

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
December 18, 1986

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

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Jan Schaeffer, Dan Durig, Vickie Rucker, Sonnie Russill, Randi Wexler, Norm Wietting, Tuck Wilson, Richard Brandman, Steve Siegel, Andy Cotugno, Neil McFarlane, Becky Crockett, Katie Dowdall, Ray Barker, Dennis O'Neil, Dennis Mulvihill, Wayne Rifer, Debbie Allmeyer, Phillip Fell, Steve Rapp, Jennifer Sims, Ed Stuhr, Gene Leo, Kay Rich and Doug Drennen

Presiding Officer Waker called the regular meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Council Comment on Draft IRC Work Program. Councilor DeJardin distributed a draft work program for the Intergovernment Resource Center (IRC) and he requested Councilors provide comments which would be incorporated into the draft that would be circulated to local governments the following week.

Councilor DeJardin reported the proposed work program was very similar to the current year's program, the major differences being periodic review work for the Urban Growth Boundary and a new emphasis on a number of regional park issues. He explained an IRC Advisory Committee would meet January 12 to discuss the program. In the meantime, staff would also meet with groups of local government officials to seek their comments. A second Advisory Committee meeting was scheduled for early February at which time a recommendation to the Council would be formulated.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Gustafson addressed the Council on the state of Metro. It was the last Council meeting during his eight-year term

as Metro Executive. The speech is included at the end of the minutes of this meeting (see Attachment "A").

Consideration of Resolution No. 86-726, for the Purpose of Expressing Appreciation to Rick Gustafson for Services Rendered to the Metropolitan Area

Councilor Hansen read the resolution which listed the many contributions Rick Gustafson had made to regional government efforts.

Motion: Councilor Hansen moved the Council adopt the Resolution and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and the Resolution was adopted. Councilor Hansen announced a photo of the Executive Officer would be hung in the Council chambers in commemoration of his achievements as Metro's first Executive. The Councilor then presented the photograph and all present stood and applauded the outgoing Executive.

Report on Metro's Self-Insurance Program. Ed Stuhr, Grants and Contracts Officer, distributed a document entitled "Self-Insurance and Risk Management Program," dated December 18, 1986. He explained the major contents of the report and requested Councilors contact him if they had questions about the program.

3.1 Discussion of the Department of Environmental Quality's (DEQ's) State Landfill Siting Process

Dennis O'Neil, Solid Waste Analyst, introduced Steve Greenwood of DEQ and explained Mr. Greenwood would discuss the Department's landfill siting process and the three sites under current consideration.

Mr. Greenwood explained Senate Bill 662 had given three messages to the DEQ: 1) DEQ was given authority to study sites and the Environmental Quality Commission had authority to select a site by July 1, 1987; 2) the new landfill must be sited within the context of an aggressive waste reduction plan; and 3) potential negative impacts of the landfill such as noise, odor, visual and traffic impacts, had to be addressed.

Mr. Greenwood then reviewed DEQ's process for selecting a regional landfill site. The Department initially identified 142 sites after a comprehensive search of the area. By July 1, 1986, 19 of the 142 sites were identified for further study and public hearings. Three final sites were ultimately identified: Ramsay Lake, Bacona Road

and the Wildwood site. He explained the Wildwood site had slightly different boundaries than the site of the same name originally identified by Metro. Mr. Greenwood reviewed characteristics, technical and other issues associated with each of the three sites as discussed in a report distributed to the Council. Finally, he reported a draft feasibility study on the three sites would be published in March with public hearings on the site occurring in April.

Mr. Greenwood noted citizens had expressed keen interest in resource recovery projects during landfill siting hearings and DEQ staff had distributed literature on Metro's solid waste alternative technology selection process.

Councilor Knowles thanked Mr. Greenwood for addressing the Council. He explained that because DEQ was choosing a landfill for which Metro would ultimately assume responsibility, he was most concerned that project costs be regulated. Presiding Officer Waker explained the Council's Solid Waste Committee would work with DEQ to review costs. Mr. Greenwood said the approximate landfill siting budget was \$2.5 million.

Councilor Frewing questioned why DEQ's and Metro's two studies on the cost of landfilling had reported different costs. Mr. Greenwood explained DEQ's figures reflected a purely economic model. Metro's report, however, had factored in system costs. He said the EQC would examine all related costs when making with final decision on a landfill site.

In answer to Councilor Frewing's question, Mr. Greenwood reported a permit process would be included in acquiring the landfill site.

Finally, Councilor Frewing asked if politics would play any role in the EQC selecting a final landfill site. Mr. Greenwood said the EQC would consider policy issues and many factors when making its decision but it would not make a political decision because it would not be in the Department's best interests to do so.

