

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 14, 1989
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tanya Collier, Tom DeJardin, Richard Devlin, Jim Gardner, David Knowles, Ruth McFarland, George Van Bergen and Judy Wyers

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. T.R. Factor testified regarding the Jack Gray Transport contract. She said that in regard to issuance of a PUC temporary permit for Jack Gray Transport, if the PUC has failed to conclude the matter by January 1, 1990, that the PUC temporary permit authority person she had contacted had written that "True need is not ordinarily found in cases where existing carriers are able to provide reasonable service. Temporary authority is not granted merely for reasons of convenience or because of a shipper's preference of carriers. The simple willingness of a carrier to charge lower rates will not justify approval of the application." She also quoted from correspondence from the PUC that stated, "If it has been determined that a 'true need exists' staffs approval of a temporary authority application is conditioned on the fact that the applicant has a satisfactory record of compliance with PUC regulations. Staff reviews, past operations to confirm that highway use taxes have been paid in a timely fashion, there have not been suspensions for weight mile tax bond and insurance filing violations, there have not been violations of rate and authority regulations, and finally, the applicant has a satisfactory safety inspection record." Ms. Factor said that Jack Gray's, rating was conditional, and had been for some years. She said that she would be glad to provide copies of the entire PUC staff report and documentation relative to the question of true need for the Council's perusal.

Ms. Factor also testified in regard to Jack Gray's operating plan. She said that Councilor Ruth McFarland had raised questions about Jack Gray's ability to complete trips of 526 miles within 10 hours. She said that 9.56 hours of the trip would have to be done 55 m.p.h. She also said that the Bigs

Junction business community did not support a truck staging area in Bigs Junction.

Charles Hales, Staff Vice President for Governmental Affairs, Homebuilder's Association, Metropolitan Portland testified regarding a proposal, a and staff report that had been brought before the Council's Intergovernmental Affairs Committee regarding an amicus brief to be filed with the Land Use Board of Appeals in the matter of Great American Development vs. The City of Milwaukie. He said that the City of Milwaukie had been reluctant to accept their share of the region's housing density under Goal 10 and had denied a rezoning request from Great American Development which was consistent with the Metropolitan Housing Rule. Mr. Hales said that while 1000 Friends of Oregon supported the brief, the Council's Intergovernmental Relations Committee had tabled consideration of Resolution No. 89-1141, For the Purpose of Coordinating with the Home Builders Association of Metropolitan Portland, 1000 Friends of Oregon, and the State Department of Land Conservation and Development in preparing an Amicus Brief to be Filed with the State Land Use Board of Appeals in Support of the Appellant of the City of Milwaukie Zone Change Case File No. ZC 89-01.

Councilor DeJardin reported that the Intergovernmental Relations Committee had felt that it was not necessary for the Council to support the brief in that 1000 Friends and the Homebuilder's Association was taking the lead on the matter. Mr. Hales pointed out that he felt it was a regional matter that affected the Urban Growth Boundary, and urged the Council as a whole to consider the resolution. Presiding Officer Ragsdale pointed out that if the resolution were removed from the Committee, under the Council rules, it would be placed on a subsequent Council meeting agenda. Councilor Van Bergen said that he felt the City of Milwaukie should be afforded an opportunity to speak to the resolution. The Presiding Officer said that he would accept a motion to consider the matter under the Resolution section of the agenda.

3. EXECUTIVE OFFICER COMMUNICATION

Executive Officer, Rena Cusma, said that she concurred with Mr. Hale's position on the amicus brief issue and believed strongly that Metro had a proper role and responsibility in the matter. Ms. Cusma introduced David Kanner, the newly-hired Public Affairs Specialist. She explained that the position was jointly shared between Public Affairs and the Executive Office.

4. ORDINANCES, FIRST READINGS

4.1 Ordinance No. 89-309, For the Purpose of Amending Code Sections 2.04.040 and 2.04.090 Providing for the Purchase of Food for Resale

The Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Convention, Zoo and Visitors Facilities Committee.

