

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

December 22, 1992

Council Chamber

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

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Gardner called the regular meeting (moved to a Tuesday to facilitate holiday scheduling) to order at 5:46 p.m.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma noted that Councilors would likely spend more time at Metro Center beginning January 1993 and offered the use of two offices recently vacated in the Executive Management Department.

Executive Officer Cusma noted former Councilor Larry Bauer was present. She presented the Executive Officer's Awards of Valor to Mr. Bauer and Councilors Collier and Gronke. She said all three would be greatly missed, that she had enjoyed working with them very much and thanked them for their contributions to Metro.

4. CONSENT AGENDA

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

4.1 Resolution No. 92-1716, For the Purpose of Confirming the Reappointment of Ben Middleton to the Metropolitan Exposition-Recreation Commission

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 4.2 Resolution 92-1715. For the Purpose of Adopting the Revised Affirmative Action Policy and Program
- 4.3 Resolution No. 92-1725. For the Purpose of Accepting the November 3 General Election Abstract of Votes of the Metropolitan Service District

REFERRED FROM THE TRANSPORTATION AND PLANNING COMMITTEE

- 4.4 Resolution No. 92-1720. For the Purpose of Establishing the Metropolitan Greenspaces Environmental Education Small Grants Program Guidelines and Funding Criteria

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

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

5. ORDINANCES. FIRST READINGS

- 5.1 Ordinance No. 93-477. For the Purpose of Establishing Criteria for Council District Apportionment, and Declaring an Emergency

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

Presiding Officer Gardner announced Ordinance No. 93-477 had been referred to the Governmental Affairs Committee.

- 5.2 Ordinance No. 93-479. An Ordinance Creating the Office of Citizen Involvement; Establishing a Citizen's Involvement Committee and a Citizen Involvement Process; and Declaring an Emergency

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

Presiding Officer Gardner announced Ordinance No. 93-479 had been referred to the Governmental Affairs Committee.

5.3 Ordinance No. 93-480, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Councilor Salaries and Benefits and a Citizen Involvement Program; and Declaring an Emergency

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

Presiding Officer Gardner announced Ordinance No. 93-480 had been referred to the Finance Committee.

5.4 Ordinance No. 93-481, An Ordinance Amending Metro Code Section 2.01.170 to Repeal Councilor Per Diem Procedures; Establish Councilor Salary Procedures; and Declaring an Emergency

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

Presiding Officer Gardner announced Ordinance No. 93-481 had been referred to the Finance Committee.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-478, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Fully Funding the Portland/Oregon Visitor Association Marketing Plan for the Oregon Convention Center (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-478 was first read on December 10 and referred to the Finance Committee for consideration. He said the Finance Committee considered the ordinance on December 17 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-478.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained during Council deliberations on the FY 1992-93 Convention Center Operating Fund, issues arose about the level of funding to the Portland/Oregon Visitors Association (P/OVA) for marketing services. She said at that time, the Council included \$320,000 in the Oregon Convention Center Operating Fund Contingency potentially for this purpose and instructed the Metropolitan Exposition-Recreation Commission (MERC) and P/OVA to reach agreement on the amount required for

marketing services. She said the two parties agreed to raise P/OVA's budget by \$193,085 to a total of \$1,276,500 for FY 1992-93. She said to complete that agreement, Ordinance No. 92-478 would transfer \$193,085 from the Fund Contingency to the Materials & Services category. She said P/OVA had agreed to provide a more detailed listing of marketing services provided.

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

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 93-472 was adopted.

7. RESOLUTIONS

Presiding Officer Gardner adjourned the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District to consider Agenda Item Nos. 7.1 and 7.2.

7.1 Resolution No. 92-1730A, For the Purpose of Authorizing an Agreement with Steelcase and Smith Brothers Office Environments, Inc. and an Intergovernmental Agreement with Washington County

Motion: Councilor McLain moved, seconded by Councilor McFarland, for adoption of Resolution No. 92-1730A.

