

MINUTES OF THE METRO COUNCIL MEETING

Thursday, September 18, 2008
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rod Park, Carl Hosticka

Councilors Absent: Rex Burkholder (excused), Carlotta Collette (excused)

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

3. INTEGRATING HABITAT AWARD

The Integrating Habitats People's Choice Award winner for Best in Competition is: "Growing Together" From: EDAW, Yost Grube Hall Architects, Seattle, Wash., Portland, Ore. Congratulations to team members: Marilee Stander, Dave Morris, Sandy Fischer, Bonnie McDonald, Nancy Bird, Kerry McWalter, Linda Howard, Erika Matthias, Lauren Hauck, Todd Bronk, Jeff Bouma, Isaac Brown, Charles Everett, Jim Keany, Karen Strupp, Jan Mulder, Sarah Daniels, Edward Running, Miles Woofter, Nicole De Jong, Phillip Lopez, Curtis Alling, Ron Unger, and Alex Felson.

Corlie Harlan, Nature in Neighborhood Program, said they were trying to sustain the movement with flyers and a traveling show about the program.

3. CONSENT AGENDA

3.1 Consideration of minutes of the September 11, 2008 Regular Council Meeting.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the September 11, 2008 Regular Metro Council.

Vote:

Councilors Harrington, Liberty, Park, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.

4. ORDINANCES – FIRST READING

5.1 **Ordinance No. 08-1191**, For the Purpose of Approving the Transfer Station Franchise Renewal Application For Waste Management of Oregon, Inc. Authorizing the Chief Operating Officer to Issue a Renewed Franchise For Forest Grove Transfer Station.

Council President Bragdon assigned Ordinance No. 08-1191 to Council. Council President Bragdon opened a public hearing.

Mike Dewey, Waste Management, 940 Downs Street Salem Oregon 97302 said he was speaking on behalf of Waste Management to discuss the proposal on the Forest Grove Transfer Station. He noted that this was a competitive business and no one had a market on flow of waste. He thanked the staff for addressing some of their concerns. He commented on components of the franchise. He appreciated the amended language in 11.1 and 11.2. He talked about their history with Metro and that Metro and Waste Management had always had a good relationship. He also talked about the confidentiality provision having to do with providing information to Metro and urged the word 3 *business* days. He also talked about rate setting. They did not believe rate setting was necessary. They did understand Metro's concerns about a vertically integrated company.

Councilor Park asked Mr. Dewey about rate setting versus rate transparency. There seemed to be a black box hand off to the local jurisdictions. He said at the local transfer station there was no mechanism to allow for transparency. Mr. Dewey said he dealt with this on the insurance side. They understood that the rates ought to be transparent, but if transparency meant that rates were approved, this was something different. They could live with the current language. Councilor Park talked about Metro's rate transparency for Metro's transfer stations. Currently for the private sector, this was not the case. Mr. Dewey responded that they felt the rates were fair.

Councilor Liberty appreciated his comments about amendment language. He was interested in proper sidebars that he would put on that clause. He wanted to know from staff why it was written in such a fashion. Mr. Dewey said there was need for some language amendments.

Council President Bragdon closed the public hearing.

5.2 **Ordinance No. 08-1192**, For the Purpose of Approving the Transfer Station Franchise Renewal Application of Waste Management of Oregon, Inc. Authorizing the Chief Operating Officer to Issue a Renewed Franchise For Troutdale Transfer Station.

Council President Bragdon assigned Ordinance No. 08-1192 to Council.

5.3 **Ordinance No. 08-1193**, For the Purpose of Approving the Transfer Station Franchise Renewal Application of Pride Recycling Company Authorizing the Chief Operating Officer to Issue a Renewed Franchise.

Council President Bragdon assigned Ordinance No. 08-1193 to Council.

5.4 **Ordinance No. 08-1194**, For the Purpose of Approving the Transfer Station Franchise Renewal Application of Willamette Resources, Inc., Authorizing the Chief Operating Officer to Issue a Renewed Franchise.

Council President Bragdon assigned Ordinance No. 08-1194 to Council. Council President Bragdon opened a public hearing.

Ray Phelps, Allied Waste Services, 10295 SW Ridder Road, Wilsonville, Oregon 97070 submitted his testimony for the record. Councilor Liberty appreciated the efforts of the language proposed but he felt the language was too narrow.

Council President Bragdon closed the public hearing.

5.5 **Ordinance No. 08-1195**, For the Purpose of Amending Metro Code Chapter 5.05 to Include Tualatin Valley Waste Recovery on the List of Designated Facilities.

