

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 2, 2004
Metro Council Chamber

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

Councilors Absent: Susan McLain (excused), David Bragdon (excused), Rex Burkholder (excused)

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Les Poole, 15115 SE Lee, Milwaukie, OR 97267 commented on Measure 37. Metro had been caught in the middle of preserving the quality of life. He spoke to an article in today's paper on some of the ideas that local jurisdictions were coming up. He suggested Metro provide some help and guidance on this measure. He also said they were hearing a lot about the habitat overlay zones and dismantling some of the land use laws. He made suggestions on using the overlay zones to consider compensation. He felt Metro's work was valued in the region.

3. SALMON FESTIVAL PRESENTATION

Jim Desmond, Regional Parks and Greenspaces, said they were here today to talk about the 21st Salmon Festival in October 2004. He gave a history of the event, which Metro had hosted for 11 years. Cathy Sherick, Event Coordinator for the Salmon Festival, said they considered the Salmon Festival to be a cornerstone event that fully encapsulates the Metro Regional Parks and Greenspaces mission. By providing the community with a great event to showcase the ideals of a sustainable future they were making a difference. In Parks they did this everyday through protection of greenspaces, acquisition and habitat restoration, environmental education and volunteer services programs. They did this all year – but the festival was the best opportunity to reach a very large audience – this year over 6000 people – an opportunity where they knew they could inspire our community to create a better future for wildlife and people.

She noted the region's watershed map that they used at the Salmon Festival in the Welcome Center this year, and as Councilor Newman knew, they had visitors mark their watershed with a dot, yellow was Saturday and the orange was Sunday. She said as you could see the festival's guests came from throughout the region. Many of them were first time visitors, over 60 percent, according to the visitor survey. She thought they could safely say that this type of activity helped us illustrate our common connection to the watersheds and how the system was regionally integrated, showing how normal ecological processes were interconnected throughout the region. As the host of the festival Metro had had wonderful opportunity to share with our partners and sponsors of many years, the U.S. Forest Service, The Bureau of Land Management, the Portland Water Bureau, Portland General Electric, Columbia Sportswear, Portland Family Magazine, and the Columbia River Inter-Tribal fish commission, an integrated message – taking a holistic approach to the health of the region. Without their support this festival would not be possible.

The main tent at the festival included 40 separate organizations providing information and activities. Each booth helped people to understand and to integrate a theme of ecology and sustainability with their lifestyle, their local economy and their community. All of these great contributions made the components of the festival come alive.

She said, as you can see the Salmon Festival was one of those community experiences where you find those vibrant moments. Oxbow Regional Park really was a tremendously accessible and physically distinct place in our region. A great place to play and learn. The festival showcased this by being a family event that engaged everyone and encouraged them to be involved - understanding that we share management of these very precious resources. At the festival they integrated this learning in two ways: through opportunities to volunteer, they had over 442 volunteer hours donated to the festival, and in some cases they had volunteers who were a part of the festival returning every year, exemplifying the action of stewardship and The School of Fish, a riverside classroom where children, had the chance to sit in a life sized Redd (or salmon nest), dissect real fish and climb on a watershed model of Mt Hood – among other activities. She noted the teacher in the red vest was also a volunteer.

The Festival field guide was another way that they tried to integrate learning and fun. There was lots of information about the festival, helping people to get around the park - but they also included some specific questions about watersheds and Salmon. This was one of the ways that they included the partners in the event and insured that guests had a variety of information. The Salmon Festival also made diverse cultural and artistic opportunities available to guests. They had music each day on the main stage and many talented artisans from throughout the region included in the festival. The cultural component of the festival was part of the northwest regional appreciation for the environment and the very iconic role that salmon played in it. This came out of the very rich indigenous cultures of the Native American tribes – As part of this, the Warm Springs dancers had shared their drumming and dancing traditions to close our festival each year.

