

MINUTES OF THE METRO COUNCIL MEETING

Thursday, September 22, 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

Ray Phelps, Allied Waste Services, 10295 SW Ridder Rd Wilsonville OR 97070 provided a letter for the record concerning the Metro Auditor's report. He summarized his letter.

3. CONSENT AGENDA

3.1 Consideration of minutes of the September 13, 2005 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the September 13, 2005 Regular Metro Council.
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Vote:

Councilors Burkholder, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 4 aye, the motion passed with Councilors Park, Hosticka and Newman abstaining from the vote.

4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 05-1077B**, Amending the Regional Framework Plan and the Urban Growth Management Functional Plan Relating to Nature in Neighborhoods.

Council President Bragdon said this ordinance was carried over and had already been moved for the record.

Council President Bragdon opened a public hearing on Ordinance No. 05-1077B.

Kelly Perry, 5531 NW Willbridge Portland OR 97210 provided a letter for the record and summarized her letter.

Jane Graybill, Interlachen Water People's Utility District, 21130 NE Interlachen Lane, Interlachen OR 97024 provided a letter for the record and summarized her letter. Council President Bragdon said the Metro Council had adopted a master plan for Blue Lake Park.

Bob Sallinger, Audubon Society of Portland, 5151 NW Cornell Portland OR 97217 provided a letter for the record and summarized her letter. Councilor Liberty asked for clarification on the floodplain recommendation. Mr. Sallinger responded to his questions. Council President Bragdon noted his remarks about not making changes yet he suggested change on wetlands. Mr. Sallinger responded to his question.

Carol DeJardin, PO Box 193 West Linn OR 97068 asked about acquiring a trail for public access along the Tualatin River. Council President Bragdon thought that there were no plans for a trail. Councilor Newman suggested staff talk with Ms. DeJardin about a trail corridor.

Jennifer Powell, Lacamas Laboratories, 3625 N Suttle Rd Portland OR 97217 provide written testimony for the record. She appreciated the help for Metro staff. They had not realized until the 11th hour that they could make a map correction. She acknowledged Malu Wilkinson's and Lori Hennings's helpfulness. She also spoke of Paul Ketcham's assistance. She believed that their property should be classified as a floodplain rather than Class 2 riparian. Council President Bragdon acknowledged that her map change was part of the technical record.

Sam Holmes 12215 SW 33rd Ave Portland OR 97219 provided written testimony and summarized his remarks. Councilor Burkholder said the intent and language allowed a home to be built. There was encouragement to develop in a way to protect the resources as much as possible. Paul Garrahan clarified the language in the ordinance. Councilor Burkholder acknowledged Mr. Holmes concern.

William Gorman, 8888 SW Katherine Lane Portland OR 97225 said he lived on a wooded track. Metro said this program was to protect fish and wildlife. His property had squirrels and raccoons. He said the real issue was not fish and wildlife but trees. They had used aerial photographs to access tree canopies. He felt Metro was taking his trees.

Chris Welling, 13490 SW Orient Dr Boring OR 97009 did not testify.

Jim McCauley, Home Builders Association, 1555 Banby Rd Suite 301 Lake Oswego, OR 97035 provided a letter for the record and summarized that letter for the Council. Councilor Liberty asked several questions of Mr. McCauley. Mr. McCauley responded to his question. Councilor Park asked about the jurisdictional boundary issue, he wondered where those areas were. Mr. McCauley said the area that would present the most impact were on the east side.

Carolyn Jones, 28185 Poplar Way Lake Oswego, OR 97034 said she was here today to inform Council that our notice was out of compliance with Measure 56. She reviewed the Measure. She asked that this measure be set aside until people were properly informed and until Metro had secured monies to reimburse property owners.

Susan Gress, moorage owner, 3616 SW Oak Portland OR 97214 asked about involvement for people who had been most effected by this ordinance. She felt there had been a lot of property owners who had not been previously notified. She felt there should be more involvement by the people who were affected.

Council President Bragdon announced that staff was ready to present on the ordinance.

Chris Deffebach, Planning Department, provided a power point presentation on Ordinance No. 05-1077B (a copy of which is included in the record). She provided examples of how the ordinance would affect property. She provided a summary of the history on this issue starting in 1996. She noted that this ordinance had been written with incentives in mind. She summarized the five different notifications to property owners. She acknowledged the multitude of public hearings and open houses, which provided input on the ordinance. She thanked Metro staff that had worked with the citizens. Councilor Liberty asked about the number of notices that had been sent. She responded 250,000 notices had been sent. Councilor Liberty asked about the number of hearings that had been held. Councilor McLain said she had been in over 300 public meetings. She asked about the Measure 56 notice and whether it followed state law. Mr. Garrahan said the Office of Metro Attorney had reviewed the notice for compliance with Measure 56. The ordinance did comply with the provision of Oregon law. Ms. Deffebach said they had been in contact with thousands of people about this issue.

Dorothy Cofield, speaking for William Stocking, 10640 SW Lancaster Rd Portland OR 97219 provided written testimony and summarized her letter. Councilor Newman said her map correction was in the amendment packet. Ms. Cofield added that the language in the ordinance was difficult to understand. She provided an example of what people needed to know.

