

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 15, 2004  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:03 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Members of the Community Planning Subcommittee of MCCI gave a report on the Summary of Urban Growth Boundary survey. (Members present: Elizabeth Tucker, MCCI Chair; Lori Waldo, MCCI Community Planning Subcommittee Chair; Kay Durtschi; Kathy Henton)

Lori Waldo gave credit to the chair, Kay Durtschi, who came up with the idea and gave a lot of guidance. Ms. Waldo read from the written report (enclosed). After the end of the 2002 periodic review of the UBC expansion, the MCCI Community Planning Subcommittee created a pilot survey to determine the level of satisfaction of the active participants. The survey was sent to 750 citizens and organizations and conducted informal interviews with the Metro councilors. 111 surveys were returned. They found overall that citizens and organizations would like more workshops and small group meetings within in their communities and more information about timelines and legal jargon. Citizens signaled that they would like to better understand how the decision-making process occurs within Metro. The councilors felt that the process was fair and that a strong attempt was made to communicate with the region. A recurrent point was made that Council is bound by state law and it would be helpful for citizens to better understand the state requirements. Technical data directly related to these guidelines must be a stronger influence on councilor decisions than personal situations.

As a solution to this disparity, MCCI Community Planning Subcommittee feels that the citizens and organizations would benefit throughout the region if they were involved in Metro's projects from the very beginning. By doing this, the citizens could offer local alternatives, be educated in the process as it progresses, and contribute in a positive, productive manner. It would not only strengthen the planning of the region as a whole but also decrease project costs and build strong and lasting partnerships for the future. Overall, they felt it was a very positive project.

Councilor Burkholder asked whether questions arose the UBG boundaries, in that the areas under consideration for inclusion in the UGB were located outside Metro boundaries and thus those citizens had not voted for the Metro councilors making the decisions. Question of representation seems to be a troublesome one.

Kate Durtschi responded by stating that active participants were those that testified or were chair of a neighborhood organization or CPO group, but were randomly solicited to take survey. She felt that the Councilors were on one level and citizens were on another level in terms of

understanding “local jargon” and state law. She believes citizens can benefit from additional assistance with making the legal jargon more clear – one example was the meeting last night at MPAC. In addition, citizens feel disenfranchised by the technical nature of the process and the delay in involving them. Don’t discredit the intelligence of your community – citizens can understand the issues if stated in non-technical terms. MCCI is there to assist in bridging the gap between the Metro Council and citizens. She urged councilors to get out in the community regularly to meet with citizen groups.

Councilor Burkholder followed with comments about Measure 26-29, which increased the prior notification process and includes the area outside the Metro boundary. He understood that MCCI was working on some other ideas as well to try and increase citizen participation. He emphasized the importance of working with MCCI and citizens to further understanding of these difficult decisions.

Ms. Durtschi noted to CEO Jordan that the brochure required under Title 8 seemed to have been received by very few people and it’s important that citizens know how to respond.

Councilor Park expressed his thanks for the report. He wanted to specify that one community that complained about non-representation prior to the UGB decision was Oregon City. Currently Metro’s jurisdictional boundary and UGB are closer to being co-located so movement of boundary affects people that do not have a say in election of Metro officials. Representation is definitely an issue to consider. In addition, he asked if there were any interesting stories (good and bad) about the survey.

Ms. Durtschi responded by saying she didn’t have any stories to report, only that citizens expressed the fact that they didn’t have enough time to prepare for the survey.

Ms. Waldo added that they didn’t interview survey respondents and survey was measurable, i.e., not any “white space” for comments.

Ms. Tucker noted that on a personal note, she joined MCCI after attending some of the Coffee Talk meetings and now she is the chair of MCCI subcommittee. To some extent the process works and helps people become more informed. After talking to people after meetings, she found that some of those who were more emotional about the issues felt disconnected from the process and didn’t know how to share their stories with the Council. They expressed a need to discuss concerns and issues with councilors at the Coffee Talks. It would be helpful to have councilors available before or after meetings to talk more informally with people who might not feel comfortable responding during the meetings.

Kathy Henton observed that some felt that they were listened to and heard by the Council but were frustrated by the fact that some councilors couldn’t respond because of certain state and federal restrictions.

