

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**Regular Meeting
April 27, 1989**

Councilors Present: Mike Ragsdale (Presiding Officer), Sharron Kelley (Deputy Presiding Officer), Lawrence Bauer, Tom DeJardin, Richard Devlin, Jim Gardner, Gary Hansen and Judy Wyers

Councilors Absent: Roger Buchanan, Tanya Collier and George Van Bergen

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
None.**

The Presiding Officer announced Item No. 7.3: Resolution No. 89-1087 would be considered immediately following consideration of the Consent Agenda.

4. CONSENT AGENDA

4.1 Consideration of Resolution No. 89-1083, Approve a Purchase Contract with Crown Zellerbach Paper Company for Zoo Paper Goods

4.2 Consideration of Resolution No. 89-1084, Authorizing Donation of Right-of-Way on N. E. Holladay Street and N. E. Union Avenue Adjacent to the Oregon Convention Center Site

4.3 Consideration of Resolution No. 89-1080, Approving a Contract with Steve Reischman to Coordinate the 1989 Zoo Concert Series

4.4 Consideration of Resolution No. 89-1071, Approving the FY 1990 Unified Work Program

4.5 Consideration of Resolution No. 89-1072, Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Guidelines

4.6 Consideration of Resolution 89-1074, Confirming the appointment of Two Metro Councilors (Devlin and Van Bergen) to the Policy Advisory Committee for the Periodic Review of the Urban Growth Boundary

- 4.7 Consideration of Resolution No. 89-1076, Authorizing the Filing of All Applications with the Department of Transportation, United States of America, for Planning, Capital, Training, Demonstration and/or Operating Assistance Grants Under the Urban Mass Transit act of 1964, as Amended

Motion: Councilor DeJardin moved and Councilor Knowles seconded approval of Consent Agenda Items Nos. 4.1 through 4.7.

Vote: The vote was unanimous with all eight Councilors present voting aye. Councilors Bauer, Buchanan, Collier and Van Bergen were absent.

The motion carried.

5. ORDINANCES: FIRST READINGS

- 5.1 Ordinance No. 89-295, Amending Metro Code Chapter 5.02 Relating to Solid Waste Disposal Charges

The ordinance was considered following consideration of Resolution No. 89-1087. The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale referred the ordinance to the Solid Waste Committee for public hearing.

6. ORDER

- 6.1 Consideration of Order No. 89-20, Denying a Petition to Amend the Urban Growth Boundary for Contested Case No. 88-2; Mt. Tahoma Property

Presiding Officer Ragsdale announced the Council would be considering the order in its capacity as a quasi-judicial board and asked Metro General Counsel Dan Cooper to explain the hearing procedure. Mr. Cooper stated Metro Hearings Officer Larry Epstein would present his report and recommendations, after which the Council may choose to hear oral argument from the petitioner on the exceptions filed. Mr. Cooper said the Council may choose to accept, remand or modify the Hearings Officer's report.

Mr. Epstein summarized the recommendations and response to the petitioner's exception which had been previously distributed to Councilors. Mr. Epstein said he had recommended the Council deny the petition because, in his opinion, the petition did not comply with applicable requirements for locational adjustment. Specifically, Mr. Epstein said in his judgement, the petitioner's evidence did not clearly show a need for more urban land, nor that public sewer service could be provided in a more orderly, more

economic manner or that their provision would be less costly through inclusion of the property within the Urban Growth Boundary (UGB). Finally, Mr. Epstein said he was not persuaded by arguments that inclusion of the property within the UGB would result in a net improvement of service efficiency. In response to Councilors' questions, Mr. Epstein said his review of the petition did not consider issues of urban form, but did consider compatibility with existing uses.

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

Motion: Councilor Devlin moved, Councilor Hansen seconded adoption of Order No. 89-20 denying the petition to amend the Urban Growth Boundary.

