE participation.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick,
Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kafoury and Bonner

The motion carried and Resolution No. 85-596 was adopted.

7.3 Consideration of Resolution No. 85-597, for the Purpose of
Appointing Citizen Members to the Solid Waste Policy Advisory
Committee (SWPAC)

Motion: Councilor DeJardin moved to adopt Resolution
No. 85-597 and Councilor Kirkpatrick seconded the
motion.

Ray Barker reported the Council previously adopted a Resolution which amended the SWPAC Bylaws and created more citizen participation on the Committee. Adoption of Resolution No. 85-597 would appoint some of the new members to the Committee.

Councilor Kirkpatrick was concerned that all terms of the members appointed by adoption of Resolution No. 85-597 would expire at the same time.

Motion: Councilor Kirkpatrick moved to amend the Resolution to allow three-year terms for every other name listed in the staff report. Councilor Cooper seconded the motion.

It was pointed out that those serving three-year terms should be notified in advance of that action. Ms. Baxendale proposed Counsel review the Bylaws and, if necessary, prepare an amendment to the Bylaws for later Council adoption to provide for staggered terms of newly appointed members. Councilor Kirkpatrick withdrew her motion.

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

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,
Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and
Waker

Absent: Councilors Kafoury and Bonner

The motion carried and Resolution No. 85-597 was adopted.

7.4 Consideration of a Motion to Release the Draft McLoughlin
Boulevard Improvement Program for Consideration by the Affected
Jurisdictions

As noted earlier by the Deputy Presiding Officer, this item was erroneously titled "Consideration of Resolution No. 85-594, for the Purpose of Adopting the McLoughlin Boulevard Improvement Program and Allocating Interstate Transfer Funds Accordingly" in the meeting agenda materials.

Motion: Councilor Van Bergen moved to release the Draft McLoughlin Boulevard Improvement Program for consideration by the affected jurisdictions. Councilor Kirkpatrick seconded the motion.

Andy Cotugno explained the Council's approval of the draft report would begin the decision-making process for the above-named project. If approved by local governments, the program would return to the Council for final adoption. Mr. Cotugno then summarized important elements of the draft resolution as discussed in the meeting agenda materials.

In response to Deputy Presiding Officer Waker's question, Mr. Cotugno replied the State of Oregon Highway Division was the lead agency in developing the McLoughlin Boulevard project. They conducted the assessment of alternatives, engineering analysis and costing. Metro, with assistance from Tri-Met, conducted the light rail feasibility evaluation and studied the role of transit. Metro staff would also be responsible for management of Interstate Transfer funds, he explained.

Deputy Presiding Officer Waker asked if any reasonable amount of public mass transit would eliminate the need to improve the McLoughlin Boulevard intersection. Mr. Cotugno reported the plan called for a significant increase in transit use. Further, the traffic problem was complicated by the fact that many motorists bypass the McLoughlin intersection and travel through residential streets. The objective, he said, was to clean up traffic on McLoughlin Boulevard and to remove traffic from neighborhoods.

Councilor Myers asked if the Council approved the draft report and if the report were approved by all jurisdictions, would Metro be in a position to sign off on the project's implementation. Mr. Cotugno replied that releasing the approved report to the jurisdictions should imply the recommended improvements met regional transportation objectives. However, the jurisdictions would have to weigh the McLoughlin improvement plan against other local objectives.

In response to Councilor Cooper's question, Mr. Cotugno said the adoption of the plan would endorse light rail as an element of the transportation plan but would not endorse proceeding with the engineering and environmental work for light rail. Funds could, however, be allocated for engineering and environmental work at a later date.

Easton Cross, President of McLoughlin Merchants Association, President of Cash's Garden Center, and residing at 2559 N.W. Marshall, Portland, addressed the Council regarding the proposed plan. He circulated an aerial photograph which showed the relationship of the proposed project to the Ardenwald and Johnson Creek neighborhoods. Mr. Cross testified the effect of the project on those neighborhoods had not been properly considered, especially by ODOT. ODOT did not seem to understand the negative impact on retail businesses, he explained. If business were reduced 25 percent as projected, the effects would put many retailers out of business. He reported Cash's Garden Center had an agreement with ODOT which would ensure its survival. Other retailers, however, had no such agreements.

In summary, Mr. Cross emphasized the draft resolution should provide for ODOT to design the highway between Tacoma Street and the city of Milwaukie without a center barrier and traffic flow should be maintained at 35 miles per hour. Also, the draft resolution should provide for a solution to the problems along Johnson Creek Boulevard to include use of the railroad right of way. He urged the Council to consider his comments before forwarding the report to jurisdictions.

Mr. Cotugno urged the Council not to delay the approval of the McLoughlin Boulevard plan in order to resolve the Johnson Creek Corridor situation. A solution to the Johnson Creek Corridor problems could be years in coming, he explained. The McLoughlin Corridor plan was compatible with whatever solutions might come about for the Johnson Creek Corridor problems later, he explained. In rebuttal, Mr. Cross thought the longevity of the problems still warranted workable solutions.

Councilor Kelley suggested all governments involved in road projects examine the law to determine how equity could be achieved and costs associated with compensation to businesses suffering losses as a result of construction be factored into total project costs.

Motion: Councilor Gardner moved to amend the main motion by urging further study of the railroad right-of-way as a possible route for a Johnson Creek bypass to relieve Johnson Creek Boulevard problems. Councilor DeJardin seconded the motion.

