

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

NOT
ADOPTED

FOR THE PURPOSE OF DELEGATING TO) RESOLUTION NO. 87-777
THE COUNCIL CONVENTION CENTER)
COMMITTEE AUTHORITY UNDER THE) Introduced by the
PORTLAND DEVELOPMENT COMMISSION) Executive Officer
INTERGOVERNMENTAL AGREEMENT FOR)
ACQUISITION OF THE CONVENTION)
CENTER SITE)

WHEREAS, On May 29, 1986, the Council of the Metropolitan Service District approved the Regional Convention, Trade, and Spectator Facilities Master Plan which identified the development of a convention center at the Holladay/Union site as a priority for the District; and

WHEREAS, On November 4, 1986, the voters of the District approved the financing and construction of a convention and trade show center by the District; and

WHEREAS, On November 25, 1986, the District entered into an Intergovernmental Agreement with the Portland Development Commission which included responsibility to acquire the convention center site on behalf of the District; and

WHEREAS, Provisions of that Agreement delegate the responsibility for approving property acquisition on the site to the Portland Development Commission if the purchase price is equal to or under appraised value; and

WHEREAS, That same Agreement requires the Metropolitan Service District approval of any acquisition by the Portland Development Commission of real property if the proposed acquisition price is greater than the appraised value of that property, and that

such request will be acted upon by the Metropolitan Service District within five (5) days of said request; and

WHEREAS, The Council of the Metropolitan Service District has created among its members a Convention Center Committee; now, therefore,

BE IT RESOLVED,

That the Council Convention Center Committee is hereby authorized to approve the acquisition by the Portland Development Commission of real property at the convention center site for prices over the appraised value of that property, when recommended by the Portland Development Commission and concurred in by the Executive Officer of the Metropolitan Service District, as required in the Intergovernmental Agreement between the Metropolitan Service District and the Portland Development Commission entered into on November 25, 1986.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1987.

~~Richard Waker, Presiding Officer~~

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06/30/87

NOT
ADOPTED



METRO

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

Memorandum

Agenda Item No. 10.3

Date: June 30, 1987

Meeting Date July 9, 1987

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: Resolution No. 87-777, for the Purpose of Delegating to the Council Convention Center Committee Authority Under the Portland Development Commission Intergovernmental Agreement for Acquisition of the Convention Center Site

Resolution No. 87-777 was considered at the June 11 Council meeting but no action was taken at that meeting. It was agreed the Resolution should be considered again at the July 9 Meeting when Councilor Ragsdale, the Chairman of the Council Convention Center Committee, would be in attendance.

STAFF REPORT

Agenda Item No. 10.3

Meeting Date: July 9, 1987

CONSIDERATION OF RESOLUTION NO.87-777 FOR THE
PURPOSE OF DELEGATING TO THE COUNCIL CONVENTION
CENTER COMMITTEE AUTHORITY UNDER THE PORTLAND
DEVELOPMENT COMMISSION INTERGOVERNMENTAL
AGREEMENT FOR ACQUISITION OF THE CONVENTION
CENTER SITE

Date: June 19, 1987

Presented by: Neil McFarlane

FACTUAL BACKGROUND AND ANALYSIS

This resolution is presented to you at the request of the Presiding Officer and the Chairman of the Convention Center Committee.

The District entered into an intergovernmental agreement with the Portland Development Commission (PDC) in November, 1986, for the acquisition of the convention center site, relocation of current tenants, and demolition of existing structures.

The convention center site contains 17 1/2 blocks in private ownership. The Lloyd Corporation donated approximately 6 blocks. PDC has, since November, has been energetically seeking options on the remaining parcels and working closely with tenants to be relocated. Currently, PDC has options covering 1 1/2 blocks, with options for 2 more blocks pending. Negotiations are underway on 3 additional blocks, with options on the remainder of the site being actively pursued with the property owners. Should condemnation actions be necessary, they will be forwarded to the full Council at your August 13 meeting.