Motion to Substitute: Councilor McLain moved, seconded by Councilor McFarland, to substitute Resolution No. 92-1730B, For the Purpose of Exempting an Agreement with Environetics, Inc. From Formal Bidding Requirements, for Resolution No. 92-1730A.

Vote on Motion to Substitute: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilors Buchanan and Wyers were absent. The vote was unanimous to substitute the "B" resolution for the "A" resolution.

Councilor McLain gave the Regional Facilities Committee's report and recommendations. She said staff had originally planned to contract with Washington County for furniture on what was at that time deemed to be the lowest cost. She said the State of Oregon informed Metro staff they did not have a list of furniture

providers. She said after the Regional Facilities Committee forwarded Resolution No. 92-1730A to the full Council for adoption, Metro was contacted by vendors the State did not have listed. She said four vendors submitted bids by the deadline at 12:00 p.m. on the date of this meeting and the low bidder selected was Environetics, Inc., to provide furniture by Herman Miller. She said the product to be provided was comparable or equal to the furniture that would have been provided previously. Councilor McLain said approximately \$50,000 would be saved because of the change in vendors.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 92-1730B was adopted.

7.2 Resolution No. 92-1728, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.043 Competitive Bidding Procedures and Authorizing a Sole Source Agreement with Dun & Bradstreet Corp. for the Purchase of Credit Reporting Services

Motion: Councilor Van Bergen moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1728.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He said Dun & Bradstreet Corporation was the sole bidder. He had hoped more bids would be submitted, but said it appeared Dun & Bradstreet was the only entity that could provide such credit reporting services.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1728 was adopted.

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

7.3 Resolution No. 92-1673D, Greenspaces Willing Seller Policy at Sunset Light Rail Transit Station

Motion: Councilor Moore moved, seconded by Councilor McLain, for adoption of Resolution No. 92-1673D.

Councilor Moore gave the Transportation and Planning Committee's report and recommendations. She explained Metro's goal with

regard to this resolution was two-fold: 1) To see that the Peterkort's Land Use Board of Appeals (LUBA) appeal of the Greenspaces Master Plan was dropped; and 2) To adopt a good policy applying Metro's Greenspaces policies to the Peterkort parcel. She said to achieve those ends, Metro was giving up its ability to use its power of eminent domain to acquire property owned by the Peterkorts for a period lasting until two years after Westside light rail opened.

Councilor Moore explained Metro was committing to acquire property from a willing seller only in the 150 acre area now either owned by the Peterkorts, Tri-Met, or in public right-of-way for that time period, up to or until, 1999.

Councilor Moore said Metro's interest in acquisition of property in the area was to preserve the significant greenspaces areas not yet precisely defined, but consisting of wetlands, water features such as ponds and streams, and forested upland areas, all of which provided natural resource values and wildlife habit areas.

Councilor Moore said Metro's additional interest in the area related to light rail transit (LRT) and ensuring that Metro's Regional Urban Growth Goals and Objectives (RUGGOS) were implemented, specifically within the station area, and potentially in the larger surrounding area if it were to become one of the regional "activity centers" anticipated in RUGGOS.

Councilor Moore said the resolution intended that Metro would play an integral role in all "planning activities and proposed development actions" on the Peterkort property in the station area, which encompassed an area approximately one-half mile in all directions from the Sunset LRT station location. She said that would allow Metro staff and the Council to determine if any proposed actions might jeopardize the future of the natural resource area included in the adopted Greenspaces plan or under-used development opportunities near the LRT station.

Councilor Moore explained the resolution would establish policy involving Metro and the Peterkorts only and would not directly involve local jurisdictions, Washington County, Beaverton and/or Tri-Met or any entity to which some portion of the Peterkort property might be sold between now and two years following opening of the Westside line. She said the Peterkort Company would act on its own behalf in the planning and development of the property, and as the agent of Washington County in the development of public right-of-way through the property, and said it must be assumed that this policy meant that Washington County and any other entity undertaking to develop or plan for the land in the subject area must acknowledge the policy that Metro would

have an informed role in all that planning and development. She reiterated this policy was Metro's alone and did not specifically guarantee that Washington County would acknowledge Metro's involvement as specified in the agreement.

