

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 29, 1986

Councilors Present: Councilors Cooper, DeJardin, Frewing,
Gardner, Kafoury, Kelley, Kirkpatrick,
Myers, Oleson, Van Bergen and Waker

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Ray
Barker, Andy Cotugno, Doug Drennen, Jill
Hinckley, Debbie Allmeyer, Rich McConaghy,
Dennis Mulvihill and Norm Wietting

Presiding Officer Waker called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Councilor Kirkpatrick reported on the results of the May 20 Primary election and the Metro tax base measure that was before the voters. She said the Committee for Government Efficiency raised \$19,683, meeting their goal of raising between \$15,000 and \$20,000. The Committee spent \$18,900. She reported the tax base measure failed to pass with 74,484 of the District voters voting yes and 122,734 voting no. District-wide turnout was about 62 percent. Councilor Kirkpatrick said she planned to meet with staff the next day to discuss future funding options.

Presiding Officer Waker announced both Councilors Kelley and Van Bergen were re-elected in a landslide and he congratulated them on their respective victories.

3. EXECUTIVE OFFICER'S COMMUNICATIONS

West Transfer & Recycling Center. Executive Officer Gustafson referred to a letter sent to Councilors transfer station project. Eleanore Baxendale, General Counsel, reported that Richard Bemis, counsel representing Metro in acquisition matters related to the Cornelius Pass site, met with the property owner's attorney. She said an Executive Session would be scheduled for the June 12 Council meeting to discuss current litigation developments. She also reported the Washington County Commission would consider on June 2 or June 10 whether to amend their current zoning ordinance related to the Cornelius Pass site.

Convention, Trade, and Spectator Facilities (CTS). The Executive Officer announced the City of Portland Council had adopted a resolution and ordinance in support of the CTS facility which was an excellent demonstration of unanimous support for the project.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZENS' COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor DeJardin moved to approve the Consent Agenda and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Frewing, Hansen and Oleson

The motion carried and the following items were approved and adopted:

6.1 Minutes of April 16, 1986

6.2 Resolution No. 86-647, Amending the FY 1986 Transportation Improvement Program to Include an Updated Program of Projects Using Section 9 Funds

6.3 Metro Regional Federal Transportation Position Paper

7. ORDINANCES

7.1 Consideration of Ordinance No. 86-202, for the Purpose of Adopting Findings to Comply with LCDC 86-CONT-001 (Second Reading)

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

Motion: A motion to adopt the Ordinance was made by Councilors Kafoury and Kelley at the meeting of May 15, 1986.

Jill Hickley, Land Use Coordinator, reminded the Council this set of findings related to the last remaining unacknowledged portion of the

Urban Growth Boundary. The findings would go to the Land Conservation and Development Commission (LCDC) on July 24 to be considered for final acknowledgement, she reported.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Hansen and Oleson

The motion carried and the Ordinance was adopted.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 86-648, for the Purpose of Adopting the Regional Convention, Trade, and Spectator Facilities Master Plan and Declaring Intent to Carry Out Recommendations of that Master Plan Related to Metro

Steve Siegel, Intergovernmental Resource Center Administrator, stated the Master Plan before the Council was the same plan recommended by the Regional Convention, Trade, and Spectator Facilities (CTS) Committee on May 15. He further explained the plan was contingent on whether the region's voters approved funding for the facility. A request for a \$65 million General Obligation bond measure would be before the voters on November 4, he said. He then summarized the four main components of the CTS Master Plan:

1. Establishing a regional commission to operate the CTS facilities;
2. Recommending the Holladay/Union site for a convention and trade show center;
3. Establishing a mission of Metro working with the Legislature and Department of Agriculture to potentially develop a agri-business center or agricultural resource product center; and
4. Establishing policies for long-term development and implementation of a stadium and arena.

Mr. Siegel reported the City of Portland Council had unanimously adopted a resolution approving the CTS Committee's recommendations and had adopted an ordinance designating the Holladay/Union site for the convention and trade show center. In response to Councilor Myers' question, he explained the City Council's action would amend

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the CTS Committee's recommendation but those changes were minor. He also explained Metro was the only other government to formally adopt the CTS Master Plan. The City Council had adopted portions of the plan directly effecting the City.

Councilor Waker asked if it were true Multnomah County had yet to act on the CTS Master Plan. Mr. Siegel reported the County had adopted an ordinance to set in place a hotel/motel tax to fund the convention and trade show center. An intergovernmental agreement would soon be signed regarding this tax, he said. Also, over the next three years staff would seek the County's commitment to include the Exposition Center in the CTS Master Plan.

Councilor Kelley asked if the City of Portland had addressed the issue of urban improvements to the Holladay/Union site area and whether the community supported the changes addressed in the Master Plan. Mr. Siegel said it was important to understand the urban renewal area was not an element in financing the center. He explained, however, the City was committed to implementing a local improvement district in the area by March of 1987 and that step would be an important part of the project. Other financing would be provided by the state (\$15 million) and from a General Obligation bond measure (\$65 million). He thought the November bond measure would be successful and he expected good community support.

