

# MINUTES OF THE METRO COUNCIL MEETING

February 5, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Susan McLain, Patricia McCaig, Ed Washington, Lisa Naito, Don Morissette

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:05 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

**Art Lewelyn, 3205 SE 8th #9, Portland, OR 97202**, spoke of his LOTI Project, an alternative to the South North light rail and reviewed the reason that the light rail should be maintained on the east side of the river and not go downtown. His design included building trackless trolleys on the mall and introducing streetcars into the overall transportation picture. He showed his ongoing designs and expressed the need to invest on the east side, an important part of the city. He said the LOTI proposal had the electric buses running on the mall to College Street, OHSU and the Albina district. He had recently added a feeder route into the mall with access to the Ross Island Bridge. He emphasized that the light rail should be the vehicle to come into town as fast as possible and the streetcar/trolley should be the vehicles to get around the downtown area of Portland improving access. He felt this broad proposal would increase transit ridership and reduce the amount of excessive traffic in the downtown.

**Richard Ellmyer, 9124 N. McKenna, Portland OR 97203**, spoke of concerns about excessive population growth. (A copy of his comments may be found in the permanent record of this meeting located in the Council Office.)

**Peter Teneav**, a resident of Kenton and an activist in environmental transportation, seconded Mr. Ellmyer's comments. The excessive population growth conference was impressive with an enormous amount of energy. Many of the problems that he dealt with such as surface run off were ultimately the result of growth. He hoped there was no encouragement of growth because he felt that there had been deterioration of the quality of life in Portland. It was his hope that in all of the Council's deliberations that they continued their awareness of the growth issues.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. MPAC COMMUNICATION

**Councilor McLain**, said that at the last MPAC meeting, which Councilor Naito also attended, growth management issues and Title III issues were discussed. MPAC would be focusing on Title

III issues at their next meeting, next Wednesday. They hoped to have draft recommendations on Title III completed by the time of the Council public hearings on February 17 and 26, 1998. The MPAC Chair, Judie Hammerstad would be bringing her comments to the Council at the February 26th Council meeting. At the Coordinating Committee meeting with MPAC there was a suggestion that there be a Council/MPAC retreat in the March/April time frame. MPAC was willing to take an MPAC meeting off of the calendar to have the retreat.

**Councilor Naito** added that they had looked at a tentative date, if there was enough interest, on a regularly schedule MPAC evening meeting. She suggested it would be at the Convention Center. She clarified that the meeting was more a joint meeting than a retreat.

**Councilor McLain** added that the idea of the meeting was more of an informal setting, informal meeting.

**Councilor Naito** continued that the idea was to spend some time looking at the direction Council and MPAC and what were some of the major issues that the Council was facing with MPAC, such as funding. She thought the meeting would be a work session format with a mediator to help facilitate that discussion.

## 5. CONSENT AGENDA

5.1 Consideration meeting minutes of the January 22, 1998 Regular Council Meeting.

**Motion:** **Councilor Morissette** moved to adopt the meeting minutes of January 22, 1998 Regular Council Meeting.

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

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## 6 ORDINANCES - FIRST READING

6.1 **Ordinance No. 98-725**, For the Purpose of Granting a Yard Debris Processing Facility License to the Minsinger's Floral Nursery Inc. to Operate a Yard Debris Composting Facility.

**Presiding Officer Kvistad** assigned Ordinance No. 98-725 to Regional Environmental Management Committee.

6.2 **Ordinance No. 98-727**, For the Purpose of Amending Ordinances No. 96-647C and No. 97-715B, the Urban Growth Management Functional Plan, to Clarify Compliance Issues.

**Presiding Officer Kvistad** assigned Ordinance No. 98-727 to Growth Management Committee.

## 7. RESOLUTIONS

7.1 **Resolution No. 98-2586**, For the Purpose of Authorizing the Executive Officer to Execute an Amendment to an Intergovernmental Agreement with the City of Portland Bureau of Environmental Services to Establish Native Vegetation on the Perimeter of St. Johns Landfill.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2586.

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

**Discussion:** **Councilor Washington** reviewed Resolution No. 98-2586. This resolution would put native vegetation along the perimeter of St. Johns Landfill. Metro had been doing this for quite some time. In 1996, Metro and the City of Portland's Environmental Services entered into an agreement on native vegetation for the St. Johns Landfill. Councilor Washington reviewed some of the seven projects that were planned and noted that the impact would be about \$67,740, most of which would be expended in 1997 and 1998 with the balance completed in 1999. This was part of the process of closing down St. Johns Landfill.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7.2 **Resolution No. 98-2592**, For the Purpose of Confirming the Reappointment of Gary Conkling to the Metropolitan Exposition-Recreation Commission.

