



METRO

Agenda

MEETING: METRO COUNCIL
DATE: May 21, 2009
DAY: Thursday
TIME: 2:00 p.m.
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the May 7, 2009 Metro Council Regular Meeting.

3.2 **Resolution No. 09-4056**, For the Purpose of Confirming the Appointment of Mathew S. Berkow As Multnomah County Citizen Alternate to the Metro Policy Advisory Committee (MPAC)

4. RESOLUTIONS

4.1 **Resolution No. 09-4053**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Eliminate American Recovery and Reinvestment Act (ARRA) Funding for Four Projects and Add ARRA Funding for Two Projects in Washington County Collette

4.2 **Resolution No. 09-4045**, For the Purpose of Approving Fourth Round Funding for Nature in Neighborhood Grants Park

5. CONTRACT REVIEW BOARD

5.1 **Resolution No. 09-4059**, Resolution of the Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Contract Amendment for the Cooper Mountain Nature Park Hosticka

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for May 21, 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, May 21 (Live)</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmtv.org – (503) 288-1515 8:30 p.m. Sunday, May 24 2 p.m. Monday, May 25</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, May 25</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, May 23 11 p.m. Sunday, May 24 6 a.m. Tuesday, May 26 4 p.m. Wednesday, May 27</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 3.1

Consideration of Minutes for the May 7, 2009 Metro Council Regular Meeting.

Consent Agenda

Metro Council Meeting
Thursday, May 21, 2009
Metro Council Chamber

Agenda Item Number 3.2

Resolution No. 09-4056, For the Purpose of Confirming the Appointment of
Mathew S. Berkow As Multnomah County Citizen Alternate to the Metro Policy
Advisory Committee (MPAC)

Consent Agenda

Metro Council Meeting
Thursday, May 21, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 09-4056
APPOINTMENT OF MATHEW S. BERKOW AS)	
MULTNOMAH COUNTY CITIZEN)	Introduced by David Bragdon,
ALTERNATE TO THE METRO POLICY)	Council President
ADVISORY COMMITTEE (MPAC))	
)	
)	
)	

WHEREAS, the Metro Charter, Chapter V Section 26 (1) (m), provides that three citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Council President and confirmed by the Metro Council, and;

WHEREAS, the MPAC Bylaws, Section 2 (e), provides that members and alternates representing citizens will be appointed by the Council President and confirmed by the Metro Council, and;

WHEREAS, the Metro Council appointed Michelle K. Poyourow as the Multnomah County citizen member by Resolution No. 07-3884, "For the Purpose of Confirming the Appointment of Michelle K. Poyourow As Multnomah County Citizen Member to the Metro Policy Advisory Committee (MPAC) on November 15, 2007; and

WHEREAS, The Council President has appointed Mathew S. Berkow as citizen alternate for Ms. Poyourow subject to confirmation by the Metro Council, now therefore:

BE IT RESOLVED that the Metro Council confirms the appointment of Mathew S. Berkow as a citizen alternate of the Metro Policy Advisory Committee (MPAC).

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

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4056, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF MATHEW S. BERKOW AS MULTNOMAH COUNTY CITIZEN ALTERNATE TO THE METRO POLICY ADVISORY COMMITTEE (MPAC)

Date: May 4, 2009

Prepared by: Kelsey Newell
503-797-1916

BACKGROUND

Mr. Mathew Berkow offers a well-rounded understanding of both transportation and land use elements.

Currently, Mr. Berkow is employed as a planner with Alta Planning + Design, focusing his efforts on non-motorized transportation planning projects. Prior to this position, Mr. Berkow held an intern position with Metro's Planning Department analyzing data and researching best practices to assist in the development of a bicycle model to be integrated into the existing regional travel demand model. Other notable transportation experience includes a Master in Urban and Regional Planning with emphasis on transportation and employment with Intelligent Systems Transportation Lab from 2006 - 2008.

Balancing out his transportation experience, Mr. Berkow was employed with the Oregon Land Use Stories Project during 2007. This position provided an opportunity to work with Oregonians recording their perspectives on the State's land use planning system and Ballot measure 37. (See Attachment 1 for more information.)

