

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 9, 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 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Henry Kane, 12077 SE Camden Dr Beaverton OR 97008 spoke to the documents he had requested concerning Hwy 217. He suggested Metro provide the documents he had requested.

3. METRO CENTRAL ENHANCEMENT COMMITTEE PRESENTATION - SLATE OF 2006 GRANTS

Councilor Burkholder introduced members of the Metro Central Enhancement Committee. Aaron Babbie provided an overview of Metro Central Enhancement Grant program. Metro's community enhancement grant program had been turning trash into a North and Northwest neighborhood resource since 1985. The Central grant program was established in 1991 when Metro opened a garbage transfer station at 6161 NW 61st Avenue in Portland. Funds were generated from a 50-cent surcharge collected on each ton of garbage taken there. Nearly \$2.5 million had been awarded to 212 projects to date. Funds were intended to compensate the community affected by the station. Senate Bill 662, Metro Code and the bylaws for the committee defined the criteria for awarding grant funds: They all supported the idea of creating long-term improvements for Northwest Portland livability as a result of preserving wildlife, marine and recreational areas for public enjoyment, increasing employment opportunities, improving the business environment, providing aid to residents, nonprofits and small businesses, upgrading residential housing stock, enhancing neighborhood appearance or cleanliness, improving public safety and , providing programs and training to benefit youth and seniors. Six citizens who lived in and represented neighborhoods in the grant target area shared the responsibility of awarding grants. Metro Councilor Rex Burkholder served as committee chair. Members were appointed by Councilor Burkholder and confirmed by the Metro Council. Members served a two-year term with an option of a 2nd consecutive 2-year term. Currently, members included: Wayne Luscombe (Forest Park), Rick Sandstrom (Cathedral Park), Pat Wagner (Linnton), Pamela Ake (Northwest Industrial Neighborhood), Aaron Babbie (Northwest District Association), Cheryl Thoen (Environmental community).

Cheryl Thoen provided highlights from the 2005-06 grant cycle. Before presenting the slate of projects selected for the current year, she mentioned that part of their committee work involved the review of projects funded the previous year. Council had been given a status report that included up-to-date information about the performance of 22 projects from the 2005-06 funding cycle. She wanted to highlight one project they funded – a natural history interpretive hike series

in Forest Park offered to the public. The series was a noteworthy success. She understood that some of the Council went on the Ancient Forest Hike done in conjunction with Metro's "Open Spaces, Treasured Places" program. Forest Park was the largest forested city park in the United States. It was a varied and evolving ecosystem that provided permanent or seasonal habitat to a known 62 species of mammals and 112 species of birds. The park offered recreational opportunities to walkers, hikers, runners, mountain bikers, equestrians and others who enjoyed being outdoors. A total of more than 70 miles of interconnecting trails and lanes provided these users with opportunities for excursions of varying lengths and terrain. Metro Central funded a pilot program to increase understanding of the natural and cultural history of the Park, to foster greater appreciation, stewardship and conservation, to offer a service to members of the Friends of Forest Park advocacy group, and to increase outreach to the broader community. The series consisted of 6 different hikes, each with a single theme and qualified naturalist leader. A total of 82 people participated; both hikers and leaders gave very positive feedback regarding their experience. Many lessons were learned that would help plan a similar program for the future. Clearly, there was public demand for such a program and the Friends intended to build on the success of the pilot. Another measure of success was having successfully attracted a potential underwriter who stepped forward and expressed interest in funding next year's series. She thought she could speak on behalf of the committee and the Metro Council when she thanked the Friends of Forest Park for giving the selection committee and Metro an opportunity to work with you to showcase this treasured natural resource to the community that enjoys it.

