



METRO COUNCIL MEETING

Meeting Summary

Sept. 26, 2013

Metro, Council Chamber

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

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:02 p.m.

1. INTRODUCTIONS

Council President Hughes welcomed Deputy Chief Operating Officer Scott Robinson and Deputy Metro Attorney Nathan Sykes.

2. CITIZEN COMMUNICATIONS

Ellen Ino, 5769 N. Vancouver Ave., Portland: Ms. Ino addressed the Metro Council on transit passes for temporary employees at the Oregon Zoo. Permanent employees receive transit passes and temporary employees do not. She recommended the Zoo implement a program where temporary employees are responsible for 50 percent of their monthly passes, and that Metro covers the remaining 50 percent balance. She also encouraged the Metro Council to consider creating permanent zoo staff positions as part of the FY 14-15 budget process, and stated that 365 days a year cashiers, concessions and custodial staff are needed. Additional comments addressed healthcare for temporary employees.

3. CONSENT AGENDA

Motion:	Councilor Carlotta Collette moved to approve the Sept. 26, 2013 consent agenda: <ul style="list-style-type: none">• Consideration of the Council Minutes for Sept. 19, 2013;• Resolution No. 13-4457, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to American Honda for Delivery of Non-Recoverable Solid Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon; and• Resolution No. 13-4458, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Boeing Company for Delivery of Non-Recoverable Solid Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.
Second:	Councilor Shirley Craddick seconded the motion.

Councilor Craig Dirksen requested that the minutes be corrected to accurately reflect that he, not Councilor Collette, voted in support of Resolution Nos. 13-4454 and 13-4459:

- Vote count for Resolution No. 13-4454 amended to read:

Vote: Council President Hughes, and Councilor Craddick, ~~Collette~~ Dirksen, Harrington, Chase, and Stacey voted in support of the motion. The vote was 6 ayes, the motion passed.

- Vote count for Resolution No. 13-4459 amended to read:

Vote: Council President Hughes, and Councilor Craddick, ~~Collette~~ Dirksen, Harrington, Chase, and Stacey voted in support of the motion. The vote was 6 ayes, the motion passed.

Councilor Collette was excused from at the Sept. 19 council meeting.

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

4. ORDINANCES - SECOND READING AND QUASI-JUDICIAL HEARING

- 4.1 **Ordinance No. 13-1314**, For the Purpose of Annexing to the Metro District Boundary Approximately 10.63 Acres Located at 5285 NW 253rd Avenue in Hillsboro.

Council President Hughes stated that Ordinance No. 13-1314 required a quasi-judicial hearing. As part of the hearing process, councilors were required to declare a conflict of interest, bias or ex parte contact prior to the staff presentation. No councilors declared conflicts of interest, biases or ex parte contacts for Ordinance No. 13-1314.

Deputy Metro Attorney Sykes read the procedural requirements for the quasi-judicial hearing for Ordinance No. 13-1314.

Council President Hughes gaveled and opened a public hearing on the ordinance. He welcomed Mr. Tim O'Brien of Metro for staff's presentation. Mr. O'Brien presented the proposed property, approximately 10.63 acres in Hillsboro, for annexation into the Metro District Boundary. He stated that the land was included in the urban growth boundary in 2005 and is part of the Evergreen Area Industrial Plan that the city established in 2008, and is consistent with Metro Title 11 requirements. The land must be annexed into the Metro District Boundary for urbanization to proceed. The territory has been annexed into the city and zoned Industrial Sanctuary. Once all of the annexations are complete, building may occur on the property consistent with the approved plan.

Mr. O'Brien overviewed how the application satisfies each of the 3 criteria for annexation as outlined in Metro Code, Section 3.09.070E:

1. The affected territory is within the UGB:
The territory was included in the UGB in 2005.

2. The territory is subject to measures that prevent urbanization until it is annexed to a city or service districts that will provide necessary services:
Washington County applied the Future Development 20 acres designation to prevent premature urbanization of the Evergreen areas prior to annexation into the city; and
3. The proposed change is consistent with any applicable or cooperative urban service agreements and any concept plan:
The property proposed for annexation is part of the city's Evergreen Area Industrial Plan, and Washington County and Hillsboro have agreed that urban level development may occur following annexation to the city, clean water services and Metro district.

Staff recommended Council approve the application and adopted Ordinance No. 13-1314.

Council President Hughes opened the meeting for citizen comment:

- Tom Black, Washington County CPO #9: Mr. Black was opposed to the ordinance, and did not believe CPO #9 or CPO #8 received proper notification. He stated that he only learned about the annexation request from visiting the property directly and reading the posted notification placard. He also expressed concern that the CPO newsletter did not include information on this request. Additionally, Mr. Black questioned if the Council's action on the ordinance was premature given the status of the urban and rural reserves currently in the State of Oregon's court system. (CPO#8 and CPO#9 newsletter included as part of the meeting record.)
- Glenna Dryden, Washington County CPO #9: Ms. Dryden restated that CPO #9 did not receive notice of the annexation request from Metro. She also questioned action on the ordinance given the pending urban growth boundary decision.

