

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
August 27, 1987

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

Councilors Absent: Mike Ragsdale

Also Present: Rena Cusma, Executive Officer

1. INTRODUCTIONS

Executive Officer Cusma introduced Daniel B. Cooper, newly appointed Metro General Counsel.

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Presiding Officer Waker read a letter received from Ed Martizsus regarding hazardous wastes received by Metro at the St. Johns Landfill.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ted Stanwood, Warren, Oregon, Co-Chair of the Alternatives to Burning Committee, Columbia County, testified that rather than building one large mass incineration plant, the Council should consider smaller, community-based plants. These plants had been proven easy to operate, effective and inexpensive to build, he said. He suggested Metro build a test facility. To not take an alternative approach would result in Metro "spinning its wheels," he said.

Mike Edera, Route 1, Box 232E, Banks, Oregon 97106, testified he was very concerned about what would happen to the area's watershed if a regional landfill were built at the proposed Bacona Road site. He discussed problems created by landfills in other communities and agreed with Mr. Stanwood Metro must seek low impact options to handling solid waste. He explained Metro had traditionally proposed huge, centralized facilities to dispose of waste. The acceptable solution was to build smaller, community-based processing facilities.

4. COUNCILOR COMMUNICATIONS

The Presiding Officer announced he wished to appoint Councilors Gardner (Chair) and Kelley to the Solid Waste Policy Committee on functional planning issues.

Motion: Councilor Van Bergen moved, seconded by Councilor Cooper, to confirm the Presiding Officer's appointment of Councilors Gardner and Kelley to the Solid Waste Policy Committee.

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

The motion carried.

5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Knowles, to approve the consent agenda.

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

The motion carried and the following items were approved:

- 6.1 Minutes of July 23, 1987; and
- 6.2 Resolution No. 87-789, Adopting the FY 1988 to Post 1991 Transportation Improvement Program (TIP) and the FY 1988 Annual Element.

7. CONSIDERATION OF A CONTRACT with Benkendorf Associates, Inc. for Consulting Services for the Update of Metro's Solid Waste Management Plan

Becky Crockett, Solid Waste Analyst, summarized staff's written report.

Councilor Gardner, Chair of the Council Solid Waste Committee, reported the Committee had reviewed the contract. As a result of the Committee's concerns, Dan Cooper, General Counsel, would review the contract and would monitor project progress on an ongoing basis to ensure Metro would not be obligated for unneeded legal consulting. With that assurance, the Committee recommended the Council approve the contract.

Motion: Councilor Gardner moved the contract with Benkendorf Associates be approved and Councilor Knowles seconded the motion.

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

The motion carried and the contract was approved.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 87-801, for the Purpose of Amending the FY 1987-88 Pay Plan and Awarding a 3 Percent Cost of Living Adjustment for Designated Non-Union Employees

Randy Boose, Personnel Officer, reviewed staff's report. He said the Metro Employees' Association had registered no objections to the 3 percent COLA.

Councilor Collier noted that non-union employees would receive the 3 percent COLA as a result of bargaining negotiations for the union employees' contract.

Motion: Councilor Kelley moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 87-801.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Van Bergen and Ragsdale were absent.

The motion carried and Resolution No. 87-801 was adopted.

8.2 Consideration of Resolution No. 87-802, for the Purpose of Amending Resolution No. 897-744, Revising the FY 1987-88 Budget and Appropriations

Randy Boose, Personnel Officer, reviewed staff's report. The resolution included funding for the 3 percent COLA, a solid waste engineering contract for the waste composition study, and an extension to the bond counsel contract for the resource recovery project.

Councilor Gardner, Chair of the Council Solid Waste and Management Committees, reported the Management Committee had approved the contract extension for the bond counsel contract, and the Solid Waste Committee had approved the engineering contract. He explained the bond counsel contract had been approved by a three to two vote and concern was expressed over the top billing rate charged by the contractor.

Councilor Collier noted she had voted against the bond counsel contract approval because she thought the \$135 per hour billing rate excessive and that the size of the resource recovery project negotiation team should be limited. She strongly urged staff to negotiate lower legal fees.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to adopt Resolution No. 87-802.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Hansen and Ragsdale were absent.

