

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

January 23, 1986

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

Councilors Absent: Councilors Myers and Oleson

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Don Cox, Gene Leo, Vickie Rocker, Peg Henwood, Ray Barker, Phillip Fell, Jennifer Sims, Kay Rich and Norm Wietting

Chairman Waker called the meeting to order at 5:35 p.m. The meeting was held at the University of Portland, Buckley Hall.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Councilor DeJardin noted he was continuing to receive many letters from citizens regarding the proposed Washington Transfer & Recycling Center.

3. EXECUTIVE OFFICER COMMUNICATIONS

The Priorities and Objectives Workshop of the Council was scheduled for 5:30 p.m., Thursday, January 30, at the new Metro offices.

Office Move. Executive Officer Gustafson announced staff would be moving to the 2000 S.W. 1st Avenue office location on Friday, January 24.

Golden Monkey Animal Exchange. A Metro delegation would be traveling to Seattle to participate in the February 8 opening ceremonies of the golden money exhibit. The Chinese delegation would then come to Portland on February 12 to participate in tours and activities.

Washington Transfer & Recycling Center (WTRC). Executive Officer Gustafson reported Agenda Item No. 9.4 was placed on the January 23 meeting agenda prior to the Council's decision of January 16. Since that time, land owners from the Sunset Highway/Cornelius Pass Road site area had approached staff in an effort to find a site mutually acceptable to Metro and the Beaverton community.

In response to Councilor Van Bergen's concerns, Executive Officer Gustafson said he would continue the discussion on this item later

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in the meeting. (Note: see Agenda Item 9.4 for a record of that discussion.)

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGEND ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

Chairman Waker called a recess at 5:45 p.m. The Council reconvened at 6:00 p.m.

6. CONSIDERATION OF RESOLUTION NO. 86-620, for the Purpose of Establishing the North Portland Rehabilitation and Enhancement Advisory Committee

Consideration of Resolution No. 86-627, for the Purpose of Appointing Members to the North Portland Rehabilitation and Enhancement Advisory Committee

Ray Baker reported the staff report explained the purpose of the rehabilitation project. These resolutions would establish the committee and appoint members to the committee, he said, and Metro would provide certain administrative services for the project.

In response to Councilor Kelley's question, Councilor Hansen explained the committee was composed of three North Portland citizens and three elected officials. This composition would provide good citizen input and to help network with the different government agencies involved in the St. Johns Landfill, he said.

Motion: Councilor Hansen moved Resolution No. 86-620 be adopted and Councilor Gardner seconded the motion.

Motion to Amend: Councilor Kafoury moved Resolution No. 86-620 be amended to add one citizen to the Committee who resided outside the North Portland area to be appointed by the Metro Council. Councilor Kirkpatrick seconded the motion.

Councilor Kafoury explained such an addition would enhance the committee process by providing more political balance. She said she also preferred the additional member to be female since all other recommended committee members were male.

Councilor Hansen said he would vote against the amendment. The resolution's authors had already discussed the composition of the

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committee, he explained, and the consensus was the composition as recommended would provide the best balance. He also said adding another committee member would add more time to the planning process because that person would have to be appointed by the Council at a later date. He questioned whether a non-North Portland citizen could be found who possessed knowledge of North Portland's needs and a sustaining interest in the project. He emphasized the need for dialog within the North Portland community.

Councilor Kelley said she agreed with Council Hansen and would not support the amendment.

State Representative Mike Burton testified he supported Resolution No. 86-620 as originally proposed. He said City of Portland Commissioner Dick Bogle, a non-North Portland resident, would be a member of the committee and would provided the needed city-wide perspective. Other proposed committee members were highly qualified local residents, he said. Representative Burton said to add another "politico" would be a mistake.

Regarding Resolution No. 86-627, which would appoint members to the committee, Representative Burton asked the first "WHEREAS" clause be amended to read: "WHEREAS, The 1985 Oregon State Legislature passed SB 662 which requires the Metropolitan Service District (Metro) to apportion an amount of the charges collected for solid waste disposal at the St. Johns Landfill and use the monies obtained for rehabilitation and enhancement of the area [in and] around the landfill; and...." He explained this change would be a more accurate reflection of the intent of SB 662.

Presiding Officer Waker agreed the change to Resolution No. 86-627 would be appropriate and would provide more flexibility in planning a good program.

Executive Officer Gustafson said the suggested change could present a problem because the resolution's language was consistent with the language of SB 662 even though the legislation was not intended to effect land inside St. Johns Landfill.

Rush Kolemaine, a North Portland resident, said he was impressed with the openness of the committee formation process which he had followed closely. He shared Councilor Kafoury's concerns about no females on the proposed committee but said he did not support her amendment because the proposed recommendation was made after very careful consideration.

Councilor Kafoury explained she had not proposed the amendment to Resolution No. 86-620 to deliberately challenge the process.

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Rather, she wished to enhance the committee by providing better balance. She said Metro's goal was to break down jurisdictional boundaries and by providing a broader based committee, the region would be better informed about North Portland's problems.

