

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF STATING COUNCIL)	RESOLUTION NO. 88-820A
POLICY ON THE OPERATION OF THE)	
CLACKAMAS TRANSFER & RECYCLING)	Introduced by Councilors
CENTER)	DeJardin, Gardner, Waker and
)	Van Bergen

WHEREAS, The Council of the Metropolitan Service District has adopted a Solid Waste Management Plan which designates a transfer station (Clackamas Transfer & Recycling Center) in the south part of the region, the Solid Waste Management Plan as amplified by subsequent Council action calls for three transfer stations to serve three separate waste centroids; and

WHEREAS, The Council has not previously acted to restrict the flow of solid waste to the Clackamas Transfer & Recycling Center (CTRC) and has allowed solid waste haulers and the public to use the Center based on distance, convenience and cost in order to provide service to the waste centroid it was designed to serve; and

WHEREAS, The Metropolitan Service District operates the CTRC in Oregon City, Oregon, under a Conditional Use permit which, among other things, purports to limit the amount of solid waste delivered to the CTRC to 700 tons per day; and

WHEREAS, The Metropolitan Service District has requested that the tonnage limit be removed as a condition of operating the facility because it is an arbitrary condition which has no demonstrated significant effect on the emissions of the facility and putting more waste through the facility each day will not adversely affect the Oregon City community; and

WHEREAS, The city of Oregon City has sought injunctive relief in Clackamas County Circuit Court to require the District to comply with the 700 ton limit; and

WHEREAS, The Metropolitan Service District has sought to settle this issue with Oregon City by offering to annually pay the City for services to mitigate the environmental impact of the facility such as street cleaning and the city of Oregon City has rejected the offer; and

WHEREAS, It appears the city of Oregon City is interested in using the tonnage limit at CTRC as a means to obtain general revenue for the City; and

WHEREAS, The Metropolitan Service District is in the process of updating the Solid Waste Management Plan which will result in additional transfer stations in the region (Washington and Multnomah counties) and the CTRC facility is an integral part of the proposed regional system of transfer stations; and

WHEREAS, The Metropolitan Service District has consistently operated the CTRC in an efficient, effective and safe manner and funds a regular program to clean the area in and around the facility; and

WHEREAS, The Clackamas County Solid Waste Commission and local refuse haulers have requested that the Metropolitan Service District take no action to comply with the 700 ton limit because such action would cause substantial harm to the solid waste industry and the general public; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District finds the 700 tons per day limit is an unreasonable operating

conditions on a facility that provides a needed public service to persons in the region.

2. That the Council of the Metropolitan Service District determines that the practice of not establishing a Metropolitan Service District imposed limit on usage of the Clackamas Transfer & Recycling Center should continue to be District policy in administering the Solid Waste Management Plan. The imposition of a tonnage limit on the CTRC is contrary to the District's Solid Waste Management Plan.

3. That the Council of the Metropolitan Service District requests General Counsel to seek to maintain District policy of unlimited usage for the Clackamas Transfer & Recycling Center through the existing litigation pending on the issue.

ADOPTED by the Council of the Metropolitan Service District this 14th day of January, 1988.



Presiding Officer

DEC/gl
8784C/525
01/08/88



METRO

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

Memorandum

Agenda Item No. 11.5.

Date: January 14, 1988

Meeting Date Jan. 14, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: OREGON CITY (CTRC) LITIGATION/NEGOTIATIONS
RESOLUTION NO. 88-820A

The issue of a resolution complying with the Clackamas Transfer & Recycling Center (CTRC) conditional use permit was on the Council Solid Waste Committee agenda on January 12, 1988. The Committee moved to recommend the Council adopt Resolution No. 88-820A. The resolution and a report from Councilors negotiating with the City of Oregon City is attached.



METRO

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

Memorandum

Date: January 8, 1988
To: Metro Council
From: Councilors Waker, Gardner, DeJardin and Van Bergen
Regarding: OREGON CITY (CTRC) LITIGATION/NEGOTIATIONS

The Council Task Force on the CTRC litigation supplemented by the welcomed participation of Councilor Van Bergen has been engaged in negotiations with Oregon City regarding the current litigation. (Oregon City request for injunction enforcing 700 ton per day limit, Executive Officer's appeal to LUBA seeking removal of any tonnage limit.)

