

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 4, 2008
Metro Council Chamber

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

Councilors Absent:

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the November 20, 2008 Regular Council Meeting.

3.2 **Resolution No. 08-4010**, For the Purpose of Confirming the Appointment of Mr. Larry Magee and Mr. Arnold Rochlin to the Metro Central Station Community Enhancement Committee (MCSCEC).

3.3 **Resolution No. 08-4005**, Recognizing the Successful Completion of Council Project: Waste Transport Contract.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the November 20, 2008 Regular Metro Council and Resolution Nos. 08-4010 and 08-4005.

Vote:

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

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 08-1203**, Amending the FY 2008-09 Budget and Appropriations Schedule Recognizing a Grant From the Oregon Community Foundation For the Connecting Green Blue Ribbon Committee For Trails, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 08-1203 to Council.

4.2 **Ordinance No. 08-1205**, Amending the FY 2008-09 Budget and Appropriations Schedule Transferring Appropriations From Contingency to Debt Service, Authorizing Defeasance of Certain Solid Waste Revenue Bonds, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 08-1205 to Council.

5. RESOLUTIONS

5.1 **Resolution No. 08-3975**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License (NSL) to Willamette Resources, Inc. For Delivery of Putrescible Waste to the Riverbend Landfill.

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-3975.
Seconded:	Councilor Harrington seconded the motion

Councilor Hosticka said Willamette Resources (WRI), owned by Allied Waste and located in Wilsonville, has had a non-system license to deliver wet waste to the Riverbend Landfill located in Yamhill County since 2002. WRI has requested authority to send the maximum amount of wet waste to Riverbend Landfill as authorized under its franchise (70,000 tons). However, WRI sends much of its wet waste to the Coffin Butte Landfill in Benton County and the Covanta burner in Marion County. WRI relies on Riverbend as a disposal alternative. The request was consistent with the tonnage limit established by the Metro Council in the local transfer station franchise that begins January 1. There have been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it does not violate Metro's disposal contract. Councilor Hosticka urged support of the resolution.

Councilor Harrington asked about section 7 item B of Exhibit A. She wondered why this condition was included in this license. Roy Brower, Finance and Administrative Services, responded that this was a standard provision for all NSLs in case Council might want to broaden what types of waste was taken to the landfill.

Motion to Amend:	Councilor Park moved to amend Resolution No. 08-3975 (a copy of the amended Exhibit is included in the meeting record)
Seconded:	Councilor Burkholder seconded the motion

Councilor Hosticka asked Ray Phelps from Willamette Resources Inc. to respond to the change. Councilor Park further explained the amendment. Mr. Phelps said he had no way of reacting to this amendment. He said it would impact their company if they had to quit using Riverbend. Councilor Hosticka commented that these licenses expired in December 2010. Mr. Phelps talked about life span of the landfill. Councilor Park further explained further his amendment. Adam Winston, Waste Management, said he didn't have any issue with the amendment. Councilor Burkholder asked for further clarification. Councilor Park said this was just being explicit instead of implicit. Council President Bragdon further clarified the amendment. Councilor Liberty asked Councilor Park about the NSL. Councilor Harrington said she understood Councilor Park's intentions but she was not comfortable with this amendment.

Vote to amend:

Councilors Park, Burkholder voted in support of the motion. The vote was 2 aye/5 nay, the motion failed with Councilors Harrington, Hosticka, Liberty, Collette and Council President Bragdon voting no.
--

Vote on Main Motion:

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

5.2 **Resolution No. 08-3977**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Pride Recycling Company For Delivery of Putrescible Waste to the Riverbend Landfill.

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-3977.
Seconded:	Councilor Collette seconded the motion

Councilor Hosticka said this was similar to the previous resolution. Pride Recycling was a company locally owned by Mike Leichner located in Sherwood. Pride has had a non-system license to deliver wet waste to the Riverbend Landfill located in Yamhill County since 1999. Pride had requested authority to send 70,000 tons of wet waste to Riverbend Landfill. The request was consistent with the tonnage limit established by the Metro Council in the local transfer station franchise that begins January 1. There have been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it did not violate Metro's disposal contract. Councilor Hosticka urged adoption.

Motion to Amend:	Councilor Park moved to amend Resolution No. 08-3977 (a copy of the amended Exhibit is included in the meeting record)
------------------	--

Motion died for lack of a seconder.