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents**
 - The Metro Charter, Chapter V Section 26 (1) (m), provides that MPAC shall include three citizens appointed by the Council President and confirmed by the Council.
 - The MPAC bylaws, Section 2(e), provides for the appointment of alternates in the same manner. Resolution No. 07-3884, "For the Purpose of Confirming Appointment of Michelle K. Poyourow as Multnomah County Citizen Member to the Metro Policy Advisory Committee (MPAC)," adopted on November 15, 2007. Mr. Berkow would serve as Ms. Poyourow's alternate.
 - MPAC's Bylaws specify that citizen appointments are to be for a term of not less than two years. Taking this into account, staff recommends that this appointment to MPAC be for an unspecified term, subject to later review.
3. **Anticipated Effects** A new citizen alternate will be appointed to MPAC.
4. **Budget Impacts** None.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 09-4056.

MATHEW SETH BERKOW

4047 SE Madison Street
Portland, OR 97214

(503) 956-4073
matt_berkow@hotmail.com

EDUCATION

- | | |
|--|------------------|
| Portland State University | 2008 |
| Master of Urban and Regional Planning, Concentration: Transportation | Portland, OR |
| University of Pennsylvania - <i>Summa Cum Laude</i> | 1997 |
| Bachelor of Arts, Major: Economics | Philadelphia, PA |

PLANNING EXPERIENCE

- | | |
|--|-----------------------------|
| Alta Planning + Design | September 2008 to Present |
| <i>Planner</i> | Portland, OR |
| <ul style="list-style-type: none"> • Participate in all phases of non-motorized transportation planning projects, including documentation of existing conditions, development and application of evaluation criteria and design of final implementation plans. • Conduct stakeholder interviews; plan and facilitate public meetings. | |
| Metro | August 2007 to June 2008 |
| <i>Intern</i> | Portland, OR |
| <ul style="list-style-type: none"> • Analyzed data and researched best practices to assist in the development of a bicycle model to be integrated into the existing regional travel demand model. • Planned and facilitated meetings for a stakeholder work program as part of the state Regional Transportation Plan (RTP) update process. | |
| Intelligent Systems Transportation Lab | September 2006 to June 2008 |
| <i>Graduate Research Assistant</i> | Portland, OR |
| <ul style="list-style-type: none"> • Analyzed global positioning systems (GPS) data collected by local city busses in order to measure arterial performance and produce travel time estimates. • Presented project output at transportation seminars and organizational meetings. • Wrote and submitted research papers for national transportation conferences. | |
| The Oregon Land Use Stories Project | 2007 |
| <i>Field Area Project</i> | Portland, OR |
| <ul style="list-style-type: none"> • Sought out citizen perspectives on Oregon's land use planning system and Ballot Measure 37. • Conducted more than 80 recorded interviews with citizens, planners, professionals and elected officials in 20 counties throughout Oregon. • Conceived of project idea and raised more than \$5,000 in funding. • Developed and maintained project website (www.landusestories.org). • Documented project findings in "The Spoke Report" available at www.landusestories.org. | |

PRESENTATIONS & PUBLICATIONS

- Berkow, M., Wolfe, M., Chee, J., Bertini, R., and Monsere, C., "Using Signal Systems Data and Buses as Probes to Create Arterial Performance Measures." Transportation Research Board, 87th Annual Meeting, Washington, D.C., January 2008.
- Berkow, M., Zaninovich, G., "Voices of Oregonians: The Oregon Land Use Stories Project." Oregon Planners Journal, Vol. 25, No. 6, November/December 2007, pp. 1-11.

AWARDS & SCHOLARSHIPS

- American Institute of Certified Planners (AICP) 2007 Student Project of the Year
- American Public Works Association Mike Lindberg Scholarship (2007-08)
- Oregon Transportation Research and Education Consortium (OTREC) Scholar (2006-07, 2007-08)
- College of Urban and Public Affairs General Scholarship (2006-07)

OTHER EXPERIENCE

Springbrook Software 2000 to 2002, 2006
Computer Programmer Portland, OR

- Maintained and debugged financial software applications designed for billing, payroll, accounts payable and other accounting functions.
- Worked extensively managing data in relational databases.