Councilor Moore stated for the record that the Transportation and Planning Committee at a minimum, and ideally the Council, should immediately request a briefing from Tri-Met, Washington County, and Metro staff on the status of station area planning, LRT station design, roadway and parking lot design, and other issues including, existing zoning, natural resource protection, transportation plan designations, and the Washington County proposed interim overlay zone, in order to evaluate the current status of the area with regard to the public investment in LRT and the potential vulnerability of the Cedar Springs natural resource area. She said following that briefing, the Transportation and Planning Committee should discuss with Metro staff any needed action on the part of Metro with regard to implementation of policy.

Councilor Moore said Resolution No. 92-1673D reiterated Metro's commitment to a cooperative planning approach with close inter-jurisdictional involvement in areas such as the land represented around the Sunset/217 LRT station. She said such an approach to planning would support the regional public infrastructure costs as well as coordinate the various private and public goals for the region's future. She said the resolution also clearly stated Metro's recognition of the unique characteristics of the site and its existing policy of acquiring policy from "willing sellers."

Councilor Gronke asked if the resolution legally bound future Councils to the agreement.

General Counsel Dan Cooper said the resolution would not bind future Councils to abide by its stipulations.

Councilor Devlin said when the Council adopted a resolution, that action did politically and morally bind its successors. He said future Councils could live with the stipulations contained in the resolution because it represented a reasonably good agreement by all of the parties interested in the property. He said none of the parties involved were completely satisfied with the resolution, but said all were in reasonable agreement on the issues.

Presiding Officer Gardner opened a public hearing.

Troy Horton, chair, Friends of Cedar Springs, concurred with Councilor Devlin that the resolution was a good compromise for

what had been a difficult situation and urged the Council to adopt the resolution as written.

Presiding Officer Gardner asked if any other persons present wished to testify. No other persons appeared to testify and the public hearing was closed.

Councilor Van Bergen said he could not support the resolution because Metro was giving up its legal rights and duty of condemnation. He said there could be future problems that were not now anticipated.

Councilor McFarland concurred with Councilor Van Bergen. She did not believe Metro could vote away its legal rights.

Presiding Officer Gardner asked Councilor Moore if the agreement contained in the resolution would be binding upon any party(s) that bought Peterkort property in the future. Councilor Moore said she did not know, but said the answer was likely to be no. She said she wanted her report to clearly state it would be Metro's policy not to exercise eminent domain on property owned by the Peterkorts in the context of the LUBA appeal and Metro's commitment to Greenspaces and the LRT station.

Mr. Cooper said the resolution would confirm policy already adopted in the Greenspaces Master Plan as it applied to the Peterkort property. He said Councilor Gronke had asked if that legally bound a future Council to the same agreement. He said it would not because a future Council could come back and amend the Greenspaces Master Plan policy which would override Resolution No. 92-1673D. He said if Peterkort property was sold, policy stated in the resolution would apply to the property owned by the Peterkorts. He said the Greenspaces Master Plan applied to all District property. He said Resolution No. 92-1637D applied to property owned by the Peterkorts and would not necessarily be applicable to a new owner(s), but said the Greenspaces Master Plan would.

Councilor Devlin said the resolution might not legally bind a future Council, but could do so politically. He said with regard to eminent domain and Greenspaces, the resolution reiterated Metro's stated policy of only using eminent domain as a last resort after all other avenues had been exhausted.

Councilor McLain said trust had been established among the three parties involved. She said the trust factor was discussed extensively at committee and said the results proved the power of dialogue when it was used properly. She said the resolution created good public policy.

Councilor McFarland said she did not attend committee meetings when the resolution was being discussed, but said everyone who had an interest in the issues should feel satisfied because the parties involved arrived at a mutual and satisfactory conclusion rather than an impasse. She congratulated all three parties involved on their hard work on the issues.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilors Collier and Van Bergen voted nay. The vote was 10 to 2 in favor and Resolution No. 92-1673D was adopted.

