



METRO

Agenda

MEETING: METRO COUNCIL
DATE: March 26, 2009
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI) UPDATE

4. CONSENT AGENDA

4.1 Consideration of Minutes for the March 19, 2009 Metro Council Regular Meeting.

4.2 **Resolution No. 09-4035**, For the Purpose of Confirming the Appointment of Leah Brolliar to the Metro Committee for Citizen Involvement (MCCI).

4.3 **Resolution No. 09-4021**, For the Purpose of Amending the Membership of the Brownfields Task Force.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 09-1214**, Amending the FY 2008-09 Budget and Appropriation Schedule Recognizing a Donation For Blue Lake Park, Amending the Capital Improvement Plan, and Declaring an Emergency. Park

6. CONTRACT REVIEW BOARD

6.1 **Resolution No. 09-4036**, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Sole Source Contract for the Purchase of Circulation Equipment at Blue Lake Park.

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for March 26, 2009 Metro Council meeting

| | |
|---|---|
| <p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 2 p.m. Thursday, Mar. 26 (Live)</p> | <p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmv.org – (503) 288-1515 8:30 p.m. Sunday, Mar. 29 2 p.m. Monday, Mar. 30</p> |
| <p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, Mar. 30</p> | <p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, Mar. 28 11 p.m. Sunday, Mar. 29 6 a.m. Tuesday, Mar. 4 p.m. Wednesday, Mar. 4</p> |
| <p>Oregon City, Gladstone Channel 28 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p> | <p>West Linn Channel 30 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p> |

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order in which they are listed. If you have questions about the agenda, please call the Council Office at (503) 797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Council Office to be included in the decision record. Documents may be submitted by e-mail, fax, mail or in person at the Council Office. For additional information about testifying before the Metro Council, and for other public comment opportunities, please go to this section of the Metro website www.oregonmetro.gov/participate. For assistance per the American Disabilities Act (ADA), dial Metro’s TDD line (503) 797-1804 or (503) 797-1540 for the (Council Office).

Agenda Item Number 3.0

**METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI)
UPDATE**

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

Agenda Item Number 4.1

Consideration of Minutes for the March 19, 2009 Metro Council Regular Meeting.

Consent Agenda

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

Agenda Item Number 4.2

Resolution No. 09-4035, For the Purpose of Confirming the Appointment of Leah Broliar to the Metro Committee for Citizen Involvement (MCCI).

Consent Agenda

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

| | | |
|-------------------------------------|---|---------------------------------------|
| FOR THE PURPOSE OF CONFIRMING THE |) | RESOLUTION NO. 09-4035 |
| APPOINTMENT OF LEAH BROLLIAR TO THE |) | |
| METRO COMMITTEE FOR CITIZEN |) | Introduced by Council President David |
| INVOLVEMENT (MCCI) |) | Bragdon |
| |) | |

WHEREAS, the Metro Charter calls for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, Section 28 (1) of the Metro Charter states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and

WHEREAS, the Metro Council has created MCCI (Metro Code Section 2.19.100); and

WHEREAS, there are several vacancies in MCCI membership with one appointment to be made in the Clackamas County Citizen Involvement Committee position; and

WHEREAS, a recruitment and selection process has been initiated, resulting in the nomination by MCCI of citizen Leah Broliar (appointment letter attached as Exhibit A) for a two-year term, beginning March 26, 2009, and;

WHEREAS, the Council President has appointed citizen Leah Broliar to serve on MCCI representing the Clackamas County Committee for Citizen Involvement, subject to Metro Council confirmation; now therefore

BE IT RESOLVED that the Metro Council confirms the appointment of Leah Broliar as a member of MCCI.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David L. Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4035, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF LEAH BROLLIAR TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT.

Date: March 3, 2009

Prepared by: Cheryl Grant

BACKGROUND

The Metro Committee for Citizen Involvement (MCCI) has continued to attempt to fill its vacancies. MCCI has actively recruited new members, including soliciting stakeholders and local leaders for nominees, notifying agency staff, and advertising on a weekly basis.

Leah Brolliar resides Clackamas County. The MCCI Membership Committee has received a letter of recommendation from the CCI naming Leah Brolliar for the Clackamas County Committee for Citizen Involvement position on the Metro CCI, citing her interest in community. Leah Brolliar's application and letter to the committee are attached to Resolution 09-4035 as Exhibit A.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Section 28(1) of the Metro Charter and Metro Code Section 2.19.100, adopted on November 9, 2000, states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and Ordinance No. 00-860A (For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees).

3. Anticipated Effects

That a new member will be appointed to MCCI.

4. Budget Impacts

None.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 09-4035.



Elissa Gertler
Director

PUBLIC AND GOVERNMENT AFFAIRS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

February 24, 2009

Cheryl Grant
Office of Citizen Involvement
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Clackamas County citizen representative to MCCI

At the Committee for Citizen Involvement (CCI) public meeting held February 17, 2009, committee members nominated and unanimously voted to approve Leah Broliar as the citizen representative to the Metro Committee for Citizen Involvement. Ms. Broliar's contact information is below.

Leah Broliar
31158 S. Wall Street
Colton, OR 97017
503.824.5165
ghampton60@yahoo.com

If you have any questions, please call or email me.