Personal Exploration 2005
Bicycle Travel Asia

- Bicycled for 10 months throughout Thailand, Cambodia, Laos, Vietnam, China, Pakistan and India.

LEAPNow and Peace Works International 2003 to 2004
Semester Abroad Trip Leader Central America

- Led groups of 12-15 college and high school students in one to three month semester abroad programs focusing on language, culture and volunteer service.
- Maintained all money and group expenses, served as the primary contact with local organizations, planned and facilitated group activities and meetings.
- Facilitated meetings and articulated pertinent information to students regarding safety, rules, travel itineraries, etc.
- Served as a liaison between students and local families.
- Helped participants gain cultural competency.

Portland International Community School 2002 to 2003
Service-Learning Project Coordinator/AmeriCorps Portland, OR

- Planned, organized and facilitated volunteer service-learning projects for at-risk, low-income immigrant students ages 14 to 21 in a high school setting.
- Researched and developed partnerships with local agencies and organizations.

VOLUNTEER

International Society for Ecology and Culture 2005
Volunteer with "The Farm Project" India

- Worked in a self-sufficient village in northern India during the harvest season.
- Participated in five days of workshops on issues related to development.

Education & Environment Community Learning Day 2003
Organizing Committee Member Portland, OR

- Organized 25 educational sessions at a day-long conference for 250 AmeriCorps volunteers from Oregon and Washington.

PERSONAL

- Fluent Spanish speaking ability.
- Interests include cycling, bass guitar, travel, and backcountry camping.

Agenda Item Number 4.1

Resolution No. 09-4053, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Eliminate American Recovery and Reinvestment Act (ARRA) Funding for Four Projects and Add ARRA Funding for Two Projects in Washington County

Metro Council Meeting
Thursday, May 21, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2008-) RESOLUTION NO. 09-4053
11 METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM (MTIP) TO) Introduced by Councilor Carlotta Colette
ELIMINATE AMERICAN RECOVERY AND)
REINVESTMENT ACT (ARRA) FUNDING FOR)
FOUR PROJECTS AND ADD ARRA FUNDING)
FOR TWO PROJECTS IN WASHINGTON)
COUNTY)

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council must approve the MTIP and any subsequent amendments to add or delete projects to the MTIP; and

WHEREAS, the JPACT and the Metro Council approved the 2008-11 MTIP on August 16, 2007; and

WHEREAS, the federal government recently passed the American Recovery and Reinvestment Act (ARRA); and

WHEREAS, on March 5, 2009 JPACT and the Metro Council selected projects to receive ARRA funding; and

WHEREAS, Washington County requested that the MTIP be amended to remove three projects and add two projects to their list of projects to receive ARRA funds;

WHEREAS, all projects in the Metro Area to receive these funds must be included in the MTIP; and

WHEREAS, these funds must be put to use in a short time frame in order to meet federal deadlines and stimulate the economy; and

WHEREAS, the projects listed in Exhibit A, are exempt from the requirement that an air quality conformity determination be made; and

WHEREAS, the cost of projects proposed for amending into the transportation improvement program for use of these funds is equal to the forecasted funds available, therefore maintaining financial constraint of the program; and

WHEREAS, on March 19, 2009 the Oregon Transportation Commission selected additional local and state projects to receive ARRA funds; and

WHEREAS, on April 16, 2009 JPACT and the Metro Council added these additional projects to the MTIP through Resolution No. 09-4043; and

WHEREAS, Washington County received an award of \$500,000 in this additional allocation of ARRA funds; and

WHEREAS, Washington County has decided it cannot meet the conditions of the award and has requested to return the awarded funding authority; and

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to amend the 2008-11 Metropolitan Transportation Improvement Program to reflect changes to the projects listed in Exhibit A, attached.

