

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

**February 14, 1991**

**Council Chamber**

**COUNCILORS PRESENT:** Presiding Officer Tanya Collier, Deputy Presiding Officer Jim Gardner, Larry Bauer, Roger Buchanan, Richard Devlin, Tom DeJardin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain and Judy Wyers

**COUNCILORS ABSENT:** George Van Bergen

Presiding Officer Collier called the regular meeting to order at 5:33 p.m.

**1. INTRODUCTIONS**

None.

**2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**

None.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

Don Rocks, Executive Assistant, noted Project Operations Manager Neil McFarland's submitted his resignation effective February 14. He said the Council would receive a briefing on the Strategic Planning project at the end of this meeting from consultant Betsy Bergstein.

**4. ORDINANCES, FIRST READINGS**

4.1 Ordinance No. 91-378, Amending Metro Code 2.02, Section 2.02.040(e), Relating to Confirmation by Council of Certain Appointments to Fill Positions

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

Presiding Officer Collier announced the ordinance had been referred to the Finance Committee for consideration.

4.2 Ordinance No. 91-383, An Ordinance Authorizing the Issuance of Revenue Bonds and Bond Anticipation Notes of the Metropolitan Service District for the Purpose of Financing the Acquisition, Renovation, Furnishing, and Equipping of an Administrative Offices Building for Use in the Operations of the District; and Establishing and Determining Other Matters Forthwith

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

Presiding Officer Collier announced the ordinance had been referred to the Finance Committee for consideration.

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4.3 Ordinance 91-384, An Ordinance Adopting a Final Order and Amending the Urban Growth Boundary for Contested Case No. 90-3: Washington County

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

Presiding Officer Collier announced the Council would consider the ordinance in its capacity as a quasi-judicial decision-maker.

Ethan Seltzer, Senior Regional Planner, presented the Hearings Officer's report. He explained Contested Case No. 90-3 was a petition from Washington County for a locational adjustment of the Urban Growth Boundary (UGB) and said the property proposed for inclusion within the UGB was approximately 6.7 acres; currently a portion of two tax lots located south of the present right-of-way of Tualatin-Sherwood Road in the vicinity of Cipole road. He said the current UGB was the centerline of the present right-of-way for Tualatin-Sherwood Road. He said the amendment was proposed to allow realignment and construction of the Tualatin-Sherwood Road consistent with the Regional Transportation Plan (RTP) and to improve safety and capacity purposes. He said the City of Tualatin supported this petition.

Mr. Seltzer said Metro Hearings Officer Larry Epstein held a hearing on January 3, 1991 at which testimony was presented by Washington County staff and a consultant to the County. No opposition was expressed in writing or orally at the hearing. He said the Hearings Officer's Report and Recommendation concluded that the proposal met all applicable standards and should be approved. Mr. Seltzer said no exceptions were submitted by parties to the case.

Mr. Seltzer said the case had undergone thorough review and met all criteria for a UGB locational adjustment, especially with regard to appropriateness and the protection of agricultural lands. Mr. Seltzer displayed a map of the City of Sherwood, Exhibit A, and noted the site of the proposed adjustment. He said Washington County had done an environmental impact study, and noted because of a Bonneville Power Administration (BPA) power line, it was not possible to perform the adjustment within the UGB.

The Council and staff discussed the locational adjustment. Councilor Devlin noted the applicant had the available resources to study all the elements in detail. Councilor Bauer said this application was an excellent demonstration of what the UGB boundary and amendment process had been intended to accomplish. Mr. Seltzer said analysis of this case assisted in Washington County's implementation of their comprehensive planning process.

Presiding Officer Collier opened the public hearing.

Brian Curtis, Washington County planning manager, concurred with the Hearings Officer's and Mr. Seltzer's reports. The Council did not have any questions for Mr. Curtis.

Presiding Officer Collier announced Ordinance No. 91-384 would receive a second reading and hearing February 28, 1991.

