



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

Meeting: Council Meeting
Date: May 14, 1987
Day: Thursday
Time: 5:30 p.m.
Place: Council Chamber

Approx.
Time

Presented By

- 5:30 CALL TO ORDER
ROLL CALL
1. Introductions
 2. Written Communications to Council on Non-Agenda Items
 3. Citizen Communications to Council on Non-Agenda Items
 4. Councilor Communications
 - 4.1 Report from the Council Legislative Committee Collier
Recommending a Council Position on State
Legislation Regarding the Disposition of Plastics *Collier*
 5. Executive Officer Communications
- 6:00 6. CONSIDERATION OF MINUTES of March 26 and April 14, 1987
(Action Requested: Approval of Minutes)
7. RESOLUTIONS
 - 7.1 Consideration of Resolution No. 87-760, for the Leo
Purpose of Adopting the Updated Washington Park
Zoo Master Plan (Public Hearing)
(Action Requested: Adoption of Resolution)
 8. OTHER BUSINESS
 - 8.1 Reconsideration of a Request by Hillsboro Garbage McConaghy
Disposal Inc. to Transport and Dispose of Waste
at a Proposed Reload Facility Which the Applicant
Would Operate (Action Requested: Motion to Deny
the Request)

NOTE: All times listed on this agenda are approximate. Items may not be considered in the order listed.

(continued)

<u>Approx. Time</u>		<u>Presented By</u>
	8. OTHER BUSINESS (continued)	
6:40 (30 min.)	8.2 Status Report and Public Hearing on the Convention Center Design (<u>Public Hearing</u>) (No Action Requested)	Wilson
7:10 (20 min.)	8.3 Consideration of an Intergovernmental Agreement with the City of Portland for Receipt of Local Improvement District (LID) Proceeds to Partially Fund the Convention Center (Action Requested: Approval of the Agreement)	Wilson
7:30	9. COMMITTEE REPORTS	
7:40	ADJOURN	

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICTRegular Meeting
March 26, 1987

Councilors Present: Mike Bonner, Tanya Collier, Larry Cooper, Jim Gardner, Gary Hansen, Sharron Kelley, Corky Kirkpatrick, David Knowles, Mike Ragsdale and George Van Bergen

Councilors Absent: Tom DeJardin and Richard Waker

Also Present: Executive Officer Rena Cusma

Staff Present: Ray Barker, Kim Duncan, Rishinath Rao, Tuck Wilson, Keith Lawton, Gwen Ware-Barrett, Donald Carlson, Jennifer Sims, Cathy Thomas, Marilyn Matteson, Kathy Bucher, Kay Rich, Tor Lyshaug, Chuck Stoudt, Becky Crockett, Jon Allred, Darlene Badrick, Jill Hinckley, Dick Karnuth, Gayle Rathbun, Cathy Vandehey, Andy Cotugno, Marc Madden and Joan Saroka

Deputy Presiding Officer Gardner called the meeting to order at 5:45 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Request Regarding Oregon Trail Designation. Councilor Collier reported the Council Legislative Committee had considered Alayne Woolsey's request that Metro ask the Oregon State Legislature to amend its statute to designate the city of Oregon City, rather than the city of Seaside, as the official end of the Oregon Trail. The Councilor read a draft letter to Senator Joyce Cohen which endorsed the concept of that request and proposed the letter be sent to Senator Cohen by the Executive and Presiding Officers of Metro.

Motion: Councilor Collier moved, seconded by Councilor Knowles, that the draft letter, as read by Councilor Collier, be sent to Senator Cohen.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

Councilor Collier asked the Clerk to ensure Ms. Woolsey receive a copy of the signed letter.

Concern About Changes in Work Programs. Councilor Van Bergen said he had received February 26 Solid Waste staff meeting minutes and was concerned to learn from those minutes the West Transfer & Recycling Center (WTRC) and waste reduction certification programs would be "shelved." He said he sent a letter to Executive Officer Cusma expressing his concerns that work might have stopped on priority programs adopted by the Council. He questioned the status of other programs such as the methane gas recovery project, the yard debris program, St. Johns Landfill capacity and tonnage limits imposed on the Oregon City transfer station. He was concerned that large amounts of money had been spent on programs that had been or would be dropped.

Executive Officer Cusma said she had tried to reach Councilor Van Bergen about his concerns. She would provide the Councilor with a written report on the status of the WTRC. She reported the WTRC program was currently being appealed and it could be another year before work could commence. The methane gas program had been terminated by the Council last December due to low gas prices and the economic unfeasibility of the project. The status of the yard debris program would be reported by staff later in the meeting. A report on St. Johns Landfill capacity was now before the Council and the Oregon City transfer station tonnage issue was currently being negotiated with Oregon City and Clackamas County.

At the request of Councilor Van Bergen, Eleanore Baxendale, General Counsel, reviewed the legal status of the WTRC. She also explained she submitted to the Council quarterly reports on the legal status of all projects. The next report would be submitted in April, she said. Ms. Baxendale reported litigation concerning Metro's site selection could be resolved by June 1, 1987, after which time the Council could proceed with the project or wait until other outstanding appeals had been settled.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Presentation of the Executive Officer's Proposed FY 1987-88 Budget

Executive Officer Cusma introduced her proposed budget for the next fiscal year. She said the budget reflected new programs and priorities and the General Fund had been increased to reflect general costs formerly budgeted under other departments. The Executive said staff were working to finalize transition committee reports so that recommended program changes would be reflected in the proposed budget document.

3.2 Consideration of Resolution No. 87-744, for the Purpose of Adopting the FY 1987-88 Budget and Appropriations Schedule; and Resolution No. 87-745, Approving the FY 1987-88 Budget for Transmittal to the Tax Supervising & Conservation Commission (TSCC) (Public Hearing)

Jennifer Sims, Director of Management Services, reviewed the schedule for adopting the annual budget. She explained the purpose of this meeting was to introduce the budget and conduct a public hearing. The Council would consider adoption of Resolution No. 87-745 after the Budget Advisory Committee had concluded their review and made recommendations to the Council. The Budget would then be forwarded to the TSCC for hearings and certification. After the certified budget was returned by the TSCC, the Council would consider adoption of Resolution No. 87-744, probably at its meeting of June 25.

Ms. Sims introduced three citizens members of the Budget Advisory Committee in the audience: Ron Hohnstein, David Little and Oladapo Sobohemin.

Deputy Presiding Officer Gardner opened the public hearing on the proposed budget. There being no testimony, he closed the hearing. There was no discussion on the proposed budget by the Council and the budget was formerly referred to the Council Budget Advisory Committee for review and comment.

3.3 Presentation of Ray Phelps' Findings Regarding Contracting and Budgetary Matters

Executive Officer Cusma distributed copies of a report submitted to her by Ray Phelps. She had contracted with Mr. Phelps to determine whether Metro should institute a performance audit program. She reported that Mr. Phelps had recommended an internal audit program be implemented.

A short discussion followed about whether such an audit should more appropriately be a work product for the Council rather than the Executive. Councilor Knowles pointed out because the Council had just received the report, the Management Committee should review it at their next meeting and report back to the Council on its findings.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to refer the Ray Phelps' report to the Council Management Committee for their review and comment back to the Council.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilor DeJardin and Waker were absent.

The motion carried.

Resolution No. 87-751, Ratifying Recruitment Waivers and Confirming Appointments. Executive Officer Cusma introduced the Resolution and explained it was being submitted for Council consideration at their request. Deputy Presiding Officer Gardner noted that since the Council needed to make a decision on Agenda Item 11.5 before it considered Resolution No. 87-751, the Resolution should be deferred until the end of the meeting.

At the request of the Council, the Deputy Presiding Officer called at 10-minute recess at 6:25 p.m. to give Councilors an opportunity to review Resolution No. 87-751, introduced by the Executive Officer, and Resolution No. 87-748A, introduced by the Deputy Presiding Officer. The Council reconvened at 6:45 p.m.

Legislative Status Report. Kim Duncan, Metro's legislative representative, reviewed the written "Legislative Status Report" dated the week of March 23, 1987.

Council position on HB 2929 (general functional planning authority for Metro). Councilor Gardner, Chair of the Council Solid Waste Committee, reported the Committee could not reach a consensus to endorse HB 2929. Executive Officer Cusma urged the Council to support the proposed legislation. She explained her Land Use Transition Committee also endorsed the bill.

Motion: Councilor Bonner moved to instruct staff to withdraw all effort to lobby for passage of HB 2929 and that the proposed legislation not be considered a priority at this time. Councilor Kelley seconded the motion.

Discussion followed on the merits of the proposed legislation. Eleanore Baxendale, Legal Counsel, explained Metro currently had functional planning authority but the bill would impose certain time frames on the process. Councilors Ragsdale, Van Bergen, Gardner and Hansen said they would not support the motion because they thought a strong functional planning program would ease the way for siting future solid waste facilities. Councilor Kelley supported the motion and favored the supersiting process with ample citizen participation.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Hansen and Kelley

Nays: Councilors Collier, Cooper, Gardner, Kirkpatrick,
Knowles, Ragsdale and Van Bergen

Absent: Councilors DeJardin and Waker

The motion failed.

Motion: Councilor Ragsdale moved the Council take a position in favor of HB 2929 and to instruct the legislative liaison to request the bill be separated from other Metro-related legislation in order that it receive a separate hearing date and its due consideration. Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Gardner, Kirkpatrick,
Knowles, Ragsdale and Van Bergen

Nays: Councilors Bonner, Hansen and Kelley

Absent: Councilors DeJardin and Waker

The motion carried.

Council position on SB 629 (legislation regarding general separation of powers for the Metropolitan Service District).

Councilor Collier, Chair of the Council Legislation Planning Committee, explained the Committee recommended an amendment to the legislation. Councilor Knowles then distributed copies of the proposed amendment which he explained. Changes included: 1) amending the word "legislative body" to read "governing body" to be consistent with all other references in Oregon statutes; 2) clarifying the Council's and Executive's roles in personnel matters; and 3) requiring 8 affirmative votes to override the Executive's veto rather than 10 votes to be consistent with the Oregon Constitution.

Motion: Councilor Hansen moved to endorse the above noted amendments to SB 629 and Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Alayne Woolsey, Oregon City resident, presented Councilors with information packets on Oregon City. She explained the packets contained information on recent tourism efforts to promote the City's historical merits. She requested the Council consider Resolution No. 87-747 at this time because she could not stay for the remainder of the meeting.

11.4 Consideration of Resolution No. 87-747, for the Purpose of Displaying Artifacts in the Council Chamber of the Metropolitan Service District

Councilor Collier introduced the Resolution and reviewed the written staff report, explaining Ms. Woolsey had introduced the idea of placing historical and regional artifacts in the Council Chamber.

Motion: Councilor Collier moved Resolution No. 87-747 be adopted and Councilor Ragsdale seconded the motion.

Councilor Van Bergen was concerned that the Chamber could become filled with artifacts and that a rotation schedule should be considered.

Councilor Cooper did not support the Resolution, saying it was not appropriate for the Council Chamber to become a museum for artifacts.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, Gardner, Hansen, Kelley, Kirkpatrick, Knowles and Van Bergen

Nays: Councilors Cooper and Ragsdale

Absent: Councilors DeJardin and Waker

The motion carried and Resolution No. 87-747 was adopted. Councilor Collier requested the Clerk send a copy of the signed Resolution to Ms. Woolsey along with a copy of the signed letter to Senator Cohen regarding Oregon City being designated as the end of the Old Oregon Trail.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
(Continued)

Judy Dehen, 2965 N.W. Verde Vista, Portland, representing the Columbia Group of the Sierra Club, stressed the importance of Metro not restricting itself to mass incineration as a solution to its solid waste alternative technology effort. She said flexibility was the most important factor to consider and composting technology had that kind of flexibility. She noted that Councilor Ragsdale had challenged citizens who criticized the alternatives proposed by Metro to come up with other alternatives. She said that composting was the ideal alternative. Councilor Ragsdale asked Ms. Dehen to send him details on any cost-effective, feasible alternatives available.