4.2 Ordinance No. 89-310, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations
Schedule to Implement the Oregon Laborers International
Local 483 Collective Bargaining Agreement

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

4.3 Ordinance No. 89-312, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations
Schedule to Reclass 1.0 FTE Data Processing Operations
Analyst to 1.0 FTE Data Processing Systems Analyst

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

4.4 Ordinance No. 89-313, Amending Ordinance No. 89-294A.
Adopting a Supplemental Budget, Revising the FY 1989-90
Budget and Appropriations Schedule and Increasing the Solid
Waste Capital Fund and Solid Waste Debt Service Fund

The Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Solid Waste Committee to examine the policy issues and subsequently to the Finance Committee to examine the budgetary impact.

4.5 Ordinance No. 89-314, Amending Metro Code Section 2.04.040
Relating to Public Contracts, General Provisions to Allow
Metro to Enter into an Intergovernmental Agreement with the
State of Oregon to Make Purchases from State Price
Agreements

The Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Internal Affairs Committee.

4.6 Ordinance No. 89-303, For the Adoption of a Model Purchasing
Policy for the Metropolitan Service District Requiring the
Purchase of Yard Debris Compost and Sewage Sludge Compost

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

5. ORDINANCES, SECOND READINGS

**5.1 Ordinance No. 89-306, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations Schedule
to Increase the Executive Officer's Salary in Accordance
with Senate Bill 1150**

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that the ordinance was first read before the Council on August 8 and referred to Finance Committee. The Finance Committee held a public hearing on August 17 and recommended the Council adopt the ordinance.

Councilor Van Bergen, Finance Committee Vice-Chair presented the Committee's report and recommendations. He said that the salary reflected the quality of the office and that he was supportive of enhancing the level of the salaries for executive and judicial branches of Metro.

Motion: Councilor Van Bergen moved, seconded by Councilor Collier to adopt Ordinance No. 89-306.

Vote: A roll call vote was taken and all twelve councilors voted in favor of the motion.

The motion carried unanimously.

**5.2 Ordinance No. 89-307, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations Schedule
for Council Per Diem Requirements**

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that the ordinance was first read before the Council on August 8 and referred to Finance Committee. The Finance Committee held a public hearing on August 17 and recommended the Council adopt the ordinance. Councilor Van Bergen, Finance Committee Vice-Chair presented the Committee's report and recommendations.

Motion: Councilor Van Bergen moved, seconded by Councilor Collier to adopt the ordinance.

Councilor Knowles stated that he would oppose the motion because he strongly disagreed with the newly-adopted per diem rules.

Vote: A roll call vote was taken and eleven councilors voted in favor of the motion. Councilor Knowles voted against the motion.

The motion carried.

5.3 Ordinance No. 89-308, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations Schedule
for the Purpose of Expanding the Water Quality Study
Program and Adding an Associate Management Analyst Position
in Executive Management

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that ordinance was first read before the Council on August 1 and referred to Finance Committee. The Intergovernmental Relations Committee considered the ordinance on August 15 and recommended adoption, and the Finance Committee held a public hearing on August 17 and recommended the Council adopt the ordinance. Councilor Gardner, Chair of the Intergovernmental Relations Committee presented the Committee's report and recommendations.

Due to recommendations from the Federal Environmental Protection Agency and the State Department of Environmental Quality Metro was going to undertake a more active role in coordinating the activities in the region as related to water resources and particularly water quality. As a result, one full-time person had been hired in the Planning and Development Department, and it had become apparent that another person was needed.

Motion: Councilor Gardner moved, seconded by Councilor to adopt the ordinance.

Vote: A roll call vote was taken and all twelve Councilors voted in favor of the motion.

The motion carried unanimously.

