

MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 18, 2004
Metro Council Chamber

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

Councilors Absent: Rex Burkholder (excused)

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

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Mary Ann Schwab, BCA, Chinese Community and the Friends of Lone Fire Cemetery, 605 SE 38th Portland Oregon 97214 spoke to Council concerning an issue at Lone Fire Cemetery. She noted an article in the Oregonian yesterday. She was aware the Metro was in charge of cemeteries. She urged Council to respect the guidelines of the Oregon Historical Cemeteries on record with the State. She addressed the demolition of the building at Lone Fir Cemetery. She talked about the history of the historical cemeteries. She asked Council to review the issue and she would be coming back to talk with them about what their plans were for future cemeteries so this issue didn't have to be revisited. Council President Bragdon explained that Multnomah County transferred the cemeteries in the 1990s but that portion of the property she had referred to where the building stood was still owned by Multnomah County. The Council continued to have an interest in the results. Ms. Schwab said there was a problem and she urged that Council move forward on this. Councilor Park talked about the operating procedures for cemeteries and asked if Metro operated under the State guidelines. Mr. Jordan said they had to comply with State statutes for the operation of Pioneer Cemeteries. Councilor McLain said she had also asked for a review of the regulations that Metro operated under and felt that we might want to have additional guidelines instead of just following State policy. Mr. Jordan said Metro had adopted our own policies several months ago. They were broader than the State statutes.

3. ILLEGAL DUMPING AND ENFORCEMENT

Roy Brower, Solid Waste and Recycling Department, provided a power point presentation on Illegal Dumping and Enforcement (a copy of this presentation is included in the meeting record). He provided a history of the program, the goals of the program, and where the program was primarily focused, in Multnomah and Clackamas County. He explained that they had an ongoing issue with Washington County, which he thought had been resolved. They were now available to help in Washington County as well. Councilors asked about the dumpsites around the region and how these sites were reported. Mr. Brower responded to their questions. Mr. Brower said the program was well regarded with the public and the jurisdictions. They had cleaned up over 12,000 sites. He talked about the citations that had been issued. He shared some pictures of the different sites they had cleaned up. He noted the success of the Metro SOLV effort. The large dumps around the region had been nearly eliminated. They were finding more dumping in the farm and forestland outside the Urban Growth Boundary. They wanted to collaborate more with local jurisdictions and expand their civic outreach. He said they would be coming to Council this

year during budget cycle to explore the possibility of replacing the inmate work crews with Metro crews. They had been experiencing issues with staff stability.

Councilor Newman asked how the program was funded. Mr. Brower shared how the program was funded. Councilor McLain acknowledged the other staff that worked in the program. Councilor Park asked what it cost to operate this program. Mr. Brower responded that it was about \$150,000 to \$200,000 for the clean up portion of the program. He acknowledged that we only recovered about 25% of the fines that were issued. Councilor Park commented that he would like to see the cost differential between an inmate crew and a Metro crew. He noted that there were other State goals that we were trying to accomplish. The public wanted to see inmates doing some type of work. It had been difficult to find tasks for inmates to do that wasn't competing with the private sector. He wanted to see the cost benefit analysis before we abandoned the inmate crews.

4. CONSENT AGENDA

4.1 Consideration of minutes of the November 4, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the November 4, 2004 Regular Metro Council.

Vote:

Councilors McLain, Monroe, Park, Newman Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 04-1063**, For the Purpose of Denying a Solid Waste Facility Franchise Application of Columbia Environmental, LLC to Operate a Local Transfer Station.

Council President Bragdon assigned Ordinance No. 04-1063 to Council.

5.2 **Ordinance No. 04-1064**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule Recognizing the Transfer of \$504,000 from Metro's General Fund Tourism Opportunity and Competitiveness Account to the MERC Pooled Capital Fund Capital Outlay and Transferring \$150,000 From MERC Pooled Capital Contingency to MERC Pooled Capital Fund, Capital Outlay; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1064 to Council.

5.3 **Ordinance No. 04-1065**, For the Purpose of Amending Chapter 2.04 of the Metro Code Relating to Public Contracting.

Council President Bragdon assigned Ordinance No. 04-1065 to Council.

6. ORDINANCES – SECOND READING

6.1 **Ordinance No. 04-1062**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule Recognizing \$1,586,918 in Grant

Funds and Private Contributions for a Series of Specific Projects in the Regional Parks Operating Fund; Transferring \$19,765 from Contingency to Operating Expenses in the Regional Parks Operating Fund; Amending the FY 2004-05 through FY 2008-09 Capital Improvement Plan; and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 04-1062.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain introduced the ordinance and indicated that the title said it all. She urged support.

Council President Bragdon opened a public hearing on Ordinance No. 04-1062.No one came forward to testify. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Newman, Hosticka,, McLain, Monroe and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

7. RESOLUTIONS

7.1 **Resolution No. 04-3515**, For the Purpose of Ratifying the 2004-07 Collective Bargaining Agreement between AFSCME Local 2580 and Metro.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3515.
Seconded:	Councilor Newman seconded the motion

Councilor Monroe said this resolution would ratify the tentative agreement reached between AFSCME 3580 and Metro for the period July 1, 2004 through June 30, 2007. 256 Metro employees were affected by this agreement. The following key economic work conditions in the agreement were: COLA wage increased for each of the three years, (retroactive to September 1, 2004), ranging from 1.5% to 3.5%, reimbursement for 2004 out-of-pocket health insurance of \$337.50 per member, employer contribution caps set for each of the three years. He thanked all of the Metro employees and managers who worked diligently for several months to negotiate an agreement that was fair to all parties. He urged support.

