



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

Meeting: COUNCIL 1989
Date: February 23, 1989
Day: Thursday
Time: 5:30 p.m.
Place: Council Chamber

Approx.
Time*

Presented By

5:30 CALL TO ORDER
ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. COUNCILOR COMMUNICATIONS 4.1 Resol. 89-1060 P. Caetenline

5:40 5. Consideration of Minutes of January 26, 1989
(5 min.) (Action Requested: Motion to Approve the Minutes)

6. ORDINANCE, FIRST READING

5:45 6.1 Ordinance No. 890-285, for the Purpose of
(5 min.) Amending Metro Code Chapter 2.02 by Adding
Section 2.02.285 and Establishing a Smoking
Policy for the Metro Center Building
(Action Requested: Referral to the Council
Internal Affairs Committee)

7. ORDINANCE, SECOND READING

5:50 7.1 Consideration of Ordinance No. 89-286,
(15 min.) for the Purpose of Amending Metro's
Urban Growth Boundary for Contested
Case No. 88-4: Bean Property
(Action Requested: Motion to Adopt the
Ordinance)

Cooper

8. ORDER

6:05 8.1 Consideration of Order No. 89-20, for the
(1 hr.) Purpose of Denying a Petition to Amend
Metro's Urban Growth Boundary in the
Matter of Contested Case No. 88-2:
Mt. Tahoma Property (Action Requested:
Motion to Adopt the Order)

Cooper

(continued)

* All times listed on this agenda are approximate. Items may not be
considered in the exact order listed.
Metro Council

February 23, 1989

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Approx.
Time

Presented By

9. RESOLUTIONS

7:05 (20 min.)	9.1 <u>Consideration of Resolution No. 89-1055,</u> for the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 88-3: St. Francis Property (Action Requested: Motion to Adopt the Resolution)	Cooper
7:25 (10 min.)	9.2 <u>Consideration of Resolution No. 89-1052,</u> for the Purpose of Approving the 1% for Recycling Guidelines and Request for Proposals (Referred from the Solid Waste Committee) (Action Requested: Motion to Adopt the Resolution)	Wyers
7:35 (10 min.)	9.3 <u>Consideration of Resolution No. 89-1057,</u> for the Purpose of Assessing Local Government Dues for FY 1989-90 (Referred from the Intergovernmental Relations Committee) (Action Requested: Motion to Adopt the Resolution)	Gardner
7:45 (20 min.)	9.4 <u>Consideration of Resolution No. 89-1048,</u> for the Purpose of Authorizing a Change Order to the Contract with Hoffman/ Marmolejo for Construction of Skyview Terraces for the Oregon Convention Center (Referred from the Convention, Zoo and Visitor Facilities Committee) (Action Requested: Motion to Adopt the Resolution)	Knowles
8:05 (10 min.)	EXECUTIVE SESSION: Held Under the Authority ORS 192.660(1)(h) for the Purpose of Discussing Litigation with Counsel	Cooper
8:15 (5 min.)	9.5 <u>Consideration of Resolution No. 89-1054,</u> for the Purpose of Authorizing the General Counsel to Intervene on Behalf of the District in 1000 Friends of Oregon vs. Washington County (LUBA No. 88-106, 107, 108) (Action Requested: Motion to Adopt the Resolution)	Cooper

8:20 10. COMMITTEE REPORTS

8:25 ADJOURN

amn/ag-cncl.223 02/15/89



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 24, 1989

To: Metro Councilors
Executive Officer
Interested Staff

From: Marie Nelson, Clerk of the Council *Ann*

Subject: COUNCIL ACTIONS OF FEBRUARY 23, 1989

Agenda Items

4. Resolution No. 89-1060, in Memory of Polly Casterline for her contributions to the Greater Portland Metropolitan Area
5. Minutes of January 26, 1989
- 6.1 Ordinance No. 89-285, Amending Metro Code Chapter 2.02 by Adding Section 2.02.285 and Establishing a Smoking Policy for the Metro Center Building (First Reading)
- 7.1 Ordinance No. 89-286, Amending Metro's Urban Growth Boundary for Contested Case No. 88-4: Bean Property
- 8.1 Order No. 89-20, Denying a Petition to Amend Metro's Urban Growth Boundary in the Matter of Contested Case No. 88-2: Mt. Tahoma Property

Action Taken

Motion carried to suspend the Council's rules requiring referral of resolutions to a committee (Hansen/Kelley; 11/0 vote). Adopted (Kelley/DeJardin; 12/0 vote)

Approved as amended (Gardner/Van Bergen; 12/0 vote)

Referred to the Council Internal Affairs Committee

Adopted (DeJardin/Collier; 12/0 vote)

The matter was deferred to April 27 at the Applicant's request

(continued)

Agenda Item

Action Taken

- | | |
|--|---|
| 9.1 Resolution No. 89-1055, Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 88-3: St. Francis Property | Adopted (DeJardin/Gardner; 12/0 vote) |
| 9.2 Resolution No. 89-1052, Approving the 1% for Recycling Guidelines and RFP | Adopted (Wyers/Hansen; 12/0 vote) |
| 9.3 Resolution No. 89-1057, Assessing Local Government Dues for FY 1989-90 | Adopted (Gardner/Collier; 12/0 vote) |
| 9.4 Resolution No. 89-1048, Authorizing a Change Order to the Contract with Hoffman/Marmolejo for Construction of Skyview Terraces for the Oregon Convention Center | Adopted (Knowles/DeJardin; 12/0 vote) |
| 9.5 Resolution No. 89-1054, Authorizing the General Counsel to Intervene on Behalf of the District in 1000 Friends of Oregon vs. Washington County (LUBA No. 88-106, 107, 108) | Motion carried to suspend the Council's rules requiring referral of resolutions to a committee (Gardner/Devlin; 11/0 vote).
Motion carried to adopt the resolution (Devlin/Bauer; 8/4 vote). |

REQUEST OF GENERAL COUNSEL: Counsel requested to draft an amendment to the Council's procedures (Metro Code Chapter 2.01) which would allow councilors to change votes on any matter as long as the vote was changed before proceeding to the next agenda item.

amn
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2/24/89

Meeting Date Feb. 23, 1989

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
January 26, 1989

Councilors Present: Mike Ragsdale (Presiding Officer),
Sharron Kelley (Deputy Presiding Officer),
Lawrence Bauer, Roger Buchanan, Tanya
Collier, Richard Devlin, Jim Gardner,
Gary Hansen, David Knowles, George
Van Bergen and Judy Wyers

Councilor Absent: Tom DeJardin

Others Present: Rena Cusma, Executive Officer
Dan Cooper, General Counsel
Don Carlson, Council Administrator

Presiding Officer Ragsdale called the meeting to order at 5:40 p.m.
He announced that agenda items 8.1 and 8.2 would be considered
immediately after item 6.1.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

A representative from the League of Women Voters informed
Councilors she would be attending all the Council's meetings in
order to observe Metro's activities for the League.

3. COUNCILOR COMMUNICATIONS

Councilors Knowles and Collier reported on the current activities
of the Finance and Convention, Zoo & Visitor Facilities Committees.

4. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma invited Greg McMurdo, Government Relations
Manager, to report on the status of Metro legislation that had been
or soon would be introduced before the State Legislature.
Mr. McMurdo said all the bills introduced by the Metropolitan Task
Force on Regional Government (Senator Glenn Otto's Committee) were
already scheduled for committee hearings. Councilors would receive
a weekly written report on the status of Metro and related
legislation. *(Note: SB 211 was not scheduled for a hearing).*

5. CONSENT AGENDA

Motion: Councilor Hansen moved, seconded by Councilor Collier, to approve item 5.1 of the Consent Agenda.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Knowles and DeJardin were absent.

The motion carried and the following item listed on the Consent Agenda was approved:

- 5.1 Resolution No. 89-1044, for the Purpose of Reappointing Pamela Arden and Steven Roso and Appointing Michael Vernon to the North Portland Rehabilitation and Enhancement Committee

6. ORDINANCE, SECOND READING

- 6.1 Consideration of Ordinance No. 89-269, for the Purpose of Amending Chapters 2.02, 4.01 and 5.02 of the Metro Code Relating to the Names of Metro Facilities

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale announced the ordinance was first read before the Council on November 10, 1988. The ordinance was then referred to the Internal Affairs Committee where a hearing was conducted on December 22. The ordinance, he explained, would amend the Metro Code to reflect the new names of the Zoo (Metro Washington Park Zoo) and Clackamas Transfer & Recycling Center (Metro South Station). The Committee had unanimously supported adoption of the ordinance.

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner, to adopt Ordinance No. 89-269.

Vickie Rocker, Public Affairs Director, presented slide photographs of new signs recently installed at the Zoo and Metro South Transfer Station bearing the facilities' new names.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor DeJardin was absent.

The motion carried and the ordinance was unanimously adopted.

8.1 Consideration of Resolution No. 89-1030, for the Purpose of Accepting Talbot & Korvola, Certified Public Accountants, "Report on Performance Auditing Plan for the Metropolitan Service District"

Councilor Collier, Chair of the Finance Committee, reported the Committee had unanimously recommended adoption of the resolution. The firm of Talbot & Korvola had been charged with the task of providing a performance auditing plan for Metro and determining if there were any impediments to performing such an audit. Talbot & Korvola had determined there were no impediments to the audit and an audit plan had been developed on time and within the project budget.

Jack Talbot and Karl Meeuswen explained their primary recommendations to the District:

1. Adopt the U.S. General Accounting Office's Government Auditing Standards as its guide for performance auditing work;
2. Contract for the professional services to perform this function for at least the first two years and provide for continuing contract service if appropriate.
3. Budget \$80,000 to \$100,000 for each of the first two years for the performance audit function.
4. Establish a risk analysis system based on nine key criteria to identify areas for performance reviews; and
5. Assign the audit oversight responsibility to the Council's Internal Affairs Committee.

Motion: Councilor Collier moved, seconded by Councilor Devlin, to adopt Resolution No. 89-1030.

Councilor Bauer expressed concern about the estimated annual expense of the performance audit. He said he would vote for the motion but would be closely monitoring the program to ensure it was good expenditure of public money. Councilor Collier explained Talbot & Korvola's estimate was based on what other jurisdictions were currently spending. Metro's audit budget could cost less than projected. She added that the contractor selection process would be competitive.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor DeJardin was absent.

The motion carried and Resolution No. 89-1030 was unanimously adopted.

8.1 Consideration of Resolution No. 89-1031, for the Purpose of Supporting Certain Recommendations of the Task Force on Metropolitan Regional Government

Councilor Gardner, Chair of the Legislative Task Force, reported the resolution included expressed Council support for two bills: 1) Senate Bill 258 concerning Metro's governance structure; and 2) Senate Bill 207 which would remove impediments to a merger of Metro and Tri-Met. He explained SB 258 had already been introduced by Senator Glenn Otto.

Motion: Councilor Gardner moved, seconded by Councilor Devlin, to adopt Resolution No. 89-1031.

In response to the Presiding Officer's question, Councilor Gardner said Tri-Met had expressed some general concerns about SB 207. Councilor Knowles pointed out the legislation had been initiated by the Task Force on Metropolitan Regional Government and as such, Tri-Met had had ample opportunity to comment before the Task Force.

Councilor Gardner asked counsel if SB 207 were essential to a merger of Metro and Tri-Met. Dan Cooper responded that although the bill, if adopted, would resolve possible problems, the legislation would probably not be essential to a merger.

Councilor Wyers spoke in favor of the resolution, explaining it was important not to derail the Task Force on Metropolitan Regional Government at this point in the process.

Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Collier, to amend Resolution No. 89-1031 as follows (language to be added is underlined and language to be deleted is in brackets):

Amend the fourth "whereas" paragraph to read: "The Council supports Task Force proposals SB 258 and SB 207 with amendments as outlined in Exhibit[s] A [and B] attached;"

Amend the "be it resolved" paragraph to read: "That the Council of the Metropolitan Service District supports SB 258 as amended by the Senate Government

Operations and Elections Committee and SB 207 of the Task Force on Metropolitan Regional Government as amended in Exhibit[s] A [and B] attached hereto and seeks State adoption of the legislation as amended.

Presiding Officer Ragsdale explained the amendment would revise the resolution to reflect the current status of the legislation.

Vote on the Motion to amend: A vote on the motion to amend resulted in all ten Councilors present voting aye. Councilors Hansen and DeJardin were absent.

The motion to amend Resolution No. 89-1031 carried.

Councilor Van Bergen said he would not support the resolution because he was not prepared to endorse all its provisions at this time.

Vote on the Main Motion as Amended: A vote on the motion resulted in Councilors Bauer, Buchanan, Collier, Devlin, Gardner, Hansen, Kelley, Knowles, Wyers and Ragsdale voting aye. Councilor Van Bergen voted no. Councilor DeJardin was absent.

