

# **Metro**

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**Metro**

## **Minutes**

**Thursday, November 10, 2016**

**2:00 PM**

**AGENDA REVISED 11/07/16**

**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 2:02 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**

There was none.

**3. Presentations**

**3.1 Capital Project Planning Audit**

Council President Hughes called on Metro Auditor Brian Evans to present the results of the Capital Project Planning Audit. Auditor Evans explained that capital projects focused on building, acquiring, and maintaining capital assets and noted that in the last capital budget Metro included about \$63 million of projects. He stated that the objective of the audit was to determine if controls for capital planning provided reliable and transparent information about projects. He noted that the scope of the audit included plans that had expected or actual spending of over \$100,000 in the last three years.

Auditor Evans informed the Council that the audit found that Metro needed to improve its project management capability to create a consistent and accountable agency-wide approach. He explained that there was a lack of planning for certain projects. He noted that audits of capital planning in other jurisdictions demonstrated that the ability to control costs decreased once the project had moved beyond the initial planning and design phase and emphasized that this made careful planning important to the success of the agency's projects.

Auditor Evans explained that Metro's policy and project management guidance required a planning process that defined the scope, schedule, and budget of projects. He noted that the audit found that these aspects were underdeveloped for certain projects, including a lack of approved budget information and discrepancies between planned spending and the capital planning budget. Auditor Evans stated that unreliable information in the budget decreased transparency. Auditor Evans noted that a project to review Metro's capital planning and processes was initiated during the audit. Auditor Evans recommended that a combination of improved monitoring and reporting, and more disciplined project management would help improve the process while the project was developed. Auditor Evans thanked Metro staff for their cooperation and assistance during the development of the audit.

Council President Hughes called on Deputy Chief Operating Officer Scott Robinson and Director of Finance and Regulatory Services Tim Collier to provide the staff response. Mr. Robinson and Mr. Collier thanked the auditor and his staff for performing the audit. Mr. Robinson noted that the auditor's recommendations would support the agency in its efforts to continuously improve. Mr. Collier explained that Metro was currently working on improving its capital project planning process, particularly as Metro increased the number of capital projects in its portfolio. Mr. Collier stated that his department had commissioned a project to develop an enterprise management and strategic capital planning framework that would help improve controls concerning capital planning. He noted that as the project moved forward, his staff would ensure that they followed the procedures currently in place, including providing clear, detailed reports to support the agency's transparency.

*Council Discussion*

Councilors thanked the Metro Auditor and his staff for their

work and expressed appreciation for the perspective the audit provided. Councilor Stacey noted that the work would help ensure that expenditures were better tracked in the future. Councilor Craddick asked about bond-funded capital projects and how the auditor's office worked with the bond oversight committees. Auditor Evans clarified that no bond-funded projects were included in the audit. Council President Hughes discussed creating an oversight committee for the renewed Parks and Natural Areas local option levy.

#### 4. Consent Agenda

Approval of the Consent Agenda

**A motion was made by Councilor Dirksen, seconded by Councilor Stacey, 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. 16-4754, For the Purpose of Filling a Vacancy on the Metro Central Station Community Enhancement Committee
- 4.2 Resolution No. 16-4731, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Arrow Sanitary Service, Inc. for Transport of Putrescible Waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center Located in Clark County, Washington
- 4.3 Resolution No. 16-4732, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Crown Point Refuse, Inc. for Transport and Disposal of Putrescible Waste at the Wasco County Landfill Located in Wasco County, Oregon
- 4.4 Resolution No. 16-4733, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. for Transport and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County, Oregon
- 4.5 Consideration of the Council Meeting Minutes for October 27, 2016

**5. Resolutions**

- 5.1 Resolution No. 16-4746, For the Purpose of Amending the FY 2016-17 Budget and Appropriations Schedule and FY 2016-17 Through FY 2020-21 Capital Improvement Plan to Provide for a Change in Operations

Council President Hughes called on Mr. Tim Collier, Director of Finance and Regulatory Services, and Ms. Lisa Houghton, Metro staff, for a brief presentation on the resolution. Ms. Houghton provided a brief overview of the anticipated financial implications of the sixteen budget amendment requests. The items requested included increased staffing for Human Resources, Planning and Development, Parks Operations, and the Metro South Hazardous Waste facility; funding for the implementation of the Community Partnership Coordination Team's pilot program; consulting for services related to the Asset Management and Capital Planning Frameworks Development Project; increased funding for Oregon Zoo Educational Center features; and changes to the Parks and Nature and Oregon Convention Center Capital Improvement Plans.

