



METRO

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

Agenda

Meeting: COUNCIL
Date: October 13, 1988
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 | |
| | 3.1 <u>United Way Campaign Presentation</u> | Shoemake |
| | 3.2 <u>Consideration of Resolution No. 88-984, for the Purpose of Recognizing Recycling Achievement in Metro Area (Action Requested: Motion to Adopt the Resolution)</u> | Cusma/
Ragsdale |
| | 4. COUNCILOR COMMUNICATIONS | |
| | 4.1 <u>Briefing on the Oregon Convention Center One Percent for Art Program</u>
(Oral Report; No Action Requested) | Knowles |
| 6:00
(5 min.) | 5. CONSENT AGENDA (Action Requested: Motion to Approve the Recommendations Listed Below) | |
| | 5.1 <u>Minutes of September 8, 1988</u>
(Action Requested: Approval of Minutes) | |
| | 5.2 <u>Resolution No. 88-990, for the Purpose of Authorizing Change Order No. 6 to the Contract with DeWitt Construction Company for Bid Package No. 2, Site Work, for the Oregon Convention Center</u>
(Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution) | Knowles |

(Continued)

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

Approx.
Time*

Presented By

5. CONSENT AGENDA (Continued)

- 5.3 Resolution No. 88-993, for the Purpose of Knowles
Approving an Intergovernmental Agreement
between the Metropolitan Exposition-Recreation
Commission and the City of Portland Exposition-
Recreation Commission Relating to Events Spacing
(Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution)

6:05
(10 min.)

6. ORDINANCES, FIRST READINGS

(With the exception of item 6.3, for first readings
the action will be referral to a Council committee
for appropriate action.)

- 6.1 Consideration of Ordinance No. 88-263, Amending
Ordinance No. 88-247, Revising the Budget and
Appropriation Schedule for the Purpose of
Additional Staffing and Capital Purchases within
the Transportation Department
(Referral to the Council Finance Committee)
- 6.2 Consideration of Ordinance No. 88-266, for the
Purpose of Adopting the Regional Solid Waste
Management Plan and Rescinding Prior Solid Waste
Plan Provisions
(Referral to the Council Solid Waste Committee)
- 6.3 Consideration of Ordinance No. 88-268, Adopting
a Final Order and Amending the Metro Urban Growth
Boundary for Contested Case No. 87-3: Blazer
Homes, Inc. (No action will be requested until the
second reading of the ordinance which is scheduled
for October 27, 1988.)
- 6.4 Consideration of Ordinance No. 88-267, for the
Purpose of Revising Metro Code Section 5.04.040
Relating to the Membership of the Recycling
Advisory Committee
(Referral to the Council Solid Waste Committee)

(continued)

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

Approx.
Time*

Presented By

6. ORDINANCES, SECOND READINGS

- | | | |
|-------------------|--|-----------|
| 6:15
(20 min.) | 6.5 <u>Consideration of Ordinance No. 88-265, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-4: Brennt Property</u>
(Action Requested: Motion to Adopt the Ordinance) | D. Cooper |
| 6:35
(5 min.) | 6.6 <u>Consideration of Ordinance No. 88-262, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman</u>
(Referred from the Finance Committee)
(Action Requested: Motion to Adopt the Ordinance) | Collier |

7. RESOLUTIONS

- | | | |
|-------------------|--|---------|
| 6:40
(5 min.) | 7.1 <u>Consideration of Resolution No. 88-972, for the Purpose of Approving a Contract with Preston, Thorgrimson, Ellis and Holman</u>
(Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution) | Knowles |
| 6:45
(20 min.) | 7.2 <u>Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill) (Referred from the Solid Waste Committee)</u>
(Action Requested: Adoption of the Resolution;
Possible Consideration of a Minority Report) | Hansen |
| 7:05
(10 min.) | 7.3 <u>Consideration of Resolution No. 88-988, for the Purpose of Confirming the Appointment of Members of the One Percent for Recycling Advisory Committee (Referred from the Solid Waste Committee)</u>
(Action Requested: Adoption of the Resolution) | Hansen |

7:15 8. COMMITTEE REPORTS

7:20 ADJOURN

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



METRO

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

Memorandum

Date: October 14, 1988

To: Metro Councilors
Executive Officer
Interested Staff

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

Regarding: COUNCIL ACTIONS OF OCTOBER 13, 1988

<u>Agenda Item</u>	<u>Action Taken</u>
3.2 Resolution No. 88-984, Recognizing Recycling Achievement in the Metro Area	Adopted (Kirkpatrick/Waker; 9/0 vote). Awards presented to Jerry Herrman of the Environmental Learning Center; the Beaverton School District and Sunflower Recycling
4.1 Briefing on the Oregon Convention Center One Percent for Art Program	No action requested
5.0 CONSENT AGENDA	Motion carried to approve items 5.1, 5.2 and 5.3 of the Consent Agenda (Gardner/DeJardin; 11/0 vote)
5.1 Minutes of September 8, 1988	
5.2 Resolution No. 88-990, Authorizing Change Order No. 6 to the Contract with DeWitt Construction Co. for Bid Package No. 2, Site Work, for the Oregon Convention Center	
5.3 Resolution No. 88-993, Approving an Intergovernmental Agreement Between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission Relating to Events Spacing	
6.1 Ordinance No. 88-263, Amending the Budget for Additional Staffing and Capital Purchases within the Transportation Dept. (First Reading)	Referred to the Council Finance Committee

<u>Agenda Item</u>	<u>Action Taken</u>
6.2 Ordinance No. 88-266, Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions (First Reading)	Referred to the Council Solid Waste Committee
6.3 Ordinance No. 88-268, Adopting a Final Order and Amending the UGB for Contested Case No. 87-3: Blazer Homes, Inc. (First Reading)	Passed to a Second Reading scheduled for October 27
6.4 Ordinance No. 88-267, Revising Code Section 5.04.040 Relating to the Membership of the Recycling Advisory Committee (First Reading)	Referred to the Council Solid Waste Committee
6.5 Ordinance No. 88-265, Adopting a Final Order and Amending the UGB for Contested Case No. 87-4: Brennt Property (Second Reading)	Adopted (Waker/Hansen; 10/1 vote)
6.6 Ordinance No. 88-262, Amending the Budget to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman (Second Reading)	Motion carried to file the Ordinance so it would receive no further consideration (Collier/Waker; 9/1 vote). It was determined that because money was available from another source, the budget amendment was not needed.
7.1 Resolution No. 88-972, Approving a Contract with Preston, Thorgrimson, Ellis and Holman	Adopted (Knowles/Waker; 10/1 vote)
7.2 Resolution No. 88-971, Approving a RFB for Waste Transport Services (to the Gilliam County Landfill)	Adopted (Hansen/Coleman; 9/1 vote). A motion failed to carry that would have adopted the minority recommendation of a 10 year contract (Kirkpatrick/Gardner; 4/6 vote).
7.3 Resolution No. 88-988, Confirming the Appointment of Members to the One Percent for Recycling Advisory Committee	Adopted (Hansen/Kirkpatrick; 8/0 vote).

amn
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10/14/88

Marie

AGENDA NOTES: COUNCIL MEETING OF OCTOBER 13, 1988

To: Mike Ragsdale, Presiding Officer
From: Marie Nelson, Clerk of the Council

CALL TO ORDER
ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

Rick Daniels Presentation

- a. Executive Officer Cusma will introduce Mr. Daniels who will present Metro with an architect's model of the Gilliam County Landfill.

3.1 United Way Campaign Presentation

- a. Executive Officer Cusma will introduce Jim Shoemake, Metro Campaign Chair. Mr. Shoemake will report on campaign progress and will ask you and Executive Officer Cusma to draw tickets for employee prizes.

3.2 Consideration of Resolution No. 88-984, for the Purpose of Recognizing Recycling Achievement in Metro Area
(Action Requested: Motion to Adopt the Resolution)

- a. Read the resolution in its entirety (see attached YELLOW sheet for the resolution).
- b. Announce that Resolution No. 88-984 was unanimously recommended for adoption by the Solid Waste Committee at its meeting of October 4.
- c. Receive a motion to adopt the resolution (perhaps asking Councilor Hansen, Solid Waste Committee Chair, to make the motion).
- d. Vote on the motion to adopt the resolution.

(Item 3.2 Continued on Page 2)

- e. Present the first award to Jerry Herrmann of the Environmental Learning Center at Clackamas Community College. Jerry will be accompanied by Bill Ryan, the Dean of Operations at Clackamas Community College.
 - * Jerry not only built the center using recycled materials (literally reusing the boards from old buildings), but offers a full service recycling depot and works with schools and businesses to promote and implement recycling programs.
 - * Jerry is also working on a project to collect and process plastics, a project in part supported by a grant from Metro.
- f. The Executive Officer will present the other two awards and will introduce the recipients: the organization award goes to Beaverton School District for recycling paper; the business award goes to Sunflower Recycling.

4. COUNCILOR COMMUNICATIONS

4.1 Briefing on the Oregon Convention Center One Percent for Art Program
(Oral Report; No Action Requested)

- a. Councilor Knowles will present the update.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOGNIZING	)	RESOLUTION NO. 88-984
RECYCLING ACHIEVEMENT IN THE)	
METRO REGION	)	Introduced by the
	)	Executive Officer and
	)	Presiding Officer

WHEREAS, The Metropolitan Service District's Solid Waste Reduction Program encourages the use of recycling to reduce the amount of waste going to area landfills; and

WHEREAS, It is the Metropolitan Service District's desire to recognize those who have developed or implemented successful recycling programs or projects; and

WHEREAS, The efforts of individuals, nonprofit groups, such as schools and governments, and businesses to create innovative education and promotion of recycling programs have resulted in increased recycling participation, reduced the amount of waste going to area landfills or furthered the cause of recycling in the region; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby recommends that: (1) Jerry Herrmann, (2) Beaverton School District, and (3) Sunflower Recycling deserve recognition for their recycling efforts and achievements.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

5. CONSENT AGENDA

(Action Requested: Motion to Approve the Recommendations Listed Below)

5.1 Minutes of September 8, 1988

(Action Requested: Approval of Minutes)

5.2 Resolution No. 88-990, for the Purpose of Authorizing Change Order No. 6 to the Contract with DeWitt Construction Company for Bid Package No. 2, Site Work, for the Oregon Convention Center

(Referred from the Convention Center Committee)

(Action Requested: Adoption of the Resolution)

5.3 Resolution No. 88-993, for the Purpose of Approving an Intergovernmental Agreement between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission Relating to Events Spacing

(Referred from the Convention Center Committee)

(Action Requested: Adoption of the Resolution)

- a. Ask if any Councilor wishes to remove an item from the Consent Agenda. If such a motion is approved, determine when during this meeting you will consider the item.
- b. Receive and vote on a motion to approve the Consent Agenda.

6. ORDINANCES, FIRST READINGS

(With the exception of item 6.3, for first readings the action will be referral to a Council committee for appropriate action.)

6.1 Consideration of Ordinance No. 88-263, Amending Ordinance No. 88-247, Revising the Budget and Appropriation Schedule for the Purpose of Additional Staffing and Capital Purchases within the Transportation Department

(Referral to the Council Finance Committee)

- a. Have the Clerk read the ordinance by title for the first time.
- b. Announce that you have referred the ordinance to the Council Finance Committee for consideration.

6.2 Consideration of Ordinance No. 88-266, for the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions

(Referral to the Council Solid Waste Committee)

- a. Have the Clerk read the ordinance by title for the first time.
- b. Announce that you have referred the ordinance to the Council Solid Waste Committee for consideration.

6.3 Consideration of Ordinance No. 88-268, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-3: Blazer Homes, Inc. (No action will be requested until the second reading of the ordinance which is scheduled for October 27, 1988.

- a. Have the Clerk read the ordinance by title for the first time.
- b. Announce that the Council is scheduled to deliberate this item on October 27 (the Ordinance's second reading). Ask Dan Cooper to review procedural matters with the Council. Announce that the second reading of the ordinance is scheduled for October 27.

6.4 Consideration of Ordinance No. 88-267, for the Purpose of Revising Metro Code Section 5.04.040 Relating to the Membership of the Recycling Advisory Committee

(Referral to the Council Solid Waste Committee)

- a. Have the Clerk read the ordinance by title for the first time.
- b. Announce that you have referred the ordinance to the Council Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.5 Consideration of Ordinance No. 88-265, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-4: Brennt Property
(Action Requested: Motion to Adopt the Ordinance)

- a. Have the Clerk read the ordinance by title only a second time.
- b. Announce that the Council conducted a first reading and public hearing on this ordinance on September 22. At that meeting, the Council heard the Hearings Officer's report and recommendation, and testimony from the petitioner and opponents. No motions were made at that meeting.
- c. Have Dan Cooper, General Counsel, review procedural issues for the Council.
- d. Receive motion(s) as appropriate.
- e. Discussion: Councilors questions and comments.
- f. Vote on motion(s) as appropriate.

6.6 Consideration of Ordinance No. 88-262, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman
(Referred from the Finance Committee)
(Action Requested: Motion to Adopt the Ordinance)

- a. Have the Clerk read the ordinance a second time by title only.
- b. Announce that the first reading of the ordinance was held before the Council on September 8. The ordinance was then referred to the Finance Committee. The Committee conducted a public hearing on September 29.
- c. Have Councilor Collier, Chair of the Finance Committee, present the Committee's report and recommendation.
- d. Receive a motion to adopt the ordinance.
- e. Discussion: Councilor questions and comments.
- f. Vote on the motion to adopt the ordinance.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-972, for the Purpose of Approving a Contract with Preston, Thorgrimson, Ellis and Holman (Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution)

- a. Have Councilor Knowles, Convention Center Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.2 Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Resolution;
Possible Consideration of a Minority Report)

- a. Announce that the Solid Waste Committee has considered the above resolution and recommended Council adoption. Councilor Kirkpatrick and Gardner, members of the Solid Waste Committee, have also filed a minority report for Councilor consideration. In keeping with the Council's rules for considering such reports, the minority report will be considered prior to the majority report. Motions will be received after both reports are presented.
- b. Have Councilors Kirkpatrick and Gardner present the minority report.
- f. Have Councilor Hansen, Chair of the Solid Waste Committee, present the majority report and recommendation.
- g. Receive motion(s) as appropriate.
- h. Discussion: Councilor questions and comments.
- i. Vote on motion(s) as appropriate.

7.3 Consideration of Resolution No. 88-988, for the Purpose of
Confirming the Appointment of Members of the One Percent for
Recycling Advisory Committee

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Hansen, Solid Waste Committee Chair,
present the Committee's report and recommendation.
- b. Receive a motion to adopt Resolution No. 988A as
recommended by the Committee.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt Resolution No. 88-988A.

8. COMMITTEE REPORTS

ADJOURN

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10/13/88



METRO

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

Memorandum

Agenda Item No. 3.2

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Council

From: Councilor Gary Hansen
Chair, Solid Waste Committee

Regarding: SOLID WASTE COMMITTEE REPORT ON OCTOBER 13, 1988,
COUNCIL MEETING AGENDA ITEM

Agenda Item 3.2 Consideration of Resolution No. 88-984, for the
Purpose of Recognizing Recycling Achievement in
the Metro Area

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-984. This action was taken on October 4, 1988.

Discussion

There was no discussion on Resolution No. 88-984. The resolution was approved on the Committee's consent agenda. The vote was 4 to 0. Voting aye: Councilors Hansen, Kelley, Kirkpatrick and Ragsdale.

RB:amn

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOGNIZING	)	RESOLUTION NO. 88-984
RECYCLING ACHIEVEMENT IN THE)	
METRO REGION	)	Introduced by the
	)	Executive Officer and
	)	Presiding Officer

WHEREAS, The Metropolitan Service District's Solid Waste Reduction Program encourages the use of recycling to reduce the amount of waste going to area landfills; and

WHEREAS, It is the Metropolitan Service District's desire to recognize those who have developed or implemented successful recycling programs or projects; and

WHEREAS, The efforts of individuals, nonprofit groups, such as schools and governments, and businesses to create innovative education and promotion of recycling programs have resulted in increased recycling participation, reduced the amount of waste going to area landfills or furthered the cause of recycling in the region; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby recommends that: (1) Jerry Herrmann, (2) Beaverton School District, and (3) Sunflower Recycling deserve recognition for their recycling efforts and achievements.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-984 FOR THE PURPOSE OF RECOGNIZING RECYCLING ACHIEVEMENT IN THE METRO REGION

Date: September 6, 1988

Presented by: Executive Officer
Presiding Officer

PROPOSED ACTION

To present three recycling recognition awards to:

1. Jerry Herrmann, Excellence in Recycling -- Individual
2. Beaverton School District, Excellence in Recycling -- Organization/School
3. Sunflower Recycling, Excellence in Recycling -- Company

FACTUAL BACKGROUND AND ANALYSIS

For the past two years, the Metro Council has presented individuals and companies in the metro area with recycling recognition awards. The awards, presented at the first Council meeting in October, are part of the Recycling Awareness Week celebration and are a way to honor those companies and individuals who have significantly reduced solid waste going to area landfills or who have furthered recycling efforts in the metro area.

Award Definition

1. Individual -- An individual whose actions have significantly reduced solid waste or furthered recycling during the past year. The individual's efforts must have been within the Metropolitan Service District boundary.
2. Organization/School -- A school, nonprofit group, governmental agency or business participating in a recycling project (such as office paper recycling) whose innovations or efforts have significantly reduced waste or furthered recycling in the past year. The business address of the entry must be within the Metropolitan Service District boundary.
3. Company -- A garbage hauler, collector of recyclables, producer of products made from recycled material, recycling market or transporter whose innovations or efforts have significantly reduced waste or furthered recycling during the past year. In order to qualify, the business must have a mailing address in the Metropolitan Service District.

A letter calling for nominations was sent out in July and mailed to companies, agencies and interested individuals in the metro area.

Eighteen nominations were received and reviewed by the selection committee; five were in the individual category, eight in the nonprofit organization category and five in the business category. Committee members were Charlotte Becker, Metro Recycling Information Center Coordinator; Pat Vernon, Metro Waste Reduction Analyst; and Jerry Powell, editor of Resource Recycling Magazine and recycling consultant.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 88-984.

JS/sm
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09/07/88



METRO

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

Agenda

COUNCIL MEETING CONSENT AGENDA

Date: October 13, 1988

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

The following business items have been reviewed by the Presiding Officer of the Council. These items meet with the Consent Agenda Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.

