

MINUTES OF THE METRO COUNCIL MEETING

April 1, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Deputy Presiding Officer McLain convened the Regular Council Meeting at 2:04 PM and announced that Presiding Officer Monroe was conducting Metro business at an editorial board and would be present shortly.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, 3205 SE 8th #9, Portland OR 97214, said that the I-5 corridor extension was not appropriate for the South North Light Rail. He suggested that the Central City Streetcar could utilize the alignment to get across the Broadway Bridge. (The audiotape did not pick up the rest of his comments.)

Deputy Presiding Officer McLain thanked Mr. Lewellan for his comments.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Deputy Presiding Officer McLain said there were no action items at MPAC.

Councilor Atherton said MPAC had agreed to send a letter to the legislature urging a public hearing on a bill that would change the 20-year land law.

6. METRO LEGISLATIVE UPDATE

Jeff Stone, Chief of Staff, said HB 2512, the business licensing bill, passed the Senate and was on its way to the Governor's office. Mr. Phelps had been in contact with Governor Kitzhaber, and a veto is not anticipated.

Mr. Stone reported on two other bills of interest, Senate Bill 1031 and Senate Bill 1062. SB 1031 was the minor boundary-change bill; SB 1062 was the conservation easement bill. Both have been assigned to the Senate General Government Committee and would be acted on quickly.

SB 87 passed out of committee with a three-to-two vote and would be going to the full Senate for discussion. A number of other bills of interest to Metro were pending. Ray Phelps had been asked to find out which ones 'had legs' and which ones were foundering in committee.

Mr. Dan Cooper, Legal Counsel, said SB 838 was another bill relating to parks acquisitions in Exclusive Farm Use (EFU) zones. Mr. Phelps was working to get all three of the Senate bills of interest scheduled for public hearings before the senate's deadline, tentatively set for April 23, 1999. Bills not heard before then were unlikely to have time to move through both houses before the legislature adjourns in June. As bills continued to appear, some which might be of interest to Metro, they would all be closely watched.

Presiding Officer Monroe arrived and presided over the remainder of the meeting.

Councilor Park referred to SB 87 and asked if the amendments that were discussed had been incorporated into the bill.

Mr. Cooper said that the legal department had not seen the printed "A" engrossed version, although Mr. Phelps had stated that some of the amendments that were proposed had been included in the bill. Other amendments were being discussed and their fates were unknown.

Councilor Park asked if a recommendation would be forthcoming from the Metro Legal Department.

Mr. Cooper said none of the amendments that had been proposed before the work session would cause the Legal Department to change its recommendations that Metro remain neutral on the bill. He said if the Council opposed the bill for other reasons--for example, if it objected to the basic idea of the state's imposing a 20-year land-supply anywhere-it could do that. But as a technical matter, the bill would not require anything that Metro was not already doing.

Councilor Park said he would like to get a clarification on the final bill.

Mr. Cooper said that would be forthcoming as soon as printed copies were available.

Councilor Bragdon referred back to SB 87. He said some MPAC members had expressed concern that some of their proposed amendments had not made it into the final bill. He suggested tracking that. He also expressed concern over the impression that the bill would simply ratify what Metro was already doing. He said according to recent statements made by Metro's executive officer, that would not be the case. Rather, the bill would impose a big workload on Metro staff and could significantly affect the outcome of Urban Growth Boundary (UGB) decisions. He said he understood that Mr. Phelps had been requested to portray that Metro was already doing what the bill would require conceptually, and that its plans included goals 9 and 14 in terms of the economic vitality of the region. Metro had been conducting surveys of industrial lands. Councilor Bragdon said that was very different from what would be required by SB 87 in terms of staff requirements and in that it would require looking backwards five years rather than forward five years.

Mr. Stone agreed with Councilor Bragdon. He said as soon as the bill was printed, it would be subject to heavy scrutiny. He said that at any time Councilors wanted an opinion on any bill--and he had a complete list of those being tracked--he or Mr. Cooper stood ready to assist.

Presiding Officer Monroe said Mr. Phelps had made it clear in Salem that Metro would prefer for this bill to go away. He said Metro's lack of support for this bill had been made clear. He said that although the amendments would improve the bill, they would still not make it a good bill.

