

# **Metro**

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**Metro**

## **Minutes**

**Thursday, May 18, 2017**

**2:00 PM**

**AGENDA REVISED 05/17/17**

**Metro Regional Center, Council chamber**

### **Council meeting**

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

Council President Tom Hughes called the Metro Council meeting to order at 2:01 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**

Maria Van Fleet, City of Oregon City: Ms. Van Fleet informed the Council that she owned a business focused on small business counseling. She explained that Metro's regional contractor's business license provided great opportunities for contractors and landscapers, but did not include cleaning and/or janitorial companies. She noted that that this created a number of challenges for small business owners and urged the Council to consider expanding the program to include cleaning and janitorial companies.

Councilor Harrington requested more information from staff regarding the business license program.

**3. Consent Agenda****Approval of the Consent Agenda**

**A motion was made by Councilor Craddick, seconded by Councilor Harrington, to adopt items on the consent agenda. The motion passed by the following vote:**

**Please note: Councilor Chase arrived after the vote on the consent agenda.**

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

**Excused:** 1 - Councilor Chase

**3.1 Consideration of the Council Meeting Minutes for May 11, 2017**

- 3.2 Resolution No. 17-4795, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Gresham Sanitary Service for Transport and Disposal of Putrescible Waste at the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Coffin Butte Landfill Located in Benton County, Oregon
- 3.3 Resolution No. 17-4796, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License Jointly to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties for the Transport of Commercial Food Waste and Yard Debris Mixed with Residential Food Waste to the Recology Organics Aumsville Compost Facility Located in Aumsville, Oregon

#### **4. Resolutions**

- 4.1 Resolution No. 17-4800, For the Purpose of Approving a Multi-Year Commitment of Regional Flexible Funds for the Years 2019-31, Funding the Division Transit Project, the Southwest Corridor Transit Project, Arterial Bottleneck Projects, and Active Transportation Projects, and Authorizing the Execution of an Intergovernmental Agreement with TriMet Regarding the Multi-Year Commitment of Regional Flexible Funds

Council President Hughes called on Ms. Elissa Gertler, Metro's Planning and Development Director, and Mr. Ted Leybold, Metro staff, for a brief presentation on the resolution. Mr. Leybold informed the Council that the resolution would allow Metro to move forward with a bond agreement with TriMet. He noted that on June 16, the Metro Council had approved Resolution No. 16-4702, which established policy direction for the allocation of Regional Flexible Funds and included a multi-year commitment of funding for the Division and the Southwest Corridor Transit Projects, to be bonded by TriMet.

Mr. Leybold explained that Metro had been informed by the Oregon Department of Transportation (ODOT) that one source of the regional flexible funding, Congestion Mitigation/Air Quality (CMAW) funds, would likely be

reduced due to the new eligibility of the Salem and Eugene areas to receive these funds from the share allocated to the state of Oregon. He acknowledged that to address this uncertainty, the Joint Policy Advisory Committee on Transportation (JPACT) recommended approval of Resolution 17-14800 and its reduced funding commitments. He stated that the resolution would authorize Metro's Chief Operating Officer to enter into an intergovernmental agreement (IGA) between Metro and TriMet in which Metro would provide a multi-year commitment of Regional Flexible Funds consistent with the schedule provided in Table 1 of Exhibit A.

Mr. Leybold noted the resolution if passed would authorize Metro to proceed with phase one of the bonding agreement and explained that once the impact of the reallocation of money was resolved, staff would return to the Metro Council to consider additional bond payment agreements if needed.

*Council Discussion*

Councilor Harrington asked how the proposed resolution would affect Safe Routes to School funding. Councilor Dirksen highlighted that the Joint Policy Advisory Committee on Transportation (JPACT) had voted to recommend the resolution at its meeting that morning but also expressed concerns about the diminishing funds.

**A motion was made by Councilor Dirksen, 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

**5. Ordinances (First Reading and Public Hearing)****5.1 Ordinance No. 17-1401, For the Purpose of Adopting a Landfill Capacity Policy and Amending Metro Code Chapters 5.00 and 5.05**

Council President Hughes introduced Mr. Paul Slyman, Metro's Property and Environmental Services Director, and Mr. Bryce Jacobson, Metro staff, to provide a brief staff report. 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 emphasized that Metro was committed to managing the region's garbage with a focus on protecting people and the environment. He noted that the agency would maintain its focus on reducing what was sent to the landfills by informing and educating the region's residents, implementing innovative programs, removing food and other waste from the region's garbage, and continuing ongoing waste prevention efforts.