Metro's partnering agency, the Columbia River Intertribal Fish Commission, and their member tribal communities – the Umatilla, the NezPerce, the Warm Springs and Yakama had been a part of the festival the prior two years with the establishment of the Wy-Kun-Ush-Pum Village, located in a beautiful cedar glen at Oxbow. Wy-Kun-Ush-Pum meant Salmon People and their participation had been a particularly generous gift to our community. Ms. Sherick closed by saying the visitor survey this year asked what the key messages that people took away from the festival. The number one answer was, “ The whole community must work together to protect salmon and healthy watersheds”.

Deputy Council President Newman talked about his experience in volunteering for the festival this year. He remarked on how kid friendly the festival was this year. Councilor Burkholder asked when the date was for the next festival. Ms. Sherick said it was the second weekend in October 2005.

4. CONSENT AGENDA

4.1 Consideration of minutes of the November 18, 2004 Regular Council Meetings.

4.2 **Resolution No. 04-3508**, For the Purpose of Confirming the Appointment of Paul Edwards to the Regional Solid Waste Advisory Committee (SWAC).

- 4.3 **Resolution No. 04-3516**, For the Purpose of Appointing Citizen Members to The Transportation Policy Alternatives Committee and the Regional Travel Options Subcommittee in December 2004.

Motion:

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| Councilor Hosticka moved to adopt the meeting minutes of the November 18, 2004 Regular Metro Council and Resolution No. 04-3508. |
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Vote:

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| Councilors Monroe, Park, Burkholder, Hosticka and Deputy Council President Newman voted in support of the motion. The vote was 5 aye, the motion passed. |
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5. ORDINANCES – FIRST READING

- 5.1 **Ordinance No. 04-1066**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule Transferring \$62,280 from the General Fund Contingency to the Zoo Operating Fund Materials and Services for Completion of Capital Maintenance Projects; and Declaring an Emergency.

Deputy Council President Newman assigned Ordinance No. 04-1066 to Council.

- 5.2 **Ordinance No. 04-1067**, For the Purpose of Amending the FY 2004-05 Budget And Appropriations Schedule for the purpose of transferring \$92,902 from Contingency to Personal Services in the Planning Fund to Add 1.0 FTE Regional Planning Director (Program Director II); and Declaring an Emergency.

Deputy Council President Newman assigned Ordinance No. 04-1067 to Council.

- 5.3 **Ordinance No. 04-1068**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule, Recognizing \$200,000 in Grant Funds and Increasing Capital Outlay in the Zoo Operating Fund, Amending the FY 2004-05 Through FY 2008-09 Capital Improvement Plan for Completion of Storm Water Handling Projects; and Declaring an Emergency.

Deputy Council President Newman assigned Ordinance No. 04-1068 to Council.

6. ORDINANCES – SECOND READING

- 6.1 **Ordinance No. 04-1063**, For the Purpose of Denying a Solid Waste Franchise Park Application of Columbia Environmental, LLC to Operate a Local Transfer Station.

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| Motion: | Councilor Park moved to adopt Ordinance No. 04-1063. |
| Seconded: | Councilor Burkholder seconded the motion |

Mike Hoglund, Solid Waste and Recycling Director, summarized the staff report to the ordinance. He provided a power point presentation on the issue (a copy of which is included in the meeting record). He noted the evaluation approach to the recommendation. He completed his analysis summary by talking about competition including vertical integration, services and prices. He also talked about costs to the ratepayers including Metro transfer stations, private transfer station and

Columbia Environmental. They had scored this application as “did not meet the criteria”. He provided his conclusions for the recommendation. They recommended denial of the application. He spoke to Council considerations. The final Council action was scheduled for December 16, 2004. The Council could allow as much as a 60 day extension. The review period would normally end on January 8, 2005.