The negotiations have not been successful. We have concluded that Metro policy in this area should be to resist all attempts for any per ton or other payments to local jurisdictions within the Metro region for facilities that are part of the Metro solid waste disposal system. Imposing any tonnage limit now would have serious adverse consequences on Metro's solid waste disposal system.

We, therefore, recommend that the Council adopt Resolution No. 88-820A which firmly states that it is Metro policy to continue operations of the CTRC without any tonnage limits and directs General Counsel to protect Metro's policy in this area in the courts.

DBC/gl
8792C/D2

NOT ADOPTED

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF COMPLYING WITH) RESOLUTION NO. 88-820
THE CLACKAMAS TRANSFER & RECYCLING)
CENTER CONDITIONAL USE PERMIT) Introduced by the Council
) Solid Waste Committee

WHEREAS, The Metropolitan Service District operates the Clackamas Transfer & Recycling Center in Oregon City under a Conditional Use permit which, among other things, limits the amount of solid waste delivered to the Clackamas Transfer & Recycling Center to 700 tons per day; and

WHEREAS, The Metropolitan Service District wishes to be a good neighbor and meet conditions imposed upon the District by any host community; and

WHEREAS, Metro wishes to meet the requirements of the Conditional Use permit imposed by Oregon City upon the Clackamas Transfer & Recycling Center; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District shall attempt to meet all the requirements of the Conditional Use permit for the Clackamas Transfer & Recycling Center including the 700 tons per day limitation.

2. That the Executive Officer of the Metropolitan Service District is instructed by the Council of the Metropolitan Service District to take whatever steps are necessary to comply with all the conditions of the Clackamas Transfer & Recycling Center permit.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-820 FOR THE
PURPOSE OF COMPLYING WITH THE CLACKAMAS TRANSFER
& RECYCLING CENTER (CTRC) CONDITIONAL USE PERMIT

Date: October 13, 1987

Presented by: Jim Gardner

FACTUAL BACKGROUND AND ANALYSIS

On September 15, 1987, the Council Solid Waste Committee received a status report from the Solid Waste Director regarding CTRC. The Committee moved to recommend to Council that Metro abide by the requirements of the Conditional Use permit imposed on the CTRC by Oregon City.

The CTRC was issued a Conditional Use permit in 1981. In July 1986, Oregon City imposed a 700 ton per day limit on solid waste delivered to the CTRC. Since that time, Metro has been unable to meet the 700 ton per day limit. Solid Waste staff has made attempts to mitigate the situation.

In the spring of 1987, Oregon City initiated legal action to force Metro to comply with the 700 ton per day limit in the Conditional Use permit. The Solid Waste staff has considered several possible actions that may achieve compliance with the 700 ton per day limit.

Possible Solutions

Solid Waste staff has suggested the following alternatives to meet the CTRC Conditional Use permit limitations:

1. Close the facility when the maximum daily total limit is reached.
2. Ban all dry drop boxes from CTRC through a method of permitting and verifying certain boxes that are high-grade corrugated or paper loads.
3. Geographical restrictions to CTRC usage. Develop contours that reflect tonnage generation, restrict commercial haulers outside that area.

See Exhibit A for further details regarding the above. In addition to the above alternatives, the Solid Waste staff has done additional work regarding the suggestion of the Tri-County Collectors Organization that heavy trucks going to the CTRC be

curtailed (loads over 18,000 pounds [nine tons]). See Exhibit B for additional information on this suggestion.

Recommended Action

The Council Solid Waste Committee recommended that Metro comply with all the requirements of the CTRC Conditional Use permit. Resolution No. 88-820 instructs the Executive Officer to take whatever steps are necessary to meet all the conditions of the CTRC permit. On October 20 the Solid Waste Committee will again consider the CTRC and may have a recommendation for the October 22 Council meeting regarding a specific approach for achieving compliance with the Conditional Use permit.

EXECUTIVE OFFICER'S RECOMMENDATION

No recommendation from the Executive Officer at this time.

RB/sm
8343C/517
10/14/87

Date: August 20, 1987
To: Rich Owings, Solid Waste Director
From: Jim Shoemake, Facilities Manager
Regarding: CTRC CONTINGENCY PLAN FOR 700 TON LIMIT

The Clackamas Transfer & Recycling Center (CTRC) was issued a conditional use permit in 1981 to handle 400 tons of solid waste per day in conjunction with the resource recovery facility that was to be built on the adjacent property. When the resource recovery center was defeated by initiative petition, the transfer center was permitted (temporarily) for not more than 800 tons per day.

