

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

October 26, 1989
Regular Meeting

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

All present.

Presiding Officer Ragsdale called the meeting to order at 5:35 p.m. and announced that Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program, had been removed from the Consent Agenda. He said that with the concurrence of the Council, he would defer the resolution to the next Council meeting or a future Intergovernmental Relations Committee meeting, however, persons who wished to testify on the resolution could under Agenda Item No. 2 "Citizen Communication to Council on Non-Agenda Items."

Motion: Councilor Bauer moved, seconded by Councilor Devlin to remove Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program, from the Consent Agenda and defer consideration until the next Council meeting or to a future Intergovernmental Relations Committee meeting.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. Teace Adams, on behalf of the Columbia Region Inter-League Organization invited councilors to a reception sponsored by the League scheduled for November 9, 1989, 4:30 - 5:30 p.m. at Metro.

Ms. T. R. Factor testified that during a recently-held Solid Waste Committee hearing, she felt that Solid Waste Committee Chair Hansen had acted inappropriately while responding to comments she made before the Committee. Ms. Factor said that she had requested a copy of the transcript of the meeting and information regarding the Jack Gray Transport contract for solid waste delivery to Arlington Landfill. She said that she had not received that requested information. The Presiding Officer advised Ms. Factor that she would receive the transcript and asked her to advise the Clerk of the additional information she had requested.

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The following individuals commented regarding Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program.

Dan Hoyt, Newberg, Oregon, questioned whether the Western Bypass Study would be objective if the project were already included as an ODOT Six-Year Highway Improvement Program priority.

Meeky Blizzard, Beaverton, Oregon, President, Sensible Transportation Options for People, (STOP) read into the record a letter dated October 26, 1989, signed by Keith A. Bartholomew, Staff Attorney, 1000 Friends of Oregon, urging the Council to delete recommendations for funding Western Bypass construction, engineering and right-of-way acquisition from the resolution. The letter has been filed with the meeting record and is incorporated in these minutes by reference.

Sheila Crum, Portland, Oregon, said that she would like to see the Portland area grow in a manner that would avoid urban sprawl.

Molly O'Reilly, Portland, Oregon, asked the Council to consider urban form as part of their decision and noted that transportation contributed greatly to determining urban form.

Nancy Rosenlund, Portland, Oregon, said that she felt that the Regional Transportation Plan was short-sighted and the Western Bypass was an economic and environmental drain on the region.

David A. Mazza, Portland, Oregon, said that he represented the Columbia Group of the Sierra Club and that the Group was opposed to construction of the Western Bypass, but was in favor of studying the alternatives.

Rod Munro, Portland, Oregon, said he was a member of the Izaak Walton League of America, Inc., and introduced into the record a League resolution opposing funding for the Western Bypass. The resolution has been filed with the meeting record and is incorporated in these minutes by reference.

Kathy Clair, Sherwood, Oregon, testified that the Bypass project was outside the Metro boundary, and she was not represented on the Council because she lived outside the District boundary. She asked that the Council eliminate the Western Bypass endorsement from the resolution and encouraged alternate land uses for the area.

Robert Liberty, Portland, Oregon, Attorney, 1000 Friends of Oregon, said that land use planning goals analysis should be applied before transportation planning. He cited a Land Use Board of Appeals (LUBA) decision which had been rendered earlier in the day advising Metro that the Regional Transportation Plan was not consistent with

Land Use Goals 11 and 14. Mr. Liberty said that 1000 Friends of Oregon supported the LUBA decision.

Dave Stewart, Hillsboro, Oregon, said that questions regarding land use, preservation of natural areas, transit versus freeway mode and urban form were topics for public involvement and urged the Council to delay consideration of Resolution No. 89-1134 until the public involvement process had been completed.

Brent Baxter, Hillsboro, Oregon, Chair, Tualatin Plains Coalition, said that his group was concerned about the effect a freeway would have on the agricultural lands in the Western Bypass study area. He said that his group supported the position of 1000 Friends of Oregon.