3.2 Consideration of Resolution No. 86-719, for the Purpose of Appointing Three Citizens to the North Portland Rehabilitation and Enhancement Committee

Vickie Rucker, Public Affairs Director, discussed the selection process for the three recommended committee members. Pamela Arden, Dick Denicola and Steve Roso were recommended for appointment.

Motion: Councilor Hansen moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-719 was adopted.

Councilor Hansen thanked Ms. Rocker for staff's assistance and the Executive Officer for his recommendation. He was looking forward to working with the committee in achieving its goals.

Solid Waste Reduction Plan. Executive Officer Gustafson reported he had drafted a letter of understanding to Fred Hansen, Director of DEQ, regarding the progress of the waste reduction plan. He requested Councilors review the letter and provide comments to him as soon as possible.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Van Bergen moved the Consent Agenda be adopted and Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Kelley and Knowles

The motion carried and the following resolutions were adopted and minutes and contract approved:

6.1 Resolution No. 86-712, for the Purpose of Amending the Transportation Improvement Program to Reflect the Adopted Six-Year Highway Improvement Program

6.2 Resolution No. 86-716, for the Purpose of Designating the Executive Officer as Signer of the District's Checks, Drafts or Other Orders for Payment

6.3 Minutes of November 20, 25 and 28, 1986

- 6.4 Contract Extension with Skyline Building Maintenance for Janitorial and Maintenance services (at the 2000 S.W. First Avenue Building)

7. ORDINANCES

- 7.1 Consideration of Ordinance No. 86-214, for the Purpose of Establishing Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Section 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.060 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee (Second Reading)

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

Motion: A motion to adopt the Ordinance was made by Councilors DeJardin and Kirkpatrick on December 11, 1986, at the first reading of the Ordinance.

Presiding Officer Waker explained because Estle Harlan, a representative of the Tri-County Council of the solid waste hauling industry, could not attend the meeting, he would read a statement to the Council expressing her concerns about the proposed Ordinance. Ms. Harlan was concerned about the impact of the proposed rate increase on the cost of operations for the solid waste industry. The Tri-County Council recommended the additional solid waste operating fund balance be used to off-set the increase in disposal fees for 1987 as her previous testimony had more fully detailed. Ms. Harlan also recommended not including a specific fee for non-compliance with the waste reduction program in the Ordinance until actual costs were known.

Councilor Gardner reported the Solid Waste Committee recommended the Council not adopt a specific fee for non-compliance with the waste reduction certification program at this time. He said a fee could be adopted after the certification program was developed and language could be left in the Ordinance which would provide for the fee concept.

First Motion to Amend: Councilor Gardner moved, seconded by Councilor Kelley, Section 5.02.075 of the Ordinance be amended to read:

"[(a)] There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling

goals of the waste reduction program. This fee shall be collected on all Metro facilities by specifically identified commercial disposers and shall be in addition to other fees collected. The amount of the Certification Non-Compliance Fee shall [not be implemented and applied until after] be set by the Metro Council when the following conditions have been met:

"[i.] (a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or commercial waste disposers as either certified or non-certified for the purpose of collecting this fee; and

"[ii.] (b) The Metro Council has made the determination that [a local jurisdiction is not in compliance and that] implementation of the fee is needed to achieve the purposes stated above[; and].

"[iii. Thirty (30) days have elapsed since the preceding two conditions have been made.]

"[(b) The amount of the Certification Non-Compliance Fee shall be \$4.50 per ton of waste received from a non-certified area.]"

Councilor DeJardin requested staff's response to the proposed amendment. Mr. McConaghy said he supported the Solid Waste Committee's recommendation because it introduced the concept of the non-compliance fee.

George Hubel, Chair of the Solid Waste Rate Review Committee (RRC), supported the amendment because the RRC had been reluctant to make a specific recommendation on the non-compliance fee.

Vote on First Motion to Amend: A vote resulted in all twelve Councilors voting aye.

The motion carried and the Ordinance was amended.

Presiding Officer Waker read a letter from the City of Tigard Mayor in which he expressed concern about the proposed rate increases and the effect of those increases on citizen's disposal rates.

Second Motion to Amend: Councilor Gardner moved the Ordinance be amended to decrease the St. Johns base disposal rate to \$16.70 per ton rather than the \$16.90 recommended rate. Councilor Kelley seconded the motion.

Councilor Gardner explained the Solid Waste Committee recommended the amendment because the \$16.70 figure was more in line with leveling future rate increases and it recognized the historical pattern of revenue projection linked with projected tonnages.

After discussion, it was acknowledged if the amendment were adopted, staff would revise all related figures and totals throughout the ordinance to reflect the lower rate.

