

MINUTES OF THE COUNCIL
METROPOLITAN SERVICE DISTRICT

October 25, 1979

Councilors In Attendance

Chairman Michael Burton
Vice Chairman Donna Stuhr
Coun. Craig Berkman
Coun. Jack Deines
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Caroline Miller
Coun. Cindy Banzer
Coun. Charles Williamson
Coun. Gene Peterson
Coun. Marge Kafoury

Others In Attendance

Mr. John Hankee
Mr. Bob Wright
Ms. Judy Roupf
Mr. Jerry Powell
Mr. Jim Allison
Mr. Gordon Davis
Mr. Tim Schaurman
Mr. Todd Dugdale

Councilor Not In Attendance

Coun. Corky Kirkpatrick

Staff In Attendance

Executive Officer, Rick Gustafson
Mr. Denton U. Kent
Mr. Andrew Jordan
Mr. William Ockert
Mr. Jack Bails
Mr. Tom O'Connor
Mr. James Sitzman
Ms. Peg Henwood
Ms. Caryl Waters
Mr. Charles Shell
Ms. Michele Wilder
Ms. Karen Hiatt
Mr. Merle Irvine
Mr. Mel Huie
Ms. Marilyn Holstrom
Mr. Warren Iliff
Ms. Mary Carder

Metro Council
Minutes of October 25, 1979

CALL TO ORDER

After declaration of a quorum, the October 25, 1979, meeting of the Council of the Metropolitan Service District (Metro) was called to order by Presiding Officer Michael Burton at 7:30 p.m. in the Council Chamber of the Metropolitan Service District at 527 S. W. Hall Street, Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Chairman Burton announced that Councilors had received a letter from Mr. Ronald Pausig protesting the possibility of a landfill in the Durham area.

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

Mr. Jim Allison, President of the Washington County Landowner's Association, asked to introduce a resolution prepared by the Association concerning the hearings process. He said the resolution had been signed by the Mayor of Sherwood. Mr. Allison read the resolution requesting a change in Council hearing procedures at the meeting of November 8. A copy of that Resolution is on file at the Metro office. Councilors discussed the proposed resolution, after which Coun. Stuhr moved, seconded by Coun. Schedeen, that the proposals outlined in Mr. Allison's resolution be incorporated into the Council hearings process.

Chairman Burton was concerned whether the Council could incorporate these proposals, thereby changing the hearings procedure, without having a public hearing on the matter.

Mr. Andy Jordan, Legal Counsel, said the Council could conduct its public hearings in any manner it wished.

Coun. Kafoury asked whether public hearings were held on both the first and second readings of an ordinance. Mr. Jordan said the normal procedure was to hold a public hearing on the first reading of the ordinance and the public hearing had been scheduled for this Council meeting. He said he saw no necessity to introduce this process since Roberts Rules of Order already covered this.

Coun. Williamson said he was in favor of the concept. He wanted presentations that could be understood, but he was concerned about adopting a hard and fast rule. He thought that the Council could remain flexible and conduct its hearings in a manner that does not work a hardship without adopting such rules.

Metro Council
Minutes of October 25, 1979

After discussion it was ascertained that it was the consensus of the Council that the Chair has sufficient flexibility to allow people to be heard and to allow a spokesperson for a group.

Coun. Deines moved to defer the hearing on the Urban Growth Boundary until the meeting of November 8. Chairman Burton ruled that this motion was out of order.

Coun. Stuhr said she would vote against the original motion with the understanding that there would be some flexibility in time limits.

Chairman Burton said that he thought it was important to allow time for the spokesperson of a group.

Coun. Stuhr, with the agreement of her second, withdrew the motion.

Coun. Williamson moved, seconded by Coun. Peterson, to take public testimony at the meeting of November 8.

The Executive Officer said that he had hoped to reserve some comments until later in the meeting, but that he wanted to explain the purpose of these hearings. First of all, the Council was adopting Findings to justify the UGB based upon the market factor and land committed to urban area because of the location of public facilities and development. Testimony should focus on whether or not the location of facilities and the market factor was accurate and justified the UGB. On November 8 the Council would take final action on material to submit to LCDC. Without final action on November 8, the December 13 or 14 meeting with LCDC would have to be cancelled. It would be more appropriate for the public to attend the Planning and Development Committee meeting on October 29 or 30 because it would be exceedingly difficult to hear public testimony and reach a decision at the meeting on November 8.