Councilor McLain said that councilors would be more than happy to meet with citizens, especially new groups or neighborhoods that they haven’t been able to meet with before. She asked for their help to assist councilors in finding new audiences to speak to. She also said that more meetings are planned in the community (not in the MRC building), especially with Goal 5 and industrial land meetings in March. She asked that MCCI provide specific examples of how the Council can better connect.

Ms. Durtschi noted that deadlines for neighborhood and CPO newsletters need to be kept in mind to promote better communications. Today, January 15, is the deadline for most CPO and neighborhood newspapers. Councilor McLain thanked her for the reminder and said that we did get information into most of the newsletters.

Ms. Henton concurred that some of the CPO's that she had heard from were expressing a sense that they were not being adequately informed. She noted that Brian Newman had committed to visiting some of those groups.

Ms. Waldo noted that this would help communicate with those citizens that were reincorporated when district boundaries were changed. Councilor Burkholder spoke to their neighborhood group and they were very impressed. They have changed the MCCI/Council communication process so hopefully this will improve the channels of communication.

Ms. Henton commented that Rod Park, District One, does get out in the community.

Council McLain confirmed that councilors are willing to visit groups outside the Metro boundary. Councilors were working to do more of a complete job of getting out into the community. "Help us out and we will get out there!"

### 3. CONSENT AGENDA

3.1 Consideration of minutes of the January 8, 2004 Regular Council Meetings.

3.2 **Resolution No. 04-3404**, For the Purpose of Appointing Edmund B. Ruttledge to the Metro Committee for Citizen Involvement (MCCI).

Motion:	Council President Bragdon moved to adopt the January 8, 2004 Metro Council Minutes and Resolution No. 04-3404.
Seconded:	Councilor Newman seconded the motion

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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### 4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 04-1030**, For the Purpose of Amending Section 2.19.160 of the Metro Code to Establish a Greenspaces Policy Advisory Committee; and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 04-1030.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain noted that Council updates advisory groups as new tasks need to be done. Metro has had former park advisory committees that have had different titles but the upcoming issues require a more diverse representation. This ordinance will bring Metro up to date with the kind of advisory committee needed for 2004 and beyond. This group will meld the duties of the Greenspaces Technical Advisory Committee (GTAC) and the greenspace advisory committee known as RPGCAC. In the past, elected officials and groups responsible for carrying out the

tasks were not represented; they are on this new committee. If the ordinance passes, later on in the meeting Council will vote on the membership of this inaugural advisory committee.

Council President Bragdon added support for this ordinance. Combining the two previous committees from old Council structure will raise the profile and increase the level of advice Council receives on this important issue.

Council President Bragdon opened a public hearing on Ordinance No. 04-1030.

Council President Bragdon closed the public hearing.

Councilor McLain closed by stating that Metro deals with parks, natural areas, trails and greenspaces. Nearly 7000 acres have been purchased throughout the region since 1995. She looks forward to working with this group to manage this system.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

4.2 **Ordinance No. 04-1031**, For the Purpose of Amending Metro Code Section 2.01.200 Revising the Time for the Submittal of the Annual Budget to the Council; and Declaring an Emergency.

Motion:	Councilor Newman moved to adopt Ordinance No. 04-1031.
Seconded:	Councilor Hosticka seconded the motion

Deputy Council President Newman explained the need for this ordinance. The ordinance stipulates that the Council President will submit a proposed budget and budget message to the Council no later than April 15, rather than the current requirement of March 15. The change is necessary to allow more time for a deliberative and inclusive budget process. A) It provides sufficient time for council involvement earlier in the budget process. B) It allows sufficient time to implement a greater degree of strategic planning over a multi-year time horizon. C) It also permits departments to submit more up-to-date fiscal information when preparing their budget requests. D) This time frame more closely aligns with the capital improvement plan process. Council has discussed this change extensively at Council retreats and has been in agreement that this was needed.

Councilor McLain asked to add one item to the ordinance. Although she agrees that it allows for more participation from the Council, the ordinance takes away one month of review by the public. Multnomah TACS conservation committee reviews the budget in May and June and budget must be completed in June. So Council has an added responsibility to get the public review done earlier in the process and let public know that they are welcome to attend budget work sessions.

