

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

November 9, 1989
Regular Meeting

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

Councilors Absent: Councilor Lawrence Bauer

Presiding Officer Mike Ragsdale called the meeting to order at 5:30 p.m. and announced that Resolution No. 89-1134 which the Council had deferred at their October 26 meeting, had been referred to the Intergovernmental Relations Committee.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma announced that the Public Affairs Department was the recent recipient of three Public Relations Society of America Spotlights awards for outstanding work throughout the region. She said that two Metro recycling publications "Trash Trivia Workbook" and "Metro news" received awards and Public Affairs Specialist David Kanner had received awards for previous work with private section clients. Ms Cusma also reported that Cathy Thomas had received a first place photography and third place publications award from the National Federation of Press Women and that the Metro Washington Park Zoo had been recognized by the American Association of Zoological Parks & Aquariums for 1988 best educational program. Ms. Cusma also reported that zookeepers Elaine Barclay and Craig Lewis had received an Excellence in Journalism award for an article they published in the Associations "Animal Zookeepers Forum."

Ms. Cusma said that Metro's solid waste disposal and recycling system would be featured in an upcoming issue of the industry magazine Waste Age. Ms. Cusma also announced that a committee had been appointed to select a work of art commemorating Dr. Martin Luther King, Jr. for display in the convention center. She also announced that Government Relations Manager Greg McMurdo was unable to be present due to illness, but had provided the council with a report on activity during the legislative session.

4. CONSENT AGENDA

The Presiding Officer read the items on the Consent Agenda as follows:

4.1 Minutes of June 22, 1989

REFERRED FROM SOLID WASTE COMMITTEE

4.2 Resolution No. 89-1163, For the Purpose of Approving an Easement for the City of Oregon City for the 10-inch Water Line Along the Northerly Side of Metro South Station

4.3 Resolution No. 89-1167, For the Purpose of Adopting Project List Criteria for Allocating Funds for 1989-90 FY One Percent for Recycling Program

4.4 Resolution No. 89-1168, For the Purpose of Confirming the Reappointment of Persons to the One Percent for Recycling Advisory Committee and Appointing One New Member to Fill a Vacancy

Presiding officer Ragsdale announced that Councilor Devlin had requested that Item No. 4.3 be removed from the Consent Agenda and announced that the item would be heard immediately following adoption of the Consent Agenda.

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin to adopt the items number 4.1, 4.2 and 4.4 of the Consent Agenda.

Vote: Ten councilors voted in favor of the motion. Councilors Bauer and Knowles were absent.

The motion carried unanimously.

4.3 Resolution No. 89-1167, For the Purpose of Adopting Project List Criteria for Allocating Funds for 1989-90 FY One Percent for Recycling Program

Councilor Devlin said that he had concerns with the RFP and that he thought the selection criteria should be more fully incorporated. Councilor Wyers said that a brochure which included the selection criteria could be sent with the proposal documents.

Motion: Councilor Hansen moved, seconded by Councilor Collier to adopt Resolution No. 89-1167.

Vote: The eleven councilors voted in favor of the motion.
Councilor Bauer was absent.

The motion carried.

5. ORDERS

5.1 Order No. 89-21, Findings of Fact, Opinion and Recommendation of Hearing Officer in the Matter of Contested Case Hearing on the Application on the Venetian Blind Co. District Relocation Claim

Monica Little from Metro's Office of General Counsel explained that the hearing would be conducted in accordance with Metro Code Contested Case procedures set out in Section 2.05 and the Metro Relocation Policies. Councilor Collier declared that she had had contact with Mr. Kleinman who represented the Venetian Blind Company regarding scheduling of the hearing. Samuel Nicholls, Hearings Officer for the contested case, summarized his written report contained in the agenda materials.

Mr. Kleinman testified that in his opinion the Venetian Blind Company was due additional compensation for costs the Company incurred for moving and building code requirement expenses associated with the Company's paint and woodworking room. Mr. Kleinman said that Ms. Post, the Company's president, had received conflicting information regarding the moveability of the paint and woodworking room and that since the Portland Development Commission (PDC) had paid for building code required expenses for relocating the Company's building sign, it was reasonable for Ms. Post to expect that other code required building expenses associated with the business relocation would be paid under the relocation procedures.

