

MSD BOARD OF DIRECTORS

MINUTES OF FEBRUARY 11, 1977 MEETING

BOARD MEMBERS IN ATTENDANCE

Ray Miller, Chairman  
 Lyle Salquist  
 Sidney Bartels  
 Robert Schumacher  
 Mel Gordon

BOARD MEMBERS NOT IN ATTENDANCE

Connie McCready  
 James Robnett

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
 Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper  
 Cordell Ketterling  
 Warren Iliff  
 Jean Woodman

METROPOLITAN SERVICE DISTRICT  
 BOARD ACTION  
 NO. 77-753 DATE 2-25-77

	YES	NO	ABST
BARTELS			
GORDON			
MCCREADY			
ROBNETT			
SALQUIST			
SCHUMACHER			
MILLER, CHAIRMAN			

*Jean Woodman*  
 Clerk of the Board

The clerk called the role and there being a quorum present, the following listed agenda items were considered:

77-741 MINUTES

Commissioner Schumacher moved to approve the minutes of January 28, 1977, as submitted. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon was not present during this agenda item.)

77-742 PUBLIC COMMUNICATIONS

Commissioner Miller asked if there was anyone in the audience that wished to address the Board on matters not listed on the meeting agenda. There was no response.

77-743 CASH DISBURSEMENTS

Commissioner Schumacher moved to approve payment of Checks No. 2519 through 2614 in the total amount of \$43,776.10. Councilman Salquist seconded the motion.

In discussion, Commissioner Gordon questioned the Martin/Soderstrom/Matteson payment item in the amount of \$13,780.01, stating that he would prefer not to approve the disbursement until after discussion of the Architect's contract later on the agenda. Mr. Iliff assured Commissioner Gordon that the disbursement had already been earned by Martin/Soderstrom/Matteson and that approval was appropriate.

The question was called and the motion carried unanimously by roll call vote.

77-744 RECEIPT OF SAFECO CORPORATION CAPITAL STOCK

Mr. Kemper provided staff review on the receipt of ten shares of capital stock of Safeco Corporation, donated by Mr. and Mrs. C. E. Rawlinson, to be used for MSD Zoo animal funds. Staff recommended that the stock be sold and the proceeds utilized in the appropriate fund.

Commissioner Gordon moved to approve staff recommendation to sell the ten shares of capital Safeco Corporation stock with funds dedicated to the Zoo animal fund. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-745 CONTRACT 77-045 - COOPERS & LYBRAND

Commissioner Gordon moved to approve Contract 77-045 with Coopers and Lybrand for auditing services for FY 76-77 in an amount not to exceed \$8,750 plus out-of-pocket expenses in an amount not to exceed \$250.00. Councilman Bartels seconded

the motion. The motion carried unanimously by roll call vote.

77-746 ZOOPLAN REPORT

Mr. Iliff reviewed amendments to the Zooplan Report as provided by the MSD Zoo Advisory Committee stating that staff and committee recommended adoption of the report's concept statement and a general approval of the outlined theme development. The Board had contracted with Zooplan Associates to develop a concept, analysis and theme for the Zoo to assist in developing an operation and budget plan for the next five years; and to allow staff to move toward a Zoo Master Plan. Mr. Iliff felt this had been done. Commissioner Gordon expressed his disappointment in the product of the report stating his concern for an expenditure of \$18,350 for a report that he felt could have been prepared by staff. Mr. Iliff stated that he agreed with Commissioner Gordon to some extent, however, it was his feelings that the objectivity of the Zooplan staff and the concept statement was helpful to staff. Commissioner Miller also agreed that the cost of the report was too high, but indicated that Zooplan had provided the report as contracted and their expertise should be utilized.

Councilman Bartels moved to adopt the Zooplan Report's concept statement as amended and generally agree with the outlined theme development. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-747 ZOO PROGRAM PROPOSAL

Mr. Iliff reviewed a Zoo Advisory Committee memorandum to the Board discussing two existing master plans for the Washington Park Zoo and Zooplan's recommendation that the two plans be incorporated and utilized as an alternative to development of a new master plan. The committee listed out possible areas of study and recommended solicitation of proposals from planning firms in the area for input on an overall plan for the Zoo. In reviewing the study areas suggested by staff and the committee, Commissioner Gordon was not in favor of another expenditure of funds for another study of the Washington Park Zoo, and suggested that expertise existed on staff and in the area of an advisory committee that could properly advise the Board. Mr. Iliff assured the Commissioner that approval for requests for proposal would not require an expenditure of funds, and if responses proved too expensive the Board could reject all proposals.

