



METRO COUNCIL MEETING

Meeting Summary

August 11, 2011

Metro Council Chambers

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

Councilors Excused: None

Council President Tom Hughes convened the regular Council meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Marianne Shannon, 3365 SE Floss St., Milwaukie: Ms. Shannon addressed the Council on the Oregon Zoo's service animal policy. Ms. Shannon believed that the Zoo's policy, as currently practice, is out of compliance with multiple ADA requirements. She is willing to work with the Metro Council and Zoo staff to resolved this issue.

Staff and legal counsel will to review the ADA requirements and the Zoo's policy and provide written response to the Council as well as meet with Ms. Shannon to discuss the Zoo's policy and position.

3. CONSIDERATION OF THE MINUTES FOR AUGUST 4, 2011

Motion:	Councilor Kathryn Harrington moved to adopt the August 4, 2011 Council minutes.
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Vote:	Council President Hughes and Councilors Hosticka, Collette, Roberts, Harrington, Craddick, and Burkholder voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 11-1263**, For the Purpose of Amending the FY 2011-12 Budget and Appropriations Schedule to Remodel Metro Regional Center to Accommodate the Consolidation of MERC and Metro Business Services and Declaring an Emergency.

Motion:	Councilor Rex Burkholder moved to adopt Ordinance No. 11-1263.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Burkholder introduced Ordinance No. 11-1263. In March 2010, a series of recommendations were made regarding improvements and efficiencies which could be obtained through standardization of business practices and consolidation of MERC and Metro personnel into one central support services group. As of July 2010, former MERC business office staff formally report to the Metro central service areas: Finance and Regulatory Services, Human Resources, and Information Services. However, due to limited space, staff is still physically divided between the Metro Regional Center and Oregon Convention Center.

The ordinance, if adopted, would approve a one-time expenditure to complete necessary remodeling to accommodate the consolidation of Human Resources and Finance personnel. The proposed remodel, which yields the most space for the least cost, is proposed to be drawn down from the 2.66 percent of the budget contingency.

Council President Hughes opened a public hearing on Ordinance No. 11-1263. Seeing no citizens who wished to testify, the public hearing was closed.

Vote:

Council President Hughes and Councilors Hosticka, Collette, Roberts, Harrington, Craddick, and Burkholder voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

5. **RESOLUTIONS**

5.1 **Resolution No. 11-4280**, For the Purpose of Amending the 1998 Land Use Final Order for the South/North Light Rail Project and Adopting a Land Use Final Order the Expo Center/Hayden Island Segment of the Project Including the I-5 Columbia River Crossing Bridge and Associated Highway Improvements.

Council President Hughes provided an opening statement for the South/North Light Rail Project Columbia River Crossing segment. The resolution, if adopted, would include the approval of TriMet's application to amend the original South/North Land Use Final Order (LUFO) which the Metro Council adopted in 1998 by Resolution No. 98-2673. Council President Hughes highlighted the amendments for Council consideration:

1. Modify portions of the Expo Center and Hayden Island segments of the South/North project from approximately the Expo Center and Victory Blvd. To the Oregon/Washington state line, including realignment of the light rail route, relocation of the Hayden Island rail station, and highway improvements including new I-5 Columbia River bridges, and modify I-5 interchanges and local access and circulation improvements.
2. Expand and improve Ruby Junction Maintenance Facility in Gresham within previously established boundaries to accommodate new light rail vehicles associated with the Columbia River Crossing project.

Additionally, the resolution, as currently proposed would authorize the Metro Council President to sign the Final Environmental Impact Statement (FEIS). Signatures by the participating agencies, including President Hughes, would release the FEIS for public comment. The Council President's signature does not indicate Council approval of the project's FEIS.

President Hughes overviewed the LUFO and House Bill 3478 requirements and emphasized that the action before the Council is consideration of a land use decision. Decision on how to build and finance the project will be made by other bodies.

Ms. Alison Kean Campbell of Metro overviewed HB 3478's procedural requirements and President Hughes overviewed the hearing procedures.

