

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

December 14, 1989  
Regular Meeting

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

Councilors Absent: Councilor David Knowles

Deputy Presiding Officer Gary Hansen called the meeting to order at 5:40 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma advised the Council of the following:

The Portland City Council adopted the Agreement Regarding Consolidation of Regional Convention, Trade, Spectator and Performing Arts Facilities Owned and Operated by the City of Portland and the Metropolitan Service District by unanimous vote on December 14.

Formal unveiling of the first waste reduction/recycling project funded by Metro's 1 Percent Well Spent program would take place on Saturday, December 16 at the John Inskeep Environmental Learning Ceremony.

Bob Zwirin, newly-elected town supervisor of North Hempstead, New York, was scheduled to meet with the Presiding Officer and Solid Waste Department staff and tour Metro's solid waste facilities. She said that Mr. Zwirin was interested in implementing some of Metro's systems in his town.

Governor Neil Goldschmidt was scheduled to tour the Oregon Convention Center Wednesday, December 20 and those interested in participating in the tour should contact the Executive Officer.

Metro Holiday Party was scheduled for Friday, December 15 at 5:00.

4. CONSENT AGENDA

Deputy Presiding Officer Hansen announced that items and actions were on the Consent Agenda for consideration:

- 4.1 Resolution No. 89-1166, Approving a Request for Bid Document for Construction of the Africa Rain Forest Exhibit at the Metro

Washington Park Zoo (Action Requested: Motion to Adopt the Resolution to Approve Release of the Bid Documents)

- 4.2 Resolution No. 89-1176, For the Purpose of Amending the Functional Classification System and the Federal-Aid Urban System (Action Requested: Motion to Adopt the Resolution)
- 4.3 Resolution No. 89-1179, For the Purpose of Establishing an Organizational Structure for Overseeing the North-South High Capacity Transit Studies (Action Requested: Motion to Adopt the Resolution)
- 4.4 Resolution No. 89-1171, For the Purpose of Authorizing Issuance of a Request for Proposals for Photogrammetric Services at St. Johns Landfill (Action Requested: Motion to Adopt the Resolution)
- 4.5 Resolution No. 89-1180, For the Purpose of Confirming the Reappointment of Milton Fyre, Andrew Thaler and Ross Hall to the Solid Waste Rate Review Committee (Action Requested: Motion to Adopt the Resolution)

Deputy Presiding Officer Hansen turned the gavel over to Presiding Officer Ragsdale. Councilor Gardner requested that Item No. 4.3, Resolution No. 89-1179, be removed from the Consent Agenda and Council consideration be deferred until January 11, 1990.

**Motion:** Councilor Gardner moved, seconded by Councilor DeJardin to adopt Item Nos. 4.1, 4.2, 4.4 and 4.5 of the Consent Agenda and to remove Item No. 4.3 from the Consent Agenda.

**Vote:** The eleven councilors present voted aye. Councilor Knowles was absent.

The motion carried unanimously.

## 5. ORDINANCES. FIRST READINGS

- 5.1 Ordinance No. 89-311, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Moving Appropriations From Capital Outlay to Materials & Services in Various Funds and Amending Public Affairs Capital Outlay Appropriation

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance was referred to the Finance Committee for public hearing.

- 5.2 Ordinance No. 89-327, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Recognizing New Transportation Planning Grants and Expenditures, Adding Four Positions to the Transportation Department and In-

Increased Capital Computer Needs within the Transportation and Planning & Development Departments

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance was referred to the Finance Committee for public hearing.

5.3 Ordinance No. 89-328, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Adding a Construction Coordinator Position in the Solid Waste Department

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance was referred to the Finance Committee for public hearing.

5.4 Ordinance No. 90-329, For the Purpose of Submitting a Metropolitan Service District Tax Base Measure for the Metro Washington Park Zoo

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance was referred to the Convention, Zoo and Visitor Facilities Committee for public hearing.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 89-325A, For the Purpose of Amending the Metro Code Regarding the Metropolitan Exposition-Recreation Commission

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 89-325 was first read before the Council on November 21 and referred to the Convention, Zoo and Visitor Facilities Committee. The Committee held a public hearing on December 5 and recommended the Council adopt the ordinance as amended.

Councilor DeJardin presented the Convention, Zoo and Visitor Facilities Committee's report. He said that after a series of meetings with the City of Portland the agreement had been approved by the City of Portland earlier that date by unanimous vote.

**Motion:** Councilor DeJardin moved, seconded by Councilor Buchanan to adopt Ordinance No. 89-325A.

Councilor Van Bergen reported that he had asked Council staff to prepare a resolution to authorize seeking a second legal opinion on whether the consolidation agreement would be an authorized transfer of statutory powers.