The motion carried and Resolution No. 89-1031 was adopted as amended.

7. ORDINANCE, FIRST READING

7.1 Consideration of Ordinance No. 89-284, for the Purpose of Amending Metro's Urban Growth Boundary for Contested Case No. 88-1: Zurcher Property (Public Hearing)

The Clerk read the ordinance by title only for a first time. The Presiding Officer announced the Council would consider the ordinance in its capacity as a quasi-judicial board. He explained the Council would conduct a public hearing at this meeting and all parties which had participated in the previous hearing before Chris Thomas, hearings officer for the case, could address the Council at this meeting. Parties were told to limit their comments to issues already on the record. The Presiding Officer explained the Council would make its decision on the case at the second reading of the ordinance. Dan Cooper, General Counsel, explained that the Zurcher case was an application for a major amendment to the Urban Growth Boundary (UGB) and would therefore be determined according the State land use procedures.

Councilor Devlin declared he had received one ex parte contact from Mayor Clifford Clark of the City of Forest Grove but no discussion

had occurred concerning the merits of the case. The Councilor was confident he could judge the case with objectivity.

Presiding Officer Ragsdale announced the second reading of the ordinance was originally scheduled for February 9 but because four Councilors would not be able to attend that meeting, the second reading had been rescheduled to ~~February~~ ^{March} 9.

Hearings Officer's Report and Recommendation

Chris Thomas, Hearings Officer for the case, reviewed the "Report and Recommendations of the Hearings Officer" document which was included in the meeting record. Mr. Thomas reported he had recommended the applicants' petition to amend the UGB be granted because they had successfully demonstrated the need for more land in the Forest Grove area suitable for industrial development. New industry would correct the situation of low assessed property values, low per capita income and high tax rates, he said. The applicant had successfully demonstrated no other land existed in the Forest Grove area suitable for the type of industrial development that would revitalize the Forest Grove area. Mr. Thomas concluded the applicants had successfully demonstrated the need requirement and that the livability of the Forest Grove area would improve if the UGB were amended for this case.

Councilor Bauer asked the Hearings Officer to explain the Zurcher property's ranking as prime agricultural land. Mr. Thomas said the U.S. Department of Agriculture ranked land soils into eight classes -- 1 being the highest ranking and 8 being the lowest. A ranking of 1 or 2 meant the soil was considered prime for agricultural use. The Zurcher property soil was ranked 2 which meant the hearings officer had to take into consideration whether benefits of using the land for other than agricultural purposes would outweigh using the land for farming. If the land had received a lower USDA ranking, the land's value for agricultural purposes would be much less of a consideration in evaluating need for other purposes, he explained.

Applicants' Testimony

Mary Dorman, a planning consultant representing the Zurcher family and the City of Forest Grove, explained the property in question consisted of 38 acres that had been annexed to the City of Forest Grove. The applicant's original application had included 44 acres. Ms. Dorman discussed how the applicant had successfully demonstrated need for industrial land in the Forest Grove area and that need was the strongest factor in determining the case.

Clifford Clark, Mayor of the City of Forest Grove, discussed the

history of economic problems in the Forest Grove area that had occurred in spite of new reports about economic growth in Washington County. He referred to the Forest Grove area as the "other Washington County." He thought it very important that Forest Grove seek economic diversification. The Zurcher property would help provide that diversity, he said, without being insensitive to the needs of the farming community. The land would also help Forest Grove help itself and give the area a chance to complete economically. In closing, Mayor Clark challenged the Council to approve the UGB amendment in its capacity as "stewards of the future."

Dick Bewersdorff, Forest Grove Planning Director, presented information to demonstrate the unsuitability of land already zoned for industrial use in the Forest Grove area. The Zurcher property, he explained, was suitable for the City's needs because it was available, accessible to urban services and large enough to accommodate important industry. Other parcels were not suitable because they were improperly zoned as industrial, were not accessible to urban services or were not large enough to accommodate important industry. The Zurcher property represented the City's only opportunity for large industrial development, he said.

Bob Alexander, Executive Director of the Forest Grove/Cornelius Economic Development Council, explained the Development Council had been formed to help solve the situation of low assessed values, high property taxes and the lack of suitable industrial land. He urged the Council to approve the amendment application in order to help Forest Grove help itself.

Tim Schauermann, President of the Forest Grove/Cornelius Economic Development Council, said he would first speak on behalf of the Forest Grove School District Superintendent who was unable to attend the meeting. The School District was concerned because Forest Grove's property tax rate was one of the highest in the state while its assessed property value was the fifth lowest. Mr. Schauermann urged the Council to approve the application in order to provide an opportunity for the Forest Grove Community to experience economic recovery.

Opponents' Testimony

Paul Ketchum, Senior Planner with the 1000 Friends of Oregon, first explained that Doug Krahmer, who had previously testified before the Council in opposition to the Zurcher application, had asked him to refer Councilors to his written exception statement that was included in the record.

Mr. Ketchum, speaking on behalf of the 1000 Friends of Oregon, thought Metro's primary role was to administer the Urban Growth Boundary and not to decide whether tax levels and assessed values were adequate. He did not think those factors should be considered to determine livability as it related to land use goals. It was not appropriate, he said, to amend the UGB based on a short-term need.

Reviewing points raised in his written exceptions statement, Mr. Ketchum pointed out that: 1) expansion of the UGB for a short-term versus long-term need was not consistent with state land use Goal 14; 2) even if the application could be approved based on short-term need, there was nothing in the record to show how livability would improve for Forest Grove residents if the Zurcher property were added to the UGB; 3) there were no facts in the record to indicate that the land within the UGB currently zoned industrial and owned by the Zurcher's could not be served in an orderly and economic manner; and 4) the petitioners had not supplied an industrial needs assessment describing the type of industries they were attempting to attract, the land needs of those industries, and why a 95 acre parcel was needed to accommodate those industries as opposed to the 51 acres already within the UGB.

Councilor Van Bergen asked Mr. Ketchum if he was suggesting the Council should not be in the position of defining what livability meant in the Zurcher case. Mr. Ketchum responded it was the Council's duty to define livability in this case but the Council should also be mindful there was no precedent for defining it on the basis presented by the Hearings Officer. He thought Metro's primary responsibility was to maintain the integrity of the UGB and to carefully weigh reasons for amending the boundary in light of land use laws. He cautioned that if Metro approved this amendment based on the Hearings Officer's recommendation, it would be stepping into a grey area and future amendments would be difficult to judge.

Councilor Collier asked if the term livability had ever been defined as lower property taxes. Mr. Ketchum replied he had attempted to research that in preparing for the case and could find no past instance where livability had been defined according to those terms. Councilor Devlin thought property taxes were a means to an end -- taxes were used to pay for urban services such as fire protection, police protection and schools, which resulted in improved livability. Mr. Ketchum agreed a relationship existed between taxes and livability but questioned at what point a reduction in property taxes would result in a more livable community.

Jim Sitzman, representing the Department of Land Conservation & Development (DLCD), distributed a letter dated January 11, 1989, from Acting Director Graig Greenleaf and signed by himself. Mr. Sitzman objected to the application and discussed deficiencies in the applicants' data. He explained that livability was a broader topic than the applicants' analysis had presented. For example, data on total tax rates, not just combined school and city rates, and comparison with areas in addition to comparably sized cities would have been appropriate. Information on comparative environmental and social conditions and other cost of living factors affecting livability should also have been provided.

Mr. Sitzman said the application implied that the Zurcher site was the only opportunity for industrial development in Forest Grove. He questioned why -- considering Oregon's rating as the nation's largest small business state -- the many smaller land parcels in the Forest Grove area were not considered equally suitable for development. He thought there was little evidence to support the assertion that 200 acres of 20+, 10+ and smaller acreage parcels could not be serviced for development. Further, he said, there was no rationale provided for concluding that the 95 acre Zurcher site would develop more quickly than smaller sites already within the UGB.

Mr. Sitzman concluded that because suitable land already existed within the UGB and because the amendment was based on short-term need, the applicant should have provided more complete information concerning whether existing land within the UGB could have been used for industrial development; a more complete commercial and industrial development analysis and policy base; and a more discerning evaluation of how the addition of more land would solve the livability problem.

Councilor Bauer questioned why the issues raised in the DLCD's letter, dated January 11, 1989, weren't raised last May when the case was before the Hearings Officer. Mr. Sitzman replied that a letter was sent to the Hearings Officer in May. The January 11 letter was in response to the Hearings Officer's final report and recommendation, he said.

In response to Presiding Officer Ragsdale's question, Mr. Sitzman explained that the 130 acres of suitable land already within the UGB referred to in the DLCD letter was currently in the form of 2 to 20 acre parcels and not one large parcel.

Applicants' Rebuttal to the Opponents' Presentation

Ms. Dorman, referring the Councilor Bauer's question about the timing of the DLCD's letter, noted the applicants had not received the January 11 letter until this evening and had not been given the opportunity to comment on it. Ms. Dorman said the applicants had clearly shown the need for the UGB amendment and the issue was much broader than high tax rates and the livability of the Forest Grove area. The primary issue, she said, was that the current inventory of land within the UGB zoned for industrial use was clearly not adequate.

Mr. Schauermann recalled the deliberative process when the original UGB had been formed. People in the Forest Grove area had been assured, he said, that the Boundary was flexible and could be changed if a valid application was submitted. He pointed out this application was valid in that other land zoned for industrial use had been clearly demonstration to be unsuitable for sizeable developments.

Councilor Bauer suggested the City of Forest Grove update its inventory of land and change designations of land not suitable for industrial development. Mayor Clark assured Councilor Bauer the City would soon commence that process.

Mayor Clark objected to the lateness of the DLCD's response to the Hearings Officer's recommendation and to the fact that the applicants did not receive the January 11 letter until 5:00 p.m., January 26. He also pointed out it was the City of Forest Grove's decision -- not the state's -- regarding how industrial land should be used. Mayor Clark questioned to what degree taxes would have to increase before a city was deemed to be unlivable. He thought taxes were a very big issue in this case because it was clear that no one would want to live in an area where taxes were extremely high. He again discussed how the current taxing situation was detrimental to development and noted that no new housing subdivisions had been installed since 1981. A significant change had to be made, he said. The Mayor also pointed out that 1000 Friends of Oregon and the Farm Bureau, opponents to the application, had also opposed widening roads that would provide access to the Sunset Highway. He said this lack of support for growth and development was very restrictive to the Forest Grove area.

In response to Presiding Officer Ragsdale's question, Mr. Thomas, Hearings Officer, said his report and recommendations document had discussed why parcels currently zoned industrial were not suitable for development.

Council Discussion

Councilor Knowles asked whether the applicants could provide a written response to specific questions of Councilors. Mr. Cooper said the Council's request was appropriate as long as all parties were given a chance to comment on the questions.

Councilor Knowles requested the applicants respond to the following questions: 1) Considering that tax rates are a primary issue concerning the livability of the area, at what point would an area be deemed livable? and 2) What criteria, other than tax rates, were presented in the application? He asked the applicants to confine their answers to information included in the Hearings Officer's Report and the case record. The applicants could refer to page numbers in the record in preparing their response.

Councilor Van Bergen thought the response to Councilor Knowles' questions should be provided by either the Hearings Officer or staff. After discussion it was agreed staff would respond to the questions.

Presiding Officer Ragsdale closed the hearing and announced the Council would make its decision on the case at the second reading of the ordinance. He date of the second reading would be announced later.

The Presiding Officer called a recess of the Council at 8:50 p.m. The meeting reconvened at 9:00 p.m.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 89-1030, for the Purpose of Accepting Talbot & Korvola, Certified Public Accountants, "Report on Performance Auditing Plan for the Metropolitan Service District

The resolution was considered and adopted earlier in the meeting.

8.2 Consideration of Resolution No. 89-1031, for the Purpose of Supporting Certain Recommendations of the Interim Task Force on Metropolitan Regional Government

The resolution was considered and adopted earlier in the meeting.

8.3 Consideration of Resolution No. 89-1046, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.01.010 et seq. for the Extension of the Metro South Station Contract

Council Buchanan presented the report and recommendation of the Solid Waste Committee. He explained the Council had previously adopted Resolution No. 89-1026A which authorized the Executive Officer to negotiate a draft extension contract with Wastech, Inc., for operation of Metro South Station. Negotiations were completed on January 20 and the increase for new services was about 2 percent over the previous contract payments. That increase reflected the Portland Consumer Price Index. Staff recommended the contract extension and reported it would result in a cost savings to Metro. The Committee voted 4 to 0 to recommend the Council adopt Resolution No. 89-1046.