The intergovernmental agreement with the PDC delegates authority to purchase property under the appraised value directly to the PDC. Property which is recommended for purchase above the appraised value requires Metro's approval.

The attached resolution would authorize the Council Convention Center Committee to approve the acquisition by PDC of real property at the convention center site for prices over the appraised value, when such a course of action has been recommended by PDC, and the Metro

Executive concurs in that recommendation. This delegation is proposed for the following reasons:

- Timeliness in real estate negotiations is a critical issue. The Council Convention Center Committee will be meeting regularly to address the acquisition issues, and because of the committee's smaller size, can be convened quickly should the status of negotiations dictate fast action. The committee will thus be able to judge each approval in the context of the real estate budget, total project budget, and project schedule. Real property acquisition represents the current "critical path" in bringing the convention center to reality on time.
- The confidentiality of property negotiations can be more easily maintained with the smaller body, a critical consideration in protecting the rights of the property owners and the financial interests of the District. Executive sessions would be required whether the approving body is the full Council or the Council's convention center committee. By the delegation, the Council could avoid the disruption of agendas required by numerous executive sessions and last minute additions to the agenda.
- The Council had not formed its convention center committee at the time the PDC Agreement was formalized; delegation is consistent with the Council action forming this committee.

With the delegation, the full Council still maintains condemnation authority and control over amendments to the PDC contract budget, should it be required.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 87-777.

10.3 Consideration of Resolution No. 87-777, for the Purpose of Delegating to the Council Convention Center Committee Authority Under the Portland Development Commission (PDC) Intergovernmental Agreement for Acquisition of the Convention Center Site

Presiding Officer Waker noted the resolution was considered at the June 11 meeting and no action had been taken. It was agreed the resolution should be considered again when Councilor Ragsdale, Chair of the Council Convention Center Committee, would be present to recommend it.

Motion: Councilor Ragsdale moved, seconded by Councilor Cooper, to adopt Resolution No. 87-777.

Councilor Ragsdale said he recommended adoption of the Resolution because there was need to streamline the process for approving property settlements recommended by the PDC. Once a property owner had agreed to a particular settlement price, it was very important to get approval before the property owner changed his or her mind, he said. He was concerned about the full Council's ability to act quickly on such requests and explained the Convention Center Committee would serve as an executive commission of elected officials to make such decisions.

Councilor Van Bergen said he would not support the resolution and that the Council should exercise its best political judgment for each property transaction.

Councilor Gardner suggested the resolution be revised to all the Convention Center Committee approval of transactions within a designated percentage of the estimated value of the property. Councilor Ragsdale explained such a restriction could hamper negotiations.

Councilor Hansen said the matter was a question of Council style. He agreed with Councilor Van Bergen the Council should remain involved in property settlement decisions. The Council should be willing to meet on an emergency basis in order to accommodate staff's needs, he said.

Councilor Knowles supported the resolution and agreed with Councilor Ragsdale that timing was a very important issue. He questioned how much detail the Council could handle at their meetings. He also thought that to conduct special meetings to approve property transactions was a waste of the taxpayers' money.

Councilor Collier did not support the resolution, explaining the Council should feel totally comfortable with delegating the responsibility before such a decision were made.

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Councilor DeJardin supported the resolution. He thought enough checks and balances existed to delegate the authority. To act otherwise, he said, was to exhibit lack of confidence.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, DeJardin, Kelley, Knowles and Ragsdale

Nays: Councilors Collier, Gardner, Hansen, Kirkpatrick, Van Bergen and Waker

The motion failed for lack of a majority.

Budget and Program Oversight Report Format

Ray Barker, Council Assistant, referred Councilors to a memo from Donald Carlson, Council Administrator, regarding a proposed format for reporting budget and program progress. He asked Councilors to review the information and comment back to Council staff by July 20.

Eastern Oregon Landfill Proposal

Councilor Kirkpatrick said she had received a letter from Waste Management regarding their proposal to site a landfill in eastern Oregon. She asked if staff were responding to the proposal.