Councilor Atherton said if he understood Presiding Officer Monroe correctly, Metro's stance was not neutral. If Mr. Phelps had been told it was, that message was incorrect. He said furthermore, no vote had been taken declaring Metro's neutral stance on this bill. He thought Metro should clearly communicate its opposition to this bill. He also said that in his view SB 87 would be an offensive, unwarranted intrusion by the State of Oregon into local affairs, and in that regard HB 87 was an unfunded mandate and poor planning. He thought Metro should oppose the bill on those grounds.

Presiding Officer Monroe responded to Councilor Atherton's concern. He said the reason a stronger stand had not been taken in opposition to the bill was that it might actually increase support on the part of some state legislators. He said they were trying to exercise the best strategy to get the best result.

Councilor Atherton said he thought times have changed, and he thought Metro had a duty to clearly communicate with the State Legislature what was in both Metro's and the State of Oregon's best interests. He urged making communication with Salem as clear as possible.

Councilor McLain said in response to Councilor Atherton, in some years the committee had voted on Metro Council's stance on various State Legislature issues. This year there have been times when the Metro Council did not know how the final bill would read. It had therefore sent language to Mr. Phelps to ensure that should the bill pass, it would be the best it could be. She thought Councilor Bragdon's concern and Councilor Atherton's were two different things. Councilor Bragdon was reflecting MPAC's concern that its language had not been incorporated into the bill so that were it to pass, it would neither create a situation Metro could not live with, nor a situation with unintended consequences. She said there were two questions here: 1) did Metro believe they should request any kind of land supply? or 2) did Metro believe that the terminology in the document itself was something it could live with or define and use?

Councilor McLain agreed with Councilor Atherton that if a bill came out of a state legislative committee in its final form and was ready to go to the floor, then it would be appropriate for the Council to vote on how it stands on that bill. She said she did not think any of the legislation had yet reached that point, and she did not think it would be appropriate to vote on language that might not be in the final version.

Councilor Atherton understood a bill was going to the Senate floor. He said that he would not want Metro's lobbyist to portray Metro as neutral on this bill when that was not the case. He thought the newspaper had done that.

Councilor Bragdon asked about the status of the gas tax bill.

Mr. Cooper said the good news was that the gas tax bill came out of Representative Montgomery's committee as a \$.04 increase in the gas tax, to take effect fairly soon and without

any sunset. It included and a \$10 increase in vehicle registration fees. The bad news was that the bill would next go to the House Revenue Committee for further hearings and more work, and it might not come out of that committee in the same shape it went in. He said Representative Montgomery had taken his cues from the House leadership and kept the increase to no more than \$.04, but tried to maximize the dollar amount that would translate into. He then recommended that most of the increase be sent to cities and counties. The dollar amount would be the equivalent of what a \$.06 increase would have done in the first two years. Mr. Cooper said the "A" engrossed version of that bill was available, but it might be premature to study that version because it was not yet on its way to the House floor.

Presiding Officer Monroe said he had talked with Representative Montgomery after the bill left his committee. Representative Montgomery said he was under orders from the Speaker not to exceed a \$.04 increase in the gas tax. He tried to maximize the revenue from that \$.04 increase and took the sunset clause off before sending the bill to the Revenue Committee. According to Representative Montgomery, Representative Strobeck, who chairs the Revenue Committee, supported the bill and would protect it as best he could in committee.

Councilor Kvistad added that Representative Montgomery, who came from Hood River, had been a solid supporter of good transportation funding for the entire state.

Presiding Officer Monroe said Representative Montgomery was a politician from the "old school" of moderates who worked with moderates from the other party to accomplish something for everyone.

Councilor Atherton, regarding whether the Council should vote on this bill, noted that the newspaper had reported that this bill would be on the floor of the Senate next week. He said that if the Council wished to vote on its stance on this bill, it should do so quickly. He suggested discussing this at the Council/Executive Work Session on Tuesday. He said next Thursday would be too late.

Presiding Officer Monroe asked Mr. Cooper what the timeline was.

Mr. Cooper said the bill was amended in committee and sent on to the floor. He said he did not have a printed copy of either the formal amendments or the 'A' version of the bill. He offered to check on that and report back before the meeting adjourned.

