

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

May 24, 1990  
Regular Meeting

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

Councilors Absent: None

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

1. INTRODUCTIONS

None

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Pat Merkle, Portland, representing SOLV-IT, gave the Council a summary of their recent clean-up. She said it was the most successful in the state. They picked up approximately 2,000 tires on May 19th, McFarland's processed 1,000 cubic yards of yard debris, and between 30 and 35 tons of solid waste was gathered up. Ms. Merkle said many haulers donated their time and it was one of the most cooperative efforts she had seen. In response to a question from the Presiding Officer, Ms. Merkle said there was about 6,000 people involved, including those who came through the neighborhood cleanup.

The Presiding Officer announced a special item on the agenda, Resolution No. 90-1274 to show appreciation for Toby Janis.

Motion: Councilor DeJardin moved, Councilor Devlin seconded, to suspend the rules.

Vote: All twelve Councilors voted aye.

The motion carried unanimously.

The Presiding Officer then read Resolution No. 90-1274.

Motion: Councilor Ragsdale moved, Councilor Gardner seconded, to accept Resolution No. 90-1274.

Vote: All twelve Councilors voted aye.

The motion carried unanimously.

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3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

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

4.1 Resolution No. 90-1255, For the Purpose of Authorizing the Executive Officer and Other Designated Staff to Withdraw Deposits Upon the Check or Other Written Order of the District

4.2 Resolution No. 90-1254, Amending the Transportation Improvement Program for Tri-Met's Section 9, Interstate Transfer and Federal-Aid Urban Programs

4.3 Resolution No. 90-1260, For the Purpose of Authorizing Issuance of a Request for Proposal Document and the Contracts to Design, Build and Install a Waste Reduction Exhibit at the Metro Washington Park Zoo

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

Vote: The twelve Councilors present voted aye.

The motion carried unanimously.

5. ORDINANCES, FIRST READING

5.1 Ordinance No. 90-349, An Ordinance Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for Additional Increases in Zoo Operations

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

5.2 Ordinance No. 90-350, For the Purpose of Amending Metro Code Section 5.02.060 to Update the Credit Policy

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

5.3 Ordinance No. 90-351, For the Purpose of Amending Metro Code Chapter 5.02, Section 5.02.045, Regarding User Fees for Self-Haulers

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

5.4 Ordinance No. 90-352, For the Purpose of Repealing Metro Ordinance No. 85-194 Restricting the Use of the St. Johns Landfill; Authorizing Limited Use of Metro Facilities for Disposal of Non-District Solid Waste; and Repeal of Section 5.02.055 of the Metro Code Relating to "Out of State Surcharges"

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

5.5 Ordinance No. 90-353, An Ordinance Authorizing the Issuance of Additional Bonds in Connection with the 1989 Compost Project Bonds

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

## 6. RESOLUTIONS

6.1 Resolution No. 90-1208, For the Purpose of Confirming the Appointment of Richard Waker to the Metropolitan Exposition-Recreation Commission

Motion: Councilor Knowles moved, Councilor DeJardin seconded, adoption of Resolution No. 90-1208.

Councilor Knowles presented the report to the Council. He said the Convention & Visitor Facilities Committee unanimously recommended confirmation of the appointment of Richard Waker to the Metro ER Commission. Councilor Knowles added the Committee felt Mr. Waker was well qualified to serve as a member of the Metro ER Commission.

Vote: All twelve Councilors voted aye.

The motion carried unanimously.

6.2 Resolution No. 90-1243, For the Purpose of Authorizing a Study of Permanent Operations Funding for Metro ERC Facilities and the Feasibility of Constructing New Sports Facilities and Defining Study Objectives

Main Motion: Councilor Knowles moved, Councilor DeJardin seconded, adoption of Resolution No. 90-1243.

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Councilor Knowles presented the report to the Council. He noted it was the feeling of a majority of the Committee that if the study was authorized in the budget, the Council needed to establish the objectives for the study and the composition of an advisory task force.

The Presiding Officer opened the public hearing at 5:53 p.m.

Dale Sherbourne, Portland, read from a report he distributed to the Council. He expressed concern that there were no provisions for upgrading present facilities. He suggested covering the Civic Stadium to enable the Blazers to play there while the Coliseum was being rebuilt. Mr. Sherbourne said he felt a provision should be added that specifically addressed upgrading the present facilities.

Councilor Knowles noted nothing in the Resolution prohibited rebuilding on the present site. He felt it was not necessary to include additional language.

