

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

May 23, 1991

Council Chamber

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

Councilors Absent: Judy Wyers

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at 5:34 p.m.

Presiding Officer Collier announced that Agenda Item No. 8.1, the work session on Regional Urban Growth Goals and Objectives (RUGGO), had been removed from the agenda and would be rescheduled for another Council meeting.

1. INTRODUCTIONS

None.

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

Kathy Clair, Coordinator, Tualatin River Discovery Day, distributed fliers describing the Tualatin River Discovery Day event and invited Councilors and those present to attend the Environmental Fair on Saturday, June 29 and to participate in boat rides from Schamberg Bridge to the City of Tualatin. Ms. Clair said the Tualatin River was on the Endangered River list and asked for Metro's support of the event.

Motion: Councilor DeJardin moved, seconded by Councilor Buchanan, to proclaim June 29, 1991 Tualatin River Discovery Day and to declare that all support and participation necessary should be provided to celebrate said event.

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

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of September 13 and 27, and October 11, 1990

4.2 Resolution No. 91-1440, Endorsing Demonstration Grants for Management of Transportation Mobility

4.3 Resolution No. 91-1442, Amending the Transportation Improvement Program and Its Annual Element by Revisions to Tri-Met's Section 3 Discretionary and Trade Programs

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

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-398, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Due Diligence Costs Related to the Metro Headquarters Relocation Project

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.2 Ordinance No. 91-399, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metro ERC Facilities

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.3 Ordinance No. 91-400, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in Zoo Operations

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 91-401, 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 Solid Waste Revenue Fund

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.5 Ordinance No. 91-402, 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 Council Department

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.6 Ordinance No. 91-403, 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 Business License Program

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

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.7 Ordinance No. 91-404, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Provide that All User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall be Calculated on a Tonnage Basis Using Certified Scale Weights

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

Presiding Officer Collier announced that Ordinance No. 91-404 had been referred to the Solid Waste Committee for consideration.

5.8 Ordinance No. 91-405, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Amend Section 5.02.025(c)

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

Presiding Officer Collier announced that Ordinance No. 91-405 had been referred to the Solid Waste Committee for consideration.

5.9 Ordinance No. 91-391, For the Purpose of Amending Metro Code Chapter 2.04, Modifying the Provisions Related to Procurements Involving Minorities, Women and Emerging Small Businesses

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

Presiding Officer Collier announced that Ordinance No. 91-405 had been referred to the Governmental Affairs Committee for consideration.

5.10 Ordinance No. 91-395, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1: Wagner

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

Presiding Officer Collier noted a distributed Ordinance No. 91-395A revised from the ordinance submitted by staff printed in the agenda packet. She said the amended ordinance noted the Council's decision December 13, 1990, to consider the property in question as a single unit.

Presiding Officer Collier announced the Council would consider the ordinance in its capacity as a quasi-judicial decision-maker. She noted that the Council held a public hearing and adopted Resolution No. 90-1351, For the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 90-1, Wagner Property, on December 13, 1990.

Ethan Seltzer, Senior Regional Planner, presented staff's summary. He said the case involved 6.35 acres at the east side of Wilsonville by the intersection of Wilsonville and Beckman Roads where Beckman turned into Advance Road. He said the amendment involved a locational adjustment which was one of two ways the Council could amend the Urban Growth Boundary (UGB). He said locational adjustments were intended for small scale

amendments and to address issues primarily related to service and the extent to which the location of the boundary was well located for purposes of service. He said small scale amendments were not intended for issues of need.

Mr. Seltzer said the amendment would realign Wilsonville Road because it came down from the north, made two 90 degree turns and had a documented history of traffic incidents at that location. He said as part of the Wilsonville Comprehensive Plan, Wilsonville Road had been marked for such an alignment. He said the realignment involved half the right-of-way occurring outside the UGB and stated the petitioners, Marvin and Bonnie Wagner, were asking for a locational adjustment to bring the full 6.35 acres within the UGB to facilitate the realignment.