Coun. Miller asked if what they were doing was addressing the points on which LCDC had requested clarification. Mr. Gustafson said that in essence that was correct. The Council was formally adopting Findings based on hearings that the Council has had with LCDC.

Coun. Williamson moved, seconded by Coun. Peterson, to amend his motion to state that the Council would have a special hearing on October 30, and that the Planning and Development Committee would meet November 1 to formulate a recommendation to the Council based on the prior public hearings.

Councilors discussed the motion. Mr. Gustafson asked to clarify his earlier statement and said that the Agriculturally Soft Areas (ASA) are an appropriate topic for discussion,

Metro Council
Minutes of October 25, 1979

particularly, the question of whether a parcel of land is within or without that area.

Roll call vote on Coun. Williamson's motion, as amended, to hold a special public hearing on October 30. Couns. Burton, Stuhr, Williamson, Berkman, Deines, Rhodes, Schedeen, Banzer, Peterson, Kafoury voted aye. Coun. Miller voted nay. Coun. Kirkpatrick was absent. The motion carried.

4. CONSENT AGENDA

4.1 Minutes of meeting of ^{September} ~~October~~ 27, 1979.

Coun. Stuhr moved, seconded by Coun. Kafoury, to approve the minutes of ~~October 25,~~ ^{September 27}

Coun. Berkman made reference to a section in the minutes referring to a landfill, and said that this portion should be clarified to show that his comments were directed toward the Tigard Sand and Gravel as a potential landfill.

There were no further corrections to the minutes. All Councilors present voting aye, the motion carried unanimously.

4.2 A-95 Review directly related to Metro.

Coun. Miller moved, seconded by Coun. Stuhr, to approve Item 4.2.

All Councilors present voting aye, the motion carried unanimously.

4.3 Contracts

Mr. Gustafson called attention to an additional pink sheet relating to a project management contract for the resource recovery facility. He said that 12 proposals had been received with four firms being selected for interview. Of the four firms, Batelle, Columbus Laboratories was determined to be the most appropriate for this work. It was recommended that the Council approve execution of a contract with Batelle, Columbus Laboratories.

Coun. Deines explained that the Solid Waste Committee had reviewed the recommendation of the Interviewing Committee at its last meeting. Coun. Deines did not know whether the Batelle, Columbus Laboratories firm was one of those which the Solid Waste Committee had reviewed.

Coun. Peterson said that the firm the Interviewing Committee was recommending was not one of those that the Solid Waste Committee had discussed.

*corrected -
minutes of
10/20/79*

Metro Council
Minutes of October 25, 1979

Coun. Williamson moved, seconded by Coun. Deines, to approve the contracts with the exception of the contract for a resource recovery facility and that that contract be referred to the Solid Waste Committee for further study.

Coun. Peterson asked if it would be agreeable with the other three members of the Solid Waste Committee to meet during the break to see if a consensus could be reached so that this matter could be taken up with the Council later in the meeting. There was an urgency to proceed unless the Council had specific problems.

Coun. Williamson said he had had only sketchy information and that he was concerned that this had not gone through the Council Committee. He felt that perhaps a local firm could have been approved rather than a firm from Columbus, Ohio, and that this should be looked at more carefully.

Question called on the motion. All Councilors present voted aye, except Coun. Rhodes who voted nay. The motion carried.

5. REPORTS

5.1 Report from Executive Officer

Mr. Gustafson asked the Council to allow an exception to the hiring freeze on two positions; one, an Accounting Technician, the other an Administrative Assistant. He explained that the Accounting Technician position was recently vacated and that the budget impact would be about \$1,005. The other position was for an Administrative Assistant to the Executive Officer. Mr. Gustafson asked that that position be decreased to be placed on the same level as the Clerk of the Council. This decrease would save \$1,800 for the remaining seven months of the fiscal year.

Coun. Miller moved, seconded by Coun. Rhodes, to approve the recommendation of the Executive Officer for exceptions to the hiring freeze.

Chairman Burton asked the status of hiring a Council Secretary.

The Executive Officer said it was his intent to proceed immediately to open the Council Secretary position.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

The Executive Officer said that the Planning and Development Committee had recommended that Metro appeal three subdivisions that had been approved by Clackamas

**Metro Council
Minutes of October 25, 1979**

County. The Council had been requested to authorize an appeal of the approvals of the Sunwood, Bush Garden III and Maple Lane Park Subdivisions to LCDC.

