

MINUTES & NOTICE OF BOARD ACTION

BOOK 145 PAGE 0442

APPROVED 8-7-90

LANE COUNTY BOARD OF COMMISSIONERS



This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

July 3, 1990
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Commissioners'
Conference Room

Chair Bill Rogers presided with Steve Cornacchia, Ellie Dumdi, Jack Roberts and Jerry Rust present. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

Rogers announced that there was a correction on item 7.C.1. The HIV clinic expansion will be \$9,650.

2. PUBLIC COMMENT

Terry McDonald, 3063 Whitbeck Boulevard, testified in favor of BRING Recycling and stated that BRING was a concerned and responsible agency.

Dan Knapp, 639 West 29th Place, asked the Board to preserve the status quo and award the bid to BRING.

Connie Toomey, 2577 Harris Street, asked the Board to reconsider the award of the contract and to look at the years of reliability BRING has provided.

Kit Kirkpatrick, 2076 Lincoln Street, commented that Northwest Resource Recycling will not be able to perform the contract at this price and that the County will lose valuable services if the contract is not awarded to BRING.

Alice Soderwall, 2493 Harris Street, of the Glass Station, commented that BRING has a record of good service.

Tom Agamenoni, 505 Kelly Boulevard, commented that BRING was a pioneer in this community and asked the Board not to dismantle it.

Todd Berger, 424 Knoop, commented that he enjoyed the services that BRING provides to this community and stated that the education provided by BRING was important.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

5. COUNTY ADMINISTRATION

a. Announcements

None.

b. DISCUSSION/Lane County SAVE Program

Jack Lindstrom, Management Analyst, presented this item to the Board. The Board discussed the following questions with Lindstrom: 1) Should awards be given for proposals that are a logical extension on a previous proposal; 2) Can a supervisor submit a proposal on behalf of an employee; If "yes", how should the award be presented; 3) Should the County Administrator be deleted from the evaluation of savings proposals; should the Board of Commissioners be the final determination; and should the Board of Commissioners receive a report for all denied proposals that are appealed; 4) should all employees be excluded from cash awards because their proposal is within the scope of their duties; should ALL employees be eligible for cash awards; 5) should the formula for cash awards be changed; should the formula for paid time off be changed; and 6) Can the SAVE program continue without an adverse impact on morale.

The majority of the Board concurred with items 1 and 2; they approved the deletion of the County Administrator from the evaluation process and agreed to be retained as the final determination and receive a report of appeals on item 3; the Board concurred in item 4 that supervisors and managers should be excluded and that employees should be excluded if their job description lists new ideas as part of the position; the Board will not change the formula for cash awards in item 5, but recommended that changes be made for paid time off; and the majority agreed, regarding item 6, that the benefits outweighed the detriments at this time.

c. ORDER 90-7-3-1/In the Matter of the Appointment of County Housing Policy Board Member

MOTION: Approval of the appointment of Jack Roberts to the Housing Policy Board. Cornacchia MOVED, Dumdi SECONDED. **VOTE:** 5-0.

6. PUBLIC WORKS

- a. DISCUSSION AND FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 984/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan Diagram to Conform with the Glenwood Refinement Plan and Adopting a Severability Clause (Second Reading & Public Hearing: July 25, 1990, 7:30 p.m. , in Harris Hall Main Floor)

Rogers read the ordinance into the record.

MOTION: Approval of First Reading and setting Second Reading and Public Hearing for July 25, 1990, at 7:30 p.m. in Harris Hall. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

- b. DISCUSSION AND FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 983/In the Matter of Adopting the Glenwood Refinement Plan, Refinement Plan of the Eugene-Springfield Metropolitan Area General Plan Diagram, Repealing Ordinance No. PA 913, and Adopting a Severability Clause (Second Reading & Public Hearing: July 25, 1990, 7:30 p.m., in Harris Hall Main Floor)

MOTION: Approval of First Reading and setting Second Reading and Public Hearing for July 25, 1990, at 7:30 p.m. in Harris Hall. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. DISCUSSION AND FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 985/In the Matter of Amending Chapter IV of the Eugene-Springfield Metropolitan Area General Plan to Streamline the Plan Amendment Process and Adopting a Severability Clause (Second Reading & Public Hearing: July 25, 1990, 7:30 p.m., in Harris Hall Main Floor)

MOTION: Approval of First Reading and setting Second Reading and Public Hearing for July 25, 1990, at 7:30 p.m. in Harris Hall. Dumdi MOVED, Roberts SECONDED. Rogers asked about the reference to MAPAC and Gary Darnielle, Hearings Official, commented that this reference would be removed at a later date. Cornacchia stated that he would not approve the division of this package. Darnielle stated that this portion of the Public Hearing could be canceled and that he could come back with the Metro Plan amendments. VOTE: 2-3, Cornacchia, Dumdi and Rogers dissenting. Motion fails. Roy Burns, Land Management Manager, commented that this could go to the Land Conservation and Development Commission (LCDC) by September and Rogers suggested that Burns proceed to LCDC.

