

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 10, 1990
Regular Meeting

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

Councilors Absent: Lawrence Bauer and Judy Wyers

Presiding Officer Collier 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.

4. CONSENT AGENDA

The Presiding Officer announced that the following items were on the Consent Agenda for consideration:

- 4.1 Minutes of March 22, 1990
- 4.2 Resolution No. 90-1253, For the Purpose of Supporting Congressional Renewal of the National Endowment for the Arts
- 4.3 Resolution No. 90-1179, For the Purpose of Establishing an Organizational Structure for Overseeing High Capacity Transit Studies
- 4.4 Resolution No. 90-1245, For the Purpose of Approving a Contract for Personal Services to Assist in the Drafting of a Model Zoning Ordinance
- 4.5 Resolution No. 90-1258, For the Purpose of Amending the Operations Contract for the St. Johns Landfill to Conduct a Residential Salvageable Building Materials Recovery Demonstration Project

Motion: Councilor Gardner moved, seconded by Councilor DeJardin to approve the Consent Agenda.

Vote: The ten councilors present voted in favor of the motion. Councilors Bauer and Wyers were absent.

The motion carried.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 90-336, An Ordinance Prohibiting the Sale and Distribution of Laundry Cleaning Agents Containing Phosphorous within the Metropolitan Service District Boundaries

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Intergovernmental Relations Committee for public hearing.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 90-345, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 89-1: Gravett

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that the Council, in its capacity as a quasi-judicial board would consider the ordinance. Presiding Officer Collier announced that the ordinance had been first read before the Council on April 26 at which time General Counsel Dan Cooper presented the hearings officer's report and recommendations. A public hearing was also held, and a motion was made by Councilor Hansen, seconded by Councilor Devlin to adopt the ordinance. The ordinance was then continued to a second reading.

Motion: Councilor Hansen moved (at April 26 meeting), seconded by Councilor Devlin to adopt Ordinance No. 90-345.

Vote: A roll call vote was taken resulting in Councilors Buchanan, Collier, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, Ragsdale and Van Bergen voting aye. Councilors Bauer and Wyers were absent.

The motion carried.

6.2 Ordinance No. 90-344, Amending the Regional Transportation Plan Defining the Priority of the Hillsboro Extension of the Westside Corridor

Presiding Officer Collier announced that the ordinance had been first read before the Council on April 12 and referred to the Intergovernmental Relations Committee for public hearing. The Committee held a public hearing on the ordinance on April 24 and recommended Council adoption.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Ordinance No. 90-344.

Councilor Gardner said that the Intergovernmental Relations Committee had unanimously recommended the Council adopt the ordinance which would amend the Regional Transportation Plan (RTP) to clarify that the region's priority for further planning for light rail corridors was the 185th Avenue to Hillsboro extension.

The public hearing was opened and closed. No testimony was offered.

Vote: A roll call vote was taken resulting in Councilors Buchanan, Collier, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, Ragsdale and Van Bergen voting aye. Councilors Bauer and Wyers were absent.

The motion carried.

6.3 Ordinance No. 90-346, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Increased Solid Waste Operations and Establishing a Renewal and Replacement Reserve in the Solid Waste Capital Fund

Presiding Officer Collier announced that the ordinance had been first read before the Council on April 12 and referred to the Solid Waste Committee for public hearing. The Committee held a public hearing on the ordinance on May 1 and recommended Council adoption.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Ordinance No. 90-346.

Councilor Hansen reported that the ordinance was primarily a housekeeping item to make several budget adjustments. He said additional funds were required to pay increased workmen's compensation insurance premiums, purchase office panels, fund retroactive enhancement fees to the City of Forest Grove and to fund a Renewal and Replacement Reserve mandated as a result of adoption of the master bond ordinance (Ordinance No. 89-319).

The public hearing was opened and closed. No testimony was offered.

Councilor Devlin said that he felt that any item that amended the budget should be jointly referred to the Finance Committee and the functional committee.

Vote: A roll call vote was taken resulting in Councilors Buchanan, Collier, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, Ragsdale and Van Bergen voting aye. Councilors Bauer and Wyers were absent.

The motion carried.

