

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 2, 2006  
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

There were none

### 3. RECOGNITION OF TRIBAL CONSERVATION TEAM RESTORATION EFFORTS

Councilor Burkholder introduced the Native American team who was primarily from Alaska. He said they were a special Americorp group doing restoration work with Stop Oregon Litter and Vandalism (SOLV). He welcomed the group. John Yabin, Alaska, said he was an Athabaskin who joined Americorp to see another part of the world. Stacey Triplett, Nature in Neighborhoods Program, talked about the 10 sites the group had been working on. They were happy to be welcomed. The group introduced themselves and explained why they joined Americorp. The group took a picture with the Council.

### 4. SIGNIFICANT ACHIEVEMENT AWARD FROM AMERICAN ZOO AND AQUARIUM ASSOCIATION FOR EAGLE CANYON EXHIBIT

Tony Vecchio, Oregon Zoo Director, said in 1998 the Zoo created its own in-house exhibit design team. He explained that they also built the exhibits in-house. The Zoo had been given an achievement award for the Eagle Canyon Exhibit. They were the only exhibit built in-house. It was nice to be recognized nationally. Councilor Liberty asked about the criteria of the award. Mr. Vecchio provided the specifics of the award criteria. Councilor Newman said he liked the educational placards at the Eagle Canyon exhibit. He talked about several events that occurred today at the Zoo that Councilors had a chance to participate in. He talked about the new composting facility. Council President Bragdon talked about the Eagle Canyon Exhibit and the difficulty in building the exhibit. The team had taken a great deal of pride in their work. Councilor Liberty noted that they would be collecting 2 million pounds of manure a year. They would use this material for composting. He was impressed with the recycling rate at the Zoo, which was 65%.

### 5. SYSTEM FOR MANAGING SERVICE CONTRACT CAN BE IMPROVED

Alexis Dow, Metro Auditor and Karen Rasmussen from the Rasmussen Group provided a review of the Outsourced Retail Operations at the Oregon Zoo. Ms. Dow said she had engaged this group to review the retail operations at the Zoo. She provided a history of the contract. Ms. Rasmussen provided an overview

of the audit including the scope, risks, results and recommendations (a copy of the power point was included in the record). Councilors asked questions about the audit. Ms. Rasmussen responded to their questions. She noted that management at the Zoo had implemented most of the recommendations and were working to implement the rest. Michael Jordan, Chief Operating Officer, thanked the Auditor for her work with the Zoo staff, particularly Carmon Hannold the new Deputy Director for her efforts in working with the Auditor. This was a great example of how an audit should work. Council President Bragdon asked about measuring customer satisfaction. Ms. Rasmussen said it had not been survey so far but she felt it would be very useful for future customer satisfaction.

## **6. EXPANSION AREA PLANNING COMMITTEE REPORT**

Reed Wagner, Council Office, provided a summary of the Expansion Area Planning Committee Report. He updated the Council on the recommendation of the committee. In summary the recommendation laid out the need, that a building permit fee should cover the costs and that this fee would sunset in three years. Councilor Newman said they had talked with Metro Policy Advisory Committee (MPAC) last week and would continue the conversation with MPAC. He noted comments from the Mayor of Gresham. He thanked Mr. Wagner and the committee for their work. Councilor Park talked about the Gresham case and the issue of fairness. He suggested looking at the equity issue. Councilor McLain said there were some jurisdictions that were saying they didn't need the funds and didn't feel like they had to collect the funds. She was hopeful that some of this dialogue had occurred. Councilor Burkholder provided his comments and explained why he couldn't support the tax if the major beneficiaries didn't want to participate. Councilor Liberty commented that we would be in an awkward position if these areas weren't planned by the time we came up for the next review. Council President Bragdon said the point was that the work needed to get done. If some of these groups didn't want to participate, they still needed to show how the work was going to get done on a region-wide basis. Councilor Hosticka commented on who would benefit and the effect on the future and current citizenry. The fact was that the jurisdictions weren't paying the taxes; it was generated by construction activities paid by the citizens. Councilor Liberty said it was the potential taxpayers who were the drivers behind the discussion. Metro does have the discretion to distribute the money or do the planning itself. Dan Cooper, Metro Attorney, responded to Councilor Liberty's comments. He explained our current model. Councilor Newman recognized a member of the committee. He said the committee had raised all of the themes that had been raised by Council today. He talked about Metro's role in offering a solution at the local level. Mr. Wagner recognized Lake McTighe, policy intern associate, for her work on the report.