- 5.1 Minutes of September 8, 1988
(Action Requested: Approval of the Minutes)
- 5.2 Resolution No. 88-990, for the Purpose of Authorizing Change Order No. 6 to the Contract with DeWitt Construction Company for Bid Package No. 2, Site Work, for the Oregon Convention Center
(Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution)
- 5.3 Resolution No. 88-993, for the Purpose of Approving an Intergovernmental Agreement between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission Relating to Events Spacing
(Referred from the Convention Center Committee)
(Action Requested: Adoption of the Resolution)

Donald E. Carlson
Council Administrator

amn
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10/04/88

Agenda Item No. 5.1

Meeting Date Oct. 13, 1988

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 8, 1988

Councilors Present: Mike Ragsdale (Presiding Officer), Tanya Collier, Larry Cooper, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Corky Kirkpatrick (Deputy Presiding Officer) and Elsa Coleman

Others Present: Rena Cusma, Executive Officer
Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma reported she and Councilor Knowles had recently briefed Multnomah County Commissioners on the Convention Center project, Metro's relationship with the Greater Portland Convention and Visitors' Association and the hotel/motel tax.

Due to recent Portland City Council discussions concerning transfer stations, the Executive Officer had invited City Councilors to tour Metro South Transfer Station (formerly called the Clackamas Transfer & Recycling Center).

The Executive Officer announced she would request Council confirmation of Bill Naito to fill a vacant position on the Citizen Investment Committee.

The Executive Officer had recently testified before the Oregon Environmental Quality Commission and would distribute copies of her written testimony to Councilors.

4. COUNCILOR COMMUNICATIONS

Presiding Officer Ragsdale announced the Internal Affairs Committee scheduled for 4:00 p.m. this afternoon would be postponed until after the Council meeting due to a lack of quorum earlier in the day.

5. CONSENT AGENDA

Motion: Councilor Waker moved, seconded by Councilor DeJardin, to approve items 5.1 through 5.5 of the Consent Agenda.

Vote: A vote on the motion resulted in all eight Councilors present voting aye. Councilors Coleman, Cooper, Kirkpatrick and Knowles were absent.

The motion carried and the following items were approved:

- 5.1 Minutes of August 11, 1988
- 5.2 Resolution No. 88-894A, Amending the Classification and Pay Plans for the Metropolitan Service District
- 5.3 Resolution No. 88-979, Increasing the Contract Allowance for Metro Washington Park Zoo Africa Exhibit Gunite Work
- 5.4 Resolution No. 88-982, Authorizing a Contract Amendment with Dames & Moore for Convention Center Site Environmental Work
- 5.5 Resolution No. 88-983, Authorizing an Insurance Contract with CIGNA Insurance for Convention Center Project Builder's Risk Insurance

6. ORDINANCES

- 6.1 Consideration of Ordinance No. 88-262, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman (for the Convention Center Project) (First Reading)

The Clerk read the ordinance by title only a first time. Presiding Officer Ragsdale announced he had referred the ordinance to the Council Finance Committee for a public hearing and consideration on September 29, 1988.

6.2 Consideration of Ordinance No. 88-258, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule for Implementation of the Collective Bargaining Unit (Local No. 483), Incorporation of Pay and Class Study Appeals and Payment for the Jefferson Street Rail Line (Second Reading)

The Clerk read the ordinance a second time by title only. The Presiding Officer announced the ordinance received a first reading before the Council on July 28. It was then referred to the Finance Committee for a public hearing and recommendation. The Committee hearing took place on August 18.

Councilor Collier, Chair of the Finance Committee, presented the committee's report and recommendation, summarizing her written report to the Council dated August 28, 1988. She explained the ordinance had originally included provisions for implementing new contract procedures under Ordinance No. 88-249. The Committee, however, had voted to delete that provision from the ordinance. The contract procedures issue was discussed separately at a committee work session on September 1. One or two additional work sessions would be scheduled for more discussion, she said. The Councilor also reported that at the committee's request, future budget amendment ordinances would be restricted to one item per ordinance.

Motion: Councilor Collier moved, seconded by Councilor Gardner, to adopt Ordinance No. 88-258 as recommended by the Finance Committee.

Vote: A roll call vote on the motion resulted in all nine Councilors present voting aye. Councilors Coleman, Kirkpatrick and Knowles were absent.

The motion carried and the ordinance was adopted.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-977, for the Purpose of Awarding a Contract for Construction of the Oregon Convention Center, Bid Package No. 3, to Hoffman (Oregon) - Marmolejo, a Joint Venture

Executive Session

Presiding Officer Ragsdale called the meeting into executive session at 5:40 p.m. under the authority of ORS Chapter 192.660(1)(h) for the purpose of discussing with General Counsel potential litigation related to the Convention Center Project. All Councilors were present at the executive session except Councilors Coleman and

Kirkpatrick who were absent. Executive Officer Cusma, Dan Cooper, Don Carlson, Jessica Marlitt, and Harry Bodine were also present at the executive session. The Presiding Officer called the meeting back into regular session at 5:55 p.m.

Regular Session

Councilor Knowles, Chair of the Council Convention Center Committee, reviewed the written committee report and recommendation, dated September 8, 1988, with the Council. At its September 8 morning meeting, the Committee had unanimously recommended the Council adopt Resolution No. 88-977. The resolution included an attachment which detailed findings of the rejection of Hensel Phelps Construction's bid based on non-compliance with Metro's DBE/WBE "good faith effort" requirements as outlined in Section 2.04.155 of the Metro Code and changed selection of Alternates 9B and 10B (IAC operable partitions) to 9A and 10A (Modernfold operable partitions). A summary of the committee's actions was included in the written report. Councilor Knowles explained that the No. 88-977A version of the resolution reflected the committee's actions plus additional amendments expressed by the committee's consensus later in the day.

Motion: Councilor Knowles moved, seconded by Councilor Waker, to adopt Resolution No. 88-977A to include Exhibit A, "Findings."

Testimony from Hensel Phelps Construction, Inc.

Doug Ragen, 111 S.W. 5th Avenue, Portland, Oregon, attorney for Hensel Phelps, introduced Jerry Meyer and Larry Gonda, 420 Sixth Avenue, Greeley, Colorado, representatives of Hensel Phelps, the apparent low bidder on the project.

Mr. Ragen testified regarding the Convention Center Committee's decision to disqualify Hensel Phelps' bid based on non-compliance with Metro's DBE/WBE requirements. He was concerned that Metro staff had not discussed its concerns with Hensel Phelps in advance of making its recommendation to the committee. He referred Councilors to a letter dated September 7, 1988, from himself to Councilors which responded to staff's specific concerns. He asked the Council to postpone making a decision until it had taken adequate time to review and investigate Hensel Phelps' concerns.

Mr. Gonda then testified in response to staff's claim that Hensel Phelps had not complied with Criterion No. 6 established by Metro relating to compliance with Disadvantaged and Women owned Business Enterprise (D/WBE) contracting goals. He asserted that Hensel Phelps had satisfied Metro's D/WBE program requirements and asked Metro to re-examine the level of D/WBE participation in the bid. He

suggested Hoffman-Marmolejo had overstated its level of D/WBE participation to Metro (10 percent).

Mr. Meyers discussed Hensel Phelps' excellent reputation and history of D/WBE participation in other communities. He asked Metro to offer his company an equitable chance to build the project.

Councilor Hansen asked questions of Mr. Ragen related to Hensel Phelps' process for soliciting D/WBEs for the contract. Mr. Ragen said his company had followed the procedures. Other companies, he stated, had accepted higher bids from minority and women-owned subcontractors in order to increase the level of participation.

Testimony of Hoffman (Oregon)-Marmolejo, a Joint Venture

Cecil Drinkward, Chief Executive Officer of Hoffman Construction, reviewed his company's history of meeting or exceeding D/WBE program goals for past projects including the Justice Center and Pacwest Building. He acknowledged that sometimes the owner paid more for high program participation, but owners were clear in their intent to take D/WBE program goals seriously. He reviewed Metro's bid instructions for the Convention Center Project which he said were very clear to all bidders. Mr. Drinkward thought Hensel Phelps became serious about program participation only after they knew their bid could be rejected because of low D/WBE program participation. He then explained how Hoffman had conducted its search for qualified D/WBE subcontractors in order to meet Metro's goals. He stated this type of search and level of activity had become standard in the industry. Mr. Drinkward discussed Hoffman's excellent business reputation and stated his company would not ask Metro to pay for Hoffman's errors. He noted that Hensel Phelps, however, was asking Metro for pay for its errors. In summary, Mr. Drinkward said the formula for success was "effort equals results." Because Hensel Phelps had not put out sufficient effort, they had not show any results, he explained.

Jim Olney, an employee of Associated Builders & Contractors, 4815 S.W. Macadam, Portland, testified in support of the Convention Center Committee's recommendation to award the contract to Hoffman-Marmolejo. He explained that because the D/WBE program was now the law, his agency supported the program. The program was set up to guarantee equal treatment for true effort and he thought there were enough qualified contractors in the community to meet the project goals. He also explained that Hensel Phelps could have gotten updated lists of qualified D/WBE subcontractors from his office.

Lina Garcia Siebold, 10420 S.W. 130th, Beaverton, State of Oregon Advocate for Minority/Women Business, testified her office's directory of qualified D/WBE subcontractors should be sufficient to meet

goals for any contract. Her staff sent letters to all plan holders advising them of the State's services and procedures. None of her staff heard from Helsel Phelps in response to that letter, she said. Ms. Siebold thought Metro staff's recommendation showed commitment to its D/WBE program.

Harold Williams, 132 N.E. Ainsworth, Portland, Vice-President of Penn-Nor, Inc., supported awarding the construction contract to Hoffman-Marmolejo which he termed a "rainbow coalition." He regretted, however, that more black owned subcontractors had not participated in the project. He thought Hoffman and Marmolejo represented an excellent example of how the D/WBE program should work. "Anyone who says they can't meet the goals is a misnomer," he said.

Council Discussion

Councilor Knowles reported that most Councilors had attended the morning session of the Council Convention Center Committee and had heard staff's report and oral arguments. He summarized that demonstration of good faith efforts was not a passive requirement. He thought the project would have a significant impact on Northeast Portland and hoped the successful contractor would show commitment to providing jobs for the minority community.

Vote: A vote on the motion to adopt Resolution No. 88-977A as revised resulted in all nine Councilors present voting aye. Councilors Coleman, Collier and Kirkpatrick were absent.

The motion carried and Resolution No. 88-977A was adopted as revised.

The Presiding Officer called a recess at 7:05 p.m. The meeting was reconvened at 7:15 p.m. Immediately following the recess, the Executive Officer presented her report which is listed under Item No. 3 at the beginning of the minutes.

8. ORDERS

8.1 Consideration of Order No. 88-19, in the Matter of Contested Case No. 87-3, a Petition for Locational Adjustment of the Urban Growth Boundary by Blazer Homes

Dan Cooper, General Counsel, explained the Council that it would consider the case for locational adjustment according to procedures outlined in Metro Code Chapter 3.01. State land use goals would not apply in this case. He further explained the Hearings Officer would be given 10 minutes to present an overview of his recommendation; the petitioner and opponent would each be given 40 minutes to present their cases; and the petitioner would be given an additional

10 minutes to rebut the opponent's presentation. Finally, Mr. Cooper reported that the Council had reviewed the case on June 9, 1988, to consider whether new evidence should be admitted. Subsequently, the Council had remanded the case to the Hearings Officer for the purpose of hearing specific, new evidence introduced by the Petitioner. After hearing new evidence, the Hearings Officer had not altered his recommendation.

Hearings Officer's Summary

Chris Thomas, Hearings Officer, reviewed highlights of Exhibit B to the Order, entitled "Report and Recommendation of Hearings Officer." He concluded that Blazer Homes' proposal would result in slight improvements -- not enough to warrant a boundary adjustment. He then discussed specific transportation, school, urban improvement and urban improvement issues to support that conclusion, all of which were addressed in the "Report and Recommendation" document.

Applicant's Testimony

Frank Josselson, an attorney representing Blazer Homes, said that the Hearings Officer had discussed material not included in his report and recommendation - specifically the issue of "leapfrogging" or contiguous land use. In response to his question, Mr. Cooper granted the applicant two additional minutes to respond to the Hearings Officer's statements on those issues.

Dennis Derby, co-owner of the Blazer Homes property, explained to the Council the hearings process was flawed because the Hearings Officer had not addressed information brought to him by the applicant. Mr. Josselson then asserted the Hearings Officer had ignored as evidence transportation plans adopted by the City of Lake Oswego and the City's resolution adopted in support of the petitioners' application. He also thought the best use of the land, given the urban nature of surrounding property, would be for single family housing. Mr. Josselson discussed in detail how the Hearings Officer's conclusions concerning traffic capacity of surrounding streets, adequate school capacity, the extent of improved urban services and contiguous land issues were incorrect. In conclusion, he urged the Council to not support the Hearings Officer's recommendation.

Leslie Roberts, an attorney representing Blazer Homes, addressed the Hearings Officer's previous statement that if the Blazer Homes petition were granted, it could result in a "leapfrogging" effect where adjacent land areas would soon be developed as a result of the urban services in place in surrounding areas. She said Mr. Thomas' statement was untrue and explained the developer had no hand in planning streets which had served the land in question. Further,

she said, there was no relationship between the contested case concerning the Ray property and this case, as the Hearings Officer had implied.

Opponents' Testimony

Phil Atherton, a property owner near the Blazer Homes petition area, reported that 43 people had attended the hearing and most were against the petition. He objected to the applicants' discounting at this meeting of the Hearings Officer's process, saying Mr. Thomas had conducted his work with decorum and using the guidelines developed to protect the integrity of the UGB. Mr. Atherton thought if the Council overturned the Hearings Officer's decision and granted the Blazer Homes petition, a flood of similar petitions to amend the UGB would result. He urged Councilors to remand the matter to the Hearings Officer if they had questions on the case.

Carol Atherton, area property owner, strongly supported the Hearings Officer's conclusion that McVey street in Lake Oswego was inadequate to handle further development. She described current traffic conditions as overcrowded and intolerable and that the City of Lake Oswego's traffic engineer had concluded three additional lanes would be required to handle anticipated growth.

Phil Atherton discussed issues related to the need for additional urban land in the area. He thought the 43 acres proposed to be added with this petition was excessive given that ample amounts of undeveloped land was still within the UGB. He asked the Council to concentrate on making urban land more livable rather than extending the boundary to encourage urban sprawl.

Mr. Atherton also addressed the process by which the City of Lake Oswego had adopted a resolution in support of the petitioner's application. The resolution had been adopted without proper notice to the public, he said. Further, the resolution had been adopted by a 4 to 3 vote -- clearly not a unanimous decision. Mr. Atherton said that after the resolution was adopted the City Council said they would take a neutral position on all subsequent UGB cases.

Regarding the issue of whether area schools could support additional urban growth, Ms. Atherton pointed out that the local school district had determined it would not support the petition. She noted that voter approval would be required to reopen Palasades School which would serve the Blazer Homes development.

In response to Councilor Van Bergen's question, The Atherton's said they lived about one-half mile from the proposed project and traveled on McVey Street often.

Stan Juett, 18455 Stafford Road, testified that given Metro's code and the process by which the Hearings Officer must review the petition, the correct decision had been recommended. The Hearings Officer had carefully reviewed water, sewer, drainage, fire, police, transportation and school service issues and had determined that not enough improvements would be made to warrant a boundary amendment. He asked the Council to support the Hearings Officer's recommendation.

Petitioner's Rebuttal

Mr. Josselson stated that traffic on McVey Street was not a problem. He said he lived in the area and was in a position to know if it were a problem. He also pointed out the newspaper articles cited by the Atherton's which had reported the Lake Oswego City Council's adoption on a resolution in support of the Petitioner were not in the official record. He explained even though the Atherton's had represented that the Council's approval of the petition had not been unanimous, the Council's official act was to approve the resolution.

There was no further testimony.

Council Discussion

Motion: Councilor Knowles moved, seconded by Councilor Waker, to reject the Hearings Officer's Report and Recommendations and to direct the Office of General Counsel to prepare findings of fact in support of the petition for locational adjustment.

Councilor Knowles said the letter from James H. Schell, Assistant Superintendent of the Lake Oswego School District to Blazer Homes, Inc., dated May 17, 1988, and the letter from Peter C. Harvey, Lake Oswego City Manager to Blazer Homes, Inc., dated May 25, 1988, concerning the Lake Oswego Comprehensive Plan, had helped to convince him that the criteria for locational adjustment had been met. He explained he was not a usual supporter of locational adjustments but thought the boundary should be amended in this case.

Councilor Collier said she would support the motion because the Hearings Officer's recommendation had noted the petitioner would make adequate urban improvements.

Councilor Gardner did not support the motion explaining only a slight gain in urban efficiency would be achieved after amending the boundary for a large parcel of land. He thought more justification should be required for such a large boundary adjustment.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Hansen, Kelley, Knowles,
Van Bergen, Waker and Ragsdale

Nays: Councilor Gardner

Absent: Councilors Coleman, Cooper, DeJardin and Kirkpatrick

The motion carried.

Councilor Van Bergen, addressing the Petitioner's attorneys, noted that although the case had been well presented, he objected to the attorneys' use of the Hearings Officers' name when making its objections to the Hearings Officer's recommendation.

9. COMMITTEE REPORTS

Councilors announced upcoming committee meeting schedules and agendas.

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

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
0142D/313-2
09/22/88



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Agenda Item No. 5.2

Meeting Date Oct. 13, 1988

Date: September 28, 1988

To: Metro Council

From: Councilor David Knowles, Chair
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON
SEPTEMBER 27, 1988, COUNCIL MEETING AGENDA ITEM
NO. 88-990, CONSIDERATION OF CHANGE ORDER FOR BID
PACKAGE #2, SITE WORK FOR THE OREGON
CONVENTION CENTER CONTRACT WITH DEWITT
CONSTRUCTION

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Recommendation: At its September 27 meeting, the Convention Center Committee unanimously voted to recommend Council adoption of Resolution No. 88-990 attached. Councilors present were Kelley, Van Bergen, Waker and myself. Councilor Cooper was absent.

Background & Committee Discussion: The Convention Center project staff reported on this agenda item; noting that the magnitude of the Dewitt change order was \$27,000; that it had been reviewed and approved by Turner Construction and that the additional work was necessitated by unforeseen site conditions which required over excavation. Upon this report by Metro staff, Councilor Waker moved to recommend approval of Resolution 88-990. The motion was approved by unanimous vote.

BEFORE THE INTERNAL AFFAIRS COMMITTEE
OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 88 - 990
CHANGE ORDER NO. 6 TO THE CONTRACT)	
WITH DEWITT CONSTRUCTION COMPANY FOR	)	Introduced by
BID PACKAGE #2, SITE WORK, FOR	)	Executive Officer Rena Cusma
THE OREGON CONVENTION CENTER)	

WHEREAS, Metro Code Chapter 2.04.045, Public Contract Extensions and Amendments, provides for amending any contract for additional work, including change orders; and

WHEREAS, Subsection 2.04.045 (a) (1), provides that contract change orders, and other changes in the original specifications which increase the original contract price may be made with the contractor without competitive bidding if the original contract was let by competitive bidding and unit prices or bid alternates were included that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work; and

WHEREAS, On May 5, 1988, Metro entered into a contract with DeWitt Construction Company for \$971,984 for Bid Package #2, Site Work for the Oregon Convention Center; and

WHEREAS, On August 11, 1988, Metro approved five change orders to the original contract, and

WHEREAS, Contractor has submitted a change order for removal of unforeseen buried concrete obstructions and for removal and treatment of contaminated soil; and

WHEREAS, The change order has been reviewed by Turner Construction Company and the Convention Center Project staff and recommended for Council approval by the Council Convention Center Committee; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes Change Order No. 6, (Attachment A to this resolution) to Bid Package #2, Site Work for the Oregon Convention Center, dated May 5, 1988.

