

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
March 9, 1989

Councilors Present: Mike Ragsdale (Presiding Officer),
Sharron Kelley (Deputy Presiding
Officer), Lawrence Bauer, Roger Buchanan,
Tanya Collier, Richard Devlin, Tom
DeJardin, Jim Gardner, Gary Hansen, David
Knowles and Judy Wyers

Councilors Absent: George Van Bergen

Others Present: Rena Cusma, Executive Officer
Dan Cooper, General Counsel

Presiding Officer called the meeting to order at 5:45 p.m.

1. INTRODUCTIONS

None.

2. CITIZENS COMMUNICATIONS ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. COUNCILOR COMMUNICATIONS

None.

5. CONSENT AGENDA

The Presiding Officer announced that he was removing items 5.3
and 5.4 from the consent agenda at Councilor Devlin's request.
Those items would be considered at the end of the meeting.

Motion: Councilor DeJardin moved to approve items 5.1 and 5.2
of the consent agenda. Councilor Devlin seconded the
motion.

Vote: A vote on the motion resulted in all ten Councilors
present voting aye. Councilors Knowles and Van
Bergen were absent.

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The Motion carried and the following items were approved:

5.1 Minutes of February 9, 1989

5.2 Resolution No. 89-1045, Amending the Functional Classification System and the Federal-Aid Urban System

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 89-288, Amending Metro Code Chapter 2.01 Relating to Council Voting Procedures

The Clerk read the ordinance a first time by title only. Presiding officer Ragsdale announced he had referred the ordinance to the Council Internal Affairs Committee.

6.2 Ordinance No. 89-289, Amending Metro Code Chapter 2.01 and Establishing Procedures for Adoption of Council Per Diem and Expense Guidelines

The Clerk read the ordinance a first time by title only. Presiding officer Ragsdale announced he had referred the ordinance to the Council Internal Affairs Committee.

6.3 Ordinance No. 89-290, Amending the 1986 Waste Reduction Program and the Regional Solid Waste Management Plan

The Clerk read the ordinance a first time by title only. Presiding officer Ragsdale announced he had referred the ordinance to the Council Solid Waste Committee.

7. ORDINANCES, SECOND READINGS

7.1 Consideration of Ordinance No. 89-282, Updating the Regional Transportation Plan

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale reviewed that the ordinance had been read before the Council a first time on January 12, 1989, after which it was referred to the Intergovernmental Relations Committee (IGR). The Committee conducted a public hearing on January 24. On February 9, the Joint Policy Advisory Committee on Transportation (JPACT) recommended the Council adopt the ordinance. On January 21, the IGR received a report regarding JPACT's recommendation.

The Presiding Officer announced the following documents had been submitted to the Clerk for inclusion in the record: 1) a

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petition entitled "Statement of Position to Metro from Washington County Citizens;" and
2) a letter from the Southwest Hills Residential League.

Councilor Gardner, IGR Chair, summarized the committee's written report and recommendation concerning Ordinance No. 89-282. The Committee had unanimously recommended the Council adopt the ordinance. He reviewed the proposed amendments to the Regional Transportation Plan (RTP) which would be approved by adoption of the ordinance. One of the amendments would incorporate the recommendations and improvements associated with the final report of the Southwest Corridor Study previously adopted by Council Resolution No. 87-763, which (among other improvements) would identify the need for a new highway facility in the Tualatin-Hillsboro corridor subject to findings of consistency with Statewide Land Use Planning Goals.

Andy Cotugno, Transportation Planning Director, explained that by adopting Ordinance No. 89-282, the Council would be approving the following documents: 1) Attachment A (the draft RTP Update document); 2) Attachment A-1 (proposed amendments to the December 1988 draft RTP included in the final RTP); 3) Attachment B (the final draft of the findings required to support RTP amendments and to demonstrate their consistency with Statewide Land Use Planning Goals; and 4) summary of public testimony presented to the IGR Committee on January 24, 1989, and an outline of resulting Transportation Policy Alternatives Committee actions; and 5) Attachment C (memorandum of understanding between Metro and Washington County resulting from the Southwest Corridor Study). Mr. Cotugno noted that upon adoption of Ordinance No. 89-282, a new RTP document would be published incorporating all the amendments.

Presiding Officer Ragsdale opened the public hearing.

