



Agenda

COUNCIL MEETING

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: August 22, 1985

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

Approx.
Time*

Presented By

5:30	CALL TO ORDER ROLL CALL	
	1. Introductions	
	2. Councilor Communications	
	3. Executive Officer Communications	
	4. Written Communications to Council on Non-Agenda Items	
	5. Citizen Communications to Council on Non-Agenda Items	
6:00	6. APPROVAL OF MINUTES of July 25, 1985	
	7. RESOLUTIONS	
6:05	7.1 <u>Consideration of Resolution No. 85-587, for the Purpose of Recommending Acknowledgment of Happy Valley's Plan</u>	Hinckley
	8. OTHER BUSINESS	
6:15	8.1 Consideration of a Sublease with Mark W. Eves and Francis I. Smith for Space at 2000 S.W. 1st Avenue	Munro
6:25	8.2 Consideration of a Contract for Improvements to the New Metro Offices, 2000 S.W. 1st Avenue	Munro
6:35	8.3 Consideration of a Contract for Non-Custom Furnishings for the New Metro Offices, 2000 S.W. 1st Avenue	Munro
6:45	** 8.4 Discussion of Solid Waste Rate Policy Alternatives	McConaghy
7:00	** 8.5 Presentation of Resource Recovery Symposium Panel Findings	Myers/Rifer/ Gorham

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

** Written materials will be distributed at the meeting.

(continued)

Council Meeting
August 22, 1985
Page Two

Approx.
Time

Presented By

8:00 EXECUTIVE SESSION

Carlson

Held Under the Authority of ORS 192.660 (1)(d)
(Labor Negotiations) (Tentative)

8:20 9. COMMITTEE REPORTS

8:25 ADJOURN

Meeting Date August 22, 1985

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 25, 1985

Councilors Present: Councilors Gardner, Hansen, Kirkpatrick,
Kafoury, Kelley, Oleson, Van Bergen, Waker and
Bonner

Councilors Absent: Councilors Cooper, DeJardin and Myers

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig,
Dennis Mulvihill, Wayne Rifer, Randi Wexler,
Doug Drennen, Rich McConaghy, Debbie Gorham,
Jill Hinckley, Steve Siegel, Vickie Rocker,
Phillip Fell, Ray Barker

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

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

The Presiding Officer announced that Item 9.3, the consideration of a proposed waste reduction plan process, would be discussed at this time. He explained that he and Councilors Kelley and Gardner had worked with staff to develop the proposed process. Wayne Rifer and Vickie Rocker then reviewed the proposal.

Mr. Rifer circulated copies of a "Waste Reduction Program Timeline" which contained three elements: 1) Define the options and issues; 2) Evaluate the options; and 3) Prepare final Waste Reduction Program. He discussed the differences between this proposal and the one presented to the Council before the passage of SB 662.

Ms. Rocker explained the public involvement program in more detail. The goal was to propose a realistic program that could be accomplished by the January 1, 1986 deadline, she said. Public involvement activities included a professional public opinion poll of 600 random individuals; opinion leader interviews with business, industry and local government leaders; an information piece distributed to the general public; a speakers' bureau to address civic groups; and a general public meeting. Proposed dates for each activity were listed on the "Waste Reduction Program Timeline" document. Also, she said, the August 1 and 2 Alternatives Technologies Symposium was a planned public involvement activity.

Councilors Kelley and Gardner expressed support of staff's proposal saying it was a good plan that would reach a broad spectrum of the public within a short period of time.

Presiding Officer Bonner announced he would ask five Councilors to join four members of the Solid Waste Policy Advisory Committee to form a Solid Waste Task Force. The Task Force would recommend a Waste Reduction Plan for Council adoption in early November, he said.

In response to Councilor Van Bergen's question, Ms. Rocker said the total cost of the proposed public information program would be \$15,000 to \$20,000, not including staff time. Other budgeted programs would not be deleted as a result of these expenses, she said. Exact expenses would be known as plans became more specific.

Motion: Councilor Kelley moved the Council adopt the Waste Reduction Program Timeline and Councilor Gardner seconded the motion.

Councilor Kirkpatrick requested the Council approve the mass mailing portion of the public involvement program before it was implemented.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Kirkpatrick, Kafoury, Kelley, Oleson, Waker and Bonner

Nay: Councilor Van Bergen

Absent: Councilors Cooper, DeJardin, Hansen and Myers

The motion carried. Presiding Officer Bonner said the Council would receive a monthly report on the progress of the Waste Reduction Plan. He thanked the Solid Waste staff for developing the Plan timeline in a short period of time.

3. EXECUTIVE OFFICER COMMUNICATIONS

Don Carlson explained the Executive Officer could not attend the Council meeting because he was meeting with the Chinese delegation to negotiate obtaining pandas for possible temporary exhibition at the Washington Park Zoo.