She provided the slate of projects selected for 2006-07 grant cycle. This year, the committee reviewed 20 applications and selected 17 neighborhood improvement projects to fund in amounts ranging from \$1,200 to \$14,000. The Council had been given a complete list of selected projects. An overview of them as they related to funding criteria included: 13 projects providing programming and training that benefit youth, seniors and low-income people – including an after-school program for children from homeless families and transportation to the shelter afterwards; sports activities and scholarships for kids; and a second meal program for homebound seniors. 10 projects improve recreational areas and enhance public awareness of them – including an interpretive signage project in Forest Park and free jazz and classical music concerts in Cathedral Park. 7 projects provide property upgrades to nonprofit facilities that provide direct services to local residents, including the installation of a security system, a full matrix message sign and 2 commercial grade toilets at local community centers and social service agencies; and the expansion of a storage room at a local community theater used by 2 theater production companies and 10 neighborhood associations. Several projects were selected that supported increased recycling opportunities, including a design competition for artistic and functional trash and recycling bins for a business district, warehouse that provided recycled household items at no cost to families in need. The Committee was proud to present the 2006-07 slate of projects for Council's consideration. Before fielding questions they took a minute to offer their personal observations and comments about the Metro Central program.

Ms. Thoen thanked Karen Blauer, Solid Waste and Recycling Department, and Councilor Burkholder for their work with the committee. Councilors asked clarifying questions. Councilor Burkholder thanked the Committee for their work.

4. REGIONAL EQUITY ATLAS

Councilor Liberty introduced the guests and talked about the Coalition's goals. The guests included Jim Labbe, Audubon Society of Portland, Ken Radin, Population Research Center and Jill Fuglister, Coalition for a Livable Future. They presented the Equity Atlas. Ms. Fuglister provided an overview of the project. Mr. Labbe and Mr. Radin shared a power point presentation

on the atlas (a copy of the power point presentation is included in the record). Councilors added comments and asked clarifying questions. The presentation included the conclusions of the study. It raised issues about access to disparate groups. They encouraged increased opportunity funds. Councilor McLain raised the issues of including schools as part of the greenspaces inventory. She felt the results were skewed because schools had been left out. Mr. Radin explained why they had left schools out. Councilors felt this information was very helpful particularly on the opportunity grant portion of the Metro Natural Area Bond Measure.

5. SYSTEM FOR MANAGING SERVICE CONTRACTS CAN BE IMPROVED

Alexis Dow, Metro Auditor, provided a power point presentation on System for Managing Service Contracts Can Be Improved (a copy of the power point presentation is included in the record). This audit addressed the Planning Department's transportation contracts. She noted recommendations applying to the transportation contract and to contracts on a Metro wide basis. She noted that Management had agreed to all recommendations.

6. CONSENT AGENDA

6.1 Consideration of minutes of the February 2, 2006 Regular Council Meetings.

6.2 **Resolution No. 06-3662**, For the Purpose of Confirming the Appointment of Dr. Keith Thomsen to the Regional Solid Waste Advisory Committee (SWAC).

Motion:

Councilor XXX moved to adopt the meeting minutes of the February 2, 2006 Regular Metro Council and Resolution No. 06-3662.
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Vote:

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

7. ORDINANCES – FIRST READING

7.1 **Ordinance No. 06-1110**, For the Purpose of Amending Title 11 (Planning For New Urban Areas) of the Urban Growth Management Functional Plan to Facilitate the Siting of Certain Public Uses in New Urban Areas.

Council President Bragdon assigned Ordinance No. 06-1110 to Council. He noted one citizen who wished to testify on Title 11. Eddy Day, 27730 SE Orient Dr Gresham OR 97080 said he lived close to Springwater. He said his property was commercial with commercial uses. He said his zoning had not changed but he was told his property was on hold. He was unable to sell his property. He has asked Multnomah County for guidance. He noted a letter from Dick Benner, Senior Attorney, which said Multnomah County would provide guidance to him about his property. Councilor Park talked about the Carl Street area and the neighborhood request. He spoke to the possibility of annexation to Gresham. He said the control of the matter was with the citizens of this effected area. He understood the citizens had determined they wanted to be left out of the city of Gresham. Dan Cooper, Metro Attorney, provided clarity to the annexation issue. Mr. Day shared where his property was on the map. He was speaking to his particularly piece of property, not to the Carl Street neighborhood. His property had been commercial. He was asking Metro to provide oversight to Multnomah County and lift the Title 11 requirements off his property. Councilor Park suggested that Mr. Day talk again with the City of Gresham. Mr. Day clarified that he was not part of the Carl Street group.

