

MINUTES OF THE COUNCIL SOLID WASTE COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

January 3, 1989

Council Chamber

Committee Members Present: Gary Hansen (Chair), Jim Gardner (V. Chair), Richard Devlin, Sharron Kelley and Mike Ragsdale

Committee Members Absent: None

Also Present: Councilor Roger Buchanan and General Counsel Dan Cooper

Chair Hansen called the meeting to order at 5:41 p.m. He introduced Councilor Devlin who was sworn into office at 3:45 p.m. this date by the Clerk of the Council as a temporary appointment to the Council Solid Waste Committee to fill Councilor Kirkpatrick's position for this meeting. Chair Hansen noted the temporary appointment was confirmed at the December 28, 1988, Council meeting. Chair Hansen introduced Councilor Buchanan in attendance also. Chair Hansen said permanent committee appointments would be made at the January 12, 1989, Council meeting. Chair Hansen noted Agenda Item No. 6, Ordinance No. 89-280, did not receive a first reading at Council and could be considered at this meeting but not acted upon until it was given a first reading at Council and referred back to this Committee.

1. Consideration of Minutes of November 29, 1988, and Consideration of Minutes of Joint Meeting of Council Solid Waste Committee and Policy Advisory Committee of November 29, 1988

Chair Hansen noted the above two sets of minutes should be voted upon separately.

Motion: Councilor Gardner moved for approval of the Council Solid Waste Committee minutes of November 29, 1988.

Vote: Councilors Gardner, Devlin, Kelley, Ragsdale and Hansen voted aye. The vote was unanimous and the minutes were approved.

Motion: Councilor Gardner moved for approval of the joint meeting of the Council Solid Waste Committee and the Policy Advisory Committee minutes of November 29, 1988.

Vote: Councilor Gardner, Devlin, Kelley, Ragsdale and Hansen voted aye. The vote was unanimous and the minutes were approved.

2. General Staff Reports

Bob Martin, Director of Solid Waste, said the bid opening for transportation bids to Arlington was scheduled for 10:00 a.m., Friday, January 6. He said until the bids were evaluated for responsiveness

and other qualifying requirements, the winning bid would not be announced.

Mr. Martin referred to Resolution No. 88-1027, for the Purpose of Authorizing a Sole Source Solicitation Process as Set Out in Metro Code Section 2.04.060 for Construction of a Compaction System at the Metro South Station, deferred at the December 20, 1988, meeting. He said the issue would return to the Committee in February. He felt a sole source contract in this case was justified but said staff could do a bid waiver and issue a Request for Proposals (RFP). He said an adequate warranty and full service agreement would be required of the contractor. He said such equipment had stringent specifications and had to be extremely reliable.

Mr. Martin noted a contract in Wasco County for 25,000 tons of waste from the metropolitan area was reported upon in a recent Oregonian. He understood East County Recycling wished to transport residuals to Wasco County for disposal at a lower rate. Staff's opinion was Metro should authorize any such diversion of solid waste to other waste disposal facilities which did not mean they opposed such a transfer. Mr. Martin noted the contract with Oregon Waste Systems, Inc., required that 90 percent of all landfillable waste be shipped to Arlington. Mr. Martin said Wasco County had acted independently. The Committee and staff discussed the issues detailed by Mr. Martin further.

3. Consideration of Resolution No. 89-1029, for the Purpose of Confirming the Reappointment of Charles O'Connor and Jonathan Block to the Solid Waste Rate Review Committee

Judith Mandt, Assistant to the Director of Solid Waste, explained Mr. O'Connor and Mr. Block served well in their first two-year terms and the resolution asked for their re-appointment for two more years. Chair Hansen asked Ms. Mandt to explain the purpose of the Solid Waste Rate Review Committee to new Councilors Buchanan and Devlin. Ms. Mandt explained members of the five-year committee served in an advisory capacity and made recommendations to the Council on how the rate system should be structured and recommendations on franchise issues. She explained according to the Metro Code, the members had to include a certified public accountant and also members with backgrounds in public administration.

Motion: Councilor Gardner moved to recommend the full Council adopt Resolution No. 89-1029.

Vote: Councilors Devlin, Gardner, Kelley and Hansen voted aye. Councilor Ragsdale was absent. The vote was unanimous and the resolution was approved.

Chair Hansen instructed Council staff to place the resolution on the Council Consent Agenda January 12, 1989.

4. Consideration of Resolution No. 89-1032, for the Purpose of Authorizing an Agreement with the City of Forest Grove, Oregon, Regarding an Enhancement Fee for the Forest Grove Transfer Station

Rich Carson, Director of Planning and Development, said this resolution would be the first application of the enhancement policy adopted by the Council in December. Mr. Carson read and explained Exhibit A to the resolution.

Councilor Devlin asked Mr. Carson how he construed the agreement with Forest Grove to be in compliance with the policy adopted by the Council. Councilor Devlin said the agreement could have been formulated before enhancement policy was developed, but said this agreement should still comply with Council policy. He said it did not provide for much oversight from the Metro Council. Mr. Carson said it was a question of how different local governments would administrate fees. Councilor Devlin said the only section which detailed oversight was subsection 4 (page 3) which stated, "Forest Grove would report annually to Metro on expenditures of the special fund and fund balance no later than September 1 of each year." Mr. Carson said it was a matter of policy interpretation. He said it was left at the Council level to be dealt with on a case-by-case basis.