Ann Gardner, Schnitzer Steel, 3200 NW Yeon Portland OR 97296 supported an item in Exhibit G, a 10 acre parcel in St. Johns which was being corrected by Metro if Council adopted Exhibit G. She urged adoption.

Raymond Johnson Hessler Hills Development Association 1206 SW Hessler Dr Portland OR 97201 provided a letter for the record and summarized his comments.

Marguerite Hills 615 SW Arboretium Circle Portland OR 97221 provided a comment card and did not testify.

Marilyn Johnson 1206 SW Hessler Dr Portland OR 97201 said she was concerned about erosion, pruning of trees, and map corrections. They had been trying to correct the maps over the past four years. She acknowledged City of Portland's assistance but map corrections may take up to a year. She was concerned about how that would impact Metro's ordinance. She talked about notification. She urged more homeowner input and involvement. Councilor Newman clarified that Metro's ordinance did not have any additional requirements for tree pruning and cutting unless the jurisdiction required a permit. Mr. Hessler asked about overlays. Council President Bragdon responded to his question. Councilor Liberty said he had met with people in his district. He would be happy to come out and make sure map corrections were taken care of.

Randy Rice 3309 SW Arnold Heights Portland OR 97019 said he had learned a lot today. He expressed fear that the aerial photographs and overlays were outdated and in error. He acknowledged that he had a running stream on his property. He was concerned that in the future the city would not honor the program. He was concerned that this ordinance was affecting the "little guy". Councilor Park said hopefully there wasn't a reduction in value. He still had the ability to do something with his lot. The State had a requirement for delineation of wetlands. Mr. Rice talked about costs of development. Councilor McLain said they were dealing with the natural world so they had to have a process for map corrections. Metro was trying to make sure this program wasn't confusing. If we have taken away value then Metro had to compensate. Mr. Rice asked how he should proceed. Councilor McLain suggested he speak with staff.

Lise Glancy 121 NW Everett Portland OR 97212 provided a copy of her letter for the record and summarized that letter. Councilor Burkholder spoke to the map correction amendment.

Michael Sestric, 0615 SW Palatine Hill Portland OR 97219 provided written testimony and summarized the testimony. They were supportive of this ordinance. Councilor Hosticka suggested that Lewis and Clark students help Metro with performance measurements.

Brent Curtis, Washington County and Tualatin Basin Natural Resources Coordinating Committee, 155 N First Hillsboro OR 97214 thanked Metro Council for all of their considerations. They would continue to work with Metro.

Bill Erickson, 1043 NW Skyline Portland OR 97229 provided a copy of his map correction. He had gotten the notification of the map. He talked about Metro's and City of Portland's analysis. The third document was a quadrangle map made by United States Geologic Services (USGS). Map 4 showed Metro's errors. He said if maps were correctly drawn, 18 additional property owners would have received notice. He said Metro had acknowledged some errors. He then talked about speaking with a Metro Planner yesterday about maps. He observed 50 errors on the map. Councilor Park had been very helpful. He was concerned that property owners had not been notified because of mapping errors. Council President Bragdon said he knew there were discrepancies in the Fanno Creek area. Mr. Erickson said he was ¼ mile away from the Fanno Creek area. The mapping errors were not limited to the west side. He suggested doing this process correctly. He asked to make the mapping corrections before being sent to Department of Land Conservation and Development (DLCD). Councilor McLain talked about the mapping process in the region. They knew that map corrections would be an ongoing process. They were aware that there were errors. They were not ignoring the errors. They would be making sure that people would notified.

Connie Ledbetter, 176505 SW Cheyenne Way Tualatin OR 97062 said her understanding was she was not impacted by this ordinance. She provided a history of her property. Her property backed-up against a small wetland (she provided a copy of her letter for the record). Councilor Burkholder recognized her concerns. The issues that she brought up were being addressed.

Tom Wolf, Trout Unlimited 22875 NW Chestnut Hillsboro OR 97123 represented 4000 members. He had been involved in the development of Nature In Neighborhoods (NIN). In light of Measure 37, NIN was a good program. He urged adoption of the NIN program.

Douglas Golden, 4122 SW Patrick Way Portland OR 97239 a member of Southwest Neighborhood Association. He thanked Metro for the work they had done on NIN. He only received one notice. He said, we the citizens had not been involved. He felt there needed to be an expanded public involvement process. Citizens needed time to review the process and provide input.

Ted Kraines, 22449 SW Stafford Tualatin OR 97002 shared his experience about trying to get information. He talked about a stream that was not there. He was concerned about the process. He understood that there were measures to continue corrections in the mapping. He felt it was too soon to pass this ordinance. Council President Bragdon suggested he take his map to our staff. Councilor McLain said Clackamas County was waiting for Metro to set the bar.

John Gibbon, Quail Park Homeowners Association 9822 Quail Post Portland OR 97219 said he had been working with homeowners. Within the last 60 days he was involved with a property by

Johnson Creek. 20 acres of property were developed. 28 acres became part of common open space. He urged Metro to consider setting additional guidelines and standards for homeowner associations. Councilor Liberty said he had testified on this program since 1999.

Doug Bollam, PO Box 1944 Lake Oswego, OR 97035 provided his testimony in writing and summarized that testimony.

