

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**REGULAR MEETING
DECEMBER 20, 1982**

Councilors Present: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Also Present: Rick Gustafson, Executive Officer.

Staff: Donald Carlson, Andrew Jordan, Dan Durig, Doug Drennen, Norm Wietting, Ray Barker, Jennifer Sims, Dan LaGrande, and Warren Iliff.

Testifiers: Geraldine Ball, Carl Miller, Shirley Coffin, and Carol Bailey.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Deputy Presiding Officer Oleson.

1. Introductions.

There were no introductions.

2. Councilor Communications.

There were no Councilor Communications.

3. Executive Officer Communications.

Donald Carlson, Deputy Executive Officer, presented an update on the Future Funding process. He indicated that the Council would be receiving in the very near future a Five-Year Financial Plan for the Zoo which would be used to decide the serial levy amount for the Zoo, as well as proposed long-range financial policies for Metro.

Councilor Oleson requested that information be provided on tax levies being proposed by other jurisdictions on the March and May ballots.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

Mrs. Geraldine Ball, 11515 S.W. 91st Avenue, Tigard, representing DJB, Inc. and herself, presented and read into the record a letter regarding the Haines Street Interchange. She requested that all Council members and relevant staff be provided with a copy of the letter and map attached thereto and that the letter be made a part of the record. She indicated that it was important that the Council and staff have the information in case someone suggested moving the location of the interchange. (A copy of the letter is attached to the agenda of the meeting.)

6. Consent Agenda

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meetings of November 3 and November 22, 1983.
- 6.2 Contract award to construct a truck wash facility, to service commercial haulers, at the Clackamas Transfer & Recycling Center.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Oleson seconded the motion.

Councilor Williamson requested that the minutes of November 3 be corrected to reflect that on Page 8 he voted "no" on the motion to amend and was not absent. (The minutes were further corrected to indicate that Councilor Van Bergen, and not Councilor Williamson, was absent for the vote.)

Vote: The vote on the motion to adopt the Consent Agenda, as corrected, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion carried, Consent Agenda adopted.

7.1 Ordinance No. 83-165, for the purpose of adopting a Disadvantaged Business Program, and Resolution No. 83-435, for the purpose of approving FY 1983-84 goals for utilization of Disadvantaged and Women-Owned Businesses. (Second Reading)

Councilor Kirkpatrick reported that the Council Coordinating Committee was recommending several amendments to the ordinance and further that action on the ordinance be deferred until UMTA's comments on the ordinance were received.

Mr. Carlson, Deputy Executive Officer, suggested that the ordinance be referred to the Council Coordinating Committee so that once the comments from UMTA were received, the Coordinating Committee could respond to them and bring the ordinance back to the Council for adoption.

Presiding Officer Banzer said she did not think the Council should wait until the federal government commented. She said she preferred that the Council adopt the ordinance and amend it at a later date if needed.

Councilor Van Bergen agreed with the Presiding Officer. Councilors Kirkpatrick and Hansen argued for deferral of action on the ordinance. Councilor Kirkpatrick said the process to amend the ordinance would add more time to adoption of a final document than would deferral. Councilor Hansen said he was also concerned about the time consuming process involved with amending the ordinance.

Presiding Officer Banzer requested that the ordinance be read a second time.

The ordinance was read a second time, by title only.

There was no public testimony.

Mr. Carlson noted that the Executive Officer was recommending postponement until the federal comments were received.

Motion: Councilor Hansen moved that action on the adoption of Ordinance No. 83-165 be postponed until federal comments were received and responded to by the Council Coordinating Committee. Councilor Rafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Deines, Etlinger, Hansen,
Rafoury, Kelley, Kirkpatrick, and Waker.

Nays: Councilors Banzer, Bonner, Oleson, Van Bergen, and Williamson.

Motion carried.

(Note: See after Agenda Item 8.1 for reconsideration of this item)

7.2 Ordinance No. 83-166, for the purpose of establishing the Metro Equal Employment Opportunity and Affirmative Action Policies, and Resolution No. 83-436, for the purpose of adopting goals and objectives in the Affirmative Action Plan as the approved goals for fiscal year 1983-84. (Second Reading)

Councilor Kirkpatrick reported that the Council Coordinating Committee was recommending adoption of the Resolution and Ordinance, with an amendment.

Jennifer Sims, Budget & Administrative Services Manager, stated the proposed amendment to the ordinance was a technical change to correct the specific federal regulation citation applicable to affirmative action. She pointed out that the ordinance in the agenda packet reflected the proposed change.

