

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 27, 1995

Council Chamber

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

**Councilors Absent:** None

Presiding Officer McFarland called the meeting to order at 7:01 PM.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. CONSENT AGENDA

4.1 Consideration of Minutes for the July 20, 1995 Metro Council Meeting

4.2 Resolution No. 95-2180, For the Purpose of Amending the Non-Represented Employee Pay Plans

Councilor Monroe moved approval of the Consent Agenda. In a vote of those Councilors present, the motion passed unanimously.

### 7. RESOLUTIONS

The Council heard Resolution No. 95-2182 out of order to accommodate the citizen participants.

7.3 Resolution No. 95-2182, For the Purpose of Appointing Claire Stock, Clarice White, and Frank Bird to Three Expiring Terms on the Metro Central Station Community Enhancement Committee

The Clerk read the resolution by title only.

***Motion:*** Councilor Kvistad moved, seconded by Councilor Washington for adoption of Resolution No. 95-2182.

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***Vote:*** Councilors McCaig, Morissette, Monroe, Washington, Kvistad, McLain, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Following adoption of Resolution No. 95-2182, which resulted in the appointment of Claire Stock, Clarice White, and Frank Bird to the Metro Central Community Enhancement Committee (MCEC), Councilor Kvistad introduced Katie Dowdall, Community Enhancement Coordinator, who in turn introduced the new MCEC members.

## 5. ORDINANCES - FIRST READINGS

### 5.1 Ordinance No. 95-612, Amending the Urban Growth Boundary for the Subject Property of Urban Growth Boundary Contested Case 95-01: Harvey/ Washington County, Located Along the Tualatin Valley Highway

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

Presiding Officer McFarland asked Todd Sadlo, Senior Assistant Counsel, to explain Metro's role as a quasi-judicial body in these proceedings. Mr. Sadlo reminded the Council that land use decisions are quasi-judicial, and when considering an Urban Growth Boundary (UGB) amendment Councilors should be careful not to talk to any party with regard to the issues in the application off the record prior to making a decision. If Councilors have spoken with anyone about Contested Cases 95-01 or 95-03, that conversation would need to be placed in the record and an opportunity for rebuttal given.

Presiding Officer McFarland introduced Larry Epstein, Hearings Officer, who addressed Contested Case 95-01; an application by Washington County. In reporting to the Council he referred to documents entitled "Findings, Conclusions, and Final Order," and "Hearings Officer Report and Recommendation," which are included as part of the meeting record.

Mr. Epstein recommended approval of the petition without conditions.

Steve Larrance, 20660 SW Kinnaman Road, Aloha, OR, appeared before the Council to comment in favor of the application. According to Mr. Sadlo, the record with regard to Contested Case 95-01 is closed, so Mr. Larrance's comments will not be entered into the record. However, the Metro Code says that the Council will take public comment at the first reading of the Ordinance, even though the official record is closed. Mr. Larrance indicated the comments he planned to make were already part of the record. He distributed a copy of letters that had already been placed into the record before it was closed by Mr. Epstein.

### 5.2 Ordinance No. 95-613, Amending the Urban Growth Boundary for Contested Case 95-03: Jenkins Estate, to Include 68 Acres of Park Property Located in Washington County

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

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Mr. Epstein addressed Contested Case 95-03 amending the UGB. In reporting to the Council he referred to documents entitled "Findings, Conclusions, and Final Order," and "Hearings Officer Report and Recommendation," which are included as part of the meeting record.

Mr. Epstein recommended approval of the petition subject to the following condition: "The subject property may be used only for park and openspace purposes, and related incidental accessory activities, such as day camping, concerts, and weddings, and similar personal, cultural, and business events."

Councilor McLain asked for a definition of the "incidental accessory activities" language in the condition, stating it seemed open-ended. Mr. Epstein stated the terms "incidental" and "accessory" are commonly used terms in land use regulations and are familiar to adjudicators of land use cases. Councilor McLain also asked about water quality issues pertaining to approval of the application. Mr. Epstein responded that Unified Sewerage Agency rules apply whether or not the land is within the UGB.

Jim McElhinny, Tualatin Hills Park and Recreation District, appeared before the Council to comment in favor of the application. He indicated he supports the conditions placed upon the petition.

Councilor Morissette asked Mr. Epstein asked about the requirements for changing the UGB. Mr. Epstein responded that there are two ways to get approval of changes to the UGB on a case-by-case basis. One is to apply for a locational adjustment, and the other is to apply for a natural area locational adjustment. He provided details of these two types of applications.

Dave Siegel, Tualatin Hills Park and Recreation District, addressed a question by Councilor McLain pertaining to how many trips are currently made to the property on a daily basis, and how many trips are projected in the future. Mr. Siegel responded that approximately 50,000 people visit Jenkins Estate annually, and this figure is not anticipated to change.