7.4 Resolution No. 92-1706, For the Purpose of Endorsing Alternatives for Evaluation in the Draft Environmental Impact Statement (DEIS) Phase of the Western Bypass Study

Motion: Councilor Washington moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1706.

Councilor Washington gave the Transportation and Planning Committee's report and recommendations. He said the resolution would consider replacing parking charges with congestion pricing as another set of options. He said congestion pricing should be considered for the region as a whole and not as part of any one project. He said the Committee discussed the resolution and congestion pricing at length. He said the Joint Policy Advisory Committee on Transportation (JPACT) considered two alternatives in lieu of the action taken at its previous meeting in November: 1) Do a congestion pricing assessment associated with the Western Bypass, but not within the Draft Environmental Impact Study (DEIS); and 2) To not consider congestion pricing in the context of the Western Bypass option at all. He said JPACT chose the latter option. He said this resolution represented the beginning of information that would be gathered on congestion pricing.

Councilor Devlin clarified the resolution before the Council was an amended Resolution No. 92-1706 per JPACT action with four Be It Resolved sections and that the resolution printed in the agenda packet with the original five Be It Resolved sections was not before the Council for consideration. He said the Council would consider several alternatives when all work was done. He said not all alternatives would be clear-cut, but could be merged.

Councilor McLain suggested the Council hold a work session on congestion pricing issues. Presiding Officer Gardner concurred.

Councilor Van Bergen asked why the new Resolution No. 92-1706 had not been labelled an "A" if it had been amended. Councilor Devlin explained the original resolution was printed in the agenda packet in error and that JPACT legislation as amended was not labelled unless amended at the Council committee level. Councilor Van Bergen asked if congestion pricing was still included in the resolution in any form. Councilor Devlin said it was not. Councilor Van Bergen said he did not advocate congestion pricing and would continue to oppose it.

Presiding Officer Gardner noted a letter submitted on the resolution from Merv Johnson, citizen, 6150 SW 190th, Beaverton, and read it into the record (a copy of which is also filed with the record of this meeting): "Attention, Council Staff: I oppose the Western Bypass proposal from Hillsboro to Tigard until and if other options are exhausted. Other options as I see them are: Expand MAX; Increase bus service; Install more bike routes (This is probably the most cost efficient transportation there is.); Widen arterials, such as Farmington Road and Baseline (Farmington is now being surveyed, but only for a turning lane, as I understand it. Why not do it all now?). Another reason for opposition is that I do not like to see good farm land paved over, nor do I want to see the resulting development adjacent to the proposed freeway."

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1706 (minus the fifth Be It Resolved section) was adopted.

7.5 Resolution No. 92-1712B. For the Purpose of Designating the Regional Growth Concepts to Be Evaluated in Phase II of the Region 2040 Project

Main Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1712B.

Councilor McLain gave the Transportation and Planning Committee's report. She noted Council Analyst Gail Ryder's December 18 memo, "Resolution No. 92-1712B Amendment." She said an amendment approved by both the Regional Policy Advisory Committee (RPAC) and JPACT was inadvertently omitted by Metro staff in the resolution version recommended to the full Council for adoption on December 21. She said the omitted language was contained in the Concept B description in Exhibit A to the resolution. She said according to City of Gresham staff, sentence two of paragraph one should read (additions underlined and deletions bracketed): "LUTRAQ and the Livable City Projects would provide

more specific local models for how land use intensification could occur in this concept focused ~~(on)~~ along high capacity transit line [~~intersection~~] and transit "Main Streets."

Councilor McLain listed and explained Be It Resolved Section Nos. 1 through 9 as amended. She explained Section No. 9 would rename the Region 2040 Program to "Region 2045" to ensure the Metro Charter's requirements were addressed in relation to development of a Future Vision Commission and development of a regional framework plan.

Councilor Moore referred to Concepts A, B and C on resolution page 3 which listed the year 2040 as the end date for program goals and asked if that should be changed to match Region 2045.

Andy Cotugno, Director of Planning, said he would not characterize the reference to "2045" as changing the name of the program. He said staff had received feedback that Region 2040 had a clearly defined identity and did not want it confused with other processes. He said the intent of resolution language was to meet all the requirements of the Charter and clarify one process was being followed rather than two separate processes.