Coun. Kafoury said the Planning and Development Committee had previously approved the request of the Legal Counsel to file appeals on these three subdivisions but has not proceeded in order that negotiations could proceed with officials of Clackamas County. Those negotiations have not been successful; therefore, the Council is being asked to approve filing of the appeals.

Coun. Kafoury moved, seconded by Coun. Rhodes, that the Council pursue appeals to LCDC of the Sunwood, Bush Garden III, and Maple Lane Park subdivisions in Clackamas County. All Councilors present voting aye, the motion carried unanimously.

Mr. Gustafson said he had had an opportunity to appear before the Interim Committee on Governmental Affairs. He said the Committee was very interested in Metro and asked questions about progress with landfill siting. He said the Committee was very supportive and had expressed interest in the Metro Finance Task Force.

5.2 Council Committee Reports

Chairman Burton said that the Local Officials Advisory Committee (LOAC) had met and discussed the Local Improvement District (LID) ordinance which has been recommended to the Council for passage. Chairman Burton informed the Council that Thursday, November 29, from 5:30 to 6:30 p.m., there would be a legislative reception to express appreciation to Legislators for their support. Chairman Burton said the Council had received a staff report summarizing the legislative efforts.

Ways and Means Committee: Coun. Deines said the Ways and Means Committee met October 15. He asked that the Council hold December 1 open, since that day has been set aside for a retreat to work on next year's budget. If the Council has projects to work into the budget process, these should be outlined and presented at that retreat.

Coun. Banzer said it had come to her attention that erroneous information had been received regarding financing, particularly regarding a levy. She asked if it would be appropriate for the Chairman to send a letter to the legislative fiscal office requesting information on Metro financing options.

Chairman Burton was not sure that would be appropriate. He suggested that the state be contacted to ascertain Metro's exact status.

Metro Council
Minutes of October 25, 1979

Mr. Gustafson said the Department of Revenue had said it would have a definitive statement in January. Within a week or two there should be a clarification of the procedure.

Chairman Burton said that he would pursue this matter with the Executive Officer.

Zoo Committee: Coun. Banzer said the Zoo Committee had completed public hearings and had received some good input. She said the next month would be spent in prioritizing the existing development plan. The Committee would be ready to present a package which would include the development plan and a proposed budget.

JPACT: Coun. Williamson said the JPACT Committee had not met since the last Council meeting. He reported regarding the Westside Corridor that Steve Siegel had met with the Washington County elected officials caucus and presented information. He said Peg Henwood was working on citizen participation in connection with the Westside Corridor.

Planning and Development Committee: Coun. Kafoury said the Planning and Development Committee had held a hearing on the UGB in Washington County which was attended by 20 people. The Committee will hold two other hearings Monday and Tuesday, one of which would now be a full Council meeting. She reported that the Committee had approved a work program for goals and objectives and is working on guidelines which would be reported on at the next Council meeting. The Committee had looked at plans which were in the process of plan review and would probably have one or two for Council review at a meeting in the near future.

Solid Waste/Public Facilities: Coun. Deines said reorganization of the Solid Waste Division had been approved by the Solid Waste Committee. The Committee had acted on a collection franchise policy which the Solid Waste Advisory Committee discussed last month. The Committee also discussed the Tigard Sand and Gravel site as a possible landfill. A recommendation to the Department of Environmental Quality (DEQ) was tabled by the Committee.

- 5.3 A-95 Review Report: Council discussed the A-95 items contained in this report. This report was for information only and no action was required.

A short break was taken.

Coun. Berkman left the meeting.

6. OLD BUSINESS

Public Hearings

**Metro Council
Minutes of October 25, 1979**

6.1 Administrative Procedure Rules.

6.1.1 Rule No. 79-1, Establishing Notice Procedure for Rule Making.

Chairman Burton announced that motions would be for adoption since these Agenda items had been discussed at the meeting of October 11.

Coun. Deines moved, seconded by Coun. Peterson, that Rule No. 79-1 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

Rule No. 79-2, Establishing Procedure for Rule Making.

