

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

November 14, 1991

Council Chamber

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

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma announced the National Association of
Regional Councils (NARC) had convened its national conference on
solid waste at the Benson Hotel this week. She noted also NARC's
Executive Board would meet November 15 and invited the Council to
attend the reception for the Executive Board to be held at the
Metro Washington Park Zoo on November 16.

Executive Officer Cusma introduced new Public Affairs Specialist
Lisa Creel.

4. ORDINANCES, FIRST READINGS

4.1 Ordinance No. 91-438, For the Purpose of Granting a
Franchise to RMAC International, Inc. For the Purpose of
Operating a Petroleum Contaminated Soil Processing Facility
and Declaring an Emergency

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

Presiding Officer Collier announced Ordinance No. 91-438 had been
referred to the Solid Waste Committee for consideration.

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4.2 Ordinance No. 91-434, For the Purpose of Granting a Franchise to Oregon Hydrocarbons, Inc. For the Purpose of Operating a Petroleum Contaminated Soil Processing Facility

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

Presiding Officer Collier announced Ordinance No. 91-434 had been referred to the Solid Waste Committee for consideration.

4.4 Ordinance No. 91-436, For the Purpose of Amending the Metro Code to Clarify the Purpose and Function of the Rate Review Committee, and Declaring an Emergency

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

Presiding Officer Collier announced Ordinance No. 91-436 had been referred to the Solid Waste Committee for consideration.

4.5 Ordinance No. 91-437, For the Purpose of Amending Chapter 5.06 of the Metro Code to Provide for a Metro Central Station Community Enhancement Program and Creating a Metro Central Station Community Enhancement Committee

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

Presiding Officer Collier announced Ordinance No. 91-437 had been referred to the Solid Waste Committee for consideration.

4.6 Ordinance No. 91-439, An Ordinance Establishing a Plan for the Financing from Time to Time of Various Facilities and Operations of the Metropolitan Service District; Authorizing the Issuance of One or More Series of Revenue Bonds for Such Purpose Under the Provisions of Supplemental Ordinances Adopted Pursuant Hereto; and Establishing and Determining Other Matters In Connection Herewith

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

Presiding Officer Collier announced Ordinance No. 91-439 had been referred to the Finance Committee for consideration.

4.7 Ordinance No. 91-440, An Ordinance Enacted as A Supplemental Ordinance to Ordinance No. 91-439; Establishing a Plan for Financing the Metro Headquarters Building; Authorizing the Issuance of the Metro Headquarters Building Bonds for Such Purpose; and Establishing and Determining Other Matters in Connection Therewith

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

Presiding Officer Collier announced Ordinance No. 91-440 had been referred to the Finance Committee for consideration.

4.8 Ordinance No. 91-421, For the Purpose of Amending Metro Code 3.02, Amending the Regional Wastewater Management Plan and Submitting it for Recertification

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

Presiding Officer Collier announced Ordinance No. 91-421 had been referred to the Transportation & Planning Committee for consideration.

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 91-432, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose Purchasing Office Panels

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

Presiding Officer Collier announced Ordinance No. 91-432 was first read on October 24 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on November 7 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-432.

Councilor Hansen gave the Finance Committee's report and recommendations. She said the ordinance would authorize the transfer of \$26,057 from Contingency to Capital Outlay to purchase divider panels for the Transportation Department in its new location. She said the panels were movable and would go to the Sears Building when Metro moved its headquarters there. She referred to Resolution No. 91-1514 adopted October 10, 1991, which authorized the purchase.

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, McLain, Van Bergen and Collier voted aye. Councilors McFarland and Wyers were absent. The vote was unanimous and Ordinance No. 91-432 was adopted.

5.2 Ordinance No. 91-431, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule to Open a Fee Supported RLIS "Store Front" for Providing Services to the Business Community Using the Regional Land Information System (RLIS)

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

Presiding Officer Collier announced Ordinance 91-431 was first read on October 24 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on November 7 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 91-431.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance would authorize the transfer of \$42,566 from Miscellaneous Professional Services to Materials & Services, Capital Lease and Personnel. He said the program would be fee-supported and that actual expenditures would occur as costs were incurred. He said Resolution No. 91-1522A addressed the program in more detail.

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, McLain, Van Bergen, Wyers and Collier voted aye. Councilor McFarland was absent. The vote was unanimous and Ordinance No. 91-431 was adopted.

6. RESOLUTIONS

6.1 Resolution No. 91-1522A, For the Purpose of Recognizing the RLIS Distribution Study by Ernst & Young as a Guide for Setting Policy and Administrative Procedures for Dissemination of RLIS Products and Services

Motion: Councilor Devlin moved, seconded by Councilor Gardner, for adoption of Resolution No. 91-1522A.

Councilor Devlin gave the Finance Committee's report and recommendations. He said the distribution study was funded to look into marketing aspects for the dissemination of RLIS products and services. He said issues discussed concerned the early version of RLIS because it contained some errors and said provisions could be included requiring users not to use that RLIS

data after later corrected versions were made available. He said the Committee expressed concern that when the economy was good, RLIS and related sales would be good, but if the economy was down, projected sales would drop. He said there was concern about the split and how the system would be paid for, but said the Committee agreed the arrangement was the best possible one at this time. He said the Council should retain the ability to adjust pricing dependent on market changes for greater recovery of revenue to offset RLIS costs.