Mr. Seltzer reminded the Council when they heard the case on December 13, 1990, that they were briefed by the Hearings Officer, heard the Hearings Officer's report and recommendations, reviewed the exceptions filed to the report by the parties of the case, heard testimony from the petitioners and opponents to the case, and then voted in favor of Resolution No. 90-1351 to amend the UGB contingent upon the property being annexed to the City of Wilsonville and Metro's District boundary. He said the Portland Metropolitan Area Local Boundary Commission (Boundary Commission) had acted and annexed the property to Wilsonville and Metro's District boundary. He said the issue was before the Council again so that they could complete the action they intended to take but could not until said annexation had occurred.

Mr. Seltzer stated for the record that to accomplish the realignment of Wilsonville Road it was necessary for the right-of-way to be located within the UGB. He said the Hearings Officer, petitioners and opposing parties had all agreed that portion, approximately 1 acre of the 6.35 acres needed for the realignment should be located within the UGB. He said the Hearings Officer in his report asked whether the Council should exercise its authority to split a parcel and not include the remaining 5.35 acres in the UGB amendment. He said both the petitioners and opponents to the case addressed that issue at the public hearing December 13. He said at that time the Hearings Officer recommended the whole parcel be dealt with as a unit for three primary reasons: 1) The findings supporting the locational adjustment process itself stated that for parcels of less than 10 acres, the effect on the urban area was negligible and such parcels should be regarded as whole units; 2) The Council had never done it in the past; and 3) Under the particular circumstances of this case, it was important to note the exact land involved and the effect the land would have on the adjacent agricultural area.

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Mr. Seltzer said of the 6.35 acres, approximately 4 acres were Class 2 soils and approximately 2.35 acres were Class 7 soils. He said Class 2 soil was classified as very good soil, Class 7 soil was not considered as good, and that Class 7 soil did not receive the same protection as Class 2 soil received under the State Planning Program. He said the 4 acres designated Class 2 soil were currently being used as a filbert orchard in conjunction with 17.6 acres developed already inside the UGB. He said of 21 acres used for filbert production, 17.6 acres were zoned by the City of Wilsonville for urban development and intended for urban purposes in the future. He said 1 acre of the 4 acres used for filbert production would be used for the road realignment. He said the remainder was approximately three acres of filbert orchards with Class 7 soil on the eastern edge of the site. He said the Hearings Officer noted if the parcel was split, what would be left were three acres of agricultural soil which the record could demonstrate would not be viable as an agricultural unit.

Mr. Seltzer said Ordinance No. 91-395A noted that the Council heard the Hearings Officer's report and recommendations December 13 as well as testimony and exceptions, and also that the Council considered whether or not to split the parcel, and ruled in favor of the Hearings Officer's recommendation not to split the parcel.

Councilor McLain discussed the reasons given to keep the parcel a single unit. She stated for the record that the three points listed by staff were not sufficient to vote for the findings as given by the Hearings Officer. She said the 10 acres or less rule was not necessarily valid because it meant more land would or could be included in the UGB when such decisions were made; said because Metro had not split parcels of 10 acres or less in the past did not mean it could not be done now or in the future; and said the economics of surrounding lands should be addressed as well as the economics of the parcel being assessed. Councilor McLain noted the opponents to the case brought documentation to the December 13 meeting which they were not were allowed to submit because they had missed the filing deadline to do so.

Councilor Van Bergen asked if all parties to the case were notified of this meeting. Mr. Seltzer said they had been so notified. Councilor Van Bergen noted staff's statement that all parties were in agreement and asked if there was a document to that effect. Mr. Seltzer said the exceptions filed in the Hearings Officer's report stated all the involved parties agreed to the UGB amendment for purposes of the right-of-way. He said the issue the exceptions focussed on were whether or not to split the parcel. Councilor Van Bergen said the testimony also stated "completing the action we intended to take." He asked how staff

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determined what action the Council intended to take. Mr. Seltzer said staff determined Council's intent through adoption of Resolution No. 90-1351 which stated the Council's intent to make the amendment following annexation of the property to the Metro District boundary and to the City of Wilsonville. Councilor Van Bergen asked if that statement applied to one or several units. Mr. Seltzer said the statement accepted the report of the Hearings Officer which viewed the parcel as a single unit.