ADOPTED by the Metro Council this ____ day of May 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Projects requiring MTIP amendments for ARRA funding

Jurisdiction	Project Name	Alternate Name	From	To	Brief Description	Project Cost Estimate	JPACT Approved	Existing Construction (Con) Amount	Proposed Preliminary Engineering (PE) Amount	Proposed Construction (Con) Amount	Requested Action
Projects to be eliminated from receiving MPO ARRA funds											
Washington County	Scholls Ferry Rd ITS: Murray - Hall					\$881,000	\$881,000	\$881,000	\$0	\$0	Eliminate MPO ARRA funding for project.
Washington County	Walker Road Pedestrian Bridge					\$200,000	\$200,000	\$200,000	\$0	\$0	Eliminate MPO ARRA funding for project.
Washington County	143rd Ave. Pedestrian Path		Windermere Apts	W. Union Rd.	Construct 2400' of new asphalt path to improve pedestrian access to two schools.	\$300,000	\$300,000	\$300,000	\$0	\$0	Eliminate MPO ARRA funding for project.
Projects to be eliminated from receiving ODOT ARRA funds											
Washington County	Arterial Pavement Markings					\$500,000	\$500,000	\$500,000	\$0	\$0	Eliminate ODOT ARRA funding for project.
New projects to receive MPO ARRA funds											
Washington County	Emergency Vehicle Signal Pre-emption					\$320,000	\$0	\$0	\$10,000	\$310,000	Add new project for ARRA funds.
Washington County	Pedestrian Countdown signals					\$742,696	\$0	\$0	\$0	\$742,696	Add new project for ARRA funds.
Informational - Existing projects to receive additional MPO ARRA funds											
Washington County	Group A	Washington County Preservation Projects				\$1,000,000	\$2,000,000	\$2,000,000	\$130,000	\$2,170,000	Add \$300,000 of funds for additional scope of River Rd and Program PE
	Group E					\$1,000,000					
	River Road					\$300,000					
Washington County	Flashing Yellow Arrows	Washington County Signal Upgrades				\$500,000	\$625,000	\$625,000	\$40,000	\$610,000	Add \$25,000 to project and reduce local match.
	Interior Illuminated Sign Replace.					\$150,000					

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4053, FOR THE PURPOSE OF AMENDING THE 2008-11 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ELIMINATE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING FOR FOUR PROJECTS AND ADD ARRA FUNDING FOR TWO PROJECTS IN WASHINGTON COUNTY

Date: May 21, 2009

Prepared by: Ted Leybold
503-797-1759

BACKGROUND

In an effort to stimulate the national economy, the federal government has passed the American Recovery and Reinvestment Act (ARRA). Funding for transportation projects is a significant part of the act and will be distributed through federal transportation agencies. \$38,022,870 has been made available for distribution through Metro as the region's Metropolitan Planning Organization.

In March 2009, JPACT and the Metro Council selected projects to receive these funds through Resolution 09-4022. Since that time, Washington County has learned more about its projects proposed to receive funds and is requesting some changes to its initial list of projects. Washington County has requested an MTIP amendment to remove three projects from the list of ARRA funded projects. These are the Scholls Ferry Rd. ITS: Murray to Hall, the Walker Road Pedestrian Bridge, the 143rd Ave. Pedestrian Path, and Arterial Pavement Markers projects.

The proposed Scholls Ferry Road ITS project has since been largely funded by ODOT administered ARRA funds through the region-wide program of ITS improvements. This funding decision by the Oregon Transportation Commission (OTC) happened after JPACT and the Council made its initial decision for funding of local projects.

The Walker Road Pedestrian Bridge and the 143rd Avenue Pedestrian Path had significant right-of-way and environmental issues that would preclude these projects from being able to complete the steps necessary prior to obligating funds prior to the federal deadline specified in ARRA.

Therefore, Washington County is requesting that the Emergency Vehicle Signal Pre-emption and Pedestrian Countdown Signals projects be added to the list of ARRA funded projects with the funding capacity created by removing the aforementioned projects. These projects were selected due to their need, ability to obligate funding within the required timeframe, and similarity in ITS signal and pedestrian transportation sectors to the projects being eliminated.

The ARRA project changes being requested by Washington County are shown in Exhibit A to Resolution No. 09-4053.

Projects selected for funding must first be amended into the MTIP to be eligible to obligate funding.