Presiding Officer Monroe said he believed the rules would allow the Council to entertain a motion at any time in support of or in opposition to any piece of legislation.

Councilor Atherton said the MPAC decision asking for a hearing on HB 2595, which would go directly to the mandate to provide a 20-year supply of land for housing, was along the same lines. He asked whether the Council wanted to weigh in on this as well and add its voice the MPAC letter urging a hearing on this matter.

Presiding Officer Monroe said MPAC had voted and the Council could, too.

Motion: **Councilor Atherton** moved to send a letter to the House General Government Committee, its chair, and to the speaker requesting a hearing on HB 2595, the bill that would repeal the mandate for the 20-year land supply.

Seconded: **Councilor Park** seconded the motion.

Discussion: **Councilor Atherton** said that the letter would reflect the deliberation and recommendation of MPAC. He concurred with it. He said this proposal deserves an open discussion.

Councilor Park said that he would like to make a friendly amendment to the motion, and that would be to include all types of legislation similar to HB 2595, which discussed the 20-year land supply. He said the issue in general needed to be discussed, whether it was that bill or another like it. He said he was aware of at least two others.

Presiding Officer Monroe said the motion at hand was made concerning a specific bill; motions on other bills should be made separately. Presiding Officer Monroe asked Mr. Cooper for the status of HB 2595.

Mr. Cooper said that as of the end of last week, it had been assigned to the House of Representatives General Government Committee and no hearing had been scheduled.

Councilor Washington clarified that a yes vote on the motion at hand would simply indicate support for MPAC's request that a public hearing be held on HB 2595.

Presiding Officer Monroe replied in the affirmative.

Councilor Washington asked whether a member of the Council would need to be present at the hearing, should it be held.

Presiding Officer Monroe said that he assumed someone would need to represent the Council whether that be a member of the Council or a lobbyist or a public relations person.

Councilor Park said he supported MPAC's request. He thought it was important to discuss the issues. He thought it was important, in light of SB 87's moving through, that the impacts of this be understood. He thought the original premise needed to be re-examined.

Councilor Washington said if the Council requested a hearing, would it not be appropriate to articulate Councilor Park's concerns in the letter? He said that in the event a hearing was not held, the impacts of the decision should be conveyed anyway.

Presiding Officer Monroe suggested that the wording of the letter be approved by all the Councilors and particularly by Councilor Atherton, who made the motion to send it, and Councilor Park, who seconded the motion.

Councilor Bragdon asked whether Mr. Cooper had been charged with drafting MPAC's letter and if so could he summarize its contents?

Mr. Cooper said the letter was to be written by one of Executive Officer Mike Burton's staff.

Councilor McLain said she supported sending the letter. It simply requested that Metro Council would like to discuss this issue to answer a few simple questions: Was it good four years ago? Was it good now? If not, why was it not good? What implications did it have for cost to this agency? If we eliminated this law, was a replacement needed? How should the issues be addressed that were lined out in HB 2709? Even if these issues were not addressed this

legislative session, at least they would have been raised and perhaps would be addressed next session.

Presiding Officer Monroe asked if Council could have a copy of the letter.

Mr. Cooper said the draft letter had not yet been reviewed yet by the Chair of MPAC, so any version they might see would not be a final one.

Presiding Officer Monroe said he had heard that this bill would not see the light of day. Agreements between interested parties had been reached that effectively killed this legislation. He invited Councilor Atherton to close on his motion.

Councilor Atherton echoed Councilor McLain's eloquent and simple statement and the simple wisdom of it, that the letter would be a clear and straightforward communication. He said he had talked with members of the legislature and found them open to this point of view. They agreed that this was an important matter that needed to be discussed.

Presiding Officer Monroe summarized the motion, which was to send a letter to the House General Government Committee, its chair, and to the Speaker of the House, urging them to hold a hearing on HB 2595. He called for the vote.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting no.

Councilor Kvistad said that he would like it noted in the record and in the letter that he did not support this letter.

Presiding Officer Monroe requested that the letter clearly state the vote was six to one.