6. RESOLUTIONS

Motion: Councilor Knowles moved to suspend the Council's rules to allow introduction of a resolution For the Purpose of Coordinating with the Home Builders Association of Metropolitan Portland, 1000 Friends of Oregon, and the State Department of Land Conservation and Development in preparing an Amicus Brief to be Filed with the State Land Use Board of Appeals in Support of the Appellant of the City of Milwaukie Zone Change Case File No. Z 89-01.

Vote: Five councilors voted in favor of the motion, seven councilors voted against the motion.

The motion to suspend the rules failed to carry.

6.1 Resolution No. 89-1107A, Amending the Pay Plan for Non-Represented Metro Employees

Councilor Collier, member of the Internal Affairs Committee presented the Committee's report and recommendations.

Motion: Councilor Collier moved to adopt Resolution No. 89-1107A.

Vote: All twelve Councilors voted in favor of the motion.

The motion carried unanimously.

6.2 Resolution No. 89-1133A, For the Purpose of Designating the Oregon Processing and Recycling Center as a Major Disposal System Component Pursuant to Metro Code Section 5.01.085 and Authorizing Appropriate Amendments to the Oregon Processing and Recycling Center Franchise Agreement (Franchise No. 7)

Councilor Hansen, Chair of the Solid Waste Committee presented the Committee's report and recommendations as contained in the agenda packet.

Motion: Councilor Hansen moved to adopt Resolution No. 89-1133A.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

6.3 Resolution No. 89-1131A, For the Purpose of Authorizing Negotiations with Trans Industries to Obtain the Metro East Station

The Presiding Officer advised the Council that the Solid Waste Committee at its September 7 meeting amended Resolution No. 89-1131 and recommended the Council adopt the amended version. Their committee report as well as the amended resolution had been previously mailed to Councilors and was distributed as a part of the agenda materials.

Councilor Hansen, Chair of the Solid Waste Committee presented the Committee's report and recommendations.

Motion: Councilor Hansen moved to adopt Resolution No. 89-1131A.

Motion to Amend: Councilor Knowles moved to amend the resolution by adding a sentence in the first "Be it Resolved" section to read: "The contract terms shall reflect that the criteria utilized to evaluate the proposals with regard to vertical integration are the ongoing policy of the District. Commitments made by Trans Industries in their proposal regarding lack of involvement in disposal, collection and recycling businesses in the region shall be included in the contract."

The Presiding Officer opened the public hearing. Ms. Berna Plummer submitted written testimony. Ms. T. R. Factor urged the Council to consider the best possible proposal and not to make a decision right away if environmental concerns existed.

Vote on amendment: A roll call vote was taken resulting in Councilors Collier, Hansen, Knowles and Van Bergen voting aye. The other eight councilors voted nay.

The motion failed to carry.

Councilor Devlin said two issues should be resolved in the contract negotiations--a satisfactory "hold harmless clause" and further environmental studies. Councilor Bauer suggested negotiating with the top two proposers since timelines were critical. Councilor Gardner spoke in favor of the motion but agreed further environmental studies were warranted. Councilor Wyers asked if the Shell site was superfund sites or had the potential to be. Bob Martin, Solid Waste Director said it was not at that time, however, releases of contaminants had been documented and it was intended to continue to monitor and test the site. Councilor Wyers also asked General Counsel Dan Cooper if current as well as previous owners would be responsible for financing of clean up costs if the site were later declared a super fund site. Mr. Cooper replied affirmatively. Councilor Van Bergen said that he did not feel the site was centrally located for the region and would like, in the future to be able to renegotiate the contract for ownership, when more was known about the environmental issues.

Vote on the Main Motion: Councilors Buchanan, Collier, DeJardin, Devlin, Gardner, Hansen, Knowles and Ragsdale voted aye. Councilors Bauer, McFarland, Van Bergen and Wyers voted nay.

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The motion carried.

7. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Collier reported to the Council on that the Finance Committee had begun establishing the budget process.

There was no other business, and the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Elisabeth Ranger, Recording Secretary

Gwen Ware-Barrett, Transcribing Secretary

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