Year End Report. Mr. Carlson reviewed the document entitled "1984-85 Program Progress Report, Year-End, July 1984-June 1985." Highlights of the report included review of progress on the following priorities previously adopted by the Council:

- * Establish and maintain adequate and firm financial support for all services. The Legislature voted to continue local government dues; excise taxing authority legislation passed the Legislature but was vetoed by the Governor; Metro's cigarette tax bill was not acted on by the Legislature; another cigarette tax bill that would add 1¢ per pack for cities and counties was amended to include \$200,000 for Metro's general government activities but the amendment was dropped by the Conference Committee; and a bill uncoupling a Zoo tax base from Metro's service provision authority passed the Legislature and was signed by the Governor.
- * Ensure that the region will have an environmentally safe and financially sound solid waste disposal site. Multnomah County's landfill siting ordinance excluded the Wildwood site and Metro lost an appeal of this action. SB 662, granting new authority and responsibility for siting to the Department of Environmental Quality (DEQ), was passed by the Legislature. Metro is required to submit a Waste Reduction Program to DEQ in January 1986.
- * Use the Intergovernmental Resource Center (IRC) consensus building model to establish a long-range partnership for identifying and resolving issues of regional and mutual interest. The IRC was established and the IRC Committee is successfully working with local governments to address regional service issues. A Regional Adult Corrections Task Force was established and the State requested the IRC's assistance in distributing Criminal Justice Block Grant funds. The IRC provided major staff support to the Regional Convention, Trade, and Spectator Facilities Task Force. Funds are being raised to finance a regional parks study.
- * Increase public awareness of Metro's role in the region and assure the opportunity for public involvement in Metro's important decision-making processes. Metro's Public Affairs Department distributed approximately 6,000 copies of the Annual Report. An extensive yard debris campaign was conducted this Spring. Public involvement played a major role in the process of siting the Washington County transfer and recycling center. Councilors have served on the Multnomah County Solid Waste Task Force, the Tri-Met Blue Ribbon Task Force and the Tri-Met Special Needs Committee.
- * Effectively administer the existing services of Metro. Zoo attendance projections were exceeded by 11 percent. Solid waste volumes exceeded the projections by about 7 percent due to increased use of Metro's facilities by haulers outside the

District. The proposed new contract to operate St. Johns Landfill would show a substantial reduction in operating costs. Metro exceeded its minority Affirmative Action employment goal and nearly achieved the female goal.

Councilor Kafoury expressed concern that minorities interviewed as finalists during the fourth quarter were not hired. She requested staff provide a report explaining why these minorities were not hired.

Metro fell short of meeting its Disadvantaged Business Enterprise (DBE) goal by 1 percent and its Women-owned Business Enterprise (WBE) goal by 3.2 percent. Staff were working to address this problem including working with Departments to identify DBEs and WBEs.

Resource Recovery Symposium. Debbie Gorham invited all Councilors to attend the Symposium on August 2 and 3. Mass incineration technologies would be addressed on Friday and materials processing technologies would be presented on Saturday, she said. Ms. Gorham was pleased with the good cross section of technologies represented and reported the Symposium panelists would soon make a recommendation to the Council regarding the preferred method of alternative technology Metro should consider.

Councilor Waker asked whether the panel would consider the costs of each technology. Ms. Gorham responded that presentors would provide costs on a general basis which would be considered by the panelists but because the presentors were not submitting actual proposals. The panel would be very sensitive to cost issues, she said.

Councilor Kelley requested Councilors not attending the Symposium receive packets of all printed information distributed at the meetings. Ms. Gorham said a Symposium summary would also be available to Councilors.

Washington Transfer & Recycling Center (WTRC) Update. Randi Wexler explained when staff last reported on the status of this project, the WTRC Advisory Committee has selected three sites for final consideration. Since that time, staff had worked with the Washington County business community to reevaluate the site selection criteria and to examine any new sites proposed by the public and the business community. Ms. Wexler explained staff had reevaluated 79 sites and the Advisory Committee selected 10 sites for further consideration. Five meetings were held with businesses and area residents in those site areas, she reported, and an average of 30 people attended each meeting. Ms. Wexler said attendees generally agreed a transfer station was needed to serve Washington County but most did not want the facility sited near their neighborhood.

Ms. Wexler reported a county-wide public meeting was then held to discuss the 10 sites and to screen those down to three or four sites for final consideration. Among the over 200 in attendance were elected officials from Oregon City, Washington County and the city of Hillsboro. Many of the same concerns voiced at the smaller area meetings were raised at the County meeting, she said.

Ms. Wexler distributed maps of the 10 sites and discussed the advantages and disadvantages of each site based on criteria established by the WTRC Advisory Committee. She said the Advisory Committee would meet August 14 to recommend a site to the Council for consideration. The Council would decide on a site for the WTRC on September 12, she explained.

Councilor Van Bergen asked how the above schedule related to the criticism from Clackamas County regarding excessive use of Clackamas Transfer & Recycling Center (CTRC). Ms. Wexler explained Clackamas County officials were at the Washington County area meeting and expressed concern that Metro move ahead with siting WTRC. No ultimatum was issued on CTRC use, she reported.

In response to Councilor Oleson's question, Ms. Wexler said condemnation of property for the WTRC facility was a very real possibility.

1000 Friends of Oregon v. LCDC and Metro (Urban Growth Boundary case). Eleanore Baxendale reported she had circulated copies of Judge Carson's decision to Councilors for their review. She explained Metro adopted the Urban Growth Boundary (UGB) five years ago and 1000 Friends of Oregon appealed LCDC's acknowledgment of that adoption. The court remanded the decision to LCDC for a clearer statement of findings to support the conclusion that the growth management strategies devised by Metro were in conformance with Goal 14, she explained. Judge Carson did not rule on the growth management factor question. Ms. Baxendale said no date had been set for when LCDC would consider the remand, it was unknown whether 1000 Friends of Oregon would appeal, and staff had not determined whether the Council should appeal the decision. Staff would make a recommendation to the Council on August 6, she said. She explained staff did not think this decision would effect the process for considering adoption of Ordinance No. 85-189, an ordinance to establish temporary procedures for hearing petitions for major amendments to the UGB. She did request a second public hearing be scheduled for the second reading of Ordinance No. 85-189 in order to give staff time to determine whether Judge Carson's decision would effect that process.

