

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING - REVISED 5/21/99
DATE: May 27, 1999
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. AUDITOR COMMUNICATIONS
5. MPAC COMMUNICATIONS
6. METRO LEGISLATIVE UPDATE PacWest
7. CONSENT AGENDA
- 7.1 Consideration of Minutes for the May 20, 1999 Metro Council Regular Meeting.
8. ORDINANCES - FIRST READING
- 8.1 **Ordinance No. 99-806**, For the Purpose of Granting a Composting Facility License to the Relocated ~~City~~ of Portland Leaf Composting Facility. *to REM*
9. ORDINANCES - SECOND READING
- 9.1 **Ordinance No. 99-798**, Amending the FY 1998-99 Budget and Appropriation Schedule in the Solid Waste Revenue Fund by Transferring \$6,592,000 from Contingency to Materials and Services in the Regional Environmental Management Department for Prepayment of Fixed Payments as Set Forth in Change Order No. 24 to the Waste Transport Services Contract; and Declaring an Emergency. Washington

9.2 **Ordinance No. 99-802**, For the Purpose of Amending the FY 1998-99 Budget and Appropriations Schedule in the Planning Fund Transferring Appropriations from Capital Outlay to Materials and Services for the Transit Oriented Development Program; and Declaring an Emergency. Bragdon

9.3 **Ordinance No. 99-804**, Amending Metro Code Section 4.01.050, and Revising Admissions Fees and Policies at the Oregon Zoo. Washington

10. RESOLUTIONS

10.1 **Resolution No. 99-2791**, For the Purpose of Approving the FY 2000 MTIP Modernization Program Developed Through the Priorities 2000 Process. Kvistad

10.2 **Resolution No. 99-2794**, For the Purpose of Urging Balance in the Regulation of Pesticide Use in an Urban Area. Park

11. CONTRACT REVIEW BOARD

11.1 **Resolution No. 99-2786**, For the Purpose of Approving Change Order No. 24 to the Waste Transport Services Contract. Washington

12. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for May 27, 1999 Metro Council Meeting

	Sunday (5/30)	Monday (5/31)	Tuesday (6/1)	Wednesday (6/2)	Thursday (5/27)	Friday (5/28)	Saturday (5/29)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 P.M.					
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)							
CHANNEL 30 (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)							
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 P.M.						
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)		12:00 P.M. (5/20 meeting)		10:00 P.M.	11:00 P.M. (5/20 meeting)	10:30 P.M. (5/20 meeting)	7:00 A.M. (5/20 meeting)
CHANNEL 19 (Milwaukie TCI) (Milwaukie)	4:00 P.M. (5/20 meeting)					10:00 P.M. (5/20 meeting)	9:00 A.M. (5/20 meeting)

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

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Consideration of the May 20, 1999 Metro Council Meeting minutes.

Metro Council Meeting
Thursday, May 27, 1999
Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

May 20, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:11 p.m.

1. INTRODUCTIONS

Councilor Washington introduced Graham Cole, a kindergartner at Boyce Elliott Grade School. Councilor Washington indicated he used to work at the school and announced that Graham Cole had won the Metro's Earth Day contest. Councilor Washington read the ceremonial resolution into the record and presented the plaque to Mr. Cole.

Councilor Washington also introduced Mrs. Pace, the Principal for Boyce Elliott Elementary School, and Graham's parents and grandmother.

Graham Cole called for questions. Councilor Washington asked Graham where he got the idea to make the poster. Mr. Cole responded that he just got an idea in his head and did it.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain had no additional information.

6. METRO LEGISLATIVE UPDATE

Mike Burton, Executive Officer, spoke about Resolution No. 99-2800 concerning the gas tax. He said that this would be before council today. He reviewed the house bill concerning the gas tax. Metro had been asked to take a position on the bill, it would be coming up for a vote in the legislature very soon.

Presiding Officer Monroe called for a motion to suspend the rules to consider Resolution No. 99-2800. It took five votes to suspend the rules.

Motion: **Councilor Kvistad** moved to suspend the rules to consider Resolution No. 99-2800.

Seconded: **Councilor McLain** seconded the motion.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Washington absent from the vote.

12.5 **Resolution No. 99-2800**, For the Purpose of Endorsing House Bill 2082 to Increase State Transportation Revenues.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 99-2800.

Seconded: **Councilor Park** second the motion.

Councilor Kvistad said, from a regional level, transportation funding was critical. Funding had hit a point where we were desperate for basic money to fill potholes and to do basic maintenance. He fully endorsed this resolution. He felt Bob Montgomery, Chair of the Transportation Committee in Salem, had done a masterful job of having this bill before the house. He believed that the funding package was good for the region. He urged support of the Council.

Presiding Officer Monroe personally thanked Representative Montgomery of the House Transportation Committee and Representative Strobeck of the House Revenue Committee. Both of these representatives were far sighted in their work on this measure. He also urged the council to support the resolution, urged the full house to support the measure and expressed a wish that the Senate supported the bill in total as well.

Councilor Bragdon said during their discussion last week on the Transportation Improvement Plan, some of the local jurisdictions indicated that due to the short fall in state gas taxes some of which were shared locally, that they were bound to turn to the federal flexible fund to do road maintenance. Some of the local jurisdictions indicated that they preferred not to do this but until the state came through with some funding, they had no alternative. He asked, if this bill passed at the state level, would there be a mechanism for local jurisdictions to use some of this money to back fill and use federal flexible funds for non-road items?

Mr. Andy Cotugno, Transportation Planning Director, said that JPACT had discussed this last Thursday. What JPACT requested was that when the dust settled and we knew what happened with the legislature that they come back and visit that very question. They could then see where the increases were, what it allowed the jurisdictions to do and did it impact any of the projects where Metro had allocating funds. They would consider the possibility of moving some of the funds or completing some projects that were partially funded. JPACT anticipated coming back and reexamining the whole question of where was this money going to flow to and how did it effect all of the projects that had been allocated funds.

Councilor Bragdon said he was supportive of this resolution and would be voting yes.

Councilor Atherton asked about the \$.02 that would be used to prepare bonds for construction. Did this only go for expansion of the roadway system or could the money be used for maintenance and preservation.

Mr. Cotugno said he thought it was earmarked specifically for modernization not maintenance and preservation. The other portions of the funds, the \$10, the weight-mile taxes and the other \$.04, would be used for maintenance and preservation, but the \$.02 would be used to retire bonds for a modernization program and was earmarked in that fashion.

Councilor Atherton asked, the revenue that would be generated by that \$.04 plus the registration fees, would those provide sufficient funds to maintain the infrastructure here in the region.

Mr. Cotugno said they didn't have numbers from legislative revenue on how the money got distributed, so he couldn't give a direct answer. It certainly helped a lot, but it was a stop-gap measure. Regardless of how much came into the cities and counties, it was still a resource that would lose ground to inflation and fuel efficiency over time, so five years out that gap would reappear. They did not have the numbers yet on how much of the gap it filled.

Councilor Atherton said to get a frame of reference for how deep that hole was, we had had conversations that \$.01 of gas tax here in the region would generate a little over \$5 million in revenue that we could use for maintenance. We had come up with a number that seemed solid, at least \$25 million per year, probably more, in unmet maintenance needs in the region, so that would be \$.05 or \$.06 right there that would be needed for maintenance and preservation.

Mr. Burton added, that number was only for city and county roads' needs, it did not include the state system roads.

Councilor Atherton said we were really not fixing the problems, only helping it. The one concern he expressed was going into debt to do the new projects. We had been talking for some time about having growth pay its own way, that there be other ways to do that, and when we had an unfunded maintenance need, he wanted to reconcile this \$.02 to go into debt to build new roads when we didn't have enough to do maintenance .

Mr. Burton said that Councilor Kvistad might be in a better position to answer that as a matter of policy for the state. The newspaper reported that the governor had expressed some hesitation. The State of Washington passed a billion dollar revenue bonded for roads and it was expending money further out as the revenues came in from gas. His response was that we were in such a terrific mine on these projects right now that we had to get to them. The revenues would be assured by the gas taxes coming in, but five years down the road it was going to present another problem as we were using that. That was one of the cruxes of this, when you used revenue bonding you did get a big hit up-front, but later on you were going to have to pay that back, and that was going to use those revenues. He was glad to see that it was \$.02 in addition to the \$.04, rather than some of the proposals that he had heard to use part of the basic \$.04 or even some of the existing gas tax for bonding. This would be, essentially new money, but the funding issue remained.

Councilor Kvistad said statewide there was a \$5 billion unmet need for transportation. There were 3 million people in the state of Oregon. We had a deficit need of about \$1500 for every

person in the state just to bring state infrastructure up to a standard level, of roads that function, with curbs, we were not talking new highways. Many of the people on the House side had at least added that \$.02 for that \$.04 bonding package that allowed us get to some of those needs early, but even with that it was \$600 million, which was a lot of money in the big picture, but \$600 million just scratched the surface of the unmet need. If we were to talk about new roads and highways and a bigger package we had a 25 year forecast of up to 14 billion potentially statewide. It was difficult when you were in Salem to raise taxes for infrastructure, but this in particular was something that was critical for us to even be able to function. It was not really a land use issue other than land use and transportation were tied together. It was a critical package that must be moved forward and we had to have something from Salem this session. It still had to get through the Senate, which was one of the reasons the Council was considering endorsement.

Councilor Atherton appreciated Councilor Kvistad's clarification, his concerns were that we say "need" or was it a want. There was a critical need for funds for the maintenance of the existing infrastructure but when it came to going into debt and spending more money and saddling children with debt and future users with debt this got to be a problem. He felt that there was a way to cure this, one would be to allow a process in this legislation, if that was necessary, where the beneficiaries of the new projects would contribute to it in much the same way that we found in our Priorities 2000 process that we had been going through. Many of the applicants, people wanting projects, came into this room and said we were doing an LID, we were contributing to this with SDCs, growth was paying its way, or at least a portion of it, making a contribution. He asked if there was a way in this legislation that we could build that in so that those contributions would be made over time as development took place, moneys would go back into this fund, pay down those bonds. Those moneys would subsequently become available, if there was an excess, to use for maintenance of the existing system. He suggested collecting those SDCs, LIDs to pay back that money. He thought it was an appropriate process and asked whether it was ever discussed in Salem.

Councilor Kvistad said in the perfect world and at level zero, meaning that their basic needs were funded, instead of 5 billion under level zero, then the approach that Councilor Atherton suggested for new projects and programs would tie in, but this was just getting the state up to the standard. For example, imagine an LID program in Lake Oswego versus in John Day. If you were trying to bond rural roads sometimes we forgot that statewide—we live in a rural state, most highways and roads were rural in nature, the farmers that lived there and used that—we eat the food that was grown there and the grain that was grown there was used to create jobs, but paying for some of those rural roads was next to impossible for rural jurisdictions, except for where we all paid for using the roads as part of a user fee, which was what a gas tax was. Councilor Kvistad admitted to being fiscally conservative and he didn't love taxes, looking at the need that was out there, the unfunded need here, the long-term unfunded need, he saw these basic needs as a base, core, critical statewide need, of which some of that money was for our region. This funding would cover basic maintenance for roads to the coast, in eastern Oregon, in the mountains in Southern Oregon, the package statewide and bonding against that revenue was critically important to fund roads that were in horrible states of repair everywhere. Here in this region he suggested different things could be done to look at how we crafted policy on regional transportation issues, but statewide it was a much bigger picture and the hole was much deeper.

Councilor Atherton said he could understand Councilor Kvistad's argument in terms of unfunded need where we had exceeded the capacity of the infrastructure today and we needed to

build that up rapidly and use debt to accommodate that, that was reasonable. He would be perfectly comfortable if it were the full \$.06 to maintain the existing infrastructure, then we would look for other processes to build this up. He saw the point about picking up the unfunded need in the capacity we needed right now to relieve congestion. He said Councilor Kvistad's discussion about the rural parts of the state and the agriculture, that became interesting, because often people had critiqued that because what we were doing with these roads was providing subsidies to country living. If we were truly for agriculture let us make a deal on that and make sure that it stayed agriculture and it was not just rural subdivisions. He appreciated the conversation.

Councilor Park said we needed to recognize this as a user fee even though it was proposed as a tax. Just the fact that we had so much need we had been driving on yesterdays dollars or the good will of the prior people who had put the dollars ahead of us. We just needed to put that back into the infrastructure for the children, for the people following us that would be doing this, so this was a measure that he supported.

Councilor Washington was supporting this resolution. The state and the region were so far behind that we never seemed to quite get there. This was a good step in the right direction, it was not perfect, but nothing every was in this business.

Councilor Kvistad said having the council having this conversation and putting our voice behind the men and women in Salem, both Republican and Democrat, was a positive. Everyone in the legislature recognized that the Council didn't have a political affiliation, we were a non-partisan council, we had spent a long time working on these transportation issues. Stepping up to the plate, partnering with the men and women in Salem, was a positive thing for us and for the region.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Mr. Burton noted several bills and asked Mr. Cooper to review the specifics.

Mr. Dan Cooper said that

- SB 1062**, which was a purchase of conservation easements, authorizations for the greenspaces program had now passed both houses and was on its way to the governor's desk.
- SB 1031**, the transfer from the Multnomah County Commission to this Council the authority to approve annexations to the Metro, was pending on the third reading calendar in the house and was working its way to the top as the house was considering a large volume of bills at this time.
- SB 838**, a bill for partitioning EFU land for park purchases and **SB 964**, pool chlorine bill, were both the subject of hearings and possible work sessions in the house committee, House Water and Environment Committee Friday afternoon, Councilor McLain and Mr. Cooper would be down there to testify. Yesterday Councilor McLain, Mr. Cooper, and Mr. Phelps talked to a number of the committee members, and did not expect that they would have a problem getting those bills out of committee and onto the house floor.
- SB 1187**, which exempted exception lands from Goal 14, was the subject of a hearing before that same committee Friday afternoon. Councilor McLain would be testifying to reflect this Council's opposition to the bill. We also had the opportunity to speak to

committee members about that bill yesterday while we were working down there. He could not predict the outcome, but they had communicated why Metro was opposed to this bill, and why it was the sole bill that Metro had singled out for active opposition.

•SB 87 the 20 year land supply for economic development purposes was continuing to be the subject of meetings between interested parties Creec, 1000 Friends, DLCD, and others. There was continued work on a proposed package of amendments that would take the amendments that were done with our involvement on the senate side into a house committee and add some provisions to state law that would make a number of the parties much more comfortable with the bill. Metro continued to monitor that to make sure that the bill would only require Metro to do that which it was committed to doing anyway on whatever time frame Metro was following, and it still had that status. One of the significant changes would be that the bill would direct local governments that were the subject of the requirements to first take measure to improve the efficient use of land within their Urban Growth Boundaries and to take those steps before considering any amendment to UGBs as a result of determining there was a need for employment land. As of this morning there was probably going to be language added that reflected the state's current hierarchy that any UGB amendments were directed toward exception lands first and EFU land only as a matter of last resort. Those pieces of bill continued to progress and it became more and more like 2040 for every large city and not just Metro.

Councilor Atherton asked Mr. Cooper about SB 1187, why it should apply only to the larger cities and not to the smaller ones.

Mr. Cooper said that topic had been discussed, and in part it was a reflection that current law required all cities to consider economic development as part of periodic review, and the sense of it was that if they were going to mandate that somebody do something they were going to stop someplace, so the big guys got hit on first.

Councilor Atherton said he could see a large adverse impact. If we started to look at the larger cities as places people worked, and we fled those areas and went to live in smaller towns that didn't have those kinds of mandates.

Presiding Officer Monroe asked if Mr. Cooper knew anything further on the prison siting.

Mr. Cooper said no.

7. FOURTH ANNIVERSARY OF THE METRO OPEN SPACES LAND ACQUISITION PROGRAM.

Mr. Burton said this the fourth anniversary of the Open Spaces Parks and Stream Bond Measure. This was one of the true success stories of Metro. He noted a map which showed where the purchases had been and some of the current open spaces. The 4404 acres that were indicated on there had made a significant contribution to the open spaces in reference to what already existed in this particular region. He called attention to the report, page 15 (a copy of which may be found in the permanent record of this meeting), Metro had obtained about 69% of our goal, our goal was to obtain about 6000 acres, with only 51% of the bond money. That didn't mean that we might get out there and begin to find later that more land was more expensive, but the tracking system that the department had used, and our acquisition team had been doing a great job in getting us those prices and those lands that we had brought in. On page 14 he noted the

administrative costs was only 3.8%, and if you included land transactional expenses, which you normally wouldn't, it was a total of less than 10% administrative and acquisition costs. That was another outstanding achievement by the department in keeping administrative costs low. The open spaces program was successful in a number of ways, due to the citizen support for this program and the department's ability to carry this program out. Charlie Ciecko, department chair, and Jim Desmond, head of the open spaces program, Nancy Chase and the acquisition teams had done an outstanding job.

Charlie Ciecko, Regional Parks and Greenspaces Department Director, said he remembered the day well, shortly after the bond measure passed and Mr. Burton was going over the estimates that had been included in the measure, and they had 13 or 14% identified for bond issuance costs and administrative costs, and Mr. Burton informed department staff that in no way would administrative expense exceed the 10%. His motivation had spurred the department along to keep those costs down, so they thanked him for that. On May 16, 1995, voters approved Measure 26-26, the Open Space Parks and Streams Bond Measure by a margin of almost two-to-one. This \$135.6 measure, which was focused primarily on land acquisition was the largest of its kind ever approved in the state of Oregon and was one of the largest of its type ever approved in the country. Four years had passed and he was pleased to be able to report that over 4400 acres had been acquired in 146 willing seller transactions. Included were more than 27 miles of stream and river frontage which was appropriate and timely considering the plight of salmon and steelhead here in the Portland metro area. Also, it included thousands of acres of valuable wetlands, meadows, and upland forests. These lands would be important elements of the regional system of parks, natural areas, open spaces, trails and greenways for wildlife and people that was envisioned in the Greenspaces Master Plan as well as the Regional Framework Plan. He was pleased to say that they were on schedule and under budget. They were confident that they would meet and exceed the goal of 6,000 acres that was identified in the bond measure. Equally important was the significant progress that had been made by our local partners in implementing the 100 local share projects that were identified in the bond measure.

To date 65 of these projects had been completed. In previous progress reports they had highlighted success which had included the public process which recommended the components and size of the bond measure, the sale of the bonds, the value of the workplan established by council which delegated certain responsibilities to the executive officer which allowed them to be competitive in what was typically a private side business. Finally, the refinement plans which the Council adopted for each of the target areas, together these actions had created a foundation for success, which had made this program a national model. The department was contacted on a regular basis and were very proud of the progress to date. He recognized the staff in Open Spaces. They convinced landowners to become willing sellers, most of the acquisitions were not people who had put their land on the market. They had been approached, they had been sold on a vision and an idea, and that took a lot of commitment and passion. The department was fortunate to have staff that were very capable in that regard. They negotiated the contracts, they did diligence and they closed the deals. Many of the faces the Council recognized and knew, however others worked quietly behind the scenes. He introduced the staff.

Councilor Washington asked Mr. Ciecko what uplands were.

Mr. Ciecko said they were those areas that were neither wetlands nor riparian, they were well-drained drier sites, hill sites, forested areas in particular, meadows as well.

Jim Desmond, Regional Parks and Greenspaces Department, gave a slide presentation (a copy of the slides may be found in the permanent record of this meeting) about the Open Spaces program. They did this slide show all over the region several times weekly. They got a great response wherever they went and had tremendous support throughout the region. The bond measure had two parts, the regional and local, the left side of the slide was the regional, which was the \$110 million, all of which was earmarked for land acquisition, with the exception of the Peninsula Crossing Trail where we did a capital project. The distinct thing about this measure was that it specified 14 target areas and 6 regional trailways and greenways, and said that all of the money would be spent there. This was in contrast to the failed 1992 bond measure, the \$200 million that did not have that kind of specificity, and the Council's direction had been a key element of the success of the program. The local share was administrated by Metro, who distributed the money to the 26 cities, counties and park providers in the region. Those funds could be spent for either land acquisition or for capital improvements in existing parks. There were 100 specific projects identified in the bond measure. The advantages and goals of land acquisition were to provide access to nature, future recreational opportunities such as access to waterways, birdwatching, picnicking, hiking, clean air and water, protect our nice vistas, protect natural areas for fish, wildlife and people, and resources for future generations, both forested and water resources. We had acquired 69% of the goal stated in the bond measure, he thought of that as a minimum goal, and hoped they would exceed it. They had expended about 51% of the available funds which included the interest that the fund earned. The bonds were sold on day one, so Metro had had some interest earnings within the federal limitations on that. To put the administrative costs in perspective, the city of Gresham had their own bond measure, it was a smaller jurisdiction and a smaller bond measure, they just issued a report on their bond measure, and their administrative expenses had run about 18%. The Nature Conservancy's, which was considered the most successful national land acquisition-conservation group, administrative expenses had run about 19%.

Councilor Washington commented to the Open Spaces staff, he thought that this was a great example of an unbelievable program. To get this in the composite was wonderful. They had done a great job. He had followed this closely and felt very fortunate that his district had benefited from these efforts, he thanked all of the staff. These activities would be measured when all of us were gone.

Councilor McLain added to Councilor Washington's comments. She had asked originally that they add the local share projects to the map, she had already used the map with two or three groups and they had enjoyed and appreciated seeing the coordination of those projects with the regional ones and the local share ones. She believed that the Open Spaces Land Acquisition Report to Citizens was an excellent piece of work. The detail that this staff always came up with of working with volunteers, viewing a flood as an opportunity, and their thoughts of future negotiations, etc. had always been miraculous. They had great leadership and fantastic workers.

Councilor Atherton reported about his recent experience. Six weeks ago in Clackamas County with the Greenspaces Department a group of citizens had taken the initiative to form a local improvement district to tax themselves to purchase some parklands. They had some tentative agreement from the city, but it was still not quite enough, and they were frustrated in their discussions with city staff, because they were worried that Metro would coerce them or take over their project if Metro were involved. This person called me up, within five minutes he was talking to Mr. Desmond, six weeks later, this evening they were going to celebrate a success, and they couldn't believe it. Mr. Desmond cut through the problem areas, found a solution, and in

six weeks it had gone from being a no-go project where citizens were active and interested and putting their money on the line, to a success.

Councilor Kvistad said to the staff, over the last year or two there had been some miraculous things happen in terms of making some of these deals, some of these were impossible. There had been decades of other jurisdictions trying to get properties into public use. He was impressed with some of the things they accomplished, and to work with sellers who would never in a million years sell their property to a government, and here we were with some of these spectacular properties. He was very proud of the staff.

Councilor Bragdon said while we were celebrating, redeeming the promise made in 1995, but really redeeming the promise was the next step beyond acquisition. He asked what the public opinion was about these accomplishments and to get these properties in shape for human and non-human use, was there a number for the costs of redeeming the properties.

