

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 22, 2007
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, 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

Kevin McClone, 2006 SE Pine, Portland OR 97293 spoke to the Council about his concerns on health care issues and raising costs. He was an employee of Metro.

3. CONSENT AGENDA

3.1 Consideration of minutes of the February 15, 2007 Regular Council Meeting.

Motion:

Councilor Park moved to adopt the meeting minutes of the February 15, 2007 Regular Metro Council.

Vote:

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

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 07-1141**, Amending the FY 2006-07 Budget and Appropriations Schedule Providing for Expenditures Related to the Natural Areas Bond and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 07-1141 to Council.

4.2 **Ordinance No. 07-1142**, Amending the FY 2006-07 Budget and Appropriations Schedule Recognizing Donations to the Oregon Zoo, Providing Appropriation for Fleet Replacement and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 07-1142 to Council.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 07-1138**, For the Purpose of Amending Metro Code Chapter 5.01 and 5.05 to Ensure That Mixed Non-Putrescible Waste Material Recovery Facilities and Reload Facilities Are Operated in Accordance with Metro Administrative Procedures and Performance Standards Issued by the Chief Operating Officer, and to Make Related Changes.

Motion:	Councilor Park moved to adopt Ordinance No. 07-1138
Seconded:	Councilor Harrington seconded the motion

Councilor Park introduced the ordinance. He said there were two ordinances before Council today: Ordinance No. 07-1138 dealt with MRF standards and Ordinance No. 07-1139 lifted the dry waste moratorium. The goals and purpose of Ordinance No. 07-1138 was intended to accomplish 6 purposes: It established broad performance goals in Code, for facilities that reload, process or recover mixed dry waste; it required dry waste facilities to meet specific standards issued by the Chief Operating Officer (COO), through administrative procedures, consistent with Metro Code; it assured a level playing field so that dry waste is handled and processed on a regionally consistent basis; it set minimum regional standards for dry waste operations; it allowed Metro to rely on local and state Department of Environmental Quality (DEQ) standards and enforcement where applicable; and it would ensure that future applicants know in advance the expectations for facility conduct prior to application for a license or franchise from Metro.

The most important new standard included in the proposed administrative procedures was a proposal that a 3-sided building and impervious pad be constructed for receipt, processing and recovery of dry waste – the intent was to minimize dust, storm water runoff and nuisances. Staff worked with an industry/government work group to review the standards. Solid Waste Advisory Committee (SWAC) approved these standards unanimously on January 25, 2007.

Letters of support have been received from the cities of Gresham, Portland, Department of Environmental Quality (DEQ), Clackamas County and a member of the public (neighbor of Lakeside Landfill). One letter in opposition has been received from Lakeside Landfill.

Michael Hoglund, Solid Waste and Recycling Director, provided a history of the ordinance. He noted Council had directed the Solid Waste and Recycling Department to develop performance standards. The COO would be administering procedures to implement those performance standards. He provided further details on the ordinance including timeframe. He noted Council's concern about whether local governments were aware of these standards. They planned to go to the Metro Policy Advisory Committee (MPAC) to brief local governments on the procedures. He noted one issue about effects on the Clark County facility. This ordinance would allow them to continue to take waste.

Council President Bragdon opened a public hearing on Ordinance No. 07-1138 and 07-1139.

Eric Merrill, Waste Connection Vancouver WA said he was in support of this ordinance. It was a good piece of legislation with one flaw. This legislation implemented administrative rules. The ordinance created standards across the region for private industry. Under Metro Code, Metro facilities were not regulated under Chapter 5.01. Metro was not regulated, as the private facilities would be. He felt this created and raised the issue of Metro being a regulator and an operator. He said they did not meet 25% recycling. Metro was implementing a regulation on the private sector

but not on itself. He had brought this issue up to staff. The issue was how does Metro regulate itself.

Councilor Park asked if Mr. Merrill saw any issues with the ordinances before Council today. Mr. Merrill said he had no issues with these ordinances.

Howard Grabhorn, Lakeside Landfill, Beaverton, Oregon said he operated the Lakeside Reclamation Landfill. They have tried to follow all of the regulations that Metro laid out. He spoke to his recycling markets. They have strived to create markets for recycled goods, particularly wood.

Councilor Park asked Mr. Grabhorn about dry waste tonnage and what would fall under these standards. Mr. Grabhorn said they did 49,000 tons of composting and 75,000 tons would be mixed dry waste.

Paul Phillips, PacWest representing Lakeside Reclamation Landfill, Wilsonville OR said they ran the Lakeside facility. He appreciated a standard approach but not all facilities were the same. He urged that as Metro went forward to create the next set of standards, they work closely with Metro. He noted dry waste clientele of the Lakeside facility. As Metro goes forward they appreciated where they were going and looked forward to working with staff to try to address the next series of standards.

Councilor Harrington asked if he had concerns about the ordinance today as well as dry waste standards. She noted that the Solid Waste Advisory Committee (SWAC) would be discussing these issues in two weeks. Mr. Phillips said he would be participating.

Wendie Kellington, representing Lakeside Reclamation Landfill said she felt there were some unintended impacts on Lakeside facility. Lakeside was an appropriate landfill. They thought that some information on recycling was misinformation. She suggested amendments to the ordinance, which took Lakeside out of the queue. She urged consideration of amendments to remove Lakeside.

