

## **MINUTES OF THE METRO COUNCIL REGULAR SESSION**

May 4, 1995

Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Councilors Absent: Rod Monroe (Deputy Presiding Officer)

Also Present: Executive Officer Mike Burton

Presiding Officer McFarland called the meeting to order at 2:03 PM.

Presiding Officer McFarland announced that Councilor Monroe had been in a bicycle accident requiring hospitalization and would be unable to attend the meeting.

### **1. INTRODUCTIONS**

None.

### **2. CITIZEN COMMUNICATIONS**

None.

### **3. EXECUTIVE OFFICER COMMUNICATIONS**

Mike Burton, Executive Officer, distributed a copy of a memorandum he wrote to Councilor Kvistad addressing down time. He also addressed an issue regarding arterial designations that he is tracking. If necessary, he will bring the matter back before the Council at a later date.

### **4. CONSENT AGENDA**

The minutes of the April 25, 1995 Council Work Session were not available. The minutes of the April 27, 1995 Regular Council Session were approved as written.

### **5. ORDINANCES -- 2ND READING**

#### **5.1 Ordinance No. 95-601A, For the Purpose of Approving the Metro Code Chapter 2.08 Relating to The Office of General Counsel and Declaring an Emergency**

The Clerk read the Ordinance for the second time by title only.

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**Motion:** *Councilor Washington moved, seconded by Councilor McCaig for adoption of Ordinance 95-601A.*

**Motion to Amend No. 1:** *Councilor Kvistad moved, seconded by Councilor McLain to amend Ordinance 95-601A by deleting the second sentence in Section 2.08.080(b) on page four of the ordinance, "The General Counsel shall not be removed because of the rendering of any opinion."*

Councilor Kvistad spoke in support of the amendment. His view is that rendering opinions is a job requirement and should be considered in judging the job performance of the General Counsel. Councilor McLain asked Dan Cooper, General Counsel, to describe the legal issues relating to this amendment. Mr. Cooper explained his reasoning for placing the language in the ordinance.

**Vote on Motion to Amend No. 1:** *Councilor Kvistad voted aye. Councilors McCaig, Morissette, Washington, McLain, and McFarland voted nay. Councilor Monroe was absent. The vote was 5/1 opposed and the motion failed.*

**Motion to Amend No. 2:** *Councilor McLain moved, seconded by Councilor McCaig to amend Ordinance No. 95-601A, by adding language to Metro Code Section 2.08.080(a) as described below to further establish the procedures for requesting opinions of General Counsel.*

Councilor McLain moved to amend Ordinance 95-601A. She distributed copies of the proposed amended language to councilors. The amendment was comprised of additional language that set forth who may request formal opinions of General Counsel; that directed the request be made in writing; that set forth which parties shall be furnished with a copy of the request for the opinion, and which parties shall be furnished with copies of the formal opinion rendered by the General Counsel.

**Vote on Motion to Amend No. 2:** *Councilors Morissette, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed unanimously.*

With passage of Councilor McLain's amendment, the ordinance title became Ordinance No. 95-601B.

Presiding Officer McFarland opened a public hearing. No members of the public appeared to speak to the Ordinance. Presiding Officer McFarland closed the public hearing.

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**Vote on Main Motion as Amended:** Councilors Washington, McLain, McCaig, Morissette, and McFarland voted aye. Councilor Kvistad voted nay. Councilor Monroe was absent. The vote was 5/1 in favor and the motion passed.

6. RESOLUTIONS

6.1 **Resolution No. 95-2081, For the Purpose of Approving the Fiscal Year 1995-96 Budget and Transmitting the Approved Budget to the Tax Supervising Conservation Commission**

**Motion:** Councilor McCaig moved, seconded by Councilor McLain for adoption of Resolution No. 95-2081.

Councilor McCaig reported on the Proposed FY 1995-96 Budget, pointing out considerable savings were found during budget deliberations. She recommended its approval and transmittal to the Tax Supervising Conservation Commission. Councilor McCaig, along with other councilors and Executive Officer Burton, expressed satisfaction with the budget process and the resulting budget, and thanked all those involved for their input and cooperation.

Jennifer Sims, Director of Finance Management Information, presented proposed changes in the Auditor's Office budget relating to the remodel of the Auditor's offices. She distributed a spreadsheet outlining the proposed changes, a copy of which is included as part of the meeting record.

**Motion to Amend:** Councilor McLain moved, seconded by Councilor Washington to amend the Proposed FY 1995-96 Budget to incorporate the changes relating to the Auditor's Office remodel as described by Ms. Sims.

**Vote on Motion to Amend:** Councilors McLain, Kvistad, McCaig, Morissette, Washington, and McFarland voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed unanimously.