Councilor McLain said Council discussion on December 13 centered on the one acre in question and that agreement was reached on the need to improve the road's right-of-way. She asked if the parties to the case had reached agreement on the other 6 acres. Mr. Seltzer said the Boundary Commission had reviewed the case again, but said the Council's decision via Resolution No. 90-1351 still stood. Councilor McLain asked how the Boundary Commission and City of Wilsonville's review affected the Metro Council's ruling. Mr. Seltzer said the Metro Council decided the location of the UGB but the City of Wilsonville made decisions about the actual zoning of the property within the City of Wilsonville and the UGB. He said the Hearings Officer held a hearing and brought his report and recommendation to the Council for its public hearing on December 13. Mr. Seltzer said because the property in question was outside the Metro District boundary, the Council could not adopt an ordinance in December, but could adopt a resolution declaring its intent. He said after Boundary Commission action to bring the property within the Metro Boundary district, the Council could then enact an ordinance. He said the petitioner would then petition the City of Wilsonville on zoning issues.

Councilors Devlin and McLain noted Council discussion December 13 on where the UGB should be located on the parcel and that discussion centered on whether the UGB should go through a ravine or the road. Councilor Devlin said because the Metro District boundary and the UGB Boundary were different, the Council could only enact a resolution in December. He said at this point the Council was following a procedural process to conclude the Boundary Commission's and the Council's own actions on December 13.

Presiding Officer Collier announced the public hearing record was closed after earlier consideration of Resolution No. 90-1351. She announced no motion to receive new evidence had been received.

Presiding Officer Collier asked the applicant to make a statement for the record.

Richard Whitman, 101 SW Main St., Portland, attorney for petitioners Marvin and Bonnie Wagner; noted the Council's discussion on the process used and said the process from its beginning to the time of this meeting had lasted approximately one year. He said the Metro process for locational adjustments was lengthy and said three public hearings had been held--the first before the Hearings Officer; the second before the Council on December 13; and the third before the Boundary Commission. He did not wish to offer any new testimony but wanted to address the issues raised at this meeting. He said the Boundary Commission had acted to bring the property within the City of Wilsonville's boundaries. He said under Land Conservation and Development Commission (LCDC) statewide planning goals, once property was brought within an incorporated city, it should be considered urban land. He said there would be conflict with statewide planning goals if the Council reversed its December 13 decision.

Mr. Whitman discussed the best location for the new UGB line. He said the Council discussed that issue extensively on December 13 and noted the Council received a great deal of testimony on the issue. He said the Council agreed via Resolution No. 91-1351, the eastern boundary line, a seasonal drainage way, was the best buffer between urban and rural uses for the vicinity. He noted the two citizens who testified in opposition to the resolution in December lived in the area but were not direct neighbors to the property in question. He said the petitioners submitted support from all the neighboring property owners to the parcel to the Hearings Officer. He said the evidence in the record showed the property's immediate neighbors were satisfied the line drawn on the eastern edge of the property along the forested drainage way was the best location for the UGB line. Mr. Whitman concurred with Mr. Seltzer's testimony and said the parcel should not be split because of soil and other considerations.

Presiding Officer Collier asked if anyone present wished to present arguments in opposition to Ordinance No. 91-395A. No one appeared to testify in opposition.

Presiding Officer Collier announced the second reading and hearing on Ordinance No. 91-395A had been tentatively scheduled for the Council meeting scheduled for June 13, 1991.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-397, For the Purpose of Amending Metro Code Section 5.02.035 Litter Control by Establishing a Surcharge for Uncovered Loads

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

Presiding Officer Collier announced Ordinance No. 91-397 was first read before the Council on May 9 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on May 21 and recommended it for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor McLain, for adoption of Ordinance No. 91-397.

Councilor DeJardin presented the Solid Waste Committee's report and recommendation. He said uncovered loads delivered to transfer stations, primarily by self-haulers, were contributing to the majority of litter found around transfer stations. He said staff believed the \$25 surcharge would eliminate the litter problems. He said he expressed concern at Committee about short advance notice to the public, but that staff explained individuals would receive notice of the surcharge on their first and second uncovered loads and then be charged if they came in a third time with an uncovered load.

Presiding Officer Collier opened the public hearing.

No citizens appeared to testify and the public hearing was closed.

Councilor Hansen asked if Metro still sold tarpaulin covers to haulers with uncovered loads. Councilor DeJardin said they were still being sold to the public. Councilor Van Bergen noted he hauled debris to the transfer station in cans and said that was not considered a covered load. He said there seemed to be as many orange bags of litter for highway pickup north from Milwaukie as there were leading to the transfer station. Councilor DeJardin noted those hauling loads such as lumber or other heavy materials that were unlikely to fly out would not be charged the surcharge for uncovered loads.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Ordinance No. 91-397 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 91-1453A, Proclaiming the Week of June 2-9, 1991 Great Blue Heron Week

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1453A.