Richard Buono, Portland, Oregon, said that he was a member of the Sunset Corridor Association and that the Association supported acquisition of right-of-way and preliminary engineering for the Western Bypass proposal. He said transportation in Washington County was important to economic development and he felt Washington County had traffic problems that needed to be resolved.

Susan Peter, Beaverton, Oregon, said that she was a member of STOP and said that the Council should discuss transportation options for the Western Bypass area before endorsing it as a Six-Year Plan priority.

Michael Wert, Oregon Department of Transportation, said that the Southwest Corridor Study adopted by Metro in 1987 recommended construction of a Western Bypass and Metro had requested that ODOT put that project in its Six-Year Highway Improvement Program. She said that ODOT had accepted those recommendations and hired a consultant for the project who was to develop a detailed scope of work including public involvement. She said that during the course of the consultant's work, the project had changed considerably including a larger corridor and an additional environmental impact statement. Ms. Wert said ODOT had, therefore, issued a request for proposals on the new statement of work, and that a proposer should be selected early in 1990. She said that the consultant would examine, among other things, land use compatibility with statewide planning goals. Ms. Wert said over 1.5 million dollars had been committed by ODOT to accomplish the study and the study would include 1) establishing the public involvement program, 2) performing technical analysis by updating the Southwest Corridor Study using the most current population and employment figures and projecting to the year 2010, 3) data collection and constraint mapping, and 4) draft environmental impact statement. Ms. Wert said public hearings would be held on the draft environmental impact statement and a citizens advisory committee would be formed.

1. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma announced that October 28 would be Hazardous Household Waste Collection Day. She also announced that Metro had set up sites for collection of phone books for recycling.

The Executive Officer requested an executive session to discuss pending litigation. The Presiding Officer announced that the Council was recessed to Conference Room 240 for an Executive Session held under the authority of ORS 192.660 (1)(h). The Executive Session was convened at 6:55 p.m., attending were Councilors DeJardin, Van Bergen, Buchanan, Collier, McFarland, Gardner, Ragsdale, Knowles, Devlin, Wyers, Hansen and Bauer; Executive Officer Cusma, General Counsel Dan Cooper, Council Administrator Don Carlson, Council Analyst Ray Barker, Government Relations Manager Greg McMurdo and the Clerk of the Council. The topic of the session was discussion of the ballot title for Senate Joint Resolution 2 -- Metro Home Rule.

The Council meeting was reconvened in the Chamber at 7:10 p.m.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to authorize the Executive Officer and Presiding Officer to direct General Counsel to file a petition with the Supreme Court challenging the Attorney General's ballot title for Senate Joint Resolution 2.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

4. CONSENT AGENDA

The Presiding Officer announced that the following items and actions were for consideration on the Consent Agenda:

- 4.1 Minutes of June 8, 1989 (Action Requested: Motion to Approve the Minutes)
- 4.2 Resolution No. 89-1158, Authorizing an Intergovernmental Agreement with the City of Portland and Tri-Met to Fund Transit and Roadway Improvements Adjacent to the Oregon Convention Center (Action Requested: Motion to Adopt the Resolution)
- 4.3 Resolution No. 89-1157, Approving a Request for Proposals Document for Trustee Services for the Metropolitan Service District (Action Requested: Motion to Adopt the Resolution)
- 4.4 Resolution No. 89-1159, Approving a Request for Proposal Document for Insurance Broker of Record (Action Requested: Motion to Adopt the Resolution)

- 4.5 Resolution No. 89-1108, Adopting the Southeast Corridor Study Findings, Recommendations and the Southeast Corridor Transportation Improvement Plan (Action Requested: Motion to Adopt the Resolution)

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt the Consent Agenda.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

Motion: Councilor Gardner moved to suspend the Council rules in order to place Resolution No. 89-1160 for the purposes of consideration on the Council meeting agenda immediately following Agenda Item No. 7.2. Councilor Bauer seconded the motion.