Mr. Desmond said the public support was very strong but there was concern about the future. We had explained that we were land-banking and how the program worked, that Metro didn't have a dedicated funding source for the future of these parks at this time. There seemed to be concern about that, but an understanding that the bond measure was aimed at acquisition, that the bond measure was very clear about that. The crescendo over that question would increase over the next few years, so there was concern but no panic at this point. In terms of the order of magnitude, the department did have those figures, a master plan alone for any of these sites was somewhere in the vicinity of \$75-90,000, just to do the plan, much less to implement it. There were existing master plans for our existing parks that were not even close to fully implemented. So, the order of magnitude was definitely in the millions of dollars collectively.

Mr. Ciecko said they had made some very crude assumptions based on properties that we currently had that have been recently master-planned. They had some development numbers, extrapolating these and basing this on some assumptions, they were assuming that the properties that they expected would stay with Metro, because there was not another local partner out there that would appear to be willing or capable at this time, somewhere around \$25-30 million to construct the infrastructure to allow and support the public use.

Mr. Burton said he thought that this was one of the useful subjects to have on our agenda for our goal-setting. One of the things you looked at down the road was, having had a fairly good idea of what those needs might be, prioritizing and figuring out which ones Metro wanted to do and how, was another question. The third question was then how to provide the resources to do that. He knew that in the meetings he had had around the region, as this matter came up people felt very good about it, but all of us needed to remind everyone that there was an on-going, long-term view that needed to be taken until the public gave us a consensus about how they felt about that, and obviously the support we had for the initial measure was such that that was not going away.

Presiding Officer Monroe suggested they talk about this at the retreat on Monday and Tuesday.

Councilor Park said he felt very lucky to be involved in this. He asked Mr. Ciecko about the cost of annual maintenance.

Mr. Ciecko said he thought it was about \$4-6 million for operation and maintenance as well as environmental education programs. This was a reflection of the level of service that Metro provided in current parks and natural areas that we operate.

Mr. Burton closed by saying that not all of these negotiations had been easy. The staff had had to face difficult negotiations, but they always kept their eyes on the prize.

Presiding Officer Monroe said that this was one of the things that made his job fun. He thanked the entire staff.

8. 1998 YEAR END REPORT ON RISK MANAGEMENT.

Scott Moss, Administrative Services Assistant Director, said they were celebrating their eighth year of having a risk management division at Metro. The Risk Management Division consisted of Bill Jemison, Nancy Meyer who handled benefits, and Margaret Sprinkle who did a little bit of everything. Their goals were to save money, promote safety, and be prepared for emergencies. He noted a color presentation from the department dated May 20, updated from the one the councilor's packet. He asked Mr. Jemison to run through some of the highlights of the report.

Mr. Bill Jemison, drew the council's attention to report (a copy of which may be found in the permanent record of this meeting). Most departments had dropped in claims throughout 1998, Metro 39 claims last year, as opposed to the average of 50. MERC, REM and the Zoo had the big drops.

Mr. Moss said the Risk Management Program costs about \$1.1 million annually. They had been charging departments \$300-400,000 and using reserves to make up the difference. The reserves were from savings over earlier years. The reserves would be depleted, in terms of excess reserves, next year, so they were going to have to increase the allocation to be more in line with what actual costs were running. They benchmarked against other governments according to the Risk Management Organization, and their costs were half of what other governments ran.

Councilor Washington asked Mr. Moss if MERC, REM and the Zoo were getting better.

Mr. Moss said he thought the claims were improving considering the growth in each of these divisions. Their claims were coming down. If you looked at it in terms of their growth and the number of employees and the number of visitors it was actually very good news.

Councilor Atherton asked Mr. Moss about workers compensation costs for government generally and Metro. Did that include governments that had police functions and fire functions.

Mr. Moss said the benchmark was done by the Risk Management Organization and they benchmarked all governments, including those that had fire and police.

Councilor Atherton said if we had those kind of functions we might have those higher costs.

Councilor Park asked about the cost to self insure Metro.

Mr. Moss responded that we would not had to increase the entire amount, 41% came from interest earnings. They wouldn't have to charge departments that amount, so the cost would be the \$500-600,000 rather than the current \$300-400,000.

9. CONSENT AGENDA

9.1 Consideration meeting minutes of the May 13, 1999 Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of May 13, 1999 Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

10. ORDINANCES - FIRST READING

10.1 **Ordinance No. 99-798**, Amending the FY 1998-99 Budget and Appropriation Schedule in the Solid Waste Revenue Fund by Transferring \$6,592,000 from Contingency to Materials and Services in the Regional Environmental Management Department for Prepayment of Fixed Payments as Set Forth in Change Order No. 24 to the Waste Transport Services Contract; and Declaring an Emergency.

Presiding Officer Monroe assigned Ordinance No. 99-798 direct to the Metro Council. He indicated that the Council would discuss the ordinance at one of their informal times, and they would do this on all items that went directly to Council.

10.2 **Ordinance No. 99-807**, For the Purpose of Creating a Metro Parking Policy and Amending Chapter 2.14 of the Metro Code.

Presiding Officer Monroe assigned Ordinance No. 99-807 to the Metro Operations Committee.

11. ORDINANCES - SECOND READING

11.1 **Ordinance No. 99-803**, For the Purpose of Amending Chapter 3.09 of the Metro Code Relating to Local Government Boundary Changes and Declaring an Emergency.

Motion: **Councilor McLain** moved to adopt Ordinance No. 99-803.

Seconded: **Councilor Bragdon** seconded the motion.

Councilor McLain said that we actually did an ordinance that was related to this in December of 1998, and that ordinance was set up to relate to the procedures and criteria for this regional government and our local governments to make boundary changes. The amendments provided, in this particular document, those amended items, those technical items, small policy items that we actually cleaned up after that vote. This particular ordinance and the ordinance she just mentioned were both necessary after the boundary commission was dissolved. We had to have one in place by January of 1999. There were four items that were cleaned up in this particular ordinance. Those items include:

- The definition of what was a final decision. The need to changes this from the original definition was identified to make sure that we knew when the appeal to the regional commission could be made in jurisdictions that require voter approval. That was cleaned up and our local partners as well as the lawyers from the local jurisdiction had been working with a subcommittee from MPAC as well as with Mr. Cooper on these issues and they had agreed to that language.
- Notice period. This was to clarify the additional types of notice that could be provided at the discretion of the jurisdiction. This provided a specific minimum notice for special districts, which was important to get into those newsletters that were from some of these organizations that only had one newsletter monthly or might meet within that time frame.
- Expedited process. This was noted as being necessary. There were some very important specifics to clean up on this process. This section established a clear process where annexations for all of the property owners and at least 50% of the electors had petitioned for the change.
- Review criteria. There was a need to continue some conversation on the review criteria as it was substantially written, and it was rewritten to clean up some of the issues that both Metro and the local jurisdictions had in this section.

This had passed muster with the subcommittee of MPAC and it was a unanimous vote to go forward from our MPAC partners at their meeting. It also had been in front of the growth management committee meeting where it passed out 3-0. She added that Mr. Cooper or she would be happy to answer any questions.

Presiding Officer Monroe opened a public hearing on Ordinance No. 99-803. No one came forward. Presiding Officer Monroe closed the public hearing.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

12. RESOLUTIONS

12.1 **Resolution No. 99-2780**, For the Purpose of Amending the Water Resources Policy Advisory Committee Bylaws to Delete and Add A Voting Position and Add Notification Procedures.

Motion: **Councilor Bragdon** moved to adopt Resolution No. 99-2780.

Seconded: **Councilor Atherton** seconded the motion.

Councilor Bragdon said that this resolution would change slightly the composition of the Water Resources Policy Advisory Committee as well as the procedures for filling vacancies by publicizing them more. The Natural Resources Conservation Service of the federal government would remain a participant in the process, but would be a non-voting seat, and the West Multnomah Soil and Water Conservation District would become a voting seat as other Soil and Water Conservation Districts in the region already were. The changes to the procedures in appointments were simply to publicize the vacancies on WRPAC agendas in advance for more public discussion, and for the Growth Management staff to keep a list of interested parties in that. The committee itself approved of these by-laws changes unanimously.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed

12.2 **Resolution No. 99-2781A**, For the Purpose of Appointing Elizabeth Callison to the Water Resources Policy Advisory Committee.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2781A.

Seconded: **Councilor Kvistad** seconded the motion.

Councilor McLain said in this particular set of by-laws we had asked each one of the agency, citizen groups, or specialists that we believed were important as members of this committee to bring forward a name to be the representative of their group. In this particular resolution we had had the Western Soil and Water Conservation District of Multnomah County bring forward the nominee of Elizabeth Callison. They had appropriately sent a formal letter to the department and to Councilor McLain as chair of WRPAC, and she brought forward that nomination for a do-pass recommendation.

Motion: **Councilor Park** moved to table Resolution No. 99-2781A

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 4 aye/ 2 nay/ 1 abstain. The motion passed with Councilors Atherton and McLain voting no and Councilor Bragdon abstaining from the vote.

Presiding Officer Monroe said that he would write a letter to the Western Soil and Water Conservation District and ask them to submit another nominee.

12.3 **Resolution No. 99-2784**, For the Purpose of Confirming Lydia Neill and Barbara Edwardson to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2784.

Seconded: **Councilor Washington** seconded the motion.

Councilor McLain asked Mr. Cotugno to do this particular presentation.

Andy Cotugno said he was pleased to introduce two proposed nominees for the council's ratification on the Metro 401(K) committee. In this capacity they would be new to the committee. They were Lydia Neill from Growth Management Services and Barbara Edwardson from Parks. Both brought terrific capabilities to this group. This was a five-member committee that oversaw the 401(K) salary savings plan. Our objective with the committee was to have a good mix of people from represented and non-represented groups within Metro and from different buildings or sites within Metro so that there was good agency representation. Kathie Brodie from the Zoo was leaving the 401(K) committee, Bruce Burnett from MERC was staying on, Mr. Cotugno and Howard Hansen from this building were staying on, Gerry Uba from Growth Management was leaving the 401(K) committee, and they were picking up a Parks staff person and a Growth Management staff person, so they kept good representation. Barbara brings financial expertise and past experience with a similar committee in Springfield. The program so far had been quite successful, and they were happy to have new blood to help the committee out

and carry it into the next generation. There was a new round of education programs coming up in June. Vanguard representatives would be on site to visit with staff and give them information about how to effectively plan for their future.

Councilor Washington asked Mr. Cotugno what role he played on the committee.

Mr. Cotugno said he chaired it and that members of the committee got no monetary perks for being on the committee.

Councilor McLain closed by saying the nominees were outstanding in their own departments and would serve well here.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

12.4 **Resolution No. 99-2793**, For the Purpose of Appointing Michael Weinberg to the Water Resources Policy Advisory Committee.

Motion: **Councilor Park** moved to adopt Resolution No. 99-2793.

Seconded: **Councilor McLain** seconded the motion.

Councilor Park said he hadn't spoken with Mr. Weinberg, but had spoken with a member of the Clackamas County Soil and Water Conservation District. He was an officer of that group. He had been active in water issues, he was a water specialist in Southern Oregon. For the last four years he had attended meetings of the Clackamas County Soil and Water Conservation District, however it had only been into this last year that he actually became a member of that group. He brought a type of enthusiasm, was a committee builder and he would be a good committee member of WRPAC.

Councilor McLain said that in the last two or three months he had been attending the WRPAC meeting to get up to speed on these issues.

Councilor Park urged and aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

13. COUNCILOR COMMUNICATION

Presiding Officer Monroe asked Mr. Stone to give instructions for the retreat.

Mr. Jeff Stone, Chief of Staff, said they were working with a facilitator and it would include all of the councilors discussed. The consultant was coming up with a preliminary agenda for the group. Starting time was 12:00 with lunch at the Kennedy School, at 33rd and Killingsworth.

Councilor Washington looked forward to the retreat.

14. ADJOURN

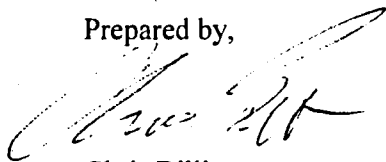
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There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:06 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
052099c-01	5/20/99	For the Purpose of Endorsing House Bill 2082 to Increase State Transportation Revenues	TO: Metro Council FROM: Mike Burton	Res No 99-2800
052099c-02	May 1999	Four years and 4,400 acres Metro's Open Spaces Land Acquisition Report to Citizens	TO: Metro Council FROM: Metro Open Spaces Program	
052099c-03	5/20/99	Metro Open Spaces, Parks & Streams Bond Measure map	TO: Metro Council FROM: Metro Open Spaces Department	
052099c-04	5/29/99	1998 Year End Report on Risk Management	TO: Metro Council FROM: Mike Burton	

Agenda Item Number 8.1

**Ordinance No. 99-806, For the Purpose of Granting a Composting Facility License to the Relocated City
of Portland Leaf Composting Facility.**

First Reading

**Metro Council Meeting
Thursday, May 27, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A NEW) ORDINANCE NO. 99-806
COMPOSTING FACILITY LICENSE TO)
THE RELOCATED CITY OF PORTLAND)
LEAF COMPOSTING FACILITY)
) Introduced by Mike Burton,
) Executive Officer

WHEREAS, Metro Code Section 5.01.045(b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, The City of Portland Leaf Composting Facility has relocated its Metro-licensed (YD-0297), municipal leaf composting operations from 9646 NE 33rd Avenue, to a new site located at 9325 NE Sunderland Avenue, in Portland Oregon; and

WHEREAS, Metro Ordinance Number 97-717 authorized the Executive Officer to enter into a licensing agreement (YD-0297) with The City of Portland Leaf Composting Facility for the previous operations located at 9646 NE 33rd Avenue in Portland; and

WHEREAS, The relocated City of Portland Leaf Composting Facility requires a new Metro license; and

WHEREAS, The City of Portland Leaf Composting Facility has filed a license application for the new facility site pursuant to Metro Code Section 5.01.060; and

WHEREAS, The City of Portland Leaf Composting Facility has provided the information required in the application in the form specified by the Executive Officer; and

WHEREAS, The Executive Officer has reviewed the application of The City of Portland Leaf Composting Facility as required by Metro Code Sections 5.01.067(a) through (d); and

WHEREAS, The Executive Officer has formulated recommendations on the criteria listed in Metro Code Section 5.01.060; and

WHEREAS, The City of Portland Leaf Composting Facility is in good standing with Metro and has consistently operated in accordance with its Metro license agreement; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust, and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and

WHEREAS, The Executive Officer has recommended that the new facility license be granted, and the previous facility license (No. YD-0297, granted on January 6, 1998), be rescinded and has forwarded those recommendations to the Council as required by Metro Code Section 5.01.067(d); now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the License Agreement for a composting facility, in a form substantially similar to the form attached as Exhibit A, subject to the terms, conditions, and limitations contained therein.
2. The Council authorizes the Executive Officer to rescind Metro Yard Debris Composting Facility License Agreement Number YD-0297, dated January 6, 1998.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

COMPOSTING FACILITY LICENSE

Number YD-012-99

Issued by

Metro

600 NE Grand Avenue

Portland, OR 97232

Telephone: (503) 797-1650

Issued in accordance with the provisions of Metro Code Chapter 5.01

LICENSEE: City of Portland (Attn: Randy Johnson) Bureau of Maintenance 2929 N. Kerby Portland, OR 97227 (503) 823-1707	FACILITY NAME AND LOCATION: City of Portland Leaf Composting Facility 9325 N.E. Sunderland Avenue Portland, OR 97211
OPERATOR: Stormwater Management 2035 N.E. Columbia Boulevard Portland, OR 97211	PROPERTY OWNER: City of Portland Bureau of Maintenance 1120 SW 5 th Avenue, #1204 Portland, OR 97204 (503) 823-6932

This license is granted to the licensee named above and may not be transferred without the prior written approval of the Executive Officer. Subject to the conditions stated in this license document, the licensee is authorized to operate and maintain a yard debris composting facility, and to accept the solid wastes and perform the activities authorized herein.

License begins: _____

Expiration: _____

Signed:

Acceptance & Acknowledgement of Receipt:

Signature

Signature of Licensee

Mike Burton, Metro Executive Officer

Print name and title

Print name and title

Date

Date



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1.0 ISSUANCE

- 1.1 Licensee** City of Portland Leaf Composting Facility
2929 N. Kerby
Portland, OR 97227 (503) 827-1707
- 1.2 Contact** Randy Johnson, Public Works Manager
- 1.3 License Number** When referring to this license, please cite:
Metro Yard Debris Composting Facility License Number YD-012-99
- 1.4 Term** License effective: _____
License expires: _____
- 1.5 Facility name and mailing address** City of Portland Leaf Composting Facility
9325 NE Sunderland Avenue
Portland, OR 97211
- 1.6 Operator** Stormwater Management
2035 NE Columbia Blvd.
Portland, OR 97211
- 1.7 Facility legal description** Section 12, Township 1N, Range 1E, Willamette Meridian
Multnomah County, State of Oregon
- 1.8 Facility owner** City of Portland
1120 SW 5th Avenue, #1204
Portland, OR 97204 (503) 823-6932
- 1.9 Permission to operate** Licensee warrants that it has obtained the property owner's consent to operate the facility as specified in this license.



2.0 CONDITIONS AND DISCLAIMERS

- 2.1 Guarantees** The granting of this license shall not vest any right or privilege in the licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
- 2.2 Non-exclusive license** The granting of this license shall not in any way limit Metro from granting other solid waste licenses within the District.
- 2.3 Property rights** The granting of this license does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.
- 2.4 No recourse** The licensee shall have no recourse whatsoever against the District or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event the license or any part thereof is determined to be invalid.
- 2.5 Release of liability** Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this license or on account of the construction, maintenance, or operation of the facility pursuant to this license.
- 2.6 Binding nature** The conditions of this license are binding on the licensee. The licensee is liable for all acts and omissions of the licensee's contractors and agents.
- 2.7 Waivers** To be effective, a waiver of any terms or conditions of this License must be in writing and signed by the Metro Executive Officer.
- 2.8 Effect of waiver** Waiver of a term or condition of this License shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 2.9 Choice of law** The License shall be construed, applied and enforced in accordance with the laws of the State of Oregon.
- 2.10 Enforceability** If any provision of this License is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this License shall not



be affected.

- 2.11 License not a waiver** Nothing in this license shall be construed as relieving any owner, operator, or licensee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
- 2.12 License not limiting** Nothing in this license is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
- 2.13 Inadvertent composting** Nothing in this license is intended to authorize or establish standards or otherwise approve of inadvertent composting resulting from the storage of organic materials.
- 2.14 Definitions** Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

3.0 AUTHORIZATIONS

- 3.1 Purpose** This section of the license describes the wastes that the licensee is authorized to accept at the facility, and the activities the licensee is authorized to perform at the facility.
- 3.2 General conditions on solid wastes** The licensee is authorized to accept at the facility only the solid wastes described in this section. The licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
- 3.3 General conditions on activities** The licensee is authorized to perform at the facility only those activities that are described in this section.
- 3.4 Authorized materials** The licensee is authorized to accept source-separated yard debris, leaves from municipal collection programs, landscape waste, and clean wood wastes (e.g.: untreated lumber and wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by the Executive Officer.



4.0 LIMITATIONS AND PROHIBITIONS

- 4.1 Purpose** This section of the license describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
- 4.2 Prohibited waste** The Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License. The licensee shall not knowingly accept or retain any material amounts of the following types of wastes: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ.
- 4.3 No disposal of recyclable materials** Source-separated recyclable materials, yard debris or organic materials accepted at the facility may not be disposed of by landfilling.
- 4.4 Limits not exclusive** Nothing in this section of the license shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0 OPERATING CONDITIONS

- 5.1 Purpose** This section of the license describes criteria and standards for the operation of the facility.
- 5.2 Qualified Operator** The licensee shall provide an operating staff qualified to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01.
- 5.3 Operating plan** The licensee shall establish and follow procedures for accepting, managing and processing loads of solid waste received at the facility. Such procedures must be in writing and in a location where facility personnel and the Executive Officer can readily reference them. The licensee may, from time to time, modify such procedures. The procedures shall include at least the following:
- a. Methods of inspecting incoming loads for the presence of prohibited or unauthorized waste.



- b. Methods for managing and transporting for disposal at an authorized disposal site each of the prohibited or unauthorized wastes if they are discovered at the facility.
- c. Objective criteria for accepting or rejecting loads.
- d. Methods for measuring and keeping records of incoming waste
- e. A general description of any treatment the wastes will receive prior to processing (e.g., chipping, shredding) and the maximum length of time required to process each day's receipt of waste into windrows or other piles.
- f. The specifications to which the windrows or other piles will be constructed (width, height, and length) and calculation of the capacity of the facility.
- g. An estimate of the length of time necessary to complete the process.
- h. Methods for monitoring and adjusting temperature, oxygen level and moisture level of the material during processing.

5.4 Capacity

Storage and handling capacities shall not be exceeded. The facility shall have sufficient processing capacity to handle projected incoming volumes of materials. Facility design shall address specific capacity and storage issues, including:

- a. Capacity for incoming wastes waiting to be processed.
- b. Capacity for proper handling, storage, and removal of hazardous or other non-permitted wastes delivered to or generated by the facility.
- c. Capacity for finished product storage.

5.5 Fire prevention

The operator shall provide fire prevention, protection, and control measures, including but not limited to, temperature monitoring of windrows, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the composting pad/processing area.

5.6 Adequate vehicle accommodation

Vehicles containing landscape waste or yard debris feedstock/waste shall not park or queue on public streets or roads except under emergency conditions. Adequate off-street parking and queuing for vehicles shall be provided.



- 5.7 Managing authorized wastes** All authorized solid wastes received at the facility must be either (a) processed, (b) appropriately stored, or (c) properly disposed of, within a timeframe that avoids creating nuisance conditions or safety hazards.
- 5.8 Storage** Stored materials and solid wastes shall be suitably contained and removed at sufficient frequency to avoid creating nuisance conditions or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.
- 5.9 Litter and airborne debris** The licensee shall operate the facility in a manner that is not conducive to the generation of litter and airborne debris. The licensee shall:
- a. Take reasonable steps to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.
 - b. Construct, maintain, and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.
 - c. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris.
- 5.10 Odor** The licensee shall operate the facility in a manner that is not conducive to the generation of odors. The licensee shall:
- a. Clean the areas and equipment that come into contact with solid waste on a regular basis.
 - b. Establish and follow procedures for minimizing odor at the facility. Specific measures an operator shall take to control odor include but are not limited to adherence to the contents of a required odor minimization plan (see Section 6.0). Such procedures must be in writing and in a location where facility personnel and Metro inspectors can readily reference them. The licensee may modify such procedures from time to time. The procedures shall include at least the following: (1) methods that will be used to minimize, manage, and monitor all odors of any derivation including malodorous loads received at the facility, (2) procedures for receiving and recording odor complaints, and (3) procedures for immediately investigating any odor complaints in order to determine the cause of odor emissions, and promptly remedying any odor problem at the facility.



