

MINUTES OF METRO COUNCIL REGULAR MEETING

Council Chamber

May 11, 1995

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

Councilors Absent: Rod Monroe (Deputy Presiding Officer), Patricia McCaig

Presiding Officer McFarland called the May 11, 1995 Metro Council Regular Meeting to order at 2:03 p.m.

1. INTRODUCTIONS

None.

2. EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult With Outside Legal Counsel Regarding Litigation Related to Council Authority Under 1992 Metro Charter

Presiding Officer McFarland called the Executive Session to order at 2:05 p.m.

Present: Metro Councilors Jon Kvistad, Susan McLain, Don Morissette, Ed Washington, and Presiding Officer McFarland; Outside Legal Counsel Jim Mountain, Attorney at Law, Harrang Long Gary Rudnick, P.C.; Dan Cooper, Legal Counsel; Greg Nokes, Oregonian Staff; Cathy Ross, Assistant to the Presiding Officer; Casey Short, Council Analyst; John Houser, Council Analyst; Marilyn Geary-Symons, Council Assistant; Cathie Stimac, Municipal Dept. Videographer, Portland Cable Access.

Presiding Officer McFarland adjourned the Executive Session at 2:37 p.m.

Motion: Councilor Morissette moved that the Council instruct Mr. Mountain to file a motion in the Court of Appeals for a stipulated order vacating the trial court judgment and dismissing the appeal and then move to dismiss the case in Circuit Court. Councilor Washington seconded the motion.

Vote: Councilors McLain, Morissette, Washington and McFarland voted aye. Councilor Kvistad voted no. Councilors McCaig and Monroe were absent.

The vote was four to one and the motion passed.

3. CITIZEN COMMUNICATIONS

None.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. CONSENT AGENDA

5.1 Consideration of Minutes for the April 18, 1995; April 25, 1995; May 2, 1995; and, May 4, 1995 Council Meeting.

Motion: Councilor Morissette moved to adopt the Consent Agenda with additional Council meeting minutes included as noted by Presiding Officer McFarland; i.e. April 18, April 25, and May 2, 1995. Councilor Washington seconded the motion.

Vote: Councilors Kvistad, McLain, Morissette, Washington and McFarland voted aye.
Councilors McCaig and Monroe were absent.

The vote was unanimous and the motion passed.

6. RESOLUTIONS

6.1 Resolution No. 95-2142. For the Purpose of Confirming the Nomination of Steven D. Fosler as an Alternate Member of the Transportation Policy Alternatives Committee (TPAC)

Motion: Councilor Kvistad moved to adopt Resolution No. 95-2142. Councilor Washington seconded the motion.

Councilor Washington supported the confirmation of Mr. Fosler to TPAC. Presiding Officer McFarland acknowledged Mr. Fosler's presence at the meeting and welcomed him aboard.

Vote: Councilors Kvistad, McLain, Morissette, Washington and McFarland voted aye.
Councilors McCaig and Monroe were absent.

The vote was unanimous and the motion passed.

6.2 Resolution No. 95-2143. For the Purpose of Considering a Proposal for A Long Term Lease of the 250 Acre Wilsonville Tract.

Motion: Councilor Washington moved to adopt Resolution No. 95-2143. Councilor Kvistad seconded the motion.

Councilor Washington indicated he understood the purchase of the lands involved in the proposed resolution was contingent on passage of Ballot Measure 26-26.

Pat Lee, Planning and Capital Development Manager, presented the staff report, and said the terms of the proposal were such that passage of Measure 26-26 on May 16, 1995 would provide for moving forward with the acquisition proposed by Resolution No. 95-2143. In response to Councilor Morissette, Mr. Lee said the area indicated was considered a target area of the Greenspaces Master Plan. Mr. Lee indicated the tract was unlikely to be in urban reserves as it was considered agricultural lands for the most part.

Councilor Kvistad felt the proposal represented a good opportunity for working in partnership with the local jurisdiction.

Arlene Loble, City Manager, Wilsonville, noted Mayor Krummel of Wilsonville had asked her to come in his place. She extended thanks from the City of Wilsonville for the cooperative work in this matter. Rick Gustafson, 115 N.W. 1st Ave., Portland, Oregon, representing the City of Wilsonville, addressed the Council. He said Wilsonville proposed to lease the property in question from the state and pursue negotiations with the Division of State Lands regarding the 250 acres involved. He noted the basic proposal was for the City to pay \$18,000 per year to lease the property with an option to purchase and distribute the property based on a Master Plan with Metro and Clackamas County.