Connie Hawes, Aloha resident, commented on the earlier discussion regarding whether the Council should endorse proposed State functional planning legislation. She noted that one man's/woman's "procedural morass" was another's due process. She strongly criticized the process for siting the West Transfer & Recycling Center (WTRC) as an example of mediocre staff work and noted Metro had been very unresponsive to citizen input throughout the process. She strongly supported the functional planning approach as one with more citizen involvement.

Gary LaHaie, 310 East Baseline, Hillsboro, read a statement which he had distributed to Councilors. Mr. LaHaie was a member of the WTRC Advisory Committee which had reviewed and made recommendations on sites for the facility. He supported the Ramsey Lake site for the new regional landfill, explaining that site was already industrially zoned, the facility would create jobs in that area, and the site would best serve the regional solid waste disposal plan.

Claire Green, Aloha citizen, criticized the Council's subcommittee structure and meeting process. She pointed out that many important decisions were made at those meetings and they were often called at the last minute with no published agenda. She urged the Council to do its business in a public forum in order for the public to have input.

Regarding the Council's earlier discussion on whether to support HB 2929 and the solid waste functional planning process, Mr. Green urged the Council to adopt a solid waste functional plan which would involve the public in initial planning stages for major solid waste facilities.

6. CONSIDERATION OF MINUTES.

Motion: Councilor Kelley moved, seconded by Councilor Ragsdale, to approve the minutes of February 26, 1987.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the minutes were approved.

7. CONSIDERATION OF AN ADDENDUM TO THE CONTRACT WITH WORLD SECURITY FOR UNIFORMED SECURITY GUARD SERVICE AT THE ZOO

Kay Rich, Zoo Assistant Director, reviewed staff's report.

Motion: Councilor Kelley moved the addendum be approved and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the addendum to the contract with World Security was approved.

8. ORDINANCES

8.1 Consideration of Ordinance No. 87-219, for the Purpose of Amending the Urban Growth Boundary for Contested Case No. 86-2: West Coast Auto Salvage (Second Reading and Public Hearing)

The Clerk read the Ordinance a second time by title only. Jill Hinckley, Land Use Coordinator, briefly reviewed staff's written report. There was no discussion on the Ordinance.

Deputy Presiding Officer Gardner opened the public hearing on the Ordinance. There was no testimony and the hearing was closed.

Motion: The motion to adopt Ordinance No. 87-219 was made by Councilor DeJardin and seconded by Councilor Collier at the meeting of March 12, 1987.

Vote: A roll call vote to adopt the Ordinance resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and Ordinance No. 87-219 was adopted.

8.2 Consideration of Ordinance No. 87-221, for the Purpose of Replacing Section 2.02.275 of the Metro Code, Seasonal Visitor Services Worker Personnel Rules (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only. Randy Boose, Personnel Officer, presented an overview of staff's written report.

Motion: Councilor Knowels moved the adoption of Ordinance No. 87-221 and Councilor Ragsdale seconded the motion.

Deputy Presiding Officer Gardner opened the public hearing. There being no testimony, he closed the hearing.

Councilor Van Bergen was concerned the Ordinance would change full-time positions to part-time positions with a resulting loss of benefits for some employees. Mr. Boose said he would contact the Councilor later in the week to discuss his concerns.

Deputy Presiding Officer Gardner announced the second reading of the Ordinance was scheduled for April 9, 1987.

9. CONSIDERATION OF A REQUEST FROM BENJFRAN DEVELOPMENT COMPANY for a Waiver of the April 1, 1987, Filing Deadline for Petitions for Major Amendment of the Urban Growth Boundary

Jill Hinckley, Land Use Coordinator, reviewed the history of the request as explained in staff's written report. Councilor Ragsdale questioned if the proposed extension to May 15 should be amended to June 1. Marc Madden, Acting IRC Administrator, and Ms. Hinckley saw no problems with the June 1 date.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to allow an extension of the filing deadline for BenjFran Development Company to June 1, 1987.

Councilor Ragsdale stated he and Mr. Nelson, the President of BenjFran Development, had served together on a board but he did not think that arrangement was in conflict with voting on this matter.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the deadline was extended to June 1, 1987.

10. CONSIDERATION OF THE "DRAFT" SOUTHWEST CORRIDOR CONCLUSIONS, Recommendations and Evaluation of Alternatives Report and Initiation of a Public Hearing and Adoption Process

Andy Cotugno, Transportation Director, reviewed staff's report and the schedule for public hearings on the draft report. He explained this matter had been brought before the Council for informational purposes only and that staff would bring the matter back to the Council for adoption in May.

Councilor Van Bergen noted the document was a highly sophisticated study and would be important for Washington and Clackamas county project planning. He said he was proud of Metro for its well performed work on the project.

A discussion followed on how the study had addressed light rail transit for the Sunset Corridor. Mr. Cotugno reported no specific conclusion had been reached but options were discussed in the study. He added that any plan for light rail transit would be subject to a separate decision-making process.

Deputy Presiding Officer Gardner announced a public hearing on the draft report before the Joint Policy Alternatives Committee on Transportation (JPACT) was scheduled for 7:00 p.m., April 15 at St. Vincent's Hospital.

11. RESOLUTIONS

11.3 Consideration of Resolution No. 87-738, for the Purpose of Adopting a Marketing Plan for Yard Debris Compost as Part of Metro's Solid Waste Reduction Program

Jon Allred and Becky Crockett, Solid Waste Analysts, presented staff's report as printed in the meeting agenda packet.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Knowles asked staff to describe reaction to the proposed yard debris marketing plan from other yard debris processors. Mr. Allred answered that a consultant to staff had determined ample markets existed for all parties in the business of marketing the material.

Councilor Cooper asked if the study had determined whether yard debris could be sold at a price competitive with bark dust. Ms. Crockett responded that the study did not address pricing in order to avoid the perception of price fixing or collusion.

Councilor Van Bergen noted the difficulties staff had experienced in processing the large pile of yard debris at St. Johns Landfill. Mr. Allred explained that situation had little to do with the success or failure of markets for composted materials. He was confident staff would find uses for the St. Johns material because yard debris was a viable product.

Jerry Herrman, 15178 South Highland Road, Oregon City, Director, John Inskeep Environmental Learning Center, testified markets did exist for compost. He said composted materials were used on the grounds of the Learning Center and the Center had developed programs to educate the public on how to compost and how to use the material. He noted commercial uses for compost had recently increased due to the higher cost of bark dust. He concluded that what had once been a disposal problem as a result of the DEQ burning ban was now becoming a viable marketing opportunity. He commended Metro for developing the yard debris marketing plan and urged the Council to implement it.

Rod Grimm, No. 8 Hotspare, Lake Oswego, owner of Grimm's Fuel Company, presented Councilors with potted pansies grown in composted yard debris material. Mr. Grimm testified that Metro's proposed marketing program would greatly contribute to solving the region's solid waste problems to the benefit of everyone. He discussed research being conducted by pathologists using composted materials as a growing medium. He said Metro's efforts would help business develop a guaranteed supply of raw material.

Responding to Councilor Ragsdale's question, Mr. Grimm said he did not see Metro in a role of competing with private business. Rather, he thought Metro's efforts to help develop markets for private business were to the benefit of everyone. He explained the region's solid waste disposal problem was very real, public problem. Any efforts to reduce the amount of yard debris landfilled were important.

Estle Harlan, 2202 Lake Road, Milwaukie, representing the Tri-County Council of solid waste haulers, testified the Tri-County Councilor supported Metro's role in developing markets for yard debris. Her only concern was if McFarlane's, a private company processing yard debris, were flooded with material, they could not process the material fast enough or that adequate markets would not exist for the material. Ms. Harlan also asked staff and the Council to assure her that Metro would not involve itself in collection of yard debris. Councilor Van Bergen confirmed that Metro's appropriate role was to develop markets for yard debris, not to collect the material.

Kathleen Keene, 124014 S.E. Raymond Street, Portland, representing McFarlane's Bark, Inc., testified McFarlane's and Grimm's operations had already added two years to the life of St. Johns Landfill and that Metro's public information program encouraging proper disposal of yard debris had helped the two companies. She was not concerned about stockpiles of yard debris, explaining those stockpiles were valuable inventory.

Responding to Councilor Van Bergen's question, Ms. Keene said since McFarlane's radio ads had been aired, about three times more yard debris had been brought to their facility than was brought in the same time last year.

A discussion followed about the cost of the Metro yard debris marketing program. Councilor Ragsdale asked staff to explain total costs and whether those costs were included in the budget. Ms. Crockett said the budget would have to be amended to include program costs. She explained the yard debris program had been budgeted in both the Public Affairs and Solid Waste departments and Table 4 of staff's report had listed only expenses included Solid Waste budget.

Councilor Ragsdale requested adoption of Resolution No. 87-738 be set over to another meeting until all program costs were clearly reported to the Council. The Councilor explained he supported the program but needed more information in order to vote on the matter.

Executive Officer Cusma said staff would present a complete expense overview of the proposed yard debris program for the April 9 Council meeting. Councilor Cooper requested the revised report also include information about the financial impacts of the program on other markets.

Withdrawal of Motion: Councilor Ragsdale and Van Bergen withdrew their previous motion to adopt Resolution No. 87-738 with the understanding staff would return to the Council on April 9 with the information requested.

11.2 Consideration of Resolution No. 87-743, for the Purpose of Amending the Pay Plan to Upgrade the Position of Waste Reduction Manager

Randy Boose, Personnel Officer, briefly reviewed staff's written report. He explained if the Resolution were adopted, the base salary for the position would increase from \$29,328 to \$32,300 and the incumbent would receive a 5 percent pay increase per provisions of the Personnel Rules.

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-743 and Councilor Knowles seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and Resolution No. 87-743 was adopted.

11.5 Consideration of Resolution No. 87-748, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-748A, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-749, for the Purpose of Amending the Classification Plan and the Pay Plan to Add the Position of Council Administrator;

Consideration of Resolution No. 87-750, for the Purpose of Transferring an Employee (Donald E. Carlson) to the Position of Council Administrator and Authorizing an Employment Agreement (with Donald E. Carlson); and

Consideration of Resolution No. 87-751, for the Purpose of Ratifying Recruitment Waivers and Confirming Appointments (for Richard Engstrom, Tor Lyshaug, Marc Madden and Raymond Phelps)

Deputy Presiding Officer Gardner first explained that as a result of an agreement with the Executive Officer, Resolution No. 87-748A would replace Resolution No. 87-748. He referred to his memo to Councilors dated March 26, which explained the difference between the two Resolutions:

1. Resolution No. 87-748A would provide for maintenance of the Finance and Administration Director position. Resolution No. 87-748 would have eliminated the position.
2. Resolution No. 87-748A would provide for the General Counsel and Governmental Affairs Manager positions to remain in the Executive Management budget and supervisory responsibility for those positions would remain with the Executive officer. Resolution No. 87-748 would have budgeted the two positions in both the Executive Management and Council budgets.