Councilor Knowles asked if the recommended amended rate were based on actual calculations and whether the lower rate would endanger the present solid waste operating fund balance for its intended contingencies. Mr. McConaghy said a lower rate would not endanger the solid waste programs and staff would provide new rate and revenue projections as part of the FY 1987-88 budget process.

Vote on Second Motion to Amend: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was amended.

Vote on the Main Motion as Amended: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was adopted as amended.

7.2 Consideration of Ordinance No. 86-213, for the Purpose of Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency (Second Reading)

The Clerk read the Ordinance a second time by title only. There was no discussion on the Ordinance.

Motion: The motion to adopt the Ordinance was made by Councilors Ragsdale and DeJardin at the meeting of December 11, 1986.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-213 was adopted.

7.3 Consideration of Ordinance No. 87-216, for the Purpose of Adopting Contract Procedures and Repealing Chapter 2.04.001 to 2.04.270 (First Reading and Public Hearing)

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

Eleanore Baxendale, General Counsel, explained the Ordinance would present Metro's contract procedures in a logical format and avoid confusion for those who used the procedures. She noted substantive changes in the Ordinance from previous procedures as listed in the written staff report.

Ms. Baxendale referred to an errata sheet distributed to Councilors. Several references in the Ordinance to contracts "under \$2,500" should be changed to read "\$2,500 and under", she said. Also, several references to contracts should also include amendments of the same amounts, she explained.

There was no discussion on the proposed Ordinance.

Motion: Councilor DeJardin moved the Ordinance be adopted and Councilor Van Bergen seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no testimony, he closed the hearing and announced the second reading was scheduled for January 8, 1987.

7.4 Consideration of Ordinance No. 87-215, for the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities (First Reading and Public Hearing)

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

Phillip Fell, Government Relations Manager, reviewed staff's written report and the following undetermined policy issues regarding the art program: whether the Ordinance should apply to all Metro projects or whether it should exclude certain solid waste projects such as landfills and resource recovery facilities; whether the program should be limited to participation by Oregon artists; and whether the program should be restricted to the visual arts.

Councilor Knowles asked what role the Metropolitan Arts Commission would play in Metro's program. Mr. Fell said the proposed Ordinance should provide for one member of the Commission to advise Metro on each major project.

In response to Councilor Frewing's question about which construction projects would apply, Eleanore Baxendale, General Counsel, explained that any new construction or renovation project included as an item in Metro's budget would be included under the proposed Ordinance.

Presiding Officer Waker proposed budgeting up to one percent rather than one percent for any particular project, explaining good art could not be measured by the amount of money expended.

Councilor Gardner did not want to restrict projects to Oregon artists but suggested weighting local artists more heavily in the selection process.

Ms. Baxendale said under Metro's current contract procedures, non-Oregon artists could not be excluded for low bid type contracts. Restrictions could be imposed, however, for personal services type contracts.

Motion for Adoption: Councilor DeJardin moved the Ordinance be adopted and Councilor Knowles seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance.

Dorothy Pacientini, former Director of the Metropolitan Arts Commission, encouraged Metro to adopt a one percent for art program. She said Metro could enjoy a positive public response and could make a significant aesthetic contribution to the area if art were part of the convention center project.

In response to Councilor Frewing's question, Ms. Pacientini encouraged a balance of Oregon and out of state artists, especially for visual arts.

Bob Frasca, Portland architect, said he supported Ms. Pacientini's testimony and urged the Council to include solid waste facilities in its art program. He said the Justice Center did not seem an appropriate project at first but had become a very successful vehicle for art. An earth sculpture could be installed at the landfill site, he suggested. Mr. Frasca proposed that if a project were deemed inappropriate for art, funds could be pooled and set aside for other projects. Regarding local artists, he urged Metro to make no restrictions since other states often commissioned Oregon artists. Finally, he said it would be in Metro's best interest to have the Metropolitan Arts Commission administer the program.

Presiding Officer Waker asked Mr. Frasca if he have any reading on the general public's response to one percent for art programs. Mr. Frasca responded that art touched all people. He expected good response if Metro adopted a properly administered, broad-based program.

In answer to Councilor Frewing's request for an example of pooling and leveraging funds on a project, Mr. Frasca cited the Justice Center ceiling tiles. He said for a little more money, the ceiling had been tiled with specially designed, hand made tiles. Landscape architecture was another example.

Selina Ottum, responding to the Presiding Officer's question about the nature of the Metropolitan Arts Commission (MAC), she explained MAC was an agency funded 60 percent by the City of Portland and 40 percent by Multnomah County to administer art projects and grants. She said although MAC was very interested in Oregon artists, it did not limit its projects to locals. She also explained her prejudice was that Metro's program should be limited to the visual arts.