Robert Behnke, 2002 Wembley Park Road, Lake Oswego, Oregon, President of Aegis Transportation Information System, testified he had not been able to attend the hearing before the Intergovernmental Relations Committee. He said the transit component of the RTP was flawed because: 1) it did not include ridership projections; 2) government subsidy projections were too low and in some cases inconsistent; 3) the Plan discriminated against suburban residents and employers; and 4) the information on light rail transit was probably not accurate.

Dave Stewart, Route 4, Box 568, Hillsboro, Oregon, was concerned the Plan did not address land use issues related to the proposed Western Bypass. He did not think it wise for the Council to use

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adoption of the Regional Transportation Plan as a mechanism to justify the Western Bypass project.

Meeky Blizzard, Route 1, Box 916, Beaverton, Oregon, supported Mr. Stewart's testimony. She also explained that if the Western Bypass was being built to alleviate traffic, the better option would be improving existing roads and using transit. Freeways, she said, only provided short-term solutions to traffic problems and would open up land for unwanted development. She cited Houston as an example of how excessive use of freeways had destroyed communities. Toronto, on the other hand, was cited an example of how extensive use of transit had enhanced an interesting city.

Greg Hoffenbacker, 10621 S.W. Canterbury Lane, Tigard, Oregon, member of Sensible Transit Options for People (STOP), said he shared Ms. Blizzard's concerns. He thought the Southwest Corridor Study had focused on automobiles and had ignored other alternatives. He was also concerned no land use analysis had been performed and that the study had recommended the most expensive option. Mr. Hoffenbacker suggested a study be performed to determine whether new freeways contributed to urban sprawl.

Brian J. Martin, 10900 S.W. 76th Place #114, Tigard, Oregon, a member of STOP, said he was opposed to the conclusions of the Southwest Corridor Study and favored sensible transit alternatives. He was also concerned the proposed freeway was outside the existing Urban Growth Boundary and questioned whether land use issues had been adequately addressed.

Jeanne Robinette, 1745 South Shore Boulevard, Lake Oswego, Oregon, testified she had read a report prepared by Robert Behnke the day before and as a result, had become concerned about conclusions of the Southwest Corridor Study. She thought the study had given too much attention to freeways and light rail transit and not enough attention to other alternatives. She urged the Council to amend the ordinance to require a reasonable comparison of alternatives.

Jim Howell, 3325 N.E. 45th Avenue, Portland, Oregon, member of Citizens for Better Transit, said the fundamental premise of the Regional Transportation Plan was too heavily focused on highways. He thought it odd that 85 percent of the dollars were proposed for freeways although the Plan acknowledged that transit would be the answer to freeway congestion. He thought the Plan was a good formula for "Californizing" Oregon. He urged the Council to consider a Plan that would include fully integrated alternatives.

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Robert Liberty, staff attorney, 1000 Friends of Oregon, 534 S.W. Third Avenue, Portland, Oregon, first explained that because 1000 Friends was currently involved with Metro in a Court case, the Council had to agree to receive testimony from him. Metro's Counsel, Dan Cooper, explained he thought it appropriate for Mr. Liberty to address the Council and that his first amendment concerns under the U.S. Constitution took precedent over the Court's requirements.

Mr. Liberty testified that he thought it premature for Metro to approve the Regional Transportation Plan and endorsement of the Southwest Corridor Study before land use issues had been addressed. He thought if the land use analysis had been performed in advance of the Southwest Corridor Study, very different conclusions would have been reached. He said the Council should be very concerned about whether State land use goals could be met by siting the proposed freeway outside the Urban Growth Boundary. Mr. Liberty concluded that the process was skewed because conclusions had been reached early in the planning phase of the project.

Alden Potter, Route 2, Box 1059, Hillsboro, Oregon, agreed with the testimony of previous witnesses concerning the inappropriateness of the Western Bypass project. He was especially concerned that Tualatin Valley weather and air patterns would result of serious air pollution if the freeway were built. He also said the freeway would damage the fragile rural environment.