Motion:	Councilor Rex Burkholder moved to adopt Resolution No. 11-4280.
Second:	Councilor Harrington seconded the motion.

Councilor Burkholder, with assistance from Mr. Andy Cotugno, introduced Resolution No. 11-4280 which if adopted would approve the LUFO amendment and the adoption of land use findings of fact in support of the LUFO amendment. Mr. Cotugno provided a brief project history and next steps.

Council President Hughes opened a public hearing at 2:33 p.m. on Resolution No. 11-4280:

Mr. Dan Blocker of TriMet overviewed the proposed light rail components and updates since the approved 1998 LUFO, and highlighted some of the associated benefits. Mr. Matt Garrett of the Oregon Department of Transportation emphasized the linkages between the project's transit and highway components, discussed the collaboration and partnership on the application, and briefly overviewed the benefits of the proposed highway improvements. Mr. Steve Witter, of the CRC project, overviewed the original South/North alignment and LUFO, project's purpose, need and components, and highlighted project design refinements.

Council discussion and clarifications included:

- The scope of the project's Findings of Facts; specifically in regards to impacts to local neighborhoods caused by highway or light rail construction.
- The project's location outside the existing Urban Growth Boundary, but within Metro's service district. While the project exists outside the Metro region's UGB, the original project was approved to the Oregon state line.

Additional discussion included LUFO approvers and signers, finance plan next steps, and components of the FEIS.

Verbal testimony included:

- Joe Rowe, One Person Lobby: Mr. Rowe was opposed to the resolution and expressed his intent to appeal the resolution if approved. He viewed the CRC as being a highway expansion project versus a project that provides highway improvements. He invited councilors and the public to attend a people's debate on October 29, 2011. (Written testimony included as part of the meeting record.)
- Dan McFarling, AORTA: Mr. McFarling was opposed to the resolution stating that the LUFO is not applicable for the project as proposed, and that the local access bridge required has no physical connection with the Interstate. He was in support of the Common Sense Alternative citing reduced costs, improved traffic flow, established short and long-term family-wage jobs, and a healthier environment as reasoning. (Written testimony included as part of the meeting record.)
- Jim Howell, AORTA: Mr. Howell was opposed to the resolution stating that the project definition is far too broad. He stated that light rail can be extended north within the

existing UGB without modifying the Interstate and therefore the highway improvements should be excluded. He recommended that the project scope be narrowed. (Written testimony included as part of the meeting record.)

- Joseph Cortright, Impresa Inc.: Mr. Cortright was opposed to the resolution. He focused his testimony on the project's finance plan. He stated that (1) the CRC project financing is uncertain; (2) there is a lack of assurance that the project can be built for the currently budgeted amount; and (3) the CRC traffic model projections are inaccurate. (Written testimony included as part of the meeting record.)

Council discussion included the traffic technical report's accuracy and the model's ability to be used for a tolled facility.

- Chris Girard, Plaid Pantries, Inc.: Mr. Girard was opposed to the resolution stating that the project under consideration is in effect a "No build" option as he believed could not be funded as currently proposed. He encouraged the Council to send the proposal back to TriMet and CRC staff to develop a phaseable, affordable, financeable and buildable solution. (Written testimony included as part of the meeting record.)

Council members noted that a state legislative committee has been established to review the project, including the finance plan.

- Evan Manvel, 4047 NE 14th Ave., Portland: Mr. Manvel was opposed to the resolution stating that finance sequencing plan has not been reviewed and the environmental and traffic impacts have yet to be determined. He was concerned with the accuracy of the traffic model and faulty data. He emphasized that public support for the project has shifted. Mr. Manvel also commented on a letter he co-submitted on behalf of Bike Walk Vote that addressed the reduced bike facilities/infrastructure – he used the entrance to Vancouver, WA as an example.
- Michael Lilly, Attorney for Plaid Pantries, Inc.: Mr. Lilly was opposed to the resolution, stating that TriMet's LUFO application seeks Metro's approval of a bridge that is outside Metro's authority as established under HB 3478. He stated that the project is essentially a "No Build" option and emphasized the need to consider economic and traffic impacts to the region. (Written testimony included as part of the meeting record.)
- Ronald Buel, 2817 NE 19th Ave., Portland: Mr. Buel was opposed to the resolution, stating that the project cannot be financed as currently proposed and that approval of the LUFO would prevent better, faster, less expensive project alternatives. He stated that the FEIS would be appealed. (Written testimony included as part of the meeting record.)
- Pamela Ferguson, Hayden Island Manufactured Home Community: Ms. Ferguson was in support of constructing light rail to and through Hayden Island; however, she was concerned with impacts to her community including displacement of the local Safeway. She was in support of building a local access bridge first. She also requested that the LUFO describe more of the impacts to the local community. (Written testimony included as part of the meeting record.)

