

Metro

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Metro

Minutes

Thursday, November 29, 2018

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

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

Present: 5 - Council President Tom Hughes, Councilor Betty Dominguez, Councilor Shirley Craddick, Councilor Craig Dirksen, and Councilor Kathryn Harrington

Excused: 2 - Councilor Sam Chase, and Councilor Bob Stacey

2. Public Communication

Art Lewellan, City of Portland: Mr. Lewellan shared his concerns over the Southwest Corridor light rail project and its impact on the Barbur Boulevard transit system and natural areas. He stated the importance of a bus rapid transit system. (Mr. Lewellan submitted written materials as part of his testimony; please see the November 29 meeting packet).

Ron Swaren, City of Portland: Mr. Swaren discussed a C-Tran proposal to plan a second rapid transit line in Clark County and advocated for an express route into Hillsboro. He noted that a second rapid transit line would make light rail into Clark County and replacement of the I-5 Bridge unnecessary.

Bradley Bondy, City of Milwaukie: Mr. Bondy discussed transit improvements to the light rail system including land use policy and the impact of grade separation. He explained the benefits of elevated light rail in efficiency and stated that the 2020 transportation measure was an opportunity to improve the transit system. (Mr. Bondy submitted written materials as part of his testimony; please see the November 29 meeting packet).

3. Presentations

3.1 First Quarterly Finance Report

Council President Hughes called on Mr. Tim Collier, Metro Finance and Regulatory Services Director, to provide a brief presentation. Mr. Collier presented the first quarter financial report, explaining that this report was comprised of projections of revenue and project completion. He further explained that the second quarter report would include more details on the financial status of the current fiscal year.

Mr. Collier stated that current revenue and expenditure projections were on budget. He explained that the first quarter report was an opportunity to find early warnings signs and noted that although the construction excise tax collection was down the from the first quarter last year, it was still at a record high. Mr. Collier stated it was important to track Oregon Zoo attendance and revenues during the Zoo lights season which was directly correlated to good weather.

4. Consent Agenda

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

Aye: 5 - Council President Hughes, Councilor Dominguez, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

- 4.1 Resolution No. 18-4927, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to FCA US LLC. - Mopar PDC for Transport and Disposal of Non-Recoverable Solid Waste, Including Putrescible Waste at Covanta Waste-To-Energy Facility Located in Brooks, Oregon
- 4.2 Resolution No. 18-4928, 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 Brooks, Oregon

- 4.3 Resolution No. 18-4929, 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 Non-Recoverable Solid Waste, Including Putrescible Waste at the Covanta Waste-To-Energy Facility Located in Brooks, Oregon
- 4.4 Resolution No. 18-4930, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Epson Portland, Inc. for Transport and Disposal Non-Recoverable Solid Waste, Including Putrescible Waste at the Covanta Waste-To-Energy Facility Located in Brooks, Oregon
- 4.5 Resolution No. 18-4931, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Eaton Portland Power Center for Transport and Disposal of Non-Recoverable Solid Waste, Including Putrescible Waste At The Covanta Waste-To-Energy Facility Located in Brooks, Oregon
- 4.6 Resolution No. 18-4932, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License To Daimler Trucks North America for Transport and Disposal of Non-Recoverable Solid Waste, Including Putrescible and Special Waste at the Covanta Waste-To-Energy Facility in Brooks, Oregon
- 4.7 Consideration of November 15, 2018 Minutes

5. Resolutions

- 5.1 Resolution No. 18-4916, For the Purpose of Approving the Policy and Investment Framework for the 2040 Planning and Development Grant Program in 2019

Council President Hughes called on Ms. Lisa Miles and Mr. Roger Alfred, Metro staff, to provide a brief presentation on the resolution. Ms. Miles discussed the founding of the grant program with the creation of the construction excise tax in 2006 and stated that the purpose of the grants was to fund concept planning in areas recently brought into the urban growth boundary. She explained that the purpose of

the grants had since evolved to focus on removing barriers to development, making land ready for development and enabling existing developed sites to be redeveloped. Ms. Miles shared that an equitable development grant category had also been added to the program and noted that \$23 million in grants had been awarded since the formation of the program.

Ms. Miles explained that the resolution would establish the policies for the 2019 grant cycle and would set funding targets and refine the definition of equitable development. She provided an overview of the 2019 framework explaining that staff recommended continuing to award \$2 million. Ms. Miles also recommended that half of the funding would focus on equitable development to incentivize jurisdictions to focus on amending racial disparities and affordable housing. She discussed the recommended increase for urban area category for projects focused concept planning of areas recently brought into the urban growth boundary. Ms. Miles explained that this increase was in anticipation of cities would be submitting applications for comprehensive planning for their proposed expansions to the urban growth boundary. She noted an error in the legislation that cited \$2.25 million and stated this error would be corrected.

Ms. Miles then explained minor adjustments made to the definition of equitable development to clarify that equitable development projects needed to have a development focus.

