

MINUTES OF THE METRO COUNCIL MEETING

Thursday, September 11, 2008
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

Council President Bragdon acknowledged Ray Leary who was continuing his service on the Metropolitan Exposition Recreation Commission (MERC). Mr. Leary thanked Commissioner Fish and the City of Portland Council for supporting his nomination. He also thanked Council President Bragdon for his appointment. He was please to serve with the Metro Council. He looked forward to serving. Don Trotter, MERC Commission Chair, said it was great to serve with Mr. Leary. He strongly recommended passing the resolution.

2. CITIZEN COMMUNICATIONS

There were none.

3. INTEGRATING HABITTS PEOPLE'S CHOICE AWARD

Council President Bragdon said the Integrating Habitats People's Choice Award winner in Category 3-Residential infill and oak woodland habitat is: "Growing Together" From: EDAW, Seattle Washington and Yost Grube Hall Architects, Portland Oregon. Congratulations to team members: Marilee Stander, Dave Morris, Sandy Fischer, Bonnie McDonald, Nancy Bird, Kerry McWalter, Linda Howard, Erika Matthias, Lauren Hauck, Todd Bronk, Jeff Bouma, Isaac Brown, Charles Everett, Jim Keany, Karen Strupp, Jan Mulder, Sarah Daniels, Edward Running, Miles Woofter, Nicole De Jong, Phillip Lopez, Curtis Alling, Ron Unger, and Alex Felson.

Corie Harlan, Nature in Neighborhood Program said this was the sixth video in the series. There was one presentation left. Councilor Burkholder said he was at the River Festival last week and this design board was the one being presented. He felt that this winner's design did a very good job of drawing people in.

4. ECONOMIC DEVELOPMENT DISTRICT PRESENTATION AND REQUEST

Council President Bragdon introduced Ms. Pam Treece. Pam Treece, Regional Partners Executive Director provided a power point presentation on Portland-Vancouver Economic Development District (EDD) (a copy of which is included in the meeting record). She noted how this district worked with their stakeholders. She summarized their purpose, composition, projects, and funding sources. She noted that they fostered collaboration and communication between organizations that addressed economic development issues. She provided further details on EDDs around the United States. She also talked about partners in the Portland-Vancouver EDD. She summarized Metro's contribution in both dollars and in-kind services. Councilor Harrington asked about EDDs accomplishments. She asked what Ms. Treece believed were some of the

regional accomplishments. Ms. Treece said they were bringing together partners to work on common goals and projects. The economic gardening has been successful in the region. She provided additional details of accomplishments of the economic garden. She talked about collaboration aspects of the district. Councilor Harrington asked if this did not exist, what would our region be lacking. Ms. Treece said it would lack the opportunity to have these discussions with our partner across the river, Vancouver. They would also not be able to bring in federal funds. Councilor Park asked how their efforts coordinated with the economic alliances. She said alliance members sat on their board. It had 49% private organizations and 51% public organizations. Councilor Harrington talked about the slide that had the diagram. She asked where the EED ends and regional partners began. Ms. Treece said EED funds projects and the partners provide guidance on the projects.

5. TRANSIT-ORIENTED DEVELOPMENT PROGRAM – Improve Transparency and Oversight

Suzanne Flynn, Metro Auditor, said she would be talking about the TOD program audit (a copy of which is included in the meeting record). She acknowledged the audit team. She reviewed the scope of the audit which was:

- to determine whether the Program had adequate oversight
- to determine if the Program had an effective, transparent process for choosing projects
- to determine whether the Program had adequate processes to monitor projects
- to determine whether the program had adequate procedures to adequately administer and account for the use of funds.

Auditor Flynn then talked about the audit methodology:

- Interviews
- Literature review, read studies and reports
- Analysis of expenditures
- Reviewed project files
- Surveyed developers
- Studied five projects in different jurisdictions and in different stages of completion in depth

She spoke to the oversight of the program including that the role of the Steering Committee lacked clarity. She said two of the projects they looked at were not approved by the Committee but were placed in the program as an administrative decision. Council's resolution creating the program said the committee was to provide oversight of the program and to approve project sites. The program believed that oversight of program occurred in the budget process and by management. She also noted that because the funding source was not federal there was no federal oversight. This was not necessarily bad, but made Metro's oversight more important.

In reference to the projects selected, she did not question the quality of decision making but thought transparency and understanding could be improved by outlining process and criteria. She said as the program developed, criteria to determine if a project would be supported had broadened. She noted with limited resources this could limit the ability to meet any one objective. The cost effectiveness model the program used needed to protect against errors and inconsistent comparisons.

She said the program has completed its first annual report and had a huge spreadsheet where projects were tracked and some statistics reported. She noted that the spreadsheet was difficult to interpret. She said the program did not have a system for regularly monitoring results in terms of its larger outcomes – increased density, reduced miles traveled or new private development. Staff was aware of how a development progressed but had no system to capture information. Staff had contracted for periodic studies, but the same projects were not included in each study that allowed reviewing over time or project comparisons.

She talked about administrative procedures and suggested the program should be more transparent about funding sources; could more comprehensively track project expenditures; and could improve records management so that documentation and accountability was easy.

