

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**April 9, 1987
Regular Meeting**

Councilors Present: Mike Bonner, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, Corky Kirkpatrick, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Tanya Collier, Larry Cooper and Mike Ragsdale

Also Present: Rena Cusma, Executive Officer

Staff Present: Donald Carlson, Chuck Stoudt, Randy Boose, Jennifer Sims, Ray Phelps, Darlene Badrick, Tor Lyshaug, Bob Applegate, Cathy Thomas, Jill Hinckley, Kim Duncan, Bob Porter, Judith Mandt, Dennis Mulvihill, Kay Rich, Gene Leo, Doug Drennen, Rich McConaghy and Becky Crockett

Presiding Officer Waker called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Public Affairs Transition Committee Report

The Executive Officer introduced Elaine Cogan, Transition Committee Chair, and partner in Cogan Sharpe Cogan, public affairs and planning consultants. Ms. Cogan named other committee members which included Michele Bowler, proprietor of Bowler & Associates, public relations and advertising; Jim Crawford, assistant public education officer, Portland Fire Bureau; Jerri Doctor, executive vice-president, Beaverton Chamber of Commerce; and Doug Yocom, public affairs manager, Northwest Natural Gas.

Ms. Cogan referred to the Committee's written report dated March 9, 1987. She explained the extensive interview process that preceded the Committee's findings and recommendations. Committee member Jim Crawford and Ms. Cogan reviewed short and long-range recommendations and stressed the importance of Metro's Public Affairs Department

Metro Council
April 9, 1987
Page 2

becoming proactive to improve the agency's image. Other recommendations included developing a supportive constituency and a unified approach for producing printed materials.

Councilor Kirkpatrick said for the past eight years she encouraged a stronger public affairs effort. She suggested the Committee's findings be discussed by the Council and Executive staff at the priorities and objectives work session scheduled for later in the month. She also requested the Executive Officer allow the current Public Affairs staff to comment on the Transition Committee's report at a future Council meeting. Executive Officer Cusma agreed to the Council's request.

A discussion followed about how Metro could achieve a proactive approach in presenting major policies and projects to the region. Ms. Cogan suggested staff and the Council ask the question, "how will the community react?" when planning major projects and to plan public affairs efforts to elicit a more positive community response.

Councilor Kelley suggested the Committee's recommendation to change the name of the department to the "Community Relations Department" might not imply a large enough area to address Metro's responsibility for regional issues. Ms. Cogan responded that the term "public," used in the old Public Affairs Department title, implied selling and the Committee had generally agreed a name change would be beneficial.

Councilor Gardner said he thought the report was very good and he agreed with most of the Committee's recommendations. He was, however, concerned about placing the Recycling Information Center (RIC), currently housed in the Solid Waste Department, under the control of the Community Relations Director. He explained the RIC distributed technical information that was more related to Solid Waste in subject matter.

Ms. Cogan answered that the RIC staff could continue to give out technical information but that the public could be communicating things to RIC staff that the Community Relations Department needed to know.

The Presiding Officer said the Council would continue its discussion of public affairs issues at its priorities and objectives work session scheduled for later in the month.

Certification of Voter Abstracts for Zoo Levy Election

Councilor Van Bergen noted the Council had not yet been asked to certify Zoo levy election results and questioned if staff had received voter abstracts from Multnomah County election officials.

Metro Council
April 9, 1987
Page 3

Ray Phelps, Finance & Administration Director, said no abstracts had yet been received and he would contact the County to determine when they would be available for the Council's review and approval. Presiding Officer Waker said the Council would hold a special meeting to approve the abstracts if the regular meeting schedule did not accommodate the timing requirements mandated by state law.

3.1 St. Johns Landfill Capacity Report

Tor Lyshaug, Acting Solid Waste Director, reviewed staff's written report to the Council. He explained that after extensive staff review, it had been determined if current solid waste policies were followed, St. Johns Landfill would reach full capacity about one and one-half years sooner than anticipated. He recommended aggressive measures be taken to divert waste from the landfill and that staff re-evaluate the method presently used by the waste disposal contractor for placing waste in the landfill. Mr. Lyshaug reviewed diversion options which included contracting with private parties to dispose of waste at disposal facilities outside the Metro area; banning drop boxes from St. Johns Landfill and the Clackamas Transfer & Recycling Center (CTRC); and diverting waste to other sites within the immediate area.