Council President Bragdon expressed his support of the ordinance. Last spring he found that it would have been helpful to have had more Council input earlier in the process, rather than after the budget was complete. This new process will allow more consultation earlier to improve the end result.

Council President Bragdon opened a public hearing on Ordinance No. 04-1031.

Council President Bragdon closed the public hearing.

Councilor Newman concurred with Council McLain’s comments about the importance of including the public in the budget process. There will be more open budget work sessions that the public will be invited to.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

**5. RESOLUTIONS**

5.1 **Resolution No. 04-3403**, For the Purpose of Finalizing the Decision to Add the Portland Mall Alignment to the Locally Preferred alternative for Phase 1 of the South Corridor Light Rail Project. (*PUBLIC HEARING*)

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3403.
Seconded:	Councilor Newman seconded the motion

Councilor Monroe explained that this resolution was being carried over due to inclement weather at the last Council meeting (January 8, 2004). He provided an overview of the resolution. This project provides the Locally Preferred Alternative for mass transit south to Clackamas County. Metro has been working on this issue for at least a decade. The LPA adopted last April provides for a two-phased approach for bringing light rail to Clackamas County. Phase One will be an I-205 light rail project between Clackamas Town Center and Gateway. A component has been added recently to extend light rail in the downtown mall between the Steel Bridge and Portland State University. Phase Two will bring light rail from downtown Portland to downtown Milwaukie, including a new Willamette River bridge. The federal transit agency requested an additional environmental impact study because of the addition of the downtown mall light rail. This has been completed, including a 45-day public comment period. Final agreements are: a) the mode will be light rail, b) the alignments will be along SW 5<sup>th</sup> and 6<sup>th</sup> Avenues between the Steel Bridge and Portland State University, terminating at SW Jackson Street, c) there will be seven pairs of stations, each 5-6 blocks apart; d) this deletes the original plan providing for light rail between downtown Milwaukie and Clackamas Town Center.

Council President Bragdon opened a public hearing on Resolution No. 04-3403.

Mr. Greg Peden, Portland Business Alliance, 520 SW Yamhill, Portland, Oregon 97204. Mr. Peden stated that the Portland Business Alliance endorsed the resolution. Mr. Peden has been involved in the advisory committee for the past six months. He finds it significant that the line extends to PSU.

Mr. Dan Zalkow, Portland State University, Downtown Community Association and the Portland Mall Community Advisory Committee, 1431 SW Park Avenue, Portland, Oregon 97201. He reiterated the strong support of all of these groups for the Portland Mall Alignment. PSU is very excited about the project, especially with the terminus located at SW Jackson Street. This will be utilized, especially with an anticipated increase of 10,000 students by 2012, and will be a catalyst for development around the university district.

Council President Bragdon closed the public hearing. He noted that the majority of discussion among Council members happened last week.

Councilor Monroe noted that PSU is the number one transit user in the state. This project will provide invaluable support to the university with its 25,000-30,000 students. The downtown trolley, bus system and Portland Mall light rail alignment will serve the needs of the university. There are decisions yet to be made. The Mayor's committee, on which Council President Bragdon serves, is still looking at details of merging vehicle traffic, buses and light rail for maximum efficiency in the downtown mall.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.2 **Resolution No. 03-3372**, For the Purpose of Amending the South/North Land Use Final Order, to include the Two Phases of the South Corridor Project Consisting of the Addition of the I-205 Light Rail Transit Project From Gateway to Clackamas Regional Center with the Downtown Portland Transit Mall Alignment, and Modifications of the Proposed Light Rail Between Downtown Portland and Milwaukie, Deletion of Plans to Extend Light Rail from Milwaukie to Clackamas Regional Center, and To Reflect the Final Interstate Max Design. (**PUBLIC HEARING**)

Motion:	Councilor Newman moved to adopt Resolution No. 03-3372.
Seconded:	Councilor Monroe seconded the motion

Council President Bragdon noted that the item was moved last week so it was continued from the January 8 Council meeting. The South/North Land Use Final Order (LUFO) includes the following: 1) adding the I-205 light rail project from the Gateway regional center to the Clackamas Town Center 2) Revising the downtown light rail transit (LRT) project along 5<sup>th</sup> and 6<sup>th</sup> Avenues from NW Irving to SW Lincoln Streets, and 3) modifying that section of the Milwaukie light rail transit project along SE 17<sup>th</sup> Avenue from SE Powell Boulevard to SE McLoughlin Boulevard, and 4) making technical amendments to the Interstate Avenue LRT from N. Thompson Street to N. Going Street. He outlined the process required by federal law on LUFO's contained in HB3478 of 1996 Oregon special legislative session.