Council questions

Councilors asked staff to clarify the if the territory in Ordinance No. 13-1314 could be impacted by the State's action on the urban and rural reserves process, and Metro's requirements for noticing annexation requests. Staff clarified that the property was included in the UGB in 2005 and is not part of the current appeal process. Additionally, staff and legal counsel clarified Metro requirements for noticing include:

1. Filing formal notice with property owners within 500 feet of the annexation request, and the city, county, special districts, and other urban service districts that would provide services to the property;
2. Print notice in local paper; and
3. A placard posted at the property.

Additionally, while it is staff's practice to notify local CPOs of annexation requests, there is no requirement in Metro Code or state law requiring written notice to be given to the community planning organizations.

Councilors stated that notifying the CPOs, while not required, was a good practice and apologized that CPO #9 did not receive advance notice. That said, councilors believed that the property in Ordinance No. 13-1314 would not present any harm to the community if added to the Metro district boundary. Additional comments addressed the CPO

newsletter. Councilors clarified that the document was distributed by a contracted party of Washington County, and that Metro did not have control over what was or was not published. It is Metro's protocol that all notices are posted on Metro's notice page online at www.oregonmetro.gov.

Seeing no additional citizens – either in support or opposition – who wished to testify, the public hearing on the ordinance was closed.

Motion:	Councilor Kathryn Harrington moved to approve Ordinance No. 13-1314.
Second:	Councilor Dirksen seconded the motion.

Vote:	Council President Hughes, and Councilor 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. **RESOLUTIONS**

- 5.1 **Resolution No. 13-4454**, For the Purpose of Acknowledging the Work Completed to Date and Initiating Further Review of the Regional Active Transportation Plan Prior to Adoption as a Component of the Regional Transportation Plan.

Motion:	Councilor Harrington moved to approve Resolution No. 13-4454.
Second:	Councilor Collette seconded the motion.

Councilor Harrington introduced Resolution No. 13-4454. The Active Transportation Plan, a need identified during the 2010 Regional Transportation Plan update, was developed in partnership with local communities and knits together local plans to create a useable regional system. Councilor Harrington emphasized that the plan provides increased transportation choices for the region, helps to articulate the economic impact of the local bicycle industry and tourism, and illustrates how bike and pedestrian routes interface with the regional freight network and goods movement. She stated that the comments received on the plan to date have been constructive and helped to further refine and improve the draft included in Resolution No. 13-4454.

Councilor Harrington welcomed Metro staff Ms. Lake McTighe for a presentation on the Regional ATP. Ms. McTighe's presentation included information on the plan's vision, recommended policies and strategic actions for moving forward, a summary of the draft plan's refinements since first distributed in March 2013, and a brief overview of engagement and outreach completed to date. The resolution, if approved, would acknowledge the work completed to date on the draft plan and direct staff to provide opportunities for future review and refinements as part of the 2014 RTP update. The plan will remain draft until proposed for adoption into the RTP in July 2014. Ms. McTighe stated that both the Metro Policy Advisory Committee and Joint Policy Advisory Committee on Transportation unanimously recommended approval of the resolution.

Council discussion

Councilors thanked Councilor Harrington for her leadership, and the stakeholder advisory committee, Ms. McTighe and team for their work on the plan. Councilors were happy to confirm that Ms. McTighe would continue to serve as the Regional ATP project manager.

Councilors thanked Councilor Harrington and staff for extending the timeline for legislation in response to local government leaders' concerns. Councilors asked that invitations and meeting notices for the ATP work group be extended to local elected officials in addition to staff. Councilors expressed that Resolution No. 13-4454 was a great milestone, but that there was still lots of work to be done to integrate the plan into the RTP. Councilors stated that local communities' plans and aspirations are the backbone of the plan, and that it is imperative that local partners be involved in the process. Councilors asked that every opportunity be made to bring partners to the table to be constructive participants in making the RTP, and including the ATP, a success.

Vote:

Council President Hughes, and Councilor 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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5.2 Resolution No. 13-4459, For the Purpose of Amending the 2012-15 Metropolitan Transportation Improvement Program (MTIP) to Add the Transportation Alternatives Program Contingency Fund for Eleven Projects.

Motion:	Councilor Collette moved to approve Resolution No. 13-4459.
Second:	Councilor Harrington seconded the motion.