Motion: Councilor Buchanan moved, seconded by Councilor Wyers, to adopt Resolution No. 89-1046.

There was no discussion on the resolution.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor DeJardin was absent.

The motion carried and the resolution was adopted.

9. COMMITTEE REPORTS

9.1 Report from the Contracting Task Force

Presiding Officer Ragsdale reported the task force had concluded its work and had reported its recommendations to the Internal Affairs Committee. The task force was concerned about meeting its commitment to the Council to reach a resolution by January 30. The Presiding Officer acknowledged it would take more time than anticipated to reach agreement and asked for Council cooperation in meeting that objective. He urged all Councilors to attend the February 2 meeting of the Internal Affairs Committee concerning the task force's recommendations (Note: that meeting was later rescheduled to February 7 due to inclement weather).

Council Brochure

Presiding Officer Ragsdale asked Councilors to review the final draft of a brochure on the Metro Council and to report changes relating to Councilor biographies to Marie Nelson, Council Clerk.

Metro Council
January 26, 1989
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Meeting Concerning Council and Council Committee Agendas

The Presiding Officer announced he had scheduled a meeting with all committee chairs for January 31, 4:00 p.m., concerning the Council's process for developing meeting agendas. The meeting had been scheduled in response to concerns expressed by former and current Councilors.

Convention, Trade and Spectator Facility Consolidation

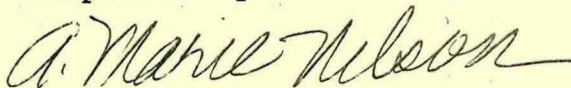
Don Carlson announced a meeting was scheduled at 4:00, January 27, concerning the current status of negotiations to consolidate facilities operations.

Regional Crime Issues

Councilor Van Bergen discussed his concerns about the dramatic increase of crime in the metropolitan area and requested the Council consider whether Metro could have a role in resolving problems related to crime. After discussion on the matter, the Presiding Officer said he would confer with the Executive Officer and appoint a task force or group which would include interested Councilors. The group could facilitate communication among local government law enforcement officials, among other things, he said. He also pointed out that the Metro Planning & Development Department would soon conduct a work session for small cities on low cost solutions to crime prevention. In response to the Presiding Officer's request for volunteers, Councilor Wyers said she would serve on the task force.

There was no other business and the meeting adjourned at 9:30 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
min-c.126
02/15/89

Meeting Date 2/23/89BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN MEMORY OF POLLY CASTERLINE)
AND IN APPRECIATION FOR HER)
CONTRIBUTIONS TO THE GREATER)
PORTLAND METROPOLITAN AREA)

RESOLUTION NO. 89-1060

Introduced by Councilors
Hansen, Kelley and Ragsdale
and Executive Officer Cusma

WHEREAS, Polly Casterline served the greater Portland Metropolitan area and East Multnomah County with distinction and dedication throughout her life; and

WHEREAS, Highlights of her work for the region included appointment to the Portland Metropolitan Boundary Commission for 1975 and 1976; serving two full terms with the Mt. Hood Community College Board of Directors, from 1976 to 1984, including terms as Vice-Chair and Chair of the Board, 1977 to 1979; election to the Multnomah County Board of Commissioners for District 4, from 1985 through 1988, and re-election for a second four-year term commencing in 1989; and

WHEREAS, In her capacity as County Commissioner, she served on the Metropolitan Service District Solid Waste Policy Committee, a cooperative planning body which developed the regional 1988 Solid Waste Management Plan; and

WHEREAS, In all of her endeavors, Polly Casterline demonstrated exemplary public leadership skills, professional commitment and dedication, and outstanding qualities of human spirit and compassion; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District expresses its profound sorrow at the loss of Polly Casterline and its great appreciation for the many contributions she made to the region during her lifetime; and
2. That a copy of this resolution be sent to the Casterline family and the Multnomah County Board of Commissioners.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of February, 1989.

Mike Ragsdale, Presiding Officer

REVISED

Agenda Item No. 6.1
Meeting Date Feb. 23, 1989

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 89-285
METRO CODE CHAPTER 2.02 BY)	
ADDING SECTION 2.02.285	)	Introduced by
ESTABLISHING A SMOKING POLICY	)	Councilor David Knowles
FOR METRO FACILITIES)	

WHEREAS, The State of Oregon, finding the smoking of tobacco creates a health hazard to those present in confined places, adopted the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875, in 1981; and

WHEREAS, Metro Executive Order No. 6 of August 9, 1981 (Exhibit A hereto) established an employee smoking policy; and

WHEREAS, The Council of the Metropolitan Service District finds the need to update and expand Metro's smoking policy to reduce the exposure to tobacco smoke in Metro offices; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 2.02.285, Smoking Policy, is added to the Code of the Metropolitan Service District to be numbered, titled and to read as follows:

2.02.285 Smoking Policy: Smoking (cigarettes, pipes and cigars) is prohibited in all Metro facilities, with the following exceptions:

- (a) employee lounges and lunchrooms as posted;
- (b) individuals' enclosed offices;
- (c) Solid Waste facility gatehouses as posted.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

EXHIBIT A

EXECUTIVE ORDER NO. 6

Effective Date: August 10, 1981

Subject: Employee Smoking Policy

Cigarette, pipe and cigar smoking will be permitted only in the employee lounge, the lobby, closed door offices and study carrels during normal working hours (8:00 a.m. to 5:00 p.m.)

In addition, smoking areas may be designated within a department with unanimous approval of the departmental staff. Smoking will be permitted in meetings only by mutual consent of those in attendance.

ORDERED, by the Executive Officer this 9th
day of August, 19 81.


Executive Officer

STAFF REPORT

Agenda Item No. 7.1

Meeting Date Feb. 23, 1989

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND
AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED
CASE NO. 88-4: BEAN PROPERTY

Date: February 9, 1989

Presented by: Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 88-4 is a petition from Mr. James Bean for a locational adjustment of Metro's Urban Growth Boundary (UGB) in Clackamas County. The property proposed for inclusion within the UGB is a 15.4 acre parcel located between the eastern border of Oregon City and the western edge of the Oregon City Bypass, as shown in Exhibit A. Clackamas County did not take a position on the petition and Oregon City recommended approval.

Metro Hearings Officer Chris Thomas held a hearing on this matter on October 26, 1988, in Oregon City. Testimony was heard from both the petitioner, Oregon City staff, and neighbors of the site. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the proposal meets all applicable standards and should be approved. No exceptions were submitted by parties to the case.

Since no exceptions to the Hearings Officer's report were received, the Council can decide whether it wants or needs to hear from parties following presentation of the case by the Hearings Officer. In its deliberations the Council may consider motions to remand the findings to the Hearings Officer or to staff for revisions. If no such motions are approved, the Council may allow Ordinance No. 89-286 to proceed to a second reading with the findings as proposed in the Hearings Officer's Report.

ES/es
1/25/89

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL)
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 88-4: BEAN PROPERTY)

ORDINANCE NO. 89-286

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 88-4 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 3. Parties to Contested Case No. 88-4 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1989.

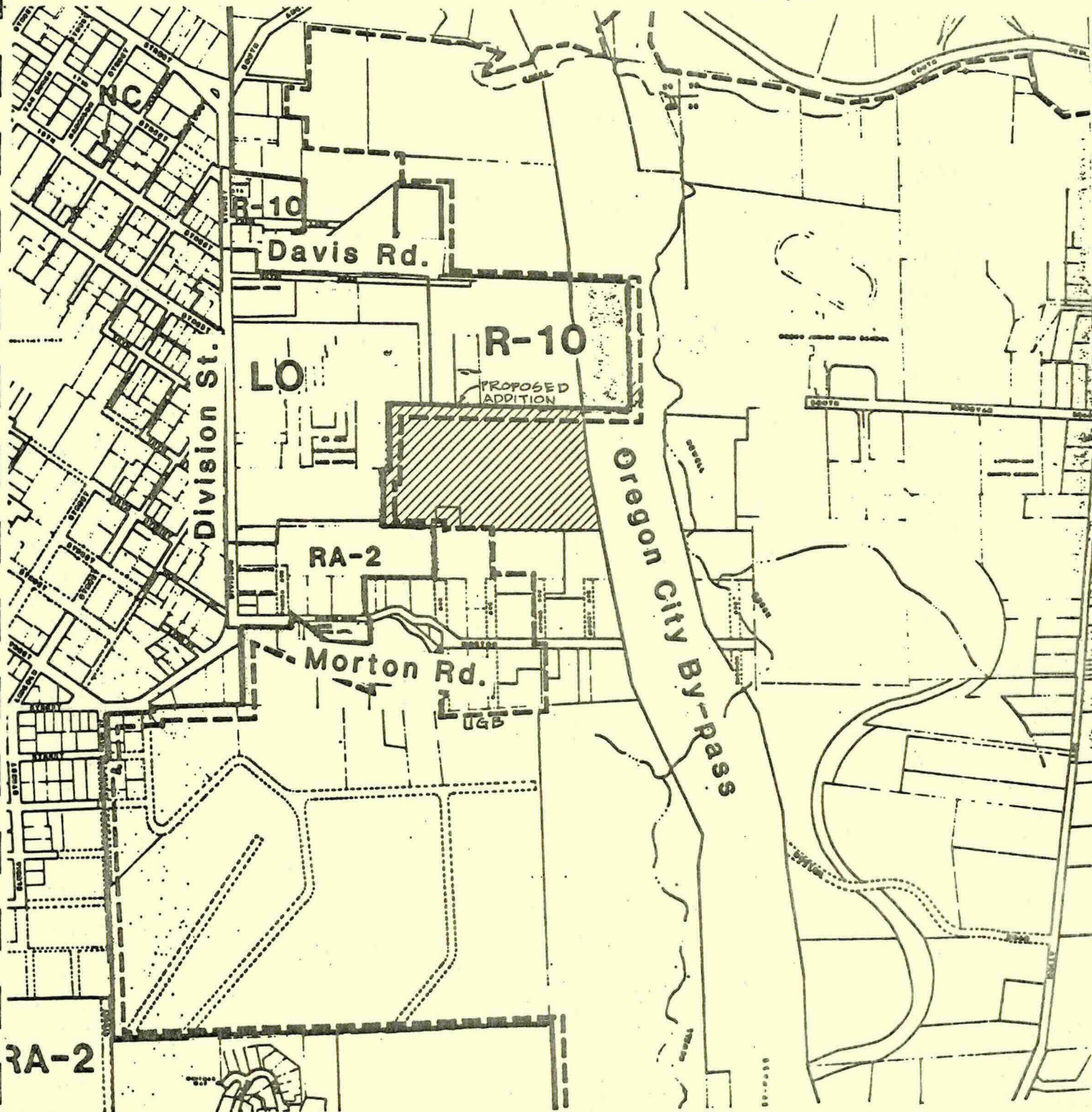
Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

ES/es
1/25/89

EXHIBIT A



NOTE: DUE TO THE LENGTH OF THE DOCUMENTS, ALL OTHER EXHIBITS TO THIS ORDINANCE HAVE NOT BEEN PRINTED IN THIS AGENDA PACKET. PLEASE CONTACT MARIE NELSON, COUNCIL CLERK (221-1646, EXT. 206) TO ARRANGE FOR COPIES OF THE EXHIBITS.

Figure 1 VICINITY MAP

**PLANNING
RESOURCES, INC**

3681 SW Carman Drive
Lake Oswego, Oregon 97035
(503) 636-5422

Land Use &
Site Planning
Services

Designed
Drawn
Checked
Approved
Date
Scale

WOODARD & LIGON

ATTORNEYS AT LAW

D. ERIC WOODARD
RICHARD T. LIGON

503-682-7272

February 23, 1989

Mr. Ethan Seltzer
Land Use Coordinator
Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201-5398

Re: Request for Continuance of Contested Case No. 88-2
(Plainfield/Mt. Tahoma)

Dear Mr. Seltzer:


Pursuant to our telephone conversation on February 22, 1989, I am writing to request that the Metropolitan Service District continue the above-noted contested case hearing. I understand that the new date will be April 27, 1989.

The reason for my request is that I have a conflict of scheduling at this time. Also, I would like to have the opportunity to contact the adjoining property owners to better explain my clients' intent in requesting the urban growth boundary expansion period.

I greatly appreciate your courtesies. Please let me know the time and place of the continued hearing.

Very truly yours,

WOODARD & LIGON


Richard T. Ligon

RTL:blm

cc: Mr. Terry McLean

P.S. I have conferred with Mr. Mark Chriss, the Myron Rowe residence, and Mr. William Duncan, the spokesperson for the opponents. Mr. Duncan indicated he did not object to the continuance.

