

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 21, 2005  
Metro Council Chamber

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

Councilors Absent:

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

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. CONSENT AGENDA

#### 3.1 Consideration of minutes of the July 14, 2005 Regular Council Meetings.

Motion:

Councilor Burkholder moved to adopt the meeting minutes of the July 14, 2005 Regular Metro Council.

Vote:

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

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

Council President Bragdon noted that this ordinance was already on the table.

Mike Hogle, Solid Waste and Recycling Director, provided a history of the application. He detailed the project. He said the key issue was that the tonnage would come from the Metro transfer station. He noted that there was innovation on recovery and the potential to litigate some of the franchise fee. Columbia Environmental had upped their proposal from \$2 per ton to \$3 per ton. It would also provide diversity in system. He summarized the staff report. The Council had been weighing several considerations. They had been working on the issue of how might the ratepayer be made whole. He noted a memo to Council concerning status/schedule/potential council action and conditions (a copy of the memo is included in the meeting record). They were willing to hold this application over until October 1, 2005. If this were the case, there would be a new ordinance outlining the approval of the application with specific conditions. Council President Bragdon suggested continuing this ordinance until August 18, 2005 when a new ordinance would be first read. He said second read would be considered on September 29, 2005. Councilor Park asked what the odds were of having it ready by August 18, 2005. Mr. Hogle responded to his question. He felt that the odds were better that they would be prepared by

September 8, 2005. Council President Bragdon announced the existing ordinance would be carried over.

Mr. Hoglund reviewed what the Solid Waste department had been looking at over the last several weeks (options were included in the memo previously referred to in the record). Councilors asked questions about the options proposed. Mr. Hoglund responded to their question. Councilor Liberty talked about no effect on the ratepayer, increased tonnage as well as the retirement of the bonds in 2009. Mr. Hoglund said they would see a reduction in the rate when the bonds were retired. The tonnage growth wouldn't stabilize the tip fee. Councilor Liberty asked what was the growth in wet waste tonnage? Mr. Hoglund responded to his question. Councilor McLain talked about the tonnage and recycling increases. She suggested the Council reflect on the whole system. She asked Mr. Hoglund to explain the impacts on additional tonnage. Mr. Hoglund said as tonnage increased so did cost. Mr. Hoglund said they were looking for guidance on what sort of price did they expect from Columbia Environmental. Council President Bragdon said he didn't think he was going to get a consensus view. Mr. Hoglund reviewed other council actions concerning the moratorium as well as a separate resolution concerning Columbia Environmental's wet waste. Councilor Newman asked if the 'per ton' charge of \$2 would be temporary, was that still true? Mr. Hoglund that condition would be for the life of the license, five years. He continued to review potential franchise conditions for Columbia Environmental.

Council President Bragdon said they would bring these options to Council, he announced that this ordinance would be continued until September 8, 2005.

## 5. RESOLUTIONS

5.1 **Resolution No. 05-3561**, For the Purpose of Authorizing Entry Into a Memorandum of Understanding With Portland State University, Branford P. Millar Library for Participation in the Oregon Sustainable Digital Library Collection (OSDLC).

Motion:	Councilor McLain moved to adopt Resolution No. 05-3561.
Seconded:	Councilor Liberty seconded the motion

Councilor McLain introduced Becky Shoemaker, Metro Records Officer. She spoke to the project and goals in the Memorandum of Understanding. She noted how many utilized this information. This was a wonderful opportunity for researchers and the general public. Ms. Shoemaker introduced five individuals from Portland State University and Mark Bosworth, Data Resource Center. Right now they had already digitized three cubic feet of Joint Policy Advisory Committee on Transportation (JPACT) records. This project was not serving the public but our own administrative needs to preserve our own history. Mr. Bosworth spoke to value of this data through time.

