

MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 10, 2008
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Carl Hosticka, Carlotta Collette

Councilors Absent: Rod Park (excused)

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Art Lewellan, 1020 NW 9th Portland OR, talked about battery recycling. He urged a policy for a battery deposit and return. He worked in the transportation field. He believed that we should be moving our auto technology in the direction of plug-in hybrid technology. Councilor Hosticka talked about paying a deposit when he bought a car battery. He wanted to know if Mr. Lewellan was encouraging a deposit for other types of battery. Mr. Lewellan said yes, he encouraged this idea. Councilor Harrington said you could take your household expended batteries to the household hazardous waste disposal site.

3. INTRODUCTION TO METRO'S TOTAL MAXIMUM DAILY LOAD (TMDL) IMPLEMENTATION PLAN

Lori Hennings, Senior Natural Resource Scientist provided a power point presentation on Total Maximum Daily Load (TMDL). A copy of the report was included in the record. This was about Metro's work that we were doing to help keep water clean. She acknowledged Councilor Hosticka and that he would be bringing forward a resolution on the TMDL on January 24th. She also acknowledged Michael Jordan, Chief Operating Officer and Sarah Erskine, intern. She recognized Department of Environmental Quality (DEQ) staff that had been working hand in hand with Metro on water quality. Metro had been named by DEQ as the Designated Management Agency. She spoke of Metro's TMDL plan and some recommendations for it. She reviewed regional policies on the issue; what was being done at Metro's facilities, Metro programs that were relevant to TMDL, Metro's DEQ water quality permits, as well as Metro's monitoring and adaptive management. She also addressed budget implications and what was anticipated for the 2009 report.

Councilor Harrington asked about coordination with our regional partners. Ms. Hennings said there was always more work we could do, but that a lot of the work that Metro was currently doing interfaced with their partner, such as local share acquisitions. She also noted the work being done on Title 13 with local partners. Councilor Burkholder wondered about the relationship between Metro and entities that were outside the Metro boundary. Ms. Hennings said Metro had only been designated to handle the Willamette Basin. They did work with the watershed councils outside the boundary. Andy Stelle, DEQ, said DEQ worked with other management agencies that also reported on TMDL plans. It was a whole matrix of entities that report. Councilor Burkholder asked how you allocate responsibility for pollution that occurs before it crosses the Metro

boundary. Mr. Stelle responded to his question and provided some examples of whom they worked with on water quality triage. It was a complex approach and they were learning as they went.

4. CONSENT AGENDA

4.1 Consideration of minutes of the December 13, 2007 Regular Council Meeting.

Motion:	Councilor Collette moved to adopt the meeting minutes of the December 13, 2007 Regular Metro Council.
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Vote:	Councilors Burkholder, Harrington, Liberty, Collette, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Hosticka abstaining from the vote.
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5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 08-1170**, Amending FY 2007-08 Budget and Appropriations Transferring Appropriations in the MERC Operation Fund and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 08-1170 to Council.

Janice Marquis, Metropolitan Exposition Recreation Commission (MERC) Chair, provided a history of MERC's resolution 07-29. She said the commission first discussed the issues on October 24th. Staff had recommended the budget amendment. She talked about why these amendments were not in the current year's budget. She indicated that they had not yet hired the Chief Executive Officer (CEO). Once the CEO got acclimated, he was able to determine what was needed. She spoke to one of the positions having to do with Portland Center for the Performing Arts (PCPA), a painter position. David Woolson, MERC CEO, said there were several administrative positions that would be beneficial for MERC's daily operations. He also spoke to an upgrade in the public affairs FTE to a director's position. He talked about MERC's communication needs. He also talked about the software package that was included in the ordinance. Councilor Burkholder said he would be willing to carry the ordinance.

6. RESOLUTIONS

6.1 **Resolution No. 08-3894A**, For the Purpose of Reorganizing the Metro Council In 2008.

Motion:	Council President Bragdon moved to adopt Resolution No. 08-3894A.
Seconded:	Councilor Harrington seconded the motion

Council President Bragdon said this was an annual organizing resolution. He urged support.

