

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Regular Meeting  
August 13, 1987

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

Councilors Absent: Tanya Collier

Also Present: Rena Cusma, Executive Officer

Presiding Officer Waker called the meeting to order at 5:40 p.m. He announced an executive session would be added at the end of the agenda, held under the authority of ORS 192.660(1)(f), relating to litigation and the West Transfer & Recycling Center project. The public would have an opportunity to testify on that matter before the executive session.

1. INTRODUCTIONS

None.

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

The Presiding Officer noted all Councilors had received a copy of a letter from Ed Martizsus, 53215 Timber Road, Vernonia, Oregon 97064, in opposition to siting a landfill at the Bacona Road site.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Testimony in Opposition to a Mass Waste Incineration Plant

Leola Stanwood, 56934 Poplar Lane, Warren, Oregon 97053, testified in opposition to Metro siting a mass waste incineration plant in the St. Helens area. She urged Metro to perform more environmental impact studies before building a plant.

Ted Stanwood, 56934 Poplar Lane, Warren, Oregon 97053, testified the Bergsoe Metal Corporation plant in St. Helens had created serious toxic waste disposal problems in the area. He requested Metro conduct a thorough environmental analysis on the impact of building a mass incineration plant in the area before any final plans to site the facility were made. He distributed a copy of the following materials for Council review: 1) report entitled "Silo Building

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Washwater Spill, Site Assessment Sampling Plan, Bergsoe Metal Corporation, St. Helens, Oregon," prepared by CH2M Hill, Inc., 1500 114 Avenue S.E., Bellevue, Washington 98004, and dated April 1985; 2) letters to a newspaper editor from Ted Stanwood and Galen Lewis in opposition to a mass incineration plant being sited in St. Helens, Oregon, dated August 5, 1987; 3) newspaper article written by Galen Lewis, Scappoose resident, entitled "Reader Commentary: Lead from Burner Poses Health Hazard," dated August 5, 1987; and 4) a Notice of Assessment of Civil Penalty document issued by the State Department of Environmental Quality to the Bergsoe Metal Corporation, dated May 19, 1986.

Cheryl Gibbons, 100 South 1st Street, St. Helens, Oregon 97051, testified she had recently moved to St. Helens because of its clean environment. She was very concerned about plans to build a garbage incinerator in the area, especially since area residents were opposed to the idea. Only County Commissioners and industry representatives favored the plan, she said. Ms. Gibbons was especially concerned that an incineration plant would reduce air quality and create traffic and pollution problems because of increased truck traffic. She also pointed out that if the plant were built, residents would move from the area and property values would decrease.

Judy Dehen, 2965 N.W. Verde Vista, Portland, Oregon 97210, representing the Columbia Group of the Sierra Club, distributed reports to the Council. One report, entitled "Victories!!!!," listed communities where garbage burning plants had been closed or plans for proposed facilities had been terminated. Another report was entitled "Ash Testing Results from the Claremont, New Hampshire Incinerator." She said the "Victories" list showed that in contrast to reports that burners were the future trend, many communities were deciding otherwise.

#### Testimony in Opposition to the Bacona Road Landfill Site

Edland A. Clement, Route 1, Box 200, Cornelius, Oregon 97113, representing the Helvatia/Mountaindale Preservation Coalition, submitted written testimony which he read. He said Coalition members had devoted the past eight months to gathering data relevant to the Bacona-Green-Mountain area. That information had been shared with the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) but the Coalition did not think those agencies seriously examined the information. Mr. Clement explained Coalition members would summarize for the Council issues inadequately addressed by the DEQ. He hoped the findings presented would broaden the Council's understanding of the Bacona site. He also offered to share sources for references with Councilors and staff.

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Ellen Saunders, Box 35, Manning, Oregon 97125, presented written testimony to the Council which she reviewed. She said the Coalition had information to offer Metro regarding new alternatives to land-filling waste. She pointed out that siting a new landfill in a wetlands area was particularly damaging to the environment. Siting a landfill in a dryer area would pose less of a hazard. She urged the Council to use public funds to create markets for recycled and composted garbage and to select the least polluting alternatives available.