**Vote:** A roll call vote was taken resulting in ten councilors voted in favor of the motion. Councilor Van Bergen voted nay, and Councilor Knowles was absent.

The motion carried.

6.2 Ordinance No. 89-324. For the Purpose of Amending Metro Code Chapter 5.04 Relating to Terms of Office for Members of the One Percent for Recycling Advisory Committee

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 89-324 was first read before the Council on November 21 and referred to the Solid Waste Committee. The Committee held a public hearing on November 28 and recommended the Council adopt the ordinance.

Councilor Wyers presented the Solid Waste Committee's report. She said that adoption of the ordinance would create two-year staggered terms for the Advisory Committee and directs the committee chair to assign the terms of office for the membership. Councilor Wyers noted that all three Metro District counties were represented on the Advisory Committee.

**Motion:** Councilor Wyers moved, seconded by Councilor Devlin to adopt Ordinance No. 89-324A.

**Vote:** A roll call vote was taken on the motion resulting in eleven councilors voting aye; Councilor Knowles was absent.

The motion carried.

7. RESOLUTIONS

7.1 Resolution No. 89-1172. Approving Contract Documents for Financial Advisor Services

Councilor Collier presented the Finance Committee's report and recommendations. She noted that the contract would be under the direction of Finance and Administration and the services to be provided included advise on bond debt administration and support, Metro/ERC consolidation, and waste reduction and resource recovery projects. She also noted that the proposed contract was a women-owned business. A typographical error was noted on page 3, section 1 of the contract. The maximum contract amount of the contract had been incorrectly typed as \$250,000 and should have been \$150,000. The Clerk was instructed to cause the contract to be corrected.

**Motion:** Councilor Collier moved, seconded by Councilor Devlin to adopt Resolution No. 89-1172.

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

The motion carried unanimously.

7.2 Resolution No. 89-1184. For the Purpose of Considering Report of Independent Certified Public Accountants on Metro's FY 1989 Annual Financial Report and Schedule of Federal Financial Assistance

Councilor Van Bergen presented the Finance Committee's report and recommendations. He said that the Committee had been very satisfied with the Report although he felt the management letter contained some unnecessary procedural comments. Councilor Van Bergen said that the Finance and Administration Department would respond to the procedural comments raised in the management letter and the Finance Committee would review their response.

**Motion:** Councilor Van Bergen moved, seconded by Councilor Devlin to adopt Resolution No. 89-1184.

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

The motion carried.

7.3 Resolution No. 89-1187, Approving a Request for Proposal for Performance Audit Services

Councilor Gardner present the Finance Committee's report and recommendations. Councilor Gardner said that as a result of recommendations in the Council's Performance Auditing Plan the Request for Proposal document solicited proposals to survey the functions of Metro's support services and develop a work plan to audit all or any combination of those functions and make recommendations. The next phase of the contract would be to conduct those audits.

**Motion:** Councilor Gardner moved, seconded by Councilor Collier to adopt Resolution No. 89-1187.

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

The motion carried.

7.4 Resolution No. 89-1134A, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program

Councilor Hansen requested that the resolution be set to the end of the agenda. There were no objection.

Councilor Devlin presented the Intergovernmental Relations Committee's (IGR) report. He explained that the IGR Committee had unanimously recommended Council adoption of Resolution No. 89-1134 on October 10, 1989. However, pending a Land Use Board of Appeals (LUBA) decision, the Council referred the resolution back to the Committee. On December 5, the IGR Committee then considered and recommended the Council adopt the amended resolution, 89-1134A. Councilor Devlin pointed out that while the resolution endorses funding recommendations for study, it does not make recommendations on funding particular projects. Transportation

Council Meeting of December 14, 1989

Page 6

Director Andy Cotugno then summarized the staff report contained in the agenda packet.

**Motion:** Councilor Devlin moved, seconded by Councilor Bauer to adopt Resolution No. 89-1134A.

Presiding Officer Ragsdale opened the public hearing.

John R. Olsen, Standard Insurance Company, Portland, Oregon had sent written testimony letter dated December 12, 1989 to the Presiding Officer supporting the resolution. The Presiding Officer advised the Council that the letter had been distributed to them.

Patricia Kliever, Chairman, CPO-10, had also supplied written testimony on behalf of CPO-10. In Ms. Kliever's absence, Presiding Officer Ragsdale read the letter into the record. The letter took no position on the Western Bypass but made several recommendations on the conduct of the study and requested the Council consider the CPO being represented on the Council.

Both Mr. Olsen's and Ms. Kliever's letters have been filed with the official record and incorporated in these minutes by reference.