Richard T. Ligon

STAFF REPORTCONSIDERATION OF ORDER NO. 89-20 FOR THE PURPOSE OF
DENYING A PETITION TO AMEND METRO'S URBAN GROWTH BOUNDARY
IN CONTESTED CASE NO. 88-2, MT. TAHOMA

Date: February 8, 1989

Presented By: Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 88-2 is a petition from Terry McClain, on behalf of Mt. Tahoma Leasing, and Connie Plainfield for a locational adjustment of Metro's Urban Growth Boundary (UGB) in Washington County. The property proposed for inclusion comprises 9.81 acres and two tax lots, a 2.81 acre parcel owned by Ms. Plainfield and a 7 acre parcel owned by Mt. Tahoma (see Exhibit A to Order No. 89-20). The property is currently zoned AF-5, and is therefore not protected as prime agricultural resource land. There is a house on the Plainfield property and the Mt. Tahoma parcel is vacant.

Metro Hearings Officer Larry Epstein held a hearing on this petition on November 16, 1988, in Wilsonville. At that hearing both the petitioner and opponents to the petition were heard. Following the hearing the Hearings Officer rendered his decision and on December 22, 1988 parties to the case were furnished with a copy of the decision (see Exhibit B to Order No. 89-20) and given the opportunity to file exceptions.

The petitioner filed an exception to the Report and Recommendation of the Hearings Officer during the period allowed for parties to comment, and that exception was furnished to all parties to the case (copy attached). Council is now being asked to consider the Report and Recommendation of the Hearings Officer, and to adopt Order No. 89-20 denying the petition.

At the hearing on the 23rd of February, parties to the case will be given the opportunity to address the Council on the merits of the exception filed by the petitioners. At that meeting, Council can adopt the Order as proposed, or remand the findings to staff or the Hearings Officer for modification.

ES/es
2/8/89

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF CONTESTED CASE)
NO. 88-2, MT. TAHOMA, A PETITION)
FOR A LOCATIONAL ADJUSTMENT OF)
METRO'S URBAN GROWTH BOUNDARY)

ORDER NO. 89-20

WHEREAS, Mr. Terry McClain, on behalf of Mt. Tahoma Leasing, and Ms. Connie Plainfield have submitted a request for a locational adjustment to the Urban Growth Boundary (UGB) in Washington County as shown in Exhibit A; and

WHEREAS, Such request was given a contested case hearing before a Metro Hearings Officer on November 16, 1988; and

WHEREAS, The Hearings Officer has submitted a Report and Recommendations; and

WHEREAS, The Council of the Metropolitan Service District has reviewed and agrees with the Report and Recommendations as submitted by the Hearings Officer; now, therefore,

IT IS HEREBY ORDERED:

1. That the Council accepts and adopts the Report and Recommendations as submitted by the Hearings Officer in Contested Case No. 88-2 and attached hereto as Exhibit B.

2. That the Petition from Mr. Terry McClain and Ms. Connie Plainfield in Contested Case No. 88-2 is hereby denied.

SO ORDERED this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

ES/es
2/8/89

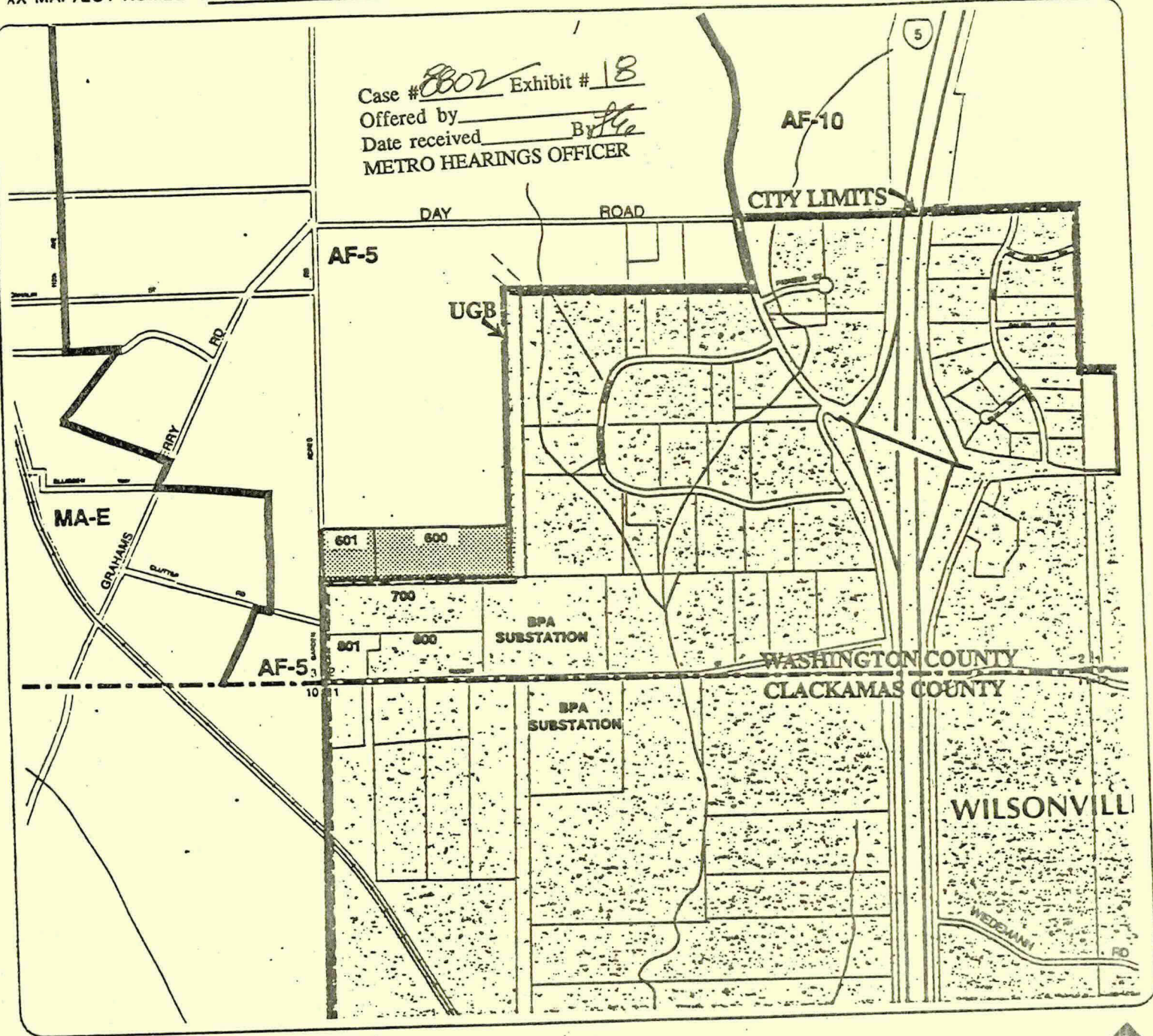
AX MAP/LOT NUMBER:

3S1 2C. LC. S 600 & 601

CASE FILE NUMBER:

WILSONVILLE UGB ADJUSTMENT
JUNE, 1988

Case # 8802 Exhibit # 18
Offered by _____
Date received _____ By HC
METRO HEARINGS OFFICER



LEGEND:



AREA OF CONSIDERATION

SCALE:

1" = 1000'

NORTH

APPLICABLE LAND USE DISTRICTS:

AF-5 AGRICULTURE AND FOREST DISTRICT
AF-10 AGRICULTURE AND FOREST DISTRICT
MA-E LAND EXTENSIVE INDUSTRIAL DISTRICT

Due to the length of the documents, Exhibit B has not been printed in this agenda packet. All Councilors have received a copy of Exhibit B. Other parties may contact Marie Nelson, Council Clerk, to arrange for a copy of the documents (221-1646, extension 206).

STAFF REPORTMeeting Date Feb. 23, 1989CONSIDERATION OF RESOLUTION NO. 89-1055 FOR THE PURPOSE
OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN
GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-3, ST. FRANCIS

Date: February 8, 1989

Presented By: Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 88-3 is a petition from St. Francis of Assisi Episcopal Church for a locational adjustment of the Urban Growth Boundary in Clackamas County. The property proposed for inclusion in the UGB is an approximately 4 acre parcel located south of Wilsonville, as shown in Exhibit A to the Resolution. The City of Wilsonville has gone on record in support of the amendment.

Metro Hearings Officer Larry Epstein held a hearing on this matter on November 16, 1988, in Wilsonville. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition meets the applicable standards and should be approved. No exceptions to his Report and Recommendation were received.

Following presentation of the case by the Hearings Officer, the Council can decide whether it wants or needs to hear from any parties to this case, prior to making its decision. At its meeting on the 23rd of February, 1989, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

ES/es
2/8/89

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S)
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 88-3, ST. FRANCIS)
PROPERTY)

RESOLUTION NO. 89-1055

WHEREAS, Contested Case No. 88-3 is a petition from St. Francis of Assisi Episcopal Church to the Metropolitan Service District for a locational adjustment of the Urban Growth Boundary to include approximately 4 acres south of Wilsonville in Clackamas County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on November 16, 1988, in Wilsonville; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(i) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

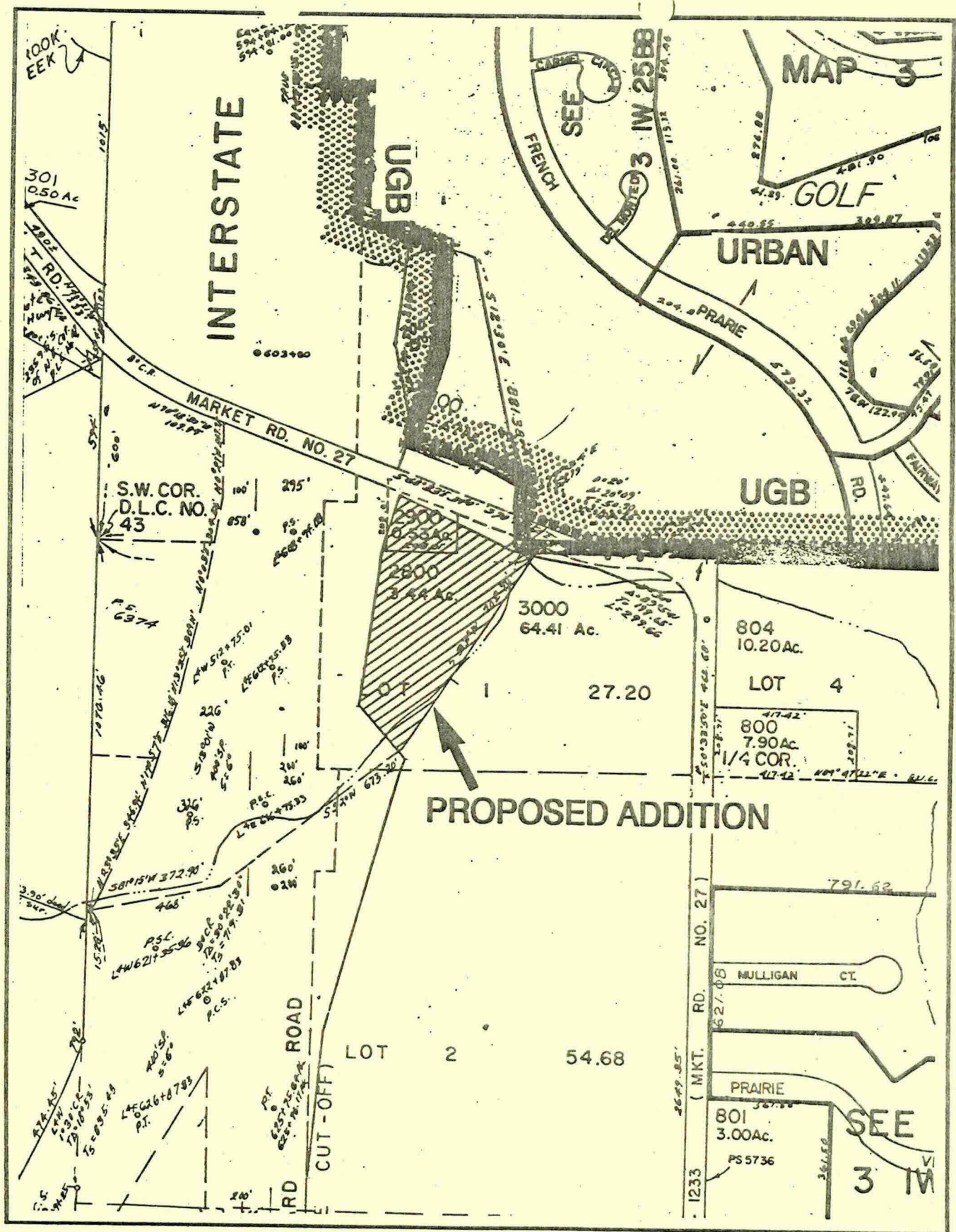
That the Metropolitan Service District expresses its intent to adopt an Ordinance amending the Urban Growth Boundary as

shown in Exhibit A within 30 days of receiving notification that the property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

ES/es
2/8/89



St. Francis

Site Map

Due to the length of the documents, Exhibit B has not been printed in this agenda packet.