7. CONSENT AGENDA

7.1 Consideration of meeting minutes of the March 18, 1999, Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of March 18, 1999, Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 99-799**, Confirming the Readoption of Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

Presiding Officer Monroe assigned Ordinance No. 99-799 to Council for the April 15th meeting.

8.2 **Ordinance No. 99-800**, For the Purpose Of Amending a Solid Waste Franchise Granted to USA Waste Of Oregon, Inc., Doing Business as Metropolitan Disposal and Recycling Corporation, to Operate The Forest Grove Transfer Station, and Declaring An Emergency.

Presiding Officer Monroe assigned Ordinance No. 99-800 to the Regional Environmental Management Committee.

9. RESOLUTIONS

9.1 **Resolution No. 99-2756**, For the Purpose of Approving the FY 2000 Unified Work Program.

Motion: **Councilor Bragdon** moved to adopt Resolution No. 99-2756.

Seconded: **Councilor McLain** seconded the motion.

Councilor Bragdon said that this resolution adopted the Unified Work Program, which was a requirement of the federal government for the transportation program. This was due every July 1. It was on a cycle slightly ahead of Metro's own Regional Transportation Plan (RTP), so it could be subject to revision as those proceed. The federal government required that this be adopted. It had been approved by the Joint Policy Advisory Committee on Transportation (JPACT).

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.2 **Resolution No. 99-2758A**, For the Purpose of Adopting Filing Fees for Quasi-Judicial and Administrative Amendments to the Urban Growth Boundary.

Motion: **Councilor Bragdon** moved to adopt Resolution No. 99-2758A.

Seconded: **Councilor Washington** seconded the motion.

Councilor Bragdon said that this resolution proposed to increase filing fees for Urban Growth Boundary amendments. Those fees had not been reviewed since the early 1980s and had not kept up with inflation. This came forward with unanimous approval from the Growth Management Committee.

Councilor McLain called the committee's attention to the proposed fees presented in exhibit A to the resolution. An amendment to the resolution would require a review of these fees every five to seven years.

Councilor Kvistad asked what the current fees were. He requested someone to walk him through the proposed increases.

Councilor Park said paragraph 2 of the staff report listed the costs as approved in 1986.

Councilor Bragdon said the attachment also showed Resolution 86-684, approved on August 29, 1986, which also itemized the fees. They had not changed since then.

Councilor Kvistad said he would not vote for a fee increase until he knew how much the increase would be.

Councilor McLain said that the 1986 document, Attachment A, contained language as follows: 'for locational adjustments, the total cost shall not exceed \$2500.' It could be anywhere up to \$2500. She noted that in the new Exhibit A, those costs were broken out into three tiers--a major

amendment, a locational adjustment, and a roadway realignment. She said experience had shown that this deposit did not cover Metro's actual costs. The recoverable costs associated with the processing of a 1998 locational adjustment petition actually ranged from \$4000 to \$6000.

Councilor Kvistad stated the roadway realignment application fees were going from \$25 to \$750. Locational adjustments were going up from \$1500 to \$6000 and major amendment petitions a maximum of \$5000 was going up to \$10,000 filing fee. He pointed out that the new fees were a great expense for a normal family to have to assume. He asked if there were any waivers for family applicants as opposed to corporations.

Elaine Wilkerson, Growth Management Services Director, said that any moneys not expended were refunded to the applicants. Attachment B showed there was a range of costs in 1998. An initial administrative deposit of \$2700 was requested. If that proved insufficient, more money had to be requested. She said that she did not like to ask for more money given that not all recommendations were necessarily favorable. It seemed more appropriate that the deposit be more in line with actual costs. If actual costs were less, the excess would be refunded to the petitioner. The biggest cost had historically been the cost of the hearings officer. That cost depended on the number of people who testified and the number of hearings required. In recent years, the costs of the hearings officers alone had routinely exceeded the deposit. The three tiers were created to reflect the actual costs associated with those applications.

Councilor McLain said that the fees reflected were ceilings, not flat fees. In the past when there were hardships, the Council had forgiven some of the in-house costs, although they had not been able to do that for the cost of the hearings officers. She said people were happier knowing up front what the maximum cost could be rather than finding out later their deposit was not enough.