Mr. Alfred added that the resolution be amended in paragraph two of the "be it resolved" section to say \$2 million instead of \$2.25 million.

Councilor Discussion:

Councilor Craddick asked whether community organizations could apply for grants funds independent of a government agency or jurisdiction. Mr. Alfred explained that any of the elements of the equitable development category could be a project for consideration and that projects did not need to meet every element nor were elements in the definition exclusive. He also noted that the code changes under consideration in Ordinance No. 18-1425 would enable non-profit organizations and other private entities to submit grant applications if the projects were in the public interest and endorsed by a local government.

Councilor Harrington moved to amend paragraph two of the "be it resolved" section to read \$2 million instead of \$2.25 million.

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

Aye: 5 - Council President Hughes, Councilor Dominguez, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

6. Ordinances (First Reading and Public Hearing)

- 6.1 Ordinance No. 18-1425, For the Purpose of Removing the Sunset Provision of the Metro Construction Excise Tax That Funds the 2040 Planning and Development Grant Program and Making Other Amendments to Chapter 7.04 of the Metro Code

Council President Hughes called on Mr. Alfred to provide a brief presentation on the ordinance. Mr. Alfred explained that the ordinance would amend the Metro code to clarify the policy and purpose of the construction excise tax, adjust requirements for the two exemptions and remove the sunset provision of the tax. He provided an overview of the amendments to the policy and purpose, stating that this amendment removed mention of the inclusion in the urban

growth boundary and would allow funds to be used to make lands ready for redevelopment as well as development. Mr. Alfred then explained the exemptions for non-profit corporations and highlighted the changes to income restrictions for these exemptions to be consistent with federal and state requirements and to be more practical in use.

Mr. Alfred discussed the proposed change to allow projects by private entities that have been endorsed by a local government and that are in the public interest. He provided background on the sunset provision of the tax created in 2006, explaining that the tax had been extended twice for five years. Mr. Alfred stated that the tax was a successful and well-established program that no longer required on-going extensions and explained that the ordinance would remove the sunset provision of the tax.

Councilor Discussion:

Councilor Craddick stated that this reflected how development had occurred in the region and noted that 90% of growth in the region was taking place within the urban growth boundary. She expressed her support to the proposed changes as they reflected where development was occurring.

Councilor Dominguez reflected back on her experience with the 2009 extension of the tax and the efforts to build social equity in to the program. She expressed her appreciation for the program's responsive to community needs.

6.1.1 Public Hearing for Ordinance No. 18-1425

Council President Hughes opened up a public hearing on Ordinance No. 18-1425 and requested those wishing to

testify to come forward to speak. Seeing none, Council President Hughes closed the public hearing.

Council President Hughes stated that the second reading, Council consideration and vote was scheduled for Thursday, December 6, 2018.

6.2 Ordinance No. 18-1428, For the Purpose of Annexing to the Metro District Boundary Approximately 42.09 Acres Located at the Corner of SW Boeckman Road and SW Stafford Road in Wilsonville

Council President Hughes stated that this was a quasi-judicial land use hearing and stated the names of the Councilors present. He explained the requirements of conflict of interests or ex parte contact for Council members and noted that Councilors would be asked to declare conflicts or ex parte contact.

Council President Hughes called on Mr. Nathan Sykes, Metro Attorney, to provide further detail on the procedural requirements. Mr. Sykes stated the procedural requirements under Oregon land use statutes and Metro code 3.09.070 for review and action by Council, requirements for public testimony and the appeals process. He then outlined the hearing procedures.

Council President Hughes stated that the case being reviewed in the proposed ordinance was a request from West Hills Land Development, LLC to annex the Metro district boundary and stated the specific location. He asked if Councilors had ex parte contact to disclose and noted there was none. Council President Hughes asked Councilors if they had any conflicts of interest to declare and noted there was none. He called on Mr. Tim O'Brien, Metro staff, to provide a brief presentation on the ordinance.

Mr. O'Brien provided an overview of the annexation of 42.09 acres to the City of Wilsonville, explaining that the land was part of the Frog Pond Area Plan that Wilsonville had completed consistent with Metro's Title XI requirements for planning new urban areas. He stated that the land required annexation to the Metro district boundary before urbanization could occur. He outlined the three criteria for the annexation of land into the Metro boundary and stated that the application met all three criteria. Mr. O'Brien explained that the land was consistent with Wilsonville's Frog Pond area plan and master plan and recommended approval of the ordinance.

Council Discussion:

Councilor Dirksen asked how many remaining areas were in the urban growth boundary but had not been brought into the Metro district boundary. Mr. O'Brien stated there were still areas to be annexed including another in the Frog Pond area to be considered by Council in January 2019. He explained that this was a result of the original Metro boundary not coinciding with the original urban growth boundary.