**Motion:** **Councilor Naito** moved to adopt Resolution No. 98-2592.

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

**Discussion:** **Councilor Naito** said this was a reappointment of Mr. Conkling to the MERC Board. He was president of Conkling Fisco and McCormick and had been director of Public Affairs at Textronics as well as having served on the Tri-Met Board of Directors for five years. He had been very active at MERC particularly in looking for solutions for the Stadium. He had extensive record of services and knowledge about government. She suggested he come forward.

**Mr. Gary Conkling** said he would appreciate the opportunity to be reappointed to extend the service he has had on MERC. It had been an interesting experience learning more about the buildings. It was an important part of our legacy to review these buildings as regional. These buildings were a reflection of why we had regional government. There should not be multiple stadiums and cultural center where the parts of the region compete with each other. It made sense that the region should have facilities that could accommodate the needs of a growing metropolitan community. He felt strongly that these buildings were regional assets and should be managed in this way.

**Councilor McFarland** asked if Mr. Conkling was in favor of a grass field at Civic Stadium.

**Mr. Conkling** said he had been an advocate of a grass field considering that Oregon was a major grass seed grower.

**Councilor McCaig** understood that Mr. Conkling was a nominee from Washington County and she had every intention of supporting his appointment. She asked about the evolving role of the Council and MERC. She felt there was a movement a foot to distance MERC from the agency and the Council. The Council took relatively decisive action to do that at the Regional Facilities Committee. She asked what Mr. Conkling saw as the evolving role between MERC and the Council in the next four years.

**Mr. Conkling** viewed fundamentally the changes that had occurred in the last period of time as ones that had as their principle component allowing the management of the buildings to be more entrepreneurial, not necessarily more autonomous. The relationship between MERC and Metro, in his personal view, hadn't really been the issue, the issue was how entrepreneurial could the

buildings be run for their best interest as the stewards on behalf of the public. It did no good to have them if they were not operated in a way where they could keep their doors open. There could be friendly disagreements as to the right approach, the right level of management and a commission versus oversight by the Council. He thought a good balance was struck. He did not believe the distance between the Council and MERC had grown, in fact, he argued that the partnership between the two had increased. The Council and MERC had very distinct roles and the roles were more sharply defined than before but not any the lesser roles. The Convention Center was not something where MERC made the decision as to whether or not that election went forward. The Council made that decision, that was their role. While there had been changes, the changes accrued to the favor and the benefit of the buildings and ultimately the public that gave MERC the opportunity to manage them. He was not so sure that he believed that the Council and MERC were further apart, in that they were drifting apart, in fact, MERC needed the Council to be a good partner. It was his hope that the Council would come to depend on MERC and expect MERC to be a good partner to the Council as well.

**Councilor McCaig** appreciated Mr. Conkling's comments. She believed that there could be cooperation and that level of trust and respect between the two agencies regardless of the bookkeeping and contracting of different services. However, she was fearful that not all members of the MERC Commission felt that way. In fact, there were some members who had expressly pointed to a direction to see a greater distance between Metro and MERC. She was worried about this for the reasons Mr. Conkling spoke to such as that the facilities were regional, were an asset to the region and should be regionally managed. Included in this was the discussion about the Convention Center and the Council's authority to put it on the ballot, MERC could not, this was one of the distinction between the two entities. In the Sizemore initiative, MERC had a different standing, she asked Mr. Conkling to speak to what the initiative provided and MERC's continued existence if Mr. Sizemore was successful.

**Mr. Conkling** said he had not actually read Mr. Sizemore's initiative but his understanding of it was that some type of entity would continue to manage the regional facilities if their owners chose to do that. Two sets of facilities were currently owned by Metro, two sets of facilities were still owned by the City of Portland. He did not believe the initiative could preclude the city from taking action as it chose to. In some respects the initiative could only hold to those facilities that were related to Metro, the Convention Center and Expo. He was unsure what instinct led to this particular notion. From what Mr. Conkling understood, whoever assisted Mr. Sizemore in drafting this provision took note of this particular contingency and tried to deal with it. Having watched Mr. Sizemore deal daily with the unintended effects of Measure 47, he thought Mr. Sizemore had become more keenly aware that sometimes what had been proposed had other impacts. It was Mr. Conkling's impression that this was Mr. Sizemore's solution to the issue of regional facilities.

