

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

January 23, 1992

Council Chamber

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

Councilors Absent: Tanya Collier and Ruth McFarland

Also Present: Executive Officer Rena Cusma

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

Presiding Officer Gardner announced Agenda Item No. 7.7,
Resolution No. 92-1557, For the Purpose of Authorizing Issuance
of a Request for Proposals for a Study of Weight-Based Collection
Rates as Economic Recycling Incentives and Entering into Multi-
Year Contracts with the Most Qualified Proposers, had been
removed from the agenda at the request of Solid Waste Committee
chair Councilor Wyers.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Overview of Recycling Efforts at Metro Facilities and Report
from Recycling Coordinators at the Metro Washington Park
Zoo, MERC Facilities, and Metro Center

Executive Officer Cusma introduced Debbie Gorham, Waste Reduction
Manager. Ms. Gorham introduced Flor Matias, Support Services
Supervisor; Pam Juett, Management Technician, and Mark Hunter,
Assistant to General Manager (MERC). Ms. Gorham gave an overview
of recycling efforts at Metro and Metro facilities and Mr.
Matias, Ms. Juett, and Mr. Hunter each reported on recycling
activities at Metro Center, the Zoo and MERC facilities also.

4. CONSENT AGENDA

4.1 Resolution No. 92-1544, For the Purpose of Appointing Jim Michels to Fill a Vacancy on the North Portland Rehabilitation and Enhancement Committee

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of the Consent Agenda.

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-448, For the Purpose of Amending Metro Code Section 5.06.070 to Clarify the Composter Community Enhancement Boundary, and Declaring an Emergency

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

Presiding Officer Gardner announced Ordinance No. 92-448 had been referred to the Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-441, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-1: Dammasch (Public Hearing)

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

Presiding Officer Gardner announced the Council would consider the ordinance in its capacity as a quasi-judicial decision-maker. He announced the ordinance was first read on January 9, 1992, at which time the Council received the Hearings Officer's written report and staff's report. He announced a public hearing was held and no one spoke in opposition to the ordinance. He said consideration of Ordinance No. 92-441 was continued to this meeting for final consideration and adoption.

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 92-441.

Councilor Van Bergen noted he knew parties involved in this case and removed himself from consideration of Ordinance No. 92-441.

Vote: Councilors Bauer, Buchanan, DeJardin, Devlin, Hansen, McLain, Wyers and Gardner voted aye. Councilors Collier, McFarland and Van Bergen were absent. The vote was unanimous and Ordinance No. 92-441 was adopted.

6.2 Ordinance No. 92-442, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations to Personal Services in the Solid Waste Revenue Fund (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-442 was first read on December 19, 1991, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 16, 1992, and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 92-442.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance was a housekeeping measure to move approximately \$66,000 from Materials & Services to Personal Services in the Solid Waste Revenue Fund to recognize that two currently employed interns and a future assistant management analyst for the home composting demonstration project should be classified as regular employees per federal and state guidelines rather than as independent contractors. Councilor Wyers noted the FTEs in question totalled 2.5 FTEs rather than 1.5 FTEs as originally listed.

Presiding Officer Gardner opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, DeJardin, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier and McFarland were absent. The vote was unanimous and Ordinance No. 92-442 was adopted.

6.3 Ordinance No. 92-446, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding One Full Time FTE Lead Accounting Clerk in the Finance and Management Information Department for PERS Administration (Public Hearing)

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

METRO COUNCIL
January 23, 1992
Page 4

Presiding Officer Gardner announced Ordinance No. 92-446 was first read on January 9, 1992, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 16 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 92-446.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the PERS FTE would coordinate all pertinent employee PERS data. She said PERS required stringent record keeping and that 1 FTE was needed to do so.

Councilor Wyers noted Governor Roberts was reviewing a plan to create a two-tiered PERS benefits system based on employees' length of service.

Presiding Officer Gardner opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, DeJardin, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier and McFarland were absent. The vote was unanimous and Ordinance No. 92-446 was adopted.