Responding to Councilor Hansen's question, Ms. Ottum said she had been and would continue to work with Mr. Fell to ensure female and minorities, including native American artists, were given every opportunity to participate in Metro's art program.

Councilor Knowles asked Ms. Ottum about her experience in administering projects where funds had been pooled or leveraged. She said that could be achieved by matching funds with federal arts programs, using funds from other Metro projects, and participation from local foundations and corporations.

Councilor Knowles asked what experienced Ms. Ottum had in working with communities for major art projects. Ms. Ottum said projects had been successful when citizens served on selection committees. She said Metro's ordinance provided for additional community based advisors at the Council's discretion.

Bill Naito, local developer, testified the public sector should take the lead in presenting art to the community. He agreed with Councilor Frewing's preference for local artists, stating Oregon had many talented artists and architects. He encouraged incorporating art into landfill and transfer station projects because art could help mitigate negative attitudes about garbage. In summary, he said visitors would view the Oregon Convention Center as representing the city and state and incorporating art into that facility would enhance the already existing view of a high life quality in Oregon.

Carry Jackson, Co-chair of Oregonians for Art in Public Places, strongly urged the Council to adopt a full one percent for art program. To allocate up to one percent would seriously erode the program, he said, as had happened with other programs. Mr. Jackson said he worked in the field of resource recovery and thought it include art as part of planning such facilities.

Mike Russo, artist, a sponsor of the one percent for art program, member of the Portland Arts Commission and Design Review Committee, said he would speak to the Council from an artists viewpoint. He was encouraged the Council was discussing the issue of public expenditures for art because it was an issue vital to the area's economic growth. He explained that Europe enjoyed a brisk tourist trade due to the Continent's long-term investment in art. He said

the world was curious and envious about Oregon's unique sense of identity and its pride in the surrounding environment. Artists enhanced that image by humanizing the environment in a time dominated by mechanization. They personalized important places, he said. Regarding restricting projects to local artists, Mr. Russo explained he was not an exclusionist but thought it important the art give local identity to Oregon buildings and places.

Ed Carpenter, artist and member of the Metropolitan Arts Commission, testified against restricting projects to Oregon artists. He explained that other, out of state art programs were not restrictive and Oregon artists had made valuable contributions to those programs. He encouraged fostering a spirit of reciprocity.

Manual Esquierdo, sculptor, art professor and member of the Metropolitan Arts Commission, addressed the issue of design and art. He noted that art and design were closely linked in many WPA projects, resulting in significant and beautiful facilities were built. He encouraged Metro to conduct its projects in this tradition, especially solid waste facilities.

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

Councilor Ragsdale said he supported including solid waste facilities in the Ordinance but wanted to know the impact of that provision on solid waste disposal rates.

Councilor Kelley proposed the Ordinance be worded to include both visual and functional art. She said she had worked with Mr. Fell and General Counsel to draft specific language.

Councilor Van Bergen thought it the Council's responsibility to administer its own art program until circumstances dictated another solution. He also recommended adopting a full one percent program with the Council having the option to reject art for specific capital projects.

Councilor Frewing said after hearing public testimony, he supported Mr. Russo's statement the program not be restricted to Oregon artists but that projects enhance a local or regional identity.

In response to Councilor Ragsdale earlier request for the economic impact on disposal costs, Executive Officer Gustafson reported capital costs for the new regional landfill would be about \$22 million. Assuming a one percent for art program was adopted, \$220,000 would be spent for art which would result in an approximate increase of 3 cents per ton for disposal costs over a twenty-year period. He added that rather than place the art at the landfill,

the Ordinance could be amended to allow art to be installed in the surrounding community.

Presiding Officer Waker announced the second reading of the Ordinance would take place January 8, 1987.

8.1 Consideration of Resolution No. 86-717, for the Purpose of Establishing Guidelines for Metro's One Percent for Art Program

Motion: Councilor Kirkpatrick moved consideration of the Resolution be continued to January 8, 1987, and Councilor Kelley seconded the motion.

Presiding Officer Waker called a break at 7:35 p.m. The Council reconvened at 7:50 p.m.

9.5 Consideration of Resolution No. 86-723, for the Purpose of Supporting State of Oregon Financial Participation in the Construction Costs of the Oregon Convention Center

Tuck Wilson, Convention Center Project Manager, briefly explained the financing plan for the Convention Center project, adopted by the Council in May 1986, identified the State as providing \$15 million for the project. Resolution No. 86-723 would request the Governor-elect include a general fund appropriation of \$15 million in his recommended budget for the 1987-89 biennium and would ask the Speaker of the Oregon House and the President of the Oregon Senate to introduce legislation appropriating \$15 million from the general fund.