Mikael Edera, Route 1, Box 232F, Banks, Oregon 97106, reviewed the state-mandated heirachy of disposal methods, noting landfilling was lowest on the scale. He encouraged the Council to consider the eastern Oregon landfill proposal, especially since there seemed to be strong community support for the operation. The proposal also presented an opportunity for Metro to get out of the unpopular landfill business and concentrate on reducing, reusing and recycling waste, he said. Mr. Edera submitted three documents to the Council: 1) an article from The Wall Street Journal, dated April 15, 1986, entitled "New Ways to Keep a Lid on America's Garbage Problem;" 2) an article from the Environmental Research Foundation newsletter, dated June 15, 1987, entitled "Recycling Is Hampered; It Can't Compete with Low-Cost Landfills;" and 3) a report entitled "Integrated Materials/Resource Recovery Model." He said the latter document was a model for a successful, integrated resource recovery facility. In conclusion, Mr. Edera told the Council that how they defined the problem would determine the results they would get.

Patricia Jensen, 58903 Lone Pine Road, Vernonia, Oregon 97064, acknowledged that the Council had a big job ahead of it in siting a new landfill. However, she said, to site the landfill in a watershed was ludicrous. She discussed potential environmental hazards a landfill would pose including spraying of chemicals into the environment, leachate damage, and liner damage in a rainy area. Ms. Emmons questioned the validity of rain studies performed to determine average rainfall. She pointed out the last few years had been exceptionally dry and that one unusually heavy rainfall might result in damage the landfill liner.

Ms. Emmons suggested Councilors review a waste study prepared by former CRAG employee Homer Tung and to examine every option before making a final decision. She then discussed her concerns about the proposed landfill polluting the already polluted Tualatin River.

Councilor DeJardin pointed out the city of West Linn continued to prosper in spite of the fact that it was near a former landfill, a transfer station and the fact that the Tualatin River flowed through it. West Linn residents had not experienced lower property values and some values had actually increased. He said the Council could

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not afford to wait another five years for more studies. The time had come to take action.

Edland A. Clement addressed the Council regarding the proposed landfill liner. He noted that Terry Craven, a respected geologist, had testified before the EQC on the matter and Mr. Clement reviewed highlights of that testimony. He pointed out that unlike Wildwood, Bacona presented many challenging engineering problems. The area appeared to be an active landslide. The cost of the landfill escalated and its projected life span decreased each time engineers evaluated the area. Some studies had discussed stabilizing the Bacona landslide but those studies did not challenge the evidence that Bacona was not the environmentally sound site it had been touted to be, he said. He said some had compared the Bacona site to the "stabilized" Washington Park Zoo landslide. However, he explained, the cost of duplicating the Zoo feat would be prohibitive today and would present no guarantee of a permanent solution. He said Mr. Craven had best summarized the situation when he testified that if one leveled Green Mountain to the valley floor, one would probably have a stable site for a landfill. Mr. Clement also discussed the potential for the weight of settling waste in the landfill to damage the liner and the leachate collection system.

After the group completed their testimony, Councilor Hansen questioned whether the Coalition was using the best available forum for communicating their concerns and ideas. He also noted that because the group had not been scheduled on the meeting agenda, other parties with scheduled items were forced to wait. He explained the time for a decision on siting a landfill would not occur for some months, the Council had not been briefed by staff nor had they conducted their own studies on the issue. Therefore, he said, the Coalition was presenting information to the Council out of context.

Mr. Clement first noted that Metro was ultimately accountable for siting the next landfill. He then reviewed the history of problems the group had experienced in getting information and ideas to the DEQ. He said the group hoped that by developing communication channels now, Metro would become aware of residents' concerns and could investigate those problems early in the process. For example, he said, the information submitted to the DEQ by Mr. Craven should be investigated by Metro staff now. If his concerns required engineering changes, those changes would cost Metro more money which might influence its decision to site the landfill at Bacona. He requested the Coalition be given a staff person with which to work.

Presiding Officer Waker said he would not put the group on the Council's regular agenda and requested they be their own judge of how they wished to deal with the Council.

Ellen Saunders said the Coalition would continue to interact with the Council because residents lives were directly effected by the issue. She said, however, the group would not be rejected and sent away like children. She encouraged the Council to let the group know the best way of communicating its ideas and concerns in order to help the Council make its decision.

The Presiding Officer reported the landfill siting issue would soon be on the Council's regular agenda.

Councilor Gardner requested Mr. Martizsus include quantities of specific wastes in his reports to the Council.