Background

In July 1986 the city of Oregon City imposed a 700-ton per day limit on waste going into CTRC. Since that time, Metro has not achieved the limit based on daily averages calculated at Metro. In the spring of 1987, the city of Oregon City initiated legal action to force Metro to comply with the 700-ton per day limit in the conditional use permit. In view of the possibility of court action requiring that Metro not exceed this limit, this report was prepared to offer solutions to that requirement.

Conclusions

Set forth in this report are three basic solutions to the need to reduce volume entering CTRC. The options address two basic ideas:

1. Close the facility when the maximum limit is reached;
2. Restrict disposal of material based on type or location of waste generator.

The preferred solution is to establish a geographical boundary that would limit the amount of waste into CTRC at approximately 900 tons per day on weekdays and 200 tons per day on weekends. This method is the most defensible position politically and the least harmful to those in the hauling industry. It also has the least impact on the public customer.

The following are reasons that if the third proposed solution is the one selected, and has the least potential effects on solid waste management in the Metro region.

SOLUTION #1: CLOSE THE FACILITY WHEN THE MAXIMUM DAILY TOTAL LIMIT IS REACHED.

- Assumptions:
- a. The average daily total for weekend tonnage is approximately 200 ton per day;
 - b. The average is four full weekends per month (eight days);
 - c. All calculations based on August 1986 to July 1987 tonnages;
 - d. A maximum of 900 tons per weekday would be allowed; and
 - e. Maximum monthly tonnage no greater than 21,400.

Using these assumptions the gatehouse would close when the weekday total reached 900 tons or the weekend total reaches 200 tons. This method should be further broken into two sub-options:

Option 1: Establish a time (based on past records) when the daily maximum ~~are~~ most likely to be reached, and set that time as a firm closing time.

Advantages:

- a. This will allow enough certainty of closure time that Metro and its contractor can schedule personnel effectively.
- b. This would give the hauler and public customer firm hours of operations.
- c. Metro currently has enough data to determine the hours of operations.

Disadvantages:

- a. It is conceivable that many commercial haulers would adjust pick-up times to put more material into CTFC quicker and/or earlier.
- b. Lines could form in the early morning from haulers ensuring that they get in early.
- c. There would be an increased workload on employees to process nearly the same transactions in a shorter period of time.
- d. Certain months contain more weekends than others and would actually be well under the maximum allowable daily average, while others would be over.
- e. It could reduce recycling opportunities.

Option #2: Have a running total that would be checked every half-hour and when the maximum daily tonnage is reached close the gatehouse.

Advantages:

- a. This would be quite accurate and the maximum could be adjusted to make up for extra weekends and other variables.
- b. It would allow for absolute compliance.
- c. Computer could be programmed not to accept transactions after limit is reached.

Disadvantages:

- a. It would reduce ability to schedule personnel.
- b. Could cause haulers and public to use alternate site after driving to CTRC.
- c. This option would require major software changes in scalehouse program.
- d. It would most seriously affect public that arrives late in the afternoon.
- e. It could cause serious traffic problems if haulers line up prior to opening.

Institution of Option #1 could be accomplished upon notification whereas Option #2 would require at least two weeks for software changes. The public would be the loser in both of these options unless modified to exempt public needs.

SOLUTION #2: BAN ALL DRY DROP BOXES FROM CTRC THROUGH A METHOD OF PERMITTING AND VERIFYING CERTAIN BOXES THAT ARE HIGH-GRADE CORRUGATED OR PAPER LOADS

Advantages:

- this would cause the greatest reduction in total weight into CTRC
- easy to identify unallowable vehicles
- follows the waste reduction goals and would tend to push more material to limited use sites
- ensures that overweight drop boxes do not enter CTRC

Disadvantages:

- forces southern haulers to travel long distances to dispose of loads (much higher haul costs)
- may cause high quantities of food wastes to be disposed of at limited use sites
- increases staff involvement in regulating and inspecting loads

Institution of this solution requires that haulers become more aware of drop box contents and have a closer relationship with generators. This solution could reduce the recycling opportunity *offer* high-grade load separation at CTRC. This solution could be instituted within one week after notification.

