

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

February 27, 1986

Councilors Present: Councilors Cooper, DeJardin, Frewing,
Hansen, Kirkpatrick, Kafoury, Kelley,
Van Bergen and Waker

Councilors Absent: Councilors Myers and Oleson

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig,
Doug Drennen, Norm Wietting, Randi Wexler,
Debbie Allmeyer, Rich McConaghy, Jim
Shoemake, Mary Jane Aman, Phillip Fell,
Andy Cotugno, Peg Henwood, Jill Hinckley,
Keith Lawton, Jennifer Sims, Ed Stuhr and
Ray Barker

Presiding Officer Waker called the meeting to order at 5:40 p.m.

1. INTERVIEW FOR DISTRICT 8 COUNCIL POSITION

Jonathan Block, a candidate for the vacant District 8 Council position, was interviewed by a citizen committee (Alyce Dingler, Denis Gilman, Linda McPherson and Joe Voboril) and the Council. Five other candidates were interviewed at the February 13, 1986, Council meeting. Mr. Block responded to the following questions:

1. What services, if any, should Metro provide?
2. How should Metro relate with other governments in the region?
3. Metro Councilors are responsible for setting regional policy and for fiscal and personnel oversight of the Metropolitan Service District. Explain how your background would enhance the Council's ability to perform these tasks.
4. By assuming this position, you will be appointed to represent a district of approximately 77,000 people. Please share with us your knowledge of the needs and concerns of your district. What experience do you have in working with community organizations, as well as individuals, in your district? How would you balance the needs of your district with the needs of the region?

5. Why would you like to be a Metro Councilor?

Presiding Officer Waker announced the Council would elect a Councilor for the vacant position later in the meeting (see Agenda Item No. 7.1).

2. INTRODUCTIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

West Transfer Station. The Executive Officer reported Governor Atiyeh met earlier in the day with his appointed task force who would seek an alternative site for the transfer station facility according to the criteria developed by Metro's advisory committee. Members appointed included Bill Young, Chairman, former mayor of Beaverton, former Director of the Department of Environmental Quality and current Director of Water Resources; Shirley Huffman, Mayor of Hillsboro; Howard Hubbard, Chief Executive Officer of Washington Federal Savings Bank, and Rock Creek resident; Andrew Sichler, President of Hillsboro Chamber of Commerce, and Vice President and Branch Manager of the Pacific Western Bank; Robert Kindel, Jr., Mayor of North Plains; DeMar Batchelor, Hillsboro Attorney; Lee Gensman, Sherwood engineer and former mayor of Tualatin; Robert Wright, Cornelius City Engineer; Rod Adams, Beaverton Attorney; and Gary Conkling, Government Relations Manager for Tektronics. Finally, the Executive Officer said the Governor's office would send a representative to report to the Council at its March 13 meeting.

In response to Councilor Kafoury, Executive Officer Gustafson said Gerry Thompson, the Governor's Chief of Staff, had assured him the task force would abide by public meeting laws and a list of meeting dates would be made available. A list of task force members would also be sent to Councilors, he said.

Executive Officer Gustafson reported Councilors had received copies of letters from Jim Neuman and the Executive Officer regarding Mr. Neuman's withdrawal of an application for a change in the process for solid waste facilities in Washington County. He also reported the Washington County Planning Commission had rejected last week, on a 9-0 vote, a citizen's request to change the planning process for solid waste facilities. In answer to the Presiding Officer's question, Executive Officer Gustafson said it would take 30 days to take the request to the County Commission and he was closely monitoring any further actions.

"Procedures for Processing Applications and Rate Adjustment Requests for Solid Waste Disposal Franchisees," a Document. Rich McConaghy explained the Council and Executive Officer had requested staff develop procedures for processing rate adjustment requests from disposal franchisees. He distributed copies of the Procedures document which was prepared in response to that request. He said Executive Order No. 25, also distributed to Councilors, adopted the Procedures. Staff then reviewed highlights of the document. A discussion followed about the Procedures. Eleanore Baxendale, General Counsel, stressed the Procedures implemented policies contained in the Metro Code and did not change those policies. The Executive Officer requested the Council review the Procedures and discuss any concerns at the March 13 Council meeting.

Urban Growth Boundary (UGB). Jill Hinckley reported on the Land Conservation & Development Commission's recent action concerning the UGB. She explained Metro had received acknowledgment of all land within the UGB except for a portion of land known as Bethany. Staff had been working with Washington County to prepare findings to justify the continued inclusion of Bethany within the UGB. She said those findings would first be reviewed by Washington County's Planning Commission in April, would be reviewed by the Metro Council in May, would then be submitted to the LCDC in June and a final boundary acknowledgment would be anticipated in July, 1986.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. APPROVAL OF MINUTES of January 16, 1986

Motion: A motion to approve the January 16, 1986, minutes was made by Councilors DeJardin and Kafoury.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and the minutes were approved.