## **7. CONSENT AGENDA**

7.1 Consideration of minutes of the January 26, 2006 Regular Council Meetings.

Motion:

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| Councilor Burkholder moved to adopt the meeting minutes of the January 26, 2006 Regular Metro Council. |
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Vote:

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| Councilors Burkholder, McLain, Liberty, Park, Newman, and Hosticka voted in support of the motion. The vote was 6 aye/1 abstain, the motion passed with Council President Bragdon abstaining from the vote. |
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## **8. ORDINANCES – FIRST READING**

8.1 **Ordinance No. 06-1101**, Amending Metro Code Chapter 5.01 to Modify Financial Assurance Requirements for Solid Waste Facility License Applications.

Council President Bragdon assigned Ordinance No. 06-1101 to Council.

- 8.2 **Ordinance No. 06-1102**, Amending Metro Code Chapter 5.01 to Prohibit The Disposal of Source-Separated Recyclable Materials.

Council President Bragdon assigned Ordinance No. 06-1102 to Council.

- 8.3 **Ordinance No. 06-1103**, Amending Metro Code Chapter 5.02 to Require all Persons Transporting Solid Waste To Disposal Sites or Solid Waste Facilities to be responsible for Payments of Regional System Fees and to Clarify How Loads should be reported for Payment of Regional System Fees.

Council President Bragdon assigned Ordinance No. 06-1103 to Council.

- 8.4 **Ordinance No. 06-1104**, Amending Metro Code Chapter 5.05 to Prohibit False Statements Regarding the Origin of Waste From Within the Metro Region.

Council President Bragdon assigned Ordinance No. 06-1104 to Council.

- 8.5 **Ordinance No. 06-1105**, Amending Metro Chapter 5.05 to Increase the Maximum Duration of Newly Issued Full-Term Non-System Licenses up to Three years, to Clarify the Timeframe for Acting on Applications for License Renewals and to Clarify How Certain Loads should be reported for Payment of Metro Fees and Taxes.

Council President Bragdon assigned Ordinance No. 06-1106 to Council.

- 8.6 **Ordinance No. 06-1106**, Amending Metro Code Chapter 5.05 to Clarify the Non-System License Exemption for the Destruction of Certain Wastes in order to Assure Public Safety and the Public Good.

Council President Bragdon assigned Ordinance No. 06-1106 to Council.

- 8.7 **Ordinance No. 06-1107**, Amending Metro Code Chapter 5.09 Regarding Illegal Disposal of Solid Waste.

Council President Bragdon assigned Ordinance No. 06-1107 to Council.

## 9. ORDINANCES – SECOND READING

- 9.1 **Ordinance No. 06-1111**, For the Purpose of Amending the FY 2005-06 Budget and Appropriations Schedule to Support the New Look Work Program, Transferring \$53,000 From Contingency to Personal Services in the Planning Department of the General Fund; Adding One Full-Time Senior Planner; Converting a Limited Duration Position to Regular Status; and Declaring an Emergency.

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| Motion:   | Council President Bragdon moved to adopt Ordinance No. 06-1111. |
| Seconded: | Councilor Newman seconded the motion                            |

Council President Bragdon introduced the ordinance and the process they had gone through to date.

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| Motion to amend: | Councilor Newman moved to amend Ordinance No. 06-1111 for additional |
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|           | mapping (a copy of the specifics of the amendment is included in the record). |
| Seconded: | Councilor Hosticka seconded the motion  |

Councilor Newman provided an overview of his amendment, which would fund Geographic Information System (GIS) mapping beyond the Urban Growth Boundary (UGB). This was \$50,000 add package. He explained that the funds would come out of general fund contingency. Councilor Park appreciated Councilor Newman moving this forward. He noted that he and Councilor McLain had been working on the neighboring cities issue. He felt this was very important. Councilor McLain would be supporting this amendment. There was validity in looking beyond our region. Neighboring cities were very interested in this baseline data. Councilor Liberty supported the amendment as well. Council President Bragdon talked about his concerns in using contingency. Councilor Newman said he understood the comments of the President but felt this was an important effort.