Councilor Gardner, Chair of the Council Solid Waste Committee, reported he had asked Tor Lyshaug, Acting Solid Waste Director, that question. Mr. Lyshaug said no recommendation would be made until Richard Owings, the new Solid Waste Director, had a chance to evaluate all the landfill proposals. Staff considered the matter an immediate priority, he said.

There was no further business and the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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7.6 Consideration of Resolution No. 87-773, for the Purpose of Coordinating Solid Waste System Planning and Development and Short-Term Diversion Programs and Interim Franchising Policies

Rich McConaghy, Solid Waste Analyst, reviewed staff's written report and explained how this resolution coordinated with the Solid Waste Management Plan update process and existing facility siting processes.

Councilor Gardner reported that the Council Solid Waste Committee had reviewed and endorsed the resolution which clearly stated the work program. Rich McConaghy added staff would return to the Council seeking approval for the specific courses of stated in the resolution.

Motion: Councilor Gardner moved, seconded by Councilor Kelley, that Resolution No. 87-773 be adopted with an amendment to add the following language at the end of the Resolution: "e. At the same time, other diversion strategies will be evaluated and implemented if found feasible. These could include rate incentives for disposers to use other sites, and diversion credits based on the amount of material a disposer delivers to recycling markets, materials recovery facilities, and yard debris processors. Because these methods offer more cost-effective diversion, the volume of waste potentially diverted will be taken into consideration before contracting for specific amounts of private sector waste diversion and recycling. There will also be an ongoing review of the results of operational modifications at the St. Johns Landfill. This will ensure that the more expensive diversion methods will be applied to the smallest possible amount of waste."

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Bonner, Cooper and Ragsdale were absent.

The motion carried and Resolution No. 87-773 was adopted as amended.

7.7 Consideration of Resolution No. 87-777, for the Purpose of Delegating to the Council Convention Center Committee Authority Under the Portland Development Commission Intergovernmental Agreement for Acquisition of the Convention Center Site

Neil McFarlane reviewed staff's report and referred Councilors to a letter from Councilor Ragsdale in support of the resolution. He explained the resolution would allow the Council Convention Center

Committee to approve property settlements related to the Convention Center project when the asking price was for more than the assessed value of the property. The resolution was proposed in an effort to facilitate the numerous property transactions Metro would soon be required to settle.

A discussion followed about whether the Council should continue to consider the property settlement cases. Councilors Van Bergen, Collier, Gardner and Waker said they were not inclined to support the resolution. Presiding Officer Waker explained he thought the Council should consider each settlement on a case by case basis and to explain each action accordingly. Other Councilors were reluctant to delegate authority to the Committee.

Because there was no majority support for adopting the resolution, Presiding Officer Waker suggested the matter be considered at a meeting when Councilor Ragsdale, the chief supporter of the proposed legislation, would be present. No further action was taken.

7.8 Consideration of Resolution No. 87-778A, for the Purpose of Extension of Provisional Appointment of Marc Madden and Requesting a Waiver of the Personal Rules

Deputy Presiding Officer Engstrom presented staff's report and explained that Resolution No. 87-778A replaced Resolution No. 87-778 which had been included in the agenda packet. He noted that because that because there had been no agreement on the proposed Intergovernmental Resource Center (IRC) reorganization, the Executive Officer recommended extending Marc Madden's appointment as provisional IRC Administrator. Presiding Officer Waker said because he Executive Officer was seeking a temporary solution to the problem in compliance with the Code, he had recommended this action be taken.

Councilor Kirkpatrick explained the third "whereas" paragraph of the resolution should be eliminated because it was an inaccurate statement ("WHEREAS, The permanent appointment was contingent upon Council adoption of a reorganization of the Intergovernmental Resource Center;"). Referring to the March 26, 1987, Council meeting minutes, she explained that in Mr. Madden's case, the Council had appointed him on a provisional basis and had specifically not waived recruitment requirements for the IRC Administrator position.

A discussion followed about the first "be it resolved" paragraph of the resolution and whether a time requirement should be imposed for staff reporting an IRC reorganization plan to the Council.