

MINUTES OF THE METRO COUNCIL MEETING

June 3, 1999

Council Chamber

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

Councilors Absent: David Bragdon, Jon Kvistad (both on Metro business)

Presiding Officer Monroe convened the Regular Council Meeting at 2:08 p.m.

1. INTRODUCTIONS

Councilor Washington introduced George Middle School students who would be presenting an environmental modeling study. He noted that he had just been on a canoe tour of the area and enjoyed it very much. He thanked the students for their efforts. He asked Charlie Ciecko to come forward.

3. ENVIRONMENTAL MONITORING STUDY AT SMITH AND BYBEE LAKES WILDLIFE AREA.

Charlie Ciecko, Regional Parks and Greenspaces Department Director, was excited to have this group of students present their study today. He said he and his department had been briefed about a year ago about the project by Ginny Rosenberg, a teacher at George Middle School. He said the study had been in progress since 1997 in partnership with the Fish and Wildlife Service, PSU, Metro and the school. He reported he was so impressed with the project he asked the students to present to the Council. He introduced the teachers.

Ginny Rosenberg, George Middle School teacher and participant in a PSU Title 11 Urban Ecosystem Program grant whose goal was to turn classroom work into information useful to the community. She commented that working with the Urban Ecosystem Program and the biologists from Metro had precipitated a question to her students as to why they attended school. Their answers all pertained to the future and she was truck with the fact that none of them answered with regard to "now". She said these students had come to understand they attended school to be active citizens.

Robbi Osborn, George Middle School teacher, thanked the council and the Parks and Greenspaces folks who had been involved in helping with the study, specifically Emily Roth and James Davis. She noted the experiences of this project were invaluable to the students.

Keira Dium, student, explained the Smith and Bybee Lakes wetlands project they had been working on for 3 years. She showed maps and aerial photographs of the area and explained why the dam had been built there and why it should be removed.

Rochelle Barry and **Jennifer Cha** reviewed the map delineation process and how the digitizer worked to produce graphs of the area. They showed graphs of wetland forest and open water with plant life present in the area.

Josh Boes, Daniel Fortier, Ariel Chavan, Julie Bounmasanoh and Bounmy Sitthiso showed aerial photographs from different time periods showing the progress of the fill, open water and wildlife habitat in the area. They noted that when the dam was removed it would help the area's natural habitat for shorebirds and invertebrates and help the water in the lakes become fresher and more beneficial to wildlife. They suggested getting data on water depth and keep photographic records to compare the progress of the area. They noted that they had learned how all the elements of nature were connected and dependent on each other. The students thanked everyone involved in helping them with the project.

Councilor Atherton said he was unaware the dam was scheduled for removal. He asked when it would be done.

Mr. Ciecko said they were hoping to take the dam out. They were sorting out some funding and legal issues at this time. The ultimate plan was to remove the dam and restore the natural tidal fluctuations of the lakes.

Councilor McLain thanked the students for their presentation. She said they had done a great job getting their message across, both visually and verbally.

Councilor Park added that he was impressed with the quality of the presentation. He thought it was very thorough and well done. He thanked them for coming.

Councilor Washington asked the students who had not spoken to introduce themselves. (They did, but not into the microphone so the names were unintelligible.) The Councilor continued that this was one of the finest presentations he had seen from students. He thanked PSU for their involvement in the project and urged the council to take the canoe tour with Ms. Roth.

