



METRO COUNCIL MEETING

Meeting Summary

Sept. 20, 2012

Metro, Council Chamber

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

Councilors Excused: None

Council President Tom Hughes convened the regular council meeting at 2:04 p.m.

Council was in support of the Community Investment Initiative work plan for Metro's involvement.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Art Lewellan, 1020 NW 9th Ave., #624, Portland: Mr. Lewellan addressed the Council on the Columbia River Crossing project; specifically the Hayden Island Interchange. He believed that the interchange, as proposed, was dangerous and had the potential to cause severe and fatal crashes. He stated that he is now seeking legal actions and has named Washington State Dept. of Transportation and the Port of Portland as the defendants. He distributed material he had submitted to the Oregon Attorney General and the White House. (Handouts included as part of the meeting record.)

3. NATURAL GARDENING OUTREACH EFFORTS

Mr. Carl Grimm of Metro provided a presentation on the natural gardening program's 2012 test campaign. Metro's natural gardening program was developed to fulfill the Metro Council and Solid Waste Management Plan's goals for hazardous waste reduction and the protection of human and environmental health. Additionally, the program was designed to reduce the use and improper disposal of toxic garden and yard products. Mr. Grimm stated that the 2012 test campaign focused on lawn care, in particular weed and feed pesticide use. The goals of the campaign were to compare outreach materials, raise awareness, and build relationships with a targeted audience – residents of single family homes in Oregon City and Tigard. Mr. Grimm overviewed the campaign's strategies, tools, results and recommendations for 2013. Highlighted recommendations included, but were not limited to, the need to start the campaign earlier in the season (in advance of "lawn" season), and to focus the media budget on print media and www.oregonlive.com advertisements. (Full presentation, including information on the campaign strategies and results, is included as part of the meeting record.)

Council discussion included Metro's discontinued garden tours, Columbia Land Trust and Audubon Society's backyard habitat certification, collaboration with the Regional Water Providers Consortium, and high quality information the program produces for the Metro GreenScene and

distributes at events. Councilors also discussed the popularity of community gardens and possible outreach and collaboration with program partners such as the City of Portland Parks & Recreation. Councilors also recommended the program research funding opportunities, through the RWPC, to promote the program. Additional discussion included the data collected from Washington and Clackamas counties regarding chemical use. For questions on the data or survey methodology, contact Mr. Grimm or Lisa High at 503-797-1700. For additional program information and how-to videos, visit www.oregonmetro.gov.

4. CONSIDERATION OF THE MINUTES FOR SEPT. 13, 2012

Motion:	Councilor Barbara Roberts moved to approve the minutes for Sept. 13, 2012.
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Vote:	Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5. ORDINANCES - FIRST READ

5.1 **Ordinance No. 12-1286**, For the Purpose of Repealing and Replacing Metro Code Title X, Chapter 10.04 Pioneer Cemeteries.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 4. Councilor Roberts was assigned carrier for the legislation.

5.2 **Ordinance No. 12-1289**, For the Purpose Amending the FY 2012-13 Budget and Appropriations Schedule for Compliance with Title VI the Civil Rights Act of 1964.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 4. Councilor Kathryn Harrington was assigned carrier for the legislation.

6. ORDINANCES - SECOND READ

6.1 **Ordinance No. 12-1285**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Natural Areas Funding Public Involvement.

Motion:	Councilor Roberts moved to approve Ordinance No. 12-1285.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Roberts introduced Ordinance No. 12-1285. Councilor Roberts stated that in Nov. 2011 the Council received a portfolio report that outlined the opportunities and challenges inherent in owning 16,000 acres of natural area. Following evaluation of the report, the Council appointed a diverse panel of citizens to conduct an examination of the portfolio and the needs of the natural areas' maintenance, operation and conservation. On Aug. 16, 2012 the citizen panel provided a report to the Council which included their unanimous agreement that a long-term solution is needed to manage the natural areas. Additionally, the panel recommended that the Council refer a five-year levy to the region's voters. Councilor Roberts stated that the community values healthy natural areas that protect water quality, provide wildlife habitat, and give residents places to enjoy nature. She stated that the Metro Council would like to broaden its outreach to the larger public. The ordinance, if adopted, would approve a budget amendment that would allow the Council to

reach out and connect with stakeholders, partners, The Intertwine Alliance, and Opt In participants. Metro staff has identified specific goals and measurable outcomes to acquire opinions and reactions to help decide about Metro's next steps in handling the region's parks and natural areas.