Motion to amend: Councilor Kirkpatrick moved to amend Ordinance No. 83-166, Section 2(f) to read as follows:

(f) Metro accepts and agrees to the statements of the Department of Transportation, Urban Mass Transportation Administration, Circular UMTA C 1155.1, December 30, 1977, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipient".

Councilor Kafoury seconded the motion.

There was no public testimony.

Vote: The vote on the motion to amend resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion to amend carried.

Vote: The vote on the main motion to adopt Ordinance No. 83-166, as amended, made by Councilors Kirkpatrick and Kelley on November 22, 1983, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion carried, Ordinance adopted.

Motion: Councilor Kirkpatrick moved adoption of Resolution No. 83-436. Councilor Kafoury seconded.

Vote: The vote on the motion to adopt Resolution No. 83-436, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion carried, Resolution adopted.

7.3 Ordinance No. 83-167, relating to the Solid Waste Rate Review Committee structure; amending Metro Code Section 5.01.170. (Second Reading)

Presiding Officer Banzer requested that the ordinance be tabled. She said the ordinance was premature and should not be acted upon until the Services Committee had reviewed the overall structure and mission of the Rate Review Committee.

Motion: Councilor Hansen moved to table Ordinance No. 83-167. Councilor Kafoury seconded the motion.

Vote: The vote on the motion to table Ordinance No. 83-167 resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Waker, and Williamson.

Nays: Councilor Van Bergen.

Motion to table carried.

8.1 Consideration of Resolution No. 83-439, for the purpose of declaring Metro's intent to proceed to implement a transfer station in Washington County.

Councilor Hansen reported that the Regional Services Committee had conducted several meetings and had received extensive input on the proposed Washington County Transfer Station. He said as a result of their deliberations, the Committee was recommending adoption of Resolution No. 83-439. He said the basic elements of the resolution were: 1) that Metro would build a transfer facility; 2) that Metro would contract for its operation; and 3) that Metro would retain ownership.

Motion: Councilor Hansen moved adoption of Resolution No. 83-439. Councilor Kafoury seconded the motion.

Councilor Etlinger asked if the Washington County Transfer Station Advisory Committee had studied the economic viability and need for the facility. Councilor Oleson, as the chair of the Washington County Transfer Station Committee, responded that the Committee believed there was a need and that was why they made their recommendation. Dan Durig, Director of Solid Waste, stated that a study had been conducted which looked at two and three facility scenarios. He added that the contract with the City of Portland required that a transfer facility be provided within the City when St. Johns closed. Councilor Etlinger asked why the Washington County and City of Portland stations were not being sited at the same time. Mr. Durig responded that the need in Washington County was greater at this time. He said the public landfill in Hillsboro would be closing in one to three years and that the Newberg landfill would be closing within a year. Councilor Etlinger then asked if Metro would be looking to Washington County for a regional landfill if Wildwood did not occur. Mr. Durig responded that based on the landfill sites previously studied that would be unlikely.

Councilor Deines asked how the staff knew the proposed transfer station fit within a solid waste systems plan, if a systems plan had not yet been adopted by the Council. Mr. Durig responded that it was not realistic to wait until a solid waste system plan was in place and that the proposed facility was a prudent and reasonable decision to make at this time.

Councilor Etlinger reiterated that there was no cost data on the construction of a facility and that he had an obligation to keep the solid waste system's costs down. He said the Council had committed to make its number one priority waste reduction and to not complete any new disposal facilities until a long range recycling program was in place.

Councilor Williamson asked if a station built in the City of Portland would be able to serve Washington County. Mr. Durig responded that the transfer station plan looked at different sites, costs, and service area. He said if a station was built on the west side of Portland, a facility would probably not be needed in Washington County. However, if one was built on the east side, which was most likely because of population and waste generation, then a Washington County station would be needed in addition to an east side station.

Councilor Bonner asked when it was anticipated that a systems plan would be before the Council. Mr. Durig responded that it was hoped that Council approval would occur by the first of the fiscal year. Councilor Bonner said completion of a systems plan would make decisions such as the Washington County Transfer Station easier to make.

Councilor Hansen said he believed that the question of whether a station was needed in Washington County had been resolved. He said there was no option available which would not require a station in Washington County. He said decisions on the process for siting and designing the station would be coming back to the Council and that the Resolution in front of them was not the last of issue. He said if the systems plan indicated a transfer station was unnecessary, the Council would still have time to reverse its decision. In the meantime, he said, they should begin to fill the apparent need in Washington County for a transfer station.

Councilor Etlinger commented that he believed there were other options to resolving the problem in Washington County without building a station.

