

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 5, 2004
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park, Brian Newman (by phone)

Councilors Absent:

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Richard Schneider, 8701 E. Mill Plain #9, Vancouver, WA 98664, said he was ex-employee at Oregon Convention Center (OCC). He wanted to talk about Metropolitan Exposition-Recreation Commission's misappropriation of funds. He questioned whether managers should receive bonuses while lying off staff. Were bonus warranted when there was a deficit? He questioned the legality of bonuses when there were many layoffs. OCC employees were asked to work without pay. He noted managers received perks that were paid for with public funds. In his opinion, he and other employees were laid off because of questions the misappropriation funds. He urged an independent review of these issues. He suggested that if they found misappropriation of funds, that employees who did the whistle blowing should be considered for re-employment. He didn't feel that Metro's Human Resource Department was helpful on this issue either. He had spoken with the Council President already. He offered to talk to any councilor who wished to speak to him about his concerns. He thanked the Council for listening.

Council President Bragdon thanked him for his communication. He said that when the employee was part of a collective bargaining unit, the Council couldn't get involved but he referred the issue to the Chief Operating Officer.

3. ENVIRONMENTAL EDUCATION PARKS PROGRAMS

Jim Desmond, Regional Parks and Greenspaces Director, introduced the Education Plan and an overview of the program. There had never been a written document that outlined what they did and why. He noted the two most important points, the documents looked forward as to how they can provide more equitable distribution of the programs across the region. Also if they were to have new facilities, this plan laid out how this program would support the facilities. He introduced Deb Scrivens, Environmental Education Coordinator.

Deb Scrivens, Regional Parks and Greenspaces Program, introduced James Davis and Elizabeth Neely in the department as well as Terry Kem and Pat Clancy, who volunteered in the program. Mr. Davis handed out biofacts to the Council. Ms. Scrivens said the Education Plan had been in the works for 15 years. She gave a short history of the program and then talked about their educational philosophy. She gave a power point presentation concerning these issues (a copy of which is included in the meeting record). She talked about the past approach to environmental education and key concepts of the program. She noted a comment by one of the volunteers "he

had a four year degree in Forestry but never really saw the forest until he went through the Environmental Education program at Metro”. Ms. Scrivens gave a demonstration of sensory awareness. She then talked about their mission. She talked about the components of program such as the fine art of questioning, problem solving, resource management, and visitor safety. She spoke about helping a citizen develop his yard with non-native plants. She detailed some of the types of the program such as Nature University and school field trips. This program wouldn’t happen without the Volunteer Naturalists. She noted the outreach efforts and how many individuals had been touched.

She then talked about the education plan future vision. She talked about capacity. The current full service program was one of the fastest growing programs in the region. She talked about reaching more people and the unmet demand.

Terry Kem, Volunteer Naturalist with Metro, said he was also a volunteer with other organizations. He did these things because he had a passion for education. He spoke to the team that was at Metro. He felt the staff’s cumulative experience was unprecedented, unmatched. He felt this was a very special program. Second, he thought the Nature University really stood out. There was no other organization that had such a program. They were teaching teacher to teach and mentor. He felt Metro had a real gift.

Pat Clancy, Volunteer Naturalist, talked about the advantages of volunteering. He said the program that Metro offered was very unique. It reached more broadly than any other program in the region. It involved both children and adults. He spoke to the talented staff and their efforts to connect volunteers to their community and to nature. Metro played a unique and important role in connecting people to their region and to nature.

Council President Bragdon talked about a meeting at Smith and Bybee Lakes. He talked about the positive comments he had heard at the meeting. He noted the high quality interaction of staff to citizens. Councilor McLain talked about touring some of the sites. She said, as a teacher, getting people excited about specific information was important. The education was connected to the sites we had purchased.

4. CONSENT AGENDA

4.1 Consideration of minutes of the January 29, 2004 Regular Council Meetings.

4.2 **Resolution No. 04-3416**, For the Purpose of naming the Oregon Convention Center Operations Department Employee Break Room the “Richard Chambers Break Room”.

Motion:

Councilor Monroe moved to adopt the meeting minutes of the January 29, 2004, Regular Metro Council.

Vote:

Councilors Burkholder, Newman, McLain, Monroe, Park, Hosticka, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Councilor McLain asked Mark Williams, General Manager of MERC, to explain the resolution as well as any upcoming naming rights. Mr. Williams talked about the name of the break room and Mr. Chambers’ contribution to the MERC family. He talked about the naming rights and the Council’s right to approve these naming rights. They did not currently have any other naming rights to bring forward to Council.