8. ORDINANCES

8.1 Consideration of Ordinance No. 86-196, for the Purpose of Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only.

Jill Hinckley introduced Beth Mason, Hearings Officer for Contested Case No. 85-2. She said the applicants and one opponent were also in attendance. She summarized the case as a request for an Urban Growth Boundary (UGB) amendment to add two acres currently occupied by the Tualatin Hills Church. The Fire District advised the church there should be a fire hydrant on the property but the city of Tualatin has a policy that would allow the church access to a nearby water main only if the church property were annexed to the city.

Ms. Mason explained unique factors in the case. She said the property in question had already been developed to urban level use. Also, a water main across the street from the church could not serve the property because the church was outside the UGB. In addition, the existing water main was at an incorrect elevation to provide enough water pressure to serve the property and another main at a different elevation would have to be installed to supply the proper water pressure. Ms. Mason said she checked with the city of Tualatin and the Fire District to see if they would actually deny the church access to the water main because they were outside the UGB. Both sources confirmed water would not be provided the church. Finally, Ms. Mason said she did not think the objections voiced by the opponent, William Moore, addressed any of the relevant criteria. Taking all these factors into consideration, Ms. Mason said she recommended granting the amendment to the UGB. She said her decision was consistent with all jurisdictions reviewing the case -- Washington County, the city of Tualatin and Metro staff.

Presiding Officer Waker opened the public hearing on the Ordinance.

William G. Moore, 9300 S.W. Norwood Road, Tualatin, testified against adoption of the Ordinance. He said another fire hydrant was not needed near the church because one already existed less than one-quarter mile from the church and the church also had a well on its premises. He explained the area had excellent response time from the fire department and that fire trucks carried large volumes of water in tanks. He said this request to urbanize the portion of land near the church was an attempt by the city of Tualatin to reroute truck traffic out of Tualatin. Finally, Mr. Moore questioned the hearings officer's ability to determine findings when she had not visited the area nor talked to anyone in the area.

Councilor Kelley pointed out that in case of a fire at the church, the well might not be useful because the electric well pump could stop working. She also said a fire truck carrying 250 gallons of water might not be sufficient to stop a fire at the church. She explained her home was destroyed by fire because 250 gallons of water carried in the fire truck tank was not enough water to put out the fire.

Ms. Mason again pointed out even if a hydrant was currently located within a quarter mile of the church, the city of Tualatin would not permit its use because the church was outside the Urban Growth Boundary.

Loren Doty, 10600 S.W. Evergreen Avenue, Apartment 2, Wilsonville, Minister of Tualatin Hills Christian Church, testified he agreed with the Hearings Officer's recommendations. He also said he did not think Mr. Moore's comments had addressed the criteria for amending the Urban Growth Boundary.

In response to Mr. Moore's earlier comments, Ms. Mason said she had visited the site but as was her policy, she had not talked to anyone about the case during the visit.

There was no further public testimony and Presiding Officer Waker closed the public hearing.

Motion: Councilor Kirkpatrick moved Ordinance No. 86-197 be adopted and Councilor Kafoury seconded the motion.

The Presiding Officer announced the second hearing would occur March 13, 1986.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 86-628, for the Purpose of Providing for the Assessment of Dues to Local Governments for FY 1986-87

Keith Lawton reported that in compliance with Metro ordinance, the Intergovernmental Resource Committee (IRC) recommended a 51¢ per capita dues level, the same as for FY 1985-86, for the next fiscal year.

Motion: Councilor Kirkpatrick moved Resolution No. 86-628 be adopted and Councilor Kafoury seconded the motion.

Councilor Kirkpatrick, Chair of the IRC, noted the Committee conducted meetings in each county to give local representatives more voice on the dues matter.

Councilor DeJardin said he had attended some of the local government meetings. He noted no suggestions were made to reduce IRC services. Rather, he noted supportive and positive comments were received and some local government representatives recommended expanding IRC services.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-628 was adopted.

9.2 Resolution No. 86-629, for the Purpose of Recommending to the Oregon Transportation Commission Regional Priority Projects for Inclusion in the Oregon Department of Transportation Six-Year Highway Improvement Program

Andy Cotugno explained Attachments A, B and C of the Resolution listed recommended priorities for projects proposed to be funded by the Six-Year Highway Improvement Program. TPAC and JPACT had reviewed those priority projects, he said, and had recommended adoption of the Resolution.

