

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

February 11, 1988
Regular Meeting

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
Dan Cooper, General Counsel

Presiding Officer Ragsdale called the regular meeting to order at
5:35 p.m.

1. RECONSIDERATION OF ORDINANCE NO. 88-238, An Ordinance Adopting
a Final Order and Amending the Metro Urban Growth Boundary for
Contested Case No. 87-2: Angel Property

The Presiding Officer announced that at the January 28 meeting, the
Council failed to adopt a motion that would have adopted Ordinance
No. 88-238. Councilor Knowles had served notice at that meeting he
would move to reconsider the ordinance on February 11.

Councilor Knowles said he had decided not to move to reconsider the
matter. Dan Cooper, General Counsel, then summarized the status of
Contested Case No. 87-2 and the options before the Council. Because
the Council had not adopted Ordinance No. 88-238 or Order No. 88-16,
the case remained undecided. On February 25, the Council would
again have the opportunity to decide whether to adopt the Hearings
Officer's recommendation to deny the applicant's petition or to
adopt findings prepared by the General Counsel in support of amend-
ing the Urban Growth Boundary. The decision had to be made by the
Council in its capacity as a quasi-judicial board and according to
Metro's adopted standards and procedures.

A discussion followed regarding whether information disclosed at the
January 28 meeting by Councilor Collier would cause procedural
problems because that information had not been submitted to the
Hearings Officer. Mr. Cooper explained the petitioner had the right
to request the Council send the case back to the Hearings Officer
for the purpose of re-opening the record.

Presiding Officer Ragsdale announced the matter of Contested Case No. 87-2 would be on the February 25 Council agenda.

2. INTRODUCTIONS

None.

3. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Presiding Officer Ragsdale reported he had received a letter dated January 10, 1988, from James Ross of the Land Conservation and Development Commission relating to Contested Case No. 87-2.

4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Dale Sherbourne, 3638 S.W. Corbett, Portland, testified that Metro should solve the region's solid waste disposal problems by promoting recycling, especially in the schools. He also supported composting technology and local solutions to the region's disposal problems.

5. COUNCILOR COMMUNICATIONS

None.

6. EXECUTIVE OFFICER COMMUNICATIONS

6.1 Consideration of Resolution No. 88-864, for the Purpose of Securing General Purpose Landfill Disposal for Solid Waste Disposal from the Portland Metropolitan Region;

Consideration of Resolution No. 88-865, for the Purpose of Notifying the Environmental Quality Commission that the Bacona Road Site is Not Needed;

Consideration of Resolution No. 88-866, for the Purpose of Suspending Memorandum of Understanding Negotiations with Combustion Engineering for a RDF Facility, Pending Approval of a Facility Site in Columbia County; and

Consideration of Resolution No. 88-867, for the Purpose of Continuing Memorandum of Understanding Negotiations with Riedel Environmental Technologies for a Mass Composting Facility

Executive Officer Cusma introduced the resolutions by explaining that for the last ten years, the region had been looking for the solution to its solid waste problem. She recommended the Council help solve the problem by accepting the bid from Oregon Waste Systems to construct and operate a landfill near Arlington, Oregon, in Gilliam County. Built into the bid would be the flexibility to

Metro Council
February 11, 1988
Page 3

continue pursuing alternative ways to dispose of garbage. Accepting the bid would not deter efforts to establish a composter, a refuse-derived fuel plant or any other technology that might develop over the life of the contract, she explained. Metro would also step up efforts to encourage recycling.

The Executive Officer reported staff had conducted research into the background of Waste Management, Inc., the parent company of Oregon Waste Systems. Her investigations showed that "the company has had no legal problems in the operations of landfills and the legal problems they have incurred are the result of past practices of hauling companies that they have acquired." She said there was nothing that would disqualify the company from being a legal, eligible and reputable bidder for landfill services.

The Executive Officer also pointed out that Gilliam County had offered to help Metro solve its solid waste problem while providing jobs and long-term economic benefit for other Oregonians.

Regarding the proposed Bacona Road landfill site, the Executive Officer recommended the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) "stop any further work on the Bacona Road landfill Site in western Washington County." She acknowledged the region would be without a solid waste disposal facility for two years until the eastern Oregon landfill opened.