The motion carried and Resolution No. 87-802 was adopted.

8.3 Consideration of Resolution No. 87-803, for the Purpose of Amending Resolution No. 87-785A to Increase the Number of Citizen Members on the Solid Waste Technical Committee

Ray Barker, Council Assistant, summarized staff's report. Councilor Gardner explained because the Solid Waste Policy Advisory Committee (SWPAC) would soon be dissolved and because two SWPAC members wanted to serve on the new Solid Waste Technical Committee, adoption of the resolution would create two additional seats for the two former SWPAC members and would require the Executive Officer to appoint those two individuals.

Presiding Officer Waker noted the Council would be asked to adopt a resolution dissolving SWPAC at the September 10 meeting.

Motion: Councilor DeJardin moved to adopt Resolution No. 87-803 and Councilor Kelley seconded the motion.

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

The motion carried and Resolution No. 87-803 was adopted.

10. CONTRACTS

10.1 Consideration of an Intergovernmental Agreement with the City of Portland Bureau of Water Works for Relocation of Water Lines from the Oregon Convention Center Site

Neil McFarlane, Public Facilities Analyst, presented staff's report and discussed the status of existing and future water lines on the Oregon Convention Center site.

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Presiding Officer Waker reported the Council Convention Center Committee recommended approval of the contract.

In response to Councilor DeJardin's question, Mr. McFarlane said staff and consultants would coordinate with all other utilities involved to advise them of any changes taking place.

Motion: Councilor Gardner moved, seconded by Councilor Kelley, to approve the agreement with the City of Portland Bureau of Water Works.

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

The motion carried and the contract was approved.

10.3 Consideration of a Contract with Con-Tech/TCG for Telecommunications Consulting Services for the Oregon Convention Center Project

Tuck Wilson, Convention Center Project Director, discussed the need for the project and the contractor selection process, as outlined in staff's written report.

Presiding Officer Waker reported the Council Convention Center Committee had recommended the Council approve the contract. He also noted he had attended interviews with finalists and strongly recommended awarding the contract to Con-Tech/TCG because of their demonstrated experience in the convention center industry.

In response to Councilor Van Bergen's question, Mr. Wilson said the contractor would recommend future applications of the telecommunications system including cable hookups of meetings to suburban schools, libraries, hospitals and city halls.

Motion: Councilor DeJardin moved to approve the contract and Councilor Kirkpatrick seconded the motion.

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

The motion carried and the contract was approved.

11. EXECUTIVE SESSION

Presiding Officer Waker called the meeting into executive session at 6:25 p.m. under the authority of ORS 192.660(1)(e) for the purpose

of discussing real property acquisitions for the Oregon Convention Center. All Councilors except Councilor Ragsdale were in attendance. Executive Officer Cusma, Dan Cooper, Tuck Wilson, Neil McFarlane, Ray Barker, Gloria Logan, Don Carlson and Harry Bodine were also in attendance. Presiding Officer Waker called the meeting back into regular session at 6:35 p.m.

Purchase of Real Property for the Oregon Convention Center

Motion: Councilor Van Bergen moved to recommend the Council accept the Portland Development Commission's recommendation with respect to the Courtemanche and Sears Credit Union properties. Councilor Kelley seconded the motion.

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

The motion carried.

9. CONSIDERATION OF PROPOSED CONVENTION CENTER COMMISSION ORDINANCES (First Reading and Public Hearing)

- a. Consideration of Ordinance No. 87-225, for the Purpose of Establishing a Regional Commission to Construct and Operate a Regional Convention, Trade and Spectator Facility (Introduced by Executive Officer Cusma)
- b. Consideration of Ordinance No. 87-226, Establishing a Regional Commission to Construct and Operate a Regional Convention, Trade and Spectator Facility (Introduced by Presiding Officer Waker at the Request of the Convention, Trade and Spectator Facilities (CTS) Committee)
- c. Consideration of Ordinance No. 87-227, Establishing a Metropolitan Commission to Operate and Maintain Metropolitan Convention, Trade and Spectator Facilities (Introduced by Councilors Kirkpatrick and Van Bergen)

The Clerk read each ordinance by title only for the first time.

