

**MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT**

**November 24, 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

Presiding Officer Gardner called the regular meeting (scheduled on a Tuesday due to holiday meeting schedule) to order at 5:34 p.m.

Presiding Officer Gardner announced Agenda Item No. 5.2 had been removed from the agenda at the request of Executive Officer Cusma. He announced Agenda Item No. 7.7 would be considered before Agenda Item No. 7.1.

**1. INTRODUCTIONS**

None.

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

None.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

**3.1 Briefing on Metropolitan Sports Authority**

Will Glasgow, chair, Metro Sports Authority Task Force, briefed the Council on the Task Force's activities to-date and distributed "Report on Portland Metropolitan Sports Authority."

**3.2 Briefing on Facilities Funding Task Force**

David Knowles, chair, Facilities Funding Task Force, briefed the Council on the Task Force's activities to-date and distributed a memorandum to himself from the Funding Needs Subcommittee dated November 24, 1992, "Funding Needs Subcommittee: Report and Recommendations."

**4. CONSENT AGENDA**

**4.1 Minutes of October 22, 1992**

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

**4.2 Resolution No. 92-1708, For the Purpose of Approving a Contract Amendment and Extension with WM Benefits**

REFERRED FROM THE FINANCE COMMITTEE

**4.3 Resolution No. 92-1710, For the Purpose of Approving a Request for Proposals Document for Property/Casualty Agent of Record/Broker and Waiving the Requirement for Council Approval of the Contract and Authorizing the Executive Officer to Execute the Contract Subject to Conditions**

**4.4 Resolution No. 92-1707, Authorizing the Finance and Management Information Department to Undertake an Escrow Restructuring for the 1992 General Obligation Refunding Bonds**

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

**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 the Consent Agenda was adopted.

**5. ORDINANCES, FIRST READINGS**

**5.1 Ordinance No. 92-475, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding a Hardware Upgrade and Software Support Services Enhancements to Metro's Financial Management System and for Funding Improvements to the Efficiency of Metro's Business Operations**

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

Presiding Officer Gardner announced Ordinance No. 92-475 had been referred to the Finance Committee for consideration.

5.2 Ordinance No. 92-476, For the Purpose of Amending the Metro Code to Modify the Designated Facility Status of Columbia Ridge Landfill for Purposes of Flow control, to Add Roosevelt Regional Landfill to the List of Designated Facilities, and Declaring an Emergency

Presiding Officer Gardner announced Agenda Item No. 5.2 had been removed from this agenda for first reading per Executive Officer Cusma's request for additional time for staff to prepare supporting materials for the ordinance.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-471B, For the Purpose of Amending the Metro Code to Establish Criteria to Consider in Designating Disposal Facilities, and Declaring an Emergency (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-471 was first read on August 27, 1992, and referred to the Solid Waste Committee for consideration. He announced the Solid Waste Committee considered the ordinance at its September 1, November 3 and November 17 meetings and recommended Ordinance No. 92-471B to the full Council for adoption at the November 17 meeting.

Main Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-471B.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the ordinance was fairly complicated because of revisions to the Metro Code to clarify criteria for designated facilities and language on agreements with actual entities. She said the Committee decided to split the ordinance and have it deal with Metro Code revisions only. She noted a company planned to open a landfill in Klickitat for the disposal of petroleum-contaminated soils, construction debris and other similar materials. She said for that facility to qualify as a designated facility in the current Metro regional solid waste system, Metro Code language had to be amended.

Councilor Wyers discussed leakage problems and said Solid Waste Department staff hoped that adding designated facilities would give Metro greater control of leakage. She said the non-system license program had covered these issues before, but that more specific language was now needed. She said the ordinance listed all the facilities meant to be designated facilities as well as listing the criteria to be used to determine if existing

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facilities could be added. She said staff would provide reports in the future on revenue impacts and recycling rates.

Councilor Van Bergen expressed concern about the need criteria listed.

Presiding Officer Gardner opened the public hearing.

Jim Benedict, Oregon Waste Systems (OWS) attorney, 1001 SW Fifth Avenue, Portland, said OWS was interested in the ordinance's effect because of Metro's contract with OWS to send 90 percent of all landfillable waste to Columbia Ridge Landfill.

Councilor McFarland asked if OWS received solid waste from the State of Washington. Mr. Benedict said OWS took municipal waste from the City of Seattle.

