

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

April 25, 1991

Council Chamber

Councilors Present: Deputy Presiding Officer Jim Gardner,
Larry Bauer, Roger Buchanan, Richard
Devlin, Tom DeJardin, Sandi Hansen,
David Knowles, Ruth McFarland, Susan
McLain, George Van Bergen and Judy Wyers

Councilors Absent: Presiding Officer Tanya Collier

Also Present: Executive Officer Rena Cusma

Acting Presiding Officer Gardner called the regular meeting to
order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of March 14, 1991

4.2 Resolution No. 91-1435, For the Purpose of Endorsing the
Establishment of an Institute of Portland Metropolitan
Studies at Portland State University and Other Institutions
of Higher Education in the Metropolitan Area

Motion: Councilor DeJardin moved, seconded by Councilor
Buchanan, for adoption of the Consent Agenda items
listed above.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin,
Gardner, Hansen, Knowles, McFarland, McLain, Van
Bergen and Wyers voted aye. Councilor Collier was
absent. The vote was unanimous and the Consent
Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-396, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Insurance Fund

The Clerk read the ordinance for a first time by title only.

Acting Presiding Officer Gardner announced Ordinance No. 91-396 had been referred to the Finance Committee for consideration.

6. RESOLUTIONS

6.1 Resolution No. 91-1439A, Adding Items to Metro's Legislative Package

Main Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1439A.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendation. He said the Council had previously established its opposition to Senate Bill 706 and its support for House Bill 2136, but had not done so in resolution form. Councilor Devlin explained the Committee had previously voted to support SB 915 and HB 3331 proposed to ban the sale of laundry detergents containing phosphates, but said the resolution referred to conceptual support of those bills only to give Metro's representatives flexibility to support any bills that matched Metro's position on phosphate use. He said HB 3488, which directed state agencies not to discriminate against those who had tested positive for HIV or who had been diagnosed as having AIDS or AIDS-related complex, had been put on Metro's "monitor" list in Exhibit A. He said that policy would be addressed in Metro's personnel policies also.

Councilor Devlin discussed "Bills to Support" in Exhibit A. He said HB 2136's intent was to impose a tax on carbonated beverages to dedicate those proceeds to state parks, local governments and recreation, and to the Resource Conservation Trust Fund (RCTF), and noted the Council was on record in support of a funding mechanism for RCTF.

Councilor Devlin introduced the following amendments to Exhibit A of Resolution No. 91-1439A to be added to the "Monitor" list: SB 84; directs planning for rural community and urban fringe areas; SB 910, directs coordination of transportation and land use planning for metropolitan areas with population greater than one million; SB 1011, directs Land Conservation and Development

Commission (LCDC) to require local governments to insure commercial and residential zoning at density appropriate to maximum use of mass transit in the vicinity of mass transit stations; HB 3560, establishes commercial resource land and secondary land system, regulates growth of Urban Growth Boundary; and HB 3570, establishes commercial resource land and secondary land system, regulates growth of Metropolitan Service District Urban Growth Boundary.

Councilor Knowles disclosed a potential conflict of interest because he represented a client who was opposed to one of the bills listed in Exhibit A. He announced he would not participate in Council discussion of, or vote on, the resolution.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Hansen, amend Resolution No. 91-1439A Exhibit A with the amendments listed in the previous paragraph.

Vote on Motion to Amend: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Knowles abstained from the vote. Councilor Collier was absent. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Knowles abstained from the vote. The vote was unanimous and Resolution No. 91-1439A was adopted as amended.

6.2 Resolution No. 91-1423A, For the Purpose of Approving the Lease of Metro-Owned Property Located at the Junction of Southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon

Main Motion: Councilor McLain moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1423B.

Councilor McLain gave the Solid Waste Committee's report and recommendation. She said the Committee asked why staff wanted to lease rather than sell the property and were told Executive Officer Cusma preferred to lease in case the property was needed in the future for a solid waste facility. She said the Committee discussed penalties Metro could suffer if the lease was terminated for that and or other reasons and said the lease did not cover that aspect. Councilor McLain said the Committee amended the resolution to read (additional language underlined and deleted language bracketed) in the resolution third Whereas clause: "...within the [next three years] term of the lease

and;" and amended resolution Section Nos. 1 and 2. She said Section No. 3 new language stated: "...for use of the 8.26 acre Metro property, so long as the lease contains a provision for early termination which could allow possession by Metro with 90 days notice without penalties."

Councilor McLain said the Committee was comfortable with the resolution after amendment, but noted Todd Sadlow, Legal Counsel, had advised the Council Intel was not satisfied with the lease agreement. She referred to Mr. Sadlo's April 25 memo, "Resolution No. 91-1423B, Lease of Metro Property in Aloha, Oregon to Intel Corporation." She referred to Mr. Sadlo's suggested new language for Section No. 2: "...so long as the lease contains a provision for early termination which could allow possession by Metro after January 1, 1992, with 90 days notice without penalties." She said Intel wished to secure the lease until at least January 1, 1992. Staff had explained to the Committee that Intel planned to use the site for storage and as a staging area for construction on other sites.

