

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Regular Meeting  
October 8, 1987

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

Councilors Absent: Larry Cooper

Also Present: Rena Cusma, Executive Officer

Presiding Officer Waker called the meeting to order at 5:35 p.m. and announced the meeting order would be revised to accommodate the schedule of certain visitors.

5. EXECUTIVE OFFICER COMMUNICATIONS

5.1 Consideration of Resolution No. 87-813, for the Purpose of  
Recognizing Recycling Achievement in the Metro Region

Presiding Officer Waker read the Resolution which acknowledged achievements of the City of Portland for its recent curbside recycling promotion and education program, and of the Grimm's Fuel Company for its innovative yard debris recycling program.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to adopt Resolution No. 87-813.

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

The motion carried and Resolution No. 87-813 was adopted.

Executive Officer Cusma presented recycling awards to City of Portland Commissioner Bob Koch and Rod Grimm of Grimm's Fuel Company and commended them for their successful programs.

1. INTRODUCTIONS

None.

2. WRITTEN COMMUNICATIONS TO COUNCILORS ON NON-AGENDA ITEMS

The Presiding Officer read a letter received from LaQuita Stec, President of the Oregon Association of Municipal Recorders (OAMR), announcing that Marie Nelson, Metro Council Clerk, had been elected to the post of Region II OAMR Director.

4. COUNCILOR COMMUNICATIONS

None.

5. EXECUTIVE OFFICER COMMUNICATIONS (continued)

5.2 Status Report on the Convention Center Area Development Strategy

Tuck Wilson, Convention Center Project Director, introduced Chris Kopca from the Portland Development Commission (PDC). He explained Metro had entered into a contract with the PDC to develop a convention center area development strategy. Mr. Kopca distributed a written report entitled "Convention Center Area Development Strategy," dated October 1987, and summarized the report.

Fundamental principles guiding the development of the concept plans included: 1) develop the ring road concept (a well-defined transportation system to separate through traffic from local access traffic); 2) build a more urban character; 3) designate Holladay Street as the main spine around which the highest density development would occur; 4) develop strong physical and visual connections to other major convention-related uses; 5) design the Union/Holladay intersection as the ceremonial entrance to the convention center; and 6) create district gateways at key access points.

Discussion followed about plans for a headquarter hotel and development strategies for areas adjacent to the convention center.

Mr. Wilson introduced William Scott, President of Pacific Development, Inc. The corporation was recently formed to enter into real estate transactions with Lloyd Center Properties, Inc. Mr. Scott endorsed Mr. Kopca's conclusions. He said the primary goal was for convention center visitors to enjoy the immediate area. The environment should introduce them to other areas of interest in the region and state. Development should also tie the immediate area into Old Town and downtown Portland, he said, and MAX was the largest asset in developing that connection. Finally, Mr. Scott envisioned a headquarter hotel not being built until adequate year-around business could be ensured.

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## 10. EXECUTIVE SESSION

At 6:25 p.m., Presiding Officer Waker called the meeting into executive session under the provision of ORS 192.660(1)(e) and (h) for the purpose of discussing a real property transaction related to the convention center project and litigation related to the Clackamas Transfer & Recycling Center (CTRC). Eleven Councilors were present at the executive sessions. Councilor Cooper was absent. Dan Cooper, General Counsel, Executive Officer Cusma, Don Carlson and Ray Barker were present at both sessions. Harry Bodine of The Oregonian was present at both sessions.

Staff present at the executive session regarding the convention center real estate transaction included Tuck Wilson, Neil McFarlane, Jan Schaeffer, and a representative from the Portland Development Commission.

Jim Owings was present at the executive session regarding CTRC.

Presiding Officer Waker called the meeting into regular session at 6:35 p.m.

### 10.1 Convention Center Property Acquisition

Motion: Councilor Ragsdale moved to approve the Portland Development Commission's recommendation relating to the Roberts Motors property and the Oregon Convention Center. Councilor Kirkpatrick seconded the motion.

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

The motion carried unanimously.

### 10.2 Clackamas Transfer & Recycling Center (CTRC)

The Presiding Officer appointed himself, Councilor DeJardin and Councilor Gardner to work with Executive Officer Cusma on a task force to mitigate concerns raised by the City of Oregon City concerning the Clackamas Transfer & Recycling Center (CTRC). There were no objections to the appointments.

## 6. CONSIDERATION OF MINUTES

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, to approve the minutes of August 27 and September 10, 1987.

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

The motion carried unanimously and the minutes were approved.