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Councilor Devlin gave the Transportation & Planning Committee's report and recommendation. He noted the Committee amended the resolution so that it endorsed the City of Portland's proclamation declaring the week of June 2-9 Great Blue Heron Week. He said the resolution provided Metro with the opportunity to indirectly promote and support the Metropolitan Greenspaces Program.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1453A was adopted.

7.2 Resolution No. 91-1441, For the Purpose of Initiating the Public Involvement Process and Adopting the Purpose and Need Statement for the Western Bypass Study

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1441.

Councilor Devlin presented the Transportation & Planning Committee's report and recommendation. He said the resolution provided for two actions related to the Western Bypass Study (Study) Intergovernmental Agreement (IGA) approved by the Council on May 9, 1991 per Resolution No. 91-1425. He said Resolution No. 91-1441 initiated the Study's citizen involvement process and adopted the Study's Statement of Purpose and Need (Statement). He said there was some controversy attached to the Statement, that the resolution addressed that controversy, and said the resolution was a slightly different version from the resolution originally introduced for consideration. He said the first four Be It Resolved sections reflected IGA concepts to have Metro and other Study participants incorporate the citizen involvement process into each jurisdiction's regular citizen communications and to approve the Study's base assumptions and methodologies. He said Be It Resolved sections 5, 6 and 7 were recommended and incorporated by the Technical Policy Advisory Committee on Transportation (TPAC) to clarify that all applicable land use and transportation policies such as the Regional Transportation Plan (RTP), Regional Urban Growth Goals & Objectives (RUGGO), and the Federal Clean Air Act would be applied to the evaluation of alternatives later in the Study.

Councilor Devlin noted the Committee deleted Be It Resolved section 8: "That TPAC is directed to develop a recommended strategy for dealing with all major regional transportation projects during the next several years as the effect of the Regional Urban Growth Goals and Objects is determined." He said

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the Committee agreed with the intent of the deleted language, but concurred with JPACT's recommendation to address that issue separately for the Metro area and not just in relation to the Western Bypass Study. He said the Committee's motion to delete also directed Transportation Department staff draft a resolution addressing the issue for TPAC consideration within 60 days.

Councilor Devlin said Michal Wert, Western Bypass Study Project Manager for Oregon Department of Transportation (ODOT) and Meeky Blizzard, Sensible Transportation Options for People (STOP) testified before the Committee on the issues. He said the Committee said the basis for the "No Build" scenario was to judge all the proposed alternatives. He said Councilor McLain expressed concern about the variety of information on which the Statement was based and expressed her belief that the problem as a whole had not been adequately defined. He said Councilor Gardner stated he was not comfortable with the narrow scope of data used to develop the Statement, but that he appreciated the difficulty of incorporating data on uncertain future trends. Councilor Devlin noted Councilor Van Bergen's request that Transportation Department staff prepare a response on what Metro's responsibilities were with regard to the Western Bypass Study process.

Councilor Devlin said the Study was currently at Step 2. He said there was little controversy attached to the IGA itself. He said the most controversial aspects would arise when the preferred alternative was selected.

Presiding Officer Collier opened a public hearing.

Dave Stewart, STOP vice-president, expressed STOP's reservations about the Statement. He said STOP had such reservations at the start of the process and noted his numeric analysis based on statistics supplied by ODOT showed that by 2010 the study area in Washington County would be extremely automobile dependent in that 96 percent of all trips would be made in single occupant vehicles. He said the projections of long-distance circumferential travel in the 2010 scenario and the Statement were not as accurate or as useful as they could have been. He said estimates on circumferential travel had been disregarded and how those estimates were measured did not reflect the percentage of traffic in the study areas that might use a rural bypass freeway. He said his analysis included who would use a bypass freeway or what percentage of trips would access Wilsonville, Tualatin, Sherwood, up to that end of the county, or towards Hillsboro, Helvetia and Sunset. He said that 3-4 percent of the trips represented a much smaller amount than the Statement claimed. He said the Statement said most trips, or 60-70

