

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

October 13, 1988

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

Council Absent: Larry Cooper

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

Presiding Officer Ragsdale called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Disposal Rate Increase Public Information Program. Executive Officer Cusma announced that a tabloid explaining disposal rate increases would soon be mailed to all District citizens. Staff were being trained to respond to phone calls about rate increases.

Presentation by Oregon Waste Systems. Rick Daniels of OWS presented a brief progress report on the construction of the landfill in Gilliam County. He said the project could be completed one year ahead of schedule. He then presented the District with an table top model of the completed landfill and a display depicting the underground construction of the landfill. The display illustrated specific environmental protective features including liner, leachage collection and leak protection systems. Mr. Daniels explained a duplicate model and display were on exhibit in the Gilliam County area. He hoped they were serve to educate the public about the landfill project.

3.1 United Way Campaign Presentation

Jim Shoemake, Metro United Way Campaign Chair, reported the campaign effort was nearly complete. Metro had experienced 15 percent more staff participation and 30 percent more contributions than last year. He explained that participating staff had deposited ticket stubs in a box for the purpose of winning prizes. Each Councilor then drew a staff name from the box and prizes were awarded to staff.

3.2 Consideration of Resolution No. 88-984, for the Purpose of Recognizing Recycling Achievement in the Metro Area

Presiding Officer Ragsdale read the entire resolution which named three recipients of "Excellence in Recycling" achievement awards: 1) Jerry Herrmann of the Environmental Learning Center, individual recycling achievement; 2) Beaverton School District, organization/school recycling achievement; and 3) Sunflower Recycling, company recycling achievement.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Waker, to adopt Resolution No. 88-984.

The Presiding officer reported the Solid Waste Committee had unanimously recommended the resolution be adopted at its meeting of October 4, 1988.

Vote: A vote on the motion resulted in Councilors Coleman, Collier, DeJardin, Gardner, Kelley, Kirkpatrick, Van Bergen, Waker and Ragsdale voting aye. Councilors Cooper, Knowles and Hansen were absent.

The motion carried and the resolution was adopted.

Presiding Officer presented the award to Jerry Herrman. Executive Officer Cusma presented the awards to representatives of the Beaverton School District and Sunflower Recycling.

4. COUNCILOR COMMUNICATIONS

4.1 Briefing on the Oregon Convention Center One Percent for Art Program

David Knowles, Convention Center Committee and Convention Center Art Advisory Committee Chairs, introduced Eloise MacMurray to the Council. He explained Ms. MacMurray, an employee of the Metropolitan Art Commission, was working under a contract at Metro to coordinate the One Percent for Art project for the Oregon Convention Center. Ms. MacMurray briefed the Council on major components of the art program for the Center and the artists being recommended to perform

the work. She explained the One Percent for Art Fund would pay for the majority of art pieces but donated funds would pay for some works. Councilor Knowles concluded that the Council would soon be requested to approve individual contracts for the artwork.

5. CONSENT AGENDA

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, to approve items 5.1, 5.2 and 5.3 of the Consent Agenda.

Vote: A vote on the motion resulted in Councilors Coleman, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Van Bergen, Waker and Ragsdale voting aye. Councilor Cooper was absent.

The motion carried and the following items were approved:

- 5.1 Minutes of September 8, 1988
- 5.2 Resolution No. 88-990, for the Purpose of Authorizing Change Order No. 6 to the Contract with DeWitt Construction Company for Bid Package No. 2, Site Work, for the Oregon Convention Center
- 5.3 Resolution No. 88-993, for the Purpose of Approving an Inter-governmental Agreement between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission Relating to Events Spacing

6. ORDINANCES

6.1 Consideration of Ordinance No. 88-263, Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriation Schedule for the Purpose of Additional Staffing and Capital Purchases within the Transportation Department

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

6.2 Consideration of Ordinance No. 88-266, for the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions

The Clerk read the ordinance a first time by title only. The Presiding Officer referred the ordinance to the Council Solid Waste Committee for a public hearing and recommendation.

