

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

Regular Meeting
October 9, 1986

Councilors Present: Tanya Collier, Larry Cooper, John Frewing, Jim Gardner, Gary Hansen, Sharron Kelley, Corky Kirkpatrick, Mike Ragsdale,* George Van Bergen and Richard Waker

Councilors Absent: Tom DeJardin and Marge Kafoury

Also Present: Executive Officer Rick Gustafson

Staff Present: Ray Barker, Eleanore Baxendale, Sandy Bradley, Donald Carlson, Doug Drennen, Dan Durig, Gene Leo, Dave Luneke, Marilyn Matteson, Dennis Mulvihill, Vickie Rocker, Joan Saroka, Jennifer Sims, Cathy Thomas, and Tuck Wilson

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

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

2.1 Declaration of Vacancy for District 1 Council Position

The Presiding Officer said he had received a letter from Bob Oleson, Councilor of Metro District 1, requesting Councilor Oleson's resignation from the Council effective October 1, 1986.

Motion: Councilor Kelley moved to declare a vacancy for the District 1 Council position effective October 1, 1986, and Councilor Frewing seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen and Waker

Absent: Councilors Cooper, DeJardin and Kafoury

The motion carried and the vacancy was declared.

*Note: The District 1 Council position, formerly filled by Councilor Oleson, was vacant until after the adoption of Resolution No. 86-690 at this meeting. The Resolution appointed Councilor Ragsdale to fill the vacancy.

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Consideration of Resolution No. 86-695, for the Purpose of
Expressing Appreciation to Bob Oleson for Services Rendered to the
Portland Region

Presiding Officer Waker introduced the Resolution, noting the many contributions made by former Councilor Bob Oleson to the Metro area.

Motion: Presiding Officer Waker moved the adoption of Resolution No. 86-695 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen and Waker

Absent: Councilors Cooper, DeJardin and Kafoury

The motion carried and Resolution No. 96-695 was adopted.

The Presiding Officer then presented a plaque to former Councilor Oleson in honor of his achievements as a Metro Councilor.

2.2 Consideration of Resolution No. 86-690, for the Purpose of
Appointing Mike Ragsdale to Fill the Vacant District 1 Council
Position

Ray Barker, Council Assistant, outlined the options available to the Council for filling the vacant position. Staff recommended the Council appoint Councilor-Elect Mike Ragsdale to fill the position. Mr. Ragsdale had been elected by voters from District 1 to fill the position commencing January 1, 1987.

Motion: Councilor Kelley moved Resolution No. 86-690 be adopted and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen and Waker

Absent: Councilors Cooper, DeJardin and Kafoury

The motion carried and Resolution No. 86-690 was adopted.

Mr. Ragsdale took the Oath of Office as administered by the Presiding Officer and was seated with other Councilors.

3. EXECUTIVE OFFICER REPORT

Marion County Solid Waste Contract. Executive Officer Gustafson reported Marion County had made several amendments, none major, to the contract previously approved by the Council for the delivery of solid waste to Marion County. Those amendments would be reported to the Council at a later date.

Southern Pacific Railroad Right-of-Way. Metro was working with the City of Portland and other jurisdictions to preserve the railroad right-of-way for future use. In response to Councilor Frewing's question, the Executive Officer said no direct Metro funds had been spent on the effort, only staff time. Staff had been coordinating meetings on an informal basis. Metro's role in the project would now be more formal, he explained.

Leadership Day. A special day to recognize local government leaders was scheduled at the Washington Park Zoo on October 18.

Recycling Awareness Days. Vickie Rocker, Public Affairs Director, reported the activities planned for the week of October 6 through 17 to increase the public's awareness of recycling. Activities including workshops throughout the area, recycling information presented at the Zoo and kickoff of an improved Metro office recycling program.