Councilor Park said 13 years was too long to review a change in fees. He thought that was one of the reasons the increases had to be so steep. He said a five-year period would be more appropriate. He asked if the Council had a hardship policy for those who might have difficulty paying the fees.

Councilor Kvistad said he understood that any changes to fees would require an act of Metro Council. There was an appeal process that could be made to the Council, but there was no set policy for hardship cases.

Councilor Park asked Ms. Wilkerson if the program was designed to be revenue-neutral.

Ms. Wilkerson said that was absolutely correct.

Councilor Washington stated he had difficulty with this. He said the increases represented too much money. He said even five years was too long to wait to review fees; they should be reviewed annually. He asked if public hearings had been held on this resolution.

Ms. Wilkerson said the matter had been discussed at the Growth Management Committee, but she was not aware of a formal public hearing.

Councilor McLain said that staff brought this to the Growth Management Committee. The Committee felt staff had done a good job of reviewing what the actual costs were over the past five years and especially within the last year. Staff was trying to respond to a public concern, and that was knowing up front what the maximum cost of a filing could be up front. The Committee had discussed the fact that it had been 13 years since the fees had been reviewed; the fact that the

proposed fees were large. She said the choices at hand were A) voting it out today; B) sending it back to committee, or C) making some other suggestions to staff for a process for changing filing fees. She said she would be comfortable with any of those options.

She said last year the staff had been put in the awkward position of having to ask petitioners for more money to cover costs. The majority of petitioners had stated they would rather pay up front than be asked for more money later.

Councilor Washington said his concern was not meant as a criticism of the Growth Management Committee. He recommended that this issue go back to committee before coming back to Council. He said it was not the public's fault that these fees were not raised in the past 13 years. He said he could not support the resolution without more discussion and study.

Councilor Atherton responded to the Councilor Washington by stating that the increases were associated with the general planning process, he would agree; however, they were not. There were special requests to change the Urban Growth Boundary. This was something special for specific individuals. Those costs would need to be covered. He thought they were reasonable, and he urged that they be passed immediately.

Councilor McLain said the petitioners last year did not pay \$1500, but closer to \$4000 to \$6000. Petitioners said that they did not like being told that the fee was \$1500 and then learn later that they would need to put up more money.

Presiding Officer Monroe asked if there were additional comments. Seeing none, he asked Councilor Bragdon for a close.

Councilor Bragdon said that based on the staff report and the discussion of the committee, he believed the proposed fees would be reasonable, and he urged a yes vote.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilor Washington and Kvistad voting no.

9.3 **Resolution No. 99-2761**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2761.

Seconded: **Councilor Kvistad** seconded the motion.

Councilor Atherton proposed an amendment to the resolution. He indicated that over the years the Council had routinely approved the Unified Work Program. He said it was a self-certification that had three parts. The first part told the federal government Metro had used federal money as it was intended. It affirmed that this was a Metropolitan Planning Organization (MPO) and that the entire region was integrated in the planning. He said in his view, Metro clearly did that. The second part affirmed that Metro did planning, that it had a regional transportation plan, that it planned for projects, that it had a Transportation Improvement Program (TIP), and that it had a funding process. Clearly Metro complied with that part. The third part of the program called for planning factors. He said it was not clear to him that Metro had done that. He suggested postponing this self-certification until June, after the funding decisions had been made-- particularly with the Priorities 2000 process that was still in progress.

Presiding Officer Monroe said this resolution had come forward from JPACT, and the Council could not amend resolutions that came from JPACT. The Council could send them back to JPACT with recommendations, but it could not amend them.

Councilor McLain said she assumed Councilor Atherton was referring to the planning factors under item number six, which were very broad. She said all the projects on the TIP had to meet those guidelines before they could make the list. All of them had been discussed at least three times with these guidelines in mind. She agreed with Councilor Atherton that it was always a good idea to be certain goals had been met, but she did not think the certification process should be delayed in this case for that reason. In her view, all the projects met the general factors. She suggested that the Transportation Planning Committee keep track of how the transportation projects and the RTP update met the general goals. She thought the vote should go forward on this time-sensitive issue and that Councilor Atherton should have an opportunity to discuss these issues further.

Presiding Officer Monroe said he had called a special Metro Council workshop to be held Tuesday, April 6, 1999, at 1 PM to review the 150% TIP decision-making process.