ADOPTED by the Council of the Metropolitan Service District this 13th day of October, 1988.

Mike Ragsdale, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. BB-4-609 CC

BUDGET CODE NO. 52 - 00 - 00 - 8620 - 31 000

FUND: Conv. Center DEPARTMENT: Capital

(IF MORE THAN ONE) - - - - -

SOURCE CODE (IF REVENUE) - - - - -

INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
 - A. **SOLE SOURCE**, ATTACH MEMO DETAILING JUSTIFICATION.
 - B. **UNDER \$2,500**, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - C. **OVER \$2,500**, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - D. **OVER \$50,000**, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Site work for convention center

2. TYPE OF EXPENSE ☐ PERSONAL SERVICES ☐ LABOR AND MATERIALS ☐ PROCUREMENT
☐ PASS THROUGH AGREEMENT ☐ INTER-GOVERNMENTAL AGREEMENT ☒ CONSTRUCTION
☐ OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☒ CHANGE IN COST ☐ CHANGE IN WORK SCOPE
☐ CHANGE IN TIMING ☐ NEW CONTRACT

4. PARTIES DeWitt Construction, Inc., Metro

5. EFFECTIVE DATE orig: May 5, 1988

TERMINATION DATE September 9, 1988 (substantial completion)
(THIS IS A CHANGE FROM - - - - -)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$ <u>971, 984.00</u>
	PREV. AMEND	<u>135, 531.20</u>
	THIS AMEND	<u>27, 422.50</u>
	TOTAL	\$ <u>1, 134, 937.70</u>

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1988-89 \$ 516, 731.06

B. BUDGET LINE ITEM NAME Construction in progress AMOUNT APPROPRIATED FOR CONTRACT* \$ 30, 697, 460.00

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF July 31, 1988 \$ 30, 695, 480.00

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY <u>- - - - -</u>	\$ <u>- - - - -</u>	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>- - - - -</u>	\$ <u>- - - - -</u>	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>- - - - -</u>	\$ <u>- - - - -</u>	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS Metro F&A; DeWitt, Convention Center Project

*included in overall appropriation

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☐ NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☒ YES ☐ NO *original contract met goals*
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION ODOT-
12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☒ YES ☐ NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☒ YES ☐ NOT APPLICABLE - *w/ original contract*
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
☒ YES ☐ NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
☐ YES DATE _____ INITIAL _____
16. COMMENTS:
Original contract competitively bid; met DBE goals

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]
 DEPARTMENT HEAD

CONTRACT REVIEW BOARD
 (IF REQUIRED) DATE _____

COUNCIL REVIEW
 (IF REQUIRED)

FISCAL REVIEW

BUDGET REVIEW

1. _____
 COUNCILOR

2. _____
 COUNCILOR

3. _____
 COUNCILOR

DATE _____

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

CHANGE ORDER

PROJECT: Oregon Convention Center PROJECT NO. 88-4-609 CC
 Bid Package No. 2
 Site Preparation

OWNER: Metropolitan Service District CHANGE ORDER NO: SIX (6)

CONTRACTOR: DeWitt Construction Inc. INITIATION DATE: 9/12/88
 P.O. Box 20938
 Portland, Oregon 97720

THE CONTRACT IS HEREBY CHANGED AS FOLLOWS:

Modify the work in accordance with adjusted Unit Price work for removal of non-hazardous waste (classified as oil) and Unit Price work for removal of unforeseen buried concrete as detailed in DeWitt's letter of September 8, 1988 and as adjusted in Turner's letter of September 12, 1988 (attached).

Except as provided herein all terms and conditions of the contract as heretofore modified remain unchanged. The terms and conditions of this Change Order constitute a full accord and satisfaction for all costs, overhead, time and profit related to the actions described or referenced herein. Not valid until signed by both the Owner and C.M. Signature of Contractor indicates agreement herewith including any adjustments in the Contract Sum or Contract Time.

The original Contract Sum.....	\$	971,984.00
Net change by previously authorized Change Orders.....	\$	135,531.20
The Contract Sum prior to this Change Order.....	\$	1,107,515.20
The Contract Sum will be (increased) (decreased) (unchanged) by.....	\$	27,422.50
The new Contract Sum, including this Change Order will be.....	\$	1,134,937.70
Percent (Increase) (Decrease) of Original Contract Sum.....		12.51
The Contract Time will be (increased) (decreased) (unchanged) by.....		0 days
The Date of Substantial Completion, as of this date, is.....		September 9, 1988

PREPARED/RECOMMENDED:

Turner Construction Company

David A. Wachob 9/12/88
 Signature Date

APPROVED FOR PROCESSING:

Turner Construction Company

David A. Wachob 9/12/88
 Signature Date

ACCEPTED:

DeWitt Construction, Inc.
 Contractor
Brian Langston 9/14/88
 Signature Date

AUTHORIZED:

Owner

Signature Date

STAFF REPORT

CONSIDERATION OF CHANGE ORDER FOR BID PACKAGE #2, SITE WORK FOR
OREGON CONVENTION CENTER: CONTRACT WITH DEWITT CONSTRUCTION

Date: September 27, 1988

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

On May 5, DeWitt Construction Company was awarded the site work contract for the Oregon Convention Center. Five requests for changes were approved by the Council on August 11. Change order No.6 requests a net increase of \$27,422.50 for removal of unforeseen buried concrete obstructions and for removal and treatment of certain contaminated soil. Turner Construction Company, the construction managers, and Rittenhouse-Zeman and Associates, the geotechnical engineers of record, have monitored this work.

The site work was substantially complete on September 9, 1988.

The total amount of the contract, including this change order, is \$1,134,937.70.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of change order 6 to the contract with DeWitt Construction for site work for the Oregon Convention Center project.



METRO

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

Memorandum

Agenda Item No.: 5.3

Meeting Date: October 13, 1988

Date: October 5, 1988

To: Metro Council

From: Councilor David ^{DK} Knowles, Chair
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON OCTOBER 13, 1988
COUNCIL MEETING AGENDA ITEM NO. 5.3 CONSIDERATION OF
RESOLUTION NO. 88-993 APPROVING AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE METRO ER COMMISSION AND THE CITY
OF PORTLAND ER COMMISSION RELATING TO EVENTS SPACING

Committee Recommendation: Committee members present -- Kelley, Knowles, Van Bergen, Waker -- unanimously recommended Council adoption of Resolution No. 88-993. Councilor Cooper was absent due to illness.

Committee Discussion & Issues: Metro General Counsel Dan Cooper reviewed Resolution No. 88-993 (Attachment A hereto). The resolution approves the Metro ER Commission and Portland ER Commission intergovernmental agreement to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the Portland ERC. The Portland City Council will also adopt a resolution approving this intergovernmental agreement. These Council approvals ensure that the coordination of the events spacing policies cannot be misconstrued as any activity prohibited by state and federal antitrust laws. The intergovernmental agreement is consistent with the City's and Metro's stated approval of the concept of consolidation.

Responding to Committee discussion of Metro's liability for ERC facilities, Mr. Cooper said that this agreement does not increase Metro's liability for incidents that occur at ERC facilities. Mr. Cooper further noted that the intergovernmental agreement does not require the Commissions to coordinate event spacing, but leaves discretion to the General Managers. This element of discretion guards against legal claims regarding the spacing of events.

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ATTACHMENT A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN)	
INTERGOVERNMENTAL AGREEMENT BETWEEN	)	RESOLUTION NO. 88-993
THE METROPOLITAN EXPOSITION-RECREATION)	
COMMISSION AND THE CITY OF PORTLAND	)	Introduced by the
EXPOSITION-RECREATION COMMISSION	)	Council Convention Center
RELATING TO EVENTS SPACING	)	Committee

WHEREAS, On October 22, 1987 by Ordinance No. 87-225, the Metropolitan Service District established the Metropolitan Exposition-Recreation Commission to operate Regional Convention, Trade and Spectator Facilities, including the Oregon Convention Center; and

WHEREAS, The above Commission has authorized by their Resolution No. 10 the Commission Chairman and Secretary/Treasurer to execute an Intergovernmental Agreement with the City of Portland Exposition-Recreation Commission, wherein the Commissions adopt an event spacing booking policy between the Memorial Coliseum and the Oregon Convention Center; and

WHEREAS, The Council of the Metropolitan Service District has reviewed the above Intergovernmental Agreement and agrees that it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission; and

WHEREAS, The Council finds that this Intergovernmental Agreement is consistent with and advances the approved concept of consolidating the operations of the Metropolitan Exposition-Recreation Commission and the City Exposition-Recreation Commission to promote more efficient operation of the respective facilities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports and approves the Intergovernmental Agreement (Exhibit A hereto) between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

jpm a:\ccigares

INTERGOVERNMENTAL AGREEMENT

This Agreement, dated this 13th day of September, 1988, is between the Metropolitan Exposition-Recreation Commission (Metro ERC) of the Metropolitan Service District and the Exposition-Recreation Commission (ERC) of the City of Portland.

RECITALS

1. The Metropolitan Service District has established the Metro Exposition-Recreation Commission to operate the Oregon Convention Center.
2. The Charter of the City of Portland establishes the Exposition-Recreation Commission for the purpose of operating the Memorial Coliseum and other facilities.
3. Both Metro and the City have approved the concept of consolidating the operations of the Metro ERC and the City ERC in order to promote more efficient operation of the respective facilities. Such consolidation is expressly authorized and contemplated by Oregon Law.
4. Prior to the completion of agreements to formally consolidate these facilities it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the ERC.
5. Both ERC and Metro ERC have adopted policies relating to the spacing of events in their respective facilities. The purposes of these policies are (1) to assure that events of a similar character are not scheduled so closely together that the reasonable business expectations of exhibitors are frustrated, and (2) to encourage as diverse a range of entertainment and recreational opportunities to the public as possible.
6. The ERC and Metro ERC event spacing policies will achieve their purpose more effectively if ERC and Metro ERC facilities are considered together and the policies are applied to prevent scheduling of similar events in both organizations' facilities during the same time period.
7. ERC and Metro ERC have previously entered into an agreement to consolidate the management of the facility scheduling activities.

AGREEMENT

NOW, THEREFORE, Metro ERC and ERC hereby agree that :

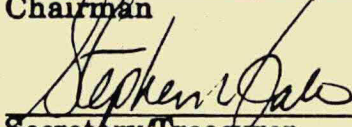
1. The ERC and Metro ERC event spacing policies shall be applied to scheduling of events of both ERC and Metro ERC facilities, considered as a single group of facilities; and

2. That the event spacing policies shall read as follows:

It is the responsibility of the Oregon Convention Center and Memorial Coliseum management to operate the facilities in a sound business manner in an effort to maximize both economic benefit and financial stability of the facilities. Consequently, facility management reserves the right to promote, solicit, develop and make reservations for any activity deemed appropriate to the facility's objectives, and to qualify all activities requesting utilization of the facility. For activities which are considered to be competing for specialized and specific local markets, i.e., public boat shows, automobile shows, home product shows, etc. the Commission General Manager may, at his discretion, maintain a clearance period of sixty (60) days prior to and following an existing event and any similar event competing for essentially the same special market. This policy shall be in effect within and between the facilities of the ERC and Metro ERC.

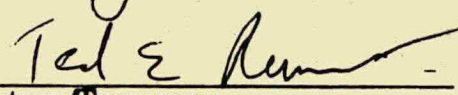
METROPOLITAN EXPOSITION- RECREATION COMMISSION


Chairman


Secretary/Treasurer

EXPOSITION-RECREATION COMMISSION

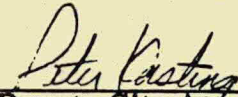

Chairman


Secretary/Treasurer

APPROVED AS TO FORM:


Metro General Counsel

APPROVED AS TO FORM:


Deputy City Attorney

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-263 AMENDING
ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND
APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF ADDITIONAL
STAFFING AND CAPITAL PURCHASES WITHIN THE TRANSPORTATION
DEPARTMENT

Date: October 3, 1988

Presented By: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The attached ordinance provides the necessary budget amendments for the following items:

1. Addition of Full-Time Secretarial Position

With the transfer of the Data Section from IRC and the mapping services from Public Affairs, the size of the professional staff within the Transportation department and the scope of their work have increased while the clerical staffing has remained the same. The average agency ratio of professional to clerical staff is six to one. In FY 88-89 the ratio of professional to clerical staff in the Transportation department is twenty to one. This high ratio is prohibitive to the efficient and effective operation of the Transportation department. Many of the staff are now doing their own word processing and are being requested to help out with copying and mailings. With the dramatic increase in clerical work and the possible reorganization of word processing that would increase department word processing requirements, it has become imperative to add additional clerical support. This proposed amendment would add one full time secretarial position to the Transportation department for the remainder of the fiscal year (0.60 FTE). The budget impact of this action is \$11,510, salary and fringe, to be transferred from contingency. Carryover grant funds and dues will be used to fund this position.

The Transportation Department has prepared the attached strategic five year computer plan. This plan analyzes current and future computer needs, proposes a strategy to meet those needs and provides an explanation of the interrelationship between current and proposed systems. The goal is to provide an integrated system which, through the personal computer local area network, would provide access for the planning staff to the current travel forecasting system (EMME/2), the proposed Geographical Information System approved in the FY 1988-89 budget, and the new financial management system as well as provide the ability for independent spreadsheet analysis and word processing.

The computer plan will be implemented over the next few years as funding sources are identified. The following budget items represent

the beginning steps to implementing those pieces of the plan which do not currently exist.

2. Additional Needs for Geographical Information System

During the FY 1988-89 budget process the Council approved the development of a Geographical Information System (GIS), an integrated database of geographical information with the ability to provide a variety of time-effective, cost-efficient applications. The original budget proposal to the Council included three potential funding levels. The Council chose to specifically budget only the minimum level but agreed to place the remaining portion (\$174,085) in contingency pending identification of specific revenue sources. An Analysis of resources has identified additional unbudgeted carry-over dues and capital reserve revenue. This proposed action would transfer from contingency an amount not to exceed the amount of new resources to allow for a more complete implementation of the envisioned GIS system.

3. Personal Computer Acquisition

Central to the Transportation department computer plan is the personal computer network. This provides the ability for the users to access the EMME/2 planning system, the GIS system and the financial management system as well as perform independent spreadsheet analysis and word processing. To fully access all these capabilities, the personal computer must be a high resolution graphics unit as opposed to alpha-numeric. Some of the terminals currently in use with the EMME/2 system are alpha-numeric instead of graphics. These terminals are able to access only a portion of the capabilities of the system. When full graphics capabilities are required the user must wait for access to a graphics terminal causing sometimes lengthy delays in productivity. This proposed budget action would transfer funds from contingency to purchase one additional high resolution graphics personal computer.

Budget items number 2 and 3 will utilize the same funding sources - the newly identified carry-over dues (\$35,000) and capital reserve revenue (\$6,761). At this time, it is unknown how much will be spent on each item. The Transportation department has received proposals for the GIS system and is currently evaluating the proposals to identify which one best meets their needs. A contract for the Geographical Information System will be brought before the Council for their approval before the final reading of this budget amendment. The actual figures may vary slightly from the estimates provided in this staff report, however, they will be reflected in the ordinance presented for final reading and adoption.

4. Pixel Software Replacement

During the FY 1988-89 budget process, the Council approved \$9,000 within the Transportation budget for replacement of Pixel

software. This amount was budgeted under a Materials & Service line item. A further clarification from Accounting has determined that, when purchased, this item would be considered a capital outlay. This action would transfer \$9,000 from Materials & Services, Data Processing to Capital Outlay, Office Furniture and Equipment.

EXECUTIVE OFFICERS'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-263.

a(res1):\sr88-263

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)	ORDINANCE NO. 88-263
88-247 REVISING THE FY 1988-89)	
BUDGET AND APPROPRIATIONS SCHEDULE)	Introduced by Rena Cusma,
FOR THE PURPOSE OF ADDITIONAL)	Executive Officer
STAFFING AND CAPITAL PURCHASES IN)	
THE TRANSPORTATION DEPARTMENT)	

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered various needs to modify the FY 1988-89 Budget; and

WHEREAS, The need for a modified budget plan has been justified; and

WHEREAS, Adequate funds exist for identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-247, Exhibit B, FY 1988-89 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this

_____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

a(res1):\ord88-263

NOTE: Exhibits A and B to the ordinance have not been included in this packet. The Exhibits will be distributed to Councilors when the ordinance is considered by the Council Finance Committee.

Parties wanting a copy of the exhibits may contact the Council Clerk, Marie Nelson, 221-1646, extension 206.



METRO

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

Memorandum

Agenda Item No. 6.2

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: ORDINANCE NO. 88-266, ADOPTING THE REGIONAL
SOLID WASTE MANAGEMENT PLAN

Attachment A to the ordinance, the Solid Waste Management Plan, will be distributed to Councilors as part of the upcoming Solid Waste Committee agenda. Parties wanting a copy of the draft Plan document prior to the October 13 Council meeting may contact Becky Crockett, 221-1646, extension 241.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING) ORDINANCE NO. 88-266
THE REGIONAL SOLID WASTE MANAGEMENT)
PLAN AND RESCINDING PRIOR SOLID)
WASTE PLAN PROVISIONS)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. The Metropolitan Service District Regional Solid Waste Management Plan, a functional plan which includes a waste reduction program, dated 1988, copies of which are on file with the Clerk of the Council, is hereby adopted.
2. The plan is attached hereto as Attachment A.
3. In support of the above Plan, the Findings attached hereto as Attachment B are hereby adopted.
4. Solid Waste Management Plan Provisions attached hereto as Attachment C are hereby rescinded.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

ATTACHMENT B

FINDINGS

1. Oregon Revised Statutes (ORS), Chapters 268 and 459, provide for the development of a Solid Waste Management Plan. The Metropolitan Service District is the responsible provider of the Plan and the solid waste disposal system in the Metro region. Further, Executive Order No. 78-16, Office of the Governor, State of Oregon, designates Metro as the solid waste planning and implementing agency for Clackamas, Multnomah and Washington Counties.
2. The Solid Waste Management Plan includes a waste reduction program as required by ORS Chapter 459. This program, in part, establishes justification for locating a landfill disposal site in an area zoned for exclusive farm use (EFU) in accordance with ORS 459.055.
3. The Solid Waste Management Plan is consistent with Metro's land use planning goals and objectives which were developed and adopted consistent with Oregon's Statewide Planning Goals (ORS 197.005 - 197.465) as required by ORS 268.380. The Solid Waste Management Plan is not consistent with Metro's land use framework plan which was developed under CRAG and adopted in 1976. This Ordinance rescinds the framework plan recognizing that it no longer carries out the planning objectives of Metro.
4. Oregon Revised Statutes, 268.390 provides for Metro to develop functional plans in order to establish the relation between regional plans and local comprehensive plans. Metro Ordinance No. 86-207 established a planning procedure for identifying areas and activities in need of functional planning. Further, Metro Resolution No. 87-740 specifically designated solid waste as an area and activity appropriate for development of a functional plan.
5. Oregon's Statewide Planning Goal No. 11 (Public Facilities and Services), established per ORS Chapter 197, requires that all local governments provide for solid waste disposal sites, including sites for inert waste, in their plans in order to meet current and long-range needs. ORS 459.005 (8) defines disposal site, in part, as land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes. The Solid Waste Management Plan provides a means to satisfy Goal 11 requirements regarding solid waste disposal by identifying disposal facilities necessary to meet the needs of the region. Further, the Plan specifies that cities and counties will be required to allow for these planned disposal facilities, in part, by providing appropriate zoning.