All of the projects nominated for inclusion in the MTIP were analyzed for conformity with air quality regulations and were found to be in compliance with State Implementation Plan for Air Quality transportation emission budgets for the Metro Area. These findings were shared with federal and state air quality regulatory agencies and TPAC.

Additionally, Washington County received a funding award for installation of pavement markers as part of the supplemental allocation by the Oregon Transportation Commission. Supplemental ARRA allocations by the OTC were amended into the MTIP by JPACT and the Metro Council by Resolution No. 09-4043. Washington County has since decided that it cannot meet the conditions of the funding award and has requested to withdraw its project from the MTIP.

ANALYSIS/INFORMATION

- 1. Known Opposition** There was public comment in support of projects other than those selected for funding but no specific opposition documented of any project proposed for funding.
- 2. Legal Antecedents** Amends the 2008-11 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 07-3825 on August 16, 2007 (For the Purpose of Approving the 2008-11 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area). Changes the Washington County projects already approved for ARRA funding through Resolution 09-4022.
- 3. Anticipated Effects** Adoption of this resolution will change the projects in Washington County that receive ARRA funds.
- 4. Budget Impacts** None.

RECOMMENDED ACTION

Approve Metro Resolution No. 09-4053.

Agenda Item Number 4.2

Resolution No. 09-4045, For the Purpose of Approving Fourth Round Funding
for Nature in Neighborhood Grants.

Metro Council Meeting
Thursday, May 21, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING FOURTH) RESOLUTION NO. 09-4045
ROUND FUNDING FOR NATURE IN)
NEIGHBORHOODS GRANTS) Introduced by: Michael Jordan, Chief
Operating Officer, with the concurrence of
David Bragdon, Council President

WHEREAS, Metro has established a regional fish and wildlife protection, restoration and greenspaces initiative named "Nature in Neighborhoods", as provided in Resolution No. 05-3574A, "Establishing a Regional Habitat Protection, Restoration and Greenspaces Initiative called Nature in Neighborhoods," adopted May 12, 2005; and

WHEREAS, Metro has established a grants program funded by the Recovery Rate Stabilization Reserve fund, as provided in Resolution No. 05-3580A, "Transferring \$1,250,000 from Balance of FY 2004-05 Recovery Rate Stabilization Reserve to a General Fund Reserve for Nature in Neighborhoods Restoration Projects," adopted June 9, 2005; and

WHEREAS, Metro adopted Ordinance 07-1160B on September 27, 2007, "Amending the FY 2007-08 Budget and Appropriations Schedule to Implement Various Projects Funded From Undesignated Reserves and Declaring an Emergency," transferring \$250,000 from the Recovery Rate Stabilization Reserve fund for an additional round of Nature in Neighborhoods grants in Spring 2008; and

WHEREAS, Metro approved \$250,000 in the FY 2008-09 Budget And Appropriation Schedule for an additional round of Nature in Neighborhood Grants in Spring 2009; and

WHEREAS, Metro has solicited and received applications for this grants program and selected the projects which best meet the criteria for the grants program and the Nature in Neighborhoods initiative; and

WHEREAS, by protecting natural areas from illegal dumping and restoring and enhancing our natural areas, the region can thereby enjoy the benefits of nature in neighborhoods for years to come, protecting our region's clean water and the health and vitality of our watersheds; and

WHEREAS, illegal dumping frequently occurs in natural areas near or in streams and rivers, posing a particular threat to our region's clean water, to the health of our watersheds, and to healthy functioning fish and wildlife habitat; and

WHEREAS, it will take concerted and sustained efforts to restore and protect the region's wildlife habitat areas and this challenge provides unique opportunities for the solid waste community, habitat restoration organizations, education community, building trades firms and organizations, industry groups, environmental groups, business people and property owners to create new partnerships to protect and restore the region's natural areas; and

WHEREAS, attached as Exhibits A and B to this resolution is the listing of grant award recipients and respective funding amounts and an example of the individual contract agreement; and therefore

BE IT RESOLVED that the Metro Council hereby approves the fourth round funding for the Nature in Neighborhoods grants to those recipients listed in Exhibit A and for the amounts listed for each individual award.