2. CITIZEN COMMUNICATION

Linda Bauer, 6232 SE 158th, Portland, OR 97236. read quotes from a letter written on July 8 from a Portland City staff person to the city engineer in response to a question from Commissioner Hales' office. "Please note: these improvements will only provide a marginal capacity improvement for this intersection. The volume to capacity ratios for this intersection will be exceeding one by the time currently approved developments are fully occupied. In order to provide for long range capacity, Foster Road would have to be developed as a 5 lane roadway. This is not being proposed." Then, in February, a staff person wrote "the surrounding major street system and intersections are currently operating at or near capacity. The additional 35 lots and approximately 335 additional trips will further impact traffic in the area. The pre-application notes requested that the traffic study analyze how a fully improved SE 152nd to Barbara Welch Road would help address the congestion and accident data in the area. This analysis was not done. Transportation Planning is concerned about the increased traffic and congestion the subdivision will create in already over, or at, capacity. The design process has begun for improvements at the major intersections, which when built, should relieve some of the congestion, but these improvements are not built and the true impacts of the developments will not be known until the area is built out." The final quote from staff, from February of this year, was "The applicant is proposing access be connected through Hawthorne Ridge via 152nd to Bybee. The additional traffic from this development will increase the traffic impact on 152nd to excessive levels for a local service street. Therefore, traffic management will support this street configuration with the extension of improvements on 152nd south to Ogden Drive." She said they were talking about development on the hill that used to be pasture land. They had approved a subdivision of 296 lots

with only one through street in the entire subdivision. Traffic Calming said maximum for a local service street was 1,000 and this subdivision was approved with 3,000 trips. She said developments were added and now that one through street had to handle 5,000 trips per day.

Councilor Park thanked Ms. Bauer for her presentation. He asked what had occurred in discussions with the City of Portland regarding their concerns.

Ms. Bauer said the traffic engineer thought the street classification might be changed from local service street to arterial so there would be no reason to complain because arterials carried 5,000-10,000 trips a day. She asked the council to endorse the grant application for the city of Portland and if the city was granted an extension on their Title 6 work that it be very short because other developments were ghosted in without local service streets. She said it was getting out of hand.

Councilor Park asked Councilor McLain if she knew if the extension mentioned would be coming out of Growth Committee

Councilor McLain commented that a third set of compliance plans would be coming before council shortly and asked staff if this particular extension had already been voted on. She did not think so, but wanted to be sure.

Councilor Atherton appreciated Ms. Bauer's presentation because she had raised an issue which was fundamental to the purpose of this agency which was to protect shared resources between communities, and special regional assets such as transportation. He believed Foster Road was a regional asset.

Presiding Officer Monroe said yes, they had just approved this part of the MTIP process, some bridge improvements and intersection improvements in the area.

Councilor Atherton noted that part of that was fish friendly as well as a safety issue related to some intersection work, but said the overall issue was the buildout impacts. He asked if Portland was collecting a Systems Development Charge adequate to increase capacity on Foster Road.

Ms. Bauer said she did not know if it was adequate. She said the \$7 million request was denied for Foster at Barbara Welch.

Presiding Officer Monroe said her testimony was helpful and important, and although it was primarily the City of Portland's issue, they did talk to each other and he would forward the concern.

Brian Lightcap, 13342 NW Newberry Rd, Chairman of the West Multnomah Soil Water Conservation District, 2115 SE Morrison, Portland, OR 97214 provided written testimony (a copy of which can be found in the permanent record of this meeting) and explained that he was elected to this position and their sole mission was environmental and conservation issues. He noted he had been an advocate for removing the dam at Smith & Bybee Lakes for over 20 years and was interested to see the school kids were working on that project still. He said he would be glad to answer any questions about his letter of testimony regarding their selection to WRPAC.

Presiding Officer Monroe called for questions.

Councilor Atherton asked if this issue had been brought before their board and was told it had been and they concurred with the decision noted in the letter and were fully responsible for it.

Councilor Atherton asked if anyone from Metro had contacted him about this issue.

Mr. Lightcap said he has spoken to Councilor McLain briefly and he had been chastised for that by Mike Houck, although Mr. Houck said he did support the nomination.

Councilor McLain told Mr. Lightcap that they were delighted to have the support of his group on WRPAC. She said the water and soil conservation districts were important contributors to the committee.

Mr. Lightcap commented that about 15 years ago he was the "Liz Callison" of the Wildwood Landfill. He thanked the council for their time.

Presiding Officer Monroe asked about a letter he had written to Mr. Lightcap.

Mr. Lightcap said he had received the letter, but due to circumstances beyond his control, he was remiss in not showing it to Ms. Callison. He said, however, he had fully briefed her about her responsibilities and she was fully aware of them.