- 5.11 Vectors** The licensee shall operate the facility in a manner that is not conducive to infestation of rodents, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.
- 5.12 Noise** The licensee shall operate the facility in a manner that controls the creation of excessive noise to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 5.13 Water quality** The licensee shall operate and maintain the facility to prevent contact of solid wastes with stormwater runoff and precipitation. Methods must be consistent with the controlling agency (local jurisdiction and DEQ).
- 5.14 Public Access** Public access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
- 5.15 Signage** The licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, legible, and shall contain at least the following information:
- a. Name of the facility
 - b. Address of the facility;
 - c. Emergency telephone number for the facility;
 - d. Operating hours during which the facility is open for the receipt of authorized waste;
 - e. Fees and charges;
 - f. Metro's name and telephone number 797-1650; and
 - g. A list of all authorized and prohibited wastes.
- 5.16 Complaints** The licensee shall respond to all written complaints on nuisances (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors). If licensee receives a complaint, licensee shall:
- a. Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of unsuccessful attempts; and
 - b. Log all such complaints by name, date, time and nature of complaint. Each log entry shall be retained for one year



and shall be available for inspection by Metro.

- 5.17 Access to license document** The licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

6.0 ODOR MINIMIZATION PLAN

- 6.1 Purpose** This section describes the minimum requirements that must be contained in an odor minimization plan.
- 6.2 Plan requirements** The operator shall have an odor minimization plan. The plan must include methods to minimize, manage and monitor all odors, including odors produced by grass clippings. The plan must include:
- a. A management plan for malodorous loads;
 - b. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility;
 - c. Additional odor-minimizing measures, which may include the following:
 - (1) Avoidance of anaerobic conditions in the composting material;
 - (2) Use of mixing for favorable composting conditions;
 - (3) Formation of windrow or other piles into a size and shape favorable to minimizing odors; and
 - (4) Use of end-product compost as cover to act as a filter during early stages of composting.
 - d. Specification of a readily-available supply of bulking agents, additives or odor control agents.
 - e. Procedures for avoiding delay in processing and managing landscape waste and yard debris during all weather conditions.
 - f. Methods for taking into consideration the following factors prior to turning or moving composted material:
 - (1) Time of day;
 - (2) Wind direction;
 - (3) Percent moisture;
 - (4) Estimated odor potential; and
 - (5) Degree of maturity.



- 6.3 Grass clippings** Grass clippings must be processed in a timely manner to avoid nuisance conditions.
- 6.4 Carbon source storage** Incoming leaves, brush or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent, rather than being processed into windrows or other piles.
- 6.5 Odor complaint panel** If odors at the facility become a significant source of nuisance complaints, processor shall work with a Metro appointed odor complaint panel. The odor complaint panel will investigate odor complaints to determine their validity and sources and will help the processor with solutions to the nuisance complaints. The odor complaint panel may consist of representatives from Metro, DEQ, the local government, the processing industry and citizen representatives.

7.0 RECORD KEEPING AND REPORTING

- 7.1 Purpose** This section of the license describes the record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
- 7.2 Feedstocks received** Estimated amount of feedstock received and quantity of product produced at the facility. Records shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of licensee.
- 7.3 Special occurrences** Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
- 7.4 Nuisance complaints** Records of any public nuisance complaints (e.g. noise, dust, vibrations, litter) received by the operator, including:
 - a. The nature of the complaint;
 - b. The date the complaint was received;
 - c. The name, address, and telephone number of the person or persons making the complaint; and



- d. Any actions taken by the operator in response to the complaint.

- 7.5 Record of complaints and responses** For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.
- 7.6 Regulatory information submittals** The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

8.0 FEES AND RATE SETTING

- 8.1 Purpose** This section of the license specifies fees payable by the licensee, and describes rate regulation by Metro.
- 8.2 Annual fee** The licensee shall pay a \$300 annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
- 8.3 Fines** Each violation of a license condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.
- 8.4 Rates not regulated** The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
- 8.5 Metro fee imposed on disposal** The licensee is liable for payment of the Metro Regional System Fee on any solid wastes delivered to a disposal site, unless these solid wastes are exempted by Metro Code Chapter 5.01.

9.0 INSURANCE REQUIREMENTS

- 9.1 Purpose** The section describes the types of insurance that the licensee shall purchase and maintain at the licensee's expense, covering the



licensee, its employees, and agents.

- 9.2 General liability** The licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
- 9.3 Automobile** The licensee shall carry automobile bodily injury and property damage liability insurance.
- 9.4 Coverage** Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 9.5 Additional insureds** Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.
- 9.6 Worker's Compensation Insurance** The licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
- 9.7 Notification** The licensee shall give at least 30 days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage.

10.0 ENFORCEMENT

- 10.1 Generally** Enforcement of this license shall be as specified in Metro Code.
- 10.2 Authority vested in Metro** The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against licensee.
- 10.3 Inspections** The Executive Officer may make such inspection or audit as the Executive Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business



hours with or without notice or at such other times with 24 hours notice to assure compliance with this license, Metro Code, and administrative procedures adopted pursuant to Metro Code Chapter 5.01.

- 10.4 No Enforcement Limitations** Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the licensee's operation of the facility.

11.0 MODIFICATIONS

- 11.1 Modification** At any time during the term of the license, either the Executive Officer or the licensee may propose amendments or modifications to this license.
- 11.2 Modification, suspension or revocation by Metro** The Executive Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:
- a. Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;
 - b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;
 - c. Failure to disclose fully all relevant facts;
 - d. A significant release into the environment from the facility;
 - e. Significant change in the character of solid waste received or in the operation of the facility;
 - f. Any change in ownership or control, excluding transfers among subsidiaries of the licensee or licensee's parent corporation;
 - g. A request from the local government stemming from impacts resulting from facility operations.
 - h. Compliance history of the licensee.

12.0 GENERAL OBLIGATIONS



- 12.1 Compliance with the law** Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.
- 12.2 Indemnification** The licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.
- 12.3 Deliver waste to appropriate destinations** The licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;
- 12.4 Provide access** The licensee shall allow the Executive Officer to have reasonable access to the premises for purposes of inspection and audit to determine compliance with this license, Metro Code, and the administrative procedures adopted pursuant to Metro Code Chapter 5.01.
- 12.5 Compliance by agents** The licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

EXECUTIVE SUMMARY

ORDINANCE NUMBER 99-806

GRANTING THE RELOCATED CITY OF PORTLAND LEAF COMPOSTING FACILITY A NEW METRO LICENSE AND RESCINDING THE PREVIOUS LICENSE

PROPOSED ACTION

- Grants a new composting facility license to the City of Portland Leaf Composting Facility to operate its relocated municipal leaf composting facility located at 9325 NE Sunderland Avenue in Portland, Oregon.
- The Ordinance also rescinds Metro License No. YD-0297, granted to the City of Portland for the previous facility site located at 9646 NE 33rd Avenue in Portland.

WHY NECESSARY

- Metro Code Section 5.01.045(b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- The purpose of the Metro licensing program is to help ensure that composting facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.
- The facility will continue to assist the region in accomplishing the goals and objectives of the Regional Solid Waste Management Plan.

DESCRIPTION

- The City of Portland owns and maintains a municipal leaf composting facility (The City of Portland Leaf Composting Facility). The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews. Yard debris is not accepted from the general public.
- The City of Portland Leaf Composting Facility was previously located at 9646 NE 33rd Avenue, in Portland, and was granted a Metro yard debris processing facility license (number YD-0297) with an effective date of January 6, 1998.
- The City of Portland Leaf Composting Facility has relocated its Metro-licensed leaf composting facility to a new site located at 9325 NE Sunderland Avenue in Portland.
- The City of Portland owns the new facility site. The City's Planning Bureau has completed actions for the relocated leaf composting operation.
- The relocated City of Portland Leaf Composting Facility meets the requirements of the Metro Code related to licensing of composting facilities.

ISSUES/CONCERNS

- Staff has not discovered any outstanding issues or concerns with this facility. The City of Portland Leaf Composting Facility is in good standing with Metro, and has consistently operated in accordance with its Metro license agreement.

BUDGET/FINANCIAL IMPACTS

- There will be a slight increase in revenues from the annual license fee of \$300 per year, paid by the licensee.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 99-806 FOR THE PURPOSE OF GRANTING A COMPOSTING FACILITY LICENSE TO THE RELOCATED CITY OF PORTLAND LEAF COMPOSTING FACILITY

Date: May 4, 1999

Presented by: Terry Petersen,
Bill Metzler

INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that the City of Portland Leaf Composting Facility be awarded a license to operate its relocated composting facility at 9325 NE Sunderland Avenue, in Portland, Oregon. The license agreement is attached to Ordinance No. 99-806 as Exhibit A.

The purpose of the licensing program is to help ensure that composting facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

Key Findings and Recommendations Include:

- The City of Portland owns and maintains a municipal leaf composting facility (The City of Portland Leaf Composting Facility). The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews, which provides some controls over what materials are brought to the facility. Yard debris is not accepted from the general public.
- The City of Portland Leaf Composting Facility was previously located at 9646 NE 33rd Avenue, in Portland Oregon, and was granted a Metro yard debris processing facility license (number YD-0297) with an effective date of January 6, 1998.
- The City of Portland Leaf Composting Facility has relocated its Metro-licensed leaf composting facility to a new site located at 9325 NE Sunderland Avenue in Portland, Oregon.
- The City of Portland owns the new facility site. The City of Portland Planning Bureau actions have been completed for the relocated leaf composting operation.
- The Executive Officer has reviewed all required submittals, and has determined that the relocated City of Portland Leaf Composting Facility meets the requirements of the Metro Code related to licensing composting facilities.
- The terms of the license will help protect public health and safety pursuant to Metro Code Chapter 5.01 and will maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

I. FACILITY AND APPLICANT INFORMATION

Location:

- Facility address: 9325 N. E. Sunderland Ave. Portland, Oregon 97211
- The facility lies in section 12. Township 1N, Range 1E, Portland, Oregon, Multnomah County.

Zoning and permitting:

- The site is zoned IG2hx - General Industrial 2. Land use approvals are in place.
- The facility has met all the storm water management standards of the City of Portland.

General Facility Description:

- The City of Portland owns these 20.76 acres of land. The site area used for leaf debris composting operations is limited to 5 acres.
- The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews, which provide controls for what materials are brought to the facility.
- Yard debris is not accepted from the general public.
- The facility accepts for processing approximately 20,000 cubic yards of leaf debris per year.
- Stormwater Management, a contractor to the City of Portland, operates the facility. The operator uses a turned windrow composting method. Leaves are placed in windrows on an asphalt surface with dimensions of 100' - 450' long x 16' wide x 9' high. Temperatures and moisture are monitored to insure optimum conditions for volume reduction. Windrows are turned with a Scat Compost Turner every ten days to provide oxygen to the material. Turning mixes the materials, rebuilds the porosity of the windrow, and releases trapped heat, water vapor and gases. The finished compost is screened through a 5/8" trommel screen and marketed to the general public and a private company (Stormwater Management, Inc.) that uses the compost as a storm water filter media.

Completeness and Sufficiency of Application

Applicants for compost facility licenses are required to complete an application pursuant to Metro Code Section 5.01.060. The license application form and other material required to process the license were submitted and the Executive Officer has determined them to be complete and responsive to the Metro Code.

Applicant Qualifications

The City of Portland started their leaf composting operation in 1990 to beneficially reuse the leaves collected in the fall season by their street maintenance crews. The new facility is located across the street from their old operation. Their facility management practices will not change. In the past seven years of operation, their facility has not had any dust or odor complaints. This new facility will compost leaves only, which greatly minimizes any potential for odor generation. Their finished compost has been designated Earth-Wise Compost through Metro's compost quality standards program. Based on this historical experience with the licensee, the Executive Officer finds the applicant qualified.

II. CONCLUSIONS

Staff have reviewed all required submittals from the City of Portland Leaf Composting Facility, and have determined that they meet all requirements of the Metro Code related to licensing composting facilities.

Based on the preceding analysis and pursuant to Metro Code Section 5.01.067(c), the Executive Officer recommends that the City of Portland Leaf Composting Facility be granted a composting facility license subject to the provisions and conditions of the License attached to Ordinance No. 99-806 as Exhibit A.

The license agreement ensures that the facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

III. BUDGET IMPACTS

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

IV. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 99-806.

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Agenda Item Number 9.1

Ordinance No. 99-798, Amending the FY 1998-99 Budget and Appropriation Schedule in Solid Waste Revenue Fund by Transferring \$6,592,000 from Contingency to Materials and Services in the Regional Environmental Management Department for Prepayment of Fixed Payments as Set Forth in Change Order No. 24 to the Waste Transport Services Contract; and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, May 27, 1999
Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1998-99)
BUDGET AND APPROPRIATIONS SCHEDULE IN)
THE SOLID WASTE REVENUE FUND BY)
TRANSFERRING \$6,592,000 FROM CONTINGENCY)
TO MATERIALS AND SERVICES IN THE REGIONAL)
ENVIRONMENTAL MANAGEMENT DEPARTMENT)
FOR PREPAYMENT OF FIXED PAYMENTS AS SET)
FORTH IN CHANGE ORDER NO. 24 TO THE WASTE)
TRANSPORT SERVICES CONTRACT; AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 99-798

Introduced by
Mike Burton, Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1998-99 budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1998-99 budget and Schedule of Appropriations for the Solid Waste Fund are hereby amended as shown in the column entitled "Revision" of Exhibit A to this ordinance for the purpose of transferring \$6,592,000 from Contingency to Materials and Services in the Regional Environmental Management Department to fund Change Order No. 24 to the Waste Transport Services Contract between Metro and STS, Inc.

2. That the Executive Officer is authorized to execute contracts related to this ordinance in accordance with Metro Code 2.04.

3. This ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this ordinance takes effect upon passage.

ADOPTED BY THE Metro Council this ____ day of _____, 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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Exhibit A
Ordinance No. 99-798
FY 1998-99 SCHEDULE OF APPROPRIATIONS

	<u>Current Budget</u>	<u>Revision</u>	<u>Proposed Budget</u>
Solid Waste Revenue Fund			
Operating Account			
Personal Services	\$6,400,009	\$0	\$6,400,009
Materials & Services	44,612,964	6,592,000	51,204,964
Subtotal	<u>51,012,973</u>	<u>6,592,000</u>	<u>57,604,973</u>
Debt Service Account			
Debt Service	2,671,058	0	2,671,058
Subtotal	<u>2,671,058</u>	<u>0</u>	<u>2,671,058</u>
Landfill Closure Account			
Materials & Services	268,200	0	268,200
Capital Outlay	1,076,500	0	1,076,500
Subtotal	<u>1,344,700</u>	<u>0</u>	<u>1,344,700</u>
Renewal and Replacement Account			
Capital Outlay	1,997,000	0	1,997,000
Subtotal	<u>1,997,000</u>	<u>0</u>	<u>1,997,000</u>
General Account			
Capital Outlay	2,859,836	0	2,859,836
Subtotal	<u>2,859,836</u>	<u>0</u>	<u>2,859,836</u>
Master Project Account			
Debt Service	350,000	0	350,000
Subtotal	<u>350,000</u>	<u>0</u>	<u>350,000</u>
General Expenses			
Interfund Transfers	3,725,845		3,725,845
Contingency	14,447,729	(6,592,000)	7,855,729
Subtotal	<u>18,173,574</u>	<u>(6,592,000)</u>	<u>11,581,574</u>
Unappropriated Balance	28,608,601	0	28,608,601
Total Fund Requirements	<u>\$107,017,742</u>	<u>\$0</u>	<u>\$107,017,742</u>

STAFF REPORT

ORDINANCE 99-798 AMENDING THE FY 1998-99 BUDGET AND APPROPRIATION SCHEDULE IN THE SOLID WASTE REVENUE FUND BY TRANSFERRING \$6,592,000 FROM CONTINGENCY TO MATERIALS & SERVICES IN THE REGIONAL ENVIRONMENTAL MANAGEMENT DEPARTMENT FOR PREPAYMENT OF FIXED PAYMENTS AS SET FORTH IN CHANGE ORDER NO. 24 TO THE WASTE TRANSPORT SERVICES CONTRACT; AND DECLARING AN EMERGENCY.

Date: April 19, 1999

Presented by: Terry Petersen

FACTUAL BACKGROUND AND ANALYSIS

This action requests an appropriation transfer to the Solid Waste Revenue Fund for the following purpose:

SOLID WASTE REVENUE FUND:

Transfer \$6,592,000 from the Contingency category to the Operating Account, Materials & Services category, to fund a lump sum payment to Specialty Transportation Services (STS), Inc., of fixed costs not to exceed \$6,592,000 in lieu of all future fixed monthly payments.

Change Order No. 24 amends the Waste Transport Services Contract between Metro and STS, Inc. Under the terms and conditions of Change Order No. 24, Metro will provide a lump sum payment of not to exceed \$6,592,000 to STS, Inc. The actual amount of the payment will be calculated upon approval of Change Order #24 by the Metro Council. In return Metro will discontinue the fixed monthly payment of \$69,116.67 (\$829,000 annually) through December 2009. No other payment for fixed costs will be made to STS, Inc. In addition, under Change Order No. 24, Metro will return to STS, Inc., the \$2,500,000 retainage and any related interest earnings currently held as security and, in return, STS, Inc., will provide a letter of credit and corporate guarantee.

Refer to Change Order No. 24 and the accompanying staff report for further details and analysis of the modification of the contract between Metro and STS, Inc.

BUDGET IMPACT

The contingency in the Solid Waste Revenue Fund is currently budgeted at \$14,447,729. This action would transfer appropriations from Contingency to the following areas:

<u>Budget Classification</u>	<u>Amount</u>
Materials and Services	
Contracted Professional Services	\$6,592,000
Total	<u>\$6,592,000</u>

After the transfer, the amount remaining in the Solid Waste Revenue Fund Contingency will be \$7,855,729.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 99-798.

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Agenda Item Number 9.2

Ordinance No. 99-802, For the Purpose of Amending the FY 1998-99 Budget and Appropriations Schedule in the Planning Fund Transferring Appropriations from Capital Outlay to Materials and Services for the Transit Oriented Development Program; and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday; May 27, 1999
Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1998-99)	ORDINANCE NO. 99-802
BUDGET AND APPROPRIATIONS)	
SCHEDULE IN THE PLANNING FUND)	
TRANSFERRING APPROPRIATIONS FROM)	Introduced by Mike Burton,
CAPITAL OUTLAY TO MATERIALS AND)	Executive Officer
SERVICES FOR THE TRANSIT ORIENTED)	
DEVELOPMENT PROGRAM; AND)	
DECLARING AN EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1998-99 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1998-99 Budget and Schedule of Appropriations for Planning Fund are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$3,861,000 from Capital Outlay to Materials and Services in the Transportation Department.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____, 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A
Ordinance No. 99-802

Planning Fund

ACCT	DESCRIPTION	Current Budget		Revision		Revised Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Transportation							
Total Personal Services		56.05	\$3,914,573	0.00	\$0	56.05	\$3,914,573
<i>Materials & Services</i>							
<i>GOODS</i>	<i>Goods</i>						
5201	Office Supplies		168,127		0		168,127
5205	Operating Supplies		16,800		0		16,800
5210	Subscriptions and Dues		36,547		0		36,547
<i>SVCS</i>	<i>Services</i>						
5240	Contracted Professional Svcs		2,373,200		0		2,373,200
5251	Utility Services		11,474		0		11,474
5260	Maintenance & Repair Services		37,100		0		37,100
5265	Rentals		26,800		0		26,800
5280	Other Purchased Services		582,625		0		582,625
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
5300	Payments to Other Agencies		6,106,209		0		6,106,209
<i>OTHEXP</i>	<i>Other Expenditures</i>						
5440	Program Expenditures		0		3,861,000		3,861,000
5450	Travel		62,338		0		62,338
5455	Training and Conference Fees		28,920		0		28,920
5490	Miscellaneous Expenditures		0		0		0
Total Materials & Services			\$9,450,140		\$3,861,000		\$13,311,140
Total Debt Service			\$2,123,500		\$0		\$2,123,500
<i>Capital Outlay</i>							
<i>CAPNON</i>	<i>Capital Outlay (Non-CIP Projects)</i>						
5750	Office Furn & Equip (non-CIP)		69,775		0		69,775
<i>CAPCIP</i>	<i>Capital Outlay (CIP Projects)</i>						
5705	Land (CIP)		3,861,000		(3,861,000)		0
Total Capital Outlay			\$3,930,775		(\$3,861,000)		\$69,775
TOTAL REQUIREMENTS		56.05	\$19,418,988	0.00	\$0	56.05	\$19,418,988

Exhibit B
Ordinance 99-802
FY 1998-99 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Revised Budget
PLANNING FUND			
Transportation Planning			
Personal Services	\$3,914,573	\$0	\$3,914,573
Materials & Services	9,450,140	3,861,000	13,311,140
Debt Service	2,123,500	0	2,123,500
Capital Outlay	3,930,775	(3,861,000)	69,775
Subtotal	19,418,988	0	19,418,988
Growth Management Services			
Personal Services	2,515,946	0	2,515,946
Materials & Services	1,770,099	0	1,770,099
Debt Service	96,007	0	96,007
Capital Outlay	54,164	0	54,164
Subtotal	4,436,216	0	4,436,216
General Expenses			
Interfund Transfers	2,282,136	0	2,282,136
Contingency	368,122	0	368,122
Subtotal	2,650,258	0	2,650,258
Total Fund Requirements	\$26,505,462	\$0	\$26,505,462

TRANSPORTATION PLANNING COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-802, FOR THE PURPOSE OF AMENDING THE FY 1998-99 BUDGET AND APPROPRIATIONS SCHEDULE IN THE PLANNING FUND TRANSFERRING APPROPRIATIONS FROM CAPITAL OUTLAY TO MATERIALS AND SERVICES FOR THE TRANSIT ORIENTED DEVELOPMENT PROGRAM; AND DECLARING AN EMERGENCY

Date: May 19, 1999

Presented by: Councilor Bragdon

Committee Recommendation: At its May 18 meeting, the Committee considered Ordinance No. 99-802 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Atherton and Bragdon and Chair Kvistad.

Committee Issues/Discussion: Kathy Rutkowski, Financial Planning Budget Coordinator, presented the staff report. She noted that the purpose of the resolution was to make a minor technical change in the Transportation Department budget for the current fiscal year. She explained that Metro's outside financial auditor had recommended that the land purchases made through the department's transit oriented development (TOD) program should be considered as inventory rather than as capital assets of the agency. This was based on their conclusion that the land purchased under this program was only held for a short period of time prior to its resale and therefore was not a long-term asset of Metro.

Rutkowski indicated that, to comply with this recommendation, the proposed ordinance would transfer the funds budgeted for land purchases from the capital outlay portion of the budget. This budget amendment would not change the amount allocated for such land purchases.

The committee had no questions related to the ordinance.