Council President Hughes opened a public hearing on Ordinance No. 12-1285. Seeing no citizens who wished to testify, the public hearing was closed.

Councilors discussed the levy and possible ballot measure as a companion measure to the two previous voter-approved natural areas measures. Unfortunately, according to Oregon tax law, bonds used to buy capital items – such as the acquisition of natural areas– cannot be used to fund maintenance. Metro has maintained the natural areas to date, however, the agency's ability to continue to maintain the areas at the needed level will be seriously impaired. Councilors expressed their support for the ordinance.

Vote:

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

7.1 **Resolution No. 12-4367**, For the Purpose of Allowing the Metro Council to Call on the Federal Government to Conduct a Thorough Review of Potential Impacts of Large Scale Coal Exports on the Region's Economy, Transportation System, Air Quality, Environment and People of the Portland Metropolitan Area.

Motion:	Councilor Burkholder moved to approve Resolution No. 12-4367.
Second:	Councilor Collette seconded the motion.

Motion:	Councilor Burkholder moved to substitute Resolution No. 12-4367A.
Second:	Councilor Harrington seconded the motion.

Vote:

Council President Hughes and Councilors Burkholder, Roberts, Craddick, Collette and Harrington voted in support of the motion. Councilor Hosticka opposed the motion. The vote was 6 in favor, 1 opposed, the motion <u>passed</u> .
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Councilor Burkholder introduced Resolution No. 12-4367A. He stated the purpose of the resolution was for Metro to fulfill its responsibility to protect the health and welfare of the region's citizens; specifically from potential impacts to the region's air quality and transportation system. Councilor Burkholder emphasized that a proposal of this scale should undergo a rigorous review. He stated that potential air quality impacts and disruption to the transportation system have yet to be quantified. Highlighted examples included potential impacts to the local economy as a result of increased road delays at railroad crossings, and already existing poor air quality in neighborhoods whose rail lines are being proposed for coal trains. Approval of the resolution would call for the responsible agencies to conduct a comprehensive review so that the region can make intelligent and thoughtful decision.

Council President Hughes opened the meeting to citizen comment on Resolution No. 12-4367A:

- Barbara Ellis, Occupy Portland Labor Committee: Ms. Ellis expressed her support for the resolution. She questioned the number of jobs created by coal exports as cited in the coal company's TV ads. She stated that building coal terminals would only provide temporary jobs, and that port terminals are increasingly automated. In addition, she stated that there was no guarantee the coal company would hire locally. She briefly addressed potential environmental and health impacts. (Written testimony included as part of the meeting record.)
- Richard Ellmyer, North Portland Coal Committee: Mr. Ellmeyer was in support of the resolution. He thanked Councilor Burkholder for including language in Resolution No. 12-4367A that stated towboats' – in addition to trains – emit diesel emissions. He appreciated that the resolution called for action from the federal government. He encouraged the Metro Council to be involved, in addition to allocating staff to this issue. He stated that DEQ should complete an additional study to determine potential impacts to air quality in the Columbia River Gorge. He also stated that the Oregon and Washington State governors should complete a study on the number of jobs lost, businesses closed and property values decreased due to coal trains.
- William Dodds, 30947 SE Bluff Rd., Gresham: Mr. Dodds was in support of the resolution. He stated that the Portland metropolitan area is a special place; a place relatively untainted by big industry. He stated that this will be one of the most important issues the Council will consider and he cautioned that coal supporters would try to sway and bribe councilors. He volunteered to help councilors on this cause. He shared his personal experiences as a rail operator including stories about fires on the rails due coal dust.
- Bonnie Mecker, North Portland Coal Committee: Ms. Mercer stated that she lived five blocks away from the rail line. She stated that she is an organic gardener and grows 50 percent of her food. She stated that additional research was needed to understand the impacts of coal dust in soil. She stated that Metro has done great work to protect natural areas in the region and that coal transported through the area would impact the public's investments. She also addressed a local bridge that she feared could not support the weight of the coal trains. She was concerned that if the bridge collapsed, the Willamette would be contaminated. She also addressed potential impacts to farming, fishing and the general food supply.
- Brock Nelson, Union Pacific Railroad: Mr. Nelson was opposed to the resolution. He stated that UP currently moves approximately 50 train loads of customer goods per day. He stated that the coal trains, similar to the trains already using the system, are the safest and most environmentally responsible method for moving freight in the county. UP has invested over a half a billion dollars in rail infrastructure in Oregon to ensure products move fluidly and efficiently through the system and the community. Mr. Nelson stated that UP would like to work with Metro throughout the permitting process for coal export facilities in the coming months. (Testimony included as part of the meeting record.)