Councilor Kvistad relayed his intention to amend the budget at a future date to move funds in the General Fund from the Unappropriated Balance to the Contingency Fund for a review of the Sports Authority. Councilor Kvistad also announced he would not vote to approve the Proposed FY 1995-96 Budget due to his concerns regarding Metro's continued and increasing dependence upon the excise tax for funding.

**Vote on Main Motion as Amended:** Councilors McCaig, Morissette, Washington, McLain, and McFarland voted aye. Councilor Kvistad voted nay. Councilor Monroe was absent. The vote was 5/1 in favor and the motion passed.

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6.2 Resolution No. 95-2135, For the Purpose of Endorsing Continued Funding for Amtrak Services

***Motion:*** Councilor Kvistad moved, seconded by Councilor McLain for adoption of Resolution No. 95-2135.

In the absence of Councilor Monroe, Councilor Kvistad briefly addressed the resolution which supports Amtrak and urges state and federal agencies to continue funding of Amtrak. Councilor Morissette asked that Senator Cedric Hayden be informed of the action.

***Vote:*** Councilors McCaig, Morissette, Washington, McLain, Kvistad, and McFarland voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed unanimously.

6.3 Resolution No. 95-2137, For the Purpose of Authorizing the Executive Officer to Execute Change Order No. 1 to Contract 903221 with the City of Portland for Recreation Development at Smith and Bybee Lakes

***Motion:*** Councilor Washington moved, seconded by Councilor Kvistad for adoption of Resolution No. 95-2137.

Councilor Washington introduced Jim Morgan, Parks and Greenspaces Senior Regional Planner, who reported on the resolution. According to Mr. Morgan, the amount of money to be compensated the City of Portland for design and management of trails and wildlife observation structures would be increased with this resolution. Full details of the change order are included in the staff report which is included as part of the meeting record.

***Vote:*** Councilors Morissette, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed unanimously.

7. COUNCILOR COMMUNICATIONS

Councilor Kvistad notified the Council that Bern Shanks, Metro's new Director of Solid Waste, is now on board.

Councilor Washington notified the Council that Bi-State Committee has been dissolved.

8. LEGISLATIVE ITEMS

None.

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Presiding Officer McFarland recessed the Council until 5:30 PM.

9. PUBLIC HEARING

9.1 Resolution No. 95-2138, For the Purpose of Adopting the 1995 Interim Regional Transportation Plan (RTP)

Resolution 95-2138 and 95-2139 were heard together.

9.2 Resolution No. 95-2139, For the Purpose of Amending the FY 1995 Metro Transportation Improvement Program to Allocate \$1.026 Million to Various Planning Activities and to Set Priorities for the Region 2040 Reserve

Andy Cotugno, Director of Planning, reported on Resolution Nos. 95-2138 and 95-2139. Resolution No. 95-2138 deals with the adoption of an interim Regional Transportation Plan (RTP). Finalization of the RTP will not occur until the Regional Framework Plan (RFP) is developed. According to Mr. Cotugno, in order to receive federal funds for the transportation improvements, Metro is required to maintain certification that it is meeting all federal requirements. The old RTP lapses after May and will no longer be valid. A factual background and analysis of the resolution is included as part of the staff report which is included as part of the meeting record.

Resolution No. 95-2139 would approve immediate allocation of \$1.029 million of the Region 2040 Reserve to carry out planning activity scheduled in the FY 1996 Unified Work Program, and would approve for further deliberation, projects totaling approximately \$50.3 million to the residual Region 2040 Reserve. Mr. Cotugno outlined a schedule of action to be taken toward designation of Region 2040 Reserve funds. The projects totaling \$50.3 million will be forwarded to JPACT at their May 18 meeting. Mr. Cotugno requested input of the Council at that meeting. The final recommendation, totaling \$27 million should be discussed at a public hearing before the Council during the first week of June. A factual background and analysis of the resolution is included as part of the staff report which is included as part of the meeting record.

Presiding Officer McFarland opened a public hearing on Resolution Nos. 95-2138 and 95-2139.

1. Ann Nickel, Columbia Corridor Association, PO Box 55651, Portland, OR 97238, appeared to speak in support of the NE Columbia/Lombard overcrossing, the Columbia/Burghard intersection improvements, the Columbia Blvd. signal intertie project, the 148th reconstruction, and the Marine Drive modernization to the terminal six entrance.
2. Larry Troyer, 11820 NW Vaughan Ct., Portland, OR 97229, appeared to speak in support of the Broadway/Weidler project.

