

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 28, 1996

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Susan McLain (Deputy Presiding Officer), Patricia McCaig, Ruth McFarland, Rod Monroe, Ed Washington

Councilors Absent: Don Morissette

Presiding Officer Kvistad called the meeting to order at 2:02 PM.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

2.1 Metro Watch Presentation by Craig Berkman

Craig Berkman, Metro Watch, appeared before the council to speak on behalf of Metro Watch. He described Metro Watch as a non-partisan organization of citizens with differing views and perspectives who have expressed an interest in some of the agenda items before the council. He said Metro Watch was created in the context of the preamble to the Metro charter, which he read into the record.

Mr. Berkman commented on a memorandum from Mike Burton, Executive Officer, to the council regarding Metro Watch. He said he had called Executive Officer Burton's office four times and, to-date, had not received a return call. He said Executive Officer Burton, in his memorandum, made the assertion that Metro Watch is funded by A.C. Trucking. Mr. Berkman responded that Metro Watch has not received any checks from A.C. Trucking. He went on to state that several of Metro's elected officials had received campaign donations from A.C. Trucking; which he acknowledged was permissible by law.

Mr. Berkman spoke about the request for proposal (RFP) for the ten percent of the total waste that is not being handled by Oregon Waste [Systems] (OWS); and about Executive Officer Burton's assertion that OWS's bid was the most competitive. Mr. Berkman said that Metro's outside audit findings were in agreement with his that the OWS bid was not the most competitive because it did not include a \$1.24 DEQ fee that other bidders included in their bids.

He gave the rationale for the creation of Metro Watch. He said a number of people in the private sector believe that there were decisions made that pre-date the election of many on the council, as well as the executive officer, that were not in the best interest of the region's taxpayers. He said Metro Watch has specifically focused on the fact that the solid waste collection rate in this region is 28% higher than any other region in the western United States. He said that \$52 million will be spent in the acquisition of the landfill at Arlington and in maintenance of the trucks; and that at the end of the contract, the taxpayers of the region will own nothing. He referred briefly to a lawsuit, filed by Sanifill with respect to "Option 4."

Councilor McFarland said the \$1.24 DEC fee is a state law, and is a pass through. She said this fact is mentioned twice in the RFP, and was mentioned once verbally when potential proposers were told how to handle the proposal. She said no one who read the RFP was confused about how to address the DEC fee.

Councilor McFarland went on to report that tip fees at the Columbia County transfer station, the North Marion transfer station, the Salem-Keizer transfer station, were all higher than Metro's tip fee according to the solid waste price index in the January issue of *Solid Waste Digest*. In Washington, tip fees are higher in Centralia, Everett, and the Island County transfer stations. She said Metro's tip fee is considered in the middle of the range of transfer stations of equivalent size. She disagreed with Mr. Berkman's statement that the Metro's Regional Environmental Management department could be run with one person and a computer. She said that even with a 20% cut in essential Metro REM staff only a \$.05 monthly savings would be realized "at the can."

Mr. Berkman responded that there were proposers who responded to the RFP who included the \$1.24 DEQ fee. He said OWS did not include this fee, and that is why they were the low bidder. With respect to staff cuts, he indicated he had said that he could monitor the two or three contracts the REM department monitors with two knowledgeable contract administrators and a computer, walking blindfolded. He said he questioned whether Metro needed more than 100 full time staff in the REM department.

Councilor McLain thanked Mr. Berkman for his comments. She said these are matters that the council has spent many hours and years discussing. She said that councilors have made observations similar to Mr. Berkman's with regard to the contract, however, the contract is a legally binding document, and it must be dealt with in a legally binding way. She said the council has tried to give the fairest rate to taxpayers and rate payers, and to not only stabilize the rate but reduce it. She pointed out that the council brought a lawsuit against the former executive officer dealing with this issue, because the council felt it was a very important issue. With regard to the landfill at Arlington, Councilor McLain said that no other local jurisdiction or private corporation was willing to find a landfill site. It was left to the Metro council to do so. She also made comments clarifying the hours of operation of Metro's various hot lines. She said that the recycling rate goals, challenge grants, and other issues affect the REM budget and tip fees. She also stated that suggestions Mr. Berkman made with regard to free market competition were already in place in Metro's bidding process.

2.2 Envirocorps Presentation by Jennifer Thompson

Jennifer Thompson, program coordinator for Envirocorps, appeared to give an update of the activities and accomplishments of the Envirocorps program during the past year. A copy of the report from which Ms. Thompson reported was distributed to councilors and is included as part of the meeting record.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the March 21 1996 Metro Council Meeting

Motion: Councilor Washington moved, seconded by Councilor McLain for adoption of the minutes of March 21, 1996 Metro Council Meeting.

Vote: Councilors McCaig, Washington, McLain, McFarland, and Kvistad voted aye. Councilors Monroe and Morissette were absent. The vote was 5/0 in favor and the motion passed.