The Board was not in favor of a large expenditure for combination of the master plans; however, with the assurance of Mr. Iliff that a request for proposals would not commit MSD to continue along such lines, agreed to allow staff recommendation. Councilman Bartels suggested that the proposers cost out each study area, which might allow MSD some selectivity on which areas might be developed by staff alone.

Motion 77-747.A:

Commissioner Gordon moved, with stated reservation, to direct staff to proceed to develop and procure proposals from interested planners in the area for development of a Zoo Plan. Councilman Bartels seconded the motion, also with reservation, and the motion carried unanimously by roll call vote.

Commissioner Gordon suggested Board discussion on the possibility of contracting the Zoo Concession and MSD's responsibility to the concession union if this were done. Mr. Gisvold stated that the union would have to be notified by the end of February if MSD intended to contract the concession to private industry. He also stated that such notification would not preclude MSD's negotiating with the union if the contracting did not follow. Commissioner Miller indicated that he had attended one meeting of the Concession Advisory Committee, and a report should be submitted to the Board Management Sub-committee which consists of Commissioners Gordon, Schumacher and Miller. Mr. Iliff stated that a meeting of this advisory committee would be scheduled prior to February 25, 1977, and formal action notifying the union could be taken at that time. The Board, however, felt that action should be taken immediately..

77-747.B: Commissioner Gordon moved to give the official sixty-day notice to the Concession Union Local 49 of MSD's intend to contract the concession services to private industry. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-748 CHIMPANZEE/ORANGUTAN EXHIBIT REPORT - CONTRACT 76-029  
MARTIN/SODERSTROM/MATTESON

Mr. Iliff presented a verbal staff report on problems existing within the Martin/Soderstrom/Matteson contract for technical designs on the chimpanzee/orangutan exhibit at the Zoo, listing the following two major issues for the Board's information:

1) The contract with Martin calls for the architect to proceed through design development to determine how much the project will cost to construct. On January 26, 1977, Mr. Iliff met with the architects who informed him the costs had increased from about \$613,000 to \$1.13 million, at which time Mr. Iliff verbally told them to cease work. On February 9, 1977, Mr. Iliff followed his verbal instructions with written instructions to cease work. Mr. Iliff stated that the architects were aware that the cost figure was excessive, however, they felt that under the incentive/disincentive clause in the contract, it was the only figure they could safely guarantee. Mr. Iliff also stated that the figure was arbitrary due to the architects dislike of being under contract, and without a contract the figure would have been in the \$700,000 to \$800,000 area. 2) With the suggestion of the Zoo Advisory Committee, Mr. Iliff felt that the project should be redesigned dramatically to bring the construction costs down to \$600,000 or \$700,000.

Commissioner Gordon voiced the following concerns: 1) That MSD had up to this date expended \$8,351.33 for conceptual designs resulting in an estimated construction cost of \$613,500; 2) That when asked to guarantee this figure, Martin requested the opportunity to revise the design estimates, a request subsequently approved by the Board; 3) That due to the incentive/disincentive portion of the new contract, Martin provided a conservative estimate of \$1.13 million for the project (\$486,000 higher than the original estimate); 4) That it is questionable whether the original \$613,500 developed by Martin is justified or a possible result of the architect's knowledge that the MSD had budgeted \$650,000 for this project; 5) That if design work ceases, MSD will lose no less than \$20,000 in architectural fees, plus attorney fees and staff time; and 6) That after the costs to MSD listed above, MSD will not even be in possession of conceptual or technical designs.

Commissioner Gordon was also concerned that after giving consideration to this second contract with Martin on October 22, 1976, and his personal objections to approval without some competitive selection process, and after Mayor Miller Duris' personal objection to this firm because of a similar experience in Hillsboro, the staff still recommended approval. Commissioner Gordon concluded by stating that after more than a \$20,000 expenditure by MSD, the Board still did not know how much the project would cost to construct.

