



**METRO COUNCIL MEETING**

Meeting Summary

April 21, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Carl Hosticka, Barbara Roberts, Rex Burkholder, Kathryn Harrington, Carlotta Collette, and Shirley Craddick

Councilors Excused: None

Council President Tom Hughes convened the regular Council meeting at 2:03 p.m. He announced that a second read of Ordinance No. 11-1257 was added to the agenda.

**1. INTRODUCTIONS**

There were none.

**2. CITIZEN COMMUNICATIONS**

Ron Swaren, 1543 SE Umatilla St.: Mr. Swaren addressed the Council on the Columbia River Crossing project; he highlighted potential funding obstacles. He expressed support for an alternative west side route from Washington County, Oregon to Clark County, Washington citing increased growth to the region's west side as reasoning. Mr. Swaren expressed support for a 4-lane parkway alternative with bike and transit access.

**3. CONSIDERATION OF THE COUNCIL MINUTES FOR APRIL 14, 2011**

Motion:	Councilor Kathryn Harrington moved to approve the April 14, 2011 Council summary.
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Vote:	Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion <u>passed</u> .
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**4. RESOLUTIONS**

4.1 **Resolution No. 11-4235**, For the Purpose of Amending the Fiscal Year 2010-11 Unified Planning Work Program.

Motion:	Councilor Barbara Roberts moved to approve Resolution No. 11-4235.
Second:	Councilor Harrington seconded the motion.

Councilor Roberts introduced Resolution No. 11-4235, which if adopted would amend the current FY 2010-11 Unified Planning Work Program (UPWP) to add three new projects and modify the project development language of the Metropolitan Transportation Improvement Program (MTIP)

narrative. The three project additions are: (1) a Council Creek Trail project; (2) a project to develop multimodal arterial performance measures system consistent with the region's adopted Transportation System Management and Operations plan; and (3) Washington County's Aloha-Reedville Study and Livability Community Plan project.

The Joint Policy Advisory Committee on Transportation (JPACT) unanimously approved this resolution at their April 14 meeting.

Vote:

Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion <u>passed</u> .
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4.2 **Resolution No. 11-4236**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements and Adopting the Fiscal Year 2011-12 Unified Planning Work Program.

Motion:	Councilor Roberts moved to approve Resolution No. 11-4236.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Roberts introduced Resolution No. 11-4236, which if approved would adopt FY 2011-12 UPWP and certify that Metro is in compliance with federal transportation planning requirements. The UPWP is tied to the same fiscal year as the Metro budget. Once the Council has finalized and adopted the budget in June, the UPWP will be updated to be consistent with the budget. Council action on this resolution would approve the current work scopes and general budget subject to a consistency check with the budget in June.

JPACT unanimously adopted Resolution No. 11-4236 at their April 14 meeting.

Vote:

Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion <u>passed</u> .
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4.3 **Resolution No. 11-4251**, For the Purpose of Amending the FY 2010-11 Through FY 2014-15 Capital Improvement Plan by Adding or Adjusting Four Capital Improvement Plan Projects.

Motion:	Councilor Harrington moved to approve Resolution No. 11-4251.
Second:	Councilor Collette seconded the motion.

Councilor Harrington introduced Resolution No. 11-4251. Metro's adopted financial policies require any project exceeding \$100,000 to receive Council approval. The resolution, if adopted, would approve the addition or adjustment of four projects to the FY 2010 - 11 through FY 2014 - 15 Capital Improvement Plan: (1) replacement of 84 Metro Regional Center variable air volume controllers; (2) renovations to the Oregon Convention Center coffee retail store; (3) replacement of the Keller Auditorium's boiler; and (4) construction of a new, more powerful, natural areas information system.

Vote: Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion passed.

**5. ORDINANCES - SECOND READING**

5.1 **Ordinance No. 11-1253**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2011-12, Making Appropriations, Levying Ad Valorem Taxes and Declaring an Emergency.

Council President Hughes opened a public hearing on Ordinance No. 11-1253. Seeing no citizens who wished testify, the public hearing was closed. Additional readings of Ordinance No. 11-1253 are scheduled for April 28 and June 16. Final read, public hearing, and Council consideration and vote are scheduled for June 23, 2011.

