

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

November 26, 1991

Council Chamber

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

Councilors Absent: Larry Bauer, Roger Buchanan

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at 5:34 p.m. Presiding Officer Collier announced item number 6.1 had been moved to the consent agenda for consideration as agenda item number 4.4.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of September 26, 1991

4.2 Resolution No. 91-1523, Authorizing an Exemption from Metro Code Section 2.04.054 for an amendment of the Zimmer Gunsul Frasca Partnership Contract

4.3 Resolution No. 91-1521, Supporting the Establishment of a National Wildlife Refuge in the Vicinity of Sherwood, Oregon

4.4 Resolution No. 91-1531, For the Purpose of Approving a Request for Proposal Document for Insurance Adjusting Services, General Liability and Auto Claims and Waiving the Requirement for Council Approval of the Contract and Authorizing the Executive Officer to Execute the Contract Subject to Conditions

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

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

5. ORDINANCES, SECOND READINGS

5.1 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 second time by title only.

Presiding Officer Collier announced Ordinance No. 91-437 was first read before the Council on November 14 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on November 19 and recommended Ordinance No. 91-437 to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-437.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She said she presented the Ordinance on behalf of the neighborhood and community of Northwest Portland. She said the Ordinance was unanimously approved after considerable public input. She noted the main area of controversy throughout Committee consideration was that two of the neighborhood communities felt they deserved extra votes on the Committee. She said many of the public comments requested that Metro policy be followed when assigning voting power. She said Metro had no policy on the formation of enhancement committees, preferring to allow the community to design the committees.

Presiding Officer Collier opened the public hearing.

Mr. Robert Bay, 3155 NW Vaughn Avenue, appeared to testify. He said he was an associate with Bay News Company and serves as President of the Northwest Industrial Neighborhood Association (NINA). He said NINA was the oldest neighborhood association in the nation. He stated Metro was treating NINA differently from other neighborhoods sited with a garbage transfer station. He said other neighborhoods under consideration did not want the transfer station, while NINA had welcomed it.

Mr. Bay outlined the enhancement committee structure for all of the existing facilities. He said Metro gave weighted votes to the neighborhood where the facility was located. He said NINA was not

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being given weighted votes. He said residential neighborhoods with interests different from NINA's were given votes. He said staggered voting rights would impact NINA's input on the committee.

In response to a request from Presiding Officer Collier, Councilor Hansen outlined the process used in formation of the committee. She said the North Portland Enhancement Committee never had a weighted vote. She noted the Ordinance stated projects within the area most impacted by the station (NINA) would be given priority.

Councilor Gardner stated the enhancement committee would make recommendations for projects to the Council. He said if there was disregard for the impacted area, NINA could notify the Council. Councilor Devlin noted the Solid Waste Committee would review the projects, not the Council.

Councilor DeJardin noted the Oregon City Enhancement Committee had three votes because one neighborhood was impacted there. He said giving NINA an extra vote would be damaging to communications at the committee.

Councilor Wyers and Gardner noted the transfer station siting was neither more or less difficult in the NINA area. Councilor Gardner noted the composter enhancement committee did allow weighted votes and was an exception. He explained the agreement was a compromise to alleviate problems in the area which existed before the facility was sited there.

Councilor McFarland stated she supported the concept of one person, one vote and favored passage of the Ordinance.

Councilor Wyers commended Councilor Hansen for her work on the enhancement committee.

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

Vote: Councilors Collier, Gardner, Devlin, DeJardin, Hansen, Knowles McLain, McFarland, Van Bergen and Wyers aye. The vote was unanimous and the Ordinance No. 91-437 was adopted.

5.2 Ordinance No. 91-436A, 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 second time by title only.

Presiding Officer Collier announced Ordinance No. 91-436 was first read before the Council on November 14 and referred to the Solid

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Waste Committee for consideration. The Solid Waste Committee considered the ordinance on November 19 and recommended Ordinance No. 91-436A to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-436A.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She said the Ordinance would reorganize and restructure the Rate Review Committee and codify their function and procedures. She explained the composition and function of the committee.

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, McLain, Van Bergen, Wyers and Collier voted aye. Councilor McFarland voted nay. Councilors Bauer and Buchanan were absent. The vote was 9/1 in favor and Ordinance No. 91-436A was adopted.

5.3 Ordinance No. 91-434A, 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 second time by title only.

Presiding Officer Collier announced Ordinance No. 91-434 was first read before the Council on November 14 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on November 19 and recommended Ordinance No. 91-434A to the full Council for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor Wyers, for adoption of Ordinance No. 91-434A.

Councilor DeJardin gave the Solid Waste Committee's report and recommendations. He said the Ordinance would approve Oregon Hydrocarbons, Inc. to treat petroleum contaminated soils at a plant in North Portland. He said ordinances to approve other firms were forthcoming. He said the firm was awaiting a permit from the Department of Environmental Quality (DEQ).

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

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Councilor Van Bergen asked if Hydrocarbons, Inc. used the low level heat process or chemical process. Councilor Wyers said Solid Waste staff advised her it was a low level heat process and was an acceptable method for treating contaminated soil.

Councilor McFarland said she approved of the method because it reduced evaporation into the air and absorption into groundwater.

Vote: Councilors Collier, Gardner, Devlin, DeJardin, Hansen, Knowles, McLain, McFarland, Van Bergen and Wyers voted aye. The vote was unanimous and Ordinance No. 91-434A was adopted.

5.4 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 second time by title only.

Presiding Officer Collier announced Ordinance No. 91-438 was first read before the Council on November 14 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on November 19 and recommended Ordinance No. 91-438 to the full Council for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor Wyers, for adoption of Ordinance No. 91-438.

