

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

November 12, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy  
Presiding Officer Judy Wyers, Roger  
Buchanan, Tanya Collier, Richard Devlin,  
Ed Gronke, Sandi Hansen, Ruth McFarland,  
Susan McLain, Terry Moore, George Van  
Bergen and Ed Washington

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Gardner called the regular meeting to order at  
5:35 p.m.

Presiding Officer Gardner announced Agenda Item Nos. 6.3 and 6.7  
had been removed from the agenda.

Presiding Officer Gardner also announced the next regular Council  
meeting would be held at 5:30 p.m., Tuesday, November 24, 1992.

1. INTRODUCTIONS

Councilor Washington introduced Councilors-Elect Rod Monroe, Jon  
Kvistad, and Mike Gates.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Briefing on Region 2040

Andy Cotugno, Director of Planning, gave the briefing on Region  
2040. He said Metro was approaching the end of Phase I of the  
2040 Program and noted the Region 2040: Shaping the Choices for  
Growth newsletter. He said many public meetings had been held  
to-date with more to come. He said staff was almost ready to  
finalize recommendations for Phase II. He noted the Region 2040  
process time table on page 3. Mr. Cotugno noted Ken Gervais,  
Senior Management Analyst, was present to explain changes due the  
adoption of Ballot Measure No. 26-1, Metro Charter. He noted  
Metro was still using the Regional Urban Growth Goals and  
Objectives (RUGGOs) as adopted by the Council in September, 1991.  
He said the Council would review recommendations by staff in  
December. Will be many variations we want to leave open within  
basic parameters.

Mr. Gervais said the Charter required a Future Vision be adopted by the Council in 1994. He said the Charter required a Future Vision which would include issues such as caring capacity, education and economics variables. He said the proposed Future Vision and Metro's current 2040 Program were very close in objectives. He said it would be a waste of energy and resources to have parallel programs and hoped the Council in 1994 would turn 2040 into the Future Vision required by the Charter. He said Metro would have to finish and/or cover the Regional Transportation Plan, air standards, vehicle miles travel and related issues during the two-year transitional period. He said transitioning 2040 into the new Future Vision Program meant a longer process than originally projected.

Mr. Cotugno said Future Vision and 2040 differed with regard to functional plans such as the Urban Growth Boundary (UGB) and the Regional Framework Plan.

Mr. Gervais said the Council could adopt different elements of the Regional Framework Plan in components.

Councilor Devlin asked how much the studies would cost and what the potential resources were. Mr. Cotugno said staff had no specific budget recommendations yet. He said federal transportation funds could be partly used such as federal transportation discretionary funds and said there could be private funding from corporations.

Councilor Van Bergen asked that detailed information be given on exactly what budget impacts there would be. He said the Council was entitled to a detailed representation other than just through the Transportation and Planning Committee. Mr. Cotugno said staff had prepared a draft resolution for consideration at a work session at the November 18 Transportation and Planning Committee meeting. He said Council could schedule a work session to discuss the issues.

Presiding Officer Gardner noted the 2040 Program would turn into a Future Vision Program per the Charter. He said it would cost more than what 2040 had been expected to cost, but that he did not know by how much more. He said this year's budget addressed current needs, but next budget cycle forecast was unknown. He said the Charter's exact meaning and impact was as yet unknown. He said it was a question of what the exactly the next phase would be and what it would cost.

Councilor Van Bergen again expressed concern about unknown costs.

Councilor McLain said the Council would enter a transitional period to determine the source of necessary funds. She urged the Council to come to the Transportation Committee meeting on November 18 when the issues would be addressed. She noted a cable access show with Presiding Officer Gardner, Mr. Cotugno and

herself would also be aired on November 18 on Metro and planning issues.

Councilor Devlin said the Transportation and Planning Committee was holding work sessions on the issues now and also urged the Council to attend the November 18 Transportation and Planning Committee meeting.

Presiding Officer noted a memorandum from Larry Shaw, Legal Counsel, dated November 10, 1992, "Metro Charter Impacts" which addressed how the Charter could impact Metro's planning functions.