Councilor Park asked about vehicle miles traveled (VMT) versus time. He talked about the history of VMTs. He also noted the eastside waste shed. He suggested a map on the VMT to look at the criteria. Mr. Hoglund said in the application there was a proposed service area. The tonnage was roughly half. They had prepared a map similar to the travel time that showed distances. Councilor Park said those maps had been prepared but were not included in the presentation. He would like to see them again. Mr. Hoglund asked what kind of analysis Councilor Park would like to see. Councilor Park said the current service areas were based upon distance not time.

Councilor Burkholder said the applicant was asking for 92,000 tons. Would all of the tonnage come from Metro transfer stations? Mr. Hoglund said most of the tonnage would come from Metro facilities both Central and South. Councilor Burkholder talked about assumptions concerning increased costs. Mr. Hoglund responded that what happened was the Cities of Gresham and Portland would set the rate. Both cities would take into account certain costs in the rate model and there were other costs that they didn't take into account. For example, the tip fee was accounted for. Conversely some of the savings were limited to transportation and labor. Councilor Burkholder noted that he had to leave but would receive a copy of the testifier's testimony. Councilor Monroe asked about efficiency of our transfer stations. Mr. Hoglund responded that more tonnage did go through Metro South than Metro Central. Councilor Monroe suggested shoring up tonnage at Metro Central by putting a cap on Forest Grove Transfer Station.

Bryan Engleson, Columbia Environmental, 14041-A NE Sandy Blvd., Portland OR introduced his team. He provided a power point presentation on Columbia Environmental (a copy of which is included in the record). He spoke to their overall intent, purpose, and benefits of a local company. He shared a site plan of the facility. He noted the site operations including dry waste. He talked about cost analysis: hauler savings, customer savings, Metro fiscal impact, and system savings. He provided a slide on Metro Regional Recovery. Ben Schonberger summarized his letter (which was included in the meeting record). He spoke to incentives for recovery and Metro's regional goals. He also noted innovations to increase the recovery rate and the reduction of travel time. Second, this proposal was a response to consolidation in the waste stream. Third, this proposal improved accessibility. He noted benefits to the citizens of the region. They were not disputing the capacity issue or that it would take tonnage away from the Metro facilities. He expressed specific concerns about the staff report and summarized his conclusions included in his letter. Steve Engle, DBA Waste Matters Consultant, said the analysis of the time savings undercounted Columbia Environmental because it looked only at wet waste load considered to be delivered to Metro facilities. The dry waste mostly went to Metro facilities. He talked about the reshipping that Columbia Environmental did not have to do. All of the tonnage was counted toward Metro in terms of lost revenue in the staff report. He wasn't sure this was true. He talked about time waiting at the facilities. The ability for these companies to continue to deliver service and compete was very much what this was about. Finally, he emphasized that Metro Council shouldn't assume that everyone was going to raise their prices just because Metro had to. Mr. Engleson concluded with accessibility issues.

Deputy Council President Newman opened a public hearing on Ordinance No. 04-1063.

Mike Miller, Gresham Sanitary Service President, 2131 NW Birdsdale, Gresham, OR 97030 said he wouldn't belabor the points made about the facility. It seemed to him that this decision was whether or not the Council was going to approve this facility and the viability for the haulers. This facility would recover waste. There was no advantage to land filling. The point was that this was a locally owned company. Their heart and sole was here in the community. Future decisions may be easier if Council chose not to allow this facility, as they may not be in existence.

Richard Cereghinu, Argay Disposal Service, 14814 SE Oatfield Rd Milwaukie OR 97267 said environmental laws and recycling goals had changed they way they did business. He talked about collection costs and the benefits to the small haulers.

Bruce Walker, City of Portland , 721 NW 9th Rm 350 Portland OR 97215 said he wanted to set straight some of the issues that Mr. Hogle referred to as well as Councilor Burkholder asked about. He talked about costs and savings. He could assure Council that City of Portland would capture the savings if there were savings that were realized by these firms. They did a thorough job to bring the best deal to their city council. Councilor Park asked if he was in favor or against this proposal. Mr. Walker said they had not done a thorough analysis. He said his city council would look at working effectively with smaller businesses and existing haulers.