Sincerely,

Barbara Smolak
Citizen Involvement, Public & Government Affairs
2051 Kaen Road,
Oregon City, OR 97045
503.655.8552
barbarasmo@co.clackamas.or.us

c: Jerry Andersen, Chair, Clackamas County CCI
Leah Broliar

Agenda Item Number 4.3

Resolution No. 09-4021, For the Purpose of Amending the Membership of the
Brownfields Task Force.

Consent Agenda

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE
MEMBERSHIP OF THE BROWNFIELDS
TASK FORCE

RESOLUTION NO. 09-4021

Introduced by Michael Jordan, Chief Operating
Office with the Concurrence of Council
President David Bragdon

WHEREAS, establishing a Brownfields Program that complements ongoing planning efforts by cities and counties in the region will enhance the efficient use of land, eliminate environmentally contaminated sites and generate additional tax revenues for local governments; and

WHEREAS, identifying and prioritizing Brownfield sites in the region is an important part of increasing the developable short-term land supply in the region and could provide significant redevelopment opportunities for affordable housing, employment, and open spaces in local communities; and

WHEREAS, the Council, by Resolution No. 05-3644 (For the Purpose of Establishing a Brownfields Program and a Brownfields Task Force) adopted on December 1, 2005, directed the Chief Operating Officer to develop a strategic work program and a draft membership list for the Brownfields Task Force; and

WHEREAS, Metro received a two-year grant from the U.S. Environmental Protection Agency in 2006 for the purpose of developing and maintaining a region-wide inventory of Brownfields and environmental assessment of select sites; and

WHEREAS, the Metro Council, by Resolution No. 07-3765A, For the Purpose of Establishing the Duties and Responsibilities of the Brownfields Task Force, and Confirming Appointment of Its Members, adopted on January 25, 2007, established the duties and responsibilities of the Brownfields Task Force and confirmed appointment of its initial members; and

WHEREAS, Metro established the Brownfields Recycling Program, convened the Metro Brownfields Task Force, and with the recommendations of the task force, conducted outreach throughout the region, provided Phase I Environmental Site Assessments to five sites, multi-part Phase II environmental site assessments to four sites, and site-specific technical assistance to two additional sites; and

WHEREAS, Metro received a second grant from the U.S. Environmental Protection Agency in 2008 for the purpose of continuing Metro's Brownfields Recycling Program from 2009 through 2011 in order to conduct additional community outreach and environmental site assessments; and

WHEREAS, this additional grant work will extend the need for the Brownfields Task Force; and

WHEREAS, the service of the members of the Brownfields Task Force appointed in January, 2007, concluded in January, 2009; and

WHEREAS, the Metro Council by adopting Resolution No. 08-4044, For the Purpose of Extending the Term and Confirming Appointments of the Brownfields Task Force, on December 11, 2008, which:

1. Extended the duties of the Brownfields Task Force through January 31, 2012 to:
 - Provide recommendations on developing and maintaining Metro's brownfields inventory, focusing site research, working with property owners, and conducting community and specific stakeholder outreach;
 - Review criteria for selecting brownfield sites for environmental assessment;
 - Prioritize sites for environmental assessments; and
 - Provide recommendations regarding redevelopment of brownfield sites throughout local communities.
2. Confirmed the appointment of the persons listed in Exhibit A to Resolution No. 08-4044, to serve as the members of Metro's Brownfields Task Force.
3. Directed the Brownfields Task Force to meet quarterly, with administrative and technical support from Metro staff, to submit recommendations to the Council on a periodic basis as approved by the Task Force; and

WHEREAS, the Council President has appointed an additional member to the Brownfields Task Force subject to Council Confirmation; now, therefore

BE IT RESOLVED that the Metro Council confirms the appointment and the amended membership listed in Exhibit A, attached and incorporated into this resolution, to serve as the members of Metro's Brownfields Task Force.

ADOPTED by the Metro Council this 26th day of March, 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

EXHIBIT A TO RESOLUTION NO. 09-4021

Members of Metro's Brownfields Task Force

Mr. Clark Henry, Chair
Portland Brownfield Program Manager, Bureau of Environmental Services, City of Portland

The Honorable Catherine Arnold
Councilor, City of Beaverton

Mr. Scott Beard
Senior Vice President, Pacific Continental Bank

The Honorable Hal Busch
Councilor, City of Gladstone

Mr. Joshua Caldwell
Business Development Manager, S.D. Deacon Corp. of Oregon

Ms. Sara Daley
Real Estate Broker, Windermere/CCRGI

Ms. Mimi Doukas
Director of Land Use Planning, WRG Design

Mr. Charles Farrington*

Mr. Coby Graham
Industrial Hygienist, Oregon Health and Sciences University

Ms. Karen Homolac
Brownfields Program and Policy Coordinator, Oregon Economic and Community Development
Department

Mr. Aaron Matusick
Attorney, Bittner & Hahs PC

Mr. James McGrath
Associate, ZGF Architects LLP

Ms. Renate Mengelberg
Business and Economic Development Coordinator, Clackamas County

Ms. Cara Nolan
Broker, Capacity Commercial Group

Mr. Peter Serrurier
Partner, Stoel Rives LLP

Mr. Ramsay Weit
Executive Director, Community Housing Fund

Mr. Gil Wistar
Brownfields Coordinator, Environmental Cleanup Program, Oregon Department of Environmental
Quality