Councilor Kvistad asked Mr. Sadlo to clarify the process for approving the Hearings Officer's recommendations with or without conditions. Mr. Sadlo said that the Council does not need to approve the recommendations, but it adds to the process because the findings need to support the conclusions that were made by the Hearings Officer. Councilor McLain said if Council does not agree with Mr. Epstein's recommendations, it is appropriate to tell Mr. Epstein at this time. Mr. Epstein informed the Council that he will be out of town and, therefore, unavailable before the next Council meeting.

Councilor Morissette said it would be helpful to review the UGB amendment process at a future Planning Committee meeting. He said the rules should be reviewed for possible revision to allow for more councilor input. Mr. Sadlo said the procedures for amending the UGB are very unique. He then read language describing the process.

Without objection both ordinances were moved to Council for second reading.

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**6. CONTRACT REVIEW BOARD**

Presiding Officer McFarland recessed the Council Regular Session and convened the Contract Review Board.

**6.1 Resolution No. 95-2179, For the Purpose of Authorizing an Exemption From Competitive Bidding and Authorizing Sole-Source and Multi-Year Contracts to AGRA Earth and Environmental, and Antech Analysis Technology for Sampling and Testing of Yard Debris Compost**

The Clerk read the resolution by title only.

***Motion:*** Councilor McLain moved, seconded by Councilor Monroe for adoption of Resolution No. 95-2179.

Councilor McLain addressed Resolution No. 95-2179, which would authorize Metro to enter into a sole-source contract with AGRA Earth and Environmental, and Antech Analysis Technology for sampling and testing. It was discovered there were inconsistencies in contract documents. Councilor Kvistad requested that it be sent back to the Solid Waste Committee for clarification.

***Vote:*** The Resolution was remanded to the Solid Waste Committee and a vote to adopt it did not take place.

Presiding Officer McFarland adjourned the Contract Review Board and reconvened the Council Regular Session.

**7. RESOLUTIONS**

**7.1 Resolution No. 95-2181, For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI)**

The Clerk read the resolution by title only.

***Motion:*** Councilor McLain moved, seconded by Councilor Kvistad for adoption of Resolution No. 95-2181.

Councilor McLain introduced Resolution No. 95-2181 which would accept Chris Utterback, Lisa M. Umscheid, and Kay Durtschi for membership to the Metro Committee for Citizen Involvement.

***Vote:*** Councilors Morissette, Monroe, Washington, Kvistad, McLain, McCaig, and McFarland voted aye. The vote was 7/0 in favor, and the motion passed unanimously.

Following the vote, Councilor McCaig stated she had not received notification of the selection process of the citizen applicants living in her district. Councilor McLain explained

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the process and assured Councilor McCaig that she would be notified of the nomination process in the future.

**7.2 Resolution No. 95-2172, For the Purpose of Authorizing an Exemption From the Competitive Bid Process and Authorizing Issuance of RFP #95R-17-SW for a Commercial Food Waste Composting Project - Site and Processing Services**

The Clerk read the resolution by title only.

Councilor Kvistad requested that Resolution No. 95-2172 be returned to the Solid Waste Committee for further review. Presiding Officer McFarland remanded the resolution back to committee as requested.

**7.4 Resolution No. 95-2174A, For the Purpose of Adopting Public Involvement Policies for Regional Transportation Planning and for Local Jurisdictions Submitting Projects to Metro for RTP and MTIP Consideration**

The Clerk read the resolution by title only.

***Motion:*** Councilor Washington moved, seconded by Councilor Monroe for adoption of Resolution No. 95-2174A.

Councilor Washington addressed resolution No 95-2174A, which would adopt the Public Involvement Policy for Regional Transportation Planning and the Local Public Involvement Policy for local jurisdictions submitting projects to Metro for inclusion in the Regional Transportation Plan (RTP) or the Metropolitan Transportation Improvement Program (MTIP).

***Vote:*** Councilors Monroe, Washington, Kvistad, McLain, McCaig, Morissette, and McFarland voted aye. The vote was 7/0 in favor, and the motion passed unanimously.

**7.5 Resolution No. 95-2176A, For the Purpose of Amending the FY '95 Transportation Improvement Program to Allocate \$27 Million of Region 2040 Implementation Funds**

The Clerk read the resolution by title only.

***Motion:*** Councilor Kvistad moved, seconded by Councilor Washington for adoption of Resolution No. 95-2176A.

Councilor Kvistad addressed Resolution No. 95-2176A which would amend the FY 1995 MTIP to allocate \$27,201,000 of State and Regional STP funds to fund projects selected from the 2040 Implementation Program process.

He asked that the Council return the resolution to JPACT, to amend JPACT's recommendations on expenditure of the \$27 million by adding \$4 million to the TOD Revolving fund. A discussion of Councilor Kvistad's request is included in the committee report to the resolution and is included in the meeting record.

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***Motion to Amend Main Motion:*** Councilor Monroe moved, seconded by Councilor Morissette to amend Resolution No. 95-2176A by substituting the Minority Report for the Committee Report.