3. Resolution No. 87-748A would authorize the budget adjustment to the Council budget be reduced to \$35,688. The funds would come from unspent Personal Services costs in the Executive Management budget (\$29,921) and the Data Processing Division budget (\$5,767).

The Deputy Presiding Officer concluded that Resolution No. 87-748A would accomplish a more defined separation of the Councilor and Executive branches of government without having to increase expenditures during FY 1986-87.

Councilor Bonner read into the record a letter he had received from Donald N. Johnson, 3655 S.E. Tolman Street, Portland. Mr. Johnson had served on the Portland Planning Commission and had recently retired after 25 years of services with the Bureau of Governmental Research. His letter stated "Many of our public institutions have developed separate legislative and executive capabilities . . . This is, in fact, quite a common practice and appears to meet the need created by the separation of power proposed by Metro's new Executive Officer. I would support the proposal even though it were more costly, for I believe that a weakened legislative branch threatens the democratic process."

The Deputy Presiding Officer read a letter he had received from Donald S. McClave, 7719 S.E. 28th Avenue, Portland. Mr. McClave endorsed the Council's proposed action to transfer Donald E. Carlson to the position of Council Administrator. He proposed "In the long-term, it may be advisable to alter Metro's charter in such a way that the Executive reports to and is directly responsible to the Council. In the short-term, it seems clearly in the best interest of orderly functioning of the Council to pass the three resolution under agenda item 11.5 . . ."

Motion: Councilor Knowles moved, seconded by Councilor Bonner, that Resolution No. 87-748A be adopted with the following amendments: 1) The second "Whereas" be changed to read: "Legislation proposed by the Executive Officer recognizes, clarifies and encourages the separation of powers between the [legislative] Council and [executive branches of this government] Executive Officer causing the [legislative branch] Council to reallocate resources so it can effectively meet its statutory responsibilities; and . . ."

Don Williams, former staff assistant to Clackamas County Commissioner and former MSD Board Chair Robert Shumacher, testified he had been interested in the development of the Metro organization and had served as an advisor during the transition merger of the CRAG and

MSD organizations in 1979. He noted the government was unique and it was difficult to compare its structure to other governments. He said Resolution No. 87-748A would be necessary to formalize the relationship between the Council and staff.

James L. Knoll, 2738 S.W. Robins Crest, Portland, said he agreed with Mr. Williams' testimony. He explained that as a former Budget Advisory Committee member, he had observed excellent cooperation between the Executive, Council and staff. He said he regretted the changes that appeared to be taking place but acknowledged those changes were inevitable as the agency grew.

Denise M. Amos, 4610 N.W. Imnaha Court, Portland, testified she was speaking for the Metro Watch organization. She said the organization wanted to see Metro work because the success of the convention center was at stake. She questioned why the Council was not considering Resolution No. 87-751, proposed by the Executive Officer, before it considered other structure-related Resolutions.

Deputy Presiding Officer Gardner explained that because Resolution No. 87-751 considered confirmation of the Finance & Administration Director position, the Council could not logically adopt that Resolution until it was established that the position would continue to exist. Adoption of Resolution No. 87-748A would provide that the position continue to exist.

Ms. Amos then requested the Council postpone deliberation on these matters until the outcome of SB 629 (regarding general separation of powers for the Metro organization) was known. The Deputy Presiding Officer explained adopting Resolution Nos. 87-748A, 87-749, 87-750 and 87-751 would not pre-empt subsequent structure changes.

In response to Councilor Knowles question, Executive Officer Cusma said she supported the motion to adopt Resolution No. 87-748A and the resulting transfer of budget funds. She was positive she and Mr. Carlson would work well together and that transition problems could be resolved for the benefit of everyone involved.

Deputy Presiding Officer Gardner noted his memo to Councilors had stated a verbal agreement had been reached with the Executive Officer that: 1) the Council would participate with the Executive in the selection and termination process for the General Counsel and Governmental Affairs Manager positions; 2) that the Council would have confirmation authority for the two positions; 3) that the Council would have direct access to the services of the General Counsel; and 4) that the Governmental Relations Manager would communicate to others only adopted District policies, programs and procedures, and would not advocate the position of any individual elected official. The memo further stated: "I have prepared a

proposed agreement for the signature of the Executive Officer and the Deputy Presiding Officer which specify those [the above] points." He then explained no written agreement had been signed.

Councilor Knowles thought the Council would be best served by addressing the issue of a signed agreement at another time.

Councilor Hansen acknowledged that upon adoption of the legislation now before the Council, relationships between the Council and Executive Officer would change. He advised the Council, Executive and staff to conduct a workshop as soon as possible to work out the new relationship.

Councilor Ragsdale noted that Presiding Officer Waker was not able to attend this meeting. He said he appreciated the Presiding Officer's key leadership role in working to resolve the relationships between the Council, Executive Officer and staff.

Councilor Van Bergen asked how the proposed changes in staff structure would effect the FY 1987-88 budget. Deputy Presiding Officer Gardner explained the Resolutions only addressed changes to the FY 1986-87 budget. Changes to the FY 1987-88 budget would have to be worked out later, he said. Councilor Kirkpatrick, Chair of the Council Budget Advisory Committee, said she was committed to not raising transfer to the General Fund as a result of staff changes proposed by the Resolutions.

Vote: A vote on the motion to adopt Resolution No. 87-748A resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-748A was adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-749 and to delete the third "be it resolved" paragraph which referred to eliminating the Finance and Administrator position and reassigning those duties to the Deputy Executive Officer. Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-749 was adopted.

Motion: Councilor Knowles moved to adopt Resolution No. 87-751 and Councilor Kelley seconded the motion.

Withdrawal of Motion: After discussion, Councilors Knowles and Kelley withdrew their motion so that confirmation and recruitment waiver issues could be voted on separately for each individual named in Resolution No. 87-751.

Motion: Councilor Knowles moved the Council consider confirmation and recruitment waivers by separate motion for each individual named in Resolution No. 87-751.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale and Van Bergen

Nays: Councilors Bonner, Collier, Cooper and Kelley

Absent: Councilors DeJardin and Waker

The motion for separate consideration of each individual carried.

Councilor Ragsdale noted it was his policy to always cast an affirmative vote on any motion to separate an issue.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Richard Engstrom as Deputy Executive Officer and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Hansen, to confirm Tor Lyshaug as provisional Solid Waste Director and that recruitment procedures not be waived for his appointment since recruitment was currently in progress for a permanent Director.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to confirm Marc Madden as provisional IRC Administrator and that recruitment procedures not be waived for his appointment.

Vote: A vote on the motion resulted in:

Ayes: Bonner, Collier, Cooper, Gardner, Hansen, Kelley, Knowles, Ragsdale and Van Bergen

Nay: Councilor Kirkpatrick

Absent: Councilors DeJardin and Waker

The motion carried.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Ray Phelps as Director of Finance & Administration and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Eleanore Baxendale explained that by adopting the four motions to confirm the above individuals and to grant recruitment waivers for two of the appointments, the Council had amended and adopted Resolution No. 87-751.

OTHER BUSINESS

Connie Hawes, citizen, asked that copies of all documents considered by the Council be supplied to the public so they could follow along with discussions and offer comments as appropriate.

There being no further business, Deputy Presiding Officer Gardner adjourned the meeting at 10:45 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Special Meeting
April 14, 1987

Councilors Present: Mike Bonner, Tanya Collier, Tom DeJardin,
Gary Hansen, Corky Kirkpatrick, George
Van Bergen and Richard Waker

Councilors Absent: Larry Cooper, Jim Gardner, Sharron Kelley,
David Knowles and Mike Ragsdale

Staff Present: Ray Phelps, Dick Engstrom, Chuck Stoudt and
Ray Barker

Presiding Officer Waker called the special meeting to order at
5:15 p.m.

1. Consideration of Resolution No. 87-756, for the Purpose of
Accepting the March 31, 1987, Special Election Abstract of
Votes of the Metropolitan Service District for Ballot Measure
26-1 (Zoo Serial Levy)

Presiding Officer Waker explained the meeting was for the purpose of
accepting the March 31, 1987, Special election abstract of votes
from Clackamas, Multnomah and Washington Counties for the Zoo serial
levy. ORS 255.295 required Metro to determine the result of the
election no later than five days upon receipt of the abstract of
votes. The abstracts were received by the District the afternoon of
April 10, 1987. He said the abstracts would be officially accepted
by the Council adopting Resolution No. 87-756. He further explained
Ray Phelps, Finance & Administration Director, had reviewed the
abstracts from all three counties and had verified they were
correct and complete.

Mr. Phelps noted the abstracts verified the levy had passed in all
three counties by a substantial margin. There were no questions of
Mr. Phelps.

Motion: Councilor DeJardin moved, seconded by Councilor
Bonner, to adopt Resolution No. 87-756.

Vote: A vote on the motion resulted in all seven Councilors
present voting aye.

The Resolution was unanimously adopted.

Police Officers' Convention.

Presiding Officer Waker noted Mayor Bud Clark had recently announced
the City of Portland would not be hosting the national Policy
Officers' Convention due to lack of funding. The Presiding Officer

Metro Council
April 14, 1987
Page 2

asked if the Council wished to take a position of encouraging the Mayor to reverse his decision and to offer Metro support such as funds, staff or space.

After a brief discussion on the matter, the Presiding Officer announced he would tell the Metro Executive Officer the Council's general consensus was to encourage the convention and that the Executive Officer have flexibility in negotiating with the City to not cancel the convention.

West Transfer and Recycling Center (WTRC). Presiding Officer Waker noted a hearing was scheduled the next morning at the Washington County Courthouse regarding the Aloha-Reedville Citizen's Association's appeal of Metro's WTRC site. He explained he could not be at the hearing to represent the Council and asked another Councilor to volunteer. Councilor DeJardin volunteered to appear at the hearing.

There being no further business, the special meeting adjourned at 5:25 p.m.

Respectfully submitted,

A. Marie Nelson
Clerk of the Council

amn
7361C/313-2
04/16/87

STAFF REPORT

Agenda Item No. 7.1
Meeting Date: May 14, 1987

CONSIDERATION OF RESOLUTION NO 87- 760
FOR THE PURPOSE OF ADOPTING THE UPDATED
WASHINGTON PARK ZOO MASTER PLAN

Date: April 27, 1987

Presented by: Gene Leo

FACTUAL BACKGROUND AND ANALYSIS

For the past several months Zoo staff and the Council/Friends of the Zoo joint Master Plan Task Force have been engaged in the review of the Zoo Master Plan as specified by Council priorities. A final draft was produced and distributed to the Council at the April 23, 1987 meeting. On May 5th copies will be distributed to the Friends of the Zoo Board of Directors for their review and input.

The master planning process involved the entire Zoo staff in the input and discussion phase which defined opportunities for improving the plan. Twenty-one discussion groups, centering on specific aspects of the Zoo physical facilities and programming areas, were established to elicit maximum staff involvement. The product of these discussions formed the basis for further management team/design team consideration. These discussions were refined and integrated into the current final draft. In approximately one month, a companion document addressing the economic feasibility and site analysis for a proposed marine aquarium facility in the Portland metropolitan area will be brought to the Council. We anticipate requesting full Council analysis of this work at that time.

We believe this document is reflective of the best thought in planning for the Zoo's future development. It incorporates dynamic exhibitry, yet at the same time, addresses basic support facility structural needs, required for strong support service base to serve exciting public programming. Following Council approval of the updated Master Plan, Zoo staff will obtain a conditional use permit from the City of Portland.