Councilor Burkholder thanked Mr. Nelson for his testimony. He stated that Metro has been a strong supporter of rail transport and the region's freight industry over the years. He stated that Metro has consistently supported the use of rail as a good, environmentally friendly and less carbon emitting form of goods transportation.

- Erwin Bergman, Cully Neighborhood: Mr. Bergman was in support of the resolution. He stated that his home is located close to a rail line. He has heard that there may be large delays at rail crossings due to the coal trains. He shared his calculations regarding carbon dioxide emissions and discussed potential air quality impacts. He also expressed concern that the region would export coal when burning the coal would still create the same impacts overseas.
- Jasmine Zimmerstucky, Columbia Riverkeepers: Ms. Zimmerstucky was in support of the resolution, because she believed the risks of exporting 150 million tons of coal through the Pacific Northwest were too great to go unquestioned and under analyzed. She stated that the resolution would promote communities, protect the region's fisheries and families from coal dust and diesel emissions, and demonstrate that the northwest is a leader on the issue of coal use. She stated that exploiting a fuel that the country is moving away from was irresponsible and an unsustainable action.
- Jean Baker, Milwaukie Coal Task Force: Ms. Baker was in support of the resolution. She stated that the Historic Milwaukie Neighborhood Association passed a resolution in opposition to coal trains. She stated that there are currently 27 trains that use the tracks in Milwaukie and that the train companies have been good neighbors. However, she cautioned that coal trains would have the opposite effect (e.g. dirty industry, bad air and bad odors). She stated that the City has worked hard to plan for a livable clean and vibrant community, and cautioned that coal trains could seriously negate the city's plan.
- Barbara Wilson, Beaverton: Ms. Wilson was in support of the resolution. She believed that climate change is human-caused due to the use of fossil fuels. Ms. Wilson stated that exporting coal across overseas was the height of hypocrisy. She emphasized that the region should take a stand against the burning of fossil fuels because it is poisoning the atmosphere. She stated that the region cannot deny climate change and its impacts to the local food supply. She referenced a recent article in *National Geographic*.
- Peter Tienieau, 2715 N. Terry, Portland: Mr. Tienieau was in support of the resolution. He stated that for years Metro has been on the forefront of regional planning and protection of natural resources. He stated that the coal trains present a serious threat. He supported the additional language added to Resolution No. 12-4367A to address diesel emissions from barges. He stated that the region should not enable other counties to use coal and that no coal should be shipped through Oregon. He also addressed potential impacts to emergency vehicle responses times due to increased trains on the rail system.
- Martin Donahue, Oregon Physicians for Social Responsibility: Mr. Donahue was in support of the resolution. He addressed the many health risks associated with diesel particulate, burning coal, and noise. He also discussed potential delays in emergency vehicle response times due to increased trains on the rail system. He stated that he was a friend to labor unions, but that the region needs sustainable jobs that improve the health of the region. Additionally, Mr. Donahue noted that burning of coal would increase carbon dioxide and therefore increase global warming.
- Regna Merritt, Oregon Physicians for Social Responsibility: Ms. Merritt was in support of the resolution. She stated that many physicians believe that health impacts could be substantial; including increased rates of diseases and increased death rates due to exposure to coal lines, terminals, and docks. She shared a few statistics regarding Multnomah County residents' chances of cancer due to diesel emissions, and the high percentage of North

Portland residents with respiratory ailments. She encouraged Metro to strengthen the language and call for a comprehensive Environmental Impact Statement (EIS) as well as a health impact assessment prior to issuing permits. (Handouts included as part of the meeting record.)