5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 04-1032**, For the Purpose of Amending the FY 2003-04 Budget and Appropriations Schedule by Transferring \$70,000 from Capital Outlay to Personal Services in the Convention Center Project Capital Fund; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1032 to Council.

6. RESOLUTIONS

6.1 **Resolution No. 04-3414**, For the Purpose of Authorizing the Chief Operating Officer to Issue a non-system license to Epson Portland, Inc. for Delivery of Putrescible Solid Waste to the Covanta Waste-to-Energy Facility.

Motion:	Councilor McLain moved to adopt Resolution No. 04-3414.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain spoke to the resolution. Metro was trying to encourage a higher level of recovery. She said the company had been doing a very good job with higher-level recovery. Epson had sought to send materials to recovery rather than landfill them. The waste was going to energy recovery. She urged support.

Vote:

Councilors Park, Hosticka, Newman Burkholder, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7. CONTRACT REVIEW BOARD

7.1 **Resolution No. 04-3412**, For the Purpose of Authorizing an Exemption From Competitive Bidding Requirements and Authorizing Issuance of RFP #04-1091-SWR For the Operation of the Metro South and/or Metro Central Transfer Stations.

Councilor Park indicated that the resolution had already been moved at a previous Council meeting.

Council President Bragdon opened a public hearing.

Michael Dewey, representing Waste Management, 1249 Commercial St NE, Salem, OR 97302 urged Council accept the staff report that the transfer stations go to bid. They felt it was time to go out to the market place. He talked about the City of Bellevue and that they went out for bid. He said they were able to get lower rates. They felt it was time for Metro to go out to bid as well. He talked about the past proposal and the proposed Release For Proposal (RFP) to increase cost effectiveness and higher level of material recovery. He spoke to Councilor Hosticka's motion to negotiate with the current provider. Waste Management would like to see if they could beat that bid. They didn't think that extending the contract was in the public's interest. He talked about the staff report and the reason that staff was recommending the RFP. He noted the three reasons to go out for the RFP (included in the staff report).

Council President Bragdon closed a public hearing. He noted that the RFP had been circulated to many companies for review and comment.

Motion:	Councilor Hosticka moved to substitute Resolution No. 04-3412A, For the Purpose of Directing the Metro Chief Operating Officer to Negotiate an Extension of the Metro Transfer Station Operations Contract.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka said this substitution directed the Chief Operating Officer to talk to the current contractor about extending the contract within the next three weeks and to report back. He said they were currently working on developing strategic plan.

Councilor Burkholder asked Mike Hoglund when BFI came to the department to request an extension. Mr. Hoglund, Solid Waste and Recycling Director, said they had been approached in November 2003. Council President Bragdon said they had talked with BFI on December 10th. They provided a document requesting an extension at that time. Councilor Burkholder said because of the scale of the contract, he felt that a contractor should have asked earlier for an extension. He felt that this put Council under pressure and in a bind. He talked about the tight timeframe. He felt they were being asked to do something at the last minute for a very complex issue.

Councilor Monroe said they were looking at a three week delay to see if we could negotiate a better deal, he asked, would that three week be harmful to the department? Mr. Hoglund responded that by February 26th, they would know what would be the financial requirements and other aspects of the contract. At that time the decision could be made by the Council to see if this was a good deal. It did compress the time for the proposal if they went for the RFP. He reminded that the current contract expired on October 1, 2004. Councilor Monroe said with all of the uncertainties he felt that giving the three-week opportunity to talk to the current contractor was a good idea. If it looked like it would be in the public interest, he was inclined to give that opportunity as long as it didn't hamstring the department.

Councilor McLain said there had already been one extension. She asked about the process to extend the contract previously. Jim Watkins, Solid Waste and Recycling Department, said the last time there were some issues with regard to tonnage flow. They had presented the situation to the Council, the Council decided that it would be in the best interest of Metro to extend the contract. Councilor McLain asked about the tonnage issues and did it have to do with the integration. Mr. Watkins responded to her question. Council President Bragdon talked about the uncertainty of the tonnage through those transfer stations. Mr. Burton had recommended extending the contract. He asked if by extending it two years ago whether we were better off? Mr. Watkins said there weren't a lot of places to compare this contract to but they did have a good rate. Council President Bragdon said he felt competition was a good thing. He would be opposing the motion. He wasn't sure that the extension was in the best interest of the public.