Brent Curtis, Planning and Land Development Manager, Washington County, said that Washington County supported the Executive Officer's and JPACT's recommendation to adopt the resolution. He said that Washington County would continue to explore land use issues related to the Western Bypass. He also said that the County recommended that Metro proceed with the resolution's recommendation while the Court of Appeals was reviewing the land use issues. Mr. Curtis also said that all projects on the priority list should be evaluated in the same manner.

At the Presiding Officer's request, Mayor Clifford Clark, City of Forest Grove, reported on the City Council's activities related to enhancement fees. Mayor Clark said that the City Council had held a public hearing to receive community input on enhancement boundaries and project funding criteria. He said that the County anticipated bringing their recommendation before the Council in January or February.

Addressing Resolution No. 89-1134A, Mayor Clark said that he spoke as the JPACT representative for the cities of Washington County. He said that Washington County had experienced in the recent past what he referred to as "explosive growth" within a network of "market-to-home" roads. The Western Bypass, he said, would alleviate some of the transportation problems. Mayor Clark said that in the Western Bypass area there was a need to develop a workable public transit system and a program to re-educate the public to use and fund it. He also said that commercial transportation demands needed to be addressed as well.

Ray Polani, Milwaukie, Oregon, urged curbing use of automobiles. Mr. Polani said that autos encourage growth of suburbs and consumption of fossil fuels. He said he would like to see more attention directed to prudent land use. Mr. Polani said that he felt multi-destinational

transit service was beneficial to alleviating traffic congestion. He also pointed out that light rail was not a line in itself, but part of a transit system. He, therefore, encouraged the Council to evaluate a the transit system, including bus and light rail.

Jim Howell, Portland, Oregon, said that he felt that 80 percent of the projects in the resolution should not be built. He said that he thought that the availability of federal funds would greatly diminish in the near future. Mr. Howell said that he felt the Regional Transportation Plan was an assemblage of projects, rather than a transportation system. He urged the Council to deliberate projects based on developing a system, rather than the availability of federal funds.

Dave Stewart, Hillsboro, Oregon, said that he was president of Sensible Transportation Options for People (STOP) and a member of the ODOT Study Citizens Advisory Committee (CAC). He said as a member of the CAC, he felt that discussion of modes of transportation should be done within the CAC meetings. Mr. Stewart said that he felt decisions to move ahead with securing funding was perceived by the public as endorsement of the project. Mr. Stewart said that he supported funding for the study, but took strong exception to funding an portions of the individual projects until the CAC had developed its recommendations. ODOT

Steven Topp, Tigard, Oregon, on behalf of the I-5 Corridor Association, spoke in favor of the resolution, including right-of-way acquisition. Mr. Topp said that there were severe traffic problems in the area proposed for the Western Bypass, and he felt that study would address those issues and transportation planning for the future.

Mary Tobias, President, Tualatin Valley Economic Development Corporation, read written testimony supporting the resolution. The testimony emphasized Washington County's commitment to multi-modal transportation system. Ms. Tobias also pointed out that right-of-way acquisition was one way to assure that funds set aside for highway improvements would stay in the region. The testimony has been filed with the official record and is incorporated in these minutes by reference.

Fred C. Cooper, Tigard, Oregon, Chair of the Tualatin Valley Economic Development Corporation spoke in favor of the resolution and right-of-way acquisition. He said that attempting to place right-of-way acquisition on the statewide priority list at a later date may delay competition of the project.

Dave Mazza, Portland, Oregon, said that he represented the Sierra Club and was a member of the ODOT CAC. He said that the Club endorsed multi-modal transportation systems and that the Club's interest was in examining a number of alternatives and choosing the alternative that would least affect the environment, including feeder buslines and increased bus service in Washington County. Mr. Mazza also said that the Sierra Club thought it inappropriate at that time to approve funding for preliminary engineering or right-of-way acquisition. He said that funding for a particular transit option would skew the impartiality of the CAC deliberations.

Ron Buel, Portland, Oregon, said that he was a member of the Sensible Transportation Options for People and an opponent of the Western Bypass project. Mr. Buel said that right-of-way acquisition before the study was complete would undermine the study conclusion. Mr. Buel said that he felt Washington County government was responding to developer interests. Mr. Buel said that building the Western Bypass would encourage development in the area and pointed out that the area was outside of the urban growth boundary.

Betty Atteberry, Sunset Corridor Association, spoke in favor of the resolution. Ms. Atteberry said that the Association generally supported the funding priorities. She also said that the Sunset Highway Corridor should be included in the Access Oregon priorities. She said the Corridor supported funding for preliminary engineering and right-of-way acquisition for the Western Bypass option.

Meeky Blizzard, Executive Coordinator, Sensible Transportation Options for People, echoed opposition to right-of-way acquisition for the Western Bypass. She said that she felt to assure that the study process was objective, the resolution should be amended to eliminate funding for preliminary engineering, environmental impact studies and right-of-way acquisition.

