

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

January 24, 1991

Council Chamber

Councilors Present: Jim Gardner (Deputy Presiding Officer), Larry Bauer, Roger Buchanan, Richard Devlin, Tom DeJardin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain, George Van Bergen and Judy Wyers

Councilors Absent: Tanya Collier (Presiding Officer)

Deputy Presiding Officer called the regular meeting to order at 5:38 p.m. He announced an agenda changed and noted a new agenda item added which was Agenda Item No. 6.2, Resolution No. 91-1374, For the Purpose of Confirming the Reappointment of Richard Ares, Clackamas County, and Sam Brooks, City of Portland, to the Metropolitan Exposition-Recreation Commission. He noted the resolution was referred to the Council on January 22, 1991, by the Council Regional Facilities Committee.

1. INTRODUCTIONS

Deputy Presiding Officer Gardner introduced Paulette Allen, new Clerk of the Council, and Marilyn Geary-Symons, new Council Committee Clerk.

2. CITIZENS COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Frank Gearhart, Gresham, Oregon, asked the current status of Senate Bill 298 in relation to the future Charter Committee. Councilor Devlin said the Government Operations and Elections Committee considered and passed the bill through and would soon be considered on the Senate floor. He said the Speaker of the House would refer it eventually to the Governmental Affairs Committee. Mr. Gearhart asked if the bill was amended. Councilor Devlin said the bill was amended on January 23 and the amendments included to 1) restore the number of appointments made by Councilors from three to six; 2) to have the appointments paired by District; 3) to prohibit employees and elected officials from cities, counties and special districts from serving on the Charter Commission; and 4) an inclusion on the amount of funds to be provided to the Charter Commission, a \$100,000 minimum, subject to the District's budget.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Resolution No. 91-1389, For the Purpose of Declaring Certain Property Surplus and Authorizing the Execution of A Sublease

4.2 Resolution No. 91-1392, For the Purpose of Authorizing the Release of the Metropolitan Service District's Request for Proposal (RFP) for Audit and Tax Services for Fiscal Years 1991, 1992, 1993

4.3 Resolution No. 91-1380, Approving Use of Portland Region Federal-Aid Urban System Funds in Partial Support of the Oregon Roads Finance Study Update

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to adopt the Consent Agenda.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 91-381, Amending the FY 1990-91 Budget and Appropriations Schedule to Fund an Intergovernmental Agreement with the Special Districts Association of Oregon for Legislative Services to the District

The Clerk read the ordinance for a second time by title only.

Deputy Presiding Officer Gardner announced the first reading of the ordinance was on January 10, 1991. The Council referred the ordinance to the Finance Committee and a hearing was conducted before the Committee on January 17.

Motion: Councilor Wyers moved, seconded by Councilor Buchanan, for adoption of Ordinance No. 90-381.

Councilor Wyers explained the resolution provided for the transfer of available funds in the amount of \$36,000 from the Personal Services Category, Government Relations Manager line item, to the Executive Management Department Materials & Services Fund, to provide funds for the intergovernmental agreement with the Special Districts Association of Oregon (SDAO) to acquire legislative services for the 1991 Legislative Session. She said Resolution No. 90-1377 approved that intergovernmental agreement.

Deputy Presiding Officer Gardner opened the public hearing.

No citizens appeared to testify and the public hearing was closed.

Councilor Bauer spoke as the Council representative to SDAO and supported adoption of the ordinance as a gesture of cooperation. Councilor Devlin concurred with Councilor Bauer and said SDAO's services provided to Metro in the past had been excellent.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Ordinance No. 91-381 was adopted.

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5.2 Ordinance No. 91-382, Amending the FY 1990-91 Budget and Appropriations Schedule to Increase the Convention Center Capital Fund Personal Services Appropriations

The Clerk read the ordinance for a second time by title only.

Deputy Presiding Officer Gardner announced Ordinance No. 91-382 was first read before the Council on January 10, 1991, and referred to the Finance Committee. The Finance Committee held a public hearing on January 17 and recommended the ordinance to the full Council for adoption.

Motion: Councilor Buchanan moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 91-382.

