

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 25, 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

Others Present: Deputy Executive Officer Dick Engstrom

Presiding Officer Collier called the regular meeting to order at 5:31 p.m.

Presiding Officer Collier announced that Agenda Item No. 7.1, Resolution No. 91-1478, For the Purpose of Authorizing Execution of a Sale Agreement for the Acquisition of the Sears Facility Excluding the Adjacent Parking Garage and for the Preparation of an RFP for the Renovation of the Sears Facility had been removed from the agenda.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

4. CONSENT AGENDA

4.1 Minutes of May 2 and 9, 1991

4.2 Resolution No. 91-1459, To Permit Metro to Participate in the Oregon State and Federal Surplus Property Utilization Program

Motion: Councilor DeJardin moved, seconded by Councilor Wyers, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, Knowles and Van Bergen were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-415, For the Purpose of Reapportioning Council Districts

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

Presiding Officer Collier announced Ordinance No. 91-415 had been referred to the Governmental Affairs Committee for consideration.

5.2 Ordinance No. 91-416, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Incorporate the Metro West Transfer and Material Recovery System Chapter

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

Presiding Officer Collier announced Ordinance No. 91-416 had been referred to the Solid Waste Committee for consideration.

5.3 Ordinance No. 91-417, An Ordinance for the Purpose of Amending and Renewing the Franchise Agreement with East County Recycling, Inc.; and Declaring an Emergency

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

Presiding Officer Collier announced Ordinance No. 91-417 had been referred to the Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-414A, Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Modifications to the STRAP Computer Project (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-414 was first read before the Council on July 11 and referred to the Finance Committee for consideration. The Finance Committee considered and amended the ordinance on July 18 and recommended Ordinance No. 91-414A for adoption to the full Council.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 91-414A.

Councilor Devlin presented the Finance Committee's report and recommendation. He said staff indicated the amount budgeted this

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year for the project was adequate, but that expenditure listing for the STRAP project was being changed from Capital Expenditure to Materials & Services because equipment anticipated to be purchased was instead being leased.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Ordinance No. 91-414A was adopted.

6.2 Ordinance No. 91-413, For the Purpose of Approving an Increase in the Transfer Rate for the Forest Grove Transfer Station (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-413 was first read before the Council on July 11 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on July 16 and recommended it for Council adoption.

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of Ordinance No. 91-413.

Councilor Gardner presented the Solid Waste Committee's report and recommendations. He said the Committee discussed and reviewed financial information. He said the ordinance would increase the maximum allowable transfer fee that could be charged at the facility. He said the applicants said they could increase their fees and still remain competitive because of Metro's rate increases at Metro Central and Metro South Stations. He said the facility had to process a minimum amount of tonnage to stay in operation and said the applicants had stated their current fee was not enough for them to meet their expenses and remain in operation. He said the applicants stated they lost \$50,000 in 1990. He said the Rate Review Committee (RRC) reviewed the application and recommended approval of the ordinance.

Councilor Gardner noted committee discussion about Metro Code language on franchise agreements, including language related to non-franchise profits. He said Solid Waste staff was unable to clarify what that language pertained to. He said the committee would review the rate review process and Code language on franchises in future meetings.

Councilor Gardner said the Forest Grove facility would be able to charge up \$65.66 per ton, under the \$68.00 per ton charged at Metro facilities, and remain competitive. Councilor Gardner said after committee discussion, the Committee agreed the rate increase requested was justified and recommended the ordinance to the full Council for adoption.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers, Bauer and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Ordinance No. 91-413 was adopted.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Regional Facilities Public Policy Advisory Committee Update (RFPPAC)

Deputy Executive Officer Dick Engstrom introduced Cliff Carlsen, chair, Regional Facilities Public Policy Advisory Committee (RFPPAC)

Mr. Carlsen said the Council appointed the RFPPAC in summer 1990 to determine a stable funding source for all of the regional recreational facilities because of the Council's concern the cash flow generated by the Memorial Coliseum would be depleted and also to assess a proposed new arena and a domed stadium. He said the Council had wished to ascertain what effect those facilities would have on existing facilities if built.

Mr. Carlsen said the RFPPAC established five subcommittees. He said the Arena Subcommittee, chaired by Harriet Sherbourne, reviewed the Memorial Coliseum and whether a modern, larger arena should be built. He said that subcommittee had filed its report with the RFPPAC and concluded the Memorial Coliseum was not a state-of-the-art facility and a new arena should be built. He said the subcommittee recommended a public/private partnership with the Portland Trailblazers who had not yet filed any specific intent to site and build such a facility.

Mr. Carlsen said the Convention Center and Expo Center subcommittee was chaired by Multnomah County Commissioner Pauline Anderson. He noted Metro did not run the Expo Center, but said the RFPPAC asked the subcommittee to consider the transfer of the Expo Center from Multnomah County to Metro. He said the subcommittee recommended the Expo Center's operations be

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transferred from the County to Metro; that plans be made for expansion of the existing Convention Center; and expressed support for construction of a headquarters hotel in the vicinity.