SOLUTION #3: GEOGRAPHICAL RESTRICTIONS TO CTRC USAGE. DEVELOP CONTOURS THAT REFLECT TONNAGE GENERATION, RESTRICT COMMERCIAL HAULERS OUTSIDE OF THAT AREA

Advantages:

- causes least economical hardship on haulers
- allows local haulers to use close facility
- allows for easy identification of authorized haulers
- many customers (i.e., builders) don't have established areas of operation

Disadvantages:

- difficult determining exact routes of haulers
- Metro can't determine exactly where boxes come from
- route changes must be ^{taken} ~~take~~ into account
- doesn't reflect strict haul times for haulers
- puts increased burden on St. Johns _____ space

Institution of this solution would require extensive study of each affected hauler to determine whether or not they qualify for access into CTRC. Background data on haul volumes of each hauler would also be required. Some haulers that have routes throughout Metro area could still bring in loads from outside the set boundary. A map of the acceptable boundary could be prepared and this solution implemented within two weeks of notification.

JS/gl
8057C/502

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

Memorandum

Date: October 8, 1987

To: Roosevelt Carter, Operations Manager

From: Jim Shoemake, Facilities Manager *JSS*

Regarding: Contingency Plans for CTRC 700 Ton per Day Limit

On August 20, 1987, the attached memo was sent to Rich Owings explaining the pros and cons of several alternatives that would ensure compliance with the 700 ton per day limit specified in the CTRC Conditional Use Permit. Since that time, additional work has been done to research the suggestion put forth by the Tri-County Collectors' organization. That particular suggestion stated that if the heavy trucks were curtailed, the limit could be met with the least impact to haulers.

A program was run using existing data for the month of May, 1987, in which all loads over 18,000 pounds (nine tons) net weight were categorized and compared with the base data.

Facts:

- 17 percent of waste is hauled by nine percent of vehicle trips by these heavy loads
- there are 24 companies that hauled these heavy loads; more than 140 companies haul to CTRC
- all trucks with loads in excess of nine tons net weight had a gross weight of more than 54,000 pounds (trucks over 54,000 pounds with dual axles are charged extra at St. Johns)
- the percentage of each company's overweight ranged from one percent to fifty percent of their hauls to CTRC

This option of restricting heavy loads from CTRC should be considered along with these other options discussed.

1. Establish a time (based on past records) when the daily maximum is most likely to be reached; set that time as a firm closing time.

2. Check a running total every half hour and close when the maximum is reached.
3. Ban all drop boxes (except those certified as high grade recyclables) from CTRC.
4. Place geographic restrictions on haulers. Develop contours that reflect tonnage generation and restrict those outside of the contours.

JES:mrs

Attachment

11.4 Consideration of Resolution No. 88-837, for the Purpose of Amending Resolution No. 87-744, Revising the FY 1987-88 Budget and Appropriations Schedule for Insurance Program Modifications and Office of General Counsel

Jennifer Sims, Director of Management Services, summarized staff's written report. In response to Presiding Officer Ragsdale's question about the impact of referring the matter to a committee for review, she urged the resolution be adopted by the end of January to comply with the insurance policy renewal schedule.

There was no public testimony on the resolution.

Motion: Councilor Collier moved, seconded by Councilor DeJardin, to adopt the resolution and to refer the insurance program modifications to the new Finance Committee for review.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Gardner was absent.

The motion carried and Resolution No. 88-837 was adopted.

11.5 Consideration of Resolution No. 88-820, for the Purpose of Complying with the Clackamas Transfer and Recycling Center (CTRC) Conditional Use Permit; and

Consideration of Resolution No. 88-820A, for the Purpose of Stating Council Policy on the Operation of the Clackamas Transfer and Recycling Center (CTRC)

Estle Harlan, representing the Tri-County Council of the Oregon Sanitary Service Institute, distributed written comments in support of the substitute Resolution No. 88-820A.

Councilor DeJardin reported he had served on the team which had attempted to negotiate a solution to problems surrounding the conditional use permit issued by the City of Oregon City for the CTRC. He explained after attempts to negotiate had failed, he was convinced that adoption of Resolution No. 88-820A was in the best interests of the region.

Councilor Gardner said the Council Solid Waste Committee recommended adoption of Resolution No. 88-820A with Councilor Kelley casting the only dissenting vote. The Metro negotiating team had unanimously recommended its adoption.

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, to adopt Resolution No. 88-820A.