5. ORDINANCES -- FIRST READING

5.1 Ordinance No. 96-640. For the Purpose of Amending the FY 1995-96 Budget and Appropriations Schedule Transferring \$10,655 From the General Fund Contingency to Personal Services; and Declaring an Emergency

The clerk read the ordinance for the first time by title only.

6. ORDINANCES -- SECOND READING

6.1 Ordinance No. 96-638. To Adopt the Hearings Officer Findings. Conclusions and Final Order: Denying Urban Growth Boundary Contested Case 95-2: Knox Ridge

The clerk read the ordinance for the second time by title only.

Motion: Councilor McLain moved, seconded by Councilor Washington for adoption of Ordinance No.96-638.

Councilor McLain gave a report on Ordinance No.96-638, which would adopt the hearings officer findings, conclusions and final order denying the Urban Growth Boundary contested case 95-2, Knox Ridge. She reminded the council that they had heard this matter once before in a report by hearings officer Larry Epstein and Stuart Todd, Growth Management Associate Regional Planner. Background information is included in the staff report to the resolution which is included as part of the meeting record.

Presiding Officer Kvistad opened a public hearing. No one appeared to speak with regard to Ordinance No. 96-638. Presiding Officer Kvistad closed the public hearing.

Vote: Councilors Monroe, Washington, McLain, McFarland, and McCaig voted aye. Councilor Kvistad voted nay. Councilor Morissette was absent. The vote was 5/1 in favor and the motion passed.

7. RESOLUTIONS

7.1 Resolution No. 96-2303. For the Purpose of Submitting to the Voters a General Obligation Bond Indebtedness in the Amount of \$28.8 Million for the Oregon Exhibit and New Entrance at the Metro Washington Park Zoo

The clerk read the resolution by title only.

Motion: Councilor Washington moved, seconded by Councilor McCaig for adoption of Resolution No. 96-2303.

Councilor Washington reported on Resolution No.96-2303, which would authorize a general obligation bond indebtedness in the amount of \$28.8 million to be submitted to voters for the Oregon Exhibit and new entrance at the Metro Washington Park Zoo. He said this resolution is the culmination of more than five years efforts. He urged full support and immediate adoption of the resolution. Sherry Sheng, Metro Washington Park Zoo Director, distributed letters of support for the project from a number of individuals and organizations. Copies of these letters are included as part of the meeting record. Executive Officer Burton appeared briefly before the council to recommended adoption.

Vote: Councilors Washington, McLain, McFarland, McCaig, Monroe, and Kvistad voted aye. Councilor Morissette was absent. The vote was 6/0 in favor and the motion passed.

7.2 Resolution No. 96-2291. For the Purpose of Exempting a Housing Affordability Contract to Lennertz & Coyle From Competitive Bid

The clerk read the resolution by title only.

Motion: Councilor Washington moved, seconded by Councilor McLain for adoption of Resolution No. 96-2291.

Councilor Washington addressed Resolution No. 96-2291, which would exempt from competitive bid, a contract with Lennertz & Coyle to hold a housing affordability charette. The \$9,000 contract represents Metro's 50% contribution to the conference.

Councilor McCaig reported she voted against the resolution in committee because she believes exemptions from competitive bid should be pretty apparent. She said it would require only a small effort to solicit three bids for the project. She said she sees no good reason to exempt the contract in question from competitive bid.

Vote: Councilors McLain, Monroe, Washington, and Kvistad voted aye. Councilors McFarland and Councilor McCaig voted nay. Councilor Morissette was absent. The vote was 4/2 in favor and the motion passed.

7.3 Resolution No.96-2281. For the Purpose of Approving the FY 1997 Unified Work Program

The clerk read the resolution by title only.

Motion: Councilor Monroe moved, seconded by Councilor McLain for adoption of Resolution No.96-2281.

Councilor Monroe gave a report on Resolution No.96-2281 which would approve the FY 1997 Unified Work Program. He reported the work program is required under the Intermodal Surface Transportation Efficiency Act (ISTEA). The work plan sets out transportation projects and planning for the fiscal year 1997, and includes commitments to a congestion pricing pilot project, urban growth management, transit oriented development, the Westside corridor project, and South/North light rail line analysis.

Vote: Councilors McFarland, McCaig, Monroe, Washington, McLain, and Kvistad voted aye. Councilor Morissette was absent. The vote was 6/0 in favor and the motion passed.

7.4 Resolution No. 96-2286. For the Purpose of Authorizing the Release of a Request for Proposals for a Regional Waste Prevention Education Program for Businesses and Authorizing the Executive Officer to Enter Into a Multi-Year Contract

The clerk read the resolution by title only.

Motion: Councilor McLain moved, seconded by Councilor Monroe for adoption of Resolution No. 96-2286.