Mr. Ted Leybold of Metro provided a brief staff report on Resolution No. 13-4459. The latest federal transportation authorization, MAP-21, collapsed several programs to create the Transportation Alternatives (TA) program. JPACT and Metro are expected to distribute half of the available funds in the region, and ODOT will distribute the remaining half of the fund balance as part of a statewide process. However, with this consolidation, 11 local projects selected by ODOT to receive funding will now be partially funded by Metro due to changes under MAP-21. When originally selected, the 11 projects had access to ODOT contingency funds to address unexpected costs and to ensure a timely implementation. The resolution, if approved, would amend the Metropolitan Transportation Improvement Program to create a new contingency solely for the 11 projects. Staff confirmed JPACT approved the resolution on Sept. 12.

Vote:

Council President Hughes, and Councilor 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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5.3 **Resolution No. 13-4461**, For the Purpose of Authorizing the Execution of a Landfill Lease and Landfill Gas Purchase Agreement and a related Landfill Gas Collection System Acquisition Agreement with Rivergate LFG, Inc.

Motion:	Councilor Harrington moved to approve Resolution No. 13-4461.
Second:	Councilor Collette seconded the motion.

Mr. Paul Ehinger provided a brief staff report on Resolution No. 13-4461. In 1997, the Metro Council adopted a resolution that, among many things, approved Metro's sale of the gas generated at the St. Johns Landfill to Portland Landfill Gas Corporation for beneficial use by the Ashgrove Cement Company. In 2012, the landfill gas lease to Portland LFG expired.

Over the last year Metro studied the cost effectiveness of the gas collected at the landfill and determined that use as an industrial fuel continues to be the preferred option. As such, the resolution, if approved, would reinstate the use of landfill gas at Ashgrove Cement as a fuel. The agreement would convey ownership of the gas collection system back to Metro and grant easements to Rivergate (the parent company of Ashgrove Cement) of the compressor station and related portions of the gas collection system necessary to ship the gas to Ashgrove. The agreement would be for five years and would provide Metro approximately \$20,000 to \$30,000 annually in revenue from the sale of the gas used by Ashgrove.

Council President Hughes opened the meeting for citizen comment:

- Gary Wright, Ashgrove Cement Company: Mr. Wright, Ashgrove's Portland Operations Manager, expressed his support for the resolution. Ashgrove Cement is private, family-owned company that operates eight plants across the United States. While it is the largest American-owned cement producer, Mr. Wright stated that ironically the Rivergate plant does not produce cement. The local plant imports raw limestone material used to create a beneficial soil additive for farmers and ingredients used to create asphalt roofing supplies. Mr. Wright stated that he has worked with the landfill gas energy project since its inception, and believed that it truly showcases what can be achieved through public-private partnership. Mr. Wright also invited the councilors to tour the Ashgrove site.

Councilors thanked Mr. Wright for his comments and appreciated learning more about the company's product and how it is produced. Councilors expressed interest in a future tour of the site. Councilors cited the saying, "One man's trash is another man's treasure," and stated that the program was a great example of true sustainability. Councilors stated that the program was a great way to use the landfill byproduct, something that could be potentially dangerous, and turn it into something valuable and profitable. Additionally, Deputy COO Robinson noted that the resolution is fully responsive to a previous Metro Auditor recommendation.

Vote:

Council President Hughes, and Councilor 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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6. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Robinson provided an update on:

- The issue of parking at the Oregon Zoo and transit passes for temporary employees will be discussed during the bargaining process this fall.
- One of the Oregon Zoo's kittens was removed from its den and is currently in veterinary care. This kitten is responding well to the care and its condition, related to increasing its core body heat, is improving.
- On Sept. 18, Metro published its second set of 450 burial spaces as part of the reclamation process at its pioneer cemeteries. For questions, call 503-797-1933 or visit the Metro website at www.oregonmetro.gov.
- A recent study has found that TriMet's Gresham to Hillsboro MAX line is the most successful at stimulating development and addressing traffic congestion.

7. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: Oregon Walks' Walkability Strategy Summit, Tualatin Hills Parks and Recreation Sunday Trailways event, City of Portland Council meeting, and ConnectOregon press event regarding active transportation. Highlighted upcoming meetings included CPO exchanges, Land Conservation and Development Commission's Local Official Advisory Committee meeting, the City of Wilsonville's public forum on climate change, Center Cultural's annual gala, and REAP dinner.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:48 p.m. The Metro Council will convene the next regular council meeting on Thursday, Oct. 10 at 2 p.m. at Metro's Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPT. 26, 2013

Item	Topic	Doc. Date	Document Description	Doc. Number
3.	Minutes	9/19/13	Council minutes for Sept. 19, 2013	92613c-01
4.1	Newsletter	N/A	Washington County CPO #8 and CPO #9 newsletter distributed by T. Black	92613c-02
5.1	PowerPoint	9/26/13	The Regional Active Transportation Plan - Acknowledgement and moving forward	92613c-03