Vote: All twelve councilors voted in favor of the motion.

The motion carried.

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 89-318, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 88-3: St. Francis

The Clerk read the ordinance by title only for a first time. The Presiding Officer announced that a public hearing on the ordinance would be scheduled at a subsequent Council meeting based upon meeting notice requirements for contested cases.

6. ORDINANCES, SECOND READINGS

- 6.1 Ordinance No. 89-309, For the Purpose of Amending Code Sections 2.04.040 and 2.04.090 Providing for the Purchase of Food for Resale

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that the ordinance was first read before the Council on September 14 and referred to the Convention, Zoo and Visitor Facilities Committee. The Committee held public hearings on September 26 and October 10 and recommended the Council adopt the ordinance as amended in Committee.

Councilor Knowles, Convention, Zoo and Visitor Facilities Committee Chair to presented the Committee's report and recommendations. He said that the Zoo had increased activity in the area of concessions and had encountered difficulty in timely acquisition of food products due to competitive bid requirements in the Metro Code. Councilor Knowles said that the ordinance would enable the Zoo to purchase food in a more timely manner. Councilor Knowles said that

the Convention, Zoo and Visitor Facilities Committee had unanimously recommended the Council adopt the ordinance and did not feel that its adoption would in any way undermine the intent of the Code to provide for competitive bidding process when appropriate.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to adopt Ordinance No. 89-309.

Vote: A roll call vote was taken with eleven councilors voting aye. Councilor Bauer was absent.

7.1 Resolution 89-1154, Approving the Regional Tourism Strategy Request Proposed by the Oregon Tourism Alliance

Councilor Knowles, Convention, Zoo and Visitor Facilities Chair, said that Metro, along with ten other governments, was a member of the Oregon Tourism Alliance, and the Alliance's budget was being forwarded to each member for endorsement before being forwarded to the State for funding. Councilor Knowles introduced El Sheldon, Director of Tourism for the Portland-Oregon Visitors Association, who explained the Alliance's strategies, program and budget. Ms. Sheldon said that the funding request included a \$7.5 million appropriation for the Oregon Convention Center.

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

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

7.2 Resolution No. 89-1088A, Continuing and Changing the Membership of the Bi-State Policy Advisory Committee

Councilor Bauer, Metro's Bi-State Policy Advisory Committee member, presented the Intergovernmental Relations Committee's report and recommendations. He said that the Policy Advisory Committee (PAC) had identified a list of issues that they had mutually agreed were important to the Committee for the next fiscal year. He said that in order to accomplish the activities within a set time frame, the PAC had recommended hiring a part-time staff person, who was to be housed in and under the supervision of the Bi-State PAC member Clark County Intergovernmental Resource Center.

Motion: Councilor Bauer moved, seconded by Councilor Devlin to adopt Resolution No. 89-1088A.

Councilor Devlin clarified that his second to the motion was not an endorsement of the proposed budget or staffing. Councilor Bauer stated the budget would go through appropriate Committee review. Councilor Bauer said that the Bi-State Committee had reached consensus that their role should not compete with JPACT. Councilor

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Councilor Devlin suggested that the Bi-State PAC have a role in advancing land use planning goals compatible to both sides of the river.

Vote: Eleven councilors voted in favor of the motion.
Councilor Knowles was absent.

The motion carried unanimously.

Resolution No. 89-1160A, For the Purpose of Supporting the
Nomination of the Columbia River into the National Estuary Program

By special action of the Council earlier in the meeting, this item was added to the Council agenda. Councilor Gardner introduced the resolution and said that amendments to the Clean Water Act had created opportunities to nominate estuaries of national significance for participation in the National Estuary Program. Councilor Gardner said that the Program was federally-funded and studied water quality in order to develop management plans to address water quality problems. Councilor Gardner said the governors of Washington and Oregon must decide by November 1 whether or not to nominate the Columbia River for participation in the program. He said that port authorities had concern about impacts the designation might have on future commercial operations. Councilor Gardner said that Resolution No. 89-1160 was supported by Metro staff, the Executive Officer, Bi-State PAC and Clark County's IRC.

