

MINUTES OF THE COUNCIL MANAGEMENT COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 24, 1985

Committee Members Present: Councilors DeJardin, Gardner,
Kirkpatrick and Van Bergen

Committee Members Absent: Councilor Cooper

Staff Present: Kay Rich, Chet Gregg, Ed Stuhr,
Eleanore Baxendale, Norm Wietting, Dan
Durig, Doug Drennen, Buff Winn and Don
Cox

Chairman Van Bergen called the meeting to order at 5:05 p.m.

1. Approval of Minutes

Motion: Councilor DeJardin moved the minutes of September 26,
September 19, August 22 and August 15, 1985, be
approved. Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick and
Van Bergen

Absent: Councilor Cooper

The motion carried and the minutes were approved.

2. Consideration of a Procurement Contract with Wentworth
Chevrolet for a Mid-size Cargo Van for the Zoomobile Program

Kay Rich reviewed the need for the cargo van and the vendor selection process as outlined in the agenda materials. In response to Councilor DeJardin's question, Chet Gregg reported the old, donated van had over 200,000 miles on it and because of its current condition, was a liability to the Zoo.

Motion: Councilor DeJardin moved to approve the procurement contract and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick and
Van Bergen

Absent: Councilor Cooper

The motion carried and the contract was approved.

3. Consideration of an Architectural Contract with Thompson Vaivoda & Associates for the Design of the Zoo's Education/Interpreive Center

Mr. Rich reviewed the project's history and the selection process for the proposed architect as reported in the agenda materials.

Councilor Gardner asked if staff were aware of the architects' proposed fees when interviewing firms during the screening process. Mr. Rich responded that two of the firms submitting proposals had included fees with their proposals. The third firm provided their fee at the time of the interview. Ray Barker added the selection committee rated other criteria as well as fees proposed: fees were not the principal criteria for awarding the contract.

Motion: Councilor Gardner moved approval of the architectural contract and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick and Van Bergen

Absent: Councilor Cooper

The motion carried and the contract was approved.

4. Consideration of an Addendum to the Contract with Robert Grey for Legal Services Relating to the St. Johns Methane Gas project

Buff Winn reviewed the history of the need for the initial contract for legal services with Robert Grey of Preston Ellis & Holeman. He explained that due to unforeseen difficulties in negotiating the three-party, ten-year, \$10 million plus contract with BioGas and the City of Portland, several addendums had been added to the initial contract. The addendum now before the Committee would increase the total sum to \$15,000, he said.

Councilor Kirkpatrick asked if additional addendums would be requested for approval. Mr. Winn replied he hoped the contract would not have to be extended but because of the complex nature of the contract negotiations, he could not guarantee staff would not return to the Committee with an additional request. Eleanore Baxendale said she had preferred the approach of awarding a smaller

addendum now which would require staff to justify the need for any future amounts to the Committee, should they be required.

A discussion followed regarding the history of the Council's action to authorize staff to proceed with contract negotiations with BioGas as the preferred technology.

Motion: Councilor Kirkpatrick moved the contract addendum be approved and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick and Van Bergen

Absent: Councilor Cooper

The motion carried and the contract addendum was approved.

Chairman Van Bergen expressed concern about the length of time involved in negotiating the methane gas contract. Ms. Baxendale and Mr. Winn explained because BioGas waited for the EPA to complete an analysis of the landfill, the negotiations started later than anticipated. Also, the three-party nature of the contract had complicated the negotiation process.

Ms. Baxendale reported that although the initial contract was for \$2,500, she had used a selection process required for projects over \$50,000 and had reported the initial contract award to the Council via memorandum.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick and Van Bergen

Absent: Councilor Cooper

The motion carried and the contract addendum was approved.

5. Report on Contract with Richard Alexander of Stoel Rives Boley Fraser & Wyse for Alaska Tundra Project Legal Consultation

Ms. Baxendale reported it was possible the above contract would have to be terminated due to a problem of conflict of interest. After the joint venture contractors terminated work on the Alaska project, they added a third partner and Stoel Rives Boley Fraser & Wyse wrote that third partnership agreement. The third partner was now claim-

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ing if any liability arose from the Alaska Tundra case on the part of the architects, they did not want to have the law firm suing the architects when they could be the third party paying off that claim. The problem had not yet been resolved, she said, but she would inform the Committee as soon as possible if action needed to be taken.

If another contract was required, Ms. Baxendale recommended awarding a small contract to Miller Anderson, another firm contacted as part of the initial selection process for Alaska Tundra Project legal services. If an addendum to that contract were required, staff could return to the Committee for approval. She explained another option would be to poll the Committee by telephone if another contract were necessary.

The Committee agreed to consider a second contract at a special meeting if it became necessary. Ms. Baxendale said the second contract could amount to between \$20,000 to \$40,000.

There being no further business, Chairman Van Bergen adjourned the meeting at 5:25 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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