

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

MAY 27, 1982

Members present: Couns. Banzer, Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen and Williamson.

Members absent: Coun. Berkman.

Staff present: Andy Jordan, Joe Cortright, Steve Siegel, Andy Cotugno, Norm Wietting, Jennifer Sims, Kay Rich, Teri Anderson and Wayne Coppel.

Visitors present: The following people were present representing the Jenne Lynd area:

Virginia McKechnie, Floyd McKechnie, Howard Neufeld, Elizabeth Lucas, Dorothy Reese, Bonnie Brunkow, Frances Hyson, Jim Worthington, George Hammersmith, Bruce Burmeister.

Roxanne Nelson, City of Portland;
Jack Kalinoski, Associated General Contractors;
Dan Siefer, Parker-Northwest;
Pat O'Brien, OTKM Construction;
Jim Dooney, Leonard Anderson Co.

The meeting was called to order by Presiding Officer Banzer at 7:55 PM.

1. Introductions.

Coun. Schedeen introduced Sharon Kelley, recently elected Metro Councilor for District #7.

Coun. Oleson introduced Gary Hansen, recently elected as Metro Councilor for North Portland.

2. Written Communications to Council.

Presiding Officer stated she had received correspondence from the TSCC regarding the upcoming Metro Budget hearing on June 15, at 1:00 PM.

There were no citizen communications on non-agenda items.

Presiding Officer stated there were the following additions to the published agenda:

Reconsideration of Contested Case #81-6 (Jenne Lynd/Schoppe Acres trade proposed by the City of Portland); and

Recommendation from the Coordinating Committee regarding a bid for construction of the Clackamas Transfer and Recycling Center;

both of which would be discussed at the end of the regular agenda items.

Presiding Officer stated that the Jenne Lynd case would be discussed at 8:30 PM; in the meantime, the opponents and proponents were instructed to decide how each would allocate the allotted fifteen minutes each side would be given.

4. Councilor Communications.

Coun. Etlinger reminded those present that the Red Cross has arranged with Metro the date of June 7 for donations to the blood bank.

Coun. Etlinger commented on the result of the Multnomah County election, stating that it was a step backward and would hinder the operations of the County government. He also commented on the negative effect the school district would suffer from having a separate district formed.

Coun. Schedeen. stated that at the annual meeting of the Friends of the Zoo, complimentary comments were made about Metro and its working relationship with the Zoo.

Presiding Officer stated that Coun. Kafoury had been overlooked in the previous announcements of elections, and Coun. Kafoury was congratulated on her election by the members of the Council.

5. Consent Agenda.

The consent agenda consisted of the following:

- 5.1 Recommendation on Resolution No. 82-331, For the Purpose of Approval of the 1983 Unified Work Program.
- 5.2 Recommendation on Resolution No. 82-332, Extending the October Deadline for Petitions for Locational Adjustments to Metro's Urban Growth Boundary.
- 5.3 Recommendation on Award of Contract to Fairbanks Weighing Division of Colt Industries for Furnishing and Installing Scale Equipment for the Clackamas Transfer and Recycling Center. (Section I)
- 5.4 Recommendation on Council Review of Contract Amendments.
- 5.5 Recommendation on Contract for Design of Alaskan Tundra Exhibit.
- 5.6 Recommendation of Waiver of Personnel Rules (Solid Waste Senior Accountant).

Motion that the consent agenda be approved; carried unanimously.
(Kirkpatrick/Kafoury)

6.1 Recommendation on Execution of Metro/Tri-Met/ODOT Agreement regarding Funding for Special Needs Transportation.

Motion that execution of the agreement be approved; carried unanimously.
(Etlinger/Kafoury)

6.2 Recommendation on Resolution No. 82-329, For the Purpose of Granting a Franchise to Sunflower Recycling for the Purpose of Operating a Processing Facility.

General discussion of Sunflower's requests for waivers to the franchise fees.

Motion to adopt Resolution No. 82-329; carried. (Kafoury/Schedeen, Deines and Oleson voting "no")

6.3 Recommendation on Black and Veatch Contract Amendment for Phase III, Construction Contract Administration and Engineering Services during Construction of CTRC.

6.4 Recommendation on Black and Veatch Contract Amendment for Construction Inspection Services of the CTRC.

Motion that the Black and Veatch contract amendments be approved; carried unanimously. (Deines/Burton)

7.1 Public Hearing on Ordinance No. 82-134, Exempting Purchases of the Zoo Gift Shop Inventory from Competitive Bidding. (First Reading)

Motion that Ordinance No. 82-134 be adopted. (Deines/Kafoury)

General discussion of the reasons for exemption.

There was no one present who wished to present public testimony on the matter.

Reconsideration of Contested Case No. 81-6, In the Matter of a Petition for a Locational Adjustment to the Urban Growth Boundary (UGB) to Add Jenne Lynd Acres and Remove Schoppe Acres.

Roxanne Nelson and Doug Fowler, representing the City of Portland, presented the City's position on the matter.