6.4 Ordinance No. 92-447, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Recognizing Six New Positions in the Transportation Department (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-447 was first read on January 9, 1992, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 16 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-447.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance would revise Personnel Materials & Services and Capital Costs for the Hillsboro extension, I-205 Milwaukie pre-alternatives analysis, and I-5 Portland/Vancouver pre-alternatives analysis work. He said the budget amendment would provide the support necessary for

the studies and related administrative support. He said how long the FTEs would be on board depended on the studies themselves. He said if the pre-alternatives analysis extended into alternatives analysis and the environmental impact statements, the employees would be with Metro for a long period of time. He said at Committee there was discussion of Public Affairs' role because among the FTEs listed a regional planner would be allocated for citizen involvement.

Presiding Officer Gardner opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, DeJardin, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier and McFarland were absent. The vote was unanimous and Ordinance No. 92-447 was adopted.

6.5 Ordinance No. 92-433, For the Purpose of Adopting Revisions to the Regional Transportation Plan (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-433 was first read on January 9, 1992 and referred to the Transportation & Planning Committee for consideration. The Committee considered the ordinance on January 14 and 21 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-433.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendations. He explained Ordinance No. 92-433 would adopt revisions to the Regional Transportation Plan (RTP) to incorporate local adopted projects and studies to meet federal funding requirements; to include new or revised projects or studies recommended by the Joint Policy Advisory Committee on Transportation (JPACT) and adopted by the Council since the 1988 RTP update; and to revise language to reflect the changing planning under which Metro had and would be operating.

Councilor Devlin said the Committee received substantial public testimony, most of it indicating that Metro should move faster and do more sooner. He said there had been substantial changes in the transportation planning environment, but said it was expensive and time-consuming to comply with all necessary federal transportation requirements. He discussed considerations such as the 1990 Clean Air Act, the Surface Transportation Re-Authorization Act, the new Transportation Rule and Metro's

Regional Urban Growth Goals and Objectives (RUGGOs). He said also to be considered was the new American Disabilities Act. He said Metro was doing what it could do at this point. He said the RTP would be updated over the next year and a half to incorporate all required new work in an interim RTP. He said after that the RTP would undergo a major update to be completed by late 1994. He said Robert Liberty had testified and supplied seven amendments at the first public hearing. He said because of timing and the complexity of the proposed amendments, staff was given time to address them. He said the Committee agreed with six of the amendments with minor revisions. He said the Committee could not accept Mr. Liberty's amendment on whether Metro had to meet the standard of being in compliance with statewide goals or whether it had to be consistent with statewide goals related to RUGGOs and the RTP. He said Metro had debated requirements before on whether Metro had to be in compliance with statewide goals or in compliance with statewide goals related to RUGGOs and the RTP. He said Metro's position in previous legal cases was to have a standard of consistency because most of the work done under RUGGOs and the RTP was general in nature and it would be difficult to meet the standard of compliance at that time. He said Metro currently met standards as laid out under ORS Ch. 268.

Presiding Officer Gardner opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Councilor McLain said Councilor Devlin summarized the issues well and said the RTP would have to be re-evaluated extensively. She said Committee compromised well on the issues.

Vote: Councilors Bauer, Buchanan, DeJardin, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier and McFarland were absent. The vote was unanimous and Ordinance No. 92-433 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 92-1547, For the Purpose of Certifying That Tri-Met's Complementary Paratransit Plan Conforms to Metro's Regional Transportation Plan

Motion: Councilor Buchanan moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1547.

Councilor Buchanan gave the Transportation & Planning Committee's report and recommendations. He explained the resolution certified Tri-Met's Complementary Paratransit Plan conformed with Metro's RTP. He said the resolution would ensure Metro met

federal requirements concerning the problems disabled persons encountered using modes of public transportation. He said the American Disabilities Act's enforcement provisions were similar to those of the American Civil Rights Act of 1964. He said the resolution was linked to Ordinance No. 92-433 which amended Metro's RTP to respond to requirements under the American Disabilities Act. He said the ordinance and resolution fulfilled federal requirements and that the Federal Transit Administration must receive both documents by January 26 for Metro to be in compliance with the American Disabilities Act. Speaking as the Council's representative on the Tri-Met Disabilities Transportation Committee, he noted the region was advanced in solving transportation difficulties for the physically challenged.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1547 was adopted.

