

MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 17, 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

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the January 10, 2008 Regular Council Meeting.

3.2 **Resolution No. 08-3890**, For the Purpose of Confirming the Appointment of Scott Keller to the Regional Solid Waste Advisory Committee (SWAC).

3.3 **Resolution No. 08-3900**, Authorizing Official Council Representation at an Event Under the Oregon Ethics Law.

3.4 **Resolution No. 08-3899**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Include the US30B: 122nd to 141st Safety Project and the I-205: Willamette River Bridge Project.

Motion:

Councilor Harrington moved to adopt the meeting minutes of the January 10, 2008 Regular Metro Council and Resolution Nos. 08-3890, 08-3900, and 08-3899.
--

Vote:

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

4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 07-1165**, For the Purpose of Amending Metro Code Chapter 3.09 (Local Government Boundary Changes) to Implement 2007 Oregon Laws Chapter, and Update the Chapter, and Declaring an Emergency.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 08-1165A
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka introduced the ordinance, provided background information, and thanked individuals involved with the ordinance. He described the boundary change process, and transitioned into laws involved in the boundary change process. He talked about Metro's role in boundary setting and changing.

Councilor Harrington pointed out corrections in the A version. Councilor Burkholder would like a description of what the intent is and what the direction is. Councilor Hosticka talked about Metro Policy Advisory Committee (MPAC) decisions and background information on Ordinance No. 07-1165. He further talked about concerns regarding boundaries.

Dick Benner, Senior Attorney, said that his recommendation to MPAC was to leave it alone, and that MPAC agreed. Mr. Benner noted in Exhibit A, on page two, at the bottom, section 030B said that language noting '45 after,' should be '45 days.'

Council President Bragdon opened a public hearing on Ordinance No. 08-1165A.
No one came forward.

Council President Bragdon closed the public hearing.

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.

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

Motion:	Councilor Burkholder moved to adopt Ordinance No. 08-1170.
Seconded:	Councilor Hositcka seconded the motion

Councilor Burkholder explained Metropolitan Exposition and Recreation Commission (MERC) positions that Ordinance No. 08-1170 would create. He explained how money would be transferred to meet new position needs.

President Bragdon said he supported the ordinance, and appreciated the clarification and discussion he received from MERC.

Council President Bragdon opened a public hearing on Ordinance No. 08-1170.
No one came forward.

Council President Bragdon closed the public hearing.

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.

5. RESOLUTIONS

5.1 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.

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

Councilor Harrington introduced the resolution. She explained background information, agreement components, and timelines involved. She additionally explained requirements and the Council's past and current role with the resolution.

Mike Hoglund, Director Solid Waste and Recycling, talked about the cost of cleaning barge engines, stating that it costs anywhere from one million to two million dollars. He also talked about grant applications that barge companies presented last year. President Bragdon said that the million dollar figures are not representative to him and would appreciate different clarification. Councilor Liberty asked about engines compared to trucks. President Bragdon talked about evaluating tonnage. Mr. Hoglund reviewed the attachment (see attachment). Councilor Harrington stated that the trucks are dedicated to the current contract. She said the barges might be doing work with other market aspects that had been noted.

Councilor Hosticka asked about monitoring and if they updated the fleet, and how results would be identified. Mr. Hoglund said these topics would be included in the contract. Councilor Hosticka asked how the Council would know which barge has a clean engine in it. Mr. Hoglund said the Coast Guard and Corps monitor it all, as well as other administrative strategies for monitoring. Councilor Liberty asked if there was concern whether barges were transporting garbage or not. Mr. Hoglund said it would be their responsibility.

Mr. Hoglund talked about mitigation measures. He noted they need to learn more about mitigation points. He said they would keep the Council updated. Mr. Hoglund talked about implementing offsets. He said one option was the Chicago carbon offset exchange. Councilor Liberty asked about accomplishing carbon offsets. Mr. Hoglund noted he would provide a more specific answer after necessary research was conducted (see attachment).

Mr. Hoglund introduced a timeline of future steps in the RFP. He explained components of next steps.

President Bragdon asked if the next Council action would be to accept the fully negotiated contract, and how many additional steps the Council would be involved in. Mr. Hoglund said the next Council action would be to award the contract, and explained the process. President Bragdon talked about criteria used, and that this is an opportunity to encourage innovation. He urged that the negotiation team be very good. Councilor Burkholder said that Metro wanted the best deal and outcomes for everyone, without artificial restrictions or provisions. Mr. Hoglund noted that the issue of the fuel excise tax is an important topic, that the excise tax needs to be utilized, and costs need to be kept down. Mr. Hoglund talked about different partnerships.

Councilor Harrington closed by thanking Councilors. She noted that it is a thick packet, but speaks to the fuel excise tax as well as the location of transfer stations.

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.