- d. DISCUSSION AND FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 6-90/In the Matter of Amending Chapter 12 of Lane Code to Conform to Revisions to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan Concerning Amendments and

Refinements (Second Reading & Public Hearing: July 25, 1990, 7:30 p.m., in Harris Hall Main Floor)

Pulled.

- e. ORDER 90-7-3-2/In the Matter of Appointing a Member to the Parks Advisory Committee

John Goodson, Director of Public Works, presented this item to the Board. Dumdi suggested that Linda Fischer be appointed as she was a rural resident.

MOTION: To appoint Linda Fischer to the Parks Advisory Committee. Dumdi MOVED, Roberts SECONDED. Rust commented that the recommendation made by the committee was a superior candidate. VOTE: 4-1, Rust dissenting.

- f. RESOLUTION AND ORDER 90-7-3-3/In the Matter of Transferring Jurisdiction of Two Sections of State Highway to be Established as County Roads and Imposing Restrictions on Through Truck Traffic

Goodson presented this item to the Board. Cornacchia asked if this would restrict log trucks traffic and Goodson stated that it would not.

MOTION: Approval. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

This meeting recessed at 10:25 a.m. to reconvene at 10:38 a.m.

- g. ORDER 90-6-27-7/In the Matter of Awarding a Contract to Northwest Resource Recycling, Inc., for Full-Line Recycling Services at the Glenwood C.R.S.

Ken Sandusky, Recycling Coordinator, presented this item to the Board and stated that there had been an appeal by BRING to the award of the contract to Northwest Resource Recycling. He stated that the staff analysis concluded that the criteria were fairly applied.

Cornacchia commented that one area of confusion revolved around leaving the maintenance of the community drop boxes at \$46,000 out of the analysis and asked if the County could require a more comprehensive RFP. Bill Van Vactor, County Counsel, stated that a more comprehensive RFP could be required.

Floyd Prozanski, President of the Board of Directors of BRING, and Bruce Philbrick, General Manager, presented testimony on behalf of BRING. Jim Walpole presented testimony on behalf of Northwest Resource Recycling.

Cornacchia commented that he could find no fault with the manner in which the raters did their job, but that he did see the \$46,000 as an

additional service and that it was his position to give the public the best service for the money. He suggested that the RFP be more comprehensive and stated that he would put a higher priority on curbside service than he would on neatness at the dump site.

Rust stated that this was a close call between two fine organizations. He stated that he would award additional points for additional services and give the contract to BRING.

Dumdi commented that the County has made an effort in community-wide recycling in the last one and one-half years and that she would award BRING additional points for additional services, also.

Roberts commented that there was a one point margin between two of the raters and that by his point system BRING would have received 84 points to NWRR's 80. He stated that he was concerned that the Board was substituting its judgment for that of the committee and would leave the award with NWRR.

Rogers stated that the Board should be careful of substituting its judgment for that of the raters and commented that a fair evaluation had been done.

MOTION: To award the contract to BRING and to enter findings regarding the additional services provided by BRING such as the newsletter, education at the site and the \$46,000 in recycling credits with the outside drop boxes. Rust MOVED, Dumdi SECONDED. Van Vactor will bring an order back for the Board's approval. Rust asked to have the motion reflect the superiority of BRING's personnel and equipment as well. Dumdi concurred. Rogers suggested that the Board examine the RFP prior to the next contract. VOTE: 3-2, Roberts and Rogers dissenting.

This meeting recessed at 11:55 a.m. to reconvene at 1:30 p.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Roberts read from a recent article in Time Magazine regarding spotted owls and old growth.

Rust reported on his recent trip to Washington DC to present a paper on yew trees to the American Cancer Society. He stated that some uterine cancer can be treated with a molecule from the yew tree.

Cornacchia announced that he had received a call from Representative Dwyer regarding boat trailers being parked on County landings preventing access by other boaters. Van Vactor stated that he will review the ordinance and the posting requirements for boat landings. Cornacchia stated that he would contact Public Works regarding posting at the landings.

Rogers announced that Willamalane is putting in gates on Clearwater Lane.

