

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
February 12, 1987

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

Councilors Absent: Corky Kirkpatrick

Also Present: Rena Cusma, Executive Officer

Staff Present: Eleanore Baxendale, Chuck Stoudt, Kim
Duncan, Tuck Wilson, Keith Lawton, Jill
Hinckley, Vickie Rucker, Jan Schaeffer,
Randy Boose, Neil McFarlane, Jennifer Sims,
Dan Durig and Ray Barker

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

8. CONSIDERATION OF ORDINANCE NO. 87-220, for the Purpose of
Amending Metro Code Sections 2.02.040, 2.02.105 and 2.02.235
Regarding Personnel Rules for Appointments (First Reading and
Public Hearing); and Discussion of the Executive Officer's
Proposed Legislation Regarding Metro's Organizational Structure

The Presiding Officer announced the item was being removed from the
agenda. He explained State Senator Glenn Otto was arranging a joint
House and Senate hearing on the Executive Officer's proposed legis-
lation to clarify the Executive's authority. The joint hearing
would take place at Metro at a time to be announced. Councilors,
staff and any interested parties could testify at the hearings. He
requested Ordinance No. 87-220 or any other amendment to Metro's
Personnel Rules not be considered until after the outcome of the
Executive's legislation was known.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Presiding Officer Waker announced he had received a letter from
Washington County Commissioner Bonnie Hays offering Metro assistance
with its solid waste management process.

3. EXECUTIVE OFFICER'S COMMUNICATIONS

Consideration of Adopting Principles for a Legislative Program for the 1987 Legislation Session. Kim Duncan, serving as legislative liaison, distributed a written staff report. She reported the Council Legislative Planning Committee met February 6, 1987, to review Metro's package of legislative proposals. The Committee recommended two additional legislative issues be added to Metro's legislative agenda and that bill language of a third, previously adopted, legislative item be reviewed.

Ms. Duncan reviewed the Committee's recommendation regarding solid waste bonding legislation. The specific proposal was contained in staff's report. Councilor Gardner reported the Solid Waste Committee had unanimously approved of the proposed legislation.

Motion: Councilor Kelley moved, seconded by Councilor Collier, to approve the Solid Waste legislative principles as presented in staff's report dated February 12, 1987.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried.

Ms. Duncan then reviewed proposed legislative policies related to Exposition-Recreation Commission authority. She reported the principles had been approved by the Council Legislative Planning Committee, the CTS Legislative Technical Committee and had been reviewed by the Council's Convention Center Committee.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to approve the legislative principles related to Exposition-Recreation Commission authority as presented in staff's report dated February 12, 1987.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried.

Ms. Duncan reported on the status of convention center funding legislation. Presiding Officer Waker said he had asked Senator Otto if he would introduce excise tax legislation. The Senator had

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agreed to introduce the legislation but did not volunteer to conduct hearings on same.

Council Committee Records. Councilor Collier said she had received a request from two citizens requesting copies of cassette tapes of the Council's Legislative Planning Committee meetings. The Councilor said she had furnished the citizens copies of the written minutes. She asked the Presiding Officer to determine whether the meetings needed to be taped. The Presiding Officer responded Metro's Code required either electronic or written records to be made available to the public. Because written minutes were available, it was not required to also make tapes available.

Transition Personnel Issues. Executive Officer Cusma reported she had forwarded information related to personal services contracts and temporary hirings to the Council's Management Committee for their review on February 19.

Convention Center Project. The Executive Officer said five bids had been received for designing the Oregon Convention Center and a recommendation for contract award would be forwarded to Council on February 26.

Solid Waste Function Plan. The Council would be asked to adopt legislation related to Metro's functional planning authority in March.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Alayne Woolsey, 108 Fourth Street, Oregon City, Oregon, addressed the Council regarding Oregon City's desire that Metro not site additional solid waste facilities at the Clackamas Transfer & Recycling Center site. She explained such an action would not be consistent with the City's historic preservation and tourism efforts. She also noted the Mayor of Oregon City, Ken Mitchell, had not received a response to his letter to the Council on the same subject and that she had not received agendas for the Council's Solid Waste Committee meetings as requested. Ms. Woolsey presented Presiding Officer Waker with a framed replica of the original plat of Oregon City. The gift, she explained, was from the City and she hoped it would be placed in the Council Chamber to remind Councilors to consider the City's historic preservation and tourism promotion priorities when discussing solid waste issues. Finally, she noted Metro's enabling legislation did not prohibit the District from

getting involved in tourism efforts. She invited the Council to consider projects that would complement Oregon City's efforts.

Councilor DeJardin explained Metro's recent wetlands enhancement project at the Clackamas Transfer & Recycling Center site had contributed to Oregon City's improvement goals. Ms. Woolsey was appreciative of those efforts but explained the project was not visible from the highway leading into town. She hoped Metro would contribute in a more visible manner.

The Presiding Officer thanked Ms. Woolsey for the plat replica and said he would find a suitable place to display it.

