

# **Metro**

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**Metro**

## **Minutes**

**Thursday, October 20, 2016**

**2:00 PM**

**Metro Regional Center, Council Chamber**

**Council meeting**

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**1. Call to Order and Roll Call**

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

**Present:** 7 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**2. Citizen Communication**

Art Lewellan, City of Portland: Mr. Lewellan addressed the Metro Council about SW Barbur Boulevard, shared concerns about the City of Seattle's transportation planning, and expressed support for the Columbia River Crossing.

**3. Presentations****3.1 Special Presentation: Washington Park Transportation Management Plan**

Council President Hughes called on Dr. Don Moore, Director of the Oregon Zoo to provide a brief introduction to the presentation. Dr. Moore called attention to a few of the Oregon Zoo's recent successes and noted that Washington Park's other assets were also doing well; the Rose Garden was celebrating its 100th anniversary in 2017 and the Japanese Rose Garden was due for an expansion. Dr. Moore informed the Metro Council that the successes also brought challenges, particularly in regards to transportation. He reported that he served on the Explore Washington Park Board, representing the Oregon Zoo and Metro, and noted that the board was working on transportation as an ongoing issue. Dr. Moore then introduced Ms. Heather McCarey, Executive Director of Explore Washington Park, to provide an overview of Explore Washington Park and its work to improve access to the park.

Ms. McCarey provided a brief history of her organization and its work as the transportation management agency (TMA) for Washington Park. She explained that in 2012, all of the directors of the venues at Washington Park convened to

develop a holistic approach to park access. She informed the Metro Council that a pay-to-park system was developed to both raise revenue and manage transportation demand, noting that all of the revenue generated from the system remained within the park for transportation purposes. Ms. McCarey explained that the revenue supported the TMA, as well as a free shuttle that provided over 90,000 rides throughout the park in its first season and decreased drivers to the park. She stated that in addition to its programs, Explore Washington Park also provided information on alternative ways to access the park, both at booths located in the park and online.

Ms. McCarey reported that Explore Washington Park also produced transportation policy. She explained that the organization's Transportation Management Plan had been approved by the Washington Park Board the previous week. She noted that the plan was organized into four focus areas that described the major themes of Explore Washington Park's work and also identified performance measures to evaluate and monitor its progress. Ms. McCarey announced that the plan's goals included targeted marketing for venue members, enhanced shuttle service, sustainable offsite parking, and targeted incentive programs for underserved populations. Ms. McCarey explained that she was honored to work in Washington Park and hoped to maintain a sustainable and safe transportation system.

#### *Council Discussion*

Council President Hughes asked what impacts the shuttle system and ride-share programs might have on parking revenue. Councilor Collette asked if a parking structure was still being considered. Councilor Craddick asked about current parking conditions at Sunset Transit Center. Councilor Harrington thanked Ms. McCarey for her presentation and asked about venue capacity and attendance at the different attractions in Washington Park. Councilor Chase expressed support for providing the public

with alternative transportation options.

#### 4. Consent Agenda

##### Approval of the Consent Agenda

**A motion was made by Councilor Chase, seconded by Councilor Craddick, to adopt items on the consent agenda.**

**The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.1 **Resolution No. 16-4726**, For the Purpose of Confirming the Appointmen Members to the Oregon Zoo Bond Citizens' Oversight Committee
- 4.2 **Resolution No. 16-4750**, For the Purpose of Confirming the Appointment of Terry Goldman to the Metro Audit Committee
- 4.3 Consideration of Council Meeting Minutes for October 13, 2016

#### 5. Resolutions

- 5.1 **Resolution No. 16-4749**, For the Purpose of Awarding a Grant to Rediscover Falls in Support of the Willamette Falls Legacy Project

Council President Hughes called on Ms. Kathleen Brennan-Hunter, Director of Metro's Parks and Nature, to provide a presentation. Ms. Brennan-Hunter introduced new Willamette Falls Legacy Project staff and explained that Resolution No. 16-4749 would provide the framework for the project's upcoming work. She stated that in March 2016, the Metro Council approved an intergovernmental agreement (IGA) that included a budget that seeded funding for a nonprofit group from both Metro and the City of Oregon City. She explained that the agreement created the framework for the project partnership Rediscover the Falls that would assist in advocacy, outreach, and fundraising for the Willamette Falls Legacy Project.