### 3.2 Briefing on Metro Headquarters Project

Berit Stevenson, Project Manager, gave Project Briefing Report No. 18 on the Metro Headquarters Project. She said the contractor had reported slippage of one week and that the contractors planned to turn the building over in early March. She said it would take approximately two weeks to move into the new building and gave details on the proposed child care center, furniture and fixtures. She said Metro would take all of the old furniture and would phase in new furniture for replacement costs.

Neil Saling, Director of Regional Facilities, discussed details on the Metro Headquarters Building further. He discussed commercial storefront opportunities on the plaza as proposed by the Portland Development Commission (PDC) leading to a decrease in contingency and said those costs were unanticipated prior to review by the PDC. He noted discussion by the Regional Facilities Committee about building costs and said Committee questions and questions asked by Councilor Wyers were addressed in his memorandum dated November 12 distributed at this meeting, "Metro Regional Center - Space & Cost Considerations."

Councilor Gronke asked if the projected building cost of \$95 per square foot included parking space. Mr. Saling said costs per square foot did not include the garage. He said garage stalls would cost \$950 per stall. Councilor Gronke asked if contract language with Hoffman Marmalejo included recourse for unexpected expenditures. Dan Cooper, General Counsel, said staff had not investigated that course of action yet.

Councilor McLain asked Mr. Saling to explain costs as discussed during Regional Facilities Committee consideration. Mr. Saling said other factors beside contractor costs included improvements to the North Plaza because the PDC Design Committee rejected the original design and requested Metro build kiosks as a commercial opportunity. He estimated the kiosks would cost an additional

\$230,000 and said that amount would come from Contingency. He clarified the true cost was \$460,500, but the design change meant an additional \$230,000 would be withdrawn from Contingency. Councilor Gronke asked why Metro was responsible for the full costs of the design change.

Mr. Saling said staff would discuss scaling the design down to save costs.

Councilor Devlin asked if there was proof that commercial activity would be viable at the site. Mr. Saling said in addition to the kiosks, there would also be interior space on Grand Avenue and said he had talked to vendors who were interested in coffee/deli operations.

Councilor Devlin asked if staff would use value engineering to avoid maintenance six months after opening.

Mr. Saling said staff had avoided the use of wooden panelling, drapes and other similar fixtures and had tried to incorporate value engineering as much as possible.

Councilor Wyers discussed the smaller Contingency fund than was originally projected for this construction phase. She said the Council had not had sufficient oversight on the project as a whole. She asked Mr. Saling how staff could assure the Council the project would stay on budget and the Council would be informed of all details in the future. Mr. Saling offered to meet on a regular basis with Councilor McLain and Casey Short, Council Analyst. Councilor Wyers asked that the Council be informed of change orders as well.

The Council briefly discussed the Regional Headquarters Project further.

#### 4. CONSENT AGENDA

##### 4.1 Minutes of October 8, 1992

REFERRED FROM THE FINANCE COMMITTEE

##### 4.2 Resolution No. 92-1698, For the Purpose of Confirming the Reappointment of Bonnie Kraft to the Investment Advisory Board

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of the Consent Agenda.

Councilor McFarland stated for the record that her vote on Resolution No. 91-1494C, For the Purpose of Authorizing the Execution of a Sale Agreement for the Acquisition of the Sears Facility, adopted on October 10, 1991, was incorrectly recorded as an aye vote and requested the record be changed to reflect her nay vote on the resolution. She said the change did not change the outcome of the vote.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and the Consent Agenda was adopted.

## 5. ORDINANCES, FIRST READINGS

### 5.1 Ordinance No. 92-473, For the Purpose of Amending Metro Code Sections 5.02.015 and 5.02.065, Relating to Disposal Charges at Metro Facilities, and Declaring an Emergency

Presiding Officer Gardner announced Ordinance No. 92-473 was first read at the October 22, 1992, Council meeting and was scheduled for first reading at this meeting again in error. He noted the Solid Waste Committee would consider the ordinance at its November 17 meeting.

## 6. RESOLUTIONS

### 6.1 Resolution No. 92-1702, For the Purpose of Accepting a Second Group of Nominees to the Metro Committee for Citizen Involvement (CCI)

Motion: Councilor Moore moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1702.

Councilor Moore gave the Transportation and Planning Committee's report and recommendations. She explained the resolution would appoint a second of group of nominees to the Metro Committee for Citizen Involvement (CCI) as listed in Exhibit A.

