 **Metro** | *Agenda*

Meeting: Metro Council  
Date: Thursday, August 8, 2013  
Time: 2 p.m.  
Place: Metro, Council Chamber

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### **CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATION**

**3. CONSIDERATION OF THE COUNCIL MINUTES FOR  
AUGUST 1, 2013**

**4. RESOLUTIONS**

4.1 **Resolution No. 13-4447**, For the Purpose of Adopting Rules and Establishing Procedures Relating to the Conduct of Council Business. **Colin Deverell, Metro**

4.2 **Resolution No. 13-4448**, For the Purpose Revising Guidelines for Councilor Expense and General Materials and Service Accounts. **Colin Deverell, Metro**

**5. ORDINANCES – SECOND READ AND QUASI-JUDICIAL  
HEARING**

5.1 **Ordinance No. 13-1312**, For the Purpose of Annexing to the Metro District Boundary Approximately 9.85 Acres Located at 17030 NW Brugger Road in the North Bethany Area of Washington County. **Tim O'Brien, Metro**

5.1.1 Quasi-judicial and public hearing on Ordinance No. 13-1312.

**6. PUBLIC HEARING ON OREGON CONVENTION CENTER  
HOTEL PROJECT**

6.1 Staff presentation on project. **Teri Dresler, Metro**

6.1.1 Public hearing on project.

**7. CHIEF OPERATING OFFICER COMMUNICATION**

**8. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for August 8, 2013 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Thursday, August 8</p>	<p><b>Portland</b>  Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> Sunday, August 11, 7:30 p.m.  <i>Date:</i> Monday, August 12, 9 a.m.</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> Monday, August 12, 2 p.m.</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Saturday, August 10, 11 p.m.  <i>Date:</i> Sunday, August 11, 11 p.m.  <i>Date:</i> Tuesday, August 13, 6 a.m.  <i>Date:</i> Wednesday, August 14, 4 p.m.</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.

**Metro’s nondiscrimination notice**

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro’s civil rights program, or to obtain a Title VI complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet’s website at [www.trimet.org](http://www.trimet.org).

Agenda Item No. 3.0

**Consideration of the Council Minutes for August 1, 2013**

Metro Council Meeting  
Thursday, August 8, 2013  
Metro, Council Chamber

Agenda Item No. 4.1

**Resolution No. 13-4447**, For the Purpose of Adopting Rules  
and Establishing Procedures Relating to the  
Conduct of Council Business.

*Resolutions*

Metro Council Meeting  
Thursday, August 8, 2013  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 13-4447  
RULES AND ESTABLISHING PROCEDURES )  
RELATING TO THE CONDUCT OF ) Introduced by Tom Hughes,  
COUNCIL BUSINESS ) Council President

WHEREAS, Metro Code Section 2.01.090 requires the Council by resolution to adopt rules of procedure governing conduct of debate on matters considered by the Council; and

WHEREAS, Metro Code Section 2.01.120 requires the Council by resolution to adopt rules and procedures relating to the receipt of communications from the public at Council meetings; and

WHEREAS, Metro Code Sections 2.01.070 and 2.01.080 require the Council by resolution to adopt rules establishing procedures for the introduction and consideration of ordinances and resolutions respectively; and

WHEREAS, Metro Code Section 2.01.130 requires the Council by resolution to establish the general order of business for Council meetings, and to establish criteria for placing items on a consent agenda; and

WHEREAS, Metro Code Section 2.01.035 requires the Council by resolution to establish procedures governing the conduct of Council work sessions; and

WHEREAS, Resolution No. 95-2078, amended by Resolution No. 95-2160, established Council rules and procedures which governed debate, receipt of communications from the public, introduction and consideration of ordinances and resolutions, the general order of business, criteria for the consent agenda and other issues; now, therefore,

BE IT RESOLVED, that the Metro Council hereby repeals the rules adopted by Resolution Nos. 95-2078 and 95-2160 and, pursuant to Metro Code Section 2.01.100, adopts the following rules of procedure:

1. General rules of procedure for the Metro Council as shown in Exhibit A.
2. Rules of procedure relating to communications from the public at Council meetings as shown in Exhibit B.
3. Rules of procedure for consideration of ordinances and resolutions as shown in Exhibit C.
4. Rules establishing the general order of business for Council work sessions as shown in Exhibit D.
5. Rules establishing the general order of business for Council meetings as shown in Exhibit E.
6. Rules of procedure and criteria for the consent agenda as shown in Exhibit F.
7. Rules of procedure and criteria for Council liaisons as shown in Exhibit G.
8. Rules of procedure related to Council communication with staff as shown in Exhibit H.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to form:

\_\_\_\_\_  
Alison Kean Campbell, Metro Attorney

EXHIBIT A  
GENERAL RULES OF PROCEDURE FOR THE METRO COUNCIL

To conduct Council business in an orderly and expeditious manner the following general rules of procedure are established:

1. All meetings of the Metro Council shall be noticed and held in accordance with Oregon Public Meetings Law (ORS 192.610-192.710). Meetings will be held in open session, except for those that may be closed for purposes specified by law. Cancellations of any open meeting will be noticed twenty-four (24) hours in advance.
2. The Council President shall act as presiding officer at all open sessions. The presiding officer shall conduct all meetings, preserve order and enforce the rules of the Council. In the absence of the Council President, the Deputy Council President shall preside. In the absence of both the Council President and Deputy Council President, the Council President shall appoint a Councilor to preside. If the Council President is unable to appoint in his/her absence, the Council shall amongst themselves appoint a presiding officer.
3. Order and decorum shall be preserved during all public meetings. Councilors will direct discussion to the matter at hand and attendees, including staff present, will abide by the directions of the presiding officer. At the direction of the presiding officer, or by a majority of the Council present, the Council may remove anyone from the Council Chamber for the duration of the meeting if the following conduct is observed:
  - I. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
  - II. Making of loud or disruptive noise, including applause.
  - III. Engaging in violent or distracting action.
  - IV. Willful injury of furnishings or of the interior of the Council Chamber.
  - V. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
  - VI. Refusal to obey an order of the presiding officer or an order issued by a Councilor which has been approved by a majority of the Council present.
4. Councilors shall inform the Council President and Chief Operating Officer if they are unable to attend any open meeting of the Council. The Council President shall inform the Deputy Council President and Chief Operating Officer regarding any absence by the Council President. If unavailable to attend in person, members of the Council may participate in an open meeting via electronic communication and be considered as contributing to a quorum, where not prohibited by superseding law or statute.
5. In the case of an emergency, an emergency meeting may be called by consent of all available Councilors, upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice, and Metro staff shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they may be reached when out of town.
6. As provided in Section 2.01.001(a) of the Metro Code, a majority of the members of the Metro Council holding office constitutes a quorum.

7. The Metro Council will meet in regular session every Thursday, beginning at 2:00 p.m. unless otherwise arranged.
8. The Metro Council will meet in work session, conducted on an as-needed basis, on Tuesdays, beginning at 2:00 p.m., unless otherwise arranged.
9. The Metro Attorney is designated as parliamentarian for the Council. Questions of parliamentary rules may be referred to the Metro Attorney, or his/her designee, through the presiding officer for interpretation.
10. Except as otherwise provided in Metro Code, or rules adopted by the Council, all business meetings of the Council shall be governed by Robert's Rules of Order, newly revised.
11. All Councilors have a right to debate each matter brought before the Council. There shall be a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the presiding officer shall ask for a motion on the matter which must be seconded for it to be a proper question.
12. A Councilor speaking on a motion shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and unrelated comment.
13. A Councilor may speak once for up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or with consent of the presiding officer. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, to clear up a question that has arisen in the debate, or to explain a vote on a motion. A Councilor may be recognized by the presiding officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.
14. The Councilor who moves a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to three (3) minutes unless extended by unanimous consent of the Council or with consent of the presiding officer.
15. The affirmative action of four (4) or more Council members shall be necessary to decide any question before the Council, where not otherwise indicated. The Chief Operating Officer, or his/her designee, shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the presiding officer, has an equal opportunity to vote first. In all instances, the presiding officer shall vote last.
16. The Council shall review these rules at least once every four (4) years. Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, Metro ordinances or policies, or provisions of the Metro Charter or Code. These rules may be suspended upon an affirmative vote by two-thirds of the Council.

EXHIBIT B  
RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business, the following procedures shall apply for matters other than those in which the Metro Council is acting in a quasi-judicial capacity:

1. At the beginning of each Council meeting and periodically during the meeting, the presiding officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Chief Operating Officer, or his/her designee. The sign-up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than the three (3) minutes with unanimous consent of the Council or with consent of the presiding officer. On items for which there is a significant number of members of the public present to testify, in order to conduct Council business in an orderly and expeditious manner, the presiding officer retains the right to limit individual testimony to less than three (3) minutes. Any such limit to testimony shall be prescribed before any testimony is heard on the matter at hand and shall apply to all individuals testifying.
3. On matters before the Council on which a decision is to be made, the presiding officer shall call persons to testify in whichever order he or she determines is best. The presiding officer shall request members of the public to avoid providing repetitive and unrelated testimony.
4. The presiding officer shall inform members of the public to address the Council from the rostrum or table after first gaining recognition of the presiding officer and stating his or her name for the record.