Lark Brandt, 33405 Cook Road, Hillsboro, Oregon, representing Friends of the Embrie Farm Stead, explained that the Friends organization was concerned about the effects of the proposed freeway project on the historic farm. She also questioned whether tax dollars could be used to destroy a historic landmark. She agreed with Mr. Liberty that land use issues should be addressed before the Regional Transportation Plan was adopted. In response to the Presiding Officer's question, Ms. Brandt explained that fund raising efforts for the historic farm had suffered because it was not known whether the proposed freeway would be built on the farm site.

Susan Peter, 24270 S.W. Farmington Road, Beaverton, Oregon, opposed Council adoption of the Southwest Corridor Study for the same reasons expressed by those testifying earlier. Ms. Peter was concerned that a new freeway cause air pollution.

Brent Curtis, Planning & Land Management Manager, Washington County, 150 North First Avenue, Hillsboro, Oregon, urged the Council to adopt the ordinance. He explained there was no

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agreement with the State of Oregon that land use goals had to apply before the Plan was adopted. He acknowledged the freeway siting process was new and that more clarity would be helpful but he did think the process had been rational. He urged the Council to adopt the ordinance.

Councilor Devlin asked Mr. Curtis to respond to previous comments that the Southwest Corridor Study had been too focused on freeways and that other alternatives had not been considered. Mr. Curtis explained that the "transit dependent" model of the future was found unfeasible because it would not keep pace with demand. The "all highway" model was also found unsuitable. The most reasonable model was determined to be a combination of highways with transit improvements which could handle peak demands. Mr. Curtis said Washington County would soon commence a high profile citizen involvement program concerning the proposed Western Bypass project.

Councilor Gardner explained that one of the reasons Metro had included the Southwest Corridor Study in the Regional Transportation Plan was because Washington County elected officials, through representation on the Joint Policy Advisory Committee on Transportation (JPACT), had lobbied for its inclusion in the document. He told citizens in the audience the decision to adopt Ordinance No. 89-282 and amend the Regional Transportation Plan was not the same deciding the build the Western Bypass. He suggested that citizens concerned about the freeway proposal make their wishes known to Washington County elected officials.

Councilor Knowles asked if Metro had debated the policy issue of whether the State land use goals would apply in the siting the proposed Western Bypass. Mr. Cotugno responded that no debate had occurred on that specific issue and that the most appropriate forum for such a debate would be in the context of approving the Regional Transportation Plan. Councilor Devlin explained the Council had debated policy issues when it made the decision to adopt the Southwest Corridor Study. At Councilor Devlin's request, Mr. Cotugno then reviewed the process leading up to the adoption of the Southwest Corridor Study.

Motion: Councilor Gardner moved, seconded by Councilor Devlin, to adopt Ordinance No. 89-282.

Councilor Knowles requested staff develop a resolution and position paper to identify key policy issues related to the application of State land use goals in siting new highways could be considered by the Council.

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Presiding Officer Ragsdale cautioned it was not the Council's role to determine land use. He advised that JPACT and the Council Intergovernmental Relations Committee be involved in any land use policy discussion.

Vote: A roll call vote on the motion to adopt the ordinance resulted in all Councilors present voting aye except for Councilor Wyers who voted no. Councilor Van Bergen was absent.

The motion carried and Ordinance No. 89-282 was adopted.

8.4 Consideration of Resolution No. 89-1051, Authorizing Metro General Counsel to Commence Legal Proceedings Against Previous Owners of the Oregon Convention Site Properties

Councilor Knowles, Chair of the Convention, Zoo & Visitor Facilities Committee, first explained that Metro had spent approximately \$800,000 to clean up soil contaminated by previous owners of land that was now part of the Convention Center site. If Resolution No. 89-1051 were adopted, Metro would commence legal proceedings against previous owners to recover the cost of cleaning up the site. All Committee members had voted in support of the resolution except Councilor Kelley who had voted no.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to adopt Resolution No. 89-1051.

Executive Session. Presiding Officer Ragsdale called the meeting into executive session at 7:30 p.m. under the authority of ORS 192.660(1)(h) for the purpose of discussing possible litigation with legal counsel. All Councilors were present at the session except for Councilor Van Bergen who was absent. Also present were Executive Officer Cusma, Dan Cooper, Don Carlson and Jessica Marlitt. The Presiding Officer called the meeting back into regular session at 7:55 p.m.