Councilor Kvistad said he had had only a few minutes to speak with Councilor Atherton on this matter. He had wanted to make certain Councilor Atherton could bring his concerns forward to Metro Council. He said Metro was just certified this past year on the five-year certification by the federal government that Metro met the federal criteria.

Councilor Atherton said a number of citizens had called him about this matter. He said he was new to this process.

Councilor Kvistad said Metro had been allowed to self-certify because of the way it had operated--it had set a standard for the way MPOs operate. He recommended the Council go forward with this document and continue discussions for Councilor Atherton's sake at the committee level. He said Metro had \$75 million to allocate, and the challenge would come when it came time to allocate it.

Presiding Officer Monroe again summarized the way the Council worked with JPACT and the rules for dealing with resolutions and amendments. He emphasized that the relationship and legislative processes were different from those with the Metro Policy Advisory Committee (MPAC).

Councilor Bragdon said he shared Councilor Atherton's concerns. However, he urged support for the certification to enable Metro to obtain the federal money. He said this would be so Metro did not find itself in the same situation as Atlanta, which was denied federal funds. He urged going ahead with the self-certification, which indicated that Metro understood the factors. Then ensure compliance when money was allocated to various TIP projects next week.

Presiding Officer Monroe said he had called the special meeting workshop for April 6 to allow the Council to discuss the 150% cut list before it went to JPACT the morning of April 8 and before it came back to the Council for approval that afternoon. He apologized for the short notice.

Councilor Kvistad invited the Council to sit in on the public hearing on the 150% cut, to be held on April 6, 1999, at 5:30 PM, and to sit in on the JPACT meeting on April 8 at 7:30 AM.

Councilor Washington encouraged the entire Council to be at the public hearing on April 6 and at JPACT on the morning of April 8. He said the certification that would be passed today was only the beginning. The real test would come when the Council tried to allocate very meager resources for a major amount of work that needed to be done in this area..

Councilor Atherton said he appreciated the conversation. He said that this resolution stated Metro had complied with federal requirements before he personally could verify that it had. He asked what he should tell constituents in his community who lived right next to I-205. These people's backyards had a 12-foot-high wall to help block out the noise, yet you could not carry on a conversation in their homes because of the noise. Their kitchen counters were covered with black grit in their homes from rubber tires on the highway. What should he tell those people? Would it be valuable to tell JPACT that the Council would not to approve this until it was known for sure that the federal money had been used properly.

Presiding Officer Monroe called for the vote.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Atherton voting no.

9.4 **Resolution No. 99-2762**, For the Purpose of Authorizing Construction of a New Hall D at Expo.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 99-2762.

Seconded: **Councilor Washington** seconded the motion.

Councilor Kvistad said he was one of the few 'no' votes about taking over the Expo Center and the regional parks, but today he believed in it and urged the Council to support this resolution. When Metro inherited Expo from Multnomah County, the halls needed considerable repair. The first new building, a 108,000 ft² facility to host the Smithsonian exhibit, was built with no additional taxes to the public. Since then that hall had been booked nearly to maximum. Because of the unqualified success of that building with the public and for the agency, Resolution 99-2762 proposed to proceed with phase two of a three-phase Expo rebuilding and reconditioning project. This would replace Hall D, a former animal barn, with an 80,000 ft² hall equipped with air-conditioning and with food service facilities. The building could be ready to serve as a temporary facility to house events that might be displaced by construction connected with expansion of the Oregon Convention Center. This would be a \$15.8 million project funded from existing revenue bonds, incurring no additional taxes. It would pay off a loan Intel made to build the first facility. He said this was a great opportunity and investment and he urged support for this resolution.

Councilor Washington thanked Councilor Kvistad for his leadership and stewardship of this project. He pointed out that, except for the new building, the facilities out there were not in the best of shape. He urged a 'yes' vote for this project.

Councilor McLain said she supported this project. She said the fact that no new taxes would be needed to fund this project was important to her.

Councilor Atherton echoed Councilor McLain's comments. He thanked Councilor Kvistad for his work on this project.

Councilor Park said he supported this proposal and appreciated how it worked with other things Metro was trying to do for the region. He said the new facilities were badly needed and he appreciated that they could be built with no additional public revenues.