* Denotes the new member appointed

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4021, FOR THE PURPOSE OF AMENDING THE MEMBERSHIP OF THE BROWNFIELDS TASK FORCE

Date: March 16, 2009

Prepared by: Miranda Bateschell
Associate Regional Planner

BACKGROUND

The Metro Council adopted Resolution No. 07-3765A For the Purpose of Establishing the Duties and Responsibilities of the Brownfields Task Force and Confirming Appointment of Its Members on January 25, 2007. In 2008, Metro received a second grant from the U.S. Environmental Protection Agency for the purpose of continuing Metro's Brownfields Recycling Program from 2009 through 2011 in order to conduct additional community outreach and environmental site assessments. The Metro Council adopted Resolution No. 08-4004 For the Purpose of Extending the Term and Confirming Appointments of the Brownfields Task Force on December 11, 2008, to continue using this advisory committee under the new grant from EPA.

Since adoption of Resolution No. 08-4004, Metro Council President and staff met with Mr. Charles Farrington, who is interested in serving on the task force, and Metro Council President has recommended appointment of Mr. Farrington to Metro's Brownfields Task Force. Members appointed to Metro's Brownfields Task Force represent a range of public and private sector experience in environmental and regulatory aspects of brownfields, economic development, affordable housing, construction project management, industrial and commercial real estate, financial institutions, local government and community development.

Exhibit A to Resolution No. 09-4021 is a complete list for the 2009-2011 Brownfields Task Force, which denotes the new recommended appointment.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the appointment of these members.

2. Legal Antecedents

Metro Council Resolution No. 05-3644, For the Purpose of Establishing a Brownfields Program and a Brownfields Task Force, Resolution No. 07-3765A, For the Purpose of Establishing the

Duties and Responsibilities of the Brownfields Task Force and Confirming Appointment of Its Members, and Resolution No. 08-4004 For the Purpose of Extending the Term and Confirming Appointments of the Brownfields Task Force.

3. Anticipated Effects

Mr. Farrington will serve on Metro's Brownfields Task Force from 2009-2011 providing insight to the program and regarding site selection from his perspective with a background in the financial and affordable housing fields.

4. Budget Impacts

An additional task force member will have no budget impacts.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 09-4021.

Agenda Item Number 5.1

Ordinance No. 09-1214, Amending the FY 2008-09 Budget and Appropriation Schedule Recognizing a Donation For Blue Lake Park, Amending the Capital Improvement Plan, and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

| | | |
|--------------------------------------|---|--|
| AMENDING THE FY 2008-09 BUDGET AND |) | ORDINANCE NO. 09-1214 |
| APPROPRIATION SCHEDULE RECOGNIZING A |) | |
| DONATION FOR BLUE LAKE PARK, |) | Introduced by Michael Jordan, Chief |
| AMENDING THE CAPITAL IMPROVEMENT |) | Operating Officer, with the concurrence of |
| PLAN, AND DECLARING AN EMERGENCY |) | Council President David Bragdon |
| |) | |

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2008-09 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2008-09 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing a donation for a Blue Lake Park capital project to improve water quality.
2. That the FY 2008-09 through FY 2012-13 Capital Improvement Plan is hereby amended to include the project shown in Exhibit C to this Ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A
Ordinance No. 09-1214**

