

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, August 16, 2007  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Brian Newman

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. REGIONAL TRAVEL OPTIONS PROGRAM EVALUATION REPORT

Pam Peck, Planning Department, shared information about the Regional Travel Options (RTO) Program. She introduced Professor Jennifer Dill from Portland State who would provide a summary of the report. Ms. Peck shared a PowerPoint presentation on the RTO program. They were going to provide the Grand Prize winner for vanpool/car pool participants. Council President Bragdon announced the winner.

Ms. Peck said they had been successful with the Drive Less/Save More campaign. She provided additional updates on the RTO. Dr. Dill presented the results of the 2005-2006 evaluation report on the Regional Travel Options Program. She explained they were looking at output, outcomes and evaluation methods of the program. She focused on some of the outcome results; not all of the programs were evaluating outcomes. They had a large data set from employers that were working with TriMet. The data represented about 50,000 employees. She noted trends in carpooling. Councilor Newman asked about the number of worksites and the split between urban and rural. Dr. Dill said they had about 700 worksites and about 50,000 employees. The vast majority of participants were outside of the downtown area. Councilor Liberty asked if this was the TriMet service area or the metropolitan area. Dr. Dill said it was those who had been working with TriMet. They also conducted comparison studies with other programs in the United States. They were able to compare this data with Department of Environmental Quality (DEQ). She summarized the outcomes that they were able to look at which were primarily worksites. There has been increased transit use. She provided program-wide recommendations for future years.

Councilor Burkholder talked about the value of the work that Portland State University had done for Metro. He noted some of the conclusions that had pertinence to the Regional Transportation Plan. Councilor Liberty talked about the results and costs of the program and wondered if there was additional information on investment in this type of program. Dr. Dill said in the report they tried to estimate per Vehicle Miles Traveled (VMT) reduced. She noted that the effects of the programs overlapped. They were hoping to break some of these overlaps out. Councilor Liberty asked if these results would lead to operational investments. Dr. Dill responded to his question. Councilor Park talked about costs of parking in the Lloyd District. He wandered about the on

street parking and site-specific parking such as Lloyd Center. Dr. Dill said most of her data came from people who worked in the area. Councilor Park asked if you were going to impose on-street parking, how did we make it more palatable? Dr. Dill talked about using the revenue from the parking to improve that area specifically.

**4. MINORITY, WOMEN AND EMERGING SMALL BUSINESS CONTRACT UTILIZATION**

Darin Matthews, Procurement Manager, provided a report on Minority, Women and Emergency Small Business (MWESB) Contract Utilization. He shared a PowerPoint presentation on the program. He asked Angela Watkins to introduce herself. She said she was responsible for the MWESB program at Metro and had come from the City of Vancouver. Mr. Matthews talked about their contracting rules for contacting MWESB contractors. He noted that 20% of our contracts went to MWESB owners. He noted areas they needed to do better in with the MWESBs. He provided a breakdown of the seven-year utilization history. He also noted what other local agencies were doing in this area. He spoke to program improvements. Councilor Burkholder asked about the division between the three groups and how he would define the ESBs. Mr. Matthews said ESB was based on volume of business. Councilors asked clarifying questions. Mr. Matthews responded to their questions. Councilor Burkholder encouraged Mr. Matthews to go forward on the Metro Code changes.

**5. CONSENT AGENDA**

- 5.1 Consideration of minutes of the August 2, 2007 Regular Council Meeting.
- 5.2 **Resolution No. 07-3832**, For the Purpose of Confirming the Appointment of Kathy Folsom to the Regional Solid Waste Advisory Committee (SWAC).
- 5.3 **Resolution No. 07-3826**, For the Purpose of Amending the 2006-09 Metropolitan Transportation Improvement Program (MTIP) to Reallocate \$1 Million of Regional Flexible Funds from the Construction Phase to the Preliminary Engineering Phase of the Eastside Street Car Loop Project.

Motion: 

Councilor Burkholder moved to adopt the meeting minutes of the August 2, 2007 Regular Metro Council and Resolution Nos. 07-3832 and 07-3826.
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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.
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**6. ORDINANCES – FIRST READING**

- 6.1 **Ordinance No. 07-1160**, Amending the FY 2007-08 Budget and Appropriations Schedule to Implement Council Projects, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 07-1160 to Council. Councilor Newman suggested having a full Council discussion on all budget amendments prior to action.

