

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

November 22, 1988  
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Corky Kirkpatrick (Deputy Presiding Officer, Elsa Coleman, Tanya Collier, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen, and Richard Waker

Councilors Absent: Larry Cooper

Others Present: Rena Cusma, Executive Officer  
Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 7:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. COUNCILOR COMMUNICATIONS

4.1 Confirmation of the Presiding Officer's Appointment of a  
Legislative Task Force

Presiding Officer Ragsdale explained the Council's rules provided for the Presiding Officer to appoint task forces. Because of the important nature of Metro's 1989 legislative package he requested the Council to confirm his appointments to the new task force. He referred Councilors to his memo of November 15, 1988, which explained the proposed task force in more detail.

Motion: Councilor Van Bergen moved, seconded by Councilor Kirkpatrick, to confirm the Presiding Officer's appointments of Councilors Gardner (Chair), Collier, Knowles, Ragsdale and Executive Officer Cusma to the 1989 Legislative Task Force.

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Presiding Officer Ragsdale reported the task force would serve as an ad hoc group to review proposed legislation for presentation to the 1989 Legislature. The group would issue regular reports to the full Council.

In response to Councilor Van Bergen's concerns, Presiding Officer Ragsdale thought any individual Councilor was free to testify before a state legislative committee as long as that Councilor declared he or she was testifying on his or her own behalf.

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

The motion carried and appointments to the task force were confirmed.

#### 5. CONSIDERATION OF MINUTES

Motion: Councilor Coleman moved, seconded by Councilor Collier, to approve the Minutes of October 27, 1988.

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

The motion carried and the minutes were approved.

#### 6. ORDINANCES, FIRST READINGS

##### 6.1 Ordinance No. 88-274, An Ordinance Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for an Analysis for a Publicly Owned Metro East Transfer & Recycling Center

The Clerk read the ordinance a first time by title only. The Presiding Officer referred to ordinance to the Council Finance Committee for consideration.

##### 6.2 Ordinance No. 88-275, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Wastewater Management Plan and Submitting it for Recertification

The Clerk read the ordinance a first time by title only. The Presiding Officer referred to ordinance to the Council Intergovernmental Relations Committee for consideration.

6.3 Ordinance No. 88-277, An Ordinance Amending Ordinance  
No. 88-247, Revising the FY 1988-89 Budget and Appropriations  
Schedule to Reorganize Metro's Word Processing Function

The Clerk read the ordinance a first time by title only. The Presiding Officer referred to ordinance to the Council Finance Committee for consideration.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-1011, for the Purpose of  
Amending the Contract with Zimmer Gunsul Frasca Partnership to  
Include Design Work for Finishing the Towers (Convention Center  
Project)

Councilor Knowles, Convention Center Committee Chair, reviewed the written Committee report. He explained the Advisory Committee on Design and Construction (ACDC) supported designing "sky view terraces" into the tower structures of the Convention Center building. He said it would be less expensive to proceed with designing that feature now versus later in the project. The Convention Center Committee unanimously endorsed the resolution.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to adopt the resolution.

Councilor Knowles clarified that the original staff report to the resolution had misstated project funding possibilities. Councilor Waker said an unnamed private party had expressed interest in financing construction of the terraces.

Discussion continued concerning the nature and function of the terraces. Councilors Knowles and Waker explained the two 3,400 square foot spaces were proposed for use as food service and lounge centers. It was undecided whether the spaces would be large enough to support a commercial restaurant facility. In the meantime, design could proceed and when a construction estimate was provided, a final decision could be made.

Sandy Bradley of the Convention Center Project staff reported design work could be substantially completed and construction estimates provided by late December 1988. The estimates would include varying levels of finishes and cost options for each plan. She anticipated a change order could be before the Council as early as January 1989 if the ACDC and staff recommended constructing the two terrace lounges.

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Councilor Van Bergen and DeJardin advised staff to talk with experienced restaurant professionals concerning whether the spaces were large enough for viable commercial enterprises. Councilor Knowles concurred and said professionals were lending valuable advice to staff.

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

The motion carried and the resolution was adopted.

7.2 Consideration of Resolution No. 88-1012, for the Purpose of Prioritizing Those Elements of the Waste Reduction Program Not Yet Complete and to Develop an Implementation Schedule

Councilor Hansen, Solid Waste Committee Chair, reviewed the Committee's written report and recommendation. The resolution would adopt a schedule for implementing the plan to comply with the Department of Environmental Quality's (DEQ) Waste Reduction Plan requirements, he said. The Committee had reviewed the document extensively, made wording changes to stress positive compliance with the plan and had slightly altered some of the established priorities.

Motion: Councilor Hansen moved to adopt the resolution. Councilor Kirkpatrick seconded the motion.

Bob Martin, Solid Waste Director, discussed the proposed schedule for review of the document. Staff would present the Implementation Plan to the Environmental Quality Commission (EQC) December 9 with the objective of maintaining the originally planned purpose and goals of the Waste Reduction Plan. Staff would then make amendments to the Plan based on EQC input and would develop more a detailed implementation schedule and work plans. That amended document would be considered by the Council in the form of a resolution. The adopted resolution would then be presented to the EQC by January 20, 1989. Finally, the EQC would issue an order signifying that the EQC and Metro reached agreement on one plan.