STAFF REPORT

CONSIDERATION OF ORDINANCE 99-802 AMENDING THE FY 1998-99 BUDGET AND APPROPRIATIONS SCHEDULE IN THE PLANNING FUND TRANSFERRING APPROPRIATIONS FROM CAPITAL OUTLAY TO MATERIALS AND SERVICES FOR THE TRANSIT ORIENTED DEVELOPMENT PROGRAM; AND DECLARING AN EMERGENCY.

Date: March 31, 1999

Presented by: Kathy Rutkowski

FACTUAL BACKGROUND AND ANALYSIS

The Transit Oriented Development Program encourages private sector construction of high-density housing and mixed-use projects that support increased transit use. The program provides for the purchase of lands near light rail stations to be re-sold through development agreements with private partners. The FY 1998-99 budget includes approximately \$3.8 million in land purchases under capital outlay.

During the FY 1997-98 year end financial audit, the independent auditors determined that the lands purchased under the TOD program should be considered a materials and services expense rather than a capital expense. Under the TOD program, lands purchased are to be re-sold in a relatively short time period and are never intended to be used or developed for Metro functions. The lands, therefore, are considered to be inventory and not a capital asset of the agency. The auditors required the re-coding of the land purchases from capital outlay to materials and services.

The auditor's opinion rendered at the end of FY 1997-98 applies to the current fiscal year and all subsequent fiscal years. Because expenditures are compared to appropriation authority to ensure that an over-expenditure under Oregon Budget Law does not occur, it is necessary to move the appropriation authority currently budgeted under capital outlay to materials and services. This action requests the transfer of \$3,861,000 from capital outlay in the Transportation Department to materials and services.

The FY 1999-00 budget currently being reviewed by the Council reflects the proper budgeting of these expenditures under the auditor's opinion.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 99-802

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Agenda Item Number 9.3

Ordinance No. 99-804, Amending Metro Code Section 4.01.050, and Revising Admissions Fees and Policies at the Oregon Zoo.

Second Reading

**Metro Council Meeting
Thursday, May 27, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO 99-804
METRO CODE SECTION 4.01.050, AND)
REVISING ADMISSIONS FEES AND) Introduced by Mike Burton, Executive Officer
POLICIES AT THE OREGON ZOO.)

WHEREAS, the Oregon Zoo periodically needs to increase admission charges to keep pace with increased operating costs; and

WHEREAS, Oregon Zoo admission fees have not been increased since January, 1994; and

WHEREAS, the Oregon Zoo's proposed FY 99-00 budget incorporates an admission fee increase; and

WHEREAS, updated Zoo admission policies are needed to meet the operating requirements of the Oregon Zoo; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01.050 is amended to read as follows:

4.01.050 Admission Fees and Policies

(a) Regular Fees

~~(1) Definitions~~

~~(A) An Education Discount is offered to groups of students in a state-accredited elementary, middle, junior, or high school, or pre-school/daycare center. Qualifications for education discount include a minimum of one chaperon/escort, 18 years of age or older, for every five students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials~~

offered by the zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.

~~(B) The Group Discount is defined as any group of 20 or more (including school groups that have not met the advance registration and curriculum requirements for the education discount; groups of students not accompanied by a minimum of one chaperon for every five students shall not qualify for the group discount).~~

~~(2) Regular Fee Schedule~~

Adult (12 years and over)	\$5.50 <u>6.50</u>
Youth (3 years through 11 years)	\$3.50 <u>4.00</u>
Child (2 years and younger)	free
Senior Citizen (65 years and over)	\$4.00 <u>5.00</u>
Education Groups (per student)	\$2.50
Chaperons/Escorts 18 years or older admitted with education groups (maximum of one per five students)	free
Driver(s)/Escorts 18 years or older admitted with groups other than education groups (maximum of two per twenty group members)	free
Additional chaperons/escorts 18 years or older in excess of one per five students will receive the group discount adult rate (20 percent discount)	\$4.40
Groups other than education groups 20 or more per group	20 percent discount
	from appropriate fee listed above

(b) Free and Reduced Admission-Passes

(1) ~~Free and reduced admission passes may be issued by the director in accordance with this chapter. The Director may set free or reduced price admission rates for groups, special events, or as otherwise in accordance with this Chapter.~~

(2) A free admission pass will entitle the holder only to enter the zZoo without paying an admission fee.

(3) A reduced admission pass will entitle the holder only to enter the zZoo by paying a reduced admission fee.

~~(4) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed 20 percent.~~

(54) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

(A) Metro employees shall be entitled to free regular Zoo admission upon presentation of a current Metro employee identification card.

(B) Metro councilors and the Metro executive officer shall be entitled to free admission.

(C) Free admission passes in the form of volunteer identification cards may, at the director's discretion, be issued to persons who perform volunteer work at the zZoo. Cards shall bear the name of the volunteer, shall be signed by the director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active zZoo volunteers.

~~(D) Reduced admission passes may be issued to members of any organization approved by the council, the main purpose of which is to support the zoo. Such passes shall bear the name of the passholder, shall be signed by an authorized representative of the organization, shall be non-transferable, and shall terminate not more than one year from the date of issuance.~~

~~(E) Other free or reduced admission passes may, with the approval of the director, be issued to other individuals who are working on educational projects or projects valuable to the zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the passholder, shall be signed by the director and shall be non-transferable.~~

~~(e) Special Admission Days~~

~~(1) Special admission days are days when the rates established by this Code are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the director, during each calendar year.~~

~~(2) Three additional special admission days may be allowed each year by the director for designated groups. Any additional special admission days designated under this subsection must be approved by the executive officer.~~

~~(d) Special Free Hours. Admission to the zoo shall be free for all persons from 3:00 p.m. until closing on the second Tuesday of each month.~~

~~(5) Admission to the Zoo shall be free for all persons during a portion of a day each month, to be designated by the Director.~~

~~(e) Commercial Ventures. Proposed commercial or fund-raising ventures with private profit or nonprofit entities involving admission to the zoo must be authorized in advance by the executive officer. The executive officer may approve variances to the admission fees to facilitate such ventures.~~

~~(fc) Special Events. The zZoo, or portions thereof, may be utilized for special events designed to enhance zZoo revenues during hours that the zZoo is not normally open to the public. The number, nature of, and admission fees for such events shall be subject to the approval of the executive officer determined by the Zoo Director.~~

2. That the admission fee increase set forth above shall take effect October 1, 1999.

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ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-804, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.050, AND REVISING ADMISSIONS FEES AND POLICIES AT THE OREGON ZOO .

Date: May 20, 1999

Presented by: Councilor Washington

Committee Action: At its May 19, 1999 meeting, the Metro Operations Committee voted 2-0 to recommend Council adoption of Ordinance No. 99-804. Voting in favor: Councilors Atherton and Washington.

Council Issues/Discussion: Kathy Kiaunis, assistant director for the Oregon Zoo, gave the staff presentation. This ordinance does two things. It raises admission prices for the Zoo, and replaces code language itemizing prices and circumstances for group, educational and other exceptions to regular admission, with language giving the director greater flexibility to set rates as s/he thinks appropriate.

Ms. Kiaunis said the admission prices had not been raised since 1994, and previous to that had been raised about every other year.

In response to questions, Ms Kiaunis said that this increase is not expected to adversely impact attendance, nor has the Zoo received many calls or correspondence on the issue. Furthermore, the Zoo admission prices will remain lower than most west coast Zoos of comparable size and attendance.

The expected impact on revenues for the next fiscal year is an increase of about \$400,000. These revenues will be budgeted like any other revenues in the Operating budget, and are not targeted to fill any specific need.

Councilor Washington said that he would like the committee to receive regular updates on the application of group and special rates, and be assured that the public be made aware of such opportunities.

Councilor Atherton said he was neither clear nor comfortable with the need for Metro employees to get free admission to the Zoo, and may want to continue discussion on that aspect at a later date.

STAFF REPORT

CONSIDERATION OF ORDINANCE 99-804 AMENDING METRO CODE SECTION 4.01.050, AND REVISING ADMISSIONS FEES AND POLICIES AT THE OREGON ZOO.

Date: April 9, 1999

Presented by: Tony Vecchio
Daniel Cooper

FACTUAL BACKGROUND AND ANALYSIS

In the past, the admissions charged at the Zoo were increased on a fairly regular basis to cover the increases in operating costs at the Zoo. The last fee increase was January, 1994. It was decided that admissions increases would be on hold during the construction of the Tri-Met station, the new parking lot, and new entry facilities. These three construction projects have been completed and although construction of the Great Northwest Project continues at the Oregon Zoo, it has been determined that an increase in the cost of admissions is needed.

Several factors have influenced this decision, the passage of Measures 47 and 50 which reduced the property taxes received by the Oregon Zoo to support operating costs; and as with all other departments at Metro, an increase in the cost of operating the Zoo. Also, even with the fee increase, the Oregon Zoo's admission fees remain the lowest among comparable zoos on the West Coast

The fees are proposed to change as follows:

	<u>Current</u>	<u>Effective</u> <u>October 1, 1999</u>
Adults	\$5.50	\$6.50
Children	\$3.50	\$4.00
Seniors	\$4.00	\$5.00

In conjunction with the admissions change, an update to the admissions fees and policy section of the Metro Code (4.01) is recommended. The changes simplify the code and allow the Zoo Director to establish discounts and passes as needed to meet the operating requirements of the Zoo. The overall admission fee however continues to be set by code.

BUDGET IMPACT

The additional revenue generated by the increase in admissions has been included in the proposed budget.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 99-804.

CY:rs

**Resolution No. 99-2791, For the Purpose of Approving the FY 2000 MTIP Modernization Program
Developed Through the Priorities 2000 Process.**

**Metro Council Meeting
Thursday, May 27, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 99-2791
FY 2000 MTIP MODERNIZATION PROGRAM)
DEVELOPED THROUGH THE PRIORITIES) Introduced by
2000 PROCESS) Councilor Jon Kvistad
) JPACT Chair

WHEREAS, ODOT initiated development of an FY 2000 State Transportation Improvement Program (STIP); and

WHEREAS, Metro, in its role as metropolitan planning organization for the urban portion of Region 1 receives sums of federal transportation funding for allocation in cooperation with ODOT; and

WHEREAS, under federal regulations, the Portland-area Metropolitan Transportation Improvement Program (MTIP) must be included without change in the STIP; and

WHEREAS, Metro and ODOT have agreed to cooperative development of an MTIP/STIP for the Portland-area referenced as the Priorities 2000 process; and

WHEREAS, Revenue estimates were agreed upon for STP, CMAQ and Transportation Enhancement fund types for the period of TEA-21 (FY 1998 - FY 2003); and

WHEREAS, A sum of \$75.8 million of such funds is assumed available for allocation to a broad array of transportation projects and of which only about \$33 million of the regional funds can be used to construct general purpose roadway capacity; and

WHEREAS, Metro recognizes that the traditional federal "obligation limit" of approximately 90 percent may cause some project delays; and

WHEREAS, Metro and ODOT concur that approximately \$26 million of transportation modernization funds allocated to Region 1 are best used to implement the Phase 3 Sunset Highway/Sylvan Interchange project; and

WHEREAS, The region embarked on an extensive public involvement process including a comprehensive solicitation for project nominations that made note of these opportunities and limitations and which specifically targeted outreach to all regional parks agencies traditionally under-represented in the transportation programming process; and

WHEREAS, A comprehensive set of technical ranking criteria for multiple travel modes was developed and approved by JPACT and the Metro Council that address road improvement and preservation and system management; enhancement of systems for all non-auto travel modes including integrated management of distinct boulevard locations; improvement of critical freight facilities; and integration of land use, transportation system development and travel demand management; and

WHEREAS, Important non-technical “administrative” factors were approved for evaluation during project selection including regard for support of regional affordable housing goals, school safety, prior regional commitments, linkage to prior significant regional projects, local overmatch, multi-modal benefits, substantial agency and public support and regional equity; and

WHEREAS, Concern for recovery of salmonid species traversing urban waterways emerged as a priority concern in the course of the selection process due to their listing as an endangered species; and

WHEREAS, A separate transportation enhancement program solicitation process, that relied upon a portion of the same funds addressed in the Priorities 2000 process, was initiated by ODOT in the midst of the regional solicitation process; and

WHEREAS, Metro served on the ODOT Transportation Enhancement program evaluation committee; and

WHEREAS, the prioritized list of ODOT Enhancement program projects was integrated into the Priorities 2000 selection process; now, therefore,

BE IT RESOLVED:

1. Funding is authorized for the list of projects included in Exhibit 1.
2. Conditions are imposed on certain of the approved projects as shown in Exhibit 2.
3. The Executive Officer is authorized to determine details of project phasing year, phase of work and fund type in coordination with ODOT staff.
4. This allocation is subject to meeting regional air quality conformity requirements .

ADOPTED by the Metro Council this _____ day of _____, 1999.

Rod Monroe, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

**EXHIBIT 1:
TPAC RECOMMENDATION FOR PROJECT FUNDING**

Planning Projects

Core Reg. Planning Program	\$2.083
I-5 Trade Corridor Study	0.250
OPB Pilot	0.100
Regional Freight Program Analysis	0.100
Proposed Total:	\$2.533

Freeway Projects

U.S. 26/Sylvan Interchange Reconstruction Ph. 3	\$26.000
Proposed Total:	\$26.000

Road Modernization Projects

1	PM6	MLK/Interstate ITS	\$0.550
3	WM5	Murray O'Xing: Milikan/Terman	1.000
4	MM7	Gresham/Mult. Co. ITS	0.500
5	CM7	Clack. Co. ITS/ATMS	0.800
7	WM4	Wash. Co. ATMS	0.370
8	PM1	Portland Arterial/Frwy. ITS	0.750
10	WM1	Farmington Rd: Hocken/Murray (PE)	0.932
11	WM19	SW Greenburg: Wash Sq/Tiedeman (PE)	0.270
12	MM3	223rd O'Xing (PE)	0.251
13	CM2	Harmony/Linwood/Railroad Av (PE)	0.449
16	WM17	I-5/Nyberg Interchange (PE)	0.342
19	WM13	SE 10th: E Main/SE Baseline (PE)	0.090
20	MM1	207th Connector: Halsey/Glisan	1.345
26	CM5	Sunnyside Rd/Mt. Scott Creek	1.400
28	CM14	Hwy 213/Beavercreek Rd.	3.000
34	PM10	SE Foster Rd/Kelly Creek	0.600
		Proposed Total:	\$12.665

Road Reconstruction

1	PR10	Naito Parkway: Davis/Market	\$1.500
8	CR2	Johnson Crk Blvd: 36th/45th	1.076
		Proposed Total:	\$2.576

Bridge

1	PBr2b	Burnside Electrical	\$0.500
3	PBr2a	Morrison Electrical	0.800
		Proposed Total:	\$1.300

Freight

1	PF2	N. Marine Dr. Reconstruction	\$2.295
4	PF1	Lower Albina Overcrossing	4.000
		Proposed Total:	\$6.295

Boulevard

1	MBL1	Division: Wallula/Kelly	\$2.500
2	CBL3	McLoughlin: Harrison/SPRR X'ing	1.800
4	PBL3	W. Burnside: Brdg/NW 23rd	0.269
6	PBL1	Hawthorne: 20th/55th	1.500
7	CBL1	Harmony Rd: 82nd/Fuller	1.750
9	WBL1	Cornell: Trail Ave/Saltzman	*
12	CBL2	Willamette Dr: A/McKillican	0.200
12	WBL6	Hall Blvd: Cedar Hills/Hocken	*
15	WBL2	Main St: 10th/20th (Cornelius)	1.800
		Proposed Total:	\$9.819

*Funding for Cornell R/W phase, up to \$0.540 million, and Hall Blvd PE, up to \$0.045 million will come from any leftover balance of the \$1.0 million allocated to the Murray Overcrossing road modernization project, in combination with funding for the Washington County Bus Stop Enhancements project, up to \$0.500 million.

Pedestrian

2	WP5	SW 170th: Merlo/Elmonical LRT Stat'n	0.270
3	WP7	Cedar Hills: Walker/Butner	0.085
4	WP4	Sentinel Plaza: Cornell/Cedar Hills/113th	0.180
5	CP1	Scott Crk Lane Pedestrian Path	0.080
14	PP2	Capitol Hwy: Bertha/BH Hwy	0.400
		Proposed Total:	\$1.015

Bike/Trail

1	PBi1	Morrison Bridge Bikeway (PE)	*	\$0.100
2	CBi3	Phillip Creek Greenway Trail (PE/RW)		0.202
3	PBi6a	E. Bank Trail: OMSI/Springwater (Con)		0.720
4	PBi9	Greeley/Interstate		0.144
5	WBi5	Cornell Rd: Elam Young/Ray		0.540
6	CBi2	Fuller Rd: Harmony/King		0.592
7	WBi2	Hall Blvd: 12th/Allen		1.438
8	WBi1	Fanno Crk: Allen/Denny		0.074
9	CBi10	Parkway/Town Center Prkwy Loop		0.040
10	CBi9	Town Cntr Park: Bike/Ped Conntection		0.200
11	CBi7	Clack. Reg. Ctr. Trail		0.278
14	WBi10	Fanno Crk Trail Phase 2 (PE/RW)		0.235
15	MBi1	Gresham/Fairview Trail (RW)		0.224
25	PP5	Red Electric Line: Will Prk/Oleson (Study)		0.135
27	PBi6b	E. Bank Trail - Phase 2 (RW)		0.269
Proposed Total:				\$5.191

*Regional funds are conditioned on joint allocation of another \$0.150 million from Multnomah County and City of Portland.

Transportation Demand Management

1	TDM1	Regional TDM Program		\$1.987
2	TDM6	SMART TDM Program		0.220
3	TDM3	ECO Information Clearinghouse		0.188
4	TDM2	Portland Area Telecommuting		0.200
5	TDM5	TMA Assistance Program		1.000
6	TDM4	Region 2040 Initiatives		1.000
Proposed Total:				\$4.595

Transit Oriented Development

1	RTOD 1	Metro TOD Program		\$4.000
Proposed Total:				\$4.000

Transit

1	RTr1	Reg. Contribut'n for PDX LRT	\$18.000
2	WTr2	Wash. Co. Bus Stop Enhancements	*
3	RTr2	Service Increase for Reg/T.C. TCL	5.700
4	CTr2	Will. Shoreline Trestle/Track Repair	0.500
5	WTR1	Wash. Co. Commuter Rail	1.000
		Proposed Total:	\$25.200

*Funding for Washington County Bus Stop Enhancements, up to \$0.500 million, will come from the balance, if any, of the \$1.0 million for the Murray Overcrossing road modernization project, in combination with funding for the Hall Blvd PE and Cornell Blvd R/W phases.

ODOT Transportation Enhancement Program Nominations

1		Pioneer Crt House Renovation	\$0.200
2		Portland Bikeway Network Signage	0.129
3		NE 47th Environmental Renovation	0.250
		Proposed Total:	\$0.579

GRAND TOTAL: \$75.768

EXHIBIT 2:

CONDITIONS ATTACHED TO PRIORITIES 2000 PROJECT APPROVALS

1. The Sunnyside Road @ Mount Scott Creek Bridge, Foster Rd @ Kelly Creek Bridge and Hwy 213/Beavercreek Road allocations, as they relate to restoration of salmon runs, are subject to more detailed review sessions on project scope.
2. The Capital Highway pedestrian improvement is subject to funding from the library.
3. I-5 Trade Corridor funds would be withdrawn if a federal discretionary grant is awarded.
4. Transit and 2040 Initiatives allocations are subject to review of Tri-Met's adopted annual service plan.
5. The PDX Light Rail allocation returns if the project is not built.
6. Washington County Commuter Rail allocation is subject to approval of a work program.
7. The \$1.7 million increase of funding for Tri-Met's Transit Choices for Livability program, which brings regional funding to \$5.7 million from \$4.0 million, is partially to assure implementation of rapid bus service within a broadly defined Barbur Corridor.
8. Any regional funds left after completion of the Murray Overcrossing project will be used to support PE for the Hall Boulevard project (WBL6), up to \$0.045, the Cornell Boulevard right of way phase (WBL1), up to \$0.540, and the Washington County Bus Stop Enhancements (WTr2), up to \$0.500.
9. Funds for the Washington County Bus Stop Enhancements, should they become available, will be jointly allocated to Tri-Met and Washington County; should consider city locations and should integrate with any TCL funded Barber/Hwy 99 rapid bus project.
10. Allocation of funds to the Wilsonville TDM program is subject to agreement by the TDM Subcommittee on coordination of services between SMART and Tri-Met.
11. The Interstate ITS project funding is authorized to transfer to the Barber Blvd. corridor (whose technical ranking tied that of the Interstate project) if Interstate MAX accomplishes the Interstate ITS improvement.
12. Multnomah County shall consider restoration of \$0.500 million to the joint Gresham/Multnomah County ITS program from state gas tax increases.
13. Multnomah County and the City of Portland will jointly provide \$0.150 million to match the regional commitment of \$0.100 for preliminary engineering of the Morrison Bridge Bikeway.
14. All allocations are subject to consistency with Metro's Street Design Guidelines.
15. All ITS allocations are subject to TPAC review of more detailed scopes.

TRANSPORTATION PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2791, FOR THE PURPOSE OF APPROVING THE FY 2000 MTIP MODERNIZATION PROGRAM DEVELOPED THROUGH THE PRIORITIES 2000 PROCESS

Date: May 19, 1999

Presented by: Councilor Kvistad

Committee Recommendation: At its May 18 meeting, the Committee considered Resolution No. 99-2791 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Atherton and Bragdon and Chair Kvistad.

Committee Issues/Discussion: Andy Cotugno, Transportation Planning Director presented the staff report. He explained that the purpose of the resolution was to authorize the allocation of flexible federal funds for a wide range of road, bike, pedestrian, transit, freight and other transportation-related projects. He noted that the Priorities 2000 MTIP allocation process was initiated in July 1998 and that proposals for projects totaling \$325 million had been reviewed. He indicated that JPACT had reviewed the revised TPAC with the result that the full amount of available funding (\$75.8) was allocated. The JPACT recommendations were presented in a revised staff report that was presented to the committee. Cotugno also called the committee's attention to a list of conditions that have been attached to several projects. He noted that JPACT unanimously approved that changes to the TPAC recommendations and the final list of funded projects.

Chair Kvistad expressed concern that the documentation showed that the \$18 million allocated to Tri-Met was for the Airport LRT. He noted that the funding was actually for the purchase of buses which would free up a portion of Tri-Met's general revenue which could be allocated to the Airport LRT. Cotugno proposed language changes to modify how the project was identified and defined in the resolution documentation. These were adopted by the committee.

Councilor Bragdon suggested that certain acronyms be spelled out and that the exhibit table header be revised to indicate that the council was considering the "JPACT" recommendation and not the TPAC recommendation. The committee adopted these changes.

Councilor Bragdon raised an additional issue related to the identification of Metro as the allocator of the funds provided for these projects. He noted that a TPAC representative had suggested that Metro should be identified on any project-related signage concerning the projects funded through the Priorities 2000 process. Committee members agreed with Councilor Bragdon's suggestion. Cotugno noted that he would check with the federal transportation agencies that provided the federal funds being allocated to make sure that the identification of Metro on signage was legal. It was agreed that the committee would address this issue at its next meeting and that it would be reviewed by JPACT.