| ACCT | DESCRIPTION | Current Budget | | Revision | | Amended Budget | |
|------------------------------------|---|----------------|--------------------|---------------|-------------------|----------------|--------------------|
| | | FTE | Amount | FTE | Amount | FTE | Amount |
| General Fund | | | | | | | |
| Regional Parks | | | | | | | |
| <i>Personal Services</i> | | | | | | | |
| <i>SALWGE Salaries & Wages</i> | | | | | | | |
| 5010 | Reg Employees-Full Time-Exempt | | | | | | |
| | Assistant Management Analyst | 2.20 | 89,439 | - | 0 | 2.20 | 89,439 |
| | Associate Regional Planner | 1.50 | 77,198 | - | 0 | 1.50 | 77,198 |
| | Director II | 0.70 | 98,678 | - | 0 | 0.70 | 98,678 |
| | Education Coordinator II | 1.00 | 53,997 | - | 0 | 1.00 | 53,997 |
| | Manager I | 2.25 | 214,214 | - | 0 | 2.25 | 214,214 |
| | Manager II | 1.70 | 155,417 | - | 0 | 1.70 | 155,417 |
| | Principal Regional Planner | 1.20 | 96,377 | - | 0 | 1.20 | 96,377 |
| | Program Analyst III | 1.00 | 46,652 | - | 0 | 1.00 | 46,652 |
| | Program Director I | 1.00 | 112,308 | - | 0 | 1.00 | 112,308 |
| | Program Supervisor I | 0.67 | 46,144 | - | 0 | 0.67 | 46,144 |
| | Program Supervisor II | 1.00 | 64,263 | - | 0 | 1.00 | 64,263 |
| | Property Management Specialist | 0.80 | 52,474 | - | 0 | 0.80 | 52,474 |
| | Senior Natural Resource Scientist | 4.00 | 283,564 | - | 0 | 4.00 | 283,564 |
| | Senior Public Affairs Specialist | 0.20 | 18,034 | - | 0 | 0.20 | 18,034 |
| | Senior Regional Planner | 2.00 | 131,319 | - | 0 | 2.00 | 131,319 |
| | Service Supervisor II | 1.50 | 74,235 | (0.50) | (24,300) | 1.00 | 49,935 |
| | Service Supervisor III | 1.00 | 64,261 | - | 0 | 1.00 | 64,261 |
| | Volunteer Coordinator II | 1.00 | 53,997 | - | 0 | 1.00 | 53,997 |
| 5015 | Reg Empl-Full Time-Non-Exempt | | | | | | |
| | Administrative Specialist II | 2.00 | 73,029 | - | 0 | 2.00 | 73,029 |
| | Arborist | 1.00 | 52,208 | - | 0 | 1.00 | 52,208 |
| | Maintenance Worker 2 | 1.00 | 46,228 | - | 0 | 1.00 | 46,228 |
| | Natural Resource Scientist | 4.00 | 183,280 | - | 0 | 4.00 | 183,280 |
| | Park Ranger | 8.00 | 366,567 | - | 0 | 8.00 | 366,567 |
| | Park Ranger Lead | 1.00 | 45,820 | - | 0 | 1.00 | 45,820 |
| | Program Assistant 2 | 1.00 | 36,462 | - | 0 | 1.00 | 36,462 |
| | Program Assistant 3 | 1.00 | 40,227 | - | 0 | 1.00 | 40,227 |
| | Volunteer Coordinator I | 0.80 | 35,460 | - | 0 | 0.80 | 35,460 |
| 5020 | Reg Emp-Part Time-Exempt | | | | | | |
| | Education Coordinator II | 0.50 | 26,998 | - | 0 | 0.50 | 26,998 |
| | Principal Regional Planner | 0.80 | 55,078 | - | 0 | 0.80 | 55,078 |
| | Senior Regional Planner | 1.80 | 125,647 | - | 0 | 1.80 | 125,647 |
| 5025 | Reg Employees-Part Time-Non-Exempt | | | | | | |
| | Program Assistant 3 | 0.50 | 21,160 | - | 0 | 0.50 | 21,160 |
| | Volunteer Coordinitor I | 1.00 | 46,550 | - | 0 | 1.00 | 46,550 |
| 5030 | Temporary Employees | | 357,647 | | 0 | | 357,647 |
| 5080 | Overtime | | 19,649 | | 0 | | 19,649 |
| 5089 | Salary Adjustments | | | | | | |
| | Merit Adjustment Pool (non-represented) | | 12,809 | | (365) | | 12,444 |
| | Step Increases (AFSCME) | | 26,748 | | 0 | | 26,748 |
| | COLA (represented employees) | | 60,717 | | 0 | | 60,717 |
| | Other Adjustments (non-represented) | | 14,161 | | (729) | | 13,432 |
| | Other Adjustments (AFSCME) | | 6,236 | | 0 | | 6,236 |
| | Other Adjustments (Class & Comp Study) | | 14,160 | | 0 | | 14,160 |
| <i>FRINGE Fringe Benefits</i> | | | | | | | |
| 5100 | Fringe Benefits | | | | | | |
| | Base Fringe (variable & fixed) | | 1,115,719 | | (9,177) | | 1,106,542 |
| 5190 | PERS Bond Recovery | | 96,839 | | (813) | | 96,026 |
| Total Personal Services | | 49.12 | \$4,611,970 | (0.50) | (\$35,384) | 48.62 | \$4,576,586 |

**Exhibit A
Ordinance No. 09-1214**

| ACCT | DESCRIPTION | Current Budget | | Revision | | Amended Budget | |
|--|-------------------------------------|----------------|--------------------|---------------|-------------------|----------------|--------------------|
| | | FTE | Amount | FTE | Amount | FTE | Amount |
| General Fund | | | | | | | |
| Regional Parks | | | | | | | |
| <i>Materials & Services</i> | | | | | | | |
| <i>GOODS Goods</i> | | | | | | | |
| | 5201 Office Supplies | | 70,538 | | 0 | | 70,538 |
| | 5205 Operating Supplies | | 117,520 | | 0 | | 117,520 |
| | 5210 Subscriptions and Dues | | 6,753 | | 0 | | 6,753 |
| | 5215 Maintenance & Repairs Supplies | | 119,479 | | 0 | | 119,479 |
| | 5225 Retail | | 11,697 | | 0 | | 11,697 |
| <i>SVCS Services</i> | | | | | | | |
| | 5240 Contracted Professional Svcs | | 1,254,108 | | (39,616) | | 1,214,492 |
| | 5250 Contracted Property Services | | 1,022,220 | | 0 | | 1,022,220 |
| | 5251 Utility Services | | 131,889 | | 0 | | 131,889 |
| | 5255 Cleaning Services | | 270 | | 0 | | 270 |
| | 5260 Maintenance & Repair Services | | 94,603 | | 0 | | 94,603 |
| | 5265 Rentals | | 23,693 | | 0 | | 23,693 |
| | 5280 Other Purchased Services | | 95,342 | | 0 | | 95,342 |
| | 5290 Operations Contracts | | 6,432 | | 0 | | 6,432 |
| <i>IGEXP Intergov't Expenditures</i> | | | | | | | |
| | 5300 Payments to Other Agencies | | 488,016 | | 0 | | 488,016 |
| | 5310 Taxes (Non-Payroll) | | 237,086 | | 0 | | 237,086 |
| <i>OTHEXP Other Expenditures</i> | | | | | | | |
| | 5450 Travel | | 8,781 | | 0 | | 8,781 |
| | 5455 Staff Development | | 24,299 | | 0 | | 24,299 |
| | 5490 Miscellaneous Expenditures | | 40,206 | | 0 | | 40,206 |
| Total Materials & Services | | | \$3,752,932 | | (\$39,616) | | \$3,713,316 |
| Total Capital Outlay | | | \$61,000 | | \$0 | | \$61,000 |
| TOTAL REQUIREMENTS | | 49.12 | \$8,425,902 | (0.50) | (\$75,000) | 48.62 | \$8,350,902 |