Mr. Jacobson provided a brief history of the Riverbend landfill and an overview of the proposed ordinance. He noted that the Metro Council had directed staff to develop a policy that kept Metro region waste from contributing to the expansion of any existing landfill or the creation of any new landfills. He reminded the Council that existing local landfills were estimated to be able to provide capacity for the region's waste for hundreds of years. Mr. Jacobson explained that the Metro Council and staff had developed a scope of work, determined an approach to capacity, discussed the likely impacts, and met with stakeholders to address concerns about landfill capacity and potential expansions. He noted that through this process, a preferred option was developed that would make landfill operators

ineligible to receive Metro region waste if they sought to expand their landfill. Mr. Jacobson stated that approval of Ordinance No. 17-1401 would implement this preferred option by adding two new definitions to the Metro Code, “limited capacity landfill” and “new landfill,” and prohibiting disposal of waste generated in the Metro region in landfills that fit under either of the two terms.

Mr. Jacobson explained that if adopted, the ordinance would go into effect on May 25 following the Metro Council’s vote and would be implemented January 1, 2020. He noted that the delay before implementation would provide advanced notice to Metro area landfill users and align with the end of Metro’s 30-year disposal contract and 90% flow requirement.

#### 5.1.1 Public Hearing for Ordinance 17-1401

Council President Hughes opened up a public hearing on Ordinance No. 17-1401 and requested that those wishing to testify come forward to speak.

Leo Krick, City of Sheridan: Mr. Krick, testifying on behalf of the Yamhill County Soil and Water District, expressed support for Ordinance No. 17-1401. Mr. Krick noted that both the Soil and Water District and local citizens shared concerns about the landfill, including documented contamination in monitor wells and a failing gas collection system. He thanked the Council for raising awareness of the issue and acting in the interests of public safety, water quality, wildlife resources, and human health. (Mr. Krick also provided written testimony; please see the May 18 meeting packet.)

Ilsa Perse, City of Carlton: Ms. Perse spoke in support of

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Ordinance No. 17-1401. She shared maps demonstrating that Riverbend Landfill sat in a strong to severe seismic hazard zone and noted that this would make it highly susceptible to flooding and other damages in case of an earthquake. She also highlighted other environmental concerns related to the landfill and urged the Council to approve the ordinance. (Ms. Perse also provided a PowerPoint and comment slides; please see the May 18 meeting packet.)

Ramsey McPhillips, City of McMinnville: Mr. McPhillips testified in support of Ordinance No. 17-1401. He provided a brief history of the creation of the landfill, shared concerns about landfill leachates, and highlighted that there were other options for waste disposal in the region that posed less risk to the environment.

Susan Watkins, City of McMinnville: Ms. Watkins spoke in favor of Ordinance No. 17-1401. She noted that she lived less than two miles from the landfill and explained that with 500 years of capacity in existing available landfills, she couldn't understand why Riverbend would be allowed to expand. She urged the Council to adopt the ordinance.

Susan Meredith, City of McMinnville: Ms. Meredith testified in support of Ordinance No. 17-1401. She mentioned that DEQ had documented a ground water contamination violation at a Riverbend compliance well located downhill from the three original unlined cells that showed levels of four inorganic compounds above the permitted limits. She noted that the cells were the most likely cause of the contaminants and emphasized that such risks caused local residents great concern about the effects of the landfill. (Ms.



Meredith also provided written testimony; please see the May 18 meeting packet.)

Sid Friedman, City of McMinnville: Mr. Friedman, representing Friends of Yamhill County, spoke in support of Ordinance No. 17-1401. He noted that Waste Management staff had informed Yamhill County officials that the proposed expansion of the landfill would not be affordable without the continued flow of Metro waste. He urged the Metro Council to approve the ordinance and not to support the expansion.

