

MINUTES OF THE METRO COUNCIL MEETING

Thursday, May 26, 2005
Metro Council Chamber

Councilors Present: Rex Burkholder (Deputy Council President), Robert Liberty, Carl Hosticka, Rod Park, and Brian Newman

Councilors Absent: David Bragdon (excused), Susan McLain (excused)

Deputy Council President Burkholder convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Mr. Les Poole, 15115 SE Lee, Milwaukie, Oregon 97267 addressed several land use considerations and comments about Measure 37 as they relate to Metro's Nature in Neighborhoods initiative. He spoke about several land use issues, noting that the Nature in Neighborhood Program final information released by Metro has been considerably improved, given the additional information provided about construction damage. As a contractor, his has been aware of the impact of construction damage on the environment. Traditionally, there is not enough time spent doing an inventory or analysis of the properties before developers begin developing. He emphasized that environmental fiascos need to be prevented (i.e., the development at Altamont where too much of the mountain was washed down into the valley below). He also spoke about the nineteen claims (under Measure 37) filed with the City of Portland. Measure 37 is working better than expected. However, he expressed concern about how the City of Portland is handling the claims. While the water protections and public safety concerns need to be met, the city is taking a stand that falls short. He said Metro needs to be right out in front telling the entire tri-county area how to operate to avoid more lawsuits. The more leadership Metro can provide, the better. He also expressed the hope that the Metro Council will consider providing guidance to municipalities on the Nature in Neighborhoods Program.

3. CONSENT AGENDA

3.1 Consideration of minutes of the May 19, 2005 Regular Council Meeting.

Motion:

Councilor Park moved to adopt the meeting minutes of the May 19, 2005 Regular Metro Council.
--

Vote:

Councilors Burkholder, Liberty, Park, Newman, Hosticka voted in support of the motion. The vote was 5 ayes, the motion passed.
--

4. ORDINANCES – FIRST READING

- 4.1 **Ordinance No. 05-1082**, Amending Metro Code Chapter 2.02, Regarding Personnel Rules, and Declaring an Emergency

Deputy Council President Burkholder referred Ordinance No. 05-1082 to Council.

5. ORDINANCES - SECOND READING

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

Deputy Council President Burkholder noted that consideration of Ordinance No. 04-1063A would be continued until the next Council meeting on June 2, 2005. Chief Operating Officer noted that Metro has received an agreement from the applicant to extend for thirty days, so Metro would have the ability to do amendments and continue the discussion if we wish to for 30 days beyond June 22, 2005. Dan Cooper, Metro Attorney, added that there is also no obligation to wait until July 22, 2005. The decision on the case can be made any time.

Councilor Liberty asked about the process. If the application is denied, will Columbia Environmental be entitled to a contested case hearing before Metro? Mr. Cooper said it is before a hearings officer who makes a recommendation to the Metro Council, essentially a reconsideration. Councilor Liberty said Metro would be obliged to at least consider the result of the contested case proceeding. Mr. Cooper said this was correct.

6. RESOLUTIONS

- 6.1 **Resolution No. 05-3582**, For the Purpose of Amending the Unified Planning Work Program to Include the Development of a Regional Concept For Transportation Operations

Motion:	Councilor Park moved to adopt Resolution No. 05-3582.
Seconded:	Councilor Newman seconded the motion

Deputy Council President Burkholder provided background information on the resolution. This change in the Unified Work Program transfers operations that coordinates the regional intelligent transportation systems (ITS) from the City of Portland and regionalizes it by working with the Transport Sub-Committee of TPAC (e.g. signals and ramp meters). The idea is that the system, like many other things regionally, is a regional system, not one that is based in individual jurisdictions. The City of Portland, based on its size and early adoption of this technology, actually has the largest and most extensive system in place. Because the federal Transportation Equity Act requires all MPO's to develop regional ITS architecture that would coordinate and bring these underneath a single plan for their implementation. What this does is changes the work program to include the regionalization of these transportation operations.