**Exhibit A
Ordinance No. 09-1214**

| ACCT | DESCRIPTION | Current Budget | | Revision | | Amended Budget | |
|--|--|----------------|----------------------|---------------|-----------------|----------------|----------------------|
| | | FTE | Amount | FTE | Amount | FTE | Amount |
| General Fund | | | | | | | |
| General Expenditures | | | | | | | |
| <u>Interfund Transfers</u> | | | | | | | |
| INDTEX | <i>Interfund Reimbursements</i> | | | | | | |
| 5800 | Transfer for Indirect Costs | | | | | | |
| | * to Risk Mgmt Fund-Liability | | 309,234 | | 0 | | 309,234 |
| | * to Risk Mgmt Fund-Worker Comp | | 385,818 | | 0 | | 385,818 |
| EQTCHG | <i>Fund Equity Transfers</i> | | | | | | |
| 5810 | Transfer of Resources | | | | | | |
| | * to Smith & Bybee Lakes Fund | | 91,740 | | 0 | | 91,740 |
| | * to General Revenue Bond Fund-Zoo | | 402,089 | | 0 | | 402,089 |
| | * to Metro Capital Fund-FAS Capital Account | | 65,000 | | 0 | | 65,000 |
| | * to Metro Capital Fund-IT Projects | | 140,000 | | 0 | | 140,000 |
| | * to Gen'l Revenue Bond Fund-Debt Serv Acct | | 1,504,342 | | 0 | | 1,504,342 |
| | * to MERC Operating Fund | | 11,937 | | 0 | | 11,937 |
| | * to MERC Capital Fund (Tourism Opp. & Compt. Acc | | 746,146 | | 0 | | 746,146 |
| | * to General R&R Fund-General R&R | | 404,459 | | 0 | | 404,459 |
| | * to General R&R Fund-IT Renewal & Replacement | | 257,815 | | 0 | | 257,815 |
| | * to Metro Capital Fund-Parks Capital | | 0 | | 75,000 | | 75,000 |
| | * to General R&R Fund-Regional Center R&R | | 277,000 | | 0 | | 277,000 |
| | * to Metro Capital Fund-Parks Cap (per ton on SW) | | 270,000 | | 0 | | 270,000 |
| | * to General R&R Fund- Parks R&R (earned on SW rev | | 200,000 | | 0 | | 200,000 |
| | * to Solid Waste Revenue Fund | | 100,348 | | 0 | | 100,348 |
| Total Interfund Transfers | | | \$5,165,928 | | \$75,000 | | \$5,240,928 |
| <u>Contingency & Unappropriated Balance</u> | | | | | | | |
| CONT | <i>Contingency</i> | | | | | | |
| 5999 | Contingency | | | | | | |
| | * Contingency | | 2,803,838 | | 0 | | 2,803,838 |
| | * Opportunity Account | | 164,500 | | 0 | | 164,500 |
| | * Reserved for Future Planning Needs | | 351,000 | | 0 | | 351,000 |
| | * Reserved for Future Election Costs | | 290,000 | | 0 | | 290,000 |
| | * Reserved for Nature in Neighborhood Grants | | 250,000 | | 0 | | 250,000 |
| | * Reserved for Reg. Afford. Housing Revolving Fun | | 1,000,000 | | 0 | | 1,000,000 |
| | * Reserved for Metro Regional Center Remodel | | 378,000 | | 0 | | 378,000 |
| | * Recovery Rate Stabilization reserve | | 1,771,867 | | 0 | | 1,771,867 |
| | * Reserved for Integrated Mobility Strategy | | 276,500 | | 0 | | 276,500 |
| UNAPP | <i>Unappropriated Fund Balance</i> | | | | | | |
| 5990 | Unappropriated Fund Balance | | | | | | |
| | * Stabilization Reserve | | 2,320,000 | | 0 | | 2,320,000 |
| | * Reserve for Future Natural Areas Operations | | 1,023,070 | | 0 | | 1,023,070 |
| | * PERS Reserve | | 2,782,174 | | 0 | | 2,782,174 |
| | * Computer Replacement Reserve (Planning) | | 90,000 | | 0 | | 90,000 |
| | * Tibbets Flower Account | | 201 | | 0 | | 201 |
| | * Reserve for Future Debt Service | | 2,521,852 | | 0 | | 2,521,852 |
| Total Contingency & Unappropriated Balance | | | \$16,023,002 | | \$0 | | \$16,023,002 |
| TOTAL REQUIREMENTS | | 434.73 | \$103,535,785 | (0.50) | \$0 | 434.23 | \$103,535,785 |