Vote: A vote on the motion to adopt Resolution No. 89-1051 resulted in:

Ayes: Councilors Bauer, Buchanan, Devlin, Gardner, Hansen, Wyers and Ragsdale

Nay: Councilor Kelley

Absent: Councilors Collier, DeJardin, Knowles and Van Bergen

The motion carried and the resolution was adopted.

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Councilor Kelley declared she had voted against the resolution because she was concerned Metro's attempt to recover cleanup costs could cause hardships for previous property owners. She explained the land had initially been acquired by Metro through a condemnation process and that this potential law suit would not be an issue had it not been for Metro's desire to build the Convention Center at that site.

Agreeing with Councilor Kelley's concerns, Councilor Hansen advised counsel to proceed slowly and cautiously with any legal actions and to check back often with the Council.

8.5 Consideration of Resolution No. 89-1059, Authorizing Entry into a Consulting Contract with R. W. Beck & Associates for a Site Feasibility Study, Conceptual Design, Cost Estimations and Analysis of Public vs. Private Ownership of Metro East Station

Councilor Hansen reviewed the Solid Waste Committee's recommendation to award a consulting contract to R. W. Beck & Associates. R. W. Beck had submitted the lowest bid, he said, and had an excellent track record.

Motion: Councilor Hansen moved to adopt Resolution No. 89-1059 and that the contract of \$98,000 be awarded to R. W. Beck & Associates. Councilor Devlin seconded the motion.

In response to Councilor Wyers' question, Bob Martin, Solid Waste Director, reported it had not yet been determined who would decide the specific sites for further review. It had been staff's original intent to give the complete site list to the consultants when it was assumed the total number of sites would be eight or under. The list, however, now totalled about 12 sites. Mr. Martin also explained the intent of the contract was not to locate the best available site for the transfer station, but to develop information that would allow staff to compare proposals for private versus public ownership of the station and to ensure the proposals received were reasonable and competitive.

Councilor Knowles said he was concerned that when it came time for the Council to make a decision regarding a site for the transfer station, staff be able to document a reasonable site selection process. Mr. Martin assured the Councilor that the work performed by R. W. Beck would provide for a fair process and documentation.

Councilor Wyers was concerned how the dozen or more proposed transfer station sites would be screened down to the eight sites

that R. W. Beck would evaluate. Mr. Martin suggested staff make a recommendation regarding sites that R. W. Beck should evaluate and that the Solid Waste Committee approve that recommendation. Councilor Wyers concurred.

Vote: A vote on the motion to adopt the resolution resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and the resolution was adopted.

7.2 Consideration of Ordinance No. 88-287A, Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for Amending a Contract with Government Finance Associates to Staff the Work Program of the Metropolitan Government Finance Committee and Providing a Contract Extension

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale announced that the ordinance had first been read before the Council on February 9, 1989, after which it was referred to the Finance Committee. The Committee conducted a hearing on February 16.

Councilor Gardner reported the Finance Committee had unanimously recommended the ordinance be adopted. The approved funds would allow Metro to extend its contract with Government Finance Associates to conduct an inventory of regional government funding needs, he reported. The funds would be transferred from General Fund Contingency to the Executive Management Department.

Motion: Councilor Gardner moved, seconded by Councilor Collier, to adopt Ordinance No. 89-287A.

Vote: A roll call vote on the motion resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and the ordinance was unanimously adopted.

7.3 Consideration of Ordinance No. 88-283A, Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for Implementing the Department of Environmental Quality Solid Waste Requirements and Restructuring Solid Waste Department Programs

The Clerk read the ordinance by title only a second time. Presiding Officer Ragsdale noted the ordinance had been read

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before the Council a first time on January 12, 1989. It was then referred to the Finance Committee for a hearing which was conducted on February 16.

Councilor Wyers, member of the Finance and Solid Waste Committees, reported the issue of additional funding for the Waste Reduction Program and adoption of the Stipulated Order between the Department of Environmental Quality (DEQ) and Metro had been before both committees. The original Ordinance No. 89-283 had proposed two actions: 1) amending the FY 1988-89 budget to fund agreed upon enhancements to the Waste Reduction Program and other solid waste related activities; and 2) authorizing the Executive Officer to sign the Environmental Quality Commission's (EQC) Stipulation and Final Order regarding the District's Waste Reduction Program. Councilor Wyers said the Finance and Solid Waste Committees recommended the Council fund the budget requests but take no action via this ordinance concerning the stipulated order. Therefore, the ordinance was amended by the Finance Committee to exclude the second, originally proposed action.