She reviewed her audit recommendations (a copy of which is found in the report)

Megan Gibb, Planning Department, said she appreciated the opportunity to work with the auditor to review the program. She summarized the response to the audit. There were several recommendations that had already been implemented, and they were in the process of implementing other recommendations. They would also be reexamining the criteria and the steering committee's role. Councilor Liberty said it had been his pleasure to serve as the TOD Steering Committee liaison. He felt the audit would make the TOD program stronger. The audit report was a great description of the program itself. He emphasized that this program was part of a bigger picture. He was hopeful to find a cost effective way of continuing to evaluate and improve the program.

Councilor Harrington said TOD was important for the entire region as a whole as well as for the 25 cities in helping them grow and create vibrant communities. She acknowledged the importance of the audit. She commented on the transparency of the audit including the role and value of Metro. She suggested delivering information earlier to the steering committee. She appreciated the work everyone did to make the information available to the public.

Councilor Park said the audit was a very appropriate audit for the agency. The program had started small and had grown tremendously. He appreciated the suggestion to look at the steering committee composition. He suggested adding additional elected to the committee. He wondered if they had looked at both the criteria going into a project and the criteria as it changed throughout the project. He talked about the risk factor and asked if the audit covered this. Auditor Flynn said they general spoke to this in the monitoring piece of the project.

Councilor Liberty talked about projects with continued investments as well as determining when Metro needed to withdraw from the project. Councilor Collette said she had been on the receiving end of the TOD program as a Milwaukie City Councilor. She suggested not losing track of those things that had been special about this program such as being nimble and the opportunity to take risks. She hoped that we retained the ability to be agile and creative.

Council President Bragdon felt this was an effective and useful audit. He talked about the history of the TOD program. He felt the audit was very constructive. He reviewed next steps and integrating this program into other things that Metro was doing.

6. CONSENT AGENDA

- 6.1 Consideration of Minutes for the August 21, 2008 Metro Council Regular Meeting.
- 6.2 **Resolution No. 08-3968**, For the Purpose of Confirming Calvin Smith and Stephanie Parish to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.
- 6.3 **Resolution No. 08-3991**, For the Purpose of Confirming the Council President's Re-Appointment of Ray Leary to the Metropolitan Exposition Recreation Commission.
- 6.4 **Resolution No. 08-3992**, For the Purpose of Approving a Contract Amendment for Facilitation of the Urban and Rural Reserves Project.
- 6.5 Removed from consent agenda.

Motion:	Councilor Collette moved to adopt the meeting minutes of the August 21, 2008 Regular Metro Council and Resolution Nos. 08-3968, 08-3991, 08-3992.
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Vote:	Councilors Burkholder, Harrington, Liberty, Park, Collette, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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- 6.5 **Resolution No. 08-3993**, For the Purpose of Proclaiming the Month of September 2008 Bike Commute Challenge.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-3993.
Seconded:	Councilor Liberty seconded the motion.

Councilor Burkholder shared a power point presentation about biking (a copy of which is included in the meeting record). He said September was a beautiful month to ride a bike. He talked about the Councilor Bike Commute Challenge next week.

Councilor Liberty talked about his history commuting on a bike over the past 20 years. He felt it was much safer now to ride a bike. Once you have tried it, it was hard to go back to the car. Council President Bragdon said he had also ridden his bike today. They were doing counts of bike riders on the trails.

Councilor Harrington thanked Councilor Burkholder for his presentation. She said bicycling was alive and well in Washington County. Councilor Burkholder talked about cost effectiveness of bike facilities. He urged support of the resolution.

Vote:	Councilors Burkholder, Harrington, Liberty, Park, Collette, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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7. ORDINANCES – FIRST READING

- 7.1 **Ordinance No. 08-1199**, For the Purpose of Annexing Lands on the East Side of NW Helvetia Road, South of West Union Road, and North of Jacobson Road to the Metro Jurisdictional Boundary.

Council President Bragdon assigned Ordinance No. 08-1199 to Council.

- 7.2 **Ordinance No. 08-1198**, For the Purpose of Amending the Regional Solid Waste Management Plan, 2008-2018 Update, to Include a Business Recycling Requirement.

Council President Bragdon assigned Ordinance No. 08-1198 to Council. He opened a public hearing on Ordinance Nos. 08-1198, 1200 and 1201.

David White, 1739 NW 156th Avenue Beaverton Oregon 97006 said he was the regional representative for Oregon Refuse and Recycling Association (ORRA). He expressed concerns about the business recycling program. They had looked at Portland which had a mandatory business recycling program. He talked about the Portland program versus Beaverton who had a voluntary business recycling program. Portland had a good program but it could be better. Staff said the problem with Portland's program was that it was mandatory. This was the opportunity to open doors and share information. He talked about the quality of the program which had to do with the type of education. They didn't think that a mandatory program was necessary. Portland was intending to expand the mandatory program. The business representative for the Portland suggested simple collaboration. 50% of the businesses in Portland resented a mandatory program. ORRA cared about this issue because they wanted to have businesses do recycling the right way. The way to get residents to do it right was to look in their recycling bins. He talked about contamination in recycling. He said if you forced people to do what they didn't want to do, they may not do it right. He was concerned about contamination. Councilor Liberty asked about the Beaverton versus Portland statistics. Mr. White was unable to provide further details of the findings.