Presiding Officer Monroe wanted Mr. Lightcap to understand that the council wanted his conservation district represented at WRPAC, but the Metro council had the authority to approve or disapprove nominees. He said the council had chosen not to approve Ms. Callison's nomination and respectfully asked Mr. Lightcap to submit another name to be their representative to WRPAC.

Mr. Lightcap reiterated that his letter of testimony said they did not intend to do that. He said they wanted a responsible, knowledgeable person on the WRPAC committee, and they did not have any other options. He said the best he could do was be her alternate. He requested them to reconsider her. He was sure it could be worked out.

Presiding Officer Monroe said maybe the council should not have the authority to approve or disapprove, but they did have.

Mr. Lightcap said perhaps they did.

Presiding Officer Monroe said they did have the authority, and the majority of the council chose not to approve the appointment. He said he had not heard that any of them had changed their mind, so when and if he was ready to submit another nominee, the council would consider it.

Mr. Lightcap said if councilors were willing to divulge their reasons, they could do that, but it would be public record. He said their elected board would be fully responsible for their representative, and though they knew that came with some risk, they were willing to take that risk. He said he would be glad to discuss personalities at another council meeting or at a future board meeting but they would not submit another person. He said he would take whatever means necessary, and perhaps the conservation districts now on Metro would withdraw as they tried to work pretty closely together. He said he was aware this was a confrontational issue and it was the Metro council's responsibilities to approve or not. He said over the years as chairman, he had always had a liaison he would meet with quarterly. He noted that the West board had a lot of

constituency outside the Metro boundary and it was sometimes not apparent who they had to meet on the Metro council, because since they considered it an urban council they did not think about it much. He said if the Metro council could suggest somebody to meet with him on a quarterly basis to discuss whatever issues the council had with the representative, he could be the go-between and meet with her. He suggested that as a way to ease into this relationship with WRPAC.

Councilor Park commented that he was not sure how much of West Multnomah County was outside the Metro boundary, but noted a substantial amount of land in his district, represented by East Multnomah County, was outside the boundary. He said a significant part of Clackamas County was also outside the boundary. He felt a rural perspective was provided, and as a working farmer, he felt he also had a good perspective of rural concerns. He asked Mr. Cooper if issues what had been brought up here should be discussed at a formal setting or privately as suggested. He was a little uncomfortable with how they might be proceeding.

Dan Cooper, Office of the General Counsel, answered that he would be happy to give advice about the consequences of saying things during council meetings where they were acting in their official capacity as a councilor versus what rules applied outside as a private citizen. He would not say do it one way or the other, but would give advice about the potential consequences either way.

Councilor McLain offered, as chair of WRPAC, to attend Mr. Lightcap's meetings, talk to him on a quarterly basis, or do anything else to help work through this new relationship with advisory committee responsibilities.

Mr. Lightcap answered that they were taking a rest at this time. He noted they had worked on the Sturgeon Lake restoration project, and before that the Wildwood Landfill and regional siting process which they took to the state level. He said there were times when the committee was very active and times they were less active. He said they were in a building period now. He mentioned that they had the best board composition he could recall at this time with farmers, foresters, activists, and community representatives. He said they had decided to make themselves more accessible to the public by meeting around the region instead of just at the Multnomah County planning building. He said the last meeting had been at the grange and the July meeting would be at the Audobon House. He said he would communicate the locations of the meetings to Councilor McLain. He felt the biggest challenge to his committee was making sure the public knew they were available and able to assist people in getting funds for their water quality projects.

