

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

March 14, 1985

Councilors Present: Councilors DeJardin, Gardner, Hansen,
Kirkpatrick, Kelley, Myers, Van Bergen,
Waker and Bonner

Councilors Absent: Councilors Cooper, Kafoury and Oleson

Also Present: Executive Officer Gustafson

Staff Present: Don Carlson, Eleanore Baxendale, Sonnie
Russill, Dan Durig, Doug Drennen, Norm
Wietting, Buff Winn, Randi Wexler, Phillip
Fell, Kay Rich, Jack Delaini, Chet Gregg,
Pam Juett, Ed Stuhr, Sonnie Russill

Presiding Officer Bonner called the regular meeting of the Council to order at 6:35 p.m. The meeting was held at the Washington Park Zoo's Meeting Center.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Legislative Report. Executive Officer Gustafson reported HB 2037, the dues extension bill, had been passed by the State House of Representatives by a vote of 40 to 18.

A public hearing was held regarding the Advisory Committee on Intergovernmental Relations (ACIR) legislation. Some concern was raised regarding the \$140,000 appropriation to staff the ACIR, he reported.

A hearing regarding SB 509, licensing of exotic animals, was held earlier in the day. The current status of the bill was unknown but further developments would be reported to the Council.

A hearing before the House Intergovernmental Affairs Committee has been scheduled for April 2, 7:00 p.m., regarding the three Metro-related bills: HB 2038, making the Executive Officer a 13th member

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of the Council; HB 2427, authorizing the Council to appoint the Executive Officer; and HB 2558, giving Metro the authority to appoint commissions to carry out services. The Executive Officer urged Councilors to attend this hearing.

Councilor Kirkpatrick reminded the Council it had not taken a position on HB 2038 and HB 2427 and that any testimony would reflect personal opinion. The Council decided not to take a position on the legislation, she said.

Presiding Officer Bonner recalled when information about the two bills was presented at the informal Council meeting of February 7, not enough was known about the proposed legislation to take a position. At the end of the meeting, the Council discussed which position the Council should take, if any, and whether the Council should meet informally to discuss the matter further, Presiding Officer Bonner appointed Councilor Kirkpatrick work with Councilor Myers and the Presiding Officer to develop a policy statement the Council could adopt on March 28, 1985.

Washington County Transfer & Recycling Center (WTRC). Regarding the WTRC siting process, Executive Officer Gustafson reported he and Dan Durig met with several Beaverton area corporations, including Nike, Reser's Foods and land developers, in response to concerns about the proposed facility. Major concerns centered around possible traffic flow problems. Mr. Durig added the companies were positive about the need for the facility and its proposed design. Staff were preparing an additional newsletter which would address traffic concerns, he reported, and Metro Transportation staff were preparing additional reports on projected traffic flow in the area. Metro was also offering tours of the Clackamas Transfer & Recycling Center, answering questions about sanitation, and raising levels of knowledge about solid waste and the proposed facility. He said that responding to these concerns could delay the project schedule by several weeks.

3.1 Consideration of Resolution No. 85-533, for the Purpose of Confirming the Appointment of Vickie Rocker to the Position of Public Affairs Director

Executive Officer Gustafson discussed the extensive selection process for the position and the fact that all the finalists interviewed were highly qualified. He then introduced Vickie Rocker to the Council, saying he was looking forward to the spirit she would bring to the organization which would enhance community involvement and confidence in Metro's programs.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Waker seconded the motion.

Councilor Kirkpatrick, a member of the selection committee, said she was pleased with the number of outstanding candidates who had applied for the position and that Metro should take pride in its ability to attract well qualified professionals. She also expressed appreciation for the fine work Sonnie Russill had done in coordinating recruiting and selection.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the Resolution was adopted.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 14, 1985

Motion: Councilor Kelley moved the minutes be approved and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the minutes were approved.

The Presiding Officer called a recess at 6:55 p.m. for Councilors to tour the Zoo's Educational Services Offices. The meeting reconvened at 7:15 p.m.

7. ORDINANCES

7.1 Consideration of Ordinance No. 85-186, for the Purpose of Amending the FY 1984-85 Budget and Appropriations Schedule (Continued First Reading)

Jennifer Sims explained the budget now before the Council had been amended since its first presentation in January to allow for additional expenses that would be incurred when Metro relocated its offices to the First Avenue Building. She reported the following factors had been assumed in developing the amended budget: 1) the First Avenue Building would be delivered to Metro on May 1, 1985; 2) Metro would not occupy the new building before July 1, 1985; 3) Metro would sublease approximately 5,000 square feet, possibly as much as 8,800 square feet of office space, to other tenants; 4) Metro would assume the cost of having the building's heating and cooling system inspected; and 5) \$120,000 would be budgeted for building improvements, two-thirds of which would be expended this fiscal year and the remaining sum to be expended during FY 1985-86.

