

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

March 26, 1992

Council Chamber

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

Councilors Absent: None

Presiding Officer Gardner called the regular meeting to order at 5:38 p.m.

Presiding Officer Gardner announced Agenda Item No. 6.3 would be considered before Agenda Item Nos. 6.1 and 6.2.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of January 23, 1992 Minutes

4.2 Resolution No. 92-1564, For the Purpose of Endorsing the "Oregon Ecosystems Program"

4.3 Resolution No. 92-1582, For the Purpose of Certifying the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

4.4 Resolution No. 92-1596, For the Purpose of Naming WM Trust Company as Non-Discretionary Trustee of the Metro Salary Savings Plan and Trust

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

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

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 92-451A, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Reducing Expenditures and Reorganizing Certain Departments (Public Hearing)

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-451A.

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

Presiding Officer Gardner announced that Ordinance No. 92-451 was first read on March 12 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on March 19 and recommended Ordinance No. 92-451A to the full Council for adoption.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained Executive Officer Cusma after reviewing reduced solid waste tonnages and revenue from solid waste revenue sources, decided to reorganize various departments within the agency, particularly merging the Planning & Development and the Transportation Departments and moving Solid Waste planning staff and functions to the Solid Waste Department. He said there was a considerable amount of Councilor interest in the reorganization, that the Council concurred that such action had major policy implications, and that the Council should either act to concur with the Executive Officer's action or to take a position contrary to what she had done.

Councilor Devlin said it was important to clarify what exactly had been done. He said Solid Waste planning was moved into the Solid Waste Department and the level of staffing for that purpose was reduced. He said land use planning was transferred to the Transportation Department. He said 1 FTE was eliminated from the Greenspaces Program for the remainder of FY 1991-92. He said environmental planning was transferred to the Transportation Department. He said 1 FTE was eliminated from water planning. He said the Smith and Bybee Lakes Program was continued because it was funded directly from the Smith and Bybee Lakes Trust Fund. He said completely eliminated were Housing, Economic Development and Emergency Planning. He said Housing and Economic Development

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was included in the FY 1992-93 Budget and would be restored with additional staffing dependent upon grant monies received.

Councilor Devlin said Finance Committee discussion centered on Presiding Officer Gardner's recommendation to add 1 FTE for the 2040 Program and to continue 1 FTE for Economic Development until the end of the current fiscal year. He said the 1 FTE for the 2040 Program was listed for FY 1992-93 and the Committee decided it was appropriate to add the 1 FTE three months earlier. He said continuance of the Economic Development program beyond July 1 was contingent on grant funds received. He said Executive Officer Cusma stated at Committee she did not oppose Presiding Officer Gardner's amendment. He said Councilor Wyers expressed concern about Solid Waste planning work changes because no work plan was presented for the FTES transferred from Planning & Development to the Solid Waste Department.

Councilor Devlin said Transportation & Planning Committee discussed also centered on the concern that the public was not clearly informed on the reorganization process because the impression had been given that Metro had completely eliminated its planning efforts. He said Councilor McLain expressed concern that Metro be known as providing critical needs such as growth planning and open spaces planning rather than as an entertainment provider for the region. He said Councilor Bauer expressed concern at Committee about public perception of the Housing Program and wanted to make it clear that Region 2040 would continue work on housing.

Councilor Bauer said he supported Ordinance No. 92-451A because cuts had to be made. He said it was the Council's responsibility to keep the budget balanced, but said the Council was also responsible for growth planning. He said housing was part of the overall comprehensive planning Metro did. He said housing related to the Regional Urban Growth Goals and Objectives (RUGGOS) and billions of dollars already invested in Westside LRT and that such information was necessary for responsible decision-making.

Councilor DeJardin said Executive Officer Cusma's action was necessary, but hoped emergency planning could be continued with grant funding. He said once mapping was completed, emergency planning needs would be clearly demonstrated.

Presiding Officer Gardner said the purpose of his amendment was to move quickly to determine Metro's role in managing growth. He agreed with Councilor Bauer on growth management and that housing represented one of those aspects. He said the Region 2040 study began this week, would move fast and involve as many aspects as

possible and would be done by the end of 1993. He said Region 2040 would give a much clearer picture of growth management needs, particularly in housing issues. He said cuts made because of lack of funding was unfortunate, but said once the Region 2040 study clearly identified needs and funding was back on track, eliminated programs would be picked up again.