6.3 Consideration of Ordinance No. 88-268, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-3: Blazer Homes, Inc.

The Clerk read the ordinance by title only for a first time. Dan Cooper, General Counsel, explained he had prepared the ordinance as a result of the Council's previous motion instructing him to prepare findings in support of the Urban Growth Boundary amendment request. Mr. Cooper noted the Metro's rules allowed parties an opportunity to address the Council when the Hearings Officer's original recommendation was overturned. He said a notice would be sent to all appropriate parties advising them of Metro's rules for this case.

6.4 Consideration of Ordinance No. 88-276, for the Purpose of Revising Metro Code Section 5.04.040 Relating to the Membership of the Recycling Advisory Committee

The Clerk read the ordinance a first time by title only. The Presiding Officer referred the ordinance to the Council Solid Waste Committee for a public hearing and recommendation.

6.5 Consideration of Ordinance No. 88-265, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-4: Brennt Property

The Clerk read the ordinance a second time by title only. Mr. Cooper reviewed the procedures for considering the case. He explained the Council had heard testimony from both parties on September 22. Since that meeting the Council had received a letter from a party requesting the Council open the case for the purpose of hearing new evidence.

No motion was made to consider new evidence.

Motion: Councilor Waker moved, seconded by Councilor Hansen, to adopt Ordinance No. 88-265.

Vote: A roll call vote on the motion resulted in:

Ayes: Councilors Coleman, DeJardin, Gardner, Hansen, Kelley, Knowles, Van Bergen, Waker and Ragsdale

Nays: Councilors Collier and Kirkpatrick

Absent: Councilor Cooper

The motion carried and the ordinance was adopted.

6.6 Consideration of Ordinance No. 88-262, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman

The Clerk read the ordinance a second time by title only. Councilor Collier asked that consideration of the ordinance be deferred until after item 7.1.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-972, for the Purpose of Approving a Contract with Preston, Thorgrimson, Ellis and Holman

Councilor Knowles reported the Convention Center Committee had recommended the contract be approved by the Council. The Finance Committee had also recommended amendments to the Scope of Work.

Motion: Councilor Knowles moved, seconded by Councilor Waker, to adopt Resolution No. 88-972 as amended by the Finance Committee.

Vote: A vote on the motion resulted in:

Ayes: Councilors Coleman, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Waker and Ragsdale

Nay: Councilor Van Bergen

Absent: Councilor Cooper

The motion carried and the resolution was adopted.

6.6 Consideration of Ordinance No. 88-262, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for a Contract with Preston, Thorgrimson, Ellis and Holman

Councilor Collier referred Councilors to a letter from Don Carlson, Council Administrator, dated October 13. Mr. Carlson recommended the ordinance be filed and receive no further consideration. It was learned earlier in the day that Ordinance No. 88-262 was not needed to provide funding for the Preston contract. Council staff had received Resolution No. 88-1003 for the purpose of authorizing a contract with Portland's Finest, Inc. to provide support for the International Association of Chiefs of Police convention. The contract obligated Metro for \$35,000. The amount budgeted for that project in the Convention Center Management Fund was \$70,000. There

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remained \$35,000 in the same line item which could be used for the Preston contract. General Counsel had advised that the motion to file and receive no further consideration was in order.

Motion: Councilor Collier moved, seconded by Councilor Waker, to file the ordinance and that it receive no further consideration.

Vote: A vote on the motion resulted in:

Ayes: Councilors Coleman, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Waker and Ragsdale

Nay: Councilor Van Bergen

Absent: Councilor Cooper

The motion carried.

7.2 Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)

Presiding Officer Ragsdale announced that before considering the Solid Waste Committee's majority recommendation, Councilors Kirkpatrick and Gardner would present a minority report for consideration.

Councilor Van Bergen first asked why the Committee had not presented an option for public ownership of transportation services. Councilor Hansen, Solid Waste Committee Chair, explained that early in the process the Committee had concurred with staff's recommendation it would not be cost effective for Metro to own its own trucking service. Public ownership of transportation services would also preclude barge and rail options, he said. Councilor Van Bergen was concerned the Committee had not seriously investigated publicly owned trucking options.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to adopt the minority recommendation which would change the length of the transportation services contract from 20 years to 10 years.