7.2 Resolution No. 92-1549, For the Purpose of Establishing and Maintaining an Organizational Structure for Overseeing High Capacity Transit Studies

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1549.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She explained the resolution built upon previous legislation adopted by Metro and other entities. She said the resolution would amend the establishment of an organizational structure for the oversight of high capacity transit (HCT) studies as originally established in Metro Resolution No. 91-1179 and Intergovernmental Resource Center (IRC) Resolution No. 89-1103 to reflect recent improved and proposed HCT studies and workplans. She said the Transportation Policy Alternatives Committee (TPAC) had reviewed and approved Resolution No. 92-1549. She said the resolution would revise the organizational structure for the oversight of these studies. She said the oversight structure included separate financing instead of management components. She noted Citizen Advisory Committee membership criteria would be determined in the HCT workplan development and referred to the flow chart in Exhibit A.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1549 was adopted.

7.3 Resolution No. 92-1550, For the Purpose of Altering the Intergovernmental Agreement on the Western Bypass Study

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1550.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendations. He said the resolution would amend the intergovernmental agreement (IGA) between Metro and local governments on the Western Bypass Study. He said Metro and involved jurisdictions had acted on three separate occasions in the past with regard to the Western Bypass Study: 1) To adopt the IGA itself; 2) to adopt the Oregon Department of Transportation's (ODOT) Public Involvement program as their own; and 3) to adopt the study's Purpose and Need statement. He said the fourth key decision would have been, at the end of the transportation strategies development phase, Metro "eliminating obviously unreasonable" strategies and Metro and local jurisdictions formally "endorsing" strategies for further refinement under Alternatives Analysis. That was to have been the last decision by Metro and local jurisdictions until ODOT returned with a preferred alternative, after the draft environmental impact statement (DEIS) process. He said Resolution No. 92-1550 would amend the IGA process to move the fourth key decision, from a point between the broad strategies development and alternatives analysis to a point after alternatives analysis, before DEIS. Councilor Devlin discussed testimony taken by the Committee. He said the Committee amended the resolution to add a second "Be It Resolved" section: "That the Council requests that at the time ODOT presents its recommendation on strategies to be eliminated, ODOT shall also present a detailed description of their process for ensuring that the non-eliminated strategies, in all significant aspects, are represented in the alternatives advanced for further analysis."

The Council discussed the resolution. Councilor Van Bergen expressed concern because the IGA was being amended and asked if other local jurisdictions had been consulted and were in agreement. Councilor Devlin said the amendment came specifically at the request of the local jurisdictions involved. Councilor Van Bergen asked if the amendment included special districts. Councilor Devlin said it did not because the eight participants in the IGA included the counties and cities directly impacted and Metro.

Councilor Bauer asked if the amendment would add additional time to the length of time it would take to complete the study. Councilor Devlin said the amendment itself would not add additional time, but said the process itself had slowed down by approximately two to three months compared to original

projections. Councilor Bauer asked when the Council would begin to see alternatives so that project specifics could begin to be discussed.

Andy Cotugno, Director of Transportation, said there were three key decision points Metro would be involved in. He said the Council could review strategies within the next three months and then again by the end of 1992. He said the decision point for selection of a preferred alternative would take place after the new decision point added by the IGA amendment, after development of the available alternatives was done and development of the DEIS document began. He said that would create a new decision point wherein any speculation about possible alternatives narrowed down to specific alternatives which would be reflected in the document. Mr. Cotugno said the DEIS would be completed in approximately six months.

Councilor Bauer expressed concern that the IGA amendment would affect his district. He said he had been asked often by constituents when and what decision would be made. He said objectives and timeliness should be made clear. Councilor McLain said ODOT did not state it was adding a step. She said the amendment was to decide when all entities concerned would agree on the preferred alternatives because the local jurisdictions were not willing to decide at the strategies level. She said ODOT decided to add another decision point to give the entities more time for decision-making further along in the process. She said that rationale was why she voted aye on the resolution at Committee to further citizen involvement.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1550 was adopted.