Councilor Washington asked Mr. Cooper when this council takes action on a nomination, up or down, were they obligated to meet and try to resolve the differences of why they voted the way they voted. He felt the council

Mr. Cooper said they had no legal obligation to do so.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. AUDITOR COMMUNICATIONS

Alexis Dow, Auditor, presented her report on the Household Hazardous Waste Program. She introduced Leo Kenyon, staff auditor responsible for the report. By way of background, she reported that the Hazardous Waste Program processed approximately 2.3 million pounds of hazardous waste last year, serving approximately 30,000 customers at a cost of \$2.8 million, and generated only about \$108,000 in revenue. She reported there were two permanent collection facilities and explained the elements of the program. She reported that although the expenses were quite high relative to the revenues, they were staying fairly level, about \$2.8 to \$3 million. She said a consultant brought in a couple of years ago to compare the program to other hazardous waste programs concluded that Metro's Household Hazardous Waste Program was much more comprehensive than most other programs and also cost more. It was recommended that Metro enhance its already strong monitoring of hazardous waste by conducting periodic customer surveys to help continue public education and expand the utilization of the program. They also recommended focusing on managing costs rather than reducing them and improving cost efficiency by increasing the reclamation of paint. She reported that Metro had, in response to the recommendations, done customer surveys and made an effort to increase the cost efficiency and reclamation of latex paint. She said of the 3 customer surveys, the first was an intercept survey where they stopped 534 patrons at events and facilities to survey them about recycling paint. The second was a telephone survey that focused on other matters which found the greatest barriers to using Metro facilities was their distance. She noted costs had decreased significantly since 1996 because as the costs stayed fairly stable, the volume of hazardous waste handled was up significantly, thus making the cost per pound down and efficiency up. She showed a chart with comparisons of paint reclamation and explained the recovery and recycling process. She said currently the recycled paint was given away, but soon there would be a new latex recycling plant on-line that would cost approximately \$761,000. She reported the plan now was to recycle the paint through that facility and sell it rather than give it away. The expectation now was that they would sell approximately 86,000 gallons of paint. The plan was to sell the recycled paint to the general public for \$3 a gallon and to governments and non-profits for \$2 a gallon. She said if they sold the paint for those prices, they would recover their direct labor and material costs but none of the costs associated with constructing the facility. She noted that other states were selling their recycled paint at much higher prices, i.e. Atlanta County, NJ, sold a gallon for \$8 a gallon and Ohio sold it for \$15-17. She understood the paint coming through the new facility would be a medium grade paint.

Councilor Atherton asked how the market price of recycled paint was determined.

Ms. Dow responded that some government agencies were directed to buy recycled material when it was available, even if it cost a little more. She said the price depended on the quality of the paint and once that quality was determined, they could compare prices on the market.

Councilor Atherton asked if they collected more paint, would the system work better and keep the costs lower.

Ms. Dow said only to the extent that the fixed cost would be spread over a greater base and the depreciation on the new latex facility would be a fixed cost.

Councilor Atherton suggested that charging governments for the higher rate, another option might be to use fire stations as collection points because the personnel there was trained to handle hazardous materials. He asked if they had ever considered collecting a deposit from the sellers of hazardous materials to cover adequate disposal.

Leo Kenyon, Auditor, said Metro Regional Environmental Management had been considering different ways to charge at the front end. Nothing had been implemented. He noted it had, in fact, been considered in this report.

Councilor Park wondered if there was a demand for recycled paint or if they would just be storing more paint if they raised the cost.

Ms. Dow said there had been a preliminary decision to sell the recycled paint to recover the direct costs. If in fact it was a medium grade paint, there was the ability to collect more than direct costs. Based on their preliminary inquiries, she believed there was a market for the paint.

Councilor Park wanted to know how large the market was for paint, recycled or not. He wondered how many gallons local governments went through.

Ms. Dow said they were giving it away right now, so there was some use for it.

Councilor McLain asked if satellite events for household hazardous wastes had been included in the figures reported under "Other Programs".

Ms. Dow answered that the report addressed that in the "Elements of the Report".

Councilor McLain knew there were a number of neighborhood events but wanted to know if it included household waste. She asked if the surveys had covered only those 2 facilities or if it included the neighboring events.

Ms. Dow said the intercept survey occurred both at events and at the facilities.

Councilor McLain said her second issue was paint grade. She found the thesis of this report very good but felt it was important for the number to be "x" amount because different places would have different markets. She hoped that the real thesis of the report was that they should be looking at pricing or a different configuration of what they charged.