Jeanne Roy, Center for Earth Leadership, 2420 SW Boundary Street Portland OR 97239 said she wanted to speak on Ordinance No. 08-1201. She has served on Solid Waste Advisory Committee and provided some history about her involvement in business recycling. She talked about the plan 18 years ago whose goal had not yet been realized. She talked about the three goals of the business recycling over the past years. Improvements in education were part of the goals. She talked about how recovery could be increased which included mandatory recycling. The option before Council had the most support. It was time to pass this ordinance. She urged approval of the program. Councilor Liberty asked her about the Beaverton program. She was unable to answer his question.

- 7.3 **Ordinance No. 08-1200**, For the Purpose of Amending Metro Code Chapter 5.10, Regional Solid Waste Management Plan, by Adding Provisions to Implement the Business Recycling Requirement.

Council President Bragdon assigned Ordinance No. 08-1200 to Council. Councilor Harrington asked about the revised ordinance. Dan Cooper, Metro Attorney, said there was a typo.

- 7.4 **Ordinance No. 08-1201**, For the Purpose of Adopting the Business Recycling Requirement Model Ordinance Pursuant to Metro Code Section 5.10.350 and the Regional Solid Waste Management Plan.

Council President Bragdon assigned Ordinance No. 08-1201 to Council.

8. CHIEF OPERATING OFFICER COMMUNICATION

Scott Robinson, Deputy Chief Operating Officer, said the Parks Department was sponsoring a Parks District Forum this week. They had issued a transport contract for solid waste. The Oregon Zoo had a banner attendance due to the new baby elephant. He acknowledged staff's effort. Council President Bragdon talked about the forum and the importance of the nature presentation by Metro, Deb Scriven. He also noted that staff at the Zoo went above and beyond the call of duty and do so on many occasions.

Council President Bragdon said they received a letter from the Oregon Zoo Foundation about reorganization. He asked if Mr. Robinson was preparing a letter in response to the reorganization. Mr. Robinson said they would respond in writing as well as meet with the Foundation next week.

Councilor Park asked about the transport contract and the appeal process. Mr. Cooper explained the appeal process. Council President Bragdon asked about guidelines for the upcoming licensures of solid waste facilities.

9. COUNCILOR COMMUNICATION

Councilor Collette reported on the High Capacity Transit (HCT) Study. There had been a variety of workshops. They would now be meeting with key stakeholders and talking to them about linking land use and transportation. She talked about next steps.

Councilor Harrington said she would be interested in suggesting a person to be part of the HCT think tank. Councilor Liberty appreciated the broader conversation. He provided some suggestions for big picture questions. He was still looking for the opportunity for this Council to have that discussion. He talked about the bus system, which was considered the workhorse of the system. Councilor Collette responded by talking about the workshops. There was need for better connection to the current system. They had also heard safety concerns.

Councilor Harrington talked about the Regional Rural and Urban Reserves Steering Committee and the results of the committee meeting. As a Council they were given a briefing on infrastructure. She talked about the major pressures on infrastructure with growth as well as no growth. It was important that both components be shared with the residents of the region. Last, they had a regional summit coming up on October 8th from 4:00 p.m. to 8:00 p.m. She had been fielding criticism about the date of this meeting and conflicting events.

Mr. Robinson said staff had looked at the October 8th event and looked at other options. They had scheduled a national speaker who was unable to change his plans. They were doing a video of the meeting to help accommodate those who could not attend.

Councilor Park talked about infrastructure presentations he was doing. One of the things that still needed to be fleshed out was the return on investment piece. Councilor Harrington said the three choices were documented for the October 8th event.

Councilor Burkholder said Joint Policy Advisory Committee on Transportation (JPACT) passed the Metropolitan Transportation Improvement Program (MTIP) flexible funding program. There were upcoming workshops and public hearings in the region on the program.

Councilor Liberty invited the public to come and listen to Mr. Troy Russ who would be talking about rebalancing roadway to build sustainable communities. The event was on September 24th. It would be held in the Council Chamber at 7:30 p.m.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:45 p.m.

Prepared by

A handwritten signature in black ink, appearing to read 'Chris Billington', written in a cursive style.

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
SEPTEMBER 11, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
6.5	Power Point Presentation	9/11/08	Resolution No. 08-3993 , For the Purpose of Proclaiming the Month of September 2008 Bike Commute Challenge power point presentation	091108c-01
7.3	Revised Ordinance	9/11/08	Ordinance No. 08-1200 , For the Purpose of Amending Metro Code Chapter 5.10, Regional Solid Waste Management Plan, by Adding Provisions to Implement the Business Recycling Requirement.	091108c-02
4.0	Power Point Presentation	9/11/08	To: Metro Council From: Pam Treece, Executive Director, Regional Partners Re: Portland-Vancouver Economic Development District	091108c-03