David McMahon, Cloudburst Recycling, PO Box 12106 Portland OR 97212 said the decision to grant the license to Columbia Environmental benefited the small hauler on both price and service. He talked about the current competitive market and the un-level playing field. Metro's policy on two counts was driving tons out of Metro's system to private transfer stations. In order to remain competitive they wanted to divert as much waste as possible. He talked about the fact that haulers would go to private facilities if this application was not granted.

Michela McMahon, Cloudburst Recycling, PO Box 12106 Portland OR 97212 did not testify.

Deputy Council President Newman closed the public hearing. He announced that this ordinance would be held over until December 16, 2004 for final consideration. He said this would be the time to ask for any new information that the Council would like.

Councilor Park asked Mr. Hogle what Metro Transfer Stations and private transfer stations were charging for the tip fee? Mr. Hogle referred to a memo, which listed the posted tip fees. Councilor Monroe commented that this was troubling to him. He had been watching the system for many years. It was important that they had a level playing field and allowed local companies to operate. He spoke to the Forest Grove Transfer Station and that they took waste away from Metro Central. He suggested making a cap on Forest Grove to increase Metro Central tonnage to allow for another transfer station. He asked Dan Cooper, Metro Attorney, if this Council had the authority to postpone action on this application to make adjustments to facility support for this application. Mr. Cooper said the Code allowed extension of the application for 60 days. Councilor Newman asked about when Metro received bids and the financial penalties if they didn't honor the bids. Was there a recovery amount required for private facilities? Mr. Hogle explained Columbia Environmental's recovery rates.

Councilor Hosticka asked Mr. Hogle if we had information about the ownership of this company? How did this company represent the local haulers? Mr. Hogle said it was part of the application. Councilor Park asked about wet waste in the regional system credit program. Mr. Hogle said they estimated 16,000 tons would be wet waste. Councilor Park talked about the credit program and if the Code addressed wet waste recovered. Mr. Hogle said it was not part of the Code.

- 6.2 **Ordinance No. 04-1064**, For the Purpose of Amending the FY 2004-05 Budget an Appropriations Schedule Recognizing the Transfer of \$504,000 from Metro’s General Fund Tourism Opportunity and Competitiveness Account to MERC Pooled Capital Fund, Capital Outlay and Transferring \$150,000 from MERC Pooled Capital Fund Contingency to MERC Pool Capital Fund, Capital Outlay; and Declaring An Emergency.

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| Motion: | Councilor Park moved to adopt Ordinance No. 04-1064. |
| Seconded: | Councilor Newman seconded the motion |

Councilor Park said the purpose of this ordinance was to take the necessary budgetary action to implement the Metropolitan Exposition Recreation Commission’s (MERC’s) recommendation for use of the Metro General Fund Tourism and Opportunity Contingency Fund (MTOCA), as represented in Exhibit C of this ordinance. The MERC Commission recommended that these funds be used to obtain official green building (LEED) certification for the Oregon Convention Center. LEED certification would enhance the marketability of the convention center. The complete project was expected to cost \$1,378,000, broken down as follows: \$504,000 from MTOCA and \$150,000 from MERC pooled capital contingency (reimbursed by Business Energy Tax Credits) \$850,000 intra fund loan from Expo’s fund balance.

Deputy Council President Newman opened a public hearing on Ordinance No. 04-1064. No one testified. Deputy Council President Newman closed the public hearing.

Mr. Cooper reminded that this ordinance had an emergency clause so needed to have five votes.

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| Motion to postpone: | Councilor Monroe moved to postpone Ordinance No. 04-1064 until next week, December 9, 2004. |
| Seconded: | Councilor Hosticka seconded the motion |

Vote:

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| There was no objection to the postponement |
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7. RESOLUTIONS

- 7.1 **Resolution No. 04-3518**, For the purpose of authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement with the City of Portland Providing for Funding and Construction of Stormwater Improvements at the Oregon Zoo.