Sparkle Fuller, Anderson Far West CPO 27480 SW Stafford Rd Wilsonville 97070 asked for bigger maps for the meeting. She suggested a map correction process. She spoke of an inconsistency about the one-mile zone outside the Metro jurisdictional boundary. Mr. Garrahan said Metro staff conducted a habitat inventory that included one-mile outside the jurisdictional boundary. None of these provisions applied to those areas. There were some provisions that were duplicative of the agriculture and forest practices. Ms. Anderson asked about urban reserves.

Linda Robinson, 1115 NE 135th Portland OR 97230 said she had testified previously. She was glad to see the technical amendments. She supported amendment 5, 8, 9, 15 and Councilor Liberty's amendment to require upland protection. She talked about the need for a mapping error process. She urged passage of the ordinance.

Jim Labbe, Audubon Society of Portland, 5151 NW Cornell Rd Portland OR 97217 clarified Bob Sallinger's recommended amendment. They were trying to keep development out of the floodplains. He felt we should strive for the 10 percent target. He thanked Metro for their efforts. He spoke to the public involvement, which had been incredible.

David Noble, 8421 SW Macadam Portland OR 97219 asked about the map error methodology and process. He hoped for clarification. Also was there a method for eliminating an alleged stream that showed up on a property owner's property that were incorrect. What did they do when streams didn't exist? Council President Bragdon said they were dealing with the map correction issue. Mr. Noble asked if this would include when a stream did not really constitute a stream? Council President Bragdon said yes.

Cal Hedges, 11950 SW Breyman Portland OR 97219 said he owned property in Lake Oswego, which had a stream on it. He talked about dividing his property. They had met with the Neighborhood Association and shared a proposed development of this property. He was presenting this to the City of Lake Oswego for review. He asked if Metro offered flexibility for alternative development.

Bert Anderson, 16020 SW Keller Rd, Clackamas OR commented on the mapping. His concern was wrong mapping. The map showed a stream but there wasn't a stream. If they wanted to build something how many processes would they have to go through in order to prove that Metro's map was wrong? President Bragdon indicated the citizen's local municipality would be the appropriate agency to go to. Councilor McLain reiterated Metro's commitment to accurate mapping.

Councilor Liberty said Barry and JoAnne Kelly, 4929 SW Fairvale Court Portland OR 97221, had provided an email, which he acknowledged had been placed in the record. He said Mr. Kelly was concerned about the property owner notice. He had urged rejection of the ordinance.

Council President Bragdon closed the public hearing. Council President Bragdon clarified that this ordinance would be held over until September 29, 2005 for final consideration.

Logan Ramsey, 3026 NW Skyline Portland OR 97229 arrived late so was not able to testify and wanted this noted for the record.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 05-1077B with Hosticka Amendment #1.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka spoke to his amendment. This amendment would clarify that if at any time the citizen wanted to request a map correction, they could submit this to the local jurisdiction. Councilor McLain said that was in Exhibit C. Council President Bragdon said he would be supporting this amendment. Councilor Hosticka explained why the map must be adopted. It was required by the State. They would correct the maps.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 05-1077B with Hosticka Amendment #2.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka explained the amendment, which addressed the Audubon Society's testimony on 10 percent floodplains. Councilor Burkholder added his comments. Councilor McLain said this was a bit more difficult. The more visionary goals they had on performance measures were extremely important. She would be voting for this amendment. Councilor Liberty talked about administering floodplains ordinances. This was a modest step towards maintaining the floodplains. He would be supporting this amendment. Councilor Newman objected to the process because they had amendments drafted in advance. This was one he had not seen. Council President Bragdon said he would be voting no because he didn't know the merits of the amendment. Councilor Park also expressed concern about the lateness of the amendment. He was uncomfortable with moving it ahead. Councilor Hosticka said he had been out of town. He said the issue before Council was to establish goals and objectives for the region. He noted the devastation caused by the lack of care of floodplains. He urged support.

Vote to Amend:	Councilors Hosticka, Burkholder, McLain, and Liberty voted in support of the motion. Councilor Park and Council President Bragdon vote no. Councilor Newman abstained from the vote. The vote was 4 aye/ 2 nay/ 1 abstain, the motion passed.
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Motion to Amend:	Councilor Liberty moved to amend Ordinance No. 05-1077B with Liberty Amendment #1.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty explained his amendment. Councilor Park asked about Measure 37 claims. Councilor Liberty responded to his question. He wanted to focus on a solution for the property owner as provided in Measure 37. Councilor Park expressed concern. Councilor Liberty said they would have to look at a program first before we could determine who was responsible. Councilor Burkholder said he was inclined to vote no. Council decided that they were going set the base program for the region. Other governments had done more than that. He didn't think this was

consistent in the spirit of what Metro was doing. He supported the goals but it should be up to the locals if they wanted to exceed our base program. Councilor Newman said he would support this amendment, he explained why. Councilor McLain concurred with supporting the amendment. She noted the one element that was important to Metro was standards. They had not done enough as a collective region to protect. Council President Bragdon was also supportive.