There being no further public testimony, the public hearing was closed at 5:56 p.m.

In response to questions from Councilor Ragsdale, Councilor Knowles said the Convention & Visitor Facilities Committee had not discussed the size of a new stadium.

First Motion to Amend: Councilor Ragsdale moved, Councilor DeJardin seconded, to delete the numbers in paragraph 1, sections b and c of the BE IT RESOLVED section of the Resolution.

Vote: All twelve Councilors present voted aye.

The motion to amend carried unanimously.

On further discussion, Councilor Van Bergen noted he originally was opposed to the study, but was now going to vote in favor of it. Councilor DeJardin said he thought the timing was appropriate for such a study. Councilor Gardner agreed that he, too, was not in favor of this study in the beginning, but felt now was the time to look at the need for additional facilities and to look at the public support for those facilities. He also felt the Resolution was worded in such a way as to ensure a neutral study and not lead to conclusions that may have already been reached. He noted his only concern was regarding the objectives of the study and proposed an amendment.

Second Motion to Amend: Councilor Gardner moved, seconded by Councilor Wyers, to add the words "or

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detriments" after "benefits" in paragraph 2, section d of the BE IT RESOLVED SECTION of the Resolution.

Vote: Councilors Buchanan, Collier, Gardner, Knowles, McFarland, Van Bergen and Wyers voted aye. Councilors Bauer, DeJardin, Hansen and Ragsdale voted nay. Councilor Devlin abstained.

The second motion to amend carried.

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

The motion carried.

6.3 Resolution No. 90-1242A, For the Purpose of Including Metro Employees in the Public Employees Retirement System (PERS)

Motion: Councilor Van Bergen moved, seconded by Councilor Gardner, to adopt Resolution No. 90-1242A.

Councilor Gardner told the Council that the Finance Committee unanimously recommended adoption of this Resolution. He then summarized the report and told the Council the Resolution would commit Metro to becoming a PERS employer. Councilor Gardner noted the Resolution had been amended by changing the effective date for all non-represented employees to enter PERS from July 1, 1990 to July 1, 1991.

Vote: All twelve Councilors voted aye.

The motion carried unanimously.

6.4 Resolution No. 90-1266, For the Purpose of Approving a Contract with Parametrix, Inc. for Engineering Services Related to the Closure of the St. Johns Landfill

Motion: Councilor Hansen moved, Councilor Bauer seconded, to adopt Resolution No. 90-1266.

Councilor Hansen presented the Solid Waste Committee's report to the Council and noted the Committee voted unanimously to recommend adoption of the Resolution. He said two proposals had been submitted; Parametrix for a cost of \$2,260,000 and Sweet-Edwards/ EMCON, Inc. for a cost of \$3,739,000. The contract was awarded to Parametrix. Councilor Hansen said the low bidder

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proposed a different form of inspections and the Solid Waste staff felt the inspections proposed were satisfactory.

The Presiding Officer opened the public hearing at 6:25 p.m.

George Ward, Portland, distributed a letter dated April 4, 1990 for the Council information. He said he was speaking on his own, not as a representative of any business or concern. He felt the decision had been made without all the facts. He quoted the letter to the Council and discussed various ways that could be used to cover the landfill.

There being no further public testimony, the public hearing was closed at 6:45 p.m.

Councilor Wyers asked if the contract precluded looking at any other type of cover. Councilor Hansen said the contract specifies a membrane cover, but he thought it did not specifically designate any one type of membrane. In response to additional questions from Councilor Wyers, Councilor Hansen said it was his understanding that clay without a membrane might not be satisfactory. In response to questions from Councilor Devlin, Jim Watkins of the Solid Waste staff said Council would not be precluding other covers by approving the contract tonight. Mr. Watkins added staff would be examining other options.

Motion: Councilor Bauer moved, seconded by Councilor Ragsdale to close the debate.

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

The motion failed.

On further discussion and questions from Councilors, Mr. Watkins said Parametrix would provide the quality assurance and the contractor would provide quality control. He said Sweet-Edwards would have provided both services. In response to additional questions, Mr. Watkins said there would be some additional cost, because Parametrix would provide quality control and assurance for everything but the membrane testing.

Vote: All twelve Councilor present voted aye.

The motion carried unanimously.

The Presiding Officer called a recess at 7:25 p.m. The meeting was reconvened at 7:35 p.m.

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The Presiding Officer recessed the Council and called the Contract Review Board to order.