Norm Smith, member of the Convention, Trade and Spectator Facility Committee, reported the Committee recommended adoption of the Resolution.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Collier said she supported the Resolution but wanted to make sure this action was coordinated with the rest of Metro's Legislative Program. Councilor Ragsdale, Chair of the Council Convention Center Committee, agreed coordination would occur.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-723 was adopted.

8.2 Consideration of Resolution No. 86-718, for the Purpose of Appointing an Agent of Record for Casualty and Liability Insurance

Ed Stuhr, Grants and Contracts Officer, discussed the role of the agent of record, staff's selection process and recommended the firm of J.B.L. & K. Insurance be designated as agent. Responding to Councilor Frewing's question, he explained the agent would be paid via commissions for insurance coverage.

Motion: Councilor DeJardin moved to adopt the Resolution and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-718 was adopted.

8.3 Consideration of Resolution No. 86-714, for the Purpose of Submitting Metropolitan Service District Zoo Serial Levy

Donald Carlson, Deputy Executive Officer, noted a public hearing on the proposed ballot title had been conducted at the December 11, 1986, Council meeting and that staff had presented a full report on the Resolution at that meeting. He then distributed an amended ballot explanation as suggested by the Tax Supervising & and Conservation Commission (TSCC). He explained the revision would clarify allocation of funds between capital projects and operating needs. General Counsel had reviewed the change.

Motion: Councilor Kelley moved to adopt the Resolution and Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried. A discussion followed about whether the motion had clearly included adoption of the revised ballot explanation. Councilors Kirkpatrick and Collier made a second motion to clarify what was specifically being adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 86-714 to include the revised language of the ballot explanation as submitted to the Council on the documents marked 6713C/467 and 6645C/485. Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-714 was adopted.

8.4 Consideration of Resolution No. 86-715, for the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego

Councilor Gardner presented staff's report and reviewed the history of events leading up to the recommendation of the Resolution. He reported land owners in the Johns Landing area did not support this action because of the potential for noise.

Councilor Cooper asked if Metro's charter allowed for purchase of railroad right-of-ways. Eleanore Baxendale, General Counsel, replied such an action would be allowed.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Hansen seconded the motion.

Councilor Gardner explained the Resolution would not obligate Metro to purchase the right-of-way but would create a situation where the property could not be sold to another party for one year. This would allow time to explore all options further, he said.

Councilor Frewing asked if adoption of the Resolution would prevent future use of the land as a bike path. Councilor Gardner replied it would not.

Councilor Ragsdale said he would support the Resolution given its interim nature. He cautioned linear land parcels traditionally had low market value and that land prices should be examined very closely before any purchase was made.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-715 was adopted.

8.5 Consideration of Resolution No. 86-720, for the Purpose of Amending Resolution No. 86-696, Regarding Responses to Requests for Proposals for Compost Facility Services

Debbie Allmeyer, Solid Waste Analyst, reported Resolution No. 86-696 unintentionally omitted reference to sewage sludge compost markets and markets targeted for sewage sludges in the sixth resolve paragraph. Because both yard debris compost and sewage sludge compost were being marketed, both should be considered when evaluating marketing plans proposed by mixed waste compost proposers, she explained.

Motion: Councilor Kelley moved the Resolution be adopted and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and Resolution No. 86-720 was adopted.

8.6 Consideration of Resolution No. 86-721, for the Purpose of Stating the Availability of Clackamas Transfer & Recycling Center Property

Debbie Allmeyer, Solid Waste Analyst, distributed a revised version of the Resolution which contained additional language from the version printed in the agenda packet. Councilor Frewing requested the Resolution, if adopted, be made available to all proposers for solid waste alternative technology projects.

Councilor Van Bergen said he was violently opposed to the Resolution. Eleanore Baxendale, General Counsel, explained she had talked to the Oregon City Manager Noel Klein and had added language consistent with Oregon City's charter which excluded garbage burning plant from the site. Mr. Klein had agreed with the revision, she said. The Councilor said the City Manager may have agreed but he did not think the Oregon City community would support the Resolution.

A discussion followed about the meaning of the Resolution. Presiding Officer Waker and Councilor Kelley said the Resolution identified the transfer center location as a potential site for a compost project and therefore, they supported adoption of the Resolution. Councilor Knowles agreed with Councilor Van Bergen that the Resolution would send a signal to Oregon City residents that Metro could build a plant at the transfer center location.

Councilor Van Bergen agreed the use proposed in the Resolution was legal but he thought the location was a unique piece of property which the public had clearly rejected for solid waste use.

In response to the Presiding Officer's question, Ms. Allmeyer said if the Council delayed action on the Resolution until January 8, some proposers would be forced to submit incomplete proposals. Councilor Frewing pointed out that if the Council adopted Resolution No. 86-725 at this meeting, the deadline for submitting proposals for resource recovery projects would be extended to January 30, 1987, and there would be no negative impact of delaying consideration of Resolution No. 86-721.