Councilor Waker, another member of the negotiating team, reported that reasonable offers were made to the City of Oregon City. He thought that Oregon City had advocated the unacceptable public policy of "paying off" the City for essential public services.

Councilor Kirkpatrick requested Metro Public Affairs and legal staff prepare appropriate information for release to the press and public about the negotiations with Oregon City. She thought it important the public understand all the issues surrounding the Council's decision.

At Councilor Van Bergen's suggestion, Presiding Officer Ragsdale asked staff to prepare conclusions, findings of fact and a resolution that could be adopted by the Council concerning the decision. Mr. Cooper, Legal Counsel, advised the Council to adopt Resolution No. 88-820A at this time and the findings would be submitted to the Council for adoption as soon as possible.

Councilor Kelley did not support Resolution No. 88-820A, explaining Metro should not violate laws adopted by the City of Oregon City. She was also uncertain about the extent to which the Metro team had negotiated. She thought it would be useful for the team to discuss the issues in a public forum. "The issue is fairness," she said.

Mr. Cooper explained the 700 ton per day limit imposed by Oregon City of waste handled at CTCRC was never part of Metro's contract with the City. The limit was a condition placed on Metro after the contract was executed. He said Metro had never contested the limit not had it complied with the limit.

Councilor Collier was concerned about debris control around the CTCRC site. Mr. Cooper reported the City of Oregon City had rejected Metro's offer relating to litter control. Councilor Waker thought the City's negotiations were geared toward gaining a revenue source and were not directly tied to litter control. Rich Owings, Solid Waste Director, reported the operations contract for CTCRC required cleanup of the surrounding area on a daily basis. Cleanup along I-205 occurred every two weeks.

Councilor Van Bergen concurred the issue of money for cleanup was a revenue issue for Oregon City. He thought litter along I-205 was a result of interstate traffic, not the CTCRC.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, Cooper, DeJardin,
Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale,
Van Bergen and Waker

Nay: Councilor Kelley

The motion carried and Resolution No. 88-820A was adopted.

12. CONSIDERATION OF DEAN WITTER REYNOLDS, INC. as the Senior
Manager of the Investment Banking Team for Alternative
Technology Projects to Replace Salomon Brothers

Ray Phelps, Director of Finance and Administration, reviewed staff's written report. He explained that Salomon Brothers had recently discontinued its Municipal Bond Department. Paul Atanasio, formerly employed by Salomon Brothers and an important member of Metro's alternative technology negotiating team had recently joined the investment firm of Dean Witter Reynolds (DWR). To maintain continuity of key consultants, staff recommended approval of DWR as the senior manager of the investment banking team for the alternative technology projects. Rebecca Marshall, finance advisor on the project, concurred with that recommendation.

Motion: Councilor Kelley moved, seconded by Councilor DeJardin, to approve Dean Witter Reynolds, Inc. as the senior manager of the investment banking team for the alternative technology projects.

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

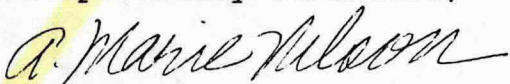
The motion carried and DWR was unanimously approved.

13. COMMITTEE REPORTS

Councilor Kirkpatrick recalled the Executive Officer had said she would use Council meetings and executive sessions as the vehicle for presenting regular updates to the Council on negotiations with alternative technology vendors. The Councilor requested updates be presented. She also requested the Executive Officer provide a report on the status of the vacant Metro legislative liaison position.

There was no further business and the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

Jennifer Sims reported on the amendment relating to the building management fund to complete the projects in progress as detailed in the staff report.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen to adopt the portion of Resolution No. 87-826 for the Metro Center improvements and to delete the aquarium study and legal counsel items.

Presiding Officer Waker invited public to testimony to the Council. There were no requests from the public. There was discussion pertaining to the budget, remodeling of office costs for the year, and lease of the building by Councilor Van Bergen.

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

The motion carried and Resolution No. 87-826 was adopted as amended.

9.3 Consideration of Resolution No. 87-820, for the Purpose of Complying with the Clackamas Transfer and Recycling Center (CTRC)

Councilor Gardner reported this item was returned to Council from the preceding two meetings. A task force, appointed by Councilor Waker, met to negotiate with Oregon City and put together an offer regarding the operation of CTRC. The primary issue seemed to be the litter around the site. Metro legal counsel, Mr. Cooper, conveyed an offer to Oregon City officials and their attorney. Negotiations are still proceeding and there is potential for agreement. Councilor Gardner suggested this item be carried over while negotiations are pending.