- Mark Gamba, Milwaukie: Mr. Gamba, a Milwaukie Planning Commissioner, spoke on behalf of himself only. He was in support of the resolution. He stated that coal was a last century technology, and only enriched wealthy people and hastened global warming. He stated that Oregon should be a coal-free state and the region should stop the use and sale of coal. He stated that the City of Milwaukie has a rail line that would be used to transport coal to Coos Bay. He discussed increased train travel on the line and the potential to divide emergency services from the city.
- Bethany Cotton, GreenPeace USA: Ms. Cotton spoke on behalf of Green Peace and Power Pass Coal Coalition Alliance. She expressed her support for the resolution and encouraged the Council to consider stronger language in the resolution with regard to an EIS and health assessment. She encouraged Council join the 26 other cities and counties that have opposed coal exports due to health and environmental impacts. She also addressed financial impacts to taxpayers (e.g. taxpayers responsible for rail upgrades).
- Sam Lockhart, Friends of Columbia Gorge: Ms. Lockhart expressed her support for the resolution. She recommended the resolution's "BE IT RESOLVED" be amended to read, "that the Metro Council calls on the federal government to conduct a comprehensive area-wide Environmental Impact Statement analyzing direct, indirect and cumulative impacts of all coal export proposals on the region's economy, transportation system, air quality, public health, environment and people of the Portland metropolitan area. The Metro Council directs its staff to communicate this request with our federal elected officials and appropriate federal agencies." Ms. Lockhart discussed the potential health and safety impacts in Montana, Oregon and Washington State due to coal trains. Highlighted examples included air toxins, debris, increased rail traffic and visibility impacts due to coal dust. (Handout included as part of the meeting record.)
- Bonnie McKinlay, Power Past Coal: Ms. McKinlay emphasized that the region shares the atmosphere. She stated that the region needs to be more responsible and reduce its carbon emissions. She stated that the use of coal is not sustainable. She emphasized that the region should not condone business ventures that will lead to increased climate disruption. (Written testimony included as part of the meeting record.)
- Angela Moos, Kenton Neighborhood Association/North Portland Chairs' Coalition: Ms. Moos was in support of the resolution. She stated that North Portland residents are concerned about the potential of coal trains and that KNA and NPCC have sent a letter to the Governor requesting an EIS, health impact assessment and transportation impact analysis. Ms. Moos spoke to the positive shift in the demographic picture of North Portland neighborhoods; highlighted examples included alternative transportation, emergency preparedness, and an engaged business community.
- Taizz Medalia, 2311 N. Blandena St., Portland: Ms. Medalia expressed her support for the resolution. She cited three reasons: (1) it is easier to prevent respiratory disease than treat it; (2) lack of St. Johns residents' awareness of the coal train proposal and potential impacts; and (3) lack of transparency by coal companies.

- Joan Beldin, 10223 N. Hudson St., Portland: Ms. Beldin was in support of the resolution. She addressed the potential impacts to local wildlife at Smith and Bybee Lake and Columbia River, and the importance of keeping the water clean of coal dust. She encouraged the Council to consider adding a “WHEREAS” statement that addressed protection of natural areas and animal welfare and habitat.
- Art Lewellan, 1020 NW 9th Ave., #624, Portland: Mr. Lewellan recommended an additional “WHEREAS” be added to the resolution that addressed transportation planning and potential for passenger rail. He emphasized that the rail should not just be used for freight travel, but passenger travel as well. He was concerned about the system’s capacity should the coal trains be approved.
- Laura Stevens, Sierra Club: Ms. Stevens was in support of the resolution citing health, environmental and economic impacts. She recommended additional language be added to the resolution calling for of an area-wide EIS and an individual EIS for the Port of Morrow.
- Chris Ortoland, Milwaukie Coal Task Force: Mr. Ortoland was in support of the resolution. He stated that the City of Milwaukie is on the cusp of an economic transition; for example the City Council recently announced the green power challenge, signifying the city’s commitment to developing sustainably. He questioned if the coal trains would align with the city’s new vision. He was concerned with potential health and safety impacts to residents who lived near the tracks. Highlighted concerns included impacts to safety and emergency vehicle access at rail crossings. He was in support of conducting a broader study.
- Fred Heutte, Sierra Club: Mr. Heutte was in support of the resolution. He stated that the Sierra Club has done international work to address coal use. He stated the region has underestimated rail transportation (e.g. passenger rail, freight, and streetcar) for a long time. He stated that Metro has recognized, through the Regional Freight Plan, that rail lines operating in the region have limited capacity. He was concerned that the region would approve a proposal for additional coal trains on lines with already limited capacity.

Seeing no additional members of the public who wished to testify, Council President Hughes opened the resolution for Council discussion.