Metro Attorney Dan Cooper outlined the criteria for the public hearing process specified by Oregon's Land Conservation and Development Committee (see orange LUFO document).

Council President Bragdon outlined the process for today's public hearing: Councilor Newman's motion, staff report, public hearing, rebuttal comments from Tri-Met or staff, Council consideration to vote or continue the public hearing, or continue the matter to supplement the findings.

Councilor Newman revisited his motion to adopt this resolution. He emphasized that this resolution piggybacked on a Locally Preferred Alternative resolution adopted last year. The LUFO is the land use action that sites the projects. Metro Council is charged with considering the LUFO after the application was filed by Tri-Met with concurrence from the Oregon Department of Transportation. The LUFO action encompasses the entire South corridor. Today's action would 1) amend the LUFO to add the I-205 segment to the LUFO, including the stations, parking lots and alignments between Gateway and Clackamas Town Center. 2) Revise the Milwaukie segment LUFO to reflect the April 2003 LPA decision, including the deletion of the Milwaukie to Clackamas Town Center LRT. 3) Amend the downtown alignment definition to include PSU. 4)

Revise station locations and alignment locations of the Interstate MAX project to reflect minor changes made during final design and construction.

Richard Brandman, Deputy Planning Director, slightly amplified on what was presented last week. With the assistance of Ross Roberts, the four changes were discussed in detail. The discussion began with proposed changes to the I-205 segment. The alignment would proceed south from the Gateway regional center. First stop will be Main Street with a Park & Ride lot. Next stop will be Division Street, then Powell Street (also with a Park & Ride). Next stop will be at Holgate, then Lents, both with Park & Ride lots. Next stops will be Flavel, then Fuller (with Park & Ride), with a terminus at Clackamas Regional Center, also with a Park & Ride.

The second change deletes the light rail plan from Milwaukie to the Clackamas Regional Center.

Third, the downtown alignment will be amended to add the Union Station to Portland State alignment. Ross Roberts provided details of the stations: 1) between NW Glisan and Hoyt, 2) between NW Couch and Davis, 3) Three Central Mall locations between Oak and Washington (currently being studied by the Mayor's committee), and 4) two pairs of stations at PSU, between Montgomery and Mill and the terminus at SW Jackson St.

The last changes are associated with the Interstate Max project. Mr. Roberts noted that these changes have to do with moving several of the stations – Albina, Overlook, and Prescott (for truck and auto access reasons).

The fifth set of changes relate to the Milwaukie alignment. Starting in downtown, an alignment will be added on SW Lincoln Street to connect Transit Mall and West end of new bridge across the Willamette called Caruthers Bridge. New alignment follows 17<sup>th</sup> Street instead of Brooklyn rail yard. Changes in the north industrial area are being studied by a Milwaukie group. Terminus will be south of Lake Road where it intersects with McLoughlin Blvd.

Mr. Brandman referred to the orange sheet listing the ten LCDC criteria. In brief, there are three types of criteria: (see orange sheet) procedural, substantive, and alignment-specific. Staff has diligently applied and followed all the listed criteria with respect to coordination, public hearings, identifying environmental issues, and alignment.

Council President Bragdon opened a public hearing on Resolution No. 03-3372.

Council President Bragdon closed the public hearing. No further written testimony will be accepted. TriMet was asked if further information needed to be added. The TriMet representative indicated there was nothing to add. Council discussion followed. Under HB3478, Council can either approve LUFO as written, continue public hearing and refer proposed facilities and locations back to TriMet with direction on proposed amendments.

Councilor McLain said that after years of discussion with the public and consideration of all legal requirements, she asked that the Council get back to the content of the discussion, specifically the alignments and public opinion. She noted the exciting prospects ahead in producing a multi-modal project that will allow a lot of transportation choices for the public. Although discussion seemed dry today, there is a "punch" coming in the next stage – a lot to look forward to.

