

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
APRIL 12, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:15 a.m. with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.

R-1 In the Matter of Presentation of Five Year Service Awards

Training Coordinator Sara Martin reported that bids were obtained for the pins and tie-tacks. General Services Director Linda Alexander acknowledged the volunteer assistance of Budget Manager Dave Warren in preparing the employee award certificates. Chair McCoy presented awards to the following County employees: Lessie Alvarez, Commissioner Pauline Anderson, Lorraine Arnett, Jean Buccarelli, Diane Bye, Michael Chamberlain, Yvonne Conners, Bill Farver, Cynthia Freiermuth, Commissioner Gretchen Kafoury, Becky Kjelstrom, Diane Lewis, John Little, Sara Martin, Inez Mathews, Khabira McDow, Cynthia Paollili, Lorenzo Poe, Cheryl Stroup, Terri Thorson, John Webster, Merrie Ziady and Robin Zook. Chair McCoy advised that the names of the balance of five year award recipients will be published in the next issue of Employee Bylines.

R-2 Resolution in the Matter of Creating a Capital Improvement Fund and Adopting Guidelines for Receipts and Disbursements Accounted for in the Capital Improvement Fund

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kafoury, it was UNANIMOUSLY APPROVED that R-2 be held over for one week.

Commissioners Kafoury and Anderson left the meeting to have their photographs taken with the five year award recipients.

R-3 Budget Modification DHS #42 Approving Reduction of the Appropriation in the Employment Program by \$17,540 in Juvenile Justice Division Resulting from Cuts in Federal Funding Received from the Private Industry Council for Fiscal Year 1989/90

UPON MOTION of Commissioner Kelley, seconded by Commissioner Bauman, R-3 was UNANIMOUSLY APPROVED.

R-4 Ratification of Intergovernmental Agreement Amendment #4 Between Social Services Division Developmental Disabilities Program and Oregon Health Sciences University

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kelley, R-4 was UNANIMOUSLY APPROVED.

The Board recessed as the Board of County Commissioners and convened as the Public Contract Review Board in order to consider the following matter:

- R-5 Order in the Matter of an Exemption from Public Bidding to Purchase Used Cars for the Sheriff's Office Undercover Operations

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kelley, Order 90-50 was UNANIMOUSLY APPROVED.

The Board recessed as the Public Contract Review Board and reconvened as the Board of County Commissioners.

Commissioners Kafoury and Anderson returned to the meeting at this time.

- R-6 Ratification of Intergovernmental Agreement Between Oregon Public Utility Commission and Multnomah County Sheriff's Office

UPON MOTION of Commissioner Kelley, seconded by Commissioner Bauman, R-6 was UNANIMOUSLY APPROVED.

- R-7 Proclamation in the Matter of Proclaiming the Week of April 7-14 as COMMUNITY DEVELOPMENT WEEK

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kafoury, Proclamation 90-51 was UNANIMOUSLY APPROVED.

- R-8 Order in the Matter of Conveying a Deed for Certain Real Property to the Public for Road Purposes and Authorizing Chair to Execute Deed (NE 181st Avenue - Item No. 90-60)

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, Order 90-52 was UNANIMOUSLY APPROVED.

- R-9 Ratification of an Intergovernmental Agreement with the Oregon Department of Energy Emergency Planning with Regard to the Trojan Nuclear Power Plant Ingestion Plan

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-9 was UNANIMOUSLY APPROVED.

- R-10 Budget Modification DES #14 Authorizing Transfer of \$163,291 Within Parks Services Budget to Bring 1989-90 Parks Development Budget in Line With Revenue

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-10 was UNANIMOUSLY APPROVED.

- R-11 Resolution in the Matter of Designating County Property Known as: Lots 3, 4, 5, 6, & 7, Block 2, Garbade; Tax Lot '6' of Lots 1 & 2, Garbade; Blocks 57, 58, & 65 Mentone Addition; Tax Lots '19' & '14' Block 66 Mentone; Tax Lot '297', Section 15, 1S-2E, all on 1987 Assessor's Map, as a County Wildlife Refuge and Assigning Responsibility to the County Parks Services Division for Planning, Development, and Administration of the Proposed Wildlife Refuge

Commissioner Anderson explained that the resolution describes property commonly known as Beggar's Tick Marsh and that its designation as a wildlife refuge is an exciting, innovative and new activity for Multnomah County which falls right in with its interest in preserving, protecting and acquiring natural areas in the County. Commissioner Anderson added that she hoped approval of the resolution would proceed with next week's agenda item setting aside capital for acquiring more natural areas.

Commissioner Anderson moved and Commissioner Kelley seconded, for approval of R-11.

Larry Espey, representing the Oregon Parks Foundation, complimented the Board for its stand and related that the Foundation sponsored a teacher's guide to Oxbow Park and would be interested in participating in a similar fashion with Beggar's Tick Marsh.

Mel Huie of Metro's Planning and Development Department, advised that they are excited and supportive of the proposed project and stated that Multnomah County will be taking a leadership role in preserving and protecting decreasing natural areas, which will compliment Metro's proposed protection of natural areas in the tri-county area. Mr. Huie related that the Board's favorable action today would send a message to other elected officials that action must be taken now before more land is lost to development.