8. ORDINANCES – SECOND READING

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

Motion:	Councilor Park moved to adopt Ordinance No. 06-1101.
Seconded:	Councilor McLain seconded the motion

Councilor Park provided the background for the seven ordinances. He noted that these 7 ordinances were discussed at the work session on January 31 and in general reflected: an accumulation of amendments gathered over last 2 years; were based on practical experience; clarify Code and procedures; reflected current practice; and aligned Metro Code with state laws.

Specifically, changes to 5.01 – Solid Waste Facility Regulation: Ordinance. 06-1101 clarified some issues related to facility financial assurance. Ordinance. 06-1102 brought Metro Code into line with state law by prohibiting the disposal of source separated recyclable materials.

Changes to 5.02 – Disposal Charges and User Fees were in Ordinance. 06-1103 explicitly required persons delivering solid waste to a facility must pay the regional system fee.

Changes to 5.05 – Solid Waste Flow Control: Ordinance. 06-1104 prohibited false statements regarding the origin of solid waste, Ordinance. 06-1105 established timeframes for filing and issuing Non-system licenses and created distinction between a new NSL and a renewal. Ordinance. 06-1106 clarified eligible waste types that could be sent to the Covanta burner in Marion County for destruction without a NSL change to 5.09. Illegal Dumping Ordinance 06-1107 brought illegal disposal fines in line with state laws, clarified responsible parties and made numerous procedural clarifications.

In summary these amendments would make the administration of the solid waste Code more efficient, enforcement more straightforward, Code language reflect practice, Code consistent with state laws, Code language clearer for those regulated by it. Councilor Park urged support in the adoption of all these amendments to make government smarter and more straightforward.

Councilor McLain thanked Roy Brower, Solid Waste and Recycling Department, and said she found these ordinances to be a good body of work. She said it provided clarity to the citizens and to Metro. She felt these were good administrative changes.

Council President Bragdon opened a public hearing on Ordinance No. 06-1101, 1102, 1103, 1104, 1105, 1106 and 1107.

Ray Phelps, Allied Waste, 10295 SW Ridder Wilsonville, OR 97070 spoke to Ordinance No. 06-1104. He said he coordinated all of his comments with solid waste staff. He shared his concerns about 5.05.025 prohibit activities. He said this ordinance had been designed to be limited to Metro facilities.

Council President Bragdon closed the public hearing.

Councilor Park asked Mr. Brower to address Mr. Phelps point. Mr. Brower explained the intent of the ordinance. Councilor McLain asked if we had anything to do with allowing private facilities to extend credit. Paul Garrahan, Metro Assistant Attorney, summarized the ordinance and said it

was a matter of Metro’s authority to extend credit. It did not state anything about private facilities extending credit.

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.

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

Motion:	Councilor Park moved to adopt Ordinance No. 06-1102.
Seconded:	Councilor McLain seconded the motion

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.

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.

Motion:	Councilor Park moved to adopt Ordinance No. 06-1103.
Seconded:	Councilor McLain seconded the motion

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.

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.

Motion:	Councilor Park moved to adopt Ordinance No.-06-1104.
Seconded:	Councilor McLain seconded the motion

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.

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.

Motion:	Councilor Park moved to adopt Ordinance No. 06-1105.
Seconded:	Councilor McLain seconded the motion

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.

- 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.

Motion:	Councilor Park moved to adopt Ordinance No. 06-1106.
Seconded:	Councilor McLain seconded the motion

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.

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

Motion:	Councilor Park moved to adopt Ordinance No. 06-1107.
Seconded:	Councilor McLain seconded the motion

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. RESOLUTIONS

- 9.1 **Resolution No. 06-3664**, For the Purpose of Amending the 2006-09 Metropolitan Transportation Improvement Program (MTIP) to Include High Priority Project Funding From the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) and the Oregon Immediate Opportunity Fund.