Councilor Van Bergen said Metro was assuming proprietary functions by opening the storefront. He expressed confidence in the staff involved. Councilor DeJardin said Metro was not a retail body and would not charge the highest price. He asked Councilor Devlin how prices would be determined. Councilor Devlin said Metro asked the State Legislature for authority to keep RLIS products from becoming public information because Metro had expended almost \$1 million to develop RLIS. He discussed copyright considerations and the public interest. He said pricing would not be higher than market value. Councilor Gardner said the recommended schedule for pricing took into account local governments who contributed in earlier years for RLIS development and said they would benefit from a multi-tier pricing structure. He said those agencies would pay only for the immediate costs for transmitting maps or other information. The Council briefly discussed the issues further.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1522A was adopted.

Presiding Officer Collier recessed the Council and convened the Contract Review Board of the Metropolitan Service District to consider Agenda Item No. 6.2.

6.2 Resolution No. 91-1524, For the Purpose of Authorizing an Exemption from Competitive Procurement Procedures of Metro Code Section 2.04.053 for Amendment No. 15 to the Design Services Agreement with SCS Engineers, Inc.

Motion: Councilor Wyers moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1524.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the resolution would authorize payment to a subcontractor to SCS Engineers, Inc. She said after review of subcontractor claims against SCS, Executive Officer

Cusma recommended payment to subcontractor W.R. Gamble Engineering.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. The vote was unanimous and Resolution No. 91-1524 was adopted.

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

6.3 Resolution No. 91-1525A, In the Matter of Approval of Issuance of a Request for Bids to Provide Regional Hauling Services for Sewage Grit and Screenings

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1525A.

Councilor Gardner gave the Solid Waste Committee's report and recommendations. He explained the resolution would issue a RFP for a company to haul sewage grit and screenings. He said Metro had discussions with local governments about providing a regional service to haul away their sewage treatment dry byproducts. He said the City of Portland offered its Columbia Boulevard Sewage Treatment plant to stockpile sewage grit and screenings so it could be picked up by one vendor for hauling to disposal facilities. He said the RFB asked for a five-year contract at an estimated cost of \$500,000. He said the Committee discussed whether another collection site could be selected to make the service truly regional, but said staff stated that outlying jurisdictions would continue to use their disposal sites to avoid higher transportation costs.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. The vote was unanimous and the Resolution No. 91-1525A was adopted.

6.5 Resolution No. 91-1532, For the Purpose of Adopting Disadvantaged Business Program Goals for Fiscal Year 1990-91 and 1991-92

Motion: Councilor McLain moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1532.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She explained Metro had to adopt DBE goals to comply with federal requirements and receive federal

funds for transportation planning projects. She said the goals were federal, not state goals, such as those discussed when the Council reviewed Ordinance No. 91-430 at the October 10, 1991 Council meeting.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. The vote was unanimous and Resolution No. 91-1532 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Collier noted Karla Forsythe, Council Analyst, had submitted her resignation effective December 12, 1991 to take a position with the Metro Homebuilders Association.

Motion: Councilor Buchanan moved, seconded by Councilor Hansen, to direct staff to draft a resolution of appreciation to Ms. Forsythe for services rendered to the Metropolitan Service District.

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

Councilor Devlin distributed his memorandum dated November 14, 1991, "Metro Policy, Purpose and Powers/Functions." He said the position paper was drafted and reviewed by the Governmental Affairs Committee for the Council to review and transmit to the Charter Committee.

The Council discussed the document. Councilor Devlin explained the position paper would be transmitted to the Charter Committee via a joint letter from Presiding Officer Collier and Executive Officer Cusma. Councilor Knowles asked if the position paper addressed the financing of functions. Councilor Devlin said the position paper addressed functions only. Councilor Van Bergen said he had not had time to review the document, would vote nay on the resolution and would address the Charter Committee himself. Presiding Officer Collier noted the draft position paper had previously been distributed to the Council for review. Councilor Devlin said the Charter Committee was currently discussing land use and planning issues, had not yet addressed other functions, and said this was an appropriate time to transmit the position paper. Councilor Knowles asked why the position paper was not transmitted via resolution. Councilor Devlin said Council positions would be transmitted via resolution in the future, but said weekly communications were being made to

the Charter Committee and said it had been difficult to go through the full agenda process.

Councilor Gardner said the position paper rephrased and reformatted existing statutory language describing the District's functions and authorities. He said the paper was a new policy statement at all, but put those functions into a more readable format.

Councilor McLain concurred with Councilor Gardner. The Council briefly discussed the issues further.

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, to forward the position paper to the Charter Committee, specifically as a statement of intent with regard to existing authorities, with the exception of those items which would require voter approval with the Charter as a vehicle for those items.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilor Van Bergen voted nay. Councilor Wyers was absent. The vote was 10 to 1 in favor and the motion passed.