Councilor Harrington asked about dry waste tonnage. Ms. Kellington said one figure was an average over five years and one figure was 2006 recycling tonnage. Mr. Grabhorn was a recycling advocate. Councilor Harrington said she had visited the facility and understood their operation. Councilor Park asked Ms. Kellington if she felt that Metro had the right to set the standards for recycling. Ms. Kellington said they supported recycling but were concerned about their DEQ regulations that they must follow. They couldn't support anything that undermined the state regulations. Councilor Park summarized her remarks. Metro was responsible for flow control. Councilor Park asked if Metro did not have the authority of flow control when it was in conflict with state requirements? Council President Bragdon asked Mr. Hogle about wood recycling. Mr. Hogle said they could take in recycling materials such as wood, metal, etc.

Art Kamp, 14520 SW Pleasant Valley Rd Beaverton, OR 97007 said Mr. Grabhorn did not recycle any mixed dry waste. He supported these ordinances and explained that he experienced odor and dust issues. He suggested strengthening language on landfills and land use considerations. He provided a letter for the record.

Councilor Park asked if Mr. Kamp supported the ordinance if we applied it to other facilities across the region. Mr. Kamp said yes.

John H Frederick, 13622 SW Pleasant Valley Rd, Beaverton OR 97007 said he lived immediately north of the Lakeside landfill. He supported the standards that were laid out in the ordinances. He provided his testimony for the record. He felt the landfill was out of control. He talked about class 1 violations by DEQ. He provided detailed DEQ descriptions of citations on the landfill.

Terrell Garrett, Greenway Recycling, Box 4483 Portland OR 97208 said two years ago he sat in front of Council and asked for a uniform set of rules. He felt that was what was before Council today. This was a large step forward. He said this was not a cheap fix. It would cost their facility a lot of money to retool their facility. They supported lifting the moratorium. They had a proposed facility plan that embraced the new rules. He said his neighbors supported these ordinances as well.

Councilor Burkholder asked about the letters from the neighbors. Mr. Garrett said they felt they could be endorsed by this summer.

Richard Ponzi, Ponzi Vineyards, 14665 SW Winery Lane Beaverton OR 97007 said they operated a vineyard and winery near the Lakeside facility. He supported the new standards and urged Council's adoption immediately. He spoke to the goals of these ordinances. He noted that DEQ had a record of violation at the landfill. He encouraged Council to adopt the ordinance and not allow some of the illegal materials in the landfill.

Ray Phelps, Allied Waste Services, 10295 SW Ridder Rd Wilsonville, OR 97070 said the first ordinance was very well done. He was fully supported the ordinance. Second, he felt there might be only one or two facilities that would be impacted. Most facilities were already there. There was a true element of environmental stewardship in these ordinances. He talked about lock requirements. He then spoke to the implementation process and performance standards. He felt both ordinances were excellent.

Councilor Park asked if it made a difference as to who applied these standards. Mr. Phelps responded to his question. He said there was no one in this industry that opposed these ordinances. He felt that local governments would apply these as well as Metro.

Kim Gruetter, A Bear Box Co. PO Box 83781 Portland OR 97238 said she was a local business owner who owned a facility. She was in support of Greenway but not in support of the moratorium. She said working with Greenway to hold their costs.

Council President Bragdon closed the public hearing.

Councilor Burkholder asked about the Metro facilities and if our recycling goals were meeting or exceeding those of the private industry? Mr. Hogle said they met the Material Recovery Facility (MRF) standard goals. There would be forthcoming ordinances where they met those standards as well. They didn't do as good a job with self-haul as they hoped to do. He talked about other standards they met. They hadn't figured out how they could regulate themselves yet.

Councilor Newman said he would be supporting both ordinances. He felt the Lakeside facility could meet the same standards. He was hopeful they could rise to the occasion. Council had made a promise that they would lift the moratorium.

Councilor Liberty agreed.

Councilor Park said it had been an interesting debate in solid waste. They would be taking this back to local governments. He talked about regulation of facilities outside our jurisdictional boundaries.

Vote:

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

5.2 **Ordinance No. 07-1139**, For the Purpose of Amending Metro Code Chapters 5.01 and 5.05 and the Regional Solid Waste Management Plan to Lift a Temporary Moratorium on Certain New Non-Putrescible Mixed Waste Material Recovery or Reload Facilities and Certain Non-System Licenses.

Motion:	Councilor Park moved to adopt Ordinance No. 07-1139.
Seconded:	Councilor Harrington seconded the motion

Councilor Park said this would lift the moratorium for dry waste only in 90 days at which time they would be accepting licenses.

Vote:

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

5.3 **Ordinance No. 07-1137A**, For the Purpose of Amending Metro Code Sections 3.07.120, 3.07.130 and 3.07.1120 and Adding Metro Code Section 3.07.450 to Establish a Process and Criteria for Changes to the Employment and Industrial Areas Map, and Declaring an Emergency.

