

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 30, 2006
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder, Carl Hosticka, Rod Park, Brian Newman

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 23, 2006 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the March 23, 2006 Regular Metro Council.

Vote:

Councilors Burkholder, McLain, Liberty, Park, Newman, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed with Councilor Hosticka abstaining from the vote.

4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 06-1113**, For the Purpose of Adopting the Annual Budget For Fiscal Year 2006-07, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Council President Bragdon noted this ordinance already had a motion on the table. He then opened a public hearing on Ordinance No. 06-1113.

Alexis Dow, Metro Auditor, said she intended to submit amendments to the 2006-07 budget. She noted that Council President Bragdon had ignored her budget and prepared a reduction to her submitted budget. She detailed some of the amendments she would be submitting.

Council President Bragdon closed the public hearing. He then announced that the next budget hearing would be April 27, 2006

4.2 **Ordinance No. 06-1116**, For the Purpose of Amending Metro Code Chapter 7.01 Relating to the Metro Solid Waste Excise Tax.

Motion:	Councilor Park moved to adopt Ordinance No. 06-1116.
Seconded:	Councilor McLain seconded the motion

Councilor Park said this ordinance aligned excise tax code with recommended financial policies and built on the intentions of the consolidation of the General Fund. This ordinance will remove dedication from code and allow the allocation of excise tax during the annual budget process. This change would provide fiscal transparency and flexibility and allow Council to allocate resources where they were most needed. In addition, this facilitated an annual review of programs supported by the Excise Tax to insure these programs were still Council's highest priorities. It conformed Metro to the Financial Industry's "Best Practices" of not dedicating government tax revenues. An amendment to Metro's Financial Policies, consistent with this recommendation, would be forthcoming. This ordinance increased the 10% in Recovery Rate Stabilization Reserve to include all Metro Excise tax generated. There were a few housekeeping changes included in this code revision: It set the effective date of the new Excise Tax per ton rate to coincide with any other changes to the Solid Waste rates on September 1st of each fiscal year. It extended the Regional Recovery Rate used in the per-ton calculations to 2009. Changes would be made to make the calculation of excise tax credits consistent with the Regional System Fee Credits and current practice. These changes would provide for administrative consistency between both the Regional System Fee and Excise Tax credit programs.

Council President Bragdon opened a public hearing on Ordinance No. 06-1116. No one came forward. Council President Bragdon closed the public hearing.

Council President Bragdon thanked Councilor Park for taking the lead. They had discussed this ordinance at Solid Waste Advisory Committee (SWAC). Councilor McLain noted that this ordinance gave this council a larger responsibility as well as flexibility. Council would need to attend much more closely to the budget because of the changes to the Code. She felt this was a change of structure and was not just housekeeping. Councilor Burkholder talked about Winston Churchill and his feelings about keeping the purse strings tied to the elected officials. Councilor Park talked about the history of the changes and urged support.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5. RESOLUTIONS

5.1 **Resolution No. 06-3680**, For the Purpose of Approving the Year 17 Metro and Local Government Annual Waste Reduction Plan (Fiscal Year 2006-07).

Motion:	Councilor McLain moved to adopt Resolution No. 06-3680.
Seconded:	Councilor Park seconded the motion

Councilor McLain introduced the resolution. She said this would help increase our recycling rate. She talked about the two parts to the program: regional program areas and maintenance of the system programs.

Jennifer Erickson, Solid Waste and Recycling Department, introduced Susan Ziolk, Clackamas County, Solid Waste & Recycling and Scott Keller, City of Beaverton, Solid Waste & Recycling Program Manager and provided a power point presentation on the Year 17 Metro and Local

Government Annual Waste Reduction Plan (Fiscal Year 2006-07)(a copy of the power point presentation is included in the meeting record). She talked about the history, the components and what was new this year about the program. She said this program mimicked the new interim solid waste reduction plan. She talked about the 62% waste reduction goal. Ms. Ziolko highlighted the ClearStream containers at recycling events and the success of the program. She summarized some of the comments received from the citizens.