Vote:	Councilors Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.2 **Resolution No. 08-3893A**, Designating a Council Project, Sunsetting Completed Projects and Revising Some Lead Councilor and Council Liaison Assignments.

Motion:	Council President Bragdon moved to adopt Resolution No. 08-3893A.
Seconded:	Councilor Harrington seconded the motion

Council President Bragdon said this was a housekeeping resolution, which would assign and reassign councilor lead and liaison roles. Councilor Burkholder suggested a chart, which reflected changes. He urged support.

Vote:	Councilors Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.3 **Resolution No. 08-3889**, For the Purpose of Considering the Release of Request for Proposal No. 08-1254 for the Procurement of Solid Waste Transportation Services
(Public Hearing only, no final action)

Motion:	Councilor Harrington moved to adopt Resolution No. 08-3889.
Seconded:	Councilor Hosticka seconded the motion

Councilor Harrington introduced the resolution and shared background to the resolution. She said Metro's current waste transport services agreement for the transport of waste from Metro's two transfer stations to the Columbia Ridge Landfill in Gilliam County expired December 31, 2009. Metro therefore required replacement waste transport services from January 1, 2010 through December of 2019 when Metro's waste disposal contract at the Columbia Ridge landfill in Gilliam County expired. The contract would require that an estimated 500,000 to 700,000 tons of waste from the Metro area be safely, reliably, and in an environmentally sound manner transported the 130 miles to the landfill in Gilliam County. Depending on the proposals, it was estimated this contract would have a value of between \$130 and \$150 million over its 10-year life. To begin the current procurement process, the Metro Council approved a project work plan prepared by the Solid Waste and Recycling Department in late 2006 to obtain a replacement contract.

Metro staff worked with the consulting firm of CH2M Hill to conduct a solid waste transportation study to identify issues and opportunities for the next contract, particularly related to advances in truck, barge, and rail options since the current contract was bid in 1989. The results of the study, which also included proposed criteria for selecting the next contractor, were presented at Council work session in May 2007. Based on the study and feedback from the Council, staff prepared a draft Request for Proposals that was distributed for review and comment in fall of 2007. Three public hearings were held, one each in Condon, Hood River and Portland. The meetings were attended by 108 people. An online survey was also conducted to which more than 80 people responded. Finally, hauling companies that had expressed interest in the project were directly solicited for detailed comments. Results of the outreach process were presented to Council in late November and direction was given to staff to make specific changes to the selection criteria. Staff had also responded to hauler comments. They were proposing select revisions. Those revisions were summarized in the attachments to the staff report accompanying the resolution.

Councilor Harrington noted major changes resulting from comments. Based on Council direction in November, the selection criteria points had been reallocated from the cost criterion as follows:

Change in Selection Criteria Points

Evaluation Criteria	Draft RFP	Final RFP
Cost	60	45
Environmental Impacts	15	20
Socioeconomic Impacts	5	10
Operations/Risk	20	25

Metro staff had also included a number of changes in the final agreement to clarify the contractual intent and to better respond to the volatile fuel market. These included a commitment that the transport contractor would receive all waste from Metro's transfer stations requiring disposal at the Columbia Ridge Landfill. This was not explicit in the draft, and changes to the payment provisions to adjust fuel costs would occur more frequently (monthly instead of quarterly).

Resolution No. 08-3889 authorized the Chief Operating Officer to release Request for Proposal (RFP) No. 08-1254 in a form substantially similar to that attached to the resolution; accept and evaluate proposals received in response to the RFP, and to conduct negotiations with the firm submitting the highest ranking proposal; and recommend to the Metro Council approval of an agreement to provide the services solicited in the RFP.

Council approval of the contract for services was anticipated this summer; the new contractor would take over services on January 1, 2010. Solid Waste and Recycling Director Mike Hoglund was present to answer any questions from Council; as was Marv Fjordbeck from the Office of Metro Attorney.

Council President Bragdon opened a public hearing on Resolution No. 08-3889.