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3. Burt Ferrish, Columbia Grain, Inc., 15660 N Lombard St., Portland, OR 97203, appeared to speak in support of the NE Columbia/Lombard overcrossing, the Columbia/Burghard intersection improvements, the Marine Drive modernization to the terminal six entrance, and the NE Columbia Blvd. improvements.
4. Robert Coleman, Total Logistics Resource, Inc., 5362 NW 112th, Portland, OR 97220, appeared to speak in support of the NE Columbia/Lombard overcrossing, the NE Columbia/Burghard intersection improvements, and the Marine Drive modernization to Terminal six entrance. Written testimony is included as part of the meeting record.
5. Greg Specht, 15400 SW Millikan Way, Beaverton, OR 97006, appeared to speak in support of full funding for Beaverton Creek, which has been downgraded from previously proposed improvements.
6. George Crandall, Architectural Foundation of Oregon, 950 Lloyd Center, Box 44, Portland, OR 97232, appeared to speak in support of the regional revolving fund of Metro's TOD implementation program. Written testimony is included as part of the meeting record.
7. Terry Griffiths, Woodstock Neighborhood Association, 4128 SE Reedway, Portland, OR 97202, appeared to speak in support of pedestrian improvements on Woodstock Blvd. between SE 39th and SE 50th.
8. Marilyn Coffel, Fred Meyer Public Affairs, 3800 SE 21st, Portland, OR 97242, appeared to speak on behalf of Cheryl Perrin, Fred Meyer senior vice president, in support of Metro's TOD implementation program.
9. Wally Hobson, Hobson, Johnson, & Associates, 610 SW Alder, Portland, OR 97205, appeared to speak in support of Metro's TOD implementation program.
10. Steve Rogers, Broadway/Weidler Corridor Coalition, PO Box 12735, Portland, OR 97212, appeared to speak in support of the Broadway/Weidler bicycle/pedestrian improvements. Written testimony is included as part of the meeting record.
11. Robert Price, Columbia Corridor Association, 233 SW Front Ave., Portland, OR 97204, appeared to speak in support of the Columbia/Lombard Overcrossing, the Columbia/Burghard intersection, the Marine Drive access to T6, and other improvements.
12. Barry Gross, Union Pacific Railroad, 1100 SW 6th, #1600, Portland, OR 97204, appeared to speak in support of PF6, the Albina overcrossing.
13. Bob Davis and Larry Eisenberg, Washington County, 155 N First Avenue, Suite 320, Hillsboro, OR 97124, appeared to speak in support of retail space in Washington County's new criminal justice facility.
14. Tim Swanson, Dan Steffey, Luis Zurita, and Ricardo Coria, Hacienda Community Development and Villa de Clara Vista Tenants Association, 5300 NE Cully, #55, Portland, OR 97218, appeared to speak in support of the NE Killingsworth/Cully Neighborhood redevelopment.
15. Jill Thorne, City of West Linn, PO Box 48, West Linn, appeared to speak in support of five projects, including improvements to Highway 43, submitted by the City of West Linn for consideration.

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16. Gussie McRoberts and Jack Gallagher, City of Gresham, PO Box 70, Gresham, OR 97030, appeared to speak in support of the Gresham Civic Neighborhood North/South collector and light rail station, the Springwater Corridor/190th sidewalks, the Fairview Creek Headwaters project, the Regional Transportation Management Association's TDMs for Milwaukie, Hillsboro, and Gresham, the Division signalization interconnect from 60th to NE 257th (Gresham).
17. Mike Monahan, Michael B. Monahan & Associates, PO Box 842, Gresham, OR 97080, appeared to speak in support of Metro's TOD implementation program.
18. Linda Bauer, Pleasant Valley Neighborhood Association, 6232 SE 158th, Portland, OR 97236, appeared to speak in support of Foster Road and Jenny improvements. Written testimony from the Centennial School District is included as part of the meeting record.
19. Marcy McNelly, American Institute of Architects, 315 SW 4th Ave, Portland, OR 97204, appeared to speak in support of Metro's TOD implementation program; both the regional revolving fund and the site improvement fund proposals.
20. Meredith Wood-Smith, Northeast Broadway Business Association, 2161 NE Broadway, Portland, OR 97232, appeared to speak in support of Broadway/Weidler Corridor improvements. Written testimony is included as part of the meeting record.
21. Steinar Christiansen, Gresham Development Co., 1607 SW Stephenson St., Portland, OR 97219, appeared to speak in support of Metro's TOD implementation program.
22. Rex Burkholder, Bicycle Transportation Alliance, PO Box 9072, Portland, OR 97212, appeared to speak in support of the Interim Regional Transportation Plan. (Res. No. 95-2138).
23. Chris Beck, Trust for Public Land, 1211 SW 6th Avenue, Portland, OR 97204, appeared to speak in support of \$7 million for the land acquisition revolving fund in Metro's TOD implementation program.
24. Paul Lambertson, Woodstock Community Business Association, 4804 SE Woodstock, Portland, OR 97206, appeared to speak in support of Woodstock pedestrian improvements.
25. Mark Reber, 1922 NE 13th Avenue, Portland, OR 97212, appeared to speak in support of at least \$4.5 million toward Metro's TOD implementation program.
26. Bob Stacy, Ball, Janik, and Novak, 101 SW Main, Suite 1100, Portland, OR, 97204, appeared to speak in support of Metro's TOD implementation program, stating the \$7 million proposal is preferable to the \$4.5 million proposal.
27. Mike McKillip, City of Tualatin, PO Box 369, Tualatin, OR 97062, appeared to speak in support of the 99W/Tualatin Road project.
28. David Zagle, Association of Oregon Rail and Transit Advocates, 3104 NE Schuyler, Portland, OR 97212, appeared to speak in support of Metro's Transportation Improvement Fund, and would include implementation the Tri-Met Strategic Plan, including fast link projects that are not included in the current proposal. He also spoke in support of using the reserve fund to complete the transit/bike/pedestrian network, and in support of the Interim RTP (Res. No. 95-2138).