**Exhibit A
Ordinance No. 09-1214**

| ACCT | DESCRIPTION | Current | | Revision | | Amended | |
|---|---|-------------|---------------------|----------|------------------|-------------|---------------------|
| | | FTE | Amount | FTE | Amount | FTE | Amount |
| Metro Capital Fund | | | | | | | |
| <u>Resources</u> | | | | | | | |
| <i>BEGBAL</i> | <i>Beginning Fund Balance</i> | | | | | | |
| 3500 | * Prior year ending balance | | 7,547,235 | | 0 | | 7,547,235 |
| 3500 | * Prior year PERS Reserve | | 6,553 | | 0 | | 6,553 |
| <i>GRANTS</i> | <i>Grants</i> | | | | | | |
| 4100 | Federal Grants-Direct | | 104,973 | | 0 | | 104,973 |
| 4105 | Federal Grants-Indirect | | 820,000 | | 0 | | 820,000 |
| 4110 | State Grants-Direct | | 1,340,800 | | 0 | | 1,340,800 |
| 4115 | State Grants-Indirect | | 100,000 | | 0 | | 100,000 |
| 4120 | Local Grants-Direct | | 413,764 | | 0 | | 413,764 |
| <i>INTRST</i> | <i>Interest Earnings</i> | | | | | | |
| 4700 | Interest on Investments | | 110,854 | | 0 | | 110,854 |
| <i>DONAT</i> | <i>Contributions from Private Sources</i> | | | | | | |
| 4750 | Donations and Bequests | | 3,698,027 | | 75,000 | | 3,773,027 |
| <i>MISCRV</i> | <i>Miscellaneous Revenue</i> | | | | | | |
| 4890 | Miscellaneous Revenue | | 2,751,919 | | 0 | | 2,751,919 |
| <i>EQTREV</i> | <i>Fund Equity Transfers</i> | | | | | | |
| 4970 | Transfer of Resources | | | | | | |
| | * from General Renewal & Replacement Fund | | 375,000 | | 0 | | 375,000 |
| | * from General Fund (per ton on SW) | | 270,000 | | 0 | | 270,000 |
| | * from General Fund (Regional Parks) | | 0 | | 75,000 | | 75,000 |
| | * from General Fund-FAS projects | | 65,000 | | 0 | | 65,000 |
| | * from General Fund-IT Projects | | 140,000 | | 0 | | 140,000 |
| TOTAL RESOURCES | | | \$17,744,125 | | \$150,000 | | \$17,894,125 |
| Total Personal Services | | 2.00 | \$179,631 | - | \$0 | 2.00 | \$179,631 |
| Total Materials & Services | | | \$540,000 | | \$0 | | \$540,000 |
| <u>Capital Outlay</u> | | | | | | | |
| <i>CAPNON</i> | <i>Capital Outlay (non-CIP Projects)</i> | | | | | | |
| 5750 | Office Furniture & Equip | | 25,000 | | 0 | | 25,000 |
| <i>CAPCIP</i> | <i>Capital Outlay (CIP Projects)</i> | | | | | | |
| 5710 | Improve-Oth thn Bldg | | 8,453,800 | | 0 | | 8,453,800 |
| 5720 | Buildings & Related | | 100,000 | | 0 | | 100,000 |
| 5730 | Exhibits and Related | | 5,296,000 | | 0 | | 5,296,000 |
| 5740 | Equipment & Vehicles | | 135,959 | | 150,000 | | 285,959 |
| 5750 | Office Furniture & Equip | | 265,000 | | 0 | | 265,000 |
| Total Capital Outlay | | | \$14,275,759 | | \$150,000 | | \$14,425,759 |
| Total Interfund Transfers | | | \$97,174 | | \$0 | | \$97,174 |
| <u>Contingency & Unappropriated Balance</u> | | | | | | | |
| <i>CONT</i> | <i>Contingency</i> | | | | | | |
| 5999 | Contingency | | | | | | |
| | * General contingency | | 2,293,857 | | 0 | | 2,293,857 |
| <i>UNAPP</i> | <i>Unappropriated Fund Balance</i> | | | | | | |
| 5990 | Unappropriated Fund Balance | | | | | | |
| | * Prior Year PERS Reserve | | 6,553 | | 0 | | 6,553 |
| | * Oxbow Park Nature Center Account | | 351,151 | | 0 | | 351,151 |
| Total Contingency & Unappropriated Balance | | | \$2,651,561 | | \$0 | | \$2,651,561 |
| TOTAL REQUIREMENTS | | 2.00 | \$17,744,125 | - | \$150,000 | 2.00 | \$17,894,125 |