A discussion followed about the merits of the options presented by staff. Executive Officer Cusma reported staff would bring back some form of diversion proposal for Council consideration within 30 days.

Estle Harlan, representing the Tri-County Council of solid waste collectors, distributed written comments on the draft St. Johns Landfill Capacity Report. She was primarily concerned that the economic impact of Metro's proposed solutions on commercial customers had not been adequately addressed. She noted the industry did not disagree with the main focus of the report, however.

3.2 Legislative Status Report

Kim Duncan, Analyst, reviewed the information contained in staff's written status report, including the status of Senate Bill 629 (general separation of powers). Councilor Knowles reported he had appeared before the Senate Government Operations Committee and had presented the Council's proposed amendments to the bill. Senator Glenn Otto, Committee Chair, had instructed the Executive Officer and Councilors to work out their own solutions. If differences could not be worked out, the Committee would then present a bill to the Legislature. Councilor Knowles said he would report back to the Council on April 23 regarding the status of the bill.

Ms. Duncan reported on the status of plastics-related legislation. Councilor Knowles explained that Representative Ron Cease requested Metro provide a supportive statement regarding plastics legislation in general to the Legislature. Councilor Gardner noted the Council was already on record as supporting legislation that would remove plastics from the general waste stream. After discussion, the Presiding Officer asked the Legislative Planning Committee to review the issue and to recommend a course of action for the Council.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, representing the Columbia Group of the Sierra Club, explained she was disappointed Councilor Ragsdale was not in attendance because she had brought charts which graphically explained alternatives to burning garbage. Ms. Dehen was referring to the Councilor's request that citizens opposing certain disposal options also propose alternatives options. She explained the charts compared composting waste to burning waste. In conclusion, she said if the Council selected the burning option, it would preclude itself from other disposal options.

Robert Smith, also representing the Sierra Club, testified regarding the Club's opposition to Metro selecting an alternative technology that would require burning solid waste. He was concerned Metro was using Gershman, Brickner & Bratton, Inc. (GBB) for its primary consultant, saying it was well known GBB were "burner advocates." He also questioned whether Metro's published rating criteria conformed to the heirachy of waste reduction outlined in ORS 459.215. Finally, Mr. Smith asked why Metro's original 100,000 per year capacity requirement of prospective alternative technology vendors had later been amended to 200,000 tons per year.

Responding to Mr. Smith's last question, Councilor Hansen explained the tonnage limit had been increased to make the process more fair and flexible. He also explained that ORS 459.215 did not require Metro to consider waste reduction options that were not economically or technically feasible.

6. ORDINANCES

6.1 Consideration of Ordinance No. 87-222, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-7: Kaiser Development Company (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only.

Metro Council
April 9, 1987
Page 5

Jill Hinckley, Land Use Coordinator, briefly introduced the Ordinance.

Motion: Councilor Kelly moved, seconded by Councilor Kirkpatrick, to adopt Ordinance No. 87-222.

Presiding Officer Waker opened the public hearing on the Ordinance. There was no testimony and the hearing was closed. There was no discussion on the Ordinance. The Presiding Officer noted the second reading of the Ordinance was scheduled for the meeting of April 23, 1987.

Presiding Officer Waker announced he was leaving the meeting due to ill health. Deputy Presiding Officer Gardner chaired the remainder of the meeting.

6.2 Consideration of Ordinance No. 87-221, for the Purpose of Replacing Section 2.02.275 of the Metro Code, Seasonal Visitor Services Worker Personnel Rules (Second Reading)

The Clerk read the Ordinance a second time by title only.

Randy Boose, Personnel Officer, was present to answer questions of Councilors.

Councilor Van Bergen reported that at the March 26 Council meeting, he had raised concerns about the potential of the amended rules replacing full-time personnel with part-time workers. He said he had met with Mr. Boose and his questions were satisfactorily addressed.

Ray Barker, Council Assistant, asked if the Personnel Rules changes had been endorsed by the Zoo union. Mr. Boose responded that Visitor Services Worker positions were non-union.

Motion: The motion to adopt Ordinance No. 87-221 was made by Councilors Knowles and Ragsdale at the meeting of March 26, 1987.

Vote: A roll call vote on the motion to adopt the Ordinance resulted in:

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

Absent: Councilors Collier, Cooper, Ragsdale and Waker

The motion carried and Ordinance No. 87-221 was unanimously adopted.