percent, were short urban trips six miles or less in length. He said the median trip length was closer to 4.2 miles in length. He said the Statement's text generally portrayed where people wanted to go from one end to the other of the county but said real numbers did not bolster that analysis. He said the link analysis used in the Statement was inaccurate. He said the text of the document ignored the goals and objectives of the Study. He said the goals and objectives had been listed but not addressed, and noted at public workshops held by ODOT, citizens expressed the most interest in reduction on automobile dependency. He said that issue was not addressed anywhere in the text of the document. He said key legal administrative requirements currently in force or set to be force such as the Federal Clean Air Act had not been addressed in addition to the LCDC Transportation Goal which would require a reduction in per capita miles travelled. He said key portions of the project as originally envisioned would be inconsistent with RUGGO. He said these and other issues should be addressed as soon as possible. He urged the Council to return the document to ODOT for redrafting.

No other citizens appeared to testify on the resolution and the public hearing was closed.

Andy Cotugno, Director of Transportation, said questions to be asked included how the Statement would address a variety of policy directions. He said the Statement was a description of the conditions Metro expected to see occur in the region under the assumptions that comprehensive plans would be adopted and that the region did not make major transportation adjustments or implement major policy requirements already defined in the RTP over the course of the next 20 years but instead fund only those projects clearly funded at this time only over the course of the next 20 years. He said also in effect was the assumption that travel patterns in the region would respond according to Metro's travel forecasts and methodologies. He said Be It Resolved sections 5 and 6 recognized concerns expressed by JPACT, TPAC and the Council. He said resolution language delineated that the basis for evaluating the alternatives would be how well the alternatives solved the problems depicted and how well the alternatives met policy objectives as defined by the RTP, Clean Air Act, RUGGO, and other adopted policy objectives.

Councilor McFarland noted traffic estimates given for the year 2020. She asked if the commitment to Westside Lightrail (LRT) changed those estimates. Mr. Cotugno said the document did reflect changes estimated to result from LRT, but said the extent of bus support needed to feed LRT had not been fed into the

forecasts. Mr. Cotugno noted low ridership in that area and said staff would explore that and related issues.

Councilor McLain expressed concern about the process as defined thus far. She said "Define Purpose and Need" was listed as a discussion item and assumed all plans would conclude as originally planned, that all transportation dollars allotted would be spent, and that demand management occurred as originally proposed. Mr. Cotugno said those assumptions were based on the assumption that what projects were currently funded only would be built. Councilor McLain objected to such a plan and expressed concern that consideration of limited current factors only had resulted in a too-narrow needs Statement.

Councilor Knowles concurred with Councilor McLain and said similar views were expressed at JPACT. Councilor Knowles asked why current policy direction was shifting at this time. Mr. Cotugno said the Clean Air Act had not been adopted when Resolution No. 91-1441 was prepared and that RUGGO had not yet been adopted. He said staff needed time to address new policy and how it would shape the region. He said Washington D.C. was still debating the Surface Transportation Act (STA). He said the final outcome of new and future policies were as yet unknown.

Councilor Knowles said although the Statement was not a comprehensive document, it was the best product that could be developed at this time in view of the mitigating factors. Councilor Bauer asked whether there should be a county-wide referendum on the Statement. Councilor McLain agreed with Councilor Knowles that the process must go forward despite the limitations of the document.

Councilor Devlin noted JPACT determined on the provisions related to evaluation criteria should widen the scope of advisory parties to JPACT. He said the Statement would develop a base line from which to go forward and discussed related issues including a possible land use study.

Motion: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1441 was adopted.

7.3 Resolution No. 91-1443A. For the Purpose of Authorizing the Issue of a Request for Bids and Execution of a Contract for Work Associated With, and Including, Procurement, Transport, and Stockpiling of Subgrade Embankment Material and Sand on St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1443A.

Councilor McFarland presented the Solid Waste Committee's report and recommendation. She said the Solid Waste Committee deleted language waiving Council approval of the Request for Bids (RFB), changed language on contractor requirements to give Metro more control over the payment schedule, and added pre-construction surveys and staking to provide criteria to predetermine starting quantities. She said the Committee amended language related to the contractor's quality control; deleted a section on testing laboratory services and on inspection services; and amended the observational requirements. She said the Committee told staff to look for companies that had to get rid of dirt and/or fill materials. Councilor McFarland the contract should commence before heavy winter weather started.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and Resolution No. 91-1443A was adopted.