7. RESOLUTIONS

7.1 Resolution No. 90-1211, For the Purpose of Approving Contract Documents for Insurance Broker of Record

Motion: Councilor Van Bergen moved, seconded by Councilor Hansen to adopt Resolution No. 90-1211.

Councilor Van Bergen presented the Finance Committee's report and recommendations. He reported that the contract was multi-year, and therefore, must be approved by the Council. He said that the contract was for ministerial services for employee health and welfare benefits and that the Finance Committee had recommended the Council approve the contract.

Vote: The ten councilors present voted in favor of the motion. Councilors Bauer and Wyers were absent.

The motion carried.

7.2 Resolution No. 90-1262, Approving Distribution of an RFP for a Personal Services Contract to Assist in Acceleration of the RLIS Project

Motion: Councilor Devlin moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1262A.

Councilor Devlin presented the Intergovernmental Relations Committee's report and recommendations. Councilor Devlin reported that the Intergovernmental Relations Committee had voted unanimously to recommend the Council adopt the resolution which would approve issuing a request for proposal document for a contractor to assist Metro staff in developing the RLIS database. He said that \$150,000 had been budgeted for FY1990-91 for this task, however, it was possible to begin the work during FY 1989-

90 with funds budgeted for a different RLIS activity. Those monies were no longer needed for that activity.

Councilor Devlin also noted that in order to further expedite the contract, the Committee had amended the resolution would include approval of a waiver of contract review. He also noted that in other resolutions approving contract review waiver, the resolution stated that should the scope of work or amount of the contract increase, the contract would not be exempt from Council review. He said that he did not feel that the scope of work was an issue in this contract.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Ragsdale to amend Resolution No. 90-1262A to amend the "BE IT RESOLVED" citation to add the following phrase at the end of the paragraph after budget and before the period "and that the initial contract not exceed \$165,000."

Vote on Amendment: All ten councilors present voted in favor of the amendment. Councilors Bauer and Wyers were absent.

The motion carried.

Vote on Main Motion: All ten councilors present voted in favor of the motion. Councilors Bauer and Wyers were absent.

The motion carried and Resolution No. 90-1262A was adopted as amended.

7.3 Resolution No. 90-1263, For the Purpose of Receiving the Washington County Solid Waste Conceptual Plan

Motion: Councilor Hansen moved, seconded by Councilor Van Bergen to adopt Resolution No. 90-1263.

Councilor Hansen presented the Solid Waste Committee's report and recommendations. Councilor Hansen said that Resolution No. 90-1263 simply acknowledges that Metro has received the Concept Plan from Washington County. He explained that the Plan was created through a process of working with Washington County local government officials and haulers. He said that the purpose of the Plan was to provide Metro with a framework with which to conduct necessary policy and technical analyses on the Washington County System. He said that the next step would be to release a

request for proposals to conduct an analysis of certain components of the Plan.

Councilor Devlin noted that adoption of Resolution No. 90-1263 was not to be construed as acceptance or adoption of the Concept Plan. Adoption of the resolution would merely acknowledge that the Plan had, indeed, been submitted to Metro. He noted that there were still issues in the Plan that should be addressed including two station/three station alternative, facility ownership, vertical integration, facility procurement, post collection mixed waste processing incentives, financing and rate setting.

Councilor Gardner noted that he was comfortable accepting the Plan but did not endorse or reject any of the concepts contained in the Plan. He asked that the record reflect his neutral position on the Plan.

Presiding Officer Collier said that she had concerns with the wording in the "Resolved" section of the resolution that the Council acknowledges receipt of the Plan "in providing a framework to conduct the technical and policy analysis for the system plan." She said that she did not want to mislead Washington County in interpreting the resolution to mean that the Council supported the Plan. She said that she felt the Council should consider whether action on this resolution would prejudice ultimate decisions. She pointed to specific concerns she had with the Concept Plan's content as follows:

1. The Plan states that the Steering Committee decided that the facility should be privately-owned. How could that decision be made prior to receipt of the RFP analysis?
2. The Plan states that the Steering Committee decided that vertical integration should be allowed which is in direct opposition to Metro's facility-ownership policy which prohibits vertical integration.
3. The Plan concludes there are no negative impacts prior to a study being conducted.
4. The Plan speaks to competitive and non-competitive bids where as a public agency, Metro is required to competitively bid contracts of this anticipated size.