Councilor Gardner said he did not support the amendment for the reasons stated by Councilor Hansen. The committee's structure, he said, was proposed after careful consideration.

Brian Jeanotte, a North Portland resident, said he supported the Resolution unamended. To amend the resolution would delay in the committee's work and would not be consistent with the goal of focusing on the North Portland area, he said.

Presiding Officer Waker said he would oppose the amendment for the reasons stated by Councilor Gardner.

Councilor Kirkpatrick said she would support the amendment because the committee would become a state model for similar projects. She thought the committee needed more citizen balance. She also pointed out the 50¢ per ton disposal charge to finance the North Portland project was being paid by the entire region.

Councilor Hansen said he was disappointed in the amendment. Because the committee needed to produce results within six months, the timing was very bad, he said.

Councilor DeJardin said he would not support the amendment because it had been proposed at the last minute.

Vote on Motion to Amend: The vote resulted in:

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

The motion failed.

Vote on Main Motion as Amended: The vote resulted in:

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

The motion carried and Resolution No. 86-620 was adopted.

Motion: Councilor Hansen moved Resolution No. 86-627 be adopted and Councilor Kelley seconded the motion.

Councilor Hansen explained the Resolution was being introduced at this meeting to enable the committee to start work immediately. All the proposed committee appointees were exceptional individuals, he said. He then introduced three proposed appointees who were present at the meeting: Brian Jeanotte, Jim Seal and Mike Burton.

Vote: A vote on the resolution resulted in:

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

Nay: Councilor Kafoury

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-627 was adopted.

7. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved the Consent Agenda be adopted and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Myers and Oleson

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

7.1 Minutes of the December 19, 1985, Council meeting

7.2 Resolution No. 86-625, for the Purpose of Confirming the Appointment of Citizens of the Community to Meet with the Council Management Committee to Review Investment Matters (Management Committee Recommendation)

8. ORDINANCES

8.1 Consideration of Ordinance No. 86-195, for the Purpose of Submitting Metropolitan Service District Tax Base Measure (First Reading and Public Hearing)

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The Clerk read the Ordinance by title only a first time.

Don Carlson reviewed the staff report for this agenda item, explaining the Ordinance would establish a ballot title for the proposed tax base measure and the amount and type of measure to be submitted to voters on May 20, 1986.

Councilor Kirkpatrick explained she was still considering minor word changes to the ballot title and explanation in order to simplify the language.

Motion: Councilor Kirkpatrick moved to adopt Ordinance No. 86-195 and Councilor Kafoury seconded the motion.

In response to Councilor Kelley's question, Kay Rich explained the language of the proposed ballot title, "to operate new exhibits," meant Metro could continue to operate improved animal exhibits plus construct the Africa Bush and the East Bear Grotto exhibits. The current level of services would increase, he said, in order to maintain the improved exhibits.

Councilor Van Bergen said he was concerned the Zoo was referenced too many times in the ballot explanation. Councilor Kirkpatrick explained the law required the language to indicate how the tax money would be spent.

Councilor Gardner said he supported the general wording of the ballot explanation because most of the tax base would support the Zoo.

Councilor Kafoury said she understood the difficulty of writing ballot titles and was pleased the proposed title and explanation was clear and concise.

Presiding Officer Waker opened the public hearing on Ordinance No. 86-195. There being no public testimony, he closed the public hearing and announced the second reading of the Ordinance would take place at the February 13, 1986 Council meeting.

8.2 Consideration of Ordinance No. 86-196, Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned (First Reading and Public Hearing)

Staff recommended consideration of the Ordinance be set over the the February 13 Council meeting in order to provide the petitioner adequate time to respond to the findings.

Motion: Councilor Kirkpatrick moved to set over consideration of the Ordinance until February 13, 1986, and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 86-623, for the Purpose of Approving the FY 1985-86 Supplemental Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission (TSCC)

9.2 Consideration of Resolution No. 86-624, for the Purpose of Amending Resolution No. 85-562, Revising Appropriations and Creating a Rehabilitation and Enhancement Fund, an Insurance Fund, and a Convention, Trade, and Spectator Facilities (CTS) Fund (Public Hearing)

Jennifer Sims explained that Resolution No. 86-623, if adopted, would transmit the proposed supplemental budget to the TSCC for a review, public hearing and certification process. When certified by the TSCC, the supplemental budget would be returned and at that time the Council would consider adoption of Resolution No. 86-624.

Ms. Sims then reviewed the changes proposed in the supplemental budget which included: 1) adding \$8,250 to the General Fund for a Regional Parks Study; 2) increasing the Building Management Fund to cover the costs of new fixtures and insurance; 3) increasing the Solid Waste Reduction Program budget; 4) eliminating the Landfill Siting Program and distributing those funds to the Department of Environmental Quality; and 5) establishing a revenue fund for rehabilitation and enhancement of the area around the St. Johns Landfill.