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| Vote to amend: | Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Council President Bragdon voted against the amendment. |
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| Motion to amend: | Councilor Liberty moved to amend Ordinance No. 06-1111 (a copy of his amendment is included in the record). |
| Seconded:        | Councilor McLain seconded the motion  |

Councilor Liberty explained his amendment (a copy of which was included in the record). He talked about the budget amendment. Councilor Burkholder asked if Councilor Liberty had had discussions with the Public Affairs Department about their public opinion efforts and if we needed additional money to do this work. Councilor Liberty responded to his question. He felt this was a large project and he wanted to have the public have a clear idea of what they were getting into. Councilor Park asked about the original proposal and how this changed the proposal. Councilor Liberty responded to his question. Council President Bragdon said the original ordinance eliminated the original footnote that was adopted in May 2005 concerning Measure 37. The ordinance would do some of this work. Councilor Liberty's amendment would restore this original footnote. Councilor Park asked what the .7 FTE would be working on. Council President Bragdon provided clarification to Councilor Park. Councilor Newman said he would be supporting the amendment. This research was threshold level research. He wanted to get this research done. Councilor Burkholder said he supported this amendment. His other concern was this needed to coordinate with other research. He wanted to make sure that there was review of the questions to make sure they were achieving our goals. Council President Bragdon explained that Councilor Liberty amendment was to move the money so some of these issues could be fleshed out. Councilor Liberty concurred that he would welcome that participation and review by the departments. It needed to be integrated into the New Look. Councilor Park said with those caveats, he could support the amendment. He felt that coordination was very important. Council President Bragdon said we had to give something up. There were so many decisions that happen at the commissioner level.

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| 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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Council President Bragdon opened a public hearing on Ordinance No. 06-1111.No one came forward. Council President Bragdon closed the public hearing.

Councilor Park asked Robin McArthur, Planning Department, to clarify what she understood to be included in the ordinance and the impact of the amendments. Ms. McArthur said there was no additional

public opinion work planned. So Councilor Liberty's said this would allow for additional public opinion research.

Vote on the main motion:

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.

Council President Bragdon complimented the staff for their extra effort.

9.2 **Ordinance No. 06-1112**, Amending the Provisions of Metro Code Chapter 2.17 to Modify the Expiration Dates of Lobbyist Registrations and to Repeal References to State Government Standards and Practices Commission

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| Motion:   | Councilor Hosticka moved to adopt Ordinance No. 06-1112. |
| Seconded: | Councilor Newman seconded the motion                     |

Councilor Hosticka said this ordinance modified the lobbyist registration in the Metro Code. He explained further the details of the ordinance. The other major effect had to do with the Commission. He urged support. Councilor Burkholder asked Marv Fjordbeck, Metro Senior Attorney, how we defined a lobbyist. Mr. Fjordbeck read a definition of lobbyist. Councilor Burkholder explained why he was asking the question. Mr. Fjordbeck explained the difference between a lobbyist and an individual who may be a lobbyist addressing a particular piece of legislation.

Council President Bragdon opened a public hearing on Ordinance No. 06-1112.

Ray Phelps, Allied Waste Lobbyist, said he liked the ordinance. It was important that there be transparency for Metro and for lobbyists. The more access that the public has, the better. He felt the specific deadline helped them ensure they filed appropriately.

Jane Leo, Portland Metropolitan Association of Realtors, 5331 SW Macadam #207 Portland OR 97239 said she supported the ordinance. She complimented Randy Tucker for his work and communications with the lobbyists. She appreciated the personal contact by phone. She urged the definition of a lobbyist be amended to include individuals who were not paid but who represented a group such as neighborhoods associations, Community Planning Organizations (CPOs) and other unpaid entities. She urged amending letter N.

Councilor Liberty commented that he felt this was a reasonable amendment but they needed to look at who provided campaign contributions. Councilor Park talked about Ms. Leo's concerns.

Council President Bragdon closed the public hearing.

Councilor McLain talked about Ms. Leo's suggested amendment. She talked about the history of the lobbyist portion of the Code. She didn't feel we should make the general public sign up to talk with Councilors. Councilor Hosticka concurred with Councilor McLain's comments.