Motion:	Councilor Burkholder moved to adopt Resolution No. 06-3664.
Seconded:	Councilor Park seconded the motion

Councilor Burkholder explained the resolution and detailed the five projects. If Council approved the projects, it would allow a go ahead on the projects. Councilor Hosticka asked for more detail on the trail funding. Councilor Burkholder responded to his question. Andy Cotugno, Planning Director, added that the federal government was providing the dollars over the course of three years. He said there were six trails identified in the project. Currently, these were just placeholders. The most important time critical project was the streetcar project. Councilors talked about the projects. Councilor Burkholder urged adoption.

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

- 9.2 **Resolution No. 06-3666**, Designating Council Projects and Confirming Lead Councilors and Council Liaisons for Nature in Neighborhoods and New Look Communications.

Motion:	Councilor Burkholder moved to adopt Resolution No. 06-3666.
Seconded:	Councilor Hosticka seconded the motion

Councilor Burkholder provided an overview of the four new Council projects. He acknowledged that they should develop some mechanism for finishing projects. Councilor McLain added her comments about the projects. Councilor Newman introduced Gail Shalom, Nature in Neighborhood Program, Nature Friendly Development Practices. Councilor Burkholder urged support.

Vote:

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

10. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, Chief Operating Officer, said the Communication Plan consultant had been chosen and they would be interfacing with Council. He talked about Title 11, Area 93 and a meeting about concept planning. He met with City of Portland, Washington and Multnomah Counties about an intergovernmental agreement on concept planning. He felt it was a step forward.

11. COUNCILOR COMMUNICATION

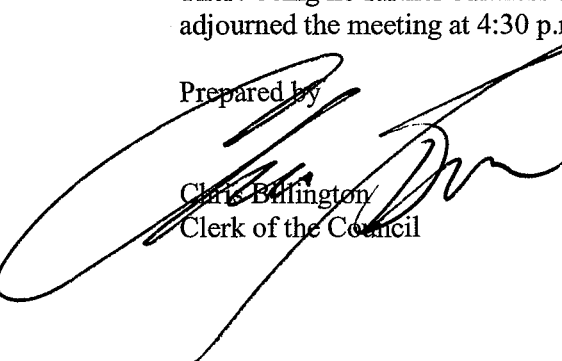
Councilor Liberty talked about the Economic Speakers Series, the next speaker would be Debbie Coleman next Wednesday. Councilor Newman talked about the Expansion Area Planning Fund and the discussion at Metro Planning Advisory Committee (MPAC) last night. He felt the discussion was very good. No one spoke in opposition. He hoped MPAC would take final action last night but had scheduled it for March 8th for consideration.

Councilor Burkholder provided a summary of the President's budget, which would fund two large transit projects, the Washington County Commuter Rail and continuation of the lightrail system, the I-205 lightrail project and the transit mall project in the downtown Portland area. He explained how transit funding worked. He said Metro was responsible for all of the planning of the transit system.

12. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:30 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 9, 2006

Item	Topic	Doc Date	Document Description	Doc. Number
6.1	Minutes	2/2/06	Metro Council Meeting Minutes of February 2, 2006	020906c-01
2.0	Letter	1/28/06	To: Metro Council From: Henry Kane Re: Hwy 217 Toll Road Option	020906c-02
3.0	Grants awarded	2/8/06	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: Metro Central Enhancement Grant Program Grants Awarded 2006-07 Grant Cycle	020906c-03
4.0	Letter	2/9/06	To: Metro Council From: Jill Fuglister and Ron Carley, Coalition for a Livable Future Re: Regional Equity Atlas	020906c-04
4.0	Atlas Project Summary	2/2/06	To: Metro Council From: Coalition for a Livable Future Re: Regional Equity Atlas Project	020906c-05
5.0	Audit power point presentation	January 2006	To: Metro Council From: Alexis Dow, Metro Auditor Re: Power Point Presentation on System for Managing Contracts Can be Improved	020906c-06
4.0	Power point presentation on Atlas project	2/9/06	To: Metro Council From: Coalition for a Livable Future Re: Regional Equity Atlas Project power point project	020906c-07