7.4 Resolution No. 91-1410, For the Purpose of Declaring Certain Property Surplus and Authorizing the Execution of a Lease

Motion: Councilor DeJardin moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1410.

Councilor DeJardin gave the Solid Waste Committee's report and recommendation. He explained the resolution authorized execution of a lease with Jack Gray Trucking, Inc. (JGT) for one office in the new Metro building next to Metro Central Station. He noted the JGT office space was anticipated when the building was planned and that JGT's shuttle operation would be run from that office. He said JGT would pay \$204 per month for rent for a five-year lease and would also lease two parking spaces.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Van Bergen voted aye. Councilors Bauer, Wyers and Collier were absent. The vote was unanimous and Resolution No. 91-1410 was adopted.

7.5 Resolution No. 91-1455, For the Purpose of Authorizing Issuance of a Request for Proposal for Advertising and Public Relations Services to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Programs

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Motion: Councilor McFarland moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1455.

Councilor McFarland presented the Solid Waste Committee's report and recommendation. She said the Committee discussed the effectiveness of advertising campaigns and how to gauge their effectiveness. She said Public Affairs staff was able to ascertain campaign success from the number of calls received and other factors. Councilor McFarland said it was important to educate the public on the value of waste reduction. She said some members of the Committee expressed concern no Solid Waste Committee representative would sit on the selection committee. She said it was determined that staff would screen all the proposals and a Councilor would participate in the final selection and be informed of evaluation criteria used.

Councilor DeJardin expressed support for the resolution and noted previous successful advertising campaigns for office paper, cans and bottles. He said next year's focus would be on corrugated cardboard and yard debris recycling. He said selection of the winning proposal should be considered a management function.

Councilor Van Bergen said the RFP represented a contract and not a management function. He said not all public relations firms were located in the Portland area and that county publications should be advertised in as well as Portland publications to solicit proposals. He said it was proper a Councilor should assist in evaluating proposers and said the Councilor should ask final applicants if they had any conflicts of interest which would preclude their ability to fulfill the contract such as any previous work performed for the Executive Officer or a Councilor.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1455 was adopted.

7.6 Resolution No. 91-1448, Authorizing a Contract with Homawa Foundation for African Cultural Performance

Presiding Officer Collier recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District.

Motion: Councilor Buchanan moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1448.

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Councilor Buchanan presented the Regional Facilities Committee's report and recommendation.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1448 was adopted.

Presiding Officer Collier adjourned the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.7 Resolution No. 91-1450, Authorizing Appointment of a Committee to Consider Public Involvement in the Financing and Construction of a New Arena in the Metropolitan Area

Motion: Councilor Knowles moved, seconded by Councilor Bauer, for adoption of Resolution No. 91-1450.

Councilor Knowles presented the Regional Facilities Committee's recommendation and report. Councilor Knowles said the resolution anticipated a proposal submitted to the City of Portland and Metro for a new arena to be built by the Portland Trail Blazers. He said the resolution committed the Council to a process only and not a product. He noted in 1990 the Council authorized the creation of the Public Policy Advisory Committee for Regional, Trade, Performing Arts, and Spectator Facilities (Facilities Task Force). He said he served on that committee as the Council's representative and said the committee was currently evaluating the financial structure of all the regional facilities as well as proposed new facilities such as the arena. He said the committee had given a series of reports to date concerning the future of the Memorial Coliseum, the Expo Center and its relation to other facilities, the proposed new arena, a proposed new stadium, the status of the Portland Center for the Performing Arts (PCPA), and a report on a proposed domed facility which covered the Civic Stadium as well. He said those reports had been advanced to the Finance Subcommittee chaired by himself and said the subcommittee's charge would be to assemble all recommendations and suggestions and recommend to the Council on how to achieve fiscal stability for all of the recreational facilities, what role the region would have in those facilities, and what operational changes could be made for more economical upkeep.