## 5. EXECUTIVE OFFICER COMMUNICATIONS

### 5.1 Consideration of Resolution No. 87-799, for the Purpose of Approving the Provisional Appointment of McKay Rich and a Waiver of the Personnel Rules

Executive Officer Cusma introduced the resolution. Due to the resignation of Gene Leo, Zoo Director, she wished to appoint Mr. Rich, current Zoo Assistant Director, to serve as the acting provisional Director until a candidate could be hired for the Director position.

Main Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-799 and Councilor Gardner seconded the motion.

Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Kirkpatrick, to amend the resolution to change Mr. Rich's interim title from "Acting Director" to "Director" and to assure that Mr. Rich would return to the position of Assistant Zoo Director upon termination of his provisional appointment as Zoo Director.

Presiding Officer Waker did not think the motion legal since the Council had no jurisdiction over matters of appointment, other than confirming designated positions. He said that to change the "Acting Director" title to that of "Director" would also send an improper message to the public. "Acting Director" implied that recruitment efforts were underway to hire a permanent Director.

Executive Officer Cusma thought the motion unnecessary since she intended to return Mr. Rich to his Assistant Director position when a permanent Director was hired.

Councilor Hansen asked if the title of "Acting Director" should be changed to "Provisional Director," given the former Counsel's

opinion of the difference between provisional and temporary employees. The Presiding Officer said the term "Acting Director" was appropriate in this case because the Acting Director was not eligible to apply for the vacant Director position. A Provisional Director would be eligible to apply for the job. A temporary employee was hired to perform a specific task for a designated period of time.

The Presiding Officer noted that Richard Steinfeld, President of the Friends of the Zoo, advocated Mr. Rich as Acting Director.

Councilor Gardner said he would oppose the motion to amend because he thought it inappropriate and unnecessary for the Council to guarantee Mr. Rich's return to his prior position. Councilor Ragsdale agreed with Councilor Gardner.

Vote on the Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Kirkpatrick and Van Bergen

Nays: Councilors Bonner, Cooper, DeJardin, Gardner, Hansen, Kelley, Knowles, Ragsdale and Waker

Absent: Councilor Waker

The motion failed.

Vote on the Main Motion: A vote resulted in:

Ayes: Councilors Bonner, Cooper, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale and Waker

Nays: Councilors DeJardin and Van Bergen

Absent: Councilor Collier

The motion carried and Resolution No. 87-799 was adopted.

#### 4. COUNCILOR COMMUNICATIONS

##### 4.1 Appointment of Councilor Kirkpatrick as Fifth Member to the Council Solid Waste Committee

Presiding Officer Waker announced he wished to appoint Councilor Kirkpatrick as a fifth member to the Council Solid Waste Committee to be consistent with the five-member Convention Center Committee, to make it easier to maintain a quorum at meetings, and to reduce the possibility of tie votes.

Motion: Councilor DeJardin moved, seconded by Councilor Kelley, to confirm the Presiding Officer's appointment of Councilor Kirkpatrick to the Council Solid Waste Committee.

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

The motion carried.

4.2 Appointment of Councilors to the Ad Hoc Task Force on the Convention, Trade and Spectator Facilities (CTS) Commission

Presiding Officer Waker said he wished to appoint Councilors Kirkpatrick (Chair), Gardner, Ragsdale, Van Bergen and himself to the ad hoc task force. The task force would review proposed ordinances for creating a CTS Commission and would forward a recommended ordinance to the full Council for adoption.

Motion: Councilor Ragsdale moved, seconded by Councilor DeJardin, to confirm the Presiding Officer's appointments of Kirkpatrick (Chair), Gardner, Ragsdale, Van Bergen and Waker to the Ad Hoc Task Force on the CTS Commission.

Councilor Hansen said he was concerned about the predominately suburban representation on the CTS Commission.

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

Solid Waste Committee Report. Councilor Gardner, Chair, reported the Committee was examining the question of the future of the Solid Waste Policy Advisory Committee (SWPAC), given the establishment of the new Solid Waste Policy and Technical Committees. He recommended the Technical Committee be expanded to allow citizen members of SWPAC to serve on that committee. He would be introducing a resolution before the Council to accomplish same.

Convention Center Committee Report. Councilor Ragsdale, Chair, reported he had represented Metro on the Governor's Tourism Alliance board. He also said a convention center marketing contract with the Greater Portland Convention & Visitors Association would be on the August 27 Council agenda.