5.2 **Ordinance No. 11-1257**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Solid Waste Disposal Charges and System Fees for FY2011-12, and to Establish the Effective Date for the FY 2011-12 Solid Waste Excise Tax Rate.

Councilor Harrington distributed proposed draft legislation titled Ordinance No. 11-1257A. (Handout included as part of the meeting record.)

Motion:	Councilor Harrington moved to substitute Ordinance No. 11-1257A for the FY 2011-12 rate ordinance, Ordinance No. 11-1257, which was first read on April 7, 2011.
Second:	Councilor Roberts seconded the motion.

Councilor Harrington introduced Ordinance No. 11-1257A. The substitute ordinance includes language authorizing an additional \$5 fee for the acceptance all hazardous waste received at Metro's permanent transfer stations. Inclusion of this fee emphasizes that the use and disposal service of toxic and household hazardous material is not free and will help defray the cost of the hazardous waste program. Additionally, it was noted, that this fee should not affect the environmental impact of the program, as Metro studies have shown that the \$5 price point will not dissuade customers from using the service.

Approval of Ordinance No. 11-1257A would authorize the \$5 charge for hazardous household waste, implement the solid waste rates presented to the Council on April 7, and update the Metro Code to align with the state paint stewardship system.

Vote: Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion passed.

Council President Hughes opened a public hearing on the Ordinance 11-1257A. Seeing no citizens who wished to testify the public hearing was closed. Second read, public hearing, and Council consideration and vote of Ordinance No. 11-1257A are scheduled for April 28.

5.3 **Ordinance No. 11-1256**, For the Purpose of Amending Metro Code Chapter 2.04 in Order to Strengthen Metro's Contract Policies.

Motion:	Councilor Shirley Craddick moved to approve Ordinance No. 11-1256.
Second:	Councilor Roberts seconded the motion.

Councilor Craddick introduced Ordinance No. 11-1256. Metro Code, Chapter 2.04 establishes the agency's policies for purchasing and contracting. Over the past year, the Council has approved a series of changes to the Contracting Code that has strengthen Metro's sustainable procurement policies and contract opportunities for minority, women and small emerging businesses. Ordinance No. 11-1256 offers the next step in Contracting Code changes through revisions to four areas: (1) bonding, (2) special procurements, (3) contract amendments, and (4) contract appeals. The changes provide benefits to local businesses, decreased costs, and increase efficiency in the contracting process, and align Metro's contracting practices with other agencies.

Vote: Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, Craddick, and Burkholder voted in support of the motion. The vote was 7 aye, the motion passed.

5.4 **Ordinance No. 11-1255**, For the Purpose of Revising the "Urban Growth Boundary and Urban and Rural Reserves Map" in Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan.

Council President Hughes passed the gavel to Deputy Council President Carl Hosticka to officiate the meeting while he carried the ordinance.

Motion:	Council President Hughes moved to approve Ordinance No. 11-1255.
Second:	Councilor Harrington seconded the motion.

Council President Hughes, with assistance from Tim O'Brien of Metro, introduced Ordinance No. 11-1255. On March 15, 2011 the Washington County Board of Commissioners and Metro Council, during a joint meeting and public hearing, adopted a revised intergovernmental agreement on the urban and rural reserves in Washington County. The revised map is included as Ordinance No. 11-1255, Exhibit A.

Metro and the three counties, Clackamas, Multnomah and Washington, are required to adopt the same overall findings for the urban and rural reserves designations in the region. On April 21 the Clackamas County Board of Commissioners adopted the findings of fact; Washington County and Multnomah County Board of Commissioners are anticipated to consider and adopt the findings on April 26 and April 28 respectively.

Approval of Ordinance No. 11-1255, would adopt the Washington County urban and rural reserves designation and overall regional findings.

Council President Hughes opened a public hearing on Ordinance No. 11-1255:

- Michelle Newell, Office Wendie L. Kellington, Attorney at Law: Ms. Newell submitted written testimony on behalf of Ms. Wendie Kellington's clients Steven and Kelli Bobosky. The

submittal stated objections to the rural reserves designation to the Bobosky's property located at 21393 NW West Union Road, and was designed to show that the property should be left undesignated reserves or designated urban reserves. (Written testimony included as part of the meeting record.)

