

Metro

*600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov*



Metro

Minutes

Thursday, December 1, 2016

2:00 PM

Metro Regional Center, Council Chamber

Council meeting

1. Call to Order and Roll Call

Council President Tom Hughes called the regular council meeting to order at 2:02 p.m.

Present: 6 - Council President Tom Hughes, Councilor Sam Chase, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

Excused: 1 - Councilor Carlotta Collette

2. Citizen Communication

There was none.

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilor Stacey, seconded by Councilor Dirksen, to adopt items on the consent agenda.

The motion passed by the following vote:

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

Excused: 1 - Councilor Collette

- 3.1 Resolution No. 16-4758, For the Purpose of Confirming the Appointment of Damen Bleiler to the Investment Advisory Board
 - 3.2 Resolution No. 16-4734, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Epson Portland, Inc. for Transport and Disposal of Putrescible Waste at the Covanta Waste-to-Energy Facility Located in Brooks, Oregon
 - 3.3 Resolution No. 16-4735, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Fujifilm North America Corporation for Transport and Disposal of Putrescible Waste at the Covanta Waste-to-Energy Facility Located in Brooks, Oregon
 - 3.4 Resolution No. 16-4736, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties for Transport and Disposal of Putrescible Waste at the Covanta Waste-to-Energy Facility Located in
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Brooks, Oregon

- 3.5 Resolution No. 16-4737, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed License to Recology Portland, Inc. for Transport of Residential Yard Debris Mixed with Food Waste from the Suttle Road Recovery Facility to Recology NW Greenlands Located in Aumsville, Oregon
- 3.6 Resolution No. 16-4738, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Waste Management of Oregon Inc. for the Transport and Disposal of Putrescible Waste from the Troutdale Transfer Station to the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Riverbend Landfill Located in Yamhill County, Oregon
- 3.7 Consideration of the Council Meeting Minutes for November 10, 2016

4. Resolutions

- 4.1 Resolution No. 16-4760, For the Purpose of Approving a Process for Entering into Contracts with Not-for-Profit Organizations to Support Metro's Strategic Plan to Advance Racial Equity, Diversity, and Inclusion Goals

Council President Hughes called on Ms. Gabriele Schuster and Ms. Becca Uherbelau, Metro staff, for a brief presentation on the resolution. Ms. Schuster stated that adoption of Resolution No. 16-4760 would allow Metro to enter directly into contracts with not-for-profit organizations under the special procurement clause, outlined in the Metro Contracting Code. She informed the Council that outreach for new contracts would be conducted in alignment with agency-wide equity goals and strategies, and contracts under the special procurement clause would need to meet certain criteria including: the contractor must be a registered 501(c)3 or similarly qualified entity, the contractor must be an organization that represents or delivers services to majority people of color or other historically marginalized populations, and the contractor must define tangible and measurable deliverables that support the goals of Metro's Strategic Plan to Advance Racial Equity, Diversity, and Inclusion. She noted that Metro's Procurement Services supported the proposed process as they felt it would make it much easier for not-for-profit organizations to work with the

agency to advance racial equity.

Council Discussion

Councilor Harrington recommended providing clear guidelines and resources to interested not-for-profit organizations. Councilor Dirksen expressed support for the project but also noted that it was important to ensure organizations could compete equally for partnerships. Councilors asked about the timeline of the pilot project. Ms. Uherbelau explained that during the budget modification process in November, the Metro Council had approved funding the project for the current fiscal year. She noted that staff's intent was to return to the Metro Council at the end of the fiscal year with lessons learned and recommendations for moving forward.

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

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

Excused: 1 - Councilor Collette

- 4.2 Resolution No. 16-4753, For the Purpose of Approving Fiscal Year 2016-2017 Funding for Equitable Housing Planning and Development Grants Funded with Construction Excise Tax

Chief Operating Officer Martha Bennett provided a brief introduction to the resolution, considering her recommendation for awarding Metro's equitable housing grants. Ms. Bennett recalled that at the Equitable Housing Leadership Summit in February, the Council considered a variety of policy options to address regional housing needs. She noted that following the summit, the Council had directed her to use a portion of unallocated construction excise tax (CET) revenue to fund a round of equitable planning and development grants. She explained that Metro received eight applications that ranged from specific sites to

broad policy changes. Ms. Bennett then introduced the co-chairs of the Equitable Housing Grants Screening Committee, Ms. Alisa Pyszka and Ms. Leila Aman, to give an overview of the process.