Councilor Atherton asked what the effect of any additional funding sources (either federal state, or local) would be on the allocation of these flexible funds. Cotugno responded that, depending on the nature and source of the funds, Metro and JPACT were free to revisit and revise the allocation of funds at any time.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2791 FOR THE PURPOSE OF APPROVING THE FY 2000 MTIP MODERNIZATION PROGRAM DEVELOPED THROUGH THE PRIORITIES 2000 PROCESS

Date: May 13, 1999

Presented by: Andrew C. Cotugno

PROPOSED ACTION:

Approval of this resolution would allocate \$75.8 million of federal funds allocated in TEA-21 to a set of multi-modal transportation projects throughout the region (see Exhibit 1 of the Resolution). It would also approve the recommendation of ODOT Region 1 staff to allocate \$26 million of state gas tax funds to Phase 3 of the Sylvan Interchange Reconstruction project. This would complete the project and provide a continuous three-lane segment through Sylvan past Canyon Road. These actions would constitute adoption of the FY 2000 MTIP modernization element and would allocate all expected state and federal funds anticipated in the region through FY 2003. Additional action will be needed to approve the allocation of federal and state gas tax funds to the Operations, Maintenance and Preservation, Bridge, Safety and Transit funding categories.

BACKGROUND AND ANALYSIS

JPACT Action

At its regular May meeting, JPACT approved allocation of \$75.768 million to the list of projects now shown in Exhibit 1 of the Resolution. Thirteen motions were proposed during discussion of the Resolution but only four motions, affecting 10 projects, were approved. JPACT recommended approval of the TPAC recommended 100 percent program with the following changes (\$ millions):

	<u>PROJECT</u>	<u>TPAC 100% FUNDS</u>	<u>JPACT APPROVAL</u>
CM7	Clackamas County ITS	\$1.000	\$0.800
CBL2	Willamette Drive: A/McKillican	\$0.000	\$0.200
MM7	Gresham/Mult. Co. ITS	\$1.000	\$0.500
	Condition A: Multnomah County pledges to consider restoration of \$0.500 million for the Multnomah County/Gresham ITS project from state gas tax increases.		
MBL1	Division Blvd: Wallula/Kelly	\$2.000	\$2.500
PBi1	Morrison Bridge Bikeway PE	\$0.000	\$0.100
	Condition B: Multnomah County and the City of Portland agree to match regional allocation with an additional total of \$0.150 million.		
WTr2	Wash. Co. Bus Stop Enhancements	\$0.500	\$0.000

WM5	Murray Overcrossing	\$1.000	\$1.000
	Condition A:	First commitment of funds is completion of Murray Overcrossing project.	
	Condition B:	Remaining funds to be committed to WBL6 Hall Blvd PE of \$0.045 million (previously unfunded).	
	Condition C:	Remaining funds to be committed to WBL1 Cornell Blvd R/W of \$0.540 million (previously unfunded).	
	Condition D:	Remaining funds to be committed to WTr2 Washington County Bus Stop Enhancement project up to \$0.500 million (previously funded at \$0.500 million).	
TE1	Pioneer Courthouse Visitor Center	\$0.500	\$0.200
PF2	Marine Dr. Reconstruction	\$1.795	\$2.295
RTr2	Transit Choices For Livability	\$4.000	\$5.700
	Condition:	Funding increase is to assure implementation of Barbur Corridor Rapid Bus program.	

FY 2000 MTIP/STIP

The Transportation Improvement Program (TIP) currently recognized by the FHWA and FTA is the FY 98 State TIP (STIP). The ODOT Region 1 element of the STIP is the Portland-area Metropolitan TIP (MTIP). In January 1998, Metro and ODOT staff began cooperative development of the FY 2000 STIP. The STIP is routinely updated every two years. However, an important function of this update is to address a variety of funding issues that resulted from delayed adoption by Congress of the Transportation Efficiency Act for the 21st Century (TEA-21).

The FY 98 STIP was adopted before TEA-21 authorization levels were known. As a result, the Oregon Transportation Commission, JPACT and the Metro Council concurred in adopting conservative funding assumptions for FY 1998 – 2001. TEA-21 provided higher funding than that programmed in the FY 98 STIP. It also authorized funding for two additional years, i.e., FY 2002 and FY 2003. The result is that approximately \$75.8 million of federal transportation funding is available for programming. The FY 2000 STIP allocates these funds to modernization projects across all modes of travel.

Additionally, state gas tax revenues of about \$26 million are available for programming of modernization projects in FY 2002 and 2003. This update addresses programming of these funds. This Resolution does not address programming of federal and state Operations, Maintenance and Preservation funds, or the funding categories related to Bridge, Safety and Transit. Programming of these projects is driven by technical considerations addressed in ODOT management systems for pavement condition, safety and bridge structural integrity and the Tri-Met five-year capital program.. These funds will be adopted by separate resolution.

Revenue Forecasts

The first step in updating the MTIP/STIP involved ODOT and Metro staff development of revenue forecasts. These are shown in Attachment A. Prior funding commitments were accounted for, including \$25.5 million during this period for support of South/North light rail or its successor. The current proposal leaves this funding stream intact, but delays draw down of funds until a regional consensus is established for a replacement to the South/North project or another use is approved by Resolution action.

Metro assumed congressional appropriation of the average level of Transportation Enhancement (TE) funds received under ISTEA and obligation of 100 percent of appropriated sums. Any TE balance greater than the ISTEA average will be reserved to a statewide program to be managed by ODOT. The region will program all other fund types at a 100 percent level, with the understanding that federal regulations typically restrict annual obligation rates to 90 percent of appropriated sums. This means that the region will likely need, at some point, to delay some approved projects to later years. (The next update --the FY 2002 STIP -- offers an opportunity to make this adjustment.)

The region's projected revenue generates a significant restriction on project solicitation: less than half the funds assumed for allocation (\$33.156 million) are federal Surface Transportation Program (STP) category of funds which are the only type allocated to the region eligible for construction of general-purpose travel lanes. Slightly over half of the funds (\$42.631 million) are Congestion Mitigation/Air Quality (CMAQ) and Transportation Enhancement (Enhancement) funds, which are essentially limited to expansion of alternative mode infrastructure. These issues were identified in the kick-off notice mailed throughout the region on May 22, 1998 and in the project solicitation mailed September 2.

Project Technical and Administrative Ranking Criteria

Upon approval of the revenue assumption and obligation strategy, Metro staff developed draft multi-modal technical ranking criteria and administrative factors to shape final project selection. The TIP Subcommittee was convened on several occasions to review staff proposals and one public workshop was held on June 23, 1998 to solicit public comment. JPACT and the Metro Council approved both the technical and administrative criteria and the overall selection process, which are summarized in Attachment B.

Technical ranking criteria were adopted for the following modes:

1. Road Reconstruction
2. Road Modernization
3. Freight
4. Bridge
5. Bike
6. Pedestrian
7. Boulevards
8. Transit Oriented Development
9. Transit
10. Transportation Demand Management

Planning projects are also eligible for funding but no specific criteria have been developed for this class of projects.

Several policy issues were debated at some length during the criteria development process:

- Whether and how to link project ranking with support of regional affordable housing goals;
- How to link project ranking with safety of school children
- Whether adherence of locally proposed project's to Metro's Street Design Guidelines should be used as a minimum eligibility standard for receipt of federal funds.
- Whether separate criteria are needed to adequately account for and rank benefits of Boulevard projects.

Affordable housing and school access and safety were approved as administrative criteria for candidate projects but no technical ranking method was developed, nor were points assigned for these benefits. Project adherence to Metro's Street Design Guidelines was adopted as an initial screening criteria. Metro staff will monitor approved projects through the design phase as a condition for release of construction funds. Separate boulevard technical criteria were eventually fashioned and adopted for evaluation of this new modal category.

Other administrative criteria endorsed by JPACT and the Metro Council included prior regional commitments, link to previous significant projects, local/private overmatch, strong public/agency support, significant multi-modal benefits and regional equity.

Project Solicitation

After JPACT and Metro Council approval of the technical and administrative criteria and the overall selection process, Metro solicited project nominations from public agencies including Tri-Met, the Port of Portland, and county and city transportation and parks agencies throughout the region. The solicitation was mailed September 2 and closed October 16, 1998. Approximately \$330 million of project nominations were received, or about four times the funding available.

About one month after the solicitation closed, ODOT Salem staff mailed a statewide Transportation Enhancement solicitation. The mailing was primarily directed to agencies and private groups in ODOT Regions 2-5. However, in addition to Region 1 rural agencies, Salem staff also solicited Region 1 urban agencies and private, non-profit groups to nominate a very limited category of projects whose eligibility was established by TEA-21 and which were not specifically addressed by Metro's solicitation. Eligibility was established for transportation museums, visitor centers and reduction of vehicle caused wildlife mortality (but not mitigation of indirect impacts of roadways on salmonid species).

Some 12 projects totaling about \$8.5 million were received by ODOT staff from the Portland urban area in response to the TE solicitation. An ODOT selection committee, including a citizen representative and staff from ODOT, Metro and DEQ prioritized the Enhancement nominations. The top three ranked projects, totaling \$879,000 are included in the recommended program.

Project Ranking

Technical ranking was conducted between October 16, 1998 and February 8, 1999 and was refined through March. Public comment on the technical ranking and administrative considerations began February 8 and concluded on March 22. Three public workshops were held during the comment period at which testimony was received. Comments have also been received in e-mail, writing and voice mail. Letters of comment, testimony transcripts and other communication, together with staff commentary on materials received during the ranking process have been previously distributed to TPAC, JPACT and the Metro Council. Letters and other communication received late in the process will be distributed at the May 13 JPACT and will be available for public review at Metro Headquarters. A complete summary of the Priorities 2000 public comment and adoption schedule is included in Attachment C.

A draft 150 percent "cut list" was released for TPAC approval on March 26 and was the subject of a formal joint hearing of JPACT and the Metro Council Transportation Planning Committee. JPACT and the Metro Council approved the 150 percent list on April 8. TPAC approved a "100 percent" program on April 30 recommending allocation of \$74.268 of the available funds and identifying \$9.828 million of possible "add-backs" for the unallocated \$1.532 million. This was the subject of a final joint public hearing of JPACT and the Metro Council Transportation Planning Committee on May 4 (see below for details of the hearing).

TPAC "Base Program" Recommendation

TPAC recommended a Base Program of \$74.268 of regional flexible funds and \$26 million of ODOT freeway improvement funds for JPACT review. As discussed above, JPACT left the bulk of the recommendation intact but modified funding levels and imposed conditions affecting some 10 projects. The JPACT approved program is shown in Exhibit 1 of the Resolution. Attachment D shows these projects in relation to the entire 150 percent list previously approved by JPACT and the Metro Council.

Approval Conditions and Considerations

As a companion to the Base Program TPAC approved 11 conditions relating to a variety of the recommended projects. JPACT approved these conditions and, as mentioned above, added several more. The combined conditions that are attached to the program approval are identified in Exhibit 2 of the Resolution.

Several of the Base Program projects had technical ranks much lower than some projects that were not recommended for funding. This was especially true of three modernization projects: 1) Foster Road @ Kelly Creek Bridge; 2) Hwy 213/Beavercreek Road

Intersection; and 3) Sunnyside Road @ Scott Creek Bridge. There are three primary reasons this occurred.

First, each of the projects significantly aid salmon recovery in streams adversely affected by adjacent road facilities. Additionally, both the Foster Road and Hwy 213 projects address significant safety hazards. Finally, the Hwy 213 project enjoys a local contribution of over \$3 million which amounts to just over a 50 percent local match ratio.

These same factors: environmental benefits, safety issues and significant local match, are also associated with other instances where lower ranked projects have been recommended for funding over higher ranked projects. Other factors include significant public and agency support and the need to address geographic equity in distribution of regional funds.

“Add Back” Recommendation

The TPAC recommendation left an unallocated balance of \$1.512 million. TPAC identified nine projects from the remnant of all the projects that were cut from the JPACT /Metro Council approved 150% list (see Attachment D). The nine projects shown below are those which TPAC suggested should be considered to receive the final \$1.5 million of unallocated regional funds.

	<u>PROJECT</u>	<u>PHASE</u>	<u>AMOUNT</u>	<u>AGENCY</u>
PIng5	Regional Freight Program Analysis	Stdy	\$0.050	Metro
MM3	223 rd Overcrossing Reconstruction	RW	\$0.125	Mult. Co.
PF2	N. Marine Dr. Reconstruction	Con	\$1.794	Port
MBL1	Division: Kelly/Wallula	Con	\$0.789	Gresham
WBL1	Cornell: Trail/Saltzman	Con	\$1.800	Wash Co.
CBL2	Willamette Dr: A/McKillican	PE	\$0.200	W. Linn
PBi1	Morrison Br Bike/Ped Access	PE/Con	\$1.570	Mult. Co.; or
PBi1	Morrison Br Bike/Ped Access	PE	\$0.250	Mult. Co
RTr2	Transit Choices For Livability	Ops	<u>\$3.500</u>	Tri-Met
		TOTAL	\$9.828	

Final Public Hearing

A public hearing was held Tuesday, May 4 before a joint session of the Metro Council Transportation Planning Committee and JPACT. Significant support was expressed for the following “add back” projects:

<u>PROJECT</u>	<u>REQUEST</u>	<u>COST</u>
Division: Wallula/Kelly Boulevard	Supplement with additional	\$789,000
Stark Street Boulevard Project	Supplement TEA-21 award w/ added	\$800,000
223 rd Railroad Overcrossing R/W	Supplement PE with R/W award of	\$125,000

Morrison Bridge Bikeway	Restore full funding	\$1,570,000
Gresham Fairview Trail	Restore full funding	\$776,000
Fanno Creek Trail, Ph. 2	Restore Construction funds of	\$852,000
Will. Shoreline Bike Path Study	Restore funding of	\$150,000
Peninsula Trail Crossing Ph. 2	Restore full funding	\$359,000
Marine Drive Overcrossing Constr.	Supplement with additional	\$1,795,000
I-5 Trade Corridor	Supplement with additional	\$250,000
Transit Oriented Develop. Program	Supplement with additional	\$3,500,000
Transit Choices for Livability	Supplement with additional	\$3,500,000 <i>or</i>
Transit Choices for Livability	Fund at full request of	\$16,000,000
Washington Co. Bus Stops	Restore additional funding	\$175,000
I-405 Landscaping Proposal	Restore full funding	\$300,000
Gateway Traffic Mngt Plan	Change scope from blvd and fund	\$1,000,000

In addition to support for the above projects and programs, comments were also received that the following projects should be deleted from the recommendation list:

Murray Overcrossing	Delete supplement to TEA-21 funds	-\$1,000,000
All Road Projects	Delete all PE and/or R/W and Construction funds	

Much of the commentary was concerned with the appropriate level of support Metro should provide to various travel modes. Attachment E shows the region's history of allocations since adoption of the Intermodal Surface Transportation Efficiency Act in 1991 and the relative percentage of funding allocated to the various modes for which ranking was conducted in the Priorities 2000 process.

Regional Air Quality Conformity

All allocations are subject to Metro preparation and joint FHWA, FTA and EPA approval of a regional air quality conformity determination. In the event modeled emissions are found to exceed permitted levels, revisions to this program, or other elements of the approved 20-year Regional Transportation Plan will be needed.

ATTACHMENT A: MTIP/STIP UPDATE 2000

OLD AND NEW FUNDING ESTIMATES, PROGRAM COMMITMENTS & NET AVAILABLE FUNDS

	98	99	00	01	02	03	TOTAL
Programming of Old Estimate							
Estimated STP Funds	8.254	7.972	7.690	7.407	0.000	0.000	31.323
(South/North)	0.000	-1.500	-6.000	-6.000	0.000	0.000	-13.500
(Other STP Programming)	-7.638	-5.384	-3.634	-7.801	0.000	0.000	-24.457
Subtotal STP	0.616	1.088	-1.944	-6.394	0.000	0.000	-6.634
Estimated CMAQ	3.174	3.055	2.936	2.816	0.000	0.000	11.981
Programmed CMAQ	-2.619	-3.963	-2.062	-2.180			-10.824
Subtotal CMAQ	0.555	-0.908	0.874	0.636	0.000	0.000	1.157
Estimated Enhancement	1.166	1.166	1.166	1.166	0.000	0.000	4.666
Programmed Enhancement	-1.223	-2.276	0.000	0.000			-3.499
Subtotal Enhancement	-0.057	-1.110	1.166	1.166	0.000	0.000	1.167
Total Estimated Regional Funds	12.595	12.193	11.792	11.390	0.000	0.000	47.970
Approved Programming	-11.480	-13.123	-11.696	-15.981	0.000	0.000	-52.280
Overprogramming of Reg. Flex Funds	1.115	-0.930	0.096	-4.591	0.000	0.000	-4.310
ODOT Mod Estimate and Program	23.051	21.734	35.247	0.122	0.000	0.000	80.154

Current Funding Estimate

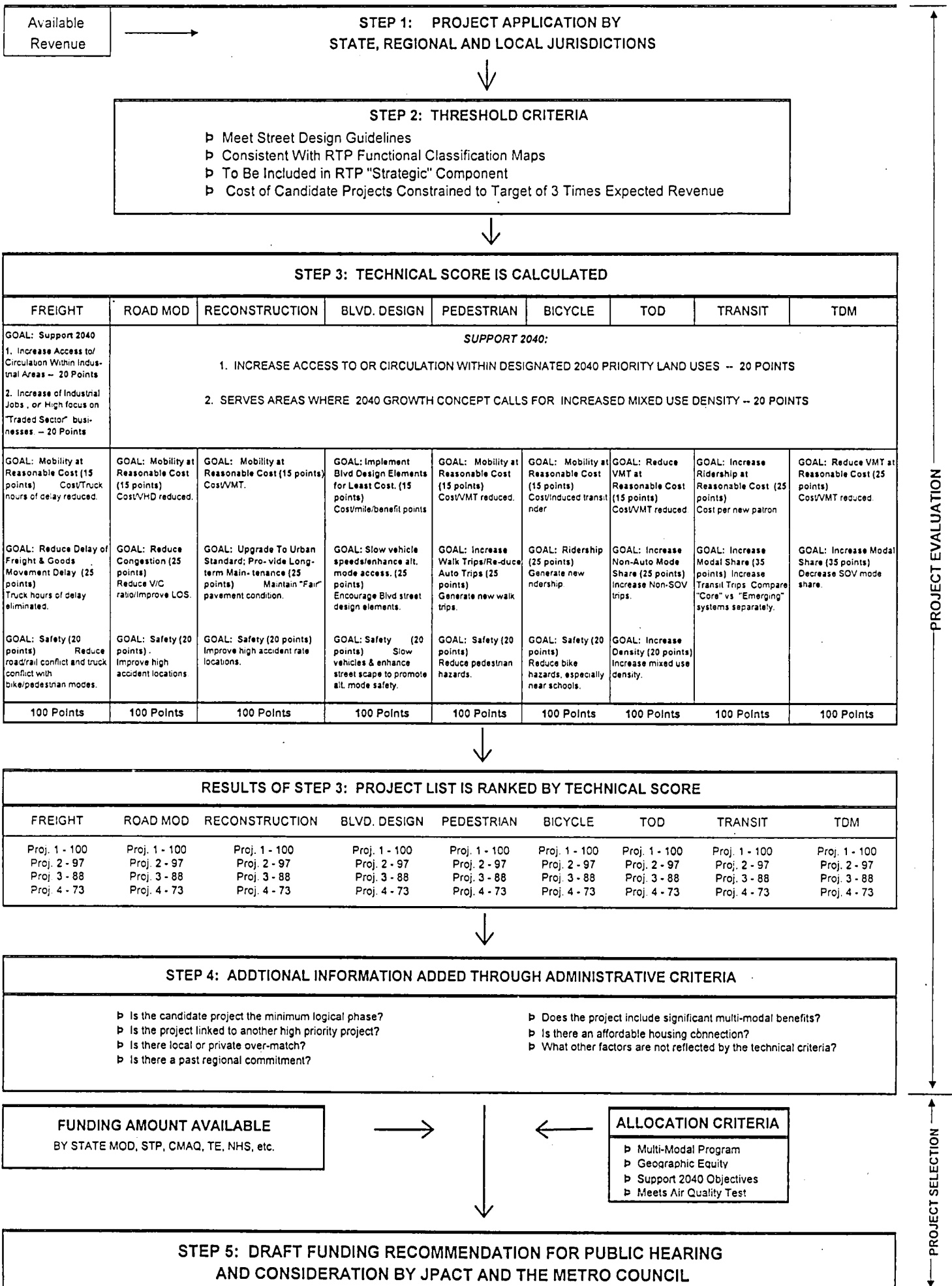
Regional STP	11.941	13.811	13.917	14.221	14.461	14.762	83.113
CMAQ	6.739	7.669	7.570	7.824	9.272	9.471	48.545
Enhancement	1.400	1.400	1.400	1.400	1.400	1.400	8.400
ODOT Modernization	23.051	21.734	35.247	0.122	8.560	8.560	97.274
Total Current Funding Estimate	43.131	44.614	58.134	23.567	33.693	34.193	237.332
S/N Commitment		-1.500	-6.000	-6.000	-6.000	-6.000	-25.500
Other Prior Programming	-34.531	-33.357	-40.943	-10.103	0.000	0.000	-118.934
UNPROGRAMMED FUNDS	8.600	9.757	11.191	7.464	27.693	28.193	92.898

INCREASE BY FUND TYPE TO ALLOCATE

Regional STP	4.303	6.927	4.283	0.420	8.461	8.762	33.156
CMAQ	4.120	3.706	5.508	5.644	9.272	9.471	37.721
Enhancement	0.177	-0.876	1.400	1.400	1.400	1.400	4.901
Total Flex Funds To Allocate	8.600	9.757	11.191	7.464	19.133	19.633	75.778
ODOT Modernization	0.000	0.000	0.000	0.000	8.560	8.560	17.120
GRAND TOTAL TO ALLOCATE	8.600	9.757	11.191	7.464	27.693	28.193	92.898
TEA-21 High Priority "Ear-Mark" Projects	7.384	10.069	12.083	12.083	12.754	12.754	67.125

