

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

June 14, 1988

Council Chamber

Committee Members Present: Gary Hansen (Chair), Sharron Kelley (V. Chair), Larry Cooper, Tom DeJardin, Jim Gardner, Corky Kirkpatrick, George Van Bergen

Chair Hansen called the meeting to order at 5:34 p.m.

1. Consideration of Minutes of May 3 and 19, 1988

Motion: Councilor Kelley moved, seconded by Councilor Cooper, for approval of the minutes.

Vote: Councilors Kelley, Cooper, DeJardin, Gardner, Kirkpatrick, Van Bergen and Hansen voted aye. The vote was unanimous and the motion passed.

Chair Hansen removed Agenda Item No. 7 at Presiding Officer Ragsdale's request. The Presiding Officer said Executive Officer Cusma, Chair Hansen and he met and agreed on removal of Agenda Item No. 7. The Presiding Officer requested Agenda Item No. 6 be deferred also. Councilor Kirkpatrick concurred with the removal of Agenda Item Nos. 6 and 7 and said Agenda Item No. 5 should be removed also because the three Agenda Items in question were linked. Councilors Kelley and Van Bergen objected to deferment of the Agenda Items. Presiding Officer Ragsdale said the Policy Committee needed to review the agenda items before the Council Solid Waste Committee considered them.

Motion: Councilor Van Bergen moved, seconded by Councilor Kirkpatrick, that since the Executive and Presiding Officers as well as the Chair of the Council Solid Waste Committee requested Agenda Item No. 7 be deferred for consideration to a later meeting date, that consideration of Agenda Item Nos. 5 and 6 be deferred to consider the three resolutions as a package.

The Committee and staff discussed the effect of deferment on scheduling. Rich Owings, Director of Solid Waste, said the Agenda Items would return to the Committee in August after the Policy Committee met July 15.

Vote: Councilors Kirkpatrick and Van Bergen voted aye. Councilors Kelley, Cooper, DeJardin, Gardner and Hansen voted nay. The motion to defer discussion of Agenda Item Nos. 5, 6 and 7 failed.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to discuss Agenda Item Nos. 5, 6 and 7 at this meeting.

Chair Hansen said the Committee could discuss the Agenda Items, but that it was not necessary to take action on them. The Committee also had the option to table the resolutions, he said.

Vote: Councilors Kelley, DeJardin, Gardner, Kirkpatrick and Van Bergen voted aye. Councilors Cooper and Hansen voted nay. The motion to discuss Agenda Item Nos. 5, 6 and 7 at this meeting passed.

2. Status Report on the Clackamas Transfer & Recycling Center (CTRC)

Mr. Owings said the public was informed of the tonnage limitation. He said CTRC would be open to the public July 1. Councilor Van Bergen asked why July 1 was selected as the opening date. Dan Cooper, General Counsel, said the 700 ton per day limit would be in effect until Metro's agreement with the City of Oregon City was official June 29. Councilor Van Bergen asked what the tonnage amount currently disposed of at the facility was. Mr. Owings said Metro was averaging 790 tons per day. Councilor Van Bergen said the public should be allowed access immediately.

Councilor Kirkpatrick asked if staff could be directed to open CTRC to the public as of June 15. Councilor Kirkpatrick suggested contacting the Mayor of Oregon City about an earlier access date. Mr. Cooper said legal reasons made it advisable to wait until the official July 1 access date and those reasons could not be discussed publicly. Councilor Van Bergen asked for an Executive Session. Mr. Cooper announced to the public in attendance under what authority the Executive Session was held and that prior notice for an Executive Session was not required.

Executive Session, Held Under the Authority of ORS 192.660(1) (h) to Discuss Litigation Matters With General Counsel

The Executive Session began at 6:12 p.m. In attendance were Councilors Kirkpatrick, DeJardin, Cooper, Gardner, Hansen, Kelley, and Van Bergen. Staff in attendance were Ray Barker, Council Assistant, Mr. Owings and Mr. Cooper. Also in attendance was Harry Bodine, The Oregonian. The Executive Session ended at 6:20 p.m.

Motion: Councilor DeJardin moved, that with the Executive Officer's concurrence, Legal Counsel initiate discussions with the City of Oregon City and concerned neighborhood associations to open the Clackamas Transfer and Recycling Center to the public with no threat of legal action taken against Metro for violation of the tonnage limit.

Vote: Councilors Kelley, Cooper, DeJardin, Gardner, Kirkpatrick, Van Bergen and Hansen voted aye. The vote was unanimous and the motion carried.

3. Status Report on the Request for Bids for Transportation to Arlington Landfill

Bob Martin, Engineering Manager, gave a status report on transportation of solid waste to the Arlington Landfill. He named the members of the Request for Bids (RFB) Review Committee: John Lang, City of Portland; Lorna Stickel, Multnomah County Planner; Carter MacNichol, Port of Portland; Mr. Owings; and Neil Saling, Metro Construction Manager. Mr. Martin said Gilliam County representatives were informed of all meetings. Councilor Kirkpatrick asked if Council staff were informed of when meetings would be held. Mr. Martin said Mr. Barker was informed of all meeting times.

Mr. Martin reviewed transportation assumptions and options. Distributed to the Committee was a memorandum by Mr. Owings dated June 7, 1988, entitled "Transportation RFB - Arlington Landfill." Councilor Kirkpatrick asked for modification of some transportation assumptions. Mr. Martin agreed with Councilor Kirkpatrick and said starting assumptions had been identified. Mr. Martin said staff would study the key issues, develop options, and make recommendations for review by the Council Solid Waste Committee and other related committees.