Motion: Councilor Knowles moved to amend Resolution No. 90-1263 in the "Be It Resolved" section of the resolution as follows: "That the Council acknowledges receipt of the Washington County Concept Plan (Exhibit A) ~~in providing a framework~~

~~to conduct the technical and policy analysis for the system plan.~~ (Strikeout indicates deleted material.) Councilor McFarland seconded the motion.

Councilor Devlin asked Richard Carson, Planning and Development Director what effect the amendment would have on the RFP document. Mr. Carson replied that the amendment would not effect the RFP since the scope of work was detailed in the RFP document.

Councilor Ragsdale asked when the Council would review the policy decisions that become part of the program's implementation. Mr. Carson said in November, 1990. Councilor Ragsdale noted that he thought that November was late in the process. Councilor Ragsdale said that Metro's Solid Waste Management Plan stated that each jurisdiction must provide adequate zoning for siting facilities. He said that he felt that the Concept Plan seemed to imply that was being deferred and Washington County was ducking that responsibility. He said that he, too, was concerned that receipt of the Plan document might be misconstrued to be endorsement of the policies contained therein.

Councilor Knowles said that he was concerned with the Plan's assumptions regarding public versus private ownership, and asked Mr. Carson to comment on that assumption. Mr. Carson said that staff had made it clear to the Washington County Steering Committee that the analyses would be unbiased and objective. He said that the Steering Committee, in their Concept Plan, merely expressed their preference. Councilor Gardner asked whether the analyses would be limited by the options stated in the Plan. Mr. Carson said that the analyses would be conducted according to the Regional Solid Waste Management Plan rather than the assumptions forwarded by Washington County.

Presiding Officer Collier asked if the Steering Committee had been lead to believe that the Council would endorse the policies set forth in the Concept Plan. Mr. Carson replied that they had not.

Withdrawal of Amendment: Councilor Knowles withdrew his motion to amend in order to incorporate additional amendments.

Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Knowles to amend the third "Whereas" recital of Resolution No. 90-1263 as follows: "WHEREAS, The first phase of that process has been completed in that Washington County representing the County, the Cities in ;the County

and the haulers in the County have submitted a Concept Plan to Metro which ~~provides a framework to conduct the technical and policy analysis necessary to complete a system plan for Washington County; now, therefore,~~ and to amend the "Be It Resolved" section of Resolution No. 90-1263 as follows: " 1. That the Council acknowledges receipt of the Washington County Concept Plan (Exhibit A) ~~in providing a framework to conduct the technical and policy analysis for the system plan.~~ Receipt of the Concept Plan is not be construed as endorsement of any policy recommendations embodied in the Plan.

2. That the Council directs the Council Solid Waste Committee to review the Solid Waste management planning process and make policy recommendations to the Council modifying the work schedule to enhance the role of the Council in addressing the policy issues embodied in the Washington County Concept Plan (Exhibit A)." (Underlines indicate added material; strikeout indicates deleted material.)

Councilor Ragsdale said that the amendment would direct the Solid Waste Committee to revise the decision-making schedule to provide Council involvement earlier in the process. Councilors Van Bergen and McFarland suggested that the resolution be returned to the Solid Waste Committee for review of the amendments proposed and incorporation of those amendments in the resolution.

Vote on Amendment: A roll call vote was taken resulting in Ayes: Councilors Buchanan, Devlin, DeJardin, Gardner, Knowles, Ragsdale and Collier; Nays: Councilors Hansen, McFarland and Van Bergen. Councilors Bauer and Wyers were absent.

The motion carried.

Commissioner Steve Larrance, Washington County, testified that it was not the Steering Committee's intent to seek Council endorsement of the Concept Plan at this meeting. He said that the process was ongoing. He said the process had been positive and urged more Metro councilors to become involved in the

process. Commissioner Larrance said that there was an awareness in Washington County of the requirements of the Regional Solid Waste Management Plan realization that the facilities were needed. He said that the Committee was attempting to meet all the requirements of the Solid Waste Management Plan.