Ms. Sims reported the budget estimate for a space planning consultant was estimated low, based on responses to requests for proposals recently received. She proposed to cover this additional expense by transferring, by administrative action, money previously budgeted for cost of elections. There would be no election expenses this fiscal year, she said.

In response to Councilor Kirkpatrick's question, Ms. Sims explained additional costs associated with the office move would be transferred from the Zoo and Solid Waste Operating Funds, grant funds as an allowed cost of additional overhead, and a transfer from the General Fund balance forward. She reported \$390,000 had originally been budgeted for FY 1985-86 carry forward. This figure would be reduced by \$40,000 as a result of the office move.

There being no further discussion, the Presiding Officer announced a second reading of the Ordinance would take place after the adjusted budget was returned from the Tax Supervision and Conservation Commission (TSCC), probably on April 25, 1985.

Motion: Councilor Kirkpatrick moved to amend the main motion to adopt the Ordinance to include budget revisions associated with Metro's relocation to the First Avenue Building. Councilor Kelley seconded the motion.

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Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the main motion to adopt the ordinance, made at the meeting of January 24, 1985, was amended.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 85-539, for the Purpose of Transmitting the FY 1984-85 Budget Amendments to the TSCC

Ms. Sims explained adoption of this Resolution was necessary to transmit the amended budget, discussed under agenda item 7.1, to the Tax Supervision and Conservation Commission (TSCC) as required by law.

Motion: Councilor Kirkpatrick moved to adopt the Resolution and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 85-545, for the Purpose of Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority

Phillip Fell reported at the meeting of February 28, the Council discussed the provisions of Legislative Counsel Draft 1353 regarding proposed processes for siting landfills. The Council had also requested staff prepare two resolutions regarding landfill siting process for consideration, one stated in general terms to respond to any state landfill legislation (Resolution No. 85-545) and another addressing a specific process (Resolution No. 85-554). Resolution No. 85-554 was prepared after the February 28 meeting and mailed to Councilors separate from the March 14 agenda packet. At the Presiding Officer's request, Mr. Fell then discussed the provisions of LC 1353.

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Motion: Councilor Hansen moved to adopt Resolution No. 85-545 and Councilor Kirkpatrick seconded the motion.

Councilor Kelley said she recalled receiving a copy of Resolution No. 85-554 earlier in the week and questioned why it was not available at this meeting. Mr. Fell said it was his understanding it was printed and circulated to the Council at this meeting and apologized for the error.

Councilor Myers noted Resolution No. 85-554 was not listed on this meeting's agenda and requested the Resolution be placed on the written agenda for the March 28 Council meeting to allow for adequate public notification.

Withdrawal of Motion: Councilor Hansen withdrew the main motion so that Resolution No. 85-545 could be considered with Resolution No. 85-554.

Councilor Hansen, referring to SB 662 which Resolution No. 85-554 addressed, stated he did not think Section 5(1) related to the goal Representative Burton wanted to achieve. Mr. Fell responded staff and General Counsel had reviewed SB 662 and were preparing a detailed response to the draft legislation. He agreed there appeared to be inconsistencies which would be addressed by Counsel.

Robert C. Smith, 5856 N.E. 27th Avenue, Portland, Oregon, representing the Sierra Club, testified Judy Dehen, also a Sierra Club representative, had addressed the Council on February 28. Subsequent to her testimony, Councilor Waker had sent her a letter requesting clarification about details of her testimony. Because Ms. Dehen was out of town attending a conference, Mr. Smith said he would address Councilor Waker's concerns.

Ms. Dehen had testified she thought limiting the time frame for a landfill siting decision and appeals process would also limit citizen involvement. Mr. Smith said he had no specific answer to what would constitute adequate citizen involvement, but the appropriate amount would be somewhere between the extremes of allowing no involvement and allowing involvement to go on to the point where citizens were still commenting five years after garbage was piling up and no landfill had been sited. He did not think Representative Burton's proposed legislation addressed the need for adequate citizen involvement.

Ms. Dehen had testified on February 28 that she was also concerned about the ability of Metro to site landfills beyond its boundaries because citizens outside the District would have no Metro Councilor

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representing their area. At that meeting, Councilor Hansen had asked Ms. Dehen if it would be more acceptable to site an environmentally inferior landfill inside Metro's boundaries versus an environmentally superior one outside the District. Councilor Waker's letter asked the Sierra Club to prioritize the importance of these two factors. Mr. Smith said the Sierra Club primarily objected to Metro requesting the state of Oregon to site a landfill outside the District without going through the Comprehensive Plan and County Commission. He said people in the effected area would have no local representation.