Councilor Buchanan explained Neil McFarland, Project Manager, gave staff's report to the Finance Committee. He said Mr. McFarland indicated the original budget request approved by Council provided approximately six months of Convention Center Project Office staff time to complete the Oregon Convention Center construction project. He said because of subsequent decisions to slightly expand the project such as completion of the Sky View Terraces, additional staff time was needed to complete the work. He said staff was budgeted in both the Convention Center Project Management Fund and the Convention Center Project Capital Fund. He said the Management Fund had a sufficient budget and appropriation level to complete necessary work, but the Capital Fund did not.

Deputy Presiding Officer Gardner opened the public hearing.

No citizens appeared to testify on the ordinance and the public hearing was closed.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Ordinance No. 91-382 was adopted.

5.3 Ordinance No. 91-376B, Revising Admission Fees and Policies at the Metro Washington Park Zoo

The Clerk read the ordinance for a second time by title only.

Deputy Presiding Officer announced Ordinance No. 91-376B was first read before the Council December 13, 1990, and referred to both the Zoo and Finance Committees. The Finance Committee amended the ordinance December 20, 1990, and referred Ordinance No. 91-376A to the Council for adoption. The full Council referred the ordinance on January 10, 1991, to the Regional Facilities Committee for review. The Regional Facilities Committee amended the ordinance on January 22 and recommended Ordinance No. 91-376B for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-376B.

Councilor McFarland explained the Regional Facilities Committee amended the ordinance to eliminate the proposal that free tickets be supplied to compensate for higher admission prices and recommended instead free admission on the first Tuesday afternoon of each month. She said Committee discussion and proposals covered whether to include or add the excise tax in the higher admission price, but noted the Committee decided excise tax issues should be discussed in detail during the budget process. Councilor McFarland noted the Committee requested Zoo Director Sherry Sheng conduct exit interviews on free Tuesdays to determine how many people accessed the Zoo at that time and why.

Deputy Presiding Officer Gardner opened the public hearing. He noted the ordinance itself dealt only with admission policies and free Tuesday adjustments. He said Resolution No. 91-1383 dealt with the closure of the Children's Zoo itself.

No citizens appeared to testify on the ordinance and the public hearing was closed.

Councilor Bauer said the excise tax should be inclusive with admission fees and that periodic transfers could be performed.

Councilor Knowles stated for the record his association with the law firm which represented the citizen currently challenging Ballot Measure No. 5 and said it was possible the Council's actions on this issue at this meeting could be used for the evidentiary record. He said the Regional Facilities Committee would focus on excise tax issues during the budget process and the impact of Ballot Measure No. 5.

Councilor Van Bergen informed the Council that the substantive committees must thoroughly define policy issues before they sent their recommendations to the Budget Committee for review.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Ordinance No. 91-376B was adopted.

6.1 Resolution No. 91-1383, Acknowledging Adjustments to the FY1990-91 Budget of the Metro Washington Park Zoo

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1383.

Councilor McFarland gave the Regional Facilities Committee report and explained Zoo staff had worked hard to maintain quality service despite future budget cutbacks due to Ballot Measure No. 5. She said the resolution would inform the public that costs could be cut without loss of quality in service and to prevent the admission fees from being raised more than necessary. She explained cuts included closure of the

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Children's Zoo, Night Country and reductions in the Zoolights Program and of night shift staff.

Deputy Presiding Officer Gardner opened a public hearing.

Jan McCoy, Children's Zoo keeper, said she had worked at the Childrens Zoo since 1979. She said the facility had deteriorated and either had to be renovated or closed. She said if it were kept open, the roofs must be repaired and said the current animal facilities were not adequate. Councilor McFarland asked Ms. McCoy where she would work when the Childrens Zoo closed. Ms. McCoy said she would continue to keep Childrens Zoo animals because 80 percent of the animals were used for educational shows.

Neil Frederick, Zoo volunteer, said Councilor McFarland and Ms. McCoy explained the problems related to Childrens Zoo upkeep accurately.