**7. ORDINANCES – SECOND READING**

- 7.1 **Ordinance No. 07-1147B**, Amending Metro Code Chapters 5.01, 5.02, 5.05, and 7.01 to Ensure that All of the Region's Non-Putrescible Waste Undergoes Material Recovery Prior to Disposal, to Eliminate the Regional System Fee and Excise Tax Credit Program, and to Make Related Changes.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1147B.
Seconded:	Councilor Liberty seconded the motion

Councilor Harrington said our region needs to increase the rate of recovery for further waste reduction. Recovering useable and marketable dry waste was one program to help ensure that we meet the state-mandated 64% target for our three-county, 25-city metropolitan region. This program was called the Enhanced Dry Waste Recovery Program (EDWRP).

This spring, a draft ordinance for this EDWRP program was reviewed with the Metro Solid Waste Advisory Committee to the Metro Council, at the March 22nd SWAC meeting. The Metro Policy Advisory Committee (MPAC) provided input to the Council on this topic at both the April 11<sup>th</sup> and June 13<sup>th</sup> meetings. The Council held three public hearings in advance of this meeting today, on June 21<sup>st</sup>, July 12<sup>th</sup> and August 2<sup>nd</sup>. She said we have been collaboration with our regional partners to help ensure we have a regional program that works across our 25 cities and 3 counties, with the solid waste industry as well as for the residents and businesses of our region.

Council President Bragdon opened a public hearing on Ordinance No. 07-1147B.

Art Kamp, 14520 SW Pleasant Valley Rd Beaverton, OR 97007 provided his testimony for the record.

David Van Riper, 14800 SW Pleasant Valley Rd Beaverton, OR 97007 provided handouts for the Council. He said he lived close to the Lakeside dump. He noted information that he had provided to the Council. He talked about the Oregonian and Willamette Week articles on the Lakeside Landfill. The third article *Tomb with a View* about a dump outside of this area, in Ohio, was comparable to the situation at Lakeside Landfill. He noted the huge pollution problem, which would go on for generations. He wondered if Metro wanted to have an association with such a dump. He noted an email that he sent to DEQ, which is included in the record. He talked about DEQ's allowable set back at Lakeside Landfill.

John Frederick, 13622 SW Pleasant Valley Rd Beaverton OR 97007 provided his testimony for the record.

Larry Davidson, Attorney for Lakeside Reclamation Landfill, 1 SW Columbia #1850 Portland OR 97258 provided his testimony for the record.

Barry Peine, Director of Operations at AGG Enterprises, 5555 N Channel Bldg 3 Portland OR 97217 provided George Simons' (owner) testimony for the record as well as attachments for the record. He asked Councilor Liberty about putting businesses out of business. Councilor Park asked about a comment in the letter on costs. Mr. Peine responded to his question.

Council President Bragdon closed the public hearing.

Councilor Burkholder said he was supportive of this ordinance and its intent. Operations of the Lakeside Landfill were not germane today with the exception of Material Recovery Facilities (MRFs). He talked about leveling the playing field and the cost of closing the landfill. He felt there was no economic hardship on any of the operations. He supported the adoption of the ordinance before Council.

Councilor Park said they heard testimony today that there was willingness to close the landfill on July 1, 2012. He wondered about the legality and the standards for closure. He thought Metro's enforcement was to not approve a Designated Facility Agreement (DFA). Mike Hogle, Solid Waste and Recycling Director, responded to his question. Councilor Park asked about our authority and was it limited to the DFA? Mr. Hogle said yes, theoretically Metro had no real powers. Councilor Park said without passing the ordinance we would not have higher standards. Mr. Hogle said there were two sets of standards, MRF standards and Enhanced Dry Waste Recovery Program (EDWRP) standards.

Councilor Liberty thanked staff and his colleagues for their work on this issue. This was an increasingly important responsibility. He would be supporting the ordinance.

Council President Bragdon thanked Councilor Harrington for her hard work.

Councilor Harrington said they had spent time exploring options for this program. She thanked all of those who had worked so hard on this issue. She would be supporting this ordinance. It provided for a straightforward program. She urged support.

Vote:

Councilors Park, Burkholder, Harrington, Newman, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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7.2 **Ordinance No. 07-1159**, For the Purpose of Authorizing the Chief Operating Officer to Execute a Franchise Amendment to Extend the Term of the Forest Grove Transfer Station Franchise to December 31, 2008.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1159.
Seconded:	Councilor Park seconded the motion

Councilor Harrington said transfer stations receive solid waste (garbage) from the local collection haulers for subsequent large load delivery to landfills. One of the three regional transfer stations was located in Forest Grove and was owned and operated by Waste Management of Oregon under a franchise agreement with Metro.

The franchise agreement was up for renewal (expiration of current expiration date of December 31, 2007.) Ordinarily the extension period was five years. However, with various goals that the Council has established over the last few years, with different major programs (such as the Waste Transport Contract and the System Improvement Planning project) the Council had previously directed staff to line up the various agreement and decision points in a coordinated fashion.