Councilor McLain thanked Ms. Ziolko for her efforts. She felt that these containers made recycling efforts throughout the region easier. This was a very successful program. It worked well at Clackamas County Fair and would work well in the schools.

Mr. Keller talked about the City of Beaverton recycle at work program. It was important to have a recycle commingle mix. He provided detailed on the “Think outside the box” goals and outreach. Councilor Liberty asked about details of the program and the broader applications to the program. Mr. Keller responded to his question and comment. Mr. Keller said many businesses were recycling and with the commingled system they could put everything together. They valued the partnership with Metro.

Ms. Erickson also noted energy savings and net greenhouse gas reductions because of recycling efforts. She said they brought this program to Solid Waste Advisory Committee (SWAC) this week. She noted some of the questions that were asked at committee. SWAC recommended tightening up their reporting numbers and how they measured the success of the program.

Councilor Burkholder asked about the key obstacles or hurdles to increasing recycling today. Ms. Ziolko said organics program was one area that needed improving. Multi family education and business education required constant maintenance. Mr. Keller said working out the logistics of organics and electronics program presented some challenges. Ms. Erickson added that Metro Central had organics on their work plan. Councilor Liberty asked if they had ever given awards to businesses. Ms. Ziolko talked about the different types of awards. Councilor Park asked about the roll carts and contamination problems with the carts. Ms. Erickson responded to his question. Lee Barrett, Solid Waste and Recycling Department, added his comments. Councilor Hosticka asked how they dealt with glass in the roll carts. Ms. Ziolko responded that the glass was placed on the side of the roll carts. Councilor Liberty said he was curious about yard trimmings. Ms. Erickson responded to his question. Councilor McLain thanked the jurisdictions and Ms. Erickson for their work. She supported this whole-heartedly and felt we could still do better. She felt that the “fork it over” program was very successful. She challenged the Council and citizens to come up with new ideas for recycling. She talked about the targeted grants program. We must continue the performance measures for this program. She urged support.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.2 **Resolution No. 06-3684A**, For the Purpose Endorsing Regional Support for Protection of the Endangered Wildlife and its Habitat under the Endangered Species Act

Motion:	Councilor Burkholder moved to adopt Resolution No. 06-3684A.
Seconded:	Councilor Hosticka seconded the motion

Councilor Burkholder clarified the “A” version and the added language in the resolution. He noted Councilor Park had suggested the language. He said currently there was an effort by some in Washington DC to weaken the Endangered Species Act (ESA). He spoke to our own region’s support. H noted reasons for supporting this resolution and all of the region’s current efforts. He urged Council to endorse the resolution, which would be sent to congress.

Council President Bragdon opened a public hearing on Resolution No. 06-3864A.

Christine Caurant, Oregon Natural Resource Council, 5825 N. Greeley Ave Portland OR 97217 said on behalf of the 1.3 million regional citizens she thanked the council for upholding the ESA. She particularly thanked Councilors Burkholder and Park for bringing this resolution forward.

Council President Bragdon closed the public hearing.

Councilor Newman said he would be supporting this resolution. He talked about the endangered species and conservation activities at the Oregon Zoo. Councilor Hosticka said they were talking about the federal ESA that currently existed. Also, he hoped that what we were committing ourselves to was protecting the endangered species and their habitat. Councilor Burkholder said this was supportive of the work Metro does. He noted a friendly amendment clarifying this was the Federal ESA. There was no objection to the friendly amendment. Councilor Park added his comments. Councilor Burkholder said this resolution would be sent to Washington DC with a cover letter.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, and Council President Bragdon voted in support of the motion. The vote was 6aye, the motion passed with Councilor Liberty abstaining from the vote.
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Councilor Liberty explained why he was abstaining from the vote.