Ms. Baxendale reported Judge Carson had requested an interlocutory order to preserve the interest of the parties and the public. She

explained she had a few concerns with the order prepared by the 1000 Friends. These concerns would be discussed before Judge Carson next week, she said.

A discussion followed in which Ms. Baxendale further clarified the case.

Application to File Amicus in Curry County Case. Ms. Baxendale explained 1000 Friends of Oregon has requested Metro file an amicus brief in order to encourage the Supreme Court to consider the decision made by the Court of Appeals in the Curry County comprehensive plan acknowledgment.

In response to Councilor Van Bergen's question, Ms. Baxendale explained this case was important because it called into question the meaning of the UGB. Jill Hinckley added that 1000 Friends would be doing most of the lead legal work and the case would not consume much of staff's time.

Being no objections from the Council, Presiding Officer Bonner declared staff had the Council's permission to file an amicus brief to clarify the Court of Appeals ruling of the decision.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Kelley moved the Consent Agenda be approved and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Oleson, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, DeJardin and Myers

The motion carried and the following Consent Agenda items were approved or adopted:

6.1 Council Meeting Minutes of June 27, 1985

- 6.2 Resolution No. 85-582, Amending the FY 1985 Transportation Improvement Program to Include an Updated Program of Projects Using Section 9 Funds
- 6.3 Resolution No. 85-583, Amending the Transportation Improvement Program to Add Five New Preliminary Engineering Projects in Clackamas County
- 6.4 Resolution No. 85-584, Amending the Regional Transportation Plan and the FY 1985 Transportation Improvement Program to Include the Multnomah County 242nd Avenue Widening Project

7. ORDINANCES

7.1 Consideration of Ordinance No. 85-189, for the Purpose of Establishing Temporary Procedures for Hearing Petitions for Major Amendments to the Urban Growth Boundary (First Reading)

The clerk read the Ordinance by title only.

Motion: Councilor Kafoury moved adoption of the Ordinance and Councilor Kirkpatrick seconded the motion.

Presiding Officer Bonner opened the public hearing on the Ordinance and announced staff would give its presentation after the public hearing.

Bob Stacey, staff attorney for the 1000 Friends of Oregon, 300 Willamette Building, 534 S.W. 3rd Avenue, Portland, testified staff had initially recommended a more coordinated process of considering amendments to the Urban Growth Boundary (UGB). That process would have contemplated consolidation of cases, perhaps under one hearings officer, and perhaps under a unified recommendation for certain aspects of amendments. Mr. Stacey said he favored that process and was dismayed that staff recommended a process to consider each case as an independent event. Although Mr. Stacey did not want to cause delays in the process, the four applicants appealing to amend the UGB were requesting a significant change to the most fundamental provision of the region's Comprehensive Plan, he explained. Mr. Stacey urged each case be considered in relation to the others in order to protect the integrity of the UGB. Finally, he recommended the Council accelerate the periodic review process, accept applications for amending the UGB during that process and solve the remand problem by developing a new factual basis for the UGB in the course of performing the periodic review.

Jack Orchard, 1100 One Main Place, Portland, representing a potential applicant, testified he and his client were comfortable with

the process recommended by staff. Each applicant would be subject to the same set of rules, he said, and the possibility of creating individual hardships by imposing meritorious applications would not exist. If applications were considered on a case-by-case basis, it would be the applicant's burden to demonstrate compliance with the statewide planning goals, he explained.

Tom VanderZanden, Planning & Economic Development Director of Clackamas County, 902 Abernethy Road, Oregon City, Oregon, said his letter to the Council dated July 25, 1985, summarized his comments. He questioned whether the proposed case-by-case process for hearing petitions for major UGB amendments would jeopardize Clackamas County's efforts to become more economically diversified. The County was currently conducting an industrial property inventory and a Comprehensive Plan update, he said, along with an economic development plan. These studies were likely to show a significant lack of quality industrial inventory to meet long-range economic aspirations. Therefore, he said, it was likely the County would request an amendment to the UGB. He suggested that if the Council wanted to adopt Ordinance No. 85-189, some latitude be included in the procedures to examine subregional needs and that the County's application not be jeopardized because it was submitted after others.

Gordon Davis, representing BenjFran Development, Inc., a potential petitioner, 1020 S.W. Taylor, #555, Portland, Oregon, referred the Council to a letter from the organization's President Dale Johnson dated July 3, 1985. The letter stated support for the Ordinance. Mr. Gordon said a consolidated process would imply that if an amendment to the UGB were needed, it would be needed in one location or for one increment of change. He did not think that assumption was supported by factual conclusions. He affirmed that each applicant's case was meritorious and could be justified. To proceed on a case-by-case basis would eliminate any assumption for one amendment, he explained, and each case could be evaluated according to actual fact.

In response to Presiding Officer Bonner's question, Jill Hinckley explained the first applicant's petition would be reviewed shortly. She expected subsequent applicants' petitions to be submitted at about the same time with the exception of Clackamas County who would probably submit theirs a year later.

Ms. Hinckley referred the Council to a letter from James Ross, Director, Department of Land Conservation and Development (DLCD), dated July 25, 1985. In response to the DLCD letter, she recommended the Council amend Definition (i) of the Ordinance to read: "Irrevocably committed to non-farm use" means in the case of a plan acknowledged by LCDC, any land for which a Goal No. 3 exception has

been approved by LCDC, or in the case of a plan that has not yet been acknowledged by LCDC, land that is impractical (not possible) to preserve for farm use, within the meaning of Goal No. 2, Part II." This, she said, would be consistent with current law. (Note: new language is underlined and deleted language is in parenthesis.)

