



METRO COUNCIL WORK SESSION
Meeting Minutes
December 6, 2016
Metro Regional Center, Council Chamber

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

Councilors Excused: None

Council President Tom Hughes called the Metro Council work session to order at 2:06 p.m.

1. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett, Metro Chief Operating Officer, discussed three topics:

- The results from the recent Council retreat outlining goals for the phasing of Council initiatives from those of Council ownership, Council attention and Council awareness.
- An email from Patty Unfred, Metro Director of Diversity, Equity and Inclusion, announcing the celebration of life for Bill Talbert.
- An announcement that Craig Beebe, Metro, will introduce web content that was published highlighting the Milwaukie area, where partners are working to create livable communities with vibrant economies.

2. RIVERBEND LANDFILL ALTERNATIVES

Paul Slyman, Metro Director of Property and Environmental Services, led the discussion with Roy Brower, Metro. They discussed non-system licenses and a proposal on durations. Mr. Slyman mentioned that the purpose is to understand system dynamics and disposal options given the potential lack of available use of the Riverbend landfill site. He referenced the first PowerPoint slide on the Regional Solid Waste Facilities and mentioned that the transfer stations of concern are those on the Westside of the region, including Forest Grove, Pride, Willamette Resources and Canby Transfer Station. He continued that the situation is dynamic and that the understanding given from Oregon Department of Environmental Quality (DEQ) and Waste Management officials is that the capacity of Riverbend Landfill is variable given the amount of waste that is sourced from the Metro region.

Mr. Brower took over the conversation and highlighted how non-system licenses are the legal mechanism that Metro uses to direct the flow of waste to transfer or disposal sites. He mentioned that Waste Management is seeking to divert the waste sourced from metro elsewhere until expansion approval for Riverbend Landfill is finalized. He added that the Riverbend Landfill is not proposing to close but to continue operations and to serve customers from coastal areas and Yamhill County. He continued on the topic of capacity by mentioning that the size of truck used roughly estimates the amount of waste from the various landfills. He added that there is a 90% flow guarantee, where Metro is obligated to deliver 90% of wet waste in the region to both public and

private waste management facilities. He then explained the map of the Westside of the region and mentioned that most of the waste along the west and south of the region goes to Riverbend Landfill through Coffin Butte. He added that waste from the north and east of the region goes to Columbia Ridge or Finley Buttes. He explained that they have been working with applicants for non-system licenses and Waste management to deliver a phased proposal, where initially Metro waste will be sourced to Columbia Ridge on adoption. He mentioned that the greatest perceived impacts would be towards costs and traffic given the extended transportation of waste. He continued that there would be a six month short duration non-system license to begin with where waste can be sourced to either Riverbend Landfill or Columbia Ridge, with Waste Management committed to covering the increased cost of transportation. He then conveyed that the six month expiration would be February 1st, and that after February 1st Riverbend Landfill will be available for waste under emergency or unusual circumstances.

Mr. Brower followed up by discussing the second phase of the proposal where Waste Management is seeking a longer term and more proximate landfill. He stated that Coffin Butte is an example, where a working agreement is under consideration for a waste swap program. He mentioned that the proposal includes the ability for the Metro Chief Operating Officer (COO) to redirect public waste to a third party landfill not currently in the non-system license if it is deemed to be in the public's best interest. However, he mentioned that there were practical and legal issues before it can be allowed to happen. He recounted the flow guarantee of 90% to Waste Management, a declining block rate, the understanding of cost coverage by Waste Management, capacity shifts into the future, and concerns of local county officials. He then opened up the discussion to input from Metro Council.

Council Discussion:

Councilor Harrington asked if the shifting waste flow would affect the tonnage levels at the Metro Central and Metro South stations as well as for costs to customers. Mr. Slyman answered that it would not directly do so. Councilor Harrington then asked if what Waste Management will absorb in terms of costs will be any potential increase in rates to the customers. Mr. Slyman answered that Waste Management will absorb the costs with regards to mileage and fuels of the trucks. Councilor Harrington then mentioned that if the increase in freight traffic and greenhouse gas emissions is also being considered. Mr. Slyman answered giving the metrics of greenhouse gas emission increases and the number of trucks on the road. Councilor Harrington then stated that she does not feel comfortable giving the Metro COO permissions highlighted in phase 2 without understanding the full impact to waste rate-payers, feeling that phase 2 removed oversight and accountability from the public sector. She then asked why the 6 month phase in period couldn't be condensed to a shorter time frame. Mr. Brower answered that the 6 month time frame was deemed as reasonable but can be shortened.