Councilor Van Bergen requested the written record state the Committee did not think transportation of solid waste by Metro was not an acceptable mode. Councilor Van Bergen said input should be received from the private sector before the RFB was drafted and a transportation association should come forward with suggestions on the issues involved. Mr. Martin agreed with Councilor Van Bergen industry should be interviewed. He said the evaluation committee would review the transfer station and transportation criteria.

Councilor Kelley asked what would occur if Metro had a burner in place in 10 years. Mr. Martin said staff recommended 10 years as the optimum amount of time for all assumptions. Chair Hansen said an appropriate time period could be selected once transportation modes were selected. Councilor Kirkpatrick said RFP's were more effective than RFB's.

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Mr. Martin explained the RFB process. He said there was not enough time to issue both RFB's and RFP's. He said when RFP's were requested, too many options were submitted. With RFB's, he said, proposals could be made more specific. He said the RFB process was shorter than the RFP process. Councilor Van Bergen requested staff specifically recommend the bid process to the Committee. Councilor Kirkpatrick said any variation on the estimated time period would alter the issues. Mr. Owings said staff would return to the Committee with a position paper which explained staff recommendations on bids and the schedule of events. Mr. Owings said the position paper could be mailed to the Committee Friday for the next Council Solid Waste meeting June 21.

Mr. Martin finished staff's presentation with a timeline for dates of plans and proposals to be evaluated by the Evaluation Committee, the Council Solid Waste Committee, and then the full Council.

4. Consideration of Ordinance No. 88-250, for the Purpose of Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program

Roosevelt Carter, Operations Manager, briefed the Committee on the One Percent for Recycling Program. Councilor Kirkpatrick said she was an advocate of the program, but that the ordinance would require amendments. Chair Hansen announced the public hearing open.

Wayne Trehitt, Wastech, Inc., said there would be problems with such a program because grants gave people funds to compete with established business people. Councilor Gardner said the program would promote ideas. Mr. Trehitt said national associations viewed such measures as restrictive of recycling efforts. Mr. Trehitt said if Metro could create markets for secondary materials, then he could encourage such a program.

Carolyn Browne, 1717 S.W. Park Avenue, No. 1102, Portland, referred to Metro Code sections (a) and (b) and said terminology which stated, "District," should state "Metro." She opposed the ordinance and said it would compete with existing businesses.

Councilor Gardner explained "District," as written out in the Metro Code, referred to the Metropolitan Service District. No one else appeared to testify and Chair Hansen declared the public hearing closed.

Main Motion: Councilor Gardner moved to recommend approval of Ordinance No. 88-250 to the full Council.

First Motion to Amend: Councilor Kirkpatrick moved to amend language Metro Code section 5.02.02 to ensure it specifically referred to the "Solid Waste Operating Budget."

Vote on First Motion to Amend: Councilors Kelley, Gardner, Kirkpatrick and Hansen voted aye. Councilors Cooper, DeJardin and Van Bergen were absent. The vote was unanimous and the motion carried.

Second Motion to Amend: Councilor Kirkpatrick moved to delete the last sentence of Metro Code section 5.02.020, "Funds not expended any one budget year shall be carried forward."

Chair Hansen said it would be beneficial to have the funds continued. He said it demonstrated a commitment to the public to spend the whole one percent. Mr. Cooper said unlike the state-mandated St. Johns Enhancement Fund, Ordinance No. 88-250 was controlled by Metro and could be amended annually if necessary.

Vote on Second Motion to Amend: Councilor Kirkpatrick voted aye. Councilors Kelley, Gardner and Hansen voted nay. Councilors Cooper, DeJardin and Van Bergen were absent. The motion failed.

Councilor Kirkpatrick said it would be appropriate for the Executive Officer to draft an RFP and that a Councilor should be appointed to the Selection Committee. Councilor Gardner agreed with Councilor Kirkpatrick and expressed concern that the staff report deviated from the accepted definition of recyclables. Mr. Carter said the list was drafted by the former waste reduction manager. Chair Hansen said Councilor Gardner was correct to question whether there was a potential policy conflict. Chair Hansen said the issues should be clarified to avoid duplication of the Waste Reduction Plan. Chair Hansen asked Councilor Kirkpatrick to propose outlines for Mr. Cooper. Councilor Kelley said educational programs could be added. Councilor Gardner said it could be called one percent for "innovative resource recovery" instead of "recycling programs." The Committee deferred consideration of the ordinance until its next regularly scheduled meeting.

5. Consideration of Resolution No. 88-835B, for the Purpose of Adopting a Policy to Establish that the Metro East Transfer & Recycling Center(s) May Be Privately Owned and Operated, and That Notice Be Posted to Request That Potential Vendors Obtain Land Use Permits for Proposed Transfer Station Sites

Motion: Councilor Gardner moved that Agenda Item Nos. 5 and 6 be deferred until the Council Solid Waste Committee meeting June 21 to clarify language further.

Vote: Councilors Kelley, Gardner, Kirkpatrick and Hansen voted aye. Councilors Cooper, DeJardin and Van Bergen were absent. The vote was unanimous and the motion carried.

6. Consideration of Resolution No. 88-885, for the Purpose of Initiating a Proposal and A Site Search for a Publicly Owned East Transfer & Recycling Center(s)

Deferred. See motion and vote above.

7. Consideration of Resolution No. 88-886, for the Purpose of Adopting a Policy for Vendor Qualifications for the Metro East Transfer and Recycling Center(s)

It was the consensus of the Committee to defer Agenda Item No. 7 to the June 21 meeting, in addition to Agenda Item Nos. 5 and 6 officially deferred by motion and vote.

Chair Hansen adjourned the meeting at 7:56 p.m.

Respectfully submitted,



Paulette Allen, Clerk
SWC88.166