Motion:	Councilor Newman moved to adopt Ordinance No. 07-1137A.
Seconded:	Councilor Harrington seconded the motion

Councilor Newman reintroduced the ordinance and noted that this ordinance had been before the Metro Council three times as well as five times before MPAC. He said this ordinance provided for map changes. He felt this was a good compromise. He pointed out that the amendments that were proposed by MPAC were included in the draft and revised by Metro staff. He provided examples of those amendments. Councilor Hosticka asked about subsection B on page 2. Dick Benner, Metro Senior Attorney, responded to his question. Councilor Hosticka wanted to note for the record that he had a serious problem with the interpretation.

Council President Bragdon opened a public hearing on Ordinance No. 07-1137A

Robert Butler, 824 SW 18th Portland OR provided his testimony and concerns about this ordinance for the record.

Council President Bragdon closed the public hearing.

Councilor Liberty talked about his comments at work sessions and at MPAC. He was sympathetic about correcting errors but shared concerns about industrial land re-zonings. He would be voting against this ordinance. He felt they had left the door open too wide.

Motion to amend:	Councilor Hosticka moved to amend Ordinance No. 07-1137A by striking section D on page 2.
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka talked about his amendment and explained his reasoning. Councilor Newman said he was fine if they wanted to strike it. He felt they had narrowed the issue. Council President Bragdon asked Dan Cooper, Metro Attorney, if this was substantive. Mr. Cooper advised that if they passed the amendment they should hold this over for one week. Councilor Park said this had gone round and round. He asked Mr. Benner about the building issue. Mr. Benner responded to the two points that Councilor Hosticka made. If you eliminate D, D was intended to correct errors, to that extent you could correct errors through subsection G. MPAC's thoughts on this provision was that there were some properties that had buildings on them that would not be authorized. They thought the designation ought to be changed. If the designation was changed, zoning could allow other buildings.

Councilor Harrington summarized Mr. Benner's comments. She said she would be voting no on the amendment. Councilor Hosticka asked if someone had a motel or another use on the land and then areas was designating industrial was there a possibility of other zoning. Mr. Benner responded to him.

Vote to amend:	Councilors Park, Harrington, Newman, and Council President Bragdon voted against the motion. The vote was 3 aye/ 4 nay, the motion failed with Councilors Hosticka, Burkholder and Liberty voting in support.
----------------	---

Vote on the Main Motion:	Councilors Park, Burkholder, Harrington, Newman, and Council President Bragdon voted in support of the motion. The vote was 5 aye/ 2 nay, the motion passed with Councilor Hosticka and Liberty voting no.
--------------------------	--

6. RESOLUTIONS

6.1 **Resolution No. 07-3782A**, For the Purpose of Establishing Metro Council Recommendations Concerning the Range of Alternatives to Be Advanced to a Draft Environmental Impact Statement for the Columbia River Crossing Project.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3782A.
Seconded:	Councilor Park seconded the motion

Councilor Burkholder explained the purpose of the resolution, which was to provide guidance to the Columbia River Crossing project. He provided details of the recommendation. This resolution was an expression of the Council's recommendations on the alternatives. The Task Force would then make recommendations to the Departments of Transportation.

Council President Bragdon opened a public hearing.

Steve Stuart, Clark County Commission Chair, 1300 W Franklin St Vancouver, WA 98660 thanked Councilors Burkholder and Liberty for their work. He noted an alternative recommendation (a copy of which is included in the record). He also talked about financial limitations.

Councilor Newman said he had heard that there had been a vote and that the entire Commission voted no. He wanted to have him characterize their position. Mr. Stuart said they were in support of a fourth alternative. Councilor Liberty appreciated the letter and the detail that had gone into it. He asked about bullet #4 and the cost estimate. Mr. Stuart said he received the information from the Port of Vancouver. Councilor Liberty asked if the rail company was interested in the recommended improvement. Mr. Stuart said they had shown interest. Councilor Liberty asked if the Commission had explored phasing in. Mr. Stuart said system interchanges around the bridges and other improvements could be phased.

Terry Parker, PO Box 13503 Portland OR 97213 said he was here to suggest an alternative. He talked about a supplemental bridge and what should be included with this bridge. (A copy of his testimony is included in the record.)

Thayer Rorarbaugh, Director of Transportation, City of Vancouver PO Box 1995 Vancouver WA 98668 read Mayor Pollard's letter into the record.

Doug Allen, 734 SE 47th Portland OR summarized the letter from House of Representatives of the State of Oregon. He added that 30 years ago he was on a Citizen Advisory Committee for the Banfield Hwy. They had decided to drop the light rail option. There were citizens who supported the light rail. They suggested TriMet look at light rail. TriMet reviewed this option and suggested reintroducing light rail. He urged Metro take a look at options themselves and consider alternatives.

John Osborn, Columbia River Crossing Task Force–ODOT, 123 NW Flanders Portland OR provided his testimony for the record. He thanked Councilor Burkholder for all of the work he had done. Councilor Park asked about storm water management and the costs if they retained the existing bridge. Mr. Osborn said he didn't know what the cost would be. He talked about the challenges of the existing bridge. Councilor Newman talked about the total project costs. Was \$6 billion an accurate cost estimate with the replacement of the bridge? Mr. Osborn responded to his question and felt they could construct something within the range of \$6 billion. He talked about assumption of receiving federal dollars. Councilor Liberty said his colleagues were very clear about the costs. Mr. Stuart said he thought the percentages were accurate. Councilor Liberty asked if the highway portion would be federally funded at 90%. Mr. Stuart responded to his question.

