

MINUTES OF THE METRO COUNCIL MEETING

March 14, 2002

Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon, Rod Monroe, Rex Burkholder

Councilors Absent:

Presiding Officer Hosticka convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3 SOUTH CORRIDOR STUDY BRIEFING

Richard Brandman, Deputy Planning Director, updated the Council on where they were in the South Corridor Study and gave a power point presentation on the Project (a copy of which is found in the meeting record). He spoke about the four links, project lead agencies, project needs and purpose, South Corridor Alternatives Analysis as well as the light rail addition to the analysis, light rail cost reduction, SDEIS alternatives, BRT alternatives and improvements, busway alternatives, light rail alternatives, LRT alternatives, downtown rail capacity, river crossing and transit mall issues, Hawthorne Bridge alignment, public input, policy group's direction, policy committee's direction, next steps, public outreach and the process for decision making.

Councilors asked questions about alternatives, funding, and timeline. **Mr. Brandman** responded to their questions.

Councilor Bragdon said, in terms of the interaction with the Milwaukie neighborhood groups, it was important to add that they hadn't just asked to put the light rail option back on the table but they had asked that it be put back on the table with certain conditions which pertained to design, compatibility with their downtown plan, and to their own involvement in it. It was in invitation to work together.

Aleta Woodruff, 2143 NE 95th Place, Portland OR, representing the Gateway Opportunity, encouraged consideration of the light rail on I-205 from Gateway south. She noted that it would extend transportation to the airport by 6 1/2 miles. The neighborhood residents in the Gateway area were very supportive.

4. MPAC COMMUNICATIONS

Presiding Officer Hosticka said MPAC discussed wildlife mapping. The Job Subcommittee met afterwards. They were doing a lot of good work about the effects of the decisions that the Council

would be facing under periodic review on jobs and economic health the region. He then asked Mr. Cooper to address the LCDC response to the Council's petition for a declaratory ruling that had been distributed at MPAC as well.

Dan Cooper, General Counsel, responded that LCDC put it early on the schedule and invited him to speak during their director's report. They adopted a motion to deny the request for the declaratory ruling but instead to invite Metro to submit a petition for rule making which could be the vehicle for addressing the identical issues. They tentatively scheduled consideration of whether or not to initiate the rule making if Metro made that petition at their April 25, 2002 meeting. They had discussed this with their staff and the advice they were receiving from the attorney general's office was that this was their preferred vehicle and process for answering the questions. The discussion centered on the fact that rule making as opposed to a declaratory ruling was more likely to generate a legally definitive appeal to the Court of Appeals that would provide some finality to the answers they gave Metro. That would provide both LCDC and Metro with greater certainty with whatever conclusion was reached through the process than simply the declaratory ruling which was less likely to be appealed and would only be binding on LCDC and Metro if not appealed and could not produce as final a decision as the rule making. He said it was not necessary to send it back to MTAC or MPAC. If they wanted to move as quickly as LCDC wanted to move, his office could have a resolution prepared for Council so they have the vehicle to formally request that the Executive Officer send down a formal petition for rule making with a proposed draft rule for them to consider.

Presiding Officer Hosticka said there was a lot of political sensitivity on this. He asked when the last point of action would be in order to meet the April 23, 2002 LCDC meeting?

Mr. Cooper said LCDC sends a notice 30 days in advance of their meeting. It was his understanding that LCDC were proceeding in April. Metro was not necessarily required to submit the actual petition for rule making by that time.

Presiding Officer Hosticka asked if they could put it on their agenda without a lot of detail. He suggested Mr. Cooper check into this.

Councilor McLain asked how this rule making related to Measure 7 and Goal 14 being put on hold.

Mr. Cooper said the Commission discussed this at the March meeting. Part of Metro's reasoning for submitting a petition for a declaratory ruling rather than rule making was because the Goal 14 rule and revision process that they had undertaken in 2000 seemed to be very complicated on a number of statewide issues. The Commission's discussion initiated by their staff and staff recommendation was to give them an option of doing this as part of larger revision to Goal 14 or to request that they dealt with a very narrow rule that only applied to sub-regions in areas where there was a population of 750,000 or more within the Urban Growth Boundary which would be a Metro only rule. The action they took was to take the narrow pathway and not to include this in a wider Goal 14 rule making process. They hadn't made any final decision. The maker of the motion was clear that Metro had a need for a decision and Metro's preference for action by them. He made the motion to deny the petition for declaratory ruling and inviting the petition for rule making but reserving the right to eventually say no to the rule making as well or to convert that rule making into a broader rule making. Mr. Cooper had encouraged them to have a decision by sometime in the fall before the legislature met because they would then be slowed down. In his judgement it was better for the Commission to make the rule than the matter to fall into the legislation cycle.

Councilor McLain asked if the Council would have an opportunity to work on this as soon as possible?

Mr. Cooper said this was not an executive session issue. They could be prepared to discuss this as soon as the next Community Planning Committee. If at that time the Council wanted them to proceed they could.