Consideration of Resolution No. 86-694, for the Purpose of Recognizing Recycling Achievement in the Metro Region

The Executive Officer explained the Council annually recognized individuals or groups who were successful at encouraging recycling. By adopting Resolution No. 86-694, the Council would give special recognition to Clackamas County and the Clackamas County Refuse Disposal Association for recycling efforts. The two agencies, he said, had worked cooperatively to create innovative education, promotion and recycling program which had resulted in increased recycling participation in the Metro region.

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

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors DeJardin and Kafoury

The motion carried and Resolution No. 86-690 was adopted.

The Executive Officer then presented recycling awards to the two agencies which were accepted by Ken Spiegel for Clackamas County and Mike Borg for the Refuse Disposal Association. "Mr. Trash" and "Mr. Cool Can" visited the Council chamber (Richard Dobb and Fred

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Kahut dressed in special costumes), greeted Councilors and distributed recycling information.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSIDERATION OF MINUTES

Councilor Kirkpatrick requested the first page of the Minutes of August 28, 1986, be corrected to show she was present at the meeting. Her presence and voting activity had been correctly noted throughout the remaining pages of the record.

Motion: Councilor Kirkpatrick moved the minutes of August 28, 1986, be approved as corrected and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors DeJardin and Kafoury

The motion carried and the minutes of August 28 were approved as corrected.

Presiding Officer Waker said the Council Clerk had distributed a memo explaining the need to correct the minutes of August 14, 1986. After the minutes were approved by the Council on September 11, it came to the Clerk's attention the votes on Resolution No. 86-671 had been incorrectly recorded. Councilor Frewing had actually voted against the main motion and Councilor DeJardin had voted in favor of both motions.

Motion: Councilor Frewing moved that page 19 of the minutes of August 14, 1986, be corrected to reflect that Councilor Frewing had voted in opposition to the main motion to adopt Resolution No. 86-671 and that Councilor DeJardin had voted in favor of the main motion and the motion to amend Resolution No. 86-671. Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors DeJardin and Kafoury

The motion carried and the minutes of August 14 were approved as corrected.

8. CONTRACTS

8.1 Consideration of a Contract with Turner Construction Company for Construction Management Services for the Convention Center

Tuck Wilson, Convention, Trade and Spectator Facility (CTS) Project Director, introduced Tom Walsh to the Council. Mr. Walsh, President of Walsh Construction Company and member of the CTS Advisory Committee on Design and Construction, had assisted with the contractor selection process. Mr. Wilson reviewed staff's report and recommendation as printed in the agenda materials for the meeting. Presiding Officer Waker, also involved with the selection process, explained the selection committee had weighted directly related project experience very high. As such, Turner Construction Company had been recommended for the contract award.

Councilor Kelley questioned why the contract was being awarded before the November 4 vote on the project's general obligation bonding measure. Presiding Officer Waker said it was necessary to award the contract at this time in order to keep abreast of the construction schedule. Turner Construction Company, if awarded the contract, would be on line to assist with the process of selecting a project architect, he said.

Responding to Councilor Collier's question, Mr. Wilson said the Oregon firms had not been weighted higher than other firms. He also said Turner Construction had a regional office in Seattle. Mr. Walsh added the one Oregon firm interviewed could not have performed at the same level as Turner.

In answer to Councilor Frewing's questions, Mr. Wilson explained the contract would be chargeable to hotel/motel tax funds. The contract would terminate if the general obligation bonding authority were not approved on the November 4 ballot.

Councilor Collier asked how the project would be effected if the contract were not awarded until after the General Election. Mr. Wilson said if the contract were not awarded at this time,

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delays would occur in preparing the architectural services Request for Proposals. He said the community leaders who designed the project and selected Metro as the lead agency assumed a specific plan would be followed. Mr. Walsh also explained that a delay would result in lost revenue if the facility was not occupied on schedule.

Councilor Hansen asked if Turner Construction Company could bid on the construction phase of the CTS project. Mr. Wilson said they could not.

Councilor Kelley said she would oppose the contract award because it was not prudent business to award it before voters had approved the project.

Councilor Collier said she appreciated staff's work but explained it would not be accountable to vote on CTS money issues before the voters approved the convention center.

