

MINUTES OF THE METRO COUNCIL

May 13, 1993

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Terry Moore, George Van Bergen and Ed Washington

Councilors Excused: Rod Monroe

Also Present: Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Presentation of Citi-Speak Survey Results

Merrie Waylett, Senior Management Analyst, and Noel Kline, Western Advocates, distributed results of the Citi-Speak survey and briefed the Council on same.

4. ORDINANCES, FIRST READINGS

4.1 Ordinance No. 93-496, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Recognizing New Grant Funds and Related Expenditures, and Transferring Appropriations Within the Recycling Information and Education Division and the Planning and Technical Services Division

The Clerk read the ordinance for a first time by title only.

Presiding Wyers announced Ordinance No. 93-496 had been referred to the Finance Committee for consideration.

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 93-497, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Zoo Operating Fund and Adding 0.05 FTE Assistant Catering Coordinator

The Clerk read the ordinance for a second time by title only

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Presiding Officer Wyers announced Ordinance No. 93-497 was first read on April 22, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 28, 1993, and referred it to the full Council for adoption.

Motion: Councilor Kvistad moved, seconded by Councilor Monroe, for adoption of Ordinance No. 93-497.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the ordinance would ensure that expenditures for FY 1992-93 did not exceed the Budget and Appropriations Schedule. He said additional expenditure authority was requested to: 1) Pay for the costs of two additional concerts to be held in June; and 2) To pay for FY 1991-92 advertising and promotional costs billed in FY 1992-93. Councilor Kvistad explained other necessary expenditures.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and Ordinance No. 93-497 was adopted.

6. NON-REFERRED RESOLUTIONS

6.1 Resolution No. 93-1786A, For the Purpose of Endorsing the Memorandum of Understanding on STP Funds and STP Replacement Funds

Motion to Suspend the Rules: Councilor Gates moved, seconded by Councilor Devlin, to suspend the Council's rules requiring resolutions be referred by committee so that the Council as a whole could consider Resolution No. 93-1786A.

Vote on Motion to Suspend the Rules: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and the motion passed.

Main Motion: Councilor Van Bergen moved, seconded by Councilor Hansen, moved to adopt Resolution No. 93-1786A.

Councilor Van Bergen explained the Council had previously adopted Resolution No. 93-1786. He said due to clerical error, an amendment made at the Joint Policy Advisory Committee on Transportation (JPACT) at its April 8 meeting was not forwarded to the Council. He said that the sixth Whereas clause of the resolution should have been amended as follows: "Whereas, This definition of Alternate Transportation Projects does not exclude such intermodal facilities [~~as may be desired by the Port of Portland and~~] that would otherwise be eligible for STP funding."

Vote on the Main Motion: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and Resolution No. 93-1786A was adopted.

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2. RESOLUTIONS

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item Nos. 7.1, 7.2 and 7.3.

7.1 Resolution No. 93-1798A. For a Sole Source Contract Not to Exceed \$200,000 with S.H. Putman Associates of Philadelphia to Significantly Enhance the DRAM/EMPAL Land Use Forecasting Model for Use in the Portland Metropolitan Area and to Carry Out an Investigation of Model Response and Stability when Integrated with the Metro Transportation Model

Motion: Councilor Moore moved, seconded by Councilor Devlin, adoption of Resolution No. 93-1798A.

Councilor Moore gave the Planning Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and Resolution No. 93-1798A was adopted.

7.2 Resolution No. 93-1799A. For a Sole Source Contract Not to Exceed \$10,000 with INRO Consultants of Montreal to Assist with the Linking of EEME/2 Transportation Forecasting Software with DRAM/EMPAL and to Consult on Issues of Linked Model Response and Stability

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1799A.

Councilor Devlin gave the Planning Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and Resolution No. 93-1799A was adopted.

7.3 Resolution No. 93-1793. For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Bids to Procure Hazardous Waste Disposal Services

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1793.

Councilor McLain gave the Solid Waste Committee's report and recommendations. The Council briefly discussed the resolution as it pertained to minority contracting requirements. Councilor McLain explained the nature of the work called for was specialized and very few vendors could perform the work. General Counsel Dan Cooper briefly discussed minority contracting requirements per the Metro Code.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Monroe was absent. The vote was unanimous and Resolution No. 93-1793 was adopted.

Presiding Officer Wyers adjourned the Metro Contract Review Board and reconvened the Metro Council.

