

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

August 8, 1991

Council Chamber

Councilors Present: Presiding Officer Collier, Deputy Presiding Officer Jim Gardner, Roger Buchanan, Richard Devlin, Sandi Hansen, David Knowles, Ruth McFarland and Susan McLain

Councilors Absent: Larry Bauer, Tom DeJardin and George Van Bergen

Also Present: Executive Officer Rena Cusma

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

Presiding Officer Collier announced the Council meeting scheduled for August, 22 1991 was cancelled, and said the next regular meeting would be held September 12. She announced Agenda Item 7.1 had been renumbered to read as Agenda Item 9.2, and an Executive Session had been added to the agenda which would precede consideration of Agenda Item No. 9.2.

1. INTRODUCTIONS

None.

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

Kathy Clair, Coordinator, Tualatin River Discovery Day, thanked Metro for supporting the June 29 event, and reported its success. She said 228 citizens cruised the Tualatin River in 97 boats in the rain, noted some had to be turned away, and said the turnout was an indication the Tualatin River was a resource for recreation.

3. EXECUTIVE OFFICER COMMUNICATIONS

Rena Cusma, Executive Officer, said she had asked Bob Martin, Solid Waste Director, to give the Council an update on Metro recycling efforts. Mr. Martin said Metro was a national leader in documentation of recycling rates, and introduced Debbie Gorham, Waste Reduction Manager. Ms. Gorham distributed a Metro report dated July 1991 entitled "1990 Recycling Levels, a Survey of Recycling Markets" to the Council, and said the recycling level for the Metro region had increased from 22% of the waste generated in 1986 to 28% in 1989, and said 32% was estimated for 1990. This handout has been made a part of the permanent meeting record.

3.1 Final Report for 1991 Session of the Oregon Legislature

Burton Weast and Noel Klein of Western Advocates appeared before the Council. Mr. Weast noted the report referenced was in the agenda packet,

(Continued)

and said he was available to answer questions. Councilors Wyers, Devlin and Collier thanked them for their work.

4. CONSENT AGENDA

4.1 Minutes of May 23, 1991

Motion: Councilor Buchanan moved, seconded by Councilor Gardner, for adoption of the Consent Agenda item listed above.

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-419, Amending Ordinance No. 91-390A, Adopting the FY 1991-92 Budget and Levying Ad Valorem Taxes, for the Purpose of Revising the Timeframe Upon Which Taxes are Levied on Properties Within the District

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

Presiding Officer Collier announced that Ordinance No. 91-419 had been referred to the Finance Committee for consideration.

5.2 Ordinance No. 91-418, An Ordinance Repealing the Columbia Region Association of Governments Land Use Goals and Objectives and Adopting the Regional Urban Growth Goals and Objectives (RUGGO)

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

Presiding Officer Collier announced that Ordinance No. 91-418 had been referred to the Transportation & Planning Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 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 by title only for a second time.

Presiding Officer Collier announced Ordinance No. 91-417 was first read before the Council on July 25 and was referred to the Solid Waste Committee. The Solid Waste Committee considered the ordinance on August 6 and recommended the ordinance for adoption.

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Councilor Wyers presented the Solid Waste Committee's report and recommendation. She said proposed revisions included changing the amount of mixed solid waste from yards to tons, to eliminate the 500 yards per day limit of waste accepted at the facility, and to set an annual limit of 25,000 tons that could be landfilled from the facility.

Motion: Councilor Wyers moved, seconded by Councilor Buchanan, for adoption of Ordinance No. 91-417.

Councilor Wyers noted no complaints had been heard from the community regarding traffic problems.

Presiding Officer Collier opened the public hearing.

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

Vote: Councilors Buchanan, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, Devlin, DeJardin and Van Bergen were absent. The vote was unanimous and Ordinance No. 91-417 was adopted.

6.2 Ordinance No. 91-415, Reapportioning Metro Council Subdistricts

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

Presiding Officer Collier announced Ordinance No. 91-415 was first read before the Council on July 25 and referred to the Governmental Affairs Committee for consideration. The Governmental Affairs Committee considered the ordinance and recommended it for Council adoption on August 1, 1991.

Councilor Devlin presented the Governmental Affairs Committee's report and recommendations. He said the committee voted 4 to 0 on August 1, 1991 in support of the ordinance after public hearings on reapportionment plans in which various options were considered. He pointed out the committee attempted to follow neighborhood boundaries where feasible and the state statute as closely as possible, and noted district population was kept equal to within an average of 4.9%. Councilor Devlin presented a map of proposed changes which has been made a part of the permanent meeting record. He noted changes proposed in Districts 1, 2 and 13 were in response to public testimony requesting an adjustment in the boundary. He noted a proposed change in Districts 3 and 4 which he said would add one neighborhood from southwest Portland, the Far Southwest Neighborhood, to District 4 adding approximately 1,000 citizens to the population of District 4. He indicated recent proposed changes in the Rivergrove and Lake Oswego area would add the Rosewood Neighborhood from District 5 to District 4, and would clarify the Rivergrove Neighborhood boundary placing the entire neighborhood in District 4. He said another proposed change in Districts 9 and 10 would add a portion of the Hazelwood Neighborhood to District 10, and cited the size and shape of Hazelwood as basis for the revisions.