EXECUTIVE OFFICER'S RECOMMENDATION

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING	}	RESOLUTION NO. 87- <u>760</u>
THE UPDATED WASHINGTON PARK	}	
ZOO MASTER PLAN	}	Introduced by the Zoo Director

WHEREAS, The Washington Park Zoo provides regional services in the zoological education, recreation, conservation, propagation, and research areas and serves as a major regional tourist facility; and

WHEREAS, The Washington Park Zoo, through its current redevelopment program has provided dynamic new exhibitry which has generated additional citizen involvement to establish the Zoo as the largest paid attendance attraction in the state of Oregon; and

WHEREAS, The Zoo Master Plan, completed in 1983, is currently dated because of the implementation of planned projects and requires updating to keep abreast of changing conditions in the development of Zoo services to the citizens of the region; and

WHEREAS, A Master Plan is critical to guide the development and implementation of Zoo programs and facilities in future years; and

WHEREAS, The Metro Council has directed staff to prepare the Master Plan update to provide this development guidance; and

WHEREAS, The Zoo staff, working with members of the community, the Friends of the Washington Park Zoo, and Council members have completed a Master Plan update which provides the necessary developmental guidance to provide improvements to the Washington Park Zoo through the year 2002; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby adopts the Zoo Master Plan Update as the Master Plan for the Washington Park Zoo, which will guide development of the Washington Park Zoo through the year 2002.

ADOPTED by the Council of the Metropolitan Service District this
____ day of _____ May _____, 1987.

Richard Waker, Presiding Officer

CONSIDERATION OF A REQUEST BY HILLSBORO GARBAGE
DISPOSAL INC. TO TRANSPORT AND DISPOSE OF WASTE
AT A PROPOSED RELOAD FACILITY WHICH THE APPLICANT
WOULD OPERATE

Date: March 19, 1987

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to present a request by Hillsboro Garbage Disposal Inc. to the Metro Council. Hillsboro Garbage has requested that authorization be given to transport waste from the District to a reload facility which the company would own and operate, for its exclusive use, at a site just outside of the Metro boundaries but within the solid waste planning area. Waste transferred to 50 cubic yard drop boxes at the facility would be transported to the Riverbend Landfill near McMinnville, Oregon. Hillsboro Garbage currently hauls waste to McMinnville under an Executive Officer's authorization dated January 9, 1984 (copy attached). The current Hillsboro Garbage request, submitted by R. A. Wright Engineering on behalf of Ron Maier, is also attached (February 16, 1987, and March 6, 1987, letters).

The applicant indicates that Washington County has already approved plans and permits for the proposed reload facility. A letter from the city of Hillsboro (attached) strongly supports the request on the basis of lowering costs to ratepayers and providing the franchised hauler with added flexibility. DEQ would also have to approve the facility and has indicated that any action it takes will be consistent with Metro's action.

Metro Code Section 5.01.030(c), as amended by Ordinance No. 87-217, prohibits any person from taking, transporting or disposing of mixed putrescible solid waste at any site, facility or transfer station which is not franchised, owned, or operated by the District, unless written authority is issued by the Metro Council. Since the proposed facility (which would be located off Minter Bridge Road south of Hillsboro) is a mile and one-half beyond the District boundaries, a Metro franchise for the facility is not appropriate but Council approval is required to take waste from the region to the facility.

FINDINGS

1. One justification for approving the request would be to increase hauling efficiencies to one particular disposal

facility (Riverbend Landfill) and reduce costs for a single collection company. If Metro approves use of the facility for at least five years and grants an exemption from the Regional Transfer Charge (RTC), Hillsboro Garbage could save about \$62,000 per year over the current cost of direct hauling to McMinnville. It is expected that approval of the request could allow Hillsboro Garbage to save about \$6,700 per year over the projected cost of using the existing Forest Grove Transfer Station. A March 18 letter from the applicant (also attached) indicates that under alternative assumptions, the savings could be even higher.

2. The Forest Grove Transfer Station is currently available to Hillsboro Garbage and has available capacity to handle all of the waste which the applicant proposes to reload. Metro worked with the operator of that existing facility and the city of Forest Grove in August to open up that facility for use by other haulers. The conditions and rates which Metro has established for that facility assure fair treatment and reasonable prices if Hillsboro Garbage chooses to take advantage of it. Metro has also agreed to temporarily waive its RTC on waste which passes through Forest Grove as an incentive to divert waste from St. Johns and as a disincentive for direct haul to Riverbend. The hauler and the Hillsboro ratepayers could currently be saving an estimated \$55,300 per year by hauling to Forest Grove rather than directly to Riverbend. The capacity of the Forest Grove facility should be more effectively utilized before investments in additional transfer stations to serve this area are made.
3. The waste which Hillsboro Garbage is currently direct hauling to Riverbend is beneficial to the region since it reduces flows to St. Johns. Approval of the request would have no additional effect in reducing current waste flows to the St. Johns Landfill. Construction of the facility would not guarantee that waste would continue to be taken to Riverbend either on a short-term or long-term basis.
4. Metro is currently developing a coordinated and comprehensive waste transfer and disposal system. This may include transfer stations, resource recovery facilities, landfills, waste processing facilities, recycling programs and waste flow diversion agreements. Approval of this facility is not indicated in the current plan and the reload operation would have an uncertain role within the developing solid waste system.
5. One guiding principle for developing the regional solid waste management system is to promote efficiency in the collection and disposal of waste. Approval of the request would allow one collection operator to save on his total costs while others, who may not be financially able to

facility (Riverbend Landfill) and reduce costs for a single collection company. If Metro approves use of the facility for at least five years and grants an exemption from the Regional Transfer Charge (RTC), Hillsboro Garbage could save about \$62,000 per year over the current cost of direct hauling to McMinnville. It is expected that approval of the request could allow Hillsboro Garbage to save about \$6,700 per year over the projected cost of using the existing Forest Grove Transfer Station. A March 18 letter from the applicant (also attached) indicates that under alternative assumptions, the savings could be even higher.

2. The Forest Grove Transfer Station is currently available to Hillsboro Garbage and has available capacity to handle all of the waste which the applicant proposes to reload. Metro worked with the operator of that existing facility and the city of Forest Grove in August to open up that facility for use by other haulers. The conditions and rates which Metro has established for that facility assure fair treatment and reasonable prices if Hillsboro Garbage chooses to take advantage of it. Metro has also agreed to temporarily waive its RTC on waste which passes through Forest Grove as an incentive to divert waste from St. Johns and as a disincentive for direct haul to Riverbend. The hauler and the Hillsboro ratepayers could currently be saving an estimated \$55,300 per year by hauling to Forest Grove rather than directly to Riverbend. The capacity of the Forest Grove facility should be more effectively utilized before investments in additional transfer stations to serve this area are made.
3. The waste which Hillsboro Garbage is currently direct hauling to Riverbend is beneficial to the region since it reduces flows to St. Johns. Approval of the request would have no additional effect in reducing current waste flows to the St. Johns Landfill. Construction of the facility would not guarantee that waste would continue to be taken to Riverbend either on a short-term or long-term basis.
4. Metro is currently developing a coordinated and comprehensive waste transfer and disposal system. This may include transfer stations, resource recovery facilities, landfills, waste processing facilities, recycling programs and waste flow diversion agreements. Approval of this facility is not indicated in the current plan and the reload operation would have an uncertain role within the developing solid waste system.
5. One guiding principle for developing the regional solid waste management system is to promote efficiency in the collection and disposal of waste. Approval of the request would allow one collection operator to save on his total costs while others, who may not be financially able to

develop their own reload facilities, would be likely to pay a greater amount for transfer at facilities which are part of the regional system. This is a result of fixed costs being paid by a reduced number of tons at these facilities. Self-haulers would also be adversely impacted through higher rates for disposal which would be required at a regional transfer station with reduced commercial hauler usage. The proposed facility would not serve other commercial haulers or public self-haulers.

6. Approval of the facility on a long-term basis would set a precedent allowing the waste transfer system to develop in a fragmented and unplanned fashion. Other haulers in Washington County or elsewhere might anticipate approval for similar proposals which they might make. This could complicate future waste flow control decisions and issues and may adversely affect Metro's ability to permit and finance major system components.

EXECUTIVE OFFICER'S RECOMMENDATION

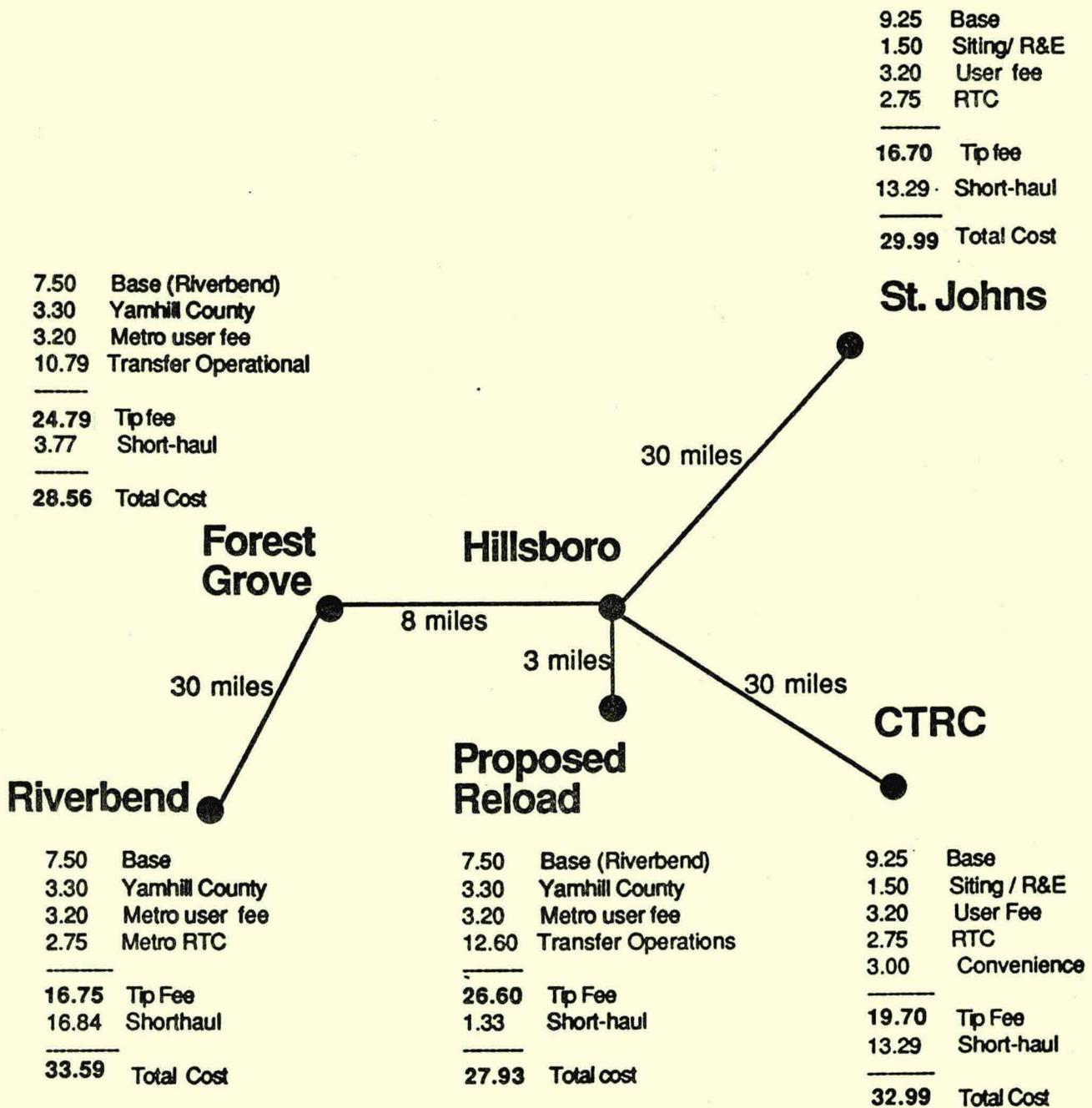
The Executive Officer recommends that the Council deny this request on the basis that adequate facilities exist, the proposed facility is not cost-effective for the solid waste system and the development of the facility would adversely impact the developing waste transfer system.