Motion to Amend: Councilor Moore moved to amend Resolution No. 92-1712B, seconded by Councilor Devlin, to change "2040" where referenced in the resolution to "2045."

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

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1712B was adopted.

7.6 Resolution No. 92-1718A. For the Purpose of Endorsing the Recommendations of the Governor's Task Force on Motor Vehicle Emissions Reduction in the Portland Metropolitan Area

Main Motion: Councilor Buchanan moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1718A.

Councilor Buchanan gave the Transportation and Planning Committee's report and recommendations. He said the resolution

endorsed the exhibit which summarized the task force's recommendations. He said the recommendations, particularly to adopt the "Base Strategy," were the best possible combination of activities that the Governor's Task Force on Motor Vehicle Emission Reduction believed would meet the standards of air quality control and maintain those standards while allowing for growth within the region. He said the resolution represented a policy action indicating Metro's opinion and said legislation would need to be approved by the state legislature before implementation. He said if that occurred, Metro would probably need to adopt a State Implementation Plan within two years. He said the Committee also discussed the contingency containing additional strategies that would require another endorsement.

Councilor Gronke noted No. 5 of the seven items under "Base Strategy" called for a phased-in vehicle emission fee based on actual emissions and mileage driven starting in 1994 at a \$50 (\$5 to \$125 range) average and reaching a \$200 (\$20 to \$500 range) average by 2000 and asked staff to explain same.

Mr. Cotugno explained the emissions fee would be based on the amount driven and the age of the car, or in effect, how much the car in question polluted. He said the dirtiest cars with the most mileage polluted the most and would pay the most in fees.

Councilor Gronke asked how such fees would be calculated. Mr. Cotugno said when cars were registered every two years, odometer readings would be taken to calculate user mileage.

Councilor Gronke said, in addition to paying licensing fees, citizens could conceivably pay \$20-\$500 every two years.

The Councilor and Mr. Cotugno discussed emissions fees further. Presiding Officer Gardner agreed with Councilor Gronke that the Pacific Northwest had an older than usual fleet of cars compared to the national average. He said the action referenced by Councilor Gronke seemed rather extreme, but said that option was part of a package determined upon after addressing numerous, different and possible ways on how to handle emissions in the region. He said it was agreed this option was the cheapest possible package to meet the emissions reduction levels that had to be achieved. He said the consequences of not meeting Clean Air Act requirements were more severe.

Councilor Gronke asked how the Task Force arrived at the \$500 amount and how it would reduce hydrocarbon emissions by 4.4 percent nitrous oxide. Mr. Cotugno said the charge was applied to behaviors based on the rationale that citizens would buy new cars, as well as raising revenue to provide alternative modes.

He said the regional target was to achieve 35.6 percent reduction in volatile organic compounds (VOC) and 20.2 percent reduction in nitrous oxides. He said those goals could be achieved in a variety of ways and said, if lower percentages were aimed at for those mechanisms, then higher goals had to be achieved elsewhere and that Metro had the flexibility to do so. He said those rates resulted in the 5.0 percent VOC and 5.5 percent nitrous oxide.

Councilor McLain noted the document before the Council was developed by the Governor's Task Force on Vehicle Emissions and noted resolution Be It Resolved Section No. 3 stated: "Directs Metro staff through TPAC and JPACT to continue to review key issues and develop implementation strategies." She said other options such as parking fees would continue to be reviewed. She said adoption of the resolution simply recognized that there was a task force that had developed a base case strategy and that other options would continue to be looked at. She said there would be much more discussion before any option was implemented.

Councilor Hansen noted other states were considering similar options. Mr. Cotugno said each state had to determine what course they would take and said some states would have more stringent plans. Councilor Hansen said if that were true, clean air regulations in Oregon would not drive business away.

Councilor Van Bergen said he did not see emissions fees as a way to eliminate pollution, but believed it was being instituted as a revenue raiser for light rail transit (LRT). He did not believe emissions fees would survive at the State Legislature. He said Oregon was not currently violating pollution attainment levels. Mr. Cotugno said Oregon had not violated attainment levels for two years.