Councilor Liberty referred to the latest Texas Transportation Institute's Urban Mobility Report, which shows that 45 to 55 percent of all delays are caused by incidents (a polite way of saying accidents or some sort of vehicle problem). He asked if the ITS system here will include more

elements related to traffic incidents and the source of congestion that they represent? Deputy Council President Burkholder said he could not say whether this initiative would. He said that it is primarily focused on coordinating the signals and making sure that they function. He was not sure how dynamic they are. He said there is a sub-committee of TPAC that is actually working on how to coordinate all of this together. If the Council would like a briefing on how this functions, these questions could be discussed. Councilor Liberty noted the advantage of having a Transportation Center at Portland State University that specializes in information technology relating to transportation systems. Councilor Newman added the technology does exist to allow operation centers to make changes in signalizations to take accidents into consideration. The City of Portland Operations Center allows for this, but he was not sure if they exercise the option. He also noted the Operations Center in Los Angeles – the most advanced system around that actually coordinates signals.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Liberty voted in support of the motion. The vote was 5 ayes, the motion passed.
--

7. CONTRACT REVIEW BOARD

7.1 **Resolution No. 05-3558**, Authorizing Issuance of a Request For Proposals 05-11416-SWR for Competitive Sealed Proposals to Procure Hazardous Waste Disposal Services, and Authorizing Execution of the Resulting Multi-Year Contracts.

Motion:	Councilor Liberty moved to adopt Resolution No. 05-3558.
Seconded:	Councilor Hosticka seconded the motion.

Councilor Liberty spoke to Metro’s responsibility for solid waste disposal in the region, including hazardous waste. He noted the volume of hazardous waste has been going up much faster than population, about 15 percent a year. This means that since 1995-96 fiscal year, the amount of hazardous waste collected has gone up 150 percent. The good news is that the net operating cost of fulfilling Metro’s responsibility has only gone up 20 percent. The current hazardous waste disposal contract expires at the end of September 2005. This resolution is to authorize Metro’s Chief Operating Officer to issue a request for proposals to handle the contract, and then to execute the contract. The contract will extend for a two-year period, and the estimated cost is \$1.5 million. The contract is before the Council because of its size and significance. He added that the contract would be written in such a way that it could be terminated on seven days notice from Metro.

Deputy Council President Burkholder asked for clarification as to why there has been such a significant increase in disposable hazardous waste. Mike Hogle, Director of Metro’s Solid Waste and Recycling Department said they are trying to investigate the issue. An annual survey is conducted, along with education promotion at the hazardous waste sites to encourage people to use less hazardous waste. He said some of the increase is related to population growth. He also stated that there is a level of concern over the possibility that the current program is actually enabling people to use hazardous waste by giving the public an option for the disposal of excess products. In addition to the survey, Mr. Hogle said that as part of the disposal system planning, they are looking at alternative models of providing hazardous waste delivery services to analyze consumer behavior with regard to the purchase, use and disposal of hazardous waste materials.

Mr. Høglund confirmed that there are more and more products available to consumers, leading to increasing consumption. Councilor Park concurred with this, saying there are more lawn and garden products (in addition to household products). He also noted that the way the current system is set up, there is no connection between the use and the disposal costs of these materials. Even though a consumer may decide not to use hazardous materials, in contrast to someone who decides to use them (and dispose of them when they move), the fact that one is subsidizing the other begs the question of where do we put the charge on this, and what do we do in terms of public safety. Obviously, the goal is to keep hazardous waste out of the environment. But on the other hand, there is a personal responsibility that we have not addressed yet. Under the current system, there are no consequences for consumers who continue to purchase and use hazardous waste products.

Councilor Liberty noted that the population growth rate is 1.5 to 2 percent, and waste is actually going up seven times faster. He asked whether we are identifying more products that are hazardous; if more things that are produced that are hazardous; or if more consumption per capita is taking place? Like Councilor Park, he commented on the dilemma that if Metro charges for the disposal, would more hazardous products end up in the landfill? Mr. Høglund said these kinds of issues are being researched. Deputy Council President Burkholder reminded the Council that it wasn't long ago that the nominal fee that charged for hazardous waste disposal was removed. The fact that disposal is free is advertised. This could be contributing to the increase.

Michael Jordan, Chief Operating Officer said that the work that Metro has done to create awareness about the option to dispose hazardous waste been positive, adding that he thinks it cuts both ways.