RM/sm
7049C/496-4
03/19/87

Comparison of Hillsboro Disposal Alternatives

(Total cost = Tipping fee + short-haul cost)

April 1987



R.A. Wright Engineering, Inc.
consulting engineers

1340 S.W. Bertha Blvd.
Portland, Oregon 97219
503/246-4293

February 16, 1987

Mr. Tor Lyshaug
Acting Solid Waste Director
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201

Re: Hillsboro Garbage Disposal Reload Facility

Dear Mr. Lyshaug:

On July 31, 1985, my client, Ron Maier, formally requested from the Metro Executive Officer written authority for Hillsboro Garbage Disposal, Inc. to reload its waste at the proposed Hillsboro Garbage Disposal Reload Facility. The facility site is located outside the Metropolitan Service District's boundary.

On September 24, 1985, Metro staff met with Ron Maier and me to discuss the request. The staff decided to delay a decision upon the request until they had received information from Ambrose Calcagno, Jr. regarding the rates that would be charged at the Forest Grove Transfer Station to other haulers. Mr. Calcagno finally submitted this information to Metro in June 1986 and received rate review approval on July 24, 1986.

While waiting for the information from Mr. Calcagno, Ron Maier applied to Washington County for a plan amendment which changed the zoning from Exclusive Farm Use to Rural Industrial. The County Commissioners approved the zone change. Ron then applied for special use approval for the reload facility and a variance to the definitions of a solid waste transfer station. The County approved the request, including the variance which allows the facility to be unenclosed. The special use application included a letter from six owners of property near the site stating their support for construction and operation of an unenclosed reload facility.

Hillsboro Garbage Disposal, Inc. currently hauls to the Riverbend Landfill in McMinnville. Five to seven trips per day are made to the landfill. The reload facility will allow the waste from the compactor trucks to be reloaded into one of two 50 yard drop boxes. This facility will reduce the number of trips to the landfill to two per day and will make the existing garbage collection system more efficient. Only waste from the Hillsboro Garbage Disposal Inc.'s trucks will be reloaded into the drop boxes. The facility will accept no waste from the public.

R.A. Wright Engineering, Inc.

Tor Lyshaug
Metropolitan Service District
February 16, 1987

Page 2

The Metro Solid Waste Management Plan recognizes the benefits of transfer stations to the waste management system from improved hauling efficiencies and from a greater ability to divert waste to an ultimate disposal site. The plan also recognizes the potential need for satellite facilities to improve disposal service for the periphery of the region. The reload facility allows for cost savings and a reduction in highway trips by Hillsboro Garbage Disposal, Inc.

Although the Forest Grove Transfer Station is now open to other haulers, Metro has stated in the "Preliminary Staff Analysis of a Franchise Variance Request from the Forest Grove Transfer Station" that "there is no intention that these operators will be required to use the facility as a condition of the variance." The Hillsboro Reload Facility can be constructed and operated at a cost which is less than Hillsboro Garbage Disposal Inc.'s cost to use the Forest Grove Transfer Station.

In October and November of 1986, my client and I met with Metro staff to discuss the costs of the facility. In summary, use of the Forest Grove Transfer Station would cost Hillsboro Garbage Disposal, Inc. between \$27.40 and 30.59 per ton, depending on the rate that is in effect. The cost to build and operate the Hillsboro Reload Facility is \$23.78 per ton based on 10,573 tons per year and an interest rate of 12%. Recently, my client was able to obtain financing at 10.25%. At this rate, the cost to build and operate the Hillsboro Reload Facility based on 10,573 tons per year is \$23.45 per ton. The cost for Hillsboro Garbage Disposal, Inc. to use the proposed WTRC is estimated to be \$24.98 per ton.

If the amount of waste that Hillsboro Garbage Disposal, Inc. collects increases above the estimated 10,573 tons per year, the Reload Facility becomes even more economically viable since the capital costs are fixed and an increase in waste would decrease the cost per ton. This is not true if Hillsboro Garbage Disposal, Inc. uses the Forest Grove Transfer Station or the WTRC.

Based on the above information, I am again requesting that Hillsboro Garbage Disposal, Inc. receive written approval from Metro to reload its waste at the Hillsboro Garbage Disposal Reload Facility. My client has been patiently waiting for over 18 months for a positive response from Metro so that he may proceed with this project. In addition, I am requesting that the Regional Transfer Charge (RTC) be waived. The Metro Code allows exceptions from paying the RTC. The purpose of this exception is to provide

R.A. Wright Engineering, Inc.

For Lyshaug
Metropolitan Service District
February 16, 1987

Page 3

haulers with an economic incentive for using transfer stations which divert wastes from the St. Johns Landfill. The proposed Hillsboro reload facility will serve this same purpose and will reduce the number of trips to the Riverbend Landfill.

If you have any questions or need any additional information for the Metro Council meeting, please call.

Sincerely,



Kathleen Thomas, P.E.

KT:jg

cc: Ron Maier
Frank Bernards
DeMar Batchelor

462.62

R.A. Wright Engineering, Inc.
consulting engineers

1340 S.W. Bertha Blvd.
Portland, Oregon 97219
503.246-4293

RECEIVED
File: 825.10

March 6, 1987

Mr. Tor Lyshaug
Acting Solid Waste Director
Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201

Re: Hillsboro Garbage Disposal Reload Facility

Dear Mr. Lyshaug:

I have talked with Ron Maier of Hillsboro Garbage Disposal, Inc. as to a reasonable limitation on the amount of waste going into his proposed reload facility in order to assure Metro that the facility will be used only by his firm. We feel that a condition on the reload facility that limits the facility to 80 tons per day would be compatible with the needs of Hillsboro Disposal and the policies of METRO. Hillsboro Garbage Disposal, Inc. currently averages approximately 60 tons per day. The 80 ton per day limitation will allow for peak day conditions and some flexibility for an increase in waste collected by his operations.

Please call me if you need any additional information.

Sincerely,



Kathleen Thomas, P.E.

KT:jg

462.78

R.A. Wright Engineering, Inc.
consulting engineers

1340 S.W. Bertha Blvd
Portland, Oregon 97219
503/246-4293

March 18, 1987

Mr. Tor Lyshaug
Acting Solid Waste Director
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201

Re: Hillsboro Garbage Disposal Reload Facility

Dear Mr. Lyshaug:

I have reviewed the staff findings for the request by Hillsboro Garbage Disposal, Inc. to construct a reload facility and would like to clarify the cost savings. The staff report states that Hillsboro Garbage would save \$6,700 per year over the cost of the existing Forest Grove Transfer Station. The METRO Council should be aware that this cost would be the minimum savings and is based on the following assumptions:

- o The cost of the facility and equipment is amortized over 5 years.
- o The total cost for Hillsboro Disposal to use the Forest Grove Transfer Station is \$27.41/ton.
- o The amount of waste collected by Hillsboro Garbage Disposal, Inc. is 10,570 tons per year.

If the facility is amortized over a period of 20 years and the equipment is amortized over 10 years, the savings would be \$38,300. Currently, the Forest Grove Transfer Station has the ability to increase its tipping fee from \$10.80/ton to \$13.98/ton with only a 90 day notice. If this would occur, the total cost for Hillsboro Disposal would be \$30.59/ton resulting in an additional savings of \$33,700.

Originally, it was estimated that the amount of waste collected by Hillsboro Garbage Disposal, Inc. is 10,570 tons per year. This estimate was based on converting the volume of the trucks to tonnage by using a conversion factor of 600 pounds per cubic yard. Recent weighing of the trucks indicate that the conversion is closer to 800 pounds per cubic yard.

R.A. Wright Engineering, Inc.

Tor Lyshaug
Metropolitan Service District

Page 2

As a result of the above variables, attached are two tables which summarize the cost savings for the Hillsboro Reload Facility under these conditions. The savings range from \$6,700 to \$125,100. I would appreciate it if this information would be included with the material that the METRO Council will receive on this project.

Sincerely,



Kathleen Thomas, P.E.

KT:jg
Enc.
cc: Ron Maier
Frank Bernards

462.83

TABLE 1
 SUMMARY OF COST SAVINGS
 FOR HILLSBORO RELOAD FACILITY

ALTERNATIVE 1: RELOAD FACILITY STRUCTURE AMORTIZED OVER 20 YEARS.
 EQUIPMENT AMORTIZED OVER 10 YEARS. 12% INTEREST
 RATE.

AMOUNT OF WASTE (TONS/YR)	HILLSBORO RELOAD FACILITY COST (\$/TON)	COST SAVINGS	
		FOREST GROVE @ \$27.40/TON (\$/YR)	FOREST GROVE @ \$30.59/TON (\$/YR)
10,570 ¹	23.78	38,300	72,000
15,000 ²	22.25	77,300	125,100

¹Original waste estimate based on a volumetric conversion of
 600 lbs/cu.yd.

²Revised waste estimate based on a recent weighing of the trucks.
 Weighing indicated that the volumetric conversion should be
 800 lbs./cu.yd.

* * *

TABLE 2
SUMMARY OF COST SAVINGS
FOR HILLSBORO RELOAD FACILITY

ALTERNATIVE 2: RELOAD FACILITY STRUCTURE AND EQUIPMENT AMORTIZED OVER 5 YEARS. 12% INTEREST RATE.

AMOUNT OF WASTE (TONS/YR)	HILLSBORO RELOAD FACILITY COST (\$/TON)	COST SAVINGS	
		FOREST GROVE @ \$27.40/TON (\$/YR)	FOREST GROVE @ \$30.59/TON (\$/YR)
10,570 ¹	26.77	6,700	40,400
15,000 ²	24.36	45,600	93,400

¹Original waste estimate based on a volumetric conversion of 600 lbs/cu.yd.

²Revised waste estimate based on a recent weighing of the trucks. Weighing indicated that the volumetric conversion should be 800 lbs./cu.yd.

* * *

application attached



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

January 9, 1984

Rick Gustafson
Executive Officer

Metro Council

Cindy Banzer
Presiding Officer
District 9

Bob Oleson
Deputy Presiding
Officer
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

George Van Bergen
District 6

Sharon Kelley
District 7

Ernie Bonner
District 8

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

527 SW Hall St
Portland, OR
97201
503 221-1646

Hillsboro Garbage Disposal Inc.,
Attn: Ron L. Maier
Route 6, Box 73
Hillsboro, OR 97123

Dear Sir:

RE: LETTER OF AUTHORIZATION

This letter authorizes you to haul solid waste out of the Metropolitan Service District subject to the conditions listed below. This authorization is temporary and does not vest any rights or privileges of any kind other than as provided herein.