Vote on Main Motion:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
----------------------	---

5.3 **Resolution No. 08-3978**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Forest Grove Transfer Station For Delivery of Putrescible Waste to the Riverbend Landfill.

Motion:	Councilor Harrington moved to adopt Resolution No. 08-3978.
Seconded:	Councilor Hosticka seconded the motion

Councilor Harrington said Forest Gove Transfer Station (FGTS), owned by Waste Management, has had a non-system license to deliver wet waste to the Riverbend Landfill located in Yamhill County since 1998. FGTS had requested authority to send 183,000 tons of wet waste to the Riverbend Landfill. FGTS served as a regional transfer station in the Metro system and did not currently have a tonnage cap established in its franchise which begins January 1. The large NSL tonnage cap (183,000) will more than cover the volume of solid waste expected to be handled by the facility. Unprocessed dry waste delivered to FGTS will be consolidated and sent to material recovery facilities for processing. There have been no major compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it does not violate Metro's disposal contract. She urged adoption.

Motion to Amend:	Councilor Park moved to amend Resolution No. 08-3978 (a copy of the amended Exhibit is included in the meeting record)
------------------	--

Motion died for lack of a seconder.

Vote on Main Motion:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
----------------------	---

5.4 **Resolution No. 08-3979**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to West Linn Refuse and Recycling Inc. For Delivery of Putrescible Waste to Canby Transfer and Recycling Inc. For the Riverbend Landfill For Disposal.

Motion:	Councilor Collette moved to adopt Resolution No. 08-3979.
Seconded:	Councilor Liberty seconded the motion

Councilor Collette introduced Resolution No. 08-3979 which was similar to the previous resolutions. West Linn Refuse was a company locally owned by KB Recycling, and had had a non-system license to deliver wet waste to the Canby Transfer Station and then the Riverbend Landfill since 2006. West Linn was franchised as a solid waste collector and services the city of West Linn. West Linn had requested authority to deliver 9,000 tons of wet waste to the Riverbend Landfill via the Canby Transfer Station. West Linn preferred to use Canby Transfer Station because it is also owned by KB and served as a location for parking and maintenance of its vehicles after dumping their loads. There had been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it did not violate Metro's disposal contract. Councilor Collette urged support of Resolution No. 08-3979.

Vote:

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

5.5 **Resolution No. 08-3980**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Hoodview Disposal and Recycling Inc. For Delivery of Putrescible Waste to Canby Transfer and Recycling Inc. For the Riverbend Landfill For Disposal.

Motion:	Councilor Collette moved to adopt Resolution No. 08-3980.
Seconded:	Councilor Liberty seconded the motion

Councilor Collette introduced Resolution No. 08-3980. She said Hoodview Disposal & Recycling (aka B&J Garbage) was a company locally owned by KB Recycling. Hoodview had had an NSL to deliver wet waste to the Canby Transfer Station and then the Riverbend Landfill since 2006. Hoodview was franchised as a solid waste collector and services portions of Clackamas County. Hoodview had requested authority to deliver 5,500 tons of wet waste to the Riverbend Landfill via the Canby Transfer Station. Hoodview preferred to use Canby Transfer Station because it was also owned by KB and serves as a location for parking and maintenance its vehicles after dumping their loads. There had been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it did not violate Metro's disposal contract. Councilor Collette urged adoption.

Vote:

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

5.6 **Resolution No. 08-3981**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Newberg Garbage Services, Inc. For Delivery of Putrescible Waste to Newberg Transfer and Recycling Center For the Purpose of Transfer to the Riverbend Landfill For Disposal.

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-3981.
---------	---

Seconded:	Councilor Harrington seconded the motion
-----------	--

Councilor Hosticka said Newberg Garbage was a hauling company locally owned and based out of Newberg. Newberg Garbage was franchised to provide solid waste collection services southwest of the Metro Region. Some of Newberg Garbage's routes extended inside the Metro region. Newberg had requested that the small volume of tonnage (160 tons/year) collected within the Metro region be consolidated with that of tonnage collected outside the region so that it can be delivered to the Newberg Transfer Center for eventual delivery to Riverbend Landfill. Newberg had had a non-system license to deliver wet waste to the Newberg Transfer Center and then the Riverbend Landfill since 2004. There had been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it did not violate Metro's disposal contract. He urged adoption.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
-------	---

5.7 **Resolution No. 08-3982**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Gray and Company For Delivery of Putrescible Waste to the Riverbend Landfill.