Presiding Officer Banzer then asked for the recommendation of the Solid Waste Policy Advisory Committee.

Ms. Shirley Coffin, Vice Chair, Solid Waste Policy Advisory Committee, read into the record the statement of consensus of the committee at its December 19 meeting, as follows:

That the Committee recommend that the Metro Council reject the proposal for Metro's ownership of a transfer station

in Washington County and recommends that Metro proceed with a competitive process which will provide private ownership and operation of a Washington County Transfer Center with adequate regulatory controls and protection of public health, safety and interests.

She said that the recommendation was not a formal one because the committee lacked a quorum at its meeting.

Mr. Carl Miller, Miller's Sanitary Service, 5150 S.W. Alger, Beaverton, 97005, submitted and read into the record a letter which argued the advantages of private ownership of a transfer station in Washington County (a copy of the letter is attached to the agenda of the meeting). He urged that the Council not adopt the Resolution before them and to reconsider the proposal submitted by the private industry.

Motion: Councilor Etlinger moved to postpone action on Resolution No. 83-439 until after Council adoption of a Solid Waste Management Systems Plan. Councilor Deines seconded the motion.

Councilor Williamson asked if a cost comparison had been conducted which indicated differences between public and private ownership. Councilor Hansen responded that no comparison was done. He said it was an issue they struggled with and that the joint venture proposal had no dollar amount attached to it. Councilor Bonner added that the staff findings indicated there would be no capital cost advantage for either public or private construction. Councilor Waker said he believed there was an argument for public ownership. He said his own scratchy calculations indicated that franchising was a negative proposition for the public and he could not support it.

Councilor Oleson said delaying action would not be a responsible action by the Council. He said Metro had been criticized by Washington County for years for not taking action on a transfer station and postponement would perpetuate that criticism.

Councilor Etlinger said there wasn't enough information available on costs and postponing would help and not hurt the decision-making process.

Presiding Officer Banzer urged the Council to reject the motion to postpone. She said it was time the Council provided direction on the issue.

Vote: The vote on the motion to postpone action on Resolution No. 83-439 resulted in:

Ayes: Councilors Deines and Etlinger.

Nays: Councilors Banzer, Bonner, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Absent: Councilor Kafoury.

Motion failed.

At this time, the Council recessed for ten minutes.

Motion to amend: Councilor Oleson moved to amend Resolution No. 83-439 to replace the language in Resolve No. 5 with the following:

5. It is the intent of the Metro Council that the "full service" contract for the Washington County Transfer Station shall be for a period of at least five years and shall be renewed unless the Council determines that the proposed renewal does not meet the criteria set forth in the contract. The Council may attach conditions or limitations to the reviewed contract.

Councilor Bonner seconded the motion.

Councilor Oleson said the Council was basically polarized between the franchising and ownership options. He said his amendment was a compromise which would provide for a "full service" contract--a package arrangement where the design, siting, construction and operation would initially be part of the same contract.

Councilor Waker said he was not convinced that the "full service" contract was the way to get the least cost facility for the public and could not support the amendment. Councilor Van Bergen commented that the proposal was an automatic renewable license. He said they should not lose their flexibility over the operation.

Councilor Deines commented that he was opposed to public ownership and was not convinced that the amendment went far enough.

Councilor Oleson argued that the full service contract would allow Metro the flexibility to decide not to renew the contract if a contractor was not performing satisfactorily.

Presiding Officer Banzer noted that she was not sure she was in complete agreement with Councilor Oleson's position but did support a franchise to the joint venture proposers.

Vote: The vote on the motion to amend Resolution No. 83-439 resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Oleson, and Williamson.

Nays: Councilors Bonner, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Absent: Councilor Kafoury.

Motion to amend failed.

Councilor Deines asked how the transfer station would be financed, if Metro owned it. Mr. Durig responded that DEQ bonds would be used to finance the transfer station, with user fees paying off the debt. Councilor Deines said that the use of DEQ pollution control bonds to finance a transfer station was not a good use of limited funds.

Councilor Hansen argued that transfer stations were an integral part of the region's solid waste disposal system and more specifically that if Wildwood was eventually approved, a condition of the approval was that transfer trucks be used.

Vote: The vote on the main motion to adopt Resolution No. 83-439 resulted in:

Ayes: Councilors Bonner, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Deines, Etlinger, and Oleson.

Absent: Councilor Kafoury.

Motion carried, Resolution adopted.

7.1 Reconsideration of Ordinance No. 83-165, for the purpose of adopting a Disadvantaged Business Program and Resolution No. 83-436, for the purpose of approving FY 1983-84 goals for utilization of Disadvantaged and Women-Owned Businesses.