Dumdi announced that Newsweek should have a more balanced article out soon on old growth.

7. CONSENT CALENDAR

Rogers asked to have item 7. C. 1. pulled for discussion and Cornacchia asked to have items 7. A. and 7. E. 1. pulled from the Consent Calendar.

- A. Approval of Minutes: June 5, 1990, BCC/Department Managers
 1:30 p.m.
 June 6, 1990, Regular Meeting
 Following HACSA
 June 6, 1990, Regular Meeting
 1:30 p.m.
 June 12, 1990, Work Session
 8:30 a.m.

Pulled.

B. Finance and Management Services

- 1) ORDER 90-7-3-4/In the Matter of Award of Bid CP 89/90-15 for Requirements Purchase of Photocopier Maintenance Services

C. Health and Human Services

- 1) ORDER 90-7-3-5/In the Matter of Appropriating Additional Revenues and Expenditures in the Amount of \$12,000 for Homeless SLIAG Services; \$9,650 for HIV Clinic Expansion; and \$35,386 for Mental Health Services in the Department of Health & Human Services

Pulled.

D. Public Safety

- 1) ORDER 90-7-3-6/In the Matter of Authorizing an OLCC License Renewal for Linda Lou & Sidney Wayne Carpenter dba: Camp Creek Store, Springfield
- 2) ORDER 90-7-3-7/In the Matter of Authorizing a Change Ownership-OLCC License for Patrick A. & Bobbie J. Ransier dba: Siuslaw River Grill, Florence

E. Public Works

- 1) ORDER 90-7-3-8/In the Matter of Awarding Wetlands Consulting Services Contracts

Pulled.
- 2) ORDER 90-7-3-9/In the Matter of Awarding a Contract to St. Vincent de Paul for Repairable/Reusable Recycling at the Glenwood C.R.S.
- 3) ORDER 90-7-3-10/In the Matter of Dedicating a Parcel of County-Owned Land for Public and County Road Purposes (Heceta Beach Road) (18-12-10)

MOTION: Approval of the balance of the Consent Calendar. Rust MOVED, Roberts SECONDED. VOTE: 5-0.

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Cornacchia stated that Board support for the long-term lease with BMX at Alton Baker Park was not reflected in the Minutes of June 6, 1990. The Minutes were revised to add the Board concurrence on a long-term lease for BMX. Rogers commented that the Board Order adopted last week had incorporated this revision. Cornacchia commented that he intends to write a letter to the Eugene City Manager expressing the Board's interest in a long-term lease with BMX. Rust suggested that a letter be sent to the City of Springfield also. Rogers commented that both cities are supposed to be involved in the overall discussion on Alton Baker Park.

MOTION: Approval of the Minutes with the above understanding. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

C. Health and Human Services

- 1) ORDER 90-7-3-5/In the Matter of Appropriating Additional Revenues and Expenditures in the Amount of \$12,000 for Homeless SLIAG Services; \$9,640 for HIV Clinic Expansion; and \$35,386 for Mental Health Services in the Department of Health & Human Services

Margo Drivas, Assistant County Administrator, commented that this order amends last year's budget. This order would show

substantial compliance with state budget law, but it may come up with the auditors at a later date. Rogers asked if it was possible to get a letter from the Department of Revenue for the County record and Drivas stated that she would send a letter repeating this conversation.

MOTION: Approval. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

E. Public Works

- 1) ORDER 90-7-3-8/In the Matter of Awarding Wetlands Consulting Services Contracts

Cornacchia stated that he needed to be certain how much money the County is spending as this contract states "amount as needed". This item was held over to obtain a report from Ollie Snowden, County Engineer, later in the meeting.

8. COUNTY COUNSEL

- a. ORDER 90-7-3-11/In the Matter of Amending Lane Manual Chapter 3 to Provide a Policy for Use of County Letterhead Stationery for the Board of County Commissioners (LM 3.007)

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance 7-90/In the Matter of Amending Chapter 17 of Lane Code to Revise the Nuclear Free Zone Ordinance Narrowing its Scope to Prohibit Design, Development, Manufacture, Production, Maintenance, Storage of Nuclear Weapons or their Components, Making Related Changes and Enacting a Separability Clause (LC 17.100-17.145) (Second Reading & Public Hearing: July 25, 1990 at 1:30 p.m., in Harris Hall Main Floor)

Rogers read the ordinance into the record.