Councilor DeJardin gave the Solid Waste Committee's report and recommendations. He said the Ordinance was similar to Ordinance No. 91-434, but approved RMAC International and said their plant would be located in Troutdale. He said RMAC International had received all of their permits. He noted one of the firm's principals, John Spencer, was the president and major stockholder in SRH Associates, a company that owed Metro approximately \$5,300 in delinquent fees. Councilor DeJardin said Mr. Spencer indicated SRH had no association with RMAC International.

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

Councilor Devlin asked if General Counsel had responded to questions in the Committee report. Councilor Wyers said Todd Sadlo, Legal Counsel, had said there were no legal issues of consequence.

Vote: Councilors Collier, Gardner, Devlin, DeJardin, Hansen, Knowles, McLain, McFarland, Van Bergen and

Wyers voted aye. The vote was unanimous and Ordinance No. 91-438 was adopted.

Councilor Van Bergen asked how long the franchise would operate under the Ordinance. Dan Cooper, General Counsel, said the contract was for five years under Metro Code.

6.0 RESOLUTIONS

6.1 Resolution No. 91-1531, For the Purpose of Approving a Request for Proposal Document for Insurance Adjusting Services, General Liability and Auto Claims and Waiving the Requirement for Council Approval of the Contract and Authorizing the Executive Officer to Execute the Contract Subject to Conditions

Presiding Officer Collier noted Agenda Item 6.1 had been adopted earlier at this meeting under the Consent Agenda.

6.2 Resolution No. 91-1529, For the Purpose of Authorizing the Exercise of the Option Agreement and the Acquisition of the Sears Parking Garage

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1531.

Councilor Knowles gave the Regional Facilities Committee's report and recommendations. He said the Resolution allowed for the purchase of the parking garage in conjunction with the purchase of the Sears facility. He said because financial figures were not available at the Regional Facilities meeting, the Committee forwarded the Resolution to Council without a recommendation. He referred the Council to a memorandum from Neil Saling, Regional Facilities Director, a copy of which is contained in the record of this meeting.

Mr. Saling and Dan Cooper, General Counsel, summarized the memorandum. The Council discussed the use and repayment of the bonds. The Council also discussed the parking lease agreements.

Councilor McFarland stated that Metro taxed people in the region. She said part of those tax dollars would be used to pay for the purchase of the parking structure. She said Metro would then have a private business operation that sold parking spaces to the same people who paid taxes to purchase the structure. She stated her opposition to purchasing a structure with the intended use of renting it out. She said taxpayer money should not be used to operate a competitive business.

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Presiding Officer Collier disagreed and she said it was irresponsible not to purchase the property considering the growth Metro was undergoing. She said because use of the parking included spaces for the facilities, Metro should control the property. She noted parking was a fee for service as was hauling garbage to Arlington.

Councilor McLain said the purchase would double the cost of the project and figures indicated a \$300,000 loss in the first six years. She said the public's perception of Metro was important and felt the purchase would not be a wise investment.

Councilor Hansen said she was disappointed when Metro was unable to purchase the Hanna property. She did not want a similar misfortune to happen with the Sears property.

Councilor Knowles said it was critical to go forward with the purchase at this time. He said the information in Mr. Saling's memorandum answered the concerns of the Committee. He said the office needs of the agency could expand into the area allowed for parking in the building and he said the adjacent parking would then be needed. He said the parking would also accommodate needs at the Convention Center. He said over the long term, costs would be met. He said the building had a substantial net value.

Councilor Gardner stated he continued to have doubts about purchasing the structure. He said government had an obligation to manage public money. He said the role of Metro, and governments in general, was not to operate a for-profit business. He said if parking was needed, private industry would provide it.

Executive Officer Cusma said the purchase of the parking structure was not intended to be a profit making operation. She said the purchase would meet the future needs of the agency and its facilities. She said in the long-term the purchase would be prudent.

Councilor Van Bergen clarified parking needs and space available in the Sears building without the purchase of the adjacent garage. He asked staff if the bond sales would be more favorable with the purchase of the garage. Chris Scherer, Finance Supervisor, said it was more favorable because the bond would be larger. Councilor Van Bergen stated he supported the Resolution but was disappointed in staff's presentation.

Vote: Councilors Devlin, DeJardin, Hansen, Knowles, Van Bergen, and Collier voted aye. Councilors Gardner, McFarland, McLain, and Wyers voted nay. Councilors Bauer and Buchanan were absent. The vote was 6/4 in favor and Resolution No. 91-1529 was adopted.

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6.3 Resolution No. 91-1528, For the Purpose of Approving the FY 1991-92 Emergency Management Work Plan (Earthquake Preparedness)

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1528.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He said mapping the area was the plan priority. He reported local agencies expressed interest in Metro becoming involved in earthquake preparedness planning. He said Councilor Van Bergen had voted nay at Committee because of Federal Earthquake Management Association (FEMA) management. He explained the program would be requesting additional full time employees (FTEs) and would be seeking other outside funding sources for the program.

Councilor DeJardin noted the program had exceeded all expectations and FEMA was eager for Metro to go forward with the work plan. He said a full Council briefing was forthcoming.

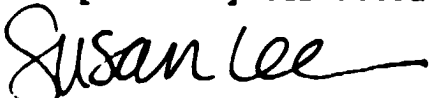
Vote: Councilors Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Wyers, and Collier voted aye. Councilors Bauer, Buchanan, and Van Bergen were absent. The vote was unanimous and Resolution No. 91-1528 was adopted.

7.0 COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

None.

All business having been attended to, Presiding Officer Collier adjourned the meeting at 7:30 p.m.

Respectfully submitted,



Susan Lee
Acting Clerk of the Council

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