BEFORE THE CONTRACT REVIEW BOARD:

6.5 Resolution No. 90-1225A, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals and Execution of a Contract for the Second Compaction System at Metro South Station

Motion: Councilor Hansen moved, seconded by Councilor Devlin, to adopt Resolution No. 90-122A.

Councilor Hansen summarized the Solid Waste Committee report and said the Committee voted unanimously to recommend adoption of the Resolution. Councilor Knowles declared a potential conflict of interest. In response to questions from the Council, Councilor Hansen said the purpose of authorizing an exemption from competitive bidding was so Metro would not have to accept the lowest bid. He said staff needed to be able to accept the bid that would best suit Metro's needs. Dan Cooper, General Counsel, clarified for the Council why the exemption was requested.

Vote: All twelve Councilors present voted aye.

The motion carried unanimously.

6.6 Resolution No. 90-1259, For the Purpose of authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing the Use of a Request for Proposal to Design, Build and Install a Waste Reduction Exhibit at the Zoo

Councilor Hansen presented the Committee report to the Council, noting the Solid Waste Committee unanimously recommended adoption of the Resolution. He said this was a combination effort between Metro and the Washington Park Zoo to encourage recycling. He said an exemption was necessary to be ensure the proposal which would do the best job was chosen, not simply the lowest bid.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, to adopt Resolution No. 90-1259.

Vote: All twelve Councilors present voted aye.

The motion carried unanimously.

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6.7 Resolution No. 90-1264, For the Purpose of Authorizing an Exemption from Requirements of Metro Code Section 2.04.054(a)(3) for Amendment No. 6 to the Contract with Dames & Moore for Research and Assistance with Litigation

Motion: Councilor Van Bergen moved, seconded by Councilor McFarland, for adoption of Resolution No. 90-1264.

Councilor Knowles gave the Committee report. He noted the need for this amendment was due to problems associated with the Rose City Plating site clean-up underneath the Oregon Convention Center. He said approximately \$700,000 had been spent cleaning up the site and the additional \$25,000 being requested was for the contractor (Dames & Moore) to provide additional technical assistance to General Counsel relating to Metro's suit to recover clean-up costs.

Vote: All twelve Councilors present voted aye.

The motion carried unanimously.

6.8 Resolution No. 90-1252, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.060 Competitive Bidding Procedures and Authorizing a Sole Source Agreement with CPF Money Processing Systems for the Purchase of a Coin Sorter/Counter for the Zoo

Motion: Councilor Gardner moved, seconded by Councilor McFarland, for adoption of Resolution No. 90-1252.

Councilor Gardner summarized the Zoo Committee report for the Council. He said the Committee recommended unanimous approval of the Resolution. Councilor Gardner told the Council the reason for requesting a sole source agreement was that CPF Money Processing System was the only manufacturer/dealer of Brandt machines. The present machines are Brandt and only another Brandt machine would be compatible.

Vote: All twelve Councilors present voted aye.

The motion carried unanimously.

The Presiding Officer then recessed the Contract Review Board and reconvened the Council meeting.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen reported on the Budget Committee. He said he had received some good recommendations from the Citizen



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members on how to treat the Budget Committee in the future. He expressed the need to meet with the Presiding Officer prior to the next budget process to discuss these suggestions.

Councilor Ragsdale announced that as a result of the failure of Measure 1 the region was reassessing its strategies on financing the west side light rail. He said the Transportation 2000 Committee would be meeting soon on this issue and making recommendations to both JPACT and the affected governments.

Councilor Bauer announced the Bi-State Committee had doubled its meeting schedule and was working on the 8-point work program included in the resolution approved by the Council to fund the Committee. He also expressed the thanks of the Committee for the \$6,000 appropriation.

Councilor Devlin announced the Council Retreat scheduled for the following Saturday, May 26. The Presiding Officer outlined the Retreat for the Council.

The Presiding Officer reported to the Council on the results of the Communications Committee established to work on problems between Metro and the Metro ERC on the budget. She said the subject was scheduled for the City of Portland agenda today. After a meeting with Commissioner Lindberg, Councilor Knowles and herself, it was decided to let it stay on the agenda. Councilor Knowles noted discussions were continuing. Councilor DeJardin suggested a letter from the Presiding Officer stating that the policy of the Council would be followed might be in order. The Presiding Officer said there would be a follow-up letter to the Metro ERC Commissioners.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,



**Ann E. Brunson  
Committee Clerk**

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