Chris Smith, MPAC, 2393 NW Pettygrove Portland OR 97210 provided his testimony for the record. He supported both resolution but urged consideration of Councilor's Liberty's recommendations on land use. Councilor Burkholder asked clarifying questions. Mr. Smith responded to his question. Councilor Liberty asked clarifying questions about the source documents. Mr. Smith responded to his question.

Jerry Williams, 1205 NE Holman Portland OR 97211 said she had been acting in these processes as a volunteer. She represented individuals who can't be here today because they work. They did not support staff recommendation but supported the add-on pieces with an addition that it was not enough. She had worked on this project for 8 years. She didn't feel listened to. They felt the decision on this process was already made. They were not happy with this process. They felt it was a disrespectful process. They knew there was a problem. They lived next to the freeway and breathed the air. They expect community enhancement funds.

Jason Barbour, Member of Multnomah County Sellwood Bridge Committee Task Force, 4110 SE 38th Portland OR 97202 said he was representing himself. He was concerned about two issues on the Columbia River Crossing project, the costs. He said history was repeating itself. He provided an example of the current Sellwood Bridge. Light rail funding in Clark County should be their option. Should Clark County want light rail, allow a local provider to operate the light rail.

Jim Karlock, Debunk Portland, 3311 NE 35th Portland OR provided literature for the Council. He said traffic congestion was the first concern of citizens of the region. He talked about the draft screening report. He felt light rail wasn't a viable option.

Corky Collier, Columbia Corridor Association, PO Box 55651 Portland OR 97238 talked about merging issues in the bridge influence area. He spoke to the high accident rates in that area. If they could solve the merge distance problem they could solve a lot of the problems. He suggested adding merging lanes. Did this alternative address the substandard interchange issue? Councilor Liberty asked how many alternatives were looked at? Mr. Collier responded to his question. Councilor Liberty asked of the freight committee looked at I-205 as well. Mr. Collier responded to his question.

Lenny Anderson, Swan Island TMA, 4567 N Channel Ave Portland OR 97217 noted two memos he authored which was included in the record. He summarized those memos. Their challenges were to build facilities to move people not to remain oil dependent. He urged not doing the same thing.

Ron Buel, Riverfront for People, 2817 NE 19th Portland OR 97212 read his letter into the record.

Barbara Pereira, 1213 SE Umatilla St Portland OR 97202 talked about Jim Andrew's suggestion sent into the Oregonian. She read the article into the record (a copy of which is included in the meeting record).

Sharon Nasset, Economic Transportation Alliance, 1113 N Baldwin St Portland OR 97203 said what we were hearing clearly today, were the two alternatives enough? She felt this was not enough. Metro Councilors options and Clack County Commissioner options should go into the mix. There should be a fourth option. The vote on Tuesday was to address, do these options meet the deeper requirements? She felt if they went back and reviewed other options it might be a better project. We needed to move forward and involve the citizens.

David Tischer, Columbia Pacific Building Trades, 3312 SE 122nd Portland OR 97236 supported Councilor Burkholder's resolution. He agreed congestion was the number one problem in this region. He felt the task force had addressed most concerns.

Jill Fuglister did not testify.

Emily Gardner did not testify.

Ray Polani, Citizens for Better Transit, 611 SE Ankeny Ct Portland OR 97215 talked about articles in the Tribune and Oregonian on congestion. We must face an inconvenient truth, our freeway system was obsolete. We needed to look at alternatives. They supported both resolutions. He recommended amendments to Councilor Burkholder's resolution.

Tom Mielke, 7401 NE 284th Battle Ground, WA 98604 said he had served in the legislature in Washington. He had been active in transportation in Clark County. He had come to oppose the resolution but after having listened to Commissioner Stuart, he would support the resolution with those recommended amendments. He did not think tolling was a good idea. It was a regressive tax. In 1995, there was a study done which recommended that it was impossible to fix the I-5 problem. He urged consideration of the amendment from Commissioner Stuart.

Jerry Grossnickle, Columbia River Towboat Association, 13510 NW Old Germantown Rd Portland OR 97231 served on the Columbia River Crossing Task Force. He made four points. They recommended a bridge with a non-lift option as well as maintaining the current I-5 bridge. If the rail bridge were removed and widened a new bridge lift could open up. Councilor Burkholder talked about building a bridge high enough and what the impact would be on both sides of the river. He asked him to explain the long and short swing arms of the bridge. Mr. Grossnickle shared their proposal. Councilor Hosticka asked about the controlling depth of the river. Mr. Grossnickle responded to his question. Councilor Hosticka was thinking about a tunnel.

Grant Armbruster, Portland Business Alliance, 2126 NE Stanton Portland OR said they supported the staff recommendations for the Columbia River Crossing (CRC). He read his comments into the record. Councilor Liberty asked if an independent analysis of the study had occurred. Mr. Armbruster responded to his question. Councilor Newman talked about Mr. Armbruster's written comments about the possibility of another alternatives. Mr. Armbruster said he felt the work of the CRC Task Force had been very thorough. However, there still may be another alternative. Until they see the Draft Environmental Impact Statement (DEIS), they couldn't make a final decision.