Vote: Aye: Councilors Devlin, DeJardin, Gardner, Hansen Kelley, Knowles, Wyers and Ragsdale
Nay: Councilor Bauer
Councilors Buchanan, Collier and Van Bergen were absent.

The motion carried.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 89-1079, Authorizing an Exemption to the Requirement of Competitive Bidding Pursuant to Metro Code Section 2.04.041, and Authorizing Issuance of a Request for Proposals for Procurement of a Compactor for Metro South Station

Presiding Officer Ragsdale convened the Contract Review Board. Councilor Knowles stated that in accordance with ORS 2.44.120, he was disclosing the firm by whom he was employed had performed government relations work for Shredding Systems, Inc., a potential bidder on the compactor.

Councilor Hansen presented the Solid Waste Committee's report and recommendation. He explained adoption of the resolution would enable selection to be based on the most competitive bid considering quality and cost where cost was related to quality as well as the product price. Councilor Hansen said the compactor's performance and reliability were critical, and adoption of the resolution would allow award of the contract on factors other than product low bid.

Motion: Councilor Hansen moved, Councilor Kelley seconded adoption of Resolution No. 89-1079.

In response to Councilors questions, Councilor Hansen stated it was unlikely the exemption would encourage favoritism, and while two compactors were to be purchased at two different times, it was unlikely that two different compactor systems would be purchased.

Vote: The eight Councilors present voted aye. Councilors Buchanan, Collier, Knowles and Van Bergen were absent.

The motion carried unanimously.

Presiding Officer Ragsdale adjourned the Contract Review Board and reconvened the Council.

7.2 Consideration of Resolution No. 89-1082, Authorizing the Northern Wasco County Landfill to Accept Solid Waste Generated from within the Metropolitan Service District

Councilor Kelley presented the Solid Waste Committee's report and stated the resolution was necessary to approve a disposal site to accept certain low-grade wastes and was necessary, in part, due to the imminent closure of the Killingsworth Landfill. She noted only certain low-grade wastes would be accepted, and the resolution called for development of long-term solutions to disposal of low grade wastes.

Motion: Councilor Bauer moved, seconded by Councilor Hansen, adoption of Resolution No. 89-1082.

Vote: The eight Councilors present voted in favor of the resolution. Councilors Buchanan, Collier, Knowles and Van Bergen were absent.

The motion carried unanimously.

7.3 Resolution No. 89-1087, Authorizing an Exemption from Requirements of Metro Code Section 2.04.054(a)(3) for an Extension to Contract with the Metropolitan Exposition-Recreation Commission Contract with the Portland/Oregon Visitors' Association of Oregon Convention Center Marketing Services

Resolution No. 89-1087 was considered earlier in the meeting, immediately following consideration of the Consent Agenda. Presiding Officer Ragsdale convened the Metropolitan Service District Contract Review Board. Councilor Knowles introduced the resolution and presented the Convention, Zoo and Visitor Facilities Committee's (CZVF) recommendation. He said the CZVF had considered

the resolution at its April 18, 1989, meeting at which time a citizen, Bruce Broussard, gave testimony expressing concern about minority- and woman-owned business participation in subcontracting with the Portland/Oregon Visitors' Association (POVA). As a result of Mr. Broussard's testimony, Councilor Knowles said he had sent a letter to Ted Runstein, Chair, Metropolitan Exposition-Recreation Commission (MERC), encouraging MERC to work closely with POVA to ensure success in meeting MERC's adopted DBE/WBE subcontracting goals for FY 89-90.

Motion: Councilor Knowles moved, Councilor DeJardin seconded, adoption of Resolution No. 89-1087.

Councilor Hansen noted an extension of the contract had previously been approved by the Metro Contract Review Board and asked if, at the contract's inception, it was envisioned that the contract's term would be three years. He also noted the contract was over \$1 million dollars as well as a sole source procurement and urged that a competitive bid process be pursued in the future, both to determine if other qualified and responsive bidders were apparent and to assure an open, competitive bid process.