**Councilor McCaig** suggested that the legal counsel, during a Regional Facility Committee meeting, brief the committee on that role because it was distinctly different and provided a different level of protection for MERC than would exist for the Council and the government. She asked about what Mr. Conkling's view was for the next four year on the upcoming issues that needed to be addressed by MERC and Metro in general.

**Mr. Conkling** said there were three particular issues he would identify: one, MERC needed to do a better job of marketing, he thought this was a shared goal with Metro, in marketing what MERC did, the benefits of what MERC did and how they did it. He said that in many people's minds, the buildings were not succeeding, but in reality, the tally of the tape showed the seats were filled up, these buildings were enormously successful. MERC needed to communicate the success that the

buildings had had. They were attracting people, a variety of activities, events, groups to all of the facilities. The second issue was MERC and Metro needed to get serious about finding regional funding strategies for these facilities. MERC needed to take a role in moving toward this goal, talking about what the options were and begin to get some ideas on the table. Third, each and everyone of the buildings had a capital need. These facilities were ready to be expanded or modernized. There was a need for a new theater in this community, they were already bulging from the seams, this was something that hadn't even been addressed. The Expo was a building that was almost full with events that had grown locally. The Convention Center had been very successful and was also full. Finally, the Stadium offered the most puzzling set of challenges yet it was a success in a sense that the community used this facility, lots of the community. The community depended on that facility much more than they realized. He summarized the three challenges as, marketing the success of the buildings, making sure that they were looking for regional funding strategy, and attend to, in the business plans of each of the facilities, the capital plans and see what could be done to move the needle.

**Councilor McCaig** thanked Mr. Conkling indicating she was glad that he was with MERC, he was a voice of reason and thoughtfulness.

**Councilor Washington** asked about marketing the facilities. He asked Mr. Conkling to speak to the level of marketing that he saw for each one, where was the best job of marketing being done.

**Mr. Conkling** answered that first and foremost, Metro had a branding strategy that the Council was looking at. This was one that MERC was associating with, participating with, it was a good thing. Part of his background was doing marketing communications and he felt very strongly that one was never much better than the pitch one was making to one's consumers. They needed to know what you were doing. In some cases, MERC was not letting their own customers know what was happening, where they were at. In some cases, MERC was not talking to potential customers. He suggested that in the theater complexes there was a lot of interest but limited space. MERC needed to be talking more to their customers and to their resident groups, there was a good program already established talking with MERC tenants. MERC needed to talk to everybody about the Stadium, not everyone understood the situation MERC was in with this facility so the marketing challenge was more complex. MERC built the illustration of what they meant for Expo so that when people saw it they understood the importance of the building. The answer for Expo was to develop a good facility and take the time to build the capital resources to do it. With the Convention Center, MERC must make sure that it met their regional objectives which were to help and strengthen the local economy, particularly to strengthen its own neighborhood local economy. It had done all of those things but was now bumping up against its barrier and MERC needed to make sure they found ways to complete the plan and to execute a full strategy to maximize the community benefit.

**Councilor Naito** said she supported this course and hoped the Council would go forward with it. She expressed her thanks for the public service involved here, the Council recognized that a great number of hours were put in, Mr. Conkling's very busy schedule and it was appreciated.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7.3 **Resolution No. 98-2596**, For the Purpose of Authorizing the Release of a Request for Proposals for Hardware and Software to Refurbish the Computer Network System at the Metro Regional Center.

**Motion:** **Councilor McCaig** moved to adopt Resolution No. 98-2596.

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

**Discussion:** **Councilor McCaig** noted that Resolution No. 98-2596 was introduced with the slide show presentation for the Council at the last Finance Committee meeting. This was the upgrade and the refurbishment of the network which would allow Metro to do things faster, quicker with more information and provide the firewall. This was the piece in the CIP that was flex time. The actual three year lease was \$130,000, with the first year being paid for by Growth Management, Transportation and Regional Environmental Management Departments. This resolution authorized the request for proposal. The Council had already authorized the money. She urged the Council's support.

**Councilor McFarland** asked Councilor McCaig what part the Computer Service department had just done.

**Councilor McCaig** indicated that the department had suggested that Councilor McFarland receive a permanent password so that she did not have difficulty getting into her email every time the Computer support people worked on the email system.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## 8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 98-2594**, For the Purpose of Amending the Contract Between Metro and Performance Abatement Services, Inc. (Contract No. 905855) for Hazardous Material Abatement Services Associated with the Development of a Capital Project at Metro Washington Park Zoo.