All Councilors have received a copy of Exhibit B.

Other parties may contact Marie Nelson, Council Clerk, to arrange for a copy of the documents (221-1646, extension 206).

COMMITTEE REPORT

Agenda Item No. 9.2

Meeting Date Feb. 23, 1989

CONSIDERATION OF RESOLUTION NO. 89-1052, FOR THE
PURPOSE OF APPROVING THE ONE PERCENT FOR RECYCLING
PROGRAM CRITERIA AND GUIDELINES AND REQUESTS FOR
PROPOSALS

Date: February 15, 1989

Presented By: Councilor Judy Wyers,
Solid Waste Committee

COMMITTEE RECOMMENDATION:

The Solid Waste Committee recommends Council adoption of Resolution No. 89-1052.

COMMITTEE DISCUSSION/ISSUES:

The One Percent for Recycling Advisory Committee is presenting the final Criteria and Guidelines for the One Percent for Recycling program as the work plan attachment for the Request for Proposals for the One Percent for Recycling Program. The intent is that Requests for Proposals will be advertised by February 27, 1989, following Council approval of the program presentation on February 23, 1989.

Adoption of Resolution No. 89-1052 would approve the One Percent for Recycling Criteria and Guidelines and Request for Proposals; and approves proceeding with soliciting proposals for the program from the public to implement innovative projects for reuse, recycling, and materials recovery from municipal solid waste generated in the metropolitan region.

The Solid Waste Committee expressed concern that the geographic location of a facility under the One Percent for Recycling Program not place a vendor in direct competition with an established business engaged in a similar operation. It is proposed that projects that are unduly competitive will not be eligible for the One Percent for Recycling Program.

The Committee was also concerned about projects that would result in more than 50 percent residue that would need to be landfilled after processing. The proposed criteria provides emphasis on projects resulting in the highest recovery rates and highest volumes removed from the waste stream; waste removal ratios that equal a low percentage of residue to be landfilled.

VOTE:

The Solid Waste Committee voted 5 to 0 to recommend Council adoption of Resolution No. 89-1052. Voting: Councilors Buchanan, Hansen, Kelley, Ragsdale and Wyers. This action taken February 14, 1989.

RB:amn
R-1052
02/15/89

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 89-1052 FOR THE PURPOSE OF APPROVING THE ONE PERCENT FOR RECYCLING PROGRAM CRITERIA AND GUIDELINES AND REQUEST FOR PROPOSALS

Date: February 7, 1989

Presented by: Judith Mandt

BACKGROUND

The One Percent For Recycling Program was proposed to the Metro Council by the Executive Officer as part of the 1988-89 fiscal year budget of the Solid Waste Department. The Council approved this recommendation and established the program. An advisory committee of citizens with interest or experience in recycling, reuse and material recovery was designated to oversee this program. The charge of the committee was to develop Criteria and Guidelines for the program and formulate a project list for Council approval.

In September 1988, the Metro Council adopted Resolution No. 88-1007, which created the One percent for Recycling Advisory Committee. The committee is comprised of seven members from each of the three counties, with the chair of the committee appointed by the Metro Council Presiding Officer from the ranks of the Metro Council.

The committee has been meeting since November 1988, to develop Criteria and Guidelines and a Request for Proposals for the program. Working Drafts of the Criteria and Guidelines were presented as an informational item to the Council Solid Waste Committee on December 20, along with the recommendation that a public meeting be convened by the One Percent Advisory Committee to solicit input from prospective proposers. This would be followed by committee consideration and presentation of final recommendations to the Metro Council at a later date.

Members of the Council Solid Waste Committee directed comments and concerns over two areas as follows:

- 1) II-5, Item 2., Proximity: The geographic location of the facility may not place a vendor in direct competition with an established business engaged in a similar operation.
- 2) II-10, Item 3., Projects resulting in more than 50% residue that will need to be landfilled after processing.

The Council Committee directed advisory approval of the advisory committee recommendations to the Metro Council. On December 22, 1988,

the Metro Council concurred that the program should proceed as presented.

A public meeting was held by the One Percent Advisory Committee on January 18, 1989. The comments and questions generated by prospective proposers were considered and, along with the concerns raised by the Council Solid Waste Committee at its meeting on December 20, 1988, have been incorporated in the Request for Proposals that is presented for consideration.

This staff report notes that proposers comments were directed toward clarification and advisement. The Council Solid Waste Committee's concerns have been addressed, resulting in no substantive changes to the program Criteria and Guidelines as presented to the Metro Council on December 22, 1988, except that there is presently no consideration of percentages for residual waste to be landfilled that would be included in the project funding. Responsibility for chairing the committee has changed from former Councilor Elsa Coleman to Councilor Judy Wyers.

Councilor Wyers presided at the January 18 public meeting, and subsequent meetings of the committee on January 26 and February 6, where comments concerning the Criteria and Guidelines were considered by the committee. The final committee recommendations, including the language of the Request for Proposals was approved at the committee's meeting on February 6. The recommendations of the advisory committee will be presented to the Council Solid Waste Committee on February 14.

Executive Officer Recommendation

The One Percent For Recycling Advisory Committee is presenting the final Criteria and Guidelines for the One Percent For Recycling Program as the work plan attachment for the Request for Proposal for the One Percent For Recycling Program. The intent is that Requests for Proposals will be advertised by February 27, 1989, following Council approval of the Program presentation on February 23, 1989.

The Executive Officer recommends approval of the Request for Proposals for the One Percent For Recycling Program, as submitted by the One Percent For Recycling Program Advisory Committee.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING	)	RESOLUTION NO. 89-1052
THE ONE PERCENT FOR RECYCLING)	
PROGRAM CRITERIA AND GUIDELINES	)	Introduced by the Rena Cusma
AND REQUEST FOR PROPOSALS	)	Executive Officer

WHEREAS, The Metropolitan Service District has established the One Percent For Recycling Program; and

WHEREAS, An Advisory Committee was created to develop project Criteria and Guidelines for the Program; and

WHEREAS, The Committee has been meeting since November 1988 to develop recommendations for Criteria and Guidelines and has conducted a public meeting to solicit input from potential proposers responding to the Program; and

WHEREAS, The One Percent For Recycling Advisory Committee has prepared the final recommendations and a Request for Proposals for the program for the Executive Office to submit to the Council Solid Waste Committee for review, concurrence and recommendation to the Metro Council to approve; and

WHEREAS, The Council Solid Waste Committee has reviewed and concurs with the Executive Officer's recommendations to approve the One Percent For Recycling Advisory Committee's recommendations for the Criteria and Guidelines and Request for Proposals; now, therefore,

BE IT RESOLVED, That

1) The Metro Council approves the One Percent For Recycling Criteria and Guidelines and Request for Proposals; and

2) Approves proceeding with soliciting proposals for the program from the public to implement innovative projects for reuse, recycling, and materials recovery from municipal solid waste generated in the Metropolitan region.

ADOPTED by the Council of the Metropolitan Service District
this ____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

NOTE: Due to the length of the document, the Request for Proposals for the One Percent for Recycling Program has not been included in this agenda packet. The document has been distributed to all Metro Councilors. Other parties wanting a copy of the document may contact Marie Nelson, Clerk of the Council, 221-1646, ext. 206.

9.3

LOCAL GOVERNMENT ADVISORY COMMITTEE
JANUARY 25, 1989 MEETING SUMMARY

Members present

Jim Gardner, Chairman
Wade Byers
Sam Cox
Tom DeJardin
Gretchen Kafoury
Marge Kafoury
(for Earl Blumenauer)
Bob Post

Members absent

Larry Bauer
Dale Harlan
John Meek
Bob Schumacher
Donald Stephens
Robert Woodell

Others present

Rena Cusma
Rich Carson
Andy Cotugno
Patrick Lee
Fred Neal

Chairman Gardner convened the meeting at approximately 5:45 PM. The following handouts were distributed to attendees:

- o FY 88-89 and Preliminary FY 1989-90 dues assessment comparison by individual jurisdiction.
- o Transportation Department Overview for FY 89-90, including proposed dues allocation by Department program.
- o Planning and Development Department Overview for FY 89-90, including proposed dues allocation by Department program.

Rich Carson provided introductory remarks indicating that he hoped to leave the meeting with a sense of the Committee members' priorities regarding allocation of dues funds by Metro across its ongoing and proposed planning programs. He mentioned that in pulling together the proposed budget, as requested at the first Committee meeting, Transportation and Planning and Development had followed different strategies. Transportation's proposed budget tracks very closely with last years both in terms of total cost and in that portion of the costs supported by dues. It is also presented as a balanced budget. Planning and Development on the other hand is a new department and, therefore, the proposed budget lacks the historical continuity of Transportation's. The programs included are those that various constituent groups, Executive Management, and the Metro Council have indicated Planning and Development ought to be pursuing even though anticipated revenues are insufficient to support all programs at desired levels. That is why it is important for committee members to identify funding preferences for Planning and Development's programs.

Andy Cotugno then provided the overview of Transportation's anticipated programs and proposed budget. He highlighted three major areas of increase in program emphasis:

- o Increase of .75 FTE and inclusion of \$500,000 in contractual services for the Milwaukee and I-205 Corridor LRT Alternatives Analysis.

COMMITTEE REPORT

Agenda Item: 9.3

Meeting Date: Feb. 23, 1989

CONSIDERATION OF RESOLUTION NO. 89-1057, ASSESSING DUES
TO LOCAL GOVERNMENTS FOR FY 1989-90

Date: February 22, 1989

Presented By: Councilor Gardner

COMMITTEE RECOMMENDATION: Councilors present -- Bauer, Collier, DeJardin, Devlin and Gardner -- voted unanimously to recommend Council adoption of Resolution No. 89-1057.

COMMITTEE DISCUSSION AND ISSUES: Planning and Development staff member, Pat Lee reviewed the process for consultation with the Local Government Advisory Committee (LGAC) as required by ORS 268.513. The LGAC was appointed on December 8, 1988 and held two meetings (December 14, 1988, and January 25, 1989) to review proposed dues-funded planning programs to be provided by the Planning and Development and Transportation Departments. The LGAC did not formulate a recommendation on the level of the dues assessment, but at the last meeting, members were requested to submit any written comments within two weeks to meet the District's budget schedule. Pat Lee reported that no written comments were received regarding the dues level or proposed programs, but that phone calls were received from representatives of the City of Gladstone and Multnomah County indicating support for the dues proposal. The proposed level of the dues assessment is \$.51 per capita for cities and counties and \$.125 of this rate for the Port of Portland and Tri-Met. This rate is consistent with the rate assessed for prior years.

Resolution No. 89-1057 satisfies the Council's statutory obligation to notify cities and counties at least 120 days prior to the start of the fiscal year of its intent to assess the dues at the proposed rate for planning purposes. The Council will not assess the dues at the beginning of the fiscal year unless the "sunset" provision in ORS 268.513 is removed by the 1989 Legislature.

DEC:gpwb
dues



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 9.3

Meeting Date Feb. 23, 1989

Date: February 16, 1989

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Subject: RESOLUTION NO. 89-1057
Assessing Local Government Dues for FY 1989-90

The Intergovernmental Relations Committee will consider the above resolution on February 21. The Committee's report and recommendation will be presented at the February 23 Council meeting.

STAFF REPORT

CONSIDERATION OF RESOLUTION 89-1057, FOR THE PURPOSE OF PROVIDING THE ASSESSMENT OF DUES TO LOCAL GOVERNMENTS FOR FY 1989-90.

Date: February 13, 1989

Presented by: Andy Cotugno
Rich Carson

FACTUAL BACKGROUND AND ANALYSIS

Assessment Authorization and Procedure

ORS 268.513 (Exhibit A) authorizes the Metro Council to:

"charge the cities and counties within the
District for the services and activities
carried out under ORS 268.380 and 268.390."

If the Council follows the recommendation of the Local Government Advisory Committee and determines that it is necessary to charge these local governments, it must establish the total amount to be charged and assess each city and county on the basis of population. The assessment cannot exceed \$.51 per capita per year.

In making the assessment, the Council is required to notify each city, county, Tri-Met and the Port of Portland of its intent to assess and the amount of the assessment at least 120 days before the beginning of the fiscal year for which the charge will be made. The notification for the FY 1989-90 assessment must be made prior to March 3, 1989. Assessments must be paid before October 1, 1989.

However, the authority granted in ORS 268.513 expires July 1, 1989 unless the Legislature changes the law. The letters of notification will indicate that no payment is expected without legislative action.