Councilors added their comments and support.

Vote:

Councilors Park, Hosticka, Newman, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

7.2 **Resolution No. 04-3506**, - Removed from the agenda.

7.3 **Resolution No. 04-3498**, For the Purpose of Endorsing Regional Priorities For State Transportation Funding Package.

Motion:	Councilor Park moved Resolution No. 04-3498A.
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Seconded:	Councilor McLain seconded the motion
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Councilor Park said the Metro Council approved the Regional Transportation Plan (RTP) in 2000 and a Plan update in 2004. Currently the RTP called for \$7.8 billion in multi-modal transportation improvements in the region that were necessary to ensure a healthy economy and livable region; however about 50% of these had no identified funding source. Metro’s Transportation Funding Task Force had recommended that Metro propose a legislative package as part of the funding solution for the shortfall. This resolution had widespread local government support and had been approved by the Joint Policy Advisory Committee on Transportation (JPACT). It has also been shopped at the MPO Summit in Eugene. The legislative funding proposal, shown in Exhibit A, included: funding for road operations, maintenance and modernization, funding for transit, freight and passenger rail, marine and aviation projects, funding through Oregon Department of Transportation (ODOT) for elderly and disabled transit service, bus replacement and transportation demand management. Without additional investment in Oregon’s transportation infrastructure, increasing congestion would cost Oregon businesses and motorists tens of millions of dollars each year. He urged support of this resolution.

Richard Brandman, Deputy Planning Director, said there was a large funding gap but the gap translated into specific projects. The projects were designed to build a strategy for a livable community and economic viability in the Metro region. There were a variety of projects included in the package. They would focus on why they needed funding to build these projects. They would be describing how these projects fit into an economic development strategy as well as providing jobs and a better region. There was wide spread support.

Councilor Hosticka asked about the proposal for a ballot measure in 2006. Mr. Brandman responded that was separate from this resolution. This resolution only addresses the legislative funding. They would see how we did at the legislation, see if any of these needs got funded, and then come back as a group to conclude if the timing was right to go forward with a ballot measure.

Councilor Park thanked those who had done the work. The legislative package helped set the stage to determine if they would go out for a ballot measure.

Vote:	Councilors Park, Hosticka, Newman, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 04-3507**, For the Purpose of Authorizing Execution of Change Order No. 30 to the Contract for Waste Transport Services for Provision of a \$2.5 Million Dollar Performance Bond.

Motion:	Councilor Newman moved to adopt Resolution No. 04-3507.
Seconded:	Councilor Hosticka seconded the motion

Councilor Newman introduced the resolution and provided history of the transport services of CSU. This resolution would allow the transporter, CSU, to substitute a \$2.5 performance bond for the existing security instruments. He said the Office of Metro Attorney, the Finance and Solid Waste staff all believed that the proposal was neutral or slightly beneficial to Metro. He urged an aye vote.

Vote:

Councilors Park, Hosticka, Newman, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

8.2 Resolution No. 04-3509, For the Purpose of Approving Change Order 31 to the Waste Transport Services Contract.

Motion:	Councilor Newman moved to adopt Resolution No. 04-3509.
Seconded:	Councilor McLain seconded the motion

Councilor Newman explained that Metro originally leased parking spaces from CSU. Staff had reevaluated the need for these parking spaces and had recommended reducing this spaces to 12. He spoke to the savings and urged an aye vote.

Vote:

Councilors Park, Hosticka, McLain, Newman, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

9. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, reminded the Council that they would be having a work session on November 30th concerning Measure 37 and its implications as well as the varies option concerning Goal 5. He acknowledged that the business community had a conference today and a number of Metro employees had volunteered to go over and facilitate discussion among the business leaders in the community.

10. COUNCILOR COMMUNICATION

Council President Bragdon reminded that November 25th was Thanksgiving so there would be no Council meeting that day.

Councilor McLain talked about a Solid Waste Advisory Committee (SWAC) meeting where they had participants talked about hospital waste and e-waste. She found it very interesting.

Councilor Park said Councilor Burkholder had asked him to bring forward a letter on global warming. He asked the Council, if they were comfortable with the letter to Governor’s Advisory Group on Global Warming, that they send this off as soon as possible. Mark Turpel, Planning Department, said both Metro Policy Advisory Committee (MPAC) and JPACT had reviewed the letter and had made some additional comments, which strengthened the comments on global warming. He reviewed the additional comments. JPACT, Metro Council and MPAC would co-sign the letter. The Council concurred with the letter.

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11. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:15 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER
18, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
7.3	Resolution	11/18/04	Resolution No. 04-3498, For the Purpose of Endorsing Regional Priorities For State Transportation Funding Package	111804c-01
2	Notice of public hearing	11/18/04	To: Metro Council From: Mary Ann Schwab Re: Public Hearing on November 23, 2004 concerning Lone Fir Cemetery	111804c-02
8.1	Memo	11/12/04	To: Metro Council From: Michael Hogle, Solid Waste & Recycling Director Re: CSU Transport	111804c-03
10	Letter	11/18/04	To: Metro Council From: David Bragdon, Rod Park and Charles Becker Re: draft Oregon Strategy for Greenhouse Gas Reductions	111804c04
3	Power Point Presentation	11/18/04	To: Metro Council From: Roy Brower, Solid Waste and Recycling Department Re: Metro's Illegal Dumping Program	111804c-05