Councilor Monroe asked for further clarification on the status of the three Springwater bridges, noting that the plans may need to change due to access issues to light rail.

Councilor Newman noted that a working group in Milwaukie is still working on design considerations. Eight design options are going to be before the community and a public workshop next week. An emerging consensus exists for one of the designs. But he emphasized that a great deal of process remains to be completed involving review, from the working group to the Milwaukie planning commission to the Milwaukie City Council to the South Corridor Policy Committee and then to Metro Council. He stated that he did not believe the review would match up with the March or April design deadline.

Councilor Monroe asked if the design review process will necessarily delay the Three Bridges project.

Councilor Newman said that it would be up to the management of the Three Bridges project. They could go ahead and build the bridges but they would have to make sure that the bridge over McLoughlin is built to the original specifications to allow for the possibility of light rail. Even if City of Portland, City of Milwaukie and ODOT decide to put the LRT alignment along the existing UP rail line, they might opt to keep the right-of-way for a realigned main street through the industrial area. There is the potential to save \$100,000 on the Three Bridges project by making the bridges shorter, but you can't rush the design phase of a project like this.

Councilor Monroe noted that it is frustrating – it has been several years since money was allocated for the Three Bridges project. Bikers and pedestrians that currently have to detour due to the disconnect between the Springwater Trail and Oak Bottom Trail are eagerly awaiting the completion of the bridges. He stated that he would hate to see the process delayed.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

**5.3 Resolution No. 03-3382, For the Purpose of Adopting the Portland Area Air Quality Conformity Determination for the 2004 Regional Transportation Plan and 2004-07 Metropolitan Transportation Improvement Program.**

Motion:	Councilor Monroe moved to adopt Resolution No. 03-3382.
Seconded:	Councilor Park seconded the motion

Councilor Monroe noted that Metro staff had to “burn the midnight oil” to complete the conformity requirements in time for action today. The federal government requires under the TEA-21 process that Metro update the regional clean air conformity every three years. If we fail to do this or don't meet conformity guidelines, it can affect funding for transportation projects throughout the region. He noted that three different pollutants are being monitored: carbon monoxide, hydrocarbons, and nitrogen oxide. These three elements are the primary elements in smog, ozone depletion, and air pollution caused by transportation emissions, primarily automobile. Previously, Metro was required to establish conformity through the year 2020. He noted that under the new conformity, Metro would need to extend to the year 2025, which required a substantial amount of staff time to configure. This was approved by JPACT today. It can now be forwarded to the governor for approval today and to the federal government to meet the deadline. By 2025, even with the projected population and automobile growth in the region, because of the planning that Metro is doing with alternative transportation, the area will still remain below the federal thresholds for all three of the key pollutants. The Council needs to affirm the work that has been completed; he urged the Council to support the resolution.



Councilor Park said that the reason this resolution is so important is that by limiting vehicle emission totals, it will allow more of the “pollutant budget” for economic development/industry while still meeting new guidelines. The Metro region shares the air shed with Clark County and Vancouver. We can retain the economic edge by not having to require environmentally friendly but expensive anti-pollution equipment on industry. Councilor Park thanked Planning Department staff for their hard work – Tom Kloster, Kim Ellis, Mark Turpel, and Andy Cotugno, Metro Modeling Staff – Jean Alleman and Matt Bihn, along with individuals at ODOT (Robin McArther-Phillips) and DEQ (Dave Norberg). Because of their work, this resolution is on time.

Councilor Burkholder concurred with Councilor Park’s remarks thanking staff. He referenced page 35 of Exhibit A to the resolution, Figure 1 (winter carbon monoxide) and Figure 2 (summer hydrocarbons) addressing the upward trend in the growth of these pollutants after 2015. Although it sounds like a long time in the future, it takes ten years to put transportation planning in place. With the expected growth of the population and associated number of automobiles, the region will remain fossil fuel dependent and it is certain that pollutants will increase. We need to be thinking of how to continue the good work that we’ve done to clean up the air without federal requirements, e.g., a national policy to increase the fuel efficiency of the fleet. This will be an issue that we will continue to need to work on if we want to maintain our air quality, which affects the health of our community.