Councilor Bauer objected to Lease Section No. 36 language which stated "If Lessor determines that the premises are needed for a transfer station, the Lessor may terminate this Lease, without penalty, by giving at least 90 days written notice..." He said the lease should not specify a transfer station and such language should be generic.

Motion to Amend Main Motion: Councilor Bauer moved, seconded by Councilor Buchanan, to amend Lease Section No. 36 to delete "transfer station" and insert generic language such as "as needed."

Vote on Motion to Amend Main Motion: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1423B was adopted as amended.

6.3 Resolution No. 91-1430, For the Purpose of Approving Amendment to the Personal Services Contract with David Evans and Associates to Expand the RLIS Map Extent to Include Rural Areas Adjacent to Urban Growth Boundary (UGB)

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1430.

Councilor McLain gave the Transportation & Planning Committee's report and recommendation. Councilor McLain referred the Council to a map printed in the agenda packet which illustrated the proposed expansion of the Regional Land Information System (RLIS) map extent. She said \$10,000 of the \$50,000 allocated for the contract would be spent in FY 1990-91 and \$40,000 spent in FY 1991-92. She noted Councilor Van Bergen expressed concern at Committee about RLIS expansion and its direction. She said he had noted at Committee that the State of Oregon was also examining secondary lands and had stated Metro should reassess its activities with regard to secondary lands. She said the other Committee members believed RLIS would provide improved data if the 350 parcels were added to the map extent.

The Council discussed the resolution briefly. Councilor Van Bergen said the type of work the contract would perform impacted local jurisdictions and their planning function. Councilor McLain said the data gathered would assist the Council when making decisions on UGB issues.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1430 was adopted.

6.4 Resolution No. 91-1433, For the Purpose of Approving a Contract to Digitize Soil Surveys of Clackamas and Washington Counties

Motion: Councilor Bauer moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1433.

Councilor Bauer gave the Transportation & Planning Committee's report and recommendation. He said the resolution approved the release of an RFP to secure services for preparing Multnomah and Clackamas Counties' soil surveys for inclusion into RLIS. He said soil data gathered and entered would be compatible with Washington County data already entered. He said the contract was multi-year and Council review and approval was necessary. Councilor DeJardin asked how in depth the soils analysis would be. Councilor Bauer said data entered would cover permeability, drainage, surface water tables, rock outcroppings, and other factors related to development limitations, but said the data would cover geologic factors such as fault lines.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1433 was adopted.

6.5 Resolution No. 91-1436, For the Purpose of Approving Release of a Request for Proposals (RFP) for Personal Services to Enhance the Census Bureau TIGER Maps for Use in the Regional Land Information System

Main Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1436.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendation. Councilor Devlin said the resolution would authorize the release of an RFP to enhance the Census Bureau's TIGER street address mapping system for use on RLIS and was funded for \$40,250 in FY 1990-91 and for \$74,750 in FY 1991-92. He said the Committee's amended version was not before the Council for consideration and amended the resolution to match that recommended by the Committee.

Motion to Amend Main Motion: Councilor Devlin moved, seconded by Councilor Bauer, to amend Resolution No. 91-1436 as follows: Add to the end of the resolution title: "Waiving Council Approval of the Contract and Authorizing the Executive Officer to Approve the Contract;" and to additional language to Be It Resolved language: "...authorizes the Executive Officer to execute the final contract, subject to the final contract not substantially differing from the original RFP and not exceeding the budgeted funds for this project."

Vote on Motion to Amend Main Motion: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and the motion to amend passed.

Councilor Van Bergen said additional funding requests for maintenance of RLIS would continue as more layers were added to RLIS. He said all RLIS additions should be substantiated by staff. Councilor Bauer said most of the data entered into RLIS was permanent. He said geographical and soil information would not change. He said a consistent regional base map meant future savings. Councilor Van Bergen reiterated data would change.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1436 was adopted as amended.

6.6 Resolution No. 91-1428, For the Purpose of Establishing Guidelines and Criteria for the Greenspaces Demonstration Grants Program to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1428.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendation. He said the Committee voted unanimously to adopt the resolution as amended. He noted Committee voted to expand membership on the selection Committee from two to three Councilors. He said the \$200,000 grant program was part of a \$537,000 grant from the U.S. Fish and Wildlife Service awarded to Metro in FY 1990-91 for the Metropolitan Greenspaces Program. He said the work funded would put in place the first component of the work program related to physical properties of the areas surveyed.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1428 was adopted.

6.7 Resolution No. 91-1422, For the Purpose of Endorsing Comments and Recommendations Regarding DEQ's Comprehensive Emissions Fee Proposal

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1422.