Councilor Craddick asked about the potential costs to the environment. Mr. Slyman answered that the process is being identified because Waste Management is unable to expand Riverbend Landfill due to the ongoing appeal process. Councilor Craddick then asked if there was an estimate on the end date for the appeal process. Mr. Slyman introduced a member from Waste Management to answer the question. The Waste Management representative answered that the earliest date would be in May 2017 but that they are hoping for a court statute in the upcoming weeks, and that they can appeal in 35 days. He continued that the Supreme Court has two months to decide whether they will hear the case, and that the longest time frame could be up to one or two years. Mr. Brower then

mentioned that the DEQ needs to approve as well, but decided they will not do so until the appeal process is resolved.

Councilor Stacey mentioned a prior resolution to establish a landfill capacity process, where if a facility doesn't have capacity and needs to expand it would be ineligible given the policy. He stated that this would result upon the expiration of the 90% flow guarantee and questioned if this set of circumstances presents an opportunity to offer facilitation and compromise for balancing landfills given that 40% will be retained for Metro stations with the other 60% going to landfills that transfer stations. He asked if there is a way for this to work without Riverbend as an option and what it would take to ensure that all private partners has a share in the flow decision. Ms. Bennett responded that this is for consideration of the Metro Councilors and not of staff.

Councilor Harrington asked about the date that final policy decisions will be in place for the transport and disposal of waste through public contract companies. Mr. Slyman responded that they are currently working on procurement on moving waste from transfer stations to landfills. He added to Councilors Stacey's remark that the flow of waste to Riverbend from local customers is about half of the total tonnage. Council President Hughes asked that if the tonnage increase permits are allowed, how long the permits will last. Mr. Slyman answered that it depends on when Riverbend landfill will reach capacity and that the current policy states that waste from the Metro region would not be able to flow to Canby transfer station.

Councilor Craddick asked that in a situation where the appeal extends past two years or Riverbend is deemed not a viable facility, would there be a situation where garbage can still be sent to Columbia Ridge after 2020. Mr. Slyman responded that if a deal from Waste Management and Republic Waste does not result in an agreement, Columbia Ridge will be the primary facility for a number of years, though it not a preferred option and that it is uncertain how long Waste Management will choose to absorb the costs. The second option would be where an agreement is decided at a 90% flow guaranteed requirement. He continued that Waste Management predicts that the current system will be in place until 2020, and after 2020, assuming that the 90% flow guarantee is dissolved; the options will be where transfer stations will take waste for disposal. Councilor Craddick asked if the appeal process will continue until the contract date is decided and who will take on the rate difference if it goes on for three years. Mr. Slyman answered that he is uncertain is Waste Management is obligated to pay the costs, but that it would likely go to local rate payers.

Councilor Stacey asked a question in reference to Republic Waste and the approval of a non-system license if the 10% allowed to be taken to Coffin Butte will serve to complicate matters. Mr. Brower answered that transfer to Coffin Butte will discontinue after the first six months and will then need to go to Columbia Ridge. Mr. Slyman added that if phase two doesn't materialize then the transfer station of Coffin Butte will need to go to Columbia Ridge.

Councilor Chase mentioned that this may have a significant impact on climate smart strategies and that efforts should be taken to reduce the impact. He added that staff may wish to look for alternatives by working with train or barge to transfer waste. Mr. Slyman responded that Waste Management looked into including opportunities for train and that it was determined to be difficult as the distance does not make it cost effective, though the advantages would be to commercial truck drivers and less vulnerability. Councilor Chase then asked if there is an effect on local landfills of the Oregon Department of Environmental Quality (DEQ) based on decisions made by Metro Council. Mr. Slyman answered that there will be no impact on local landfill decisions and added that at

present fill rates, Riverbend would reach capacity in six months, but if waste from Metro is halted the lifespan would extend to one year.