6. The first Metro Solid Waste Management Plan was adopted by MSD by Ordinance No. 9 in 1974. This plan, also known as COR-MET, was premised on a solid waste system of milling and transfer stations. Several ordinances and resolutions were adopted after 1974 to update the COR-MET plan and specifically to recognize the need to change the regional system to one based on waste reduction priorities. This 1988 plan serves to replace COR-MET and to consolidate appropriate plan provisions adopted prior to this 1988 plan into the 1988 plan.
7. The Solid Waste Management Plan contains several sections of priority for implementation. The following list of priorities indicates which plan provisions take precedence over other plan provisions where inconsistencies in the Plan may arise:
 1. Goal
 2. Objectives
 3. Policies
 4. Chapters (included in Waste Management, Solid Waste System Implementation and Planning Process sections)
 5. Annual Unified Work Programs

The appendices or background documents used to develop the Plan policies and chapters are not adopted as a part of this plan.

8. Solid waste facilities, programs and implementing provisions which were established prior to this plan will be brought into conformance with this plan. The 1988 Solid Waste Management Plan shall supersede and take precedence over any prior ordinances and resolutions previously adopted that are inconsistent with this plan.
9. The 1988 Solid Waste Management Plan is consistent with the Statewide Land Use Planning Goals (ORS 197.005 to 197.465) as indicated by the following paragraphs:

Goal No. 1 - Citizen Involvement. Metro Resolution No. 87-785A established regional committees to develop Solid Waste Management Plan recommendations to the Metro Council. A Policy Committee provided a forum for local government officials and representatives from the Department of Environmental Quality and the Port of Portland to address solid waste policy issues of regional significance. A Technical Committee comprised of local government technicians, solid waste industry representatives and citizens provided technical expertise to the Policy Committee and the Metro Council on specific solid waste facility and program issues.

In addition to these committees, Metro actively solicited input from all local governments in the region on a regular basis. To initiate the solid waste planning project, Metro worked with the three counties and 24 cities in the tri-county area to get their approval for the project and the cooperative decision-making process via the above referenced committee structure. All jurisdictions except the City of Banks passed this resolution of support.

Throughout the planning process, members of the Policy Committee also solicited input on plan issues from their constituents and fellow board or commission members as well as from their neighboring jurisdiction local government officials.

Metro designed a "Regional Solid Waste Management Report" for this planning project which was mailed to approximately 800 individuals and groups in the region once every two months. This six-page report summarized the status of the developing plan and solicited comments on portions of the Plan as they were completed. The report was mailed to local elected officials, city managers and administrators, district neighborhood offices, chambers of commerce, economic development associations, solid waste haulers, recyclers and industry market representatives, local neighborhood offices and interested citizens.

Goal No. 2 - Land Use Planning. The Solid Waste Management Plan reflects the region's vision for managing solid waste over the next 20 years. It addresses such issues as waste reduction, hazardous waste management, low-grade waste management, financing, rates, design of the region's solid waste system and siting facilities. The Plan is based on a solid waste inventory and extensive analysis including waste generation statistics, population forecasts, solid waste system measurement and financial forecasts. The Plan includes a policy framework developed through a regional decision-making process.

Goal No. 3 - Agricultural Lands. The Solid Waste Management Plan system includes a land disposal facility located in an EFU zone. In accordance with ORS 459.055, the Plan includes a waste reduction program which, in part, establishes justification for allowing such use in an EFU zone. Other plan provisions are not inconsistent with Goal No. 3.

Goal No. 4 - Forest Lands. This action is not inconsistent with Goal No. 4.

Goal No. 5 - Open Spaces, Scenic and Historical Areas, Natural Resources. This action is not inconsistent with Goal No. 5.

Goal No. 6 - Air, Land, and Water Resources Quality. The Plan recognizes the importance of maintaining the air, land and water quality of the State. Solid waste facilities and programs in the region shall only be pursued to the extent they are environmentally feasible.

Goal No. 7 - Areas Subject to Natural Disasters and Hazards. Solid waste facilities established as a result of this plan will be done in the context of recognizing existing local comprehensive plan inventories which identify known areas of natural disaster and hazards.

Goal No. 8 - Recreational Needs. This plan is consistent with Goal No. 8 in that it will result in the effective management of solid waste for the region. This results in a better liveability for all citizens of the region and increases the desirability of the area for visitors.

Goal No. 9 - Economy of the State. This plan is consistent with Goal No. 9. The development of a regional plan projects an ability to manage the region's solid waste effectively and economically. This can contribute significantly to a positive climate for economic development, and thus have a significant impact on the development of the metropolitan area. Further, the Plan recognizes solid waste as a resource from which valuable materials and energy can be extracted.

Goal No. 10 - Housing. Effective management of solid waste is a key factor in providing residential development in the region. The Plan addresses the need for continued and enhanced curbside collection programs for recyclables and efficient waste collection services for residential areas.

Goal No. 11 - Public Facilities and Services. The Solid Waste Management Plan is consistent with Goal No. 11 by identifying disposal facilities necessary to meet the needs of the region. Further, the Plan specifies that cities and counties will be required to allow for those planned disposal facilities, in part, by providing appropriate zoning. The adoption of the Solid Waste Management Plan furthers the establishment of the region's functional solid waste plan as required by Goal No. 11.

Goal No. 12 - Transportation. The Plan is consistent with Goal No. 12. The regional plan provides for a coordinated system of facilities to serve the entire region. This regional system results in a more cost-effective system of transport of solid waste to strategically located facilities than would otherwise occur if not regionally coordinated and planned.

Goal No. 13 - Energy Conservation. The Plan will result in a coordinated solid waste system for the region. This coordinated system will cause a more efficient and thus less energy consuming system to be utilized for waste management in the region than what will occur without the Plan.

Goal No. 14 - Urbanization. The Plan is not inconsistent with Goal No. 14.

Goals No. 15 through No. 19. These goals do not apply to the Plan.

ATTACHMENT C

The following Ordinances and Resolutions are hereby rescinded:

CRAG Land Use Framework Plan	(12/22/76)
Ordinance No. 1	(Contract for Solid Waste Management Plan)
Ordinance No. 9	(Adopting COR-MET)
Ordinance No. 26	(Milling/Transfer Station System Change)
Ordinance No. 27	(Establishing Non-Processable Solid Waste Program)
Ordinance No. 31	(Milling/Transfer Station System Change)
Ordinance No. 47	(Solid Waste Operations Program)
Ordinance No. 48	(Certificate Program)
Ordinance No. 61	(Certificate Program)
Ordinance No. 88-240A	(Landfill Chapter)
Resolution No. 11	(Markets for Resource Recovery)
Resolution No. 14	(Source Separation Policy)
Resolution No. 79-12	(Landfill Siting)
Resolution No. 79-85	(Recycling Drop/Receiving Centers)
Resolution No. 79-108	(Supporting Regulated Collection)
Resolution No. 81-212	(Adopting Waste Reduction Plan)
Resolution No. 81-272	(Facility Guidelines for Waste Reduction)
Resolution No. 81-282	(S.E. Portland Curbside Collection Policy)
Resolution No. 82-372	(Pledge to Adopt Recycling Program)
Resolution No. 83-393	(Authorizing Recycling Program)
Resolution No. 83-437	(Diverting Newsprint from Facilities)
Resolution No. 84-491	(Interim Management Strategy for St. Johns)
Resolution No. 84-506	(Transfer Station Strategies)

Resolution No. 84-507 (Landfill Strategies)

Resolution No. 85-538 (Interim Waste Reduction Strategies)

Resolution No. 85-571 (Clarification of Alternative Policies to
Landfilling)

Resolution No. 86-676 (Hazardous Waste Plan)



METRO

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

Memorandum

Agenda Item No. 6.3

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: ORDINANCE NO. 88-268, ADOPTING A FINAL ORDER
AND AMENDING THE METRO UGB FOR CONTESTED CASE
NO. 87-3: BLAZER HOMES, INC.

Exhibit B (Findings of Fact in Contested Case No. 87-3) and Exhibit C (legal description of the property) have not been included in this agenda packet. The documents have, however, been distributed to Councilors. Other parties wanting copies of the documents may contact Marie Nelson, Council Clerk, 221-1646, extension 206.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL) ORDINANCE NO. 88-268
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 87-3: BLAZER HOMES, INC.)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council of the Metropolitan Service District hereby adopts the Findings of Fact in Contested Case 87-3, attached as Exhibit B of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-777, is hereby amended to add the Blazer Homes, Inc. property as shown in Exhibit A of this Ordinance and described in Exhibit C, which are incorporated by this reference.

Section 3. This Ordinance is the Final Order in Contested Case 87-3.

Section 4. Parties to Contested Case 87-3 may appeal this Ordinance under Metropolitan Service District Code Section 2.05.050 and ORS chapter 197.

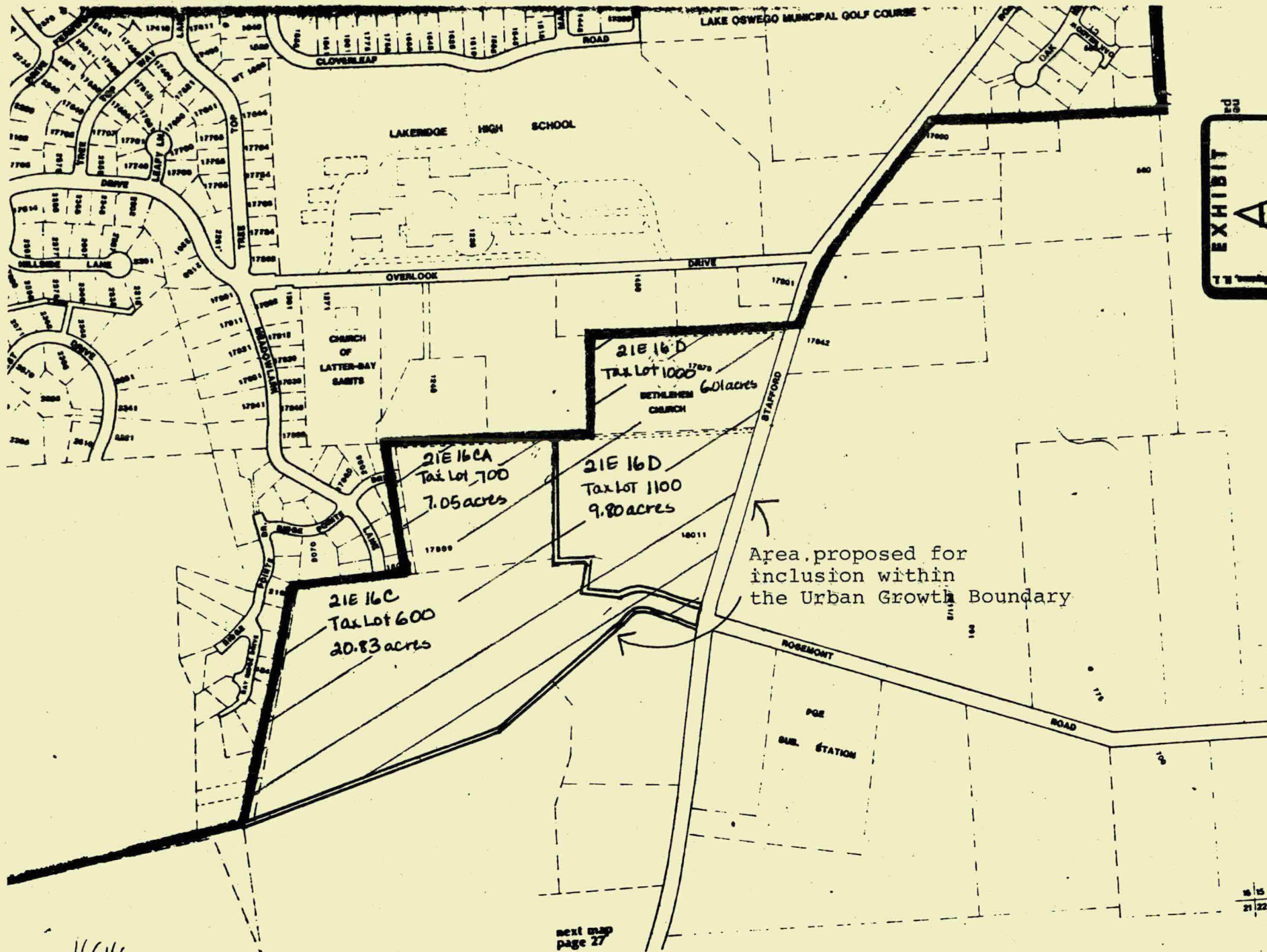
ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

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10/04/88



next map
page 27

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21/22 next map
page 28



METRO

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

Memorandum

Agenda Item No. 6.4

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: ORDINANCE NO. 88-267, REVISING METRO CODE SECTION
5.04.040 RELATING TO THE MEMBERSHIP ON THE
RECYCLING ADVISORY COMMITTEE

Please refer to Councilor Hansen's committee report
on Agenda Item 7.3 for background information on this
ordinance.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REVISING METRO	)	ORDINANCE NO. 88-267
CODE SECTION 5.04.040 RELATING TO)	
THE MEMBERSHIP ON THE RECYCLING	)	Introduced by the Council
ADVISORY COMMITTEE	)	Solid Waste Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 5.04.040 of the Code of the Metropolitan Service District is amended to read:

5.04.040 Recycling Advisory Committee: In order to implement the One Percent for Recycling Program [the Executive Officer shall appoint] there shall be created a One Percent Recycling Advisory Committee consisting of [five] seven members, one member of which shall be a Metro Councilor appointed by the Presiding Officer, [one member shall be an appropriate staff person within the Solid Waste Department,] and [three] six members appointed by the Executive Officer who shall be citizens with experience in or an interest in promoting recycling, waste reduction or reuse from the community and further representing a geographic diversity of areas within the region. The Metro Councilor shall serve as chair of the Committee. The appointments to the committee shall be subject to confirmation by the Council.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

DEC/amn/0221D/554/10/05/88

Meeting Date Oct. 5, 1988

CONSIDERATION OF ORDINANCE NO. 88-265 FOR THE
PURPOSE OF ADOPTING A FINAL ORDER AND AMENDING
THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED
CASE NO. 87-4: BRENNT PROPERTY

Date: September 6, 1988

Presented by: Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 87-4 is a petition from Willy and Thea Brennt for a locational adjustment of Metro's Urban Growth Boundary (UGB) in Clackamas County. The property proposed for inclusion within the UGB is a five-acre parcel located south of Lake Oswego, as shown on Exhibit A. Clackamas County adopted a neutral opinion; Lake Oswego has taken the position that it can provide urban service to the property.

Metro Hearings Officer Christopher Thomas held a hearing on this matter on June 29, 1988. Testimony was received both in support and in opposition to the petition. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the petition meets all applicable standards and should be approved. Exceptions to his Report have been received from a neighbor, Ken Jensen, and neighbors Bill and Pam Clemons.

Following oral argument on exceptions, the Council may consider any motions to remand the findings to the Hearings Officer or to staff for revisions as requested by exceptions or as otherwise specified. If no such motions are approved, the Council may allow Ordinance No. 88-265 to proceed to a second reading with the findings as proposed in the Hearings Officer's Report.