7. CONTRACTS

7.1 Consideration of a Contract with Coca-Cola USA for Soft Drink Syrup at the Washington Park Zoo

Gayle Rathbun, Zoo Visitor Services Manager, briefly reviewed staff's written report, explaining Coca-Cola USA had submitted the lowest bid for the service.

Councilor Van Bergen noted that the three bids submitted were very close because of the extremely competitive nature of the soft drink business.

Motion: Councilor Van Bergen moved to approve the contract with Coca-Cola USA and Councilor Kirkpatrick seconded the motion.

In response to Councilor Bonner's question, Mr. Rathbun said a significant portion of the Zoo's annual \$1 million plus food sale profits were from soft drink sales.

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

The motion carried and the contract was approved.

7.2 Consideration of an Addendum to the Contract with Jones & Jones for Redesign of Phases I and II of the Zoo's Africa Exhibit

Kay Rich, Zoo Assistant Director, summarized staff's written report. He reviewed the history of the Africa Exhibit, the fact that initial bids had come in over the architect's estimate, and the resulting redesign of the project. He noted that for future, major construction projects, the Zoo would hire an independent estimator to review the architect's construction estimates before projects were bid. Mr. Rich reported Jones & Jones' architectural fees reflected 14.9 percent of the total Africa Exhibit project costs. He said that figure compared very favorably with other Portland, Seattle, Tacoma and Alaska zoo construction costs.

Motion: Councilor Van Bergen moved to approve the contract addendum with Jones & Jones. Councilor DeJardin seconded the motion.

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

The motion carried and the contract addendum was approved.

Councilor Van Bergen requested Ray Barker, Council Assistant, check to see if the West Transfer & Recycling Center design contract contained a redesign clause.

8. OTHER BUSINESS

8.1 Consideration of a Request by Hillsboro Garbage Disposal, Inc., to Transport and Dispose of Waste at a Proposed Reload Facility Which the Applicant Would Operate

Rich McConaghy, Solid Waste Analyst, reviewed staff's written report. He summarized staff's findings as follows:

1. Hillsboro Garbage could save about \$62,000 per year over the current cost of direct hauling to McMinnville. It was expected that approval of the request could allow Hillsboro Garbage to save about \$6,700 per year over the projected cost of using the existing Forest Grove Transfer Station.
2. The capacity of the Forest Grove facility should be more effectively utilized before investments in additional transfer stations to serve this area were made.
3. Approval of the request would have no additional effect in reducing current waste flows to the St. Johns Landfill.
4. Approval of this facility was not indicated in Metro's current comprehensive waste transfer and disposal system plan and the reload operation would have an uncertain role within the developing solid waste system.
5. Approval of the request would allow one collection operator to save on his total costs while others, who might not be financially able to develop their own reload facilities, would be likely to pay a greater amount for transfer at facilities which are part of the regional system.
6. Approval of the facility on a long-term basis would set a precedent allowing the waste transfer system to develop in a fragmented and unplanned fashion.

Mr. McConaghy pointed out that Hillsboro Garbage's request was not compatible with the provisions of Resolution No. 87-506, adopted by the Council on October 25, 1984, which had adopted solid waste transfer station strategies and related policies.

Motion: Councilor Kirkpatrick moved to approve the Executive Officer's recommendation to deny the request by Hillsboro Garbage Disposal, Inc. Councilor DeJardin seconded the motion.

Kathy Thomas, President of R. A. Wright Engineering, Inc., representing Hillsboro Garbage Disposal, Inc., reported that Hillsboro Garbage's request had been initially made to Metro staff some 20 months ago. She said staff's recommendation gave very little weight to the cost savings to Hillsboro Garbage if the reload facility were constructed. She explained the proposed facility would reduce the number of hauling trips to the Riverbend Landfill and would make the existing garbage collection system more efficient. She described the simple nature of the facility and noted it would be used only by Hillsboro Garbage and would not accept waste from the public.

Ms. Thompson said the facility had the necessary land use approval from Washington County, including a variance to the definition of a solid waste transfer facility. The variance, she explained, allowed the facility to not be enclosed. The facility was also supported by nearby property owners who had signed a letter of support. She said the city of Hillsboro were aware of the potential savings to residents if the facility were built and strongly supported the proposed plan.