EXHIBIT C  
RULES OF PROCEDURE FOR CONSIDERATION OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, the Auditor, or the Chief Operating Officer. The Chief Operating Officer may also introduce legislation on behalf of Metro departments or committees. Each ordinance or resolution shall designate the person or persons, introducing the ordinance or resolution.
2. Filing: All legislation shall be filed with the Chief Operating Officer or his/her designee, who shall assign numbers and approve titles for all proposed ordinances or resolutions. The Council President may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council in deliberating on matters brought before it. A proposed ordinance shall be filed at least ten (10) days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed at least ten (10) days prior to consideration by the Council. The Council President may waive filing deadlines.
3. Disposition and Referral: An ordinance or resolution filed pursuant to Section Two of this Exhibit and in proper form (including all required supporting materials) shall be 1) in the case of an ordinance, placed on the next available Council agenda for first reading; or, 2) in the case of a resolution, filed with the Chief Operating Officer or his/her designee and placed on a Council agenda at the discretion of the Council President. The Chief Operating Officer or his/her designee shall notify Councilors and the Chief Operating Officer on a weekly basis of the referral status of ordinances and resolutions.

EXHIBIT D  
RULES ESTABLISHING THE GENERAL ORDER OF  
BUSINESS FOR COUNCIL WORK SESSIONS

1. The primary purpose of Council work sessions is to provide the Council the opportunity to receive and consider information on issues of interest to the Council in a public meeting. In addition to discussing issues, receiving briefings and status reports, etc., the Council may discuss and vote on matters that have been filed for its consideration and which otherwise comply with Oregon law and Metro ordinances and rules.
2. The general order of business for Council work sessions will be as follows:
  - I. Call to Order
  - II. Chief Operating Officer Communications
  - III. Items for Council Consideration
  - IV. Councilor Communications
3. The Council President shall set the agenda for the work sessions from items requested by a Councilor or Councilors, the Auditor, or the Chief Operating Officer. The Council President has the authority to determine whether and when to schedule an item for a work session.
4. Requests for an item to be included on a work session agenda and materials to be included in the agenda packet for a work session shall be filed with the Chief Operating Officer, or his/her designee, at least eleven (11) business days prior to the work session, with final materials prepared and submitted seven (7) business days prior; a Councilor, however, may request at a work session that an item be included on the agenda for the following week's work session. The Council President may waive the filing deadline.

EXHIBIT E  
RULES ESTABLISHING THE GENERAL ORDER OF  
BUSINESS FOR COUNCIL MEETINGS

1. The general order of business for regular Council meetings shall be as follows:
  - I. Call to Order
  - II. Citizen Communications to the Council
  - III. Special Presentations
  - IV. Consent Agenda
  - V. Approval of Minutes
  - VI. Ordinances
    - a. First Readings
    - b. Second Readings
  - VII. Orders
  - VIII. Resolutions
  - IX. Other Business
  - X. Chief Operating Officer Communications
  - XI. Councilor Communications
  - XII. Adjourn
2. The Council President shall follow the above general order of business in preparing regular Council meeting agendas.
3. The Council President may change the order of business in preparing a regular Council meeting to meet special circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.

EXHIBIT F  
RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the Consent Agenda:

1. Agenda items may be placed on the Consent Agenda at the discretion of the Council President, subject to the requirements of this section. The party filing an item for Council consideration may request that it be placed on the Consent Agenda if no public hearing before the Council is required by law or Metro ordinance.
2. A Consent Agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
3. The Council President shall have final approval of which items shall be placed on the Consent Agenda.
4. If a Councilor objects to any item on the Consent Agenda, that item shall be removed from the Consent Agenda and placed on the regular agenda of the Council at a time or place to be determined by the Council President.

EXHIBIT G  
RULES OF PROCEDURE FOR COUNCIL LIAISONS

1. To facilitate the exchange of information and provide Council policy direction, the Council President may assign a councilor or councilors to liaise with an advisory committee, internal or external project, or other body. A Council liaison creates an effective communication link between a committee or project and the Metro Council and, if needed, provides recurring policy guidance in line with a policy position the Council has taken. Liaison assignments reflect a division of labor among members of the Council, as Councilors' time is limited.
2. Liaisons shall be assigned to committees or roles required by the Metro Charter, Code, ordinance or other legal agreement. For these assignments, the Council President shall appoint these liaisons subject to confirmation by a majority vote of the Council. Liaison appointments not required by law or Metro ordinance do not require confirmation by the Council.
3. The Council President shall manage a process by which Council liaisons periodically report to the Council on significant and important activities of each committee or project to which they have been assigned. Liaisons may request staff assistance through the Chief Operating Officer to accomplish this reporting responsibility.
4. Council liaisons are expected to represent the Metro Council. Where the Council has voted or indicated a policy direction, the liaison is expected to represent that position. If the Council's official position is unknown or unclear, the liaison may request that the item be placed on a Council work session agenda.

**EXHIBIT H**  
**RULES OF PROCEDURE RELATED TO COUNCIL COMMUNICATION WITH STAFF**

The Council shall respect and support the day-to-day work of operational departments by:

1. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
2. Limiting inquiries and requests for information from staff to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature should be addressed in a manner consistent with the Council Policy Development document.
3. Limiting individual contacts with staff so as not to influence staff decisions or recommendations, to interfere with their work performance, to affect the authority of supervisors or to prevent the full Council from having the benefit of any information received.
4. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

Agenda Item No. 4.2

**Resolution No. 13-4448**, For the Purpose Revising  
Guidelines for Councilor Expense and General  
Materials and Service Accounts

*Resolutions*

Metro Council Meeting  
Thursday, August 8, 2013  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING ) RESOLUTION NO. 13-4448  
GUIDELINES FOR COUNCILOR EXPENSE )  
AND GENERAL COUNCIL MATERIALS & ) Introduced by Tom Hughes,  
SERVICES ACCOUNTS ) Council President

WHEREAS, Metro Code Section 2.01.170(b) requires that the Metro Council adopt by resolution guidelines for reimbursement of councilors for expenditures and expense accounts related to Metro business; and

WHEREAS, The Council revised the guidelines for Councilor expenses and general expenses through adoption of Resolutions No. 85-541, 88-922, 89-1065A, 90-1281, 91-1468, and 92-1643; now, therefore,

WHEREAS, The Metro Council last adopted guidelines for the expenditure of Councilor expense accounts and Council-related expenses through Resolution No. 95-2079; now therefore,

BE IT RESOLVED, that the Metro Council adopts the expenditure guidelines attached as Exhibit A, which will supersede any previously adopted guidelines.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to form:

\_\_\_\_\_  
Alison Kean Campbell, Metro Attorney



EXHIBIT A  
GUIDELINES FOR THE EXPENDITURES OF COUNCIL  
EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

GENERAL PROVISIONS

1. A Councilor may receive reimbursement for mileage to authorized meetings, and/or reimbursement for actual authorized expenses incurred as provided in these guidelines.
2. Reimbursement for travel and expenses on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duties.

COUNCILOR EXPENSE ACCOUNTS

1. The Metro Council has established expense accounts to reimburse Councilors for expenses incurred for their work on behalf of the agency. Exact allocations to these accounts shall be determined during each fiscal year's budget process.
2. The Council President may be authorized to receive additional funds in each fiscal year for his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office, which shall not in total exceed 25% of the current fiscal year's expense account allocation.
3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
4. Expenses for out-of-town travel on behalf of the Council or Council advisory committees may be charged against a Councilor's expense account. Authorized expenses shall be limited to the cost of travel, meals, lodging, and meeting or conference registration fees; the cost of travel may include parking and mileage reimbursement for the use of a personal auto while on Metro business, with mileage reimbursement set at the rate per mile established by Executive Order.
5. In addition to necessary Council-related travel and lodging expenses, other expenses may include:
  - a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement requests;
  - b. Meals for Council-related business;
  - c. Parking and mileage reimbursement for use of a personal auto while on Metro business, with mileage reimbursement set at the rate per mile established by Executive Order;
  - d. Expenses to publish and distribute Council-related District newsletters or other communications, so long as the communication is not made in support of or in opposition to a "candidate" as defined under ORS Chapter 260;

- e. Meeting, professional development or conference registration fees;
  - f. Child care costs incurred while conducting Metro business with documentation as outlined in No. 3 of this section, including duration of the activity;
  - g. Reimbursement for telephone and other communication expenses incurred while doing Metro business, where not incorporated in the technology allowance;
  - h. Council business-related books, publications and subscriptions, and other media; and
  - i. Membership dues in non-partisan community organizations.
6. Other expenses may be authorized by the Council President. All requests by members of the Council for reimbursement or expenditure beyond the criteria listed in Item 5 of this section shall be approved in writing by the Council President, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
  7. Payments within these limits shall be authorized by the Chief Operating Officer or his/her designee.

#### COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General Account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
  - a. Meals for Council-related business;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, audio or video recorders, etc., for public meetings;
  - d. Receptions for guests of the Council;
  - e. Expenses for official visitors;
  - f. General Council information, publications, supplies and other media;
  - g. Remembrances from the Council;
  - h. Professional services for the Council;
  - i. Outside consultants to the Council;
  - j. Authorized out-of-town travel on behalf of the Council. Parking and mileage reimbursement for the use of a personal auto while on Metro business, with mileage reimbursement set at the rate established by Executive Order.

3. Other expenses may be authorized by the Council President.
4. An individual Councilor may request reimbursement from the Council General Account for expenses incurred for general Council business. All requests by members of the Council for reimbursement or expenditure from the Council General account shall be approved in writing by the Council President, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
5. All other requests for reimbursement or expenditure from the Council General Account shall be approved by the Chief Operating Officer or her/his designee. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for whom the expense was incurred, and the receipts justifying the expense. The Finance Department shall provide timely expenditure reports to members of the Council and the Council Office.

Agenda Item No. 5.1

**Ordinance No. 13-1312**, For the Purpose of Annexing to the Metro District Boundary Approximately 9.85 Acres Located at 17030 NW Brugger Road in the North Bethany Area of Washington County.

*Ordinance – Second Reading*

Metro Council Meeting  
Thursday, August 8, 2013  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 9.85 ACRES LOCATED AT 17030 NW BRUGGER ROAD IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY ) Ordinance No. 13-1312 ) Introduced by Chief Operating Officer Martha Bennett with the Concurrence of Council President Tom Hughes

WHEREAS, K & R Holdings LLC, has submitted a complete application for annexation of 9.85 acres ("the territory") located at 17030 NW Brugger Road in the North Bethany area to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-987A on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with the requirements of Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on August 8, 2013; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
3. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated July 16, 2013, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_ day of August 2013.

Tom Hughes, Council President

Attest:

Approved as to form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney



**STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 13-1312, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 9.85 ACRES LOCATED AT 17030 NW BRUGGER ROAD IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

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Date: July 16, 2013

Prepared by: Tim O'Brien  
Principal Regional Planner

**BACKGROUND**

CASE: AN-0213, Annexation to Metro District Boundary

PETITIONER: K & R Holdings, LLC  
17933 NW Evergreen Parkway  
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of one property to the Metro District boundary following the Metro Council's addition of the property to the Urban Growth Boundary (UGB) in 2002. The applicant is currently in the process of annexing the subject properties to the necessary service districts in Washington County.

LOCATION: The one property is located in the North Bethany Area of Washington County at 17030 NW Brugger Road and is 9.85 acres in size. A map of the area can be seen in Attachment 1.

ZONING: The property is zoned for residential use (R6NB & R9NB) by Washington County.

The proposal consists of one tax lot. The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

**APPLICABLE REVIEW CRITERIA**

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

*3.09.070 Changes to Metro's Boundary*

*(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:*

- 1. The affected territory lies within the UGB;*

**Staff Response:**

The subject parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-987A.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-987A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County also requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring. The applicant is currently moving forward with the necessary annexation requirements with Washington County. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The property proposed for annexation is part of Washington County's North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with that agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

## **ANALYSIS/INFORMATION**

**Known Opposition:** There is no known opposition to this application.

**Legal Antecedents:** Metro Code 3.09.070 allows for annexation to the Metro District boundary.

**Anticipated Effects:** This amendment will add approximately 9.85 acres to the Metro District. The land is currently within the UGB in unincorporated Washington County. Approval of this request will allow for the urbanization of the parcel to occur consistent with the North Bethany Subarea Plan.

**Budget Impacts:** The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

## **RECOMMENDED ACTION**

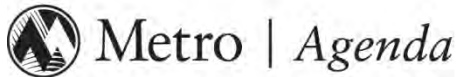
Staff recommends adoption of Ordinance No. 13-1312.





Materials following this page were distributed at the meeting.

**REVISED, 8/2/13**



Meeting: Metro Council  
Date: Thursday, August 8, 2013  
Time: 2 p.m.  
Place: Metro, Council Chamber

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**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATION**

**3. CONSENT AGENDA**

3.1 Consideration of the Council Minutes for August 1, 2013

3.2 **Resolution No. 13-4447**, For the Purpose of Adopting Rules and Establishing Procedures Relating to the Conduct of Council Business.

3.3 **Resolution No. 13-4448**, For the Purpose Revising Guidelines for Councilor Expense and General Materials and Service Accounts.

**4. ORDINANCES – SECOND READ AND QUASI-JUDICIAL HEARING**

4.1 **Ordinance No. 13-1312**, For the Purpose of Annexing to the Metro District Boundary Approximately 9.85 Acres Located at 17030 NW Brugger Road in the North Bethany Area of Washington County. **Tim O'Brien, Metro**

4.1.1 Quasi-judicial and public hearing on Ordinance No. 13-1312.

**5. PUBLIC HEARING ON OREGON CONVENTION CENTER HOTEL PROJECT**

5.1 Staff presentation on project. **Teri Dresler, Metro**

5.1.1 Public hearing on project.

**8. CHIEF OPERATING OFFICER COMMUNICATION**

**9. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for August 8, 2013 Metro Council meeting**

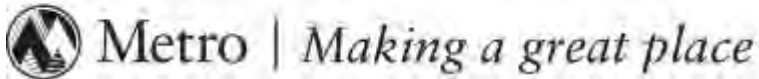
<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Thursday, August 8</p>	<p><b>Portland</b>  Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> Sunday, August 11, 7:30 p.m.  <i>Date:</i> Monday, August 12, 9 a.m.</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> Monday, August 12, 2 p.m.</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Saturday, August 10, 11 p.m.  <i>Date:</i> Sunday, August 11, 11 p.m.  <i>Date:</i> Tuesday, August 13, 6 a.m.  <i>Date:</i> Wednesday, August 14, 4 p.m.</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.

**Metro’s nondiscrimination notice**

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro’s civil rights program, or to obtain a Title VI complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet’s website at [www.trimet.org](http://www.trimet.org).



## **METRO COUNCIL MEETING**

Meeting Summary

August 1, 2013

Metro, Council Chamber

Councilors Present: Council President Tom Hughes and Councilors Shirley Craddick, Sam Chase, Kathryn Harrington, Carlotta Collette, Bob Stacey, and Craig Dirksen

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:03 p.m.

The Metro Council recognized and thanked Ms. Robin McArthur for her eight years of service at Metro. Ms. McArthur, director of the Planning and Development Department, will depart Metro on June 21.

### **1. INTRODUCTIONS**

There were none.

### **2. CITIZEN COMMUNICATIONS**

There were none.

### **3. IT SOFTWARE CONTROLS FOLLOW-UP AUDIT**

Metro Auditor Suzanne Flynn presented on a follow-up audit to an original audit in 2009 that examined the authenticity of data from the software systems at the Zoo, Metro Planning, and Metro Solid Waste. This current audit was to see what progress had been made about general recommendations from the original audit, regarding improved strength of information systems. The improvements hope to accomplish a stronger governance structure, a standalone information system, staff training, security, and data collection to assess impact on Metro resources.

Deputy Chief Operating Office Scott Robinson addressed the Metro Council regarding Auditor Flynn's follow-up audit, stating that the agency has had a varied past when it comes to strengthening information systems in three primary areas; people, process and technology. Deputy COO Robinson noted that this audit focused mainly on the process of governance. The agency has made progress in implementing a more enterprise and standards based approach that gets us to a better place overall in leveraging our existing resources. Deputy COO Robinson stated that we are on the right path, but we are not quite there yet.

Ms. Rachel Coe, Director of Information Services, re-emphasized Auditor Flynn's and Deputy COO Robinson's comments regarding the continued work being done with information services to become as transparent and effective as possible.

**Councilor Questions**

Councilors asked how the agency is being adequately provided the tools needed to accomplish their work, through the budget process. Auditor Flynn stated that there has been no comparative analysis to directly address that question. Deputy COO Robinson stated that the agency is accomplishing the most it can to leverage existing resources and maximize efficiency. Councilors expressed thanks in the hard work put forth in this process.

**4. CONSIDERATION OF THE COUNCIL MINUTES FOR JULY 25, 2013**

Motion:	Councilor Kathryn Harrington moved to approve the Minutes for July 25, 2013.
Second:	Councilor Bob Stacey seconded the motion.

Vote:	Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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**5. ORDINANCES – SECOND READING**

5.1 **Ordinance No. 13-1306**, For the Purpose of Amending Metro Code Chapter 5.01 Regarding Solid Waste Transfer Stations.

Motion:	Councilor Kathryn Harrington moved to adopt Ordinance No. 13-1306.
Second:	Councilor Bob Stacey seconded the motion.

Mr. Roy Brower, Metro, provided information to the Metro Council on Ordinances No. 13-1306 – 13-1310, relating to privately owned and operated transfer stations. Mr. Brower stated that adoption of these ordinances will do three things. They will provide interim clarity for the regions solid waste system by extending the current transfer systems as is, through 2015; they will allow for general market stability and continuity in this interim period; and they will minimize system disruption while the future course of the solid waste system is being considered by council through the Solid Waste Roadmap.

Mr. Brower stated that Ord. No. 13-1306 will eliminate the distinction of transfer stations being local or regional; it will establish a moratorium on new transfer station applications until January 1, 2016; it will eliminate the current tonnage cap; and it will allow transfer stations to accept hazardous waste.