Presiding Officer reviewed the origins of each ordinance. He explained Ordinance No. 87-226 had been formally introduced at this meeting because it had been forwarded to the Council for consideration by the CTS Committee. However, as Mr. Wilson of the Convention Center Project staff would explain, the Committee was now supporting Ordinance No. 87-225.

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At the Executive Officer's request, Tuck Wilson, Convention Center Project Director, introduced Ordinance No. 87-225, proposed by the Executive Officer. He explained the CTS Committee had forwarded their proposed ordinance to the Executive Officer. The Executive had proposed subsequent changes that were agreeable to both parties.

Councilor Kirkpatrick introduced Ordinance No. 87-227, drafted by herself and Councilor Van Bergen. She read a statement expressing her views on the issue of creating a commission to govern the new convention center. She acknowledged the different viewpoints on how the commission should be created and governed, but emphasized the Council's process for establishing the commission must be open to different viewpoints and new ideas. She said the newly appointed task force assigned to prepare an ordinance for Council approval would try to meld those viewpoints by first evaluating the three proposed ordinances and soliciting other ideas from the public. The Task Force's guiding principle would be the Convention Center Master Plan adopted 15 months ago by the Council.

Councilor Kirkpatrick then discussed Ordinance No. 87-227 and its provisions: 1) members would be appointed to represent specific districts within the region; 2) the commission would have authority to maintain, but not construct, facilities; 3) the commission would rely on central Metro services including personnel, legal and accounting services; and 4) provision for an appeals process to the Council. In conclusion, Councilor Kirkpatrick said she supported one regional commission for all area facilities and was open to the model suggested by the CTS Committee as an initial system if there was assurance that the integration of existing facilities into a regional system would take place and that Metro would have sufficient resources under its direct control to operate the system.

Councilor Van Bergen supported Councilor Kirkpatrick's statements and the necessity of discussing options for a regional commission in an open forum.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to introduce Ordinance Nos. 87-225, 87-226 and 87-227 for a first reading.

Presiding Officer Waker opened the public hearing on all three ordinances.

Robert Ridgley, Chair of the CTS Committee, referred to a memo from himself to the Metro Executive Officer and Council, dated July 17, 1987 (page B-22 of staff's report), which explained the rationale for the Committee's recommended legislation. He reminded the Council the CTS Committee had campaigned for the Convention Center effort and had established the cooperative local government and

business network from which approval of the project was borne. He strongly advocated using the Exposition-Recreation (E-R) Commission as a model for the convention center commission. The proposed legislation, now embodied in Ordinance No. 87-225, had been developed through a two-year, participatory, compromise process, he explained.

Councilor Knowles pointed out the Convention Center Master Plan had provided for regional representation on the commission. He asked why the CTS Committee had proposed legislation that would not require regional representation. Mr. Ridgley responded that regional representation could be accomplished after the commission was established as recommended by the CTS Committee and Executive Officer. To do otherwise would be a step back and would harm the goodwill and consensus built by the CTS Committee over the past two years, he said.

Bud Clark, Mayor of the City of Portland, recalled that during the campaign for voter approval of the General Obligation Bond levy, it had been represented that the Convention Center would be operated by a commission similar to the E-R Commission. That proposal had received enthusiastic response from community leaders and the public and had helped win the levy election, he said. The Mayor testified Metro now had true regional support for Ordinance No. 87-225 and he urged the Council to adopt that legislation as soon as possible.

Gladys McCoy, Chair of the Board of Multnomah County Commissioners, testified in support of Ordinance No. 87-225. Any other plan would endanger progress of the Convention Center project, she said. She pointed out that Multnomah County would contribute a sizeable amount to the project in the form of Transient Lodging Taxes. Her perusal of the County Board's minutes made it clear the Board understood the Metro Council would not be involved with the project. Instead, a new commission would be created. She explained that commission was of keen interest to the County and as such, she had taken an active role on the CTS Committee to ensure agreement among the participating governments. Commissioner McCoy concluded that Ordinance No. 87-225 embodied the regional partnership Multnomah County had entered into with Metro for operating the Convention Center. Adoption of Ordinance No. 87-227 would dilute that partnership, she said.