Councilor Kevin Jeffries, City of McMinnville: Councilor Jeffries, representing the McMinnville City Council, testified in support of Ordinance No. 17-1401. He noted that the Council had introduced a draft resolution that would divert all of its waste from the Riverbend Landfill. He stated that the Council had significant concerns about the landfill's impacts on the environment and thanked the Metro Council for considering adoption of the ordinance. (Councilor Jeffries also provided a proposed resolution to be considered by the McMinnville City Council; please see the May 18 meeting packet.)

Councilor Harrington asked when the transfer station referenced in the proposed resolution would be completed. Councilor Jeffries explained that it would likely be operational by late summer. Councilor Harrington asked if the resolution would be acted on before final consideration of Ordinance 17-1401 on June 1. Councilor Jeffries said it would not, but would likely be acted on within the next two months.

Luis Perez, City of Beaverton: Mr. Perez testified in support of Ordinance No. 17-1401. He highlighted environmental concerns about the landfill and urged the Metro Council to send the region's waste to a safer site.

Paul Burns, City of Portland: Mr. Burns of Waste Management testified against Ordinance No. 17-1401. He provided an update on the proposed expansion and the status of current litigation. He shared a map of the proposed expansion and highlighted how it would avoid sensitive areas. (Mr. Burns also provided a map of the Riverbend Master Plan; please see the May 18 meeting packet.)

Mike Dewey, City of Portland: Mr. Dewey, on behalf of Waste Management, Inc., testified against the ordinance. Mr. Dewey explained why he felt adoption of the ordinance was not in Metro's best interest, including that it would limit Metro's disposal opportunities on the west side of the region. He also clarified that Waste Management would not close the landfill if it could not accept Metro waste.

#### *Council Discussion*

Councilors discussed the current status of litigation related to the landfill and how it could affect the proposed expansion. Councilor Dirksen clarified that if Metro did not send its waste to the Riverbend Landfill, it would have capacity for 18 years instead of 10. Councilor Craddick asked about the origin of the waste that was sent to Riverbend Landfill; Waste Management staff responded that the majority came from Forest Grove Transfer Station. Councilors discussed how the ordinance would impact garbage rates for local residents. Mr. Jacobson noted that according to the collection cost model, Washington County

ratepayers were estimated to receive a 33 cent increase per month after implementation if the ordinance were to be approved. He added that commercial accounts were estimated to receive a five dollar increase per month in the same period.

Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1401 would take place on Thursday, May 25.

5.2 Ordinance No. 17-1402, For the Purpose of Amending Metro Code Chapter 7.01 Relating to Excise Tax Regarding Exemptions and Declaring an Emergency

Council President Hughes introduced Mr. Roy Brower, Metro staff, and Mr. Cliff Burfitt, Oregon Department of Agriculture (ODA) staff, to provide a brief staff report. Mr. Roy informed the Council that the Japanese beetle had become a significant problem in an area of Washington County, leading to ramifications for how local yard debris and soil could be managed.

Mr. Burfitt provided an overview of the Japanese beetle and the ODA's eradication plan. He explained that Japanese beetles were tracked using traps all over the region and had so far had not been established outside of the Cedar Mills area. He emphasized that it was important to mitigate invasive Japanese beetle populations as early as possible, as they significantly threatened the Willamette Valley's important agricultural products. He noted that the Oregon nursery and greenhouse economy was worth close to \$1 billion and highlighted how the beetles' deleterious effects on plants could affect these revenues. Mr. Burfitt then shared the ODA's five year project approach, which included significant community engagement, insecticide, high density

trapping, and changes in green waste management within eradication boundaries. He noted that Ordinance No. 17-1402 would address these changes by facilitating the transfer of quarantined materials to the Hillsboro Landfill, instead of the compost facilities that they would typically be sent to, as the compost facilities did not have the ability to manage the infected materials.