Councilor Kirkpatrick summarized the minority report which was included in the meeting agenda packet. She explained a 10 year transport contract would provide for more competition and a greater number of bids. It would provide the flexibility and opportunity to rebid the contract with potential savings to the region. She also

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pointed out that unless the Council asked staff to provide an analysis of 10 year and 20 year costs, it could not be known which option actually offered the greatest savings.

Councilor Gardner thought the most important advantage of a 10 year contract was that it would provide for the most diversity of bids and competition within transportation modes. A 20 year contract could be more advantageous to rail and barge modes, he said. He further pointed out that staff's appointed technical advisory group had recommended 20 year rail options, 10 year barge options, as little as five years for truck transport options, and a compromise of 10 years to include all options. The group concluded that 10 years was a contract period suitable for all modes of transportation. Finally, Councilor Gardner said because he was very disappointed Metro had only received one bid for the landfill construction project, he wanted to encourage competition for the transport portion of the project.

Discussion followed concerning whether the Council could request bids for both a 10 and 20 project -- perhaps bidding the 10 year option as an alternate -- and then compare the bids for the best price. Councilors Knowles and Kelley supported that option. Bob Martin, Solid Waste Director, explained that type of bid would be extremely difficult to analyze and award. Dan Cooper, General Counsel, agreed it could be difficult to determine a low bidder.

Councilors discussed the advantages of 10 and 20 year terms. Councilor Hansen strongly favored the 20 year option and agreed with staff's recommendation the longer term would save the public more money. He did not agree a longer term would substantially reduce competition. According to staff's analysis, between \$3.4 and \$13.6 million could be saved if the project were for 20 years.

Councilor Gardner thought money could be saved on a 10 year contract. Fixed costs would decrease after the first ten years if the same transportation mode were selected for a subsequent 10 year period. Even if a different mode was selected, the contract would still be awarded to the lowest bidder, he said.

Councilor Hansen disagreed, explaining there was no guarantee the vendor would not ask Metro to pay for fixed costs for the second 10 year term. He reasoned that if Metro had to pay for fixed cost expenses, it would be best to pay them only once during a 20-year period.

Councilor Van Bergen favored a 10 year contract because he thought in another 10 years Metro could be the most viable bidder for the landfill transportation package.

Vote: A vote on the motion to adopt the minority recommendation resulted in:

Ayes: Councilor Collier, Gardner, Kirkpatrick and Van Bergen

Nays: Councilors Coleman, Hansen, Kelley, Knowles, Waker and Ragsdale

Absent: Councilors Cooper and DeJardin

The motion failed to carry.

Councilor Hansen reviewed the majority recommendation of a 20 year landfill contract. He explained the 20 year contract would be compatible with the landfill contract and had been determined to save the District the most money without jeopardizing competition.

Motion: Councilor Hansen moved to adopt Resolution No. 88-971. Councilor Coleman seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Coleman, Collier, Gardner, Hansen, Kelley, Knowles, Van Bergen, Waker and Ragsdale

Nay: Councilor Kirkpatrick

Absent: Councilors Cooper and DeJardin

The motion carried and Resolution No. 88-971 was adopted.

Presiding Officer Ragsdale commended Mr. Martin and his project staff on conducting an open and positive process.

Mr. Martin thanked Gilliam County Judge Pryor (who was present at the meeting) and officials and staff from the City of Arlington and Gilliam County for their cooperation with the project.

7.3 Consideration of Resolution No. 88-988, for the Purpose of Confirming the Appointment of Members to the One Percent for Recycling Advisory Committee

Councilor Hansen reported the Solid Waste Committee unanimously recommended adoption of the resolution which would name five people to the Committee. Ordinance No. 88-267, which would soon be before the Council, had also been introduced by the Committee which would increase the Committee's membership to seven individuals and make other changes to the Committee structure.

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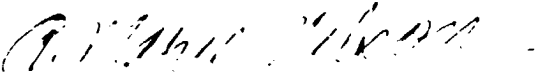
Motion: Councilor Hansen moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 88-988.

Vote: A vote on the motion resulted in Councilors Coleman, Collier, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen and Ragsdale voting aye. Councilors Cooper, DeJardin, Knowles and Waker were absent.

The motion carried and the resolution was adoption.

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

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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