JH/sm
0120D/554
09/12/88

NOTE: Due to the length of the document, Exhibit B, "Report and Recommendation of Hearings Officer," has not been printed in this packet. The document has been distributed to Councilors. Other parties wanting a copy of the document may contact Marie Nelson, Council Clerk, 221-1646.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL) ORDINANCE NO. 88-265
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED)
CASE NO. 87-4: BRENNT PROPERTY)

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. 87-4 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. 87-4 may appeal this Ordinance under Metro Code Section 2.05.050 and ORS ch. 197.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

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09/12/88

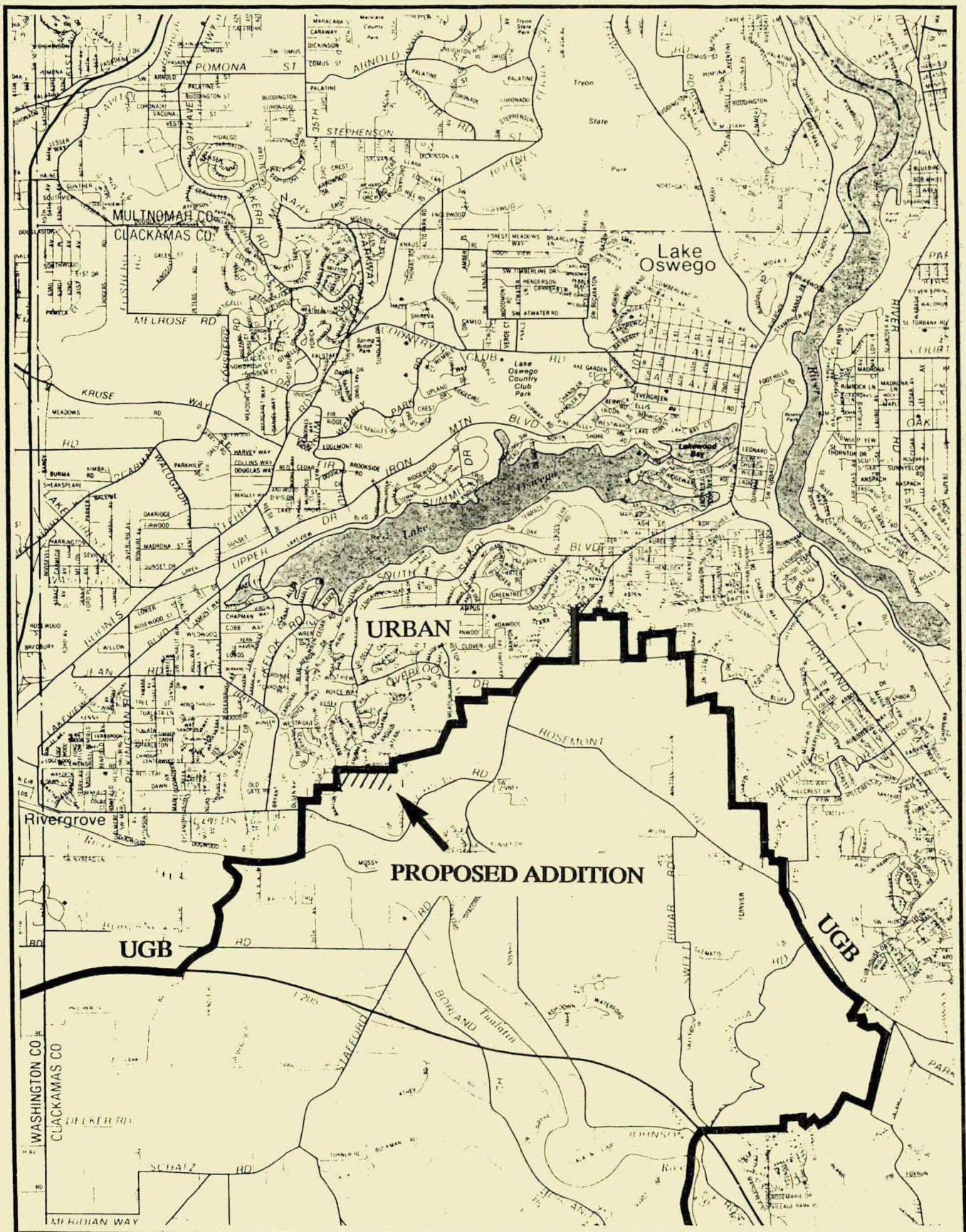
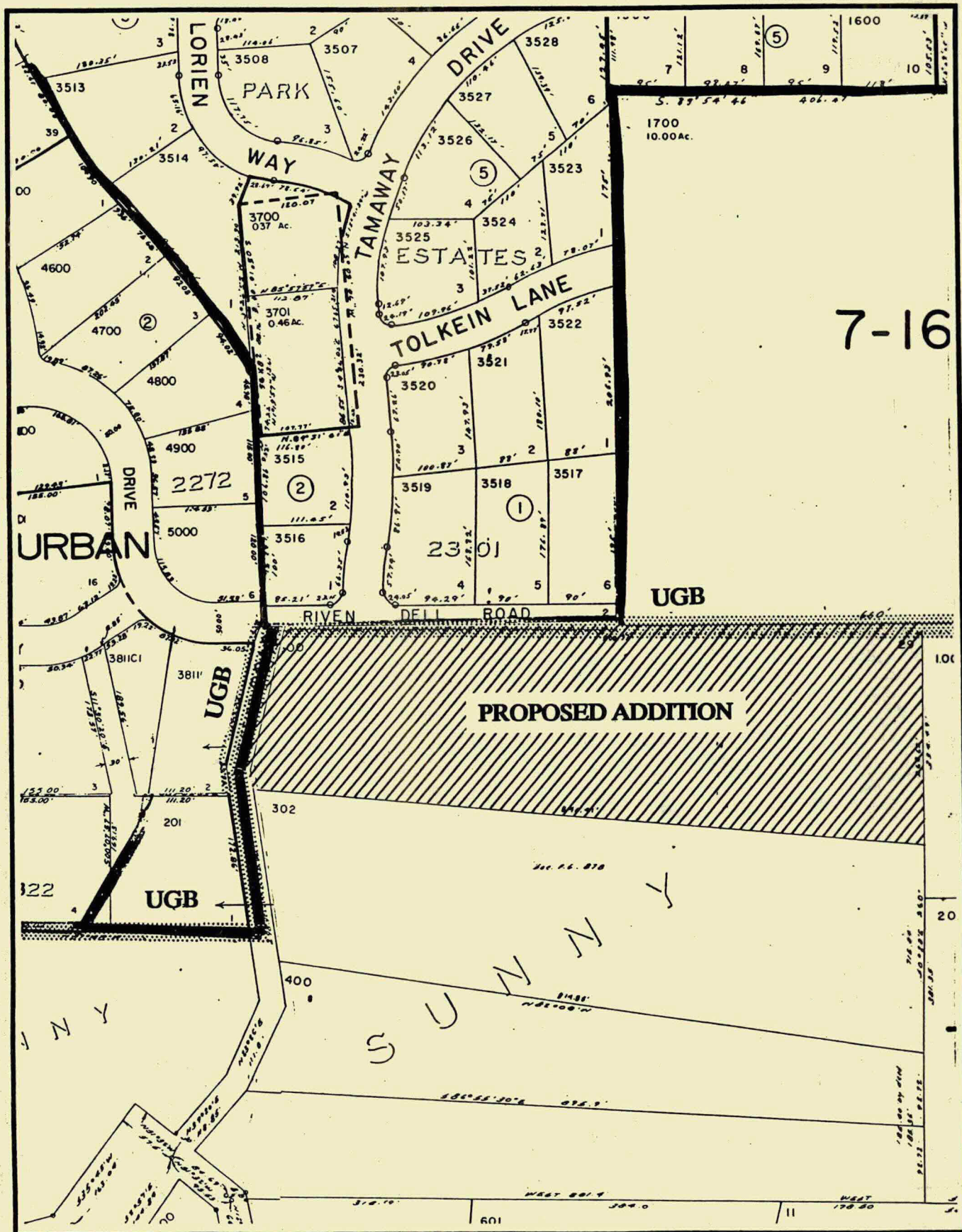


Exhibit A

Brennt

Vicinity Map



Brent

Site Map

October 10, 1988.

Item #6.5
10/13/88
Ord. #88-265

Michael Ragsdale,
Metro General Counsel,
Metropolitan Service District,
2000 S.W. First,
Portland, Oregon.

RE: CONTESTED CASE #87-4
Wally & Thea Brennt Extension to UGB

Dear Mr. Ragsdale;

It was apparent at the September 22nd. Metro Council Meeting that several councillors felt that the topographic contiguity issue was a pivotal factor in their vote. Mr. Buford, a party to the dispute and a licensed land survey engineer testified on 9-22-88 with maps in hand that the topography of the Brennt (petitioner's) property was very similar to contiguous land to the south. The issue was raised that his testimony may not be acceptable since it was possibly new evidence.

Upon review of the ORIGINAL tapes of testimony before Mr. Thomas (Hearings Officer) it is evident that topographical contiguity was extensively discussed by Mr. Buford as well as Mr. Lines, both of whom were opposed to UGB extension.

We therefore strongly recommend that council recognize and accept the expert testimony of Mr. Buford on 9-22-88 stating that there is similar topography of the petitioner's land and contiguous land to the south. Thus on the basis of MC301040 (d) (2) and (3) stating "the minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factor in subsection (a)", we feel that the Brennt petition for UGB extension is unacceptable and should be rejected.

Sincerely,


Jeanine and Ken Jensen

P.S. We would ask to be recognized at the meeting of October 13 to further explain this issue for the benefit of those councillors who have not had a chance to review this material.

CC: All councillors



METRO

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

Memorandum

Agenda Item Nos. 6.6, 7.1

Meeting Date Oct. 13, 1988

Date: October 5, 1988

To: Metro Council

From: Tanya Collier, Finance Committee Chair

Regarding: FINANCE COMMITTEE REPORT ON OCTOBER 13, 1988, COUNCIL MEETING AGENDA ITEMS:

Item 6.7 Ordinance No. 88-262, Amending the Budget and Appropriations Schedule to Provide Funding for Contract with Preston, Thorgrimson, Ellis and Holman

Item 7.1 Resolution No. 88-972, Approving a Contract with Preston, Thorgrimson, Ellis and Holman

The Committee considered Ordinance No. 88-262 at its September 29, 1988, meeting. Committee members in attendance were Councilors Coleman, Collier, DeJardin, Gardner and Van Bergen. While Resolution No. 88-972 technically was not before the Committee (it was referred from the Internal Affairs Committee to the full Council for consideration along with Ordinance No. 88-262) the Committee did consider the purposes and need for the contract with Preston, Thorgrimson because the budget and appropriations change is for the purpose of funding the contract.

Appearing at the hearing in support of the Ordinance No. 88-972 were Ray Phelps, Director of Finance & Administration, and Councilor Knowles as Chair of the Convention Center Committee. Three reasons were given in support of the budget and appropriations change:

1. The services of Ms. Duncan would provide insurance for the District to obtain the second \$7,500,000 Convention Center appropriation without onerous conditions from the State;
2. There may be potential legislative initiatives by other parties which would be unfavorable to the purposes of the District which Ms. Duncan could help avoid; and
3. Ms. Duncan's general knowledge of Metro and the District's prior legislative efforts will be helpful to the District's Government Affairs Manager.

Memorandum - Metro Council
October 5, 1988
Page 2

Both Mr. Phelps, on behalf of the Administration, and Councilor Knowles emphasized that the availability of Ms. Duncan to work on Metro's behalf was paramount in the decision to enter into the contract. If her services were not available, there would be no contract.

After considerable discussion the Committee voted 4 to 1 (Councilor Van Bergen dissenting) to recommend Council approval of Ordinance No. 88-962 and that the Scope of Work for the contract be changed as follows:

1. Clarify that Ms. Duncan would perform the work called for;
2. Ms. Duncan would coordinate with and report directly to Metro's Government Relations Manager; and
3. Ms. Duncan's services would be expanded to work on other legislative issues identified by Metro.

The proposed, revised Scope of Work is attached as Exhibit A to this report. If it is acceptable, it should be attached to the contract requested for approval by Resolution No. 88-972.

The contract has been processed as a sole source contract. General Counsel was asked by the Internal Affairs Committee to review and comment on using such procedure for this contract. General Counsel has orally given an opinion to Council staff that based on information provided by Mr. Phelps and Councilor Knowles regarding the availability of Ms. Duncan as a reason for the contract, the Council may find that using the sole source procedure is appropriate.

DEC/amn
0220D/D1
10/05/88

SCOPE OF WORK

Contractor will manage activities necessary for the inclusion of a seven and one-half million dollar appropriation from the State Lottery Funds to the Metropolitan Service District for the construction of the Oregon Convention Center. Activities will include regular communication with the Department of Economic Development during its 1989-91 budget process to ensure appropriate inclusion of the appropriation. Activities further will include monitoring and lobbying legislator, legislative committees and caucuses on behalf of the appropriation, and related issues.

Contractor will monitor amendments to the existing Regional Strategies program through which the Convention Center construction funds are allocated. Contractor will provide advice about the program and its affect on the Convention Center project to the Department of Economic Development and the Legislature. Contractor will advise Metro of any policy changes to the program affecting the construction of the Convention Center.

Contractor will keep the chairs of the Multnomah, Clackamas and Washington County commissions apprised of the Convention Center funding progress during the 1989 Legislative Session.

Contractor will provide transitional administrative and advisory services to the Oregon Tourism Alliance as it assumes managerial control of its activities. Services shall

include briefing of new OTA staff, administrative work plan review, August board meeting agenda coordination, advisory services to Metro's Alliance appointees, orderly transfer of Metro OTA files, and other services [as necessary.] related to legislative issues identified by Metro.

[Contractor will coordinate all work with the appropriate designee or designees of the Executive Office.] Metro designates its Government Relations Manager as the project director for this contract. Contractor will coordinate and report all activities to the project director.

Contractor designates Kim Duncan, Government Relations Specialist, as the principle coordinator for this contract. Contractor will make available other resources and personnel as necessary to the project. Contractor may not remove Kim Duncan as its project coordinator without the prior consent of Metro.

Metro will reimburse Contractor at the rate of \$1,400.00 monthly plus allowable expenses. Allowable expenses include long distance telephone calls, FAX charges, mileage for travel necessary to conduct this work, copying charges and postage expenses. Other expenses shall be allowed only if approved in advance by Metro.

Contractor shall bill Metro monthly. Metro shall pay Contractor within thirty (30) days of receipt of the approved invoice.



METRO

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

Memorandum

Agenda Item No. 6.6

Meeting Date October 13, 1988

Date: October 13, 1988

To: Metro Council

From: Donald E. Carlson, Council Administrator *DE*

Regarding: OCTOBER 13, 1988 MEETING AGENDA ITEM 6.6:
Consideration of Ordinance No. 88-262, Amending Budget
and Appropriations Schedule for Contract with Preston,
Thorgrimson et al.

The purpose of this memo is to provide information received today which indicates Ordinance No. 88-262 is not needed to provide funding for the Preston, Thorgrimson et al. contract. Council staff has received Resolution No. 88-1003 which is for a contract with Portland's Finest, Inc. for the purpose of providing support for the International Association of Chiefs of Police convention. The contract obligates Metro for only \$35,000. The amount budgeted for this purpose in the Convention Center Management Fund (Miscellaneous Professional Services line item) was \$70,000. There remains \$35,000 in this line item which can be used for expenditures such as contemplated in the Preston, Thorgrimson et al. contract. Attached for Council consideration is 1) a copy of Resolution No. 88-1003 (to be considered by the Internal Affairs Committee at its next meeting); 2) the first page of the proposed contract with Portland's Finest, Inc. (shows the amount as \$35,000); and 3) a copy of Chief Richard Walker's request for the \$35,000.

Recommendation

Council staff recommends adoption of a motion for the ordinance to be filed and receive no further consideration. General Counsel has advised that this is the proper way to dispose of an ordinance in this situation according to Metro Code Section 2.01.070.

DEC:gpwb
ORD88.262

BEFORE THE INTERNAL AFFAIRS COMMITTEE OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING A)
CONTRACT WITH PORTLAND'S FINEST,)
INC. TO SUPPORT THE INTERNATIONAL)
ASSOCIATION OF CHIEFS OF POLICE)
CONVENTION IN PORTLAND OCTOBER 12,)
1988, THROUGH OCTOBER 20, 1988)

RESOLUTION NO. 88-1003
Introduced by Rena Cusma,
Executive Officer

WHEREAS, In April 1987 the region faced losing the
opportunity to host the International Association of Chiefs of
Police Convention for lack of public support; and

WHEREAS, The Council of the Metropolitan Service District
in April 1987 authorized the Metro Executive to commit to \$70,000 to
Portland's Finest, Inc., the hosts of the International Association
of Chiefs of Police Convention on certain conditions; and

WHEREAS, Portland's Finest, Inc. has identified that it
needs only \$35,000 of the \$70,000 originally committed; now,
therefore,

BE IT RESOLVED,

That the Internal Affairs Committee of the Metropolitan
Service District authorizes the Executive Officer to enter into a
contract with Portland's Finest, Inc. to support the International
Association of Chiefs of Police Convention in the form attached
hereto, and for an amount of \$35,000.

ADOPTED by the Internal Affairs Committee of the Metropolitan
Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

CONTRACT

THIS Contract is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S. W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "METRO," and PORTLAND'S FINEST, INC., whose address is 1111 S. W. Second Avenue, Suite 1526, Portland, Oregon 97204, hereinafter referred to as the "CONTRACTOR."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I

SCOPE OF WORK

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II

TERM OF CONTRACT

The term of this Contract shall be for the period commencing April 16, 1987, through and including October 31, 1988.

ARTICLE III

CONTRACT SUM AND TERMS OF PAYMENT

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied in the amount of \$35,000.00.

ARTICLE IV

LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all lia-



October 3, 1988

Mr. Don Rocks
Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201

Dear Don:

In April, 1987, Metropolitan Service District responded to a critical need and offered financial assistance to help us host the IACP Conference. At that time the budgets were estimated to be approximately \$650,000. Since that time, we have been able to establish firm budgets which total some \$780,000. As you know, we have obtained funding from the city, state and various private sources to allow us to host this event.

At this time, I am requesting Metro to provide a cash donation of \$35,000 to round out the support we need to successfully complete the conference. With the exposure that the metropolitan area and the State of Oregon will receive with regard to this conference, it is important that we handle every detail in a manner which does nothing less than make this great city and beautiful state shine.

Therefore, the support of Metropolitan Service District to complete our funding source is very important. I would appreciate your action as soon as possible. Please feel free to contact myself or Deputy Chief Dan Noelle at 796-3000 if we can provide any additional information.

Very truly yours,

Richard D. Walker

RICHARD D. WALKER
Chief of Police

RDW/vah

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-262 AMENDING
ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND
APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR CONTRACT
WITH PRESTON, THORGRIMSON, ELLIS AND HOLMAN

Date: August 29, 1988

Presented By: Ray Phelps

FACTUAL BACKGROUND AND ANALYSIS

The attached ordinance provides the necessary budget amendment for the following item:

1. Preston, Thogrimson, Ellis and Holman

A proposal for a contract with Preston, Thogrimson, Ellis and Hollman for the services of Kim Duncan is to be considered as a separate agenda item at the Internal Affairs Committee meeting on September 8, 1988. The contract would include the management of activities necessary for the second \$7,500,000 appropriation from the State Lottery funds to Metro for the construction of the Oregon Convention Center. This proposed budget action would transfer \$25,000 from Contingency to Miscellaneous Professional Services in the Convention Center Project Management fund to pay for the contract work.