Executive Officer Cusma also recommended Metro not proceed further with a refuse-derived fuel project in Columbia County until a site for that facility was approved. Although she had faith in the technology, believed in the need for such a facility, believed it was within range of Metro's 20 percent cost premium, and approved of the Memorandum of Understanding Metro had negotiated with the vendor, she could not recommend signing the memorandum without a site. She pointed out Metro had initially proposed an alternative technology project for Columbia County out of response to the County's long-standing interest in such a facility. However, "until such time as we have a clear statement that the community will accept the plant, I cannot recommend signing a Memorandum of Understanding with the company." To do otherwise could result in financial liability being incurred with no indication a facility would be sited, she said.

Finally, the Executive recommended Metro continue Memorandum of Understanding negotiations with Riedel Environmental Technologies for a composting facility under the condition specific, requested information related to the marketing of compost be provided to Metro from Riedel no later than April 15, 1988.

The Executive strongly urged the Council to adopt the resolutions and to answer the question: "What shall we do with the garbage?"

Presiding Officer Ragsdale announced that he was referring Resolution Nos. 88-864, 88-865, 88-866 and 88-867 to the Council Solid Waste Committee for review and recommendation. Councilor Hansen announced the Committee would review Resolution Nos. 88-864 and 88-865 at a work session scheduled for February 18, 1988. Councilor Knowles requested Councilor Hansen distribute the Committee's review schedule to all Councilors.

7. CONSIDERATION OF MINUTES

Claire Green, 960 S.W. 192nd Place, Aloha, noted the second line of page 3 of the minutes of January 14 should be changed to read: "Councilor Bonner said he would not support the confirmation for [the same reason] reasons having to do with process.

Motion: Councilor Bonner moved, seconded by Councilor Waker, to approve the minutes of December 22, 1987, and the minutes of January 14, 1988, as corrected per Ms. Green's suggestion above.

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

The motion carried.

8. ORDINANCES

8.1 Consideration of Ordinance No. 88-240A, for the Purpose of Adopting an Updated General Purpose Landfill Chapter to the Solid Waste Management Plan (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced that the document identified as Ordinance No. 88-240A was replacing Ordinance No. 88-240. He referred the ordinance to the Council Solid Waste Committee for a public hearing, review and recommendation.

8.2 Consideration of Ordinance No. 88-241, for the Purpose of Amending Chapter 2.01 of the Metro Code Pertaining to Council Organization and Procedure (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing, review and recommendation.

Connie Hawes, 19920 Oak Court, Aloha, testified she was concerned the ordinance proposed deleting the requirement that Council meetings be electronically taped. She recommended the Council adopt provisions such as those adopted by the city of Beaverton which would require staff to "see that a tape was made." This, she explained, would allow for equipment failures.

Claire Green, 960 S.W. 192nd Court, Aloha, was concerned that if no tapes of Council meetings were made no one could interpret with certainty what had happened at meetings.

8.3 Consideration of Ordinance No. 88-842, for the Purpose of Amending Ordinance No. 87-231 and Providing an Alternate Good Faith Efforts Section Solely for Purposes of the Oregon Street Detour Contract and Declaring an Emergency (Emergency Contract; Public Hearing)

The Clerk read the ordinance by title only. Presiding Officer Ragsdale explained the ordinance required unanimous approval in order to be adopted under emergency conditions.

Tuck Wilson, Convention Center Project Director, reviewed staff's written report and explained the ordinance would allow work on the Oregon Street detour to commence on schedule while accomplishing the spirit of the goals of Metro's Disadvantaged Business Enterprise (DBE) program. The ordinance would remove some of the technical requirements of the contractor to promote DBE involvement and alternatively, would place substituted and additional requirements on Metro staff to achieve the same goal and DBE involvement. Those requirements had been reviewed by Metro's DBE advisory group and were being vigorously pursued by staff, he reported. Finally, he assured the Council this was a one time request for a very unique situation.

Councilor Cooper, Chair of the Council Convention Center Committee, said the Committee had reviewed the ordinance on February 9 and had unanimously recommended its adoption by the Council. He thought it important to keep the convention center construction on schedule.

Motion: Councilor Cooper moved, seconded by Councilor Knowles, to adopt emergency Ordinance No. 88-242.

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

Councilor Kirkpatrick asked Mr. Wilson to relay her concern to the City of Portland that the City was not doing the work on the detour project as originally planned. In response to her question,

Mr. Wilson said an announcement of the public hearing on this ordinance had been printed in The Oregonian.