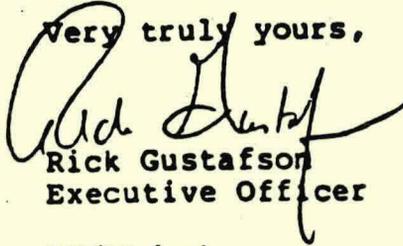
Conditions:

1. Solid waste must be taken to McMinnville River Bend Landfill which is operated by Ezra Koch and is a solid waste disposal site authorized by Metro. All wastes generated within Metro shall be subject to Metro's user fees, regional transfer charge, or other fees established by Metro ordinance.
2. This authorization is based on the information submitted to Metro in your application dated December 1, 1983. The vehicles listed in your application are the only vehicles authorized to dispose of waste at McMinnville River Bend Landfill.
3. This authorization may be terminated immediately for violation of any condition of this authorization, Metro's Solid Waste Management Plan, the Disposal Franchise Ordinance, ORS chapters 268 or 459, or any regulation or rule promulgated under either chapter. This authorization may also be terminated by Metro at any time and for any reason upon giving thirty (30) days written notice to the person and address shown above.

Hillsboro Garbage Disposal Inc.
January 9, 1984
Page 2

If you have any questions, please call Terilyn Anderson at
221-1646.

Very truly yours,



Rick Gustafson
Executive Officer

RG/TA/srb
7068B/322



City Of Hillsboro

205 S.E. Second Ave. □ 681-6100 □ Hillsboro, Oregon 97123

February 19, 1987

METRO Council
c/o Rena Cusma
Executive Officer
2000 S. W. First Avenue
Portland, Oregon 97201-5398

Re: Hillsboro Garbage Disposal, Inc. Proposed Reload Facility

The subject facility was considered by the Hillsboro City Council at its February 17, 1987 regular meeting. After reviewing information supplied by City staff, Metro Staff, and the applicant, the City Council voted unanimously to authorize the Mayor to submit a letter to METRO indicating that the City Council strongly supports the application for Hillsboro Garbage Disposal to construct a garbage reload facility.

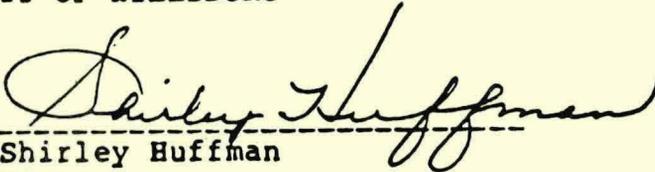
This facility will significantly decrease operations costs for this hauler, even if amortized over a relatively short period of time. This cost savings can be passed on to our citizens who are currently bearing the unfair double burden of: 1) long-haul costs to transport this waste to McMinnville in collection vehicles; and 2) various METRO fees levied at McMinnville to pay for facilities including a landfill and transfer station, which we are not using and the lives of which we are prolonging by transporting our waste to other facilities. The reload facility will also give our local hauler added flexibility in the future, allowing him to adjust his operation to haul our waste to: 1) his own reload facility and then to the most economically advantageous landfill or other disposal point site; 2) direct to the Forest Grove Transfer Station; 3) direct to a future Washington County Transfer Station, if one is constructed; 4) direct to any nearby disposal point which may become available in the future. This flexibility to respond to a variety of future possibilities will assure the lowest long-term costs for our citizens.

METRO Council
February 19, 1987
Page 2

We strongly support this application and urge the METRO Council to approve the project so that this long-awaited facility can become a reality and an economic benefit to our community.

Very truly yours,

CITY OF HILLSBORO

By 

Shirley Huffman
Mayor

SH/gw

cc: Hillsboro Garbage Disposal, Inc.

STAFF REPORT

Agenda Item No. 8.2

Meeting Date May 14, 1987

PUBLIC HEARING ON DESIGN CONCEPTS
FOR THE OREGON CONVENTION CENTER

Date: April 30, 1987

Presented by: Tuck Wilson

Working with the design team, led by architects Zimmer Gunsul Frasca, we have arranged an extensive public involvement program to solicit input and comments at key points in the design process.

The May 14 hearing before Metro Council concludes a series of opportunities for public comment on two alternative design concepts. Other sessions in this public review, collectively titled Design Forum 2, are:

Monday, May 11 7 pm
Memorial Coliseum

Tuesday, May 12 10 am
Washington County Commission

Tuesday, May 12 7 pm
Clackamas County Economic Development
Commission

Additionally, the concepts will be reviewed in a public meeting before the Portland Design Review Commission May 7. Presentations will be made May 7 to the Committee on Regional Convention, Trade & Spectator Facilities and May 13 to Oregon state legislators and the governor's office.

The project's Advisory Committee on Design and Construction and the Metro Council Convention Center Committee are considering public comment from these meetings as they agree on one concept on which to begin schematic design.

Design Forum 2 represents one of six steps in the public review process for the convention center. Design Forum 1 was held March 30, followed by a series of meetings with members of the convention and exhibit industry. Future design forums are scheduled at regular intervals until design is completed in November 1987.



Oregon Convention Center Design Forum 2

-
- What** Update on progress of design for Oregon Convention Center.
- Why** Metro and our architects want to hear your ideas about two design concepts showing how elements of the convention center will be arranged on the site at NE Holladay and Union.
- When & Where**
- Monday, May 11 at 7 pm, Memorial Coliseum - Weyerhauser Room, 1401 N Wheeler, Portland, (free parking)
 - Tuesday, May 12 at 10 am before the Washington County Commission, County Courthouse, 150 N First Avenue, Hillsboro
 - Tuesday, May 12 at 7 pm before the Clackamas County Economic Development Commission, Transportation & Development Building, Conference Room A, 902 Abernethy Road, Oregon City
 - Thursday, May 14 at 6 pm before the Metropolitan Service District Council, Metro Center, 2000 SW First Avenue, Portland

For more information call Jan Schaeffer, Convention Center Project, 221-1646.

STAFF REPORT

Agenda Item No. 8.3

Meeting Date May 14, 1987

CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT FOR
THE FUNDING OF THE OREGON CONVENTION CENTER

Date: April 30, 1987

Presented By: Tuck Wilson

FACTUAL BACKGROUND AND ANALYSIS

The attached intergovernmental agreement is the mechanism which transfers \$5 million dollars, collected through a City of Portland Local Improvement District (LID), from the City to Metro for use in constructing the Oregon Convention Center. The agreement becomes effective upon Portland City Council approval of the LID time and manner ordinance, scheduled for early July, 1987.

In May of 1986, the Metro Council adopted the financing strategy for the Oregon Convention Center: \$65 million in general obligation bonds approved by the voters November 4, 1986; \$15 million State grant; and \$5 million from a City of Portland initiated local improvement district (LID). Also in May of 1986, the Portland City Council adopted Resolution No. 34110 signaling the City's intent to establish the LID and transfer the \$5 million raised to Metro for construction of the Oregon Convention Center.

Since that time, Metro has retained a consulting firm (Shiels & Obletz) to provide technical assistance in establishing the district, and the City has established a citizen's committee, chaired by Melvin Mark, to guide establishment of the LID and to seek support for it. The LID being proposed is described in the attached Fact Sheet.

To date, petitions of support have been received by over 75 landowners in the proposed district, representing well over 40% of the district's land area. No major opposition to the LID has been reported thus far.

On May 13, 1987, the Portland City Council will consider the formal initiating resolution, which begins the formal remonstrance period, together with this intergovernmental agreement. At the conclusion of the remonstrance period, the time and manner ordinance to formally establish the ordinance will be considered by the City Council.

In accordance with the cash flow needs of the project, the agreement specifies the actual assessment upon property in the District will be made once Metro has awarded its general contract for construction of the center, scheduled for July of 1988. Metro would receive the LID proceeds in accordance with the time frame specified in the attached agreement.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of the proposed Intergovernmental Agreement with the City of Portland.

Oregon Convention Center
Local Improvement District

Fact Sheet

**Convention
Center
Funding**

The convention center local improvement district (LID) is one of three sources of construction funds for the \$85 million Oregon Convention Center. Other sources are \$65 million in general obligation bonds approved by metropolitan area voters in November 1986, and a \$15 million investment requested from the state. The LID will raise \$5 million from commercial properties in the Portland central city area in recognition of the economic stimulus this area will receive from the convention center.

Operations and marketing will be funded by a hotel/motel tax established by Multnomah County.

Benefits

The Oregon Convention Center was endorsed by voters because of the economic benefits it is anticipated to create. Expected benefits include:

- \$59 million in direct spending; \$78 million in spinoff spending
- 3,400 jobs after center opens; 900 jobs during construction
- \$49 million in additional value to Central City properties

**District
Boundaries**

Properties subject to assessment in the proposed district include all commercially zoned properties in an area in and adjacent to the central city boundary established by the City Planning Bureau and illustrated on the attached map. Shaded areas on the map identify commercial properties in the district.

Assessment

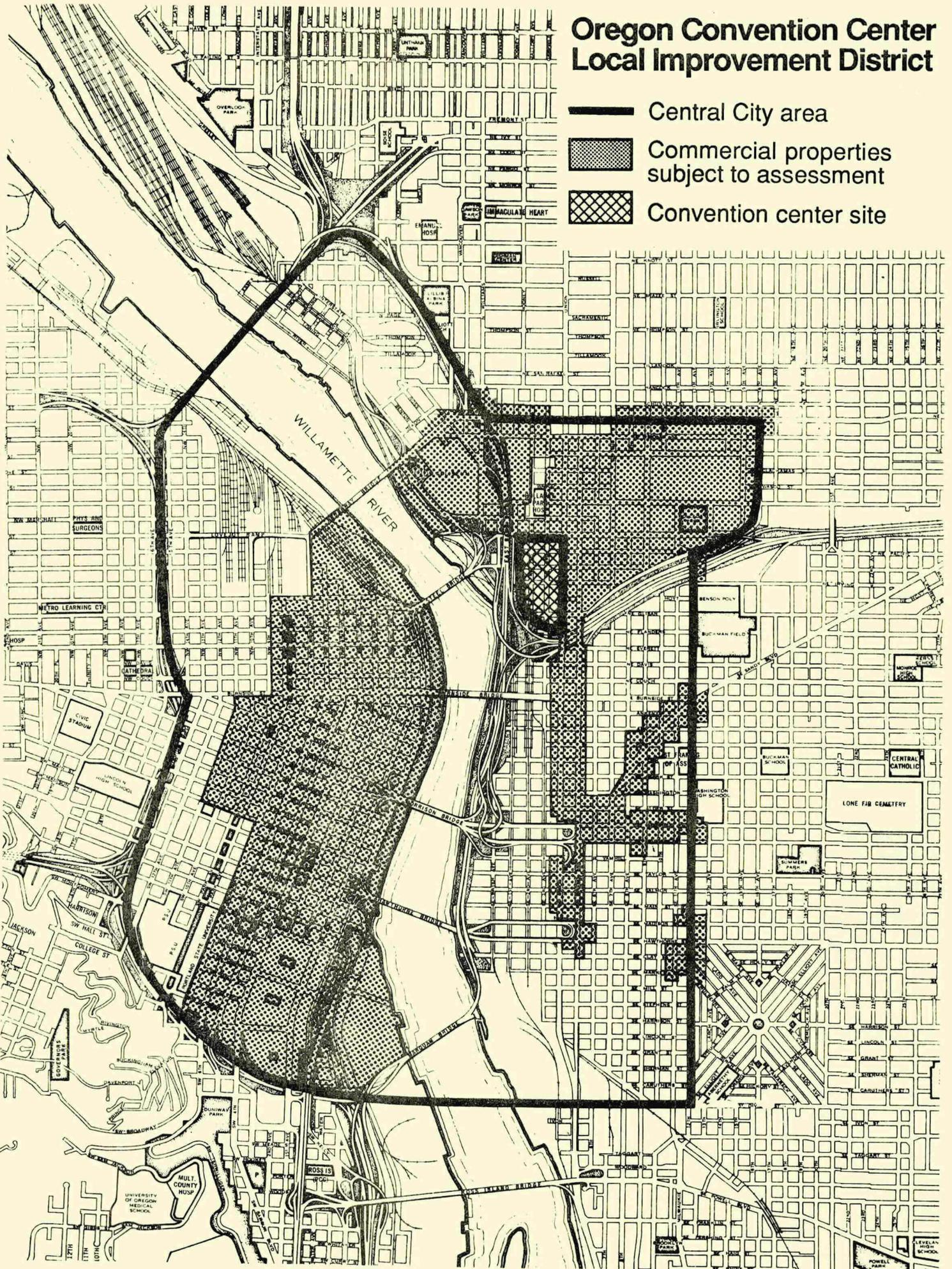
The assessment rate is approximately \$2.75 per \$1,000 of land and improvement value. (The value of permanent residential property is excluded.) The assessment will be due after mid-1988 and may be paid either in a lump sum or in semi-annual payments over 20 years through the City of Portland's Bancroft bond program. For example, a property valued at \$1 million will be assessed approximately \$2,750. If bonded at current rates, this would result in payments averaging approximately \$250 per year for 20 years.