Motion: Councilor Gardner moved, seconded by Councilor Bauer to adopt resolution No. 89-1160A.

Councilor McFarland said that she supported the resolution and the Estuary Program's focus on environmental issues.

The Presiding Officer opened the public hearing.

Alan Willis, Port of Portland, said that he represented a coalition of ports on the lower Columbia River, and the coalition opposed the designation. He said that a number of international trade groups, local governments and chambers of commerce on the lower Columbia on both the Oregon and Washington side also opposed the National Estuaries designation.

Mr. Willis said that the Port endorsed another study proposal for the Columbia River. He said that the Port of Portland, through permit processes, had studied the river more than any other entity and to date, no significant problems that had been identified. Mr. Willis said that the Port proposal included a Port contribution of \$100,000 plus additional state and industry contribution to do testing and analyzing samples. He said that a local program would be more responsible to this particular river and could incorporate work already done by Corps of Engineers. Mr. Willis assured the Council that ports were committed to a study program and funding

for it. He urged the Council to table Resolution No. 89-1160 and support the Port's alternative proposal.

Councilor Knowles asked what were Ports concerns about the Estuary Program. Mr. Willis said that the ports were concerned about the Program review procedures, implementation requirements and that the Program sunseted at the end of 1991. He also said that the Estuaries Program prescribed that a management program be developed when it had not been determined that it was necessary. He said that an additional regulatory layer may not be necessary could hinder or delay a project if the project had been deemed inconsistent with the estuaries regulatory program.

Councilor Bauer said that he thought the Estuaries Program had tremendous potential for preventive planning, was not a threat to commerce, and was an opportunity to receive federal funding to develop a base inventory of information. He said that he strongly supported Resolution No. 89-1160.

George Ward, said that he supported the resolution because it would preserve wetlands. He said that port dredging had destroyed wetlands and the Estuary Program could develop management plans to accomplish no net loss of wetlands due to dredging.

Presiding Officer Ragsdale closed the public hearing.

Councilor Devlin said that he supported the resolution and that it represented one of few instances where Congress had advanced a program and allocated the funding as well.

Vote: Van Bergen and Ragsdale voted nay; the ten other councilors voted aye.

Councilor Wyers asked if other interested groups had been notified that it was anticipated that the Council would consider Resolution No. 89-1160 at this meeting. She was informed that other groups and individuals had not been notified, and she requested that in the future other interested parties be informed by telephone.

7.3 Resolution No. 89-1153. For the Purpose of Approving the Submission of a Revised Closure and Financial Assurance Plan for St. Johns Landfill to the Oregon Department of Environmental Quality

Councilor Hansen, Solid Waste Committee Chair, presented the Committee's report and recommendations. He said that the report laid out a technical plan and methodology for closure and identified areas for study and experimentation. He said that the Committee had held public hearings at which citizens raised concerns about the impact of closure on Smith and Bybee Lakes.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1153.

Councilor McFarland asked if the Plan closed the door to reclaiming methane gas. Solid Waste Director Bob Martin assured Councilor McFarland that the Plan did not close the door, however, he said that under Metro's lease agreement with the City of Portland, the methane gas would belong to the City. He said that he was in favor of doing a new study on the feasibility of reclaiming methane gas.

Vote: The nine councilors present voted aye. Councilors Bauer, Gardner and Wyers voted nay.

The motion carried unanimously.