Councilor Gardner questioned what new information could be learned by delaying consideration of the Resolution. He explained the 1982

issue in Oregon City had been objection to use of the property for a garbage burning plant, not a composting plant as now proposed in a preliminary sense.

Councilor Kelley suggested consideration of the Resolution be delayed until January 8 in order for the Council to become informed about the sites proposed by various vendors for resource recovery projects. The Council would need to spend time in the community explaining the proposed projects after final proposals were made public, she said.

Councilor Hansen said he assumed office shortly after Metro's proposed garbage burning plant had been rejected by Oregon City voters. He recalled extensive public hearings had been conducted to hear about alternatives to burning. Oregon City residents had overwhelmingly suggested composting as an alternative to burning garbage.

Councilor DeJardin said he would move for adoption of the Resolution even though he lived in the Oregon City area. He explained Metro must move on with its plans for alternative technology.

Motion: Councilor DeJardin moved to adopt Resolution No. 86-721 and Councilor Kirkpatrick seconded the motion.

Motion to Amend: Councilor Knowles moved, seconded by Councilor DeJardin, to amend the Resolution to limit the transfer station site for use by a compost facility.

The Executive Officer suggested the Council postpone adoption of the motion and amendment until after consideration of the Resolution extending the deadline for resource recovery project proposals.

Withdrawal of Motion to Amend: Councilors Knowles and DeJardin moved to withdraw their motion to amend.

Further discussion of the Resolution took place after consideration of Agenda Item 8.7.

8.7 Consideration of Resolution No. 86-725, for the Purpose of Extending the Deadline for Responses to Requests for Proposals for Resource Recovery Projects

Ms. Allmeyer explained the Resolution was being introduced because the majority of vendors responding to the solid waste alternative technology project request for proposals had requested an extension be granted. Staff determined the proposals would be more responsive

if the deadline for submitting proposals were extended to January 30, 1987.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor DeJardin seconded the motion.

Councilor Gardner, Chairman of the Council's Solid Waste Committee, reported the Committee unanimously supported adoption of the Resolution. He agreed with staff's report that an extension would result in more complete proposals.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and Resolution No. 86-725 was adopted.

8.6 Consideration of Resolution No. 86-721, for the Purpose of Stating the Availability of Clackamas Transfer & Recycling Center (CTRC) Property

Note: This is a continuation of discussion which occurred before consideration of Agenda Item 8.7 above.

Councilor Hansen again posed the question of whether Resolution No. 86-721 should be continued to January 8, 1987. The Presiding Officer thought it reasonable to postpone consideration in order to give staff time to develop informational materials on the different sites to be proposed by vendors for resource recovery projects, as requested earlier by Councilor Kelley.

Councilor Ragsdale questioned whether other vendors would cease looking for sites if it were known the CTRC site were available. The Executive Officer explained it would not necessarily be in a vendor's best interest to propose the CTRC site because of the possibility of permit problems. Ms. Allmeyer added that the Oregon City charter prevented certain types of technologies from using the CTRC site.

Motion to Continue Matter: Councilor Frewing moved consideration of Resolution No. 86-721 be continued to the January 8, 1987, Council meeting. Councilor Collier seconded the motion.

Vote on Motion to Continue: The vote on the motion resulted in:

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

Nay: Councilor DeJardin

The motion carried and consideration of the matter would be continued to the Council meeting of January 8, 1987.

9.1 Consideration of Evaluation Process and Criteria for Responses to Request for Proposal for Resource Recovery Project

The Presiding Officer suggested this item also be continued to the January 8 Council meeting and considered with Resolution No. 86-721.

Motion: Councilor Ragsdale moved, seconded by Councilor Collier, to continue consideration of the above matter to January 8, 1987.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the matter was continued to January 8, 1987.

9.2 Consideration of Approving the Investment Banking Team for Alternative Technology Project to Include Salomon Brothers, Shearson Lehman Brothers and Alex Brown, with Salomon Brothers Being the Senior Manager and Authorizing the Executive Officer to Negotiate a Contract

Doug Drennen, Solid Waste Engineering & Analysis Manager, introduced Rebecca Marshall, an investment banking expert who had volunteered to assist in the selection process. He then reviewed highlights of the staff report printed in the agenda materials.

A discussion followed about fees for investment banking services. Ms. Marshall explained fees were traditionally high but she was working with staff to develop ways of keeping costs down.

Motion: Councilor DeJardin moved to approve the selection as recommended by staff and to authorize the Executive Officer to sign a contract. Councilor Frewing seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the selection was approved.