*Council Discussion*

Councilor Harrington thanked staff for providing descriptions in the materials that were clear and transparent, noting that it was important for such information to be easily available to the public.

**A motion was made by Councilor Dirksen, seconded by Councilor Collette, 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 (Second Reading)**

- 6.1 Ordinance No. 16-1381A, For the Purpose of Approving a Franchise Term Extension, Allocating Tonnage, and Authorizing the Chief Operating Officer to Issue an Amended Franchise for Forest Grove Transfer Station and Declaring an Emergency
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Council President Hughes noted that the first read and public hearing for Ordinance Nos. 16-1381 through 16-1384 took place on Thursday, October 20, 2016. He stated that the Metro Council deferred consideration of the ordinances to November 10 to allow operators and staff more time to discuss the franchise language. President Hughes called on Mr. Paul Slyman, Director of Metro's Property and Environmental Services, to provide a brief staff presentation.

Mr. Slyman informed the Council that based on the testimony provided by the franchisees and the direction from the Metro Council at the October 20, 2016 Metro Council meeting, staff met with the transfer station operators on October 28. He explained that as a result of the discussion, staff recommended two minor changes and one substantial revision to Ordinances Nos. 16-1381 through 16-1384.

Mr. Slyman stated that staff recommended the following two minor non-substantive changes in the franchise conditions for all four franchises:

- Section 4.3 Waste Hauler Access: Staff recommended adding additional language to define what constituted "due cause" if and when a station owner denied access to a nearby hauler. Staff proposed specifying "due cause" to include examples such as load contamination, failure to pay, and the risk of exceeding the franchise tonnage allocation.
- Section 7.0 Fees and Rate Setting: At the request of the transfer station owners, staff recommended changing the section title of Section 7.0 from "Fees and Rate Setting" to "Fees and Rates" since Section 7.0 did not establish rate setting. Mr. Slyman noted that it would take an adoption of an ordinance by the Metro Council to trigger any type of rate setting.

Mr. Slyman highlighted that staff recommended the following substantial revision to the franchise conditions for

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all four franchises and to each of the ordinances:

- Section 7.4 Rate Review: Staff recommended deletion of Section 7.4 regarding rate review and the language in each ordinance that referred to rate transparency at private stations. He explained that staff originally recommended adoption of Section 7.4 to reserve Metro's authority to review financial records in the eventuality it became necessary to determine whether rates and costs charged by private stations were in the public interest. He noted that staff did not view the deletion of Section 7.4 as a limitation on Metro's regulatory authority or its ability to achieve better rate transparency. He explained that staff intended for the rate transparency process to follow the transfer system configuration policy with additional Council review at each implementation step.

Councilor Bob Stacey moved to amend Ordinances Nos. 16-1381 through 16-1384 to reflect the proposed changes. Councilor Chase seconded. Deputy Metro Attorney Nathan Sykes explained that following the motion, the Metro Council would vote on the proposed amendment. He stated that if the amendment passed, Ordinances Nos. 16-1381A through 16-1384A would be scheduled for a second read at the next Metro Council meeting.

Following the vote to amend the ordinances, Council President Hughes opened up a public hearing on Ordinances Nos. 16-1381A through 16-1384A and requested that those wishing to testify come forward to speak.

Mike Dewey, City of Salem: Mr. Dewey of Waste Management Inc. expressed appreciation for the extra time to discuss the franchises with Metro staff and noted that he felt the additional discussions allowed Metro and its partners to reach a better understanding of the issues. He expressed support for the proposed changes and stated that



he looked forward to ongoing collaboration with Metro staff.

Jason Jordan, City of Wilsonville: Mr. Jordan who was unable to attend the meeting provided written testimony on Ordinance No. 16-1383 expressing support for the proposed changes. Please see the November 10, 2016 meeting packet.

Council President Hughes gaveled out of the public hearing. He noted that second read, a second public hearing, Council consideration, and vote on Ordinances Nos. 16-1381A through 16-1384A would take place on Thursday, December 1.