Presiding Officer Waker, Chair of JPACT, commended the committee's consensus building process and recommended adoption of the Resolution.

Motion: Councilor Van Bergen moved Resolution No. 86-629 be adopted and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-629 was adopted.

The Presiding Officer noted the Resolution would be presented at a Transportation Commission hearing later in the evening which he would attend.

9.3 Consideration of Resolution No. 86-630, for the Purpose of Adopting Mission and Purposes of the Metropolitan Service District, and Consideration of Resolution No. 86-631, for the Purpose of Adopting Priorities and Objectives for the Metropolitan Service District for the Years 1986 and 1987

Don Carlson presented the two Resolutions as a culmination of the Council's annual process of reviewing and revising its mission, purposes, priorities and objectives. He recommended adoption of both Resolutions.

Main Motion: Councilor DeJardin moved the adoption of Resolution No. 86-630 and Councilor Kirkpatrick seconded the motion.

Estle Harlan, Consultant for the Oregon Sanitary Service Institute, 2202 S.E. Lake Road, Milwaukie, distributed a letter to the Council recommending an amendment to Resolution No. 86-630. She proposed item 1 under the heading "Purposes" be changed to read: "In carrying out its mission, Metro will: 1) Provide authorized services including solid waste [management and] disposal and development of a waste reduction program, zoo operations and urban growth boundary management." She explained this change would clarify that Metro had no authority over collection of solid waste.

Presiding Officer Waker pointed out Oregon statutes clearly defined the term "solid waste management" and limited Metro's authority over solid waste collection. After extensive discussion on the wording of the first "Purposes" paragraph, Ms. Harlan agreed to the following amendment moved by Councilors Van Bergen and Hansen.

First Motion to Amend: Councilor Van Bergen moved the first item of the "Purposes" statement be changed to read: "In carrying out its mission, Metro will: 1) Provide authorized services including solid waste management (exclusive of collection) and disposal, zoo operations and urban growth boundary management." Councilor Hansen seconded the motion.

Councilor Gardner said he would not support the amendment because the Solid Waste Reduction Program could involve planning for some aspects of solid waste collection.

Eleanore Baxendale explained Metro currently had the authority to develop a regional solid waste management plan. She said it was historically clear that plan included collection. She cautioned the Council about excluding that planning responsibility in the Resolution.

Presiding Officer Waker then read a letter from Joe W. Cancilla, Jr., President of the Portland Association of Sanitary Service Operators (PASSO), dated February 27, 1986. Mr. Cancilla raised the same concerns as Ms. Harlan.

Councilor Kirkpatrick said she would vote against the amendment and proposed adding the work "planning" after the word "management" to address the concerns raised by Ms. Harlan and Mr. Cancilla. Ms. Harlan said Councilor Kirkpatrick's proposed language would be suitable.

Withdrawal of First Motion to Amend: Councilors Van Bergen and Hansen withdrew their motion in favor of the language proposed by Councilor Kirkpatrick.

Second Motion to Amend: Councilor Kirkpatrick moved the first item of the "Purposes" statement be changed to read: "In carrying out its mission, Metro will: Provide authorized services including solid waste management planning and disposal, zoo operations and urban growth boundary management." Councilor Hansen seconded the motion.

Vote on Second Motion to Amend: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and the Resolution was amended.

Vote on the Main Motion as Amended: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-630 was adopted as amended.

Motion: Councilor Kirkpatrick moved Resolution No. 86-631 be adopted and Councilor Kelley seconded the motion.

Vote: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Kirkpatrick, Kafoury, Kelley, Van Bergen and Waker

Nay: Councilor Hansen

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 86-631 was adopted.

Presiding Officer Waker left the meeting to attend a hearing before the Transportation Commission. Deputy Presiding Officer Gardner chaired the remainder of the meeting.

10. OTHER BUSINESS

10.1 Consideration of a Contract Award to Gershman, Brickner & Bratton, Inc. for Professional Consulting Engineering Services for Implementation of the Resource Recovery Project

Doug Drennen introduced Debbie Allmeyer who reviewed the consultant selection process for the contract. She explained four firms had responded to Metro's request for proposals: Gershman, Brickner & Bratton, Inc.; HDR Techserv; R. W. Beck & Associates; and CSI/PRA. The four firms were interviewed and rated according to predetermined criteria. Councilor Gardner participated in the interviews. Staff recommended awarding the engineering contract to Gershman, Brickner & Bratton, Inc. (GBB) for an amount not to exceed \$235,000 over three phases.