9.3 Report on Methane Gas Recovery System

Doug Drennen referred Councilors to the written report contained in the agenda materials. He explained Metro had until January 1, 1987,

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to negotiate a contract with the City of Portland and BioGas for methane gas recovery at St. Johns Landfill. If a contract were not negotiated by that date, all rights would revert back to the City. Mr. Drennen said because gas prices had lowered drastically, it no longer made economic sense to continue with negotiations for gas recovery.

Councilor Kirkpatrick requested a recap of all project expenditures to date by Metro.

9.4 Consideration of Resolution No. 86-722, for the Purpose of Amending Resolution No. 86-659, Revising FY 1986-87 Budget and Appropriations and Creating New Positions (Public Hearing)

Executive Officer Gustafson reviewed staff's report. The Resolution would create two new positions: full-time Finance & Administration Department Director and full-time Executive Management Secretary. The current part-time Deputy Executive Officer position would become a full-time position. The Executive Officer reported the Executive Officer-elect supported the Resolution and additional staff were required with the added responsibility of the Convention Center.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Kirkpatrick requested staff return on January 8, 1987, with an Ordinance providing for Council confirmation of the new Finance & Administration Director position.

Responding to Councilor Collier's question, the Executive Officer said the Executive Officer would be in charge of preparing General Obligation bonds for the Convention Center Project. Financial control and establishment of finance systems would be the responsibility of the Finance and Administration Department.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper and Kelley

The motion carried and Resolution No. 86-722 was adopted.

9.6 Consideration of Resolution No. 86-724, for the Purpose of Approving the Transfer of Franchise Permit No. 5 from Genstar to Waste Transfer, Inc. to Wastech, Inc.

Steve Rapp, Solid Waste Engineer, summarized staff's written

report. The Resolution would transfer operation of the Clackamas Transfer & Recycling Center from Genstar to Wastech. He explained the transfer followed a series of corporate purchases that began in May 1986. In that month Imasco Ltd., a large Canadian firm, bought the entire Genstar corporation. In October 1986 the solid waste divisions of Genstar were sold to Laidlaw Transportation Ltd. In November 1986 the CTRC operations contract was sold, subject to Metro approval, to Wastech, Inc. The firm was owned by Wayne Trewhitt and Merle Irvine, he explained. Mr. Trewhitt had managed CTRC for Genstar since the beginning fo the contract in 1982. No change in operating or management personnel was expected because of the transfer.

Motion: Councilor DeJardin moved the transfer be approved and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper

The motion carried and the transfer from Genstar to Wastech was approved.

9.8 Consideration of Resolution No. 86-727, for the Purpose of Expressing Appreciation to John Frewing for Services Rendered to the Region

Presiding Officer Waker announced that Councilor Frewing's term expired at the end of December. He then introduced and read a Resolution citing the numerous contributions John Frewing had made to Metro and regional government.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper

The motion carried and Resolution No. 86-727 was adopted.

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Councilors and staff then applauded Councilor Frewing's contributions.

10. COMMITTEE REPORTS

None.

There being no further business, Presiding Officer Waker adjourned the meeting at 10:40 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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STATE OF METRO MESSAGE

by

**RICK GUSTAFSON,
EXECUTIVE OFFICER**

December 18, 1986

Metro is a very young organization -- only eight years old. As my tenure as Metro's first Executive Officer comes to an end, I thought it would be useful to reflect on those first eight years. This organization has struggled through some difficult times in establishing itself and in handling unpopular issues. We have all had our personal ups and downs in dealing with these issues and have sometimes felt ours was the job no one wanted to talk about. Despite all the difficulties and struggles, it is important to remember how far Metro has come in the past 8 years. With the commitment of the Council, staff and numerous supporters, the groundwork has been laid and Metro is poised to handle the challenges that lay ahead.

What have we accomplished in those eight years?

1. Establishment of an effective Council/Executive Officer relationship. There is always an adjustment period under the best of circumstances, but because Metro was a new organization, no tradition had been established and there was a longer period of "trial and error". (Corky, in particular, as the remaining original member of the Council, shares a full understanding of our efforts) While the relationship has gone through several phases, the Council and Executive Officer now work closely together in carrying out their respective roles of setting policy and carrying out policy. Developing a mission for Metro and establishing the annual goal-setting workshop four years ago, has

been effective in arriving at common goals and using them as a guideline in monitoring program progress. I would urge Council to continue this practice.