Councilor Liberty asked if this meant that we disposed of the original paper records. Ms. Shoemaker said no, she explained the digitization process for both PSU and Metro. Councilor Liberty asked about the policy of transferring records over time. Was there a plan for transferring records generally? Ms. Shoemaker responded to his question. Councilor Burkholder asked about gray literature. Ms. Shoemaker said that was publications that Metro had created. She provided examples such as Greenscene. She noted other contributors to the project. Councilor Burkholder shared a story when he first became a councilor. He talked about the history of JPACT. He said there was a real value in this project. Ms. Shoemaker said they had funding for two years and would continue to search for more money to keep the project sustainable. Councilor McLain said this was a good start to keeping track of public policy.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.2 **Resolution No. 05-3596**, For the Purpose of Authorizing the release of the call for grant applications for the Organic Waste Composting Capital Improvements Matching Grant program and authorize release of grant funds to qualifying applicants.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3596.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain introduced the resolution. She spoke to the history of the organic waste compost program. There had been over 800 tons per month that had been processed. This was a product that people were embracing. She talked about the need for capital improvements. She noted the purpose of the grants. She reviewed expenses that would be covered by these grants. The applicants would be required to provide 25% of the funds either monetary or in kind. Councilor Burkholder asked about the issue of putting disposal bins on sidewalks. He asked about what kind of work was being done at the City in terms of sidewalk disposal bins. Ms. Judy Crockett, City of Portland, said she would be heading up a small task force to look at the issue of containers on sidewalks. She was strongly supportive of providing grant funds to help with these issues.

Councilor Newman asked Lee Barrett, Solid Waste and Recycling Department about the \$500,000 authorized for a processor. Cedar Grove was selected. Were these the same dollar authorized two years ago? Mr. Barrett said they were the same dollars. Councilor Newman asked about the other \$250,000? Mr. Barrett said it was still there. Councilor Newman asked who could apply for the grant. Mr. Barrett said they were trying to open the program to those who were involved in organics including haulers. The grant was for any entities that would need help in their organics program. Councilor Newman asked about the loading docks. Jennifer Erickson, Solid Waste and Recycling Department, responded to his question and provided examples. Councilor Newman asked who served on the committee? Ms. Erickson said they hadn't put the committee together yet but provided some details of committee composition. Councilor Liberty asked about other grants. Ms. Erickson said they might bring additional requests later in the year or next year. Councilor Park talked about the possible need for funds for other participants if the need arose. Ms. Erickson talked about the intent of the program. Councilor McLain talked about the success of fork it over program last year and the success of this program this year.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.3 **Resolution No. 05-3598**, For the Purpose of Authorizing a limited tax pension bond, series 2005 to satisfy Metro's Unfunded Public Employee Retirement System Actuarial Liability.

Motion:	Councilor Hosticka moved to adopt Resolution No. 05-3598.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka explained the resolution. It authorized staff to proceed with preparing a bond. He said the estimate of the bond was about \$23 million. He talked about the unfunded liability and what could be done. He spoke to what PERS was currently doing and what Metro could do to counter the liability. He felt this was a good idea. He urged support. He also noted what this resolution was not doing which was addressing a reserve account. Councilor Liberty said he was unclear why our PERS rate was 8%. Bill Stringer, Chief Financial Officer, responded that 8% was established by PERS. He explained how PERS came up with the 8%. Councilor Burkholder asked Mr. Stringer about protection from PERS. Mr. Stringer said Metro was protected and explained further how our liability was kept separate. Dan Cooper, Metro Attorney, explained the pooled bond issue. This clause made it clear in entering into the pool we were not liable to pay any other member's liability in the pool. Councilor Liberty said they still had to have a conversation about the \$5 million in reserve. Mr. Stringer said they were scheduled to have that conversation with Council on July 28, 2005. Kathy Rutkowski, Budget Coordinator, explained the timing issues and the legal limitations.

Vote:

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

**6. CONTRACT REVIEW BOARD**

6.1 **Resolution No. 05-3601**, Authorizing Issuance of Request for Proposals 06-1154, SWR for Competitive Sealed Proposals to Provide Consulting Services Regarding Disposal System Planning for Alternative Service Delivery.

Motion:	Councilor Park moved to adopt Resolution No. 05-3601A.
Seconded:	Councilor McLain seconded the motion

Councilor Park said Metro was in the process of updating the Regional Solid Waste Management Plan (RSWMP), which expired in 2005. A key issue in the RSWMP was ensuring that adequate public services were provided through the regional solid waste system and disposal system-planning (DSP) rose out of this issue. The main purpose of the DSP project was to determine whether public services in the region were provided in the most efficient and effective manner possible. Metro sought to understand where the system could be improved, and determine Metro's role as both a participant and regulator in the system. The council agreed on the disposal system planning work plan, which included an analysis of alternative transfer station system models, and a determination of the value of the public transfer facilities. The work plan envisioned the use of two consultants conducting the analysis. One consultant would be responsible for creating the analytical framework that would be used together with evaluation criteria and background information to conduct the alternatives analysis (the System Consultant). A second consultant would be used to determine the value of the transfer stations (Valuation Consultant). The system consultant would be the lead for developing the alternative analysis, while the valuation consultant would provide the range of values to be used in the analysis. The requests for proposals for the System Consultant were attached. The scope of work anticipated the analysis would be conducted over a period of up to six months and provide the Council and interested stakeholders with sufficient information for a decision on whether to proceed with divestiture of the two public transfer stations or consider any other transfer station system modifications. Metro would develop an Outreach and Communication Plan. This plan would ensure that the interests of stakeholders were incorporated into the analysis. The plan would identify the roles and responsibilities of Metro Policy Advisory Committee (MPAC), Solid Waste Advisory Committee (SWAC) and other key stakeholders. The plan would address the interaction