Regarding Clackamas County's concerns, Ms. Hinckley said LCDC had adopted policy to examine a petition on a county-wide level.

Motion: Councilor Kirkpatrick moved to amend Definition (i), line 4, of the Ordinance by replacing with word "not possible" with the word "impractical." Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Oleson, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, DeJardin and Myers

The motion carried and the Ordinance was amended.

There being no further public comment, Presiding Officer Bonner closed the public hearing and announced a second public hearing would take place at the Council meeting of August 6, 1985.

Councilor Gardner said DLCD's letter also suggested the Ordinance be amended to apply only in exceptionl or emergency situations. He asked Ms. Hinckley to comment on the suggestion. Ms. Hinckley responded she had received the letter that evening but assumed they were addressing the differences between petitions for specific locations and single purposes versus more general petitions addressing regional needs reviewed as part of the periodic review process. In response to Councilor Waker's question, Ms. Hinckley said the proposed Ordinance would apply until it was superceded by permanent procedures to be established by the Legislature.

Ms. Baxendale said she had talked with Jim Sitzman, co-author of the DLCD letter, and said he understood the petitions currently before Metro were emergency situations and that the periodic review process would be defined as the non-emergency situation.

Councilor Kafoury requested staff prepare an amended version of the Ordinance for consideration if the Council chose to hear petitions on a consolidated basis.

The Presiding Officer suggested that if petitions were heard on a case-by-case basis, staff prepare background information that would include a regional perspective of land use. Ms. Hinckley said staff was preparing an industrial land inventory which would be entered into the record.

In response to Councilor Kafoury's question, Ms. Hinckley said the examination of Clackamas County's subregional needs would be considered in the petition process. She said she would suggest an amendment to the Ordinance on August 6 to clarify how and when this should be considered.

7.2 Consideration of Ordinance No. 85-190, for the Purpose of Amending Metro Code Section 2.05.045, Final Orders in Contested Cases (First Reading)

The Clerk read the Ordinance by title only.

Motion: Councilor Kirkpatrick moved the Ordinance be adopted and Councilor Waker seconded the motion.

There was no public or Council comment on the Ordinance. Presiding Officer Bonner announced a second public hearing would occur on August 6.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 85-585, for the Purpose of Transferring Solid Waste Disposal Franchise Permit No. 1 from Marine Drop Box Corporation to Marine Drop Box Service and Granting a Variance from User Fee and Regional Transfer Charge Collection Requirements

Rich McConaghy reported the Resolution would transfer the franchise from a former owner to a new owner. He then explained the disposal site operation as discussed in the staff report. He said the new owner had requested a fee variance because a large portion of the materials handled were recycled or reused. The owner would continue to pay user fees for materials landfilled, he said. In response to Councilor Gardner's question, he explained the original owner did not request a user fee variance but a similar variance was granted to another franchisee in January.

In response to Councilor Van Bergen's question, Mr. McConaghy said Metro did not limit the number of franchises granted. The new owner requested a transfer of the franchise and the transfer process required compliance with strict application, bonding and insurance requirements.

A discussion followed about the regional effects of granting user fee variances. Dan Durig explained variances had been granted to recyclers to encourage recycling. The current financial impact would be slight, he said, because few variances had been granted. However, he said, if more variances were granted and significant quantities of material were removed from the waste stream, substantial user fee revenues could be lost. If that were to occur, Metro would re-examine its policies, he explained.

Councilor Gardner's said he was confused about Metro's official policy regarding user fees for recycling. Mr. Durig explained the Metro Code did not grant exemptions for recyclables. However, Metro granted its first variance to Oregon Waste Management to evaluate the impact of the waiver. Staff were currently reviewing Metro's Solid Waste rate policies to determine whether a Code amendment should be considered, he said. In response to the Presiding Officer's concerns, Mr. Durig said the Solid Waste Policy Advisory Committee would review these matters and make a recommendation to the Council.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Kirkpatrick, Kafoury, Kelley, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, DeJardin, Hansen, Myers and Oleson

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 85-581, for the Purpose of Naming the Zoo Elephant Museum in Honor of Lilah Callen Holden

Note: Agenda Item No. 9.1, Consideration of Criteria and Guidelines for Naming Zoo Exhibits and Public Spaces in Honor of Individuals, was considered before Item No. 8.2. For recording purposes, however, Item 9.1 is discussed after Item No. 8.2.

Presiding Officer Bonner said Ms. Holden's contributions to the Zoo had been outstanding and supported adoption of the Resolution.

Motion: Councilor Kafoury moved to adopt the Resolution and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Oleson, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, DeJardin and Myers

The motion carried and the Resolution was adopted.

8.3 Resolution No. 85-586, for the Purpose of Supporting the Preservation of Federal Tax Legislation Which Encourages Resource Recovery Development and Urges the United States Congress to Maintain Appropriate Tax Provisions as Public Policy

Councilor Kirkpatrick explained she had recently visited Washington, D.C. and had investigated proposed tax reforms. She had prepared the Resolution in an effort to preserve this current tax incentive in the event Metro should accept resource recovery as an option to solid waste disposal. If the Resolution were adopted this evening, it could be presented to Oregon's Congressional Delegation while they were at home on recess, she said.

Motion: Councilor Kirkpatrick moved adoption of the Resolution and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Oleson, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, DeJardin and Myers

The motion carried and the Resolution was adopted.

9. OTHER BUSINESS

9.1 Consideration of Criteria and Guidelines for Naming Zoo Exhibits and Public Spaces in Honor of Individuals

Kay Rich reviewed the criteria and guidelines as outlined in the staff report. Presiding Officer Bonner explained that if there were no objections, these criteria and guidelines would be used as a basis for a Resolution that would be considered by the Council on August 22.