Sanford Wilbur, Supervisor of the Natural Wildlife Refuges in Oregon, Washington and Idaho, for the U.S. Fish and Wildlife Service, read a statement of support for the designation of Beggar's Tick Marsh as Multnomah County's first wildlife refuge and support for the concept of a metropolitan wildlife refuge system encompassing a variety of areas and wildlife habitats in Portland and Vancouver.

Resolution 90-53 was UNANIMOUSLY APPROVED.

R-12 Resolution in the Matter of Designating and Proclaiming Sunday, April 22, 1990, as Earth Day 1990 and Launching the "Decade of the Environment"

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, Resolution 90-54 was UNANIMOUSLY APPROVED.

R-13 Resolution in the Matter of Establishing a Procedure to Agree with the City of Troutdale on Goals and Criteria to Evaluate Offers to Buy the Edgefield Property, Authorize an Advisory Task Force, Set a Date for a Report from the Task Force and Declare the Board's Intention to Solicit Offers to Purchase the Property to be Evaluated for Conformity with Criteria Adopted by the Board

Facilities and Property Management Division Director Wayne George gave a staff update, advising that County Counsel had submitted the captioned substitute resolution for the Board's consideration.

Commissioner Kelley moved and Commissioner Anderson seconded, for adoption of the revised resolution.

John Cramblett, representing Reynolds Little League, the soccer program in that area, and girls softball, advised he was not against the sale of the Edgefield property, but would ask that the County consider setting aside a portion for development of much needed ball fields. In response to a question of Commissioner Anderson, Mr. Cramblett advised that if the County or whoever may purchase the property, would set aside some area for use as a park/ball field, his group would be willing to prepare and maintain the ball fields. In response to a question of Commissioner Bauman, Mr. Cramblett advised that 25 acres had been discussed, but that his group is just interested in having enough property to put in a girl's softball and baseball fields.

Paul Thalhofer, President of the Troutdale Area Business Association and Troutdale City Councilman, complimented the Board on various recent actions. Mr. Thalhofer read a letter from the Troutdale Area Business Association advocating market driven development of a shopping mall on the Edgefield property and having the County in conjunction with Troutdale, develop goals and methods to achieve a sale resulting in the highest and best commercial light industrial and residential uses for the property.

Troutdale City Attorney Jim Jennings advised the City's position is that any conditioning of the use of the Edgefield property is a land use decision solely under the jurisdiction of Troutdale and that it would be an abdication of the city's powers to allow any other jurisdiction input into the use of the property. Mr. Jennings advised it is also the City's position that the 1985 Eco Northwest Study of the property adequately addresses every issue which has been raised. Mr. Jennings advised that Troutdale advocates quick payment once the sale is closed as they are concerned that a sham bid might be put on the table and the City would be left with no mall or other development.

Tri Met Assistant Manager Bob Post reiterated comments made last week concerning the importance of the Break Even project. Mr. Post advised Tri Met believes that the County has responsibility over what happens with the Edgefield property. In response to Commissioner Anderson's question as to how he would answer the Board's land use dilemma, Mr. Post advised that the Board should follow through with support of Tri Met's current light rail project and look into better use of the Edgefield property.

Attorney Greg Oldham advised that he served on a City Club Study Committee concerning roads and transit financing and is now serving on the Transportation Policy Advisory Committee at Metro. Mr. Oldham asked that the Board not destroy Tri Met's Break Even project by selling Edgefield for a shopping center. Mr. Oldham advised that because the County has almost 300 acres of property to sell, it puts the matter into a political arena which will interfere with the Board's ability to give Tri Met the political backing it needs to obtain Federal funding for the Break Even project.

In response to Chair McCoy's question as to why is it perceived that if someone other than Winmar buys it, a shopping mall will be built on the Edgefield property and why will that be destructive to Tri Met's project, Mr. Oldham advised he feels there isn't room for two regional malls in that area and he wants the County to prevent that from happening. Mr. Oldham asked the Board to follow County Comprehensive Plan, policy 35, in its decision.

Chair McCoy responded that the County has and continues to support public transportation policies.

Commissioner Bauman wondered if the downtown Gresham Winmar site was such an inferior site that anchor stores would immediately abandon it in favor of a Troutdale site; and stated that since there are other major sites already consolidated in east County, he is not convinced that the Board is in the position to make or break deals.

Troutdale City Councilor Marge Schmunk read a list of taskforce studies and reports prepared concerning the Edgefield property, advising she does not feel another study should be done. Ms. Schmunk urged the Board to proceed with the bid process and sell the property expeditiously.