Councilor Wyers reviewed the proposed 11 new positions which Ordinance No. 89-283A would fund. Of those positions, 8.5 were needed to meet the DEQ requirements. The Council said the Finance Committee had unanimously recommended Council adoption of Ordinance No. 89-283A.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, to adopt Ordinance No. 89-283A.

Mr. Martin reported the 11 new positions would provide staff with the capability of carrying out a successful Waste Reduction Program. He explained the Council would soon be asked to consider Ordinance No. 89-290 which would address the matter of the stipulated order.

At Councilor Knowles' request, Mr. Martin reported on the progress of negotiations with the DEQ concerning the Waste Reduction Program stipulated order. He explained that at its meeting of March 3, Environmental Quality Commissioners expressed satisfaction about the Council's progress in reaching agreement regarding the program. The Commission, however, was concerned the Council might not be moving fast enough and therefore adopted a resolution that would result in the issuance of a unilateral order to Metro if Metro did not sign the stipulated order by March 24. Mr. Martin said if a unilateral order were issued, it would result in substantially the same work program as outlined in the stipulated order.

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Presiding Officer Ragsdale said he was concerned that if the Council authorized the Executive officer to enter into the stipulated order, the DEQ -- a regulatory agency -- would become a co-participant in implementing a program. He said he would rather operate under a unilateral order and had no disagreement with the DEQ about work components of the Waste Reduction Program.

Councilor Knowles regretted Metro had done nothing to alleviate the public's impression that it was reluctant to adopt a Waste Reduction Program in cooperation with the DEQ. The Presiding Officer emphasized that the budget amendment ordinance would set the stage for Metro being able to implement potentially the most successful Waste Reduction Program in the country.

Councilor Wyers was concerned that by Metro signing the stipulated agreement, the District would be answering to the DEQ and not to the public. She asked the Council to carefully consider the difference between the stipulated and unilateral orders.

Councilor Devlin did not think it important what type of order was issued as long as the Waste Reduction Program was successfully carried out.

Presiding Officer Ragsdale commended Mr. Martin and the Waste Reduction staff for their excellent work on the project, saying the Council had been well-served by the staff's professionalism.

Vote: A roll call vote on the motion to adopt Ordinance No. 89-283A resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and the ordinance was unanimously adopted .

8.1 Consideration of Resolution No. 89-1039A, Terminating the Procurement Process for a Solid Waste Incinerator Project

Councilor Hansen, Chair of the Solid Waste Committee, reported that this resolution had been introduced by the Committee as a result of its deliberations on January 17, 1989. He then summarized the Committee's written report which had been included in the agenda packet. Councilor Hansen said the Committee had concluded, given the December 31, 1989, deadline for committing to a waste to energy project, that proceeding with such a project at this time was not feasible.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, to adopt Resolution No. 89-1039A.

Councilor Gardner distributed a handout to Councilors which contained proposed amendments to the resolution. He explained his amendments were designed to declare a five-year, rather than two-year, moratorium on a waste to energy project and to clarify that no proposed waste to energy project had successfully met Metro's 120 percent cost criterion.

Motion to Amend: Councilor Gardner moved, seconded by Councilor Collier, to amend Resolution No. 89-1039A as follows:

1) To delete the third "whereas" clause: [WHEREAS, The evaluation criteria have been met as evidence in the resource recovery project final evaluation report; and]

2) To add two additional "whereas" clauses at the end of the "whereas" section as follows: WHEREAS, Ordinance No. 89-283A restructured Solid Waste Department programs and revised the FY 1988-89 Budget, providing additional staff resources to fully implement waste reduction projects contained in the Council-adopted regional Waste Reduction Program; and WHEREAS, Waste reduction programs in general require fundamental changes in public attitudes and practices, and therefore significant passage of time, before the programs' effectiveness can be measured; now therefore.

3) To amend the second "be it resolved" clause to read: That the Executive Officer shall conduct a technical and economic evaluation of [current] then-existing alternative technology for waste to energy, making a report to the Council by July 1, [1991] 1994.

Councilor Gardner discussed the proposed amendments in more detail, as outlined in his memorandum to the Council dated March 6, 1989.