Councilor Monroe explained the basis for his submission of the Minority Report which would adopt Resolution No. 95-2176A as approved by JPACT. The Minority Report was distributed to councilors, and a copy is included as part of the meeting record.

Presiding Officer McFarland opened a public hearing.

Evelyn Brzezinski, President of the Beaverton City Council, appeared before the Council to speak in support of JPACT's recommendation to fund for the Mel/Henry Street connection project. She read a letter from Beaverton Mayor Rob Drake a copy of which has been entered into the meeting record.

Meeky Blizzard, representing the city of Portland and Commissioner Earl Blumenauer, appeared before the Council to speak in support of JPACT's recommendation and the Minority Report.

Mike McKillip, City of Tualatin, appeared before the Council to speak in support of JPACT's recommendation to fund the 99W/Tualatin Road/124th Intersection improvements and the Minority Report.

Presiding Officer McFarland closed the public hearing.

Councilors discussed at length the Council's involvement in the process for developing JPACT's recommendation. Following councilor discussion, Councilor Monroe closed by stating every step possible had been taken to ensure Council was involved in the \$27 million decision.

***Vote on Motion to Amend Main Motion:*** Councilors Washington, McCaig, Morissette, and Monroe voted aye. Councilors Kvistad, McLain, and McFarland voted nay. The vote was 4/3 in favor and the motion passed.

***Vote on Main Motion:*** Councilors Kvistad, McLain, McCaig, Morissette, Monroe, Washington, and McFarland voted aye. The vote was 7/0 in favor, and the motion passed unanimously.

7.6 Resolution No. 95-2177. For the Purpose of Adopting Amendments to the Federal RTP Proposed by the Cities of East Multnomah County

The Clerk read the resolution by title only.

***Motion:*** Councilor Washington moved, seconded by Councilor Monroe for adoption of Resolution No. 95-2177.

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Mike Hoglund, Transportation Planning Manager, reported on Resolution No. 95-2177, which would adopt amendments to the federal RTP proposed by the Cities of East Multnomah County.

***Vote:*** Councilors McLain, McCaig, Morissette, Monroe, Kvistad, Washington, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

### 7.7 Resolution No. 95-2183. For the Purpose of Amending the FY 1995 Metro Transportation Improvement Program to Update the Regional Transit Program

The Clerk read the resolution by title only.

***Motion:*** Councilor Kvistad moved, seconded by Councilor Monroe for adoption of Resolution No. 95-2183.

Councilor Kvistad reported on Resolution No. 95-2183, which would amend the FY 1995 Metro TIP to incorporate revisions to the regional transit program identified in Exhibit "A" of the Resolution. The resolution moves \$10 million into new start-up construction funding for South/North LRT for Tri-Met. A copy of Exhibit "A", and the Committee and Staff Reports are included as part of the meeting record.

***Vote:*** Councilors McCaig, Morissette, Monroe, Washington, Kvistad, McLain, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

## 8. COUNCILOR COMMUNICATIONS

Councilor Morissette thanked councilors for their attendance at the Damascus 2040 event. He also commented on a letter from Morgan, Cox, and Slater, LTD. which asked why commercial and industrial land inventories had not been studied by Metro. Councilor Morissette thought this was a good question, and stated that resource research will be done to ensure that all types of land are available. Lastly, he distributed comments of the city of Tigard Planning Commission with regard to 2040. Copies of these documents are included as part of the meeting record.

Councilor Kvistad said the city of Tigard Planning Commission notes were originally presented as a preliminary draft of information they wanted the City Council to act on. The city of Tigard did not approve the document because of its negative tenor.

Councilor Washington gave a brief update on the status of city of Portland/Metro Consolidation Advisory Committee meetings. Discussion to date has focused on gaining an understanding of the operational and financial requirements, and a history of the PCPA and the Civic Stadium. The committee has made no specific recommendations or decisions to date. Future discussions will cover funding alternatives, ownership, and governance issues.

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Councilor McCaig said she was disappointed to read The Oregonian editorial which was inaccurate and irresponsible. She said the Council was taking every step to move in a direction The Oregonian desired. She suggested councilors contact The Oregonian to express their displeasure with the editorial.

Councilor McLain reported that she, the Regional Water Supply Plan steering committee, along with Mike Burton, Executive Officer, Councilor Kvistad, and Rosemary Furfey, Senior Regional Planner, met together to talk about water issues as they relate to the regional framework plan and charter mandates.

Councilor Morissette offered congratulations to Councilor Monroe for his work on the RTP.

Councilor Monroe reported that the next Cascadia Conference will be held in Portland on September 16, and he encouraged everyone's attendance.

There being no further business before the Council, Presiding Officer McFarland adjourned the meeting at 9:04 PM.

Prepared by,

A handwritten signature in black ink, appearing to read "Lindsey Ray". The signature is fluid and cursive, with the first name "Lindsey" written in a larger, more prominent script than the last name "Ray".

Lindsey Ray  
Council Assistant

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