Councilor McLain gave a report on Resolution No.96-2286, which would authorize issuance of an RFP for a regional waste prevention education program for businesses, and would authorize the executive officer to enter into a multi-year contract. She said the purpose of the program is to carry out some of the goals of the Metro regional solid waste management plan. One goal is to recover 52% of waste generated by the region by the year 2000. She said there has to be a good effort in waste reduction in the commercial sector. The educational programs have been defined as being key management practices to help reduce commercial waste. According to Councilor McLain the RFP combines two smaller contracts, with no budget impact. The funds for the project are allocated in the FY 95-96 Waste Reduction and Planning Division budget. The money will be carried over into the next fiscal year in order to allow sufficient time to complete the project.

Vote: Councilors McCaig, Monroe, Washington, McLain, McFarland, and Kvistad voted aye. Councilor Morissette was absent. The vote was 6/0 in favor and the motion passed.

7.4 Resolution No. 96-2293. For the Purpose of Authorizing Change Order No.17 to the Contract for Operating Metro Central Station

The clerk read the resolution by title only.

Motion: Councilor McCaig moved, seconded by Councilor McLain for adoption of Resolution No.96-2293.

Councilor McCaig introduced Ray Barker, Environmental Services Management Assistant, who reported on Resolution No.96-2293, which would authorize Change Order No.47 to the contract for operating Metro Central Station. Mr. Barker reported that the contract is for Metro to keep roads leading to the transfer station clean. Trans Industries worked with the Boys Club to pick up the litter surrounding the station from 1991 through July 1995. Trans Industries used the Boys Club until July 1995. Now, the station uses the services of Multnomah County through a payback/restitution program for youth. The youth pick up the litter twice weekly. Multnomah County legal counsel has advised Trans Industries that the county cannot enter into an agreement with them because Trans Industries is a for-profit organization.

According to Mr. Barker, the county is approaching Metro to enter into an intergovernmental agreement which is the subject of the next agenda item, Resolution No. 96-2294. Resolution No. 96-2293 would authorize a change order to facilitate the IGA by giving credit to Metro for \$1,900 a month, which is the amount of the payment that would be made to Multnomah County, plus 10% to Metro for administrative costs. There will be no cost to Metro for this program.

Vote: Councilors Monroe, Washington, McLain, McFarland, McCaig, and Kvistad voted aye. Councilor Morissette was absent. The vote was 6/0 in favor and the motion passed.

7.6 Resolution No. 96-2294. For the Purpose of Authorizing an Intergovernmental Agreement with Multnomah County to Provide Litter Collection Services

The clerk read the resolution by title only.

Motion: Councilor McCaig moved, seconded by Councilor McFarland for adoption of Resolution No. 96-2294.

Councilor McCaig asked Mr. Barker to report on Resolution No.96-2294, which is a companion piece to the previously passed Resolution No.96-2293.

Vote: Councilors Washington, McLain, McFarland, McCaig, Monroe, and Kvistad voted aye. Councilor Morissette was absent. The vote was 6/0 in favor and the motion passed.

7.7 Resolution No.96-2302. For the Purpose of Approving the FY 1995-96 Supplemental Budget to the Tax Supervising and Conservation Commission

The clerk read the resolution by title only.

Motion: Councilor McFarland moved, seconded by Councilor Washington for adoption of Resolution No. 96-2302.

Councilor McFarland reported on Resolution No. 96-2302, which would approve the FY 95-96 supplemental budget to the Tax Supervising and Conservation Commission. She said the resolution attests to the continued success as Portland Center for the Performing Arts (PCPA). This resolution must go for approval to the tax commission before the budget ordinance can be acted upon. According to Councilor McFarland the budget request is due to increased expenses brought about by increased business revenues at the PCPA. The difference between increased expenses and increased revenues will result in an unanticipated profit of \$100,000.

Vote: Councilors McLain, McFarland, McCaig, Monroe, Washington, and Kvistad voted aye. Councilor Morissette was absent.. The vote was 6/0 in favor and the motion passed.

8. COUNCILOR COMMUNICATIONS

Councilor McLain presented a letter from the Metro Committee for Citizen Involvement (MCCI) requesting a return to a standing fourth week 7:00 PM council meeting.

Councilor McCaig said a component of the council's organization resolution left it to the presiding officer's discretion to schedule 7:00 PM council meetings. She said she supports one regularly scheduled 7:00 PM council meeting per month, and that was one of the reasons she voted against the organizing resolution.

Robert Maestre, MCCI, appeared before the council at the request of Councilor McLain to speak in favor of a regularly scheduled 7:00 PM council meeting. He suggested the development of a mechanism to allow a citizen group to establish guidelines to determine which agenda items are important enough to the public to be considered at a 7:00 PM meeting. Councilor McLain asked the council to reconsider having a 7:00 PM meeting every fourth Thursday.

Councilor Washington reported on his conference on urban parks which took place in Austin, Texas. He will be distributing materials to councilors in the near future. He said Metro has a good reputation throughout the nation with regard to parks and green spaces.

There being no further business before the Council, Presiding Officer Kvistad adjourned the meeting at 3:15 PM.

Prepared by,

Lindsey Ray
Council Assistant