Motion: Councilor Gardner moved, Councilor Kirkpatrick seconded, to consider Resolution No. 87-820 the first Council meeting in January.

Discussion was led by Councilor Van Bergen regarding whether a notice of the offer had been filed with the Court. Councilor Gardner said that a notice had been filed but there was no date set. There was further discussion regarding the date to reconsider the resolution.

Motion to Amend: Councilor Gardner moved, Councilor Kirkpatrick seconded that Resolution 87-820 be reconsidered on December 22.

There was further discussion on the motion to amend.

Vote: A vote on the motion and amendment to Resolution No. 87-820 resulted with all twelve Councilors voting aye.

The motion and the amendment carried.

Presiding Officer Waker called for a break at 7:25 p.m. The meeting resumed at 7:50 p.m.

9.4 Consideration of Resolution No. 87-822 for the Purpose of Initiating Annexation to Metro and Expressing Council Intent to Amend the Urban Growth Boundary in Contested Case No. 87-1 for the Edy Road, Highway 99W, Middleton and Substation Sites; and,

10.1 Consideration of Ordinance No. 87-234, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary in Contested Case No. 87-1 for the Chicken Creek, Harborton and Bull Mountain Sites (Second Reading).

Presiding Officer stated the first reading of No. 87-234 occurred at the November 12 Council meeting, at which time Councilors DeJardin and Ragsdale moved to adopt the Ordinance. No motion was made to adopt Resolution No. 87-822. Presiding Officer Waker then requested the Acting Clerk of the Council to read the Ordinance by title only. The Acting Clerk read Ordinance No. 87-234 a second time by title only.

Jill Hinckley, Land Use Coordinator, reported this item involved two actions: adoption of the Ordinance would be taking action on those properties which are in Metro's district; adoption of the Resolution was required to annex the property.

Councilor VanBergen asked if this request related to the PGE property included in the urban growth boundary a couple of years ago. Ms. Hinkley stated affirmative.

and the Hearings Officer's Report was included in the agenda materials. The Council would consider adoption of both the ordinance and resolution on November 24, 1987, he explained.

Jill Hinckley, Land Use Coordinator, introduced Chris Thomas, Hearings Officer for Contested Case No. 87-1. Mr. Thomas summarized the written Hearings Officer's Report as contained in the meeting agenda materials.

In response to Councilor Knowles question, Ms. Hinckley reported a few residents had testified at the hearing in opposition to the amendment. Citizens were primarily concerned about traffic on Bull Mountain Road. Jean Young, King City Mayor, had also opposed the amendment. She explained those citizens were very cooperative and understood the standards by which Metro would judge the case.

Motion: Councilor DeJardin moved, seconded by Councilor Ragsdale, to adopt Ordinance No. 87-234.

Presiding Officer Waker announced the ordinance would be continued to a second reading on November 24 and which time Resolution No. 87-822 would also be considered for adoption.

10.2 Consideration of Resolution No. 87-820, for the Purpose of Complying with the Clackamas Transfer & Recycling Center (CTRC) Conditional Use Permit

Presiding Officer Waker reported he, Executive Officer Cusma, Dan Cooper, and Councilors Gardner, DeJardin and Cooper were continuing to meet with representatives of Oregon City to negotiate a solution to the problems surrounding the tonnage limit issue at CTCRC. Because negotiations were not complete, the Solid Waste Committee recommended deferring Resolution No. 87-820 to the next Council meeting.

Motion: Councilor Van Bergen moved, seconded by Councilor Collier, to set over consideration of Resolution No. 87-820 to November 24, 1987, pending negotiations with the city of Oregon City.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried unanimously.

NPEC member Steve Roso thanked Councilor Hansen and Ms. Mandt for their work on the project and said he looked forward to the successful closure of the St. Johns Landfill.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Cooper, Knowles and Ragsdale were absent.

The motion carried and Resolution No. 87-819 was adopted.