ATTACHMENT B

FY 2000 MTIP/STIP PROJECT SELECTION PROCESS



Priorities 2000 Project Selection Schedule

- 22-May-98 Public notification to kick-off process
- 23-Jun-98 Public hearing on draft criteria
- 16-Oct-98 Deadline for local governments to submit projects
- Oct – Feb Technical ranking of projects
- 8-Feb-99 Public comment period begins
- 23-Feb-99 Public workshop with ODOT (in Portland): Comment on technical and administrative factors
- 27-Feb-99 Open house (in Hillsboro) – distribute information to public
- 17-Mar-99 Public workshop with ODOT (in Oregon City) – Comment on technical and administrative factors
- 22-Mar-99 Public comment period ends
- 26-Mar-99 TPAC: review/approve 150% cut list
- 6-Apr-99 JPACT/Transportation Planning Committee public hearing on 150% cut list
5:30 p.m., Council Chamber, Metro Regional Center,
600 NE Grand, Portland
- 8-Apr-99 JPACT/Metro Council Review/Approve 150% cut list
- 20-Apr-99 Transportation Planning Committee review
- 30-Apr-99 TPAC Approval of Program Recommendation
- 4-May-99 JPACT/Transportation Planning Committee public hearing on program
recommendation – 5:30 p.m., Council Chamber, Metro Regional Center, 600
NE Grand, Portland
- 13-May-99 JPACT consideration of program approval
- 27-May-99 Metro Council consideration of program approval

JPACT APPROVED PRIORITIES 2000 MTIP PROGRAM (COMMITTED, NEWLY APPROVED AND UNFUNDED REQUESTS)

ATTACHMENT D

A. Planning		B. Road Modernization		C. Road Reconstruction		D. Bridge		E. Freight		F. Boulevard	
Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount
Committed		Committed		Committed		Committed		Committed		Committed	
Metro Core Program	\$0.659	Murray O'Xing - TEA-21	\$3.750	Johnson Crk Blvd Ph II	\$0.800	Broadway Bridge - TEA-21	\$10.000	So Rvergate O'Xing - TEA-21	\$13.000	Ped to MAX (Stark St) - TEA-21	\$1.000
		Sunnyside Road	6.400	Front Ave Reconstruction	1.870						
		Sunnybrook Rd Extn's'n - TEA-21	13.000								
		Lovejoy Ramp Reconstruction	5.050								
FY 00-03 Committed Total	\$0.659	FY 00-03 Committed Total	\$28.200	FY 00-03 Committed Total	\$2.670	FY 00-03 Committed Total	\$10.000	FY 00-03 Committed Total	\$13.000	FY 00-03 Committed Total	\$1.000
JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM	
1 Core Reg Planning Program	\$2.083	1 PM6 Mt K/Interstate ITS	\$0.550	12 MM3 223rd O'Xing (PE)	0.267	1 PR10 Nato Parkway DAVIS/Market	\$1.500	1 PB2b Burnside Electrical	\$2.295	1 MBL1 Division Wallula/Kelly	\$2.500
NA I-5 Trade Corridor Study	0.250	3 WM5 Murray O'Xing: Milikan/Terman*	1.000	13 CM2 Harmony/Linwood/Railroad Av (PE)	0.449	3 PR2b Morrison Electrical	0.800	4 PF1 Lower Albina Overcrossing	4.000	2 CBL3 McLoughlin Harrison/SPRR X'ing	1.800
NA OPB Pilot	0.100	4 MM7 Gresham/Mult Co ITS	0.500	16 WM17 I-5/Nyberg Interchange (PE)	0.342					3 PBL3 W Burnside Bldg/MW 23rd	0.269
NA Regional Freight Program Analysis	0.100	5 CM7 Clack Co ITS/ATMS	0.800	18 WM13 SE 10th E Main/SE Baseline (PE)	0.090					6 PBL1 Hawthorne 20th/55th	1.500
		7 WM4 Wash Co ATMS	0.370	20 MM1 207th Connector Halsey/Gisan	1.345					7 CBL1 Harmony Rd 82nd/Fuller	1.750
		8 PM1 Portland Arterial/Fwy ITS	0.750	28 CM5 Sunnyside Rd/MT Scott Creek	1.400					9 WBL1 Cornell Trail Av/Saltman Rd	
		10 WM1 Farmington Rd Hocken/Murray (PE)	0.932	28 CM14 Hwy 213/Beaver Creek Rd	3.000					12 CBL2 Willamette Dr - "A" St/McKillican	0.200
		11 WM19 SW Greenburg Wash Sq/Tiedeman PE	0.270	34 PM10 SE Foster Rd/Kelly Creek	0.600					14 WBL8 Hall Blvd Cedar Hills/Hocken	
										15 WBL2 Main St 10th/20th (Cornelius)	1.800
		*First priority to complete Murray O'Xing; balance to fund Blvd, Ped and Transit projects noted herein.								*Cornell RAW phase, up to \$0.540 and Hall PE phase, up to \$0.045, to be funded by balance of Murray O'Xing, if any.	
Proposed Total:	\$2.533	Proposed Total:	\$12.665	Proposed Total:	\$2.576	Proposed Total:	\$1.300	Proposed Total:	\$6.295	Proposed Total:	\$9.819
Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests	
NA Green Streets Handbook	0.090	4 MM7 Gresham/Mult Co ITS	1.000	12 MM3 223rd O'Xing (RW)	0.149	2 PR3 NW 23rd Burnside/Lovejoy	0.825	2 PB3 Broadway Bldg Deck Rehab	3.651	1 MBL1 Division Cleveland/Birdsdate	\$0.289
NA I-5 Trade Corridor Study	0.250	5 CM7 Clack Co ITS/ATMS	0.625	16 WM17 I-5/Nyberg Interchange (RW/Partial Con)	0.783	3 PR5 SE Holgate 42nd/52nd	0.797			3 MBL2 Stark St	0.800
NA Regional Freight Program Analysis	0.050	11 WM19 Greenburg Rd Wash Sq/Tiedeman (RW/Partial Con)	0.774	18 WM13 SE 10th E Main/SE Baseline RW	0.495					5 PBL2 Gateway Reg Cntr	1.000
		4 MM7 Gresham/Mult Co ITS	0.500	41 WM2 Murray Ext Scholls/Walnut PE/RW	1.707					9 WBL1 Cornell Trail Av/Saltman Rd	1.800
										10 CBL4 A Ave Improvement (L O)	2.700
										12 CBL2 Willamette Dr - "A" St/McKillican	0.900
										14 WBL8 Hall Blvd Cedar Hills/Hocken	2.000
										15 WBL2 Main St 10th/20th (Cornelius)	0.500
Proposed Total:	\$0.390	Proposed Total:	\$6.033	Proposed Total:	\$1.622	Proposed Total:	\$3.651	Proposed Total:	\$1.294	Proposed Total:	\$9.889

G. Pedestrian		H. Bike/Trail		L TDM		J. TOD		K. Transit		L. 100% of ODOT Transportation	
Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount	Rank	Amount
Committed		Committed		Committed		Committed		Committed		Committed	
Portland Ped to Transit	\$2.400	Steel Bridge	\$1.360	Hall Blvd - SPRR/Ridgecrest	0.340	Regional TDM Program	\$0.813	TOD Reserve	\$0.150	SAI STP Commitment	\$25.500
Req Ped to MAX/Transit	0.150	Halsey Bike Lane	0.808	Fanno Creek Trail	0.300			Tn-Met Buses - TEA-21	3.500	Ptd Transit Signal Priority - TEA-21	4.500
Woodstock District	0.200	Eastbank Esplanade	1.590	Cedar Creek Trail	0.080						
Lovejoy Ramp Reconstruction - TEA-21	5.000	Cedar Hills Blvd Walker/Butner	0.590	Front Harrison/Everett	0.500						
FY 00-03 Committed Total	\$7.750	FY 00-03 Committed Total	\$4.348	FY 00-03 Committed Total	\$2.700	FY 00-03 Committed Total	\$0.813	FY 00-03 Committed Total	\$0.150	FY 00-03 Committed Total	\$33.500
JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM		JPACT APPROVED 100% PROGRAM	
2 WP5 SW 170th Merlo/Elmwood LRT Stn'n	0.270	1 PB1 Morrison Br Ped/Bike Access (PE)*	\$0.100	9 CBL10 Parkway/Town Center Pkwy Loop	0.040	1 TDM1 Regional TDM Program	\$1.987	1 RTD1 Metro TOD Program	\$4.000	1 RT1 Reg Contrib'n for PDX LRT	\$18.000
3 WP7 Cedar Hills Walker/Butner	0.085	2 CBL3 Philip Creek Greenway Trail (PE/RW)	0.202	10 CBL9 Town Cntr Park Bike/Ped Connection	0.200	2 TDM6 SMART TDM Program	0.220	2 RT2 Wash Co Bus Stop Enhancements		2 RT2 Wash Co Bus Stop Enhancements	
4 WP4 Sentinel Plaza Cornell/Cedar Hills/113th	0.180	3 PBL6 E Bank Trail CM/SI/Springwater (Con)	0.720	11 CBL7 Clack Reg Ctr Trail	0.278	3 TDM3 ECCO Information Clearinghouse	0.188	3 RT2 Service Increase for Reg/T C TCL	5.700	3 RT2 Service Increase for Reg/T C TCL	5.700
5 CP1 Scott Crk Lane Pedestrian Path	0.080	4 PBL9 Greenley/Interstate	0.144	14 WBL10 Fanno Crk Trail Phase 2 (PE/RW)	0.235	4 TDM2 Portland Area Telecommuting	0.200	4 CT2 Will Shoreline Trestle/Track Repair	0.500	4 CT2 Will Shoreline Trestle/Track Repair	0.500
14 PP2 Capitol Hwy Bertha/BH Hwy	0.400	5 WBL5 Cornell Rd Etam Young/Ray	0.540	15 WBL1 Gresham/Fairview Trail (RW)	0.224	5 TDM5 TMA Assistance Program	1.000	5 WTR1 Wash Co Commuter Rail	1.000	5 WTR1 Wash Co Commuter Rail	1.000
		6 CBL2 Fuller Rd Harmony/King	0.592	25 PPS Red Electric Line W/Pr/Oleson (Stud)	0.135	6 TDM4 Region 2040 Initiatives	1.000				
		7 WBL2 Hall Blvd 12th/Alien	1.438	27 PBL6 E Bank Trail - Phase 2 (RW)	0.269						
		8 WBL1 Fanno Crk Allen/Denny	0.074								
		*City of Portland and Mult. Co. agree to combined match of \$0.150 as condition of regional allocation of \$0.100 of PE funds for Morrison Bridge bikeway project.									
Proposed Total:	\$1.015	Proposed Total:	\$5.191	Proposed Total:	\$4.595	Proposed Total:	\$4.000	Proposed Total:	\$25.200	Proposed Total:	\$0.579
Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests		Residual Unfunded Requests	
1 WP2 Milikan Way Murray/Hocken	\$0.224	1 PB1 Morrison Br Ped/Bike Access	\$1.470	5 TDM5 TMA Assistance Program	0.168	1 RTD1 Metro TOD Program	\$3.500	2 RT2 Wash Co Bus Stop Enhancements	0.875	1 Pioneer Crk House Renovation	\$0.300
7 PB7 E Bank Riverfront Access	0.340	2 CBL3 Philip Creek Greenway Trail (Con)	0.266	6 TDM4 Region 2040 Initiatives	0.168	2 PTOD2 N Macadam Dist Streets	1.500	3 RT2 Service Increase for Reg/T C TCL	6.825	2 Portland Bikeway Network Signage	0.129
		13 PBL3 Marine Dr Multi-use Trail Segments (Co)	0.500					4 CT2 Will Shoreline Trestle/Track Repair	0.397	3 NE 47th Environmental Renovation	0.250
		14 WBL10 Fanno Crk Trail Phase 2 (Con)	0.852					6 CT1 SMART (Wilsonville) Transit Cntr/TER	1.172		
		15 WBL1 Gresham/Fairview Trail (Con)	0.852								
		16 PBL2 Peninsula Crossing Trail Ph 2	0.359								
		18 CBL12 Will Shoreline Bike Study	0.150								
		27 PBL6 E Bank Trail - Phase 2 (Con)	0.471								
Proposed Total:	\$0.564	Proposed Total:	\$4.920	Proposed Total:	\$0.336	Proposed Total:	\$5.000	Proposed Total:	\$8.869	Proposed Total:	\$8.048

Total Allocated: \$75.768
 Unallocated: \$0.032
 Total Ctd: \$42.668

SEE OVER FOR ODOT FREEWAY ALLOCATION

JPACT APPROVED PRIORITIES 2000 MTIP PROGRAM (COMMITTED, NEWLY APPROVED AND UNFUNDED REQUESTS)

Freeway	Amount	
Committed		
I-5/217\Kruse Way	14.57	
I-5/217\Kruse Way	<u>7.00</u>	TEA-21
SUBTOTAL I-5/217\Kruse Way	21.57	
I-205/Sunnybrook Intrchn	22.27	
I-205/Sunnybrook Intrchn	<u>6.00</u>	TEA-21
SUBTOTAL I-205/Sunnybrook Intrchr	28.27	
Tualatin/Sherwood Bypass	0.38	
US 26: Camelot/Sylvan Interchn	<u>21.90</u>	
FY 00-03 Committed Total	\$ 72.112	
Proposed		
US 26: Sylvan Interchange Ph. 3	<u>\$ 26.513</u>	ODOT
Proposed Total:	\$ 26.513	

ATTACHMENT E

Modal Share of Committed Transportation Funds: 1992-2003 (\$ millions)							Priorities 2000 Modal Share Influence (\$ millions)			
PROJECT MODE	Built		Funded but Not Built		SUBTOTAL OF COMMITTED FUNDS	MODAL % OF COMMITTED FUNDS: NON-FRWY	TPAC ENDORSED PRIORITIES 2000 ALLOCATIONS	% OF \$75.8 Mil.	PRIORITIES 2000 + PRIOR COMMITTED FUNDS	% DISTRI- BUTION OF ALL ALLOCA- TIONS
	Amount	Percent	Amount	Percent	Amount	Percent				
Planning	\$5.400	5%	\$0.659	1%	\$6.059	3%	\$2.533	3%	\$8.592	3%
Road Modernization	30.120	26%	28.200	27%	58.320	26%	12.865	17%	71.185	24%
Road Reconstruction		0%	2.670	3%	2.670	1%	2.826	4%	5.496	2%*
Bridge	3.130	3%	10.000	10%	13.130	6%	1.300	2%	14.430	5%
Freight	18.350	16%	13.000	13%	31.350	14%	6.295	8%	37.645	13%
Boulevard		0%	1.000	1%	1.000	0.5%	9.619	13%	10.619	4%
Pedestrian	5.950	5%	7.750	7%	13.700	6%	1.015	1%	14.715	5%
Bike	8.800	8%	5.838	6%	14.638	7%	5.320	7%	19.958	7%*
TDM	3.260	3%	0.813	1%	4.931	2%	4.795	6%	9.726	3%*
TOD	4.900	4%	0.150	0%	5.050	2%	4.000	5%	9.050	3%
Transit	36.870	32%	33.500	32%	70.370	32%	25.200	33%	95.570	32%
Non-Freeway Subtotal	\$116.780	100%	\$103.580	100%	\$221.218	100%	\$75.768	100%	\$296.986	100.0%
Freeway	160.896		72.112		233.008		26.513		259.521	
GRAND TOTAL	\$277.676		\$175.692		\$453.368		\$102.281		\$556.507	

*Incorporates ODOT Transportation Enhancement recommendation into applicable modal category: \$0.250 to Reconstruction (47th Ave); \$0.250 to Bike (Ptld Bike Signs) and \$0.200 to TDM (Pioneer Sq.).

Agenda Item Number 11.1

Resolution No. 99-2786, For the Purpose of Approving Change Order No. 24 to the Waste Transport Services Contract.

Contract Review Board

**Metro Council Meeting
Thursday, May 27, 1999
Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING CHANGE) RESOLUTION NO 99-2786
ORDER NO. 24 TO THE WASTE TRANSPORT)
SERVICES CONTRACT) Introduced by Mike Burton, Executive
) Officer

WHEREAS, as described in the accompanying Staff Report, Metro and the Contractor wish to amend certain terms and payment provisions concerning the current Waste Transport Services Contract, Metro Contract No. 900848; and

WHEREAS, Metro will incur substantial financial savings over the remaining life of the contract, should Change Order No. 24 be executed; and

WHEREAS, the Resolution was submitted to the Executive Officer for consideration and was forwarded to the Metro Council for approval; now, therefore,

BE IT RESOLVED:

That the Metro Council authorizes the Executive Officer to execute Contract Change Order No. 24 to the Waste Transport Services Contract, in a form substantially similar to the attached Exhibit A.

ADOPTED by the Metro Council this ____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

EXHIBIT A

CHANGE ORDER NO. 24
METRO CONTRACT NO. 900848

**MODIFICATION TO THE CONTRACT BETWEEN
METRO AND SPECIALITY TRANSPORTATION SERVICES, INC.
ENTITLED "WASTE TRANSPORT SERVICE"**

This Change Order No. 24, dated as of the last signature date below (the "Effective Date of Change Order No. 24"), hereby amends Metro Contract No. 900848, entitled "Waste Transport Services," dated March 27, 1989, including all prior amendments (which contract and amendments are collectively referred to as the "Waste Transport Service Agreement").

In exchange for the promises and other considerations set forth in the Waste Transport Services Agreement and in this Change Order No. 24, the parties hereby agree as follows:

A. Purpose

This purpose of this Change Order No. 24 is to provide for a reduction in the unit price which Metro pays for solid waste transportation services; to provide for the modification to the trailer storage and shuttle operations conducted at Metro South Transfer Station; to set forth conditions for the release to Contractor of the contract retainage funds currently held by Metro; to provide for the lump sum prepayment to Contractor by Metro of certain fixed monthly payments; to amend certain provisions of the Waste Transport Service Agreement; and to incorporate other mutually agreed provisions.

B. Provisions of Change Order No. 24

1. Amendment of Payment Provisions

The provisions of Article 12A. of the General Conditions of the Waste Transport Service Agreement are hereby superseded and amended to read as follows:

"Rates. Effective June 1, 1999 or the first day of the month in which Change Order No. 24 becomes effective, whichever is later, for all work required under this Contract, Metro shall make monthly payments to Contractor based upon the unit price of \$331.47 per load. On or prior to the eighth day of each month, Contractor will submit to Metro a billing that indicates the quantity of waste transported from each transport site pursuant to the Contract. The value of unit price work shall be based upon the number of loads of waste actually transported according to the

Contractor Documents for the calendar month just completed. The Contractor shall furnish to Metro such detailed information as set forth in these Contract Documents (including records from transport sites) and as Metro may request to aid in the preparation of monthly payments. After approval by Metro, Metro will pay to the Contractor by the 25th day of the following month the sums then due under the Contract Documents.”

2. Amendment of Trailer Parking Provisions

The provisions of Change Order No. 1, Paragraph 3 and of Change Order No. 21, Section 2 entitled “Trailer Parking at Metro South Station” are hereby superseded and amended to read as follows:

“Metro shall henceforth be required to provide a paved storage area at Metro South Station for no more than 10 trailers used by Contractor to haul waste for Metro.”

3. Amendment of Shuttle Services Provisions

The provisions of Change Order No. 1, Paragraph 4 and of Change Order No. 21, Section 3, entitled “Shuttle Services at Metro South Station,” are hereby superseded and amended to read only as follows:

“Contractor shall continue to provide such trailer shuttle services to and from the compactors at Metro South Station as are necessary for the Contractor to meet the performance standards specified in the Contract. Notwithstanding any other provision of this Waste Transport Service Agreement, Metro shall not be obligated to make any payment of any consideration whatsoever to Contractor for the performance of any necessary shuttle services work at Metro South Station; provided, however, that during the 90 day period from the Effective Date of Change Order No. 24, Contractor shall not be considered in default for failing to shuttle an empty trailer at the Metro South Station to the compactor within 15 minutes of preparation of a bale for extrusion in accordance with the provisions of Change Order No. 1, Paragraph 4 (the “15 Minute Requirement”). During such 90-day period, Contractor acknowledges that the solid waste must be transported from the Metro South Transfer Station to the Columbia Ridge landfill in a manner that does not adversely affect the operation of the Station. Contractor agrees to take prompt action to take all reasonable actions necessary to avoid any interference with the operation of the Transfer Station. After the expiration of such 90 day period, the 15 Minute Requirement shall be reinstated unless (i) the failure by Contractor to consistently meet the 15 Minute Requirement would not have a material adverse effect on the performance standards imposed on Contractor under the Waste Transport Service Agreement or (ii) Contractor and Metro shall agree to a modification of the operations at

Metro South Station which would otherwise permit Contractor to comply with the 15 Minute Requirement.”

4. Amendment of Contract Extension Provisions

The provisions of Article 31 of the General Conditions of the Waste Transport Service Agreement entitled “Start of Contract, Contract Completion and Contract Extensions” are amended to read as follows:

“Metro, in its sole discretion, may extend the expiration of the term of this Waste Transport Service Agreement from December 31, 2009 to December 31, 2014, under the terms and conditions set forth herein. During any such extension period, Metro shall only be obligated to pay Contractor the unit prices then in effect under Article 12 of the Contract.”

5. Pre-Payment of Future Monthly Fixed Cost Obligation

Not later than ten (10) days following the Effective Date of Change Order No. 24, Metro shall pre-pay to Contractor an amount equal to the present value, calculated using a discount rate of six percent per year, of all remaining unpaid amounts of the future monthly fixed costs payments for which provision is made under the provisions of Article 12A. of the Original Agreement (which amount as of April 30, 1999 is calculated to be \$6,591,878.21). Such pre-payments shall be in exchange for both Contractor’s agreement to modify the payment terms of the Original Agreement as set forth in Paragraph 1 of this Change Order No. 24 and shall be in lieu of all future monthly fixed cost payments as provided under Article 12A. of the Original Agreement; *provided that* before such payment is made, Contractor has provided both (1) an irrevocable letter of credit issued by Mellon Bank, N.A. (“Mellon”), or other financial institution acceptable to Metro, in the amount of \$4,100,000.00 and which contains the requirements set forth in Paragraph 8 of this Change Order No. 24; and (2) a corporate guarantee issued by the Contractor’s parent company, Aasche Transportation Services, Inc. (“Aasche”) which contains the requirements set forth in Paragraph 8 of this Change Order No. 24. Notwithstanding any other provision in the Waste Transport Service Agreement, following the pre-payment for which provision is made under this paragraph, no further fixed cost payments shall be due to or made to Contractor.

The amount described above in this Paragraph 5 shall be paid by wire transfer in immediately available funds to a separate account of Contractor at Mellon. Contractor shall make disbursements from the account in accordance with the provisions of Paragraph 7 of this Change Order No. 24.

6. Release of Retainage and Modification of Contract Retainage Provisions

Notwithstanding any contrary provision contained in Articles 12, 13, 14 or 17 of the Waste Transport Service Agreement, not later than ten (10) days following the Effective Date of Change Order No. 24, Metro shall release and return to Contractor an amount equal to \$2,500,000.00 collected under the provisions of Article 13 of the Waste Transport Service Agreement, as amended, and held by Metro as retainage, together with all interest earned thereon. These funds shall be paid to Contractor in the manner described in Paragraph 5. Contractor shall make disbursements from the account in accordance with the provisions of Paragraph 7 of this Change Order No. 24.

