

MINUTES OF THE METRO COUNCIL

July 14, 1994

Council Chamber

APPROVED
Date 8/25/94

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Ed Washington, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: Roger Buchanan

Presiding Officer Wyers called the regular meeting to order at 4:03 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of June 9, 1994

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

4.2 Resolution No. 94-1998, For the Purpose of Exempting Uniform Supply and Laundry Service for the Metro Washington Park Zoo from Competitive Bid, and Authorizing a Sole Source Extension to the Industrial Laundry Service Contract No. 901378

Councilor Van Bergen asked that Resolution No. 94-1998 be removed from the Consent Agenda. Presiding Officer Wyers announced that Agenda Item No. 4.2 would be considered after Agenda Item No. 6.1.

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of the Consent Agenda as amended.

Vote: Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, Gardner and Kvistad were absent. The vote was 9/0 in favor and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 94-557, For the Purpose of Establishing a Metro Illegal Dumping Ordinance

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 94-557 had been referred to the Solid Waste Committee.

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5.2 Ordinance No. 94-560, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule For the Purpose of Funding a Contract to Recommend Further Improvements in Competitive Bidding, Procurement and Contracting Services

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers referred Ordinance No. 94-560 to the Finance Committee.

5.3 Ordinance No. 94-562, For the Purpose of Amending Metro Code Section 2.04.045 Relating to Approval of Contract Amendments

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers referred Ordinance No. 94-562 to the Finance Committee.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 94-555, An Ordinance Readopting Metro Code 2.06 (Investment Policy), and Declaring an Emergency

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-555 was first read on June 9, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on June 22 and recommended it to the full Council for adoption.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance was a standard procedural matter adopted by the Council on an annual basis and said Finance and Management Information Department staff did an excellent job in this area.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Devlin, Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Gardner and Kvistad were absent. The vote was 10/0 in favor and Ordinance No. 94-555 was adopted.

7. RESOLUTIONS

REMOVED FROM THE CONSENT AGENDA

4.2 Resolution No. 94-1998, For the Purpose of Exempting Uniform Supply and Laundry Service for the Metro Washington Park Zoo from Competitive Bid, and Authorizing a Sole Source Extension to the Industrial Laundry Service Contract No. 901378

Motion: Councilor Gates moved, seconded by Councilor McFarland, for adoption of Resolution No. 94-1998.

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Councilor Gates gave the Regional Facilities Committee's report and recommendations. He explained Zoo staff wished to extend the contract beyond the end of FY 1994-95 to give them additional time to prepare a new bid and allow time for a negotiation period. He said the Zoo's bargaining unit required this contract to be in place, but said it would be re-negotiated with the union at the next bargaining period.

Councilor Van Bergen said he objected to the contract because of past experiences with laundry contracts. He said this contract should be rebid to give women and minority contractors an opportunity. He said the contract could be renewed on a monthly basis until the issue was renegotiated with the union and/or it was rebid. He said he would vote nay on the resolution.

Councilor Hansen said the union was firm on the issue at this time and believed it would incur high administrative costs to renew the contract on a monthly basis. Councilor Gates concurred with Councilor Hansen's comments.

Vote Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors McLain and Van Bergen voted nay. Councilor Buchanan was absent. The vote was 10/2 in favor and Resolution No. 94-1998 was adopted.

7.1 Resolution No. 94-1954, For the Purpose of Reappointing Robert H. Bay, Joan Chase, and Christopher Foster to Three Expiring Terms on the Metro Central Station Community Enhancement Committee

Vote Councilor Hansen moved, seconded by Councilor McFarland, for adoption of Resolution No. 94-1954.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She explained all members listed were being reappointed and said their service on the committee had been exemplary.

Vote Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was 12/0 in favor and Resolution No. 94-1954 was adopted.

7.2 Resolution No. 94-2001A, For the Purpose of Supporting Passage of Flow Control Legislation by the United States Congress

Motion Councilor Hansen moved, seconded by Councilor McFarland, for adoption of Resolution No. 94-2001A.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She explained adoption of the resolution would let Oregon's congressional delegation know that Metro generally supported passage of federal flow control legislation. She said it did not endorse any specific piece of legislation. She said the resolution had been amended to minimize adverse impacts on recyclers.