In responding to Ms. Dehen's testimony, Councilor Waker's letter pointed out that landfill siting criteria in many local comprehensive plans were ambiguous. Therefore, it would be preferable to use state-wide planning goals in siting new landfills. Mr. Smith said he doubted Ms. Dehen had testified that state-wide goals were nearly identical to acknowledged comprehensive plans as Councilor Waker had indicated in his letter. If she had made this statement, Mr. Smith said Ms. Dehen was not expressing herself well. He explained that land use planning goals were not really standards for land use planning but rather, standards by which to set standards. Planning goals and comprehensive plans could not be used independently of each other. For example, he said, state planning Goal 4 addressed protected use of forest lands unless proposed changes were in conformance with the Comprehensive Plan. He questioned how Metro could site a landfill in a forested area under Goal 4 without following the rules set out in the Comprehensive Plan.

Mr. Smith said Ms. Dehen had discussed the possibility of alternatives to landfills when she testified before the Council on February 28. Ms. Dehen was suprised the Council had not heard about these alternatives because the Sierra Club had previously communicated to staff about their proposals. This, he explained, was why Ms. Dehen did not respond in more detail to the Council's request for information about these alternatives. Mr. Smith said he was concerned about the apparent lack of communication among staff, the Exeutive Officer and the Council.

Mr. Smith advocated a waste recovery system as a good alternative to another landfill. He said this would involve about four plants which would be no more difficult to site than a solid waste transfer station. He distributed materials to the Council which described this recovery system in more detail and expalined the system was proposed by a specific vendor. The Sierra Club was not endorsing any vendor but they supported the use of the system. He explained the recovery plants would handle almost 100 percent of the regional waste stream. He requested Metro investigate this system first and use landfills as a last resort.

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Finally, Mr. Smith said Metro had reached a "dead end" in siting a landfill at Wildwood. He urged the Council not to limit themselves to this one alternative because at best, Metro would site a very poor landfill. At worst, he said, nothing would happen because of lengthy court appeals.

Presiding Officer Bonner said Metro was examining alternatives to landfills very closely and invited the Sierra Club's participation in this process. Mr. Smith said he hoped Metro was examining the alternatives as closely as they were studying new landfills because it thought it was the public's perception that landfills was the only alternative Metro were considering.

Councilor Hansen said he appreciated the Sierra Club's interest in solid waste issues and invited the Club and other citizen groups to bring information and issues directly to the Council.

Councilor Kelley requested staff to provide the Council with a comment on the report submitted by Mr. Smith about the solid waste recovery system.

Councilor Gardner said he had been informed by the Executive Officer that staff had a series of discussions with the vendor of the recovery system and talks broke down when the vendor, Mr. Dingman, failed to respond to staff's request for a sample contract and more specific information about guaranteed markets for the end product. Mr. Smith said Mr. Dingman told him Metro did not appear to be sincere about the system and he preferred to give his attention to other jurisdictions who were seriously interested.

Presiding Officer Bonner invited the Sierra Club to return when the Council considered adoption of the Resource Recovery chapter of the Solid Waste Management Plan.

9. OTHER BUSINESS

9.1 Consideration of a Contract with Swan Wooster Engineering, Inc. to Design the Washington County Recycling & Transfer Center (WTRC)

Buff Winn reviewed the process for selecting the recommended contractor, as outlined in the meeting's agenda materials. He explained staff recommended contracting with Swan Wooster Engineering, Inc. because their team had extensive experience with successful local projects and senior members of their firm would be working on the WTRC project. The other finalists considered had not addressed the question of estimated man hours required to design the facility satisfactorily, he said.

Motion: Councilor Waker moved to approve the contract with Swan Wooster Engineering, Inc. and Councilor DeJardin seconded the motion.

Councilor Kirkpatrick said in all future staff reports regarding personal service type contracts, staff must provide information explaining the fees proposed by consultants and why one firm was being recommended over the others. This information was essential, she said, in making informed decisions about contract awards.

Councilor Hansen asked if area haulers would be involved in planning sessions before design work started. Mr. Winn responded haulers and other solid waste industry representatives would certainly be involved. Swan Wooster had been most enthusiastic about involving these parties in the design process, he said. Councilor Gardner requested that people in the recycling industry also be involved in the early planning stages of the project.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the contract was approved.

9.2 Consideration of an Emergency Amendment to the Contract with American Machine & Gear for Repair of the Drive System on the Zoo's Train Engine No. 2

Kay Rich explained he was requesting the Council to consider this contract amendment as an emergency because he had just learned that morning certain repairs needed to be made to the engine. To consider the action later would result in much lost revenue during the busy spring, he said.

Motion: Councilor Van Bergen moved the contract amendment be approved. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the contract amendment was approved.

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10. COMMITTEE REPORTS

None.

There being no further business, Presiding Officer Bonner adjourned the meeting at 8:20 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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