Councilor McFarland noted Legal Counsel had stated that Metro and OWS had agreed to disagree on whether designated facilities were exempt or not from the 90 percent clause in Metro's contract with OWS. She said the application by Roosevelt Landfill to be listed as a designated facility appeared fairly simple, but noted Metro had received other applications. She said the Solid Waste Committee determined criteria should be further defined so that these and other applications/facilities could be evaluated.

Jay Waldron, Finley Buttes Regional Landfill, Morrow County, urged the Council to adopt Ordinance No. 92-471B. He said adding Finley Landfill to the designated facilities list would create a "win/win" situation and lower solid waste disposal rates. He said the ordinance would give smaller companies the opportunity to compete and would save Metro money.

Councilor McFarland asked when Finley Landfill became operational. Mr. Waldron said Finley Landfill became operational in 1990.

Mr. Waldron said, with regard to Mr. Benedict's testimony, that OWS had had its opportunity and that it was time for competitive opportunities for other companies.

Diana Godwin, Regional Disposal Co. attorney, asked that Roosevelt Landfill be added to the designated facilities list to handle special waste. She said Regional Disposal Co. worked with Metro's Legal Counsel on language and criteria to determine when a facility should or should not be added. She said there was a tremendous need for the disposal of municipal solid waste. She said OWS operated a first-class facility for Metro, but that Metro had expanded its system with recycling activities, the

composter facility and Metro Central Station. She said there was a solid waste stream not picked up by collectors and not processed at Metro transfer stations that had not yet become a focus of Metro's concern. Ms. Godwin said such waste included asbestos, grit and screenings, industrial sludges such as ink, industrial dust, grease from railroad tracks and other miscellaneous special wastes. She noted the Tier One User Fee cost \$7 per ton in 1990, \$13 per ton in 1991, and currently cost \$19 per ton. She said the Hillsboro Landfill's capacity to take special wastes was limited by its agreement to take yard debris.

Presiding Officer Gardner noted the Tier One User Fee was not a tax.

Councilor Buchanan asked if Regional Disposal Co. was affiliated with Browning-Ferris, Inc. Ms. Godwin said Rabanco had been a partner in financing Metro Central Station. She understood that relationship would end, but said Rabanco was not part of Browning-Ferris or any of its subsidiaries. Councilor Buchanan said he had asked the question because of the competition issues raised.

Councilor Moore asked about petroleum-contaminated soils. Councilor Wyers noted those soils either went to designated facilities or were heated to high temperatures releasing lead and other contaminants, leaving sterile soil.

Ms. Godwin noted Roosevelt Landfill was required to do a six-inch cover daily. She said when petroleum-contaminated soils were used for that purpose, it was spread thinly enough that it volatilized on its own.

Presiding Officer Gardner asked if any other citizens present wished to testify. No other citizens appeared to testify and the public hearing was closed.

Councilor Van Bergen said designated facility permits should be granted because of the obvious public need. He expressed concern permits would take on a different capacity in the future. He said staff had assured the Council criteria and oversight language as developed would protect the public good.

Councilor Wyers noted Ordinance No. 92-471B had become 92-471C because language was inadvertently dropped from the ordinance when word processing work was done. Presiding Officer Gardner referred the Council to Legal Counsel Todd Sadlo's November 24 memorandum which explained Section 5.05.030(a)(8) had been deleted from the ordinance accidentally.

First Motion to Amend: Councilor Wyers moved, seconded by Councilor Buchanan, to amend Ordinance No. 92-471B by adding back Section 5.05.030(a)(8): The need for additional disposal capacity and the effect on existing designated facilities; and."

Vote on First Motion to Amend: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and the motion to amend passed.

Councilor Moore asked if the word "need" in the ordinance referred to current need or future need. She asked if language on detriments to residents could be added to Section 5.05.030(b)(9).

Councilor Wyers said the Solid Waste Committee deliberately kept the criteria broad in scope. She said the question of need could be defined now or in the future. She said Councilor Moore's point was good and that the ordinance could be amended for clarification. Councilor McLain concurred with Councilor Moore's language as suggested.

Second Motion to Amend: Councilor McLain moved, seconded by Councilor Wyers, to amend Ordinance No. 92-471C, Section 5.05.030(b)(9) to read (additional language underlined): "Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation."