Presiding Officer Monroe thanked Councilor Kvistad for bringing this project along in spite of those who said it could not be done without sacrificing other needs. He thanked Councilor Washington for his support and noted that this would be in his district. He also thanked Executive Officer Mike Burton who was involved in the negotiations as well as Mark Williams and other officials from MERC who were involved and would be managing this facility. He promised that the bonds would be well managed, and he expected that in the not-too-distant future, Halls A, B, and C would also be replaced.

On a related subject, he announced that there would be a press conference at 9:00 AM on April 2, 1999, in the Convention Center parking lot to introduce plans for expanding the Oregon Convention Center and, with passage of this resolution, expansion of Expo as well.

Councilor Kvistad said this project was important to him since so many of the existing facilities were not up to code for seismic reasons. The choice was to bring them to code or replace them. He emphasized the value of doing this expansion without asking the taxpayers for more money. He promised the public a world-class facility that would maximize what they had invested already. He thanked those who supported this. He also thanked two former councilors, Ruth McFarland and Lisa Naito, who had worked very hard to bring this project to fruition. He also thanked Metro's partners at the county and city and the citizens of the region. He urged approval of this resolution.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.5 **Resolution No. 99-2760**, For the Purpose of Authorizing the Executive Officer to Begin the Process to Finance the Construction of Hall D at the Expo Center.

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2760.

Seconded: **Councilor Kvistad** seconded the motion.

Councilor Washington said this was a \$15.8 million project that was going to be solely financed through revenue bonds and revenues from the facilities. This resolution directed the Executive Officer to start the financing process to get the bonds available for sale. He noted Attachment A, which showed the timeline.

Councilor Kvistad added that he and other Councilors would like to see this move forward as quickly as possible to try to meet the construction season this year.

Councilor Washington asked if the request made by Councilor Kvistad needed to be included in the form of an amendment. Presiding Officer Monroe said no.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.6 **Resolution No. 99-2767**, For the Purpose of Appointing Kathy Clair to the Water Resources Policy Advisory Committee.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2767.

Seconded: **Councilor Park** seconded the motion.

Councilor McLain said there Kathy Clair was elected in November of 1998 to replace Gary Clark on the Washington County Soil and Water Conservation District. This would name her as his replacement on Metro's Water Resources Policy Advisory Committee, also. Ms. Clair had been attending meetings as a non-voting member for the past month, and Metro looked forward to having her as a voting member.

Councilor Park said he did not know Ms. Clair personally, but he knew the reputation of the Washington County Water Conservation District. It's progressive and worked hard on the Tualatin Basin area. He looked forward to having their expertise on the committee.

Councilor Kvistad said he knew Ms. Clair and felt she would be a terrific addition to the committee.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed

Presiding Officer Monroe recessed the Metro Council and convened the Metro Contract Review Board.

10. CONTRACT REVIEW BOARD

10.1 **Resolution No. 99-2765**, For the Purpose of Authorizing Amendment No. 3 to Contract No. 920197 with URS Greiner, Inc.

Motion: **Councilor Park** moved to adopt Resolution No. 99-2765.

Seconded: **Councilor McLain** seconded the motion.

Councilor Park said as a business person this resolution made him uncomfortable, because it requested additional funds to cover a dispute in the contract. URS Greiner constructed a latex paint recycling building on the South Metro Transfer Station. Due to a change in orders coupled with miscommunication among Metro's contract managers and the contractor, the project had incurred cost overruns. Under these conditions, he would not ordinarily support paying the charges. However, the Regional Environmental Management (REM) staff had assured him changes were made in their procedures to ensure this would not happen again. He noted that the amount requested represented a negotiated amount that was considerably less than what had originally been requested. He urged support to fix the situation this time.

Councilor Washington said when this issue came before REM Committee, Mr. Warner had been very up front about the situation. He had presented the information and assured the committee they would make sure this did not happen again. He did not think this situation was intentional or anyone not doing their work. He urged the support of the council.

Councilor McLain praised Mr. Warner on his handling of the issue. She said he did not just accept the bill, but analyzed the bill and negotiated a fair payment based on the actual work done. She said she understood that work had been authorized without seeking staff or Council approval; however, steps had been taken to ensure that this would not happen in the future. She felt that the department understood this was a real issue.