*Council Discussion*

Councilor Collette expressed excitement for the progress being made on the project. She informed the Council that over 90 people had applied to sit on the Rediscover the Falls Board and noted that the board would be holding an all-day retreat the next day. She stated that the project was well underway and added that she looked forward to upcoming developments.

**A motion was made by Councilor Collette, seconded by Councilor Stacey, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

5.2 **Resolution No. 16-4751**, For the Purpose of Creating a Community Advisory Committee for the Proposed Southwest Corridor Light Rail Project

Council President Hughes called on Mr. Chris Ford, Metro staff to provide a brief staff presentation. Mr. Ford introduced Ms. Eryn Kehe, Metro staff, who would be managing engagement for the Southwest Corridor light rail project. Mr. Ford explained that Resolution No. 16-4751 would create a community advisory committee for the Southwest Corridor project that would advise the Southwest Corridor Steering Committee in order to aid in the selection of a locally preferred alternative.

Mr. Ford noted that the Metro Council had directed staff to involve stakeholders at key points in the process and seek input from the public, noting that the new advisory committee would help support such engagement. He explained that staff hoped to use existing strong relationships in the Southwest Corridor to build the

committee, potentially reaching out to existing groups such as ID Southwest and other stakeholders. He noted that the level of commitment and public engagement throughout the project had been great and helped the project progress. Mr. Ford then shared the project's next steps, including environmental review.

Ms. Kehe announced that staff would develop an application for potential advisory committee members and expected to release the application for the month of November 2016. She added that staff hoped to identify potential members in early December and appoint members to the committee at the Steering Committee's meeting in December.

*Councilor Discussion*

Councilor Craddick asked how the committee would interact with the Southwest Corridor Steering Committee. Councilor Harrington recommended that staff share the opportunity to participate widely and encourage any potential members to apply. Councilors also suggested working with the existing Southwest Corridor stakeholders as well as community-based organizations. Councilor Collette noted that the Orange Line community advisory committee had been a great resource during the project's development and encouraged staff to take advantage of the public's unique and informed perspective.

**A motion was made by Councilor Dirksen, seconded by Councilor Stacey, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

**6. Ordinances (First Reading and Public Hearing)**

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- 6.1 **Ordinance No. 16-1381**, For the Purpose of Approving a Franchise Extension, Allocating Tonnage, and Authorizing the Chief Operating Office Issue an Amended Franchise for Forest Grove Transfer Station and Declaring Emergency

Council President Hughes introduced Mr. Paul Slyman, Director of Property and Environmental Services, and Mr. Roy Brower, Director of Solid Waste Compliance, to provide a brief presentation on Ordinances Nos. 16-1381 through 16-1384. Mr. Slyman shared Metro's responsibilities in managing the region's solid waste system. He explained that under state law, Metro had broad authority for planning, managing, and overseeing the regional solid waste system. He noted that Metro managed the system on behalf of the public for six important purposes: protecting people, protecting the environment, ensuring good value for the public's money, ensuring the highest and best use of materials, remaining adaptive and responsive to changes in the waste stream and technology, and ensuring service was provided to all types of customers. Mr. Slyman explained that the four ordinances before the Council worked to support this work.

Mr. Brower informed the Metro Council that the adoption of the four ordinances would amend four existing private transfer station franchises and begin to implement the Transfer System Configuration Policy adopted by the Metro Council in July 2016. He noted that the ordinances would affect the following facilities: Forest Grove Transfer Station, Troutdale Transfer Station, Willamette Resources, Inc., and Pride Recycling Company. He explained that the ordinances contained nearly identical language and authorized three-year franchise extensions for each of the facilities. He



reported that the ordinances also authorizing Metro's Chief Operating Officer to establish subsequent annual tonnage allocations for the remainder of the franchise term, clarified rate review and hauler access conditions, and incorporated various other non-substantive technical amendments in the franchises. He added that the ordinances also established that an emergency existed and stated that the proposed franchises would take effect on January 1, 2017, to ensure that the franchisee received ongoing authorization to accept waste.

*Council Discussion*

Councilor Harrington asked when the proposed language was made available to the related businesses. Mr. Brower replied that the materials were sent to the facilities on October 7. Councilors asked about tonnage allocations and the difference between allocations and caps.

6.1.1 Public Hearing on Ordinance No. 16-1381

Council President Hughes opened the floor for any public testimony on Ordinances Nos. 16-1381 through 16-1384.