Ms. Dow said that was exactly the thesis, the recommendation was to price it at something reasonable. She was recommending that someone from Solid Waste look into it to set a price that would help defray the price of the household hazardous waste program.

Councilor Washington indicated that he had read Ms. Dow's report and thought there were some interesting points. He was comfortable at this time helping non-profits and anyone else to get the paint at a minimal cost, but since this was originally to keep paint out of the landfill, if they wanted to do more and charge people for it, he would have to study it more. He did not necessarily disagree but needed more information.

Ms. Dow did not think the report suggested doing away with the tiered pricing. She said a decision by council to keep the price relatively low for non-profits was a reasonable decision but she felt they should look at how best to provide all the services Metro wanted to do, and if they could recover their costs in some areas, they should go ahead and do that.

Councilor Atherton asked what other materials were coming into the land fill as household hazardous waste.

Mr. Kenyon answered that Metro handled 49 different types of household hazardous waste; gasoline, oil, pesticides, herbicides, etc.

6. MPAC COMMUNICATION

None.

7. METRO LEGISLATIVE UPDATE

Paul Phillips, Metro lobbyist, reviewed the guiding principals he had been given, to educate legislators about what Metro does and their issues, and to facilitate legislation by making sure Metro was viewed as a helpful hand. He said the hottest ticket right now was SB 2007, the tobacco settlement dollars. He was impressed with the quality of the new legislators. He said it was incumbent upon Metro to keep in touch with the interim committees and work the process because bills being passed now were setting up an ongoing process for some, for instance, salmon restoration and water issues. He said they should keep people in the partnership mode and educate them about what Metro was doing and how. He said they had specifically asked for 5 bills to move through and 4 of them should go today. He mentioned SB 838, the lot line adjustment bill; HB 2512, the business license one which had already been signed; SB 1062, conservation easements, which was not signed but was in the governor's office; and SB 1031, the boundary adjustments, which was already through the process. That left only the pool chlorine bill, SB 964, as the only bill that would not move forward this time. He said that bill got tied up because of preemption issues passed in 1995. He thought they could probably get results there by working with the Department of Agriculture to help address issues of pool chlorine and shutting down transfer stations and things of that nature, without the legislative process. He mentioned the 6 cent gas tax and a companion diesel tax. He felt it was way too early to tell what that looked like at this time. He summarized other issues of interest to the council.

Councilor Atherton asked there had been a response to Metro's letter of request for a hearing on the 20 year land law, HB 2595

Mr. Phillips did not recall receiving a written response but said he would check the bill file.

Mr. Cooper said there had been no response to his knowledge.

Presiding Officer Monroe said he had heard on the news that the Umatilla prison bill had been vetoed. He asked if that meant the Metzger proposal would move.

Mr. Phillips said there was a small work group working on the Day Road issue. He did not see any interest in siting the prison in eastern Oregon.

Presiding Officer Monroe said the governor had made it very clear that the prison would be in the Portland Metropolitan area. He asked about the bill that gave Metro boundary commission authority.

Mr. Phillips said SB 1031 had passed with an emergency clause amendment but had not been signed yet. He felt there was no reason to believe it would not be signed.

Mr. Cooper clarified that Metro would not become the boundary commission, but would simply have the authority to move their own boundaries.

Presiding Officer Monroe said the council liked the package that had come out of the House for the gas tax issue. He asked if the Senate Transportation Committee had shut down.

Mr. Phillips said both the Senate Transportation and Senate Revenue had been shut down. In response to a question from the Presiding Officer, he said it would be referred to both Transportation and Rules and the Senate President would open it up for hearings on that bill alone.

Presiding Officer Monroe asked about 1187, the bill allowing unlimited development on exception lands.

Mr. Cooper said as of today there had been no further scheduling of that bill in front of the House Water and Environment, which was still open because they had some hearings scheduled for tomorrow morning. He said 1187 had not showed up on any calendar at this time.

Councilor Park asked about SB 454, the removal of the income tests for EFU lands and how it might affect Metro boundaries.

Mr. Phillips said they were talking about a better way to address that, it would be heard tomorrow morning in committee.

Councilor Park asked about the potential proposals on that bill.