Vote: Councilors Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Buchanan and Collier were absent. The vote was unanimous and Resolution No. 92-1702 was adopted.

**6.2 Resolution No. 92-1682. For the Purpose of Designating the New Metro Headquarters Building as "Metro Regional Center"**

**Motion:** Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1682.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the resolution would permanently name the Metro Headquarters Building "Metro Regional Center."

**Vote:** Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was absent. The vote was unanimous and Resolution No. 92-1682 was adopted.

Presiding Officer Gardner noted as previously announced at the beginning of this meeting that Agenda Item No. 6.3 had been removed from the agenda.

**6.4 Resolution No. 92-1686. For the Purpose of Entering into a Multi-Year Contract with the Most Qualified Proposer by Authorizing Issuance of a Request for Proposals for a Comprehensive Waste Stream Characterization Study**

**Motion:** Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1686.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the study would sample material as it arrived at the transfer station(s), that generator-based sorts would be performed, and user surveys would be conducted so that Metro could gather information on waste disposal habits and waste substreams per Metro's Stipulated Order under the Department of Environmental Quality (DEQ).

Councilor Van Bergen asked Council Analyst John Houser to research costs further. Councilor Wyers concurred with Councilor Van Bergen's request.

**Vote:** Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was absent. The vote was unanimous and Resolution No. 92-1686 was adopted.

**6.5 Resolution No. 92-1678, For the Purpose of Recognizing the Model Illegal Dumping Ordinance as Meeting the Requirements of Chapter Four of the Regional Solid Waste Management Plan**

**Motion:** Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1678.

Councilor Wyers gave the Solid Waste Committee report and recommendations. She said the resolution was the result of legislation passed by the 1991 State Legislature to allow illegal dumping offenses to be brought before hearings officers for adjudication. She noted the resolution had undergone thorough review by the Solid Waste Policy Advisory Committee.

**Vote:** Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was absent. The vote was unanimous and Resolution No. 92-1678 was adopted.

**6.6 Resolution No. 92-1695, For the Purpose of Adopting the Recreation Master Plan for Smith and Bybee Lakes Management Area**

**Motion:** Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1695.

Councilor McLain gave the Transportation and Planning Committee's report and recommendations. She explained Exhibit A which gave Trust Fund details and discussed future budget impact. She said the Master Plan would establish a plan for trails and an interpretative center. She noted committee discussion November 10 on the Americans with Disabilities Act and its impact on trails, meaning, purpose, criteria and other relevant details. She said the Master Plan was reviewed again by the Management Committee and returned for Council Committee consideration and recommendation.

Councilor McFarland noted she served as chair of the Management Committee for Smith & Bybee Lakes which are adjacent to the St. Johns Landfill. She said the Master Plan would deal with problems caused by the landfill, but that no taxpayer funds would be spent. She said a fund specifically set up for that purpose would be used. She said the Management Committee worked extremely hard on the area's usefulness as an Urban Wildlife area and urged the Council to adopt the resolution.

Councilor Moore said the Master Plan would provide a wonderful educational opportunity in an area heretofore primarily associated with the landfill.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was absent. The vote was unanimous and Resolution No. 92-1695 was adopted.

6.7 Resolution No. 92-1701, For the Purpose of Funding Greenspaces Projects to Restore and Enhance Urban Wetlands, Streams, and Riparian Corridors, and Upland Sites

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1701.

Councilor McLain gave the Transportation and Planning Committee's report and recommendations.

Councilor Devlin noted this resolution meant 32 projects would have been completed within two years and that Metro was assured of federal funding in the third year for projects.

Councilor McFarland noted because funds were leveraged with matching grants, Metro received \$1 million last year and hopefully would receive a similar amount this year or possibly more. Councilor McFarland noted the excellent work performed by Mel Huie, Senior Regional Planner, on the projects.

Presiding Officer Gardner noted as previously announced at the beginning of this meeting that Agenda Item No. 6.8 had been removed from the agenda.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen distributed his November 9, 1992 memorandum "Performance Audit Contract with Specific Scope of Work." He said Councilor Collier originally proposed the idea of performing annual audits and said Metro's contracting functions would be audited this year.

Councilor Moore asked how the FY 1992-93 audit would conform with Metro Auditor's Office to begin operations in January 1995 per the Metro Charter adopted in the General Election November 3, 1992.