Councilor Kirkpatrick thought it important for staff to meet the January 20 deadline. Discussion followed about the EQC's and Metro's authority concerning the Waste Reduction Plan. Mr. Martin explained Metro had the final authority to implement the plan but the Legislature had established that the EQC would review the plan.

Several Councilors recalled staff had not been able to implement all aspects of the original Waste Reduction Plan because of unclear definitions, ambitious time lines and lack of staffing. Mr. Martin and Councilor Hansen thought the amended plan was realistic and

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having learned from past problems, staffing would be committed to implement the plan.

Councilor Collier asked staff to provide information comparing Waste Reduction Plan staffing levels and budgets from past years with staffing and money actually spent on the program. She also asked staff to provide a report indicating what would happen if Metro did not meet DEQ's requirements.

Councilor Van Bergen expressed concern that DEQ could levy civil penalties of up to \$500 per day for non-compliance with the Waste Reduction Plan. He noted the Council's obligation was to recognize the problem and to proceed with a sound plan for solving the problem. He also recommended the "be it resolved" clause of the resolution be amended to change the word "concur" to read "acknowledges."

Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Coleman, to change the first sentence under the "be it resolved" section to read: "The Council [concur with] acknowledges the Summary of Progress (Attachment A) and the need to accomplish those items in Section 3 expeditiously."

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

The motion carried.

Councilor Coleman asked if the budget would need to be amended to meet new Waste Reduction Plan priorities. Mr. Martin answered that staff would soon return to the Council with recommended budget adjustments. Councilor Collier said she was concerned that staff not be taken away from other priority projects to work on waste reduction efforts.

In conclusion, Mr. Martin reported that of the 49 original plan elements, 21 elements had been well implemented. He cited successful programs including Metro's Recycling Information Center and a composting plant.

Vote on the Main Motion as Amended: A vote on the motion to adopt Resolution No. 88-1012 as amended resulted in all ten Councilors present voting aye. Councilors Cooper and Waker were absent.

The motion carried and the resolution was adopted as amended.

7.3 Consideration of Resolution No. 88-1013, for the Purpose of Appointing Citizens to the Metropolitan Service District's FY 1989-90 Budget Committee

Finance Committee Chair, Councilor Collier, reported the Committee had received 12 applications for citizen Budget Committee memberships. Five citizens were recommended for membership based on geographical distribution. Membership included three people who had served on the committee last year, she explained.

Motion: Councilor Collier moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

Councilor Waker was concerned the recommended appointees did not reflect a balance of professions. Jessica Marlitt, Council Analyst, responded that due to the short time period for recruiting new applicants, a limited number of citizens had applied for the positions. She was confident more diversification could be achieved next budget year if the recruitment process started earlier.

Councilor Collier requested certificates of appreciation be given to Dapo Sobohemin and Ron Honsteinthe, Budget Committee members who had served two consecutive one-year terms.

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

The motion carried and the resolution was adopted.

7.4 Consideration of Resolution No. 88-1014, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.04.010 et. seq. for the Purchase of a Production Copier and Telephone Switch Upgrade

Councilor Collier reported the Finance Committee had unanimously recommended the resolution be adopted. Both projects were included in the budget.

Motion: Councilor Collier moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

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

The motion carried and the resolution was adopted.

7.5 Consideration of Resolution No. 88-1015, for the Purpose of Considering Report of Independent Certified Public Accountants on Metro's FY 1988 Annual Financial Report and Schedule of Federal Financial Assistance

Councilor Collier explained the Finance Committee had reviewed the resolution. Its main concern was that the Council had to file the audit report with required agencies in advance of a review of the auditor's letter to management. She reported the Finance Committee would soon review staff's responses to the letter.

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to adopt the resolution.

Councilor Collier, in response to Councilor Knowles' question, said she would report back to the Council after the Finance Committee's review of the management letter and staff's responses.

Councilor Coleman was very concerned the St. Johns Landfill closure issue be resolved.

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

7.6 Consideration of Resolution No. 88-1017, for the Purpose of Creating a Task Force on Consolidation of Convention, Trade and Spectator Facilities

Councilor Knowles, Convention Center Committee Chair, reported the Committee had after discussion, endorsed the concept of the resolution.

Motion: Councilor Knowles moved, seconded by Councilor Waker, to adopt the resolution.

Councilor Waker said he thought the task force should focus on not "giving away" the convention center building and on maintaining flexibility. He also thought the task force should address the issue of revenue sources for projects.

Councilor Van Bergen endorsed the task force proposal, explaining he liked the fact that Metro was in a positive position of planning for community development rather than responding to crises. The task force deserved good staff support, he said.

Councilor Kelley was concerned about creating a task force in advance of developing priorities and a schedule.

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

The motion carried and the resolution was adopted.

8. COMMITTEE REPORTS

None.

There was no other business and the meeting was adjourned at 8:35 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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