Proposed FY 1989-90 Assessment

The attached (Exhibit B) shows the population figures and proposed assessment schedule. The values are based upon the latest certified population figures from the Center for Population Research and Census at Portland State University. Each county's unincorporated population estimate is based upon data provided by the Center for Population Research and Census using a formula devised by Metro staff (Exhibit C).

COMMITTEE CONSIDERATION AND RECOMMENDATION

Metro Ordinance No. 84-180 and Metro Resolution No. 88-1016 established a Local Government Advisory Committee of local officials (Exhibit D) for the purpose of reviewing Metro's activity and service in dues-funded programs. The committee met (Exhibit E) and formulated a recommendation. Their recommended dues assessment is \$.51 per capita. Tri-Met and the Port of Portland are assessed at .125 of this rate.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution 89-1057.

sl

Attachments

SR1057

2/13/89

268.513 Service charge for planning functions of district. (1) The council shall consult with the advisory committee appointed under ORS 268.170 before determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita per year. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) When the council determines that it is necessary to impose the service charges authorized under subsection (1) of this section for any fiscal year, each mass transit district organized under ORS chapter 267 and port located wholly or partly within the district shall also pay a service charge to the district for that fiscal year for the services and activities carried out under ORS 268.380 and 268.390. The charge for a mass transit district or port shall be the amount obtained by applying, for the population of the mass transit district or port within the boundaries of the district, a per capita charge that is 12-1/2 percent of the per capita rate established for cities and counties for the same fiscal year. Subsections (2) and (3) of this section apply to charges assessed under this subsection.

(5) This section shall not apply to a fiscal year that ends later than June 30, 1989. (1977 c.665 §16; 1979 c.804 §10; 1981 c.353 §5; 1985 c.210 §1)

EXHIBIT B
POPULATION FIGURES AND PROPOSED
ASSESSMENT SCHEDULE

FINAL FY 89-90 METRO DUES

JURISDICTION	ESTIMATE 7/1/1988	ASSESSMENT AT \$0.51/	IN METRO	TOTAL COUNTY	NOT IN METRO
CLACKAMAS CO. (Unincorp.)	91596	\$46,713.98			
Gladstone	9780	\$4,987.80			
Happy Valley	1505	\$767.55			
Johnson City	425	\$216.75			
Lake Oswego	28360	\$14,463.60			
Milwaukie	19045	\$9,712.95			
Oregon City	15030	\$7,665.30			
Rivergrove	330	\$168.30			
West Linn	14020	\$7,150.20			
Wilsonville	4910	\$2,504.10	185001	262200	77199
MULTNOMAH CO. (Unincorp.)	65412	\$33,360.23			
Fairview	1940	\$989.40			
Gresham	60315	\$30,760.65			
Maywood Park	830	\$423.30			
Portland	429410	\$218,999.10			
Troutdale	7255	\$3,700.05			
Wood Village	2580	\$1,315.80	567742	570500	2758
WASHINGTON CO. (Unincorp.)	125161	\$63,831.89			
Beaverton	40515	\$20,662.65			
Cornelius	5090	\$2,595.90			
Durham	790	\$402.90			
Forest Grove	12120	\$6,181.20			
Hillsboro	32320	\$16,483.20			
King City	2010	\$1,025.10			
Sherwood	2990	\$1,524.90			
Tigard	25510	\$13,010.10			
Tualatin	12160	\$6,201.60	258666	287000	28334
Local Assessment	1011409	\$515,818.50	1011409	1119700	108291
Port of Portland		\$64,477.31			
Tri-Met		\$64,477.31			
TOTAL PROPOSED ASSESSMENT		\$644,773.13			

Population estimates based on PRELIMINARY July 1, 1988 certified estimates of population for Oregon cities and counties prepared by the Center for Population Research and Census, Portland State University.

Unincorporated county population estimate inside Metro based upon data provided by 1980 U.S. Census data (for 1980) and by the Center for Population Research and Census (for 1988).

CLACKAMAS COUNTY

Step 1 - 1988 Unincorporated population estimate =	151445
1980 Census unincorporated population =	146265
Difference	5180
$5180 / 142265 =$	0.0354
Step 2 - $.0354 \times 88143$ (1980 unincorporated inside Metro) =	3122
Step 3 - $3122 + 88143$ (1988 unincorporated inside Metro) =	91265

MULTNOMAH COUNTY

Step 1 - 1988 Unincorporated population estimate =	68170
1980 Census unincorporated population =	150839
Difference	-82669
$-82669 / 150839 =$	-0.5481
Step 2 - $-.5481 \times 144790$ (1980 unincorporated inside Metro) =	-79354
Step 3 - $-79354 + 144790$ (1988 unincorporated inside Metro) =	65436

WASHINGTON COUNTY

Step 1 - 1988 Unincorporated population estimate =	151365
1980 Census unincorporated population =	141368
Difference	9997
$9997 / 141386 =$	0.0707
Step 2 - $.0707 \times 117340$ (1980 unincorporated inside Metro) =	8298
Step 3 - $8298 + 117340$ (1988 unincorporated inside Metro) =	125638

A:\dues88.prn
rwk/rcb

EXHIBIT D
LOCAL GOVERNMENT ADVISORY
COMMITTEE MEMBERS

The Honorable Dale Harlan
Clackamas County Board of
Commissioners

The Honorable John Meek
Washington County Board of
Commissioners

Mr. Robert Woodell, Executive Director
Port of Portland

The Honorable H. Wade Byers, Jr.
Mayor of Gladstone (cities of Clackamas County)

The Honorable Gretchen Kafoury
Multnomah County Board of
Commissioners

The Honorable Earl Blumenauer
City of Portland Commissioner

Mr. Bob Post, Assistant General Manager
Tri-Met

The Honorable Sam Cox
Mayor of Troutdale (cities of Multnomah County)

The Honorable Donald Stephens
Mayor of Durham (cities of Washington County)

The Honorable Tom DeJardin
Metro Councilor

The Honorable Jim Gardner
Metro Councilor

The Honorable Larry Bauer
Metro Councilor-Elect

Mr. Bob Schumacher, Administrator
State Intergovernmental Relations Division

LOCAL GOVERNMENT ADVISORY COMMITTEE CONSULTATION PROCESS
FY 89-90 DUES ASSESSMENT AND PROPOSED ALLOCATION

Chronology and Process

November 28, 1988	Executive Officer appoints local government officials to the Committee.
November 30, 1988	Letter sent to Committee members and others announcing the December 14, 1988 meeting.
December 8, 1988	Resolution 88-1016 adopted appointing Councilors Gardner and DeJardin and Councilor-elect Bauer to the Local Government Advisory Committee. Councilor Gardner appointed Chair of the Committee.
December 14, 1988	First meeting of the Committee held. Andy Cotugno, Director of Transportation, and Rich Carson, Director of Planning and Development provide overview of Metro's planning programs and progress through December 1, 1988. "Local Government Advisory Committee Program Overview, December 1988" document handed out to all in attendance.
January 4, 1989	Letter sent to Committee members and others announcing the January 25, 1989 meeting. Copies of "Local Government Advisory Committee Program Overview, December 1988" sent to those committee members who did not attend the December 14, 1988 meeting.
January 25, 1989	Second meeting of the Committee held. Andy Cotugno and Rich Carson review planning programs proposed to be funded in whole or in part by local dues and prospective budget and individual program costs. "Department Overviews" including prospective revenue breakdown by program (amount dues funded, amount funded by other sources, and total revenue needed) distributed by Cotugno and Carson. After discussion it was requested that any additional comments on proposed dues assessment and allocation be submitted by Committee members in writing within two weeks. No written comments were submitted.

**LOCAL GOVERNMENT ADVISORY COMMITTEE
DECEMBER 14, 1988 MEETING SUMMARY**

Members present

Jim Gardner, Chairman
Larry Bauer
Sam Cox
Bruce Harder
 (for Bob Post)
Dale Harlan
Gretchen Kafoury
Robert Schumacher
Alan Willis
 (for Robert Woodell)

Members absent

Earl Blumenauer
Wade Byers
Tom DeJardin
John Meek
Donald Stephens

Others present

Rena Cusma
Rich Carson
Andy Cotugno
Keith Lawton
Patrick Lee
Fred Neal

Chairman Gardner convened the meeting at approximately 5:35 PM. Executive Officer Cusma welcomed the Committee. She indicated that this was to be the first of two meetings. The purpose of the meeting was to bring the Committee up to speed on ongoing planning programs at Metro and the progress that had been made through December 1, 1988 on individual programs. Based on the background information provided at the first meeting it was hoped that members would be able to discuss programs with their organizations as necessary and return to the second meeting with some sense of priorities for expenditure of dues funds. The consensus of the Committee was to schedule the second meeting for January 25, 1989. Rena then turned the meeting over to Metro staff.

Andy Cotugno reviewed the Transportation Department chapter of the "Local Government Advisory Committee Program Overview, December 1988" which was distributed to all attending the meeting. Rich Carson then reviewed the Planning and Development Department chapter. General discussion of program components and objectives ensued.

The following specific requests and comments were recorded:

- o Gretchen Kafoury requested that Metro include a program to respond to the Otto Committee's recommendation that Metro coordinate a regional library system study.
- o Fred Neal requested that Metro prepare a prospective budget for expenditure of dues by program for review by the Committee. Staff indicated that had been its intent and that one would be available for the second meeting.
- o Bob Schumacher commented he was concerned about the scope of the proposed Urban Growth Management Plan and wanted assurance that it not overly encroach on local land use authority. Rich Carson responded that it was Metro's intent to construct the plan through a consensus building process in close cooperation with local jurisdictions.

- o Larry Bauer suggested that a valuable service Metro could provide would be to standardize regional data bases and mapping programs throughout the metropolitan area. Andy Cotugno responded that most jurisdictions in the region already utilize the demographic data generated by Metro's Data Resources Center for their comprehensive planning programs. Further, the Regional Land Information System (RLIS) that Metro proposes to develop provides the capability to standardize mapping programs across the region, although use of RLIS is a voluntary choice of local jurisdictions.

The meeting was adjourned at approximately 6:55 PM.

- o Inclusion of 3.0 FTE temporary staff for data entry and \$18,000 in contractual services for RLIS development.
- o Inclusion of an aerial flight and photography to conduct an employment survey that will coincide with the 1990 census.

Fred Neal stated it would have been helpful if Metro had provided Committee Members with a line item comparison between FY 88-89 expenditures and proposed FY 89-90 expenditures by dues and other funding sources rather than just presenting proposed FY budget and dues allocation data. Committee members concurred with Fred Neal.

General discussion of the proposed transportation budget ensued. Interest focussed around the following two proposed line items:

- o The \$124,261 dues allocation for RLIS (Marge Kafoury).
- o The \$85,215 dues transfer to the General Fund (Fred Neal).

Andy explained the major activities toward which the General Fund transfer is allocated (building and equipment maintenance, overall District administration and management) and indicated that the proposed dues allocation noted in the Transportation budget for general fund is for the general government elements that cannot be charged to grants.

In regard to RLIS, Andy provided Marge Kafoury with a copy of the standard handout explaining its purpose and proposed capabilities. Marge asked how useful the information may be for local jurisdictions. Andy and Rich responded that it could be very useful and that they expected it to be utilized to a similar extent as existing Data Resources Center materials. Marge indicated that to her knowledge the City of Portland was not planning to utilize RLIS. Gretchen Kafoury stated that Multnomah County also was developing its own system and did not expect to utilize RLIS. Fred Neal encouraged Metro to pursue a larger percentage of private sector financing for developing RLIS.

One final question that Marge Kafoury and Fred Neal asked was whether there were many "discretionary" programs in Transportation's budget where the dues burden could be reduced other than RLIS and the General Fund Transfer. Andy indicated that most other programs were heavily leveraged with dues being utilized as local matches for federal grants.

Rich Carson presented the Planning and Development Department program and budget overview, again requesting attendees to focus on program priority for dues funding. Wade Byers objected to the budget approach indicating that it was not his job nor that of the cities in Clackamas County to balance a Metro budget that is 45 percent over balance. Rich responded that ultimately there would be a balanced budget proposed by the Executive Officer to the Council but that any direction that the Committee could provide would be helpful in discussing strategies to balance the budget.

with the Executive Officer.

Gretchen Kafoury asked which programs were mandatory and which were optional. Rich again reviewed the Department Overview handout indicating which were mandated programs. He concluded by cautioning the Committee members that even if a program is mandated, there is some flexibility in allocating resources to respond to the mandates so that should not be the major factor in establishing program preferences and funding priorities.

