

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 10, 1992

Council Chamber

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

Councilors Excused: Ed Gronke

Councilors Absent: None

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

Presiding Officer Gardner announced Councilor Gronke was excused
from attendance at this meeting.

Presiding Officer Gardner announced Agenda Item No. 4.2 had been
added to the agenda; that Agenda Item No. 8 had been renumbered
as Agenda Item No. 9, and that Agenda Item No. 8, Executive
Session had been added to the agenda.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of June 25, 1992

REFERRED FROM THE TRANSPORTATION AND PLANNING COMMITTEE

4.2 Resolution No. 92-1669A, For the Purpose of Endorsing a
Public Awareness Plan for the Metropolitan Greenspaces
Master Plan and Ballot Measure No. 26-1

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

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-470, For the Purpose of Amending the Regional Waste Water Management Plan and Authorizing the Executive Officer to Submit it for Recertification

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

Presiding Officer Gardner announced Ordinance No. 92-470 had been referred to the Transportation and Planning Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-469, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Reflecting the Reorganization of Division Functions Within the Solid Waste Revenue Fund, Establishing the Planning and Technical Services Division and Funding the Carryover for Phase II of the Storm Water Processing and Retention Project at Metro South Household Hazardous Waste Facility (Public Hearing)

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

Presiding Officer Gardner announced that Ordinance No. 92-469 was referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 20 and referred it to the Solid Waste Committee for additional consideration. The Solid Waste Committee recommended Ordinance No. 92-469A to the full Council for adoption on September 1, 1992.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-469A.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the Finance Committee referred the ordinance for additional review to the Solid Waste Committee. She said the ordinance would make necessary changes in the budget to reflect the effect of departmental reorganization and create the new Planning and Technical Services Division. She said some Planning staff would work on the Regional Solid Waste Management

Plan and other staff would work on technical analysis, data gathering and modelling.

Council Department staff explained the ordinance was an "A" version because Finance and Management Information Department staff had submitted a new Exhibit B to correct typographical errors.

Motion to Amend: Councilor Wyers moved, seconded by Councilor Collier, to amend Ordinance No. 92-469A, via a budget note: "The process for letting the contract for an independent evaluation of Metro's solid waste tonnage forecasting model approved for FY 92-93 shall include the following elements: 1) An RFP process that actively solicits responses from both the public and private sectors. The RFP must include a requirement that applicants demonstrate prior modelling experience, with preference given to those with experience related to solid waste tonnage forecasting. 2) Council review of the RFP scope of work prior to release. 3) Submission of a report to the Council from the evaluation committee supporting its recommendations. 4) To insure complete independence of the review, the role of Metro staff should be limited to general contract management, supplying data as requested by the contractor and responding to technical questions initiated by the contractor. 5) Copies of all draft reports submitted by the contractor shall be provided to the Council."

Presiding Officer Gardner opened the public hearing.

Jack Polans, 16000 SW Queen Victory Place, King City, asked how solid waste rates were set and what opportunities there were for citizen input. He said rates had risen dramatically and asked why costs had not been kept down.

Presiding Officer Gardner explained how Metro's solid waste rate was structured and said rates were based on Metro's and franchisee costs. He referred Mr. Polans to Solid Waste Department staff for more specific information. Councilor McFarland noted Rate Review Committee activity when reviewing rates before adoption, listed its membership and explained Solid Waste Department budgetary considerations.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Gronke were absent. The vote was unanimous and the motion passed.

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 92-469B was adopted.

7. RESOLUTIONS

7.1 Resolution No. 92-1619, For the Purpose of Eliminating Bypass Option B from Further Western Bypass Study

7.2 Resolution No. 92-1620A, For the Purpose of Eliminating a "Transit-Intensive Strategy" from Further Consideration in the Western Bypass Study without Precluding Future Light Rail Transit in the Highway 217 Corridor

Presiding Officer Gardner announced because Resolution Nos. 92-1619 and 92-1620A were companion legislation, a collective report and discussion would be held on both resolutions.

Andy Cotugno, Director of Planning, gave staff's report and explained the history and process behind the two resolutions. He said after action on the two resolutions, the Western Bypass Study would enter the next phase to determine final options. He said staff was now at the "transit-intensive" stage. He said the most promising options were still being studied.