Mr. Carlsen said the Stadium Subcommittee was formed to consider the future of the Multnomah Civic Stadium and the viability of building a domed stadium in the region and was chaired by Carter McNichol. He said the subcommittee filed its report and recommended an on-going study be commissioned to determine public interest in a domed stadium, but said the subcommittee did not discern sufficient public interest to undertake construction of a domed facility at this time. He said the subcommittee recommended looking at whether the need for expanded stadium activities could be remedied by expansion of Civic Stadium.

Mr. Carlsen said the Portland Center for the Performing Arts (PCPA) Subcommittee was chaired by Don Roth. He said the subcommittee had to deal with PCPA possibly not having a funding source after a maximum of three years from this date. He said all of the regional facilities had had a good fiscal year in 1991 and said there was not as much of a draw on existing funding as was expected. He noted PCPA's remaining capital expenditures, some needed changes at the Civic Auditorium, and sound work planned for the Schnitzer had not taken place because of lack of funding. He said the PCPA Subcommittee asked whether facility operation could be improved and if income could be increased via operational changes and whether or not PCPA management should be given the authority to act as a presenter of shows and events and thereby increase their operating income.

He said all subcommittee reports were sent to the fifth subcommittee which was the Finance Subcommittee chaired by Councilor David Knowles. He said the Finance Subcommittee would review all the reports and determine what financing plans could be undertaken to fit all four facilities into one component and to see what effect one facility would have on the operational costs of another.

Mr. Carlsen noted two events which had delayed the RFPAC's final report to the Council. He said the Blazers' proposal had not yet been submitted and said their proposal would affect the committee's final report because the fate of current or future facilities and costs were as yet unknown. He said RFPAC would submit a final report, but noted an additional event/factor which would affect events was the Arts Plan 2000+ report recently issued on its grant raising powers. He said that report recommended the Metropolitan Arts Commission in its current structure be eliminated--a government arts commission--and be restructured into a charitable private corporation which would

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receive funds from Metro for the support of arts facilities. He said such restructuring would enlarge the scope of the existing Metropolitan Arts Commission under the auspices of Multnomah County and the City of Portland. He said as a practical matter it had become clear all facilities in question were regional facilities and should be supported by regional government. He said such a concept raised a whole host of new issues. He said the RFPAC was currently 28 days past their deadline to submit their report, but said the Arts 2000 Plan report had raised issues which should be addressed in their final report.

Mr. Carlsen hoped the Finance Subcommittee could give its recommendations to the full committee by September 1. He said the Finance Subcommittee would have to make its report based on assumptions particularly with regard to the arena. He said the full RFPAC could not submit its report in precise terms with exact numbers. He said the RFPAC felt if it delayed the report any longer because of additional issues, it would be much longer than originally planned before Metro received the report, and said such problems had to be resolved because the lack of operating funds presented serious difficulties in the future.

Councilor Devlin asked if Metro should wait for the report before or after Metro and/or the City of Portland came to agreement with the Blazers. Mr. Carlsen said the report would be available before the Blazers' proposal in September.

Presiding Officer Collier asked Mr. Carlsen if the report would include recommendations on financing. Mr. Carlsen said the report would include a method for, or options for, financing. He said the question to be asked was how much financing should be provided. He said the report would also make recommendations on operations, particularly with regard to PCPA, because some operational changes were needed.

Presiding Officer Collier thanked Mr. Carlsen for tying the Arts 2000 Plan issues into the final report and for his presentation to the Council.

6.3 Ordinance No. 91-409, Amending Chapter 2 of the Metro Code to Establish the Appointment Process, Qualifications, and Terms of Office for Members of the Portland Metropolitan Area Local Government Boundary Commission (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-409 was first read before the Council on June 27 and was referred to the Governmental Affairs Committee for consideration. The

Governmental Affairs Committee considered the ordinance on July 18 and recommended it for adoption by the full Council.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 91-409.

Councilor Hansen said on Metro's behalf, and at the request of the Boundary Commission, Senate Bill 299 had been adopted to allow the Boundary Commission members to rotate differently than they had done in the past. She said previously six members rotated every two years. She said the new legislation allowed three positions to rotate once a year. She said Ordinance No. 91-409 was a one-time only amendment to allow currently appointed Boundary Commissioners to extend their current appointments into a fifth year so that the new rotational basis could go into effect.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers, Bauer, Buchanan and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Ordinance No. 91-409 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 91-1478, For the Purpose of Authorizing Execution of a Sale Agreement for the Acquisition of the Sears Facility Excluding the Adjacent Parking Garage and for the Preparation of an RFP for the Renovation of the Sears Facility

Removed from the agenda.

7.2 Resolution No. 91-1465, For the Purpose of Authorizing Issuance of Addendum No. to Request for Bids 91B-16-SW for the Procurement of Subgrade Embankment Material and Sand for St. Johns Landfill

Motion: Councilor DeJardin moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1465.