Mr. Phillips said he had not been directly involved with it but it was flagged to watch. He suspected it would come out of committee but he did not know what they were going to do with it.

8. CONSENT AGENDA

8.1 Consideration meeting minutes of the May 27, 1999 Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of May 27, 1999 Regular Council Meeting.

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

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed with Councilors Kvistad and Bragdon absent from the meeting.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 99-805**, For the Purpose of Amending Metro Code Chapter 5.02 to Extend the Sunset Date for the Regional System Fee Credit Program to June 30, 2000, and Declaring an Emergency.

Motion: **Councilor Park** moved to adopt Ordinance No. 99-805.

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

Councilor Park thanked the previous council for their foresight on this in trying to create a win-win situation. He felt the ordinance encouraged the region to get to their recycling goals. He said this was a credit fee program and was a recovery based credit system, established in 1998 with a rate reduction. It was a one year pilot program with a July 30, 1999 sunset date and this ordinance would extend that date in order to give the program adequate time to see its effectiveness. He urged a do pass recommendation on Ordinance No. 99-805.

Presiding Officer Monroe opened a public hearing on Ordinance No. 99-805. No one came forward. Presiding Officer Monroe closed the public hearing.

Councilor Atherton asked what sort of new and specific information did they expect to gather over the next year.

Councilor Park asked Mr. Peterson to comment.

Terry Peterson, Interim Manager for REM, said the objective was to maintain the recovery rate in light of a decreasing tip fee. He said they would look at, and do an analysis of how or whether this program had helped maintain the recovery rate.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed with Councilors Kvistad and Bragdon absent from the meeting.

10. RESOLUTIONS

10.1 **Resolution No. 99-2778**, For the Purpose of Establishing a Bi-State Committee of the Joint Policy Advisory Committee on Transportation (JPACT) and the Southwest Washington Regional Transportation Council (RTC).

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2778.

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

Councilor Washington reviewed that approval of the resolution would establish a bi-state transportation committee of JPACT and the RTC. If it is approved, JPACT and RTC would not take action on any issues of bi-state significance without referring the issue to the bi-state transportation committee for consideration and recommendation. He noted that JPACT had made 2 changes to the proposed IGA, clarifying that while any member of JPACT or RTC could request a referral of an issue to the subcommittee, an affirmative vote by either RTC or JPACT would be required to actually refer a matter to the subcommittee. At the request of the City of Gresham, an additional member was added to the subcommittee to represent smaller cities other than Portland and Multnomah County. He felt this was a necessary step and urged an aye vote.

Councilor Atherton supported this resolution because he felt they needed to formalize the voice from Washington state and this process would do that.

Presiding Officer Monroe said he had attended the RTC meeting in Battle Ground, Washington, yesterday where they discussed this item. They all agreed that this Bi-State Committee, representing key governments from both Clark and Multnomah Counties, would make more efficient opportunities for proper transportation related decision making for both sides of the Columbia River. He urged an aye vote.

Councilor Park said he would urge an aye vote also.

Councilor Washington thanked the councilors for their consideration and urged an aye vote.

Vote: The vote was 5 aye/0 nay/0 abstain. The motion passed with Councilors Kvistad and Bragdon absent from the vote.

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

11. CONTRACT REVIEW BOARD

11.1 **Resolution No. 99-2777**, For the Purpose of Amending the Contract Between Metro and Northwest Ecological Research Institute (Contract No. 920892) for Western Painted Turtle Monitoring at Smith and Bybee Lakes Wildlife Area.

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2777.

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

Councilor Washington said this resolution authorized a 4 year contract extension with Northwest Ecological Research Institute (NERI) to monitor painted turtles at Smith and Bybee Lakes. He noted that the turtle was listed as critically sensitive by the Oregon Department of Fish and Wildlife and the lakes were home to one of the largest known populations of painted turtles in the lower Columbia River system. He said the resolution was instigated at the request of the Smith and Bybee Lake management committee. He asked Mr. Ciecko if his department had seen a copy of the letter sent to council, dated June 3, in regard to this resolution. (See a copy of letter in the permanent record of this meeting.)