Councilor Knowles said that work should have been completed before the implementation stage began. He said the Blazers had submitted their proposal before the committee had completed its planning work. He said the committee was a planning committee only and would not negotiate with the Blazers. He said that was

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why Portland and Metro determined a separate task force should be formed to assess the Blazers proposal and said the resolution would create such a task force. He said Be It Resolved section 2 language stated "That the mission of the Arena Task Force will be to evaluate and recommend a fair and judicious public investment in a possible public/private partnership for a new arena which maximizes benefits to the citizens of the region while minimizing public costs." He said the Arena Task Force's specific charge was to return to Metro and the City of Portland with advice on public investment options for development of the new arena; reviewing current operating agreements between the Coliseum and other Metropolitan Exposition-Recreation Commission (MERC) facilities and any proposed operating agreements between the arena and other MERC facilities; identifying options to address expected revenue loss from the existing arena; advice on the master planning process, noted the Blazers were paying for a master plan that would determine the street, transit and other building infrastructure improvements in the area; and review the economic implications of options for the use or re-use of the Coliseum or redevelopment of the Coliseum site in connection with the construction of the new arena. He said the Task Force would report back to Metro and Portland by July 17 with guidance on timing, terms, conditions and amount of any public investment in the development of a new arena.

Councilor Knowles distributed a revised Exhibit A, "Arena Task Force Membership" which listed nominees to the Arena Task Force. He said the City acted on a similar resolution and exhibit on May 22. He said the bulk of capital investment would be under the City's auspices under its urban renewal responsibilities. He said Metro's responsibilities fell under its role as managers of the regional recreational facilities via MERC and said Metro's main interests would focus on operational arrangements, impact on the Coliseum, and other related issues.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Bauer, to amend Exhibit A, "Arena Task Force Membership" with the following names as submitted by Executive Officer Cusma and the City of Portland: Robert L. Ridgley; Cliff Carlsen; Executive Officer Cusma; City of Portland Mayor J.E. "Bud" Clark; Councilor Knowles; City Commissioner Mike Lindberg; Douglas McGregor; MERC Commissioner Sam Brooks; Harriet Sherburne; Washington County Commission Chair Bonnie Hays; Clackamas County Commission Chair Ed Lindquist; Multnomah County Commission Chair Gladys McCoy; Bob Ames; Tom Walsh and Bill Scott.

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Councilor Devlin asked why Bill Scott, PDI representative, was asked to serve on the task force. Councilor Knowles noted the Task Force role was not to negotiate but to offer advice.

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

Second Motion to Amend: Councilor Knowles moved, seconded by Councilor Devlin, to amend Be It Resolved section 4(g) to read (additions underlined and deletions bracketed): "[providing advice and recommendations on the above issues by July 17, 1991, to the Metropolitan Service District and the City of Portland to provide guidance to the timing terms, conditions, and amount of any public investment in the development of the arena] issuing a report on the above items by July 17, 1991 to the Metropolitan Service District and the City of Portland."

Councilor Devlin said it appeared that negotiations would commence before the Council received its recommendations. He asked how Metro could give direction to the negotiating team. He asked how the perception could be allayed that this Task Force was not empowered to negotiate. Councilor Knowles said complete communication would be essential and the Council was not obligated to adopt any document it did not agree upon. Councilor Van Bergen said resolution language had changed from a focus on partnership to a focus on negotiation. He said the issues were incumbent on fiscal support from constituents and said his own District constituents had not commented favorably on the proposed arena.

Executive Officer Cusma said since the bulk of responsibility and financing would fall on the City of Portland it was important to them to identify the lead agency. She concurred with Councilor Knowles' view that Metro should have a strong role in the proceedings. She said it appeared proper that the Portland Development Commission (PDC) act as the lead agency because Metro did not have staff who performed this type of work.

Third Motion to Amend: Councilor Knowles moved, seconded by Councilor Hansen, to amend Be It Resolved Section 5 to read: "[That research, planning, and other staff support to the Task Force shall be undertaken as a partnership between the Metropolitan Service District and, acting as the City's lead agency, the Portland Development Commission] That the Portland Development Commission shall serve as the lead agency for this Arena proposal, including negotiations with the Trail Blazers, as well as lead staff to the Task Force. The Executive Officer of Metro shall assign a lead staff person to the negotiating team."

Presiding Officer Collier agreed the City would carry the bulk of the financial responsibility but wanted to ensure the regional perspective was equally represented because the regional facilities would need regional funding. She said those issues were as important to the community as the City of Portland's financial responsibility was. She said the City must realize such issues were important to the Council. She expressed concern the Council would have too short a time line in which to consider and vote on any decision related to these issues.