Council President Hughes noted that Metro does not have much control on phase one in regards to sending waste to Riverbend landfill. He mentioned that the focus of the discussion of if Council wishes to progress to phase two. He continued to mention that moving to phase two is the preferable option in the long run as it will result in a better situation than using Columbia Ridge long-term, though if Columbia Ridge is determined to be the primary facility, Metro would not be the deciding party. Councilor Harrington stated she is uncomfortable with the one year benchmark where Metro needs to ensure the 90% provision is met and its potential impacts to contracts for the implementation for waste movement. Councilor Stacey asked how Metro Council would be able to change the measure if a concern shows after development. Waste Management clarified that they have committed for the phases of implementation and not for the life-span of the project.

3. DEVELOPMENT OF REGIONAL FLEXIBLE FUNDS ALLOCATION STEP 2 PROJECT RECOMMENDATION

Ted Leybold, Metro, introduced Dan Kaempff, Metro, to discuss step 2 of the Regional Flexible Funds Allocation (RFFA) project. He stated that Mr. Kaempff will review the process Metro has to date and will describe the approach to develop a draft list of projects, as well as mentioning the possible means of balancing projects to existing funds to shape further discussions at the upcoming Joint Policy Advisory Committee on Transportation (JPACT).

Mr. Kaempff mentioned that Metro is approaching key decision making points and that the purpose of the discussion is to gain Council input and to walk through the process of project adoption. He went through a recent history where last spring staff chose to adopt the RFFA policy. Currently they are at the RFFA decision point on project funding. Once adopted, staff will meet to discuss steps to incorporate the policy into the Metropolitan Transportation Improvement Program (MTIP) in order to document and meet federal requirements. He stated that if this is not done by August of 2017 then there will be other critical deadlines that will need to be pushed back,

Mr. Kaempff continued to mention that there were 31 projects total with five for freight initiatives and 27 for active transportation. He stated that the first step now is to agree on the recommendation process through the technical scores received by the project, the local benefit shown through public comment, sub regional benefits by the indication of priority, and regional and federal policy alignment with the ten RFFA objectives. He stated that the main question is how to use these four factors to determine the package of projects and referenced a sheet in the packet to make a selection.

Mr. Kaempff then went into detail of the process. He started with the first step which was a technical evaluation on how well it met the policy report, ranked by numeral scores on weighted criteria. Following was a 30 day public comment period. He mentioned that they have received over 3,600 comments and that a summary of comments is in the materials and that a full report is available on the RFFA website that summarizes comments on handouts and the percentage of those that are positive towards projects. He continued to mention that each of the three counties and cities in the region show which projects they prioritize based on a technical evaluation. He then remarked that JPACT needs to utilize the ten policy objectives that define how the RFFA process should be conducted and what outcomes should be achieved. He noted that through separate

projects, the Oregon Department of Transportation (ODOT) and Metro staff determine the projects that are ready to go once funding is secured. He highlighted that this was shared with the Transportation Policy Alternative Committee (TPAC) last month and that it was shared through a number of different examples to develop a recommendation for JPACT. He stated that Example A is the technical scores rated from 1-10 before funding is depleted and the public support of projects is measured around 80%. He continued that most of the projects have been identified by sub regional partners as priorities and that they can look at all of the sources of input to build a package. He mentioned that the current package is 2 million dollars over the current available funds.

Mr. Kaempff continued to mention another example for TPAC is to focus of the level of public comment in support of projects. All projects are indicated as sub regional priorities and that the complete package is 5 million over budget. He added that City of Portland could reduce their asking costs of some projects to reduce this to 2.1 million over budget. He continued to mention the TPAC discussion that example B may be better in order to honor the way a recommendation is developed. This creates a problem to balance funding requests to determine which projects to include in the recommendation. He stated that there are four different means to reduce costs from scope and timing, local contribution, identification of other funding sources, or defederalization of certain projects. He concluded this part of the discussion by mentioning a combination of methods can be used to develop a way to apply funding reductions.

Council Discussion:

Councilor Chase asked a question in regard to the project application process for the North Portland Greenway Trail. He stated that he heard from the public that there was a technical issue with the process and asked if there was an appeal process to address issues. Mr. Kaempff answered that an appeal process wasn't decided and that it had to be honored. He continued that this is where sub regional prioritization takes places in order to make recommendations to decision makers.

