

MINUTES OF THE METRO COUNCIL

March 11, 1993

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, 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: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:00 p.m.

Presiding Officer Wyers announced a correct version of Agenda Item No. 5.1, Ordinance No. 93-486, had been distributed and that the ordinance title originally printed in the agenda packet was incorrect.

Presiding Officer Wyers announced the correct version of Resolution No. 93-1754A, Agenda Item No. 7.3, was not printed in the agenda packet and a corrected copy had been distributed to Councilors and the public.

Presiding Officer Wyers announced Agenda Item No. 7.7, Resolution No. 93-1779, had been added to the agenda as a non-referred resolution.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma presented the Proposed FY 1993-94 Budget (a copy of Executive Officer Cusma's speech has been filed with the record of this meeting).

4. CONSENT AGENDA

4.1 Minutes of November 24 and December 22, 1992, and January 28 and February 11, 1993

Councilor McFarland noted she had corrections for the November 24, 1992, minutes. Consideration of the Consent Agenda was moved to after "Ordinances, Second Readings."

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 93-486, An Ordinance Amending the Metro Code, Section 2, and Establishing Procedures to Create a Tax Study Committee, and Declaring an Emergency

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

Presiding Officer Wyers referred Ordinance No. 93-486 to the Finance Committee for consideration.

5.2 Ordinance No. 93-487, For the Purpose of Adopting the Annual Budget for Fiscal Year 1993-94, Making Appropriations and Levying Ad Valorem Taxes; and Declaring an Emergency

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

Presiding Officer Wyers noted that an ordinance was normally read for the first time by title only and then referred to the appropriate substantive committee, but said per Oregon Budget Law, ORS 294.401, any persons wishing to testify on the ordinance at this time could do so.

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

Presiding Officer Wyers announced Ordinance No. 93-487 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 93-483A, For the Purpose of Amending Metro Code Section 5.05.030 to Modify the Designated Facility Status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for Purposes of Flow Control, to Add Roosevelt Regional Landfill and Finley Buttes Regional Landfill to the List of Designated Facilities, and Declaring an Emergency (Public Hearing)

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

Presiding Officer Wyers announced Ordinance No. 93-483 was first read on February 11 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered it on March

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2 and recommended Ordinance No. 93-483A to the full Council for adoption.

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-483A.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations.

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

The Council as a whole briefly discussed the ordinance. Councilor Kvistad commended the Solid Waste Committee on its thorough work on the ordinance.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-483A was adopted.

4. CONSENT AGENDA

4.1 Minutes of November 24 and December 22, 1992, and January 28 and February 11, 1993

Councilor McFarland corrected the November 24, 1992, minutes for the record. She noted "Klickitat" on page 3 should be referred to as "Klickitat County" and requested the first sentence of paragraph six on page 4 be deleted: "Councilor McFarland noted Legal Counsel had stated that Metro and OWS had agreed to disagree on whether designated facilities were exempt or not from the 90 percent clause in Metro's contract with OWS." She said the issue was not whether the facilities themselves would be exempt or not, but whether the solid waste going to them for disposal would be exempt or not.

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

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the Consent Agenda was adopted as corrected.

7. RESOLUTIONS

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item Nos. 7.1 and 7.2.

7.1 Resolution No. 93-1774, For the Purpose of Exempting the Move of the Metro Center Telephone System to the Washington Park Zoo from Competitive Bid, and Authorizing a Sole Source Extension to the Matrix Communications, Inc. Contract No. 901599

Motion: Councilor Gardner moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1774.

Councilor Gardner gave the Regional Facilities Committee's report and recommendations. He explained Metro Center's current phone system was not adequate for the new Metro Regional Center and would be utilized by the Washington Park Zoo instead. He said Matrix Communications, Inc. was the only vendor which could provide the services required and therefore the sole source criteria was justified.

Councilor Van Bergen asked if the telephone system was portable or should be classified as part of the building's fixtures for future tenants. Councilor Gardner explained the system could be moved and future tenants would implement their own system.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1774 was adopted.

7.2 Resolution No. 93-1683A, For the Purpose of Authorizing an Exemption from the Competitive Procurement Procedures of Metro Code Section 2.04.053 to Permit the Executive Officer to Execute Contract Amendment No. 16 with SCS Engineers

Motion: Councilor Washington moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1683A.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the resolution was the result of protracted negotiations with SCS Engineers concerning payment for construction design and management services provided by SCS Engineers for renovations and improvements at Metro South Station (MSS).

Councilor Van Bergen asked if adoption of Resolution No. 93-1683A would satisfactorily settle the dispute. Councilor Washington said it would. Councilor Devlin stated for the record the amount to be settled on SCS Engineers was \$60,350.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1683A was adopted.

7.3 Resolution No. 93-1754A, For the Purpose of Approving Designated Facility Agreements Under Metro Code Section 5.05.030 for Columbia Ridge Landfill, Roosevelt Regional Landfill, Hillsboro Landfill, Lakeside Reclamation Landfill and Finley Buttes Landfill

Main Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1754A.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations. He noted Exhibit A as corrected and explained the correct version as approved by the Solid Waste Committee was not printed in the agenda packet for this meeting. He explained the resolution was companion legislation to Ordinance No. 93-483A adopted this date. He said the resolution would approve agreements with the newly designated facilities and agreements with facilities which required modification. He said the agreements related to general purpose landfills were similar to those related to limited purpose landfills.