Motion: Councilor Frewing moved to approve awarding the contract to Turner Construction Company and Councilor Kirkpatrick seconded the motion.

Councilor Van Bergen said the Council was compelled to work ahead of schedule on the project and as such, he would endorse the contract.

Councilor Gardner agreed with Councilor Van Bergen. He said the Council would not be responsible to the region's citizens if they did not proceed as quickly as possible.

Councilor Ragsdale explained he understood the construction manager's work would be immediately needed in order to proceed with other aspects of the project. He said he was very pleased with the quality of work Turner Construction could provide.

Councilor Hansen said he would support approval of the contract because a one-month delay would be costly. He said the Council needed to create a serious posture so that voters would know the project would actually be built. He cited the Coliseum project as one that suffered from lack of aggressive action.

Councilor Frewing questioned the relationship of Turner Construction with Shields and Obletz, the contractor recommended for the consulting services contract. Mr. Wilson said that relationship would be discussed when staff presented its report for Agenda Item No. 8.2, below.

Vote: A vote on the motion resulted in:

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

Nays: Councilors Collier and Kelley

Absent: Councilors DeJardin and Kafoury

The motion carried and the contract was approved.

8.2 Consideration of a Contract with Shiels and Obletz for
Consulting Services for the Convention Center

Tuck Wilson presented staff's report as contained in the printed agenda materials. He explained the large size and complexity of the local improvement district (LID) project would have discouraged many potential bidders. Staff had received only two responses to the request for bids. After evaluation of the bids received, Shiels and Obletz were deemed best qualified to perform the work. Tom Walsh, member of the CTS advisory committee on design and construction of the Convention Center, said he support staff's recommendation.

Presiding Officer Waker, also on the advisory committee, explained the contracted project was complex and would require the contractor to negotiate with many parties. Shiels and Obletz, he said, had performed similar work and fully understood the investment required for the job.

Councilor Frewing asked if a conflict of interest existed between Turner Construction and Shiels and Obletz since the latter company would perform some work for Turner on the CTS Construction Management contract. Mr. Wilson explained the two projects were very different and a conflict did not exist.

Addressing the project schedule, Presiding Officer Waker said it was important to award the LID Consulting Services contract at this time in order to meet the required schedule of presenting a CTS master plan to the Legislature in January.

Responding to Councilor Frewing's question, Mr. Wilson said if the general obligation bond measure were not approved on November 4, all post-election phases of the contract would be terminated.

Motion: Councilor Hansen moved to approve the contract with Shiels and Obletz for consulting services for the Convention Center. Councilor Cooper seconded the motion.

Answering Councilor Van Bergen's question about the immediate need for the contract, Mr. Wilson explained \$4,000 was the maximum amount

that could be charged on the contract before the General Election. He also explained the amount to be raised in the LID would be the largest to date in the city of Portland. Bonds would only be sold after the election, he said, and staff were working to ensure that other funding elements were in place as soon as possible.

Councilor Collier agreed with Councilor Van Bergen that the contract was not needed before the election. She also wanted to review the final version of the contract before she approved it.

In response to Councilor Ragsdale's question, Mr. Wilson said if both Metro's general obligation bond measure and Ballot Measure No. 9 (a tax limitation measure) passed, it would be important to immediately commence with the sale of bonds.

A discussion followed about the probable impact of a tax limitation measure on bond sales for the CTS project. Presiding Officer Waker said the selection committee had not made their recommendation with tax limitation measures in mind and the Council had to proceed in good faith.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Gardner, Hansen, Kirkpatrick, Ragsdale and Waker

Nays: Councilors Collier, Frewing, Kelley and Van Bergen

Absent: Councilors DeJardin and Kafoury

The motion carried and the contract was approved.