6. CONSIDERATION OF MINUTES

Motion: Councilor Kelley moved the minutes of July 9, 1987, regular and special meetings, be approved. Councilor Van Bergen seconded the motion.

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

The motion carried and the minutes were approved as submitted.

## 7. CONTRACTS

### 7.1 Consideration of an Amendment to the Contract with Government Finance Associates, Inc. (GFA), Financial Advisor to Metro on the Solid Waste Resource Recovery Project

Presiding Officer Waker noted a memo from Ray Barker, Council Assistant, had been distributed to Councilors. Mr. Barker concurred with staff's recommendation to approve the agreement.

Debbie Allmeyer, Resource Recovery Project Coordinator, briefly summarized staff's written report. There was no discussion on the item.

Motion: Councilor Kirkpatrick moved the contract amendment be approved and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Collier, Cooper and Van Bergen were absent.

The motion carried and the amendment to GFA's contract was approved.

## 8. RESOLUTIONS

### 8.1 Consideration of Resolution No. 87-789, for the Purpose of Approving the 1987-89 Collective Bargaining Agreement Between the Metropolitan Service District and Laborers International Union, Local 483

Ray Phelps, Finance & Administration Director, offered to answer questions about staff's written report.

In response to Councilor Gardner's question, Mr. Phelps said the salaries of Clerk-Stenos were being increased by \$.10 for the "after one year" rate and that they were increased due to a "comparable worth" issue. He also pointed out that similar positions at the downtown Metro office had been paid a higher wage.

Councilor Kirkpatrick asked why the national, rather than local, Consumer Price Index (CPI) had been used to calculate the Cost of Living Adjustment (COLA). Mr. Phelps explained the national CPI was more stable than the local index. The local CPI was in a state of fluctuation and was currently being issued every six months.

Councilor Kirkpatrick asked about the dollar impact of Amendment No. 8, relating to sick leave usage, incentive and accrual. Article 14.11.1 of the new agreement would authorize employees who use 40 hours or less of sick leave in a fiscal year to have set aside an amount equal to 25 percent of their sick leave accrual for the fiscal year in an account. They would be paid the balance of the account when they terminated employment with Metro. The current sick leave incentive program would be deleted.

Ray Phelps explained the administration viewed the amendment as an opportunity to reduce the amount of sick leave taken by Zoo employees and the amount of expenses resulting from sick leave. The average union employee used over seven days sick leave annually, he said, plus additional expenses of hiring temporary workers and paying other employees overtime when an employee was absent. Mr. Boose added that the maximum liability to Metro would be \$18,500 annually if no one was sick. The figure would be reduced another \$6,000 by eliminating the former sick leave incentive program. He noted the new program would be implemented on a one year, trial basis.

Councilor Bonner asked why management had not placed a cap on the amount of sick leave an employee could accumulate. Mr. Phelps said ceilings had been imposed in the past but when long-term employees came close to reaching the ceiling, union officials would bargain to raise the limit and management would concede. Given that history, Mr. Phelps recommended imposing no cap.

Motion: Councilor Gardner moved, seconded by Councilor Van Bergen, to approve Resolution No. 87-789.

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

The motion carried and Resolution No. 87-789 was adopted.

8.3 Consideration of Resolution No. 87-788, for the Purpose of Approving a FY 1987-88 Supplemental Budget (related to Convention Center Project Debt Service Requirements) and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission (TSCC); and

Consideration of Resolution No. 87-787, for the Purpose of Amending Resolution No. 87-744, Adopting a Supplemental Budget and Revising the FY 1987-88 Budget and Appropriations and Increasing Convention Center Project Debt Service Payments (Public Hearing)

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Jennifer Sims, Management Services Director, reported the Council would be asked to adopt Resolution No. 87-789 at this meeting. The approved supplemental budget would then be forwarded to the TSCC for review, public hearing and certification. The certified budget would be returned by the TSCC to Metro for final adoption. The Council would then be asked to adopt Resolution No. 87-787. A public hearing would be conducted on Resolution No. 87-787 at this meeting.

Ms. Sims reviewed the actions requested. She said the current adopted budget anticipated a \$2,493,800 payment funded by the property tax levy and some interest earnings on those taxes. The actual payment would be \$4,409,513. Since Oregon Budget Law prohibited an increase in the tax levy, the difference had to be derived from other funding sources. Staff recommended using \$1.7 million of interest earnings on the bond proceeds to pay FY 1987-88 debt service requirements.