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

Vote: Councilors Bauer, Buchanan, Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 92-451A was adopted.

6. RESOLUTIONS

6.3 Resolution No. 92-1583A, For the Purpose of Amending the Unified Work Program

Motion: Councillor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1583A.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She explained the resolution would amend the FY 1992 Unified Work Program (UWP) so that the Federal Highway Administration (FHA) and Tri-Met could pass through funds to support regional policy aspects of the Land Use, Transportation, Air Quality (LUTRAQ) project. She said the project's goals and objectives were appealing to the Committee. She said the FHA was interested in the project as a national model. She said the LUTRAQ project had been in place since June 1991 and national policy and technical committees had met with involved locals. She said the project brought together regional planning and livability issues such as air, land and transportation primarily to see what the region would look like in those aspects as well as what it would look like nationally.

Councilor McLain said the two Councilors who voted against the resolution at Committee did so because one of the project initiators was 1000 Friends of Oregon, an organization that had filed lawsuits against Metro in the past on other issues. She said the Committee reviewed the history of those lawsuits and what the funds would be used for. She said the Committee asked if the funds would be used by 1000 Friends in an adversarial role and said the majority of the Committee did not believe that after discussing the issues. She said the LUTRAQ project would only deal with the technical aspects of combining air quality,

transportation and land use aspects. She said the project would add modelling elements to Metro's mapping that were not available nationally. Councilor McLain recommended the full Council adopt Resolution No. 92-1583A.

Councilor Bauer said he voted against the resolution at Committee and that Councilor McLain accurately reported Committee discussion of the issues. He said one reason he objected to the study was because he did not see a dollar amount listed in staff's report and asked for cost amounts. Councilor McLain said the project would cost approximately \$130,000. Councilor Bauer said Portland State University could provide the same services at a lower cost and questioned the neutrality of 1000 Friends of Oregon on this project since that organization had already stated its opposition to the Westside Bypass. He said the project was extremely worthwhile and understood staff's support of same, but said he could not support the contract on the basis of impartiality.

Councilor Devlin said the Committee understood the FHA portion of \$101,000 of the \$130,000 total cost was available only because of this specific project. He said the FHA was interested in this project only. He said with regard to land use considerations/alternatives, the project was urgently needed and should be looked at in relation to any other major regional projects.

Councilor Buchanan agreed the study was an excellent one, but opposed the resolution also because of the involvement of 1000 Friends of Oregon. He said their involvement represented a conflict of interest.

Councilor Van Bergen asked if the study would defer the eventual decision on the Western Bypass, and whether it was anticipated that the study would emphasize air quality issues to the extent that it became the dominant feature of the study's results.

Presiding Officer Gardner said a private group would perform the study via private funding sources. He said study conclusions would result from a privately-financed, privately initiated study. He said the study would not carry any legal weight with regard to Metro's policies or the policies of any other government in the region. He said the connection to the Western Bypass was made because the Western Bypass study team knew the study would take place, and agreed that if the LUTRAQ study was completed on time they would look at the results as part of the information they took into consideration when analyzing the alternatives. He said Metro's earlier involvement was to assist with transportation modelling which meant Metro could use those improvements in its own transportation modelling. He said

Metro's role at this time was merely as the federal Metropolitan Planning Organization (MPO).

The Council discussed the resolution further. Councilor Devlin said the next decision point would occur approximately mid-summer 1992 and that if the LUTRAQ portion was not ready, it would not be included. He said air quality would have to be taken into consideration along with selection of the alternatives. To Councilor Van Bergen's question, Presiding Officer Gardner noted the resolution had received JPACT approval.

The Council discussed air quality issues further. Councilor Bauer stated for the record his opposition to the project was not based on an objection to 1000 Friends, but based on his belief that the contract should be awarded to another, impartial party.

Vote: Councilors Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Buchanan voted nay. The vote was 10-2 in favor and Resolution No. 92-1583A was adopted.