Coun. Miller moved, seconded by Coun. Schedeen, that Rule No. 79-2 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Coun. Peterson said that these Rules had been introduced by the Ways and Means Committee. It had been his understanding that the Committee had not reviewed them prior to the last Council meeting. Coun. Burton said the Committee had reviewed these rules and had recommended them for adoption.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

6.1.2 Ordinance No. 79-74, Repealing Contested Case Hearings Procedure Adopted by MSD Ordinance No. 42 (1976) (Second Reading).

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-74 the second time by title only.

The motion for adoption of this Ordinance was made at the meeting of October 11, 1979. There was no further discussion on this Ordinance.

Metro Council
Minutes of October 25, 1979

Roll call vote. All Councilors present voting aye, the motion carried unanimously.

Rule No. 79-3, Establishing Rules of Procedure for Contested Cases.

Coun. Deines moved, seconded by Coun. Schedeen, that Rule No. 79-3 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

All Councilors present voting aye, the motion carried unanimously.

6.1.3 Ordinance No. 79-75, Amending Ordinance No. 79-73 (Personnel Rules) Relating to Personnel Discharge Procedures (Second Reading).

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-75 the second time by title only.

The motion for adoption of this Ordinance was made at the meeting of October 11, 1979.

Coun. Deines asked if this matter had been reviewed by the employees group. The Executive Officer said that the employee representatives had reviewed the Ordinance.

Roll call vote. All Councilors present voting aye, the motion carried unanimously.

6.1.4 Rule No. 79-4, Establishing Rules of Procedure for District Declaratory Rulings.

Coun. Kafoury moved, seconded by Coun. Stuhr, that Rule No. 79-4 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Coun. Williamson said he had no objection to this Rule, ~~even though it was highly technical.~~ Coun. Williamson felt strongly that this Rule should not be used often, but should be used only under extraordinary circumstances.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

**Metro Council
Minutes of October 25, 1979**

The Council adjourned as the Metro Council and convened at this point as the Metro Contract Review Board.

6.2 Public Contract Review

6.2.1 Ordinance No. 79-76, Designating and Creating Public Contract Review Board (Second Reading).

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-76 the second time by title only.

The motion for adoption of this Ordinance was previously made at the meeting of October 11, 1979.

Roll call vote. All Councilors present voting aye, the motion carried unanimously.

6.2.2 Rule No. CRB 79-1, Adopting Rules of Procedure for Meetings of the Metro Contract Review Board and Superseding OAR Chapter 127 (Divisions 80 and 90).

Coun. Peterson moved, seconded by Coun. Kafoury, that Rule No. CRB 79-1 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

All Councilors present voting aye, the motion carried unanimously.

6.2.3 Rule No. CRB 79-2, Adopting Rules for Exemption of Certain District Contracts from Competitive Bidding Requirements.

Coun. Schedeen moved, seconded by Coun. Rhodes, that Rule No. CRB 79-2 be adopted.

Public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Coun. Deines asked Legal Counsel whether the exemption from competitive bidding would alter the limits of the Executive Officer to approve contracts without Council approval.

Mr. Jordan said this had nothing to do with that approval.

Metro Council
Minutes of October 25, 1979

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

6.2.4 Rule No. CRB 79-3, Adopting Rule Exempting Washington Park Zoo Primate Exhibit Contract from Competitive Bidding Procedures.

Coun. Banzer moved, seconded by Coun. Miller, that Rule No. CRB 79-3 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Mr. Gustafson explained that bids were called for previously on the Primate Exhibit which were far over the estimate. Adoption of this Rule would allow the Council to ask for quotations and negotiate a contract. Staff feels that the District can get a better competitive price by going that route.

Coun. Williamson explained that adoption of this Rule could set a precedent in that Council could be obligated to go this route again.

Question called on motion. All Councilors present voting aye, the motion carried unanimously.

The Metro Contract Review Board adjourned. The Metro Council reconvened.

7. NEW BUSINESS

7.1 Ordinance No. 79-77, Adopting Urban Growth Boundary and Findings. (First Reading) (Public Hearing)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-77 the first time by title only.

The public hearing was opened.

Mr. Gordon Davis said he represented property owners affected by the matter before the Council. He outlined the particular area in question and said it was designated as an Agricultural Soft Area. Effectively this placed a 10 year moratorium on the property. Mr. Davis said he had presented lengthy testimony at the public hearing previously held by the Planning and Development Committee and that he would present the Council a written report covering that material. Mr. Davis said he felt the

Metro Council
Minutes of October 25, 1979

testimony given at that hearing would justify removal of this area from the moratorium.