Councilor Hansen concurred with Executive Officer Cusma's comments and the amendments. Executive Officer Cusma noted the task force would not be directly responsible for major decisions on the regional facilities. She said the Regional Facilities Task Force would make the recommendations that would affect all the regional facilities.

The Council discussed the amendments and the issues further.

Vote on Second Motion to Amend: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, and Collier voted aye. Councilor Van Bergen voted nay. Councilor Wyers was absent. The vote was 10 to 1 in favor and the motion to amend passed.

Vote on Third Motion to Amend: Councilors Bauer, Buchanan, DeJardin, Gardner, Hansen, Knowles and McLain voted aye. Councilors Devlin, McFarland, Van Bergen and Collier voted nay. Councilor Wyers was absent. The vote 7 to 4 in favor and the motion to amend passed.

Councilor McFarland said she would vote aye on the main motion but expressed disappointment with the representation Metro would receive on the task force. Councilor Knowles said he and Councilor McFarland discussed Exhibit A and her concern that the Council be represented at all the Task Force meetings. He said

he told Councilor McFarland if he were unable to attend Task Force meetings that he would ask the Regional Facilities Committee vice chair, Councilor Gardner, to attend as the Council's representative. Councilor Knowles said he had made every effort to have Task Force proceedings be as open as possible in his discussions with the City, PDC and the Blazers. He said it was essential that the Council take its time to make the right decision. Presiding Officer Collier thanked Councilor Knowles for his work on the resolution.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilor Van Bergen voted nay. Councilor Wyers was absent. The vote was 10 to 1 in favor and Resolution No. 91-1450 was adopted as amended.

7.8 Resolution No. 91-1451A, For the Purpose of Authorizing Issuance of a Request for Proposal to Procure an Inter-Departmental Computer Network, Hardware, Software and Services, to Enter into a Contract(s) with the Most Qualified Proposer(s), to Waive the Requirement for Council Approval of the Contract(s), and to Authorize the Executive Officer to Execute the Contract Subject to Conditions

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1451A.

Councilor Devlin gave the Finance Committee's recommendation and report. Councilor Devlin said the resolution would implement the STRAP computer network budgeted in the proposed FY 1991-92 Budget. He said the RFP would proceed after budget approval by the Tax Supervising and Conservation Commission (TSCC). He said the network would realize costs savings due to shared equipment and licensing; provide for the electronic transfer of information and documents between work groups; implement the Recycling Information Center (RIC) Regional Land Information System (RLIS) based computer system; and provide RIC with an energy back-up computer system. He said there were questions at Committee about configuration and equipment which staff answered adequately. He said there was discussion about where equipment should be located and why some departments, such as MERC, were not listed for inclusion into the network. He said staff assured the Committee it was possible for departments to be hooked up in the future.

Councilor Van Bergen said he was confident the network would accomplish all it was predicted to do and would greatly facilitate future budget processes. He endorsed the expenditure necessary for the network.

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Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1451A was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Executive Officer Cusma noted the National Association of Regional Councils (NARC) annual conference would start June 14 in Atlantic City.

Councilor Devlin distributed his memorandum dated May 17, 1991, "HB 3342." He said the Governmental Affairs Committee voted at its May 16 meeting to move HB 3342 from "Support" to "Monitor." He said the bill would extend pollution control tax credits through 1997 and said the credits were now due to end December 31, 1995. He said the Committee's reason for withdrawing support for HB 3342 was because the tax credits were primarily used by companies to compensate for pollution control activities they should be performing anyway. He noted Governor Roberts had announced her opposition to the bill and after further examination, the Governmental Affairs Committee had determined it was not in Metro's best interests to support it.

8.1 Worksession on Regional Urban Growth Goals & Objectives (RUGGO)

- o Review of RUGGO Development and Decisions to Date
- o Update on Status of RUGGO and Major Issues and Review of Next Steps
- o Discussion

Councilor Gardner discussed Agenda Item No. 8.1 and when it could be scheduled again. After discussion, the Council decided to schedule the RUGGO Worksession again June 27 under "Executive Officer Communications."

Presiding Officer Collier adjourned the meeting at 8:21 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council