between Metro and key stakeholders. He noted budget impacts were between \$75,000 and \$100,000. Councilor Hosticka asked what the difference was between the original version and the “A” version. Councilor Park said the outreach portion was spelled out more clearly and detailed some of the additional changes. Councilor Liberty asked for clarification on the changes. Councilor Park provided an overview of the materials before the Council. Mr. Hoglund added his comments about the concerns of the industry.

Motion:	Councilor McLain moved to amend Resolution No. 05-3601A with a change in the language “working with Metro staff, owners of private facilities and other stakeholders as appropriate”.
Seconded:	Councilor Park accepted this as a friendly amendment.

Council President Bragdon explained why he would be supporting the resolution. Councilor McLain explained her vote. Councilor Burkholder noted why he was voting in favor of the RFP. Councilor Liberty spoke to the resolution and his concerns. Councilor McLain concurred with Councilor Liberty’s comments. Councilor Park said this was an essential piece of the disposal system planning. He urged support.

Vote:	Councilors Park, Burkholder, Newman, McLain, and Council President Bragdon voted in support of the motion. The vote was 5 aye/ 2 nay, the motion passed with Councilors Hosticka and Liberty voting no.
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**7. OREGON LEGISLATIVE UPDATE**

There was nothing to report.

**8. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordon, COO, had nothing to report.

**9. COUNCILOR COMMUNICATION**

Councilor Burkholder said last night the Housing Choice Task Force met. He talked about the mechanism for looking at new ways to do their work. They had broken into smaller groups with specific tasks. They were looking at how they could become more effective. He felt the method had a lot of promise. They were getting some concrete ideas to help with the housing issues. They had taken the model from the Greenspaces Policy Advisory Committee.

Councilor McLain talked about the Metro Committee for Citizen Involvement work. They wanted to make a difference. They would like to have some definition from the Council on how they could make a difference. Second, she talked about Area 93 and her letter to the Council President and the Chief Operating Officer acknowledging that she was serious about this issue. She encouraged finding a resolution. She was hopeful to have this discussion no later than September. Councilor Burkholder suggested having a general conversation about all of the areas that weren’t being planned. He thought they should have a work session. Councilor McLain concurred with Councilor Burkholder’s comments. She said the letter was to get the ball rolling.

Councilor Park said Gresham was celebrating their 100-year birthday. There would be an ice cream social this Sunday.

Metro Council Meeting

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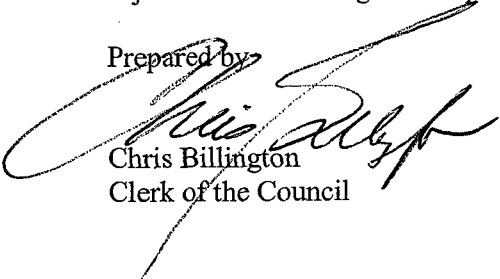
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Councilor Liberty met with the Home Builders to discuss transferable rights. He talked about their conversation. He felt people were interested.

**10. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:51 p.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 21, 2005**

<b>Item</b>	<b>Topic</b>	<b>Doc Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
3.1	Minutes	7/14/05	Metro Council Meeting Minutes of July 14, 2005	072105c-01
6.1	Summary and Version A	7/21/05	To: Metro Council From: Paul Ehinger, Solid Waste and Recycling Department Re: Resolution No. 05-3601A	072105c-02
4.1	Columbia Environmental Summary	7/21/05	To: Metro Council From: Mike Hoglund, SW&R Re: Columbia Environmental Status/Schedule/Potential Council Actions and Conditions	072105c-03
9	Letter	7/20/05	To Council President Bragdon From: Councilor McLain Re: Request to Begin Enforcement Proceedings	072105c-04