Motion: Councilor Deines moved reconsideration of the motion to postpone action on Ordinance No. 83-165 and Resolution No. 83-435. Councilor Williamson seconded.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Oleson, Van Bergen, Waker, and Williamson.

Nays: Councilors Kelley and Kirkpatrick.

Absent: Councilor Kafoury.

Motion carried.

Presiding Officer Banzer said she thought it was inappropriate to postpone action on the ordinance and wanted to vote on it that evening. Councilor Deines said he changed his mind about postponement believed they should proceed to take action.

Mr. Carlson and Councilor Kirkpatrick reviewed the amendments recommended by the Council Coordinating Committee, as contained in the agenda of the meeting.

Motion to amend: Councilor Oleson moved to amend Ordinance No. 83-165 to include the Council Coordinating Committee's recommended amendments, as contained in the agenda of the meeting. Council Deines seconded the motion.

Vote: The vote on the motion to amend resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Kafoury.

Motion to amend carried.

Vote: The vote on the main motion to adopt Ordinance No. 83-165, made by Councilors Kirkpatrick and Deines on November 22, 1983, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Kafoury.

Motion carried, Ordinance adopted

Motion: Councilor Deines moved adoption of Resolution No. 83-435. Councilor Hansen seconded the motion.

Vote: The vote on the motion to adopt Resolution No. 83-435 resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilor Kafoury.

Motion carried, Resolution adopted.

8.2 Consideration of Resolution No. 83-440, for the purpose of recommending approval of the City of Tigard's request for acknowledgement of compliance with LCDC goals.

This item was referred to the Regional Development Committee for further review, at the request of staff.

9.1 Consideration of a Master Plan for the Washington Park Zoo.

Councilor Hansen reported that the Services Committee had reviewed the Plan during its development several times and was recommending Council adoption of the Washington Park Zoo Master Plan.

Warren Iliff, Zoo Director, introduced members of the Master Plan team and reviewed briefly the highlights of the Plan.

Carol Bailey, Executive Director, Friends of the Zoo, testified on behalf of the Board of Directors, in support of the Master Plan.

Motion: Councilor Hansen moved adoption of the Washington Park Zoo Master Plan. Councilor Van Bergen seconded the motion.

Councilor Williamson commented that because of the brevity of the presentation and the lateness of the hour that he was not prepared to vote on the Plan. Councilor Waker also stated that he had not had sufficient time to review the Plan and was reluctant to vote. Councilor Hansen stated that the Plan was an effort to determine future funding needs and a direction for the Zoo. He said it was not a commitment to spend funds. Councilor Kirkpatrick added that each project outlined in the Plan would be deliberated and decided upon by the Council. She added that if there were Councilors who were hesitant to vote, she would move to delay action.

Motion: Councilor Kirkpatrick moved to postpone action on the Zoo Master Plan until January 5, 1984. Councilor Kelley seconded the motion.

Councilor Williamson suggested that a special briefing be held before the next Council meeting for Councilors who desired more information. Mr. Gustafson agreed with the suggestion and said he would make arrangements for such a briefing.

Vote: The vote on the motion to postpone action on the Zoo Master Plan resulted in:

Ayes: Councilors Kelley, Kirkpatrick, Waker, and Williamson.

Nays: Councilors Banzer, Bonner, Hansen, Oleson, and Van Bergen.

Absent: Councilors Deines and Kafoury.

Abstention: Councilor Etlinger.

Vote: The vote on the main motion to adopt the Zoo Master Plan resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger,
Hansen, Kirkpatrick, Oleson, and Van
Bergen.

Nays: Councilors Kelley and Waker.

Absent: Councilors Deines and Kafoury.

Abstention: Councilor Williamson.

Motion carried, Master Plan adopted.

Due to the lateness of the hour, the Council agreed to continue the remaining agenda items to a special meeting to be held prior to the first regular Council meeting in January. The items continued were:

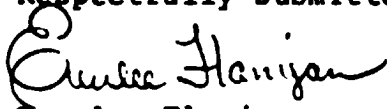
- 9.2 Consideration of Solid Waste Rate Review Committee member appointments.
- 9.3 FY 1984-85 Budget Schedule and Process.
- 9.4 Consideration of "on-the-job" injury coverage for Metro Councilors.
- 9.5 Ratification of appointments to Council Task Force on Metro/Tri-Met.

10. Committee Reports

There were no Committee reports.

The meeting adjourned at 11:35 p.m.

Respectfully submitted,


Everlee Flanigan
Clerk of the Council