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| Motion: | Councilor Monroe moved to adopt Resolution No. 04-3518. |
| Seconded: | Councilor Park seconded the motion |

Councilor Monroe introduced the resolution by saying that Zoo staff had been working with the City of Portland Bureau of Environmental Services (BES) to identify innovative stormwater handling projects to be constructed at the Zoo. The projects would be entirely funded by a \$200,000 grant from the Environmental Protection Agency, with pass-through funds to BES. The projects selected include: installation of bioswales in part of the Washington Park parking, installation of a storm water treatment facility near the concert lawn, disconnecting downspouts on the viewing kiosks adjacent to the elephant front yard. And if funds permitted, projects in the Kongo Ranger Station and Sankuru Trader areas. No Metro funds would be expended to finance

costs of this Intergovernmental Agreement (IGA). The IGA provided that the Zoo would provide perpetual maintenance for the storm water handling facilities constructed with EPA grant funds. He urged support.

Vote:

Councilors Park, Hosticka, Monroe, and Deputy Council President Newman voted in support of the motion. The vote was 4 aye, the motion passed.

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 04-3511**, For the Purpose of Amending Contract No. 923895 With Ducks Unlimited for the Water Control Structure at Smith and Bybee Lakes Wildlife Area.

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| Motion: | Councilor Hosticka moved to adopt Resolution No. 04-3511. |
| Seconded: | Councilor Monroe seconded the motion |

Councilor Hosticka said this authorized additional funds for a water control structure at Smith and Bybee Lakes. He explained what the contract would do and urged support of amending the contract.

Vote:

Councilors Park, Hosticka, Monroe, and Deputy Council President Newman voted in support of the motion. The vote was 4 aye, the motion passed.

9. CHIEF OPERATING OFFICER COMMUNICATION

There was none.

10. COUNCILOR COMMUNICATION

Councilor Park said two weeks from today we would have the opportunity to greet the new city council for Damascus. The Damascus City Council would have their first meeting December 6th.

Mr. Cooper said 12:12p.m. Metro received a fax from Dorothy English transmitting a claim for Measure 37. The property was outside the Metro jurisdictional boundary. No other claims had been received.

11. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Newman adjourned the meeting at 3:56 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 2,
2004

| Item | Topic | Doc Date | Document Description | Doc. Number |
|------|--------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 6.1 | Letter | 12/2/04 | To: Metro Council From: Anthony Motschenbacher, 117 SW Taylor St Suite 200 Portland OR 97204 Re: Columbia Environmental LLC's response to staff report in consideration of Ordinance No. 04-1063. | 120204c-01 |
| 6.1 | Letter | 12/2/04 | To: Metro Council From: Ben Schonberger, Winter Brook Re: Columbia Environmental application | 120204c-02 |
| 6.1 | Letter | 11/29/04 | To: Jay McCuiston Oregon Recycling Systems From Eric Winkler, Bulk Handling Systems Re: recovery rates for material recovery facilities (Ordinance No. 04-1063) | 120204c-03 |
| 6.1 | Letter | 12/2/04 | To: Metro Council From: Dave White, Chair Try-County Council Re: Ordinance No. 04-1063 Columbia Environmental Transfer Station Application | 120204c-04 |
| 6.1 | Power Point Presentation | 12/2/04 | To: Metro Council From: Mike Hogle, Solid Waste and Recycling Director Re: Columbia Environmental Local Transfer Station Application, Ordinance No. 04-1063, Power Point Presentation | 120204c-05 |
| 6.1 | Power Point Presentation | 12/2/04 | To: Metro Council From: Bryan Engleson, Columbia Environmental Re: Columbia Environmental LLC Waste and Recovery Station Power Point Presentation | 120204c-06 |