Councilor Van Bergen said he wanted the representatives of Shiels and Obletz to know he voted against approving the contract because of timing issues, not because he did not endorse the recommended contractor. He wished a positive message be sent to the contractor that the Council had their support on the project.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 86-691, for the Purpose of Amending Resolution No. 86-659 and Revising the FY 1986-87 Budget and Appropriations Schedule (to Provide Funds for the Waste Disposal Agreement with Marion County) (Public Hearing)

Jennifer Sims, Director of Management Services, explained the Council had previously authorized an intergovernmental agreement with Marion County regarding waste disposal. The agreement would incur

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an additional, estimated expense of about \$471,000 in FY 1986-87. Adoption of Resolution No. 86-691 would authorize the transfer of \$471,000 from the Solid Waste Operating Contingency Fund to the St. Johns Landfill program to fund the project.

Presiding Officer Waker opened the public hearing on the Resolution. There being no testimony, he closed the public hearing.

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

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Prewing, Gardner, Hansen, Kelley, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors DeJardin and Kafoury

The motion carried and Resolution No. 86-691 was adopted.

7.2 Resolution No. 86-692, for the Purpose of Establishing
Opposition to Ballot Measure Nos. 9 and 11

Donald Carlson, Deputy Executive Officer, outlined the proposed impact of Ballot Measure Nos. 9 and 11 to the Metropolitan Service District as discussed in his memorandum to Councilors dated October 1, 1986, that was included in the agenda packet.

Councilor Collier asked why Ballot Measure No. 12 had not been addressed in Resolution No. 86-692. Mr. Carlson said it was not included because the Ballot Measure was not harmful to Metro's interests.

A discussion followed about whether the Council should take a position opposing Ballot Measure No. 12. Presiding Officer Waker questioned the wisdom of taking a position on a ballot measure that was not directly related to Metro's interests.

Councilor Van Bergen asked counsel to comment on the propriety of the Council taking a position to ensorse or oppose specific issues on the ballot. Eleanore Baxendale, General Counsel, advised it was within the Council's authority to take a position on any issue directly related to Metro's concerns.

Councilor Gardner said he would have difficulty voting for Resolution No. 86-692 because the probable impact on Ballot Measure No. 11 was very speculative. He opposed combining the issues of the two ballot measure in one Resolution.

Main Motion: Councilor Kirkpatrick moved to adopt Resolution No. 86-692 and Councilor Collier seconded the motion.

Motion to Amend: Councilor Hansen moved to amend the main motion by removing any reference to Ballot Measure No. 11 from the Resolution. Councilor Gardner seconded the motion.

Vote on Motion to Amend: A vote resulted in:

Ayes: Councilors Frewing, Gardner, Hansen

Nays: Councilors Collier, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper, DeJardin, Kafoury and Kelley

The motion failed.

Vote on Main Motion: A vote resulted in:

Ayes: Councilors Collier, Frewing, Kirkpatrick, Ragsdale, Van Bergen and Waker

Nays: Councilors Gardner and Hansen

Absent: Councilors Cooper, DeJardin, Kafoury and Kelley

The motion carried and Resolution No. 86-692 was adopted.

EXECUTIVE SESSION

At 7:05 p.m., Presiding Officer Waker called an Executive Session of the Council under the authority of ORS 192.660(1)(e) to discuss real property negotiations for acquiring the 209th/TV Highway Site for the west transfer and recycling center. Councilors present included Collier, Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Ragsdale, Van Bergen and Waker. Staff present included Dan Durig, Dave Luneke, Doug Drennen, Vickie Rocker, Eleanore Baxendale, Rick Gustafson and Don Carlson. The Presiding Officer called the meeting back into regular session at 7:45 p.m.

WEST TRANSFER AND RECYCLING CENTER

Motion: Councilor Van Bergen moved to direct staff to make a specific property settlement offer to Intel for purchase of the 209th/TV Highway Site. Councilor Cooper seconded the motion.

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Vote: A vote on the motion resulted in:

Ayes: Collier, Cooper, Frewing, Gardner, Hansen,
Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion carried.

There being no further business, Presiding Officer Waker adjourned
the meeting at 7:50 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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