Bob Sallinger, Audubon and Coalition for Livable Future (CLF), 5151 NW Cornell Portland OR 97210 talked about what visitors saw when they came to Portland. He spoke to congestion and effects on our local environment. He said they believed the three alternatives recommended by the CRC Task Force were not enough. They supported Councilors Burkholder and Liberty resolutions. They needed to look at environmental impacts, the underlying assumptions and CLF recommendation was to have the process be led by an urban design team.

Paul Edgar, 211 5th Ave Oregon City OR provided information on the I-5 Corridor and summarized his testimony. He felt that the people of North Portland were being poisoned to death. He noted the last page of his documents, which were solid recommendations that would augment alternatives. He felt the bridge wasn't broken, it was the I-5 corridor that was broken. He suggested creating a supplemental corridor by replacing the railroad bridge, commuter opportunities could be added to this bridge area.

Sylvia Evans, EJAG and PNA, 5802 Michigan #55 Portland OR 97217 said she lived in north Portland near Humboldt. She said her daughter came down with asthma once they moved to the Plaza. Her second and third child came down with asthma. What she found was the source was the freeway. She was determined to figure out why they all had bad health. They all felt better when they left the freeway area. They shouldn't put more lanes on the freeway. She talked about health impacts for those who live in the I-5 Corridor.

Ann Gardner, NINA, PFC, 3200 NW Yeon Portland OR said she had participated in transportation conversations. She provided written testimony for the record. She said she wanted to extend her appreciation to the Departments of Transportation. She felt they had been honest

and upfront. The two groups she represented were supportive of the staff recommendation. She urged keeping this conversation going.

Jim Howell, AORTA, provided his comments for the record.

Fred Nustbaum, AORTA, 6510 SW Barnes Rd Portland OR 97225 said he was representing AORTA as their strategic planner. He felt the CRC recommendation ought to address all of the alternative modes. Their recommendation was not multi modal. The DEIS would be invalid if the staff recommendation was to go forward. He applauded Councilors Burkholder and Liberty resolutions. The assumptions that go into a study determine what comes out. There were a number of assumptions that were flawed. He provided further details on flawed assumptions.

Scot Walstra representing the Greater Vancouver Chamber of Commerce, 3820 Wauna Vista Dr Vancouver WA 98661 talked about his experience serving on the task force. He felt they had examined a huge number of options. He hadn't heard anything new today. They started with 23 proposals, studied them, got down to 9 and then went back to review 12 others. There was a huge amount of research that had been done. He was leaning towards supporting the staff recommendation. He felt the bridge had been a choke point for at least 30 years.

Council President Bragdon closed the public hearing.

Councilor Burkholder thanked everyone for attending the hearing. He felt most of the issues that had been raised were addressed in his resolution. He provided further details on the resolution. He spoke to Chris Smith testimony having to do with land use. He talked about the Bi-State Committee, which had addressed issue on land use.

Motion to amend:	Councilor Liberty moved to amend Resolution No. 07-3782A with language from Resolution No. 07-3787.
Seconded:	Councilor Hosticka seconded the motion

Councilor Liberty explained his amendment. He was proposing three additional alternatives. He shared a PowerPoint presentation on the Columbia River Crossing (a copy of which is included in the record). He felt the amendment offered more choices. Councilor Hosticka added his comments in favor of the amendment. We needed to look at a full range of alternatives, which was the major advance of what Councilor Liberty proposed. Trying to solve problems with one single mega project was passé. We needed to look at a variety of solutions.

Councilor Burkholder was not in support of the amendment. He thought this amendment did not add anything to Resolution No. 07-3782A. He didn't see much that was added by the amendment. Councilor Newman reminded the audience that we were advising our one representative to make a recommendation. Many were providing testimony to Metro Council. He would be supporting the Burkholder resolution and he would have a minor amendment on land use being studied. It was important how they vote today. It was the spirit of intent. He felt it was important that our representative listened to all of those alternatives. He thanked Councilors Burkholder and Liberty for all of their work. This had provided citizens the opportunity to be heard.

Councilor Park was supporting the Burkholder resolution. He was concerned about telling Clark County how to do their job. There had been a lot of work that had been put into this project. Councilor Harrington said she would be supporting the Burkholder resolution. She noted key aspects of the resolution. She looked forward to next phases. Council President Bragdon said he

would be voting no on this amendment. The important thing was that they were one of 39 parties on this Task Force and that we go into this giving clear direction. Councilor Liberty closed by saying that in putting forward this project, he felt he needed to do due diligence. He felt this Council needed a range of full alternatives carried into the DEIS. He appreciated Councilor Burkholder's work. He was worried that we will regret the recommendation.

Vote to amend:	Councilors Park, Burkholder, Newman, Harrington, and Council President Bragdon voted against the motion. The vote was 2 aye/5 nay, the motion failed with Councilors Liberty and Hosticka voting in support
----------------	---

Motion to amend:	Councilor Newman moved to amend Resolution No. 07-3782A with land use changes that reduce the amount of peak-hour commuting across the Columbia River.
Seconded:	Councilor Hosticka seconded the motion

Councilor Newman summarized his amendment and urged support. This was not a land use alternative. Councilor Hosticka said he supported the amendment. He commented on the issue of land use planning on both sides of the river. We can't tell them how to plan their land use but we need to partner with them. Councilor Liberty said land use changes were dictating solutions. Council President Bragdon said he would also support the amendment. Councilor Burkholder said this was consistent with what he had been hearing on both sides of the river. Councilor Park talked about their history with Vancouver and land use conversations. He was fine with the amendment.