Vote on Second Motion to Amend: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 92-471C was adopted as amended.

6.2 Ordinance No. 92-473A, 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 (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-473 was first read on October 22, 1992, and referred to the Solid Waste Committee for consideration. He said the Solid Waste Committee considered it on November 17 and recommended Ordinance No. 92-473A to the full Council for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-473A.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She noted language recommended by the Rate Review Committee (RRC) had inadvertently been omitted, resulting in an "A" version of the ordinance. She said the language omitted from Section 5.02.065(a) read: "with the exception of CFC tanks and refrigeration units." She said the ordinance addressed more than just freon disposal because other elements had to be completely vacuumed out also. She said the ordinance would raise the rate to \$15 for a residential refrigeration unit and \$20 for a commercial unit. She said the intent of the RRC's amendment was to provide that other existing special waste disposal fees and surcharges would not be applicable to the items covered by the new fee established in this ordinance. She said the Committee asked about future costs because of special equipment that must be acquired now. She said Sam Chandler, Solid Waste Facilities Manager, said Metro would profit from the higher freon disposal charges, but said that if Metro did so in the future, the rate would be amended to match the true costs of disposal.

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

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 92-473A was adopted.

7. RESOLUTIONS

7.1 Resolution No. 92-1709, Approving a RFP Document for an Agent of Record for Employee Benefits and Authorizing the Executive Officer to Execute the Contract

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1709.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. He explained the services to be provided by an agent of record for three years at an annual cost of \$36,000.

Councilor Van Bergen noted Resolution No. 92-1708, For the Purpose of Approving a Contract Amendment and Extension with WM Benefits, adopted earlier at this meeting under the Consent Agenda, would provide risk management benefits.

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. 92-1709 was adopted.

Presiding Officer Gardner recessed the Council at 7:25 p.m. The Council reconvened at 7:35 p.m.

7.1 Resolution No. 92-1673A, Greenspaces Willing Seller Policy at Sunset Lightrail Transit Station

Motion: Councilor Devlin moved, seconded by Councilor Buchanan, for adoption of Resolution No. 92-1673A.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He explained the "A" version of the resolution and the actions Metro could take with regard to eminent domain. He noted Metro's Regional Urban Growth Goals and Objectives (RUGGOS) specified a regional planning process. He said once Resolution No. 92-1673A was adopted, the Peterkort family's legal representatives would withdraw three cases filed with the Land Use Board of Appeals (LUBA). He discussed debate at Committee on eminent domain issues as well as discussion on recent construction at 112th Avenue which had caused area residents some concern. He said the Peterkort family was fulfilling previous obligations to Washington County with that construction and noted Be It Resolved Section No. 4 language, "That, consistent with the Greenspaces Master Plan objectives of Greenspace protection and the objections of the Regional Transportation Plan, Metro will monitor and become a party in all



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planning and proposed development actions on the Peterkort property in the vicinity of the Sunset LRT station; and" should address such concerns in the future.

Presiding Officer Gardner opened a public hearing.

Charlotte Corkran and Troy Horton, both representing Friends of Cedar Springs, said the area Friends was most concerned about was a forested area in addition to a three-acre sized pond, all part of a significant natural area. Ms. Corkran said Friends was also concerned about the preservation of a triangular-shaped area containing old growth trees. Ms. Corkran gave a slide show with pictures of the recent construction activity at 113th Avenue. She said Washington County had insisted a road be built at that location.

Mr. Horton distributed a statement by the Washington County Citizens Empowerment Committee in addition to a brochure, "Help Create the Cedar Springs Natural Area Park and Preserve the Last Large Stand of Cedars in Portland." He said Friends of Cedar Springs' membership was comprised of residents from the entire Portland, and not just the Cedar Springs, area. He said Tryon Creek State Park was similar to the vision they had in mind for the area owned by the Peterkorts. Mr. Horton said Friends had supported Resolution No. 92-1673A as written because they hoped Metro would monitor the property and achieve the best possible use for it. He asked the Council to amend the resolution at this time to add language preventing destruction of natural areas during the time period Metro would not exercise its right of eminent domain. He said Friends hoped Metro would realize all stated goals for the property, including light rail and Greenspaces goals.