Council Monroe noted that one fourth of the total air pollution comes from small engines – lawn mowers, etc. He was amazed to learn that with all the vehicles in operation, much of our pollution actually comes from small engines. He suggested that citizens who are interested in helping reduce air pollution should not only consider a fuel-efficient or alternative fuel automobile but should look into getting an electric lawn mower or reducing the amount that they use small engines. If any citizens would like a copy of the air quality conformity determination report, he asked them to call Metro and we’ll provide them a copy.

Councilor Park noted that the resolution under consideration is actually an amended version, changed to reflect the completion of the air quality conformity study.

Motion to Amend:	Councilor Park moved to substitute Resolution No. 03-3382A.
Seconded:	Councilor Monroe seconded the motion

No vote necessary.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.4 **Resolution No. 04-3400**, For the Purpose of Adopting the Regional Travel Options 5-Year Strategic Plan.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3400.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe provided background information for this resolution, promoting various travel options other than one person-one car. TriMet has had to carry most of the burden of funding

Regional Travel Options (RTO) and this resolution provides other methods of providing funding. \$100,000 of reserved federal MTIP funds will go to this fund. Metro is also accessing available Business Energy Tax Credit (BETC) funds for a local match, about \$23,000. This will free up TriMet money so that \$400,000 more can go into TriMet’s frequent bus program, providing better service. So this program will continue to support regional travel options and transportation management associations but will allow TriMet more freedom to use funds for the frequent bus program. He urged support for the resolution.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

**5.3 Resolution No. 04-3401, For the Purpose of Approving the Settlement of Contested Case No M0394 and Authorizing the Chief Operating Office to Enter Into a Settlement Agreement With American Compost and Recycling LLC.**

Motion:	Councilor McLain moved to adopt Resolution No. 04-3401.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain explained that this resolution will make sure that we have completed all the process for a settlement to allow the COO to enter into a settlement with American Compost and Recycling LLC (ACR). On April 29, 2003 Metro issued ACR a fining violation and notice to impose a monetary penalty. The finding of the violation outlined what the violations were – 126 separate loads of prohibited wet waste, totaling 3,444.23 tons. The financial penalty was \$28,000. We have been through a settlement process and ACR agreed to a \$16,000 civil penalty payment to Metro if Metro would agree to not further pursue citation M0394. Metro’s Chief Operating Officer has reviewed this agreement and finds it to be a fair agreement.

Council President Bragdon opened a public hearing at the request of Councilor McLain.

Mr. Rick Franklin and Mr. Casey Stroupe, American Compost and Recycling, 9207 Columbia Boulevard, Portland, Oregon. Mr. Franklin apologized for the problem. They didn’t deem the wet waste in question to be food waste, but apparently it was. They made a mistake and have done everything in their power to remedy the mistake by removing the prohibited waste. They feel that the settlement is fair, especially since they have spent a lot of money to clean up the site. They would like to see the penalty funds go to the school (didn’t specify which one) and have communicated that to the staff.

Councilor McLain noted that with the recommendation of the settlement agreement, the money will go to the local businesses and the school that had to deal with the odor nuisance and ramifications of the wet waste. She appreciated ACR making that recommendation and being so cooperative with staff and the COO. The company and Metro have reached a good settlement on this.

Councilor Burkholder recommended the N. Portland Enhancement Committee, made up of citizen and neighborhood representatives, as a potential way to distribute the money to the community (Metro already uses them to distribute funds from the St. John’s landfill). He recommended that Metro distribute the funds through this committee – a mechanism already in place that seems to work effectively.

Councilor Monroe thanked ACR for agreeing to settle amicably, rather than pursuing litigation and a court battle – contrary to our litigious society.

Council President Bragdon asked question of staff regarding fines – where do they go?

Mike Hogland, SW&R director, replied that they normally go into Metro reserves. Staff is discussing the options and will come back with more details later. The option to give the funds to the North Portland Enhancement Committee is a good one, but the area covered by the Enhancement Committee is larger than that affected by the situation. A sub-grant program would need to be carved out for the specific area affected by the odor nuisance, allowing those affected to apply for funds.