Mr. Ciecko said he was not familiar with the letter.

Councilor Washington said he had read the letter from Kevin O'Sullivan, a member of the Eastside Democratic Club. He was not sure of the purpose of the letter, although he did not feel it would impact his vote unless there was something of concern there. He asked for a short break so Mr. Ceicko could read the letter. He urged the council to give a full aye vote on the resolution.

Presiding Officer Monroe declared a two minute recess.

Mr. Ciecko read the letter during the break and commented to council that the monitoring project was a largely volunteer effort under the expert guidance of the NERI. Protecting the population of turtles in the Smith and Bybee Lakes area, identifying the size and distribution of the population, and identifying nesting sites was what the study was about so they could be preserved and protected. He commented on the letter's a suggestion to use the money to acquire alleged habitat. He felt the appropriate first step was to learn more about the population, their distribution and life habits, so they would know whether or not there was a need to acquire more land.

Councilor Washington wanted to make sure, since the letter had come late, that it was part of the record. He said he did not see how the letter would change his vote.

Presiding Officer Monroe said the letter would be part of the record.

Councilor Atherton explained for the audience that the letter was from the Eastside Democratic Club, indicating their view that it was better to put the money aside for acquisition of buffers and habitat area as opposed to doing more studies. He asked Mr. Ciecko if there would be an annual review of the contract.

Mr. Ciecko said the resolution stated that the continuation of the contract was subject to Council's annual appropriation of the funds necessary for that particular year.

Councilor Atherton said the original study was supposed to be a one year study and now it was extended for the second year. He asked if there was a report on the information from the study thus far.

Emily Roth, Manager of the Smith and Bybee Lakes wildlife area, responded that they were just into the first field season for collecting data, starting the beginning of April and going through October. The first year final report would not be ready until December.

Councilor Atherton said he had obtained a study on the Western Pond Turtle (closely related to the Western Painted Turtle) from the Washington Department of Fish and Wildlife indicating that human disturbances were the most harmful to the turtle population. He agreed the study should run for at least another year, then review the scope and quality of the work. He did not know if an outside contractor was necessary or if staff could do it.

Mr. Ciecko said that there was not enough in house staff to undertake a project of this magnitude

Councilor Washington commented that perhaps this letter, which had arrived only 15-20 minutes before the council meeting, had other issues and was a kind of back door way to address those issues which had nothing to do with the contract. He urged an aye vote of the council.

Vote: The vote was 4 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Atherton voting no and Councilors Bragdon and Kvistad absent from the vote.

11.2 **Resolution No. 99-2788**, For the Purpose of Authorizing an Exemption to Competitive Bidding Procedures Pursuant to Metro Code Chapter 2.04.054(c), and Authorizing the Executive Officer to Execute a Multi-Year Contract with the Oregon Historical Society.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2788.

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

Councilor Atherton said this contract was a 5 year contract with the Oregon History Society to provide interpretive services at the Bybee farm and museum as part of the historical projects at Howell Territorial Park. He said they were uniquely qualified to provide this service. He recommended an aye vote.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously with Councilors Kvistad and Bragdon absent from the vote.

Presiding Officer Monroe adjourned the contract review board and reconvened the Metro council.

Presiding Officer Monroe announced that some members of Local 483 were present and wanted to address the council.

Jim McEchron, Business Manager for Laborers Local 483, Municipal Employees, 4621 NE 74th, Portland, OR, said he had come to extend an invitation to Council to attend a Labor Day picnic at Oaks Park on September 6. His counterpart, Mr. Beatle, presented the Council with t-shirts for the event.

He noted they had been in contract negotiations since April and he felt it had been a positive and cooperative process. He thought they were very close to getting the contract resolved as all of the people at the table were problem solvers. He said they would go into mediation next week.

Richard Beatle, Secretary/Treasurer of Local 483, 8236 N. Dana, Portland, OR, did not speak but handed out t-shirts to the council.