Councilor Wyers asked Mr. Horton if Friends discussed the construction on the property with the Transportation and Planning Committee. Mr. Horton said they did not. Presiding Officer Gardner asked Mr. Horton if Friends had specific amendment language to propose at this time. MR. Horton said he did not.

The Council and Mr. Horton discussed the issues further. Councilor Devlin said concerns raised by Friends representatives at this meeting were not raised at the Transportation and Planning Committee and said Resolution No. 92-1673A had gone through the committee process and been discussed with Friends of Cedar Springs. He did not want to amend the resolution at this time until Metro heard from the other parties involved. He said eminent domain could be conditioned on the premise that natural areas would not be destroyed, but said that was not the kind of detail work that should be done at the Council level.

Presiding Officer Gardner concurred with Councilor Devlin and said, if time permitted, the resolution could be referred back to committee for further work.

Councilor Gronke said the Peterkorts had owned the property for a long time and asked Mr. Horton why his proposal should be considered more important than Metro's pledge to give up its right of eminent domain. Mr. Horton said Friends did not propose the Peterkorts give up the right to develop their property and said Friends was supportive of development in the commercially zoned area. He said the overall area should be developed properly with a combination of quality development, light rail and natural areas. He said Friends did not encourage appropriation of the property. He said Friends had worked with the Peterkorts for years and that Metro representatives should ask the Peterkorts why they would not meet with Friends now. He said funds to compensate the Peterkorts for the natural areas could be raised. Councilor Gronke asked why Friends wanted an amendment in that case. Mr. Horton said they wanted assurances because of the construction activity that had just taken place on 112th Avenue.

Ms. Corkran emphasized also that Friends did not intend to obstruct the Peterkorts from development of their property. She said the significant natural areas could not be developed immediately anyway. She said Friends objected to the road building and construction at 112th Avenue and wanted Metro staff involved in any discussions on future construction.

Tim Ramis, Ramis O'Donnell, said Resolution No. 92-1673A was an unusual document in that it involved a settlement case taking place in public. He said if the resolution was adopted as written now, litigation would be halted and all parties involved would be in agreement.

Mr. Ramis explained the construction in question related to a set of overall agreements with Tri-Met and Washington County resulting from conditions, zoning code requirements and agreements. He said the construction was part of a package to hook the Surface Transportation Plan (STP) to Sunset Highway. He said the construction had involved six acres, three of which the Peterkorts had donated along with the right-of-way to Barnes Road. He said the Peterkorts had also provided engineering services and agreed to provide an additional county right-of-way. He said the trees cut down during construction were not on Peterkort property. He said with regard to construction effecting wetlands as shown in the slide show given earlier, the Peterkorts had paid for a retaining wall so that a wetlands permit would not be needed.

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Mr. Ramis said Mr. Horton was correct when he said the Peterkort property was subject to many restrictions. He said the Peterkorts entered into agreement with Metro with the understanding that Metro would carefully monitor county restrictions. He expressed concern about any language which would amend the county's comprehensive plan. He noted the entire property was comprised of 250 acres with 100 acres slated for commercial development, 20 for parks development, the key area for the Sunset Light Rail Station, and the remainder for residential development.

The Council discussed the issues with General Counsel Dan Cooper. Councilor Moore said if the resolution was referred back to committee there would be more opportunity to review the issues raised at this meeting. Councilor McFarland said the resolution was the result of a long process in which all parties involved were trying very hard to reach an equitable agreement. She said the Peterkorts had already contributed a great deal and would obviously resist amendment at this time because future impacts on the resolution would be unknown. Councilor McLain was not in favor of referring the resolution back because it had been deemed satisfactory by all of the involved parties. She said the resolution was not meant to benefit only the Peterkorts. Councilor Gronke did not believe it was Metro's role to be the main arbiter in every area. Councilor Devlin agreed that Metro could not arbitrate every issue. He said the property was unique and wanted to achieve an agreement that would satisfy all parties. Councilor Moore asked Mr. Ramis if he would agree to continuing suspension of LUBA activity if the resolution was referred back to committee rather than adopted at this meeting. Mr. Ramis said he would, but said that suspension was not open-ended. Councilor Washington asked Mr. Ramis how much time he would allow for committee review. Mr. Ramis said two or three weeks would be acceptable. Presiding Officer Gardner said the resolution could go back to Committee in time to be considered at the December 10 Council meeting.