Ms. Thomas then referred the Council to two tables which summarized projected cost savings on the proposed facility in relation to the Forest Grove Transfer Station (FGST). Cost savings were shown as ranging from \$6,700 to \$125,000 per year depending on the time of amortization, the amount of waste and the FGTS tipping fee. She said that any action other than approving the request would be asking Hillsboro citizens to pay a higher disposal rate. She pointed out that the FGST had the unilateral power to increase their disposal rates with only a 90-day notice. Because FGST operated on a franchise agreement that set rates no more frequently than one year, they could not tolerate the uncertainty of an agreement in which its costs were controlled by others and could be increased upon 90 days notice, she said. Therefore, she explained, operation of the Hillsboro reload facility would allow Hillsboro Garbage to have better control over the cost of its collection business. Ms. Thomas also stated that the proposed reload facility was more cost-effective than Metro's planned West Transfer & Recycling Center (WTRC).

Metro Council
April 9, 1987
Page 9

Ms. Thomas did not think the impact of Hillsboro Garbage's plans were significant to Metro's solid waste plan. She said the facility would handle about 60 to 80 tons of waste per day, a small amount compared with the amount of waste in the entire regional system. She acknowledged concerns that approving the request would set a precedent for other haulers to propose their own transfer facilities. She thought Metro should keep an open mind to any proposal that was cost-effective and, perhaps, should reevaluate its Solid Waste Management Plan. The plan, she said, should not hinder other viable solutions to the region's solid waste problems.

Ron Meyer of Hillsboro Garbage Disposal, Inc., testified regarding the benefits of the proposed reload facility. Single axle trucks, rather than double axle, could be used at the facility at a cost savings to customers. Hauling time and mileage would also be reduced. The facility would result in less traffic on the TV Highway between Hillsboro and Forest Grove. Hillsboro Garbage had demonstrated the proposed facility would be cost-effective and save the public money, he said, and he strongly urged the Council to support the proposal.

In response to Councilor Kelley's question, Mr. McConaghy explained that if Hillsboro Garbage's request were approved, staff would seek a special permit from the Department of Environmental Quality (DEQ). Mr. McConaghy said if the Council wanted to approve the request, they could add a stipulation that Hillsboro Garbage comply with sanitation standards imposed by the DEQ. The Councilor concluded she would oppose the motion because she did not think Metro currently had a regional solid waste management plan and that the cost-effectiveness of Hillsboro Garbage's plan made sense to her. She noted that Hillsboro was located at the edge of the Metro region and that transportation costs to any Metro facility would probably be higher than for other haulers. Councilor Kelley suggested the Council review its policy of imposing its "non-system" on a plan that would ultimately save citizens money.

Councilor DeJardin asked staff to respond to Ms. Thomas' testimony. Mr. McConaghy said staff disagreed with Hillsboro Garbage's claims about the amount of money their proposed facility could save. He thought Hillsboro Garbage could have been saving even more money by using the FGTS which the Council had opened up to other haulers last August. He acknowledged Hillsboro Garbage might not have used FGTS in hopes their plan would soon be approved by the Council. Mr. McConaghy also noted the future WTRC facility would be five miles east of Hillsboro and the FGTS was eight miles east of Hillsboro. Both sites were within 20 minutes of Hillsboro Garbage's facility, the service goal identified in Metro's solid waste plan.

Metro Council
April 9, 1987
Page 10

Councilor DeJardin asked if Hillsboro Garbage's plan could have adverse effects on WTRC and Metro's disposal system. Mr. McConaghy responded that approving the request could set a precedent for other haulers to make similar requests. Granting those requests would be counter to the adopted Solid Waste Management Plan. Also, he explained, to approve the plan would be to allow one hauler to save money and for other haulers to pay higher disposal costs in order to pay for the capital costs of the FGTS or other transfer stations.

Ms. Thomas noted that Metro was currently encouraging haulers to use the FGTS. She questioned what Metro's policy would be once the WTRC facility were operational. Tor Lyshaug, Acting Solid Waste Director, responded that the FGTS was presently operating at a loss. Because of that fact, he did not think it logical for Metro to encourage another private transfer station. Mr. Lyshaug thought Hillsboro Garbage's actual capital investment would be substantially higher than proposed.

Councilor Hansen said he supported denial of the request. He noted Washington County was and would remain in a state of flux for some time and, as such, he did not think it appropriate to commit to more transfer stations at this time. If Metro needed more stations in the future, he said the Council could reconsider the request.