6. CONTRACT REVIEW BOARD

6.1 Resolution No. 06-3679, Considering an Amendment to Metro Contract No. 926981, For Metro Central Transfer Station Compactor #2 Refurbishment.

Motion:	Councilor Park moved to adopt Resolution No. 06-3679.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park said recently the Council was alerted by memo of a substantial contract to refurbish the Compactor #2 at the Metro Central Transfer Station, the oldest compactor at the Metro Central Transfer Station. The compactor was originally installed in 1990. The compactor was used currently in a back-up role. The memo received by Council raised some contractual challenges in identifying the costs and direction of the work. This memo was attached to the resolution.

The outside consultant, Team Hydraulics, who completed the most recent Renewal and Replacement Study called for the compactor to be replaced in 2006 at a cost of \$1,000,000. This refurbishment project was intended to provide an extended life on the existing equipment and was budgeted for \$400,000. The contract amount to complete the planned work is \$261,500. This amount was approximately one quarter the estimated cost to replace the compactor. This project was on the Council adopted Capital Improvement Plan for FY 05-06 and was funded out of the

renewal and replacement account. The contract was issued for the first investigative phase and then we proceeded with processing a contract amendment to allow the work to proceed in an orderly manner. The amendment included only the terms originally negotiated and did not reflect any changes from the contract as it was planned. Pursuant to Metro Code Section 2.04.058(b)(2), Council approval was required for any public contract amendment that increased the contract amount more than \$25,000. The extent of the repair work under this contract couldn't be determined until various portions of the compactor are disassembled and inspected. This contract was structured to allow Metro to make informed decisions as to the need or advisability of repairs as the work proceeds. The most critical and expensive systems would be evaluated first so that the project could be terminated if repair of these critical items could not be done cost effectively. While the amendment would provide funds for the total contract price, the amount the contractor was allowed to actually bill for will be controlled by Metro on an item-by-item basis. Councilor Park urged an aye vote.

Councilor Liberty asked if we should continue to own the equipment. Councilor Park responded to his question. Councilor Liberty said he felt the equipment was distinct from the facility. Council President Bragdon and Councilor McLain added their comments.

Vote:

Councilors Park, Burkholder, Newman, McLain, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7aye, the motion passed..

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, was not present.

8. COUNCILOR COMMUNICATION

Councilor Newman said he presented the New Look effort to Department of Land Conservation and Development (DLCD). They were very receptive.

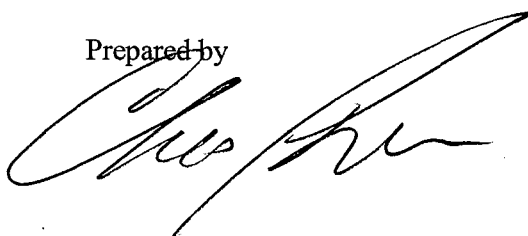
Councilor Liberty said they had a Transit Oriented Development (TOD) meeting in Vancouver, Washington this week. He talked about the conversation at the meeting. On Monday they were having a joint meeting of the subcommittees of the Farmland Fairness Committee. He invited the Council to attend.

Councilor Park talked about the DLCD meeting concerning the Industrial Land Remand. The commission had not taken final action because one commissioner was missing. He felt that the presentation and responses from the Commission seemed to be positive. April 12, 2006 the Commission should act on this issue. Councilor Liberty asked if there was potential litigation? Councilor Park said there might be opposition from 1000 Friends of Oregon and City of Cornelius.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:17 p.m.

Prepared by



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Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 30, 2006

Item	Topic	Doc Date	Document Description	Doc. Number
5.1		Power Point Presentation	To: Metro Council From: Jennifer Erickson, Solid Waste and Recycling Department Re: Waste Reduction Plan Power Point Presentation	033006c-01
5.2	"A" version	Resolution No. 06-3684A	Resolution No. 06-3684A , For the Purpose Endorsing Regional Support for Protection of the Endangered Wildlife and its Habitat under the Endangered Species Act	033006c-02