Ed Lindquist, Clackamas County Commissioner, testified he had replaced Bob Schumaker on the CTS Committee and had been involved in campaign efforts for bonding the project. He explained during the campaign it had been represented to voters that the E-R Commission -- because of its respected track record -- would serve as model for operating the Convention Center. He said to adopt another model of governance would be a mistake. Commissioner Lindquist submitted letters from CTS Committee member Edward M. Colbach and Robert L.

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Bocci, President of the Sunnyside 205 Corridor Association. Both men supported Ordinance No. 87-225 as endorsed by the CTS Committee.

Sam Allen, owner of Best Western Sunnyside Inn in Clackamas County, urged the Council to adopt the ordinance recommended by the Committee. He said to change the concept of that ordinance at this time would result of loss of credibility, lack of support for the Convention Center project and "another nail in Metro's coffin."

A discussion followed about the Convention Center Master Plan's proposal for regional representation on an operating commission and whether the provisions of Ordinance No. 87-227 were consistent with the Master Plan. Commissioner Lindquist supported Ordinance No. 87-225 because commission members would be selected for Council confirmation by local governments. In response to Councilor Collier's question, Commissioner Lindquist and Mr. Allen thought if the Council adopted Ordinance No. 87-227, the momentum of cooperation established by the CTS Committee would be set back.

Bonnie Hays, Washington County Commissioner, supported the testimony of Mr. Allen and Commissioner Lindquist and adoption of Ordinance No. 87-225.

Lloyd Anderson, Executive Director, Port of Portland, agreed with the testimony of Mayor Bud Clark, Commissioner Lindquist and Mr. Allen. He explained that during the bond measure campaign, strong desire was expressed throughout the region to have an E-R type commission run the Convention Center facility. He urged the Council to vote in favor of the Executive Officer's recommendation.

Don McClave, representing the Portland Chamber of Commerce, said the E-R Commission had operated nearly 30 years, its organizational concept was well understood and the commission was successful. He asked the Council to adopt Ordinance No. 87-225 and to discontinue other options. "A deal was made that we should honor," he said.

In response to Councilor Gardner's question, Mr. McClave said no formal deal was made but it was widely understood the E-R Commission would serve as an administrative model because it could operate with a high degree of independence and provide a regional base. Any other action, he said, would be viewed by local governments as a departure from the understanding represented by the CTS Committee and would make future regional efforts more difficult to accomplish.

Presiding Officer Waker noted the Master Plan had provided for subsequent ordinances or updates which could modify original provisions of the plan.

Ron Cease, State Representative, District 18, testified he was having difficulty containing his anger at the suggestion the Council adopt an important piece of legislation in one evening without due deliberation. Representative Cease said he would not recommend any one proposal. However, because he had played a key role in the Legislature adopting the bill that made it possible for Metro to establish commissions, he wanted to express his views on the approach the Council should take when deliberating its decision on a convention center commission.

Representative Cease urged the Council to dismiss any notion that the Council and Executive Officer of Metro were not the prime, governing body of the commission. The voters had clearly designated Metro as the governing agency for the project, he explained. During the campaign, the commission was discussed in a general sense, he said, and no specific plan was laid out. Now was the time for the CTS Committee and the Council to work out legislative details as full partners. He noted the two ordinance models were not substantially different and cooperation could be reached collectively.

The Representative pointed out because the ordinance would establish Metro's first commission, it was important the Council to be pleased with its product. He also urged the Council to remain the final appointing authority for commission members. Functions should not be delegated to local governments, he said. He stressed that Metro was ultimately responsible for the commission.

Mitzi Scott, member of the Exposition-Recreation Commission, Metro's Advisory Committee on Convention Center Design and Construction, Member of the CTS Committee and Chair of the CTS Governance Subcommittee, noted Ordinance No. 87-225 was modeled after the Master Plan proposal. Metro had held out the E-R Commission form of governance as a model to its constituents, she said, as indicated in a Metro-produced campaign document entitled "Oregon Convention Center Project Fact Sheet" which she read:

"Who will operate the convention center? The existing Portland Exposition-Recreation Commission will be expanded to become a regional commission. The expanded commission will operate the new convention center as well as existing coliseum and stadium facilities. The regional commission, to be established by the Metropolitan Service District, will have seven councilors appointed in coordination with the governments of Washington, Multnomah and Clackamas counties."