A lengthy discussion ensued on a number of the programs. The following specifics were noted:

- o Fred Neal inquired as to the scope of the business license program and its potential as a revenue generator.
- o Sam Cox indicated that there was an enforcement problem with the program in that the complaint calls regarding shoddy workmanship and the like are received and investigated by the local jurisdictions, not Metro.
- o Wade Byers stated that as long as the budget were balanced the cities of Clackamas County had no strong feelings on Metro's use of dues funds.
- o Marge Kafoury stated she needed to consult with City of Portland officials in order to firm up any recommendations on Metro's priorities for the use of dues. She also stated the City would like to see a one or two cent reduction in the per capita dues assessment or, at a minimum, to hold the line on current assessments.
- o Gretchen Kafoury stated that Metro should be concentrating on regional planning issues and regional systems coordination. She felt that the Local Government Coordination program, particularly staffing of meetings such as the Bi-State Committee, ORCA, and others was most expendable. Conducting various workshops should also be a low priority. Although personally a strong proponent of a regional library system, Gretchen stated that there may not yet be a compelling regional consensus for Metro to allocate resources to that effort. She stated that she was also very supportive of Metro's Parks and Natural Areas program but that it may also have to be scaled back to fit within budget constraints.

Rich requested that any written comments be forwarded within two weeks so that they may be considered within Metro's budget cycle. The current schedule calls for the Executive Officer to submit the FY 89-90 budget to the Council on or about March 1, 1989.

The meeting was adjourned at approximately 7:45 PM.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PROVIDING FOR THE)
ASSESSMENT OF DUES TO LOCAL)
GOVERNMENTS FOR FY 1989-90)

RESOLUTION NO. 89-1057

Introduced by
Councilor Gardner

WHEREAS, ORS 268.513 authorizes the Council of the
Metropolitan Service District (Metro) to:

"charge the cities and counties within the
District for the services and activities
carried out under ORS 268.380 and 268.390.";
and

WHEREAS, Metro Ordinance 84-180 requires the Metro Council to
seek the advice of the Local Government Advisory Committee regarding
the assessment of dues as authorized by ORS 268.513 and this condition
has been fulfilled; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby establishes local
government dues assessment within the District in the
amount of \$.51 per capita for FY 1989-90.
2. That notification of the assessment be sent to all cities
and counties within the District, Tri-Met and the Port of
Portland prior to March 3, 1989.
3. That the assessment does not take effect unless the
expiration provision in ORS 268.513 is amended to allow
for its collection in FY 1989-90.

ADOPTED by the Metro Council this ____ day of February, 1989.

Mike Ragsdale, Presiding Officer

JG/SL
RES1057
2/13/89

9.4

COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 89-1048 FOR THE PURPOSE
OF AUTHORIZING A CHANGE ORDER FOR CONSTRUCTION OF SKYVIEW
TERRACES FOR THE OREGON CONVENTION CENTER

DATE: FEBRUARY 7, 1989

PRESENTED BY: COUNCILOR KNOWLES

At the February 7, 1989 meeting of the Council Convention Center, Zoo & Visitor Facilities Committee, Resolution No. 89-1048 was considered. Councilor's Knowles, Kelley, DeJardin, Buchanan, and Van Bergen were present.

Background

Resolution No. 89-1048 would authorize a change order to the contract with Hoffman/Marmolejo for Construction of the Skyview Terraces within the Oregon Convention Center. The proposed terraces would provide approximately 7000 square feet of space. They would be constructed in the base of the glass pyramid towers, and offer views of Downtown and the Willamette River. It is anticipated that the Terraces would provide a space which could be used as a lounge, restaurant, and/or a spot for special events.

The Advisory Committee on Design and Construction had reviewed this issue at its past two meetings, and forwarded a trimmed down change order to the Council with its recommendation for approval. A memo from Committee Chairman Tom Walsh is attached as Attachment A.

Project staff described the project at the meeting (see Attachment B, Staff Report). The change order proposed would provide only for construction of basic structural elements. Additional funds, estimated at \$580,000, would be required to provide a finished space. Construction of the basic structural system proposed would allow finishing of the space at any time in the future. If the basic structural system were not included now, construction of the terraces would be permanently foreclosed.

Project staff also presented a summarized business plan for the terraces, which described their potential uses and the potential

revenue which they could generate. This business plan is included as Attachment C.

Committee Discussion

In discussion of the business plan, Councilor Kelley requested substantially more detail be developed. In discussion, the Committee agreed the information developed at this time was an adequate basis for making the decision regarding this proposed construction change, but the Metro ERC should be challenged to develop a thorough business plan which evaluated different management alternatives. Alternatives would include management by a concessionaire, by an independent restaurant, or directly by Metro ERC staff. Committee members agreed, and indicated the development of a detailed business plan and analysis should be requested of the Metro ERC. Such a business plan should be developed prior to decisions on how to finish the interior of the spaces.

Staff also explained that funding for the terraces must come from sources outside of the already allocated \$85 million construction budget. Specifically, funding must come from either the interest generated by the general obligation bonds or potentially, hotel/motel tax funds. A specific budget decision on funding sources is not required at this time as adequate construction funds are budgeted this year. However if the change order is approved, paying for the change will be among the issues the Council will deal with in its FY 1989-90 Budget deliberations.

Councilor Van Bergen supported the change, noting Metro should do all it can to make it the best building possible. Councilor DeJardin emphasized the competitive nature of the convention/hospitality business, and that he supported this change order as one means to increase our building's competitiveness.

Committee Recommendation

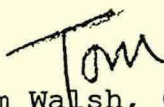
Councilor DeJardin moved that Resolution No. 89-1051 be forwarded to the Council with a recommendation for approval. Councilor Van Bergen seconded the motion. The vote in favor of the motion was unanimous. It should be noted the intent of the action also included a request to the Metro ERC to develop a thorough business plan which identifies the pros and cons, including dollars and cents, of alternative management arrangements.

**METRO**2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 7, 1989

To: Council Convention Center Committee

From: 
Tom Walsh, Chairman
Advisory Committee on Design and Construction

Regarding: Skyview Terraces

The Advisory Committee on Design and Construction has considered the issue of skyview terraces for the Convention Center several times over the course of this project.

The ACDC supported the inclusion of the terraces in the original design and reluctantly removed them when budget concerns forced reducing the size of the building.

At the time of the award of the general contract, ACDC noted that a change order to include the terraces was worth asking the general contractor to price. Design work to accomplish this was advanced.

With the construction proceeding, the decision to preserve the option for the terraces must be made now. The change order at issue is for a maximum of \$420,000, and will provide only a basic structural system -- not a finished space. Approving this change order now will allow a separate decision to complete the space to be made at any time in the future. The cost for completion of these spaces is estimated at approximately \$600,000.

At its last two meetings, ACDC has discussed the benefits and costs of approving this change order of \$420,000 to the building. On January 27, ACDC recommended that the change order for the skyview terraces be forwarded to your committee with a strong recommendation for approval. Funding for the terraces is outside the current construction budget, and would come from interest on the bond proceeds.

I would like to apologize for one more "piecemeal" decision -- and it is forwarded to you in this manner only due to the unforgiving time pressure of the construction schedule. I commit to you that ACDC will return to your committee within the next month with a consolidated picture of the entire project's funding, and a comprehensive recommendation regarding the use of bond interest funds for contingency and project enhancements. I assure you that this will be the last piecemeal recommendation you will receive from us.

STAFF REPORT

CONSIDERATION OF CHANGE ORDER FOR CONSTRUCTION OF SKYVIEW TERRACES
IN OREGON CONVENTION CENTER

Date: January 30, 1989

Presented by: Neil McFarlane

I. BACKGROUND

In November, 1988, the Council authorized the project architects, Zimmer Gunsul Frasca, to prepare a design for the 7,000 square foot area identified as the skyview terraces. The design allows access to and use of an area on a third, balcony level of the convention center, affording a view of the river and the downtown skyline through the base of the towers. Limited food and beverage service would be available in this relatively private space in the building.

The design was prepared and submitted to Hoffman/Marmolejo for pricing. After review and revision of the estimates in conjunction with Turner Construction Company, the price now stands at \$420,000.

The Advisory Committee on Design and Construction (ACDC) has discussed the skyview terraces at its last two meetings. On Friday, January 27, ACDC recommended that Metro authorize a change order not to exceed \$420,000 for the construction of the skyview terraces. This change order will not fund completed terraces. It will allow the necessary structural, electrical and mechanical work to proceed in the logical construction sequence. Tenant improvements and finishes are not included and would require additional funding.

In response to a request from the Council Convention Center Committee, a business analysis of the terraces was prepared and is attached. Also attached is a resolution by the Metro Exposition/Recreation Commission recommending construction of the terraces. Further work is being done on the business analysis and will be available to the Council.

II. BUDGET IMPLICATIONS

In its discussions, ACDC recognized that there are insufficient contingencies in the overall project to fund this change order. ACDC recommends that the terraces be funded with the interest money generated by the general obligation bonds. When the general

contract was awarded in September, a general policy direction was set to apply a portion (\$1.7 million) of the interest funds to construction. However, because no budget action was required at that time, the Council has not had the opportunity to fully debate this issue and reach a conclusion.

There are sufficient funds appropriated in the 1988-89 budget to pay for the skyview terraces. The issue of the use of interest funds will be part of the general discussion for the 1989-90 budget.

Another possible funding source is hotel/motel funds. ACDC did not discuss this source, because of the assignment of those funds to the Metro Exposition/Recreation Commission. The business plan reflects anticipated revenue, and a food service concessionaire could include the costs of finishing the space in contract arrangements. If the Council elects to fund the terraces from hotel/motel tax, the issue of distribution of these funds will need to be part of the 1989-90 budget discussion.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No.89-1048, authorizing construction of skyview terraces for the Oregon Convention Center.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	) RESOLUTION NO. 89 - 1048
CHANGE ORDER FOR CONSTRUCTION OF)
SKYVIEW TERRACES FOR THE OREGON	) Introduced by
CONVENTION CENTER	) Executive Officer Rena Cusma

WHEREAS, the Council of the Metropolitan Service District has authorized design work for the skyview terraces for the Oregon Convention Center; and

WHEREAS, that design work is now complete and the general contractor has submitted estimates for the construction of the terraces; and

WHEREAS, the Advisory Committee on Design and Construction has considered the issue several times and recommends that the terraces be constructed; and

WHEREAS, the Metro Exposition/Recreation Commission has given its support for the terraces; and

WHEREAS, an analysis prepared for the terraces reflects that this enhancement will bring additional revenue to the convention center; and

WHEREAS, sufficient funds are appropriated in the 1988-89 budget to allow the construction to begin; and

WHEREAS, the Council recognizes that supplemental funds must be identified in the 1989-90 budget to supplant those expended in 1988-89; and

WHEREAS, a timely decision is necessary to avoid extra costs for out-of-sequence construction; now, therefore,

BE IT RESOLVED,

That a change order in an amount not to exceed \$420,000 for the contract with the Hoffman (Oregon)/Marmolejo Joint Venture is authorized for the purpose of constructing the skyview terraces for the Oregon Convention Center.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of February, 1989.

Mike Ragsdale, Presiding Officer



1111 S.W. Broadway, Portland, Oregon 97205 • (503) 274-6555

January 23, 1989

MEMORANDUM

TO: Metropolitan Exposition-Recreation Commission

FROM: Jeffrey A. Blosser *JAB*

SUBJECT: Oregon Convention Center Skyview Terrace

Please find enclosed a memo from Cathie Shelton relating to activities that could utilize the Oregon Convention Center Skyview Terraces. I would like to add some additional information along with a revenue production estimate for the Lounges.

The Skyview Terrace Lounges would showcase Portland very nicely and could be the highlight of any use. The following are some important types of utilization for the OCC Skyview Terraces:

- Special community functions or presentations / Mayor, MERC, etc.
- Prospective client / board of directors receptions, meetings, bid presentations.
- Uses by POVA to showcase the Convention Center and Portland .
- Restaurant / lounge for conventions, trade shows, large meetings, etc.
- Overflow meeting space for conventions.

Ogden Allied has put together a potential revenue package for the Skyview Terrace as an addition to the budget estimates for food service revenue for the OCC operation. Ogden Allied has estimated an additional \$0.60 to \$0.65 per person per event for the Skyview Terrace Lounges.

Metropolitan Exposition-Recreation Commission
Oregon Convention Center Skyview Terraces
January 23, 1989
Page Two

The estimated attendance figure for Fiscal Year 1990/91 is 480,000 people and 535,000 for Fiscal Year 1994/95 according to the Laventhol & Horwath Operating Plan for the Oregon Convention Center. If these estimated attendance figures are correct, the Skyview Terraces would generate somewhere between \$288,000 - \$321,000 per year gross catering / concession revenue. The OCC would receive approximately 25 percent of these figures for its share, or \$72,000 - \$80,250 annually.