Councilors questioned Mr. Davis regarding the property in question. Coun. Williamson asked for a staff report on the area in question with a justification for keeping it an Agricultural Soft Area. He asked if more flexibility could be provided in the guidelines.

Mr. Tim Schauerman spoke in favor of this land being included in the Urban Growth Boundary for future development.

Coun. Burton asked if there had been any input from the Port of Portland as to expansion of the airport. Mr. Sitzman said that staff had not received any testimony on that question.

Mr. Todd Dugdale, Planning Director for the city of Sherwood, submitted a written summary of comments made at the hearing previously held by the Planning and Development Committee. He asked consideration of the letter of October 23 from the Mayor of Sherwood. He said the City is a very important part of a specially regulated, so-called, moratorium area.

Councilors questioned Mr. Dugdale regarding the area in question.

The public hearing was closed.

Coun. Kafoury moved, seconded by Coun. Rhodes, that Ordinance No. 79-77 be adopted. She said a second public hearing would be held at the Multnomah County Courthouse on October 30, 1979.

Coun. Stuhr asked what the process would be to amend Findings to include a provision to allow, reject or have an exceptions process. Mr. Sitzman explained how this could be accomplished.

Coun. Kafoury said that the Planning and Development Committee would meet November 1 to make any amendments the Council might desire. Further action will be taken on this Ordinance at the meeting of November 8.

7.2 Ordinance No. 79-78, Establishing Procedures Relating to Local Improvement Districts (LID) and Apportionment and Levy of Assessments Related Thereto. (First Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-78 the first time by title only.

Metro Council
Minutes of October 25, 1979

Coun. Stuhr moved, seconded by Coun. Schedeen, that Ordinance No. 79-78 be adopted.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

No action was required at this meeting. Final action will be taken at the meeting of November 8, 1979.

7.3 Resolution No. 79-101, Authorizing New Positions Solid Waste Division.

Coun. Deines moved, seconded by Coun. Peterson, that Resolution No. 79-101 be adopted.

Coun. Deines reported that this Resolution had been discussed by the Solid Waste/Public Facilities Committee and at the Ways and Means Committee meeting. It was discovered through those meetings that the program embarked upon is much larger than originally thought, requiring a greater effort than can be provided without a reorganization of the division and creation of new positions.

Coun. Rhodes said the recommended revision in the staff level is a valid recommendation that will keep the program moving. It is recognized that the Solid Waste Division is no longer strictly technical. The positions are not designed for specific people but to maintain a balanced program. The solid waste effort is an important one, which the Council has assigned top program priorities; therefore, staff must be supplied to do the job.

Mr. Irvine explained that the Solid Waste Engineer and Solid Waste Technician would be recruited immediately upon approval of this Resolution. The duties of the Resource Recovery Manager would initially be performed under a Personal Services Contract. When a decision was made to implement the resource recovery project, the position would be filled with a permanent employee.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

Coun. Rhodes said the Solid Waste Committee had met during the break, discussed the contract requested for approval for the resource recovery facility and had made a decision regarding the recommendation.

Coun. Deines moved, seconded by Coun. Rhodes, that the Council award the contract for the first six work tasks for project management functions at the resource recovery facility to Batelle, Columbus Laboratories.

Metro Council
Minutes of October 25, 1979

Coun. Peterson clarified that the Review Committee was initially furnished the background on three firms. The Batelle Company was not one of those listed because of apparent excessive travel costs. However, the Committee recognized that this company was probably the best qualified to do this job and, therefore, checked again with that company regarding costs for travel. After consideration it was found that the majority of the travel costs were, in fact, on the last three items which were not being considered at the time. The costs bid on the first six items were on a par with the other bids. For that reason, the Review Committee felt it was in the best interest of the District to select the Batelle Company.

Question called on the motion. All Councilors voted aye, except Coun. Burton, who voted nay. The motion carried.

8. ANNOUNCEMENTS

There were no announcements at this time.

ADJOURNMENT

There being no further business to come before the Council at this time the meeting was adjourned.

Respectfully submitted,



Mary E. Carder
Clerk of the Council

MC/gl
5840A
0087A