Councilor Bauer said Ballot Measure No. had made painful decisions such as the one to close the Childrens Zoo necessary. Councilor McLain complimented the Regional Facilities Committee and Zoo staff and said they had tried to minimize loss of service for the public. She was impressed with Zoo volunteer efforts to continue some contact with the animals and said Zoo staff had made good recommendations. Councilor DeJardin concurred with Councilor McLain and expressed his desire to see the Childrens Zoo rehabilitated if funds became available. Councilor Wyers said \$46,000 did not appear to be a large savings when contrasted with closing the Childrens Zoo. She said it was important for urban children to experience the Zoo. Councilor Knowles noted the entire Zoo served children. He said the facility was too deteriorated to maintain properly and said it was unfortunate the bond measure to rehabilitate it did not pass in fall of 1990. He said bond issues fell outside of Ballot Measure No. 5 parameters, but said it was too soon to attempt a bond issue at this time. Councilor Hansen noted elementary schools had animals which students had access to.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1383 was adopted.

6.2 Resolution No. 91-1374, For the Purpose of Confirming the Reappointment of Richard Ares, Clackamas County, and Sam Brooks, City of Portland, to the Metropolitan Exposition-Recreation Commission

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1374.

Councilor Knowles noted Mr. Ares' and Mr. Brooks' terms had expired and said the Regional Facilities Committee was satisfied they both represented their jurisdictions well and kept regional needs in mind with respect to the various facilities for which they had oversight.

Mr. Brooks said in his second term he would work to consolidate the Commission's transition from the City of Portland to Metro. Mr. Ares said as Clackamas County's representative, he kept regional perspectives in mind and said implementation of regionalism was good policy.

Councilor Devlin asked Mr. Ares and Mr. Brooks what they thought would be the Commission's greatest challenges over the next four years. Mr. Ares said the greatest challenge was funding and said their concerns were similar to those expressed by the Council when discussing the previous Zoo legislation. He discussed the huge cost of upkeep for public facilities as well as safety costs. Mr. Brooks said it was essential to efficiently manage existing and new facilities and integrate their operations with Metro's other general operations.

Councilor Van Bergen asked how much Exposition-Recreation Commission (ERC) funding was left and asked how that fund related to the possible purchase of the Hanna property. Mr. Ares said how much longer the ERC fund lasted depended on the overhead services provided by Metro and how much funds MERC sent Metro. He said the Memorial Coliseum operated at a profit, but the Civic Stadium and the Portland Center for the Performing Arts did not and did not believe those circumstances would change. He said what was left of the ERC fund was needed for items such as asbestos removal. Mr. Ares discussed the centralization/decentralization study and said its objective was to realize where economies of scale could be achieved, determine common ground, and avoidance of duplication of services. Councilor Van Bergen referred to MERC Resolution No. 109 which asked for a one-time variance request from the Oregon Liquor Control Commission (OLCC) to allow the sale and consumption of alcoholic beverages in the Memorial Coliseum seating area. Mr. Ares noted if beer could be sold at Trailblazer games in the seating area, MERC could make an additional \$500,000 per year.

Executive Officer Cusma recommended the Council reappoint Mr. Ares and Mr. Brooks and said they had served MERC and Metro well.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1374 was adopted.

6.3 Resolution No. 91-1387A, For the Purpose of Authorizing Issuance of a Request for Proposal for Coordination of Home Composting Demonstration Sites and Entering Into a Multi-Year Contract with the Most Qualified Proposer, and Waiving the Requirement for Council Approval of the Contract and Authorizing the Executive Officer to Execute the Contract Subject to Conditions

Motion: Councilor Wyers moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1387A.

Councilor Wyers explained the Solid Waste Committee's consideration and amendment of Resolution No. 91-1387A. She said Solid Waste staff requested a waiver because of timing considerations, and the Committee

agreed to the waiver, but stipulated the waiver be reflected in the resolution title and that any waiver be subject to conditions to ensure there were no changes subsequent to the release of procurement documents. She said the Committee made other minor changes and stipulated the contract not exceed \$34,000.

Vote: All Councilors present voted aye. Councilors Bauer, Buchanan, Knowles and Collier were absent. The vote was unanimous and Resolution No. 91-1387A was adopted.

6.4 Resolution No. 91-1385, For the Purpose of Approving Projects for the One Percent for Recycling Program 1990-91 Fiscal Year

Motion: Councilor McLain moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1385.