Presiding Officer Waker left the Council Chamber and Deputy Presiding Officer Gardner opened the public hearing on Resolution No. 87-787. There being no testimony, The Deputy closed the hearing.

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-788. Councilor Knowles seconded the motion.

Responding to Councilor Gardner's question, Ray Phelps, Finance & Administration Director, reported that if the proposed supplemental budget were not approved, property taxes would increase from about 9¢ per \$1,000 assessed value to about 25¢ per \$1,000.

Presiding Officer Waker returned to the Council Chamber.

Vote: A vote on the motion to adopt Resolution No. 87-788 resulted in all 10 Councilors present voting aye. Councilors Collier and Hansen were absent.

Deputy Presiding Officer Gardner explained the Council would be asked to adopt Resolution No. 87-787 when the certified budget was returned from the TSCC.

8.2 Consideration of Resolution No. 87-797, for the Purpose of Authorizing Two New Positions (Construction Project Manager and Secretary), Amending the Pay and Classification Plans, and Amending the FY 1987-88 Budget and Appropriations Schedule

Executive Officer Cusma reviewed the need for upgrading construction management oversight. Construction activities were increasing and the complexity of the Disadvantaged Business Enterprise Program required a Construction Project Manager to oversee Metro's activi-

ties. She explained most other agencies had this type of position. She anticipated money could be saved by reducing the possibility of legal and management problems related to construction.

Presiding Officer Waker said he supported the need for a construction manager with an engineering or specialized background. He pointed out that Councilors had received a memo from Council Administrator Don Carlson which raised questions about the position. Mr. Carlson recommended the Council forward the Resolution to the Management Committee to investigate the concerns raised in his memo, and for the Committee to forward a recommendation to the Council.

Councilor Kirkpatrick supported Management Committee review, noting that approximately 25 percent of the FY 1987-88 General Fund Continuity would be used to finance the Construction Manager position this fiscal year. She also questioned why staff had not anticipated the need for the position during the budget development process.

Councilor Cooper supported new position, explaining the agency had spent a tremendous amount of money resolving construction-related problems. To expect the Zoo and Solid Waste directors to also be construction project managers was asking too much, he said.

Councilor Gardner agreed on the need for an in-house construction manager but he had questions about how the proposed position related to the Zoo Construction Manager position and to the Turner Construction Company contract convention center project construction. He also noted that solid waste facilities might never be constructed by Metro.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to refer Resolution No. 87-797 to the Council Management Committee for review and recommendation.

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

The motion carried.

Mr. Phelps asked when the Committee would next meet to discuss the matter. After discussion, it was agreed Councilor Gardner would hold a special meeting, date and time to be announced later. (Note: the meeting was scheduled for Tuesday, August 25, 1987, 6:15 p.m.)

8.4 Consideration of Resolution Nos. 87-790, 791, 792, 793, 794, 795, and 796, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property in Accordance with the Adopted Regional Convention, Trade and Spectator Facilities Master Plan for the Purpose of Constructing the Oregon Convention Center and to Take Appropriate Steps to Acquire Immediate Possession Thereof

Michael Sellard, President, Convention Plaza Ltd., 573 N. Killingsworth Avenue, Portland, Oregon 97217, referred to a letter mailed to Councilors earlier in the week. Mr. Sellard requested the Council exempt Blocks 71 and 72 from the condemnation process so that an in-depth study of the best and highest use of the blocks could be conducted. He explained Convention Plaza Ltd. had proposed the development of a major, showcase hotel for the land which would address Metro's concern about convention center parking and future expansion needs as well as provide an opportunity for private enterprise to contribute to Oregon's economy.

A discussion followed about the details of Mr. Sellard's proposal to develop Blocks 71 and 72. He explained his team wanted to build a major hotel that could accommodate smaller conferences. Because the downtown Hilton Hotel had been built on a 200 square foot block, he was confident a major hotel could be accommodated on Blocks 71 and 72.

Responding to questions about the timing of land acquisitions, Mr. Sellard said Convention Plaza Ltd. had purchased their first land parcel in June of 1986. Sale of the Sopporo Restaurant property would close in October 1987.