## 7. ORDINANCES

### 7.1 Consideration of Ordinance No. 87-229, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Treatment Management Plan, and Submitting the Plan for Recertification (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only. Mel Huie, Local Government Coordinator, introduced members of the Water Resources Policy Alternatives Committee present at the meeting including: David Abraham, Director of the Clackamas County Utility Department; Gene Appel, City of Portland, Bureau of Environmental Services; Greg DiLoreto, City of Gresham Engineer; and Paul Haines, City of Lake Oswego Public Works Director.

Mr. Huie reviewed the process for annually updating the Regional Waste Treatment Management Plan and noted a copy of the Plan had been filed with the Council Clerk.

Motion: Councilor DeJardin moved, seconded by Councilor Kirkpatrick, to adopt Ordinance No. 87-229.

In response to Councilor DeJardin's question, Mr. Haines of Lake Oswego reported the city of Lake Oswego's Public Works Master Plan would soon be completed. He said interested citizens who had addressed the Metro Council last year about sewage services in Lake Oswego had been invited to participate in that Master Plan process.

Presiding Officer Waker opened the public hearing. There was no testimony and the hearing was closed. He announced a second reading of the ordinance would occur on October 22, 1987.

## 3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ed Martiszus, 53215 Timber Road, Vernonia, Oregon 97064, an opponent of the proposed Bacona Road landfill site, testified about the types of special waste being disposed at the St. Johns Landfill. Mr. Martiszus said many of the chemicals had extremely high toxicity ratings. Although the chemicals were being disposed legally, he questioned the long-term effects of those chemicals on the environment. He was particularly concerned that a landfill liner at the Bacona Road site would not safely contain toxins due to the unstable nature of the soil and underground water movement. He urged the

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Council to deal with the problem and expressed willingness to work together with Councilors toward a solution.

Councilor Gardner requested Mr. Martizsus indicate the quantities of special wastes disposed in his written communications to Councilors.

Patricia Jensen, Vernonia, Oregon, was concerned that a landfill liner would not be able to contain leachate and other hazardous materials disposed at the Bacona Road landfill site due to the unstable nature of the land. A landslide would result in water contamination, she said. Ms. Jensen also objected to building a mass incinerator in Columbia County. She proposed Metro encourage recycling and ship garbage to a drier climate for landfilling.

Presiding Officer Waker noted Metro was developing a request for bids document to operate a landfill in Eastern Oregon.

## 8. RESOLUTIONS

### 8.1 Consideration of Resolution No. 87-812, for the Purposer of Granting a Processing Facility to K.B. Recycling, Inc.

The Presiding Officer announced the item was being removed from the agenda at the request of K.B. Recycling. The item would be continued to a future meeting.

### 8.2 Consideration of Resolution No. 87-811, for the Purpose of Promoting Bi-State Cooperation Toward Regional Solutions to Solid Waste Disposal Facilities and Solid Waste Management

Ray Barker, Council Assistant, reviewed staff's written report. Councilor Hansen added that information was already being shared and new areas of cooperation would soon occur, especially in marketing.

Motion: Councilor Hansen moved to adopt Resolution No. 87-811 and Councilor Kelley seconded the motion.

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

The motion carried unanimously and Resolution No. 87-811 was adopted.

8.3 Consideration of Resolution No. 87-810, for the Purpose of Establishing Policies for the Creation of Operating Commissions; and

9. Consideration of Ordinance No. 87-225, Establishing a Regional Commission to Construct and Operate Regional Convention, Trade and Spectator Facilities (Introduced by the Executive Officer) (Second Reading)

The Clerk read Ordinance No. 87-225 a second time by title only.

Presiding Officer explained that at the August 27, 1987, Council meeting, a motion was adopted (moved by Councilors Knowles and DeJardin) to introduce Ordinance Nos. 87-225, 87-226 and 87-227 for first reading. Ordinance No. 87-225 was introduced by the Executive Officer, Ordinance No. 87-226 was introduced by the Presiding Officer at the request of the CTS Committee, and Ordinance No. 87-227 was introduced by Councilors Kirkpatrick and Van Bergen. A public hearing was conducted on August 27 for all three ordinances.

Also on August 27, the Presiding Officer announced he would refer the three ordinances to the Ad Hoc Task Force on the CTS Commission for review and recommendation. At that meeting, the Council adopted a motion requiring the Ad Hoc Task Force to return to the Council on or before October 8, 1987, with a recommended ordinance for a second reading and final adoption.

The Task Force met on September 3, 17 and 29 and as a result of those meetings, was now recommending the Council table Ordinance Nos. 87-226 and 87-227 from further consideration and adopt Resolution No. 87-225 as amended.