Councilor Park asked what happened if we missed the September 30, 2004 deadline? Mr. Hoglund said they would extend the current contract long enough to get a new operator up and running. Councilor Park asked why hadn't they requested an extension earlier? Ray Phelps, representing Allied and Browning Ferris responded that staff of Solid Waste Department had been aware of their request to extend the contract long before November of last year. There had been difficulty because of Metro's new management structure. In addition to that, with regard to who bears the cost for a short-term extension, the cost would be no different if they continued the contract for a short period of time. Councilor Burkholder agreed with Council President Bragdon about this motion. He felt this substitute resolution pre-judged the outcome of the resolution.

Councilor Hosticka talked about the “whereas clauses” concerning public interest. The other issue was a history of what brought us here. He felt three weeks was enough time to get the major elements of an agreement drafted and to the Council. The only way they knew if an extension was in the better interest of the public was to see what BFI proposed. He felt it was good idea.

Vote to substitute:

Councilors Park, Hosticka, McLain, and Monroe vote aye. Councilor Newman, Burkholder and Council President Bragdon voted no. The vote was 4 aye/ 3 nay. The motion passed.
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Councilor McLain explained her vote. Councilor Burkholder said he would like to see negotiation between staff and the current contractor. He encouraged negotiating hard. He felt we might be missing an opportunity to not put it out t6o bid. He hoped that if they didn’t have the best deal, that they would recommend an RFP. Councilor Park said he also felt that extension of the contract must be better than the RFP. Competitive mode was the best. Council President Bragdon said he would be voting no, he couldn’t see the extension was in the best interest. He felt competition was the best process. Councilor Hosticka closed by saying that this process would result in a good contract one way or another so he felt comfortable moving ahead at this point.

Vote:

Councilors Park, Hosticka, McLain, and Monroe vote aye. Councilor Newman, Burkholder and Council President Bragdon voted no. The vote was 4 aye/ 3 nay. The motion passed.
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Council President Bragdon said Council would hear back from the Solid Waste and Recycling Department on February 26, 2004. He also suggested a briefing at the Work Session prior to that Council meeting.

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, updated the Council about our cemetery operations. He had asked all of the contacts to come through his office. They were preparing a standardized written response. He was confident that the issue could be resolved.

9. COUNCILOR COMMUNICATION

Councilor Burkholder said he had also met with a few of the interest parties and felt there would be resolution that pleased both sides. He reported on a meeting he attended on Monday of the Governor’s Task Force on global warming and carbon dioxide reduction. He had shared some of this information with the rest of the Council. He needed someone to represent him on May 12th. Councilor McLain said she was interested in doing this. He gave some suggestions as to how we could reduce carbon dioxide.

Councilor Monroe reported on the Oregon Zoo Foundation Board meeting. They had dramatically increased Zoo membership levels. They had requested a presentation to the full Council about what they were accomplishing.

Council President Bragdon talked about the Lone Fir Cemetery issue. He talked about the possibility of a gift and cautioned that there may be liability issues.

Councilor Park talked about the Joint Policy Advisory Committee on Transportation (JPACT) summit last Monday. He noted Mr. Jordan’s facilitation. There was a desire for an additional meeting concerning issues that were raised concerning funding and the unintended consequences

on growth. He felt the discussion was fruitful. There were a lot of ideas fostered. Councilor Monroe said there was considerable discussion about the importance of our transportation system to the economic revitalization of this region. It was critical that we had a viable multi-faceted transportation system if this economy was going to recover and continue to prosper. Mr. Jordan added that there was an incredible desire to raise their sights to a higher-level policy discussion and discuss long-term policy in transportation.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:17 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 5, 2004

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	January 29, 2004	Metro Council Meeting Minutes of January 29, 2004	020504c-01
3	Education Plan	No date	To: Metro Council From: Deb Scrivens, Regional Parks and Greenspaces Department Re: Metro Parks and Greenspaces Education Plan	020504c-02
3	Script	2/5/04	To: Metro Council From: Deb Scrivens, Regional Parks and Greenspaces Department Re: Script for Environmental Education Parks Program presentation	020504c-03
7.1	Resolution No. 04-3412A	2/5/04	To: Metro Council From: Councilor Hosticka Re: Resolution No. 04-3412A, For the Purpose of Directing the COO to Negotiate an Extension of the Metro Transfer Station Operations Contract	020504c-04