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8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

8.1 Legislative Committee Report

The Council had Mr. Kline brief them on current sales tax legislation pending in the State Legislature.

Presiding Officer Wyers briefed the Council on the results of the Council Legislative Committee's deliberations on April 29, 1993.

The Council as a whole discussed what options the Tax Study Commission could develop and how state legislation could effect Metro's efforts to obtain stable fiscal support.

7. RESOLUTIONS (Continued)

7.4 Resolution No. 93-1783, For the Purpose of Establishing Metro Council Support for the Executive Officer to Execute Change Order No. 11 that Allows Trans Industries to Install a Fiber Based Fuel Processing Line

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1783.

Councilor McLain gave the Solid Waste Committee's report and recommendations. Councilor Gates asked if Metro could reach 42 percent in waste reduction with a fiber based fuel processing line. Jim Watkins, Engineering and Analysis Manager, said that was staff's goal. The Council and staff discussed the resolution further.

Presiding Officer Wyers opened a public hearing.

Rick Breuner and Rod Schmall, representatives for Smurfit Newsprint Corporation, 427 Main St., Oregon City, distributed written testimony and displayed a slide show on the benefits of a fiber based fuel processing line. They also distributed a position paper from the American Paper Institute, "Environmental, Health and Safety Principles" dated November 1, 1991.

The Council asked questions on ash content, plastics removal and sources of chloride.

Jeanne Roy, Recycling Advocates, said not enough paper was recycled because businesses did not have the same opportunities to recycle paper the way households did. She said paper should be separated at the source and hoped the Council would support a commercial paper recycling system. She said the content of mixed waste when it was burned was unknown. She said Metro needed to change its solid waste financing mechanisms so that recycling goals could be continued. She said once material was burned, it was gone, but said if the material was sorted, it could be reused again. She said Metro staff did not mention composting as an option, but said even paper contaminated with food could be composted. She said Metro had no way to comply with the hierarchy it had established.

Eugene Rosalie, Northwest Environmental Advocates, said Metro was proposing to install a garbage burner. He said adequate notice had not been given to the public about the proposal and said Smurfit's methodology should be evaluated. He noted the public raised issues about PCB burners four years ago and said DEQ should not give permits to an similar facility until an adequate public information campaign had taken place. He said

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the proposed facility involved public policy issues of notice to the public and of openness. He supported Ms. Roy's testimony.

Presiding Officer Wyers asked if DEQ had held a public hearing on the issue.

John Houser, Council Analyst, said DEQ representatives explained to the Solid Waste Committee that a certain minimum number of citizens had to request a hearing. Mr. Schmall said there was public notice of DEQ consideration but no hearing was held.

Lynn Ford, citizen, opposed the burner because he said there was no way to determine what the content of the waste was before it was burned. He said the only benefit to Metro would be that the waste burned would not go to the landfill and Metro would not be charged for same. He said the facility would not fulfill Metro's reduction mandate, that Metro was not legally liable, but said that did not relieve Metro of its liability in this case. He asked about Metro's funding mechanisms for solid waste disposal. Mr. Ford asked what Metro would get in return for allowing the contract and said the transfer station operator should monitor the waste stream.

Austin Collins, citizen, said Metro should amend contract language to give Metro greater control. He did not like burning, but said he could support it with some reservations and discussed the segregation and sorting of waste. He noted his hauler would sell to independent recyclers if given the opportunity to sort waste paper.

Marcia Anderson, Columbia Group of the Sierra Club chair, said Metro staff's report did not answer her questions about the facility. She said Metro's reduce, reuse and recycle hierarchy should be a higher priority than burning waste. She said paper should not be removed from the waste stream only to pollute the air stream. She applauded Metro's willingness to divert waste from the landfill, but asked if the paper in question was truly low-grade, or if it could be sorted further. She said paper recycling was complicated and confusing, and said if the process was made easier or mandatory, some non-recyclable paper could be made recyclable. She asked if Metro planned to sign a long-term contract with this vendor and asked, if so, if that would deter other options to reduce the waste stream. She asked if all other waste reduction efforts had been fully explored. She said reduction was Metro's first priority in its hierarchy and said if businesses were better educated, recycling would be more effective.