Councilor Kirkpatrick agreed with the criteria and guidelines but requested they not be limited to the Zoo and the word "Metro" replace the word "Zoo." She also requested Don Carlson present the Resolution and staff report on August 22. The Council agreed with this request.

Metro Council
July 25, 1985
Page 13

9.2 Consideration of Order No. 85-3, Declaring Certain Property Surplus and Authorizing the Execution of a Sublease

Don Carlson requested the item be removed from the agenda because staff were continuing to negotiate the sublease.

9.3 Consideration of Alternatives for Developing Metro's Solid Waste Management Plan Subsequent to the Passage of SB 662

This item was considered earlier in the meeting under "Councilor Communications."

10. COMMITTEE REPORTS

Council Management Committee. Councilor Van Bergen announced the July 25 special meeting scheduled for 5:00 p.m. had been cancelled due to lack of an agenda item.

Tri-Met Special Needs Committee. Councilor Kelley reported she had testified before the Tri-Met Board regarding the proposed 50¢ fare increase special needs citizens. She also reported Tri-Met received 1¢ per pack cigarette tax (approximately \$1.2 million) from the State Legislature.

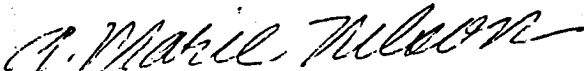
Friends of the Zoo. Councilor Kirkpatrick invited Councilors to attend the August 17 "Grand WaZoo" fund-raising event and encouraged the sale of tickets.

EXECUTIVE SESSION

The meeting was called into executive session at 7:40 p.m. under the authority of ORS 192.660(1)(d). All Councilors attending the regular session were at the executive session.

Presiding Officer Bonner called the meeting back into regular session at 8:10 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
4050C/313-2
08/02/85

STAFF REPORT

Agenda Item No. 7.1

Meeting Date August 22, 1985

CONSIDERATION OF RESOLUTION NO. 85-587 FOR THE
PURPOSE OF RECOMMENDING ACKNOWLEDGMENT OF
HAPPY VALLEY'S PLAN

Date: August 8, 1985

Presented By: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

It is almost a year to the day since the representatives of the city of Happy Valley appeared before the Council of the Metropolitan Service District and expressed the City's willingness to work towards acknowledgment, with Metro's assistance. The City has abided by that commitment and, after a year of hard work on the part of City staff, citizens, Planning Commission and City Council, has endorsed a set of extensive amendments to its plan and code that the Metro staff believes are sufficient for acknowledgment of goal compliance. Staff is pleased to forward to Council the attached Resolution recommending that LCDC acknowledge Happy Valley's plan for state goal compliance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 85-587.

JH:amn
08/12/85

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)	RESOLUTION NO. 85-587
ACKNOWLEDGMENT OF HAPPY VALLEY'S)	
PLAN)	Introduced by the
)	Executive Officer

WHEREAS, The Metropolitan Service District (Metro) is the designated planning coordination body under ORS 260.385; and

WHEREAS, Under ORS 197.255 the Metropolitan Service District Council is required to advise LCDC and local jurisdictions preparing Comprehensive Plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, The city of Happy Valley is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal 2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Happy Valley's proposed Comprehensive Plan has been evaluated for compliance with LCDC Goals and regional plans adopted by CRAG or Metro prior to July 1985 in accordance with the criteria and procedures contained in the "Metro Plan Review Manual," as summarized in the Staff Report attached as Exhibit "A"; and

WHEREAS, Metro finds that Happy Valley's Comprehensive Plan meets all regional concerns regarding LCDC Goal compliance; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Happy Valley's request for compliance acknowledgment be granted once the

proposed plan is adopted.

2. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibit "A" to LCDC, the city of Happy Valley and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after July 1985, the Council will again review Happy Valley's plan for consistency with regional plans and notify Happy Valley of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1985.

Ernie Bonner, Presiding Officer

JH/gl
4093C/382-2
08/08/85

HAPPY VALLEY THIRD ACKNOWLEDGMENT REVIEW

INTRODUCTION

Happy Valley's Comprehensive Plan was last reviewed by the Metro Council on August 23, 1985. At that time, the Council recommended that LCDC continue action on the City's plan to enable the City to correct deficiencies on matters of regional concern affecting compliance with Goals 2, 10, 11, 12 and 14. At the same time, the Council directed staff to take a lead role in trying to break the impasse between the City and the DLCD on the issue of housing density. Metro staff worked with City staff and DLCD to develop a strategy for accommodating the required density of six units an acre that was acceptable to both sides. At its December 1984 meeting LCDC endorsed the general approach subsequently developed by the City. City staff then drafted specific plan and code amendments to implement its chosen strategy. On January 31, 1985, LCDC adopted the DLCD staff report on those amendments that identified remaining changes still needed. The City held an extensive series of public hearings on these and other possible changes and on August 6, 1985, adopted a Resolution of Intent to adopt its final version of plan and code amendments once LCDC acted favorably on their acknowledgment.

Metro staff has reviewed and commented on each successive draft prepared by the City and met regularly with City staff, DLCD and objectors to help identify and resolve problems. It believes the final version endorsed by the City satisfactorily addresses all regional concerns regarding goal compliance and recommends that the Council of the Metropolitan Service District support acknowledgment of the City's plan.

In the review that follows, each regional concern identified in the August 23 review is quoted, and then the City's response to that concern summarized.

GOAL 1 -- CITIZEN INVOLVEMENT: No issues identified.