Councilor Park said that if a disposal charge is applied, hazardous waste could end up in the wrong spot. He said it is more a question of where you place the disposal charge, i.e., in the upfront purchase rather than at the end so it is taken care of one way versus another. Deputy Council President Burkholder asked Mr. Høglund to review how the public can dispose of the materials. Mr. Høglund said that the public could dispose hazardous waste products at Metro Central and Metro South or contact the Metro Hotline for additional information. He also mentioned that several round-up events are scheduled which will provide people with the opportunity to dispose of their hazardous waste. Deputy Council President Burkholder emphasized the importance of public information, and urged adoption of the resolution.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Liberty voted in support of the motion. The vote was 5 ayes, the motion passed.
--

8. OREGON LEGISLATIVE UPDATE

Dan Cooper said Senate Bill 245 (which would extend the timeframe for the urban growth boundary from a five year cycle to a seven year cycle) has moved out of Senate Land Use Committee in a fairly straightforward form without many complications. If it were adopted in the current form, the next review would be due in 2009 and then 2016. It is on its way to the Senate floor next week. He mentioned that Randy Tucker would be working hard to make sure that it passed the Senate and goes over to the House. The Measure 37 legislation that came out of the Senate Land Use Committee is currently scheduled for a vote in the Senate on May 31. He did not venture a guess as to whether it would pass in its current form; be sent to a different committee for consideration; or simply be defeated on the floor.

Councilor Liberty asked about the status of the vertical housing tax credit bill. Mr. Cooper said he believes the bill will be going to the governor. He also addressed the status of HB 3415 (which passed the house almost unanimously). Deputy Council President Burkholder said the money is dedicated to fixing bridges around the state, adding that although many believed the initial list overestimated the cost of the projects, the list was actually longer. This means there will more than likely be no money left over after bridge repair monies are allocated. He said the bill has passed out the House and is on its way to the Senate for consideration.

Councilor Liberty asked about the status of another transportation bill - Senate Bill 71 (\$100 million for freight, airport, non-road related). Deputy Council President Burkholder said the expectation is that it will pass; however, the questions remains about what will pass. Councilor Liberty said there are many more projects than we have money for, and emphasized the need to carefully review the list of projects.

9. CHIEF OPERATING OFFICER COMMUNICATION

None.

10. COUNCILOR COMMUNICATION

Councilor Brian Newman reminded Council members about the “Get Centered” event in Lake Oswego on Wednesday, June 2 (Millennium Park). He noted a series of tours that will be available, followed by a reception. He encouraged members of the Council to attend.

Deputy Council President Burkholder spoke about a meeting he attended that addressed congestion concerns in the State of Washington. The consensus is that public recognizes that increasing traffic congestion represents a significant problem in need of attention and remedy, possibly through an increase in the gas tax. He emphasized the need to address this with the Oregon legislature. The newly formed Oregon Planning Consortium is committed to addressing the transportation issues in the state. The content remains an open question. It is an ever-changing landscape, related to such things as the increase in gas prices.

Councilor Park expressed his kudos to the efforts made in the State of Washington – an approach that includes public and private partnerships. Councilor Liberty registered a slightly dissenting opinion, stating that he is not a cheerleader for more money in itself. The point is what kind of investment can be realized through the expenditure of allocated resources? The return on the dollar is not necessarily there. Councilor Liberty said he is a cheerleader for good, well thought out projects. The idea that the construction of more roads is automatically good for the economy is not a sound one. In response, Deputy Council President Burkholder emphasized that the focus should be on increasing transportation options with the transportation dollars allocated from the government.

Councilor Park addressed SB 235. He said people who are interested in seeing it pass should contact their representatives. If it does not pass, Metro will have to come to the public with another urban growth boundary expansion process. For those who do not want to see Metro engage in this process so quickly again, should contact their representatives in Salem. He also addressed Ordinance No. 04-1063A, stating that he would prefer that it be considered by the full Council.

11. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Burkholder adjourned the meeting at 2:44 p.m.

Prepared by

Becky Shoemaker

Becky Shoemaker
Acting Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 26, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	5/19/05	Metro Council Meeting Minutes of May 19, 2005	052605c-01