Mr. Cotugno referred the Council to Be It Resolved language in Section No. 1 in Resolution No. 92-1620A. He said the revised Transit-Intensive Strategy with fixed guideway light rail along Highway 217 and Barbur Boulevard and no highway expansion beyond common improvements would not be considered further in that form as an alternative for the Draft Environmental Impact Statement (DEIS) for the Western Bypass Study because it did not meet Western Bypass Purpose and Need Statement criteria

Mr. Cotugno explained Section No. 2 was a critical caveat because it stated that alternatives which included combinations of highway expansion and transit expansion would be considered for the DEIS evaluation in the Western Bypass Study, and additionally that when alternatives were approved for inclusion in the EIS, specific consideration would be given to whether light rail transit (LRT) should be the transit element of one of those alternatives.

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Mr. Cotugno explained Section No. 3 stated that alternatives considered for DEIS evaluation would not preclude implementation of fixed guideway LRT along Highway 217 in the future.

Mr. Cotugno said Section No. 4 explained certain circumstances would cause further consideration of LRT in the Highway 217 corridor if 4(a): a land use/transportation alternative was identified by the Land Use Transportation and Air Quality (LUTRAQ) study as a viable land use/transportation strategy, that it would be evaluated in the DEIS; and 4(b): if the preferred alternative selected at the conclusion of the Western Bypass Study included a fixed guideway element, the subsequent Alternatives Analysis required in the Federal Transit Administration (FTA) process would examine appropriate fixed guideway options, including LRT; and 4(c): that if future studies produced new information which significantly changed the projected travel analysis, LRT would be reconsidered.

Mr. Cotugno explained Section No. 5 stated that the reasons for the Transit-Intensive Strategy failing to meet the Purpose and Need Statement was explained in staff's reports, the matrix summary of projected utilization, and the data the Oregon Department of Transportation (ODOT) had presented for the record.

Mr. Cotugno explained Section No. 6 stated that remaining alternatives and strategies considered for DEIS inclusion would address the Transportation Planning Rule, the federal Clean Air Act of 1990, relevant Regional Urban Growth Goals and Objectives (RUGGOs), and funding programs and policies.

Councilor Collier asked what would happen to the other options if the light rail options did not survive. Mr. Cotugno said there was a regional commitment to light rail and said it was a question of whether light rail would go to Clark County or I-205. Councilor Collier asked if LRT options in Clackamas County would survive. Mr. Cotugno said the Council would be party to that decision.

Councilor Van Bergen recalled Joint Policy Advisory Committee on Transportation (JPACT) discussion approximately three years ago. He said since then, light rail and other facets had been added. Mr. Cotugno said the Western Bypass was added in the Regional Transportation Plan (RTP) two years ago. He said it was added only after land use and environmental concerns were addressed. He said it was clearer since county actions and the Administrative Rule, that the Bypass if built, would require an exception and the land use decision would have to be supported by facts. He said for it to be built in a rural area, it must be proved no urban area was available for that purpose.

Councilor Devlin said the issues should not be confused with jurisdictional commitments to Clackamas County. He said Metro was in the middle of a study process. He said if the study was to have any degree of credibility, it had to cover all options regardless of what their potential impact could be on other projects. He said the LUTRAQ study would present several possibilities for light rail lines. He said it had to be asked if light rail line(s) would be built every 20 years, or if a system would be put in place to facilitate future construction of light rail. He said one alternative under consideration was arterial expansion which local governments did not like because it would disrupt neighborhoods. He said local governments had to be convinced that that alternative should be included as part of the overall analysis.

Councilor Wyers asked, with regard to Section No. 4(a), who determined what a viable land use option was and asked why decisions were being made before the LUTRAQ study was completed. Mr. Cotugno said one alternative dependent on transit expansion was being eliminated. He said the resolution also stated when the alternatives came back for approval, the Council would look at a combination of alternatives which could include light rail or bus lanes or other modes of transportation. He said "viable" had not yet been defined because the process was still underway.

Councilor McLain said stated goals resulted from the Purpose and Need Study. She said it was for the Council to decide which options would be studied. She said there was real need to demonstrate why the two options were before the Council.

Presiding Officer Gardner opened a public hearing.

Jack Polans testified again and asked how much money had been spent to-date on the process before Option B was eliminated.

Michal Wert, ODOT project manager, Region 1, said the total amount allocated for the alternatives study was \$1.8 million and said approximately half of that amount was spent before Option B was eliminated. She said the process was developed so that all options would be studied and eliminated as soon as they were proved to be unnecessary for further study. She explained a resolution to adopt the DEIS would be submitted in early 1993. Ms. Wert explained Option B was under consideration for approximately one and one-half years.

General Counsel Dan Cooper stated for the record that the documents before the Council included the resolutions themselves, staff reports, and documents before the Transportation and Planning Committee provided by Ms. Wert at this meeting in two volumes.