Mr. Brower then gave a brief overview of the ordinance. He explained Metro staff was working closely with the ODA, the Oregon Department of Environmental Quality (DEQ), Washington County, the City of Hillsboro, and local haulers and waste companies to facilitate the collection and disposal of material from the quarantine area beginning June 1. He stated that staff's prime goal was to keep the cost of disposing the yard debris and soil nearly the same as if it were going to a compost facility, in order to incentivize system users to support the eradication efforts. Mr. Brower outlined how yard debris and soil would be transported to the Hillsboro Landfill and how it would be treated once there. He explained that the ordinance would provide a new exemption to the collection of the solid waste excise tax that would only be available in emergency eradication quarantine areas and only in response to a state-declared public health, agricultural, or environmental emergency. Mr. Brower noted that because the material would likely have gone to a compost facility if not for the infestation, regional system fees or excise taxes would not have been collected anyway.

#### *Council Discussion*

Councilors discussed how the beetles would be contained during transit and in the landfill and how additional monitoring would be performed in the area. Councilor

Craddick asked why the Hillsboro Landfill was selected; Mr. Burfitt explained that it was the nearest disposal site to the quarantine zone. Councilor Chase asked how the exemption would be managed at the landfill and asked to be kept informed as the eradication process progressed. Councilor Stacey highlighted that due to the severity of the situation, the legislation constituted an emergency ordinance, allowing it be voted on without a second reading and to be effective immediately, if approved unanimously. Councilor Harrington recognized ODA staff for their outreach efforts and noted that local jurisdictions in Washington County had been kept well-informed. Councilors thanked the ODA for their efforts to contain the infestation and prevent future outbreaks.

**A motion was made by Councilor Stacey, 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

5.2.1 Public Hearing for Ordinance No. 17-1402

Council President Hughes opened up a public hearing on Ordinance No. 17-1402 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1402 would take place on Thursday, May 25.

**6. Ordinances (Second Reading)**

- 6.1 Ordinance No. 17-1400, For the Purpose of Annexing to the Metro District Boundary Approximately 82.18 Acres Located in the North Bethany Area of Washington County

Council President Hughes stated that the first reading and public hearing for Ordinance No. 17-1400 took place on Thursday, May 11. He informed the Metro Council that Mr. Tim O'Brien, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Harrington, seconded by Councilor Dirksen, 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. Public Hearing as Part of the Public Comment Period for the 2018-2021 Metropolitan Transportation Improvement Program (MTIP)**

Council President Hughes introduced a public hearing as part of the public comment period for the 2018-21 Metropolitan Transportation Improvement Program (MTIP). He noted that residents had also been invited to comment online or through letters, emails, or phone calls through May 23, 2017. He explained that the MTIP documented how all federal transportation money would be spent in the Portland metropolitan region as well as state- and locally-funded projects that might significantly affect the region's air quality. He stated that the update listed funded projects scheduled in the region between 2018 and 2021. President Hughes explained that as the federally-recognized metropolitan planning organization, Metro updated the MTIP every three years, collecting information from the Oregon Department of Transportation (ODOT) and the region's cities, counties, and transit agencies. He noted that the Metro Council had also scheduled a legislative action the 2018-2021 MTIP for the July 27 council meeting.

Council President Hughes then opened up a public hearing and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing.

**8. Chief Operating Officer Communication**

Ms. Martha Bennett provided an update on the following events or items: the urban and rural reserves process, a celebration of the 43rd anniversary of the Endangered Species Act at the Oregon Zoo, and the Honoring our History: Reflections on the Vanport Flood and the Portland Assembly Center event at the Portland Expo Center.

**9. Councilor Communication**

Councilors provided updates on the following meetings or events: the Willamette Falls Legacy Project Partners Group, the Joint Policy Advisory Committee on Transportation (JPACT), the first open house for the planning of the East Council Creek Nature Park, the annual Travel Portland breakfast at the Oregon Convention Center, the Daily Journal of Commerce TopProjects Awards Party featuring the Oregon Zoo Education Center project as a finalist, and the Hillsboro Chamber's Annual Awards celebration. Council President Hughes also asked the Metro Council to authorize allowing Metropolitan Exposition and Recreation Commission (MERC) Commissioner Leary to represent Metro on an upcoming familiarization tour. The Metro Council unanimously supported the authorization.

**10. Adjourn**

There being no further business, Council President Hughes adjourned the Metro Council meeting at 4:14 p.m. The Metro Council will convene the next regular council meeting

on May 25 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

Nellie Papsdorf, Legislative and Engagement Coordinator