Extending the term of the Forest Grove Transfer Station franchise for one year to expire on December 31, 2008 would allow the Metro Council to consider and act on all four Metro transfer station franchise renewal applications (this regional and the three local transfer station franchises) concurrently, and prior to their expiration at the end of 2008.

Councilor Harrington said she believed that this action provided the Council and Metro staff with the further resources to execute our responsibilities on behalf of the public in a timely and cost effective manner. Mr. Hoglund was here should Council have any further questions.

Council President Bragdon opened a public hearing on Ordinance No. 07-1159. No one came forward. Council President Bragdon closed the public hearing.

Councilor Harrington urged an aye vote.

Vote:

Councilors Park, Burkholder, Harrington, Newman, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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## 8. RESOLUTIONS

8.1 **Resolution No. 07-3802**, For the Purpose of Committing Metro South and Metro Central Transfer Stations to Achieve Dry Waste Materials Recovery Standards for Specified Loads.

Motion:	Councilor Harrington moved to adopt Resolution No. 07-3802.
Seconded:	Councilor Liberty seconded the motion

Councilor Harrington said Resolution 07-3802 was responsive to private sector facilities affected by the EDWRP ordinance and represented on SWAC. They requested that Metro transfer stations also be required to meet the EDWRP dry waste recovery performance standard upon the effective date of EDWRP of July 1, 2009. The applicable standard for Metro to meet was that no more than 15% wood, metal and cardboard contained in processed dry waste residual that was headed for the landfill. The resolution also clarified the loads to which that performance standard would apply. Dry waste loads delivered to Metro in loose drop boxes and self-tipping vehicles were most comparable to the loads accepted at private facilities. With this standard for applicable dry waste loads, Metro was confident that its contractor, Allied Waste Systems, could meet the EDWRP performance standard. This resolution was necessary since the EDWRP ordinance was not the appropriate vehicle to require that Metro facilities meet the 15 % recovery performance standard. The EDWRP ordinance identified Metro as the appropriate regulatory and over-sight body. This resolution recognized that Metro facilities were regulated by DEQ and were not subject to Metro's own Code.

In sum, this resolution responded to solid waste industry stakeholders' requests, and expressed Council's intent to ensure that the contract operator of Metro's transfer facilities consistently met or exceeded the EDWRP performance standard by or before the date EDWRP is enforced, July 1, 2009.

Councilor Park asked Mr. Hoglund about the self-haul issue. He felt it would be a policy question that Council would have to address in the future. Currently, those loads coming from commercial side we could decipher. Self-haul had a variety of mixtures. His concern was a safety issue. He was curious how we would address this in terms of getting more of the self-haul loads going to the commercial system where we had better recovery. Mr. Hoglund said there was a lot of recoverable from the self-hauls as well as safety issues. He said they had kicked off a study to try and identify the problems and were looking at other options as well as the costs of those options.

They hoped to have something by the end of the year. They still wanted to continue to provide service to self-haulers. Councilor Park talked about the high number of self-haulers. Council President Bragdon said there were a large proportion of self-haulers that were being paid by others. Councilor Harrington urged support of this resolution.

Vote:

Councilors Park, Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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8.2 **Resolution No. 07-3824**, For the Purpose of Approving an Air Quality Conformity Determination for the 2008-2011 Metropolitan Transportation Improvement Program.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3824.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder spoke to both Resolution No. 07-3824 and 3825. He explained that Metro had a responsibility to approve MTIP projects. The first resolution indicated that we were required to monitor carbon monoxide. We were also monitoring hydrocarbons and oxides of nitrogen. Even with additional transportation investments we were seeing a drop in all three noxious emissions. The good news was we had quality air for the next 20 years. Council was approving the air quality conformity determination. We were meeting our performance standards.

Vote:

Councilors Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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8.3 **Resolution No. 07-3825**, For the Purpose of Approving the 2008-2011 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3825.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder urged an aye vote.

Vote:

Councilors Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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8.4 **Resolution No. 07-3860**, Designating Council Projects and Confirming Lead Councilors and Council Liaisons and Sunsetting Their Predecessors, August 2007.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3860.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained the resolution, the approval of Council projects. He noted the performance-based management project and that Council had suggested defining the outcomes more thoroughly. He urged support. Councilor Liberty said he did not feel that the outcomes met his suggestions.

Motion to amend:	Councilor Burkholder moved to amend Resolution No. 07-3860 by substituting outcomes in the Performance Based growth management project attached in the record.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon suggested outcomes were general.