Notwithstanding any contrary provision contained in Articles 12, 13, 14, or 17 of the Waste Transport Service Agreement, and upon the Effective Date of Change Order No. 24, Metro shall defer withholding any further retainage and shall not retain any portion of the payments due to Contractor for the purpose of creating the retainage fund described in Article 13, *provided that* Contractor has provided both (1) an irrevocable letter of credit issued by Mellon, or other financial institution acceptable to Metro, in the amount of \$4,100,000.00, and which contains the requirements set forth in Paragraph 8 of this Change Order No. 24; and (2) a corporate guarantee issued by Aasche which contains the requirements set forth in Paragraph 8 of this Change Order No. 24. The deferral of further retainage set forth in this Change Order No. 24 shall in no way affect any provision of the Waste Transport Service Agreement allowing Metro to retain any other amounts from payments that might otherwise be due to Contractor, nor shall such deferral affect any right of Metro to offset any amounts which may be owed to Metro under the Waste Transport Service Agreement.

In the event that after the Effective Date of Change Order No. 24, Contractor shall (i) fail to maintain the security provided for in this Paragraph 6, or (ii) commit any act described in Article 14 of the Waste Transport Service Agreement which causes Metro to suffer actual damages, the retainage provisions of Articles 12, 13, 14 and 17 shall be reinstated and shall be given the same force and effect as such provisions were given under the Original Agreement, as amended by any amendment or Change Order.

7. Use of Proceeds of Fixed Cost Prepayment and Release of Retainage

Contractor shall apply the proceeds of any prepayment of future monthly fixed costs made under Paragraph 5 of this Change Order No. 24 and the proceeds of any retainage released under paragraph 6 of this Change Order No. 24 solely for the following purposes:

- (a) Repayment of Subordinated Debt, Warrants and Common Stock of the Contractor, together with any obligation attendant thereto; and

(b) Security for the obligations of Contractor to provide the letter of credit referred to in Paragraphs 5, 6 and 8 of this Change Order No. 24 and upon the release of Contractor's obligation to provide such security, for any additional reduction in the outstanding debt of Contractor.

As used herein "Subordinated Debt, Warrants and Common Stock" means (i) all principal, accrued interest, prepayment penalties and fees under the Senior Subordinated Promissory Note, dated January 30, 1998, by Contractor payable to American Capital Strategies, Ltd. ("ACS") in the amount of \$5,500,000; (ii) all principal, accrued interest, prepayment penalties and fees under the Junior Subordinated Promissory Note, dated January 30, 1998, by Contractor payable to ACS, in the amount of \$2,500,000; (iii) all amounts paid to retire the Primary Warrant dated January 30, 1998 to purchase 500,000 shares of Contractor's common stock issued to ACS; (iii) all amounts paid to retire the Conditional Warrant dated January 30, 1998 to purchase 500,000 shares of Contractor's common stock issued to ACS; and (iv) all amounts paid to redeem the Contractor's common stock issued to ACS.

8. Security for Release of Retainage and Prepayment of Fixed Payments

In consideration of the pre-payment of the fixed payment obligation set forth in Paragraph 5 and as security for the deferral of retainage set forth in Paragraph 6, Contractor shall provide the following to Metro:

i. Irrevocable Letter of Credit. An irrevocable letter of credit issued by Mellon, or other financial institution acceptable to Metro, in the initial amount of \$4,100,000.00 in a form substantially similar to that set forth in Exhibit 1. The amount available to Metro under the irrevocable letter of credit shall decline at the rate of \$100,000.00 per month for a term of 28 months. Following the completion of the initial 28-month term, an irrevocable letter of credit in the amount of \$1,300,000.00 shall be issued and shall be renewed annually in that same amount for the remainder of the Contract. Any failure to execute and deliver to Metro such irrevocable letter of credit as set forth in this Change Order No. 24 shall constitute a default by Contractor under the Waste Transport Service Agreement.

ii. Corporate Guarantee. A corporate guarantee issued by Aasche in a form substantially similar to that set forth in Exhibit 2. The corporate guarantee shall specify that in the event of any default which results in any loss to Metro, whether or not such default results in any contract termination, Aasche shall guarantee the payment to Metro for actual damages, including reasonable attorneys' fees, incurred as a result of the default.

9. Amendment Provisions for Use of Equipment Following Default

Article 10, Section C of the Original Agreement is amended by adding the following provisions, which shall supersede the provisions of Change Order No. 21, Paragraph 7, and the provisions of Change Order No. 23, Section B (4):

“If Contractor does not cure a default within the time allowed herein, and Contractor does not have a surety or the surety elects not to exercise its option under this section, the Contract shall terminate. For 180 days from the date Contractor ceases to provide service, and continuing subsequent to termination, Contractor shall make available to Metro all tractors, trailers, shuttle vehicles, trailer tippers, and all other transport-related materials, equipment (collectively, the ‘Waste Transport Equipment’) and personnel used or available for use in carrying out the Contract at the time Contractor ceases to provide service. This provision shall survive termination of the Waste Transport Service Agreement.”

10. No Other Modifications

Except as modified herein, all other terms and conditions of the Waste Transport Services Agreement shall remain in full force and effect. Any conflict between the provision of the Original Agreement, and other previous amendments or change orders, on the one hand, and this Change Order No. 24, on the other hand, shall be resolved by reference to and reliance upon this Change Order No. 24.

SPECIALITY TRANSPORTATION
SERVICES, INC.

METRO

Signature

Signature

Gary I. Goldberg, President

Print name and title

Date

Date

MDF kaj
METRO2 OGC DEPTS DOCS=09 SW 10TNSPRT SRV 17reload tm 900848 co24 final doc
5 6 00

EXHIBIT 1
IRREVOCABLE LETTER OF CREDIT

Metro Regional Government
600 North East Grand Avenue
Portland, Oregon 97232-2736

Letter of Credit No. _____
Date: _____, 1999

Dear Ladies and Gentlemen:

We hereby issue our Irrevocable Letter of Credit No. _____ in your favor for the account of Specialty Transportation Services, Inc. for an aggregate amount up to US\$4,100,000 available by your drafts at sight drawn on Mellon Bank N.A. Pittsburgh, PA and accompanied by the following statement purportedly signed by an authorized signer on your behalf:

(for partial draws)

“I hereby certify that the amount of this drawing represents funds due the Metro Regional Government (Metro) by Specialty Transportation Services, Inc. (STS) for actual damages resulting from STS’ breach of the provisions of Article 14 of the Waste Transport Services Contract dated March 1, 1989, as amended (Contract) with Metro and STS. I hereby certify that Metro has exhausted its remedies against STS under the Contract (other than electing to terminate the Contract) and Metro has exhausted its remedies against Aasche Transportation Services, Inc. under the Guarantee dated _____, 1999 (excluding the commencement of litigation to enforce the provisions of the Guarantee).”

(for total draws)

“I hereby certify that the amount of this drawing represents funds due the Metro Regional Government (Metro) by Specialty Transportation Services, Inc. (STS) for actual damages resulting from the termination in accordance with the procedures set forth in Article 10C or 10D of the Waste Transport Services Contract dated March 1, 1989, as amended (Contract) with Metro and STS.”

This letter of credit expires at this office on September 15, 2001.

The amount available under this letter of credit will be automatically decreased on the dates and by the amounts indicated by the following schedule:

Date:	Amount:
June 15, 1999	\$100,000
July 15, 1999	\$100,000
August 15, 1999	\$100,000
September 15, 1999	\$100,000
October 15, 1999	\$100,000
November 15, 1999	\$100,000
December 15, 1999	\$100,000
January 15, 2000	\$100,000
February 15, 2000	\$100,000
March 15, 2000	\$100,000
April 15, 2000	\$100,000
May 15, 2000	\$100,000
June 15, 2000	\$100,000
July 15, 2000	\$100,000
August 15, 2000	\$100,000
September 15, 2000	\$100,000
October 15, 2000	\$100,000
November 15, 2000	\$100,000
December 15, 2000	\$100,000
January 15, 2001	\$100,000
February 15, 2001	\$100,000
March 15, 2001	\$100,000
April 15, 2001	\$100,000
May 15, 2001	\$100,000
June 15, 2001	\$100,000
July 15, 2001	\$100,000
August 15, 2001	\$100,000
September 15, 2001	\$100,000

Furthermore, any drawing conforming with the terms and conditions of this letter of credit will automatically reduce the amount available under this letter of credit at the time of such drawing, and all subsequent times.

Each draft must be marked "Drawn under Mellon Bank, N.A. Pittsburgh, PA, Letter of Credit No. _____."

Except so far as otherwise expressly stated herein, this letter of credit is subject to the "Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500."

We hereby agree with you that drafts drawn under and in compliance with the terms of this letter of credit will be duly honored if presented to us on or before the above stated expiration date.

Very truly yours,

Authorized Signature

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EXHIBIT 2 GUARANTEE

This GUARANTEE is made as of the _____ day of _____, 1999, by Aasche Transportation Services, Inc., a Delaware corporation ("Guarantor"), to and for the benefit of Metro, an Oregon metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter.

RECITALS

1. Specialty Transportation Services, Inc. (the "Contractor"), has entered into a Waste Transport Services Agreement (the "Agreement") with Metro dated March 27, 1989, including all amendments.
2. Guarantor is willing to guarantee, as set forth below, the performance of the Contractor under the Agreement;

NOW THEREFORE, as an Inducement to Metro to enter into that certain contract amendment known as Contract Change Order No. 24, Guarantor agrees as follows:

1. Guarantor hereby absolutely and unconditionally guarantees the full and prompt performance by the Contractor of all of the Contractor's obligations under the Agreement in accordance with the terms and conditions set forth therein. Additionally, Guarantor absolutely and unconditionally guarantees payment to Metro of all actual damages, including reasonable attorneys' fees, which occur as the result of any default by Contractor that results in any loss whatsoever to Metro, regardless of whether such default results in any contract termination.
2. Notwithstanding any provision in this Guarantee to the contrary, the obligations of the Guarantor under this Guarantee shall be no greater than the obligations of the Contractor under the Agreement. Metro's right to recovery under this Guarantee shall be in addition to any right to recovery obtained under any other instrument. All of the rights and remedies of the Contractor under the Agreement, including, but not limited to, the opportunity to cure any default under the Agreement, shall accrue to the Guarantor in the enforcement of its obligations under this Guarantee and the Agreement.
3. This Guarantee shall be governed by the laws of the State of Oregon exclusive of the choice of law rules thereof, and Guarantor hereby agrees to the service of process in Oregon for any claim or controversy arising out of this Guarantee or relating to any breach hereof and to submit to the exclusive jurisdiction of any court of competent jurisdiction in the State of Oregon in connection therewith.
4. This Guarantee shall be binding upon and enforceable against the Guarantor, its successors, assigns and legal representatives (including any successor by merger or consolidation or any transferee of all or substantially all of the assets of the Guarantor),

whether or not such obligations are expressly assumed by such successor, assignee or transferee, and is for the benefit of Metro, and its permitted successors and assigns under the Agreement.

5. Before Metro may bring an action on this Guarantee it must exhaust its remedies against Contractor under the Agreement including, but not limited to, drawing the amount under the irrevocable letter of credit referred to in Paragraph 5 of Contract Change Order No. 24, or demonstrate to a court of competent jurisdiction that it would be futile to do so; provided, however, that in the event that Contractor becomes insolvent, is dissolved, is the subject of any proceeding pursuant to the United States Bankruptcy Code, whether voluntary or involuntary, makes a general assignment for the benefit of creditors, or is the subject of any receivership, and Contractor or its successor in interest shall be unable to give Metro adequate assurance of future performance, then Metro shall be deemed to have exhausted its remedies against Contractor and may proceed directly against Guarantor.
6. No failure or delay by Metro in exercising any right, power or privilege hereunder or under the Agreement shall operate as a waiver thereof nor shall any single or partial exercise thereof preclude any other right, power or privilege. The rights and remedies herein provided shall be cumulative and not exclusive of any rights or remedies provided in the Agreement or by law or equity. No waiver, amendment, release or modification of this Guarantee shall be established by conduct, custom or course of dealing, but solely by an instrument in writing duly executed by the party against whom such waiver, amendment, release or modification is sought to be enforced.
7. Guarantor may not assign its obligations hereunder.
8. Metro shall notify Guarantor in writing, at its address set forth herein, of Metro's notice to the Contractor of any default on the part of the Contractor due to its failure to meet its obligations under the Agreement.
9. This Guarantee may be executed simultaneously in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. The invalidity or unenforceability of one or more provisions of this Guarantee shall not affect the validity or enforceability of the remaining portions of this Guarantee.
10. Any term used herein and defined in the Agreement shall have the meaning attributed to it in the Agreement.
11. Notices to be given pursuant to this Guarantee unless otherwise stated shall be in writing and shall be served personally or sent by certified mail, return receipt requested, to:

Guarantor, at:

Aasche Transportation Services, Inc.
Leon M. Monachos, Chief Financial Officer
10214 N. Mt. Vernon Road
Shannon, IL 61078

Metro, at:

Metro
Attn: Regional Environmental Management Director
600 NE Grand Avenue
Portland, OR 97232

or to such other address as shall be designated by such Party in a written notice to the other Party hereto. Any notice given pursuant to this Section shall be effective immediately upon receipt, and if delivered by hand, upon delivery.

IN WITNESS WHEREOF, the Guarantor has executed this Guarantee as of the date set forth above.

Aasche Transportation Services, Inc.

Authorized Officer

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REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2786, FOR THE PURPOSE OF APPROVING CHANGE ORDER NO. 24 TO THE WASTE TRANSPORT SERVICES CONTRACT

Date: May 19, 1999

Presented by: Councilor Washington

Committee Recommendation: At its May 19 meeting, the Committee considered Resolution No. 99-2786 and voted 2-0 to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilor Park and Chair Washington.

Committee Issues/Discussion: Terry Petersen, Interim REM Director, presented the staff report. He reviewed the history of the existing contract for the transport of solid waste from Metro's transfer stations to the Arlington landfill by truck. He noted that the contract was initiated on January 1, 1990 with Jack Gray Trucking. A subsequent change in ownership was recognized by Metro and the contract was transferred to Specialty Transportation Services (STS). The length of the contract is 20 years.

Petersen indicated that about 24,800 loads are transported annually with an average load of 30 tons. Metro currently makes a per load payment of \$361.47. Metro also makes a monthly payment of \$69,117 related to the replacement of equipment used by the contractor. Smaller payments also are made related to shuttle services at the transfer stations, trailer weighing and overloads. Metro makes payments totaling about \$9.9 million to STS annually.

Petersen explained that Metro entered into negotiations with three basic goals: 1) reduce costs, 2) address traffic issues at Metro South and improve waste reduction and 3) address alternative transportation options. The change order would make several changes in the existing contract.

First, Metro would prepay all remaining payments related to capital replacement. This prepayment would be \$6.6 million and would come from the undesignated portion of the solid waste revenue fund. This action would virtually eliminate this portion of the fund balance which has been budgeted at \$7.3 million. As a result of Council budget action, this portion of the fund balance has been declining during the past two years. The funds have been used to pay for the system fee credit for recycling facilities and to "buy-down" solid waste disposal rates.

Second, Metro would return the \$2.5 million in retainage funds that have been withheld under the existing contract.

Third, the per load charge would be reduced by \$30, or about \$1 per ton. This change would result in an estimated savings of \$7.8 million over the remaining life of the contract.

Fourth, elimination of the annual payment for shuttle services which total \$93,142 annually. This change would result in an estimated savings of \$1 over the remaining life of the contract.

Fifth, STS would reduce the number of trailers staged at Metro South from 60 to 10. The cost of developing an alternative staging site would be borne by STS. This change would allow Metro to proceed with its facility master plan that would include a new public drop off area and improve station operations. Staff estimates the savings from this change at \$1 million.

Sixth, the change order addresses the issue of a potential default on the contract by STS after Metro has made its \$6.6 million prepayment. STS would be required to provide Metro with an irrevocable letter of credit. The letter of credit initially would be for \$4.1 million. It would decline at a rate of \$100,000 per month as Metro begins to reap the benefits of the per load charge reduction and the elimination of shuttling costs. The value of the letter would continue to decline to a minimum level of \$1.3 million. Metro also would have the right to withhold any outstanding payments due to STS (valued at \$1 million) and the right to use existing equipment for up to six months after the default (valued at \$600,000). When coupled with the potential savings from the moving of the staging area, staff has concluded that these protections are roughly equivalent to the initial Metro prepayment.

Staff estimates that the total cash flow savings from the change order are about \$9 million.

Councilor Park requested that a one-page spread sheet be developed to explain the changes incorporated by the proposed resolution. He also asked for further clarification of the nature of the default protections provided by the change order. Petersen reviewed these protections which included the letter of credit, the ability to withhold payment, the use of equipment and the avoided costs associated with the staging area.

Judge Laura Pryor, Gilliam County, testified in favor of the change order. She noted that there were concerns about the impact of trucks in Arlington and on the county's road system including blowing debris, noise and road damage. She noted that STS had been an excellent partner in addressing these issues.

**EXECUTIVE SUMMARY
RESOLUTION 99-2786
CHANGE ORDER 24 TO THE WASTE TRANSPORTATION CONTRACT**

PROPOSED ACTION

Passage of Resolution 99-2786 would authorize Change Order No. 24 to the contract with Specialty Transportation Services, Inc. (STS) for waste transport services.

WHY NECESSARY

- This change order would result in estimated net cash flow savings of about \$9 million over the life of the remaining contract (to December 31, 2009).
- The Change Order would eliminate the requirement that Metro provide a large parking area for STS trailers at the Metro South Station. This change would free up space that could be used to increase waste recovery and improve customer service.

ISSUES/CONCERNS

Metro has minimized risk associated with pre-paying the fixed payments in the following ways:

- A declining letter of credit from STS in the amount of \$4.1 million.
- The ability for Metro to withhold contract payments.
- Existing Contract provisions give Metro access to STS equipment in the event of default.

BUDGET/FINANCIAL IMPACT

- The undesignated fund balance would be used for the \$6.6 million needed to pre-pay the fixed costs. Metro Council approval of a budget amendment in the amount of \$6.6 million would be necessary to make this expenditure (see Ordinance No. 99-798).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 99-2786 FOR THE PURPOSE OF APPROVING CHANGE ORDER NO. 24 TO THE WASTE TRANSPORT SERVICES CONTRACT

Date: May 5, 1999

Presented by: Terry Petersen

PROPOSED ACTION

Adopt Resolution No. 99-2786 for the purpose of authorizing Change Order No. 24 to the contract with Specialty Transportation Services, Inc. for waste transport services.

SUMMARY

Metro Council approval of Change Order No. 24 to the Specialty Transportation Services, Inc. (STS) Contract would result in several benefits to Metro and the Region's ratepayers. Most importantly, there would be net savings of approximately \$9 million over the remainder of the contract.

Key elements of the proposed change order are as follows:

1. Metro would prepay future fixed costs of \$8.85 million (128 payments of \$69,117) discounted at 6.0%, resulting in a one-time payment of approximately \$6.6 million.
2. STS would provide Metro with an irrevocable letter of credit in the initial amount of \$4.1 million to protect Metro in the event that STS defaults or the contract is terminated. The letter of credit would decline monthly to a final value of \$1.3 million. The \$1.3 million letter of credit would be maintained for the remainder of the contract in lieu of retainage. STS would also provide Metro with a corporate guarantee from Aasche Transportation Services, Inc., the parent company of STS.
3. The per-load payment would be reduced by \$30, resulting in a price of \$331.47 per load at the time the change order is executed. The savings from this price reduction would be approximately \$7.8 million over the duration of the Contract.
4. STS would move most of their transport trailers off Metro property at Metro South Station and the \$93,142 annual shuttle cost would be eliminated. This change would allow Metro to proceed with facility improvements at Metro South that would increase waste recovery and reduce the hauling costs of commercial customers. Metro would obtain savings of about \$1.0 million in reduced contract payments. Metro would also be able to avoid approximately \$1 million in costs associated with replacing the trailer parking lot at Metro South. In addition, there would be indirect system savings as wait times would be reduced for commercial haulers if a new public dumping area is constructed in the space to be vacated by STS under the Change Order.

5. The estimated combined savings from the reduction in the per-load charge and the elimination of the annual shuttle cost total \$8.89 million over the remaining life of the Contract.

FACTUAL BACKGROUND

Metro has a contract with Specialty Transportation Services, Inc. (STS) for transporting waste to the Columbia Ridge Landfill from the Metro South and Central transfer stations. The 20-year contract will expire on December 31, 2009. During FY97-98, STS transported 723,950 tons in 24,757 loads to the landfill. The total of all payments to STS during FY97-98 was \$9,858,853.

There are several key provisions of the existing contract that are relevant to this change order. The payments to STS consist of three components, which follow: (1) fixed monthly payments in the amount of \$69,117 for the duration of the contract; (2) per-load payments, currently in the amount of \$361.47; and (3) miscellaneous payments for trailer shuttling, trailer weighing, and managing overloaded trailers. The per-load and miscellaneous payments are adjusted annually based on the consumer price index.

Metro currently holds \$2.5 million in retainage, as specified in Article 13 of the contract. Metro retained 5% of all STS payments until the retainage equaled \$2.5 million. The retainage is in an interest-bearing account managed by Metro with the interest accruing to STS. The \$2.5 million retainage is available for use by Metro in the event that STS defaults and is unable to perform according to the contract specifications.

A third condition of the Contract that is relevant to this change order relates to the staging area used for transport trailers as well as the shuttling of trailers to and from the compactors at Metro South Station. When the original contract was executed, it was intended that the transfer station operator, not the transport contractor, would provide on-site shuttling services. This provision was revised in subsequent contract changes such that STS now provides shuttling service at both Metro South and Central Transfer Stations. In return for this shuttling service at Metro South, Metro pays STS \$7,765 per month and also provides STS with a staging area on Metro property.

KEY ISSUES AND CONSIDERATIONS

Risk Associated With Contractor Default. Prepaying the fixed payments under the Contract increases Metro's risk, since \$6.6 million would be paid prior to STS providing the services associated with the payment. A number of factors reduce Metro's level of risk. First, Metro has obtained a declining letter of credit in the amount of \$4.1 million. The letter of credit would decline, along with Metro's risk, at the rate of \$100,000 per month. Secondly, since Metro pays for services after they have been performed, Metro normally has obtained about \$1.0 million of services from STS that have not yet been paid for. In the event of a default, Metro has the right under the Contract to withhold these payments. The Contract also specifies that Metro shall have access to STS equipment in the event of default for 180 days after contract termination (worth about \$600,000). By eliminating the requirement that Metro provide a large parking area for STS trailers, Metro could save avoided costs of \$1.0 million for providing a new staging area.

STS would also be required to provide Metro with a corporate guarantee from Aasche Transportation Services, Inc. This is a financial and performance guarantee.

Retainage. After Metro releases the currently held retainage to STS, the collection of the retainage will be suspended unless a contractual breach is committed. Additional security will also be provided by the letter of credit provided by STS and the corporate guarantee of Aasche.