- Miki Barnes, 48180 NW Dingheiser Rd.: Ms. Barnes was strongly opposed to Area 8D and encouraged the Council to designate the area as rural reserves. She recommended that land within the existing urban growth boundary be used for future industrial purposes instead of designating forestland as urban reserve. She recommended that acreage from the Hillsboro airport be set aside for future industrial development. (Written testimony included as part of the meeting record.)
- Robert Bailey, Save Helvetia: Mr. Bailey was opposed to Area 8B located north of Highway 26 and west of NW Helvetia Road. He stated that the Oregon Department of Transportation (ODOT) has confirmed that the entire area of 8B is not required for the proposed Helvetia Interchange project. Mr. Bailey also discussed concerns with increased costs to taxpayers, fact-based objections submitted to the Land Conservation and Development Commission (LCDC), and timely material distribution. (Written testimony included as part of the meeting record.)
- Cherry Amabisca, Save Helvetia: Ms. Amabisca opposed Area 8D as urban reserves. She stated that there is no need to designate the area north of the Sunset Highway as urban reserves and that doing so would take away from Helvetia's vibrant agriculture industry. She also spoke to the proposal's violations regarding buffers. (Written testimony included as part of the meeting record.)
- Cherry Amabisca, Washington County Farm Bureau: Ms. Amabisca referenced the Washington County Farm Bureau's submittal regarding real life examples of conflicts the Bureau has and continue to experience as they farm in and outside of urban areas. The Bureau emphasized the importance of good buffers and stated that their goal is to limit the urban and rural conflicts that farmers experience regularly through having optimum natural buffers that ensure that farmers: (1) minimize and limit urban/rural conflicts; (2) protect the quality of life on the urban side; (3) save taxpayer dollars in enforcement and resolution of conflicts. (Written testimony included as part of the meeting record.)
- Mary Kyle McCurdy, 1000 Friends of Oregon: Ms. McCurdy stated that the current proposal failed to meet the explicit requirements of the LCDC. She outlined two viable options for moving forward: (1) follow directive of LCDC and remove lands north of Council Creek from urban reserves and re-designate the lands as rural reserves, north of Cornelius and Forest Grove; or (2) follow the directive of the state agency letter to designate rural reserves north of Council Creek and use Waibel as a boundary. She cited concerns with the areas north of Council Creek in Cornelius and Forest Grove. (Written testimony included as part of the meeting record.)

Council discussion included the referenced state agency letters, agencies' current leadership, and the legal status of the letters.

- Carol Chesarek, 13300 NW Germantown Rd.: Ms. Chesarek opposed the proposed changes to areas A and D and stated that the areas north of Highway 26 and Council Creek at Forest Grove should remain undesignated. She was concerned that this decision would put the reserves – in all three counties – at risk. Ms. Chesarek encouraged the Council to ensure that

if LCDC remands the current proposal that Metro continue to work and engage with Washington County. (Written testimony included as part of the meeting record.)

Council committed to the making the reserves process successful and committed to working forward if LCDC does remand the current proposal.

- Amy Scheckla Cox, City of Cornelius Planning Commission: Ms. Scheckla-Cox stated that the City of Cornelius is the only city in Washington County and the metro area that is being denied urban reserve land suitable for industry. She supported the Farmland Compromise map which proposed that the urban reserve acreage north of Sunset Highway in Helvetia be moved to north of Cornelius. She cited soil classes, current city boundaries, and existing and proposed amenities such as transit and sidewalks, as reasoning. (Written testimony included as part of the meeting record.)
- Linda Peters, Save Helvetia: Ms. Peters requested that her testimony be associated with the Save Helvetia, Washington County Farm Bureau, and 1000 Friends of Oregon testimonies. She was concerned that LCDC staff had not completed the Commission's order. Ms. Peters stated that she had had issues scheduling time with the Metro Council and county board members. She emphasized that Metro has oversight responsibility over land use planning and that it is not too late to make a decision. (Written testimony included as part of the meeting record.)

Council discussion included the legal standing before LCDC and testifier responsibilities.