Exhibit B
Ordinance 09-1214
Schedule of Appropriations

| | <u>Current Appropriation</u> | <u>Revision</u> | <u>Revised Appropriation</u> |
|---------------------------------------|----------------------------------|------------------|----------------------------------|
| GENERAL FUND | | | |
| Council Office | 3,168,046 | 0 | 3,168,046 |
| Finance & Administrative Services | 5,489,506 | 0 | 5,489,506 |
| Human Resources | 1,737,211 | 0 | 1,737,211 |
| Information Technology | 2,808,244 | 0 | 2,808,244 |
| Metro Auditor | 651,286 | 0 | 651,286 |
| Office of Metro Attorney | 1,997,616 | 0 | 1,997,616 |
| Oregon Zoo | 26,677,562 | 0 | 26,677,562 |
| Planning | 23,816,299 | 0 | 23,816,299 |
| Public Affairs & Government Relations | 1,993,617 | 0 | 1,993,617 |
| Regional Parks & Greenspaces | 8,425,902 | (75,000) | 8,350,902 |
| Special Appropriations | 3,538,480 | 0 | 3,538,480 |
| Former ORS 197.352 Claims & Judgments | 100 | 0 | 100 |
| Non-Departmental | | | |
| Debt Service | 2,042,986 | 0 | 2,042,986 |
| Interfund Transfers | 5,165,928 | 75,000 | 5,240,928 |
| Contingency | 7,285,705 | 0 | 7,285,705 |
| Unappropriated Balance | 8,737,297 | 0 | 8,737,297 |
| Total Fund Requirements | \$103,535,785 | \$0 | \$103,535,785 |
| METRO CAPITAL FUND | | | |
| Capital Program | 14,995,390 | 150,000 | 15,145,390 |
| Non-Departmental | | | |
| Interfund Transfers | 97,174 | 0 | 97,174 |
| Contingency | 2,293,857 | 0 | 2,293,857 |
| Unappropriated Balance | 357,704 | 0 | 357,704 |
| Total Fund Requirements | \$17,744,125 | \$150,000 | \$17,894,125 |

All other appropriations remain as previously adopted

Note: Current appropriation column assumes adoption of Ordinance 09-1213

**EXHIBIT C
Ordinance 09-1214**

Capital Project Request - Project Detail

Project Title: **Fund:**

Project Status: **Funding Status:** **FY First Authorized:** **Department:**

Project Number: **Active:** **Dept. Priority:** **Facility:** **Division:**

Source Of Estimate: **Source:** **Start Date:** **Date:** **Cost Type:**

Type of Project: **Request Type:** **Completion Date:** **Prepared By:**

| Project Estimates | Actual | Budget/Est | Prior | | | | | | |
|-----------------------|--------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Capital Cost: | Expend | 2008-2009 | Years | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | Total |
| Equipment/Furnishings | \$0 | \$150,000 | \$150,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$150,000 |
| Total: | \$0 | \$150,000 | \$150,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$150,000 |

Funding Source:

| | | | | | | | | | |
|---------------|-----|-----------|-----------|-----|-----|-----|-----|-----|-----------|
| Fund Balance | \$0 | \$75,000 | \$75,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$75,000 |
| Donations | \$0 | \$75,000 | \$75,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$75,000 |
| Total: | \$0 | \$150,000 | \$150,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$150,000 |

Annual Operating Budget Impact:

Project Description / Justification: _____ **Estimated Useful Life (yrs):** **First Full Fiscal Year of Operation:**

The goal of this project is to improve water quality in Blue Lake and make the lake safer for humans and animals. This project is to purchase and install three solar-powered devises in Blue Lake. These devises will provide circulation within Blue Lake, thus increasing oxygen content and retarding the growth of toxic and other algae in the lake. Each devise costs \$50,000, for a total of \$150,000.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1214 FOR THE PURPOSE OF AMENDING THE FY 2008-09 BUDGET AND APPROPRIATION SCHEDULE RECOGNIZING A DONATION FOR BLUE LAKE PARK, AMENDING THE CAPITAL IMPROVEMENT PLAN, AND DECLARING AN EMERGENCY

Date: February 27, 2009

Presented by: Teri Dresler
503-797-1790

BACKGROUND

Blue Lake is on the Oregon Department of Environmental Quality 303(d) list of water quality impaired water bodies for violating the upper pH standard and supporting abundant aquatic weeds and algae. High bacteria counts in the swim area in late summer, as well as toxic algal blooms (cyanobacteria) throughout the lake have been a problem for many years now. Reports of algal blooms date back to 1942, and a sediment core analysis completed in 1979 indicated that blue green algae conditions were similar in 1900. The poor water quality exhibited by Blue Lake has diminished recreational opportunities during the summer, as well as posed health concerns for fish, wildlife and humans.

In spring 2007, the residents of the Interlachen neighborhood partnered with Metro to invite a company called Solar Bee to install 3 devices in the lake on a 2-year free trial basis. These devices run on solar power and are designed to provide circulation in an otherwise stagnant water body. The theory is that this long-distance circulation prevents blue-green algae blooms, improves water clarity, reduces growth of nuisance aquatic weeds and provides better conditions for fish.

The purpose of the two-year trial period was to gather scientific data about water quality in Blue Lake and compare that data to years prior to the installation of the Solar Bees, to determine whether their presence and function significantly improved water quality. Metro staff and Solar Bee took independent water samples and analyzed them for the algae content (both presence and quantity) and other water quality factors. These initial studies conclude that there is a statistically significant difference between pre- and post-installation of the Solar Bee devices. Toxic blue-green algal blooms did not occur over the summers of 2007 and 2008. Anecdotally, both the lake residents and Metro staff have also noted that the clarity and odor of the lake water has improved, contributing positively to the experience of Blue Lake Park visitors.