Council President Hughes discussed areas of Hillsboro that required annexation into the district boundary. Councilor Craddick asked why there were not as many similar occurrences on the east side of the region. Mr. O'Brien explained that this was due to the original Metro boundary being extended quite a bit farther than the urban growth boundary on the east side. Councilor Craddick asked whether a plan existed to annex all of these areas. Mr. O'Brien stated that staff had not been given direction to do so, although discussions had taken place over the years.

Council President Hughes opened the public hearing and requested those wishing to testify to come forward to speak. Seeing none, Council President Hughes closed the public hearing.

Council President Hughes stated that second read, Council consideration and vote of Ordinance No. 18-1428 was scheduled for Thursday, December 13, 2018.

7. Ordinances (Second Reading)

- 7.1 Ordinance No. 18-1426, For the Purpose of Amending Metro Code Title V Chapters 5.00, 5.01 and 5.05 to Establish a Framework for Allocating Putrescible Solid Waste Tonnage to Private Transfer Stations Beginning in 2020

Council President Hughes stated that the first reading and public hearing for Ordinance No. 18-1426 took place on Thursday, November 15, 2018.

Council President Hughes called on Mr. Paul Slyman, Director of Property and Environmental Services, to provide a brief presentation on the ordinance. Mr. Slyman explained that staff had begun developing the tonnage allocation approach after Council adopted the transfer system configuration policy in 2016. He noted that this policy directed staff to establish an approach to allocate wet waste tonnage to the region's private transfer stations and improve rate transparency at those stations. Mr. Slyman discussed the need for a systemic method for allocating wet waste in a predictable manner. He stated that Metro's 30-year disposal contract with Waste Management would expire in 2019 and discussed the impacts to the region's waste system.

Mr. Slyman summarized the system of private landfill owners and transfer stations and the economic forces

driving decisions and competition in the system. He provided an overview of the tonnage allocation approach explaining that the ordinance would provide a framework in the code in advance of developing the methodology through administrative rules. He stated that adoption of the ordinance was necessary for staff to move forward with the development of detailed administrative rules. Mr. Slyman then reviewed the stakeholder engagement that had taken place and opportunities for engagement moving forward. He identified the need for more research on how vehicle storage barns should be included in the methodology and noted that a third party contractor was assisting in this research and analysis.

Council Discussion:

Councilor Harrington asked for clarification on when the solid waste road map started. Mr. Slyman confirmed that the solid waste road map begun in 2011. Councilor Harrington stated she looked forward to a progress report on the road map and the completion of policy changes.

Councilor Craddick asked whether the move to allocations based on percentages would help create waste sheds. Mr. Slyman stated that percentages would assist with rises and falls in regional tonnages increases or decreases and help with changes to sub-regional growth. He also noted that this was based on forecasts. Mr. Roy Brower, Metro staff, explained that allocations would go through an annual process based on the forecasts for that year.

Council President Hughes emphasized the importance of setting a framework as it would allow Metro to meet the needs of a changing environment in the solid waste system. He asked whether location of transport vehicle storage,

barns, would be considered in allocations. Mr. Slyman confirmed that location would be considered and that further analysis and consideration would take place with the assistance of the third-party contractor.

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

Aye: 5 - Council President Hughes, Councilor Dominguez, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

Excused: 2 - Councilor Chase, and Councilor Stacey

8. Chief Operating Officer Communication

Ms. Martha Bennett provided an update on the following events or items: a design workshop at Chehalem Ridge Nature Park and Metro's community campaign.

9. Councilor Communication

Councilors provided updates on the following meetings: Stafford Hamlet meet and greet, the Metropolitan Advisory Policy Committee and the Halsey Corridor Executive Committee. Councilor Craddick requested approval for Council President Hughes to attend a Travel Portland familiarization event and Council approved.

10. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 3:12 p.m. The Metro Council will convene the next regular council meeting on December 6, 2018 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Farrokhzadian', with a stylized 'S' and a horizontal line extending to the right.

Sara Farrokhzadian, Legislative and Engagement
Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 29, 2018

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
2.0	Handout	11/29/18	Written Statement from Art Lewellan on Barbur Boulevard MAX Light Rail Concerns	112918c-01
2.0	Map	11/29/18	Proposed Transportation Improvements from Art Lewellan	112918c-02
2.0	Handout	11/29/18	Written Statement from Art Lewellan on Transportation Improvements	112918c-03
2.0	Handout	11/29/18	Pamplin Media Article on Willamette Falls Next Steps	112918c-04
2.0	Handout	11/29/18	Series of Opinion Editorials by Art Lewellan from 2004 to 2016	112918c-05
2.0	Handout	11/29/18	Proposal for Elevated MAX for the Powell/Division Corridor from Bradley Bondy	112918c-06
2.0	Handout	11/29/18	Written Statement from Bradley Bondy on Elevated MAX for the Powell/Division Corridor	112918c-07
4.7	Minutes	11/29/18	Council Meeting Minutes for November 15, 2018	112918c-08
5.1	Powerpoint	11/29/18	2040 Planning and Development Grants	112918c-09