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

Motion to amend:	Councilor Liberty moved to amend Resolution No. 07-3782A with an addition of the Clark County Commission's bullet points in their letter.
Seconded:	Councilor Newman seconded the motion

Councilor Liberty said he felt this was a good addition to the resolution. It also had the support of our neighbors to the north. Councilor Burkholder said he felt this amendment was wasting their time. The language was already in the resolution. Council President Bragdon said he would be voting no and explained his vote. Councilor Liberty said he felt it made a nice package.

Vote to amend:	Councilors Park, Hosticka, Burkholder, Harrington, and Council President Bragdon voted against the motion. The vote was 2 aye/5 nay, the motion failed with Councilors Liberty and Newman voting in support of the motion.
----------------	--

Councilor Hosticka asked about access to Hayden Island. Councilor Burkholder responded to his question. Councilor Newman said he would be supporting the resolution. They were advising Councilor Burkholder for his work next week. This resolution was a summary of where they were today. He said the Clark County Commission recommendation was different. They felt the CRC recommendation was not adequate. He expected Councilor Burkholder to listen to the discussion and come up with the best alternative to rebuild trust. Councilor Liberty said he would support the resolution because it was a better alternative than the CRC. He reserved his right to question the process. He spoke to his reservations. Councilor Park said he would be supporting the

Burkholder resolution as amended. We have to look at our responsibilities for the region. He was looking beyond this to our partners beyond the region. He talked about freight movement and mitigating effects. The studies they had seen showed that traffic impacts would continue. Council President Bragdon said he would be voting yes. He shared many of staff's reservations. He thought we were the only public body to hold a public hearing on this issue. He thanked Councilor Burkholder and Councilor Liberty for issues they raised. Councilor Burkholder addressed the issue as the role of liaison to CRC. He appreciated that this resolution was guidance but he would use his judgment to come up with good ideas to put forward. There had been public testimony at the task force meetings.

Vote on the Main Motion:

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

6.2 **Resolution No. 07-3787**, For the Purpose of Providing Metro Council Guidance to the Columbia River Crossing Task Force Concerning the Range of Alternatives to Be Advanced to a Draft Environmental Impact Statement.

This resolution was not voted on.

6.3 **Resolution No. 07-3781**, For the Purpose of Approving a Timeline for the New Look at Regional Choices Project.

Motion:	Councilor Newman moved to adopt Resolution No. 07-3781.
Seconded:	Councilor Hosticka seconded the motion

Councilor Newman introduced the resolution and urged support. He noted the flow chart of the timeline. He talked about the six elements that Council had adopted. Councilor Harrington said this was shared at MPAC. She said the milestones were subject to change as they learned more through the process. Councilor Park said this allowed for transparency. He was hoping that the jurisdictions and citizens would help move the process along. Councilor Liberty thought what was interesting about the chart was that there was a lot more boxes, which showed an integrated approach. This was very different from how we had done business in the past. Council President Bragdon said he would also support this resolution. They needed to reinvest the public dollars. He felt this was very helpful. Councilor Newman shared more details about the chart.

Vote:

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

6.4 **Resolution No. 07-3776**, For the Purpose of Entering an Order Relating to The Velma Pauline Povey Claim for Compensation under ORS 197.352 (Measure 37).

Mr. Benner said he received a communication from Mr. Tom Cox, the attorney representing Ms. Povey asking for a postponement until after September 13, 2007. Council was under no obligation to postpone this. If they reject the claim the claimant had the option after 120 days to pursue the claim in Circuit Court. Councilor Liberty asked if Mr. Cox indicated why they were asking the delay. Mr. Benner responded to his question.

Chris Deffebach, Planning Department, provided a brief staff presentation. The staff recommendation was to deny the claim.

Edward Koelling, 25525 SE Hoffmeister Rd Boring, OR 97009 said he wanted to object to any development on the property. He was in a discussion with Ms. Povey two weeks ago about the road into her property, which was near his property. He spoke about access and the use of his road. He added his concern about the amount of storm water and that there was no infrastructure. When there was heavy rainfall the water flowed from her property onto his property because of the slope. Unless there was infrastructure in place to handle run off, there would be an adverse effect on his property. Councilor Newman talked about what they may want to consider as it relates to Measure 37 claim versus the planning process happening with the City of Damascus. Councilor Liberty asked about Ms. Povey's easement. Mr. Koelling said it was not specified because she wrote to original easement. Councilor Liberty asked if she had indicated what she would do if her claim were upheld. Mr. Koelling responded to his questions.

Council President Bragdon asked for a motion to postpone.

Motion:	Councilor Park moved to postpone hearing the claim
Seconded:	Councilor Newman seconded the motion.

Vote:

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

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, was not in attendance.

9. COUNCILOR COMMUNICATION

Council President Bragdon reported on the first meeting of the Brownfields Task Force.

Councilor Harrington briefed the Council on SWAC issues related to Regional Solid Waste Management Plan (RSWMP) and Enhanced Dry Waste Recovery Plan.

Councilor Liberty asked for guidance concerning the Transit Oriented Development annual report and when the Council wanted it.