6.1 Resolution No. 92-1588, For the Purpose of Authorizing the Executive Officer to Enter Into a Contract with L&H Grading, Inc. for Work Associated with the Closure of Subarea 1 of the St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1588.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. Using a map of the site, Councilor McFarland explained Resolution No. 92-1588 represented a historic phase in the closure of the St. Johns Landfill (SJL) and explained what the contract would do. She explained staff asked for dual bids submitted for cover and gas collection respectively. She said staff decided to accept Alternative 1 for gas collection. She said L&H Grading would use MBE/DBE vendors and that the total contract cost for \$4,389,300, was the estimated lowest, most responsive bid. Councilor McFarland thanked staff involved with the project including Dennis O'Neil and Linda Pang-Wright, Solid Waste Department staff, and John Houser, Council Analyst.

Councilor McFarland discussed closure procedures further and answered Councilors' questions about topography, vegetation, options for the site in the future, and wildlife habitat possibilities. Councilor McFarland said local residents preferred to see the site revitalized as a wetlands area rather than used for recreational possibilities.

Vote: Councilors Bauer, Buchanan, Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1588 was adopted.

6.2 Resolution No. 92-1575, For the Purpose of Approving FY 1993 Unified Work Program

Motion: Councilor Washington moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1575.

Councilor Washington gave the Transportation & Planning Committee's report and recommendations.

Councilor Van Bergen said with regard to federal funds for light rail transit, I-205 was the next preferred alternative. He said the resolution meant funds would be used appropriately for the next transit priority. Councilor DeJardin concurred with Councilor Van Bergen that I-205 should be the next light rail priority, as did Councilor Bauer. Councilor Wyers asked what route light rail would take. Councilor Devlin said Resolution No. 92-1575 covered 30 separate programs and said the two different alignments under consideration were I-205 and Milwaukie. He discussed the Preferred Alternatives Analysis study currently underway. He said Clackamas County was definitely the next area of the region to receive light rail, regardless of the route chosen. Councilor Buchanan said an auxiliary issue to the resolution was how \$16 million in funding would be used. He said I-205 should keep \$16 million whether bus lane or light rail was decided upon for that route.

Vote: Councilors Bauer, Buchanan, Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1575 was adopted.

6.4 Resolution No. 92-1592, A Resolution Authorizing the Issuance of General Obligation Refunding Bonds (Oregon Convention Center), 1992 Series A, in the Principal Amount of Not to Exceed \$67,000,000 for the Purpose of Advance Refunding and Replacing the Metropolitan Service District's Outstanding General Obligation Bonds Issued in 1987 to Finance the Acquisition and Construction of a Regional Convention and Trade Show Center, and Providing for Related Matters

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, for adoption of Resolution No. 92-1592.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the resolution would authorize the refunding of the outstanding Oregon Convention Center general obligation bonds. She said because of current low interest rates, Metro would save an average annual debt service savings of approximately \$210,000. The Council briefly discussed the resolution further.

Vote: Councilors Bauer, Buchanan, Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1592 was adopted.

NON-REFERRED RESOLUTIONS

Additional Agenda Item:

Resolution No. 92-1603, For the Purpose of Expressing Appreciation to Tom DeJardin for Services Rendered to the Council of the Metropolitan Service District

Presiding Officer Gardner asked for a motion to suspend the Council's rules requiring resolutions be referred by committee so that the Council as a whole could consider Resolution No. 92-1603.

Motion to Suspend: Councilor Devlin moved, seconded by Councilor Collier, to suspend the Council's rules.

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

Presiding Officer Gardner read Resolution No. 92-1603 for the record.

Councilor DeJardin said it had been an honor to serve with fellow Councilors and said he found it difficult to resign. He said the Council had completed or worked on many projects such as the Oregon Convention Center and the Regional Solid Waste Management Plan and had accomplished a great deal. He said the Council faced huge responsibilities in solving expected regional growth issues.

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Motion: Councilor McFarland moved, seconded by Councilor Bauer, for adoption of Resolution No. 92-1603.

Vote: Councilors Bauer, Buchanan, Collier, DeJardin, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1603 was adopted.

Presiding Officer Gardner presented Councilor DeJardin with a framed copy of Resolution No. 92-1603.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

There were no Councilor communications or committee reports.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:04 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council