MOTION: Approval of the First Reading and setting Second Reading and Public Hearing for July 25, 1990, at 7:30 p.m. in Harris Hall. Roberts MOVED, Dumdi SECONDED. Cornacchia commented that he did not personally want nuclear materials in this community; however, he did not see any harm in including design and development of nuclear materials in this ordinance. This ordinance deals with the physical nature of the industry and not the conceptual nature of the industry. He commented that this ordinance does not address the short or long-term storage of nuclear wastes in this community.

Rust commented that designing and developing nuclear weapons is just one step on the continuum that leads to manufacturing, storage and ultimate possible use. This would go against the basic intent of the nuclear free zone and the purpose of the ordinance. Rogers commented

that his understanding of the motion to amend this ordinance was that it conform to the City of Eugene ordinance for uniformity. Roberts commented that he is against certain aspects of this ordinance in principal, but stated that the best chance to avoid problems is to adopt the ordinance of the City of Eugene.

MOTION: To remove the words "design, develop and morals" from the ordinance. Cornacchia MOVED, Rogers SECONDED. VOTE: 3-2, Roberts and Rust dissenting. MOTION: To adopt the code as amended. Cornacchia MOVED, Dumdi SECONDED. Rust commented that this amendment was a sell-out of the basic concept of the nuclear free zone and that many people did believe that this was a moral question. He stated that the Board could have quietly made the County ordinance consistent with the city ordinance and that changing it will allow this issue to plague this community for sometime to come. Roberts commented that he did not want to see this battle over this issue continue to polarize this community when there are other more important issues that need to be resolved. The County has a nuclear free zone and the Board should keep faith with the majority of the community and not make small changes to it. Dumdi commented that the arguments made by Roberts regarding the level of controversy were good ones. VOTE: 0-5, motion fails. MOTION: To approve the First Reading of the ordinance as prepared by Legal Counsel. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

- c. ORDER 90-6-27-24/In the Matter of Adopting Findings and a Final Decision on the Appeal of the Hearings Official Imposition of Noise Control Conditions to Satisfy a Conditional Use Permit for the Operation of the Greenhill Humane Society Facility at 88530 Greenhill Road, Eugene, Oregon (PA1011-89)

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. Stephen Vorhes, Assistant County Counsel, commented that he had not heard from either side on this issue. Vorhes asked for ex parte contacts by the Board and the Board reported that it had had none. VOTE: 4-0, Roberts abstaining.

9. HEALTH AND HUMAN SERVICES

- a. ORDER 90-7-3-12/In the Matter of Accepting the FY 90/91 Intergovernmental Agreement Between the State of Oregon Community Services Division and Lane County in the Amount of \$597,212; to Approve the Program Services Plan; and to Delegate Authority to the County Administrator to Sign the Agreement and Subsequent Contracts in the Department of Health & Human Services

Rob Rockstroh, Director of Health and Human Services, presented this item to the Board. MOTION: Approval. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

- b. ORDER 90-7-3-13/In the Matter of Accepting Amendments #20 and #24 to the 1989-91 Intergovernmental Agreement #20-001 With the State Mental Health Division; Delegating Authority to the County Administrator to Sign the Subsequent Subcontract Amendments; Decreasing Appropriations of \$84,894 in Service Programs for the Mentally Ill in the Department of Health & Human Services

Rockstroh presented this item to the Board and stated that there will be no impact to the service delivery to the mentally ill; that this is basically a swap of funds. MOTION: Approval. Roberts MOVED, Cornacchia SECONDED. VOTE: 5-0.

- c. ORDER 90-7-3-14/In the Matter of Accepting the FY 90/91 Intergovernmental Agreement Between the State of Oregon Adult and Family Services Division and Lane County in the Amount of \$58,404; to Approve the Service Plan; and to Delegate Authority to the County Administrator to Sign the Agreement and Subsequent Subcontracts

MOTION: Approval. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

7. CONSENT CALENDAR

E. Public Works


- 1) ORDER 90-7-3-8/In the Matter of Awarding Wetlands Consulting Services Contracts

This item continued from earlier in the meeting.

Drivas commented that she had spoken with Snowden and John Goodson, Director of Public Works, and that the RFP was on the basis of a one-year contract with the opportunity to extend for years 2 and 3; therefore, Public Works believes that the prices are probably keyed into the first year. There are 2-4 projects needed immediately and Snowden had commented that it would be difficult to put a dollar figure on these projects.

MOTION: Approval of this contract with a \$50,000 limit on each project for the first year and with an option to renew for year 2 and 3. VOTE: 5-0.

There being no further business, this meeting adjourned at 2:40 p.m. for Executive Session.


 Judy Haldeman
 Recording Secretary