Councilor Kvistad said he did not like these kinds of situations, even though he understood how they happen. He said this was \$26,000 of the public's money that was on the table. He said these situations were of great concern to him because the Metro Council had a double responsibility to do a good job with public money. He suggested making it clear this kind of situations was not to happen again, and if it happened again someone would be held accountable. He would support the amendment to the contract but felt it was something that must be watched.

Councilor Park appreciated all of the Council comments. He said he would not support this if he thought this could happen again. He thought the building itself, as a paint-recycling facility, would provide a valuable service to the public. He understood that so far it was performing its function well. He felt overall the building was a "win," but he wished it had not happened with the extra dollars.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Presiding Officer Monroe reconvened the Metro Council.

11. COUNCILOR COMMUNICATION

Councilor Atherton recalled an earlier conversation about SB 87 and asked if Mr. Cooper had a report for the Council about any changes in that bill. He noted that the Council had a question as to whether it was timely to send a message to the legislature now as opposed to next Thursday (April 8).

Councilor Park thanked the Councilor Kvistad for the souvenir from his latest trip.

Councilor Kvistad said he had enjoyed his vacation to Paris, but he had been in the middle of a street riot where 10,000 to 15,000 Serbians were throwing minor grenades protesting the Kosovo incident. He jested that it reminded him of taking votes on the Urban Growth Boundary.

Mr. Cooper said regarding SB 87 that Mr. Phelps said the bill had come out of committee, but it had not yet gotten to the Secretary's desk. He said because there were amendments, the bill still needed to go through a lengthy procedure, making it extremely unlikely that it would be voted on before next Thursday. Mr. Phelps said he would follow up to verify that, so the Council could discuss it.

Presiding Officer Monroe said that this issue could be added to the discussions on the I-TIP already scheduled for the Transportation Planning Council Work Session next Tuesday, April 6, at 1:00 p.m.

Mr. Cooper said that by that time, they would have a better idea if SB 87 would be under consideration on Thursday, April 8th. He guaranteed it no vote would be taken on the Senate floor before Tuesday, April 6th.

Presiding Officer Monroe said he thought the vote would be early in the week following the week of April 5.

Councilor Atherton said that the timeline should be fine. He said some of the information from proponents of this bill could be characterized as pure baloney. He thought it was important to counter that.

Presiding Officer Monroe asked that Mr. Cooper and Mr. Stone provide an update on this bill at the 1:00 PM Transportation work session.

Councilor McLain said that MPAC and its chair sent a letter on March 31st to the chair of the Ways and Means Transportation Subcommittee to support the TGM grants and the TGM grant program. She said those planning dollars had been helpful in building connectivity with our town centers and regional centers. MPAC made a suggestion that this Council might also want to write a letter to support those TGM grants. She asked the Council if it would be willing to let the Presiding Officer sign such a letter indicating Council support for the TGM program and for the comments made by MPAC.

Presiding Officer Monroe called for objections; no one came forward. He said he would send the letter.

Councilor Atherton thanked the Council and the presiding officer about the discussion of the transportation planning program and the certification process. He said he felt the public appreciated the forthright discussion the Council had on these concerns.

Councilor Bragdon said that in that discussion, Councilor Atherton had posed a question that remained unanswered and that was, what do we tell citizens who are calling us who are interested in the transportation issues. He offered his answer; tell them about the hearings, the RTP, and about the certification that was adopted today, which underscored safety as one criterion and efficient use of existing assets as another. He said to urge the public to make sure Metro lived up to what it said it wanted to do.

Presiding Officer Monroe reminded the Council of the public hearing was on Tuesday, April 6th, at 5:30 PM in the Council Chamber.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:05 PM

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
040199c-01	4/1/99	Record relative to Resolution No. 99-2756 and 99-2761	TO: Metro Council FROM: Dick Jones	Res No. 99-2756 and 99-2761
040199c-02	4/1/99	Comments on Resolution No. 99-2756, 99-2761, 99-2767	TO: Metro Council FROM: Liz Callison	Res No. 99-2756, 99-2761, and 99-2767