Ms. Alisa Pyszka, Leland Consulting, thanked Metro leadership and staff for moving forward with equitable housing initiatives on a regional level. She explained that the level of interest from jurisdictions across the region was also encouraging, as it was important to address housing needs on a regional scale. Ms. Pyszka also thanked the Screening Committee members. She noted that the committee was comprised of a variety of professionals and evaluated eight applications. She stated that the wide variety of applications demonstrated that there were many ways to address affordable housing and noted that it would be incredibly valuable to track the success of the projects over time.

Ms. Leila Aman, Portland Development Commission, shared the key highlights that were exemplified in the applications. She noted that the applications demonstrated a need for funding for concrete action, whether at the policy level or leading to housing production; engaged diverse populations in the planning and implementation of the projects; and reflected the different needs and development readiness of the jurisdictions. Ms. Aman provided an overview of the recommended projects and explained how they would help support a regional response to housing needs, particularly as many of the projects were built on strong partnerships between governments as well as non-profits. Ms. Aman informed the Council that the Screening Committee also fully supported the Chief Operating Officer's additional recommendations as outlined in the meeting packet.

Ms. Bennett noted that the seven recommended projects included projects in the Cities of Beaverton, Milwaukie, Oregon City, Tigard, Portland, Wilsonville, and Washington County. Ms. Bennett explained that she recommended five

specific modifications to the committee's original recommendations: two general recommendations focused on engagement and addressing equity, and three project-specific recommendations.

Council Discussion

Councilor Chase thanked the committee for their recommendations and noted that he felt the Equitable Housing Leadership Summit held in February helped inform the region about the issues and encouraged local jurisdictions to apply for grants. Councilors Harrington and Stacey expressed support for the work and thanked Councilor Chase for his efforts focused on supporting equitable housing policy solutions at Metro.

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

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

Excused: 1 - Councilor Collette

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 16-1390A, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing the Chief Operating Officer to Issue a New Franchise to GSS Transfer, LLC. to Operate a Transfer Station

Council President Hughes introduced Mr. Paul Slyman, Director of Property and Environmental Services, and Mr. Warren Johnson, Metro staff, to provide a brief presentation on Ordinance No. 16-1390A. 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 explained that Metro had authority to direct all solid waste to public facilities but noted that the Metro Council had determined that it was in the public's best interest to allow private companies to

participate in the system. He informed the Council that adoption of Ordinance No. 16-1390A would authorize a private facility to become a transfer station and establish conditions of such authorization.

Mr. Warren Johnson provided a brief overview of Ordinance No. 16-1390A. He explained that if adopted, the ordinance would authorize a new three-year franchise agreement for Gresham Sanitary Service (GSS), authorizing the business to operate a transfer station located in the City of Gresham. He noted that the franchise would become effective 90 days after adoption on March 9, 2017 and stated that staff found that the ordinance was consistent with Metro's Solid Waste Configuration Policy adopted in July 2016. Mr. Johnson explained that by supporting more efficient off-route transport of solid waste, the franchise would reduce greenhouse gas emissions and provide other public benefits. He added that the franchise would also help support a small, locally-based business that participated in the region's solid waste system. He explained that Gresham Sanitary Service sought to continue consolidating waste from its collection routes but had requested a new franchise agreement to allow it to transport that waste directly to a landfill instead of using an intermediate transfer station in order to ensure more sustainable operation, eliminate double-handling of waste, and avoid the cost of using a transfer station.

Mr. Johnson stated that as proposed, the franchise would become effective on March 9, 2017. He informed the Council that the applicant and the City of Gresham had requested that Metro consider adopting the ordinance with an emergency clause so that it would become effective immediately. He noted that the applicant requested to begin operations immediately due to its concerns that the Troutdale Transfer Station may be unable to accept its waste beginning in early December. Mr. Johnson explained that although the proposed franchise would improve efficiency and provide other public benefits, staff did not find that

health and safety would be impacted if the franchise did not take effect until March 9, 2017.