Councilor McLain explained the One Percent for Recycling projects for FY 1990-91 emphasized projects featuring market development for recycled products or "pre-cycling." Councilor McLain said winning proposals were Phase 2 of "Recyclotron" submitted by the Oregon Museum of Science and Industry (OMSI); Vermiculture Technology submitted by Oregon Soil Corporation; the "Most Liveable City Program - Pre-cycling Campaign" submitted by the City of West Linn; "Recycling in a Local Business District" submitted by Waste Matters Consulting and Becker Projects; "Cleaning System for Contaminated Plastics" submitted by Environmental Plastics; "Alternative Building Materials Reuse Program" submitted by John Inskip Environmental Learning Center; "Baled Wood Chip Product to Recycle Wood from Construction/Demolition Debris" submitted by Gale & Associates; "Reusable Cloth Bags to Replace Plastic Disposable Bags Used for Diaper Delivery and Pick Up" submitted by Babyland Diaper Service; "1991 Street of Dreams Construction Recycling Project" submitted by O'Neill & Company; "In-Store Plastics Recycling, Durst's Thriftee Market" submitted by O'Neill & Company; and "Earth Aid Kits and Boxes (an education project for grades K-6 in Clackamas County schools)" submitted by Earth Aid.

Councilor Wyers noted her previous service as One Percent for Recycling Advisory Committee chair and said the program encouraged competition and staff encouraged public involvement.

Councilor McLain said the vermiculture project was a fascinating concept. Leigh Zimmerman, Associate Solid Waste Planner, briefed the Council on the progress of "Dejashoe," a project approved FY 1989-90.

Councilor Devlin and Judith Mandt, Assistant to the Director of Solid Waste, discussed an applicant who submitted a proposal, did not hear from Metro by June, and was then told by staff his project was never considered. He said staff had to be accurate about information given to the public. The Council and staff discussed the need for clear communication with the public further.

Vote: All Councilors present voted aye. Councilors Knowles and Collier were absent. The vote was unanimous and Resolution No. 91-1385 was adopted.

6.5 Resolution No. 91-1379, Endorsing a Position on the Surface Transportation Act of 1991

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1379.

Councilor Devlin gave the Governmental Affairs and Transportation & Planning Committee reports. Councilor Devlin noted both Committees voted unanimously to recommend Council adoption of the resolution but noted the position paper did not speak to the possibility of separation of highway funds into urban and rural pots, with more flexibility given to the urban funds to allow alternatives such as transit. Councilor Devlin noted the Oregon Department of Transportation (ODOT) did not support that position while the National Association of Regional Councils (NARC) did.

Deputy Presiding Officer Gardner opened a public hearing.

Jim Howell, citizen, Portland, objected to Item No. 2, Interstate Preservation, of the Oregon's Position on the Surface Transportation Act. He said for every dollar spent on public transit, \$4 was spent on the highway system and said such planning was short-sighted and made the country even more dependent on foreign oil.

Andy Cotugno, Director of Transportation, said he agreed in part with Mr. Howell's testimony but noted funding would be kept flexible for alternative improvements. The Council and Mr. Howell discussed the issues further.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1379 was adopted.

6.6 Resolution No. 91-1378, For the Purpose of Endorsing Westside Corridor Project Implementation Measures

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1378.

Councilor DeJardin gave the Governmental Affairs Committee report. Councilor Devlin gave the Transportation & Planning Committee report.

Vote: All Councilors present voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1378 was adopted.

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7.1 Councilor Communications and Committee Reports

Councilor Knowles gave the Regional Affairs Committee reports and reported on Committee consideration of MERC Resolution Nos. 102, 104, 105, 106, 108, 109, 110, and 111. The Council discussed Resolution No. 109, a one-time variance request by the Oregon Dome to allow the sale and consumption of alcoholic beverage within the seating area of the Portland Memorial Coliseum. Councilor Van Bergen objected strongly to the resolution because both adults and children would be present at the event and noted he had served as an Oregon Liquor Control Commission (OLCC) inspector and said such a variance should not have been requested. He told MERC representatives present he would appeal such resolutions in the future. Councilor Van Bergen noted the Clerk of the Council received the MERC resolutions January 11 and did not distribute them to the Council until January 17 and that the late distribution of MERC resolutions and other important information was not acceptable and should be done on a timely basis in the future. The Council and MERC representatives discussed Resolution No. 109 and criteria for future similar events.

Councilor Devlin gave an update on the Legislative Task Force.

Deputy Presiding Gardner adjourned the meeting at 8:20 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council
MCMIN91.024