Councilor Frewing asked staff to review changes in the FY 1986-87 budget associated with the CTS project and to explain when those changes would be before the Council for consideration. Mr. Siegel said staff was still preparing the final project budget. He estimated between \$2 and \$3 million would be expended in FY 1986-87. The hotel tax, he explained, would provide revenue for some of those costs. Executive Officer Gustafson added he would submit a CTS supplemental budget to the Council for approval at a later date.

In response to Councilor Kafoury's question, Mr. Siegel said the new CTS commission would be appointed upon approval of the General Obligation bond measure, hopefully by July 1, 1987. He said the existing CTS Committee had agreed to work until that time to provide overall guidance for the project.

Councilor Kafoury asked if the Master Plan called for pursuing facilities other than the convention and trade show center. Mr. Siegel said the Council was being asked to develop a CTS program by 1990 to include providing \$50,000 to study future stages of the project and to spearhead an effort with other entities to study the feasibility of an agricultural center. He said the CTS Committee had a pool of money donated for such studies and had perceived the overall project on a state-wide level.

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Councilor Myers asked if by adopting the resolution the City of Portland would be committed to shed its responsibilities for the Exposition-Recreational Commission. Mr. Siegel responded that by adopting the CTS Master Plan both entities would be committed to mutually developing a workable transitional plan.

Presiding Officer Waker gave the public an opportunity to speak on the proposed CTS Master Plan.

Tom Dennehy, 16421 N.E. Holladay, Portland, testified he had observed the Portland City Council meeting on television when they had adopted the CTS Plan. He said the City Councilors had congratulated themselves for taking risks and making difficult decisions. Mr. Dennehy said he failed to see what risks had been taken since the public's money, not the Councilors', would be used for the project. He strongly urged private funds, such as additional hotel taxes, be used to finance the project. Finally, Mr. Dennehy challenged the Council to be straightforward when adopting a ballot title for the General Obligation bond measure and to save him the trouble of challenging a confusing title in court. He also questioned why the CTS Committee had suggested Metro be the lead agency for the convention center project, stating "you guys ain't done nothing right yet and I think you'll continue in the same pattern..."

John Christison, General Manager of the Exposition-Recreation Commission, testified he disagreed with Mr. Dennehy's testimony and was convinced a CTS facility would provide a very real opportunity to improve the local economy. He said adoption of the Master Plan would be a milestone in intergovernmental cooperation and would accomplish a much needed project.

The Presiding Officer thanked Mr. Christison for his testimony and for his fine work on the CTS project.

Motion: Councilor Oleson moved to adopt Resolution No. 86-648 and Councilor Cooper seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Hansen

The motion carried and Resolution No. 86-648 was adopted.

Councilor Van Bergen said he objected to Mr. Dennehy's earlier statement that Metro "ain't done nothing right, ever." He said he wished to go on record as taking an ongoing exception to such comments.

Councilor Kelley noted said she appreciated the remarks of constituents, even though she didn't always agree with them, because they kept her on the "straight and narrow."

9. OTHER BUSINESS

9.1 Review of Solid Waste Rate Policies Prior to Initiation of 1987 Rate Study

Rich McConaghy, Solid Waste Analyst, explained the Council would soon be asked to adopt rate policies for 1987. He said the Council had previously requested staff present preliminary information and policies and to provide an opportunity for Council direction and comment before returning with a final rate adoption document for adoption.

Mr. McConaghy reviewed the staff report. He discussed current rate policies established through Council Resolution No. 84-483 and Metro Ordinance No. 85-191 and proposed rate policies as they effected the diversion of waste from St. Johns Landfill. He explained staff were examining the following alternatives that would effect the flow of waste to St. Johns Landfill:

1. The City of Portland agreement for leasing St. Johns could have an impact of increasing disposal rates by \$2 per ton. The end use program could also increase rates by 40¢ per ton.
2. Staff would review the \$1 per ton landfill siting fee mandated by SB 662 and would report back to the Council on the effects of changing the current program.
3. Waste could be diverted by banning dried non-food waste from drop boxes disposed at St. Johns.

Presiding Officer Waker asked if staff were preparing long-term rate projections. He noted the long-term rates would have a relationship to costs for alternative technologies. Mr. McConaghy said staff could prepare a graph showing how rates would increase and how the new transfer station would effect rates.

9.2 Consideration of Proposed Time Schedule and Strategy for RFQ-I/RFP Process for Solid Waste Alternative Technologies

Doug Drennen, Engineering/Analysis Manager, stated the proposal

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before the Council included a recommended time schedule for establishing a Technical Review Committee (TRC) and a Policy Review Committee (PRC). He said the PRC membership would include two or three Metro Councilors and one Clark County Commissioner. He then referred the Council to the staff report which described the composition, functions and responsibilities of both committees, the list of firms who responded to the Request for Qualifications and Information (RFQ-I) and a proposed calendar showing the sequence of activities and actions for the alternative technology project through April 1987.

Councilor Kirkpatrick questioned whether both the TRC and PRC committees were necessary. She also questioned why the request for proposals (RFP) could not be issued by December 1, 1986.