Michael Lang, Friends of the Columbia Gorge, 522 SW 5th Ave Suite 720 Portland OR 97204 provided his comments for the record (a copy of which is included in the meeting record). He spoke to the mission of the Friends of the Columbia Gorge. He appreciated Metro's efforts to attend to air quality in the Gorge.

Rick Till, Friends of the Columbia Gorge, 522 SW 5th Suite 720 Portland OR 97204 highlighted points from the letter that was submitted.

Councilor Liberty talked about issues of transporting waste in the Gorge. He asked about the true impact as well as truck emission standards. Mr. Lang said when they first engaged with Metro, air quality concerns were not well understood, and this issue was not raised as extremely significant at that time. With the increase in traffic in the Gorge, the problem was increased. They deferred to Metro to choose the most environmentally sound option with the lowest emissions. He felt DEQ had provided some good guidance. He urged looking at emission standards over the next 10 years. He suggested looking ahead and requiring specific emission standards, he also talked about barge standards and the monetary incentive to use cleaner engines and ultra-low sulfur diesel fuel. They hoped that Metro chose the least polluting and most environmentally sound mode of transport. Councilor Burkholder asked about sources of air pollution. Was there a way of knowing what was coming from the through traffic versus air drift? Was there a way of knowing the sources of pollution? Did the study look at sources? Mr. Lang said that information was now available. There was a technical report issued by a number of agencies on pollution contributions. Councilor Hosticka talked about their written testimony and the summary of operational issues.

Mike Hoglund, Solid Waste and Recycling Director, said they had been taking a look at those recommendations. He said they had worked with the hauler, AAA, and other entities to come up with a mitigation plan; they planned to be more proactive on mitigation. Councilor Hosticka asked if these recommendations would be incorporated into the RFP. Mr. Hoglund responded to his question. Council President Bragdon said they had changed weighting of environmental factors and urged assistance from the Friends of the Columbia Gorge.

Council President Bragdon closed the public hearing and said they would be taking action next week on this resolution. Mr. Hoglund said the RFP required ultra-low sulfur diesel fuels. He also talked about alternative fuels such as bio-diesel fuels. They expected ideas to come from those responding to the RFP.

6.4 **Resolution No. 08-3910**, For the Purpose of Proclaiming 2008 as the Year of the Dinosaur in the Metro Region.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-3910.
Seconded:	Councilor Collette seconded the motion

Councilor Liberty asked that Chris Billington, Clerk of the Council, read the resolution in its entirety (a copy of which is included in the record). Councilor Liberty talked about the resolution and urged support. He proposed a friendly amendment to address Councilor Rex Burkholder as "T" Rex throughout the year. There was no objection from the seconder. Councilor Harrington spoke to her concerns about the friendly amendment.

Vote:

Councilors Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

7. CHIEF OPERATING OFFICER COMMUNICATION

7.1 Council Membership Discussion

Michael Jordan, Chief Operating Officer (COO), reported back to Council on Ordinance No. 07-1160B, which related to the zoo's predators exhibit and exhibit donations. He reported to the Council on the structure of the matching funds program. He said the Oregon Zoo Foundation (OZF) reported quarterly on contributions to the operational part of the predators exhibit. When the money was reported to Metro, a 1 to 2 match was transferred, which was then put into a reserve account, the proceeds from that account would be applied to operational costs of the predators exhibit. Mr. Jordan noted that he had asked the finance department about the structure of the reserve, given that the purpose of the reserve was to have proceeds of the account transferred to the zoo and applied to operational expenses. He mentioned the stringent restrictions of Metro's public funds, his concerns about investment vehicles and the importance of abiding by all investment regulations. He reported that as of December 21, the OZF had raised slightly more than \$400,000, Metro had matched that with approximately \$200,000 and that in early January the OZF received a gift of an additional \$125,000.

Mr. Jordan then talked about the Council Membership issue. The Council previously had a discussion about memberships in business organizations, alliances and organizations across the

region. In the previous discussion, on August 14, the Council had mixed reviews on whether Metro should have memberships in these organizations.