6. CONTRACT REVIEW BOARD

- 6.1 **Resolution No. 08-3892**, For the Purpose of Approving a Sole Source Contract With the Oregon Pacific Railroad For Railroad Track Realignment Services.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-3892.
Seconded:	Councilor Harrington seconded the motion

Councilor Liberty explained contract parameters and background information. Councilor Burkholder noted he was thrilled about this moving forward. He had been working on this for a long time. He talked about trail connections throughout the region. He said it has been widely popular with the public, and said this is the last piece. He asked when they can pave it and what they need to get it paved. He noted that a gravel gap is still a gap. He said we are 90% there, and asked how to get the other 10%.

Mary Ann Cassin, Regional Parks and Greenspaces, said that everyone is supportive of this goal. She said as part of the agreement the road will be passable by bicycles and pedestrians. Councilor Burkholder asked about funding paving; Mrs. Cassin said there are grants so money is not a problem. Councilor Burkholder asked if this could be done by July 08, and Mrs. Cassin said it could not be completed by July 08, but the process will continue.

Vote:

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

- 6.2 **Resolution No. 08-3903**, For the Purpose of Authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement With the City of Portland Providing for Funding and Administration of a Public Contract for Railroad Track Realignment Services, and to Grant an Easement to the City of Portland for Non-Park Use.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-3903.
Seconded:	Councilor Collette seconded the motion

Councilor Liberty briefly explained the resolution.

Vote:

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

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, mentioned that the ethics issue should resume discussion. Councilor Harrington asked about different events and identified situations that may run into ethics rules. She wanted the opportunity to go through different examples, so that surprises did not result. Councilor Liberty explained aspects of the ethics rules.

Dan Cooper, Metro Attorney, introduced Alison Kean Campbell, Senior Assistant Attorney, and explained the work behind the ethics rules. He noted that as lawyers it is their job to analyze the law and rules and apply them accordingly. Mrs. Campbell said she is working with Creative Services to make a decision tree. Each Councilor will receive one in their office. Mrs. Kean Campbell said the primary point to consider is who is giving the gift. She explained the aspect of reasonable legislative or administrative gifts. Mrs. Kean Campbell said that if Metro is a dues-paying member or sponsors, items could be received. Mr. Cooper noted there will be gray areas with this topic. President Bragdon asked about a specific Travel Portland activity. Mr. Cooper explained the legalities involved. Mrs. Kean Campbell said that it clearly falls under an economic development event. She further noted that an authorization does not necessarily universally grant a go-ahead for every event.

Councilor Liberty posed another example. Mrs. Kean Campbell again noted that it should be asked who is the source of the gift. 'Source' is who pays the bill ultimately. She clarified the situational example. Mrs. Kean Campbell acknowledged that there are loopholes in the rules. Councilor Hosticka asked about 'allowance' and the fifty-dollar rule. Councilor Harrington asked about other situational events. Councilor Collette asked if she is at an expensive luncheon, if bringing her own food covers her as not receiving a gift.

Councilor Burkholder asked about meetings that work through lunch, when meeting facilitators provide lunch. He said it is not an event, but asked if this was a gift. Mrs. Kean Campbell noted exceptions, and said she is suggesting changes to 'working-lunch' rules. Councilor Liberty said it makes sense to clarify and cover different specifics, and there are other things to worry about than the sandwich brought in.

Mr. Cooper said there was an ordinance passed in 2000 restricting gifts from lobbyists. Since then, this has become state law. Council President Bragdon thanked Mrs. Kean Campbell for all her work. Mr. Jordan talked about adding money to Councilor accounts and reallocating the budget for these expenses.

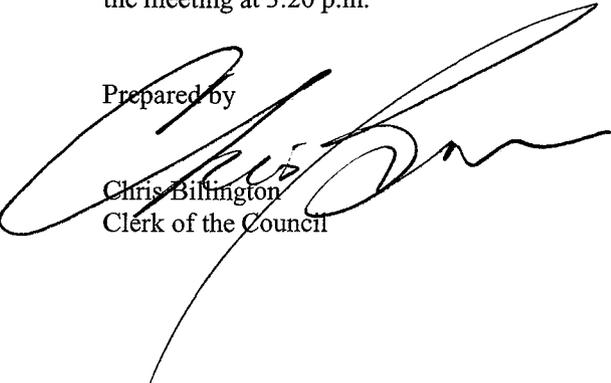
8. COUNCILOR COMMUNICATION

Councilor Harrington talked about urban and rural reserves, and the new webpage introduced recently on the Metro website. She said the webpage is a great resource for the reserves process.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:20 p.m.

Prepared by


Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JANUARY 17, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
4.1	Ordinance	1/17/08	Ordinance No. 07-1165A revised, January 17, 2008	011708c-1
5.1	Council Update	1/17/08	Council Update, Waste Transport Contract RFP, January 17, 2008	011708-2