- Greg Mecklem, 12995 NW Bishop Rd.: Mr. Mecklem addressed the Council on protecting the Washington County's remaining class 1 soils. His testimony included information on the different soil types and capability classes, locations of concentrated class 1 soils, the Sunset-Helvetia class 1 soil district, Areas 8B and 8D, and undesignated areas around North Plains. He stated that the Helvetia-Sunset class 1 soil district contains over 54 percent of the remaining class 1 solid in Washington County and that much of the land is slated for development under urban reserves or remains unprotected. He supported designating the area rural reserves. (Written testimony included as part of the meeting record.)

The Council received three written submittals from Ms. Steve Pfeiffer, Ms. Melissa Jacobsen, and Ms. Ethel Duyck. All written comments have been included in the meeting and reserves records.

Seeing no additional citizens who wished to testify, the public hearing was closed.

Council discussion included public input and community involvement, partnerships, diverse stakeholder input, and state reserves legislation. Councilors emphasized the need for compromise in the process in order to reach an agreement and the difference between the reserves and urban growth boundary decisions. Council thanked Councilor Harrington for her leadership on the reserves process.

Council noted an error to the Exhibit B, Findings of Facts, regarding the percentage reduction of acreage of urban reserves in Washington County between the original and currently proposed maps. There has been a 60 percent, not 40 percent as written, reduction.

Councilor Craddick supported the overall reserves process and the land decisions in Clackamas and Multnomah Counties. She did not support the Washington County reserves, citing lack of support for the amount of identified farmland and designating urban reserves north of Highway 26 as reasoning.

Vote:

Council President Hughes and Councilors Hosticka, Roberts, Harrington, Collette, and Burkholder voted in support of the motion. Councilor Craddick voted against the motion. The vote was 6 aye, 1 nay, the motion passed.

**6. CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Dan Cooper of Metro provided an update on upcoming Metro and Metro venue activities including Bunny Bonanza, Rabbit Romp, and the Spring Beer and Wine Festival.

**7. COUNCILOR COMMUNICATION**

Council discussion included the recent Diversity Summit 2011 event, conservation education task force, the Metro Council redistricting process and reapportionment, London School of Economics' *Economics of Green Cities* proposal, and visiting delegations.

**6. ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 4:02 p.m. The Metro Council will reconvene the next regular council meeting on Thursday, April 28 at 2 p.m. in the Metro Council Chambers.

Prepared by,



Kelsey Newell  
Regional Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 21, 2011**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
	Agenda	4/21/11	Revised Council Agenda	42111c-01
3.0	Minutes	4/14/11	Council minutes for April 14, 2011	42111c-02
5.2	Legislation	N/A	Ordinance No. 11-1257 and attachments	42111c-03
5.2	Legislation	4/21/11	Ordinance No. 11-1257A and attachments	42111c-04
5.5	Memo	4/21/11	Additional information for the record for Ordinance No. 11-1255	42111c-05
5.5	Map	N/A	Ordinance No. 11-1255, Exhibit A, <i>Title 14: Urban Growth Boundary</i>	42111c-06
5.5	Exhibit	N/A	Ordinance No. 11-1255, Exhibit B	42111c-07
5.5	Testimony	4/21/11	Written testimony submitted by Wendie L. Kellington	42111c-08
5.5	Testimony	4/21/11	Written testimony submitted by Miki Barnes	42111c-09
5.5	Testimony	4/21/11	Written testimony submitted by Robert Bailey	42111c-10
5.5	Testimony	4/21/11	Written testimony submitted by Cherry Amabisca	42111c-11
5.5	Testimony	4/21/11	Written testimony submitted by Washington County Farm Bureau	42111c-12
5.5	Testimony	4/21/11	Written testimony submitted by Mary Kyle McCurdy	42111c-13
5.5	Testimony	4/21/11	Written testimony submitted by Carol Chesarek	42111c-14



5.5	Testimony	4/21/11	Written testimony submitted by Amy Scheckla-Cox	42111c-15
5.5	Testimony	4/21/11	Written testimony submitted by Linda Peters	42111c-16
5.5	Testimony	4/21/11	Written testimony submitted by Mecklem	42111c-17
5.5	Testimony	4/21/11	Written testimony submitted by Steve Pfeiffer	42111c-18
5.5	Testimony	4/21/11	Written testimony submitted by Melissa Jacobsen	42111c-19
5.5	Testimony	4/21/11	Written testimony submitted by Ethel Duyck	42111c-20
8.0	Report	2/2011	<i>The Economics of Green Cities</i> report	42111c-21