EXECUTIVE SESSION

At 8:25 p.m., Presiding Officer Waker called the meeting into executive session under the authority of ORS 192.660(1)(e), to discuss real property acquisition for the Oregon Convention Center, and ORS 192.660(1)(h), to discuss litigation relating to the Clackamas Transfer & Recycling Center (CTRC). All Councilors except Councilor Cooper were present at the executive session. Other persons present included Executive Officer Cusma, Dan Cooper, Greg Mau, Tuck Wilson, Neil McFarlane, Don Carlson, Neil McFarlane and Jan Schaeffer. The Presiding Officer called the meeting back into regular session at 8:45 p.m.

Convention Center Project Real Property Acquisition

Motion: Councilor Van Bergen moved, seconded by Councilor Gardner, to accept the Portland Development Commission's recommendation with respect to the Roberts Motors Property.

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

The motion carried.

8.7 Consideration of Resolution No. 87-820, for the Purpose of Complying with the Clackamas Transfer & Recycling Center (CTRC) Conditional Use Permit

Councilor Gardner, Chair of the Council Solid Waste Committee (SWC), the SWC took no formal action on the resolution because a quorum was not available at the time it was considered. He and Councilor DeJardin had strongly recommended the Council defer action pending completion of negotiations between the Council Negotiating Task Force (Councilors Waker, Gardner, DeJardin and Executive Officer Cusma) and representatives from the City of Oregon City Commission. He said the recommendation was based on testimony received at the October 20 SWC meeting.

Councilor Gardner further explained the City of Oregon City Commission was of the opinion that actions taken by Metro to comply with the 700 per ton limit at CTRC would be detrimental to the haulers and public in Clackamas County. They recommended Metro attempt to resolve the matter through negotiation or litigation prior to imposing limits on the use of CTRC.

Councilor Van Bergen requested a date be established for future consideration of Resolution No. 87-820, explaining Councilors had all taken oaths to abide by the laws in the State of Oregon. The Councilor said he could not accept violation of Oregon City's ordinance limiting tonnage at CTRC.

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, to defer consideration of Resolution No. 87-820 to November 12, 1987.

Presiding Officer Waker noted that if negotiations between Metro and Oregon City had not been completed by November 12, the matter could be set over to a later meeting.

Vote: A vote on the motion resulted in:

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

Nay: Councilor Ragsdale

Absent: Councilor Cooper

The motion to defer carried.

8.1 Consideration of Resolution No. 87-815, for the Purpose of Adopting Disadvantaged Business Program Goals for FY 1987-88

Ray Phelps reported that the written staff report explained the program and annual goal adoption process.

In response to Councilor Kelley's question, Mr. Phelps explained the Women-owned Business Enterprise (WBE) participation goal had been decreased from the previous year. The previous goal had been amended from staff's recommendation and as a result, the amended goal had been unreasonable high and unattainable. Councilor DeJardin agreed it was a good management practice to establish reasonable goals for the program and that nothing would preclude exceeding that goal.

Motion: Councilor Knowles moved for adoption of Resolution No. 87-815. Councilor DeJardin seconded the motion.

1) The second "be it resolved" paragraph be changed to read: "[Commits] Intends to budget funds in FY 1989 for purchase of the Jefferson Street Branch rail line in the amount of \$20,898."

2) The fifth "be in resolved" paragraph be changed to read: "Endorses the City of Portland extending the rail line to downtown Portland at no additional expense to the [consortium] participating local governments."

Councilor Ragsdale explained the latter change would address the likelihood of the consortium disbanding.

Vote on the Motion to Amend: A vote on the motion resulted in All ten Councilors present voting aye. Councilors Bonner and DeJardin were absent.

The motion to amend carried.

In response to Councilor Cooper's question, Councilor Gardner reported Tri-Met had contributed \$67,000 to the first phase of the Jefferson Street project. They had not participated financially in this phase because funds had not been available for expansion projects.

Vote on the Main Motion: A vote on the motion to adopt the resolution resulted in:

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

Nays: Councilors Cooper and Kelley

Absent: Councilors Bonner and DeJardin

The motion carried and Resolution No. 87-834 was adopted as amended.

9.4 Consideration of Resolution No. 87-820, for the Purpose of Complying with the Clackamas Transfer & Recycling Center (CTRC) Conditional Use Permit

Councilor Gardner reported that negotiations continued between Metro and the city of Oregon City.

Motion: Councilor Gardner moved, seconded by Councilor Knowles, to set the resolution over until January 14 pending completion of negotiations with the city of Oregon City.

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

The motion carried.

There was no further business and the meeting was adjourned at 8:35 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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