**Creating the
District**

The Local Improvement District Steering Committee is asking owners throughout the proposed district to join them in signing petitions requesting the Portland City Council to establish the district under provisions of city code. The schedule calls for the petitions to be gathered and submitted to the City by the end of April 1987.

Oregon Convention Center Local Improvement District

- Central City area
- ▨ Commercial properties subject to assessment
- ▩ Convention center site



AGREEMENT FOR THE FUNDING OF THE
OREGON CONVENTION CENTER

This Agreement made this _____ day of _____, 1987, by and between the City of Portland (hereinafter referred to as the "City") and the Metropolitan Service District (hereinafter referred to as "Metro").

I. RECITALS

1. In December 1984 the Portland City Council adopted Resolution No. 33789 in which the Council expressed its intent to participate in the Committee on Regional Convention, Trade, and Spectator Facilities (hereinafter referred to as "CTS");
2. In May 1986 the CTS recommended a regional master plan for convention, trade and spectator facilities;
3. The CTS-recommended master plan called for a convention center of approximately 400,000 square feet on a 17-block site bounded by N. E. Holladay, N. E. Union and the I-84 and I-5 freeways (hereinafter referred to as the "Project") to be financed from three sources including: a) a \$65.0 million General Obligation bond retired by an ad valorem tax on properties within the Metro boundary; b) a \$15.0 million grant from the State of Oregon; and c) a local improvement district (LID) established by the City to raise \$5.0 million;
4. In May 1986 the Portland City Council adopted Resolution No. 34110 in which the Council reaffirmed its declaration that a convention center is in the economic and civic interests of the City and that development of the Project is a goal of the City;
5. In adopting Resolution No. 34110 the Portland City Council endorsed the convention center financing plan as recommended by the CTS, and resolved, subject to specific conditions, to consider a Time and Manner Ordinance establishing an LID designed to raise \$5.0 million for construction of the Project;
6. Resolution No. 34110 also states the City intends upon establishing the LID, to enter into an intergovernmental agreement with Metro which provides that the City will pay Metro the proceeds from the LID and that Metro will apply the City's payment towards the construction of the Project, with the payments to be made in accordance with the requirements of the construction budget and schedule for the Project;
7. In May 1986, the Portland City Council also adopted Ordinance No. 158553 approving the site bounded by Holladay Street on the north, I-5 on the west, the Banfield Freeway on the south, and Union Avenue on the east for construction of the Regional Convention and Trade Show Center.

8. On November 4, 1986, the voters of the Metropolitan Service District approved an ad valorem tax authorizing the sale of \$65 million in General Obligation bonds for development of the Project, putting in place the first element of the recommended financing plan;
9. On January 28, 1987, the City Council approved a resolution establishing an Oregon Convention Center Local Improvement District Steering Committee (hereinafter referred to as the "Steering Committee");
10. Members of the Steering Committee have solicited and gained support from owners of commercially zoned properties within the Central City area and have petitioned the City Council to establish an LID that will assess properties within the LID to produce a net \$5.0 million for the construction of the Project;

II. AGREEMENT

Now, therefore, the City and Metro, pursuant to ORS ch. 190, agree as follows:

1. **Effective Date.** This Agreement shall become effective only upon final approval of the LID by the City Council evidenced by City adoption of a Time and Manner Ordinance.
2. **Metro Responsibilities.** Metro shall complete the Project substantially in accordance with the improvements as described in the "Program Statement for the Proposed Portland Convention Center" as prepared for the Metropolitan Service District and dated July 10, 1986. Metro's responsibilities shall include:
 - a. Obtaining all funding for constructing the Project in addition to the funding provided for in this Agreement.
 - b. Acquiring the property for the Project and relocating any occupants of existing buildings as provided under the Agreement between Metro and the Portland Development Commission.
 - c. Obtaining architectural and engineering designs and preparing contract documents.
 - d. Conforming to all federal, state and local laws, codes and regulations.
 - e. Advertising, bidding, awarding and administering all contracts necessary for carrying out the Project.
 - f. Constructing the Project substantially in accordance with the improvements as described in the "Program Statement for the Proposed Portland Convention Center" as prepared for the Metropolitan Service District and dated July 10, 1986.

- g. Acquiring fixed and movable equipment.
 - h. Carrying out all other activities necessary to complete the Project and to provide a fully functioning convention center facility.
 - i. Providing consultant and Metro staff assistance to the City in establishing the LID, as specified in contract agreement between Metro and Shiels & Obletz, entered into on October 16, 1986.
 - j. Defend any legal challenges relating to lack of performance, or failure to meet construction specifications or schedules.
3. City Responsibilities. The City responsibilities under this Agreement shall be to establish and administer the LID including the following:
- a. Preparing ordinances, legal descriptions, legal opinions, assessment calculations, property information lists, and other documentation required for adoption of the LID.
 - b. Taking other actions required by City Code and State statutes to establish the LID following adoption of the Time and Manner Ordinance.
 - c. Notifying property owners within the LID of public hearings and assessments.
 - d. Conducting public hearings to allow property owners and other parties affected by the LID to comment on the LID proposal, and to remonstrate against it.
 - e. Billing and collecting assessments.
 - f. Providing for Bancroft bonding of assessments and administering payments related thereto.
 - g. Defending any legal challenges based on alleged procedural defects in the LID formation process. If such challenges raise issues relating to the adequacy or accuracy of studies produced by Metro in connection with the LID, Metro shall make its consultants and other relevant employees or agents available to assist in the defense of such challenges, without cost to the City.
 - h. Taking all other actions necessary to establish and administer the LID.
 - i. Making payment to Metro of funds collected from the LID as provided herein.

4. Compensation. Provided that an LID is established pursuant to Section 3 above, City will assess the affected properties at the rate necessary to produce a total assessment of \$5,059.950.00, plus there will be a financing cost of \$50 for each Bancroft Bond application. Out of this amount, City will retain \$55,950.00 to cover costs of City superintendence services by the City Auditor based on the schedule shown in Section 17.12.020(b) of the City Code as of March 1, 1987, and the actual cost of engineering services, pursuant to Section 17.12.020(a) of the City Code, provided that the cost of these engineering services shall not exceed \$4,000.00. The remainder of the proceeds of the LID shall be paid to Metro according to the schedule set out in Section 5 below.

5. Payment Schedule.

a. Payment of LID proceeds to Metro as described in Section 4 above shall be initiated by Metro's submission of the following materials to City:

- (1) A letter to the City Auditor requesting payment of LID proceeds to Metro.
- (2) A letter to the City Engineer or his designee signed by Metro's Executive Officer and project construction manager verifying that bids have been received and contracts awarded for the work required for completion of the project, and that based upon those contracts the Metro Executive Officer and project construction manager certify that Metro has funds available or adequate commitments for funds to complete the Project in substantial accordance with the description of the Project contained in the Resolution of Intention. Supporting documentation shall be submitted with this letter.
- (3) The materials submitted by Metro shall be reviewed by the City Engineer or his designee, in consultation with the City's LID Steering Committee. Upon completion of this review, the City Engineer shall notify the City Auditor that the conditions for payment have been met.

b. Within six months following the City Engineer's notification to the City Auditor pursuant to Subsection 5(a)(3) above, City shall pay Metro whatever LID principal proceeds the City has received, together with interest at City's investment pool rate on cash deposits but excluding LID proceeds required for City's administrative, financing or engineering costs as provided for in Section 4 above. This six-month period may be extended upon mutual agreement of Metro and City.

- c. Following payment of LID funds to Metro pursuant to subsection 5(b) above, City will continue to collect unpaid LID assessments. Additional proceeds from LID collections, including interest on those proceeds at City's investment pool rate, will be paid to Metro on a quarterly basis, until Metro has received total principal payments of \$5,000,000.00. The City, at its option, may terminate this Agreement at any time by paying Metro the outstanding balance of principal due.

III. GENERAL PROVISIONS

1. **Liability.** To the extent authorized by law, Metro shall hold harmless and indemnify the City, its officers, agents and employees against any and all liability, settlements, loss, costs and expenses in connection with any action, suit or claim arising out of Metro's work under this Agreement or failure to perform its responsibilities as provided for in this Agreement. The City's liability to Metro under this Agreement shall be limited to the compensation required to be paid by the City from LID funds as set out in this Agreement.
2. **Minority and Female Business Enterprise.** In connection with the performance of this Agreement, Metro and the City shall comply with their respective agency policies with regard to the utilization of minority and female business enterprises and will use their best efforts to ensure that minority and female business enterprises shall have the maximum practicable opportunity to compete for subcontract work on the Project.
3. **Termination.** Metro may terminate this Agreement at any time by written notice to the City. In the event of such termination, Metro shall repay the City any and all funds paid to Metro in accordance with this Agreement plus reasonable interest payment for the funds received.

If either part fails to perform in the manner called for in this Agreement, the other party may terminate this Agreement for default. Termination shall be effective by serving a notice of termination on the other party setting forth the manner in which the Agreement was defaulted.

4. **Audit and Inspection of Records.** Metro and the City shall permit authorized representatives of each agency to inspect and audit all data and records pertaining to performance under this

Agreement. Metro shall keep records to document and support all invoices.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the day and year first herein written.