Vote to Amend:

Councilors Hosticka, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Burkholder voting no and Councilor Park abstaining from the vote.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 05-1077B with the technical amendments in a block.
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka explained the technical amendments and map revisions. Councilor Newman asked for a friendly amendment to include Exhibit G. The maker and seconder of the motion accepted the friendly amendment.

Vote to Amend:

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

4.2 **Ordinance No. 05-1090**, For the Purpose of Amending the FY 2005-06 Budget and Appropriations Schedule for Reorganization of the Council Staff, one Administrative Assistant FTE, providing for building needs, and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 05-1090.
Seconded:	Councilor Park seconded the motion

Councilor Burkholder explained the amendment. This would set up a new council support system as well as providing building improvements.

Council President Bragdon opened a public hearing on Ordinance No. 05-1090. No one came forward to testify. Council President Bragdon closed the public hearing.

Council President Bragdon said this ordinance was to implement what they had planned to do. Councilor Park commented that he was supportive of this and explained why.

Vote:

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

4.3 **Ordinance No. 05-1096A**, For the Purpose of Adopting a Supplemental Budget For FY 2005-06 Providing For Pension Obligation Bonds and Other Related Costs, Amending Appropriations, Authorizing an Interfund Loan, and Declaring an Emergency.

Motion:	Councilor McLain moved Ordinance No. 05-1096A.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain said this ordinance provided for the necessary budget actions related to the pension obligation bonds. In early July, staff made presentations to the Council regarding this agency's unfunded actuarial liability with the Oregon Public Employees Retirement System (Oregon PERS). Staff suggested and Council agreed that Metro should investigate bonding the unfunded actuarial liability. On July 21, 2005, Council approved resolution 05-3698 authorizing Metro to issue pension obligation bonds in an amount not to exceed the calculated liability and providing the interest rate on the bonds did not exceed 6.5%. Metro joined with a group of 11 other Oregon local governments (7 cities, 2 counties, 2 special districts) to issue the bonds. Over the last eight weeks, staff has worked diligently with financial advisor, bond counsel and other related professionals toward the sale of the bonds. That work culminated Tuesday of last week (9/13/05) with a very successful pricing and sale of the bonds. Councilor McLain provided the specifics of Bond Pricing and Sale. The supplemental budget was prepared well before the pricing of the bonds. The supplemental budget provided for three actions all related to PERS. First, recognition of bond proceeds and payment to PERS to payoff calculated unfunded actuarial liability. It also provided for approximately \$291,000 in issuance costs. Second, it recognized and provided for the first year of debt service on the pension obligation bonds. Debt service will be allocated to departments through a payroll assessment. There will be no additional cost to departments because the PERS employer rate has been reduced by an even greater amount. Third, it provided the flexibility for an additional cash contribution of about \$7.5 to PERS from the reserves accumulated since FY 2003-04. The legislative reforms of 2003 reduced Metro's rate by 6.65%. Metro has been setting aside that amount in a reserve pending outcome of the court decisions. The reserve accumulated approximately \$2.5 million annually. By end of FY 2005-06, it will be approximately \$7.5 million. Additional contribution will be made at Council's direction. Metro still did not know the impact of court decisions on our actuarial liability or PERS rate. PERS board would take up that discussion at its meeting on 9/23. Councilor McLain noted two technical issues related to the supplemental budget Finally, PERS was now indicating that they would accept cash contributions in excess of calculated liabilities.

Council President Bragdon opened a public hearing on Ordinance No. 05-1096A. No one came forward to testify. Council President Bragdon closed the public hearing.

Council President Bragdon said he attended the Tax Supervision Conservation Commission (TSCC) public hearing and they were supportive of this action.

Vote:

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

4.4 **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.

Councilor Hosticka said this ordinance was already on the floor. He asked clarifying questions. He explained the Chief Operating Officer's recommendation. He understood this was a new application with additional terms in it. Mr. Garrahan explained that there were not two separate applications. He explained the difference between the ordinances. He explained that Council must approve one of the two ordinances. If Council did not approve either ordinance then the application would be granted under Metro Code. Councilor Liberty suggested hearing the information on the second item (Ordinance No. 05-1092) before a vote was taken. Councilor Newman wondered how this new application was different from the original application.

Motion:	Councilor Hosticka moved to hear about Ordinance No. 05-1092 prior to consideration of either ordinance
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There was no objection from the Council.

4.5 **Ordinance No. 05-1092**, Granting the Solid Waste Facility Franchise Application of Columbia Environmental, LLC to operate a local transfer station.

Motion:	Councilor Park moved to adopt Ordinance No. 05-1092
Seconded:	Councilor Burkholder seconded the motion

Mike Hogle, Solid Waste and Recycling Director, provided a summary of the new application. Councilors asked about the changes from the original proposal. Mr. Hogle responded to their questions. If the ordinance was approved the company would not likely be up and running until late 2006. The approval ordinance has findings that go above and beyond the criteria.

Councilor Hosticka asked if staff was recommending approval. Mr. Hogle said the staff recommendation remained to not approve the application.

Councilor Liberty talked about holding ratepayers harmless. He wondered if the increasing tonnage would have no net impact. Mr. Hogle found there were additional costs but not fixed costs. What was \$.38 a ton impact on a residential cost? Mr. Hogle responded that it was about \$.03-\$.04 increase monthly. For a building, it was about \$3 to \$4 increase monthly and for a restaurant it was \$14 increase monthly. Councilor Liberty asked about increases in recovery. Mr. Hogle responded to his question. Councilor Park asked about recycling on organics and its impact. Mr. Hogle responded to his question.