GOAL 2 -- LAND USE PLANNING:

ISSUE: "The City must assure that its plan provisions for population-related policies are consistent with any revisions it makes to its housing policies."

RESPONSE: The City has revised plan materials to recognize an "ultimate" population of some 10,000 people, consistent with the population that could be accommodated at build-out to six units an acre. The City's plan further suggests that this level of growth is expected to be achieved by the year 2000, although Metro's projections for actual growth during that time are significantly lower. Since population at build-out is the level for which the City should be planning its long-term facility investments, the discrepancy between the City's and Metro's projections does not cause any practical problems.

CONCLUSION: The City has satisfactorily addressed regional concerns regarding Goal 2 compliance.

GOAL 3 -- AGRICULTURAL LANDS: Does not apply.

GOAL 4 -- FOREST LANDS: Does not apply.

GOAL 5 -- NATURAL RESOURCES: The only issue of regional concern identified was found to be linked to, and best discussed as part of, regional housing concerns (see issues #4 and 5 under Goal 10).

GOAL 6 -- AIR, WATER AND LAND QUALITY: No issues identified.

GOAL 7 -- NATURAL HAZARDS: No issues identified.

GOAL 8 -- RECREATION: No issues identified.

GOAL 9 -- ECONOMY: No issues identified.

GOAL 10 -- HOUSING:

1. Density

ISSUE: The City must "provide for an overall density for new development on buildable lands at 6 UNA (or justify lower densities consistent with the Goal 2 requirements for taking an exception to this standard)."

RESPONSE: The City has not revised the plan designations, adopted last June, that provide for an overall density of 3.45 units per acre. Instead, they have adopted three new development provisions that provide opportunities for development to occur at levels above that provided for by the base zone. These provisions are: (1) density transfers from unbuildable land, with a .5 unit per acre bonus for clustering; (2) a density bonus of 1 unit per acre for developments that are found to provide adequate levels of all basic services and that are clustered; and (3) development of secondary units in existing dwellings. These three provisions, in conjunction with a variety of other needed plan and code changes, effectively provide the opportunity for development to occur at an overall average density of just over six units per net buildable acre.

2. Clear and Objective Standards

ISSUE: The City must "establish clear and objective standards for approval of all needed housing by revising Code sections governing: (a) impact statements; (b) the approval of attached housing and density transfers through the PUD or other process; and (c) site plan approval."

RESPONSE: The City has substantially revised and improved its Planned Unit Development provisions to provide clear guidelines for the clustering required to achieve the available density bonus and to allow certain needed housing types. A variety of other code

amendments have corrected other problems identified by LCDC and provided the necessary assurance that needed housing that complies with code requirements cannot be arbitrarily denied.

3. Regional Housing Responsibilities

ISSUE: The City must "revise plan policies and supporting information to establish an appropriate basis for future land use decisions consistent with the City's regional housing responsibilities."

RESPONSE: The City has revised its plan policies and supporting information to recognize its obligation to meet the requirements of LCDC's Metropolitan Housing Rule and State Housing Rule, as applicable.

4. Density Transfers

ISSUE: The City must "demonstrate that density transfers for protection of resource and hazard land do not threaten to reduce development densities on buildable lands below the maximum allowed under each designation (or undertake other appropriate action to address the potential conflict with needed housing)."

RESPONSE: By clarifying the density transfer process and requirements and by providing a bonus for undertaking it as part of a PUD, the City has eliminated the problems which might have interfered with a developer's ability to achieve the maximum densities allowed by the City's plan and code.

5. Open Space Dedications

ISSUE: The City must "revise open space dedication requirements to limit the amount of land which must be dedicated to an amount consistent with its open space needs analysis."

RESPONSE: The City has made the corrections requested.

CONCLUSION: The City has satisfactorily addressed regional concerns regarding Goal 10 compliance.

GOAL 11 -- PUBLIC FACILITIES AND SERVICES:

1. Sewers

ISSUE: The City must "prepare and adopt a sewerage treatment plan and/or definitive sewers policies for the City."

RESPONSE: The City has adopted policy committing the City to completion of a Public Facilities Plan consistent with the requirements of LCDC's administrative rule on the subject (adopted subsequent to Metro's August 23 review).

2. Coordination Language

ISSUE: The City must "adopt Metro sample language on regional coordination with Metro's solid waste and wastewater treatment plans or a satisfactory equivalent."

RESPONSE: The City has adopted Metro's sample language regarding coordination with Metro's solid waste and wastewater treatment plans.

CONCLUSION: The City has satisfied regional concerns regarding Goal 11 compliance.

GOAL 12 -- TRANSPORTATION:

ISSUE: "Consistency with the RTP is a Goal 12 issue of regional concern. To address this concern, the City must (1) identify streets appropriate for future transit use; and (2) if needed, amend its plan to address any inconsistencies in functional classification identified by adjacent jurisdictions in the acknowledgment process."

RESPONSE: The City has not identified any streets it believes suitable for transit use, but nor has Tri-Met expressed any interest in providing service to the City in the near future. By not identifying transit streets in its plan, the City may be foreclosing on the opportunity to obtain transit service in the future. Metro's interest is in seeing that jurisdictions who do desire transit service work with Tri-Met to identify suitable transit streets and any improvements needed to accommodate transit on those streets. So long as the City understands and accepts the consequences of not identifying any transit streets in its plan, its failure to do is not a goal compliance issue of regional concern. No jurisdictions have identified any inconsistencies in functional classifications.

CONCLUSION: The City has satisfactorily addressed regional concerns regarding Goal 12 compliance.

GOAL 13 -- ENERGY: No issues identified.