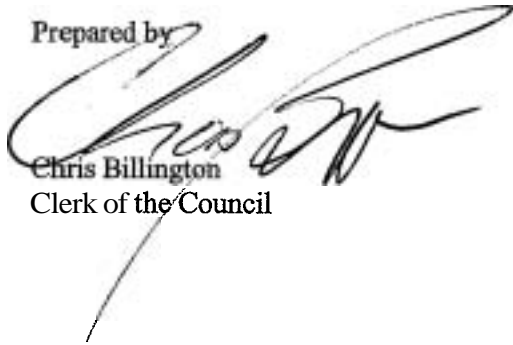
Councilor Park talked about the Joint Policy Advisory Committee on Transportation (JPACT) meeting this morning where they discussed Metropolitan Transportation Improvement Plan and Regional Transportation Plan update.

Council President said March 1st Council meeting would be at 5:00 p.m.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 7:10 p.m.

Prepared by

A large, stylized handwritten signature in black ink, appearing to read "Chris Billington". The signature is written over the printed name and title.

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
FEBRUARY 22, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	2/15/07	Metro Council Meeting Minutes of February 15, 2007	022207c-01
5.1 & 5.2	Letter	2/21/07	To: Mike Hogle, Director of Solid Waste and Recycling Dept. From: Art Kemp Re: Incorporating of Land Use Compatibility Assurance in Metro's Recycling Standards	022207c-02
5.1	Email	2/15/07	To: Metro Council From: Wendie Kellington Re: Comments on Ordinance No. 07-1138	022207c-03
5.1	Letter	11/19/06	To: Mike Hogle, Director of Solid Waste & Recycling From: Cam Gilmour Director of Clackamas County Department of Transportation and Development Re: Supporting proposed code amendments for material recovery	022207c-04
5.1	Letter	12/5/06	To: Mike Hogle, Director of Solid Waste and Recycling From: Audrey O'Brien, Solid Waste Manager Northwest Region Department of Environmental Quality Re: Benefits of proposed material recovery code language changes	022207c-05
5.1	Letter	2/14/07	To: Metro Council From: Gil Kelley, Director of City of Portland Planning Re: Support Code changes to Material Recovery facilities	022207c-06
5.1	Letter	1/29/07	To: Councilor Park From: Shane Bemis Mayor of City of Gresham Re: Supporting code changes	022207c-07
5.1	Letter	2/20/07	To: Mike Hogle, Director of Solid Waste and Recycling From: Art Kemp Re: Application for Recycling Standards to Lakeside Reclamation Landfill	022207c-08
6.1 & 6.2	Letter	2/20/07	To: Metro Council From: Representatives Diane Rosenbaum, Ben Cannon, Tina Kotek, Mitch Greenlick, State of Oregon House of Representatives Re: Columbia River Crossing	022207c-09

Item	Topic	Doc. Date	Document Description	Doc. Number
6.1 & 6.2	Email	2/21/07	To: Metro Council From: Kris Nelson Re: Columbia River Crossing	022207c-10
6.1 & 6.2	Letter	2/21/07	To: Metro Council From: Jill Fuglister and Ron Carley, Co-Director Coalition for a Livable Future Re: Columbia River Crossing	022207c-11
6.1 & 6.2	Fax	2/20/07	To: Metro Council From: Ronald Swaren Re: Resolution No. 07-3787 comments	022207c-12
6.1 & 6.2	Letter	2/16/07	To: Metro Council From: Greg Madden, President of Northwest Industrial Neighborhood Association Re: Columbia River Crossing	022207c-13
6.1 & 6.2	Email	2/20/07	To: Metro Council From: Debra Lippoldt Re: Columbia River Crossing	022207c-14
6.1 & 6.2	Email	2/20/07	To: Metro Council From: Levin Nock, Greenway Neighborhood Association Re: Columbia River Crossing	022207c-15
6.1 & 6.2	Email	2/20/07	To: Metro Council From: Brenna Bell Re: Columbia River Crossing	022207c-16
6.1 & 6.2	Letter	2/20/07	To: Metro Council From: Mike Houck, Executive Director Urban Greenspaces Institute Re: Columbia River Crossing	022207c-17
6.1 & 6.2	Fax	2/21/07	To: Metro Council From: Ronald Swaren Re: Vote no on CRC	022207c-18
6.1 & 6.2	Letter	2/20/07	To: Co-Chairs Hal Dengerink and Henry Hewitt, Columbia River Crossing Task Force From: Ann Gardner, Freight Committee Chair Re: Columbia River Crossing	022207c-19
6.3	Attachment	2/22/07	Resolution No 07-3781 Attachment 1	022207c-20
5.3	Ordinance No. 07-1137A	2/22/07	Ordinance No. 07-1137A, For the Purpose of Amending Metro Code Sections 3.07.120, 3.07.130 and 3.07.1120 and Adding Metro Code Section 3.07.450 to Establish a Process and Criteria for Changes to the Employment and Industrial Areas Map, and Declaring an Emergency.	022207c-21