Mike Leichner, City of Sherwood: Mr. Leichner expressed concern about the franchise proposal. He noted that the proposal included new language that Pride Recycling Company had not agreed to or been able to negotiate on. He stated there were several areas of concerns, including the sections regarding rate transparency, indemnity, and the ability to maintain an acceptable level of confidentiality. Mr. Leichner informed the Council that he had received the proposal on October 7 and noted that he had not had enough time to thoroughly review it. He requested that the Metro Council delay the approval process and extend the current franchises with the existing language in order to allow Metro and the industry to discuss the proposals in more detail. Mr. Leichner also provided written testimony; please see the October 20, 2016 meeting packet.

Terrell Garrett, City of Portland: Mr. Garrett shared his concerns about Metro staff's engagement throughout the franchise process, noting that he felt staff had not adequately discussed the new provisions with industry stakeholders. He explained that many in the solid waste industry felt that they were being forced to comply with little opportunity for discussion and expressed concerns about rate regulation in the materials provided.

Shannon Martin, City of Gresham: Mr. Martin, representing the City of Gresham's solid waste program, stressed his appreciation for the partnerships he had with Metro staff and local franchise haulers. He explained that the City of Gresham had five licensed haulers that helped run its solid waste system. He noted that the city supported extending the franchises, but had some concerns about waste hauler access. He stated that upon review of the City of Gresham's 2015 data, staff estimated that the city's rates would need to increase by 82 percent if waste needed to flow to Metro South instead of Troutdale. He added that if waste was limited at Troutdale, the city would see increases in vehicle miles traveled, emissions, and increased costs to the city's haulers.

Councilor Stacey asked if there had been instances in which haulers had not had access to certain facilities. Mr. Martin responded that there were a few haulers that had needed to redirect material once the Troutdale station had reached its tonnage cap. He explained that Metro Central South was the next best option in such cases and the additional miles traveled substantially increased the costs to the hauler. Mr. Martin emphasized that the City of Gresham wanted to ensure that the rates were fair for haulers and recommended that staff make sure accurate projected costs were reviewed when making changes to the franchises. Councilor Harrington asked about the City of Gresham's process for approving collection rates for residents and

jurisdictions. Mr. Martin responded that the city's system was very similar to Metro's.

Cindy Dolezel, City of Wilsonville: Ms. Dolezel introduced herself as the Municipal Relations Manager for Republic Services and noted that she was speaking on behalf of Mr. Jason Jordan, General Manager. She addressed the Metro Council on Ordinance No. 16-1383, stating that while Republic Services applauded staff's efforts, the company had concerns about several changes listed in the amended extension. She noted that Republic Services would appreciate additional time to review the proposed changes, given their substantive nature. Ms. Dolezel also provided written testimony on behalf of Mr. Jordan; please see the October 20, 2016 meeting packet.

Eric Wentland, City of Portland: Mr. Wentland expressed concern with the process related to Metro's role in the regulation of solid waste. He explained that he had no direct issue with the four transfer station franchises, but felt that solid waste industry stakeholders had not been adequately engaged and informed throughout the process of updating them. He requested that the Metro Council delay the approval of the four ordinances until the effected businesses could review them. Mr. Wentland also provided written testimony; please see the October 20, 2016 meeting packet.

Mike Dewey, City of Salem: Mr. Dewey noted that although Waste Management, Inc. enjoyed a strong working relationship with Metro staff, there were some concerns about the process used to renew the franchises in Ordinances Nos. 16-1381 through 16-1384. Mr. Dewey stated that Metro staff had not provided the effected stakeholders with enough time to adequately review and comment on the proposed changes. He also expressed concerns about rate regulation and how to best manage allocating tonnage. He requested that the Metro Council delay the approval of the ordinances to allow additional time

for discussion and review.