Councilor Harrington said when they had the previous discussion councilor opinion was varied. She noted two additions to the recommended list and suggested additions to Item II, Eastside Economic Alliance and North Clackamas Chamber. Councilor Collette suggested the Native American Business Alliance be considered for membership. Mr. Jordan commented that there were innumerable membership options and one of the issues was where to stop. Councilor Harrington mentioned there was money allocated in the budget for membership. Mr. Jordan responded that there was \$25,000 available for sponsorship.

Councilor Liberty felt some memberships provided Metro with an opportunity to be heard and he felt that opportunity should be used. He asked whether there had been consideration into who would be sent to the various meetings. Mr. Jordan replied that it had not yet been decided upon. He mentioned the organization memberships of former Councilor Newman and the absence of Metro representation at many of the Westside Economic Alliance meetings. He mentioned the issue of deciding when it would be needed, or appropriate, for Metro to attend those meetings had not yet been looked into. Councilor Liberty commented on this and noted that some Councilors attend Columbia Corridor meetings occasionally. Mr. Jordan mentioned that the Council members often get invited to board meetings on particular topics of interest.

Council President Bragdon said he supported the dialogue with the business world and his discomfort lay with memberships in any organization that lobbied the Council. He supported co-sponsorship of studies and events; he didn't want financial donations to appear as indications of endorsement of an organization. Councilor Harrington wanted to note that some organizations had provided Metro with the opportunity to hold board positions at no charge. She felt an intermittent presence didn't serve the overall regional business community sufficiently and mentioned the value of deciding upon a strategic methodology of determining board membership. Councilor Hosticka shared concerns and wondered what precedents there were for general-purpose government agencies being members and participants of private organizations. Mr. Jordan informed the Council that many cities and counties were members of their local chambers of commerce. Councilor Hosticka questioned the rationale behind Metro being an active member of organizations that were taking political positions. Councilor Harrington responded that Metro's event sponsorship program addressed that. She pointed out the Council had asked the COO for a recommendation to deal with business and trade associations. Councilor Collette mentioned her experience at business alliance meetings and felt the organizational relationships were the most important part of the memberships.

Councilor Burkholder suggested the Council be ex-officio members of organizations and inform those organizations of Metro's sponsorship program. Councilors Liberty and Hosticka agreed. Mr. Jordan questioned adopting a policy to reimburse a Councilor's account for any organizational memberships. Council President Bragdon mentioned that Councilor's personal memberships weren't affected, only memberships representing Metro, which had the potential to imply endorsement of that organization's agenda. Councilor Harrington felt that participating with a select number of organizations was reasonable.

Mr. Jordan summarized the discussion; the Council wanted more work performed to determine which associations and alliances would allow Metro as an ex-officio member of the board at no charge. A letter would be sent with the inquiry to inform organizations of the co-sponsorship

opportunities that exist with Metro. Individual Councilor memberships were possible, using funds other than the money allocated in the Metro budget.

8. COUNCILOR COMMUNICATION

Councilor Liberty talked about the Transit Oriented Development committee meeting. They had adopted loan guidelines. There was a seven-day notice requirement. He asked if the Council wanted to look at those guidelines. Councilors and the COO discussed this issue further. He also said that he and Councilor Collette had attended a subcommittee on the Sellwood Bridge. He talked about finance charges being included in the total finance package. Councilor Hosticka asked clarifying questions.

Councilor Harrington noted that the Regional Solid Waste Management Plan (RSWMP) had been postponed by the Office of the Metro Attorney but it would be coming forward to Council soon. She also talked about the outreach efforts for the RSWMP.

Councilor Burkholder reported on Joint Policy Advisory Committee on Transportation (JPACT), which met this morning. Oregon Department of Transportation (ODOT) came forward with its proposal for cutting modernization State Transportation Improvement Plan (STIP) funds. He summarized the impact on the Metro region. He said the launch of the high capacity transit study was presented to JPACT. He noted the JPACT retreat on February 1, 2008.

