

MINUTES OF THE METRO COUNCIL MEETING

Thursday, May 29, 2003
Metro Council Chamber

Councilors Present: Rod Park (Deputy Council President) Susan McLain, Carl Hosticka, Rod Monroe, Rex Burkholder

Councilors Absent: Brian Newman (excused), David Bragdon (excused)

Deputy Council President Park convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. GREAT BLUE HERON WEEK PROCLAMATION

Jim Labbe, Audubon Society, spoke to the 17th Annual Great Blue Heron Week. He talked about the history of the Olmsted Landscape Legacy, John Olmsted’s contribution to and vision of the northwest. He gave an overview of the week’s events. This week was an opportunity to recognize the quality of life in this region. Deputy Council President Park read the proclamation.

4. CONSENT AGENDA

4.1 Consideration of minutes of the May 22, 2003 Regular Council Meetings.

Motion:	Councilor Hosticka moved to adopt the meeting minutes of the May 22, 2003, Regular Metro Council meeting. Councilor Burkholder seconded the motion.
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Vote:	Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.
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4.3 **Resolution No. 03-3337**, For the Purpose of Expressing Metro Council Approval of the Metro Parks and Greenspaces Department’s Application for a Local Government Grant from the Oregon Parks and Recreation Department.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3337. Councilor Burkholder seconded the motion.
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Vote:	Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.
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6. RESOLUTIONS

Councilor McLain requested that item 4.2 and 4.4 be removed from the consent agenda and receive full consideration. There was no objection.

4.2 **Resolution No. 03-3333**, For the Purpose of Granting a Change of Authorization and Authorizing the Chief Operating Officer to Issue a Replacement Solid Waste License to Pacific Land Clearing Company, Inc. for the Operation of the PLCI facility.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3333.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain reviewed the resolution. She suggested a 10-day letter review by Council be included in the language and Exhibit A be amended accordingly.

Motion to amend:	Councilor McLain moved to amend the resolution to include the above-mentioned language.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain explained her amendment. Councilor Burkholder asked about the modification. Dan Cooper, Metro Attorney, suggested a change in the language and recommended a rules change in Metro Code. Councilor McLain said the siting of solid waste facility may cause problems with the neighbors. Councilor Burkholder suggested not taking these on an ad hoc basis.

Deputy Council President Park opened a public hearing.

Ray Phelps, WRI, said that he felt this language was a long time coming.

Jack Bodkin, Pacific Land Clearing Co. 4044 N Suttle Rd, Portland OR 97217 asked if Council had specifics that they would like him to address. He suggested that Council was adding another layer of bureaucracy that was not necessary. He felt the language should stand as is.

Councilor McLain asked where was the site. Mr. Bodkin responded with the address of the facility.

Councilor Park asked about the minimal tonnage. Mr. Bodkin said that they didn't make a profit but had agreed to the initial tonnage. Roy Brower, Regulatory Affairs Manager for Solid Waste & Recycling said PLC1 was a feeder facility. The restriction of 16 tons was at any one time.

Deputy Council President Park closed the public hearing.

Councilor Hosticka asked Mr. Cooper about the language on page 14 and 16 and what it seemed to imply. Mr. Cooper responded confirmed Councilor Hosticka's reading of the language. He wasn't sure what the practice had been. This language would allow the Chief Operating Officer (COO) to allow additional waste to come through the facility as long as it was consistent with the Code and the COO agreed with the request.

Councilor Hosticka said he would support the amendment and supported a more thorough analysis of the license. He suggested reviewing the whole policy.

Councilor Monroe asked if Mr. Jordan believed that this amendment would be an onerous problem. Mr. Jordan said he didn't believe it would be onerous to him but he had not spoken to Solid Waste & Recycling Department as to whether it was onerous to them.

Councilor Monroe asked a parliamentary procedure question about the number of votes needed to pass an amendment. Mr. Cooper said an amendment could pass on a 3 to 2 vote.

Councilor McLain explained the necessity of the 10-day letter. She encouraged support of the amendment.

Vote to amend:

Councilors Hosticka, McLain and Monroe supported the amendment, Councilor Burkholder and Deputy Council President Park voted against the motion. The vote was 3 aye/2 nay, the motion passed.

Vote on the Main Motion:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

4.4 **Resolution No. 03-3339**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Metro Solid Waste Facility License to Aloha Garbage Company.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3339.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain spoke to the license and the resolution. She noted it was dry waste and supported the license. Councilor Burkholder asked if Councilor McLain would be offering the same amendment.

Motion to amend:	Councilor McLain moved to amend the resolution to include the 10-day letter language and appropriate changes to Exhibit A.
Seconded:	Councilor Hosticka seconded the motion

Vote to amend:

Councilors Hosticka, McLain and Monroe supported the amendment, Councilor Burkholder voted no, and Deputy Council President Park abstained from the vote. The vote was 3 aye/1 nay/1 abstain, the motion passed.
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Deputy Council President Park opened a public hearing.

Steve Larrance, PO Box 6329, Aloha OR 97006 read a letter into the record supporting the license and reviewed the pictures of the Aloha facility that he had submitted to the record (copies of which are found in the meeting record).

Deputy Council President Park closed the public hearing

Councilor McLain said he wasn't aware of any complaints from the neighbors. Mr. Larrance said that was true. Councilor McLain asked about wet waste dumping. Mr. Larrance said when

customers called, the company explained that it is non-putrescible waste, they also explained this at the time of drop off and they had it noted on the receiving boxes.