*Council Discussion*

Councilor Harrington asked about the phasing of the Transfer Station Configuration Policy adopted in July and the franchise extension process. Councilor Craddick asked if it would be possible to delay the second read and approval of the ordinances. Metro Attorney Alison Kean confirmed that it would be. Mr. Brower clarified that franchises were not a contract and were instead more similar to a license or permit. He explained that as such, they needed to act as a regulation of a class of facilities with fairly identical language throughout. Councilor Dirksen asked how Metro retained confidentiality. Ms. Kean explained that state public record law provided specific exemptions for propriety information that was submitted voluntarily or that the government accepted with the acknowledgement that the material was confidential. Councilor Dirksen stated that the Metro Council had decided that it was not interested in moving toward the direction of rate regulation and noted that he felt the language in the ordinances defined this limits. Councilors discussed rescheduling the date of the second read and final vote on Ordinances Nos. 16-1381 through 16-1384. Chief Operating Officer Martha Bennett suggested rescheduling the vote for the November 10 council meeting. Council President Hughes confirmed that the second read and vote would be rescheduled for November 10.

6.2 **Ordinance No. 16-1382**, For the Purpose of Approving a Franchise Extension, Allocating Tonnage, and Authorizing the Chief Operating Office Issue an Amended Franchise for Troutdale Transfer Station and Declaring Emergency

6.2.1 Public Hearing on Ordinance No. 16-1382

One shared public hearing was held for Ordinances Nos. 16-1381 through 16-1384. Please see the minutes section for the public hearing on Ordinance No. 16-1381 for testimony information.

6.3 **Ordinance No. 16-1383**, For the Purpose of Approving a Franchise Extension, Allocating Tonnage, and Authorizing the Chief Operating Office Issue an Amended Franchise for Willamette Resources, Inc. and Declaring Emergency

6.3.1 Public Hearing on Ordinance No. 16-1383

One shared public hearing was held for Ordinances Nos. 16-1381 through 16-1384. Please see the minutes section for the public hearing on Ordinance No. 16-1381 for testimony information.

6.4 **Ordinance No. 16-1384**, For the Purpose of Approving a Franchise Extension, Allocating Tonnage, and Authorizing the Chief Operating Office Issue an Amended Franchise for Pride Recycling Company and Declaring Emergency

6.4.1 Public Hearing on Ordinance No. 16-1384

One shared public hearing was held for Ordinances Nos. 16-1381 through 16-1384. Please see the minutes section for the public hearing on Ordinance No. 16-1381 for testimony information.

**7. Ordinances (Second Reading)**

7.1 **Ordinance No. 16-1385**, For the Purpose of Annexing to the Metro District Boundary Approximately 1.62 Acres Located South of SW Scholls Ferry Road and West of SW Roy Rodgers Road in the River Terrace Area of Tigard

Council President Hughes stated that the first reading and public hearing for Ordinance No. 16-1385 took place on Thursday, October 13, 2016.

*Council Discussion*

Councilor Stacey noted that he was abstaining from the vote due to the fact that he had been absent from the ordinance's first read and public hearing.

**A motion was made by Councilor Dirksen, seconded by Councilor Craddick, that this item be adopted. The motion passed by the following vote:**

**Aye:** 6 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

**Abstain:** 1 - Councilor Stacey

**8. Chief Operating Officer Communication**

Ms. Martha Bennett provided an update on the following events or items: the recruitment of the next Metro Parks and Nature director and the Salmon Homecoming at Oxbow Regional Park.

**9. Councilor Communication**

Councilors provided updates on the following meetings or events: the Metro Central Enhancement Grant Committee, the Diesel Workgroup, the Enterprising Places Steering Committee, the Clackamas County Coordinating Committee, the Hands Up performance at Portland'5, an upcoming Rediscover the Falls Board retreat, the Elected Officials Meet and Greet at the Northwest Public Employee Diversity Conference, Metro's Nature in Neighborhoods capital grants program, Salmon Homecoming at Oxbow Regional Park, Levee Ready Columbia, the East Portland Action Plan, and an open house focused on the City of Troutdale's Halsey Street Corridor Economic Development Project.

**10. Adjourn**

There being no further business, Council President Hughes adjourned the regular meeting at 5:08 p.m. The Metro Council will convene the next regular council meeting on October 27, 2016 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 20, 2016**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
3.1	PowerPoint	10/20/2016	Transportation Management Plan Presentation	102016c-01
3.1	Handout	10/20/2016	Washington Park Map	102016c-02
5.2	Handout	10/20/2016	Light Rail and BRT Article and Maps	102016c-03
6.3	Testimony	10/20/2016	Testimony from Republic Services	102016c-04
6.1-6.4	Testimony	10/20/2016	Testimony from Greenway Recycling	102016c-05
6.1-6.4	Testimony	10/20/2016	Testimony from Pride Recycling Company	102016c-06