The free trial for the Solar Bee devices concludes at the end of March 2009. The cost of the devices is \$50,000 each, for a total of \$150,000. The seventy-six homeowners with lots on Blue Lake have collectively contributed \$75,000 to the Blue Lake Improvement Association toward purchase of the three Solar Bee devices. With the adoption of the ordinance, the Association would donate its \$75,000 to Metro. Metro would purchase and own the Solar Bee devices and be responsible for insurance, and coordination of regular maintenance with the Blue Lake Improvement Association who will pay a portion of the annual maintenance under a separate agreement yet to be negotiated. Annual maintenance costs are expected to total \$2,500.00 - \$3,000.00. In addition, the Blue Lake Improvement Association has collected funds to create a green fund to be used for cooperative water quality improvement projects with Metro's participation.

The FY 2008-09 budget includes approximately \$200,000 for the start-up capital and operational expenses at Cooper Mountain Nature Park. However, with a tentative agreement between Metro and Tualatin Hills Park & Recreation District for THPRD to operate Cooper Mountain, Metro will not have to

incur as much start-up costs. For this reason, there is sufficient anticipated under-expenditure in the Parks and Natural Areas Operations budget to pay for this budget amendment.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose.
- 3. Anticipated Effects:** This action allows the department to recognize a donation from the residents of the Interlachen neighborhood to assist in the installation of equipment to improve the water quality at Blue Lake Park.
- 4. Budget Impacts:** This action requests the recognition of \$75,000 in donations and private contributions as well as the transfer of \$75,000 in existing appropriation from the General Fund. Appropriation authority in the Metro Capital Fund will be increased by \$150,000 to allow for the water quality improvement project at Blue Lake Park. The FY 2008-09 through FY 2012-13 Capital Improvement Plan will be amended to include this new project.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 6.1

Resolution No. 09-4036, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Sole Source Contract for the Purchase of Circulation Equipment at Blue Lake Park.

Contract Review Board

Metro Council Meeting
Thursday, March 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

| | |
|---------------------------------------|---|
| RESOLUTION OF METRO COUNCIL, ACTING) | RESOLUTION NO. 09-4036 |
| AS THE METRO CONTRACT REVIEW BOARD,) | |
| FOR THE PURPOSE OF APPROVING A SOLE) | Introduced by Chief Operating Officer |
| SOURCE CONTRACT FOR THE PURCHASE OF) | Michael Jordan, with the concurrence of |
| CIRCULATION EQUIPMENT AT BLUE LAKE) | Council President David Bragdon. |

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010 the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.062 requires Council approval for contracts awarded without competitive bidding when it has been determined that the goods or services are available from only one source; and

WHEREAS, There has been an increasing problem at Blue Lake with the presence of blue-green algae, which can be toxic to animals and humans; and

WHEREAS, the Parks and Environmental Services Department has partnered with the residents of the Interlachen neighborhood to coordinate the installation of three circulation devices at Blue Lake. This two-year trial period has resulted in no toxic blooms of blue-green algae in Blue Lake, improved water quality and reduced odor; and

WHEREAS, The Director of Parks and Environmental Services has determined that the solar powered circulation equipment manufactured and provided by Solar Bee is the only known provider of this type of equipment; and

WHEREAS, The Metro Procurement Officer believes that the specialized and unique function of this equipment warrants the use of a sole source contract, and that such action is in accordance with the Oregon Public Contracting Code dealing with sole source procurements (ORS 279B.075); and

WHEREAS, After the successful two-year trial installation of this equipment at Blue Lake, and considering the unique function of the equipment, it would be impractical to use a competitive bid process; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Metro Procurement Officer to negotiate and execute a sole source contract with Solar Bee for the purpose of providing circulation equipment in Blue Lake.

ADOPTED by the Metro Council Contract Review Board this ____ day of March, 2009

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4036, FOR THE PURPOSE OF APPROVING A SOLE SOURCE CONTRACT FOR THE PURCHASE OF CIRCULATION EQUIPMENT AT BLUE LAKE.

Date: March 2, 2009

Prepared by:
Jeff Tucker, 797-1913
Darin Matthews, 797-1626

BACKGROUND

High counts of toxic blue-green algae (cyanobacteria) have been a problem in Blue Lake for many years. In spring 2007, the residents of the Interlachen neighborhood partnered with Metro to invite a company called Solar Bee to install 3 devices (SB10000v12 solar-powered 10,000 gallon per minute long distance circulation equipment) in the lake on a 2-year free trial basis. These devices have proven to reduce the blooms of algae and have contributed to overall improved water quality in the lake.

Parks and Environmental Services has determined that Solar Bee, Inc. is the sole provider of this technology and that there is no known competitive products. And after a two-year study period to determine the effectiveness of this equipment in Blue Lake, it would be impractical to use a competitive bid process to procure this equipment.

The Metro Procurement Officer believes that the specialized and unique function of this equipment warrants the use of a sole source contract, and that such action is in accordance with Metro Code 2.04 and the Oregon Public Contracting Code, ORS Chapter 279, dealing with sole source procurements.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.062, 2.04.010, ORS 279A.060, ORS 279B.075.
3. **Anticipated Effects** Procurement process will be expedited, allowing for a contract to be executed promptly.
4. **Budget Impacts** The cost of these devices is not anticipated to exceed \$150,000. Budget authority for this action will be approved with the adoption of Ordinance 09-1214.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the use of a sole source contract with Solar Bee, Inc.