GOAL 14 -- URBANIZATION:

ISSUE: "To address regional Goal 14 concerns, the City must include the language from its Comprehensive Plan Addendum, or an appropriate substitute, recognizing Metro's role in the UGB amendment process."

RESPONSE: The City has reinstated the language from its Comprehensive Plan Addendum.

CONCLUSION: The City has satisfied regional concerns regarding Goal 14 compliance.

JH/gl
4093C/382-2
08/08/85

STAFF REPORT

Agenda Item No. 8.1

Meeting Date August 22, 1985

CONSIDERATION OF A SUBLEASE WITH MARK W. EVES AND
FRANCIS I. SMITH FOR SPACE AT 2000 S. W. 1st
AVENUE, PORTLAND, OREGON

Date: July 16, 1985

Presented by: Judy Munro

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this staff report is to present to the Council a proposed sublease for approval. The proposed sublessee is Mark W. Eves and Francis I. Smith, a local legal firm.

Highlights of the sublease are as follows:

1. \$12.12 sq. ft. lease cost;
2. Five-year lease with two-year option to be negotiated;
3. Leasehold improvements up to \$14,850.00;
4. 1,188 sq. ft. (including load factor) on the west side of the fourth floor;
5. Occupancy September 15, 1985;
6. Up to four allocated parking spaces at a rate of \$45 per month or the current rate; and
7. Will share in any increase of operating costs over the lease year by the percentage of this space to the total space or 2.795 percent.

In structuring this sublease proposal, staff has established as a principal criteria the recovery of Metro costs. Exhibit "A" attached shows a breakdown of Metro costs for subleasing and projected revenue from the sublessee. As indicated in Exhibit "A" projected revenues cover projected costs, if the Sublease goes the full five-year term. In order to consummate this Sublease it was necessary to allow the Sublessor an option to terminate the Sublease after three years. The analysis of this option shows a small shortfall if the Sublessor proceeds with termination at that time (Exhibit B). The Sublessor assures us that it is highly probable that the Sublease will proceed to full term. It should be noted that the improvements in this space provide standard office requirements and the space could be re-subleased without further improvements.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of the sublease agreement with Mark Eves and Francis Smith.

JM/gl
3963C/405-3
08/13/85

EXHIBIT A

5-Year Lease

ACTUAL METRO INCOME

\$12.12/sq. ft. x 1,188 sq. ft. ÷ 12 months
= \$1,199.88/month x 60 months (net) = \$ 71,992.80

Parking 4 spaces x 45/m x 63 months (gross) \$ 11,340.00

REVENUE TO METRO \$ 83,332.80

ACTUAL METRO EXPENSES (Expressed in Square Feet)

Buildout \$13,500.00 ÷ 1,080 sq. ft. = \$12.50

÷ 5 years = \$2.50/sq. ft. per year

Lease	\$ 5.50
Op. Costs	3.00
Taxes	2.00
Broker	.65
Buildout	<u>2.50</u>

\$13.65/sq. ft. x 1,080 sq. ft.
÷ 12 months x 63 months (gross)

TOTAL EXPENSES

\$ 77,395.50

NET REVENUE TO METRO

\$ 5,937.30

JM/gl
3963C/405-2
08/13/85

EXHIBIT B
3-Year Lease

ACTUAL METRO INCOME

$\$12.12/\text{sq. ft.} \times 1,188 \text{ sq. ft.} \div 12 \text{ months}$
 $= \$1,199.88/\text{month} \times 36 \text{ months (net)} =$ \$ 43,195.68

Parking 4 spaces $\times 45/\text{m} \times$ 39 months (gross) \$ 7,020.00
 $+ 2\text{-month penalty}$ 2,400.00

REVENUE TO METRO \$ 52,615.68

ACTUAL METRO EXPENSES (Expressed in Square Feet)

Buildout $\$13,500.00 \div 1,080 \text{ sq. ft.} = \12.50
 \div 3 years $= \$4.16/\text{sq. ft. per year}$

Lease	\$ 5.50
Op. Costs	3.00
Taxes	2.00
Broker	.65
Buildout	<u>4.16</u>

$\$15.31/\text{sq. ft.} \times 1,080 \text{ sq. ft.}$
 $\div 12 \text{ months} \times$ 39 months (gross)

TOTAL EXPENSES \$ 53,738.10

NET LOSS TO METRO \$ 1,122.42

JM/gl
3963C/405-2
08/13/85

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DECLARING)
CERTAIN PROPERTY SURPLUS AND)
AUTHORIZING THE EXECUTION OF A)
SUBLEASE)

ORDER NO. 85-3

WHEREAS, Metro has leased the building at 2000 S. W. 1st Avenue, Portland, Oregon, for ten (10) years; and

WHEREAS, Pursuant to ORS 271.310(3) it has been determined that 20,000 square feet is not immediately needed for public use; and

WHEREAS, Pursuant to ORS 271.360 a sublease has been proposed with Mark Eves and Francis Smith for 1,080 square feet attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, Provision #4 of the proposed sublease provides for the payment of taxes as part of the rental rate; now, therefore,

IT IS HEREBY ORDERED:

1. That surplus property is declared to exist at 2000 S. W. 1st Avenue.

2. That the Executive Officer is authorized to execute the attached contract with Mark Eves and Francis Smith for sublease of surplus property.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____ 1985.

Ernie Bonner, Presiding Officer

JS/gl
3714C/203-3
08/19/85

STAFF REPORT

Agenda Item No. 8.2

Meeting Date August 22, 1985

CONSIDERATION OF A CONTRACT FOR IMPROVEMENTS TO
THE NEW METRO OFFICES, 2000 S.W. 1st AVENUE

Date: August 14, 1985

Presented by: Judy Munro

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to present to Council the General Construction Contract for improvements to the new Metro offices located at 2000 S.W. 1st Avenue.