6. CONSIDERATION OF MINUTES

Motion: Councilor Kelley moved, seconded by Councilor Cooper, to approve the minutes of January 8, 1987.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried.

7. Consideration of Resolution No. 87-733, for the Purpose of Accepting the Proposed Findings in Contested Case No. 86-2 (West Coast Auto Salvage) and Expressing Council Intent to Amend the Urban Growth Boundary (Public Hearing)

Jill Hinckley, Land Use Coordinator, reviewed highlights of staff's written report. She explained because of the minor nature of the requested Urban Growth Boundary (UGB) change, the Council adopted a Resolution in December initiating consideration of a locational adjustment for the affected area and waiving assignment to a Hearings Officer. She further explained if the Council adopted Resolution No. 87-733, staff requested the Council conducted the first hearing of an Ordinance at this meeting which would initiate the process of amending the UGB for this contested case.

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to adopt Resolution No. 87-733.

Presiding Officer Waker left the Council Chamber.

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

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Vote: A vote on the motion resulted in all ten Councilors presenting voting aye. Councilors Kirkpatrick and Waker were absent.

The motion carried.

Consideration of Ordinance No. 86-219, for the Purpose of Amending the Urban Growth Boundary for Contested Case No. 86-2 (West Coast Auto Salvage) (First Reading)

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

Deputy Presiding Officer Gardner explained the second reading and public hearing of the ordinance was scheduled for March 26, 1987, and testimony would be limited to the issue of whether the affected property should be annexed into the UGB.

Presiding Officer Waker returned to the Council Chamber.

CONSIDERATION OF A REGIONAL COMPACT TO FORM THE OREGON TOURISM ALLIANCE

Councilor Ragsdale distributed copies of the Regional Compact document and requested the Council formally endorse the Compact. He explained the Compact established the Oregon Tourism Alliance which would identify regional tourism needs and opportunities, and would promote and develop programs related to tourism. He thought it important the Council be the first group to ratify the document.

Motion: Councilor Gardner moved, seconded by Councilor Bonner, to ratify the Regional Compact to form the Oregon Tourism Alliance.

Councilor Kelley asked how the proposed tourism programs would be funded. Councilor Ragsdale explained no direct appropriations had been made to the Alliance's efforts. However, the convention center marketing budget had funds available for tourism efforts.

Councilor Gardner said he was bothered that mass transit priorities had not been considered in the Compact's list of efforts to promote tourism.

Councilor Ragsdale agreed mass transit was a major consideration but explained the Compact addressed a larger geographical area and the greater Portland area would be the only area to benefit from mass transit.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried.

8. REMOVED

9. RESOLUTIONS

9.1 Consideration of Resolution No. 87-734, for the Purpose of Confirming the Advisory Committee on Design and Construction of the Oregon Convention Center

Tuck Wilson, Convention Center Project Director, presented a summary of staff's report which was printed in the agenda materials. He reported Carl Halvorson would remain on the Committee but would not serve as Chair. The Executive Officer had asked Tom Walsh to rejoin the Committee and Mr. Walsh had consented to serve as the new Chair, he explained.

Councilor Ragsdale reported the Committee supported the Resolution and said the Executive had served the agency well by arranging for Mr. Walsh to rejoin the Committee.

Motion: Councilor Ragsdale moved the Council adopt Resolution No. 87-734 and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried and Resolution No. 87-734 was adopted.

10. EXECUTIVE SESSION

At 6:25 p.m. Presiding Officer Waker called the meeting into executive session under the authority of ORS 192.660(1)(f) for the purpose of discussing Dan Durig's (Solid Waste Director) employment contract. Councilor Kirkpatrick was the only Councilor absent from the session. Staff in attendance included Executive Officer Cusma, Eleanore Baxendale, Ray Barker, Randy Boose, Vickie Rocker and Marie Nelson. Chrys Martin (Mr. Durig's attorney), John Leahy (legal advisor to the Executive Officer), and Jonathan Harnish (legal advisor to the Council) were also in attendance.

The Presiding Officer called for a recess at 7:40 p.m. The Council reconvened into regular session at 7:50 p.m.

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9.2 Consideration of Resolution No. 87-735, for the Purpose of Granting an Exemption to the Public Contracting Procedure, Set out in Metro Code Section 2.04.001 Et Seq, for Construction of the Zoo Education/Interpretive Center

Executive Officer Cusma recommended the Resolution be tabled until she had a chance to investigate the project in more detail. She explained that bids for constructing the Zoo's Education/Interpretive Center had been received and the low bid was well over the architect's construction estimate. She also wished to investigate concerns regarding minority and female subcontract participation.

Motion: Councilor Ragsdale moved to remove Resolution No. 87-735 from the Agenda and for the Executive Officer to bring the matter back to the Council as soon as possible. Councilor Bonner seconded the motion.

Councilor Cooper announced he would abstain from voting on the matter due to a conflict of interest.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Hansen, Kelley and Kirkpatrick

Abstain: Councilor Cooper

The motion carried.