Councilor Van Bergen said some federal legislation adopted effected local governmental controls on the flow of solid waste. Dan Cooper, General Counsel, said Legal Counsel had prepared a communication after the U.S. Supreme Court ruled on flow control issues. He said the way Metro's system was set up, particularly with its designated facilities, meant that Metro's solid waste disposal system had not been invalidated by that decision. He said it did create uncertainty and said actions taken in the future at the federal level could effect Metro, but not at this time. He said Legal Counsel had discussed the issues with Bond Counsel, but said Bond Counsel did not believe Metro was adversely effected.

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Councilor Van Bergen said he had raised the issues to ensure they were recorded for the record.

Councilor McLain said the Council should be briefed on federal legislation on a regular basis.

Motion to Amend: Councilor Moore moved, seconded by Councilor Gardner, to amend Resolution No. 94-2001A to add a final Be It Resolved clause to the effect that the Metro Council have the opportunity to review pending federal legislation.

Presiding Officer Wyers said she supported such an amendment, but opposed the resolution itself because it constituted a blanket acceptance of any and all federal flow control legislation that could be adopted in the future.

The Council discussed the motion to amend.

Councilor McFarland recommended Resolution No. 94-2001A be referred back to the Solid Waste Committee for further work.

Councilors Moore and Gardner withdrew their motion to amend. Councilors Hansen and McFarland withdrew their motion to adopt the resolution.

Presiding Officer Wyers referred the resolution back to the Solid Waste Committee.

7.3 Resolution No. 94-2002, For the Purpose of Authorizing the Release of Request for Proposals for Feasibility and Market Study for RV Parks at Blue Lake Park and the Portland Expo Center and Authorizing a Contract with the Selected Consultant

Motion: Councilor Moore moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2002.

Councilor Moore gave the Regional Facilities Committee's report and recommendations.

Councilor Van Bergen stated for the record that Metro had not yet accepted title and site for the property. Councilor Van Bergen asked what the impact would be on Metro's budget without the title. Councilor Moore said the study would answer those questions. Presiding Officer Wyers said a Councilor should serve on the committee to select the consultant. Councilor Van Bergen asked Legal Counsel to report on whether Metro had the right to act in a proprietary manner with the property at this time.

Vote: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was 12:0 in favor and Resolution No. 94-2002 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen asked if Harrang Long Gary & Rudnick had filed the Council's lawsuit on Oregon Waste Systems, Inc., contract amendment No. 4 yet. Don Carlson, Council Administrator, said he expected to hear from them soon that it had been and would keep the Council informed of events.

Councilor Monroe said the Joint Policy Advisory Committee on Transportation (JPACT) voted unanimously the date of this meeting to support a \$475 million general obligation bond for North/South light rail transit (LRT) in

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November 1995. He said that package also included support for an arterial seismic bridge with freight access and urged the State Legislature to support a statewide highway funding package to convince both the Oregon and Washington State Legislatures to fiscally support the light rail package.

Councilor McLain referred to Merrie Waylett's memo on the 2040 Program and recent adverse media coverage of same. She noted the public's response to the 2040 Program had been overwhelmingly positive.

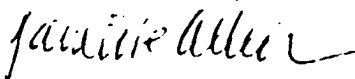
Councilor Devlin said Metro was about to make decisions on a second Greenspaces bond measure, the 2040 Program preferred alternative and South/North LRT, and hoped that Metro would not receive any more negative publicity.

Councilor Hansen discussed the term "greenbelts" and said it should be re-termed "farm and forest buffers." She said she had told Andy Cotugno, Director of Planning, that also. She said the term might mislead the public and would make them think Metro was going to purchase all the greenbelt land displayed on Metro maps.

Councilors Van Bergen and Devlin discussed issues related to recent adverse media coverage further.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 5:05 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council
MCMIN94.195