In response to questions about the revenue fund for the St. Johns rehabilitation and enhancement program, Ms. Sims explained Metro would budget this fund on an annual basis.

Motion: Councilor Kafoury moved to adopt Resolution No. 86-623 and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick,
Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-623 was adopted.
Resolution No. 86-624 would be considered for adoption some time in
March 1986 after the budget was returned from the TSCC.

9.3 Consideration of Resolution No. 86-622, for the Purpose of
Appointing Citizen Members to the Metropolitan Service
District's Budget Committee

Ray Barker reviewed the process by which Budget Committee candidates were recommended for appointment. He explained two candidates who had served on the FY 1985-86 Committee and were being recommended to serve again in order to provide more continuity. Of the 10 candidates recommended for nomination two were referred by Councilors, two by the Executive Officer, and six responded to a newspaper article soliciting candidates. Mr. Barker said all the candidates were more than qualified to perform budget review activities. The Management Committee had recommended the seven candidates listed in the Resolution be appointed plus one alternate from the East Multnomah County area. Mr. Barker said Ed Wallberg, a CPA from the Gresham area, was recommended as an alternate representing that area.

Motion: Councilor Kelley moved to adopt Resolution No. 86-222, including appointing Ed Wallberg to serve as an alternate from the East Multnomah County area, and Councilor DeJardin seconded the motion.

Councilor Van Bergen questioned the usefulness of involving citizens in the budget review process. Executive Officer Gustafson suggested the Council review the process at the end of this year's budget cycle which could include inviting citizen members of the Budget Committee to the Council meeting when the FY 1986-87 budget was adopted. Presiding Officer Waker requested the Council Assistant remind the Council to take this action at the appropriate time.

Councilor Kirkpatrick favored continuing citizen involvement in the budget review process. She said citizens provided valuable recommendations and the committee process prepared some citizens for Councilor positions.

Vote: A vote on the motion resulted in:

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Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick,
Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-222 was adopted.

9.4 Consideration of Resolution No. 86-626, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property In Accordance with the Approved Solid Waste Management Plan for the Purpose of Constructing the Washington Transfer & Recycling Center

As discussed earlier in the meeting, Executive Officer Gustafson requested this item be withdrawn from consideration until February 13, 1986. The Executive Officer reported he and the Presiding Officer were working with representatives of the business community near the Cornelius Pass Road/Sunset Highway site to select a land parcel that would be agreeable to all parties and that would have the greatest assurance of receiving a conditional use building permit. The Executive Officer emphasized he had established a February 13 deadline for making a final decision.

Councilor Van Bergen said he wanted to make sure the Executive Officer, as part of his discussions with land owners and business leaders, made no concessions that would limit the design or capacity of the transfer station. The Councilor said he was not giving the Executive Officer that authority.

The Presiding Officer assured Councilor Van Bergen no concessions were being made and any concessions requested by business leaders would be made to the Council or the Executive Officer in writing and approved by the Metro Council.

Motion: Councilor Gardner moved Resolution No. 86-626 be considered at the Council meeting of February 13, 1986, and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Myers and Oleson

The motion carried.

Process for Interviewing Candidates for District 8 Council Position

Presiding Officer Waker reported the process for recruiting candidates for the District 8 Council position was taking longer than scheduled. He requested either the selection schedule be extended or the Presiding Officer be authorized to appoint the candidate.

Councilor Van Bergen recalled that Presiding Officer Waker had been appointed by adoption of a resolution (Resolution No. 83-385). He questioned whether a requirement of that resolution which called for the Council to confirm the appointment of citizen members of the Councilor selection committee would apply for the current Council vacancy, given the short time schedule. Ray Barker said Metro's legal counsel had told him the Council could waive that requirement and instruct the Presiding Officer to make the appointments without the Council's confirmation.

Motion: Councilor Van Bergen moved to delete the requirement of appointing the Councilor for the District 8 position by adoption of a resolution.

The motion died for lack of a second.

Motion: Councilor Gardner moved to authorize the Presiding Officer to appoint a five-member citizen selection committee without the need for Council confirmation. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Myers and Oleson

The motion carried.

Later in the meeting the Presiding Officer noted the candidates could be interviewed at the beginning of the February 13 Council meeting which would eliminate the need for a special meeting.

Report on Status of LCDC Urban Growth Boundary Hearing

Executive Officer Gustafson reported a hearing had been scheduled before the Land Conservation & Development Commission (LCDC) on January 30 and 31 to consider Metro's request for acknowledgment of the Urban Growth Boundary (UGB). LCDC's staff had recommended partial acknowledgment of the UGB, he said, which had excluded some

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800 acres in the Bethany area of Washington County. Metro was asking all that land be included in the UGB. He explained Bethany property owners and representatives from Washington County and the city of Sherwood would support Metro's position.

Councilor Kirkpatrick requested staff notify Bethany area residents of the hearing and of LCDC's final recommendation.

There being no further business, Presiding Officer Waker adjourned the meeting at 7:35 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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