ADOPTED by the Metro Council this 21 day of May, 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

EXHIBIT A
RESOLUTION NO. 09-4045
NATURE IN NEIGHBORHOODS GRANT AWARD RECIPIENTS AND AMOUNTS

Audubon Society of Portland **\$24,942**
Backyard Bird Habitat Certification Program

The Backyard Habitat Certification Program will provide technical support, incentives and recognition to private property owners who remove invasive species, natuescape, manage stormwater, and integrate advanced wildlife management strategies. They will engage 500 property owners and certify 255 properties during the grant period.

West Willamette Restoration Partnership **\$39,379**
West Willamette Restoration Partnership - George Himes Park

The West Willamette Restoration Partnership will restore a total of 81 acres by removing invasive plant cover from 31-acres in George Himes Park and removing tree ivy and debris from the last remaining 50 acres in Marquam Nature Park. The project will engage over 1000 citizens contributing 4,000 volunteer hours in restoration activities.

Milwaukie Presbyterian Church **\$7,800**
Our Wild Space

Milwaukie Presbyterian Church will restore 3.5 acres of wetlands on Kellogg Lake by removing invasive plants and planting with native trees and shrubs. Additionally the grant will fund improved access to the space and the repair and rebuilding of the trail and bridge. The project will involve over 1,650 volunteer hours.

Reed College **\$30,000**
Upper Crystal Springs Enhancement Project

Reed College will improve fish passage and habitat along a vital stretch of Crystal Springs. Aspects of the restoration will include culvert replacement, restoration of original channel morphology, placement of woody debris, enhancement of riparian and upland vegetation and treatment of stormwater runoff in a bioswale. This project will give local residents the opportunity to become personally involved in on-the-ground restoration activities.

Forest Park Conservancy **\$10,000**
Days of Stewardship

Forest Park Conservancy will engage over 400 volunteers in hands-on restoration projects during two of their upcoming Day of Stewardship events. They expect to remove English Ivy from 1000 mature trees, plant over 1500 native trees and shrubs, maintain over four miles of trail, and prepare English Holly for treatment and removal.

City of Hillsboro **\$14,950**
Jackson Bottom Wetlands Restoration and Education

The City of Hillsboro and Jackson Bottoms Wetlands Preserve will restore 12 acres of degraded floodplain marsh that serve as critical wintering and rearing habitat for a number of native wetland species. As part of the restoration 12,000 native trees and shrubs and 10,000 native wetlands plants will be installed. An estimated 300 volunteers will participate.

Friends of Tryon Creek **\$12,160**
Tryon Creek Ecology Field Team

The Tryon Creek Ecology Field Team will incorporate service learning into a program that gives high school students ownership of significant restoration projects at Tryon Creek State Park. It is designed to reach out to non-traditional learners from a variety of ethnic and cultural backgrounds and allow them to build meaningful relationships with the natural world.

The Nature Conservancy **\$39,893**
Sandy Basin Anchor Habitat Restoration Project

This project will focus on restoring a resilient riparian buffer in the Lower Sandy River Basin that will improve the quality of native vegetation and fish habitat. The achievement of this goal will be attained by working with volunteers and the community with a focus on education and stewardship.

Friends of Nadaka c/o Wilkes East Neighborhood Association **\$10,199**
Nadaka Nature Park

Wilkes East Neighborhood Association plans to restore habitat and make improvements within the 10 acre Nadaka Nature Park. Activities will include organizing cleanup events, removing non-native vegetation, planting native trees and shrubs, providing habitat enhancements for birds and bats and removing barriers to the public at the south end of the park. The project will involve over 400 volunteer hours.

SOLV **\$24,900**
Abernethy Creek restoration

The Abernethy Creek project will improve riparian and aquatic habitat along a reach that is incised, dominated by invasive plant species and suffers from a lack of large woody debris. This project will improve instream habitat, improve flood plain interaction, increase the riparian buffer, involve local community organizations and educate volunteers.