## 5. RESOLUTIONS

5.1 Resolution No. 91-1393, For the Purpose of Authorizing \$85,000 in Additional Funds for Due Diligence Phase II Contracts to Evaluate the Purchase of the Sears Facility and the Amendment of the BOOR/A Contract

Motion to Suspend the Rules: Councilor DeJardin moved, seconded by Councilor Devlin, to suspend the rules requiring resolutions to be referred to a Committee so that the Council as a whole could consider Resolution No. 91-1393.

Vote on Motion to Suspend the Rules: All Councilors present voted aye. Councilors Knowles and Van Bergen were absent. The vote was unanimous and the motion passed.

Councilor Bauer, gave the Building Relocation Task Force's report and noted Resolution No. 91-1393A was before the Council for consideration and said the funds requested would apply for a space needs study which could be applied to any facility.

Neil Saling, Acting Director of Finance & Administration, noted the Council adopted Resolution No. 90-1357 on December 20, 1990, authorizing Executive Officer Cusma to amend the previously executed sales agreement for the Sears facility to extend the due diligence period until April 30, 1991, and to continue the due diligence evaluation of the Sears purchase. He said that amendment granted additional due diligence time to continue architectural analysis, review initial cost estimates, assess financing uncertainties and risks, and pursue pre-leasing activity of Sears' tenant space. He said Resolution No. 91-1393A authorized the expenditure of an additional \$85,000 during the due diligence second phase. He said the resolution also amended the BOOR/A contract which would continue the architectural evaluation of the Sears Building. Mr. Saling he was asked by one radio station why Metro would spend funds in light of Ballot Measure No. 5's fiscal impacts and he noted he told the radio station that funds spent now on the due diligence period would save millions at a later date.

Motion: Councilor Bauer moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1393A.

Councilor Gardner asked how the original and "A" versions of the resolution differed. Mr. Saling said the "A" resolution resulted from the bid quotes received.

Vote: All Councilors present voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1393A was adopted.

5.2 Resolution No. 91-1398A, For the Purpose of Authorizing the Release of the Metropolitan Service District's Request for Proposals (RFP) for Provision of General Technical Services

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1398A.

Councilor Hansen gave the Finance Committee's report. She explained the resolution would obtain technical services in support of capital construction and facilities development activities including engineering and architectural services. She noted the Committee amended the resolution to authorize the Executive Officer to execute a contract for those services on the conditions the initial contract did not exceed \$150,000, and that the Scope of Work would be substantially similar to that described in the Request for Proposals.

Mr. Saling noted the pertinent departments would exercise oversight on funds originating from their departments.

Councilor Wyers asked if the multi-year contract would return for annual Council approval. Staff said the contract would return for annual contract approval.

Vote: All Councilors present voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1398A was adopted.

5.3 Resolution No. 91-1400A, For the Purpose of Approving a Request for Proposals for a Modeling System to Simulate Solid Waste Generation, Reduction, Transport, and Delivery and Entering Into a Multi-Year Contract With the Most Qualified Proposer

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1400A.

Councilor McLain gave the Solid Waste Committee's report and recommendations. Councilor McLain noted the Committee amended the resolution to include language to authorize a multi-year contract and to delete the language waiving the requirement for Council approval of the contract. The Council discussed contractual requirements and contract waivers. Presiding Officer Collier asked Dan Cooper, General Counsel,

to clarify those issues. Mr. Cooper noted BE IT RESOLVED language stated the Council authorized the RFP. He said provided the contract followed Metro Code requirements, and did not exceed the contract amount, the Executive Officer could execute the contract as defined by the Scope of Work. Councilor Wyers noted BE IT RESOLVED Section No. 4 language recognized the contract was a multi-year contract and would come back for Council review and approval.

Vote: All Councilors present voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1400A was adopted.

5.4 Resolution No. 91-1402, For the Purpose of Expressing the Council's Intention to Amend Title 5 of the Metro Code to Change the Designation of the Solid Waste Transfer and Recycling Center Located at 6161 N.W. 61st Avenue, Portland, Oregon, from "Metro East Station" to "Metro Central Station."

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1402.