Councilor Gardner said the Agreement was inconsistent with Council policy adopted. He said the Agreement did not refer at all to the Forest Grove City Council making recommendations on projects to be funded. He said it said the Council would determine what was to be funded after the boundary was determined. He said the Agreement was not consistent with Council policy in numerous areas. He said the key issue in Council debate on Metro policy was whether Metro would collect the funds, run and administer an enhancement program itself, or would Metro collect the funds and turn it over to the local jurisdiction which would administrate an enhancement program.

Mr. Carson said there were two agreements in existence one of which was referred to as the St. Johns model and the other the Oregon City model. Mr. Carson said Forest Grove preferred the Oregon City model. Councilor Gardner said the Council chose the St. Johns model. Councilor Gardner said the other major issue was the area of impact in areas other than the jurisdiction directly impacted by a facility could be affected. Councilor Gardner said this Agreement only referred to the area within the Forest Grove city limits. Mr. Carson said the only area in this case affected was the City of Forest Grove. Councilor Gardner said he would have difficulty supporting the Agreement at the Committee or Council level. Mr. Carson said it was a matter of good faith with Forest Grove.

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Councilor Ragsdale asked Dan Cooper, General Counsel, if the Agreement was consistent with Metro Code Section 12.2. Councilor Ragsdale and Mr. Cooper discussed the Metro Code and the Agreement. Mr. Cooper said the Metro Code was broad in interpretation.

Councilor Ragsdale asked if deletion of the language in the Agreement, "within the city limits of Forest Grove," would make Metro not in compliance with Metro Code Section 12.2 which indicated Metro set boundaries. Councilor Ragsdale asked staff where the Forest Grove Transfer Station was located. Phil North, Solid Waste Planner, said the facility was on the outskirts of Forest Grove.

Councilor Kelley asked why the area of impact would be determined after projects. Councilor Kelley said she was supportive of the Agreement's approach but said the language made her cautious. Mr. Carson agreed.

Councilor Devlin said he did not like the policy. Councilor Gardner said the Agreement did not make clear who did what. He said Metro's position currently was which a bare-bones policy could be construed to mean anything. He said the Agreement could be amended to make it more consistent with adopted policy.

Mr. Carson said the Policy Advisory Committee debated for a long time after the policy was adopted. He said at the last minute local control was inserted. He said the Agreement in question related only to the City of Forest Grove. He said the Policy Committee agreed that agreements had to be tailored to the jurisdiction for which they were meant. He said the Agreement under consideration related to Forest Grove only.

Councilor Ragsdale said adoption of the resolution and agreement would create a precedent. Mr. Cooper said Metro retained the right to terminate the agreement at any year on June 30 with six months notice. He said the Oregon City agreement had a firm date of January 1, 1991, at which it terminates and could not be terminated by Metro. Mr. Cooper said the Forest Grove agreement was a no-fault agreement. Councilor Ragsdale said he could support the resolution and agreement.

Motion: Councilor Ragsdale moved to recommend the full Council adopt Resolution No. 89-1032.

Councilor Gardner opposed the motion and said the agreement had serious problems. He urged the Committee not to recommend the resolution to the Council. He said a more satisfactory agreement could be reached with the City of Forest Grove. He said the resolution would not receive a majority of support at the Council level. Chair Hansen said the resolution could be continued for further consideration at the next Solid Waste Committee meeting.

Withdrawal of Motion: Councilor Ragsdale withdrew his previous motion.

Motion: Councilor Ragsdale moved to defer consideration of Resolution No. 89-1032 to the next Solid Waste Committee meeting.

Vote: Councilors Devlin, Gardner, Ragsdale and Hansen voted aye. Councilor Kelley was absent. The vote was unanimous.

5. Consideration of Resolution No. 89-1033, for the Purpose of Authorizing Entry into a Contract with R. W. Beck and Associates for an Engineering Feasibility Study and Technical Document Review for the Mass Composting Facility

Mr. North explained staff issued an RFP October 3, 1988, for the purpose of soliciting proposals to perform a feasibility study and technical documents review. He said this was to be performed in conjunction with the service agreement negotiations with Riedel Environmental Technologies, Inc. (RET), with respect to the mass composting facility proposed to be designed, constructed, owned and operated by RET. He said with the service agreement negotiations entering their final phase, the feasibility study was a critical element of the process required to procure bond financing for the project. He said the technical documents review provided needed technical backup for Metro as the final elements of the service agreement were negotiated, particularly in reference to facility performance standards, performance test procedures, development plan scheduling and projected tip fees.

Mr. North said the RFP was closed November 4, 1988. He said three proposals were received from Gershman, Brickner and Bratton, Inc. (GBB), R. W. Beck and Associates, and E. Glynn Hughes. He said R. W. Beck and Associates' fixed fee cost was \$93,500 and GBB's fixed fee cost was \$140,000. He said the interview team consisted of Chair Hansen; Debbie Gorham, Waste Reduction Manager; Mr. Cooper and himself.