She said to change what had been promised was not small issue. She explained that the Governance Subcommittee of the was charged with recommending legislation to the Council consistent with the Master Plan. That process had been open and compromises were reached, she

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said. Councilors had been involved in the process from its beginning.

Ms. Scott then discussed why the E-R Commission had been designated as the model of governance. She reported the Commission was established to function with a high degree of independence -- necessary to operate as a competitive business -- separate from the political processes of the City of Portland. She explained that in the last 27 years of successful operation, only two Commission matters had been brought before the City Council. Professional people with top qualifications had been selected to serve as volunteer commissioners, similar to Metro's ACDC Committee model, she explained.

Ms. Scott discussed the appeals process recommended in Ordinance No. 87-225 and pointed out that any move away from the E-R model that would make the commission's job cumbersome or bound to a political process would damage its ability to compete as a business.

Ted Runstein, Chair of the E-R Commission, explained that because the E-R Commission's non-political nature, he had been appointed by former Mayor Frank Ivancie and reappointed by current Mayor Bud Clark. He stressed that the body operating the Convention Center and other regional facilities needed to be organized in a manner to allow it to function as a highly competitive business. He thought it logical the E-R Commission model be used because it was successful and because the new commission would eventually replace the E-R Commission.

Councilor Hansen asked how the transition would take place.

Ms. Scott said three E-R Commission members would serve as Convention Center Commission members during a transition period to provide continuity. Upon completion of the transition period, the E-R Commission would be dissolved. Discussion continued about how the E-R Commission currently operated.

Mr. Runstein submitted for the record a letter from City of Portland Commission Mike Lindberg. The Commissioner urged adoption of legislation which would adopt the E-R Commission as a model for running the convention center.

Carol Lewis, CTS Committee Member, supported the testimony of Ms. Scott and Mr. Runstein.

Robert Ridgley, responding to a question raised earlier by Councilor Gardner, said Ordinance Nos. 87-225 and 87-227 were different in substance or else Councilor Kirkpatrick would not have proposed changes from 87-225. He thought where 87-227 departed from the legislation proposed by the Executive and the CTS Committee, the

independence and autonomy of the proposed commission would be weakened.

Presiding Officer Waker explained the Council's process for considering the legislation introduced at this first reading. He said the ad hoc task force would meet to deliberate in a public forum on the three ordinances and as a result of that public process, would make changes and recommend one ordinance for Council adoption. Councilor Knowles asked when the task force would complete its work. Presiding Officer Waker said he hoped the task force would deliver recommended legislation to the Council on October 8, 1987. Councilor Knowles thought that schedule too long.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to require the Ad Hoc Task Force on the CTS Commission to return to the Council on September 22, 1987, with a recommended ordinance for a second reading and final adoption.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Hansen, Knowles and Waker

Nays: Councilors Bonner, Collier, Gardner, Kelley, Kirkpatrick and Van Bergen

Absent: Councilors DeJardin and Ragsdale

The motion failed.

Motion: Councilor Gardner moved, seconded by Councilor Kirkpatrick, to require the Ad Hoc Task Force on the CTS Commission to return to the Council on or before October 8, 1987, with a recommended ordinance for a second reading and final adoption.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Ragsdale were absent.

The motion carried.

10.2 Consideration of a Contract with the Greater Portland Convention and Visitors Association (GPCVA) for Marketing Services for the Oregon Convention Center

Tuck Wilson, Convention Center Project Director, reported GPCVA had been recommended for the contract because of its proven track record in marketing conventions. He introduced principles who would

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be working on the project. Councilor Ragsdale had represented the Council during the contractor selection process.

Presiding Officer Waker said the Council Convention Center Committee unanimously recommended approval of the contract with GPCVA.

Councilor Cooper reported he had met with the new GPCVA director and was very comfortable with that staff and the cost of the services.

Motion: Councilor Knowles moved, seconded by Councilor Collier, to approve the contract with GPCVA.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Bonner, DeJardin and Ragsdale were absent.

The motion carried and the contract was approved.

There being no further business, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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