Alternative Transport Modes. There continues to be interest among elected officials and others in examining alternatives to trucking waste through the Columbia Gorge. The changes to the Disposal Contract with Waste Management, Inc. (approved by the Council as Change Order No. 8 in Resolution No. 99-2766) included a provision that Metro's Disposal Contractor may propose an alternative transportation method to Metro, as long as the transport price does not increase. Since the alternative transportation mode provisions in Change Order 8 anticipated that the Disposal Contractor would "buy-out" the Transportation Contract, the changes to the STS Contract in Change Order 24 should not materially change the likelihood of a change in mode. Any changes to the value of the Transportation Contract would obviously be reflected in the price paid to "buy-out" the Contract.

Waste Reduction and System Costs. The REM Facility Master Plan calls for the construction of a new dumping area for public self-haul customers at Metro South Station in an area now used by STS for trailer storage. It is necessary for STS to reduce the number of trailers stored at Metro South before this public dumping area can be constructed. As a condition of this change order, Metro would be obligated to provide STS with storage space for only 10 trailers. This would free up sufficient space for construction of the new public area.

Once the public self-haul customers are moved to the new area, the existing transfer station building would be reserved for commercial haulers. There would be sufficient space inside the existing building to allow for substantially more waste recovery activities. The space restriction at Metro South has been a long-standing obstacle to waste recovery. Increased waste recovery at Metro South would help the Region to move toward its waste reduction goals.

By separating public and commercial customers, the new public dumping area would also reduce traffic queuing at Metro South Station. With the increase in tipping space for commercial trucks inside the transfer station building and the separation of public and commercial vehicles, there should be a substantial improvement in on-site queuing time for commercial haulers. As a result, hauling costs and total system costs in the Region (collection through disposal) would be reduced.

FINANCIAL ANALYSIS

The following paragraphs summarize the financial analyses that have been conducted by financial staff of the REM and Administrative Services Departments and Metro's financial advisor, Clancy, Gardiner, & Pierce.

Discounted Fixed Costs. Over the remainder of the Contract, Metro would pay STS \$829,404 annually, or \$8.85 million in total fixed payments. The lump sum payment called for in this change order is the present value of these payments at a discount rate of 6 percent.

Unit Price Reduction. Based on the conservative assumption that the tonnage from Metro's transfer stations would be 600,000 tons in 1999 and increase 2 percent annually, the \$30 per load reduction in the unit price represents cash savings of \$7.8 million (assuming 30 tons per load) over the remainder of the contract. These calculations also assume an inflation rate of 2.6 percent per year.

Metro South Shuttle and Trailer Staging Area. The Change Order specifies that Metro would no longer be required to make payments to STS for shuttling trailers to and from the compactors at Metro South Station. This change reduces Metro's costs by \$93,142 annually, or a total savings of \$1.0 million for the remainder of the Contract. Because the Change Order also specifies that STS would move most of their transport trailers off of the property at Metro South Station, Metro would also avoid any costs associated with constructing and leasing an alternative trailer staging area, which would be necessary to implement the REM Facility Master Plan. For the purposes of estimating the value of these changes related to the transfer trailers, it is assumed that the present value of the avoided costs associated with the alternative trailer staging area is \$1.0 million. Therefore, the total savings related to STS moving trailers off of the Metro South Station property and eliminating the shuttle payment could be about \$2.0 million.

Total and Net Savings. This change order would result in the payment of remaining fixed cost payments to STS during the remainder of the Contract (to December 31, 2009), based on their present value. This reduction in future payments would be offset by the initial lump sum payment of fixed costs and the lost interest. The net cash flow savings are estimated to be about \$9 million.

BUDGET IMPACT

Funds in the amount of \$6.6 million would be needed to prepay the fixed costs upon approval of the Change Order. Metro Council approval of a budget amendment transferring \$6.6 million from Contingency to the Operating Account of the Solid Waste Revenue Fund would be necessary to make this expenditure (see Ordinance No. 99-798). After the prepayment of the fixed costs to STS, the estimated undesignated ending Fund Balance for FY98-99, based upon March 1999 tonnage forecasts, would be about \$700,000 (\$7.3 million - \$6.6 million).

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 99-2786.

TP:clk
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Agenda Item Number 10.2

**Resolution No. 99-2794, For the Purpose of Urging Balance in the Regulation of Pesticide Use in an
Urban Area.**

**Metro Council Meeting
Thursday, May 27, 1999
Council Chamber**

FOR THE PURPOSE OF URGING) RESOLUTION NO. 99-2794A
BALANCE IN THE REGULATION)
OF PESTICIDE USE IN AN URBAN) Introduced by Councilor
AREA) Rod Park

WHEREAS, Metro coordinates regional land use and growth management policy for twenty-four cities and three counties; and

WHEREAS, Metro has adopted as regional policy the Regional Urban Growth Goals and Objectives—RUGGO's, including goals focusing on regional planning, the built environment, the natural environment and growth management; and

WHEREAS, it is acknowledged that proper reporting and application of pesticides in rural and urban areas is of significant importance; and

WHEREAS, it is acknowledged that urban pesticide use is not clearly understood and can have serious and significant repercussions to the environment; and

WHEREAS, Metro has adopted water quality requirements in the Urban Growth Management Functional Plan, and is actively engaged in the development of further measures related to fish and wildlife habitat, storm water management and a regionally coordinated response to the federal Endangered Species Act listings; and

WHEREAS, the urban environment is unique, due to the storm water systems which can magnify pesticide movement; and

WHEREAS, this resolution encourages a balanced approach and exchange of ideas on the proper reporting on pesticide use in urban areas; now, therefore

BE IT RESOLVED

1. That the Metro Council acknowledges that pesticide reporting must include meaningful, scientifically-based data on urban use.
2. The Metro Council supports regulations requiring a comprehensive balanced, state-wide reporting of the sales and use of pesticides. As watersheds are geographical in nature, involving the rural and urban environment, any regulations must also be comprehensive balanced by including the urban as well as the rural users of pesticides

ADOPTED by the Metro Council this ___ day of _____, 1999.

 Rod Monroe, Presiding Officer

Approved as to form:

 Daniel B. Cooper, General Counsel

GROWTH MAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO.99-2794A, FOR THE PURPOSE OF URGING BALANCE IN THE REGULATION OF PESTICIDE USE IN AN URBAN AREA.

Date: May 26, 1999

Presented by: Councilor Park

Committee Action: At its May 26, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2794A. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: Councilor Park introduced Resolution No. 99-2794. Legislation pending in the state legislature proposes to institute pesticide reporting regulations. Many parties, including the Governor, are interested in seeing this legislation pass if it is comprehensive in terms of statewide application, and produces scientifically meaningful data. Councilor Park introduced two exhibits, one from the Governor, and one from the State Board of Agriculture, both calling for the same approach. Resolution No. 99-2794A also supports that position by calling for pesticide reporting in all areas of the state, including urban areas.

Both Councilors Bragdon and Atherton said they support an approach to this issue that emphasizes the concept of "comprehensive" rather than "balance." "Balance" in this context suggests a partial solution fashioned from opposing points of view. "Comprehensive" implies the seeking of a more inclusive approach, more likely to produce meaningful outcomes. Therefore, the word "comprehensive" was substituted for "balanced" in the resolution section of Resolution 99-2794A, by friendly amendment.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2794, FOR THE PURPOSE OF URGING BALANCE IN THE REGULATION OF PESTICIDE USE IN AN URBAN AREA.

Date: May 21, 1999

Prepared by: Michael Morrissey

Proposed Action: Resolution 99-2794 states Council position relative to possible state legislation and/or a possible state-wide initiative petition requiring pesticide reporting.

Factual Background and Analysis: The use, extent and effects of pesticides in the state are becoming the subject of increasing attention. While requirements exist as to application and sales of pesticides (State Pesticide Control Act), especially in rural and farming areas, interest groups are exploring additional requirements for reporting pesticide use. The rationale for such reporting is tied to water quality and health concerns.

Reporting requirements, in draft copies of the "Pesticide Right to Know Act of 2000" and HB 3602, tend to underemphasize the need to gather information and produce data for pesticide use in urban areas of the state. Therefore, the distribution and effects of pesticides in urban areas, as they may effect human, animal and plant populations, could remain largely unknown. Metro's interest in this issue stems directly from its involvement in water quality, water supply, land use and parks policy and program. In addition, as Metro continues to seek regional solutions to ESA listings, knowledge of the urban distribution and effects of pesticide application could be part of a successful response package.

FOR THE PURPOSE OF URGING BALANCE IN THE REGULATION OF PESTICIDE USE IN AN URBAN AREA))))))))))))))))	RESOLUTION NO. 99-2794 Introduced by Councilor Rod Park
--	--	--

WHEREAS, Metro coordinates regional land use and growth management policy for twenty-four cities and three counties; and

WHEREAS, Metro has adopted as regional policy the Regional Urban Growth Goals and Objectives—RUGGO's, including goals focusing on regional planning, the built environment, the natural environment and growth management; and

WHEREAS, it is acknowledged that proper reporting and application of pesticides in rural and urban areas is of significant importance; and

WHEREAS, it is acknowledged that urban pesticide use is not clearly understood and can have serious and significant repercussions to the environment; and

WHEREAS, Metro has adopted water quality requirements in the Urban Growth Management Functional Plan, and is actively engaged in the development of further measures related to fish and wildlife habitat, storm water management and a regionally coordinated response to the federal Endangered Species Act listings; and

WHEREAS, the urban environment is unique, due to the storm water systems which can magnify pesticide movement; and

WHEREAS, this resolution encourages a balanced approach and exchange of ideas on the proper reporting on pesticide use in urban areas; now, therefore

BE IT RESOLVED

1. That the Metro Council acknowledges that pesticide reporting must include meaningful, scientifically-based data on urban use.
2. The Metro Council supports regulations requiring a balanced state-wide reporting of the sales and use of pesticides. As watersheds are geographical in nature, involving the rural and urban environment, any regulations must also be balanced by including the urban as well as the rural users of pesticides

ADOPTED by the Metro Council this ____ day of _____, 1999.

Rod Monroe, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

STAFF REPORT

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State Department of Agriculture
Salem, Oregon

State Board of Agriculture
May 20-21, 1999

ACTION ITEM: PESTICIDE USE REPORTING

BACKGROUND: Whereas pesticides are a valuable tool for the control of pests detrimental to crop production and the environment of Oregon;

Whereas pesticides are widely utilized by agriculture, forestry, industry, urban commercial users, and urban homeowners;

Whereas improper use of pesticides can be detrimental to water quality and the environment;

Whereas Oregon's agriculture industry values clean water and responsible environmental stewardship;

Whereas it is the responsibility of all Oregonians, urban and rural, to protect Oregon's water and environment and to ensure public health and safety;

Whereas the development of a comprehensive, reliable and cost effective system for collecting and organizing information on all categories of pesticide use in Oregon is beneficial.

**RESOLUTION
NO. 168**

Be it resolved that the Oregon State Board of Agriculture supports HB 3602-4, which requires analytical review in the development of a comprehensive, statewide pesticide use reporting system.

ACTION: Moved By: George Pugh

Seconded By: David Timm

Action Taken: Motion passed by roll call vote with one abstention.



Oregon

John A. Kitzhaber, M.D., Governor

Governor's Watershed Enhancement Board
Public Services Building
255 Capitol St. NE, 3rd Floor
Salem, Oregon 97310-0203
(503) 378-3589 ext. 827
FAX (503) 378-3225

FAX COVER SHEET

FAX: (503) 378-3225



Location:

255 Capitol Street NE 3rd Floor
Public Services Building
Salem OR 97310-0203

Page 1 of 32
(Including cover sheet)

DATE: May 26, 99

TO: Rod PANKS

FAX: 503-663-2696

FROM:

PHONE: (503) 378-3589

- RANDY EMCH Ext 824
- VIVIENNE TORGESON Ext 825
- RICK CRAIGER Ext 826
- LEILANI BIRKHOLZ Ext 827
- KEN BIERLY Ext 831

COMMENTS: _____

Principles for Supportable Pesticide Reporting

Oregon is proud of its heritage as a state that enjoys the reputation of supporting a healthy environment. The state legislature in the past has developed public mechanisms to ensure citizens have information about their environment to assist them in making local decisions. Governor Kitzhaber has repeatedly stated that he is interested in a pesticide reporting bill that adheres to the following principles:

- Reporting must be universal. The Governor will not support a bill that only requires agriculture and forestry to report. Urban pesticide users must report along with all other major users.
- Reporting must be meaningful. The data reported must be sufficient to inform citizens and public agencies about the current use of pesticides from all sources. While every ounce does not need to be reported, reporting from all sectors must be completed in comparable ways.
- While confidentiality of individuals is important, the data gathered must be usable and available for analysis.

The Governor would support a bill that meets these principles.

A roundup of the top local news from around the Portland area.

LOCAL NEWS & SUBURBS



Metro budget for next year would raise zoo admission

■ **Smaller** than other West Coast zoos, the increase is part of Executive Mike Burton's proposed, and smaller, budget

By R. GREGORY NOKES
of The Oregonian staff

The Oregon Zoo plans to increase its admission fee by \$1 next October, the first increase in five years.

The increase will raise the admission to \$6.50 for adults and \$4.50 for children, said zoo director Tony Vecchio. But he thinks the Metro-owned zoo will still be a bargain.

"Even with an increase right now, and we don't know what other zoos will do, it would still be below every

other zoo on the West Coast," he said.

Vecchio said zoo admissions elsewhere include: Woodland Park in Seattle, \$8; Tacoma, \$7; San Francisco, \$9; and San Diego, \$15.

He said the additional revenue will be used for general operations. The zoo plans to open the second phase of its Great Northwest project, the Steiler Cove exhibit of sea lions and other coastal life, in the summer of 2000.

Plans for the admission increase

were contained in Metro Executive Mike Burton's proposed budget for fiscal 1999-2000, beginning July 1.

The total proposed budget is \$367 million, down 11 percent from the current budget of \$411 million. The primary reasons for the reduction are lower receipts from garbage-disposal fees, a reduction in federal transportation grants and spending of voter-approved bonds for open space purchases and zoo improvements.

Total Metro employment would remain unchanged at 675 positions.

The budget is subject to approval by the Metro Council, which will

begin a series of five budget work sessions on Wednesday. Public testimony won't be taken at these meetings, but written testimony will be accepted.

The first public hearing is scheduled for April 29. Additional information can be obtained by calling Metro at 797-1540.

Some differences already have emerged. Burton has proposed financing a new building at the Expo Center with \$16.9 million in revenue bonds.

The budget does not contain any direct financial assistance to help local governments with their plan-

ning needs. Metro provided \$240,000 in the current year, but Burton said there's insufficient revenue this year. However, he has budgeted \$450,000 in staff support to local jurisdictions.

Most of the budget is earmarked for specific purposes, including: waste disposal, \$102.5 million; regional parks and open spaces, \$76.5 million; the Metropolitan Exposition-Recreation Commission, \$61 million for such facilities as the Oregon Convention Center; and the zoo, \$39 million.

Metro's general fund revenue, which pays for the bulk of its planning activity and executive salaries,

comes from excise taxes, which are projected at \$8.1 million, up from \$7.9 million in the current year. Of the total, \$6.1 million would come from solid waste, \$743,000 from the convention center and \$672,000 from the zoo.

Because of a revenue crunch that's likely to get worse in years ahead, Burton asked the council to name a tax study committee to consider potential new revenue sources to help address the agency's long-term needs, especially for planning.

You can reach R. Gregory Nokes at 503-294-5965 or by e-mail at gregno-kes@news.

MOBA MEDIA

1217 SW 19th Avenue Portland OR 97205 Tel: 503 223-1677 Fax: 503 224-5580 E: moba@teleport.com

Radio and Television Monitoring Services

ZOO ADMISSION GOES UP

KEX RADIO PORTLAND

FEBRUARY 23, 1999

7:34 AM

NEWSCASTER: A trip to see the monkeys will cost you more this fall. Metro says it plans to raise the admission price to the Oregon Zoo by a buck. The price goes up in October, marking the first increase in five years for zoo-goers. Officials say the extra money will be used for general operations.

Speaker interjections not contributing to context may have been excluded from this transcription.

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ZOO PRICE RISE**KGW-TV CHANNEL 8 PORTLAND****FEBRUARY 23, 1999****5:39 PM**

NEWSCASTER CAROL JENSEN: It is going to cost you a little more to visit the animals at the zoo in Portland. In October the Oregon Zoo is raising its admission by a dollar. That is the first increase, we understand, in five years. The zoo's director says it will help pay for rising costs and several new exhibits. You'll soon see meercats, giant tortoises and a unique member of the parrot family.

TONY VECCHIO, OREGON ZOO DIRECTOR: It'll be opening in the next six months or so. So by the time the admission increase would go into affect, we'd have plenty more here than we have right now.

NEWSCASTER: The increase boosts adult admission to \$6.50 and it will cost kids \$4.50 to get into the zoo.

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ZOO RATE HIKE**KPTV CHANNEL 12 PORTLAND****FEBRUARY 23, 1999****10:32 PM**

NEWSCASTER KIM SINGER: It's going to cost you more to go to the Oregon Zoo in Portland soon. Admission prices will go up one dollar next October. It's the first price hike in five years. Tickets will rise to \$6.50 for adults, \$4.50 for kids. Zoo officials say the money will be used for general operations.

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PRICE HIKE FOR ZOO ADMISSION**KOTK RADIO PORTLAND****FEBRUARY 23, 1999****7:03 AM**

NEWSCASTER: The cost of spending an afternoon at the zoo in Washington Park is going to go up by a dollar beginning in October, meaning adults will pay \$6.50, kids will pay \$4.50.

Don't whine about coughing up more money to go see lions, tigers and bears; no! Zoo director Tony Vecchio says even with the price increase the zoo is still a bargain. They have the lowest admission prices of any zoo on the West Coast, so quit your bellyaching.

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OREGON ZOO \$1 INCREASE**KATU-TV CHANNEL 2 PORTLAND****FEBRUARY 23, 1999****12:13 PM**

NEWSCASTER ELIZABETH BERMUDEZ: It's going to cost more to visit the animals at the Oregon Zoo later this year. The admission will increase by one dollar in October, the first increase in five years. The cost for adults goes to \$6.50 and it will be \$4.50 for kids. Zoo officials say the money will be used for general operation. Next year the zoo will open the second phase of its Great Northwest project and an exhibit of sea lions and other coastal life.

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Comparison of Zoo and Aquarium Fees

as of 5/18/1999

(based on American Zoological Association Information)

METRO REGION

Name	Adults	Youth	Children	Seniors	Parking	Notes
Oregon Zoo (now)	\$5.50		\$3.50 (3-11)	\$4.00	none	
Oregon Zoo (proposed in Ord. 99-804)	\$6.50		\$4.00 (3-11)	\$5.00	none	

REST OF OREGON

Name	Adults	Youth	Children	Seniors	Parking	Notes
Wildlife Safari	\$11.95		\$6.95 (4-12)	\$9.95	no fee listed	prices increase \$1 as of Labor Day

WASHINGTON

Name	Adults	Youth	Children	Seniors	Parking	Notes
NW Trek Wildlife (Eatonville)	\$8.75	\$6.00 (5-17)	\$4.00 (3-4)	\$8.25	no fee listed	
Point Defiance Zoo & Aquarium (Tacoma)	\$7.25		\$5.55 (4-13)	\$6.80	no fee listed	Tacoma residents get 1/2 off
Seattle Aquarium (King County residents only)	\$6.50	\$4.50 (6-18)	\$2.75 (3-5)	\$5.75 (includes disabled people)	no fee listed	These fees are for King Co. residents only
Seattle Aquarium (non-King Co. residents)	\$8.00	\$5.25 (6-18)	\$3.25 (3-5)	\$7.00 (includes disabled people)	no fee listed	These fees are for non-King Co. residents
Woodland Park Zoo (King Co. residents only)	\$7.50	\$5.25 (6-17) (incl. disabled)	\$3.25 (3-5)	\$6.75	\$3.50 auto, \$10 bus	These fees are for King Co. residents only
Woodland Park Zoo (non-King Co. residents)	\$8.50	\$6.00 (6-17) (incl. disabled)	\$3.75 (3-5)	\$7.75	\$3.50 auto, \$10 bus	These fees are for non-King Co. residents

CALIFORNIA

Name	Adults	Youth	Children	Seniors	Parking	Notes
San Diego Wild Animal Park	\$19.95		\$12.95 (3-11)		No fee listed	
San Diego Zoo	\$16.00		\$7.00 (3-11)		No fee listed	can buy "deluxe admission" w/ bus tour & tram ride: adults, \$24; child, \$13 seniors, \$21.60
San Francisco Zoological Gardens (SF residents only)	\$7.00	\$3.50 (12-17)	\$1.50 (3-11)	\$3.50	No fee listed	These prices are for San Francisco residents only
San Francisco Zoological Gardens (non-SF residents)	\$9.00	\$6.00 (12-17)	\$3.00 (3-11)	\$6.00	No fee listed	These prices are for non-SF residents only
Sea World	\$38.00		\$29.00 (3-11)		\$6 autos, \$8 Rvs, \$6 disabled	
Birch Aquarium (LaJolla)	\$7.50		\$4.00 (3-17)	\$6.50	No fee listed	
Chaffee Zoological Gardens (Fresno)	\$4.95		\$2.50 (2-11)	\$3.50	No fee listed	
Happy Hallow Park & Zoo (San Jose)	\$4.50 (incl. ages 2-64)			\$4.00 (incl. disabled people)	No fee listed	Over 75 and under 2 are free
Los Angeles Zoo	\$8.25		\$3.25 (2-12)	\$5.25 (includes disabled people)	No fee listed	Safari is additional \$3.50 adults, \$1.50 child, \$1.50 seniors /disabled
Miche Grove Zoo (Lodi)	\$1.50		\$1.00 (6-17)		\$2 on weekday \$4 on weekend	

Monterey Bay Aquarium	\$15.95	\$12.95 (13-17)	\$6.95 (3-12) (includes disabled people)	\$12.95	No fee listed	
Oakland Zoo	\$6.50		\$3.50 (2-14)	\$3.50	\$3 autos, \$9 buses	
Sacramento Zoo (weekdays only)	\$5.50		\$3.75 (3-12)		No fee listed	
Sacramento Zoo (weekends only)	\$6.00		\$4.25 (3-12)		No fee listed	
Santa Ana Zoo	\$4.00		\$2.00 (3-12)	\$2.00	No fee listed	Disabled people are free
Santa Barbara Zoological Garden	\$7.00		\$5.00 (2-12)	\$5.00	No fee listed	prices effective 6/1/99
Sequoia Park Zoo (Eureka)	free	free	free	free	No fee listed	5 acres only
Steinhart Aquarium (San Francisco)	\$8.50	\$5.50 (12-17)	\$2.00 (4-11)	\$5.50	No fee listed	price includes admission to Nat. History Museum
The Living Desert (near Palm Springs)	\$7.50		\$3.50 (3-12)	\$6.50	Free	