Acting Presiding Officer Gardner asked Councilor Knowles, Joint Policy Advisory Committee on Transportation (JPACT) chair, to report on JPACT's consideration of the resolution. Councilor Knowles said Resolution No. 91-1422 was a follow-up resolution to Resolution No. 91-1388A adopted March 14, 1991 which endorsed broad principles related to HB 2175 currently before the State Legislature. He said HB 2175 endorsed a state-wide approach on air quality issues and problems. He said Resolution No. 91-1388A did not deal with vehicle emissions in the Portland metropolitan area. He said Resolution No. 91-1422 addressed those issues and suggested amendments to HB 2175. Councilor Knowles noted Exhibit

A had been amended and said the Transportation & Planning Committee amended the resolution to match it more closely to HB 2175. He said a new Section 9 to Exhibit A stated the Department of Environmental Quality (DEQ) should work with the Bi-State Policy Advisory Committee and JPACT to develop an air quality program for the Portland metropolitan area after implementation of HB 2175 and include an emissions fee proposal. Councilor Knowles said JPACT had recommended adoption of Resolution No. 91-1422.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendation. He concurred with Councilor Knowles' JPACT report and said the resolution had undergone extensive review by JPACT and the Transportation Policy Advisory Committee (TPAC). He said the resolution was the Council's second effort related to HB 2175. He said the Council's first action had been to endorse the bill's concepts. Councilor Devlin discussed Transportation & Planning Committee amendments to Exhibit A. He said Exhibit A new Section No. 9 outlined a Portland metropolitan approach to developing fees and included Metro development of a joint study with DEQ; Section No. 9(2) provided for Metro, JPACT and Bi-State concurrence if DEQ initiated an emission fee-based program; Section Nos. 9(3) and (4) addressed Portland area fee revenues being used solely to mitigate auto emissions and a revenue management system developed as part of the DEQ/Metro study. He said Section No. 15 recommended a cooperative statewide approach to review air quality implications of the Emissions Fee Plan. He said Section No. 21 strengthened the requirement that 100 percent of fee revenues, after deduction of administrative costs, would be used to mitigate auto emission pollution. He said the amendments made were technical in nature and the resolution did not need to return to JPACT for final review.

The Council discussed Resolution No. 91-1422. Councilor McFarland asked how measures called for would be enforced. Andy Cotugno, Director of Transportation, explained what programs would be implemented. Councilor McFarland said she was not comfortable with the resolution and said it appeared funds would be raised to fund a commission which in turn would create more studies. Councilor Devlin referred to amended Exhibit A and said the issues were dependent on House adoption of HB 2175 and explained what programs the bill would create if adopted. Councilor Van Bergen said the actions called for meant the creation of a selective sales tax so that the Oregon Department of Transportation (ODOT) would obtain funds for lightrail development.

Councilor Knowles said HB 2175 would establish whether Oregon would take an emissions fee, or a regulatory, approach. He said most parties were in agreement that air quality was getting worse and said the resolution would put in place regional mechanisms to alleviate the situation. Councilor Devlin said it was necessary for the region to address clean air issues because of the federal Clean Air Act.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McLain and Wyers voted aye. Councilors McFarland and Van Bergen voted nay. Councilor Collier was absent. The vote was 9 to 2 in favor and Resolution No. 91-1422 was adopted.

6.8 Resolution No. 91-1432, For the Purpose of Ratifying the Bi-State Policy Advisory Committee Resolution 03-01-1991 Amending the Bi-State Policy Advisory Committee Bylaws

Motion: Councilor Bauer moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1432.

Councilor Bauer gave the Transportation & Planning Committee's report and recommendation. He said the resolution was a housekeeping measure and said current bylaws language on membership resulted in awkward situations when Washington's Intergovernmental Resource Center (IRC) representative and a major jurisdiction representative were the same person because the IRC Board was a council of governments forum and comprised of local jurisdictions' elected officials. He said the bylaws as amended would allow IRC to select alternate representatives if necessary and ensure IRC was fully represented when voting.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, Van Bergen and Wyers voted aye. Councilors Collier and Knowles were absent. The vote was unanimous and Resolution No. 91-1432 was adopted.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Bauer discussed current Council per diem reimbursement procedures. He noted some Councilors, such as Budget Committee members, attended more meetings on average than other Councilors and said those Councilors should be compensated if their per diem accounts had been depleted. The Council directed Council staff to research the issue.

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Councilor Wyers discussed pending Solid Waste Committee legislation including Resolution No. 91-1437.

Councilor Van Bergen distributed the Proposed FY 1991-92 Budget and discussed the Budget Committee's process and recommendations (written comments filed with the record of this meeting). The Council as a whole discussed whether the Executive Officer could submit the budget at an earlier date in the future to ensure more time for the budget process.

Councilor Devlin noted the Council received two letters the date of this meeting from Far West Fibers and the Association of Oregon Recyclers (AOR) opposing Metro's support of HB 2136. He said the Governmental Affairs Committee would review HB 2136 again.

The Council discussed the Council retreat scheduled for April 27.

Acting Presiding Officer Gardner adjourned the meeting at 7:02 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council