Deputy Presiding Officer Gardner supported the motion to deny the request, explaining he did not want to see Metro's solid waste disposal system "chipped away in pieces." He said waste could escape to other disposal sites and Metro would lose control of waste flow. He was also sensitive to staff's need to predict disposal costs and if waste flow could not be accurately calculated, staff would lose their ability to make projections. The Councilor also requested staff review FGTS's franchise agreement to see if a more cost-effective means of waste disposal could be worked out with Hillsboro Garbage.

Ms. Thompson requested the Council delay their decision on Hillsboro Garbage's request. Councilor Hansen noted that according to the Council's rules, any Councilor voting on the prevailing side of the motion now on the table could request the matter be reconsidered. Deputy Presiding Officer Gardner said he would not delay consideration of the motion now on the table because he sensed Hillsboro Garbage's representatives thought the motion to deny the request would pass. He did not want to establish a precedent of allowing postponement under those circumstances.

Councilor DeJardin said he would support the motion to deny the request in order to maintain the integrity of Metro's solid waste disposal system.

Metro Council
April 9, 1987
Page 11

Vote: A vote on the motion to deny Hillsboro Garbage Disposal, Inc., request resulted in:

Ayes: Councilors Bonner, DeJardin, Gardner, Hansen, Kirkpatrick and Van Bergen

Nay: Councilor Kelley

Absent: Councilors Collier, Cooper, Knowles, Ragsdale and Waker

The motion carried and the request was denied.

Councilor Hansen indicated that at the April 23 Council meeting he would request the matter be reconsidered at a later date when Councilors Waker and Ragsdale, representing the Washington County area, would be in attendance.

Councilor Van Bergen, referring to the Deputy Presiding Officer's earlier request that staff review Forest Grove Transfer Station's franchise, questioned whether Metro had the authority to regulate such franchises. Deputy Presiding Officer Gardner explained his request was made for the purpose of helping Hillsboro Garbage find an alternative means of cost-effective waste disposal.

Discussion of Meeting Agendas. The Council discussed the reoccurring problem of unscheduled agenda items causing inconvenience to others scheduled for specific times later in the agenda. It was suggested the Executive Officer schedule in advance all items she wished to report at Council meetings. It was also suggested if preliminary items were not completed on schedule, the discussion could be continued to the end of the meeting, after the completion of other scheduled business.

Council Space Subcommittee. Deputy Presiding Officer Gardner reported that Presiding Officer Waker had appointed Councilors Waker, Kirkpatrick and Gardner to work with the Council staff in discussions with the Executive Officer to determine space needs and location for Council space and Executive Management space.

Priorities and Objectives Work Session. There being no objection, the Deputy Presiding Officer established Wednesday, April 22, 1987, 5:30 p.m., for the session.

Request to Proceed with Hiring. Donald Carlson, Council Administrator, requested that Personnel staff be authorized to commence recruitment preparation for an Analyst 3 position to assist with the Solid Waste Functional Planning effort, pending the Council's approval of the new position at their April 23 meeting. The Council

Metro Council
April 9, 1987
Page 12

concurred that recruitment preparation could commence but that all recruitment preparation must cease if the Council did not adopt the Resolution to approve the new Analyst 3 position at their April 23 meeting.

9. COMMITTEE REPORTS

Solid Waste Committee.


Motion: Councilor Hansen moved, seconded by Councilor Van Bergen, that the findings and recommendations of the Review Committee (the Committee designated to review requests for proposals for solid waste alternative technology projects) be brought to the Council for consideration at the earliest possible time and that the information be communicated to the Council in terms of its adopted evaluation criteria included in Resolution No. 86-698A. Included should be an evaluation of the proposals against the Council's adopted goal of not increasing the system cost of more than 20 percent (per Ordinance No. 86-201). The information should be presented which would explain the next step in Memorandum of Understanding negotiations. Based on the findings, recommendations and information provided, the Council will determine whether or not to proceed with the next step.

Deputy Presiding Officer Gardner explained he supported the motion because it was the Council's role to give policy guidance in vendor negotiations.

Councilor DeJardin suggested an informal briefing session be conducted for Councilors not on the Solid Waste Committee about the alternative technology project because of the complexity of issues. Councilor Bonner requested a session be held after regular working hours so that he could attend.

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
7469C/313-2
05/14/87