**A motion was made by Councilor Stacey, seconded by Councilor Chase, that Ordinances Nos. 16-1381 through 16-1384 be amended as described. 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

- 6.2 Ordinance No. 16-1382A, For the Purpose of Approving a Franchise Term Extension, Allocating Tonnage, and Authorizing the Chief Operating Officer to Issue an Amended Franchise for Troutdale Transfer Station and Declaring an Emergency
- 6.3 Ordinance No. 16-1383A, For the Purpose of Approving a Franchise Term Extension, Allocating Tonnage, and Authorizing the Chief Operating Officer to Issue an Amended Franchise for Willamette Resources, Inc. and Declaring an Emergency
- 6.4 Ordinance No. 16-1384A, For the Purpose of Approving a Franchise Term Extension, Allocating Tonnage, and Authorizing the Chief Operating Officer to Issue an Amended Franchise for Pride Recycling Company and Declaring an Emergency
- 6.5 Ordinance No. 16-1386, For the Purpose of Amending Metro Code Chapter 5.00 to Add, Remove, and Amend Certain Terms and Definitions and Other Housekeeping Changes

Council President Hughes stated that the first reading and

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public hearing for Ordinance No. 16-1386 took place on Thursday, October 27, 2016. He informed the Metro Council that Mr. Warren Johnson, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Harrington, seconded by Councilor Collette, 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

- 6.6 Ordinance No. 16-1387, For the Purpose of Amending Metro Code Chapter 5.01 to Add, Remove, and Amend Certain Terms and Definitions and Making Other Housekeeping Changes

Council President Hughes stated that the first reading and public hearing for Ordinance No. 16-1387 took place on Thursday, October 27, 2016. He informed the Metro Council that Mr. Warren Johnson, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Stacey, seconded by Councilor Craddick, 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

- 6.7 Ordinance No. 16-1388, For the Purpose of Amending Metro Code Chapter 5.02 to Add, Remove, and Amend Certain Disposal Charge and Fee Requirements and Other Housekeeping Changes

Council President Hughes stated that the first reading and public hearing for Ordinance No. 16-1388 took place on Thursday, October 27, 2016. He informed the Metro Council that Mr. Warren Johnson, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Stacey, seconded by Councilor Collette, 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

- 6.8 Ordinance No. 16-1389, For the Purpose of Amending Code Chapter 5.05 to Add, Remove, and Amend Certain Solid Waste Flow Control Requirements and Making Other Housekeeping Changes

Council President Hughes stated that the first reading and public hearing for Ordinance No. 16-1389 took place on Thursday, October 27, 2016. He informed the Metro Council that Mr. Warren Johnson, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Chase, seconded by Councilor Harrington, 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

**7. Chief Operating Officer Communication**

Mr. Scott Robinson, Deputy Chief Operating Officer,

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provided an update on the following events or items: the renewal of Metro's Parks and Natural Areas Local Option Levy, the Parks and Nature Annual Report, the renovation of the Portland sign at the Arlene Schnitzer Concert Hall, the annual Oregon Economic Forum on November 16, and Metro's Charitable Giving Campaign.

#### **8. Councilor Communication**

Councilors provided updates on the following meetings or events: the Metro Policy Advisory Committee (MPAC), the Transit-Oriented Development Steering Committee, the Oregon Zoo Bond Citizens' Oversight Committee, the zoo's new Polar Passage exhibit, Troutdale to Gresham Trail outreach events, the Powell-Division Steering Committee, the Joint Policy Advisory Committee on Transportation (JPACT), the Best Practices trip to Seattle, the Transportation for America Conference, election results, a letter sent to the City of Portland regarding the proposed Residential Infill Project, the Diversity in the Construction Trades Summit, and a proclamation recognizing November 17 as Women in Apprenticeship Day. Councilor Chase commemorated Mr. Justin Buri of the Community Alliance of Tenants and Mr. Bill Tolbert of Metro for their contributions to the Portland metropolitan region. He emphasized that Mr. Tolbert played an instrumental role in cultivating diversity and advancing equity at Metro and noted that a celebration of his life would be held on December 10.

#### **9. Adjourn**

There being no further business, Council President Hughes adjourned the regular meeting at 3:30 p.m. The Metro Council will convene the next regular council meeting on December 1 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nellie Papsdorf".

Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 10, 2016**

| <b>Item</b> | <b>Topic</b>         | <b>Doc. Date</b> | <b>Document Description</b>                                       | <b>Doc. Number</b> |
|-------------|----------------------|------------------|---|--------------------|
| 4.5         | Minutes              | 11/10/2016       | Council Meeting Minutes on October 27, 2016                       | 111016c-01         |
| 6.1-6.4     | Ordinance Amendments | 11/10/2016       | Amendments to Ordinances  | 111016c-02         |
| 6.3         | Letter               | 11/10/2016       | Letter from Republic Services Manager                             | 11016c-03          |
| 8.0         | Proclamation         | 11/10/2016       | Proclamation Declaring November 17 as Women in Apprenticeship Day | 111016c-04         |
| 8.0         | Letter               | 11/10/2016       | Letter to Portland City Council Regarding Housing                 | 111016c-05         |