Councilor Devlin said although Oregon had not violated the Clean Air Act of 1990 for two years, Oregon still had to show proof of compliance. He asked which would be more draconian, imposing fees, or requiring that vehicles manufactured after 1986 could not be on the road.

Presiding Officer Gardner noted the impact of the fee on poorer citizens had been discussed and that they would not have to pay fees.

The Council discussed the resolution further as well as possible amendment language. Councilor Moore expressed concern about the fiscal impact to low-income residents and said parking fees should be included in the scenarios to be addressed.

Motion to Amend: Councilor Moore moved, seconded by Councilor Buchanan, to amend Resolution No. 92-1718A Be It Resolved Section 5 as follows (additions underlined; deletions bracketed): "5. That in the event the base strategy is not fully implemented, further consideration [~~and a~~] should be given to parking fees in the contingency plan strategy [~~should be given to parking fees~~].

Vote on Motion to Amend: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor McFarland voted nay. The vote was 11-1 in favor and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Hansen, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilors Gronke and McFarland voted nay. Councilor Van Bergen was absent. The vote was 9 to 2 in favor and Resolution No. 92-1718A as amended was adopted.

7.7 Resolution No. 92-1719A, For the Purpose of Endorsing the Oregon Transportation Financing Plan

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1719A.

Councilor Buchanan gave the Transportation and Planning Committee's report. He explained the Committee had previously reviewed the Oregon Transportation Plan (OTP), the substantive document in terms of plans and different objectives for the different modes. He said the resolution represented the financing element of the OTP and the cooperative effort between the League of Oregon Cities, the Association of Oregon Counties and the Oregon Department of Transportation (ODOT). He said the OTP was fairly aggressive in terms of urban transit, inner city, inner city rail objectives, and marine and port facilities and aviation. He said the OTP focused on all objectives in three segments. He said the first two segments were highway and transit with the short-term, or six-year, OTP Funding Plan and the third segment was the initial implementation of future funding priorities. He said actual implementation would involve referral to the next legislative session and would include road funding, gas tax increases, associated increases in weight mile taxes on trucks, and vehicle registration fee increases for road funding purposes. He said it was also recommended that road funding be sufficient to allow for the current highway funds that could be transferred for transit. He said current highway funds

were already committed to road purposes and that this would allow them to be released for flexible funding, Surface Transportation Act (STA) funds, to include transit. He noted Mr. Cotugno distributed an Errata Sheet correcting Exhibit A, page 4, to include an additional requirement for "further work to specify bike and pedestrian needs in order to meet the vehicle miles traveled reduction goals implied in this recommendation as a high priority."

Councilor Buchanan said Committee questions and discussion included whether the tire and battery tax would apply to bicycle equipment and that Mr. Cotugno had stated imposition of a tire and battery tax was within the basic recommendation. He said also in the document under future funding priorities, language called for the creation of an excise tax on bicycles and related accessories for non-road bicycle needs and said that requirement had been objected to by several bicycle groups. He said the Committee amended the resolution to add Be It Resolved Section No. 10: "That the excise tax on bicycles and related accessories for non-road bicycle needs not be pursued further."

Presiding Officer Gardner opened a public hearing.

Rex Burkholder, said he worked with the Bicycle Transportation Alliance and was a member of the Oregon Bicycle Advisory Committee, an advisory committee to ODOT, and distributed a "Bicycle Excise Tax: Issue Paper." He said bicycle riding should be encouraged and not taxed.

Councilor Devlin agreed with Mr. Burkholder's analysis that taxes discouraged desirable activities, but noted when interest groups were taxed, their influence on state policy significantly increased.

The Council, Mr. Cotugno and Mr. Burkholder discussed the issues further. Mr. Cotugno noted all transit system users paid for their use of the system.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Gronke, to delete Be It Resolved Section No. 10 from the resolution.