Council President Bragdon assigned Ordinance No. 08-1195 to Council.

5.6 **Ordinance No. 08-1197**, For the Purpose of Amending Metro Code Chapter 5.05 to Include Riverbend Landfill on the List of Designated Facilities.

Council President Bragdon assigned Ordinance No. 08-1197 to Council. Council President Bragdon opened a public hearing.

Lillian Frease, 14025 SE McCabe Chapel Rd McMinnville Oregon 97128 submitted her testimony for the record. They were concerned about the environmental impacts of Riverbend Landfill. They could see the pollution in the water. She asked Metro to do diligence of looking this landfill over. She urged that Metro test the water. She talked about other landfills in the region. She urged Metro to do diligence. Councilor Liberty asked clarifying questions. Councilor Hosticka asked about the measure on the ballot and what would it do? Ms. Frease responded to his question. Councilor Park said he hadn't seen any letters from their Commission requesting assistance. Ms. Frease said the County Commissioners of Yamhill County only dealt with land use issues. They had talked with Department of Environmental Quality (DEQ). To the best of her knowledge DEQ had not written any letters to Riverbend.

Mike Dewey said with regard to their request for a Designated Facility Agreement (DFA), it was a fact that they were attempting to expand the landfill. They understood that landfills weren't popular. There would be a measure on the ballot that would consider expansion. They welcomed staff to come out and look at the landfill. They believed that DEQ operated appropriately. They did not want to pollute the waterways. He invited them to come out and see the facility. Councilor Liberty asked if the current landfill expansion was in the floodplain. Were there cells that weren't lined properly? Mr. Dewey said he did not have that information.

Councilor Hosticka said if there was a further controversy on this issue next week he would appreciate having DEQ available. Council President Bragdon indicated that DEQ had been available at a work session to answer questions on this issue. Councilor Park said if we have landfills that were licensed by the State of Oregon, what was Metro's limitation? He asked staff to research this and bring that information back. Council President Bragdon asked for a table that would show the differences between a landfill and a DFA. He asked staff to prepare additional information about jurisdictional oversight and inspection issues.

Council President Bragdon closed the public hearing.

6. ORDINANCES – SECOND READING

6.1 **Ordinance No. 08-1199**, For the Purpose of Annexing Lands on the East Side of NW Helvetia Road, South of West Union Road, and North of Jacobson Road to the Metro Jurisdictional Boundary.

Motion:	Councilor Harrington moved to adopt Ordinance No. 08-1199.
Seconded:	Councilor Hosticka seconded the motion.

Councilor Harrington explained the request for annexation and the purpose of the ordinance before Council.

Council President Bragdon opened a public hearing on Ordinance No. 08-1199. No one came forward. Council President Bragdon closed the public hearing.

Councilor Hosticka asked about the map and the creation of an island outside the region. Ken Martin, Annexation Consultant, said it would be an island. He didn't think it had any particular significance. Dan Cooper, Metro Attorney, said Metro as a special district did not have any requirements that the territory annexed had to be contiguous.

Vote:

Councilors Park, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.

6.2 **Ordinance No. 1198**, For the Purpose of Amending the Regional Solid Waste Management Plan, 2008-2018 Update, to Include a Business Recycling Requirement.

Motion:	Councilor Liberty moved to adopt Ordinance No. 08-1198
Seconded:	Councilor Harrington seconded the motion.

Councilor Liberty talked about the proposed business recycling requirements. They have urged voluntary recycling but there were still 100,000 tons of materials going into the landfill. He explained the requirements which were laid out in the staff report. The three ordinances amended different documents including the Metro Code, the Regional Solid Waste Management Plan (RSWMP) and Model Ordinance which was the option for adoption by local governments. The goal was to recover 80,000 tons from the landfill.

Marta McGuire and Heidi Rahn, Solid Waste and Recycling Department, provided a power point presentation on the business recycling program (a copy of which is included in the meeting record). Councilor Hosticka asked about source separation. Ms. McGuire responded to his question. Councilor Park talked about the letter from Washington County and their question about timing and approval by DEQ. Matt Korot, Solid Waste and Recycling Department, said they had conversations with DEQ when RSWMP was being considered. DEQ advised Metro to send the amended document if the business recycling ordinances were passed. Councilor Park asked about the no votes at Metro Policy Advisory Committee and had staff followed up with those jurisdictions. Ms. McGuire said they had followed up these entities.

Council President Bragdon opened a public hearing on Ordinance No. 08-1198.