Council discussion included the environmental justice community residents' needs, local jobs, potential enhancement grant fund, and Target's ability to provide food/grocery needs for the community.

- John Mohlis, Oregon Building Trades Council: Mr. Moholis was in support of the resolution citing job creation as reasoning. (Written testimony included as part of the meeting record.)
- Art Lewellan: 1020 NW 9th, Apt. #604, Portland: Mr. Lewellan was opposed to the resolution. He was in support of Concept #1 regarding the Hayden Island Interchange and off-island access. He cited reduced cost as reasoning. (Written testimony included as part of the meeting record.)
- Donna Murphy, Hayden Island Livability Project: Ms. Murphy was not opposed to the CRC project or light rail, but was concerned that the project did not reflect the impacts to her community. She was concerned with the displacement of Safeway, mobility impacts and difficulties qualifying for paratransit (i.e. TriMet LIFT service), outdated census data, and short and long-term impacts such as noise, vibrations and fumes. She was concerned that while the project claims to protect the community in the LUFO, it does not indicate what types of protection will be provided; she emphasized that mitigation efforts need to begin now. (Written testimony included as part of the meeting record.)
- Deborah Heckhausen, Hayden Island Livability Project: Ms. Heckhausen was not opposed to the project, but believed the LUFO inadequately addressed the impacts to neighborhoods nor did it identify specific mitigation efforts. She emphasized concerns with mobility for the elderly and disabled and impacts to emergency vehicles response times and access during construction.
- Sharon Nasset, 1113 N. Baldwin, Portland: Ms. Nasset was opposed to the resolution stating that Oregon and Washington state legislatures have yet convened to a project oversight committee and are not anticipated to until late September. She stated that federal guidelines require high capacity transit service to be within ½ mile of a station; she was specifically concerned with the Rivergate and Delta Park areas. She requested a map be provided that illustrates the locations of anticipated employment and housing and which light rail stations will provide service. (Written testimony included as part of the meeting record.)
- Joe Smith, 2211 NE 21st, Portland: Mr. Smith was opposed to the resolution and stated that the project did not adequately address impacts to freight mobility. He was concerned with the cost of the project and believed that if the project continued on the same path, it would not be built soon. He appreciated the opportunity to testify and participate in future proceedings.
- Mara Gross, Coalition for a Livable Future: Ms. Gross was opposed to the resolution. She highlighted media articles that addressed reductions in the project's projected job creation, lack of budget oversight and spending tracking, problems fulfilling records requests, a flawed model as related to traffic volumes and tolls, misestimated employment and population growth forecasts, and lack of uncertainty at the federal level for transportation investments. She emphasized that there is still a lot unknown

about the project and that not all of the Council's concerns have been addressed. (Written testimony included as part of the meeting record.)

- Corky Collier, Columbia Corridor Association: Mr. Collier was in support of the resolution and emphasized the 70 percent of the population that is in support of the Council taking action. He emphasized the project's collaborative approach and that work would continue to address outstanding questions, such as the enhancement fund.

The public hearing for written comments was closed at 4:34 p.m.

The council recessed for a 15-minute break to provide time for TriMet, CRC and Metro staff to discuss testimony received and appropriately respond to concerns and/or questions raised.