EXECUTIVE OFFICERS'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-262.

a(res1):\sr88-262

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
88-247 REVISING THE FY 1988-89)
BUDGET AND APPROPRIATIONS SCHEDULE)
TO PROVIDE FUNDING FOR CONTRACT)
WITH PRESTON, THORGRIMSON, ELLIS)
AND HOLMAN)

ORDINANCE NO. 88-262

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has
reviewed and considered various needs to modify the FY 1988-89 Budget;
and

WHEREAS, The need for a modified budget plan has been justified;
and

WHEREAS, Adequate funds exist for identified needs; now,
therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-247, Exhibit B, FY 1988-89 Budget, and
Exhibit C, Schedule of Appropriations, are hereby amended as shown in
Exhibits A and B to this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this
_____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

a(res1):\ord88-262

EXHIBIT A
ORDINANCE NO. 88-262

		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
50-00 CONVENTION CENTER PROJECT MANAGEMENT FUND							
Personal Services							
6010	Conv. Center Project Director	0.20	13,456			0.20	13,456
6060	Secretary	0.30	6,280			0.30	6,280
6080	Senior Management Analyst	0.70	28,357			0.70	28,357
6180	Administrative Assistant	0.30	8,311			0.30	8,311
6700	Fringe		18,746				18,746
Total Personal Services		1.50	75,150	0.00	0	1.50	75,150
Materials & Services							
7100	Travel		1,000				1,000
7110	Meetings & Conferences		2,000				2,000
7150	Printing		500				500
7300	Postage		500				500
7500	Misc. Professional Services		70,000		25,000		95,000
Total Materials & Services			74,000		25,000		99,000
Transfers, Contingency, Unappropriated Balance							
9100	Transfer to General Fund		169,975				169,975
9130	Transfer to Building Management		4,553				4,553
9150	Transfer to Insurance Fund		2,248				2,248
9550	Transfer to Metro E-R Commission		500,000				500,000
9700	Contingency		200,000		(25,000)		175,000
	Unappropriated Balance		136,114				136,114
Total Trans., Contin., Unappr. Fund Balance			1,012,890		(25,000)		987,890
TOTAL EXPENDITURES		1.50	1,162,040	0.00	0	1.50	1,162,040

EXHIBIT B
ORDINANCE NO. 88-262
SCHEDULE OF APPROPRIATIONS FY 1988-89

	CURRENT APPROPRIATION	REVISION	REVISED APPROPRIATION

CONVENTION CENTER PROJECT MANAGEMENT FUND			

Personal Services	75,150		75,150
Materials & Services	74,000	25,000	99,000
Transfers	676,776		676,776
Contingency	200,000	(25,000)	175,000
Unappropriated Balance	136,114		136,114
	-----	-----	-----
Total Convention Center Project Management Fund Requirements	1,162,040	0	1,162,040

ALL OTHER APPROPRIATIONS REMAIN THE SAME

SCOPE OF WORK

Contractor will manage activities necessary for the inclusion of a seven and one-half million dollar appropriation from the State Lottery Funds to the Metropolitan Service District for the construction of the Oregon Convention Center. Activities will include regular communication with the Department of Economic Development during its 1989-91 budget process to ensure appropriate inclusion of the appropriation. Activities further will include monitoring and lobbying legislators, legislative committees and caucuses on behalf of the appropriation, and related issues.

Contractor will monitor amendments to the existing Regional Strategies program through which the Convention Center construction funds are allocated. Contractor will provide advice about the program and its affect on the Convention Center project to the Department of Economic Development and the Legislature. Contractor will advise Metro of any policy changes to the program affecting the construction of the Convention Center.

Contractor will keep the chairs of the Multnomah, Clackamas and Washington County commissions apprised of the Convention Center funding progress during the 1989 Legislative Session.

Contractor will provide transitional administrative and advisory services to the Oregon Tourism Alliance as it assumes managerial control of its activities. Services shall include briefing of new OTA staff, administrative work plan review, August board meeting agenda coordination, advisory services to Metro's Alliance appointees, orderly transfer of Metro OTA files, and other services as necessary.

Contractor will coordinate all work with the appropriate designee or designees of the Executive Officer.

Contractor designates Kim Duncan, Government Relations Specialist, as the principle coordinator for this contract. Contractor will make available other resources and personnel as necessary to the project.

Metro will reimburse Contractor at the rate of \$1,400.00 monthly plus allowable expenses. Allowable expenses include long distance telephone calls, FAX charges, mileage for travel necessary to conduct this work, copying charges and postage expenses. Other expenses shall be allowed only if approved in advance by Metro.

Contractor shall bill Metro monthly. Metro shall pay Contractor within thirty (30) days of receipt of the approved invoice.



METRO

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

Memorandum

Agenda Item No. 7.1

Date: September 14, 1988

To: Council Internal Affairs Committee

From: Councilor David Knowles, Chair
Council Convention Center Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT ON SEPTEMBER 22, 1988 INTERNAL AFFAIRS COMMITTEE AGENDA ITEM NO. 2, RESOLUTION NO. 88-972 APPROVING A CONTRACT WITH PRESTON, THORGRIMSON, ELLIS & HOLMAN

Recommendation: The Council Convention Center recommends approval of Resolution No. 88-972 for Council adoption. At the September 13 meeting, Committee members Cooper, Kelley, Waker and I voted to support the resolution. Councilor Van Bergen was absent.

Issues & Committee Discussion: Responding to Councilor Kelley's request at the last Committee meeting, Neil McFarlane distributed a memo (Attachment A hereto) providing the justification for the contract with Preston, Thorgrimson, et. al. for Kim Duncan's legislative services. Mr. McFarlane emphasized Metro's need to successfully secure the State's remaining \$7.5 million commitment in lottery funds without "strings attached."

Greg McMurdo, Metro's Government Relations Manager, stressed the time required to track the \$7.5 million legislation through the Legislature's Ways & Means Committee. Responding to Councilor Waker, Mr. McMurdo stated that Ms. Duncan's services were needed now (vs. beginning in January at the start of the session) to ensure that our appropriation is clearly included in the Governor's proposed budget, due December 1.

Council staff noted that a Personal Services Agreement was already signed August 3 for Ms. Duncan's services (filed in Metro's contract files) in apparent violation of Metro Code Section 2.04.053. The contract sets a monthly rate of \$1,400 plus allowable expenses and ends when the \$7.5 million appropriation has been secured. A budget amendment appropriating \$25,000 for the contract -- Ordinance No. 88-262 -- will come before the Finance Committee at its September 29 meeting.

DK/JPM a:CCRPT2

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-972 FOR THE PURPOSE OF APPROVING A CONTRACT WITH PRESTON, THORGRIMSON, ELLIS & HOLMAN

Date: November 2, 1987

Presented by: McFarlane

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 88-972 approves a contract with Thorgrimson, Ellis & Holman for the services of Kim Duncan between now and enactment of the 1989-91 Lottery Funding Bill. The proposed contract provides a monthly retainer of \$1400.00 plus expenses to the Contractor. The contract runs until enactment of the 1989-91 lottery funding bill.

Scope of work includes management of activities necessary for the inclusion of the second \$7,500,000.00 appropriation from the State Lottery Funds to Metro for the construction of the Oregon Convention Center. Specific duties include:

1. Communication with the Department of Economic Development during its 1989-91 budget process;
2. Monitoring of amendments to the existing regional strategies program through which convention center funds are allocated during the 1989 Legislative Session;
3. Appraising chairs of the Multnomah, Clackamas, and Washington County commissions of funding progress during the 1989 Legislative Session; and
4. Short-term transitional services to the staff of the Oregon Tourism Alliance.

A budget amendment is necessary to fund this contract, and is proposed for Council consideration at an upcoming meeting.

Because of the contractor's special expertise and history with the regional strategies program during the 1987 Legislative Session, staffing of the Oregon Tourism Alliance, and coordination with Department of Economic Development staff, this contract is proposed as sole-source.

Contractual service funds from the Convention Center Project Management Fund are intended for other contracts. A budget amendment is therefore recommended to fund this contract, and has been submitted for Council consideration at an upcoming meeting. The resolution approves the contract subject to availability of budgetary authority.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 88-972.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Memorandum

Date August 9, 1988
To Contract File
From Neil McFarlane
Subject Sole Source Justification: Personal Services Contract with Kim Duncan of Preston, Thorgrimson, Ellis & Holman

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Among the three capital fund sources for construction of the Oregon Convention Center is \$15 million in lottery proceeds. Currently, half of that total, \$7.5 million, is to be paid to Metro in quarterly installments in the current biennium. The second \$7.5 million will be received subject to continued support in the State Executive Department, the Department of Economic Development, and supportive legislative action in the 1989 Legislative Assembly. Receipt of this second \$7.5 million is critical to construction of the center.

The key individual staffing this effort for Metro with both the legislature and administrative departments has been Kim Duncan. Ms. Duncan developed and lobbied successfully for the inclusion of the appropriation during the 1987 legislative assembly. Ms. Duncan followed-up this work by staffing the development of the Oregon Tourism Alliance regional strategy. This support work was key to the continued support and cooperation of the Department of Economic Development. The successful completion of this strategy, with Ms. Duncan then of Metro staff as the lead support role, has proven advantageous to Metro. Further, Ms. Duncan developed the administrative procedures relating to the transfer of funds to Metro.

Ms. Duncan has since left Metro to join the law firm of Preston, Thorgrimson, Ellis & Holman. Proposed is a contract with this firm for the services of Kim Duncan. This contract is justified as sole source for the following reasons:

1. Ms. Duncan has successfully secured the State commitment for lottery funds, and has continued to work with the key elected officials (legislators and local officials) and administrative staff who will be involved in administering the program in the future.
2. Ms. Duncan completed the initial staff work for the Oregon Tourism Alliance as a Metro employee. She is in a unique position to capitalize on the success of this work in continued dealings with the Economic Development Department,

3. Because of Ms. Duncan's experience, she is aware of the commitments and expectations associated with the convention center's state funding, and with the legislative history of that funding.

4. Ms. Duncan has working knowledge of the convention center project itself, including all aspects of design, funding, operations and marketing, as well as coordination of the convention center program with that of the Oregon Tourism Alliance.

Because of these special experiences, the contract with Kim Duncan of Preston, Thorgrimson, Ellis & Holman is justified as a sole-source to perform the work Metro requires.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

ATTACHMENT A

Memorandum

Date September 13, 1988
To Metro Council Convention Center Committee
From Neil McFarlane 
Subject Justification for Preston, Thorgrimson, et. al. (Kim Duncan)
Contract

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Councilor Kelley requested additional justification for the Preston, Thorgrimson, et. al. contract, for Kim Duncan's services. This information is submitted in response to that request.

In the 1987 Legislature, project funding was a major issue for Metro. Funding was secured, but only after many complications were addressed, including:

- **Timing of commitment:** The original proposal from the Governor was to incorporate OCC funding in "regional strategies." Approval of our local regional strategy -- the Oregon Tourism Alliance -- did not occur until this past summer. Waiting for such approval would have put the Metro Council in the dilemma of approving the bond sale without all funding approved or delaying the project. These concerns continue as we approach the 1989 Session -- and an emphasis of this contract for legislative services is to keep the second \$7.5 million (which is yet to be appropriated) free of entanglements.

- **Approval Process:** Again, keeping the second \$7.5 million free of administrative entanglements is the goal. Ms. Duncan has been our key liaison with the staff of the Governor's office and the Oregon Department of Economic Development. This work included developing the procedures for receipt of our first payment. New procedures will follow the new "angles" of the lottery funding package as it emerges from the legislature.

- **Regional Strategies Support:** Metro agreed to provide staff support to the Oregon Tourism Alliance (OTA) during the legislative interim and through the critical organizational phase of the alliance. Ms. Duncan provided this service. A key part of her role in this contract is to continue the liaison to the OTA, ensuring that Metro is well represented. Continued support for and satisfaction with the Oregon Convention Center marketing programs within the OTA is important to ensure that the next biennium's appropriation is free of entanglements.

Each of these services could be provided by Greg McMurdo, however there are four main reasons the administration has recommended this approach:

1. Ms. Duncan is up to speed on all aspects of the project, and has developed the on-going relationships in the legislature and EDD essential to the promotion of our cause. Unavoidably, Mr. McMurdo would have to invest substantial time in getting up to speed; leading to the next point.

2. There is an opportunity cost associated with Mr. McMurdo's time, which justifies the relatively small additional cost this contract requires. Metro will have a very full legislative agenda, and in the judgement of the administration, his time is best focused on all the other issues Metro will confront in this legislative session.

3. Ms. Duncan as a supporting voice to Mr. McMurdo's in the legislature is an additional benefit afforded by this contract.

Greg McMurdo or I would be most happy to answer any questions you may have on this.

BEFORE THE INTERNAL AFFAIRS COMMITTEE
OF THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE APPROVING	)	RESOLUTION NO. 88-972
A CONTRACT WITH PRESTON,	)	Introduced by the
THORGRIMSON, ELLIS & HOLMAN	)	Executive Officer

WHEREAS, The 1987 Legislature approved funding the first half, or \$7.5 million, of a state grant of \$15 million to help fund construction of the Oregon Convention center; and

WHEREAS, Professional services are required to provide for administrative and legislative coordination to ensure allocation and approval of the second \$7.5 million installment of those funds; and

WHEREAS, A contractor has been recommended based on experience and cost-effectiveness; now, therefore,

BE IT RESOLVED:

1. The contract, attached as Exhibit A, with Preston, Thorgrimson, Ellis & Holman is hereby approved, subject to availability of budgetary authority for this purpose.

ADOPTED by the Internal Affairs Committee of the Metropolitan Service District Council this ____ day of _____, 1987.

Mike Ragsdale, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 88-8-747CC BUDGET CODE NO. 50-00-00-7500-21100
 FUND: 50 DEPARTMENT: CCP (IF MORE THAN ONE) _____
 SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT INTERGOVERNMENTAL RELATIONS/STATE LOTTERY FUNDS FOR THE OREGON CONVENTION CENTER

2. TYPE OF EXPENSE ☒ PERSONAL SERVICES ☐ LABOR AND MATERIALS ☐ PROCUREMENT
☐ PASS THROUGH AGREEMENT ☐ INTER-GOVERNMENTAL AGREEMENT ☐ CONSTRUCTION
☐ OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☐ CHANGE IN COST ☐ CHANGE IN WORK SCOPE
☐ CHANGE IN TIMING ☒ NEW CONTRACT

4. PARTIES METRO & PRESTON, THORGRIMSON, ELLIS & HOLMAN

5. EFFECTIVE DATE 8/3/88 TERMINATION DATE UPON ENACTMENT OF LOTTERY FUNDING BILL
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW \$ 14,000
 PREV. AMEND _____
 THIS AMEND _____

TOTAL

\$ 14,000

7. BUDGET INFORMATION BUDGET ADJUSTMENT PROPOSED

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 198-8 \$ _____

B. BUDGET LINE ITEM NAME _____ AMOUNT APPROPRIATED FOR CONTRACT \$ _____

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19 \$ _____

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>She source</u>	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS ① METRO; ② PRESTON ET AL

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE

B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☐ NO

11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☐ YES ☒ NO
IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____

12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☐ YES ☒ NO

13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☐ YES ☒ NOT APPLICABLE

TYPE OF BOND _____ AMOUNT \$ _____

TYPE OF BOND _____ AMOUNT \$ _____

14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

15. IF THE CONTRACT IS OVER \$10,000

A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?

☒ YES ☐ NO

B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?

☐ YES DATE _____ INITIAL _____

16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]

DEPARTMENT HEAD

[Signature]

FISCAL REVIEW

[Signature]

BUDGET REVIEW

8-10-88

CONTRACT REVIEW BOARD

(IF REQUIRED) DATE _____

1. _____
COUNCILOR

2. _____
COUNCILOR

3. _____
COUNCILOR

COUNCIL REVIEW

(IF REQUIRED)

DATE _____

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

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

Budget Adjustment Request Form

Request no. 1 Originating dept. Convention Center Fund Management Fund
Division _____ Proposed effective date 8/1/88 Attach budget adjustment worksheet.
Complete one for each budget category checked.

1. Proposed adjustment

Revenue _____ increase _____ decrease _____ transfer
Expenditure
Personal services: _____ increase _____ decrease _____ transfer
Materials & services: X increase _____ decrease _____ transfer
Capital Outlay: _____ increase _____ decrease _____ transfer

Capital Project: _____ increase _____ decrease _____ transfer
Contingency: _____ increase X decrease _____ transfer
Transfer: _____ increase _____ decrease _____ transfer

2. Change in appropriation _____ yes X no

Additional comments:

	Current	Proposed
Personal services	<u>75,150</u>	<u>75,150</u>
Materials & services	<u>74,000</u>	<u>99,000</u>
Capital outlay	<u>0</u>	<u>175,000</u>
Capital project	<u>0</u>	<u>0</u>
Contingency	<u>200,000</u>	
Transfer	<u>676,776</u>	<u>676,776</u>
Unappropriated Balance	<u>136,114</u>	<u>136,114</u>
Total fund	<u>1,162,040</u>	<u>1,162,040</u>

Transfers \$25,000 from contingency to materials and services for contract with Preston, Thorgrimson, Ellis & Holman.

3. Financial reports to be revised

X Dept. line item _____ Program _____ Other _____

Prepared by N. J. McFarlane 8/10/88
Date

Requested by _____ Date _____
Dept. head

Entered by _____ Date _____

This space for budget division

Council action required X yes _____ no Date scheduled _____

Date approved by council _____ approved _____ disapproved

Reason _____

By _____

Budget Adjustment Worksheet

Request no. 1 Page 1 of 1

Budget category _____ Date August 9, 1988

Dept. Convention Center Proj. Budget code 50 - 01-00-7500

Division Management Fund

Program 20200

Acct. code	Item	Current budget	FTE	Proposed adjustment	Proposed budget	FTE	Justification
9700	Contingency	200,000		(14,000)	186,000		Transfers \$25,000 from contingency to miscellaneous professional services.
7500	Misc. Professional Svcs	70,000		14,000	84,000		
TOTALS		270,000		-0-	270,000		

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT dated this 3 day of August 1988, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "Metro," whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, and PRESTON, THORGRIMSON, ELLIS & HOLMAN, hereinafter referred to as "Contractor," whose address is 3200 U.S. Bancorp Tower, 111 S.W. Fifth Avenue, Portland, Oregon 97204-3635, for a period commencing July 11, 1988 through the passage and enactment of the 1989-91 Lottery Funding Bill.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Professional Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to Metro the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. To comply with all applicable provisions of ORS Chapters 171 and 279, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, as if such provisions were a part of this Agreement;

4. To maintain records relating to the Scope of Work in a generally recognized accounting basis and to make said records available to Metro at mutually convenient times;

5. To indemnify and hold Metro, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors; and

METRO AGREES:

1. To pay Contractor for services performed and materials delivered at the monthly rate of \$1,400.00, and in the manner and at the time designated in the Scope of Work; and

2. To provide full information regarding its requirements for the Scope of Work.

BOTH PARTIES AGREE:

1. That Metro may terminate this Agreement upon giving Contractor five (5) days written notice without waiving any claims or remedies it may have against Contractor;

2. That, in the event of termination, Metro shall pay Contractor for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That both parties shall review the Scope of Work every 120 days and make appropriate amendments to the Scope of Work based on the current status of work in progress.

4. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

5. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

6. That this Agreement may be amended only by the written agreement of both parties.

PRESTON, THORGRIMSON,
ELLIS & HOLMAN

METROPOLITAN SERVICE DISTRICT

By: 

By: 

Date: 8/3/88

Date: 8-11-88

By: _____

Date: _____

SCOPE OF WORK

Contractor will manage activities necessary for the inclusion of a seven and one-half million dollar appropriation from the State Lottery Funds to the Metropolitan Service District for the construction of the Oregon Convention Center. Activities will include regular communication with the Department of Economic Development during its 1989-91 budget process to ensure appropriate inclusion of the appropriation. Activities further will include monitoring and lobbying legislators, legislative committees and caucuses on behalf of the appropriation, and related issues.

Contractor will monitor amendments to the existing Regional Strategies program through which the Convention Center construction funds are allocated. Contractor will provide advice about the program and its affect on the Convention Center project to the Department of Economic Development and the Legislature. Contractor will advise Metro of any policy changes to the program affecting the construction of the Convention Center.