6. RESOLUTIONS (Continued)

6.4 Resolution No. 91-1527, Authorizing the Execution of a Joint Memorandum of Understanding Regarding the Development of a New Trail Blazer Arena

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1527.

Councilor Knowles gave the Regional Facilities Committee report and recommendations. He said the MOU itself was not a legally binding document, but was a guideline for negotiations on four subsequent agreements between the City of Portland and the Oregon Arena Corporation representing the Trail Blazers. He said the MOU also set forth the public obligation for partial funding of the Arena project. He said under the MOU, the Blazers would take over Coliseum operations and operate the new arena, Portland would own the facilities, and Metro would oversee the operating agreement. He said mitigation of any impacts on the Coliseum during construction would extend for two years and the agreement provided that mitigation funds in a reserve fund could be used to support other regional facilities. Councilor Knowles discussed the 6 percent user fee to fund the public's contribution.

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Councilor Van Bergen asked what the status was of Metro's current agreement with the City of Portland. Councilor Knowles said BE IT RESOLVED section no. 2 language recognized the City of Portland as the lead agency in future negotiations and execution of agreements based upon its ownership of key properties and its financial responsibilities.

Councilor Van Bergen asked what would happen to current Coliseum employees. He asked if they would be replaced, transferred, and if the Blazers would put them into PERS. Councilor Knowles said MERC would determine what would happen to Coliseum employees, but said there would a reduction in employees and that the Blazers had made no commitment to current employees.

Councilor Van Bergen asked about financing issues for all of the regional facilities. Councilor Knowles said the Finance Forum had been working on permanent funding for all of the facilities and said the current hotel-motel tax was not related to the Blazer agreement.

The Council discussed future financing of the regional facilities as a whole.

Councilor Buchanan asked what would happen to Coliseum employees. Lee Fehrenkamp, MERC general manager, said staffing would be cut back. He did not know how many employees would be cut back, but said some could be transferred to the Blazers. Presiding Officer Collier said employee issues could be handled through attrition and working with the Blazers. Councilor Buchanan said a number of union contracts would be affected. Mr. Fehrenkamp noted several union contracts were about to be renegotiated. Presiding Officer instructed Mr. Fehrenkamp to inform the Council of all formal arrangements as they occurred. Councilor Knowles said personnel issues would be handled in the formal agreement and would affect Metro's budget process.

Councilor Devlin said he shared concerns about current employees also. He noted Metro and MERC were self-insured and asked if that had been considered. Mr. Fehrenkamp said self-insurance issues depended on how many employees found employment elsewhere. He noted a large portion of Coliseum employees worked half-time.

Councilors Devlin and Knowles discussed financing issues. Councilor Devlin discussed the regional facilities financing bonds and asked for the record how to ensure those funds would remain available for the regional facilities. He said Metro was expected to have assets to meet all obligations. Councilor Bauer asked if MERC would oversee funding the Coliseum. Councilor Knowles said that was a policy decision Metro or the City could

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make. Councilors Bauer and Knowles discussed coordination of the facilities through the Portland/Oregon Visitors Association. The Council as a whole discussed coordination of events at all the facilities and employee issues further.

Councilor McLain noted a citizen, Glenn Morris, had submitted testimony to Council Analyst Casey Short who transmitted it to the Council via a memo at this meeting: "I got a call this afternoon from Mr. Glenn Morris, who wanted me to pass along to you his opposition to the proposed Memorandum of Understanding on the new arena. Mr. Morris said he thought any public expenditure should be referred to the voters. He also said the proposed user fee would price many people out of the market for tickets to arena events, and that it would hurt the performing arts."

Councilor Devlin said he had concerns, but believed the new arena was in the public's interest. He served notice that if signing the MOU meant additional taxes, he would oppose any future final agreements. He opposed any alternative financing agreements other than the one laid out in this MOU.

Councilor Gardner said the financing aspects were between the Blazers and the City of Portland and said the MOU represented an excellent deal for the City. He said Portland would get a new, privately-owned arena with \$2 million in property tax revenues going to the City. He said the City would make the public investment but the 6 percent user fee would impact Metro's future ability to run the regional facilities. He said he was skeptical when the Blazers first made their proposal, but was now convinced the MOU represented the best interests of all concerned.

Councilor Knowles concurred and said it was remarkable the City and Metro had achieved this agreement. He noted other jurisdictions had not been able to get as much private investment dollars for their new facilities. Councilor Knowles thanked Regional Facilities Department staff including Neil Saling, Sherrie Oeser and Pam Erickson for their participation in the negotiations and Portland Development Commission staff Chris Kopka, Larry Dully and Steve Siegal for their participation also. He thanked Blazer representatives Mark Gardner, Don Barney and Harry and Marshall Glickman.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. The vote was unanimous and Resolution No. 91-1527 was adopted.

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**There being no further business, Presiding Officer Collier
adjourned the meeting at 7:10 p.m.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Paulette Allen".

Paulette Allen
Clerk of the Council