Mr. Mark Greenfield, of TriMet, overviewed the revised Findings of Facts. Updates included additional and/or new information on tolling, traffic demand models, traffic patterns and impacts as referenced by Plaid Pantries, Inc. and Burger King, and the anticipated newly remodel Target store. He stated that HB 3478 and Senate Bill 573 anticipated that highway improvements would be required at some point and emphasized the linkages between the light rail and highway project components. Additional discussion and/or clarifications included a no-build alternative versus proposed project, the Oregon state Treasures' report, special sessions law, mitigation efforts and use of the 2000 census data.

Council discussion included criteria for mitigation efforts and Metro's role and/or authority, past comparable mitigation and compensation efforts (i.e. WES), Metro's model, the project's finance plan and possible funding sources (i.e. state, federal and tolling), the project's public involvement strategy, noise and vibration impacts, and potential financial impacts to other regional projects should the CRC be funded. Additional discussion included ODOT staff's ability to encourage, but not mandate, displaced businesses to relocate close to their original location (e.g. Safeway). TriMet and CRC staff clarified the differences between the LUFO and FEIS components, level of detail, and timing. Staff clarified that the FEIS had not yet been released to the public; approval from each of the signing agencies is required to release the document for public comment. That said, a version of the FEIS was leaked to the public through a citizen public records request.

Ms. Kean Campbell and Mr. Dick Benner of Metro conferred and agreed that there were no new substantive facts presented. However, staff requested a recess to further discuss points and concerns raised and to further revise the Findings of Facts.

Council President Hughes closed the public hearing for all testimony at 6:28 p.m. The Council recessed for a 20-minute break.

Mr. Greenberg and Mr. Benner distributed revised errata sheets for Pages 45, 50, and 55. Revisions reflected Council discussion and public comment regarding impacts (i.e. noise, vibrations and dust) to Hayden Island residents and businesses, access to facilities, Safeway's displacement, and potential mitigation efforts, such as shuttle service, for impacted low-income Island residents that rely on services formally provided by Safeway. The changes also address the relationship between the highway and light rail improvements.

Councilor Hosticka requested that staff's proposed revisions to the Findings of Facts, Page 45, be amended to read, "...Initially the Council finds that for some of these businesses located on Hayden

Island, the roadway modifications resulting in these impacts are consistent with the City of Portland's adopted Hayden Island Plan, ~~and that testimony objecting to the provisions of that plan constitutes an unlawful collateral attack on that plan.~~ That stated the Council finds..." The Council supported the revision.

Amendment #1:

Motion:	Councilor Barbara Roberts moved to amend Resolution No. 11-4280 to strike the third "BE IT RESOLVED" that reads, "Authorizes the Council President to sign the Final Environmental Impact Statement for the I-5 Columbia River Crossing Project."
Second:	Councilor Carl Hosticka seconded the motion.

Councilors expressed general support for the amendment; members emphasized that outstanding concerns, such as the enhancement grant fund, had not yet been addressed. In addition, members were supportive of having space between the LUFO and FEIS as generally practiced. Councilor Burkholder was opposed to the amendment, stating that he had faith that the ODOT team and partners would address the concerns raised. He requested that if the amendment passed, the Council reconsider signing the FEIS at their first meeting following Council recess, Sept. 8, 2011.

Vote:	Council President Hughes and Councilors Hosticka, Collette, Roberts, Harrington, and Craddick voted in support of the motion. Councilor Burkholder voted in opposition to the motion. The vote was 6 ayes, 1 nay, the motion <u>passed</u> .
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Council discussion on the motion, as amended, included the complexity of the CRC project and general support for light rail. Councilor Hosticka was not in support of the motion. While he did support the project's light rail component, he did not believe the criteria had been addressed. He emphasized (1) the scope of the affected communities was too narrow and highlighted that the area affected by the project's benefits was broaden, but the impacts minimized; (2) the social impacts the Hayden Island residents (i.e. Safeway displacement and mobility issues); and (3) the affects of tolling. Councilor Hosticka disclosed that he had lived on Hayden Island previously.