Carl Halvorson, member of the Convention, Trade and Spectator Facilities (CTS) Committee, reviewed the history of the convention center site selection process in which he had participated. The Committee had reviewed the Coliseum, Union Station and Union/Holladay sites. The Coliseum site was eliminated because the problems in constructing the center while the facility was still in use. The Union Station site was eliminated because four railroad companies owned the property and the Committee had received no indication from the owners of their willingness to sell. The Union/Holladay site was selected in May of 1986 because of its access to light rail transit and because it would be easiest to construct a new convention center facility on that site. The Union/Holladay property lines were well defined in May of 1986. Mr. Halvorson noted that public hearings took place prior to any site selection.

Mr. Halvorson agreed with Mr. Sellard that it was desirable to build a headquarter hotel near the convention center. He pointed out, however, that no hotel should be built that would pose a disad-

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vantage to the convention center itself. He discussed the importance preserving the options for long-term, future expansion of the facility.

In conclusion, Mr. Halvorson said the bond proposal had clearly identified property boundaries of the Union/Holladay site, voters had voted on the bond sale based on the Union/Holladay site, the local improvement district authorized by the City of Portland was based on the Union/Holladay site, and the State had granted \$15 million for development of the Union/Holladay site. If Metro were to grant use of the site for purposes other than a regional convention center, exposure problems could result, he said. He noted that Convention Plaza Ltd. had made its agreement subsequent to Metro's site decision.

Tom Walsh, member of the CTS Committee, reported nearly \$4 million had been obligated to convention center project architects on the premise that Blocks 71 and 72 would be used for the facility. He also discussed his recent tour of other convention centers around the nation and the fact that those facilities with no room to expand were losing to other competition. He also reported the Advisory Committee on Design and Construction had strongly recommended the property not be reduced in size. Due to the demanding construction schedule, there was no time to deal with site acquisition issues, he said, and he urged the Council not to consider Mr. Sellars' proposal.

Carl Halvorson again addressed the Council. He explained that Seattle, Portland's "real sister city," had recently built a convention center on a very confined piece of land. Seattle could not expand their facility without considerable expense. He pointed out that Portland had an opportunity to become the prime convention center in the Northwest because it could expand its facility.

Presiding Officer Waker referred Councilors to recommendations submitted by DMJM and Carl Buttke, subconsultants to Zimmer Gunsul Frasca, discussing the need to maintain blocks 71 and 72 for project use.

Councilor Ragsdale reported he had served on the team that had interviewed candidates for the position of Director of the Greater Portland Convention & Visitors Association. He said each candidate (without knowledge of the potential for tonight's discussion) praised Portland for siting a convention center that could be expanded. The Councilor urged no action be taken to shrink the size of the Union/Holladay site.

#### Executive Session/Convention Center Property Acquisition

At 8:15 p.m., Presiding Officer Waker called the Council into executive session under the authority of ORS 192.660(1)(e) for the

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purpose of discussing issues related to the acquisition of real property for the Oregon Convention Center. All Councilors were present at the session with the exception of Councilor Collier.

Item 8.4, Regular Session

Presiding Officer Waker called the meeting back into regular session at 8:35 p.m.

Motion: Councilor Ragsdale moved, seconded by Councilor Knowles, that the Council adopt Resolution Nos. 87-790, 791, 792, 793, 794, 795, and 796.

In response to Councilor Van Bergen's question, representatives from the Portland Development Commission (PDC) said the above motion satisfied PDC's requirements.

Vote: A vote on the motion to adopt the seven resolutions resulted in the nine Councilors present voting aye. Councilors Collier, Cooper and Kirkpatrick were absent.

The motion carried and all seven resolutions were adopted.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to authorize the Portland Development Commission to proceed with the PDC's recommendation on a counter offer to acquire the Courtemanche property as presented in Resolution No. 87-790.

Vote: A vote on the motion to adopt the seven resolutions resulted in the nine Councilors present voting aye. Councilors Collier, Cooper and Kirkpatrick were absent.

The motion carried.

EXECUTIVE SESSION/WEST TRANSFER & RECYCLING CENTER (WTRC)

Presiding Officer Waker called the meeting into executive session at 8:40 p.m. under the authority of ORS 192.660(1)(h) for the purpose of discussing litigation matters with counsel related to the WTRC project. All Councilors were present at the session except Councilors Collier, Cooper and Kirkpatrick.