Council President Bragdon opened a public hearing on Ordinance Nos. 04-1063A and 05-1092.

Brian Engles, Winterbrook Planning 310 SW 4th #110 Portland OR 97204 said this leveled the playing field between locals and haulers and the big companies. He provided information on additional benefits. They were a coalition of small haulers. This increased the competition. He noted vehicle miles traveled had become even more important. He noted the Metro audit. They were using automation. They were paying a higher wage. He spoke to co-mingling. He urged support. Ben Schoenberger said this application leveled the playing field, increased recovery, and reduced travel. Metro supported all of these premises. He talked about the net benefit to the citizens of the region and the fairness issue. He spoke to Metro's historical market share.

Councilor Liberty said the issue of employment had been raised. What additional employment would be available? Mr. Engles responded, 15 jobs. He talked about the benefits to these employees. Councilor Liberty asked about the nature of the work that the lowest entry-level job would do. Mr. Engles responded to his question.

Councilor McLain asked about competition and where was this in the region. Mr. Engles said most of the competition would be with the Metro Central facility. Councilor McLain asked if the company was willing to take on some of Metro's responsibilities such as roundups. Mr. Engles said looking to the future they would consider this. Councilor McLain asked about the graph. Did they know about the history of the private/public industry? Councilor Newman asked about the \$3 per ton. Mr. Engles said they were asked to make this as revenue neutral as possible.

Councilor Newman asked, long term, would they be asking that the \$3 be rescinded? Mr. Engles said this was for the life of the franchise.

Emilie Boyles, 1191 SE Division #1 Portland OR 97266 said, don't raise my garbage rates. She was not paid by any entity to advocate for this issue. She urged denying the franchise. She urged not raising rates. She talked about the additional competition, which was in the Materials recovery Facilities (MRFs). This application could put some of the MRFs out of business. She talked about the impact. She provided solutions such as the moratorium of transfer stations. Councilor Liberty asked about how she arrived at the 80 to 100 impact on jobs. Ms. Boyles said she had talked with the MRFs in the area. She said Columbia targeted a different population for employment. Council President Bragdon asked about rate raises. Ms. Boyles responded to his question.

Terri Regan 15597 NW Athens Drive Portland OR 97229 echoed Ms. Boyles comments.

Terrell Garrett Greenway Recycling LLC Box 4483 Portland OR 97208 said he was concerned about the bar of the 45% waste recovery. He spoke to Metro's history of licensing. He was concerned about how he could compete in the market place. He was also concerned about the tonnage but felt that competition was good. He spoke to better service and lower prices and his company's success. He felt they needed more facilities with better services. He urged approval of the franchise.

David McMahon, Cloudburst Recycling PO Box 12106 Portland OR 07212 talked about competition between transfer stations. He doubted that Columbia Environmental would drive others out of business. He was at a competitive disadvantage with those companies that had vertical integration. He suggested leveling the playing field. He talked about allocation of Metro's costs. He urged approval.

Ray Salvi, 7202 NE 42nd Portland OR 97218 reiterated what Columbia Environmental had said. The number of haulers was dwindling. He didn't see where Metro was losing business. They were trying to be competitive.

Council President Bragdon closed the public hearing.

Councilor Liberty asked Mr. Hoglund about rates. Mr. Hoglund responded to his question, rates would be going up over the next 5 years. In order for Metro to not see an increase, we would have to cut costs or use our reserves to stabilize the rates.

Council President Bragdon said he would be voting yes on Ordinance No. 05-1092 and explained his reasoning. He talked about the impact of price regulation. We have barriers to entry without a cap.

Councilor Newman added his comments. He would voting to deny because he felt it was at the wrong time.

Councilor McLain echoed Councilor Newman's comments. There had been 15 years of policy developed with private and public input. She agreed that the criteria had to be addressed. She still agreed with the finding to deny because of the criteria. Second, she talked about the public benefits with our public facilities.

Councilor Park asked Mr. Hoglund about the criteria. What was his assessment when you take into account the additional criteria? Mr. Hoglund said they had always looked at the Code criteria. Their “no” had always been a soft “no”. He explained that they were heading towards a neutral staff decision. Councilor Park asked when they first started talking with Columbia Environmental. Mr. Hoglund responded to his question.

Councilor Liberty looked at the benefits and costs. He thought we should set criteria and stick to it. He felt there was a net benefit. He would be voting yes.

Councilor Burkholder said he agreed with both sides on this discussion. He had a high respect for rule of law but things change over time. He supported the application and would be voting yes.

Councilor Liberty talked about market concentration. He doesn’t take lightly that money went outside the region.

Councilor Hosticka said he wouldn’t be supporting the ordinance because of many of the comments that Councilor Newman outlined. He talked about economic factors and felt we were dealing with more of a public utility system. He asked if the citizens of California were better off with energy deregulation. We needed to have a wholesale revision of our system. Council President Bragdon responded to his comments.

Councilor McLain said she thought they were unnecessarily complicating our system. She talked about future decisions on Forest Grove Transfer Station and other franchise and licenses decisions.