Councilor Craddick moved to amend Ordinance No. 16-1390A to add a Section 3 declaring that an emergency existed because of the risk to consistent and complete waste management service provision to customers of Gresham Sanitary Services, Inc., which affects the welfare of the Metro area, and to make December 9, 2016 be the effective date of this Ordinance.

Councilor Stacey seconded and the Metro Council approved the amendment unanimously.

Councilor Craddick moved to amend Section 1.5 of the draft franchise to state that the term commenced on "December 9, 2016" instead of "March 9, 2017," and to amend Section 4.2 of the draft franchise to insert a new subsection (a) stating that "For calendar year 2016, beginning on December 9, 2016 and ending December 31, 2016, the franchisee is authorized to accept up to 2,957 tons of putrescible waste generated inside the Metro region," with the current subsections (a), (b) and (c) being re-lettered as subsections (b), (c) and (d).

Councilor Stacey seconded and the Metro Council approved the amendment unanimously.

Council Discussion

Councilor Harrington asked about the potential financial impacts of the amendment and if the proposed amendments would significantly affect the franchise requirements.

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

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

Excused: 1 - Councilor Collette

5.1.1 Public Hearing for Ordinance No. 16-1390

Council President Hughes opened up a public hearing on Ordinance No. 16-1390A and requested that those wishing to testify come forward to speak.

Matt Miller, City of Gresham: Mr. Miller of Gresham Sanitary Service expressed his support for the facility franchise ordinance and urged the Metro Council to approve the amendment granting an emergency designation effective December 9, 2016. He noted that approval of the franchise would result in more efficient off-route transport, eliminate double handling, and reduce greenhouse emissions. Mr. Miller also provided written testimony; see the December 1, 2016 meeting packet.

Council President Hughes gavelled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 16-1390A would take place on Thursday, December 8.

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

Council President Hughes stated that the first reading and public hearing for Ordinance Nos. 16-1381A through 16-1384A took place on Thursday, October 20, 2016. He informed the Metro Council that Mr. Paul Slyman, Director

of Property and Environmental Services, and Mr. Warren Johnson, Metro staff, were available for questions.

Council Discussion

There was none.

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

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

Excused: 1 - Councilor Collette

6.1.1 Public Hearing for Ordinance 16-1381A

Council President Hughes stated that Ordinances Nos. 16-1381A through 16-1384A were amended at the November 10 Metro Council meeting. He explained that because the amendments constituted substantive revisions, another public hearing and vote had been scheduled for December 1. Council President Hughes opened up a public hearing on Ordinance Nos. 16-1381A through 16-1384A and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gavelled out of the public hearing.

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

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

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

Excused: 1 - Councilor Collette

6.2.1 Public Hearing for Ordinance No. 16-1382A

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

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

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

Excused: 1 - Councilor Collette

6.3.1 Public Hearing for Ordinance No. 16-1383A

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

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

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

Excused: 1 - Councilor Collette

6.4.1 Public Hearing for Ordinance No. 16-1384A

7. Chief Operating Officer Communication

Ms. Martha Bennett provided an update on the following events or items: Metro's Charitable Giving Campaign, the Oregon Business Plan Leadership Summit, and Nora the polar bear at the Oregon Zoo.

8. Councilor Communication

Councilors provided updates on the following meetings or events: the groundbreaking of the Jesse Quinn Development in Forest Grove, the third Regional Leadership Forum scheduled for December 2, the Portland State University Institute of Metropolitan Studies board meeting, the Cornelius Place project, the Low-Income Fares Task Force, the Bus On Shoulder Feasibility Workshop, the Oregon Zoo Foundation Board of Trustees, and the flood at the Metro Regional Center.

9. Adjourn

There being no further business, Council President Hughes adjourned the regular meeting at 3:29 p.m. The Metro Council will convene the next regular council meeting on December 8, 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 DECEMBER 1, 2016

Item	Topic	Doc. Date	Document Description	Doc. Number
3.7	Minutes	12/01/2016	Council Meeting Minutes on November 10, 2016	120116c-01
5.1.1	Letter	12/01/2016	Letter from Gresham Sanitary Service General Manager Matt Miller	120116c-02