2. Increase of support for the Zoo to enable it to carry out its reconstruction program. Not only were we successful in the passage of two zoo levy measures, but in its first year in 1979, the Council increased the amount of the levy, laying the groundwork for a nationally recognized zoo with excellent natural habitat and educational exhibits. Enterprise activity at the zoo has been strongly encouraged and we have seen significant improvements in food services, jazz and bluegrass concerts, picnics and other special events. The Council reinstated the annual free pass to the Friends of the Washington Park Zoo, allowing that organization opportunity for greater growth. In turn, the Friends have enhanced the zoo's exhibits and activities with their support. The levy before you will fully fund the remaining renovations.

3. Expansion of our capacity and responsibilities in the handling of solid waste disposal. Solid waste has been a much more complex and controversial issue for Metro, but I believe we have made tremendous progress in the development of a regional disposal system and one that includes public/private cooperation. In 1979, Metro was not in the business of solid waste disposal; Metro had only planning responsibilities. Today, Metro handles 70% of the region's waste. We are successfully operating two facilities -- the St. Johns Landfill under contract with the City of Portland and the Clackamas Transfer and Recycling Center which we built. Metro has been involved in a major landfill siting process which certainly paved the way for the current DEQ process, developed an alternative technology process and contract only to be defeated by the voters in Oregon City, sited a transfer and recycling center in Washington County, has begun a major waste reduction program including a thorough review of alternative technologies, and has helped implement yard debris recycling programs.

4. Acknowledgment and maintenance of the Urban Growth

Boundary. In 1979 Metro received the first major land use acknowledgment in the state of Oregon for the UGB. That acknowledgment was sustained after seven years of court cases. In the past eight years, we have established a fair and equitable process for handling requests for amendments.

5. Development of an effective resource for intergovernmental coordination.

Metro assumed several planning departments from CRAG -- criminal justice, planning, environmental services and transportation. Elimination of federal support in 1981 required elimination of two departments and over 30 employees. The eventual result of these changes was the formation of the Intergovernmental Resource Center which has effectively coordinated issues involving regional cooperation. The Joint Policy Committee on Transportation (JPACT) continues its success in the setting of regional priorities and the allocation of Federal dollars. Metro assumed leadership with the state, Tri-Met and the City of Portland to contract with a federal lobbyist to preserve federal commitments to this region. Metro has conducted transportation and land analyses, including the westside light rail and corridor studies and industrial lands study, which have significantly impacted decisions in this region.

6. Approval by the voters of a \$65 million General Obligation bond for construction of a regional convention and trade facility.

Metro has participated in a convention center effort since 1979. A study under both Mayors McCreedy and Ivancie was shelved, but was reactivated by Mayor Clark. Metro staffed and participated in an 18 month study conducted by the Convention, Trade and Spectator Facilities Committee resulting in the decision that the convention facility should be built on

a regional basis. Metro submitted a \$65 million general obligation bond to the voters for funding of the facility which was approved.

7. Formation of a public affairs department unifying public involvement, government relations, graphics and communications. The formation of a centralized public affairs department was an issue of concern because of the need to provide consistent communication for our dissimilar functions. This has finally been accomplished and public affairs has developed regular reports on Metro activities, established a speakers' bureau, developed good public relations and public involvement techniques and provides our organization with excellent writing and graphics support.

8. Increase in Metro's financial capabilities and adoption of long-term financial policies. Following Metro's financial difficulties in 1981, our budget, financial management and data processing functions were reorganized in the Finance and Administration department. Significant improvements were made in our financial system and today, we have the ability to receive good bond ratings because of our sound fiscal management and good financial position. We carried our responsibilities a step further and developed general financial principals and policies which provide a basis for seeking financial stability for Metro.

Metro is Poised for the future

We have come a long way in the past eight years. Overall they have been rich and rewarding ones for me. Metro is now in a major transition from the learning period to the doing period. My leaving can help mark that turning point. At this point, Metro is poised to take on several projects:

- The convention Center has been approved and your job is to build it.

- The Zoo renovations are nearly complete and a new mission for the Zoo is in order.
- The landfill permit will be issued this year and your effort will be to develop it.
- The west transfer and recycling center has been sited, the permit application accepted and this project will also be built.
- Alternative technology bids will be received in January and a decision will be made on resource recovery facilities.
- The UGB is acknowledged and you will maintain it.

I would leave you with several issues requiring your attention in the next six months that will have long term ramifications for Metro.

- **Landfill mitigation policies** for the DEQ siting process.
- **Formation of the Regional Commission on Convention, Trade and Spectator**

Facilities which will be the first commission formed by Metro under the new authority granted last session.

- The **proposed state gas tax** will set the construction program for this region for the next ten years.

Finally, some personal observations.

Keep the long term perspective. The Metro concept was first started in the early '60s. We now have a regional government with elected representation -- the first in the nation. We have made slow but steady improvements. These improvements, along with recognition, will continue as the community needs Metro's services. We should all be proud of the opportunity we have been given to contribute.