Executive Officer Gustafson answered the technical committee would conduct the lengthy interview process while the policy committee oversaw that process, made recommendations regarding a short list for the RFP and selected key points for full Council deliberation.

Councilor Frewing asked if the Council would evaluate comparative cost information submitted by vendors. Mr. Drennen said that information would be public but he cautioned it would be preliminary information.

Councilor Kafoury said she was interested in keeping the time schedule as short as possible and questioned the delay between work sessions 2 and 3 listed on the project calendar. Mr. Drennen explained the proposed schedule was designed to use the project consultants as efficiently as possible. He said time would be needed between the two sessions to prepare information for Council deliberation. The Council would also need ample time to review the information.

The Executive Officer then discussed ways the schedule could be shortened. He explained, however, the principal behind the proposed schedule was to first develop the short list, then the RFP, allow for the short list vendors to comment on the RFP, and finally to issue the RFP. He said that schedule suggested the Council adopt policy issues first so the policies could be used to develop the RFP. This, he said, would allow the Council to develop positions on risk, financing, ownership and other key issues based on those vendors still left in the process. The Executive Officer said the processes could be shortened if the Council instructed staff to draft the RFP immediately or when the short list was recommended. The process could also be shortened about two months by eliminating the vendor comment period, he said.

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Councilor Kirkpatrick supported the last option because staff could be working on the RFP before the short list was developed. She said she understood the importance of a well-written RFP but believed the process could still be shortened.

Councilor Cooper agreed the time line could be shorten but he also felt adequate amount of time should be given vendors to bid on the highly technical project.

Councilor Gardner agreed with Councilor Cooper and requested the vendor comment period not be deleted. To do so, he said, could cause problems later on in the RFP process.

Motion: Councilor Frewing moved to approve the appointment of the Technical Review Committee (TRC) and the Policy Review Committee (PRC) as outlined in the staff report of May 21, 1986, and that the TRC consist of three Metro Councilors and one Clark County representative appointed as outlined in the staff report. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Hansen

Presiding Officer Waker stated his intent to appoint Councilor Gardner and two other Councilors to the TRC subject to Council review. After discussion, the Council agreed there was sufficient concern about the time schedule and that staff should work to compress the schedule where reasonable and practical. The Presiding Officer then suggested, after a short discussion, to first appoint the PRC and have them review the project schedule in concert with the Clark County Commissioner and have the Committee recommend how the time line could be shorted based on staff and Council schedules. Councilor Oleson added there was a consensus the Council was willing to shorten the schedule and take some risks on staff assumptions. Finally, the Presiding Officer requested Don Carlson and the Deputy Presiding Officer prepare a calendar listing all other issues the Council must address and to give that list to the PRC so it could assess the overall demands on the Council in relation to the alterntive technology project. The PRC could then bring back a revised calendar to the Council, he said.

9.3 Consideration of Establishment of a Regional Position Regarding the Need for Transit and Short and Long-Term Approaches for Financing Transit

The Presiding Officer noted since he had initially requested this item be placed on the agenda, the Tri-Met Board had changed its position on financing.

Andy Cotugno, Transportation Director, explained the staff report was drafted in response to the Tri-Met Board's suggestion of an income tax and included information regarding options to an income tax. He said the report generally supported the need for a short-term, increased revenue source as well as efforts to attain long-term, cost efficiency. He then said the Tri-Met Board had since adopted a budget that did not include an income tax. Instead, the operating budget was reduced by about 10 percent. Mr. Cotugno explained some of the cost saving measures effected service but the largest part of the savings had been achieved by reducing working capital from \$5 million to \$2.8 million.

Both Councilors Kelley and Myers discussed their experiences serving on Tri-Met committees and the difficulties in obtaining monies from fuel and income taxes. Councilor Myers asked whether JPACT intended to endorse a position regarding Tri-Met's current financial status.

Presiding Officer Waker answered JPACT's initial recommendation was not longer relevant. JPACT had, however, given its support to the Tri-Met Board without specifically supporting an income tax measure.

Councilor Frewing noted that since the Metro Executive Officer's FY 1986-87 budget included a regional governance study of Tri-Met, the Metro Council take a more active position to support Tri-Met. He suggested the Council might recommend Tri-Met reduce its service boundary to be the same as Metro's boundary, for example. He also suggested the Council conduct a workshop with Tri-Met's Board. Mr. Cotugno said JPACT would be very interested in those ideas.

Motion: Councilor Van Bergen moved to remand the Report on a Regional Position Regarding the Need for Transit and Short and Long-Term Approaches for Financing Transit back to JPACT for further consideration. Councilor Frewing seconded the motion.

Vote: A vote on the motion resulted in:

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

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Absent: Councilor Hansen

The motion carried.

EXECUTIVE SESSION

Presiding Officer Waker called the meeting into executive session under the authority of ORS 192.660(1)(h) to discuss litigation matters with counsel. After the executive session ended, the Council reconvened to its regular session.

There being no further business, Presiding Officer Waker adjourned the meeting at 8:00 p.m.

Respectfully submitted,


A. Marie Nelson
Clerk of the Council

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