In response to Councilor Van Bergen's request, Ms. Allmeyer reviewed the scope of work for the contract. She said the consultants would assist in identifying key issues for the resource recovery project, would help prepare requests for qualifications for alternative technology facility or facilities and the criteria on which consultants would base their responses. The contract was being brought before the Council as part of the work plan for the Solid Waste Reduction Program adopted by the Council.

Councilor Cooper asked for an explanation of the project's budget. Mr. Drennen reported \$50,000 had been budgeted for the project this fiscal year. Although the full contract would carry over into next fiscal year, Phase 1 of the project would end June 30, 1986, and the remainder of the contract would be terminated if funds were not budgeted for the project's continuance.

Jack Deines, collector and Milwaukie resident, questioned the need for the contract. He pointed out staff had previously performed

much of the same work in preparing for the garbage burning plant proposed for Oregon City. He said Metro had financial responsibility to the region's citizens and to approve this contract would not be responsible. He also questioned the impact a resource recovery facility would have on garbage rates. In conclusion, Mr. Deines challenged the Council not to "jump through the hoops" imposed by the Department of Environmental Quality.

Councilor Van Bergen questioned whether the contract should be approved due to its high cost.

Motion: Councilor Kirkpatrick moved the engineering consulting services contract with Gershman, Brickner & Bratton, Inc. be approved for a total amount not to exceed \$235,270, with the understanding only \$50,000 would be spent during FY 1985-86 and the contract would be reviewed before approving additional phases. Councilor DeJardin seconded the motion.

Councilor Hansen said he was reluctantly supporting the motion. He agreed with Mr. Deines that some of the work had been done previously. If staff and the Council had worked together two years ago to develop a solid waste management plan, he said, some of the major resource recovery decisions would already have been made and the consulting contract would have cost less. He urged the Council to proceed with making timely decisions about resource recovery in order to keep expenses down.

At Councilor Kafoury's request, staff responded to Mr. Deines' testimony. Doug Drennen noted the firms submitting proposals for this contract were aware of the Oregon City project. He said staff used as much information from that project as possible for this new effort. Staff had also solicited information from other agencies in order to save planning effort. However, he noted, major differences existed in this project including a different energy market, different risk elements, and new technologies that did not exist when the Oregon City plant was planned.

Deputy Presiding Officer Gardner noted he was sorry Mr. Deines had left the meeting because he thought it was important for him to understand the importance of this contract. He agreed with Mr. Deines about the importance and long-term effects of this decision. Because of the project's importance, Councilor Gardner recommended approving the GBB contract. GBB was committed to placing strong emphasis on public education which the Councilor said would be an important factor in gaining approval for resource recovery technology. Quality of services were more important than cost, he said, although GBB had proposed the lowest contract fee.

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Councilor Van Bergen said GBB's fee was too high and he did not agree public education would influence the public's thinking, as he had witnessed during the attempt to site a facility in Oregon City.

Councilor Frewing asked if the consultant's fee included siting work. Ms. Allmeyer explained the request for qualifications would ask vendors to find potential sites.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley and Van Bergen

Nay: Councilor Van Bergen

Absent: Councilors Myers, Oleson and Waker

The motion carried and the contract was approved.

10.2 Consideration of a Lease Contract with Security Pacific for Furniture and Telephone Equipment

Jennifer Sims explained the contract would provide for furniture and equipment items purchased for the new office to be financed under one five-year contract at an interest rate of 10.5 percent.

Councilors Cooper and Kirkpatrick noted the interest rate for the contract seemed high. Councilor Cooper said he would provide staff with names of other vendors who could provide municipal lease type contracts at a lower rate.

Motion: Councilor Cooper moved the Council defer action on the contract matter until March 13, 1986, and Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley and Van Bergen

Absent: Councilors Myers, Oleson and Waker

The motion carried.

Deputy Presiding Officer Gardner called a recess at 7:40 p.m. At 7:50 p.m. he called the Council into Executive Session under the authority of ORS 192.660(1)(h) and (e).

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At 9:00 p.m., the Deputy Presiding Officer reconvened the regular session of the Council.

Motion: Councilor Kirkpatrick moved to authorized Counsel to file a motion to intervene in the city of Milwaukie's case before the Land Use Board of Appeals. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

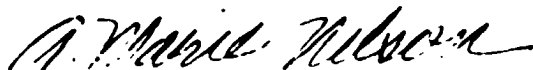
Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Kafoury and Van Bergen

Absent: Councilors DeJardin, Kelley, Myers, Oleson and Waker

The motion carried.

The Deputy Presiding Officer called the Council back into Executive Session under the authority of ORS 192.660(1)(h) and (e) at 9:05 p.m. At 9:30 p.m., the meeting was called into regular session for the purpose of adjournment.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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