Bruce Burmeister and George Hammersmith, representing a group of residents in the Jenne Lynd area, presented the opposition to the petition.

At the conclusion of the arguments, Presiding Officer stated that the Council has three options:

- 1) Reaffirm the original action, which denies the City of Portland's petition;
- 2) Reverse the action and approve the petition outright; or
- 3) Approve petitions with conditions as presented by the Development Committee.

A final order will then be prepared by the staff and appear on the next meeting's consent agenda.

Coun. Rhodes stated that because the Council's previous decision demonstrated a responsible concern about a previously proven direct relationship between increased housing and increased flooding along Johnson Creek, and because that hazard is a major influence on the Jenne Lynd area, she made the following motion:

Motion to affirm the Council's previous decision to deny the request to amend the Urban Growth Boundary and direct staff to prepare a final order formalizing that action. (Rhodes/Kafoury)

General discussion of the motion.

Coun. Kafoury asked Legal Counsel if the Council has the authority to impose conditions upon approval of the petition, as presented by the Development Committee.

Legal Counsel Jordan stated it is not illegal, but Metro has no authority to require annexation. However, it could require adequate services be made available, since it is a requirement of Metro's UGB amendment process.

Motion to amend the previous motion to state that the Council approves the Development Committee's recommendation and approves the petition with conditions. (Williamson/Kirkpatrick)

Presiding Officer stated that she would consider Coun. Williamson's motion after voting on the original motion made by Coun. Rhodes.

Motion to overrule the decision of the Chair; carried. (Williamson/Kirkpatrick)

General discussion of the motion and amendment.

A vote was taken on Coun. Williamson's amendment to the main motion (to approve the Development Committee's recommendation and approve the petition with conditions) and the motion failed to pass by the following roll call vote:

YEAS: Etlinger, Williamson, Deines, Bonner, Kirkpatrick
NAYS: Rhodes, Kafoury, Oleson, Burton, Banzer
ABSENT: Berkman
ABSTAINING: Schedeen

A vote was taken on Coun. Rhodes' motion (to reaffirm the Council's decision and deny the petition) and the motion failed by the following roll call vote:

YEAS: Etlinger, Rhodes, Kafoury, Banzer
NAYS: Williamson, Deines, Oleson, Bonner, Kirkpatrick, Burton
ABSENT: Berkman
ABSTAINING: Schedeen

Motion to approve the petitions with conditions (requiring that the trade is approved, provided that the entire Jenne Lynd acres area is annexed to a City within two years) (Burton/Deines); carried by the following roll call vote:

YEAS: Etlinger, Rhodes, Williamson, Kafoury, Banzer, Bonner,
Kirkpatrick
NAYS: Deines, Oleson, Burton
ABSENT: Berkman
ABSTAINING: Schedeen

Presiding Officer stated that the staff is directed to prepare a resolution of intent to effect this change in the UGB when the conditions are met.

Resolution No. 82-334, A Resolution Allowing Awarding of the CTRC Construction Contract to Parker Northwest Construction Co. Subject to Conditions.

Coun. Burton stated the Coordinating Committee met prior to the Council meeting and there was some concern regarding the bidding process--namely the requirement for Minority Business Enterprise participation of 10% in each bid. He continued that after hearing testimony from Jack Kalinoski (representing Associated General Contractors), Dan Siefer (representing Parker Northwest), and Pat O'Brien (representing OTKM Construction, one of the bidders), the Committee recommends Council approval of the contract, subject to the conditions listed in Resolution No. 82-334.

Motion to approve Resolution No. 82-334. (Burton/Williamson)

Motion to amend the third paragraph of the resolution to read "as required" instead of "as indicated"; failed to pass, with 3 votes "yes", 6 votes "no". (Bonner/Etlinger)

Motion to amend the third paragraph of the resolution to read as follows:

"WHEREAS, thirteen (13) of the fourteen (14) bidders neglected to submit Minority Business Enterprise (MBE) information as required in the request for proposals and in the Metro MBE Program and the remaining bidder submitted insufficient MBE information; however all bidders agreed to comply with all Metro MBE requirements; and"

passed, with 7 votes "yes", 3 votes "no". (Williamson/Kirkpatrick)

A vote on the main motion (to approve Resolution No. 82-334, as amended) indicated the motion passed by the following roll call vote:

YEAS: Rhodes, Williamson, Deines, Oleson, Schedeen, Kirkpatrick,
Burton
NAYS: Etlinger, Banzer, Bonner
ABSENT: Berkman, Kafoury.

Award of Contract to Richard T. Robertson, Inc. for the Construction of the Clackamas Transfer and Recycling Center (CTRC) (Section II).

Coun. Deines stated the Coordinating Committee also considered award of this contract this evening (which includes the construction of the water and sewer pipelines for the site) and recommends Council approval.

Motion to award a contract to Richard T. Robertson, Inc., for construction

Page 6
5/27/82
Council Minutes

at the CTRC site; carried unanimously. (Deines/Rhodes)

The meeting adjourned at 10:45 PM.

Respectfully submitted,



Sue Haynes
Clerk of the Council