Councilor Collette asked about balancing the budget and defederalization. She asked how this would be done within the RFFA guidelines. Mr. Leybold answered that this will be mixed with federal and local funds based on the capacity of a project, and once a list of projects is defined, they will work with local agencies to determine what can be done.

Councilor Stacey asked that when a public hearing on RFFA projects was a study on public participation, the take away message was that there are projects with a lot of support with needs and short comings in the active transportation network. He stated that in Example B, both projects advance above the line, meaning that Brentwood-Darlington would be impacted with 9.0 out of 10 on historically underserved populations. He stated that this factor is the equity equation and he will be looking for a project that addresses it. He continued that he did not see descriptors in the package for people of low income of disabilities and that there are relevant considerations for project funding. He stated that he would like to see some representation in the region that thought is given to advance diversity, equity and inclusion.

Councilor Harrington mentioned that communities in Clackamas County were looking at Example B as it is off budget. She asked about the process used to address the likelihood of meeting the August 2017 timeframe. Mr. Leybold answered that it is likely that it would happen after the deadline as they will have reports about what objects were used fir project selection by identifying subregional priorities. She stated that she is interested in the process and how to balance technical evaluation and public comment and subregional evaluation with Metro values and priorities, specifically

focused on how balancing the criterion is done. She continued to ask about who is doing the work for defederalization and solving deficits in the package. She stated that if defederalization is done but isn't sufficient to bring all ten projects in Example A for all other projects, would the budget be augmented or is it simple to indentify projects that are easily defederalized. Mr. Leybold answered that work would need to be done with partner agencies to identify funding needs. Councilor Harrington then recapped on the question of incorporating equity and stated she would like to see it carried forward on all projects.

Councilor Craddick asked clarifying questions on the process of how things were evaluated and who makes the decisions. Mr. Kaempff answered that this went through TPAC and that the examples presented today were examples on how to use information. He stated that Example A is a straight technical ranking and that the subregional prioritizations of the projects all have a good response and outcome. He mentioned that one could look at the examples and put more favor on subregional prioritization and comments.

Councilor Stacey stated that City of Portland has pride in defederalization and asked if TriMet is a part of the cost reduction strategy. Mr. Leybold responded that they are not but they could be up for consideration if they desire.

5. COUNCILOR LIAISON UPDATES AND COUNCIL COMMUNICATION

Councilor Craddick mentioned that she will miss the upcoming Council meeting but wanted to report on a project in collaboration with CTRAN, ODOT and WASHDOT on a shoulder project along Interstate 205 that would utilize the should to allow bus transit. She mentioned that this has proven successful in other states but that there was concern from ODOT due to the difference in shoulder width between Washington and Oregon, as well as the use of double lane freeway exits on the Oregon side.

Councilor Dirksen recapped on a recent regional leadership forum and stated there was much more engagement and passion compared to earlier forums. He continued to mention a recent Oregon Business Plan leadership forum that he was disappointed in due to a lack of vision expressed on dealing with current issues. Councilor Harrington countered that she felt quite positively on the forum, specifically the different dynamics though mentioned that language could have been more refined.

Councilor Harrington mentioned that she heard a presentation focused on Oregon's Individual Account Program (IAP) for public service employees and discrepancies between the tiers of employees and benefits. She stated that she wanted to make sure that Metro is mindful on the effects to ensure employees are not marginalized.

Council President Hughes recapped on a recent trip to Vietman and the focus on manufacturing and the need to preserve the global supply chain. Councilor Collette recapped on a recent trip to China where she highlighted the need to preserve trade and a working financial relationship, but mentioned differences in environmental quality.

6. ADJOURN

Seeing no further business, Council President Tom Hughes adjourned the Metro Council work session at 4:46 p.m.

Metro Council Work Session
December 6, 2016
Page 7 of 8

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Spencer", with a long horizontal flourish extending to the right.

Christopher Spencer, Council Policy Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 6, 2016

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
1.0	Handout	12/06/2016	Draft Proposed Phasing of Council Initiatives	120616cw-01
2.1	PowerPoint	12/06/2016	Regional Solid Waste Facilities	120616cw-02
2.2	PowerPoint	12/06/2016	2019-21 RFFA Project Recommendation Development	120616cw-03
3.0	Memo	12/06/2016	Low Income Fare Meeting One Review	120616cw-04