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8.5 Consideration of Resolution No. 87-800, for the Purpose of Withholding Further Action on the 209th/T.V. Highway Site (Relating to the West Transfer & Recycling Center)

Presiding Officer Waker called the meeting back into regular session at 9:00 p.m.

Presiding Officer Waker announced that Metro's counsel on the above matter, Robert Rankin (with the legal firm of McEwen, Gisvold, Rankin & Stewart), had received word from Lawrence R. Derr, attorney for the Aloha-Reedville neighborhood group, that the group was requesting Metro 1) cease further implementation of Resolution No. 86-671 involving the 209th/TV Highway site and the location of WTRC thereon; 2) defer further consideration of the 209th/TV Highway site as a solid waste facility until it had considered the results of the functional planning process or until after December 31, 1988, whichever first occurred; and 3) conclude that the first two actions would render moot the proceedings which involve Resolution No. 86-671, presently pending before the Oregon Land Use Board of Appeals (LUBA Case No. 86-071) and the Writ of Review proceeding pending before the Washington County Circuit Court (Case No. 86-0992C), and that the Executive Officer take appropriate actions to terminate those matters without further costs to Metro. Resolution No. 87-800, introduced by the Executive Officer, addressed those requests to the satisfaction of the Aloha-Reedville neighborhood group.

Councilor Knowles asked if the Resolution No. 87-800 would prohibit Metro from other uses related to solid waste but not designated through the functional planning process. Mr. Rankin said such activities would be prohibited before the date of December 31, 1988.

Councilor Knowles said he was concerned the resolution could restrict Metro if the functional planning process were to change or if Metro decided to use different words to describe the process now called functional planning. Mr. Rankin said the resolution could be changed to refer to the specific statutes which gave Metro functional planning authority.

Councilor Gardner asked if the Bacona Road site were selected, could the 209th/TV Highway site be used to store heavy construction equipment for the Bacona project. Mr. Rankin thought such use would be permitted, although it would be "close to the line." He thought storing garbage trucks on the property would be a cause for concern.

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-800. Councilor Bonner seconded the motion.

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Councilor Ragsdale qualified his motion by saying he did not necessarily agree, nor did Metro agree, with the arguments presented in Section 1 of the Resolution. He had made the motion because the Aloha-Reedville group would comply with Metro's functional planning process and as such, decisions from LUBA and the Circuit Court on the 209th/TV Highway site would serve no relevant benefit.

Councilor DeJardin said he would reluctantly support the resolution. He thought the process to site WTRC had been an exercise in futility. He hoped Metro would succeed with the functional planning process.

Councilor Van Bergen recalled when he first became a Metro Councilor the plan for a regional transfer station collection system was deemed a good idea. Councilors left, others took their places, and that consensus eroded. Metro conducted a study to determine where Washington County's transfer station should be sited and a central Beaverton location was recommended. A central site was selected but due to citizen protest, local government objections and the Governor's intervention, the site was ultimately moved to the 209th/TV Highway location. Councilor Van Bergen said Metro would renege on other Metro communities if it believed -- after all that had happened -- the false promise that a consensus could finally be reached through functional planning. He said on July 23, 1987, the Council decided not to appeal the Washington County Hearings Officer's decision. No other action had been implied. Now, he said, the Council was deciding otherwise.

Councilor Van Bergen thought the regional collection system continued to be a good plan and a lot of money had been spent on that plan. To sit on that plan until December of 1988 was not beneficial, he said. He questioned what had been offered to Metro in exchange for the concessions requested in Resolution No. 87-800. He urged the Council not to adopt the resolution and to have LUBA and the Circuit Court do its job. When those opinions were rendered, he said, Metro would know the facts.

Vote: A vote on the motion to adopt Resolution No. 87-800 resulted in:

Ayes: Councilors Bonner, Gardner, Hansen, Kelley, Ragsdale and Waker

Nays: Councilors DeJardin, Knowles and Van Bergen

Absent: Councilors Collier, Cooper and Kirkpatrick

The motion carried and Resolution No. 87-800 was adopted.

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There being no further business, the meeting was adjourned at  
9:25 p.m.

Respectfully submitted,

*A. Marie Nelson*

A. Marie Nelson  
Clerk of the Council

amn  
8052C/313-2  
08/31/87