Withdrawal of Motion: Councilor Devlin withdrew his motion to adopt Resolution No. 92-1673A.

Motion to Refer: Councilor Buchanan moved, seconded by Councilor Devlin, to refer Resolution No. 92-1673A back to the Transportation and Planning Committee for further review based on discussion at this meeting.

Vote on Motion to Refer: Councilors Buchanan, Devlin, Hansen, Moore, Washington, Wyers and Gardner voted aye. Councilors Collier, Gronke, McFarland, McLain and Van Bergen voted nay. The vote was 7 to 5 in favor and the motion to refer Resolution No. 92-1673A back to committee passed.

Presiding Officer Gardner recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District to consider Agenda Item Nos. 7.2 and 7.3.

7.2 Resolution No. 92-1704A, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c), Competitive Bidding Procedures, and Authorizing a Sole-Source Contract with Oregon Graduate Institute of Science and Technology for Coordination Services on the Greencity Data Project

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1740A.

Councilor Washington gave the Transportation and Planning Committee's report and recommendations. He explained this was the second year Metro had chosen the Saturday Academy of the Oregon Graduate Institute to do the Greencity Database Project. He said the project would utilize students in grades 6 through 12 to supplement part of the field inventory work, part of Metro's Natural Areas Inventory data base for the Greenspaces Program. He said last year 54 students from 6 schools visited 15 sites and provided data on same. He said the contract cost of \$20,000 would hopefully allow Metro to double the number of schools involved and sites visited. He said Saturday Academy was the only institution with the facilities and capability of conducting this program.

Councilor Van Bergen asked what the funding source was and if the project was originally budgeted.

Councilor Devlin said the funding was part of a grant from the U.S. Department of Fish and Wildlife and the project had been budgeted. Councilor Van Bergen asked if this project would exhaust those funds or if other projects would be funded. Councilor Devlin said the funds were meant for educational purposes, but that there was still U.S Department of Fish and Wildlife funding for the enhancement portion of the program for fish and wildlife purposes.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1704A was adopted.

7.3 Resolution No. 92-1705A, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c), Competitive Bidding Procedures and Authorizing a Sole Source Contract with the Urban Streams Council of the Wetlands Conservancy

Main Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1705A.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He explained the resolution would enable Metro to provide a much higher level of technical assistance to cities, counties and special districts groups carrying out the 33 different restoration projects. He said the Urban Streams Council would work with Metro staff to meet with local project managers on a monthly "one-to-one" basis. He said quarterly meetings of all project managers would allow time to share ideas and information. He said the Urban Streams Council was uniquely qualified to provide such assistance because it also utilized the services of technical experts in other states. He said for the third year of program restoration, Metro would seek projects within the inner city and said that approach was the result of concerns raised regarding the lack of projects located within north and northeast Portland.

Motion to Amend: Councilor Moore moved, seconded by Councilor Devlin, to list the contract amount of \$25,000 in the resolution Be It Resolved section.

Councilor Moore explained an amendment she made at Committee to show the amount of the project was not included in the resolution before the Committee and said she preferred all legislation in future to list contract costs.

Vote on Motion to Amend: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 92-1750A as adopted as amended.

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

7.4 Resolution No. 92-1711. For the Purpose of Suspending Negotiations with Tri-Met Regarding Development of a Joint Work Program to Study Potential of a Transfer of Tri-Met to Metro and Expressing Intent of the Council Regarding Future Study of the Issue

Motion: Councilor Devlin moved, seconded by Councilor Buchanan, for adoption of Resolution No. 92-1711.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. Councilor Devlin distributed Resolution No. 90-1361, For the Purpose of Establishing a Work Plan for the Analysis of Issues Related to the Transfer of Mass Transit Services From Tri-Met to the Metropolitan Service District, adopted December 13, 1990, for the Council's reference.

Councilor Gronke asked why a resolution to suspend negotiations with Tri-Met was necessary. Councilor Devlin explained it was easier to track the history of issues via legislation. Councilor Collier said the potential merger with Tri-Met was one of the first issues she saw when she came on board the Metro Council six years ago. She said the Council had the opportunity to resolve the issues a few months earlier for a modest cost but did not. She urged the Council to decide on merger issues in January 1993. She said if the issues were not settled soon, the seven-member Council would discuss the same issues in 1995.