Katy Daily, Recycling Advocates, 2544 NE 49th Avenue Portland OR 97213 said they supported the passage of the business recycling ordinances. They recognized what they must do to meet their recycling goal. Councilor Park asked about disposal bands. Ms. Daily said if it came to the point that disposal bands were necessary, Metro could require these. There may be other steps in the future.

Council President Bragdon closed the public hearing.

Councilor Harrington said she would be supporting these measures. She believed that business recycling was necessary to reach the regional goals. She didn't think these requirements were onerous. She felt this program would encourage businesses to comply. She talked about compliance flexibility as well as education. She complimented Metro's staff for constructing business case studies and carrying them out to the community, particularly the business community.

Council President Bragdon felt that staff had done a great job. Councilor Liberty added his thanks and urged adoption.

Vote:

Councilors Park, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 4 aye/1 nay, the motion passed with Councilor Hosticka voting no.

6.3 **Ordinance No. 08-1200**, For the Purpose of Amending Metro Code Chapter 5.10, Regional Solid Waste Management Plan, By Adding Provisions to Implement the Business Recycling Requirement.

Motion:	Councilor Liberty moved to adopt Ordinance No. 08-1200.
Seconded:	Councilor Harrington seconded the motion.

Council President Bragdon opened a public hearing on Ordinance No. 08-1200. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 4 aye/1 aye, the motion passed with Councilor Hosticka voting no.
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6.4 **Ordinance No. 08-1201**, For the Purpose of Adopting the Business Recycling Requirement Model Ordinance Pursuant to Metro Code Section 5.10.350 and the Regional Solid Waste Management Plan.

Motion:	Councilor Liberty moved to adopt Ordinance No. 08-1201.
Seconded:	Councilor Harrington seconded the motion.

Council President Bragdon opened a public hearing on Ordinance No. 08-1201. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 4 aye/1 nay, the motion passed with Councilor Hosticka voting no.
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7. CHIEF OPERATING OFFICER (COO) COMMUNICATION

Michael Jordan, COO, said they had not received an appeal on the Waste Transport Contract. He thanked staff who had been involved. Council President Bragdon said Gillam County would like a briefing on the contract on Wednesday, October 1st. Councilor Park thanked Mr. Jordan for all of his hard work. He wondered if he had any conversation with the new contractor. Mr. Jordan said they were currently in a negotiation period on the actual contract language.

9. COUNCILOR COMMUNICATION

Councilor Liberty invited the public to an event this Wednesday at 7:30 p.m. in the Council Chamber. Troy Russ was the speaker for the Transportation Speakers Series.

Councilor Harrington talked about Urban and Rural Reserves. She noted a map that was constructed by the business coalition. They had worked with a consulting firm to look at the broad study area. She noted their consideration of constraints. The map was reviewed at the Reserves Steering Committee last week (a copy of the map is included in the record.) Second, the Reserves Steering Committee recommended the

broad study area map which would be coming to Metro Council in the form of a resolution in a couple of weeks. The adoption of the broad map would complete Phase 2. She talked about Phase 3 and that they would receive details at the October Making the Greatest Place Work Session. Councilor Liberty talked about the map and what the business coalition was looking at. Councilor Harrington said they looked at the region in a broad study area and then looked for constraints such as slopes and parcel size. Councilor Liberty clarified they were talking about industrial sites.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:21 p.m.

Prepared by

A handwritten signature in black ink, appearing to read 'Chris Billington', written in a cursive style.

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
SEPTEMBER 18, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
4.1	Minutes	9/11/08	Metro Council Meeting Minutes of September 11, 2008	091808c-01
5.4	Testimony	9/11/08	To: Metro Council From: Ray Phelps, Allied Waste Services Re: Recommended language changes to Ordinance No. 08-1194	091808c-02
5.6	Testimony	9/17/08	To: Metro Council From: Lillian Frease and Ramsey McPhillips Re: Riverbend Landfill	091808c-03
8.0	Map	9/18/08	To: Metro Council From: Councilor Harrington Re: Metro Reserves Study Area Map 6 Development constraints	091808c-04
6.2, 6.3, 6.4	Power Point Presentation	9/18/08	To: Metro Council From: Marta McGuire, Solid Waste & Recycling Department Re: Proposed Business Recycling Requirements	091808c-05
6.2, 6.3. 6.4	Letter	9/9/08	To: Metro From: Tom Brian, Chairman Washington County Commission Re: Mandatory Business Recycling Ordinance proposed by Metro	091808c-06