Councilor Harrington shared what happened at Metro Policy Advisory Committee (MPAC), which met Wednesday evening. Ordinance No. 07-1165 was discussed during the bulk of the meeting. They had also nominated their officers for the year, Mayor Alice Norris will be MPAC Chair, Commissioner Tom Bryant will be first Vice Chair and Mayor Shane Bemis will be second Vice Chair.

Councilor Collette said she attended the land use committee of the Clackamas Business Alliance.

Council President Bragdon spoke to the new ethics law. He had been invited by Travel Portland. Mr. Cooper explained the ethics law. There was a form that the Council reviewed. Council President Bragdon asked if there was any objection to being involved in the event. There was no objection. Councilors asked clarifying questions about the new law.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(i) AUTHORIZED TO REVIEW AND EVALUATE THE EMPLOYMENT RELATED PERFORMANCE OF THE METRO ATTORNEY

Members Present: Dan Cooper, Metro Councilors

Time Began: 4:30 p.m.

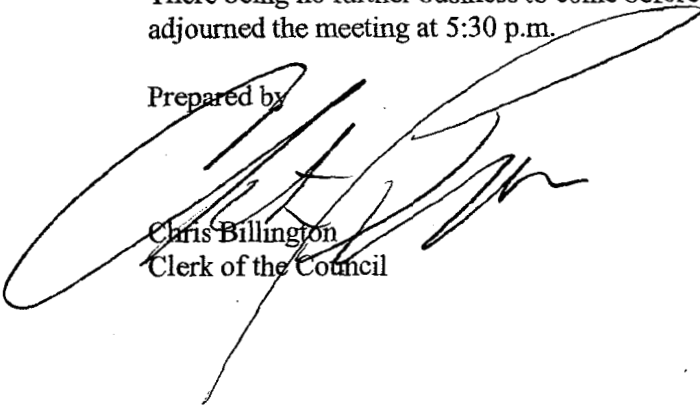
Time Ended: 5:30 p.m.

10. ADJOURN

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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:30 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JANUARY 10, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
3.0	TMDL Draft Report	1/10/08	To: Metro Council From: Lori Hennings, NIN Program Re: Willamette Basin Total Maximum Daily Load Implementation Plan	011008c-01
3.0	Power Point Presentation	1/10/08	To: Metro Council From: Lori Hennings, NIN Program Re: Metro's TMDL Implementation Plan	011008c-02
4.1	Minutes	12/13/07	Metro Council Meeting Minutes of December 13, 2007	011008c-03
6.1	"A" version	1/10/08	Resolution No. 08-3894A , For the Purpose of Reorganizing the Metro Council In 2008.	011008c-04
6.2	"A" version	1/10/08	Resolution No. 08-3893A , Designating a Council Project, Sunsetting Completed Projects and Revising Some Lead Councilor and Council Liaison Assignments.	011008c-05
6.4	Resolution No. 08-3910	1/10/08	Resolution No. 08-3910 , For the Purpose of Proclaiming 2008 as the Year of the Dinosaur in the Metro Region.	011008c-06
6.3	Letter	11/5/07	To: Metro Council From: Brian Heiberg, Heiberg Garbage and Recycling Re: Comments on Solid Waste Transportation Services	011008c-07
6.3	Email	1/10/08	To: Chris Billington, Clerk of the Council and Metro Council From: Gary Goldberg Re: Comments on Resolution No. 08-3889	011008c-08
6.3	Letter	1/10/08	To: Metro Council From: Michael Lang, Conservation Director, Friends of the Columbia Gorge Re: Comments on Resolution No. 08-3889	011008c-09

Item	Topic	Doc. Date	Document Description	Doc. Number
8.0	Authorization to Represent Metro/MERC	1/10/08	To: Metro Council From: Alison Keane-Campbell, Office of Metro Attorney Re: Authorization to Represent Metro/MERC for purposed of the Oregon Government Standards and Practices Act Gift Exception (H) re: Trade-Promotion Mission or Economic Development Activity	011008c-10
8.0	White Paper	1/10/08	To: Metro Council From: Councilor Burkholder and Eliot Rose Re: CO2 Reduction Through Better Urban Design: Portland's Story	011008c-11