Vote: Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1711 was adopted.

7.5 Resolution No. 92-1713. For the Purpose of Approving a Contract Increase to Sunflower Recycling/Pacific Bottle Regeneration to Complete the Wine Bottle Washing Project Funding as Part of the 1991-92 1<sup>st</sup> for Recycling Program

Motion: Councilor Buchanan moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1713.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations. He explained Sunflower Recycling received a grant for \$77,700 in the last 1<sup>st</sup> for Recycling Funding cycle to establish a wine bottle washing operation at its recycling center in southeast Portland. He said the plant would ultimately process for reuse approximately two million bottles per year for resale to local Oregon vintners and said that amount represented approximately one-fourth of the nine million wine bottles consumed in Oregon each year. He said the total project was expected to cost approximately \$100,000, \$22,300 of which Sunflower would meet with a partial match. He said the project had experienced unanticipated costs since the work began and the total cost was now estimated to be approximately \$162,000. He said cost increases resulted from fluctuations in the U.S. dollar in the foreign currency market; increases in shipping and U.S. Customs costs; added costs to modify the recycling center facility housing the bottle washing facility and pre-payment of supplies to package the cleaned bottles for delivery to Oregon vintners. He said Sunflower would bear approximately \$50,000 of the increased costs and said funds for the grant increase were available in the 1<sup>st</sup> for Recycling Program budget because two projects were not funded because their concepts proved unfeasible. He said Sunflower would not be able to complete the project unless they received an increase in funds and said there was no other source of funds for the project.

The Council discussed the resolution briefly. Councilor Moore asked if Metro could recoup its costs from other sources such as restaurants.

Judith Mandt, Program Manager for the 1<sup>st</sup> for Recycling Program, said that option had been discussed, but noted restaurants believed they were contributing by using and recycling green glass. Councilor Moore asked who would profit from the project. Ms. Mandt said the project would be profitable to Sunflower, but said staff's ultimate hope was that the project became successful and the public's investment was repaid with increased recycling of a product not previously re-used that much.

**Vote:** Councilors Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1713 was adopted.

7.6 Resolution No. 92-1714, For the Purpose of Amending the Consolidation Agreement Between the City of Portland and Metro and Transferring Memorial Coliseum from MERC to City Control and Authorizing an Admission Tax Offset Agreement with OAC and City

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1714.

Councilor McLain gave the Regional Facilities Committee's report and recommendations. She referenced all pertinent documents and discussed the City of Portland's role in MERC's budget process. She said the agreement did not contain all that Metro had asked for in terms of language, but said the time line matched what Metro wanted. She said the December 1 deadline was important because Portland had indicated if it were missed, the arena project would collapse.

Councilor Gronke said the resolution represented an agreement between Metro and Portland only, not an agreement between Metro and the Oregon Arena Corporation (OAC). He did not believe that if the Council did not adopt the resolution, the Blazer deal would fall through.

The Council discussed the consolidation agreement further. Councilor Van Bergen said he preferred not to have title to the Coliseum because it would require repair and refurbishing in the near future. He did not believe the admission tax was enforceable. Councilor Collier said she would reluctantly vote aye on the resolution, but said the City should move into Phase II of the agreement soon. Councilor Buchanan said the City had largely ignored the issue of permanent funding. The Council discussed the issues further.

Vote: Councilors Buchanan, Collier, Devlin, Hansen, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilors Gronke, McFarland and Van Bergen voted nay. The vote was 9 to 3 in favor and Resolution No. 92-1714 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Wyers discussed the proposed Metro West Station, noted a report would be given on it at the Solid Waste Committee meeting December 1, and encouraged Councilors to attend that meeting. She said the Committee would discuss whether regional tonnage figures justified building another regional transfer station.



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**Presiding Officer Gardner reminded the Council of the Metro Legislative Committee meeting to be held Wednesday, November 25, Room C-124, Oregon Convention Center, at 2:30 p.m. to discuss issues related to the Charter. He said all local governmental officials had been invited to discuss the impacts and implications of the Metro Charter on local governments.**

**All business having been attended to, Presiding Officer Gardner adjourned the meeting at 9:51 p.m.**

**Respectfully submitted,**



**Paulette Allen**  
**Clerk of the Council**