In response to Councilor Kvistad, Ms. Loble said the state was interested in leasing the land at this time. In response to Councilor Washington, Ms. Loble said the property in question was originally part of the Dammasch Hospital property. She added there was a long history regarding this acreage for possible use for a number of facilities from hospital expansion to jail to landfill.

Vote: Councilors Kvistad, McLain, Morissette, Washington and McFarland voted aye.
Councilors McCaig and Monroe were absent.

The vote was unanimous and the motion passed.

6.3 Resolution No. 95-2141, For the Purpose of Entering Into a Multi-Year Contract With the Most Qualified Proposer By Authorizing Issuance of a Request for Proposals for Technical Assistance, Fiscal Analysis and Intergovernmental Coordination for the South/North High Capacity Transit Study

Motion: Councilor Kvistad moved to adopt Resolution No. 95-2141. Councilor McLain seconded the motion.

Leon Skiles, Transportation Planning Manager, presented the staff report, and said the proposed resolution would authorize the issuance of a Request for Proposals for the South/North High Capacity Transit Study. He highlighted areas that would be prepared under the proposed contract: 1) Purpose and Need; 2) Evaluation Methodology Process and Report; 3) Alternatives Considered; 4) Transit and System-Wide Transportation Impacts; 5) Financial Analysis; 6) Evaluation; 7) Design Concept and Scope Refinement Report; 8) Federal Land Use and Economic Benefits Criteria.

Mr. Skiles said the work to be done was complimentary to the work for the DEIS recently approved by the Metro Council. He noted the term of the contract was through December, 1996.

Councilor Kvistad offered an amendment to the proposed resolution, and distributed a document containing amended language. This document has been made part of the permanent meeting record.

Councilor Morissette referenced the staff report in which it was stated that the "Metro Council is specifically requested to waive further review of the final contract with the most advantageous Proposer." He asked why the Council would not be reviewing the final contract. Mr. Skiles responded there were two actions required by Council on a multi-year contract; one was release of the RFP, and the second was the authorization for executing the RFP. He said those actions could potentially be done in one step rather than two, and indicated that was the request.

In response to Councilor Morissette, Mr. Skiles said the amount of the contract was \$250,000 with \$25,000 in contingency for other work that might come up, total amount \$275,000.

Councilor Morissette indicated he would be interested in the contract coming before the Council for review.

Mr. Skiles noted the term of the current contract was through June 30, 1995, and discussed the possibility of a lapse in time.

The Council discussed amending the language to include a point in time for review.

Richard Brandman, Assistant Director, Transportation Planning, recapped Councilor Morissette's comments, clarified Councilor Morissette's request was to bring the contract back to the Council to discuss the RFP process, who responded, who was selected, who was being negotiated with, and for what amount, prior to execution of the contract by the Executive Officer.

Presiding Officer McFarland called for a recess at 3:14 p.m. in order that language might be drafted for Councilor Morissette's proposed amendment.

Presiding Officer McFarland reconvened the meeting at 3:23 p.m.

Mr. Cooper indicated amended language to accomplish Councilor Morissette's intent to have the contract come back before the Council for approval the amendment would be as follows: to strike the words "and authorizes the Executive Officer to execute a multi-year contract with the most advantageous proposer" in the first paragraph of the BE IT RESOLVED, placing a "period" after the words "Scope Refinement Report." He said with that language then under the Contract Procedures Code this contract must come back to the Council for final approval before it could be executed.

Motion to Amend: Councilor Kvistad moved to amend Resolution No. 95-2141 to read as follows in paragraph 1 of the BE IT RESOLVED:

“BE IT RESOLVED, that the Metro Council hereby approves the issuance of ~~an the RFP substantially similar to the No. 90-4099~~ as attached to provide technical, financial and intergovernmental coordination assistance for the South/North Transit Corridor Study through to the completion of the Draft Environmental Impact Statement and the Design Concept and Scope Refinement Report, ~~and authorizes the Executive Officer to execute a multi-year contract with the most advantageous proposer.~~”

Mr. Short noted that similar wording should be deleted from the resolution title as well.