Councilor Hansen said he strenuously opposed the amendments because he thought it important to remain flexible to new opportunities and changing conditions. Councilor DeJardin concurred.

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Councilor Devlin supported the amendments, explaining it was appropriate that staff should have to return to the Council if it wanted to expend significant effort on investigating a new waste to energy project.

Vote on the Motion to Amend: A vote on the motion to amend Resolution No. 89-1039A resulted in:

Ayes: Councilors Bauer, Collier, Devlin, Gardner, Knowles and Wyers

Nays: Councilors DeJardin, Hansen and Ragsdale

Absent: Councilors Buchanan, Kelley and Van Bergen

The motion to amend carried.

Vote on the Main Motion as Amended: A vote resulted in:

Ayes: Councilors Bauer, Collier, DeJardin, Devlin, Gardner, Knowles, Ragsdale and Wyers

Nay: Councilor Hansen

Absent: Councilors Buchanan, Kelley and Van Bergen

The motion carried and Resolution No. 89-1039A was adopted as amended.

8.2 Consideration of Resolution No. 89-1042. Authorizing an Amendment to the Contract with The Hallock Agency for Zoo Advertising Services

Councilor Bauer briefly summarized the Council Internal Affairs Committee recommendation to adopt the resolution. There was no discussion concerning the resolution.

Motion: Councilor Bauer moved, seconded by Councilor Collier, to adopt the resolution.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and the resolution was unanimously adopted.

8.3 Consideration of Resolution No. 89-1050, Transmitting the Draft Urban Growth Boundary Periodic Review Order to the Department of Land Conservation and Development

Councilor Devlin presented the Intergovernmental Relations Committee's recommendation, reporting that the draft report had concluded no boundary changes should be recommended.

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, to adopt Resolution No. 89-1050.

Vote: A vote on the motion resulted in all eight Councilors present voting aye. Councilors Buchanan, Hansen, Kelley and Van Bergen were absent.

The motion carried and Resolution No. 89-1050 was unanimously adopted.

8.4 Consideration of Resolution No. 89-1051, Authorizing Metro General Counsel to Commence Legal Proceedings Against Previous Owners of the Oregon Convention Site Properties

The resolution was considered earlier in the meeting.

8.5 Consideration of Resolution No. 89-1059, Authorizing Entry into a Consulting Contract with R. W. Beck & Associates for a Site Feasibility Study, Conceptual Design, Cost Estimates and Analysis of Public vs. Private Ownership of Metro East Station

The resolution was considered earlier in the meeting.

8.6 Consideration of Resolution No. 89-1062, Approving an Amendment to Franchise Agreement No. 7 with Wastech, Inc. to Allow for Metro Non-diversion of Waste Procured by Wastech, Inc. under Private Agreements, and to Establish Franchise Violation "Cure" Language

The Presiding Officer referred Councilors to a letter from Rich Owings of Rabanco concerning the proposed franchise amendment.

Councilor Hansen, Chair of the Solid Waste Committee, reviewed the Committee's report and recommendation to the Council. He explained the franchise amendment would allow Wastech to secure financing for expanding Oregon Processing & Recycling Center (OPRC). He said OPRC was an important component of Metro's waste reduction program.

Motion: Councilor Hansen moved, seconded by Councilor Collier, to adopt the resolution as recommended by the Solid Waste Committee which would include adding the following language to Section SC-13 of the franchise agreement: "...provided, however, that the provisions of Section SC-13(1) above shall apply to any tonnages beyond 100,000 tons per year under any such agreement."

Vote: A vote on the motion resulted in the eight Councilors present voting aye. Councilors Buchanan, Bauer, Kelley and Van Bergen were absent.

The motion carried and Resolution No. 89-1062 was adopted.

5.3 Consideration of Resolution No. 89-1049, Establishing a Policy Advisory Committee and a Technical Advisory Committee for the Periodic Review of the Urban Growth Boundary

Councilor Devlin announced he had requested Resolution Nos. 89-1049 and 89-1056 be removed from the consent agenda because he wished to propose several amendments.

Motion: Councilor DeJardin moved, seconded by Councilor Hansen, to adopt Resolution No. 89-1049 as recommended by the Council Intergovernmental Relations Committee.