Motion to Amend: Councilor Buchanan moved, seconded by Councilor Devlin, to amend Resolution No. 93-1754A by incorporating the corrected Exhibit A as distributed.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion to amend passed.

Vote on Main Motion: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1754B was adopted.

7.4 Resolution No. 93-1767, For the Purpose of Approving Projects for the One Percent for Recycling Program for the 1992-93 Fiscal Year

Main Motion: Councilor Washington moved, seconded by Councilor Hansen, to adopt Resolution No. 93-1767.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the resolution would approve projects for the One Percent for Recycling Program for the 1992-93 Fiscal Year and noted the resolution had to be amended to delete Project 2. He explained Project 2 was to award \$70,000 to Pacific Rock Projects for rock crushing, but noted that Ralph Gilbert, East County Recycling owner, had pointed out to Solid Waste Department staff that he had already purchased rock crushing equipment.

Motion to Amend: Councilor Washington moved, seconded by Councilor Buchanan, to amend Resolution No. 93-1767, paragraph 6, to replace the word "six" with the word "five;" changing the total amount to "\$122,624;" deleting the words "leaving a contingency of \$7,376 for unforeseen needs;" and revising Exhibit A, the Project List, to delete Project 2, Pacific Rock Products, from the list, subject to further consideration by the 1% for Recycling Committee for recommendation to and future action by the Metro Council.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1767A was adopted.

7.5 Resolution No. 93-1766, For the Purpose of Approving a Gas Extraction Agreement with B.I.O. Gas Industries (Portland), Inc., For Landfill Gas Generated at the St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1766.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She explained the resolution would approve an

agreement to with B.I.O. Gas Industries to collect gases at the St. Johns Landfill to be transmitted and sold to nearby industrial users and said Metro would receive royalty payments based on gas sale revenues. She said staff estimated Metro would collect approximately \$85,000 annually from the agreement.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1766 was adopted.

7.6 Resolution No. 93-1759, For the Purpose of Authorizing the Issuance of a Request for Bids (RFB) #93B-5-SW for Repairs and Improvements to the Roof and Ventilation System at Metro South Station

Main Motion: Councilor McLain moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1759.

Councilor McLain gave the Solid Waste Committee's report and recommendations. She explained the RFB would solicit bids to replace the existing roof and ventilation system. She said staff also recommended the placement of a permanent roof over the trailer tunnel used by Hazardous Household Waste (HHW) staff. Councilor McLain noted Council Analyst John Houser's March 11 memorandum which stated: "In response to concerns expressed by the Solid Waste Committee, staff has prepared a revision to the RFB that would allow bidders to offer a bid that would include a warranty on the roof to be constructed."

Motion to Amend: Councilor McLain moved, seconded by Councilor Gates, to include additional RFB language per Mr. Houser's memo above.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1759A was adopted.

ADDITIONAL AGENDA ITEM
NON-REFERRED RESOLUTION

7.7 Resolution No. 93-1779, For the Purpose of Providing for a Dispute Resolution Process in the Event Councilors are Unable to Agree on Appointments to the Apportionment Process

Motion to Suspend the Rules: Councilor Gardner moved, seconded by Councilor McFarland, to suspend the Council's rules requiring resolutions be referred by committee so that the Council as a whole could consider Resolution No. 93-1779.

Vote on Motion to Suspend the Rules: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion passed.

Main Motion: Councilor Devlin moved, seconded by Councilor Gardner, to adopt Resolution No. 93-1779.

Presiding Officer Wyers explained Resolution No. 93-1779 was necessary to establish a process for resolving disputes related to appointing candidates to the Apportionment Commission.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Gates, to amend Resolution No. 93-1777, Be it Resolved section as follows (deletions bracketed and additions underlined): "On the [~~seventh~~] fifth day after the adoption of this Resolution..."

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1777A was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers discussed a meeting with C-TRAN to be held March 22, noted five Councilors had signed up to attend the meeting and said other Councilors were welcome to attend.

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Councilor Moore reported on the Global Warming Symposium held on March 10.

Councilor Buchanan discussed the Joint Policy Advisory Committee on Transportation (JPACT) meeting held the date of this meeting.

Councilor McLain discussed the pending satellite Household Hazardous Waste Days to be held in Aloha, Forest Grove, Gresham and Sandy.

Councilor Devlin noted a legislative committee would consider SB 392 on March 15 and

Motion to Amend: Councilor Devlin moved, seconded by Councilor Gates, to amend Section 4 of SB 392, ORS 197.610(1) (new language underlined): "A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation or to amend Metro land use planning goals and objectives or Metro regional framework plan shall be forwarded to the director at least 45 days before the final hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The director shall notify persons who have requested notice that the proposal is pending."

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and the motion passed.

Councilor Gardner discussed the application/selection process for the Future Vision Commission and asked Councilors to mention that applications were available when giving talks in their individual districts.


Presiding Officer Wyers discussed her trip to Washington, D.C. to discuss light rail issues with the Oregon and Washington delegations.

The Council discussed the Council Budget work session to be held March 13.

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**All business having been attended to, Presiding Officer Wyers
adjourned the meeting at 5:30 p.m.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paulette Allen", followed by a horizontal line.

Paulette Allen
Clerk of the Council