Contractor will keep the chairs of the Multnomah, Clackamas and Washington County commissions apprised of the Convention Center funding progress during the 1989 Legislative Session.

Contractor will provide transitional administrative and advisory services to the Oregon Tourism Alliance as it assumes managerial control of its activities. Services shall include briefing of new OTA staff, administrative work plan review, August board meeting agenda coordination, advisory services to Metro's Alliance appointees, orderly transfer of Metro OTA files, and other services as necessary.

Contractor will coordinate all work with the appropriate designee or designees of the Executive Officer.

Contractor designates Kim Duncan, Government Relations Specialist, as the principle coordinator for this contract. Contractor will make available other resources and personnel as necessary to the project.

Metro will reimburse Contractor at the rate of \$1,400.00 monthly plus allowable expenses. Allowable expenses include long distance telephone calls, FAX charges, mileage for travel necessary to conduct this work, copying charges and postage expenses. Other expenses shall be allowed only if approved in advance by Metro.

Contractor shall bill Metro monthly. Metro shall pay Contractor within thirty (30) days of receipt of the approved invoice.



METRO

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

Memorandum

Agenda Item No. 7.2

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Councilors

From: Councilor Gary Hansen
Chair, Council Solid Waste Committee

Regarding: SOLID WASTE COMMITTEE REPORT ON OCTOBER 13, 1988,
COUNCIL MEETING AGENDA ITEM

Agenda Item 7.2 Consideration of Resolution No. 88-971,
for the Purpose of Approving a Request for
Bids for Waste Transport Services (to the
Gilliam County Landfill)

Committee Recommendation

The Solid Waste Committee recommends Council substitute Draft No. 3 (September 30, 1988) for Draft No. 2 (September 14, 1988) of the contract documents for waste transport services. This action taken October 4, 1988.

Discussion

General Counsel Dan Cooper presented recommended changes to the September 14, 1988, draft (Draft No. 2) of the waste transport services RFB. Most of the changes are nonsubstantive in nature and are recommended to clarify the intent of the affected items. The one substantive change is the addition of Item F to Article 10 of the General Conditions. This item allows Metro to terminate the contract for convenience in the event the disposal contract with Oregon Waste Systems is terminated prior to expiration of that agreement.

Councilor Ragsdale stated that he wants Metro to pursue outside funding sources for highway mitigation measures in Gilliam County.

The Committee voted 3 to 1 to recommend the Council substitute Draft No. 3 (September 30, 1988) for Draft No. 2 (September 14, 1988) of the contract documents for waste transport services. Voting aye: Councilors Hansen, Kelley and Ragsdale. Voting nay: Councilor Kirkpatrick. Councilor Kirkpatrick indicated she and Councilor Gardner were submitting a minority report to the Council on October 13, 1988. (Note: the minority report is included in this agenda packet.)

amn



METRO

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

Memorandum

Date: September 21, 1988
To: Metro Council
From: Councilor Gary Hansen
Chair, Council Solid Waste Committee
Regarding: COUNCIL SOLID WASTE COMMITTEE REPORT ON SEPTEMBER 22,
1988, COUNCIL MEETING AGENDA ITEM

Agenda Item 7.3 Consideration of Resolution No. 88-971, for the
Purpose of Approving a Request for Bids for
Waste Transport Services

Committee Recommendation

The Council Solid Waste Committee recommends Council adoption of Resolution No. 88-971. This action taken September 20, 1988.

Discussion

A public hearing was held on August 16, 1988. Judge Prior of Gilliam County stated that they may have to construct some new highway because of additional truck traffic. She suggested that the contract for transportation services be for a longer period than 10 years or that some other method be used to assist them in meeting the costs of highway construction. Two transportation consultants testified. One suggested that the contract include language that would prevent disputes should containers be damaged. The other consultant stated that the liquidated damages penalty of \$6,000/hour was excessive. The Committee requested that the Solid Waste staff add language to the contract regarding damage to containers.

The Council Solid Waste Committee considered Resolution No. 88-971 again on August 30, 1988. Another public hearing was held and one individual testified.

Staff had prepared a list of comments made by vendors regarding the proposed waste transport contract. Committee asked Solid Waste staff to make language changes in contract to reflect recommendations.

On September 6, 1988, the Committee discussed the issue of the length of the waste transport contract. A shorter term contract may provide more flexibility but a longer term contract may provide cost savings.

Memo
September 21, 1988
Page 2

The Committee asked staff to be prepared with language for 10-year and 20-year contracts.

On September 20, 1988, the Council Solid Waste Committee again considered Resolution No. 88-971. The main issue was the length of the contract. The majority of the Committee members favor a 20-year contract because it has the potential for greater cost savings and because the city of Arlington and Gilliam County have requested a 20-year contract to match the disposal contract in order to mitigate any effects a particular transport mode will cause to the communities and to arrange adequate financial mechanisms to pay for mitigation costs.

The minority of the Committee members support a 10-year contract because of the potential of receiving a greater number of bids and because of the flexibility of being able to bid the contract again in 10 years.

The Committee voted three to two to recommend Council adoption of Resolution No. 88-971. Voting aye: Councilors Hansen, Kelley and Ragsdale. Voting nay: Councilors Gardner and Kirkpatrick.

RB/sm/bfg
0186D/D2



METRO

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

Memorandum

Date: October 4, 1988

To: Metro Council

From: Councilors Kirkpatrick and Gardner

Regarding: COUNCIL SOLID WASTE COMMITTEE MINORITY REPORT ON
OCTOBER 13, 1988, COUNCIL MEETING AGENDA ITEM

Agenda Item 7.2 Consideration of Resolution No. 88-971, for the
Purpose of Approving a Request for Bids for
Waste Transport Services

Minority Report

Two members of the Council Solid Waste Committee recommend that the Council approve a Request for Bids (RFB) that provides for a 10-year contract for waste transport services from the Metro district to the Gilliam County Landfill.

Advantages of 10-Year Contract

A 10-year transport contract is recommended for two major reasons:

1. Provides for more competition and a greater number of bids.
2. Provides the flexibility and opportunity to rebid the contract with potential savings to the region.

More Competition and Bids

We want to receive as many bids as possible. It should be noted that this was one of the reasons the Solid Waste staff gave for not including transportation services in the landfill bid.

With a 10-year contract there will be more competition and more bids from the trucking industry. A 20-year contract places trucking firms at a substantial disadvantage. According to one trucking firm, the proposed mitigation costs for highway improvements could cost a trucking company an additional \$3.6 million over a 20-year period.

Council received a letter from Gresham Transfer, Inc. (copy attached) stating that a "20-year contract would favor other organizations to the disadvantage of trucking organization. As a result, it is almost certain that few, if any, trucking organizations will be inclined to bid."

The first draft of the RFB provided for a 10-year contract. It was recommended by the Solid Waste staff and the Evaluation Committee as a middle ground when considering a range from five years to 20 years. The 10-year contract allows all modes of transportation the ability to depreciate capital. A contract length over 10 years provides little additional efficiencies since financing is not generally available beyond 10 years.

The majority of vendors contacted by the Solid Waste staff agreed that a 10-year length was adequate, while a lesser amount of time would be inadequate to depreciate capital expenditures.

Flexibility and Savings

A 10-year contract provides the flexibility and opportunity to rebid the contract with potential savings for the region. Linking the contract to that of the landfill contract (20 years) does not provide the chance to rebid.

There is the potential for an economic advantage in rebidding the contract in 10 years and switching to another mode of transportation. For example, Metro may enter into an initial 10-year contract with the railroad. At the end of 10 years Metro could enter into a contract with a trucking company that may already be transporting large quantities of solid waste from Clark County to the Gilliam County Landfill, thereby taking advantage of the economies of scale and providing a savings to the region.

Cost Analysis

The Solid Waste staff, at the committee level, presented an analysis of the cost impacts of 10-year and 20-year contracts. Their figures indicated a cost savings with a 20-year contract. Although staff prefaced their presentation by saying their figures were largely hypothetical and based on a number of assumptions, the figures once on paper may gain a credibility and validity beyond the staff's intention. Unless we ask for both 10- and 20-year contract costs, we cannot actually know which offers the greatest savings.

STAN ADAMS
ATTORNEY-AT-LAW
2053 East Burnside
Suite 100
GRESHAM, OREGON 97030
(503) 665-9182

September 19, 1988

Re: Draft - Request for Bid For Waste Transportation
Services

TO THE MEMBERS OF COUNCIL SOLID WASTE COMMITTEE AND STAFF:

On behalf of Gresham Transfer, Inc. I have had the opportunity to briefly review the recommended changes and revisions in the Waste Transport Services Request for Bids.

Considering that the redrafted information was not available until late Thursday, September 15, 1988 and that you will be giving it consideration on Tuesday, September 20th I am sure that you will understand that Gresham Transfer would like the opportunity to comment upon the proposed documents beyond what is set out in this letter.

The primary concern of Gresham Transfer is the proposal to extend the length of the contract to match the OWS Contract. In effect this would make the contract continue for a period of twenty (20) years or at such time as the total tonnage of waste has been transported. The staff recommends such a change. The letter to the Council Members and interested parties dated September 15th suggests this change among others. The justification given for increasing the length of the contract suggests that it will allow the host community to implement and design mitigation measures. The staffs' recommendation, and I would assume its rationale, apparently appear in an "Attached Discussion". No discussion was attached to that letter so the reasoning behind it is not clear.

The net result of changing the contract to a twenty year contract is simply that trucking firms are placed at a substantial disadvantage. You may recall that there was a proposal to change the term of the contract to five years as opposed to ten. The staff recommended against that change based

The Members of the Council
Solid Waste Committee and
Staff
September 19, 1988
Page 2

upon the fact that it would favor trucking organizations. By the same token a twenty year contract would favor other organizations to the disadvantage of trucking organizations. As a result it is almost certain that few if any trucking organizations will be inclined to bid. A ten year contract is clearly a middle-of-the-road approach which places all potential bidders on a common footing.

Article 19 C is not clear as to the reasons for such payments. However, it is clear that over a contract of twenty (20) years it will cost the contractor an additional sum of \$3.6 million if he transports by truck. This appears to be a penalty upon all bidders except railroads. Again, as a result it is almost certain that few, if any, trucking organizations will be inclined to bid. It should be reviewed carefully to see if it can be modified.

In other areas the staff appears to have agreed with comments and has made some effort to rewrite or reword certain provisions. Until Gresham Transfer has had the opportunity to review such rewriting and rewording in detail it is not in a position to comment upon those changes.

Sincerely yours,



Stan Adams

SA:ks

cc: Mr. Chuck Geyer
Ms. Rena Cusma, Executive Officer
Mr. Ray Barker
Mr. Gary Hansen
Mr. Jim Gardner
Ms. Sharron Kelley
Mr. Corky Kirkpatrick
Mr. Mike Ragsdale
Mr. Richard Walker
Mr. Tom DeJardin
Mr. George Van Bergen
Ms. Elsa Coleman
Ms. Tanya Collier
Mr. Larry Cooper
Mr. David Knowles

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING A)
REQUEST FOR BIDS FOR WASTE)
TRANSPORT SERVICES)

RESOLUTION NO. 88-971

WHEREAS, Pursuant to Resolution No. 88-832, adopted by this Council on January 28, 1988, all Request for Bids for long-term waste transportation agreements must receive Council approval before a call for bids is issued; and

WHEREAS, The Solid Waste Department has developed recommended bidding documents for a 20-year contract to transport waste from the Metro region to the Gilliam County landfill; and

WHEREAS, The Council of the Metropolitan Service District has reviewed the proposed bidding documents and finds them to be acceptable and consistent with the Council's long-term solid waste management policies; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the form and substance of the Request for Bids for waste transport services prepared by the Solid Waste Department.

2. That the Director of the Solid Waste Department is requested to advertise for bids and do all other things necessary to solicit competitive bids for waste transport services.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer




METRO

Memorandum

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

Date: September 15, 1988

To: Council Members/Interested Parties

From:  Rich Owings, Solid Waste Director

Regarding: CHANGES TO DRAFT RFB FOR WASTE TRANSPORT SERVICES OF
AUGUST 10, 1988

In response to vendors' and Council Solid Waste Committee (CSWC) members' suggestions, staff has revised the draft Waste Transport Services RFB. Attached are two keys to aid reviewers in identifying changes. First, is a Table of Contents which shows new page and section numbers and the corresponding numbers in the previous draft. Staff has rearranged the sections, moving the Bid Forms to the appendix and reversing the order of the specifications and general conditions. Other changes include incorporating the definitions into the specifications from the general conditions and deleting old article 20 from the general conditions which dealt with security interests in contractor's equipment.

The second attachment is the list of vendors' comments and staff reactions which includes the location of changes in the revised draft.

RDO:mk

Attachments

cc: Rena Cusma, Executive Officer

Agenda Item No. 3 for Council Solid Waste Committee Meeting
of September 20, 1988

Agenda Item No. 7.3 for Council Meeting of September 22, 1988.

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VII. APPENDIX

Metro East Adjustment Boundaries
City of Arlington Routing Plan
Flow Data
Total Bid Price Calculation Example
Metro Disadvantaged Business Program
Bid Forms

Comments Received & Staff Reaction
Regarding Draft RFB for Waste Transport Services
(as of 8-30-88)

<u>Comment</u>	<u>Reaction</u>	<u>Ref</u> <u>New</u> <u>Draft</u>
Vendors (general comments)		
-Allow vendor to specify loading equipment	No, need to standardize system	
-"Leakproof container" too restrictive, substitute "substantially leakproof"	No, unless vendor provides definition & Metro accepts	
-Ban the use of tippers for unloading	No, vendor need not use them	
-Versatility of trailers rather than low bid criteria to award bid	Vendor will need backup, this provides versatility, no change	
-Bonding amounts excessive, reduce by half	See staff recommendations	V-25
-Change contract length to five years to increase flexibility	No, 5 years favors trucks and provides no longterm solution	
-Hours the landfill will accept waste	7am to 7pm	IV-11
-Will unit price adjustment factor for Metro South be subject to the CPI	No, only bid unit price adjustment added to	
-Are questions confidential ?	No, only if deemed a trade secret	
-Are intermodal containers required	No, vendor can use anything which meets specifications	
-Will Blalock Canyon Road be available	No, nor do plans exist to improve	
-Need more precise landfill access specs	Rewrite	IV-11
-Clarification of storage at facilities	Rewrite	IV-10
-Will preference be given to bidders who own their equipment as opposed to those whose equipment is encumbered	No, the criteria for award is limited to those stated in the Invitation to Bid	
-Define "wind and water tight"	Rewrite specification	N/C
-Will backup system have to meet the wind and water tight specification	Yes.	IV-14
-Is the contract a USDOT assisted Contract	No, WBE not included in DBE	

-10% of the project must be subcontracted to DBE/WBE's. What is the base figure?

category

Total Bid Price

II-8

-Clarify method for calculating price per load and role of 790 lbs/yd vs 900 lbs/yd

Rewrite

II-3

-When does vendor need depot permits, vs an acceptable schedule for permits

Permits, approvals etc are needed by 7/1/89, acceptable schedules are submitted with the bid
Inv.
to
Bid

-Suggest installation of axle scales at facilities

Will consider, however space limited at Metro South

-Unclear if all insurance requirements applicable to each mode

Will clarify, generally they do
N/C

-Use Uniform Interchange Agreement between transfer station operators and transporter, and landfill operator and transporter

Will require such an agreement between station operator & transporter, landfill operator & transporter establish own agreements
IV-4

-Vendors will only increase prices to offset retainage. Suggest Metro create its own retainage fund and withhold payments to replenish

No, this removes an incentive for vendor to comply with contract provisions

-all weather access to unloading area 363 days a year, 7am to 7pm

Agree IV-11

-movement of any tipper responsibility of transport vendor, as well as any structural supports needed beyond 50 psi

Agree IV-12

-OWS will provide 30 days notice before moving unloading area

Agree IV-11

-All transport equipment will be equipped with automatic fire suppression equipment

Except for over the road vehicles
IV-12, 14

-In the bid forms it requires that the vendor furnish all equipment, personnel etc. within 10 days of award. This is not possible

Agree, rewrite to indicate vendor will furnish "descriptions" of these items

Bid Forms- 2

GENERAL CONDITIONS

-1(B) definition of backup system implies that it must be a different mode than the primary system. Must it be?

No, will clarify

IV-1

-1(H) force majeure definition should include changes in law

Disagree, contractor is entitled to additional compensation for such changes

-2(F) requires contractor to copy Metro on correspondence to and from any agency for an unlimited time period. This will be a burdensome requirement.

Agree, will limit scope & provide examples

V-1

-2(G) requires written notice to use alternate transport system, and Metro approval. Emergencies may require immediate implementation to keep on schedule. Change to allow use of backup in emergency with written notification ASAP.

Agree, change to allow use of backup upon verbal approval from Metro, with written notice to follow in non force majeure emergencies

V-2

-2(L) prohibits contractor from using property to finance the purchase of additional property or equipment

Not Metro's intent, rewrite

V-3

-2(M) last sentence allows Metro to approve changes to contract and not be liable for the consequences. Word more clearly

Clarify

V-3

-2(Q) requires contractor to perform acts or execute instruments reasonably requested by Metro to give full effect to contract. Too vague, delete or make more specific

Make more specific

DELETED

-7(B) makes agreements with lenders and others subject to the terms of the contract. These parties will not extend credit if subject to these terms.

Agree that this is excessive, rewrite

V-6

the same paragraph requires contractor to assign its rights in subcontracts to Metro upon determination of default by Metro. Could lead to abuse.

The conditions of default are contained in the document and disputes are subject to arbitration or litigation. No change.

-8(A) allows Metro to let other contracts for the transport of waste thus creating the potential for effectively cancelling the contract

As referenced in 8(A) and stated in the specifications, contractor is guaranteed 90% of waste going to a general purpose landfill. Reinforce in 8(A)

V-7

-8(c) unclear as to the damages which might occur between 2 contractors involved in the system, and it is unacceptable to have Metro resolve disputes. There are other means to resolve disputes between businesses. Eliminate Metro arbitration.

Metro will not relinquish its role as arbitrator since it is a party to the multiple contracts involved and must maintain the disposal system. Clarify damages.