Councilor Devlin explained the amendment would provide for a better regional balance on the Policy Advisory Committee and would permit the Presiding Officer, if he should choose to do so, to appoint Councilor Devlin as a regular member of the Policy Advisory Committee and Councilor Van Bergen as an alternate. Councilor Van Bergen had expressed a desire to serve as an alternate on the Committee.

First Motion to Amend: Councilor Devlin moved, seconded by Councilor Collier, to amend Exhibit A of the resolution to indicate that four Metro Councilors, rather than three, would serve on the Policy Advisory Committee.

Responding to the Councilor Devlin's rationale that it was important for suburban interests to be represented on the Committee, Councilor Hansen pointed out that the Urban Growth Boundary was also important to the urban core of the region. He cautioned that the new Committee should review the Boundary with the entire region in mind and to not focus entirely on suburban interests.

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Vote on the First Motion to Amend: A vote resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion to amend the resolution carried.

Councilor Hansen said he supported the amendment because he shared Councilor Van Bergen's concern that the Clackamas County Representatives were all from the West Linn area. He also supported Councilor Van Bergen's wish that the Committee's role be clearly defined as advisory to the Council and that the Policy Committee's activities be concluded in a timely manner.

Councilor Gardner disagreed that the Committee's duties should be terminated as soon as possible. He saw the Committee's functions as ongoing in nature.

Rich Carson, Planning & Development Director, said he had envisioned the Committee would be evaluated after two years and that it would continue as long as planning issues were on the table.

Second Motion to Amend: Councilor Hansen moved, seconded by Councilor Wyers, to amend Resolution No. 89-1049 by adding a third "be it resolved" clause that would call for the Policy and Technical Advisory Committees to terminate on December 31, 1990, after which an evaluation would be conducted to determine whether the Committees should continue.

Councilor Collier and Gardner did not support the amendment, explaining it would dilute the Council's commitment to the Urban Growth Boundary review project. Councilor Gardner said the Council could review the Committees' activities in two years but he did not favor disbanding the Committees.

Vote on the Second Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Hansen, Knowles and Wyers

Nays: Councilors Bauer, Collier, Devlin, DeJardin, Gardner, Ragsdale

Absent: Councilors Buchanan, Kelley and Van Bergen

The motion failed to carry.

Vote on the Main Motion as Amended: A vote resulted in all nine Councilors present voting in favor of the motion to adopt the resolution as amended. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and Resolution No. 89-1049 was adopted as amended.

5.4 Consideration of Resolution No. 89-1056, Confirming Appointments to the Policy Advisory Committee for the Periodic Review of the Urban Growth Boundary

Councilor DeJardin briefly summarized the Intergovernmental Relations Committee's written report and recommendation to the Council.

Main Motion: Councilor DeJardin moved, seconded by Councilor Bauer, to adopt the resolution.

Motion to Amend: Councilor Devlin moved to amend Item 8 of Exhibit A to the Resolution to indicate that the following Councilors would be appointed to the Policy Advisory Committee:

Regular Members: Councilors Gardner (Chair), Bauer, DeJardin and one vacant position (the Presiding Officer would name the member at a later date).

Vote on the Motion to Amend: A vote resulted in all nine Councilors present voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion to amend carried.

Councilor Knowles was concerned that Council representation was heavily suburban. He pointed out that the Committee should be especially attentive to such urban interests as the industrial land inventory, the Columbia Corridor and Rivergate. He also asked if 1000 Friends of Oregon had objected to appointing Mike Nelson of BenjFran to the Policy Advisory Committee given that BenjFran was currently involved in litigation concerning the Urban Growth Boundary. Dan Cooper, General Counsel, responded that no objections had been raised.

After continued discussion on the make-up of the Policy Advisory Committee, Councilor Hansen acknowledged that the Committee would be wise to consider that some would perceive it could have a suburban bias.

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Vote on the Main Motion as Amended: A vote on the motion resulted in all nine Councilors voting aye. Councilors Buchanan, Kelley and Van Bergen were absent.

The motion carried and Resolution No. 89-1056 was adopted as amended.

9. COMMITTEE REPORTS

Councilors Collier and Knowles reported on upcoming Budget and Convention, Zoo & Visitor Facilities Committee meetings.

There was no other business and the meeting was adjourned at 10:20 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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