Vote to amend:	Councilors Burkholder, Newman, Harrington, and Council President Bragdon voted in support of the motion. The vote was 4 aye/1 nay, the motion passed with Councilor Liberty voting no and Councilor Park absent from the vote.
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Councilor Newman noted a small error in the staff report. Councilor Harrington asked clarifying questions. Councilor Liberty asked about the assignments. Councilor Burkholder said the Council project system was a fairly organic process. They were trying to provide oversight and input so that the operations and thinking were complete and benefited from this. Metro Council was launching these projects. He expected transmutations on these projects but this had proven to be useful technique for calling out Council projects.

Vote:	Councilors Burkholder, Newman, Harrington and Council President Bragdon voted in support of the motion. The vote was 4 aye/1nay, the motion passed with Councilor Liberty voting no and Councilor Park absent from the vote.
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**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(d), FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.**

Members Present: Kevin Dull, Rachel Bertoni, Libby Tucker (DJC)

Time Began: 3:42pm  
Time Ended: 4:06pm

**10. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan, COO, said he had nothing, but to wish the Council a good time on their recess.

**11. COUNCILOR COMMUNICATION**

Councilor Burkholder said he would be going to a four-day conference on transportation and climate change in California.

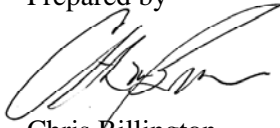
Councilor Newman said tomorrow morning Governor Kulongowski was having a bill signing for the Milwaukie Light rail project at River Place.

Councilor Liberty said on September 26 they would have a debate in this chamber on transit corridors and center strategies.

**12. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:11p.m.

Prepared by

A handwritten signature in black ink, appearing to read 'Chris Billington', written over a faint printed name.

Chris Billington  
Clerk of the Council



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
AUGUST 16, 2007**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
3.0	Executive Summary	7/19/07	To: Metro Council From: Pam Peck and Caleb Winter, Planning Department Re: Regional Travel Options 2005-06 Program Evaluation	081607c-01
4.0	Annual Report	2005-06	To: Metro Council From: Darin Matthews, Procurement Manager Re: Utilization of Minority, Women and Emerging Small Businesses at Metro Annual Report	081607c-02
7.1	Letter	8/15/07	To: David Bragdon, Council President From: Larry Davidson, Attorney at Law Re: Ordinance No. 07-1147A	081607c-03
7.1	Email	8/7/07	To: Paul Phillips From: Councilor Liberty Re: Lakeside DFA	081607c-04
7.1	Email	8/8/07	To: Councilor Liberty From: Paul Phillips Re: Lakeside DFA	0816507c-05
7.1	Email	8/9/07	To: Metro Council From: Mike Hoglund Re: Ordinance No. 07-1147B	081607c-06
7.1	Letter	8/6/07	To: Kathryn Harrington From: Larry Davidson Re: Lakeside Reclamation Landfill	081607c-07
7.1	Email	8/2/07	To: Council President Bragdon From: Meeky Blizzard Re: Hearing on Ordinance No. 07-1147B	081607c-08
8.4	Amendment	8/16/07	To: Metro Council From: Councilor Hosticka and Chris Deffebach Re: Proposed amendment to Resolution No 07-3860	081607c-09
7.1	Testimony	8/16/07	To: Metro Council From: Art Kamp Re: Lakeside Reclamation Landfill	081607c-10
7.1	Testimony	8/16/07	To: Metro Council From: Larry Davidson, Attorney for Lakeside Landfill Re: Lakeside Landfill	081607c-11
7.1	Email	8/16/07	To: Councilor Harrington From: David Van Riper Re: DEQs proposed setback for Lakeside Landfill	081607c-12

7.1	Memo	8/13/07	To: Mike Hogle, Solid Waste and Recycling Director From: John and Jane Frederick Re: reasons for Metro to remove Lakeside Landfill from its list of DFAs	081607c-13
7.1	Articles and attachments	8/16/07	To: Metro Council From: David Van Riper Re: articles about Lakeside Landfill	081607c-14
7.1	Written Testimony	8/16/07	To: Metro Council From: Larry Harvey Re: Lakeside Landfill	081607c-15
7.1	Letter and attachments	8/16/07	To: Mike Hogle, Solid Waste and Recycling Director From: George Simons, AGG Enterprises President Re: Lakeside Landfill	081607c-16
3.0	PowerPoint Presentation	2005-06 Evaluation	To: Metro Council From: Pam Peck, RTO Manager Re: PowerPoint on Regional Travel Options	081607c-17
4.0	PowerPoint Presentation	2005-06	To: Metro Council From: Darin Matthews, Procurement Manager Re: Metro MWESB Program FY 2005-06 Utilization	081607c-18
7.1	Letter	8/15/07	To: Councilor Liberty From: Peggy Kern, Endicott Woods Enterprises Re: supporting Lakeside Reclamation Landfill	081607c-19