E. Ralph Orrino, Metro Central Station (MCS) general manager, said installation of the fiber based fuel line should satisfy all concerns expressed at this meeting because the equipment would fulfill hierarchy criteria. He said recycling at the source was not recycling at the transfer station. He said other types of recycling could still be supported. He said Oregon Waste Systems (OWS) was willing to pay for the equipment because it would also like to share in avoided costs with Metro. He said currently Metro had to pick and choose. He said if more waste was processed, OWS would receive more recycling profits. He noted the materials in question had been tested. He noted the equipment would cost over \$1 million. He said it was possible to support recycling and this facility.

The Council and Mr. Orrino discussed the issues. Mr. Orrino noted there was no market as yet for waxed cardboard and that the fiber based fuel facility was an alternative to that.

Presiding Officer Wyers asked if any other persons wished to testify. No other persons appeared to testify and the public hearing was closed.

The Council discussed the issues further. Councilor Hansen said testimony given implied a PCB burner in North Portland had been closed down and said it had been bought by another company and was in operation.

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She said if Metro's waste reduction hierarchy should be questioned if necessary. Councilor Gardner said the fuel based fiber line would produce revenue that would assist other waste reduction efforts. He said the material in question would contain very little plastic, so dioxin levels emitted would be small and noted all wood fires produced dioxin. Councilor Moore said monitoring/enforcement language should be added to the contract to alleviate concerns expressed at this meeting. Councilor Van Bergen said staff did a credible job on this project. Councilor Washington said he had concerns and noted the PCB burner mentioned was in his district. He expressed concern about the equipment, but noted DEQ did require self-monitoring and testing on a regular basis. Presiding Officer Wyers said she was opposed to the facility because of ash and other concerns.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McLain, Moore and Van Bergen voted aye. Councilors McFarland, Washington and Wyers voted nay. Councilor Monroe was absent. The vote was 9/3 in favor and Resolution No. 93-1783 was adopted.

7.5 Resolution No. 93-1794. A Resolution Authorizing the Issuance of Waste Disposal System Revenue Bonds to Refund Certain of Metro's Outstanding Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A; and Authorizing, Establishing and Determining Other Matters in Connection Therewith

Motion: Councilor Van Bergen moved, seconded by Councilor Gardner, for adoption of Resolution No. 93-1794.

Councilor Van Bergen gave the Finance Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Van Bergen, Washington and Wyers voted aye. Councilors Gates, Monroe and Moore were absent. The vote was unanimous and Resolution No. 93-1794 was adopted.

7.6 Resolution No. 93-1795. A Resolution Authorizing the Issuance of General Revenue Bonds to Refund the Outstanding Metro General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A; and Authorizing, Establishing and Determining Other Matters in Connection Therewith

Motion: Councilor Van Bergen moved, seconded by Councilor Gardner, for adoption of Resolution No. 93-1795.

Councilor Van Bergen gave the Finance Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gates and Monroe were absent. The vote was unanimous and Resolution No. 93-1795 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS (Continued)

Councilor Van Bergen asked Council staff to prepare a report on which departments and department heads had access to speakers airing Council proceedings.

Councilor Van Bergen asked for an update on the status of the proposed transfer station in Wilsonville.

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Councilor Van Bergen asked Council staff for an update on the status of the transfer of Multnomah County's park functions to Metro.

Councilor Buchanan expressed concern because he had received no notification of the April 12 Finance Committee cancellation.

Councilor Washington served notice that he planned to request Council review of MERC Resolution No. 226, "Approval to contract with the Portland/Oregon Visitors association for the national marketing effort for the Oregon Convention Center" because a minority contractor had expressed concern about the RFQ process used. Councilors Moore and McFarland stated they would ask to review Resolution No. 226 in conjunction with Councilor Washington.

Councilor Kvistad said an overview of the "Shared View Conference" held in Toronto could be given on either June 4 and June 11.

Presiding Officer Wyers distributed and discussed her May 13 memorandum, "Future Vision Commission Interview Panel."

Councilor McFarland expressed concern that the furthest east a nominee for the Future Vision Commission lived was 170th Street and said it should be possible to find a nominee who represented the concerns of citizens in Gresham or beyond. Councilor Moore asked Councilor McFarland to identify eligible citizens for the Council to appoint and said a second interview process would be conducted if necessary to ensure geographic diversity.

Councilor Hansen discussed the Council's agreement at a previous meeting to not contact Apportionment Commission members in an unofficial manner.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:37 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

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