David Bowles, one of the bidders on the project, testified before the Council. He encouraged the Executive Officer to contact his construction firm to discuss how value engineering could be used to protect the bid process and the quality of the building.

Harold Williams, President of Pen-Norr, Inc., testified he was concerned the lowest bid on the project was about 28 percent over the architect's estimate. He was also concerned that legitimate minority-owned businesses had been bypassed for subcontract work. He said minority-owned businesses had been placed in the unfair position to having to compete with minority-owned "fronts." Those "front" organizations, he explained, were not actually owned by minority business people.

EXECUTIVE SESSION

Presiding Officer Waker called the meeting back into executive session at 8:00 p.m. under the authority of ORS 102.660(1)(h) for

the purpose of discussing Dan Durig's employment contract. Councilors Bonner, Collier, Cooper, DeJardin, Gardner, Knowles, Ragsdale, Van Bergen and Waker were present. Councilors Kelley, Kirkpatrick and Hansen were absent. Staff in attendance included Executive Officer Cusma, Eleanore Baxendale, Ray Barker, Randy Boose, Vickie Rocker and Marie Nelson. Chrys Martin (Mr. Durig's attorney), John Leahy (legal advisor to the Executive Officer), and Jonathan Harnish (legal advisor to the Council) were also in attendance.

At the end of the executive session, the Council appointed Mr. Harnish to negotiate tentative settlement terms to Mr. Durig's employment contract which the Council would consider later in the evening.

11. COMMITTEE REPORTS

Council Convention Center Project Committee. Councilor Ragsdale reported the Local Improvement District process and the architect selection process for the convention center were progressing smoothly.

Council Solid Waste Committee. Councilor Gardner reported the Solid Waste Committee had not been able to reach a consensus concerning the type of legislative authority Metro should seek to gain alternative technology siting powers.

Council Legislative Planning Committee. Councilor Collier referred to a recent Oregonian editorial which recommended the Legislature delay the July 1, 1987, landfill siting deadline. In response to her question, Presiding Officer Waker said it was his understanding Metro's position was the deadline should not be extended and that the Executive Officer had sent a letter to the Legislature stating that position. The Executive Officer said she could not specifically remember sending the letter but acknowledged she had given her verbal indication to the Legislature she was not in favor of extending the deadline. She said she would check to see if she had sent a letter.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to request the Executive Officer send a letter to the Legislature recommending the July 1, 1987, deadline for siting the next regional landfill not be extended.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Gardner, Knowles, Ragsdale, Van Bergen and Waker

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Absent: Councilors Bonner, Hansen, Kelley and Kirkpatrick

The motion carried.

IRC Committee. Councilor DeJardin reported a few local government representatives were recommending the Council adopt a lower per capita dues assessed to local governments for the next fiscal period. The 1986 assessment was 51 cents per capita. A lower figure was recommended after it was learned a budget carryover would exist due to Metro receiving an unexpected grant. Councilor DeJardin explained the IRC Committee had not reached a consensus about which Metro services should be cut if the dues figure were lower.

Zoo Planning Committee. Councilor DeJardin said recent meetings had focused on the Zoo parking problem, pedestrian traffic circulation within the Zoo, and the possibility of Metro operating an aquarium in connection with the convention center.

EXECUTIVE SESSION

Presiding Officer Waker called the meeting back into executive session at 8:50 p.m. under the authority of ORS 102.660(1)(h) for the purpose of discussing Dan Durig's employment contract. Councilors Bonner, Collier, Cooper, DeJardin, Gardner, Knowles, Ragsdale, Van Bergen and Waker were present. Councilors Kelley, Kirkpatrick and Hansen were absent. Staff in attendance included Executive Officer Cusma, Eleanore Baxendale, Ray Barker, Randy Boose, Vickie Rocker and Marie Nelson. Chrys Martin (Mr. Durig's attorney), John Leahy (legal advisor to the Executive Officer), and Jonathan Harnish (legal advisor to the Council) were also in attendance.

REGULAR SESSION/DAN DURIG'S EMPLOYMENT CONTRACT

At 8:55 p.m., Presiding Officer Waker called the meeting back into regular session for the purpose of taking action on Dan Durig's employment contract.

Motion: Councilor Cooper moved, seconded by Councilor Collier, to accept Dan Durig's resignation according to the terms recommended by Metro's Counsel with the paper work related to the employment contract settlement to be prepared for the Presiding Officer's signature.

Councilor Van Bergen asked from what budgeted line item funds required for the contract settlement would be transferred. Executive Officer Cusma said she would report back to the Council on the matter.

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Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, Cooper, DeJardin,
Gardner, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Hansen, Kelley and Kirkpatrick

The motion carried.

Mr. Durig addressed the Council, saying it had been his privilege to serve Metro over the past four and one-half years. He wished the Council success in carrying out its solid waste management programs.

Presiding Officer Waker expressed appreciation for Mr. Durig's services.

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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