Ms. Post testified that the reimbursement she sought was as a result of relocation caused by siting of the Convention Center and that the relocation caused additional cost because of loss of "grandfathered-in" code provisions. Jeannette Launer and Stan Jones testified for the PDC. Ms. Launer said that she felt the Venetian Blind Company had had a full and fair hearing and that she supported the Hearings Officer's findings for additional compensation. Ms. Launer additionally testified that Ms. Post had stated that City of Portland Building Code employees had told her that it would be less costly to construct a new paint booth, rather than move the old booth. Ms. Launer also said that \$3,500 had been paid to Ms. Post for moving the paint booth and that Ms. Post should have consulted the relocation agents (PDC) regarding compensation before moving or constructing a paint room at the new building location.

Councilor Devlin pointed out that Section 5.3.3(i) of the relocation regulations specified that modifications necessitated by building and OSHA codes were ineligible for relocation compensation. In answer to questions

from Councilors McFarland and Collier, Ms. Launer said that which the relocation agent did not question or dispute whether Ms. Post had received conflicting information, the PDC's position was that Ms. Post was aware that authority for compensation approval rested in PDC.

Motion: Councilor Knowles moved, seconded by Councilor Devlin to adopt Order No. 89-21.

Councilor Knowles noted that there had been a history of contacts between Metro's relocation agent (PDC) and Ms. Post. Councilor Devlin said that he felt a fiduciary responsibility to enforce the relocation regulations that had been applied to the other more than twenty businesses relocated as a result of the Convention Center siting. Councilors Collier, McFarland and Buchanan said that in the interest of economic development, and because the business was forced to move, they would recommend denying the order.

Vote: A roll call vote was taken resulting in seven councilors voting in favor of the motion. Councilors Buchanan, Collier, McFarland and Wyers voted nay. Councilor Bauer was absent.

The motion carried.

The Presiding Officer recessed the meeting at 7:00 and reconvened the meeting at 7:10.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 89-322, For the Purpose of Amending Metro Code Chapter 2.01 Relating to an Appointment to Fill a Vacancy on the Council

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

6.2 Ordinance No. 89-323, Amending the FY 1989-90 Budget to Provide Staff Services for the Bi-State Policy Advisory Committee

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

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 89-305A, Amending Metro Code Chapter 2, Sections 2.02 and 2.04 Relating to a Code of Ethics for Metro Employees and Metro Contracting Procedures

The Clerk read the ordinance by title only for a second time. Councilor Knowles announced that the ordinance, if adopted, would address review and approval of intergovernmental agreements, revenue contracts, RFP/RFB addenda and streamline the multi-year contract process.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to adopt Ordinance No. 89-305A.

Vote: The eleven Councilors voted in favor of the motion. Councilor Bauer was absent.

The motion carried unanimously.

7.2 Ordinance No. 89-316. For the Purpose of Designating the District's Executive Officer as Metro's Representative for the Purpose of Taking Legal Action to Collect the Past Due Accounts of Credit Customers who Dispose of Solid Waste at Metro-Owned Facilities

The Clerk read the ordinance by title only for a second time. Councilor Collier summarized the Finance Committee's report and recommendation which was part of the agenda packet.

Motion: Councilor Collier moved, seconded by Councilor DeJardin to adopt Ordinance No. 89-316.

Vote: The eleven councilors present voted aye. Councilor Bauer was absent.

The motion carried.

7.3 Ordinance No. 89-317. 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 by title only for a second time. Councilor Gardner read the Intergovernmental Relations Committee's report and recommendations.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Ordinance No. 89-317.

Vote: The eleven councilors present voted aye. Councilor Bauer was absent.

The motion carried.

7.4 Ordinance No. 89-315, For the Purpose of Amending the Regional Solid Waste Management Plan to Incorporate the Waste Reduction Chapter

The Clerk read the ordinance by title only for a second time. Councilor Hansen gave the Solid Waste Committee's report and recommendation. He said that the ordinance would merge the policies of the Solid Waste Management Plan to concur with DEQ's stipulated order.

Motion: Councilor Hansen moved, seconded by Councilor Collier to adopt Ordinance No. 89-315.

Vote: The eleven councilors present voted aye. Councilor Bauer was absent.

The motion carried.

7.5 Ordinance No. 89-318, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 88-3; St. Francis

General Counsel Dan Cooper reported that the Hearings Officer had found that the petition met the applicable locational adjustment standards and that the City of Wilsonville supported the petition and had annexed the property to the city's boundaries.

Motion: Councilor Devlin moved, seconded by Councilor Collier to adopt Ordinance No. 89-318.

Vote: The eleven councilors present voted aye. Councilor Bauer was absent.

The motion carried.

There was no other business and the meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Gwen Ware-Barrett, Clerk of the Council