**Council Questions**

Councilors asked why hazardous waste has not been accepted in the past. Mr. Brower stated that in the past there were strict regulations for hazardous waste from third party agencies.

5.1.1 Council President Hughes opened a public hearing on Ordinance No. 13-1306. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.2 **Ordinance No. 13-1307**, For Purpose of Approving a Transfer Station Franchise Extension and Authorizing the Chief Operating Officer to Issue a Modified Franchise For Willamette Resources, Inc.

Motion:	Councilor Kathryn Harrington moved to adopt Ordinance No. 13-1307.
Second:	Councilor Carlotta Collette seconded the motion.

Mr. Brower stated that the following four ordinances, No. 13-1307 – 13-1310, will all extend solid waste franchises for the next 2 years for transfer stations in Wilsonville, Sherwood, Troutdale, and Forrest Grove.

5.2.1 Council President Hughes opened a public hearing on Ordinance No. 13-1307. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.3 **Ordinance No. 13-1308**, For Purpose of Approving a Transfer Station Franchise Extension and Authorizing the Chief Operating Officer to Issue a Modified Franchise For Pride Recycling Company.

Motion:	Councilor Carlotta Collette moved to adopt Ordinance No. 13-1308.
Second:	Councilor Bob Stacey seconded the motion.

5.3.1 Council President Hughes opened a public hearing on Ordinance No. 13-1308. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.4 **Ordinance No. 13-1309**, For Purpose of Approving a Transfer Station Franchise Extension and Authorizing the Chief Operating Officer to Issue a Modified Franchise For Troutdale Transfer Station.

Motion:	Councilor Carlotta Collette moved to adopt Ordinance No. 13-1309.
Second:	Councilor Kathryn Harrington seconded the motion.

5.4.1 Council President Hughes opened a public hearing on Ordinance No. 13-1309. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.5 **Ordinance No. 13-1310**, For Purpose of Approving a Transfer Station Franchise Extension and Authorizing the Chief Operating Officer to Issue a Modified Franchise For Forest Grove Transfer Station.

Motion:	Councilor Kathryn Harrington moved to adopt Ordinance No. 13-1310.
Second:	Councilor Carlotta Collette seconded the motion.

5.5.1 Council President Hughes opened a public hearing on Ordinance No. 13-1310. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.6 **Ordinance No. 13-1311**, For the Purpose of Amending Metro Code Chapter 5.09 Regarding Illegal Disposal of Solid Waste.

Motion:	Councilor Kathryn Harrington moved to adopt Ordinance No. 13-1310.
Second:	Councilor Shirley Craddick seconded the motion.

Mr. Brower stated that this ordinance will allow for administrative and procedural change in improving enforcement and contested case procedures related to illegal dumping.

5.6.1 Council President Hughes opened a public hearing on Ordinance No. 13-1311. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote: Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

## 6. RESOLUTIONS

6.1 **Resolution No. 13-4446**, For the Purpose Supporting the City of Beaverton's Affordable Housing Tax Exemption Program for Non-Profit Housing Providers.

Motion:	Councilor Craig Dirksen moved to adopt Ordinance No. 13-1310.
Second:	Councilor Shirley Craddick seconded the motion.

Mr. Gerry Uba, Metro, introduced Mr. Don Mazziotti, City of Beaverton, to give an overview of the City's Affordable Housing Tax Exemption Program, in hopes of extending this program. Mr.



Mazziotti stated that in 2010, the City of Beaverton implemented an affordable housing study, following the City of Tigard's example, and found that the Beaverton/Hillsboro area has the highest rate of affordable housing, per capita, in the region. Mr. Mazziotti stated that construction costs have increased so much in recent years that affordable housing is extremely hard to even build. The needs for affordable housing in the area are ever increasing, growing 18% every 10 years. It is predicted that 800 more units will meet the city's need. This number of units will also maintain the existing number of affordable housing units. Mr. Mazziotti stated that approval of only 51% of the taxing jurisdictions is needed to extend the affordable housing tax exemption, but he is before the Metro Council, even after having received the needed 51%. He stated that he will be soliciting all of the jurisdictions involved. Mr. Mazziotti stated that he is seeking approval from Metro because he believed it is consistent with Metro's values.

### ***Council Questions***

Councilors expressed their overall appreciation for Mr. Mazziotti and the City of Beaverton for seeking approval from the Metro Council on the issue. Councilors stated the importance of available affordable housing in the region. Councilors also expressed excitement about the projects coming from the tax exemption.

Vote:

Council President Hughes, and Councilors Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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### **7. CHIEF OPERATING OFFICER COMMUNICATION**

COO Martha Bennett noted the upcoming open house for the Oregon Convention Center Hotel Project.

COO Bennett stated the first year work plan for the natural areas and parks levy was approved.

### **8. COUNCILOR COMMUNICATION**

Councilor Craddick stated that she attended the first meeting of the Equity Strategy Advisory Committee and is excited for the highly engaged and diverse group on the committee.

Councilor Carlotta Collette stated that she attended the most recent Regional Transpiration Committee meeting, in which the discussion revolved around the 150% List of projects in the region. She noted that working through this list of projects will require a lot of work and she applauds ODOT for their efforts thus far.

Councilor Collette also thanked Councilor Kathryn Harrington for the work she has done reaching out to jurisdictions about the Regional Active Transportation Plan.

Councilor Sam Chase applauded the Zoo Foundation for a successful event in ZooLaLa. He stated that they were able to raise \$ 80 thousand more than last year.

Councilor Kathryn Harrington stated that an overview of Congestion Bottleneck Operations Study (CBOS) will be coming before MPAC and council in the near future. Councilor Harrington also praised the City of Cornelius for recently being awarded a financial audit award for their budget. In

addition, she also praised the City's new City Manager, Rob Drake, for building a stronger community and leveraging the City's resources.

**9. ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 3:16 p.m. The Metro Council will convene the next regular council meeting on Thursday, August 8th at 2 p.m. at Metro's Council Chamber. The Metro Council briefly recessed and then reconvened in the Council Annex for the following:

**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.**

Respectfully submitted,



Joe Montanez  
Recording Secretary

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 1, 2013**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
2.0	Citizen Communication	8/1/13	Ron Swaren written testimony	80113c-01

EXHIBIT A  
GENERAL RULES OF PROCEDURE FOR THE METRO COUNCIL

To conduct Council business in an orderly and expeditious manner the following general rules of procedure are established:

1. All meetings of the Metro Council shall be noticed and held in accordance with Oregon Public Meetings Law (ORS 192.610-192.710). Meetings will be held in open session, except for those that may be closed for purposes specified by law. Cancellations of any open meeting will be noticed twenty-four (24) hours in advance.
2. The Council President shall act as presiding officer at all open sessions. The presiding officer shall conduct all meetings, preserve order and enforce the rules of the Council. In the absence of the Council President, the Deputy Council President shall preside. In the absence of both the Council President and Deputy Council President, the Council President shall appoint a Councilor to preside. If the Council President is unable to appoint in his/her absence, the Council shall amongst themselves designate a temporary presiding officer.
3. Order and decorum shall be preserved during all public meetings. Councilors will direct discussion to the matter at hand and attendees, including staff present, will abide by the directions of the presiding officer. At the direction of the presiding officer, or by a majority of the Council present, the Council may remove anyone from the Council Chamber for the duration of the meeting if the following conduct is observed:
  - I. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
  - II. Making of loud or disruptive noise, including applause.
  - III. Engaging in violent or distracting action.
  - IV. Willful injury of furnishings or of the interior of the Council Chamber.
  - V. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
  - VI. Refusal to obey an order of the presiding officer or an order issued by a Councilor which has been approved by a majority of the Council present.
4. Councilors shall inform the Council President and Chief Operating Officer if they are unable to attend any open meeting of the Council. The Council President shall inform the Deputy Council President and Chief Operating Officer regarding any absence by the Council President. If unavailable to attend in person, members of the Council may participate in an open meeting via electronic communication, where not prohibited by superseding law or statute. A majority of the Council must be physically present at any special or regular meeting for a quorum to exist.
5. In the case of an emergency, an emergency meeting may be called by the Council President or by consent of all available Councilors, upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice, and Metro staff shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they may be reached when out of town. An emergency meeting may be conducted by electronic means so long as the meeting is held consistent with Oregon Public Meetings Law.