**Motion:** **Councilor Naito** moved to adopt Resolution No. 98-2594.

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

**Discussion:** **Councilor Naito** reviewed Resolution No. 98-2594. Metro had an existing contract at the Zoo with Performance Abatement Services. That contract was to remove all of the paint containing asbestos on the exterior on one level of the feline building. This measure would amend that existing contract to add removal of all of the paint containing asbestos from the interior and also from two exterior grottos of the same building. The amount of the amendment was \$39,400. There were five different firms that competed for the original bid, this company was approximately half of the next lowest bid, the bid was very good. This change order had been reviewed by staff and was consistent with the original bid in light of the scope of work involved in the contract. It made sense to have one contractor do all the same work since they were already familiar with the project. She urged the Council's support.

**Councilor Morissette** said usually when a bid was substantially lower than the balance of the bids, it was possible that the contractor had missed something. Councilor Morissette asked if there had been a review of the contract which allowed the contractor the flexibility to raise the bid if more of the contaminated material was found.

**Councilor Naito** asked Mr. Maxwell to come forward to respond to Councilor Morissette's question. She noted that some of the same questions had been asked in committee.

**Jim Maxwell, Capital Project Manager for the Oregon Project**, responded that the company had done the abatement for the children's farm area. They were substantially lower in that piece in their original bid also. The company performed very well, there was a consultant that oversaw and approved all of the work done, the company had done a very good job. There was a range on the original bid from just under \$50,000 for the base work to in excess of \$200,000 for the base work. Abatement was an area that had great swings that were not necessarily attached to the mechanics of the scope such as in the building of a building. The most important element was that the company had performed very well on the work they had already accomplished and were committed to finishing the work for the project. The real benefit to Metro and the community was that when all of the abatement was done on the feline building, all of the concrete could be recycled and used as fill material.

**Councilor Morissette** asked if this was additional work that was decided to be done or the original job that had become more extensive.

**Mr. Maxwell** responded that it was in addition to the scope. The area was thought to be clean, it was another part of the building. Upon subsequent tests after the work had already been bid, it was discovered that another large area of the building contained an undercoating that was put on concrete after the building was built to seal it. This area had not been bid on in the original package.

**Councilor Morissette** summarized that each one of the bidders would have then had a corresponding request for additional work to be done, then, had they gotten the contract.

**Mr. Maxwell**, responded, absolutely.

**Councilor Morissette** said, so this was separate. He asked Mr. Maxwell if they had gone through and checked the amount of work to be done with this contract, was it a fair percentage to the other work that had already been completed. Did Mr. Maxwell feel comfortable that this was an appropriate price for the current bid?

**Mr. Maxwell** said that was what Councilor Naito was referring to in the analysis of the square footage involved. Mr. Maxwell had laid it out to the company just as if they were bidding, by square foot. Their proposed bid was consistent with their original bid.

**Councilor McFarland** said she intended to support this resolution on this basis. She understood the ramifications of this resolution but she was increasingly leery of Metro's tendency to settle for a sole source more times than might be necessary. In the future, she suggested, if it was possible and probable that we can get the same result, we should go out for bids. There needed to be a place where we went back and asked for rebids on such contracts. She suggested that from this point forward these types of jobs should be put out to bid.

**Presiding Officer Kvistad** asked how everything was going on the Oregon Project, what did the time line look like.

**Mr. Maxwell** reviewed that they had been concerned about the floor of the conference area being poured so that steel could be erected this week. The contractors had done a good job of fitting it in between rain showers. Once all of the concrete was poured, the structural steel would all be erected by the end of the week. He noted that there were arrangements being discussed to invite the Council to visit and be briefed on the site. At the mountain goat exhibit the structural steel had been put together which would be the foundation for the rock formations. The next step would be

to shoot a structural coat, this would occur next week, and then add color, making the rocks look real. In two week the retail building would begin to be built. The entire complex was starting to grow and come out of the ground.

**Councilor McCaig** noted a story she had heard, there were cameras that had been placed in different parts of the zoo to see if the animals were disturbed by the drilling of the tunnel. The drilling impact was actually positive from some of the animals, particularly the rhinos.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**9. COUNCILOR COMMUNICATION**

None.

**10. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:24 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

| <b>Document Number</b> | <b>Document Date</b> | <b>Document Title</b>  | <b>TO/FROM</b>                          | <b>RES/ORD</b> |
|------------------------|----------------------|--|---|----------------|
| 020598c-01             | 2/5/98               | Metro Presentation on Excessive Population Growth                | TO: Metro Council FROM: Richard Ellmyer | none           |
| 020598c-02             | 2/5/98               | “Portland can build a light rail to Oregon City and so much more | TO: Metro Council FROM: Art Lewellyn    | none           |