Presiding Officer Waker announced he had received a request from several Councilors to continue discussion of the Ordinance to the October 22 meeting. He requested Councilor Kirkpatrick present the Task Force's recommendation before such a continuation was considered.

Councilor Kirkpatrick, Chair of the Ad Hoc Task Force on the CTS Commission, reviewed the group's written report (contained in the meeting agenda packet) and explained the Task Force's process for reviewing legislation. She said the group had used the Convention Center Master Plan as a basis for evaluating all legislation. The group had examined the Exposition-Recreation (E-R) Commission operations and had talked to people working for and serving on the Commission. The Councilor then reviewed major amendments to Ordinance No. 87-225 recommended by the Task Force as listed in their written report. She concluded the Council would, on October 22, be asked to consider an ordinance that would amend Metro's personnel and

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contracting rules to transfer certain authority from the Executive Officer to the Commission.

Presiding Officer Waker reviewed the issues before the Council. Resolution No. 87-810 set out a policy for establishing the need for commissions and the manner in which commission members would be appointed. The Council was requested to adopt the Resolution at this meeting.

Ordinance No. 87-225 as amended defined the procedures for appointing Metro CTS Commission members and the chair. There was agreement among all parties that language was satisfactory. The Ordinance also set up the Commission and charged that body with returning to the Metro Council for approval of an operating plan and personnel and contract procedures. If the Commission did not recommend Metro's existing personnel and contracting rules be used, they were required to demonstrate why they would not work. The Presiding Officer pointed out that some parties did not agree with the revised ordinance and recommended the Commission be empowered to establish their own personnel and contracting rules without having to demonstrate why Metro's rules would not work.

Presiding Officer Waker supported the ordinance as amended by the Ad Hoc Task Force, saying Metro was about consolidation of government and the ordinance clearly embodied the intent of the Convention Center Master Plan.

Motion: Councilor Knowles moved, seconded by Councilor Hansen, to defer consideration of Resolution No. 87-810 and Ordinance No. 87-225 to another meeting.

Councilor Knowles thought consideration should be delayed until Councilor Cooper could attend. Councilor Hansen concurred and added a delay might resolve the substantial differences between the Ordinance's authors and the City of Portland and Multnomah County. Councilor Ragsdale said Clackamas County Commissioner Ed Lindquist supported a delay in order for the County to take an official position on the legislation.

Councilor Kirkpatrick said she had challenged Executive Officer Cusma and other other parties to convince her a delay would result in negotiations. Because no one had offered to negotiate a compromise, she urged the Council not to delay consideration because nothing would be gained.

Vote: A vote on the motion resulted in:

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**Ayes:** Councilors Hansen, Kelley, Knowles and Ragsdale

**Nays:** Councilors Bonner, Collier, DeJardin, Gardner,  
Kirkpatrick, Van Bergen and Waker

**Absent:** Councilor Cooper

The motion failed.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-810 and Councilor Van Bergen seconded the motion.

Councilor DeJardin said he would support Ordinance No. 87-225 as amended because it expressed a balance between what the City of Portland, Multnomah County and Metro Council wanted to achieve. Regarding the issue of personnel and contract rules, he questioned why the newly formed commission should reinvent the wheel when the systems had been proven workable. He said Representative Cease's letter, included in the agenda packet, stated his own views concerning the issue of the Commission's autonomy and accountability. He also pointed out that delays traditionally made decision-making more difficult and urged the Council to adopt the Ordinance and Resolution at this meeting.

Councilor Bonner concurred with Councilor DeJardin.

Councilor Gardner supported the ordinance as revised, pointing out any separate rules the Commission would propose would embody the same open hiring and contracting principles contained in Metro's existing rules. The ordinance clearly allowed the Council to grant the Commission exemptions where Metro's rules were not found workable. He agreed with Councilor Kirkpatrick there was no more room to compromise.

Vote: A vote on the motion to adopt Resolution No./ 87-810 resulted in:

**Ayes:** Councilors Bonner, Collier, DeJardin, Gardner,  
Kelley, Kirkpatrick, Van Bergen and Waker

**Nays:** Councilors Hansen, Knowles and Ragsdale

The motion carried and Resolution No. 87-810 was adopted.

Motion: Councilor Kirkpatrick moved to adopt Ordinance No. 87-225 as amended by the Ad Hoc CTS Commission Task Force. Councilor Van Bergen seconded the motion.