After discussion, Councilor Gardner withdrew the motion. Mr. Cotugno said the Johnson Creek bypass option would be considered, but recommended the draft report and resolution not address specific routes. Councilor Gardner explained, however, he was uncomfortable with Metro's and ODOT's approach in looking at the Tacoma and McLoughlin situation as an isolated problem and in proposing a solution before the impact of that solution could be determined. He said it was difficult for him to endorse the proposal now before the Council because by such adoption, the Council was indicating it had already approved the plan.

Councilor Myers suggested the Council hear testimony on the issues and make amendments as necessary before delivering the draft to local jurisdictions.

In response to Councilor Gardner's question, Mr. Cotugno said it was not mandatory the Council approve the draft before it was released to jurisdictions. He recommended Council approval at this time, however, because it would be a clear message to local governments about the process that would be followed.

Councilor Van Bergen urged prompt approval of the draft report explaining the plan had been thoroughly reviewed and unanimously endorsed by the Joint Policy Advisory Committee on Transportation (JPACT), a committee comprised of local government representatives.

Steve Dotterer, Chief Transportation Planner, City of Portland, reported he had been working with Metro and the city of Milwaukie to develop the draft resolution and related project. He explained Mr. Cross' proposal was being reviewed by City of Portland and ODOT staff. Action could not be taken at this time regarding specific solutions, however, because of a number of complicated non-transportation issues involving surrounding neighborhoods. He also said staff planners were not convinced changes to Johnson Creek Boulevard would resolve the problem. Therefore, a broader study area was identified.

Vote: A vote on the motion to release the draft resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Kafoury and Bonner

The motion carried and the draft resolution and accompanying report were approved for release to effected jurisdictions.

8. OTHER BUSINESS

8.1 Consideration of Review of ODOT Six-year Program Update Process and Acceptance of Preliminary Expression of Regional Priorities for Funding

Mr. Cotugno explained approval was requested of the Council to: 1) establish when input would be provided to ODOT on priorities for improvements within the metro area; 2) recognize that a number of project categories had been submitted by local jurisdictions and that ODOT would select projects on a technical basis; and 3) accept preliminary priorities for other project categories and to express those preliminary priorities as the first statement of input to ODOT on regional priorities. Mr. Cotugno then reviewed material contained in the agenda packet in more detail.

Deputy Presiding Officer Waker noted that although it was not indicated in the staff report, this report and its suggested actions had been recommended by JPACT. Councilor Kirkpatrick requested staff indicate committee approvals in future staff reports.

In response to Councilor Kelley's question, Mr. Cotugno explained the projects listed in the staff report were preliminary only. The Council would have an opportunity later to approve the final six-year program. Projects would then be listed in priority order, he said.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried and the ODOT Preliminary Six-year Program was approved.

8.2 Consideration of a Contract with Tri-Lett Industries for Zoo Gift Shop and Cashroom Remodel

Kay Rich reviewed the need for the remodel, explaining increased sales projected as a result of the gift shop expansion would pay remodeling costs in about five years. He then reviewed the process for selecting the contractor. Staff recommended awarding the contract to the low bidder, Tri-Lett Industries. There were no questions from the Council.

Motion: Councilor Kirkpatrick moved to approve the contract and Councilor Kelley seconded the motion:

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried and the contract was approved.

9. COMMITTEE REPORTS

Preliminary St. Johns Enhancement Program. Executive Officer Gustafson explained Dennis Mulvihill was currently drafting a staff report for future Council consideration regarding how the Council might deal with the St. Johns Enhancement Fund. In the process of soliciting input on the proposed program, the draft staff report was circulated to Councilor Hansen and Representative Mike Burton. As a result of Representative Burton's circulating the draft report to other parties, an article criticizing the proposed program was recently printed in The St. Johns Review, he said. The Executive Officer then distributed copies of the draft staff report and the newspaper article to Councilors.

Councilor Van Bergen said it was regrettable the preliminary report was made public but thought it premature to distribute it to the Council at this time.

Councilor Hansen explained the draft staff report was circulated in North Portland because of the keen interest those citizens had in the St. Johns Enhancement Program and because citizen input would be needed to implement a successful program. Representative Burton was quoted in The St. Johns Review when he spoke at a meeting of local citizens, he said. Councilor Hansen did not want to discourage free and open discussion of the issues, although he regretted situations where the Council's first contact with an issue was by reading about it in the newspaper.

Deputy Presiding Officer Waker encouraged Councilors to develop ideas with staff before seeking citizen participation.

Councilor DeJardin asked if anyone attending the community meeting had compiled an objective summary of Representative Burton's comments. Mr. Mulvihill said he could send Councilors a letter he had received from Representative Burton in response to the draft staff report.

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Council Solid Waste Reduction Task Force. Deputy Presiding Officer Waker distributed a report regarding the Task Force's progress to date.

Tax Advisory Group Meetings. Councilor Oleson reported seven meetings had been conducted to date with various interest groups and individuals for the purpose of discussing Metro financial policy and possible tax base or serial levy election strategies. He said a developing consensus was Metro should attempt to present a tax levy in May to fund both General Government and the Zoo. The process was helping educate key people about this issue and was also helpful to staff, he said.

Executive Officer Gustafson said he would be presenting tax election issues for discussion at the October 10 Council meeting.

Deputy Presiding Officer called a five minute recess at 7:40 p.m.

EXECUTIVE SESSION

At 7:45 p.m., Deputy Presiding Officer Waker called the meeting into Executive Session under the authority of ORS 192.660(h). Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Van Bergen and Waker were present at the session.

The Deputy Presiding Officer called the meeting back into regular session at 8:20 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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