Advertisements were placed in The Oregonian, Daily Journal of Commerce and the Skanner requesting bids. In addition, Letters of Invitation were sent to Certified Minority Contractors and to general contractors that had requested their names be placed on a bidders' list. Also plans and specs were placed with all major Plan Centers in the Portland/Salem and western Washington region. A prebid conference followed by a viewing of existing conditions was held on July 31, 1985.

The bid opening takes place August 14, 1985, at 2:00 p.m. at which time bids will be reviewed for adherence to budget projections and compliance with Metro's contract procedures including the DBE/WBE goals.

EXECUTIVE OFFICER'S RECOMMENDATION

A recommendation on the award of this contract will be transmitted to the Council prior to the August 22, 1985, Council meeting.

JM/srs
4130C/236-2
08/14/85

STAFF REPORT

Agenda Item No. 8.3

Meeting Date August 22, 1985

CONSIDERATION OF A CONTRACT FOR NON-CUSTOM
FURNISHINGS FOR THE NEW METRO OFFICES, 2000 S.W.
1st AVENUE

Date: August 14, 1985

Presented by: Judy Munro

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to present to Council the contract for Non-Custom Furnishings, including the partition system for the new Metro offices located at 2000 S.W. 1st Avenue.

Advertisements were placed in The Oregonian and Daily Journal of Commerce requesting bids. In addition, Letters of Invitation were sent to vendors that had requested their names be placed on a bidders' list. The bid documents outline a procedure whereby vendors may submit an alternate for evaluation which could potentially provide equivalent quality at a cost savings.

The bid opening takes place August 19, 1985, at 11:00 a.m., at which time bids will be reviewed for adherence to budget projections, Metro contract procedures and delivery dates.

EXECUTIVE OFFICER'S RECOMMENDATION

A recommendation on the award of this contract will be transmitted to the Council prior to the August 22, 1985, Council meeting.

JM/srs
4131C/236-2
08/14/85



Memo

Agenda Item
8.2 and 8.3
August 22, 1985

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: August 20, 1985
To: Council Members
From: Rick Gustafson, Executive Officer *RLG*
Regarding: Building Improvements and Furnishings

Introduction

The Council received information in the August 22 agenda packet regarding bid openings for construction and furnishings at the new building. An analysis and recommendation could not be made until review was complete. Attached Exhibit A shows an overview of the budgetary status of the proposed improvements and acquisitions. Outlined below is more detailed information and a recommendation on the Non-Custom Furnishings and Construction Contract. The Custom Furnishings contract will be presented to the Management Committee prior to the Council meeting.

Agenda Item 8.2

Consideration of a Contract for Improvements to the new Metro offices 2000 S.W. 1st Avenue.

Two construction companies presented bids on the office improvements. The low bidder is Elliott-Jochimsen Construction of Salem with a bid of \$247,086.

The Contractor exceeded the 10 percent DBE goal at 11.9 percent and exceeded the WBE goal of 3 percent at 7.5 percent. The Contractor is very experienced in this type of work.

The bid is over the budget estimate by \$40,412. This has occurred for several reasons including lack of interest in bidding government jobs due to greater availability of private sector work, and a general increase in costs because the subtrades are busier and more selective.

It is our intention to work with the Contractor and selectively make cuts by way of field change orders where appropriate.

Based on the total square footage, the improvements are \$9.87 per square foot which is well within reasonable construction standards

Executive Officer Recommendation

The Executive Officer recommends approval of this contract.

Agenda Item 8.3

Consideration of a contract for Non-Custom Furnishings for the new Metro offices 2000 S.W. 1st Avenue.

Seven vendors presented bids on 13 separate items of non-custom furnishings which are included here for your information. Only one of these contracts requires Council approval.

The low bidders are as follows:

Office Interiors

Conference Upholstery	\$ 1,495.66
Panel System	84,666.30
Task Lighting	<u>3,121.64</u>
Total	<u>\$89,283.60</u>

Far West Office Systems

Council Chairs	\$2,652.00
Staff Chairs	<u>955.00</u>
Total	<u>\$3,607.00</u>

J. Thayer Co.

Guest Chair	\$1,980.00
Coffee Table	220.00
File Cupboard Unit	<u>389.00</u>
Total	<u>\$2,589.00</u>

Interior Office Systems

Stack Chairs	\$4,410.90
Electroplating	<u>1,837.92</u>
Total	<u>\$6,248.82</u>

Euro-Craft Designs

Sofa	\$ 948.00
Loveseat	<u>675.00</u>
Total	<u>\$1,623.00</u>

GRAND TOTAL

\$103,351.42

Memorandum
August 20, 1985
Page 3

The budget estimates for all non-custom furnishings is \$142,802.00. These bids resulted in a savings over the budget estimate of \$39,450.58.

Executive Officer Recommendation

Executive Officer recommends approval of the contract with Office Interiors Inc.

JM/srs
4170C/405-1
08/20/85

Attachment

EXHIBIT A

	<u>Budget</u>	<u>Actual</u>	<u>Over/Under</u>
Custom Furnishings	\$ 14,505.00	\$ 16,651.00	\$ 2,146.00
Non-Custom Furnishings	142,802.00	103,351.42	(39,450.58)
Construction	206,674.00	247,086.00	40,412.00

Total Over Budget Estimates

\$3,107.42

JM/srs
4170C/405-1
08/20/85