Councilor Park said he looked at how would he treat any of the other companies differently. He talked about fairness. The system needed to be re-examined. We were also protecting a public asset.

Vote on Ordinance
No. 05-1092:

Councilors Park, Burkholder, Liberty and Council President Bragdon voted in support of the motion. The vote was 4 aye/ 3 nay, the motion passed with Councilor McLain, Newman and Hosticka voting no.

4.6 **Ordinance No. 05-1093**, For the Purpose of Amending Metro Code Chapter 5.01 to Extend a Moratorium Until December 31, 2007, on Applications For and Authorizations of New Solid Waste Transfer Stations Within the Metro Region.

Motion:	Councilor McLain moved to adopt Ordinance No. 05-1093.
Seconded:	Councilor Park seconded the motion

Councilor McLain explained the ordinance. She said Ordinance No. 05-1094 would do the same thing. This moratorium would allow Metro to complete the solid waste system conversation.

Council President Bragdon opened a public hearing on Ordinance No. 05-1093.

Ray Salvi 7202 NE 42nd Portland OR 97218 urged not doing the moratorium. Council President Bragdon closed the public hearing.

Council President Bragdon said to be consistent he would be voting no. We shouldn't regulate barriers to entry without regulating price.

Councilor Hosticka agreed with Council President Bragdon's comments.

Councilor Liberty asked about the differences between the ordinances. Councilor McLain responded to his question.

Councilor Burkholder said he would be voting yes because of the strategic plan the Council had been considering this year. He felt it was important to finish our discussion.

Councilor Park stated that if Columbia Environmental hadn't started the process when they did, he would not have supported their application. He shared his concerns if this moratorium was not approved.

Councilor Newman said he wanted to make sure we did it smart, at the right time and under the right circumstances. He would be supporting the ordinance.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty voted in support of the motion. The vote was 5 aye/ 2 nay, the motion passed with Councilors Hosticka and Bragdon voting no.

- 4.7 **Ordinance No. 05-1094**, For the Purpose of Amending the Regional Solid Waste Management Plan to Extend a Moratorium Until December 31, 2007 on Applications For and Authorizations of New Solid Waste Transfer Stations Within the Metro Region.

Motion:	Councilor McLain moved to adopt Ordinance No. 05-1094.
Seconded:	Councilor Park seconded the motion

Council President Bragdon opened a public hearing on Ordinance No. 05-1094. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty voted in support of the motion. The vote was 5 aye/ 2 nay, the motion passed with Councilors Hosticka and Bragdon voting no.

- 4.8 **Ordinance No. 05-1087A**, For the Purpose of Adopting a Process For Treatment of Claims Against Metro Under Ballot Measure 37 by Adding Chapter 2.21 to Title 11 of the Metro Code (Administration and Procedure).

Council President Bragdon said there was already a motion was on the floor. Councilor Liberty reviewed the ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 05-1087A.

Matthew Green Hite, 17940 Outfield Gladstone OR 97027 expressed concern about appraisal and payment of claims. Councilor Liberty asked for clarification on his remarks. He asked legal

counsel about licenses. Councilor Park asked about buildable lots. Council President Bragdon closed the public hearing.

Councilor Liberty asked legal counsel about a response to comments. Dick Benner, Metro Senior Attorney, said the witness misinterpreted the provision on the Council's own appraisal.

Councilor Burkholder provided his comments and explained why he would be voting no. It had to do with his dislike of the law itself.

Vote:

Councilors Park, Hosticka, McLain, Liberty and Council President Bragdon voted in support of the motion. The vote was 5 aye/1 nay, the motion passed with Councilor Burkholder voting no and Councilor Newman absent from the vote.

5. RESOLUTIONS

5.1 **Resolution No. 05-3618**, For the Purpose of Authorizing the Chief Operating Officer to Award Additional Regional System Fee Credits in FY 2005-06.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3618.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain reviewed the resolution. Councilor Liberty asked if this would be the only supplement we would be paying this year. Doug Anderson, Solid Waste and Recycling Department, said this would be it from last year.

Councilor Park commented that we were in transition.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed and Councilor Newman absent from the vote.

5.2 **Resolution No. 05-3621A**, For the Purpose of Amending the Terms of the Transaction Set Forth in Resolution No. 05-3555 to Acquire Property In Milwaukie Town Center For a Transit-Oriented Development/Centers Project.

Motion:	Councilor Liberty moved to adopt Resolution No. 05-3621A.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty reviewed the resolution. Phil Whitmore, Planning Department, had nothing to add. Councilor Hosticka wanted to know what the net present value was. Mr. Whitmore responded to his question. Councilor Liberty said the net present value was higher. It was still a good deal. Mr. Whitmore agreed with Councilor Liberty's comments. We had a great parcel. Councilor Park asked how Mr. Whitmore would characterize this project compared to Gresham. Mr. Whitmore said the property differed because there would have to be improvements. It was similar to Gresham in the kind of linkage that happened.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, and Liberty voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Newman and Council President Bragdon absent from the vote.