Vote on Motion to Amend: Councilors Kvistad, McLain, Morissette, Washington and McFarland voted aye. Councilors McCaig and Monroe were absent.

The vote was unanimous and the motion passed.

In response to Councilor Washington, Mr. Brandman said the “interview committee” consisted of representatives from Tri-Met, ODOT, Metro and local jurisdictions. There was further discussion regarding the composition of the interview committee. Councilor Washington advocated for a component on the interview committee of citizens from the region. Presiding Officer McFarland requested the Council be provided with a list of the committee membership. Mr. Brandman indicated he would do so.

Vote on Main Motion as Amended: Councilors Kvistad, McLain, Morissette, Washington and McFarland voted aye. Councilors McCaig and Monroe were absent.

The vote was unanimous and the motion passed to adopt Resolution No. 95-2141A as amended.

7. COUNCILOR COMMUNICATIONS

Councilor Kvistad referenced a memorandum dated May 1, 1995 from Mike Burton, Executive Officer, regarding a series of seven scheduled public meetings in May and June pertaining to the public involvement phase of the Regional Solid Waste Management Plan planning process, and encouraged Councilors to be involved. This document has been made a part of the permanent meeting record.

Councilor Morissette indicated he had received a request from a group of citizens in his district representing the Gladstone’s Clackamas River Preservation Association to read a letter dated May 6, 1995 containing their concerns regarding Ballot Measure 26-26 into the record. Councilor Morissette noted he was placing a list of the signatures and telephone numbers of these citizens in the record as well. This document has been made a part of the permanent meeting record. Councilor Morissette acknowledged their invitation to a neighborhood meeting held May 3rd, and noted he had a Future Vision public meeting conflict the night of this group’s meeting. Councilor Morissette emphasized these citizens were concerned about someone else deciding what would happen to their property rather than themselves. He said he hoped the information provided them and other groups in the region by the agency that condemnation was to be used only as a last resort to just link the last piece of property between a number of other parcels. He said he hoped no condemnation proceeding would ever be considered for a whole section of property under 26-26. He commented the Greenspaces Master Plan contained language clearly stipulating “willing buyer/willing seller,” and said he hoped the citizens now opposed would become supportive as they were important to the process. Councilor Morissette said we could not take people’s property from them, and he said their concerns were valid. Presiding Officer McFarland affirmed Councilor Morissette’s remarks regarding the language in the Master Plan stipulating “willing seller.”

Councilor McLain thanked the Councilors who attended the Future Vision listening posts recently held throughout the region, noting Councilors Washington and McFarland had attended the Gresham meeting and Councilors Morissette and Kvistad had attended the Lake Oswego meeting.

Councilor McLain indicated the Lake Oswego forum would be broadcast on cable starting May 11 at 6 p.m. on Channel 21, and she said it would be broadcast on Channel 59 as well as Channel 27 through June 2.

Councilor McLain thanked Councilors who attended the Metro Policy Advisory Committee meeting held the evening of May 10, 1995, regarding revision of the RUGGO's and said she had asked Council Analyst Casey Short to assist over the next few months on the process.

Presiding Officer McFarland thanked Councilor McLain for attending the meeting today noting she had done so with a adverse circumstances involving a broken ankle.

7. LEGISLATIVE ITEMS

Merrie Waylett, Director of the Office of Government and Public Relations, addressed the Council and discussed several legislative items including SB 1114 and SB 132. Ms. Waylett noted SB 132 would put Metro on Seismic Safety Commission as a voting member, and she said the bill had passed out of committee.

Ms. Waylett noted HB 3460 would set fees for hazardous waste disposal was being considered at this time. She said the matter was under further review by Metro staff to determine amount of impact.

Larry Shaw, Senior Assistant Council, noted SB 1114 dealt with secondary lands and said that other bills had been included in SB 1114.

8. COUNCILOR COMMUNICATIONS

Councilor Washington noted a project was occurring at Metro on Saturday involving high school students from throughout the region, starting at 8:00 a.m. until 12 noon.

Councilor McLain acknowledged Bob Bothman, Vice Chair of the Metro Committee for Citizen Involvement, was present and noted MCCI members had been present at all of the Council meetings for the last month.

There being no further business, the meeting adjourned at 3:53 p.m.

Respectfully submitted,

Marilyn E. Geary-Symons
Council Assistant