Councilors were in support of the resolution. Councilors expressed the need to quantify the potential economic, health and environmental benefits and risks of coal and coal exports. Councilors emphasized that the region has worked hard to build a green economy and is trying to teach other communities in the U.S. and abroad how to build a green economy too. Councilors also stated that the region should not be enabling other countries by exporting coal and were reminded of the phrase, “Be the change, you wish to see.” Some councilors were in favor of keeping the broad language of the resolution and were specifically concerned that calling for a particular type of study may not be possible for the federal government to complete. Councilors thanked the public for their thoughtful comments.

Vote:

Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 in favor, the motion <u>passed</u> .
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7.2 **Resolution No. 12-4374**, For the Purpose of Affirming the Appointment of Councilor Collette as Liaison to the Community Investment Initiative Regional Infrastructure Enterprise Work Group.

Council President Hughes indicated that he added Resolution No. 12-4374 to the agenda on Sept. 20 in response to discussion at the Tuesday, Sept. 18 work session.

Motion:	Councilor Roberts moved to approve Resolution No. 12-4374.
Second:	Councilor Hosticka seconded the motion.

Councilor Roberts introduced Resolution No. 12-4374. The Metro Council recently reviewed the Community Investment Initiative work plan for 2012-13 and recommended an additional council liaison be appointed to the Regional Infrastructure Enterprise work group. In response to the recommendation, the CII Leadership Council has requested that Councilor Collette be assigned to the work group. Approval of the resolution would affirm Councilor Collette as liaison to the group.

Councilor Harrington stated that the CII is an important project and expressed her thanks to the dedicated business and community leaders who have volunteered to serve on the committee. She stated that the Council had a good initial meeting to discuss the CII strategic plan and that she looked forward to the continued opportunity to move some of plan's ideas forward with Council involvement and consultation. She stated that Councilor Collette will serve the work group ably as a liaison, but that she would not support the resolution.

Vote: Council President Hughes and Councilors Burkholder, Roberts, Hosticka, and Craddick voted in support of the motion. Councilor Harrington opposed the motion and Councilor Collette abstained. The vote was 5 in favor, 1 opposed, and 1 abstained, the motion passed.

8. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett reminded Council that the Opt In survey on Metro's proposed parks and natural areas levy opens Sept. 20.

9. COUNCILOR COMMUNICATION

Councilor updates included the recent CII Leadership Council meeting, Pioneer Cemeteries Advisory Committee meeting, and Hrenko Wood's open house. Upcoming event highlights included the Sept. 22 grand opening of the eastside streetcar loop.

10. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:40 p.m. Council will convene the next regular council meeting on Thursday, Oct. 4 at 2 p.m. at the Metro Council Chamber.

11. **EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 (2)(d). TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS.**

Due to time constraints the Council agreed to postpone this executive session to Sept. 25 immediately following the regular council work session.

12. **EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 (2)(i). TO REVIEW AND EVALUATE THE EMPLOYMENT-RELATED PERFORMANCE OF THE CHIEF OPERATING OFFICER OF ANY PUBLIC BODY, A PUBLIC OFFICER, EMPLOYEE OR STAFF MEMBER WHO DOES NOT REQUEST AN OPEN HEARING.**

Due to time constraints the Council agreed to postpone this executive session to Sept. 27 in lieu of the regular council meeting.

Respectfully submitted,



Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPT. 20, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
	Agenda	9/20/12	Revised 9/20/12 Council agenda	92012c-01
2.0	Testimony & Handouts	9/12/12	Testimony from A. Lewellan	92012c-02
3.0	PowerPoint	N/A	Metro natural gardening 2012 test marketing campaign	92012c-03
4.0	Minutes	9/13/12	Council summary for 9/13/12	92012c-04
5.2	Legislation	N/A	Revised Ordinance No. 12-1289	92012c-05
7.1	Legislation	N/A	Resolution No. 12-4367A	92012c-06
7.1	Testimony	9/20/12	Written comments from Climate Solutions	92012c-07
7.1	Testimony	N/A	Written testimony from B. Ellis	92012c-08
7.1	Testimony	9/20/12	Written testimony from B. Nelson	92012c-09
7.1	Handouts	7/19/12	Handouts submitted by R. Meritt	92012c-10
7.1	Testimony	N/A	Written testimony from S. Lockhart	92012c-11
7.1	Testimony	N/A	Written testimony from B. McKinlay	92012c-12
7.1	Handout	N/A	Handout: Submitted by Representatives of Columbia Riverkeepers & Gorge Friends	92012c-13
7.2	Legislation	N/A	Resolution No. 12-4374	92012c-14