The Council briefly discussed the motion to amend. Councilor Buchanan said the Planning and Development Committee felt that bicycle users/groups should not be singled out for taxation especially since bicycle riders did not cause wear and tear on the highway system and/or pollute with emissions. Councilor Moore and Presiding Officer Wyers concurred with Councilor Buchanan.

Vote on Motion to Amend: Councilors Devlin, Gardner and Gronke voted aye. Councilors Buchanan, Collier, Hansen, McFarland, McLain, Moore, Washington and Wyers voted nay. Councilor Van Bergen was absent. The vote was 8 to 3 against and the motion to amend failed.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 92-1719A was adopted.

7.8 Resolution No. 92-1722, For the Purpose of Accepting Metro's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1992, the Schedule of Federal Financial Assistance for the Fiscal Year Ended June 30, 1992 and the Various Auditor Reports Thereon, and the Letter to Management Provided by KPMG Peat Marwick

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1722.

Councilor Devlin gave the Finance Committee's report and recommendations. He noted the majority of comments in the Comprehensive Annual Financial Report pertained to MERC management and operations and Committee discussion centered on how to address MERC over-expenditures in the future.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilors Buchanan and Van Bergen were absent. The vote was unanimous and Resolution No. 92-1722 was adopted.

7.5 Resolution No. 92-1712B, For the Purpose of Designating the Regional Growth Concepts to Be Evaluated in Phase II of the Region 2040 Project (Continued)

Presiding Officer Gardner noted the City of Gresham had asked for an amendment to Resolution No. 92-1712B which was not attended to when the Council considered the resolution earlier at this meeting.

Motion to Reconsider: Councilor Gronke moved, seconded by Councilor Devlin, to reconsider Resolution No. 93-1712B for the purposes of amendment.

Vote on Motion to Reconsider: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 92-1712B was again before the Council for consideration.

Motion to Amend: Councilor McLain moved, seconded by Councilor Devlin, to amend Resolution No. 92-1712B, Exhibit A, Concept B, paragraph one, sentence one to read as follows (additions underlined; deletions bracketed): "LUTRAQ and the Livable City projects would provide more specific local models for how land use intensification could occur in this concept focused [en] along high capacity transit line [~~intersection~~] and transit "Main Streets."

Vote on Motion to Amend: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 92-1712B was amended and re-adopted.

NON-REFERRED RESOLUTIONS

Presiding Officer Gardner noted there were four non-referred resolutions before the Council for consideration.

1. Resolution No. 92-1734, For the Purpose of Expressing Appreciation to Larry Bauer for Services Rendered to the Council of the Metropolitan Service District
2. Resolution No. 92-1735, For the Purpose of Expressing Appreciation to Tanya Collier for Services Rendered to the Council of the Metropolitan Service District
3. Resolution No. 92-1736, For the Purpose of Expressing Appreciation to Edward P. Gronke for Services Rendered to the Council of the Metropolitan Service District
4. Resolution No. 92-1737, For the Purpose of Continuing Council Standing Committees and Making Committee Appointments

Motion to Suspend the Rules: Councilor Collier moved, seconded by Councilor Devlin, to suspend the Council's rules requiring that resolutions be referred by Committee so that the Council as a whole could consider Resolution Nos. 92-1734, 92-1735, 92-1736 and 92-1737.

Vote on Motion to Suspend the Rules: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolutions Nos. 92-1734, 92-1735, 92-1736, and 92-1737 were before the Council for consideration.

Vote: The Council voted collectively to adopt Resolution Nos. 92-1734, 92-1735 and 92-1736. Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution Nos. 92-1734, 92-1735 and 92-1736 were adopted.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1737.

The Council briefly discussed Resolution No. 92-1737.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 92-1737 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Wyers distributed her December 22 memorandum "Report - Task Force on Future Vision Commission" and discussed same.

Councilor Devlin said the issues raised by Councilor Wyers in her memo should be defined further at the Council retreat scheduled for January 23 and then discussed at the appropriate Council committee.

Jon Kvistad, Metro Councilor-Elect, discussed the need for a mission statement and how to implement Future Vision in conjunction with the Region 2040 Program. He said he had spoken with Metro staff about developing a specific work plan. He said a mission statement should be developed as well as a framework in which to operate.