6. As provided in Section 2.01.001(b) of the Metro Code, a majority of the members of the Metro Council holding office constitutes a quorum.
7. The Metro Council will meet in regular session every Thursday, beginning at 2:00 p.m. unless otherwise arranged.
8. The Metro Council will meet in work session, conducted on an as-needed basis, on Tuesdays, beginning at 2:00 p.m., unless otherwise arranged.
9. The Metro Attorney is designated as parliamentarian for the Council. Questions of parliamentary rules may be referred to the Metro Attorney, or his/her designee, through the presiding officer for interpretation.
10. Except as otherwise provided in Metro Code, or rules adopted by the Council, all business meetings of the Council shall be governed by Robert's Rules of Order, newly revised.
11. All Councilors have a right to debate each matter brought before the Council. There shall be a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the presiding officer shall ask for a motion on the matter which must be seconded for it to be a proper question.
12. A Councilor speaking on a motion shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and unrelated comment.
13. A Councilor may speak once for up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or with consent of the presiding officer. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, to clear up a question that has arisen in the debate, or to explain a vote on a motion. A Councilor may be recognized by the presiding officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.
14. The Councilor who moves a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to three (3) minutes unless extended by unanimous consent of the Council or with consent of the presiding officer.
15. The affirmative action of four (4) or more Council members shall be necessary to decide any question before the Council, where not otherwise indicated. The Chief Operating Officer, or his/her designee, shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the presiding officer, has an equal opportunity to vote first. In all instances, the presiding officer shall vote last.
16. The Council shall review these rules at least once every four (4) years. Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, Metro ordinances or policies, or provisions of the Metro Charter or Code. These rules may be suspended upon an affirmative vote by two-thirds of the Council. Suspension of the rules does not suspend rules of procedure codified in the Metro Charter or Code.

EXHIBIT B  
RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business, the following procedures shall apply for matters other than those in which the Metro Council is acting in a quasi-judicial capacity:

1. At the beginning of each Council meeting and periodically during the meeting, the presiding officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Chief Operating Officer, or his/her designee. The sign-up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than the three (3) minutes with unanimous consent of the Council or with consent of the presiding officer. On items for which there is a significant number of members of the public present to testify, in order to conduct Council business in an orderly and expeditious manner, the presiding officer retains the right to limit individual testimony to less than three (3) minutes. Any such limit to testimony shall be prescribed before any testimony is heard on the matter at hand and shall apply to all individuals testifying.
3. On matters before the Council on which a decision is to be made, the presiding officer shall call persons to testify in whichever order he or she determines is best. The presiding officer shall request members of the public to avoid providing repetitive and unrelated testimony.
4. The presiding officer shall inform members of the public to address the Council from the rostrum or table after first gaining recognition of the presiding officer and stating his or her name for the record.

EXHIBIT C  
RULES OF PROCEDURE FOR CONSIDERATION OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, the Auditor, or the Chief Operating Officer with the concurrence of the Council President. The Chief Operating Officer may introduce legislation on behalf of Metro departments or committees. Each ordinance or resolution shall designate the person or persons, introducing the ordinance or resolution.
2. Filing: All legislation shall be filed with the Chief Operating Officer or his/her designee, who shall assign numbers and approve titles for all proposed ordinances or resolutions. The Council President may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council in deliberating on matters brought before it. A proposed ordinance shall be filed at least ten (10) days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed at least ten (10) days prior to consideration by the Council. The Council President may waive filing deadlines.
3. Placement on Agenda: An ordinance or resolution filed pursuant to Section Two of this Exhibit and in proper form (including all required supporting materials) shall be 1) in the case of an ordinance, placed on the next available Council agenda for first reading; or, 2) in the case of a resolution, filed with the Chief Operating Officer or his/her designee and placed on a Council agenda at the discretion of the Council President. The Chief Operating Officer or his/her designee shall notify Councilors and the Chief Operating Officer on a weekly basis of the status of placement of ordinances and resolutions on the agenda.

EXHIBIT D  
RULES ESTABLISHING THE GENERAL ORDER OF  
BUSINESS FOR COUNCIL WORK SESSIONS

1. The primary purpose of Council work sessions is to provide the Council the opportunity to receive and consider information on issues of interest to the Council in a public meeting. In addition to discussing issues, receiving briefings and status reports, etc., the Council may discuss and vote on matters that have been filed for its consideration and which otherwise comply with Oregon law and Metro ordinances and rules.
2. The general order of business for Council work sessions will be as follows:
  - I. Call to Order
  - II. Chief Operating Officer Communications
  - III. Items for Council Consideration
  - IV. Councilor Communications
3. The Council President shall set the agenda for the work sessions from items requested by a Councilor or Councilors, the Auditor, or the Chief Operating Officer. The Council President has the authority to determine whether and when to schedule an item for a work session.
4. Requests for an item to be included on a work session agenda and materials to be included in the agenda packet for a work session shall be filed with the Chief Operating Officer, or his/her designee, at least eleven (11) business days prior to the work session, with final materials prepared and submitted seven (7) business days prior; a Councilor, however, may request at a work session that an item be included on the agenda for the following week's work session. The Council President may waive the filing deadline.

EXHIBIT E  
RULES ESTABLISHING THE GENERAL ORDER OF  
BUSINESS FOR COUNCIL MEETINGS

1. The general order of business for regular Council meetings shall be as follows:
  - I. Call to Order
  - II. Citizen Communications to the Council
  - III. Special Presentations
  - IV. Consent Agenda
  - V. Approval of Minutes
  - VI. Ordinances
    - a. First Readings
    - b. Second Readings
  - VII. Orders
  - VIII. Resolutions
  - IX. Other Business
  - X. Chief Operating Officer Communications
  - XI. Councilor Communications
  - XII. Adjourn
2. The Council President shall follow the above general order of business in preparing regular Council meeting agendas.
3. The Council President may change the order of business in preparing a regular Council meeting to meet special circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.



EXHIBIT F  
RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the Consent Agenda:

1. Agenda items may be placed on the Consent Agenda at the discretion of the Council President, subject to the requirements of this section. The party filing an item for Council consideration may request that it be placed on the Consent Agenda if no public hearing before the Council is required by law or Metro ordinance.
2. A Consent Agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
3. The Council President shall have final approval of which items shall be placed on the Consent Agenda.
4. If a Councilor objects to any item on the Consent Agenda, that item shall be removed from the Consent Agenda and placed on the regular agenda of the Council at a time or place to be determined by the Council President.

EXHIBIT G  
RULES OF PROCEDURE FOR COUNCIL LIAISONS

1. To facilitate the exchange of information and provide Council policy direction, the Council President may assign a councilor or councilors to liaise with an advisory committee, internal or external project, or other body. A Council liaison creates an effective communication link between a committee or project and the Metro Council and, if needed, provides recurring policy guidance in line with a policy position the Council has taken. Liaison assignments reflect a division of labor among members of the Council, as Councilors' time is limited.
2. Liaisons shall be assigned to committees or roles required by the Metro Charter, Code, ordinance or other legal agreement. For these assignments, the Council President shall appoint these liaisons subject to confirmation by a majority vote of the Council. Liaison appointments not required by law or Metro ordinance do not require confirmation by the Council.
3. The Council President shall manage a process by which Council liaisons periodically report to the Council on significant and important activities of each committee or project to which they have been assigned. Liaisons may request staff assistance through the Chief Operating Officer to accomplish this reporting responsibility.
4. Council liaisons are expected to represent the Metro Council. Where the Council has voted or indicated a policy direction, the liaison is expected to represent that position. If the Council's official position is unknown or unclear, the liaison may request that the item be placed on a Council work session agenda.

**EXHIBIT H**  
**RULES OF PROCEDURE RELATED TO COUNCIL COMMUNICATION WITH STAFF**

The Council shall respect and support the day-to-day work of operational departments by:

1. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
2. Limiting inquiries and requests for information from staff to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature should be addressed in a manner consistent with the Council Policy Development document.
3. Limiting individual contacts with staff so as not to influence staff decisions or recommendations, to interfere with their work performance, to affect the authority of supervisors or to prevent the full Council from having the benefit of any information received.
4. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

EXHIBIT A  
GUIDELINES FOR THE EXPENDITURES OF COUNCIL  
EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

GENERAL PROVISIONS

1. A Councilor may receive reimbursement for mileage to authorized meetings, and/or reimbursement for actual authorized expenses incurred as provided in these guidelines.
2. Reimbursement for travel and expenses on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duties.

COUNCILOR EXPENSE ACCOUNTS

1. The Metro Council has established expense accounts to reimburse Councilors for expenses incurred for their work on behalf of the agency. Exact allocations to these accounts shall be determined during each fiscal year's budget process.
2. The Council President may be authorized to receive additional funds in each fiscal year for his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office, which shall not in total exceed 25% of the current fiscal year's expense account allocation.
3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
4. Expenses for out-of-town travel on behalf of the Council or Council advisory committees may be charged against a Councilor's expense account. Authorized expenses shall be limited to the cost of travel, meals, lodging, and meeting or conference registration fees; the cost of travel may include parking and mileage reimbursement for the use of a personal auto while on Metro business, with mileage reimbursement set at the rate per mile established by Executive Order.
5. In addition to necessary Council-related travel and lodging expenses, other expenses may include:
  - a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement requests;
  - b. Meals for Council-related business;
  - c. Parking and mileage reimbursement for use of a personal auto while on Metro business, with mileage reimbursement set at the rate per mile established by Executive Order;
 

Expenses to publish and distribute Council-related District newsletters or other communications, so long as the communication is not made in support of or in opposition to a "candidate" as defined under ORS Chapter 260
  - d. Meeting, professional development or conference registration fees;

- e. Child care costs incurred while conducting Metro business with documentation as outlined in No. 3 of this section, including duration of the activity;
  - f. Reimbursement for telephone and other communication expenses incurred while doing Metro business, where not incorporated in the technology allowance;
  - g. Council business-related books, publications and subscriptions, and other media; and
  - h. Membership dues in non-partisan community organizations.
6. Other expenses may be authorized by the Council President. All requests by members of the Council for reimbursement or expenditure beyond the criteria listed in Item 5 of this section shall be approved in writing by the Council President, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
7. Payments within these limits shall be authorized by the Chief Operating Officer or his/her designee.

#### COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General Account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
  - a. Meals for Council-related business;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, audio or video recorders, etc., for public meetings;
  - d. Receptions for guests of the Council;
  - e. Expenses for official visitors;
  - f. General Council information, publications, supplies and other media;
  - g. Remembrances from the Council;
  - h. Professional services for the Council;
  - i. Outside consultants to the Council;
  - j. Authorized out-of-town travel on behalf of the Council. Parking and mileage reimbursement for the use of a personal auto while on Metro business, with mileage reimbursement set at the rate established by Executive Order.
3. Other expenses may be authorized by the Council President.

4. An individual Councilor may request reimbursement from the Council General Account for expenses incurred for general Council business. All requests by members of the Council for reimbursement or expenditure from the Council General account shall be approved in writing by the Council President, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
5. All other requests for reimbursement or expenditure from the Council General Account shall be approved by the Chief Operating Officer or her/his designee. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for whom the expense was incurred, and the receipts justifying the expense. The Finance Department shall provide timely expenditure reports to members of the Council and the Council Office.

MAKING A  
GREAT  
PLACE



# Oregon Convention Center Hotel

Metro Council Public Hearing  
August 8, 2013


Teri Dresler, General Manager, Visitor Venues



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# Oregon Convention Center Hotel

Launched in January 2012 to:

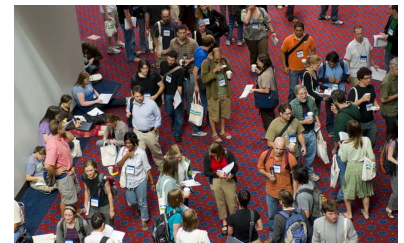
- Respond to private developer interest in Portland hotel market
  - Meet OCC client needs
  - Preserve past investments in the OCC
  - Ensure facility's long-term financial viability
- 



# Oregon Convention Center Hotel

## Project goals:

- Create jobs
- Jumpstart economy
- Leverage private investment and development
- Minimize public investment
- Maximize regional economic impact



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# Oregon Convention Center Hotel

## Project outcomes:

- Capture lost business
- Attract additional national conventions
- Generate new business for local hotels and businesses




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# Oregon Convention Center Hotel

## Phase I: Partner engagement

### Statement of Principles

- Private sector finances the majority of the costs to construct, own and operate hotel
  - Minimal public investment and risk
  - Located adjacent to OCC to serve clients
  - Green building and business & workforce equity employment and contracting standards
  - Labor peace agreement
- 

# Oregon Convention Center Hotel

## Phase II: Request for Proposals (RFP)

- Competitive recruitment and evaluation
- Public/private expert panel selection



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# Oregon Convention Center Hotel

## Phase III: Predevelopment negotiations

- Started once labor peace agreement finalized
- Focus on project costs and scope
- Market analysis by SAG
- Business and stakeholder engagement
- Identification and exploration of finance tools

### Phase III next steps:

- Development agreement negotiations
  - Council consideration by end of year
- 

# Oregon Convention Center Hotel

## **Hotel Term Sheet:** Non-binding agreement

- Certain key elements, others negotiated later:
  - Location: North of the OCC
  - Brand/size: 600 room Hyatt Regency
  - Amenities: Extra ballroom and meeting spaces
  - Operational requirements: Fewer rooms for rent; block of 500 rooms reserved for convention clients
  - Construction requirements: LEED Silver or higher building standards
  - Employment and contracting requirements: Business and workforce equity, MWESB, FOTA
  - Cost: \$197.5 million

# Oregon Convention Center Hotel

## Hotel Term Sheet (continued):

- Finance elements:

### Private share – Approximately 60%

Mortenson/Hyatt:	\$119.5 million
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### Public share – Approximately 10%

Metro (OCC reserves):	\$4 million
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PDC loan* (OCC URA):	\$4 million
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State lottery:	\$10 million
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### Construction financing backed by room taxes – Approx 30%

Revenue bonds**	\$60 million
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\*PDC loan repaid by Mortenson/Hyatt

\*\*Revenue bonds repaid by taxes paid by future visitors staying at OCC hotel

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# Oregon Convention Center Hotel

## Visitor Facilities Trust Account IGA

- Metro, City of Portland, Multnomah County and tourism, hospitality and convention industries
- Funds tourism promotion, visitor facility improvements and convention recruitment
- Paid for by a portion of transient lodging and vehicle rental taxes
- Propose to add new “buckets” to promote tourism:
  - Metro: OCC hotel bucket
  - City: tourism-related bucket
  - County: tourism-related bucket



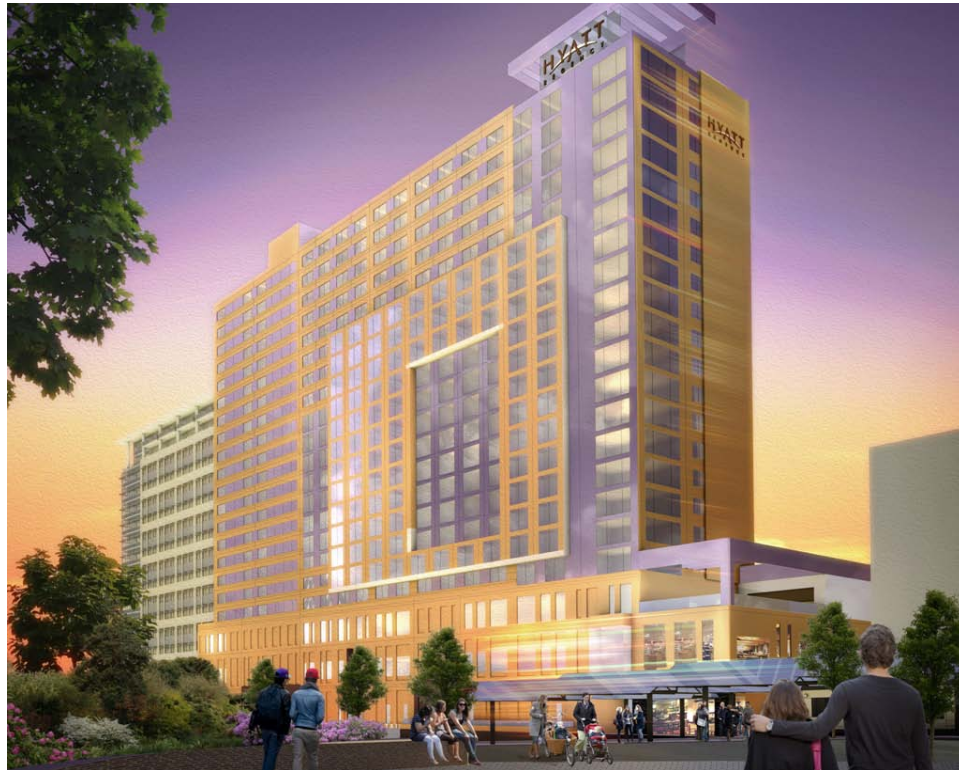
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# Oregon Convention Center Hotel

## Next steps:

Metro Council	August 15, 2013
<ul style="list-style-type: none"><li>• Hotel term sheet</li><li>• Amendments to Visitor Facilities IGA</li></ul>	
Portland City Council	September 2013
Multnomah County Commission	
<ul style="list-style-type: none"><li>• Amendments to Visitor Facilities IGA</li></ul>	
Development agreement negotiations	Fall 2013
Metro Council approval	Winter 2013
Construction begins	Spring 2014
Hotel opens	Summer 2016

# Oregon Convention Center Hotel



Proposed Hyatt Regency

# MAKING A GREAT PLACE



# Convention Center Hotel

## PROJECT FACT SHEET

Metro and its partners at the City of Portland, Multnomah County and Portland Development Commission are working together to create jobs, boost the region's tourism economy and leverage private investment in our community through the Oregon Convention Center (OCC) hotel project.

Negotiations are underway to develop a LEED-certified 600-room Hyatt Regency directly adjacent to the OCC to serve national convention clients, exhibitors, sponsors and planners. Hotel construction and operations will follow MWESB policies and, prior to launching project negotiations, a labor peace agreement was signed between Hyatt and the union representing workers. Construction is planned to begin January 2014 and be complete in spring 2016.