Councilor Knowles pointed out the original contract had been approved prior to formulation of the MERC. Councilor Ragsdale stated the contract, at its inception, was envisioned as a one-year contract. Councilor Knowles said POVA's unique staff and extensive national network qualified the Association as a sole source and under Metro's newly-adopted contracting procedures, sole source contracts could not extend beyond three years without rebidding. Councilor Ragsdale stated the MERC should investigate the merits of institutionalizing a policy regarding the relationship between POVA and the Oregon Convention Center marketing.

Vote: Eight of the Councilors voted aye. Councilor Bauer voted nay. Councilors Buchanan, Collier and Van Bergen were absent.

The motion carried and the Contract Review Board of the Metropolitan Service District adopted Resolution No. 89-1087. Councilor Ragsdale adjourned the Contract Review Board and reconvened the Council.

7.4 Consideration of Resolution No. 89-1075, Defining the Scope of Study Elements which Should be Undertaken to Address Appropriate Issues Related to Bi-State Travel

Councilor DeJardin presented the Committee report and recommendation for adoption of the resolution. He noted both the

Joint Policy Advisory Committee on Transportation and the Technical Policy Advisory Committee had approved the resolution.

Motion: Councilor DeJardin moved, Councilor Devlin seconded, adoption of Resolution No. 89-1075.

Vote: The eight Councilors present voted aye. Councilors Buchanan, Collier, Knowles and Van Bergen were absent.

The motion carried.

7.5 Consideration of Resolution No. 89-1088, Continuing and Changing the Membership of the Bi-State Policy Advisory Committee

Councilor Devlin noted a quorum of the Committee had not been present at the March 17 Bi-State Committee meeting at which time expanded membership was discussed. He said additionally, he was concerned that the proposed membership did not include representatives of the cities of Washington and Clackamas Counties. Councilor Devlin said representatives of the Counties may not share the same perspective as the representatives of the cities of those same counties. Councilor Devlin also said staffing for the Committee should be evaluated and noted the issue of expansion had not been brought before the Council's Intergovernmental Relations Committee (IGR). Therefore, Councilor Devlin recommended referral of the resolution to the IGR Committee. Councilor Gardner said he concurred with Councilor Devlin's recommendation. Councilor Bauer said he, too, supported referral to the IGR and requested the matter be scheduled after the Bi-State Committee's June meeting at which time the expansion would again be discussed. He said he would however, invite representatives of the governments proposed in the resolution to the Committee meeting.

Motion: Councilor Kelley moved, Councilor Devlin seconded, to refer Resolution No. 89-1075 to the Intergovernmental Relations Committee.

Councilor Ragsdale noted he may oppose institutionalizing an entity called representatives of "the cities of."

Vote: The eight Councilors present voted aye. Councilors Buchanan, Collier, Knowles and Van Bergen were absent.

The motion carried.

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8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

8.1 Presentation of FY 1989-90 Budget Committee
Recommendations on the Executive Officer's Proposed
Budget

Councilor Gardner reported the Budget Committee had completed its analysis of the FY 1989-90 Proposed budget. He said the Committee recommended a total budget increase from the prior year of approximately \$2.45 million due largely to the increases in the Solid Waste Capital Fund to finance improvements at the Metro South Station. He said total operating costs were recommended to be reduced by approximately \$1.5 million.

Councilor Bauer stated he would like to see Metro-paid health insurance for Councilors investigated. Council staff announced the Intergovernmental Relations Committee and Convention, Zoo and Visitor Facilities Committees would soon be reviewing department third quarter reports. Councilor Hansen congratulated Zoo staff on the completion and opening of the Africa II Exhibit.

There was no other business, and the meeting was adjourned at 7:35 p.m.

Respectfully submitted,



Gwen Ware-Barrett
Clerk of the Council

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