Councilor DeJardin presented the Solid Waste Committee's report and recommendations. He said the Council had adopted Resolution No. 91-1443A to procure embankment material. He said since then staff had received public comment that Metro could obtain savings and gain additional competition if Metro extended contract #91B-

16-SW to last two years instead of one year. He said Jack Gray Trucking, Inc. (JGT) had stated they could haul rock, gravel and sand back from Arlington and that Metro could obtain dredging materials from the Port of Portland. He said staff rather than change the bid itself, recommended extension of the contract into a second year, with the understanding that Metro must realize at least \$750,000 in savings over the originally adopted contract amount because the contract's second year involved additional operating costs.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1465 was adopted.

7.3 Resolution No. 91-1479, For the Purpose of Awarding a Multi-Year Contract to Complete Phase II of the Metro Public Information and Identification Project

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

Motion: Councilor DeJardin moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1479 with Exhibit A as amended.

Councilor DeJardin presented the Governmental Affairs Committee report and recommendations. Councilor DeJardin said because of Metro's diversified work program, there was confusion about what Metro actually was and did. He said the contract would authorize a public information program to clarify Metro's function. He said the saved printing costs alone would pay for the cost of the contract. He noted Exhibit A as published in the agenda packet was incorrect and said page 2 after "Phase 2," Exhibit A should read, "Review Panel. Metro input and review conferences will be presented by a panel consisting of representatives from the Metro Council, Executive Office, operating departments, MERC facilities, and the Zoo."

Councilor Gardner noted the resolution represented Phase II of the project. He asked if the Committee received recommendations from Phase I. Councilor Devlin noted the Budget Committee received a presentation on Phase I, the first contract, as did the Governmental Affairs Committee.

Janice Larson, Public Affairs Specialist, distributed "Metro Public Information/Graphics Project; Summary Justification for Promotion/Public Relations Services Project."

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1479 was adopted.

Presiding Officer Collier adjourned the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.4 Resolution No. 91-1474, Amending the FY 91-92 Unified Work Program to Incorporate Air Quality Planning Tasks

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1474.

Councilor Gardner presented the Transportation & Planning Committee's report and recommendations. Councilor Gardner said the resolution would amend the Unified Work Program (UWP) for FY 1991-92 to incorporate some tasks made necessary by the 1990 Clean Air Act. He said the Act imposed new requirements on metropolitan areas especially those considered to be "non-attainment areas." He said the Portland metropolitan area was a non-attainment area for hydrocarbons and carbon monoxide, both of which were primary products of auto emissions. He said the work program would develop a regional auto emission plan to deal with such problems and said Metro was doing so because it was the metropolitan planning organization (MPO) for transportation planning and also because Metro had been designated the lead agency for the task by the Environmental Protection Agency (EPA). He said the budget impact for the new program totalled \$228,000; \$204,000 of which would come to Metro as an EPA grant for planning work through the Department of Environmental Quality (DEQ). He said Metro would spend \$12,000 of its own funds and ODOT would match that amount.

Councilor Gardner said the work plan was made more necessary by new clean air requirements because the Clean Air Act had enforcing abilities and the region could suffer penalties if the new requirements were not met.

Councilor Knowles noted Joint Policy Advisory Committee on Transportation (JPACT) unanimously approved Resolution No. 91-1474. He said the resolution included a provision for work with the Portland area task force on automobile emissions the 1991

State Legislature had established to help implement the Clean Air Act.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1474 was adopted.

7.5 Resolution No. 91-1484, For the Purpose of Obtaining Approval of a Short Term Lease of Additional Office Space at 1881 S.W. Front

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1484.

Councilor Hansen said the resolution would authorize a lease at 1881 S.W. Front, next door to Metro Center, so that the Transportation Department could relocate and free their existing space for other department staff.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 91-1484 was adopted.

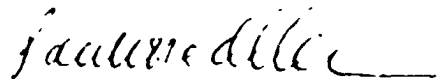
8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

1) Councilor Knowles reported the Arena Committee, subcommittee to the Regional Facilities Public Policy Advisory Committee, had met four times to-date and adopted a set of proposed guidelines and objectives to present to the Blazers who would spend 45 days considering them and then submit their possible proposal on a new arena involving a public/private partnership on September 6, 1991. 2) Councilor Devlin noted the Governmental Affairs Committee would consider Resolution No. 91-1467 on Council meeting procedures August 1 and discussed the public hearings process scheduled for Ordinance No. 91-415 on Council redistricting. 3) The Council discussed beginning the FY 1992-93 Budget process earlier in the year as well as how to simplify the process itself. 4) Councilor Knowles announced a special Regional Facilities Committee meeting would be scheduled August 5 to consider Resolution No. 91-1478 on the Sears Building acquisition so that the Council could consider the resolution at the August 8 Council meeting. 5) Councilor Devlin announced an extra Governmental Affairs Committee meeting would be scheduled August 6 if that committee had not finished its work on Ordinance No. 91-415 at its August 1 meeting.

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Presiding Officer Collier adjourned the meeting at 6:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paulette Allen", followed by a horizontal line.

Paulette Allen
Clerk of the Council