Len Wagoner advised he is a Development Consultant retained by Price Development Company of Salt Lake City, and related his client's involvement in the Edgefield property negotiations, advising that a bona fide offer was made to the County's Property Management Division for portions of the Edgefield property with certain conditions, and that they advised Price it had won the bid subject to Board approval, at which time Price submitted a note for \$50,000 to Property Management and received a letter confirming the bid. Mr. Wagoner stated that on March 28, 1990, Price was informed that County Counsel advised the property could not be sold because the County had not acted properly in the sales procedure. Mr. Wagoner reported that later that same day, Property Management requested Price Development to submit a bid for the entire Edgefield parcel. Mr. Wagoner advised that there are two to four other parcels designated as potential regional mall sites in the Gresham area and suggested that the County sell the property pursuant to ORS 271.510 through 271.530. Mr. Wagoner asked that the Board stand behind negotiations conducted by its Property Management Division, stating Price will close tomorrow on a \$3,000,000 purchase price.

In response to Commissioner Kelley's request for clarification on the bidding process related by Mr. Wagoner, Mr. George advised that pursuant to ORS guidelines, Facilities and Property Management was under the impression it had authority to sell parcels G, H, J and K of the Edgefield property, and only after consultation with County Counsel, were they informed that the County had to sell the entire piece as one parcel.

Assistant County Counsel John DuBay related that the process began with a letter from Facilities Management requesting bids on certain portions of the Edgefield property from a particular bidder, then additional bidders came in during the

negotiations and there was some confusion as to how to handle the competing bids, so Facilities Management advised the bidders to submit offers by a certain date. Mr. DuBay stated he understands a letter was sent to Price advising it was the high bidder and that the sale was subject to approval by the Board of Commissioners, but that before it came before the Board County Counsel looked at the statute and determined the property could not be sold in that manner.

In response to Commissioner Bauman's question as to whether the County was currently holding earnest monies, Mr. George advised he has a \$10,000 check from Winmar and a \$50,000 promissory note from Price.

In response to Chair McCoy's question as to the number of serious offers to date, Mr. George advised that one company has made an offer on the entire property and two parties have given serious consideration to purchase the entire property. Mr. George advised he was confused by Mr. Wagoner's testimony, and isn't sure whether Price wants a portion of the property for \$3,000,000, or whether they want to make an offer for the entire property.

In response to Chair McCoy's question, Mr. Wagoner advised that Price is interested in bidding for the entire property. In response to Commissioner Bauman's request for clarification, Mr. Wagoner advised that Price is ready to close on the \$3,000,000 portion; that they would like a little time to put together a bid on the entire parcel; and that they are looking at commercial, industrial and residential for the upper portion, with residential being their third choice.

In response to a question of Chair McCoy, Steve Abel, Portland attorney for Winmar Company advised that his client's offer is serious and that it contemplates allowing a certain period of time to prepare a feasibility study, after which Winmar will decide how to develop the property.

Troutdale Mayor Sam Cox read a letter from the Wood Village City Council urging the Board to proceed to sell Edgewood to the highest bidder without further study and without conditions. Mayor Cox stated that the City and various ball clubs had been using portions of the County property for park and ball field purposes for the last tens years and that in the past the City has asked the County to donate it to the City for a park.

Troutdale City Administrator Pam Christian advised they had allocated money in contingency for developing ball fields. Ms. Christian urged the Board to sell the Edgefield property for the benefit of Troutdale and the entire region, including Reynolds School District.

Tri Met attorney Bob Maloney clarified a statement made by Mr. Wagoner by stating that only one Gresham site has been zoned for use as a regional shopping center. Mr. Maloney reiterated statements made last week and asked the Board to place restrictions on sale of the Edgefield property which would not allow the site to be developed as a regional shopping center.

The Board recessed at 11:00 a.m. and reconvened at 11:05 a.m.

Commissioner Anderson stated she felt the substitute resolution is a fair attempt to include the people who are most concerned with efforts to come up with an agreement everyone can work with; that as public owners of public property, the County has more than a free market responsibility for its sale of the property; and that she hopes the County and Troutdale could work together to see that regional goals are met.

Commissioner Kafoury agreed that the County has a broader responsibility than just maximizing the price of the sale and that public interests must be weighed in making any decision.

Commissioner Bauman advised he would not be supporting the resolution.

Commissioner Kelley advised she strongly supports the resolution and agrees with all that's been said. Commissioner Kelley stated that the County has the option to either auction, bid or develop a request for proposal and that a request for proposal makes the most sense to her. Commissioner Kelley advised she feels that in order for the property to become a regional asset in the future, it is appropriate to take the time now to make a wise decision.

Chair McCoy advised she would not support the resolution, stating she believes the County has done everything Tri Met expected them to do and that she has not heard a convincing argument as to why the County should not let the market place and free competition hold sway. Chair McCoy stated she is not convinced that whatever the County does will have an impact on the Break Even project; and that she agrees with Troutdale that the property has been sufficiently studied and that its use is a land use issue for which Troutdale is responsible.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kafoury, it was UNANIMOUSLY APPROVED that the resolution be amended to reflect the dates of May 24 to adopt the criteria and name the Taskforce, and June 19 for the Taskforce to report back to the Board.

Resolution 90-55 APPROVED with Commissioner Bauman and Chair McCoy voting nay.

There being no further business, the meeting was adjourned at 11:20 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH C. ROGERS

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