Presiding Officer Hosticka said he hoped that they would disseminate broadly the decision of LCDC so others knew that Metro was considering additional steps because of LCDC's action today.

Councilor Park said, given the advisory nature that Metro would be in, in the position to the Commission and that MPAC would be advisory to the Council, it seemed more expedient to get what Metro needed down to them and let advisory committees make comments directly to the Commission.

Councilor Atherton asked, even if we did a fast track on the rule making, could they expect a decision to help the Council in their UGB decisions this year.

Mr. Cooper responded that the earliest time they could make their decision would be October 2002. They were making that decision in anticipation that the matter would be appealed to the Court of Appeals. Even if it weren't appealed, an October rule making would be too late for the Council to take that into account in this timeframe. He had informed the Commission of this but he had urged them to give Metro an answer anyway because we needed the answer for the future if not for now.

Councilor Atherton asked what the advantages were in doing this right now?

Mr. Cooper said he thought that was policy not legal.

Presiding Officer Hosticka said he anticipated that this issue would be considered in Community Planning next week.

5. CONSENT AGENDA

5.1 Consideration of minutes of the March 7, 2002 Regular Council Meeting.

Motion: **Councilor Park** moved to adopt the meeting minutes of the March 7, 2002, Regular Council meeting.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

6 ORDINANCES – SECOND READING

6.1 **Ordinance No 02-937A**, For the purpose of amending the Metro Code Chapter 5.04 Related to Supporting Markets for Recyclable Materials and Making Related Changes to Metro Code Chapter 2.19 to Establish a Recycling Business Assistance Advisory Committee.

Motion: **Councilor McLain** moved to adopt Ordinance No. 02-937A.

Seconded: **Councilor Atherton** seconded the motion.

Councilor McLain said this ordinance was reviewed at Solid Waste & Recycling and passed out unanimously. She spoke to the particular recyclable materials that needed market assistance and the composition of the Recycling Business Assistance Advisory Committee. She noted her amendments concerning notice and budget.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-937A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor Atherton talked about the specifics of the loans.

Councilor McLain closed by encouraging an aye vote. She said the business community had brought this idea to the Council. There was a real need in the region.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

7. **CONTRACT REVIEW BOARD**

7.1 **Resolution No 02-3165**, For the Purpose of Authorizing the Release of a Request for Proposals for Implementation of the First Year of a Marketing and Communications Plan to Increase the Salvage and Recycling of Construction and Demolition Debris.

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Motion: **Councilor Park** moved to adopt Resolution No. 02-3165.

Seconded: **Councilor McLain** seconded the motion.

Councilor Park reviewed the purpose of the RFP for the Communications Plan and the background for the resolution. He summarized the amended staff report (a copy of which is in the meeting record).

Councilor McLain added that they had asked for an amendment on the staff report and explained further those amendments.

Councilor Atherton spoke to the facilities outside our jurisdiction that accepted construction and demolition debris. He noted that Waste Management had sent a letter indicating they planned to implement recycling at their Hillsboro facility.

Councilor Park supported Councilor Atherton's point and urged an aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

8. **COUNCILOR COMMUNICATION**

Presiding Officer Hosticka reported that the Executive Officer had signed the agreement on the regional drinking water initiative. He passed out a recommendation which was made by the Green Ribbon Committee (a copy of this recommendation is included in the meeting record). He explained further the recommendations that were adopted unanimously at the Green Ribbon Committee.

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Councilor McLain said she would carry this message to SWAC, March 18th. She thought it was important to hear from both parks and solid waste individuals.

Presiding Officer Hosticka said Natural Resources and Solid Waste and Recycling Committees would be considering this issue next Wednesday. If it was passed out of committee, it could be considered as early as March 21, 2002 at the Metro Council meeting.

Councilor Burkholder talked about the Budget and Finance Committee process. He encouraged Council's participation.

Councilor Park said there had been requests to discuss Ballot Measure 26-29.

Mr. Cooper said, as elected officials, they were free to discuss the ballot measures.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:35 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 14,
2002**

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
MINUTES	3/7/02	MINUTES OF THE METRO COUNCIL OF 3/7/02	031402c-01
COMMITTEE REPORT	3/11/02	RESOLUTION NO. 02-3165 SOLID WASTE & RECYCLING COMMITTEE FROM JOHN HOUSER TO THE METRO COUNCIL	031402c-02
STAFF REPORT	2/4/02	RESOLUTION NO. 02-3165 AMENDED STAFF REPORT TO METRO COUNCIL	031402c-03
COMMITTEE REPORT	3/11/02	ORDINANCE NO. 02-937A SOLID WASTE & RECYCLING COMMITTEE FROM JOHN HOUSER TO METRO COUNCIL	031402c-04
GREEN RIBBON COMMITTEE RECOMMENDATION	3/12/02	RECOMMENDATION ON PARKS TO METRO COUNCIL	031402c-05