Motion to Amend: Councilor Ragsdale moved to delete the comma after the BE IT RESOLVED and replace with a colon; delete the period at the end of Section 1 of BE IT RESOLVED and replace with a semi-colon and the word "and."

Vote on Motion to Amend: Councilors Devlin, Gardner, Ragsdale and Hansen voted aye. Councilor Kelley was absent. The motion to amend punctuation passed unanimously.

Main Motion: Councilor Ragsdale moved to recommend the full Council adopt Resolution No. 89-1033 as amended.

Vote on Main Motion: Councilors Devlin, Gardner, Ragsdale and Hansen voted aye. Councilor Kelley was absent. The motion passed unanimously.

Chair Hansen noted both firms interviewed by the interview team were excellent. He said R. W. Beck and Associates were the low bidder by a considerable amount and said their proposal was a solid and well-thought out bid.

Chair Hansen called a recess at 7:00 p.m. The Committee reconvened at 7:15 p.m.

6. Consideration of Ordinance No. 89-280, for the Purpose of Adopting a Policy Giving Preference to the Purchase of Recycled Paper and Paper Products

Chair Hansen noted the ordinance did not receive a first reading at the Council level. He referred it to the next Council meeting January 12, 1988, and said it would return to the next Solid Waste Committee meeting.

7. Consideration of Resolution No. 88-1026, for the Purpose of Approving a Request for Bids for Metro South Station Operations

Mr. Martin explained the original Metro South Station operations contract was for 3.5 years with a one year extension option. The contract was awarded August 1982 and the extension option was exercised September 1986. Mr. Martin explained in July 1987 Metro amended the contract to provide an additional 18 month extension which would expire March 31, 1989. He discussed the rebid procedure, the new budget, and said one additional gatehouse attendant was required. Mr. Martin said the only way the contract could be extended again would be to reach a mutual agreement with Wastech, Inc.

Mr. Watkins said the document contained three bid items: 1) the operation of Metro South for five years beginning April 1, 1989; 2) a nine-month contract to transport waste from Metro South to the St. Johns landfill and the Marion County Waste Energy Facility; and 3) combine both operations and transport. He discussed the compaction system and the staging area.

Chair Hansen opened the public hearing.

Wayne Trehwitt, president, Wastech, Inc., and Merle Irvine, also of Wastech, Inc., discussed discussed compactor needs at Metro South Station. They stressed it was important the compactor function at full capacity. They also discussed the Metro South Station rebid document.

No one else appeared to testify. Chair Hansen closed the public hearing.

Mr. Martin said the testimony given by Mr. Trehitt and Mr. Irvine was helpful. He said staff expected to receive comments from other vendors.

Chair Hansen said the resolution could be deferred and considered at a special meeting January 12. Mr. Martin said a special meeting was a good idea, but noted staff would work concurrently on the Metro South Station issues and also on the transportation bid. Councilor Ragsdale asked Mr. Trehitt and Mr. Irvine to submit a list of their concerns staff could respond to in written form. Chair Hansen said a special hearing could be scheduled January 12 at 2:00 p.m. to consider the issue further. He asked staff to make a special effort to contact potential vendors via mail or phone. Chair Hansen asked staff to place Resolution No. 88-1026 on the agenda for the January 12, 1989, Council meeting also.

8. Consideration of Resolution No. 88-1025, for the Purpose of Setting Timelines for Implementing Priority Programs of Metro's 1986 Waste Reduction Program

Mr. Martin discussed the resolution briefly and said he was not recommending the Committee approve it at this meeting. He said staff had not been able to complete goals as stipulated.

Chair Hansen opened the public hearing.

Estle Harlan, Tri-County Council, discussed the resolution and said Metro had vastly improved in waste reduction.

Councilor Ragsdale asked Ms. Harlan what she thought of staff increases up to 9 FTEs. Ms. Harlan said she dealt mostly with waste reduction staff and did not think the proposed increase unrealistic.

Jeanne Roy, Recycling Advocates, said she had expected the Committee to approve the resolution at this meeting. She said the Environmental Protection Agency (EPA) expected a stipulated order by January 20. She said Metro's projected time line was too long. She said what was left for Metro was how to implement stated goals.

Councilor Gardner said he understood how complicated the process had been. He said it did not take as long to form the initial plan as it did the revision. He asked what would happen if Metro did not satisfy the EQC. He said the EQC would be in a position to penalize Metro if the stipulated order was not fulfilled.

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Chair Hansen deferred consideration of Resolution No. 88-1025 to the special meeting January 12 and directed the resolution be placed on the January 12 Council agenda.

9. Review of Proposed Amendments to the Solid Waste Budget for Waste Reduction Program

Chair Hansen deferred consideration of the Review to a future meeting.

Chair Hansen adjourned the meeting at 9:10 p.m.

Respectfully submitted,



Paulette Allen  
Committee Clerk  
SWC89.003