At Councilor Devlin's request, Michael Wert, ODOT Special Projects Manager, explained the process for the study. Ms. Wert said that the study would be conducted in three phases: 1) Alternatives development and evaluation; 2) Evaluate recommendations against statewide planning goals; and 3) Preliminary Engineering and Draft Environmental Impact Statement. Ms. Wert said several groups would be participating in the study including a citizens advisory committee, steering committee, technical advisory committee and project planning committees.

Motion to Amend: Councilor Gardner moved, seconded by Councilor Wyers that paragraph 3 on page 3 of the staff report accompanying the resolution be amended to delete existing language of the paragraph and add "The region requests that ODOT not expend or commit all Access Oregon funds during this phase of the six-year program. This is to allow the region to submit specific project requests at the conclusion of the Western Bypass Alternatives Evaluation and the land use review process that will follow;" and to amend page 1 of Exhibit A of the staff report to eliminate the recommendation for Tualatin-Hillsboro Corridor (Western Bypass) - Phase I.

Presiding Officer Ragdale clarified that adoption of the resolution would include endorsement of the accompanying staff report. Councilor Gardner said that the amendment would put the Bypass option on a more equal footing with other alternatives proposed. Councilor Gardner said that JPACT had considered the amendment and on a 7-7 tie vote, defeated the amendment.

Councilors Van Bergen and Devlin spoke in favor of adopting JPACT's recommendation and not amending the resolution. Councilor Hansen also opposed the amendment.

Vote on amendment: Councilors Gardner, McFarland and Wyers voted in favor of the motion. Councilors Bauer, Buchanan, Collier, Devlin, DeJardin, Hansen, Van Bergen and Ragsdale voted against the motion. Councilor Knowles was absent.

The motion to amend failed to carry.

Vote on main motion: Councilors Bauer, Buchanan, Collier, Devlin, DeJardin, Gardner, Hansen, Van Bergen and Ragsdale voted in favor of the motion. Councilors McFarland and Wyers voted against the motion, and Councilor Knowles was absent.

The motion to adopt carried.

7.5 Resolution No. 89-1193. For the Purpose of Authorizing Intergovernmental Agreement with Clackamas County to Purchase, Distribute, and Promote Curbside Containers

Councilor Hansen presented the Solid Waste Committee's report and recommendations. He said that the resolution would authorizing and intergovernmental agreement with Clackamas County to fund a pilot project. He said the funds had been budgeted and the project would increase awareness and participation in recycling.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1193.

Councilor Van Bergen read into the record a letter addressed to the Council dated December 14, 1989 and signed by Jack Deines indicated the Clackamas County Refuse Disposal Association's support for the plan. The letter has been filed with the official meeting record and is by reference incorporated in these minutes.

Vote: All eleven councilors present voted in favor of the motion. Councilor Knowles was absent.

The motion carried unanimously.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Wyers announced that the citizen members of the Budget Committee had been appointed by the Finance Committee. She said all counties were represented and that the appointments were as follows: David Saucy, Washington County; Alan Brickley, Clackamas County; Patricia Jernberg, Clackamas County; Bob Palmer, Multnomah County and Janet

Council Meeting of December 14, 1989

Page 10

Schuster, Multnomah County. Councilor Wyers noted that it had been suggested that in future years the Committee interview the candidates

Councilor Van Bergen announced pressure washing at Metro South had begun. He said that it was important for the District's identification to have a well-maintained facility.

Councilor Buchanan announced the Composter Community Enhancement Advisory Committee had completed their charge and the permanent Composter Community Enhancement Committee would soon be formed. Councilor Bauer was appointed to organize a Council workshop to identify work program priorities for the upcoming fiscal year.

Councilor Gardner announced that an Urban Growth Management Conference had been scheduled for January 10, 1990 and urged councilors to attend. He also announced that the Transportation Policy Advisory Committee was recruiting citizen members to fill vacancies.

Councilor McFarland introduced Resolution No. 90-1197, For the Purpose of Rescinding Order No. 89-21 and Authorizing Payment of the Relocation Claim of the Venetian Blind Company. The resolution was referred to the Convention, Zoo and Visitor Facilities Committee.

(Note: At 6:25 p.m., the Presiding Officer recessed the meeting and reconvened the meeting at 6:35 p.m. Due to an earlier request to postpone consideration of Agenda Item No. 7.4, Resolution No. 89-1134A, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program, the public hearing on the resolution was held after the recess. The minutes of the hearing have been recorded above under that item number.)

There was no other business, and the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

*Gwen Ware-Barrett*  
Gwen Ware-Barrett  
Clerk of the Council

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