Presiding Officer Monroe thanked him and said the council appreciated the dedication of the people who worked at the Zoo and in the Parks Department. He said Council had been briefed by Human Resources and they wanted a fair settlement also. He wanted Mr. McEchron to understand that the Council did not negotiate the settlement, the Executive Officer did. Council only got to approve the contract that came from that.

Mr. McEchron responded that this was not a bargaining session and he understood what the rule was.

Councilor Atherton felt this was unusual in his experience, and asked if there was something he wanted to communicate about the contract.

Mr. McEchron said no, they only wanted to extend an invitation to the picnic and tell where they were in the negotiations. He was hopeful that they would come to an agreement that would meet the needs of Metro and the users of the zoo and parks. He said the workforce was made up of dedicated and committed people.

Presiding Officer Monroe thanked them for coming and encouraged the council to attend the picnic.

12. COUNCILOR COMMUNICATION

Councilor Washington said the Enterprise Foundation and the Housing Development Center of Portland were beginning to put together a regional acquisition fund to benefit people and communities throughout the metropolitan area. The fund would be for available land acquisition and the money would come from the Enterprise Foundation. He announced a reception on June 9th to get a sense of whether the council was interested in seeing this happen. He said he would talk with each of the councilors in the next couple of days with more details and to find out whether or not they wanted to support the project in principal.

He also noted that the process to determine use of the disposable savings was moving ahead fairly quickly. He had information that the estimated savings for FY 99-00 was about \$3.72 million, FY 00-01 about \$6.3 million, FY 01-02 about \$6.21 million, FY 02-03 about \$6.41 million, and FY 03-04 about \$6.62 million. He said they had been receiving lots of phone calls and other information. He said the first public hearing would be next week at the REM committee meeting.

He invited the council to attend the hearings if they could. He said SWAC would look at it on June 23 and 30 and he had asked the Presiding Officer to start council deliberations on July 22. He asked them to hold open July 22 through the first week in August. He also asked the Presiding Officer to have the Informal/EO and regular Council meetings available to deliberate on the matter. He wanted to make sure all the public information was available along with the SWAC information. August 4, and 11 if needed, would be available to go to the rate review committee and back to REM and Council for action about September 8 and 9. He asked them to begin to think about what they wanted to do. He said he would not make public his thoughts until after the public hearings at REM. He noted a great deal of interest in the savings all over the community and said they should expect a lot of calls.

Councilor Park asked if the numbers he cited included the savings from the STS contract and did they reflect the buy-down in terms of the current tippage fee that disappears after the change in the STS contract when the undesignated fund balance dropped out.

Councilor Washington said the information had been given to him as a thumbnail sketch. He said there would be much more discussion.

Councilor Park emphasized to citizens that the numbers were very fluid and they should pay attention to all the underlying factors that exist within those numbers, and not just the headlines. He wanted people to be aware that the savings was not all new money falling into the Metro coffers.

Councilor Washington appreciated his thoughts and said the figures he had were estimated savings. He said the public was invited to the REM hearings starting next Wednesday.

Councilor Atherton asked Councilor Washington if Metro was involved with Habitat for Humanity.

Councilor Washington was not positive but he thought there might be a representative from Habitat for Humanity on HTAC, but Metro was not directly involved with those organizations. He said he was very familiar with what they did. He said the Council tried to just be the rallying agency to deal with the issue on a region wide basis.

Councilor Atherton commented about the letter they, and with other cities as well, had sent to the state requesting a hearing regarding the 20 year land supply. He said to his knowledge, they had not even received the courtesy of a response. He felt there was nothing to be gained and everything to be lost by not having level, forthright conversations about issues that were important to people. He asked Presiding Officer Monroe for a comment.

Presiding Officer Monroe said the only thing he could say was they should make sure Metro did not operate that way.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:26 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
060399c-01	June 4, 1999	Letter from West Multnomah Soil and Water Conservation District	Metro Council/Brian Lightcap	
060399c-02	June 3, 1999	Letter from the Eastside Democratic Club	Metro council/Kevin O'Sullivan	99-2777
060399C-03 060399c-04		Map and testimony re: Minutes from May 27 Council meeting	Linda Bauer	