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Councilor Washington asked who would staff the Future Vision Commission and other committees/commissions required by the Metro Charter for implementation. Presiding Officer Gardner said to-date Council Department staff had provided staff support.

Presiding Officer Gardner noted a letter received from Steve Schell, Portland Future Vision, expressing concern about Metro's pending Future Vision Commission. He said Mr. Schell suggested Metro hold a forum to answer questions on Metro's Future Vision plans. Councilor Wyers said the Council could give direction to the Task Force at the January 23 retreat and hoped the mission statement could be further defined then as well. Councilor Devlin said the Task Force had developed good discussion topics for consideration at the retreat. He noted the Future Vision Commission would be the primary mechanism monitoring the progress of the Region 2045 Program. Councilor Wyers asked if the Task Force should begin work on selection of applicants or wait until after the retreat. Presiding Officer Gardner said it was probably best to wait until after a mission statement was developed. Councilor Washington urged the Task Force to fully define who in the region would be available to serve.

Councilor Buchanan noted Councilor Wyers would most likely be elected the Council's Presiding Officer for calendar year 1993. He listed those who were planning to vote for Councilor Wyers: Councilors Buchanan, McFarland, Van Bergen and Wyers and Councilors-Elect Gates, Kvistad and Monroe. He asked the rest of the Council to vote for Councilor Wyers also to ensure the Council's success in making the transition of the new Metro Charter a vital, successful and comfortable process. Councilor Buchanan noted there were new Committee interest forms for Councilors to fill out.

Councilor McLain said the new Charter and Councilor salaries had created new issues, and noted new Councilors would be on the Council January 1993. She said the new Councilors had not yet been sworn in, and to her knowledge, no definitive decisions had been made. She said she had already filled out a committee preference form. She said the Council would be comprised of 13 equal members in January.

Councilor Collier urged the Council to work together to avoid a difficult Presiding Officer selection process. She said the Council needed to work together as a team to resolve and implement the issues raised by the Metro Charter.

Councilor Collier told the Council it had been a pleasure to work with them for the past six years and that she would miss them all.

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Councilor Wyers noted Councilors, especially the three Councilors-Elect, wished to have an organizational meeting at the beginning of the year rather than waiting until January 14. She noted the committee preference form contained a new proposed meeting time.

Councilor McLain said the committee preference form contained major changes, including adding Wednesday as a committee meeting day in addition to Tuesdays and Thursdays. She said the Council should discuss that in addition to starting Council and committee meetings at 2:00 p.m. instead of 5:30 p.m. She said she had encouraged her constituents to attend Council and committee meetings on the assumption that they would begin at 5:30 p.m. She asked at what times other jurisdictions held their meetings and said that data should be reviewed before the Council made a final decision on meeting times.

Councilor Moore concurred with Councilor McLain and said her committee preferences had not changed since she had filled out the first preference form and did not need to fill out a second one. She expressed dismay that committee membership could be dependent on how a Councilor voted.

Councilor McFarland said it was extremely important to know who might want to serve on a particular committee and said an organizational meeting possibly on January 4 would help the Council get started earlier because of all the work related to implementation of the Metro Charter.

Presiding Officer Gardner said Council business was not so pressing that the first meeting of the year could not take place January 14. He said the five Council committees were not going to do anything in the first 14 days that they could not do after January 14.

Councilor Moore asked when a meeting schedule would be provided to the Council. Don Carlson, Council Administrator, said the Council would be notified of any meeting variations or changes.

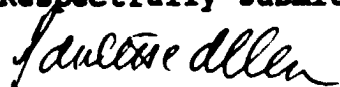
Councilor Washington said the Council should think about the issues during the rest of December and come back prepared to work as a team.

Councilor Gronke said he was privileged to have had the opportunity to serve as a Metro Councilor and thanked the Council for an educational experience.

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**All business having been attended to, Presiding Officer Gardner
adjourned the meeting at 8:49 p.m.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Paulette Allen".

Paulette Allen
Clerk of the Council