Vote:	Council President Hughes and Councilors Collette, Burkholder, Roberts, Harrington, and Craddick voted in support of the motion. Councilor Hosticka voted in opposition to the motion. The vote was 6 ayes, 1 nay, the motion <u>passed</u> .
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Council directed staff to continue work on the identified outstanding issues. Council consideration and vote, by resolution, to authorize the Council President to sign the CRC FEIS is anticipated for Sept. 8.

6. CHIEF OPERATING OFFICER COMMUNICATION

There was none.

7. COUNCILOR COMMUNICATION

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There were none.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 7:46 p.m. The Metro Council will be on recess August 19 to September 5. Council will reconvene the next regular council meeting on Thursday, September 8 at 2 p.m. at Metro Council Chambers.

Prepared by,



Kelsey Newell,
Regional Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 11, 2011

Item	Topic	Doc. Date	Document Description	Doc. Number
3.0	Minutes	8/4/11	The Council summary for August 4, 2011	81111c-01
5.1	Handout	N/A	South/North Project Land Use Final Order Criteria	81111c-02
5.1	Handout	N/A	Resolution No. 11-4280: Land Use Final Order for Expo Center/Hayden Island Segment of South/North Light Rail Project – List of documents of Which the Metro Council Takes Official Notice	81111c-03
5.1	Report	N/A	Revised Findings of Fact and Conclusions of Law	81111c-04
5.1	Handout	8/11/11	Revised coversheet for Findings of Fact, Exhibit B	81111c-05
5.1	Errata Sheet	8/11/11	Findings of Fact, Pg. 45 – Errata Sheet	81111c-06
5.1	Errata Sheet	8/11/11	Findings of Fact, Pg. 55 – Errata Sheet	81111c-07
5.1	Resolution	8/11/11	Revised Resolution No. 11-4280	81111c-08
5.1	PowerPoint	8/11/11	“A Long-Term, Multimodal Solution” presented by Steve Witter	81111c-09
5.1	Testimony	8/11/11	Written testimony submitted by Joe Rowe	81111c-10
5.1	Testimony	8/11/11	Written testimony submitted by Dan McFarling	81111c-11
5.1	Testimony	8/11/11	Written testimony submitted by Jim Howell	81111c-12
5.1	Testimony	8/11/11	Written testimony submitted by Joe Cortright	81111c-13

5.1	Testimony	8/11/11	Written testimony submitted by Kay Williford	81111c-14
5.1	Testimony	8/11/11	Written testimony submitted by Chris Girard	81111c-15
5.1	Testimony	8/11/11	Written testimony submitted by Michael Lilly	81111c-16
5.1	Testimony	8/11/11	Written testimony submitted by Ron Buel	81111c-17
5.1	Testimony	8/11/11	Written testimony submitted by Pamela Ferguson	81111c-18
5.1	Testimony	8/11/11	Written testimony submitted by John Mohlis	81111c-19
5.1	Testimony	8/11/11	Written testimony submitted by Art Lewellan	81111c-20
5.1	Testimony	8/11/11	Written testimony submitted by Donna Murphy	81111c-21
5.1	Testimony	8/11/11	Written testimony submitted by Deborah Heckhausen	81111c-22
5.1	Testimony	8/11/11	Written testimony submitted by Herman Kachoid	81111c-23
5.1	Testimony	8/11/11	Written testimony submitted by Sharon Nasset	81111c-24
5.1	Testimony	8/11/11	Written testimony submitted by Joe Smith	81111c-25
5.1	Testimony	8/11/11	Written testimony submitted by Mara Gross	81111c-26
5.1	Testimony	8/11/11	Written testimony submitted by Jonathan Schlueter	81111c-27

5.1	Testimony	8/11/11	Written testimony submitted by Steven Pfeiffer	81111c-28
5.1	Testimony	8/8/11	Written testimony submitted by Jonathan Ater	81111c-29
5.1	Testimony	8/10/11	Written testimony submitted by Evan Manvel and Peter Welte	81111c-30
5.1	Testimony	8/11/11	Written testimony submitted by Chris Lopez	81111c-31
5.1	Testimony	8/9/11	Written testimony submitted by Tom Dana	81111c-32