V-7

-12 security interest requirement overly broad, prohibits the use of property to obtain credit

Agree, delete

-14 insurance section should allow vendor to self-insure, upon providing Metro whatever proof it requires

Agree, vendor must provide indemnity letter, certificated copy of self insurance bond/or \$15,000,000 letter of credit V-26

-Expand to ensure that subcontractors employees are covered by Workers Compensation

We will so clarify

V-27

-18(G) permits Metro to schedule payments for force account work over any time period could be burdensome to contractor

Insert language ensuring reasonableness

V-23

-19(C) invites local communities to enact legislation to increase costs to contractor

Disagree, local increases which effect contractor only are not a pass through decreasing their likelihood

-20 unclear who gets interest from retainage

Clarify, interest stays in account until satisfied, then to vendor
IN ACCOUNT UNTIL END OF CONTRACT

V-19

-21 Allows Metro to withhold payments without notice or opportunity for vendor to be heard

Add notification requirement and vendor's right to contest

V-20

-22 liquidated damages should be subject to arbitration and amounts should be on a graduated scale in relation to actual damages

Will not be subject to arbitration
Change to actual damages incurred until pit is full at which time liquidated damages assessed V-9

Liability for liquidated damages should be limited to time service restored

Agree, will clarify

V-10

If terminated, Metro should be required to use best efforts to initiate replacement in order to cut off liquidated damages

Agree, but reserve right to any actual damages incurred
Required by law- no change

-24(A) allows Metro to determine default and then confiscate equipment based on its "sole opinion". It is a lawsuit waiting to

Clarify confiscation is contingent upon injunctive relief (in 19B as well)

happen. Recommend injunctive relief.

No change

-25 allows contractor to terminate for cause but limits reimburse to 7 days. Should allow for collection of actual damages

Agree, rewrite

V-14

-26 makes arbitration contingent upon Metro's "sole opinion"

Disagree, Metro's opinion determines whether it will be arbitrated, expeditiously arbitrated, or litigated. Contractor always can dispute

-29 limit definition of change of ownership to "10% or more" transfer of interest and exclude transfers by operation of law.

Agree, rewrite

V-33

-31(D) Recognize the supremacy of federal law regarding hours of work per day/week

Agree, add the phrase "Except as allowed by federal law" V-34

limits the number of hours worked in any one day to 8 hours or 40 hours in any one week except in cases of necessity, emergency, or where required by public policy. What is Metro's position?

It is in Metro's interest to exempt the contract from this provision.

-32 Re: antitrust claims, limit to the effects on this contract, and only if vendor has received a settlement or award

Agree, change language

V-35

-33 Increase notice of intent to extend contract from 90 to 180 days

Agree, gives vendor chance to renew leases etc. 120 DAYS V-36

No extension for less than one year
Make "lump sum payments" during extensions, otherwise vendor will incorporate into unit prices or build into original term

Agree, rewrite V-36
Disagree, initial term long enough to pay off capital expenses

Define "fair market value" during extension as being at least the existing unit price at time of extension, subject to the annual adjustments in the contract

Agree, rewrite

V-37

SPECIFICATIONS

-6.3 the words "...any relevant unit price or lump sum payments ..." is confusing

Eliminate "relevant" and change "or" to "and" IV-7

clarify right to decrease flows with notice to still be subject to guarantee

Will clarify

IV-7

-20.1 Allow trains to pass through Arlington at any hours Agree, this should lessen impacts on the City who agrees with vendor
IV-17

Host Community Concerns

-Change truck route from Beech to Locust St. Agree

APPENDIX

-State that transportation vendor cannot change modes without Metro, City & County approval

Agree, except in emergencies which are temporary in nature, however Metro approval & consulting w/City & County.

V-2

-If the successful bidder is a barge firm, waste must be offloaded at Arlington, if adequate facilities available

Agree, will add this requirement

IV-16

-Increase contract length to twenty years to allow host community to implement and design mitigation measures

Recommend matching OWS contract length, see attached discussion

V-36

Staff

-Recommend that contract length be changed to match OWS contract length (see attached discussion)

-Reorganize & rewrite document to improve readability

-Combine Performance and Labor & Materials bond, decrease the amount to \$2.5 million to allow smaller firms to obtain, and exempt bond company from default if bond not renewed (only contractor), increase notification requirement to 120 days

V-25

-Provide mechanism for Metro collection of mitigation fee in the amount of \$7 per load, will require modification of existing language. Distribute funds directly to agencies implementing mitigation measures. Facilitate construction of mitigation measures with state agencies.

V-30

Due to the length of the document, the Request for Bids document has not been printed in this packet. The document had been distributed to Councilors. Other parties wanting a copy of the document may contact Marie Nelson, Council Clerk, 221-1646, extension 206.



METRO

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

Memorandum

Agenda Item No. 7.3

Date: October 5, 1988

Meeting Date Oct. 13, 1988

To: Metro Council

From: Councilor Gary Hansen
Chair, Solid Waste Committee

Regarding: SOLID WASTE COMMITTEE REPORT ON OCTOBER 13, 1988 COUNCIL
MEETING AGENDA ITEM

Agenda Item 7.3 Consideration of Resolution No. 88-988, for the
Purpose of Appointing members to the One Percent
for Recycling Advisory Committee

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-988 as amended. The Committee also directed staff to make changes recommended by the Committee to Ordinance No. 88-267 and place on the October 13, 1988, Council agenda for first reading.* This action taken October 4, 1988.

Discussion

The Committee discussed the composition of the Recycling Advisory Committee. They noted that Clackamas County was not represented and should be. The Committee discussed the need for recycling advocates on the Advisory Committee and the possibility of increasing the size of the Committee from five to seven members. The Committee discussed the need to amend the Metro Code Section 5.04.040 relating to the membership of the Recycling Advisory Committee.

The Committee recommended the following changes to the Metro Code Section 5.04.040:

1. The Presiding Officer shall appoint the Council representative to the Advisory Committee.
2. The Metro Councilor shall serve as chair of the Committee.
3. The size of the Committee to be increased from five to seven members.
4. Deleted the requirement that a staff person within the Solid Waste Department be a member of the Committee.

* See Council Agenda Item 6.4

Solid Waste Committee Report
October 5, 1988
Page 2

5. To provide for geographical diversity, all three counties in the district shall be represented on the committee by at least one citizen.

The Committee recommended confirmation of the five individuals presented by the Executive Officer. Two more names will be presented for Council confirmation on October 13, 1988.

The Committee voted 4 to 0 to recommend Council adoption of Resolution No. 88-988 as amended. Voting aye: Councilors Hansen, Kelley, Kirkpatrick and Ragsdale.

REB:gpwb
SWRPT.105

Attachment A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 88-988 <u>A</u>
APPOINTMENT OF PERSONS TO THE ONE)	
PERCENT FOR RECYCLING ADVISORY	)	Introduced by Rena Cusma,
COMMITTEE	)	Executive Officer

WHEREAS, The Council of the Metropolitan Service District adopted Ordinance No. 88-250B on July 14, 1988, creating the Recycling Advisory Committee for the One Percent for Recycling Program; and

WHEREAS, The ordinance requires that the Committee be comprised of seven members: one Metro Councilor and six citizens from the community with an interest or experience in promoting recycling, waste reduction or reuse; and

WHEREAS, The Executive Officer has recommended and is preparing for Council consideration an amendment that would remove the Solid Waste staff voting member and add an additional citizen member; and

WHEREAS, The Executive Officer has authority to appoint members to the Committee for Council confirmation; and

WHEREAS, The Executive Officer solicited names from the mayors of the Metropolitan Service District region cities and the chairs of the three counties of the region and individuals were recommended by various jurisdictions; and

WHEREAS, Upon receipt of recommendations and determination of membership to provide geographic, industry and citizen representation, the Executive Officer recommends the following names for

appointment to the Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County; the latter of which would be appointed following Council approval of amendment to the ordinance; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby confirms the appointment of the following persons to the Recycling Advisory Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County.

2. That the Committee membership and term of service shall be for a period of one year and that members may be appointed to a subsequent term.

3. It is the intent of the Council to amend the Metro Code to increase the size of the Recycling Advisory Committee to seven members; to replace the Solid Waste staff position on the Committee with that of a citizen; to provide for the Presiding Officer to appoint the Council member; to provide for the Executive Officer to appoint the other six citizen members; to provide for the Council member to serve as chair of the Committee; and to provide for citizen members to represent a geographic diversity of areas within the region.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer



METRO

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

Memorandum

Date: September 28, 1988

To: Council Solid Waste Committee

From: Donald E. Carlson, Council Administrator

Regarding: STAFF REVIEW OF RESOLUTION NO. 88-988

The purpose of this resolution is to confirm the appointments of the Executive Officer to the Recycling Advisory Committee created by adoption of Ordinance No. 88-250B (the "One Percent for Recycling Program"). Ordinance No. 88-250B has been codified as Chapter 5.04.

This matter is before the Solid Waste Committee for two reasons. First, Section 5.04.040 of the Metro Code directs the Executive Officer to appoint a five-member Recycling Advisory Committee and requires such appointments to be subject to confirmation by the Council. Second, the Council's adopted Committee organization plan (Resolution No. 88-964) states that one of the Committee's purposes is to:

- "3. Review and recommend confirmation of Executive Officer appointments to committees and appropriate positions relating to the development and operation of the solid waste disposal system."

Staff recommends that Resolution No. 88-988 be amended to accomplish two things. First, the action of the Council should be the confirmation of the appointment not making the appointment as is stated in the first "be it resolved." Resolution No. 88-988A (attached as Exhibit A) includes such revised language. Second, the appointment of a fourth citizen does not conform to the existing Code as pointed out in the administration staff report. Technically the Code should be changed prior to making the appointments and requesting Council confirmation. To expedite this matter Resolution No. 88-988A includes language which declares the Council's intent to revise the Metro Code to replace the Solid Waste staff person with a fourth citizen.

In addition, attached as Exhibit B is a draft ordinance which revises the Metro Code regarding the makeup of the Advisory Committee. The Solid Waste Committee could introduce it so it would be on First Reading at the time the resolution is considered by the Council.

Memorandum - Solid Waste Committee
September 28, 1988
Page 2

In regard to the confirmations, staff makes the observation that the four citizens appear to represent or be closely associated with two categories or interests -- the solid waste collection industry and local government. There might be other groups or citizens who represent recycling advocate groups which, if appointed, could broaden the base of the committee. This observation in no way is intended to be a negative comment toward any of the individuals nominated.

A final observation is in regard to the terms of office for the committee members. The Solid Waste Committee may want to include in the resolution and proposed ordinance language which provides for staggered terms of office. Council staff will work with the Committee Chair to prepare such language if the Chair deems it appropriate or desirable.

DEC/amn
0202D/554
09/28/88

Exhibit A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF [APPOINTING	)	RESOLUTION NO. 88-988A
MEMBERS] CONFIRMING THE APPOINT-)	
MENT OF PERSONS TO THE ONE	)	Introduced by Rena Cusma,
PERCENT FOR RECYCLING ADVISORY	)	Executive Officer
COMMITTEE)	

WHEREAS, The Council of the Metropolitan Service District adopted Ordinance No. 88-250B on July 14, 1988, creating the Recycling Advisory Committee for the One Percent for Recycling Program; and

WHEREAS, The ordinance requires that the Committee be comprised of five members: one Metro Councilor, one Solid Waste staff member, and three citizens from the community with an interest or experience in promoting recycling, waste reduction or reuse; and

WHEREAS, The Executive Officer has recommended and is preparing for Council consideration an amendment that would remove the Solid Waste staff voting member and add an additional citizen member; and

WHEREAS, The Executive Officer has authority to appoint members to the Committee for Council confirmation; and

WHEREAS, The Executive Officer solicited names from the mayors of the Metropolitan Service District region cities and the chairs of the three counties of the region and individuals were recommended by various jurisdictions; and

WHEREAS, Upon receipt of recommendations and determination of membership to provide geographic, industry and citizen representation, the Executive Officer recommends the following names

for appointment to the Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County; the latter of which would be appointed following Council approval of amendment to the ordinance; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby [appoints] confirms the appointment of the following persons to the [above] Recycling Advisory Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County.

2. That the Committee membership and term of service shall be for a period of one year and that members may be appointed to a subsequent term.

3. It is the intent of the Council to amend the Metro Code to replace the Solid Waste staff position on the Recycling Advisory Committee with that of a fourth citizen.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

DEC/amn
0202D/554
09/28/88

Exhibit B

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REVISING METRO	)	ORDINANCE NO. 88-267
CODE SECTION 5.04.040 RELATING TO)	
THE MEMBERSHIP ON THE RECYCLING	)	Introduced by the Council
ADVISORY COMMITTEE	)	Solid Waste Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. Section 5.04.040 of the Code of the
Metropolitan Service District is amended to read:

"5.04.040 Recycling Advisory Committee: In order to
implement the One Percent for Recycling Program the Executive
Officer shall appoint a Recycling Advisory Committee consisting of
five members, one member of which shall be a Metro Councilor[, one
member shall be an appropriate staff person within the Solid Waste
Department,] and [three] four members shall be citizens with
experience in or an interest in promoting recycling, waste reduction
or reuse from the community. The appointments to the committee
shall be subject to confirmation by the Council."

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

ATTEST:

Mike Ragsdale, Presiding Officer

Clerk of the Council

DEC/amn/0202D/554/09/28/88

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-988 FOR THE
PURPOSE OF APPOINTING MEMBERS TO THE ONE PERCENT
FOR RECYCLING ADVISORY COMMITTEE

Date: September 6, 1988

Presented by: Rich Owings
Judith Mandt

FACTUAL BACKGROUND AND ANALYSIS

In the 1988-89 fiscal year budget, a set aside of one percent of the Solid Waste Operating Fund was established to provide funds to implement innovative methods to attain further reuse, recycling, and waste reduction in the region. The funds are dedicated directly to small scale, innovative recycling technologies and methods. On July 14, Ordinance No. 88-250B, adding Chapter 5.04 to the Metro Code for One Percent for Recycling Program was unanimously adopted.

Section 5.04.040 of the Ordinance specifies that a five-member recycling advisory committee be comprised as follows: one Metro Councilor, one Solid Waste Department staff member, and three members of the public who are citizens with experience in or an interest in recycling and waste reduction. Committee members are appointed by the Executive Officer and confirmed by the Council.

Implementation of the ordinance originally contemplated both a Solid Waste Department voting committee member and a lead staff person.

The Executive Officer recommends that the Solid Waste voting staff member be deleted in favor of adding a fourth citizen member. That amendment heightens citizen participation, maintains strong citizen input on those occasions when a citizen member may be unable to attend a meeting and provides a five-vote membership to prevent deadlocks.

It has not previously been the policy to include Metro staff as voting members of advisory committees and Metro's interests and concerns are suitably represented by a Councilor and by lead Solid Waste staff assigned to the Committee.

A formal amendment is being prepared to accomplish the recommended changes to the Committee structure.

The Committee is charged with producing guidelines and criteria for selecting demonstration projects that will subsequently be incorporated in the Request for Proposal documents. The Committee

will review proposals and develop a recommended project list for Council action. Additionally, it is responsible for preparation of an annual report to the Executive Officer and Council on all projects approved and funds expended on each project.

On July 26, the Executive Officer sent letters to the mayors of the metro region cities and to the chairs of the three county commissions soliciting nominations of individuals with interest or experience in recycling and waste reduction for this Committee. The response was gratifying and produced a list of candidates which may be used for subsequent committee appointments over the life of the program.

The Committee is scheduled to convene its first meeting the week immediately following confirmation when members will select a chair, adopt bylaws, discuss orientation materials, and set a schedule for Committee activities. Proposal guidelines and criteria will be presented to the Metro Council prior to publication of Request for Proposals, which is targeted for mid-November.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer submits the following names for Council confirmation:

Elsa Coleman	Metro Councilor
Bruce Lewis	Elmer's Sanitary Service, Multnomah County
Forrest Soth	Beaverton City Councilor member
Cathy Cancilla	Member, Portland Recycling and Refuse Operators, Clackamas County
Margaret Templeton	Wood Village City Council Member (Designated fourth citizen member to replace Solid Waste Department voting member)

Judith Mandt, Assistant to the Solid Waste Director, is assigned as lead staff to the Committee.

Attached is background information pertinent to each nominee who is not Metro affiliated.

The Executive Officer further recommends that the initial term of service for members appointed be for a period of one year. (Members appointed to fill vacancies which may occur will serve the remaining period of the vacating member's term.)

DR/sm
0118D/554
09/15/88

ONE PERCENT FOR RECYCLING
ADVISORY COMMITTEE

COUNCILOR ELSA COLEMAN

DISTRICT 8

CITIZENS:

BRUCE LEWIS

2726 N. E. 65th
Portland, OR 97213
Elmer's Sanitary Service
Vice President, Portland
Association of Sanitary
Service Operators;
President, Portland
Recycling Refuse Operators

FORREST SOTH

4890 S. W. Menlo Drive
Beaverton, OR 97005
Councilor, Beaverton City
Council;; Chaired City of
Beaverton Recycling Task
Force; member Emergency
Medical Service Policy
Board, Washington County;
Chaired Advisory
Committee, Unified
Sewerage Agency; 35 yrs
with Texaco Oil, retired

CATHY CANCELLA

12807 S.E. Foster Rd.
Computations, partner
accounting service; Past
board member, Portland
Association of Sanitary,
Service Operators; past
board member Association
of Oregon Recyclers;
Technical Advisory
Committee, City of
Portland Recycling
Program; former chair,
SWPAC, Metro

MARGARET TEMPLETON

23919 N. E. Poplar Court
Troutdale, OR 97060
Councilor, Wood Village
City Councilor member;
Multnomah County Cable
Commission; past time
instructor, Clackamas
Community College;
recycling advocate/
activist

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPOINTING	)	RESOLUTION NO. 88-988
MEMBERS TO THE ONE PERCENT FOR)	
RECYCLING ADVISORY COMMITTEE	)	Introduced by Rena Cusma,
	)	Executive Officer

WHEREAS, The Council of the Metropolitan Service District adopted Ordinance No. 88-250B on July 14, 1988, creating the Recycling Advisory Committee for the One Percent for Recycling Program; and

WHEREAS, The ordinance requires that the Committee be comprised of five members: one Metro Councilor, one Solid Waste staff member, and three citizens from the community with an interest or experience in promoting recycling, waste reduction or reuse; and

WHEREAS, The Executive Officer has recommended and is preparing for Council consideration an amendment that would remove the Solid Waste staff voting member and add an additional citizen member; and

WHEREAS, The Executive Officer has authority to appoint members to the Committee for Council confirmation; and

WHEREAS, The Executive Officer solicited names from the mayors of the Metropolitan Service District region cities and the chairs of the three counties of the region and individuals were recommended by various jurisdictions; and

WHEREAS, Upon receipt of recommendations and determination of membership to provide geographic, industry and citizen representation, the Executive Officer recommends the following names

for appointment to the Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County; the latter of which would be appointed following Council approval of amendment to the ordinance; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby appoints the following persons to the above Committee: Councilor Elsa Coleman; Cathy Cancilla, Clackamas County; Bruce Lewis, Multnomah County; Forrest Soth, Washington County; and Margaret Templeton, Multnomah County.

2. That the Committee membership and term of service shall be for a period of one year and that members may be appointed to a subsequent term.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

DR/sm
0118D/554
09/15/88