According to independent analysis, the hotel will achieve the project's goals:

- Create 3,000 jobs (2,000 construction and 950 hotel & hospitality)
- Attract 5 to 10 new mid-sized conventions to Portland each year
- Boost annual hotel business by 70,000 – 110,000 new room nights
- Increase convention-related tourism spending to \$600 million per year
- Generate \$5.6 million in new state tax revenues and \$4.7 in new local tax revenues annually

### Estimated project costs and proposed funding sources

#### Private share – approximately 60%

Hyatt/Mortenson Development investment: \$119.5 million

#### Public share – approximately 10%

Investment by Metro (OCC reserves): \$4 million

Portland Development Commission loan (OCC URA): \$4 million

State lottery funds: \$10 million

#### Construction financing backed by room taxes – approximately 30%

Metro revenue bond \$60 million

Total project cost: \$197.5 million

### Next steps | August/September 2013

- Metro Council, Portland City Council and Multnomah County Commission consider proposed amendments to the Visitor Development Initiative
- Metro Council considers proposed project term sheet
- Portland Development Commission considers project loan



#### Why do conventions matter?

In addition to supporting local jobs, the convention business means big bucks for local businesses as visitors lodge, dine, shop and recreate throughout the state.

National convention attendees spend \$333/day.

In FY 2012, convention attendee spending totaled \$435 million.

Learn more:  
[www.oregonmetro.gov/hotel](http://www.oregonmetro.gov/hotel)

## Sustaining and creating good jobs

Each year, the OCC supports 4,500 jobs, translating to \$168 million in personal earnings.

A new convention center hotel is expected to create 2,000 union construction jobs and 950 permanent hotel and hospitality jobs in the metropolitan region.

In October 2012, a labor peace agreement was signed between Hyatt and the national union representing hotel workers, UNITE HERE. With this agreement, Hyatt has pledged to allow union discussions and organizing to occur, should employees be inclined to do so.



Proposed OCC hotel rendering

# Convention and hotel market study

In December 2012, an independent study was conducted by the Strategic Advisory Group measuring the impact a 600-room Hyatt Regency hotel located immediately adjacent to the Oregon Convention Center (OCC) would have on the local convention market, hospitality industry and greater Portland metropolitan region. Below are key findings.

## Oregon Convention Center performance and economic forecast

Since opening in 1990, the OCC has generated \$4.7 billion in regional economic impact as a result of its business, measured by direct tourist and indirect business spending in the tri-county metropolitan area.

The convention business is a mature industry (50+ years) that fluctuates with the US economy. The industry began its recovery in 2011 and is expected to reach pre-recession 2008 levels in 2014.

National convention attendees spend an average of \$333 per day during their stay – in hotels, restaurants, retail shops and other local businesses.

Portland loses mid-sized national conventions to other cities with convention center hotels. In 2011, 30 national conventions bypassed the OCC for this reason. The impact to the Portland area's hotel industry is 847,000 lost room nights during the booking period of 2006-2018.

Portland ranks as a highly attractive convention and travel destination. A survey of national meeting planners found that they were 79% more likely to book the OCC with an adjacent convention center hotel.

A convention center hotel is expected to boost the OCC's business significantly, attracting 5-10 new conventions each year and increasing the facility's annual economic impact by \$120 million. State and local tax revenues are expected to increase by \$11 million. Over 32 years, the State of Oregon is expected to receive over \$180 million in transient lodging and income tax revenues.

## Portland's hotel industry

Portland's hotel market is among the strongest in the nation, with an estimated 71% occupancy rate overall and 75% occupancy rate in the central city (2012).

Central city occupancy has been 10-17% higher than the national average for the last six years. Average daily room rates in 2012 met or exceeded pre-recession levels.

Cities that have added convention center hotels have experienced a 15-30% growth in room nights.

A convention center hotel in Portland is expected to generate an additional 20,000-40,000 new room nights each year. Hyatt's group business is estimated to generate 50,000-70,000 more. Overall, the annual impact to Portland area hotels is the creation of 70,000-110,000 new room nights.

TERRY PARKER  
P.O. BOX 13503  
PORTLAND, OREGON 97213-0503

**Subject: Questions and comments to the Metro Council on the proposed Oregon Convention Center Hotel, August 8, 2013.**

In the quest for a convention center hotel, Metro is promoting the concept that more people will travel to Portland from Chicago, New York and other eastern cities to attend conventions sited at the Oregon Convention Center. Metro is also suggesting that numerous convention goers will also travel to many of the tourist destinations that are within a two hour driving distance of Portland such as the Oregon Coast, Willamette Valley wineries, the Columbia Gorge and Mt. Hood. This is a reputable objective in that higher rates of personal mobility significantly contribute to greater economic productivity and vibrancy, which in turn generates higher wage jobs.

However, with Metro's anti-car mindset for local residents, it also sets up a double standard. A healthy, sustainable economy can not be based on service type jobs alone. Eight to ten percent of the US jobs are tied to the auto industry - many of them family wage, industrial component and private sector jobs. An environmentally challenged anti-driving, anti-car mindset is undoubtedly a major factor as to why household incomes in Portland and Oregon lag well behind the US average. I say environmentally challenged because per data published as early as 1999, the new technologically advanced cars coming off the assembly lines use less energy per passenger mile (as measured in BTUs), and produce less emissions per passenger mile (as measured in pounds of Co2) than riding transit - and that includes Portland. Additionally, driving is subsidized at pennies per mile while public transit is subsidized at over 60 cents per passenger mile.

In that Metro is side-stepping it's own officiously implemented limited mobility mindset to promote long distance travel for convention goers; all the push and job speechifying for this new hotel brings up a number of questions: ~~implement~~

What is the overall environmental impact of constructing a new 600-room Convention Center Hotel? Will the permanent jobs created be family wage full time jobs with benefits?

How many auto trips/VMTs - including rental cars - will be generated due to this new hotel?

Since individual airline miles have a similar carbon footprint to driving a reasonably fuel efficient car the same distance, how many individual airline trips will this new hotel generate and what is the carbon footprint of all that cross-country travel?

In that no rental car taxes are specifically directed to help pay for roads, and TriMet fares cover only about 25% of the operating costs and near zero of the capital costs; and since it is likely a significant number of hotel guests will also use public transit with the use of a free pass; what is the ongoing burden of cost to local taxpayers for all this conventioner travel?

In closing, without a direct means that requires convention goers help pay for local transportation infrastructure; the local stakeholder motorists that fund the majority share need to be viewed as the hierarchy for first in line to use the Portland area streets and roads. Secondly, if Metro is going to continue the push for a new travel based 600-room Oregon Convention Center Hotel thereby setting up a double mobility standard that includes various degrees of impacts on both the roads and public transit; Metro also needs to apply some equity for the people who live here by eliminating all of the drive less programs and campaigns that continue to discriminately be aimed primarily at Portland-Metro area residents.

Respectfully submitted,

Terry Parker  
Northeast Portland

Dear Metro Council,

Our coalition includes over 280 local hoteliers and business people who would all like to see more visitors and conventions come to Portland. And we agree that a convention center hotel is important. But the current deal seems stacked in favor of the developers and against local taxpayers, just like the last deal was. Many of us applauded Ted Wheeler's sensible rejection of the last deal and we are hopeful that one of you will have the mettle to be as vigilant as he was.

The public deserves a chance to analyze and comment on the full details of the current proposal since you are asking us to back the deal with \$60 million in public bonds plus interest, and an additional \$18 million in public grants and loans. We strongly believe that Metro and other local governments should not vote to move forward on this deal until all critical financial information has been released and reviewed and we have been assured the public is not taking on all the risk.

Here are some of the basic questions that remain unanswered for the public:

What is the true cost of the \$60M in public bonds, including the interest that will be paid over the life of the bonds? What interest rate are you using for your calculations?

If the "site specific" transient lodging tax (TLT) revenues from the new hotel are not enough to pay back the bonds, why aren't the hotel owners being required to make up the shortage? Isn't giving them the equivalent of a 30-year low interest loan on our credit enough of a public contribution?

How much revenue would the hotel need generate in order to repay the bonds?  
What would their average daily rate and their occupancy rate have to be?

Is there a management or licensing agreement with Hyatt? If so, what are the details? How long, how much per year, any performance requirements, or termination rights?

Will Hyatt be required to hold on to the property for the term of the bond repayment or will they be allowed to sell it after a few years as is common in the industry? If so, does the Hyatt brand stay?

What's included in the development cost of \$30.6 million? Specifically, what is the breakdown of the contractor's fees, general conditions, developer's fees and mark up to the principals?

Was there an appraisal done on the land for the proposed hotel? What was the appraised value and who did the appraisal?

Why is there a no-bid parking contract being granted to the company that owns the land for the proposed hotel? What is the value of this contract? Do they have any partners in this contract? With at least 40% of the money coming from public sources shouldn't public contracting practices be followed?

Your financial expert, Ken Rust, has said he has done risk assessments on the projects future financial performance. Why aren't those available to the public or even the elected officials you will be asking to support this project?

Your best estimates project 6-10 new conventions per year. How will the hotel fill its beds the other 300 or so nights of the year? Won't many of its guests be people who would normally stay in local hotels who pay into the TLT revenue stream. Since all of the Hyatt's TLT revenue will go to repaying it's bond debt won't the rest of the TLT revenue stream take a hit?

Across the country consultants are selling the same short list of solutions for lagging visitor numbers – build, build, build. And communities blinded by promises of nothing but upside are buying. Don't let Portland end up like so many other cities - Phoenix, St. Louis, Charlotte, Baltimore - who were given rosy projections by consultants and now are faced with bailing out ailing or failing hotels because they lost sight of one of their primary responsibilities – to protect the public from the downside of risky investments.