Motion:	Councilor Harrington moved to adopt Resolution No. 08-3982.
Seconded:	Councilor Hosticka seconded the motion

Councilor Harrington introduced Resolution No. 08-3982. She indicated that this NSL was slightly different. She said Gray and Company was a food processing company located in Forest Grove. Gray & Co. was founded in 1908 and was the world's leading maker of maraschino cherries and glacé fruit. Gray generated solid waste that consisted of fruit syrups and fruit residual that was not amenable to composting. Gray had requested a license to deliver up to 500 tons per year of this waste directly to Riverbend Landfill. Gray realized some transportation efficiency because the Riverbend Landfill was located near the company's Dayton Plant (McMinnville) and allowed for backhaul deliveries between plants. Gray has had a non-system license to deliver wet waste directly to Riverbend Landfill since 1996. There have been no compliance issues during the previous term of the license. Since this waste was destined for a Waste Management landfill, it does not violate Metro's disposal contract. She urged approval.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
-------	---

6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, said next Tuesday, December 9th, the Oregon Zoo would host the Metro Holiday Party. He urged attendance.

He talked about an action that the City of Tualatin had taken. They had been in contact with City of Tualatin this week but were filing an appeal and at the same time had asked for a delay. He noted that the City of Troutdale had asked if they could take the same action as the City of Tualatin.

Dan Cooper, Metro Attorney, said they had received a notice to appeal from the attorney for Lakeside Landfill about the denial of the Designated Facility Agreement (DFA). He reminded Council about the ex parte communication status.

Mr. Jordan said they had been accumulating list of potential projects regarding an economic stimulus package. Andy Shaw, Strategy Center, had been gathering these projects. They were thinking of asking Congressman Blumenauer to lead a discussion about a package.

7. COUNCILOR COMMUNICATION

Council President Bragdon talked the passage of the Zoo bond measure and setting up a citizen oversight committee. He suggested a work session as we move forward. Councilor Collette said they were moving forward but slowly given the market conditions.

Councilor Burkholder talked about next Wednesday's joint Council/MPAC/JPACT meeting and the draft agenda (a copy of which is included in the attachments to the meeting record). He requested input today or tomorrow. Councilors provided their input on the agenda and using these meeting to build on what had happened previously (a copy of some of Councilor Burkholder's suggestions are included in the meeting record as an attachment).

Councilor Collette responded on the Zoo Foundation meeting.

Councilor Harrington said she was honored to participate with the Metro Council. She shared that the Metro Council operated with openness and transparency. She said some of the stakeholders were not used to Metro Council operating at this level. But this was the Metro Council style of working. It was admirable and productive.

Council President Bragdon said he had asked the staff to provide maps to Council specifically around the Marine Drive area in reference to the Columbia River Crossing. There were three proposed options. He further explained the options. He asked Council of they had a preference for one of these options. He thought Option A was the most preferable. Councilors asked clarifying questions about the options and supported Option A. Council President Bragdon then reviewed the calendar on the Columbia River Crossing meetings. Councilor Harrington said with the global economic downturn, she was hopeful that measurements were being taken now to inform Council. Council President Bragdon talked about capacity and number of proposed lanes.

Councilor Liberty noted the passing of the costume Rocky the Mountain Goat.

8. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:16 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
DECEMBER 4, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
5.1	Amended Exhibit A	12/4/08	Resolution No. 08-3975 , Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery of Putrescible Waste to the Riverbend Landfill.	120408c-01
5.3	Amended Exhibit A	12/4/08	Resolution No. 08-3978 , Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Forest Grove Transfer Station For Delivery of Putrescible Waste to the Riverbend Landfill.	120408c-02
7.0	Draft agenda	12/4/08	Draft Agenda for Joint MPAC/JPACT Meeting on December 10, 2008	120408c-03
7.0	Email	12/4/08	To: Kim Ellis, Planning and Development From: Councilor Burkholder Re: questions to address at Joint JPACT/MPAC meeting	120408c-04