Mr. Iliff stated that he had been aware of the problem the City of Hillsboro had with the architect, but recommended continuing because he felt the firm had carried the project to a point of viability.

In discussion of ownership of the design documents, Mr. Gisvold stated that in negotiations of the contract, Martin retained possession of the documents unless MSD put off construction for a period of time and then at the time the Board decides to continue, to allow Martin the opportunity to work on the project. Commissioner Gordon questioned whether the documents were of an original product citing MSD's absorption of the costs for the architect to travel to California to view two such constructions.

Alternatives available to the Board were to renegotiate the contract with Martin/Soderstrom/Matteson; or reject all work done to date with a loss of not less than \$20,000 to MSD, and put the design project out for proposals. The Board was aware that if the second alternative were utilized, there was no guarantee, after further expenditures, that a design program could be developed at a smaller capital cost. Councilman Bartels suggested that members of Martin/Soderstrom/Matteson appear before the Board to discuss their cost figures, and the Board was in agreement. Commissioner Gordon felt the architects should be given some criteria on questions they should be prepared to answer.

Commissioner Miller directed staff to contact Martin/Soderstrom/Matteson requesting an appearance of officers of that firm before the Board on February 25, 1977, to speak to their proposed \$1.13 million construction figure on the chimpanzee/orangutan exhibit.

77-749 CONTRACT 77-041 - THE FILM LOFT

Mr. Iliff requested approval of a contract with the Film Loft to do a sixty-second spot on the birth of the polar bear cub. He felt the spot would attract a great deal of visitor attention throughout the spring and summer months. Cost of the contract would not exceed \$4,103. Commissioner Gordon questioned whether the Film Loft was the only company in the area that MSD could utilize and whether the cost was normal. He was disturbed that this was another contract let without competitive proposals. Mr. Iliff stated that the Zoo had used the Film Loft before with excellent results and felt it would be money well invested. He also stated that the spot would involve difficulties in special affects which this firm is qualified to do, and that staff would watch production carefully. Commissioner Miller felt that the news media was behind MSD in viewing time for such spots and that the Board should go ahead with production.

Commissioner Schumacher moved to approve Contract 77-041 with the Film Loft at a cost not to exceed \$4,103, and authorize the Chairman's signature after legal counsel review. Councilman

Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-750 REQUESTS FOR SOLICITATION AT THE ZOO

Mr. Gisvold presented his legal opinion dated February 11, 1977, on whether the Krishna organization have a constitutional right to distribute religious literature and solicit donations within the confines of the Washington Park Zoo. Mr. Gisvold suggested that the Board take the opinion into consideration for action at the next Board meeting. The Board, however, was ready to take action.

Commissioner Gordon moved to deny the Krishna Consciousness organization their request to solicit inside the Zoo grounds, and direct legal counsel to return at the February 25, 1977, Board meeting with an ordinance covering Zoo regulations. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-751 SEAL POOL COVER BID AWARD

Set over to February 25, 1977.

OTHER BUSINESS

77-752 Negotiations and Discussion with Collection Industry

Mr. John Trout, representing Local 281, collection industry, and Mr. Drew Ryan, were present to discuss with the Board the possibility of a united legislative bill disallowing MSD's power to contract with local jurisdictions in collection. Staff presented five items of concern by the industry (MSD agreements with jurisdictions; amount of user fee; pass-through; franchising; and flow control) stating that the first four issues were of legitimate concern and should be discussed; however, the fifth issue had ramifications that staff could not react to. It was industry's intention that support of MSD at the legislature was a condition to negotiations on these five issues. During discussion of the issues, Mr. Jerry Powell, of Portland Recycling Team, addressed the Board stating his concern that the area's recycling issues were not given consideration, and his concern that the Publishers Paper contract did not allow sufficient quantities for home separation and recycling. Mr. Powell requested that the Board give time to

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the discussion of recycling. Commissioner Gordon suggested that Mr. Powell contact staff for agenda time.

No action was taken.

There being no further business to come before the Board, the meeting adjourned at 4:10 P.M.