Presiding Officer Gardner recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District to consider Agenda Item Nos. 7.4 and 7.5.

7.4 Resolution No. 92-1551, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c), and Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Fetrow Engineering for Personal Services Contract to Operate Water Quality Model

Motion: Councilor McLain moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1551.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She explained the Department of Environmental Quality (DEQ) had presented Metro with a grant in the amount of \$20,400 to assess the non-point source pollutants in the upper Columbia Slough.

Councilor Hansen expressed concern about sole source contracts because the information they procured was so specialized. She said because the information procured was so specialized, Metro was almost committed to signing a contract with those vendors again if additional work was needed.

Richard Carson, Director of Planning & Development, explained that DEQ commissioned the water quality model for their own purposes, that the model was designed for the upper Columbia Slough, and that Metro was continuing the water quality study with DEQ funds per DEQ's mandate.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1551 was adopted.

7.5 Resolution No. 92-1552, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c), Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Oregon Graduate Institute of Science and Technology for Coordination and Services for the Greencity Data Project

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1552.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendations. He explained the U.S. Fish and Wildlife Service had allocated Metro a larger grant of which \$15,000 would be used for the Greencity Data Project. He said the project would fulfill Metro's environmental education requirements by DEQ.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1552 was adopted.

7.6 Resolution No. 92-1555, For the Purpose of Approving an Easement for the City of Oregon City for the 10-Inch Waterline Along the Northerly Side of the Metro South Station and for Fire Hydrants

Motion: Councilor Buchanan moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1555.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations. He explained the resolution would approve an easement for the City of Oregon City for the 10-inch waterline along the north side of Metro South Station (MSS) and for fire hydrants.

Councilor Bauer said the resolution was administrative in nature only and should have been placed on the Consent Agenda. Presiding Officer Gardner agreed with Councilor Bauer. Councilor Van Bergen agreed also, but noted the resolution did fulfill part of Metro's contractual obligations with Oregon City.

Vote: Councilors Bauer, Buchanan, Devlin, Hansen, McLain, Van Bergen, Wyers and Gardner voted aye. Councilors Collier, DeJardin and McFarland were absent. The vote was unanimous and Resolution No. 92-1555 was adopted.

7.7 Resolution No. 92-1557, For the Purpose of Authorizing Issuance of a Request for Proposals for a Study of Weight-Based Collection Rates as Economic Recycling Incentives and Entering into Multi-Year Contracts with the Most Qualified Proposers

Removed from the agenda.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Hansen discussed hers and Councilor McLain's efforts to develop a student government conference for students from the entire state to be sponsored by Metro. She said the Council would review a resolution on the conference soon. Councilor McLain said project budget costs were as yet unknown.

Councilor Wyers discussed the Governmental Affairs Committee response to Charter Committee draft - "Summary and Outline Description of Proposed Charter Content on Regional Government Powers and Functions." She said the position paper was drafted to consider Metro in broader terms. Councilor Hansen said the Charter Committee's language to-date was far too specific. Councilor Wyers said the paper reiterated the governing structure via adopted Resolution No. 92-1543A which stated the Council's

METRO COUNCIL
January 23, 1992
Page 12

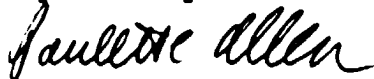
preference for separation of powers and nine full-time Councilors, or 20 to 21 elected volunteer Councilors, with an elected Executive Officer. She noted the resolution stated each Councilor had individual views on function. Presiding Officer Gardner noted the position paper was to explain more fully to the Charter Committee the Council's opinion on the Charter Committee's work to-date. Don Carlson, Council Administrator, explained staff took what the Council adopted and compared that document to the latest Charter Committee document. The Council discussed the position paper and when it would be delivered to the Charter Committee further.

Councilor Van Bergen discussed the FY 1992-93 Budget Committee process and asked Council Committee members to think about budget appropriations in advance.

Mr. Carlson told the Council 22 citizens had applied to-date for the vacant Council 11 district.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:20 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council