Councilor Bonner said he was troubled to have to approve changes to the DBE program for one of the Convention Center's first contracts. He urged staff not to make another request of this nature. Councilor Van Bergen assured Councilor Bonner the Convention Center Committee deliberated the request carefully and had unanimously determined the ordinance must be adopted.

Vote: A roll call vote on the motion to adopt Ordinance No. 88-242 resulted in all eleven Councilors present voting aye. Councilor Collier was absent.

The motion carried and emergency Ordinance No. 88-242 was unanimously adopted.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 88-847, for the Purpose of Entering into a Contract with Continental-Portland for Foodstuff for the Washington Park Zoo

9.2 Consideration of Resolution No. 88-848, for the Purpose of Entering into a Contract with Tillamook County Creamery Association for Foodstuff for the Washington Park Zoo

Councilor Cooper reported the Council Zoo Committee unanimously recommended adoption of both resolutions. He referred Councilors to the written report from Committee Chair Councilor Kelley for more detailed information.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt Resolution No. 88-847.

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

The motion carried and Resolution No. 88-847 was adopted.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt Resolution No. 88-848.

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

The motion carried and Resolution No. 88-848 was adopted.

9.3 Consideration of Resolution No. 88-845, for the Purpose of Appointing an Advisory Committee to Determine if a Per Capita Service Charge Is Necessary

Councilor Waker reported adoption of the Resolution was recommended by the Council Intergovernmental Relations Committee as a step in the an annual cycle of assessing dues from local governments.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt Resolution No. 88-845.

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

The motion carried and Resolution No. 88-845 was adopted.

9.4 Consideration of Resolution No. 88-863, for the Purpose of Approving a Contract with Robert J. Harmon & Associates, Inc., for Transit Finance Consulting Services

Councilor Waker reported the Council Intergovernmental Relations Committee recommended adoption of the resolution. A written summary of the Committee's recommendation was distributed to Councilors.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt Resolution No. 88-863.

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

The motion carried and Resolution No. 88-863 was adopted.

9.6 Consideration of Resolution No. 88-862, for the Purpose of Amending Resolution No. 87-744, Revising the FY 1987-88 Budget and Appropriations Schedule for a Convention Center Operating Reserve and Arts Grant (Public Hearing)

Councilor Cooper reported the Council Convention Center Committee unanimously recommended adoption of the resolution.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt Resolution No. 88-862.

Councilor Ragsdale opened the public hearing. There was no testimony and the hearing was closed.

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

The motion carried and Resolution No. 88-862 was adopted.

9.5 Consideration of Resolution No. 88-858, for the Purpose of Amending Resolution No. 87-744, Revising the FY 1987-88 Budget and Appropriations, and Establishing a Budget for the Metropolitan Exposition-Recreation Commission (Public Hearing)

Councilor Cooper reported the Council Convention Center Committee had unanimously recommended adoption of the resolution.

Councilor Ragsdale explained the resolution now before the Council included a revised Exhibit B.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt the resolution as revised.

Councilor Van Bergen said he had voted at the Convention Center Committee to recommend adoption of the resolution with the caveat that future budget amendments first be reviewed by the Council Finance Committee.

Responding to Councilor Kelley's question, Mr. Wilson explained a work plan was being developed for MERC Commissioners and staff which would address how to best to provide information requested by the Metro Council. He then introduced Lee Fehrenkamp, MERC Chief of Staff. Mr. Fehrenkamp explained MERC was developing a five-year plan which would divide activities into major areas. A major area would then be assigned to each Commissioner.

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

The motion carried and Resolution No. 88-858 was adopted.

10. COMMITTEE REPORTS

Boundary Commission. Councilor Waker reported the Council had received an invitation from the Commission to attend an information meeting on February 17. He urged Councilors to attend the meeting because the Metro Council would be appointing Commissioners after July 1, 1988. He explained the Council Intergovernmental Relations Committee would be involved in that issue.

Solid Waste Committee. Councilor Hansen reviewed the Committee's meeting schedule and encouraged Councilors to arrange a tour of the proposed Arlington landfill site. Councilor Knowles thought it best that Metro staff conduct the tour or that Councilors visit the site on their own rather than to be escorted to the site by the landfill contract bidder.

Metro Council
February 11, 1988
Page 9

Special Service Districts of Oregon. Councilor DeJardin invited Councilors to attend the group's convention and reported the group's members were anxious to meet other Metro Councilors.

There was no further business and the meeting adjourned at 6:50 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
9073C/313-2
03/01/87