CITY OF PORTLAND

METROPOLITAN SERVICE DISTRICT

By: _____
Auditor

By: _____
Executive Officer

By: _____
Commissioner of Public Works

Approved as to form:

Approved as to form:

City Attorney

General Counsel

gl
6990C/486-7



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: May 15, 1987

To: Metro Councilors
Executive Officer
Interested Staff

From: Marie Nelson, Clerk of the Council *amm*

Regarding: COUNCIL ACTIONS OF MAY 14, 1987

Agenda Item

Action Taken

- | | |
|--|---|
| 3.0 Citizen Communications to Council on Non-Agenda Items:
Request by BenjFran Development Company for a waiver of the 6/1/87 filing deadline for petition for major amendment to the UGB | Staff requested to prepare a resolution formally extending the deadline to 7/15/87 for Council consideration on 5/28/87 |
| 4.1 Report from the Council Legislative Committee Recommending a Council Position on State Legislation Regarding the Disposition of Plastics | The Committee will not make a recommendation due to the varied nature and the number of bills now before the Legislature |
| 6.0 Consideration of Minutes of 3/26/87 and 4/14/87 meetings | Minutes approved as amended (DeJardin/Kelley; 11/0 vote) |
| 7.1 Resolution No. 87-760, Adopting the Updated Washington Park Zoo Master Plan | Public hearing conducted; the Council will consider adoption of the Resolution on 5/28/87 |
| 8.1 Reconsideration of a Request by Hillsboro Garbage Disposal, Inc. to Transport and Dispose of Waste at a Proposed Reload Facility Which the Applicant Would Operate | Motion carried to approve the request (Ragsdale/Cooper; 9/3 vote). Presiding Officer instructed the General Counsel to prepare an order and appropriate findings related to the Council's action. Amendment motion failed that would have imposed the following condition: that Hillsboro Garbage terminate their reload operation upon the startup of Metro's WTRC facility (Knowles/Kirkpatrick; 4/8 vote). |

(continued)

Agenda Item

Action Taken

8.2 Status Report and Public Hearing
on the Convention Center Design

Hearing conducted; no action
requested

8.3 Intergovernmental Agreement with
the City of Portland for Receipt
of LID Proceeds to Partially
Fund the Convention Center

Agreement approved (Ragsdale/
Kirkpatrick; 11/0 vote)



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: May 11, 1987

To: Metro Councilors
Executive Officer
Interested Staff and Public

From: Marie Nelson, Clerk of the Council *amm*

Regarding: MAY 14 COUNCIL AGENDA
CHANGE IN MEETING ORDER

Agenda Item 8.2, Status Report and Public Hearing on the Convention Center Design, was erroneously scheduled for 6:40 p.m. on the May 14 Council meeting agenda. Because the Convention Center Project staff had already sent out notices the hearing would start at 6:00 p.m., the May 14 meeting schedule has been changed as follows:

5:30 Items 1 through 5 - no time change

5:55 6.0 Consideration of Minutes

6:00 8.2 Status Report and Public Hearing on the Convention Center Design

6:30 8.3 Consideration of an Intergovernmental Agreement with the City of Portland for Receipt of LID Proceeds to Partially Fund the Convention Center

6:40 7.1 Consideration of Resolution No. 87-760, for the Purpose of Adopting the Updated Washington Park Zoo Master Plan; Public Hearing (The Council will consider adoption of this Resolution at their meeting of May 28)

7:10 8.1 Reconsideration of a Request by Hillsboro Garbage Disposal Inc. to Transport and Dispose of Waste at a Proposed Reload Facility Which the Applicant Would Operate

7:30 9.0 Committee Reports

7:40 Adjourn

Please note that all listed times are approximate.

Date: May 14, 1987

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Attached are unapproved minutes of the April 9 meeting. This record may be helpful to you in hearing the reconsideration of the Hillsboro Garbage Disposal, Inc. request.

8.1 Consideration of a Request by Hillsboro Garbage Disposal, Inc., to Transport and Dispose of Waste at a Proposed Reload Facility Which the Applicant Would Operate

Rich McConaghy, Solid Waste Analyst, reviewed staff's written report. He summarized staff's findings as follows:

1. Hillsboro Garbage could save about \$62,000 per year over the current cost of direct hauling to McMinnville. It was expected that approval of the request could allow Hillsboro Garbage to save about \$6,700 per year over the projected cost of using the existing Forest Grove Transfer Station.
2. The capacity of the Forest Grove facility should be more effectively utilized before investments in additional transfer stations to serve this area were made.
3. Approval of the request would have no additional effect in reducing current waste flows to the St. Johns Landfill.
4. Approval of this facility was not indicated in Metro's current comprehensive waste transfer and disposal system plan and the reload operation would have an uncertain role within the developing solid waste system.
5. Approval of the request would allow one collection operator to save on his total costs while others, who might not be financially able to develop their own reload facilities, would be likely to pay a greater amount for transfer at facilities which are part of the regional system.
6. Approval of the facility on a long-term basis would set a precedent allowing the waste transfer system to develop in a fragmented and unplanned fashion.

Mr. McConaghy pointed out that Hillsboro Garbage's request was not compatible with the provisions of Resolution No. 87-506, adopted by the Council on October 25, 1984, which had adopted solid waste transfer station strategies and related policies.

Motion: Councilor Kirkpatrick moved to approve the Executive Officer's recommendation to deny the request by Hillsboro Garbage Disposal, Inc. Councilor DeJardin seconded the motion.

Kathy Thomas, President of R. A. Wright Engineering, Inc., representing Hillsboro Garbage Disposal, Inc., reported that Hillsboro Garbage's request had been initially made to Metro staff some 20 months ago. She said staff's recommendation gave very little weight to the cost savings to Hillsboro Garbage if the reload facility were constructed. She explained the proposed facility would reduce the number of hauling trips to the Riverbend Landfill and would make the existing garbage collection system more efficient. She described the simple nature of the facility and noted it would be used only by Hillsboro Garbage and would not accept waste from the public.

Ms. Thompson said the facility had the necessary land use approval from Washington County, including a variance to the definition of a solid waste transfer facility. The variance, she explained, allowed the facility to not be enclosed. The facility was also supported by nearby property owners who had signed a letter of support. She said the city of Hillsboro were aware of the potential savings to residents if the facility were built and strongly supported the proposed plan.

Ms. Thomas then referred the Council to two tables which summarized projected cost savings on the proposed facility in relation to the Forest Grove Transfer Station (FGST). Cost savings were shown as ranging from \$6,700 to \$125,000 per year depending on the time of amortization, the amount of waste and the FGTS tipping fee. She said that any action other than approving the request would be asking Hillsboro citizens to pay a higher disposal rate. She pointed out that the FGST had the unilateral power to increase their disposal rates with only a 90-day notice. Because FGST operated on a franchise agreement that set rates no more frequently than one year, they could not tolerate the uncertainty of an agreement in which its costs were controlled by others and could be increased upon 90 days notice, she said. Therefore, she explained, operation of the Hillsboro reload facility would allow Hillsboro Garbage to have better control over the cost of its collection business. Ms. Thomas also stated that the proposed reload facility was more cost-effective than Metro's planned West Transfer & Recycling Center (WTRC).

Ms. Thomas did not think the impact of Hillsboro Garbage's plans were significant to Metro's solid waste plan. She said the facility would handle about 60 to 80 tons of waste per day, a small amount compared with the amount of waste in the entire regional system. She acknowledged concerns that approving the request would set a precedent for other haulers to propose their own transfer facilities. She thought Metro should keep an open mind to any proposal that was cost-effective and, perhaps, should reevaluate its Solid Waste Management Plan. The plan, she said, should not hinder other viable solutions to the region's solid waste problems.

Ron Meyer of Hillsboro Garbage Disposal, Inc., testified regarding the benefits of the proposed reload facility. Single axle trucks, rather than double axle, could be used at the facility at a cost savings to customers. Hauling time and mileage would also be reduced. The facility would result in less traffic on the TV Highway between Hillsboro and Forest Grove. Hillsboro Garbage had demonstrated the proposed facility would be cost-effective and save the public money, he said, and he strongly urged the Council to support the proposal.

In response to Councilor Kelley's question, Mr. McConaghy explained that if Hillsboro Garbage's request were approved, staff would seek a special permit from the Department of Environmental Quality (DEQ). Mr. McConaghy said if the Council wanted to approve the request, they could add a stipulation that Hillsboro Garbage comply with sanitation standards imposed by the DEQ. The Councilor concluded she would oppose the motion because she did not think Metro currently had a regional solid waste management plan and that the cost-effectiveness of Hillsboro Garbage's plan made sense to her. She noted that Hillsboro was located at the edge of the Metro region and that transportation costs to any Metro facility would probably be higher than for other haulers. Councilor Kelley suggested the Council review its policy of imposing its "non-system" on a plan that would ultimately save citizens money.

Councilor DeJardin asked staff to respond to Ms. Thomas' testimony. Mr. McConaghy said staff disagreed with Hillsboro Garbage's claims about the amount of money their proposed facility could save. He thought Hillsboro Garbage could have been saving even more money by using the FGTS which the Council had opened up to other haulers last August. He acknowledged Hillsboro Garbage might not have used FGTS in hopes their plan would soon be approved by the Council. Mr. McConaghy also noted the future WTRC facility would be five miles east of Hillsboro and the FGTS was eight miles east of Hillsboro. Both sites were within 20 minutes of Hillsboro Garbage's facility, the service goal identified in Metro's solid waste plan.

Councilor DeJardin asked if Hillsboro Garbage's plan could have adverse effects on WTRC and Metro's disposal system. Mr. McConaghy responded that approving the request could set a precedent for other haulers to make similar requests. Granting those requests would be counter to the adopted Solid Waste Management Plan. Also, he explained, to approve the plan would be to allow one hauler to save money and for other haulers to pay higher disposal costs in order to pay for the capital costs of the FGTS or other transfer stations.

Ms. Thomas noted that Metro was currently encouraging haulers to use the FGTS. She questioned what Metro's policy would be once the WTRC facility were operational. Tor Lyshaug, Acting Solid Waste Director, responded that the FGTS was presently operating at a loss. Because of that fact, he did not think it logical for Metro to encourage another private transfer station. Mr. Lyshaug thought Hillsboro Garbage's actual capital investment would be substantially higher than proposed.

Councilor Hansen said he supported denial of the request. He noted Washington County was and would remain in a state of flux for some time and, as such, he did not think it appropriate to commit to more transfer stations at this time. If Metro needed more stations in the future, he said the Council could reconsider the request.

Deputy Presiding Officer Gardner supported the motion to deny the request, explaining he did not want to see Metro's solid waste disposal system "chipped away in pieces." He said waste could escape to other disposal sites and Metro would lose control of waste flow. He was also sensitive to staff's need to predict disposal costs and if waste flow could not be accurately calculated, staff would lose their ability to make projections. The Councilor also requested staff review FGTS's franchise agreement to see if a more cost-effective means of waste disposal could be worked out with Hillsboro Garbage.

Ms. Thompson requested the Council delay their decision on Hillsboro Garbage's request. Councilor Hansen noted that according to the Council's rules, any Councilor voting on the prevailing side of the motion now on the table could request the matter be reconsidered. Deputy Presiding Officer Gardner said he would not delay consideration of the motion now on the table because he sensed Hillsboro Garbage's representatives thought the motion to deny the request would pass. He did not want to establish a precedent of allowing postponement under those circumstances.

Councilor DeJardin said he would support the motion to deny the request in order to maintain the integrity of Metro's solid waste disposal system.

Metro Council
April 9, 1987
Page 11

Vote: A vote on the motion to deny Hillsboro Garbage Disposal, Inc., request resulted in:

Ayes: Councilors Bonner, DeJardin, Gardner, Hansen, Kirkpatrick and Van Bergen

Nay: Councilor Kelley

Absent: Councilors Collier, Cooper, Knowles, Ragsdale and Waker

The motion carried and the request was denied.

Councilor Hansen indicated that at the April 23 Council meeting he would request the matter be reconsidered at a later date when Councilors Waker and Ragsdale, representing the Washington County area, would be in attendance.

Councilor Van Bergen, referring to the Deputy Presiding Officer's earlier request that staff review Forest Grove Transfer Station's franchise, questioned whether Metro had the authority to regulate such franchises. Deputy Presiding Officer Gardner explained his request was made for the purpose of helping Hillsboro Garbage find an alternative means of cost-effective waste disposal.