Councilor Hansen noted an ordinance was required to officially change the solid waste facility's title from Metro Northwest to Metro Central Station, but said the resolution would clarify and state Council intent to change the facility's name at this time. Councilor Knowles asked how much funding was spent on signage to date. Karla Forsythe, Council Analyst, said approximately \$2,000 had been spent on signage. Councilor Knowles asked staff's position on the name change. Ms. Forsythe said staff expressed no objections, but noted Deputy Executive Officer Engstrom and Public Affairs Director Vickie Rocker had expressed objections to the name change. Councilor Wyers requested Council staff draft an ordinance to implement the name change and asked that Councilor Hansen issue a press release announcing the name change.

Vote: All Councilors present voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1402 was adopted.

Presiding Officer Collier recessed the Council and convened the Contract Review Board of the Metropolitan Service District to consider Resolution No. 91-1394.

5.5 Resolution No. 91-1394, Authorizing a Sole Source Contract Under Metro Code 2.04.060

Motion: Councilor Bauer moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1394.

Councilor Bauer gave the Transportation and Planning Committee's report and recommendations. He said the contract cost was \$18,700 for software necessary for the EMME/2 computer system and said that software was available from one provider only which was INRO. The Council had no questions or comments on the resolution.

Vote: All Councilors present voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1394 was adopted.

#### 6. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Knowles briefed the Council on Metropolitan Exposition-Recreation Commission (MERC) Resolution Nos. 112, 113, and 114 adopted February 13. He said Resolution No. 112 asked the Council to exempt the Oregon Convention Grand Opening event revenues from excise taxes; Resolution No. 113 established rules of conduct for unscheduled activities; and Resolution No. 114 pertained to the policy of spacing for events.

Councilor Devlin reported on Senate Bill 298 and amendment activity by the Governmental Affairs Committee (State Legislature). He said House Bill 299, Metro's general housekeeping bill pertaining to reapportionment, was not amended other than by amendments offered by Metro related to the boundary of the District. He said the health and benefits package for Metro Councilors did not pass, although the overall measure containing the package did.

Councilor Wyers announced the Solid Waste Committee would dissolve the ad hoc Plastics Recycling Task Force at its February 19 meeting.

Presiding Officer Collier noted Radio Station KGW thanked Metro for its regional ban on phosphate soaps.

Betsy Bergstein, Metro consultant, gave a briefing on Strategic Planning. Ms. Bergstein discussed interviews she held on strategic planning and noted those interviewed were enthusiastic about Metro. She noted she had given a similar presentation to the Governmental Affairs Committee and noted Executive Officer Cusma and staff had held two meetings on the issues. She said a notebook had been prepared. She discussed the Council's role. Ms. Bergstein compared the Metro strategic planning process to one implemented by Portland General Electric (PGE) and explained the process and procedures used by PGE on an annual basis. Ms. Bergstein said because the Executive side began the strategic planning process, the Council's role was as yet undefined, but said the Council's role was subject to debate and change. She said constituents could comment on strategic planning and said with RUGGO starting, some strategic planning functions could be done in conjunction with the RUGGO process.

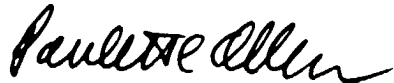
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Ms. Bergstein said the mission statement was a one sentence statement which summarized what Metro was. She noted what the State of Oregon had done in its Oregon Benchmarks process was extremely noteworthy and said that process had set concrete goals, a review process, and involved citizens in the process. Councilor Devlin noted he participated in and commented on the Oregon Benchmarks process, but said technical expertise had been lacking in some areas. Councilor Devlin said the Council should determine whether it should be reactive or proactive, or attempt to formulate strategic planning policy from the beginning, and said the Governmental Affairs Committee would consider those issues.

Presiding Officer Collier asked Ms. Bergstein if she was aware of the Portland Better Progress strategic plan and noted she was impressed with that plans' goals and format. Ms. Bergstein said she was aware of that plan. Presiding Collier told Ms. Bergstein the Council should involved in, and apprised of the process as it developed, and that a mission statement should not be presented to the Council without Council involvement in the process.

All business on the agenda having been attended to, Presiding Officer Collier adjourned the meeting at 6:54 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council