Presiding Officer Gardner stated he would vote nay on Resolution No. 92-1620A.

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1619.

Vote: Councilors Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Buchanan and Collier were absent. The vote was unanimous and Resolution No. 92-1619 was adopted.

Motion: Councilor Devlin moved, seconded by Councilor Collier, for adoption of Resolution No. 92-1620A.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He noted the resolution had undergone an extensive process and was amended by both JPACT and the Transportation Policy Alternatives Committee (TPAC). He said no light rail alternatives had been set aside, but the resolution had been modified so that light rail alternatives could be inserted at any time during the process.

Councilor McLain said as alternatives were assessed, it was important those alternatives addressed focus, needs and goals. She said light rail alternatives should be added at the correct juncture or otherwise those alternatives would not be worth any more than the alternatives eliminated from consideration at this meeting.

To Councilor Wyers' question, Councilor McLain said it was important to state that the Council's understanding at this time was that dropping Option B was dropping strategy, but that portions of that option could be used to modify other, viable alternatives.

Presiding Officer Gardner said action taken at this meeting did not mean light rail alternatives had been eliminated permanently. He said, however, that he could not support Resolution No. 92-1620A because the LUTRAQ study was almost completed and did not believe the Council should take action until it was completed. He believed dropping Option B would undermine the credibility of the LUTRAQ study's approach.

Councilor Devlin said the reason light rail and transit-intensive alternatives had been dropped from the Highway 217 corridor was because under existing comprehensive plans and under existing development patterns, they were not viable means of reaching objectives. He said the LUTRAQ study differed because it would

propose land use modifications that might make light rail a viable alternative. He said there would be two different ways to approach light rail. He said both JPACT and the Council would be reluctant to have the study go into the EIS unless it included both the LUTRAQ alternatives and the arterial HOV alternative.

Motion to Close the Debate: Councilor Collier moved to close debate.

Vote on Motion to Close Debate: Councilors Buchanan, Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Gronke was absent. The vote was unanimous and the motion passed.

Vote on Main Motion: Councilors Collier, Devlin, Hansen, McLain, Van Bergen and Washington voted aye. Councilors Buchanan, McFarland, Wyers and Gardner voted nay. Councilor Gronke was absent. The vote was 6 to 4 in favor and Resolution No. 92-1620A was adopted.

7.3 Resolution No. 92-1665A, For the Purpose of Expressing Metropolitan Service District's Intention to Reimburse Certain Expenses Related to the Greenspaces Program from the Sale of General Obligation Bonds

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1665A.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the resolution was introduced at the recommendation of Metro's bond counsel. He said it was likely the District would incur certain costs related to the potential financing that would appropriately be reimbursed by bond proceeds and that to declare eligibility of those costs for reimbursement under federal regulations, Metro had to formally declare its intention to reimburse those costs from bond proceeds.

Councilor Van Bergen said the letter from Ed Einowski, Bond Counsel, dated August 25, 1992, was extremely helpful in explaining disbursement of the funds.

Vote: Councilors Buchanan, Collier, Devlin, Hansen, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Gronke and McFarland were absent. The vote was unanimous and Resolution No. 92-1665A was adopted.

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8. Executive Session Held Under the Authority of ORS 192.660(1)(h) to Consult with Legal Counsel with Regard to Litigation

Presiding Officer Gardner announced the Council would hold an Executive Session under the authority of ORS 192.660(1)(h) to consult with Legal Counsel with regard to litigation.

The Executive Session began at 6:50 p.m. Councilors present: Councilors Washington, Hansen, Devlin, Wyers, Gardner, Collier, Buchanan, McLain and Van Bergen. Also present: Deputy Executive Officer Dick Engstrom, Don Rocks, Dan Cooper, Gail Ryder, Andy Cotugno, Lisa Creel, and Jim Mayer, The Oregonian. The Executive Session ended at 7:21 p.m.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Wyers said taping of Council meetings by Public Cable Access had been commented on to her by citizens and said airing Council meetings was providing a valuable public service.

Councilor Wyers discussed a recent newspaper article on "theft of services," or the illegal use of dumpsters owned by others.

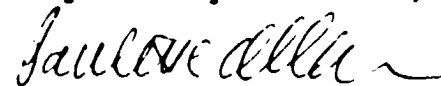
Councilor Wyers discussed recent Solid Waste Committee review of plastics recycling activities.

Councilor Buchanan announced a committee would be created by himself and Councilors Gardner and Hansen to oppose Ballot Measure No. 26-3.

Councilor Collier noted she wrote an article in opposition to the charter for publication in The Mount Tabor Bulletin.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:25 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council