6. CONTRACT REVIEW BOARD

- 6.1 **Resolution No. 05-3610A**, For the Purpose of Issuing a Request for Proposals (RFP) To Develop a Work Scope for an Expanded Public Outreach for the 2005-08 Regional Transportation Plan (RTP) Update.

Motion:	Councilor Park moved to adopt Resolution No. 05-3610A.
Seconded:	Councilor McLain seconded the motion

Deputy Council President Burkholder said this would issue a RFP for extended outreach on the RTP update. A consultant would help design the process and then they would discuss with stakeholders what they hoped to achieve. They would also look at solution to meet the needs as well as looking at limited resources. He urged support. Councilor McLain added her comments about the Council process. Councilor Burkholder said they would also be discussing this with Metro Policy Advisory Committee (MPAC) and Joint Policy Advisory Committee on Transportation (JPACT). Councilor Liberty talked about what we were trying to accomplish in the RFP. He spoke to the budget amendment. Councilor Burkholder added his comments about the amended language. Councilor Park said this offered us a perfect opportunity to look at a new regional look. It would outline some of the areas that the region was going to have to look at.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, and Liberty voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Newman and Council President Bragdon absent from the vote.

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, had nothing to say.

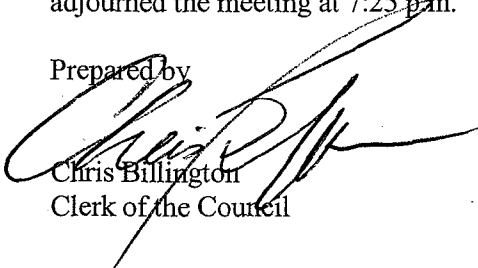
8. COUNCILOR COMMUNICATION

Councilor Hosticka said on Sunday there will be a celebration in Beaverton on an openspace property.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 7:25 p.m.

Prepared by



Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER 22, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
2	Letter	9/22/05	To: Metro Council From: Ray Phelps, Allied Waste Services Re: System Fee Credit Program	092205c-01
4.1	Minutes	9/13/05	Metro Council Meeting Minutes of September 13, 2005	092205c-02
4.4 & 4.5	Email	9/19/05	To: Metro Council From: Mike Hogland, Director, Solid Waste and Recycling Department Re: Columbia Environmental application	092205c-03
4.4 & 4.5	Graph and Revenue Tonnage	September 2005	To: Metro Council From: Mike Hoglund, Solid Waste and Recycling Director Re: Waste on Which Metro's fees are assessed and Revenue tonnage	092205c-04
6.1	Amendment	4/24/05	To: Metro Council From: Councilor Liberty Re: 05-06 Proposed amendment on Scoping for Regional Transportation Plan Update	092205c-05
4.8	Remarks	9/22/05	To: Metro Council From: Councilor Liberty Re: Talking Points on Ordinance No. 05-1087A	092205c-06
6.1	Resolution No. 05-3610A	9/22/05	Resolution No. 05-3610A , For the Purpose of Issuing a Request for Proposals (RFP) To Develop a Work Scope for an Expanded Public Outreach for the 2005-08 Regional Transportation Plan (RTP) Update.	092205c-07
4.3	Ordinance No. 05-1096A	9/22/05	Ordinance No. 05-1096A , For the Purpose of Adopting a Supplemental Budget For FY 2005-06 Providing For Pension Obligation Bonds and Other Related Costs, Amending Appropriations, Authorizing an Interfund Loan, and Declaring an Emergency.	092205c-08
5.2	Resolution No. 05-3621A	9/22/05	Resolution No. 05-3621A , For the Purpose of Amending the Terms of the Transaction Set Forth in Resolution No. 05-3555 to Acquire Property In Milwaukie Town Center For a Transit-Oriented Development/Centers Project.	092205c-09

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Power Point Presentation	9/22/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Nature in Neighborhoods power point presentation	092205c-10
4.1	Maps	9/22/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Maps for Ordinance No. 05-1077B	092205c-11
4.1	Public Comment Summary	9/22/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Nature in Neighborhoods Public Comment Summary	092205c-12
4.1	Email	9/21/05	To: Metro Councilors From: Marianne Fitzgerald Re: Urge adoption of Ordinance No. 05-1077B and did not support any roll-backs	092205c-13
4.1	Letter and Maps	9/22/05	To: Metro Council and Paul Ketcham From: Stark Ackerman, Black Helderline Re: Fazio Industrial Property	092205c-14
4.1	Letter	9/21/05	To: Metro Council From: Kemper McMaster State Supervisor, US Department of the Interior - Fish and Wildlife Service Oregon Fish and Wildlife Office Re: Nature in Neighborhoods urging not to make any changes that would weaken nature resource protection	092205c-15
4.1	Letter	9/21/05	To: Metro Council From: Dana Krawczuk, Ball Janik Re: Represent residential developers asking for a balance between need to provide development opportunities and protection natural resources	092205c-16
4.1	Letter and maps	9/9/05	To: Metro Council From: Kit Abel Hawkins, Director Arbor School of Arts and Sciences Re: Inventory revision request	092205c-17
4.1	Letter	9/22/05	To: Metro Council From: Edward Campbell, Director, Resource Protection and Planning City of Portland Re: Supporting groundwater protection	092205c-18