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Executive Officer Cusma addressed the Council saying if politics were the art of compromise, she did not believe there was any middle ground left. Metro would need partners, she said, and the differences could be resolved. The problem was that Metro's convention center partners did not think the amended ordinance embodied a commission structure promised during the General Obligation bond election campaign. She then quoted election literature prepared by Metro staff for the campaign:

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 concluded that "the guts of the E-R Commission was its autonomy from the City of Portland" and the proposed CTS Commission must have the same relationship with the Metro Council to succeed.

Councilor Ragsdale concurred with the Executive Officer. He could not believe the Council was at an impasse with the City of Portland and Multnomah County over the issue of personnel and contract rules and he refused to believe those concerns were minor. He thought it critical the Council not adopt the ordinance at this meeting so that further negotiations could be attempted.

Councilor Knowles added it was not important whether the City or County believed the ordinance was not acceptable. What was important was that the City and County had the perception the ordinance was not acceptable. If Metro wanted a successful convention center, it had to cooperate and attain the goodwill of its partners, he explained. Regional government was about building consensus and Metro could not do a proper job without consensus.

Councilor Hansen also urged against adopting the ordinance until a consensus could be reached.

Motion: Councilor Ragsdale moved, seconded by Councilor Knowles, to defer consideration of Ordinance No. 87-225 as amended until October 22, 1987.

Councilor Collier thought the second motion to defer out of order. After discussion, Dan Cooper, General Council, declared the motion appropriate.

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In response to Councilor Kelley's question, Presiding Officer Waker and Councilor Kirkpatrick thought nothing would be gained by deferring action on the ordinance. Councilors Gardner and Waker agreed.

Councilor Ragsdale disagreed. He noted when both parties wanted the same objective, the parties could be very close to reaching a compromise. He thought some language could be proposed that would be satisfactory to all parties and there was no risk in delaying action. A delay would send a signal to partners that Metro was willing to accommodate them.

Vote: A vote on the motion to delay consideration of Ordinance No. 87-225 to October 22 resulted in:

Ayes: Councilors Gardner, Hansen, Kelley, Knowles and Ragsdale

Nays: Councilors Bonner, Collier, DeJardin, Kirkpatrick, Van Bergen and Waker

Absent: Councilor Cooper

The motion failed.

Vote: A vote on the motion to adopt Ordinance No. 87-225 as amended resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner, Kelley, Kirkpatrick, Van Bergen and Waker

Nays: Councilors Hansen, Knowles and Ragsdale

Absent: Councilor Cooper

The motion carried and Ordinance No. 87-225, as amended by the Ad Hoc CTS Commission Task Force, was adopted.

NOTE: At the end of the meeting, Councilor Kelley announced she might move to reconsider the Ordinance at the October 22, 1987, Council meeting.

#### 11. COMMITTEE REPORTS

Council Solid Waste Committee. Councilor Gardner reported the Committee met twice to review a request for bids document for landfill services. As a result of testimony by citizens and potential vendors and Councilors comments, staff returned at the second meeting with a modified proposal. Staff proposed vendors be asked to submit a firm bid for landfill services only and not include transfer

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stations or transportation of waste to the landfill. Those other services would be subject to one or more later Request for Proposals after decisions were made about resource recovery project(s) and the type and optimal locations of transfer and materials recovery centers needed. The latter decisions would come out of the functional planning process.

Councilor Gardner further reported landfill vendors were not entirely pleased with staff's approach, arguing they should be allowed to propose reload facilities and processing centers as part of their landfill "package." At those meetings, staff responded that to do so would preempt many of the system decisions in functional planning. They also felt it would be extremely difficult to compare proposals from different vendors on a lowest bid basis since they would involve different locations. Everyone agreed on one point: it would take a proposal (rather than bid) process to allow varied, "full service" proposals, and proposals would take considerably more time, at least six months. To get firm information on the cost of landfill services before the Council made its decisions on resource recovery, the shorter bid process was necessary.

Zoo. Councilor Kirkpatrick said the Vollum family had selected the Africa Aviary as a project to fund.

#### OTHER BUSINESS

Notice of Reconsideration of Ordinance No. 87-225 as Amended.  
Councilor Kelley announced she was serving notice of possible reconsideration of Ordinance No. 87-225. Presiding Officer Waker noted the Council's procedures would require the motion for reconsideration to be received as the first item of business at the October 22, 1987, meeting.

Clackamas Transfer & Recycling Center. In response to Councilor Van Bergen's question, Don Carlson announced he was working with Dan Cooper, General Counsel, on an ordinance for Council consideration that would define procedures for initiating Metro litigation.

There was no further business and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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