Vote on the Main Motion:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

5. ORDINANCES - SECOND READING

5.1 Ordinance No. 03-1009, Amending the FY 2002-03 Budget and Appropriations Schedule to move \$300,000 from General Fund Contingency to Special Appropriations; and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 03-1009.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder explained the purpose of the ordinance. This would allow continuation of pay out of the regional system fee credit above the cap. This action was with the understanding that this program would be reviewed in the future by an outside task force appointed by the Council President. Councilor Monroe explained the history of the regional system fee credit program. He noted a resolution that he had originally had drafted. This ordinance would allow \$300,000 to cover the credit program. He explained the issues with the bond rating and why we were considering the ordinance instead of the resolution. He supported the ordinance. Deputy Council President Park said he felt this ordinance kept faith with the intents of the Council and with the industry. He was hopeful that the task force would review this program and make some solid recommendations about the program.

Deputy Council President Park opened a public hearing. No one came forward. Deputy Council President Park closed the public hearing.

Vote:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

6. RESOLUTIONS

6.2 Resolution No. 03-3320, For the Purpose of Authorizing and Directing the Chief Operating Officer to Award full regional system fee and excise tax credits through June 2003.

Motion:	Councilor Monroe moved to remove Resolution No. 03-3320 from consideration.
Seconded:	Councilor Burkholder seconded the motion

Vote:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

6.1 Resolution No. 03-3313, For the Purpose of Reallocating Remaining Multnomah County Local Share Portion of Metro Open Spaces Bond Funds.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3313.
Seconded:	Councilor Monroe seconded the motion

Heather Nelson-Kent, Parks and Greenspace Department, spoke to the reallocation and why they were bringing this resolution before the Council for consideration. They had contacted Multnomah County concerning the change but had not received any feedback. Councilor Burkholder asked what the original thoughts had been about the wetland. Ms. Nelson-Kent said the original thought was that Blue Lake deserved a wetland greenspace. Now that they had 8000 additional acres to manage, Blue Lake's wetland was no longer at the top of the wetland list. Blue Lake needed bathroom facilities. Deputy Council President Park spoke to the need for facilities at Blue Lake Park and asked about installation. Ms. Kent said that would occur Fall 2003.

Vote:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

6.3 **Resolution No. 03-3336**, For the Purpose of Authorizing the Chief Operating Officer to Accept the Donation of a Conservation Easement over a Portion of the Morriss property in the Jackson Bottom-Dairy/McKay Creeks Target Area.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3336.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain spoke to the donation of money and the conservation easement. She noted the conditions of acquiring the adjoining parcel. She said this donation helped with access and the trail idea. Nancy Chase, Parks and Greenspaces, noted that Mr. Morriss had conditioned his gift, which required Metro to purchase the Harris property. Deputy Council President Park asked about the use of open space funds. Ms. Chase said they were not utilizing open space funds. Mr. Cooper further clarified the issue of utilizing the open space funds. Councilor Burkholder asked when the Harris property would be purchased. Ms. Chase responded, within the next two weeks.

Vote:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

7. **CONTRACT REVIEW BOARD**

7.1 **Resolution No. 03-3323**, For the Purpose of Exempting the Procurement Of a Personal Service Contract from the Competitive Procurement Requirements of the Metro Code.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3323.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain explained the resolution and the reason for the waiver of the competitive bid process. The grant was given to the Tualatin River Keepers to do the work. They were asking the Tualatin River Keepers to join them in this project.

Deputy Council President Park opened a public hearing.

Sue Marshall, Tualatin River Keepers, expressed their appreciation to be allowed to do the restoration work. She suggested what the River Keepers could bring to the project. It built a constituency for these properties. They were very excited about the possibility and future opportunities. She spoke to other restoration work they had been doing partnering with Metro. Deputy Council President Park asked about accepting the grant. Ms. Marshall responded to his question.

Deputy Council President Park closed the public hearing.

Councilor McLain thanked Ms. Marshall and the Tualatin River Keepers for their efforts.

Vote:

Councilors Hosticka, Burkholder, McLain, Monroe, and Deputy Council President Park voted in support of the motion. The vote was 5 aye, the motion passed.

8. COUNCILOR COMMUNICATION

Councilor Burkholder said they had visited with the Grand Ronde Tribe this morning. He spoke to their conversation about the Killin (Banks) wetlands and the tribe as possible investors in a headquarters hotel. The tribe was concerned about protecting the environment.

Councilor Hosticka said Mr. Phelps wanted to thank the Council for their support of the regional system fee credit program.

Councilor McLain talked about the history of the Grande Ronde's tribe and its recognition as a tribe.

9. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Park adjourned the meeting at 3:15 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 29, 2003

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	5/22/03	To: Metro Council From: Chris Billington Re: Minutes of the May 22, 2003 Metro Council Meeting	052903c-01
4.4	Public Testimony	5/29/03	To: Metro Council From: Steve Larrance Re: Resolution No. 03-3339	052903c-02
4.4	Pictures	5/29/03	To: Metro Council From: Steve Larrance Re: Resolution No. 03-3339	052903c-03
3.0	Brochure	May 28, 2003-June 8, 2003	To: Metro Council From: Jim Labbe Re: 17 th Annual Great Blue Heron Week	052903c-04