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Testimony	9/22/05	To: Metro Council From: Kelly Perry Re: Strong protection of fish and wildlife	092205c-19
4.1	Letter	9/21/05	To: Metro Council From: Bob Sallinger and Jim Labbe, Audubon Society of Portland Re: Supporting Ordinance No. 05-1077B and floodplain comments	092205c-20
4.1	Letter	9/22/05	To: Metro Council From: Jim Emerson for the Forest Park Neighborhood Association Re: Supporting Ordinance No. 05-1077B and map error comments	092205c-21
4.1	Letter and maps	9/19/05	To: Metro Council From: Robert Johnson President of Interlachen Water People's Utility District Re: Zoning of Blue Lake Park from Natural Resources to Residential/Community Services and Parks and coordinating Blue Lake Master Plan	092205c-22
4.1	Letter and photos	9/22/05	To: Malu Wilkinson, Planning Department From: Terrell Garrett Re: Request for map correction	092205c-23
4.1	Letter	9/22/05	To: Metro Council From: Raymond Johnson Hessler Hills Development Association Re: Opposing NIN program in its current form	092205c-24
4.1	Letter	9/22/05	To: Metro Council From: Samuel Holmes Re: Shared costs of NIN program	092205c-25
4.1	Email	9/21/05	To: Councilor Liberty From: Barry and JoAnne Kelly	092205c-26
4.1	Letter	9/22/05	To: Metro Council From: Jim McCauley, Portland Home Builders Association Re: Concerns about NIN program	092205c-27
4.1	Letter and maps	9/22/05	To: Metro Council From: Dorothy Cofield representing Bevins and Bill Stocking Re: Map correction	092205c-28
4.1	Letter	9/22/05	To: Metro Council From: Lise Glancy Port of Portland Re: Support Nature in Neighborhood program	092205c-29

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Testimony	9/22/05	To: Metro Council From: Michael Sestric, Lewis and Clark College Re: Comments on Nature in Neighborhoods program	092205c-30
4.1	Maps and quadrangles of 1043 NW Skyline Blvd	9/22/05	To: Metro Council From: Bill Erickson Re: Map Correction on his property	092205c-31
4.1	Letter and photos	9/22/05	To: Metro Council From: Connie Ledbetter Re: Implementing home improvements near a wetlands area	092205c-32
4.1	Testimony	9/22/05	To: Metro Council From: Doug Golden Re: Testimony concerning Nature in Neighborhoods	092205c-33
4.1	Letter and attached letter of May 16, 2005	9/22/05	To: Metro Council From: Doug Bollam Re: Environmentally friendly language for Nature in Neighborhoods program	092205c-34
4.1	Letter and maps	9/22/05	To: Metro Council From: Robert Van Brocklin, Stoel Rives representing Joseph Angel Re: Map inventory and map changes	092205c-35
4.1	Letter	9/22/05	To: Metro Council From: Jay and Chris Webster Re: Concerns about apply uninhabited standards to existing homes and backyards	092205c-36
4.1	Testimony and maps	9/22/05	To: Metro Council From: Logan Ramsey Re: Request for map correction	092205c-37
4.1	Letter and photos	9/21/05	To: Metro Council From: Carol Adams Re: Notice to property owners	092205c-38
4.1	Letter	9/21/05	To: Metro Council From: Gil Kelley, Director City of Portland Planning Department Re: Sstream mapping and Ordinance No. 05-1077B	092205c-39
4.1	NIN comment card	9/22/05	To: Metro Council From: Joe Bell Re: Against restriction on property	092205c-40
4.1	NIN comment Card	9/22/05	To: Metro Council From: Marguerite Hills Re: Provide maximum protection	092205c-41

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	NIN comment card	9/22/05	To: Metro Council From: Ken Vanderhoff Re: Requesting that Metro keeps them informed	092205c-42
4.1	NIN comment card	9/22/05	To: Metro Council From: Helen Shaull Re: Ask Councilors Park and Bragdon come view her property	092205c-43
4.1	NIN comment card	9/22/05	To: Metro Council From: Roseann Hall Re: Request being on mailing list	092205c-44
4.1	NIN comment card	9/22/05	To: Metro Council From: Ida Wilks Re: Concerned about limits put on her property with NIN program	092205c-45
4.1	NIN comment card	9/22/05	To: Metro Council From: Dori and Mike Malet Re: Have no creek	092205c-46
4.1	NIN comment card	9/22/05	To: Metro Council From: Lillian Dawell Re: Current restrictions	092205c-47
4.1	NIN comment card	9/22/05	To: Metro Council From: Sparkle Anderson Re: Inventory outside UGB	092205c-48
4.1	NIN comment card	9/22/05	To: Metro Council From: Ted Kraines Re: Stream correction	092205c-49
4.1	Amendments to Ordinance No. 05-1077B	9/22/05	To: Metro Council From: Paul Garrahan, Office of Metro Attorney and Chris Deffebach, Planning Department Re: Summary of potential amendments for NIN program including Hosticka 1 & 2, Liberty 1, map corrections, and technical amendments	092205c-50
4.1	Letter and site evaluation	9/19/05	To: Councilor Burkholder From: Jennifer Powell, Lacamas Laboratories Re: suitability of Lacamas Laboratories as wildlife habitat	092205c-51