Item	Topic	Doc. Date	Document Description	Doc. Number
6.1	"A" Version	2/22/07	Resolution No. 07-3782A, For the Purpose of Establishing Metro Council Recommendations Concerning the Range of Alternatives to be Advanced to a Draft Environmental Impact Statement for the Columbia River Crossing Project.	022207c-22
6.1	Letter	2/21/07	To: Metro Council From: Gary Haines, President Merchants Exchange of Portland Board of Directors Re: Columbia River Crossing Project	022207c-23
6.1	Letter	2/22/07	To: Metro Council From: Sandra McDonough, President and CEO of Portland Business Alliance Re: Columbia River Crossing Project	022207c-24
5.1	Letters	1/23/07	To: Council President Bragdon From: Kitsy Brown Mahoney General Manager of La Quinta Re: letters concerning Ordinance No 07-1138 from La Quinta, Jerry Harper Food Sak Deli, Dara Hexon, Performance Mobility, and Jim Stumpf, Overhead Door Company of Portland	022207c-25
6.1	Letter	2/22/07	To: Columbia River Crossing Project Task Force From: Clark County Commissioners Re: Columbia River Crossing Project	022207c-26
6.1	Email	2/23/07	To: Clerk of the Council From: Helen Wheels aka TK Mantese Re: Columbia River Crossing Project	022207c-27
5.3	Letter	12/21/06 & 1/17/07	To: Lane Shetterly, Oregon Department of Land Conservation and Development Re: Ordinance No. 07-1137A	022207c-28
6.1	Testimony	2/22/07	To: Metro Council From: Lenny Anderson Transportation Options Re: Columbia River Crossing Project	022207c-29
6.1	Letter	6/18/07	To: I-5 Task Force From: Lenny Anderson, Swan Island TMA Re: Columbia River Crossing Project	022207c-30
6.1	Letter	2/21/07	To: Metro Council From: Jill Fuglister and Ron Carley Co-Directors Coalition for a Livable Future Re: Columbia River Crossing Project	022207c-31
6.1	Testimony	2/22/07	To: Metro Council From: Chris Smith Re: Columbia River Crossing Project	022207c-32

Item	Topic	Doc. Date	Document Description	Doc. Number
5.1	Testimony and attachments	2/22/07	To: Metro Council From: John Frederick Re: Lakeside Landfill and Ordinance No. 07-1138	022207c-33
5.1	Testimony and attachments	2/22/07	To: Metro Council From: Art Kamp Re: Lakeside Reclamation Landfill and supporting Ordinance No. 07-1138	022207c-34
6.1	Letter	2/22/07	To: Metro Council From: Royce Pollard Mayor City of Vancouver Re: Columbia River Crossing Project	022207c-35
5.1	Testimony	2/22/07	To: Metro Council From: Howard Grabborn Owner Lakeside Reclamation and Landfill Re: Ordinance No. 07-1138	022207c-36
6.1	Testimony	2/22/07	To: Metro Council From: Ron Buel Re: Columbia River Crossing Project	022207c-37
6.1	Testimony	2/22/07	To: Metro Council From: Terry Parker Re: Columbia River Crossing Project	022207c-38
6.1	Surveys and reports	2/22/07	To: Metro Council From: Jim Karlock Re: Columbia River Crossing Project	022207c-39
6.1	Article	2/11/07	To: Metro Council From: Ray Polani Re: Article from Oregonian "Car-choked highways certain to get worse"	022207c-40
6.1	Testimony	2/22/07	To: Metro Council From: Grant Armbruster Re: Columbia River Crossing Project	022207c-41
6.1	Testimony	2/22/07	To: Metro Council From: Jerry Grossnickle, Bernert Barge Lines Inc. Re: Columbia River Crossing Project	022207c-42
6.1	Testimony	2/22/07	To: Metro Council From: Jim Howell, Association of Oregon Rail and Transit Advocates Re: Columbia River Crossing Project	022207c-43
6.1	Letter	2/22/07	To: Metro Council From: Paul Edgar Re: Columbia River Crossing Project	022207c-44
6.1	Testimony	2/22/07	To: Metro Council From: William Barnes Re: Supports Tolling on the Columbia River Crossing	022207c-45

Item	Topic	Doc. Date	Document Description	Doc. Number
6.1	Article	2/22/07	To: Metro Council From: Barbara Pereira Re: Columbia River Crossing Project	022207c-46
6.1	Schematic	2/22/07	To: Metro Council From: Corky Colliers Re: Proposed lanes and bridge design for the Columbia River Crossing	022207c-47
5.1	Letter	2/22/07	To: Metro Council From: Richard Ponzi Re: Ordinance No. 07-1138	022207c-48
6.1	Amendment	2/22/07	To: Metro Council From: Councilor Newman Re: Proposed amendment to Resolution No. 07-3782A	022207c-49
6.4	Maps	2/22/07	To: Metro Council From: Chris Deffebach Planning Department Re: Povey Measure 37 Claim colored maps	022207c-50
6.3	Chart	2/22/07	To: Metro Council From: Sherry Oeser, Planning Department Re: Draft Roadmap for New Look Regional Choices, 2007-2011 Attachment 1 to Resolution No. 07-3781	022207c-51
5.1	Binder and materials	2/22/07	To: Metro Council From: Wendie Kellington, Attorney for Lakeside Reclamation and Landfill Re: Ordinance Nos. 07-1138 and 1139	022207c-52
6.1	Email	2/22/07	To: Metro Council From: John Osborn Re: Talking points on Columbia River Crossing Project	022207c-53