Presiding Officer Collier opened the public hearing.

Ms. Clair, a resident of Sherwood who appeared before the Council earlier under Agenda Item 2., said the area of her residence was in an unincorporated area of farmland. Ms. Clair said she disagreed with the reapportioning and said a fourteenth district bordered on the east and the north by the urban growth boundary, on the south by the Washington County line and on the west by Highway 47 was missing from the reapportioning. She said the neighborhood's way of life could be disrupted by freeways and garbage disposal sites without citizen vote. She said Metro should remain within its boundaries or include a fourteenth district with a vote.

Councilor Devlin said Metro was concerned that district actions impacted the area which Ms. Clair represented, and agreed representation was important. He noted the district's boundaries usually went as far as the urban growth boundary. He believed the Charter Committee did not have the authority to change the district's boundaries, and said the legislature could do so.

Responding to Presiding Officer Collier, Larry Shaw, Legal Counsel, agreed the issue could be addressed by passage of a resolution from Metro Council to refer it to the ballot for vote, or an initiative petition from the citizens could be undertaken.

Ms. Clair requested the Council propose the issue be referred to the voters for the ballot in her district, and to keep her informed.

Presiding Officer Collier suggested the matter be referred to the Governmental Affairs Committee pending the approval of the chair of the committee, and asked Casey Short, Council Analyst to place the matter on the agenda.

Ms. Clair commented on how the Tualatin River area would enhance the Greenspaces program.

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

Councilor Devlin discussed other proposed revisions, and said definitions of the legal descriptions of the districts were in process. Mr. Shaw said a motion had been prepared for consideration which would allow modification of Exhibit A by staff to conform to an inserted legal description. This document has been made part of the permanent meeting record.

The Council and staff discussed the boundary lines indicated on the map and the legal descriptions. Presiding Officer Collier indicated should the Council pass the ordinance, Council intent would be represented by the lines drawn on the current map, and said a legal description would be written to conform to the map. The Council and staff discussed discrepancies contained in the legal descriptions and annotations thereof.

Presiding Officer Collier called a ten minute recess at 6:30 p.m.

The Council reconvened at 6:42 p.m.

Motion: Councilor Devlin moved to recommend Ordinance No. 91-415A be referred back to the Governmental Affairs Committee for clarification of the legal descriptions.

Vote: Councilors Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilor Buchanan voted nay. Councilors Bauer, DeJardin and Van Bergen were absent. Ordinance No. 91-415A was referred back to the Governmental Affairs Committee.

Presiding Officer Collier called for further discussion by the Council regarding the issues of boundary reapportionment for consideration by the Governmental Affairs Committee. Councilor McLain addressed keeping neighborhoods and services linked together as an issue of concern. Councilor McFarland indicated she felt referral to the committee should be confined to correcting the legal descriptions. Councilor Gardner added the committee could make technical changes necessary to assure the accuracy of the legal descriptions. He supported the document as a whole, and indicated his preference that District #3 include the Southwest Portland Neighborhoods. Councilor Devlin clarified the work of the committee would be to assure accuracy of the legal descriptions, to accept or reject currently proposed options, and to come back to the full Council with a plan without additional options. Councilor McLain noted for the record that she had not been present when the changes she referred to were made. Presiding Officer Collier asked Mr. Short to follow up with appropriate meeting notices, and asked that he contact each Councilor for comment regarding their district's legal descriptions.

7.2 Resolution No. 91-1486, For the Purpose of Awarding a Two Year Contract to Marx/Knoll, DeNight & Dodge to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Campaigns

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1486.

Councilor Gardner presented the Solid Waste Committee's recommendation and report. He said the resolution would authorize the Executive Officer to execute a contract for Metro's recycling and waste reduction education campaigns, and referred to the presentation by Vicki Rocker, Public Affairs Director, which outlined the selection process used and approval of the firm of Marx/Knoll, Denight, and Dodge for recommendation to the Solid Waste Committee. Councilor Gardner said the contract was for two years at \$200,000 per year for a total amount \$400,000. He believed the firm would stress creativity and appeal to people's emotions. In response to Councilor Weyer's inquiry, Councilor Gardner noted waste reductions issues

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would be addressed in the campaigns, and said the targeted material, corrugated cardboard, would be emphasized.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer, DeJardin and Van Bergen were absent. The vote was unanimous and Resolution No. 91-1486 was adopted.