Presiding Officer Collier asked Commissioner Larrance to convey to the Committee that the Council had concerns that the resolution may be construed as endorsing policy recommendations contained in the Concept Plan. She stated reiterated that some of the Concept Plan recommendations conflicted with the Solid Waste Management Plan. She said that the Council did not wish to mislead the Committee.

Councilor Devlin, Commissioner Larrance and Peter Morris, a consultant for the Steering Committee, assured the Council that discussions were ongoing regarding the issues the Council had raised. Mr. Morris said that the Committee acknowledged that there was still a significant amount of work to be done.

Vote on Main Motion: Eight of the ten councilors present voted aye. Councilors McFarland and Hansen voted nay, and Councilors Bauer and Wyers were absent.

The motion carried.

7.4 Resolution No. 90-1250A. For the Purpose of Approving a Request for Proposals to Conduct an Analysis for Washington County System Alternatives and Establishing Policy Direction of Analysis

Motion: Councilor Hansen moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1250A.

Councilor Hansen presented the Solid Waste Committee's report and recommendations. He said that adoption of the resolution would approve an RFP to perform system analysis for alternative solid waste transfer, post-collection material recovery and high grade processing facilities in Washington County. He said that the resolution additionally would initiate a public vs. private ownership analysis for the system. He noted that in order to expedite the RFP work to meet the schedule approved by the Council, the Solid Waste Committee had amended the resolution to authorize the Executive Director to enter into a contract with the successful vendor if the scope of work is not substantially changed and the amount of the original contract did not exceed \$160,000.

The public hearing was opened. Commissioner Steve Larrance, Washington County, testified in favor of the resolution. He noted that policy decisions that needed to be made hinged on the results of the studies. He urged the Council to move expeditiously. Commissioner also complimented Solid Waste and Planning and Development staff on their cooperative efforts in working with Washington County. There was no other public testimony offered and the hearing was closed.

Councilor Ragsdale raised questions regarding the use of the word "assumptions" in the RFP document. Becky Crockett, Planning and Development staff, assured Councilor Ragsdale that the assumptions referred to in the RFP document were technical assumptions such as costs for transport and the type of technology best suited for materials recovery in Washington County. Ms. Crockett pointed out that none of the assumptions were policy decisions.

Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Gardner to amend Resolution No. 90-1250A in the first recital of the "Be It Resolved" section as follows:
". . . approves the issuance of the Request for Proposal (Exhibit A) for engineering financial and economic services to conduct the technical analysis for development of ~~on~~ the Washington County System Plan."
(Underlines indicate added material; strikeout indicates deleted material.)

Vote on Amendment: The nine councilors present voted aye. Councilors Bauer, McFarland and Wyers were absent.

The motion carried.

In response to questions raised by Councilor Gardner, Ms. Crockett said that the Washington County system would be analyzed based on both the assumption that the Forest Grove facility would continue to operate at its current franchise level and an additional facility would be added. The other scenario would be that Forest Grove would increase its volume and another station would be added.

Vote on Main Motion: The nine councilors present voted aye. Councilors Bauer, McFarland and Wyers were absent.

The motion carried.

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7.5 Resolution No. 90-1247, For the Purpose of Authorizing Execution of Contracts for Heavy Cleaning Equipment for the Oregon Convention Center to Other Than the Apparent Low Bidder

Presiding Officer Collier recessed the Council and convened the District Contract Review Board.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1247.

Councilor Knowles presented the Convention & Visitor Facilities Committee's report and recommendation. He said that four equipment lots had been bid by three different vendors. Of the bids received, the apparent low bidder on two of the lots was deemed no-responsive because the products were neither those specified in the bid documents nor an approved substitution. Additionally, Councilor Knowles said that the vendor failed to provide the necessary bid security and DBE/WBE compliance forms.

Vote: The nine councilors present voted aye. Councilors Bauer, McFarland and Wyers were absent.

The motion carried.

COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Knowles announced that the Convention and Visitor Facilities Committee had at their last meeting unanimously recommended that the Council appoint Richard Waker to the Metro ERC. Councilor Knowles invited Councilors to contact Mr. Waker if they wished to interview him.

The Presiding Officer announced that recruitment for the Council Senior Management Analyst had been initiated.

There was no other business, and the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council

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