7.4 Resolution No. 89-1156, For the Purpose of Establishing Minimum Standards and Process for Considering Local Government Solutions for the Regional Solid Waste Management Plan

Councilor Hansen, Solid Waste Committee Chair, said that the Regional Solid Waste Management Plan contained provisions for local governments to develop solutions for local solid waste management and that Washington County was interested in exercising the local option. Councilor Hansen said that Resolution No. 89-1156 would establish minimum standards to evaluate the solutions and prescribe a timeline for completion.

Motion: Councilor Hansen moved, seconded by Councilor Bauer to adopt Resolution No. 89-1156.

Councilors Bauer and Devlin advised the Council that they were both members of the Washington County task force that would be formulating the solutions. Councilor Devlin emphasized the need to keep the Council informed of the deliberations on the plan. Councilor Van Bergen requested that the full Council, not just the Solid Waste Committee, be informed of the progress.

Vote: The twelve councilors present voted in favor of the motion.

The motion carried unanimously.

7.5 Resolution No. 89-1161, For the Purpose of Authorizing Issuance of a Request for Bids for Metro South Station Operations

Councilor Hansen, Solid Waste Committee Chair, presented the Committee's report and recommendations. He said that it was important that the operating contract be executed to coincide with the opening of the the Arlington Landfill. In order to expedite the contract, the Solid Waste Committee had originally recommended approval of the resolution with a provision that the Council authorize the Solid Waste Committee to approve a contract for operations. Subsequently, however, General Counsel had advised that the operations contract should be reviewed and acted upon by

the full Council. Therefore, Councilor Hansen said that he would propose an amendment.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1161.

Motion to amend: Councilor Hansen moved, seconded by Councilor Buchanan to amend Resolution No. 89-1161 in the "BE IT RESOLVED" section as follows: 3. [~~That the Council of the Metropolitan Service District authorizes the Council Solid Waste Committee to approve a contract for responsive bidder as determined by the bid process~~] That the contract be placed on the next Council meeting agenda following the opening of the bids. (brackets indicate deleted material, underlines indicate added material).

Vote on amendment: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

Vote on main motion: All twelve councilors voted in favor of the motion.

The motion carried, and the resolution was adopted.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

9.1 Report from Public Financial Management Incorporated Consolidation Financial Analysis Study

Councilor Knowles reported that due to the lateness of the hour, the report from Public Financial Management Incorporated would be scheduled for a future Council meeting. Councilor Knowles also said that he had been informed by General Counsel that the City of Portland and Metro had reached agreement on a Phase I facilities consolidation and that the Agreement would be forwarded to the Convention, Zoo and Visitor Facilities Committee for recommendation to Council.

Councilor Buchanan reported that he had visited the Greater London Council of Governments and a composting plant in England recently and he had found both interesting.

Councilor Hansen announced that a special meeting of the Solid Waste Committee had been scheduled for Tuesday, October 31, and a special joint meeting with the Finance Committee had been scheduled for November 2 to consider bonds for the composting facility. He also announced that a report prepared by Dames & Moore regarding

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environmental issues regarding the Metro East Transfer Station was soon to be released, and he anticipated receiving a staff report on that study at one of the upcoming Committee meetings. Councilor Hansen also announced that negotiations with Trans Industries were due to be completed November 7, and the results to be presented to the Solid Waste Committee November 14.

Councilor Hansen said in regard to comments that he had made during a Solid Waste Committee meeting to Ms. T. R. Factor, the meeting transcript was available, and he would stand by those comments.

Councilor Wyers requested that the Solid Waste Committee chair place on the agenda an update on the waste transport contract with Jack Gray. She said that she felt it was time to consider alternatives. She also requested that General Counsel provide the Council with a copy of the LUBA ruling in regard to the Western Bypass. General Counsel Cooper said that councilors would receive a copy of the opinion and an analysis.

Councilor Collier requested that councilors submit the names of persons from their districts that they would recommend for membership on the Budget Committee. She also said that each functional committee had been requested to develop a list of policies that fall within the purview of their committee for discussion at the Council retreat.

There was no other business, and the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council

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