7.3 Resolution No. 91-1477, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Proposals from Paint Manufacturers to Reprocess Latex Paint Collected at Metro's Permanent Household Waste Collection Facilities

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

Motion: Councilor McLain moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1477.

Councilor McLain presented the Solid Waste Committee's recommendation and report. Councilor McLain said the resolution would give the Solid Waste Department flexibility to consider new and creative approaches to paint recycling and the marketing of recycled paint products. She noted the cost for the initial contract was estimated at approximately \$25,000. Councilor McLain said the purpose of the resolution was to waive competitive bidding and move forward with the Request for Proposals (RFP).

Vote: Councilors Buchanan, Gardner, Hansen, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, Devlin, DeJardin, Knowles and Van Bergen were absent. The vote was unanimous and Resolution No. 91-1477 was adopted.

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

7.4 Resolution No. 91-1481, For the Purpose of Authorizing the Executive Officer to Execute a Contract with Trans Industries for Processing and Transporting Yard Debris from the Metro Central Station

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1481.

Councilor Gardner presented the Solid Waste Committee's recommendation and report, and said the resolution would authorize the Executive Officer to execute a contract for processing yard debris from the Metro Central transfer station. He said bids were received initially only for Metro Central, and said the winning bid was from Trans Industries. He noted a subsequent RFB resulted in bids for Metro South yard debris which would be

considered by the Council at a later date. He noted the bid was at \$35 per ton, \$4.50 less per ton than the existing contracts.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, DeJardin, Knowles and Van Bergen were absent. The vote was unanimous and Resolution No. 91-1481 was adopted.

8. NON-REFERRED RESOLUTIONS

8.1 Resolution No. 91-1490, For the Purpose of Funding Greenspaces Demonstration Projects to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors

Presiding Officer Collier asked for a motion to suspend the rules requiring resolutions to be referred by Committee so that the Council as a whole might consider Resolution No. 91-1490.

Motion: Councilor Wyers moved, seconded by Councilor Devlin, to suspend the rules requiring that resolutions be referred by Committee.

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

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1490.

Councilor Devlin explained the resolution was brought before the Council for review to meet deadlines for utilization of federal funds and expedite work startup during the construction season. Councilor Devlin said Metro obtained \$567,000 in federal funding for the Metropolitan Greenspaces program of which \$200,000 was dedicated for demonstration projects for wetlands and riparian areas. He said fourteen applications were received for demonstration projects, and said a committee of ten had reviewed the applications, visited the fourteen sites, and interviewed the applicants. He said six projects were chosen for full funding and partial funding was designated for the remainder.

Councilor McLain noted constituents in local jurisdictions registered concern that local planning inventories had been overlooked.

Councilor Gardner said the purpose of the federal funds was to assist Metro in developing a regional system of open spaces and natural areas. He said the demonstration grants were focused toward building public awareness and support for greenspaces development and preservation, and said grant funds would be insufficient for the improvement needs of affected areas. He did not agree Metro planning duplicated work done by city and/or county parks

bureaus, and noted the open spaces under review were, for the most part, privately owned and not within current park systems. Councilor Gardner said identifying funding sources for such privately owned open spaces was part of the planning process as well.

Councilor Devlin said local jurisdictions "goal five" inventories of lands were included in Metro review for possible connections to regional system planning.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, DeJardin and Van Bergen were absent. The vote was unanimous and the Resolution No. 91-1490 was adopted.

9. RESOLUTION MOVED FROM SECTION 7

9.1 EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(d) to Consult regarding Labor Negotiations

The Executive Session began at 7:20 p.m.

Present: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Presiding Officer Collier.

Absent: Councilors Bauer, DeJardin and Van Bergen.

Also Present: Paula Paris, Personnel Manager, and Mike Brock, Labor Relations Analyst.

The Executive Session ended at 7:25 p.m.

9.2 Resolution No. 91-1487, Recommending Ratification of the Renegotiated Labor Agreement Between Metro and LIU Effective 07-01-91 through 06-30-95

Motion: Councilor Hansen moved, seconded by Councilor Devlin, moved for adoption of Resolution 91-1487.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer, DeJardin and Van Bergen were absent. The vote was unanimous and Resolution No. 91-1487 was adopted.

10. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Devlin said he would be contacting each Councilor within the next week to week and one half relevant to his memorandum requesting Councilors confer with individual Charter Committee appointees. He said the purpose was communicate a balanced view of the district operation and its importance to the public.

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Councilor Wyers said the Solid Waste Committee was involved in discussion regarding the odor at the composter. She noted the committee's concern and interest regarding the role of Metro and DEQ in the matter.

There being no further business, the meeting adjourned at 7:26 p.m.

Respectfully submitted,


Marilyn Geary-Symons
Committee Clerk