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.

**9.3 Ordinance No. 06-1098B**, Amending Metro Code Chapter 5.01 and 5.05 and the Regional Solid Waste Management Plan to Impose a Temporary Moratorium Until December 31, 2007, on Certain New Non-Putrescible, Mixed Solid Waste Material Recovery or Reload Facilities, and Certain Non-system Licenses; and Declaring an Emergency

Council President Bragdon said this was carried over from last week. Councilor Park talked about the amended ordinance. The Council had an extended debate about applications that had been in process as of January 12, 2006.

Council President Bragdon opened a public hearing on Ordinance No. 06-1098B.

Terrell Garrett, Greenway Recycling, P O Box 4483, Portland, OR 97208 asked that Council extend that deadline to January 27<sup>th</sup> so all applications be included. Councilor Newman asked for clarification. Mr. Garrett said their application was not deemed completed until January 27, 2006.

Council President Bragdon closed the public hearing.

Councilor Park asked about the date of January 12, 2006. He talked about Councilor Liberty's amendment and talked about the history of the solid waste system and the challenges we were facing.

Vote:

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| 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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Councilor Newman commented about the moratorium and that the Council may get clarity prior to December 31, 2007. Councilor McLain commented that this moratorium would allow them to have time to look at the entire system. Councilor Park added that this extra time would provided time for our local partners such as the City of Portland to look at similar issues such as environmental concerns.

**10. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordon, COO, noted that managers and supervisors had been working diligently to completed performance evaluations of every employee in the agency. He explained future steps.

**11. COUNCILOR COMMUNICATION**

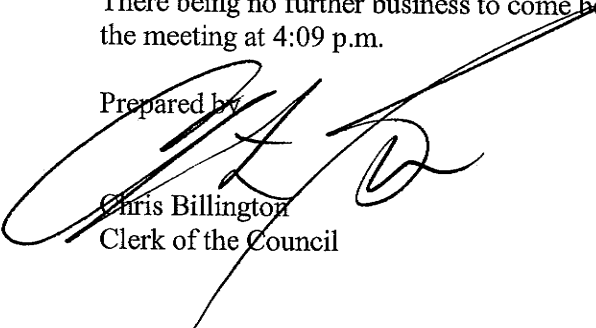
Councilor Park talked about the proposed bond measure and that it had been well received by the public.

Councilor Newman reminded the public of the Mayor's Forum tomorrow. He also talked about the bond measure public forums. There had been comments about maintaining and managing the land.

**12. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:09 p.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 2, 2006**

| <b>Item</b> | <b>Topic</b>      | <b>Doc Date</b> | <b>Document Description</b>  | <b>Doc. Number</b> |
|-------------|-------------------|-----------------|--|--------------------|
| 7.1         | Minutes           | 1/26/06         | Metro Council Meeting Minutes of January 26, 2006  | 020206c-01         |
| 2.0         | Letter            | 1/26/06         | To: Metro Council<br>From: Henry Kane<br>Re: Hwy 217 toll lanes  | 020206c-02         |
| 9.3         | Letter            | 1/31/06         | To: Susan McLain<br>From: Terrel Garrett Greenway Recycling LLC<br>Re: Ordinance No. 06-1098B                        | 020206c-03         |
| 9.3         | Letter            | 1/31/06         | TO: Council President Bragdon<br>From: Terrell Garrett, Greenway Recycling<br>Re: Ordinance No. 06-1098B             | 020206c-04         |
| 2.0         | Letter            | 2/2/06          | To: Metro Council From: Henry Kane<br>Re: Highway 217 toll road option   | 020206c-05         |
| 6.0         | Report            | 2/2/06          | To: Metro Council From: Expansion Areas Planning Fund Committee<br>Re: Report on Expansion Area Planning Fund (EAPF) | 020206c-06         |
| 9.1         | Liberty Amendment | 1/26/06         | To: Metro Council From: Councilor Liberty<br>Re: Amendment to Ordinance No. 06-1111                                  | 020206c-07         |
| 9.1         | Newman Amendment  | 1/26/06         | To: Metro Council From: Councilor Newman<br>Re: Amendment to Ordinance No. 06-1111                                   | 020206c-08         |