Don Carlson, Council Administrator, explained the contract with Talbot Korvala & Warwick was a three-year contract to end June



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30, 1995. He said the elected auditor will come on board January 1995. He said in the past, audits had been performed during the first half of the fiscal year to make better project budget forecasts for next half of the fiscal year. He said the Auditor could take over whatever project was on-going at that time for six months

Councilor Wyers said the Charter made substantial changes to Metro's current contracting process. She said the audit could look at contracts on a day-to-day basis as well.

Presiding Officer Gardner said the Council could choose not to begin the authorize the audit for 1995 until the Auditor decided what he/she wanted to audit.

Presiding Officer Gardner referred the Council to Mr. Carlson's memorandum dated November 12, 1992, "List of Immediate Actions to Implement the Charter" and assigned action topics to the five Council committees. The Council discussed, and decided to hold, workshops on November 30 and December 7 to discuss Charter implementation issues.

Presiding Officer Gardner distributed his November 12, 1992, memorandum, "Consolidation Agreement Amendments," and discussed the City/Metro/Oregon Arena Corporation Agreement to Offset Admission Tax. He said the Council would consider the amended agreement at the November 24 Council. The Council discussed the amended agreement further.

Presiding Officer Gardner explained the Portland Trailblazers would manage and operate the new arena and the Memorial Coliseum. He said for the Blazers to do so, Metro had to transfer the Coliseum back to the City of Portland. He said also contained in the Memorandum of Understanding (MOU) was that if Metro adopted a regional tax to support the regional recreational facilities, the two facilities would be exempted from that tax. He said attorneys were working on specific language at this time including issues related to the costs of specific employees including reimbursement of vacation time and employment compensation. He said there would be additional expenses related to tort liability. He said still to be resolved was who would pay liability costs. He said there was discussion of who would pay the first \$300,000 and said the City would probably pay it.

Councilor Collier said the original idea that all of the regional facilities would be managed by the same entity was now forgotten because the Blazers wanted the Coliseum. She said the Council consistently signed agreements that were detrimental to the agency and worried about Metro's facilities being in competition

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with the Coliseum. She said when one entity managed all facilities, events were properly routed. She said she did not want to adversely affect the Blazer's arrangement with the City, but said different issues needed to be considered in the agreement.

Councilor Devlin said policy had been continued and noted that if the Blazers built a facility anywhere in the region, the Coliseum would turn into a white elephant. The Council discussed the issues further.

Councilor Gronke objected to feeling pressured into adopting the agreement for the sake of the Blazers. Presiding Officer Gardner noted at some point, \$2-3 million in seismic improvements had to be made to the Coliseum which he said Metro could not afford to do.

Executive Officer Cusma said discussion of the agreement had been ongoing for years. She said because of the Blazer's marketing, Metro would have increased funds for the other facilities. She said there had been discussion about having some sort of oversight with the Metropolitan Exposition-Recreation Commission (MERC) over the OAC. She said also there had been reluctance to complete Phase II of the Consolidation Agreement because no one wanted responsibility until long-term financing was achieved.

Councilor Devlin said Executive Officer Cusma was correct, but noted on page 23 new language meant ownership would be upfront, but said the agreement should be more than just a verbal understanding. Councilor Collier said that language should be included in the agreement. Presiding Gardner said the agreement had to be adopted by December 1. Councilor McLain said if consolidation was not achieved at a certain level, Metro could give the facilities back to the City.

Councilor Van Bergen said the issues were between Metro and the City. He did not see why firm language could not be included now and said the Council had not yet discussed offset admission tax issues.

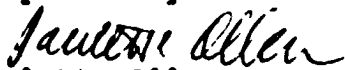
Councilor Collier concurred with Councilor Van Bergen. She said it was impossible to achieve goals without a firm bottom line and said there should be accountability with public funds. She said it had always been difficult to make MERC responsive to Metro concerns because there were too many layers of government involved. She said with regard to marketing dollars that if the Blazers could spend so much more money marketing their

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facility(s), it would be unfair to other facilities with less money for advertising. The Council discussed the issues further.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 8:19 p.m.

Respectfully submitted,

  
Paulette Allen  
Clerk of the Council