Councilor Newman recommended that the amendment be adopted as written and that the funds should go to the reserve. If there is a subsequent effort to direct funds, another resolution can be written. He was concerned about setting a precedent for directing funds ad hoc, rather than the general practice of reverting funds to the reserve and appropriated from there.

Councilor McLain responded that the company that agreed to the settlement requested that the funds go back to the community affected – see “whereas” clause. She questioned whether Council could legally direct the North Portland Enhancement Committee to apply funds only to the affected area. Council should be giving direction to staff as to the spirit of the settlement, that the funds should go to the affected businesses and citizens.

Councilor President Bragdon recommended that procedurally the funds should go to the reserve so that this transaction can be closed, and then if a councilor would like to request that the funds be diverted to the community, a further amendment could be drafted. He asked Marv Fjordbeck, Office of Metro Attorney, if that would work from a legal standpoint.

Mr. Fjordbeck answered in the affirmative.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Council President Bragdon asked Mike Hogland to work with Councilor Burkholder to draft a resolution directing the funds to the appropriate committee in the affected area.

**5.4 Resolution No. 04-3411, For the Purpose of Confirming Appointment of Members to the Greenspaces Policy Advisory Committee**

Motion:	Councilor McLain moved to adopt Resolution No. 04-3411.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain referred Council to the list of 15 proposed members, Exhibit A. Half of them have one-year terms; the other half have two-year terms to provide for smoother transitions. Note the third to the last member, Jim Zarin, has been recommended to chair the committee. He has been on the MPAC committee, regional framework issues on parks, and has a deep interest in this area. The variety of people on this committee is outstanding – a regional balance and background.

Council President Bragdon commented that it was a difficult pleasure to narrow the list to 15 very qualified candidates and he appreciated the work of all involved in the process. One of the things that characterizes the region is not only the natural beauty but also the number of people willing to work to protect those and enjoying the recreational opportunities presented. He encouraged the Council to support the resolution.

Councilor Park noted his appreciation for candidate, Chris Noble, from his district and thanked her for her work on Blue Lake Park. He looked forward to seeing Mr. Zarin back in the building, after all his years on MPAC.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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**6. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan acknowledged the contributions of Jim Desmond on the Greenspaces Policy Advisory Committee. It is a challenging task to reconfigure advisory committees in any agency and Jim has done an excellent job.

**7. COUNCILOR COMMUNICATION**

Council President Bragdon commented on the first Metro Employee Appreciation event, which took place today, recognizing employees who have worked at Metro for 5-year increments. He acknowledged the positive interaction between employees, their supervisors, and councilors present. He also outlined next week's Council Work Session, which replaces the regularly scheduled Council meeting on January 22. The agenda will focus on the "big look", future vision project that Dick Benner and others have been working on. The meeting will take place at Portland State University, Urban Center, from 2-4pm to accommodate those who will be attending the Smart Growth Conference on the same day. MPAC met for the first time this year yesterday and raised some issues about industrial lands that mirror the discussions that Council has held. He wanted to continue this discussion at the January 22 work session.

Councilor Park thanked staff Kelley Webb and Bill Barber for their work putting together the RTO resolution. The BETC grants will have some potential for Metro to use in the future in other areas as well.

Councilor McLain also expressed thanks to Mr. Jordan for the staff service lunch. She recommended that the content of the meeting and the employees honored be posted to Metro's web site.

Mr. Jordan noted that next month's employee service award luncheon will be held the same day as the Council meeting in Beaverton. The luncheon will be held at the Zoo so it will be convenient to go from the lunch to the Council meeting.

**8. ADJOURN**

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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:36 p.m.

Prepared by

Becky Shoemaker

Acting Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
JANUARY 15, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
2	Citizen Communication	11/19/2003	MCCI: Summary of Urban Growth Boundary	11504c-01
5.2	Resolution 04-3372	1/14/2004	Exhibit C: Findings of Fact and Conclusions of Law	11504c-02
5.3	Resolution 04-3382A	1/15/2004	Exhibit A: Air Quality Conformity Determination	11504c-03
5.3	Resolution 04-3382A	1/15/2004	Exhibit B: Findings of Compliance With TEA-21	11504c-04
5.6	Resolution 04-3411	1/15/2004	Exhibit A: Greenspaces Policy Advisory Committee Appointees	11504c-05