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29. Don Donovan, 1208 N River, Portland, appeared to speak in support of PF6, the Albina overcrossing.
30. Ted Schneider, Lloyd District TMA, 825 NE Multnomah, Portland, OR 97232, appeared to speak on behalf of TMA Board of Directors, and the Oregon Arena Project in support of the Broadway/Weidler pedestrian/bicycle project. Written testimony is included as part of the meeting record.
31. Roger Millar, River District Steering Committee, 17355 SW Boones Ferry Rd, Lake Oswego, OR 97035, appeared to speak in support of the Lovejoy Ramp removal project.
32. Diane Rebagliati, Cully Association of Neighbors, 5908 NE Simpson, Portland, OR 97218, appeared to speak in support of Metro's TOD improvement program.
33. Patrick Prendergast, River District Steering Committee, 333 SW 5th Ave, #200, Portland, OR 97204, appeared to speak in support of the Lovejoy Ramp removal project.
34. Scott Leeding, Sunnyside United Neighbors CPO, PO Box 306, Clackamas, OR 97015, appeared to speak in support of Metro's TOD implementation program.
35. Claris Poppert, OMSI, appeared to speak in support of the Water Avenue extension.
36. Peter Fry, Central Eastside Industrial Council, 722 SW 2nd Ave, #330, Portland, OR 97204, appeared to speak in support of the Water Avenue extension project, and also Hawthorne Bridge improvements. Written testimony is included as part of the meeting record.
37. Sue O'Halloran, Gresham Downtown Development Association, 15 NE Third, Gresham, OR 97030, appeared to speak in support of high priority projects in Gresham, the Civic Center (N/S collectors and light rail station), and the possible role of the Downtown Development Association which can provide matching funding.
38. Mark Hickok, E.E. Schenk Co., 1404 SE 53rd, Portland, OR 97215 appeared to speak in support of the PF6 Lower Albina overcrossing.
39. Marty Brantley, KPTV, appeared to speak in support of the Water Avenue extension.
40. Dan Petracizch, Melvin Mark Properties, appeared to speak in support of the Water Avenue extension.
41. Gary Madson, Lower Albina Council, 931 N River St., Portland, OR 97227, appeared to speak in support of Lower Albina overcrossing, PF6.
42. Jim Faherty, Bunge Corp., 800 N River St., Portland, OR 97227, appeared to speak in support of the Albina overcrossing.
43. Jerry Novotny, Gresham Parks and Recreation Advisory Committee, 2109 SW Hartley, Gresham, OR 97080, appeared to speak in support of the 190th St./Springwater Trail Crossing improvements.
44. Ned Rosch, Central Northeast Neighbors, 5540 NE Sandy, Portland, OR 97213, appeared to speak in support of sidewalk improvements on Cully Blvd.
45. Dick Clark, Portland Rose Festival, 220 NW 2nd Ave., Portland, OR 97209, appeared to speak in support of reconstruction of SW Front Avenue.
46. Jay M. Mower, Hillsdale Vision Group, 6327 SW Capitol Highway, #105, Portland, OR 97201, appeared to speak in support of pedestrian improvements in the Hillsdale



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Town Center. He spoke in opposition to the reduction of funding for the Hillsdale project, based upon its ranking.

47. Wesley Risher, Wilson Neighborhood Association, 1027 SW Troy St., Portland, OR 97219, appeared to speak in support of full funding for Hillsdale pedestrian signals.
48. Lyn McClelland, Maritime Administration, US DOT, 915 2nd Avenue, #3196, Seattle, WA 98174, appeared to speak in support of Columbia/Burghard section improvements, the Columbia/Lombard overcrossing, and the Marine Drive improvements to terminal six.
49. David Tily, 8820 SE 162nd Ave, Portland, OR 97236, appeared to speak in support of 162nd, Foster and Jenny Road improvements.

There being no further business before the Council, the meeting was adjourned at 7:54 PM.

Prepared by,

Lindsey Ray,  
Council Assistant

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