These same guaranteed upside promises were made right here in Portland with PGE park and The Nines hotel deal and both projects failed to perform as promised.

Yet you continue to insist that this project isn't risky. If it was a safe bet private developers would be offering to build it their own money, like they are in Spokane and Seattle. Both cities are pursuing larger convention center hotel projects, all with private money.

According to a Wall Street Journal article from last October, convention and exhibition space across the country has increased nearly 36% since 2000, while attendance is essentially flat (1.7% decrease over the same period). A new hotel isn't going to be enough to change that reality and if it was, private developers would be lining up to make the deal.

We urge you to allow public access to the specific terms of this project and to do more to protect the public and less to please the developers and the Hyatt Corporation.



## ASIAN AMERICAN HOTEL OWNERS ASSOCIATION

7000 PEACHTREE DUNWOODY ROAD, BUILDING 7

ATLANTA, GEORGIA 30328

(404) 816-5759 PHONE

(404) 816-6260 FAX

WWW.AAHOA.COM

July 23, 2013

I am writing on behalf of the Asian American Hotel Owners Association (AAHOA) and particularly, our Portland area members. AAHOA represents more than 11,000 members across the U.S. who own more than 20,000 hotels and employ 587,600 workers with a \$9.4 billion payroll. We pay our taxes and support the American economy.

There is currently an issue that concerns the daily business of Portland area hotel owners. I respectfully request that no direct subsidies be offered for the creation of a Convention Center hotel in Portland.

The hospitality industry thrives under free market conditions. When governments intervene, especially in an attempt to artificially create demand where none sufficiently exists, it is bad for taxpayers and hoteliers alike.

If a headquarters hotel makes long-term economic sense for the Portland Convention Center, undoubtedly the private sector will respond immediately. The multi-billion hospitality industry has been built on large private sector investments where the opportunity for marginal returns can be identified and verified.

Long-term tax abatement schemes for an individual hotel establish an unfair competitive balance in the local market. It is not the role of government to create such an imbalance, but rather governments should strive to protect a fair marketplace.

AAHOA is the largest hotel owner association in the United States. We offer our organization as a resource for information on the hospitality industry.

Sincerely,

Fred Schwartz

President





## The Mark Spencer Hotel

August 8, 2013

As a locally owned family hotel operator for more than 35 years, we are strong supporters of all efforts to increase tourism and development in Portland and the Pacific Northwest. We are not in support, however, of strategies that give millions of dollars in public subsidies to an out of state developer and an international hotel chain, while saddling local taxpayers with unreasonable risk.

The current OCC hotel deal seems similar to the flawed deal with The Nines, which still hasn't been able to repay its bond debt, or the last convention center hotel deal, which was rejected because it stuck local taxpayers with the bulk of the risk.

Metro or others will argue that Portland is unlike other cities with failed convention center hotels. When The Nines Hotel was built, the City endured months of below market rates that nearly caused the collapse of many hotels. More than 600 rooms are currently being built or are in the advanced planning stages that will open in the next 6-12 months. Developers are reviewing other possible projects. It is a real threat that we will experience a "bubble" with an over building of hotels and then the operations for all hotels, including the proposed Convention Center Hotel, will suffer greatly. All the "experts" will have been paid and they will move on. What will happen to the rest of us private business operators that have worked for decades to run a business and promote our beautiful City of Roses? How will the Convention Center Hotel respond to the glut in hotel rooms? I along with many others wish that we had an opportunity to access such low risk money and subsidies. Imagine if you will what we could all do if we had this sort of financial assistance.

I regret that so many are so confident that The Convention Center Hotel will succeed. If it gets approved, I hope so for all of us and our City but I have strong concerns and doubts. At the very least, I hope that Metro will put safeguards in place to make sure that the public is protected by requiring the developers and owners to cover any shortages in the bond repayment revenue stream.

Sincerely,

Alix Nathan  
Ownership Partner  
The Mark Spencer Hotel



August 8, 2013

**Hispanic Metropolitan Chamber Testimony  
To METRO  
RE: Oregon Convention Hotel**

President Hughes and METRO Commissioners

**The Hispanic Metropolitan Chamber (Hispanic Chamber) supports the construction of the proposed Oregon Convention Hotel.**

This project leverages private development with low-cost financing to:

- create jobs
- boost the state's tourism industry and
- enhance the regional economy.

Nearly 3,000 jobs are expected to be created in the construction and hospitality industries and an estimated \$11 million in state and local taxes will be generated each year.

**Latinos are highly represented as workers in both**

- **the construction industry and**
- **the hospitality industry.**

**Therefore, we see this as a very important project for our community.**

**In addition, this project will stimulate other investments in the area.**

The Hispanic Chamber knows from personal experience how important this hotel can be for our total community.

We tried to recruit the U.S. Hispanic Chamber, in Washington D.C. to bring their national convention to Portland. They dismissed this idea since we did not have a convention hotel adjacent to the Oregon Convention Center.

The Oregon Convention Hotel project will:

- protect our past investments
- improve the livability of our city's central core and
- create good jobs now and in the future.

**We urge Metro and all of our other elected officials in the Portland metropolitan area to support this important project.**

Thank you

**Raihana Ansary Testimony  
Metro Council Public Hearing  
Convention Center Headquarters Hotel  
August 8, 2013**

Good afternoon, President Hughes and Councilors. I'm Raihana Ansary, Government Relations Manager for the Portland Business Alliance. The Alliance represents over 1,600 small, medium, and large employers and our mission is to promote and foster an environment in the Portland region that attracts, supports, and retains private-sector jobs.

We are a longtime supporter of a privately owned Oregon Convention Center hotel project that mitigates financial risks to taxpayers. We endorse the project under the following conditions:

- The project must produce a valid business plan that demonstrates it will be able to sustain its debt load and operating costs with revenues generated by the hotel, including the taxes and fees dedicated to the project;
- Visitor Development Initiative (VDI) funds should be used to backstop the hotel's operating costs only in times of severe economic stress, and then only for a limited period of time and existing VDI programs should be held harmless;
- Metro, the City of Portland and Multnomah County should commit that, under no circumstances, will they impose new taxes, fees or surcharges on others in the hotel industry to support the Convention Center hotel project.

Construction of a headquarters hotel will bring many benefits. It will help the Oregon Convention Center become an economic engine for the region by competing for and winning national conventions and trade shows. These types of events generate far more for the economy than local and regional meetings. Once opened, the hotel is expected to add five to 10 national conventions to OCC's business, which would add \$120 million in regional spending each year.

The proposed hotel will add much-needed jobs to the Portland-metro economy, including 2,000 construction jobs and then 950 permanent hotel, hospitality, and tourism jobs for the region. State tax revenues related to Convention Center activity are expected to double (\$10-12 million per year) once the hotel opens, and it is estimated that the project will generate \$180 million in new revenue to the state over the next 30 years, supporting critical state and local government services.

An Oregon Convention Center hotel project that meets the aforementioned conditions is a smart investment and we urge you to move forward with this important regional project.

Thank you for the opportunity to comment.



NBI NORRIS, BEGGS & SIMPSON | NBS FINANCIAL SERVICES | MBS REAL ESTATE CAPITAL

August 8, 2013

**VIA E-MAIL**

Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

Re: Oregon Convention Center Hotel Project

Dear Council President Tom Hughes and members of the Metro Council:

I had hoped to attend today's public hearing to express my support for the Oregon Convention Center hotel project, but am unable to do so. Please accept this letter as written testimony for the record.

The Oregon Convention Center has proven to be a successful investment in the state's tourism and hospitality industry. The original construction costs incurred by the public have been repaid many times over since the facility opened in 1990 and the state and regional economy is stronger for it.

Today, we have a unique opportunity to build upon those past investments to create long-term positive impacts for local businesses, and the Oregonians employed by them, by reinvesting a portion of the returns back into the convention center for the greater good.

This community is fortunate to have been approached by a private developer willing to enter the Portland market by investing over \$100 million to open a Hyatt Regency to serve the needs of the convention center and the local businesses that benefit from it. I applaud Metro's efforts to seek ways to partner with experts who develop, construct, own and operate hotels by considering the contribution of a modest amount of public economic development dollars to make this project happen.

The benefits we stand to gain from this investment are numerous. The State of Oregon acknowledged this potential by allocating \$10 million in lottery funds to the project.



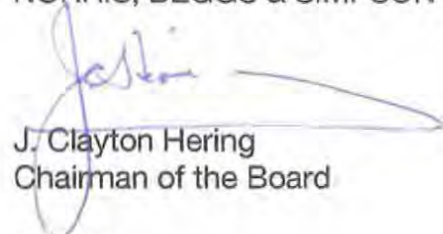
Metro Council President & Members  
August 8, 2013  
Page 2 of 2

I urge the Council to approve the resolutions coming before it on August 15, 2013, which allow this project to proceed to the next phase.

Thank you for your consideration.

Yours very truly,

NORRIS, BEGGS & SIMPSON COMPANIES

A handwritten signature in blue ink, appearing to read "J. Clayton Hering", with a long horizontal flourish extending to the right.

J. Clayton Hering  
Chairman of the Board

JCH/bl  
hughes.docx