Additionally, rental rates for the Skyview Terraces could be established for meetings, office space, etc. This could generate even more revenue for the Center over and above the income derived from catering commissions.

With the present anticipated uses outlined and potential revenue described, I believe this area will put the Oregon Convention Center one step ahead of our competition. Having amenities such as the Skyview Terraces is that extra edge we can use to "close the deal" on potential business of all types.

I strongly urge your serious consideration on this item.

JAB/l
Enclosure

cc: Lee Fehrenkamp
Cathie Shelton
Tim Fennell, Ogden Allied Leisure Services



SALES & MARKETING

1111 S.W. Broadway, Portland, Oregon 97205 • (503) 274-6555

January 19, 1989

MEMORANDUM

TO: Jeff Blosser
FROM: Cathie Shelton *CS*
SUBJECT: OCC Skyview Terrace Lounges

Per your request, the following is a summary of the type of events we could expect to host in the skyview terrace lounges:

- Wedding receptions
- Business receptions
- Birthday parties
- Family reunions
- Meetings
- Convention, trade and consumer show receptions

I think there are several strong points to be made for the addition of the lounges to the OCC. For the first several functions listed, the lounge areas will provide members of the community yet another opportunity to utilize their building. And, I do think it will be a popular place for these types of activities due to the view of downtown Portland.

For conventions and trade shows, we do have other space in the building which we can offer to accommodate such functions as a cocktail reception, but many meetings and shows (i.e., the National Guard Association Convention) have several of these functions occurring simultaneously.

Finally, not only will the skyview terrace lounges be a wonderful amenity for the building, the area will be one more space available for us to sell.

CS/11

OGDEN ALLIED

LEISURE SERVICES

Plaza La Reina
Tower II, Suite 1100
6053 W. Century Boulevard
Los Angeles, CA 90045
213 645 0515

October 3, 1988

Mr. Lee Fehrenkamp
General Manager
Memorial Coliseum Complex
P.O. Box 2746
Portland, Oregon 97208

Dear Lee:

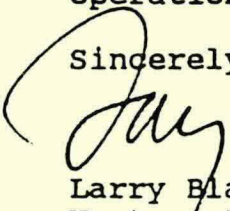
We have researched the potential sales for the two lounge areas and connecting hallway for the new Oregon Convention Center.

Assuming cocktails, soft drinks, snacks and hors d'oeuvres only for the two areas, we feel that an additional \$0.60 to \$0.65 per person per event can be achieved, without diminishing sales in any other area.

There is no question in our minds that these areas will make the building more saleable, since people prefer to conduct business, as well as have private conversations in lounges, where they can relax with a cocktail and some snacks, away from the main crowds attending a conference at the Convention Center. They can meet with their client or guest away from the Convention Center, or if the center has the facilities, such as these lounges, they can select the most logical and easy alternate, meet in the Convention Center Lounge.

As Tim and I indicated to you at our recent meeting, Ogden Allied will be more than happy to participate in the funding of these extremely important additions to the Convention Center. We said it then and still believe that if they are not included in the original construction phases, they will never be built. We feel they will definitely enhance the total food and beverage operation at the Oregon Convention Center.

Sincerely,



Larry Blasko
Western Area Sales Manager

LB:amp

cc: S. Diener
T. Fennell



ATTACHMENT C

BUSINESS PLAN FOR SKYVIEW TERRACES

The compelling reasons for investing in the skyview terraces are only partially economic ones. In outlining a business plan, several background points need to be kept in mind:

- (1) the convention center as a whole will need a subsidy, i.e. it will not generate revenue;
- (2) the Oregon Convention Center will compete in an increasingly crowded market and that amenities, such as the terraces, will make a competitive difference; and
- (3) the benefits to the community are not derived through a profit to the facility, but through the related resulting primary, secondary and tertiary spending of delegates and exhibitors.

ANTICIPATED USES:

The skyview terraces, when fully developed, will be very attractive. They will offer outstanding views outside through the base of the tower pyramids to the Willamette River and downtown, and inside down to the prefunction spaces within the convention center. The terraces offer a flexible, intimate space with a startling nighttime view for people attending conventions or by other parties via reservation.

As indicated by Jeff Blosser, the terraces would showcase Portland very nicely and could be expected to serve:

- Special community functions or presentations by the Mayor, Metro, the Metro Exposition/Recreation Commission, and other official groups
- Receptions for prospective clients, boards of directors, or for marketing bid presentations
- Special events by P/OVA or other groups marketing Portland
- As a lounge or quiet area for conventions, trade shows, or other large meetings
- Overflow meeting space for conventions

They will also provide an in-center hospitality suite available during and after conventions and trade shows. The design of the terraces would allow use by two small groups simultaneously.

Because the elevators to the terraces are located inside the secure zone of the convention center, the terraces would not be open to the general public on a walk-in basis. The convention center concessionaire will provide food service.

BACKGROUND:

The original design for the convention center included "roughing-in" these spaces. As the building grew out of the budget allotted, this space and other areas were reduced or eliminated to bring the cost estimates within the available funds. At the time of the award of the general contract, the Advisory Committee on Design and Construction urged reinstating the terraces if funds could be found.

CAPITAL COSTS:

The initial change order of \$420,000 will preserve the option of later finishing the terraces. Because the terraces were eliminated, the design must now be changed to include them. No exact costing of completing the terraces has been figured recently. Rough estimates put the total cost at \$1,000,000, or an additional \$580,000 beyond the initial change order.

OPERATING COSTS:

Additional operating costs related to this space are negligible. The space will not add significantly to the cost of utilities. Minor maintenance costs will be incurred, but the center's staffing for maintenance is flexible and changes to meet the needs of each convention. No additional staff will be required to market or maintain this space.

PROJECTED INCOME:

Income will be generated from two sources: (A) private parties renting the space and (B) additional food service for convention attendees.

(A) Private Parties: Two comparable spaces locally have been identified:

(1) First is the 10,000 square foot meeting room on the 41st floor of the U. S. Bank tower. This space rents for \$1,000 per day, or 10¢ per square foot. Room charges are reduced for parties purchasing substantial food and beverages. This space is booked every weekend this summer for wedding receptions, and is used by other groups for special receptions.

(2) Second is the Atrium in Montgomery Park, which has booked 50 wedding receptions in their 7000 square foot space. This space rents for \$1000 per event, or approximately \$.14 per square foot, with some offset of rent costs for food and beverage charges.

Based on this review of the local market, staff estimates that the spaces will rent for \$700.00; or \$350.00 for one half (\$.10 per square foot). Metro ERC staff have estimated that the Terraces could be rented approximately 40 times per year. If the terraces were rented 40 times per year, approximately \$28,000 in rent income could be generated. If rent were waived, concession profits would generate equal or greater revenue.

(2) Convention Attendees: Ogden Allied Leisure Services estimates that convention delegates would spend an average of \$.60 to \$.65 per person at the skyview terraces or similar location. Attendance figures for the Oregon Convention Center begin at 480,000 for the first years of operation and peak at 535,000 by the fifth year. If these numbers are correct, the skyview terraces would generate somewhere in the range of \$288,000 to \$321,000 per year in gross catering or concession revenue. If the center received 25% of this amount (a conservatively safe assumption), the net profit would be \$72,000 to \$80,250 annually.

Combining the rental revenue of \$28,000 with \$75,000 for the concession revenue shows total annual revenue of approximately \$103,000.

ANALYSIS:

To prepare the space completely for occupancy and use is estimated to cost nearly \$1,000,000, or roughly \$150 per square foot.

Profit per square foot ($\$103,000 / 7,000$ square feet) is approximately \$18.57.

Construction costs of \$1,000,000 would be paid back in 9.3 years. The capitalization rate would be 10.7%.

CONCLUSION

The Skyview Terraces can be demonstrated to be a good business decision. They have the potential to generate over \$100,000 annually in revenue to the center. Obviously, to generate this income, the Terraces would have to be marketed aggressively.

It is important to note that the Terraces are justified only partially by economics. In addition, the Terraces also provide one more amenity to market to national and regional conventions.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

ITEM 9.5

Date: February 23, 1989

To: Daniel B. Cooper, General Counsel

From: Larry Shaw, Legal Counsel *LS*

Regarding: METRO INTERVENTION IN WASHINGTON COUNTY
TRANSPORTATION PLAN APPEAL

RECEIVED

FEB 23 1989

TIME: 12:15 pm
METRO SERVICE DISTRICT
OFFICE GENERAL COUNSEL

INTRODUCTION

1000 Friends of Oregon has appealed to LUBA Washington County's update of the Transportation Element of its Comprehensive Plan. The focus of the appeal is the corridor established for the "Western Bypass." The County followed the conclusions of Metro's Southwest Corridor Study by including the Western Bypass in their comprehensive plan in order for it to be included in ODOT's Six-Year Plan. All this is necessary in the federal transportation planning process. If 1000 Friends current legal theory is successful, the federal planning funds for all three major new long-term facilities in Metro's Regional Transportation Plan (RTP) may be threatened. Metro is the appropriate entity to present the complexities of the federal transportation planning process to LUBA.

1000 FRIENDS' CONCERN

With historical problems of urban growth onto agricultural and other resource lands in Washington County, 1000 Friends' brief asks LUBA to require complete statewide planning goal findings by Washington County, at the time the Western Bypass corridor is added to the County Comprehensive Plan. LUBA has no direct precedent on timing for review of transportation planning for long-term projects like the Bypass. Depending on the alignment chosen, some resource lands will probably be affected by this major new highway. If the County's inclusion of the Bypass in its plan were a final decision to build it, such findings are needed to show compliance with state land use law. If this were found by LUBA to be such a final decision, 1000 Friends must appeal to LUBA now or waive its right to object.

METRO INTEREST

As the "Metropolitan Planning Organization" for federal transportation planning, Metro through the regional consensus developed by JPACT, has a key role. Metro's federally funded Southwest Corridor Study recommended the new Bypass corridor as

the first alternative and improvements to existing highways as the second alternative. In the federal process, no decision to build either alternative is possible until an in depth study of all the impacts of both alternatives is completed. However, in order to obtain federal and state funds to further examine these alternatives, projects must be prioritized for study. Therefore, the Bypass must be included in Metro's RTP, ODOT's six-year plan, and the County comprehensive plan to receive federal planning funds.

Metro's interest is to successfully blend the federal and state requirements so that regional transportation planning can continue uninterrupted. If LUBA treats an early identification of a major long-term transportation facility, like the Bypass, as a final decision requiring full land use findings, the cart is before the horse.... State land use findings would be required before sufficient data is collected in the mandatory federal process to provide a basis for such findings.

CONCLUSIONS

1. 1000 Friends appeal is understandable, given the lack of LUBA precedent on long-term transportation planning, but its legal theory could damage regional transportation planning by conflicting with the federal process.
2. Washington County followed the conclusions of Metro's Southwest Corridor Study.
3. Metro could assist LUBA and the parties by intervening in the case to add its view of the relationships between the federal transportation planning requirements and state land use requirements developed by regional consensus in JPACT.

LS/gl
washcolu.ba

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 89-1054
THE GENERAL COUNSEL TO INTERVENE)	
ON BEHALF OF THE DISTRICT IN	)	Introduced by
<u>1000 FRIENDS OF OREGON V.</u>	)	Councilor Ragsdale
<u>WASHINGTON COUNTY</u> (LUBA NO. 88-106,))	
88-107, 88-108))	

WHEREAS, 1000 Friends of Oregon has filed its Petition for Review by the Land Use Board of Appeals of the decision of Washington County to amend its Comprehensive Plan to provide for the construction of the Aloha Bypass; and

WHEREAS, 1000 Friends of Oregon's Petition for Review challenges the County action on the grounds that the action does not demonstrate that it is in compliance with the Statewide Goals; and

WHEREAS, The Assignments of Error raised by 1000 Friends of Oregon refuse to recognize Metro and Washington County's adoption of the Southwest Corridor Study Recommendations and Conclusions as establishing options for the further study needed before demonstrating compliance with the Goals; and

WHEREAS, It is in Metro's interest to appear in this matter in order to ensure that LUBA understands Metro's position on the necessity for making land use findings consistent with the Regional Transportation Plan and the Intergovernmental Agreement entered into between Metro and Washington County as required by Metro and the Joint Policy Alternatives Committee on Transportation at the time the Southwest Corridor Study Recommendations were adopted; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes the Office of General Counsel to petition the Land Use Board of Appeals to allow the Metropolitan Service District to intervene in the matter of 1000 Friends of Oregon v. Washington County, LUBA NO. 88-106, 107 and 108, and file a Brief and participate in an oral argument to the extent that LUBA shall so allow.

Mike Ragsdale, Presiding Officer

DBC/gl