Friends of Trees
Greening the Eastside Greenspace Initiative

\$15,000

This project is an ongoing effort in Friends of Tree's *Greening the Eastside* program that engages people in planting trees in neighborhoods that lack adequate tree cover on the eastside of Portland. FOT will work with existing partners to plant, care for and maintain 150 trees over three years at two sites, Rigler Elementary and one mile of ODOT right of away adjacent to the bike path and I-205. The project will engage at least 225 volunteers including children from Rigler Elementary and volunteer Crew Leaders

Johnson Creek Watershed Council
Clatsop Butte Vegetation Enhancement

\$7,846

The Clatsop Butte Vegetation Enhancement project seeks to improve wildlife habitat and riparian conditions on 1.0 acres of land by replacing non-native species with native plants, and to maintain these plantings until they are able to survive on their own.

SOLV
Beaver Creek Canyon Restoration

\$12,930

The SOLV Beaver Creek Canyon Restoration aims to restore native vegetation where human activity and invasive plants have greatly altered the environment. This project will improve water quality; stabilize eroding banks; provide a functioning riparian area; restore channel share; and involve the community in an important stream restoration project.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4045, FOR THE PURPOSE OF APPROVING FOURTH ROUND FUNDING FOR NATURE IN NEIGHBORHOODS GRANTS

Date: May 21, 2009

Prepared by: Mary Rose Navarro, 503-797-1781
Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

This grant program is in its fourth year of funding grassroots, community-oriented projects that create new connections and improvements to neighborhoods, natural areas and beyond. In the first three years, this grant program has funded 63 projects including 26 restoration projects, 6 education projects, 31 projects that include both restoration and education, and 3 stormwater/infrastructure projects

The program was created in 2005 when the Metro Council passed Resolution No. 05-3580A transferring \$1,250,000 from the Recovery Rate Stabilization Reserve to a General Fund Reserve for the program. Of this funding, \$1,000,000 was used to fund 52 projects over two funding cycles. The Metro Council continue the program in September 2007 with the approval of Ordinance 07-1160B, transferring an additional \$250,000 for another cycle of grants to be awarded in Spring 2008, and again in 2008 when the Metro Council approved \$250,000 in the FY 2008-09 Budget And Appropriation Schedule for an additional round of Nature in Neighborhood Grants in Spring 2009.

This program has been successful at achieving stated objectives regarding engaging citizens in watershed restoration. To date the funded projects have achieved the following results.

- Over \$2.80 has been spent for every \$1.00 invested by the Metro Council.
- Over 35,786 hours of volunteer time has been contributed to the successful implementation of these projects.

This fourth round of funding was announced in the Fall of 2008 and 41 pre-applications were received. Of these proposals, 20 were invited to participate in the final grant application process. In April 2009, 18 final applications were received by the Nature in Neighborhoods team. An interdisciplinary, interdepartmental team of six individuals reviewed these applications and recommended those projects which best met the criteria and intent of the Nature in Neighborhoods grant program.

The recommended projects represent innovative public-partnerships that include the education community, the solid waste community, non-profit organizations and individuals doing on-the-ground restoration work, hands-on education, curriculum development and community building.

The total for the fourth round of funding is \$249,999. These projects will begin after July 1, 2009. Projects are from one to three years in length.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Resolution No. 05-3551, Metro Council Project Proposal titled “Nature in Neighborhoods”.

Resolution No. 05-3574A, Establishing a Regional Habitat Protection, Restoration and Greenspaces Initiative called Nature in Neighborhoods.

Resolution 05-3580A Transferring \$1,250,000 from the Balance of the FY 2004-05 Recovery Rate Stabilization Reserve to a General Fund Reserve for Nature in Neighborhoods Restoration Projects (2 year grant program 06-07; 07-08).

Ordinance No. 07-1160B, Transferring \$250,000 from the Recovery Rate Stabilization Reserve for Nature in Neighborhoods Restoration Projects (1 year grant program 08-09).

3. Anticipated Effects

This Resolution approves the fourth round funding and award for Nature in Neighborhood grants and begins the individual contract award process for the selected grant applicants with an anticipated start project date on or after July 1, 2009. Projects are from one to three years in length.

4. Budget Impacts

This resolution authorizes award of contracts in an amount previously identified by Council in the budget for this purpose. Sufficient appropriation authority has been included in the current fiscal year budget and in the Approved FY 2009-10 budget for these expenditures, including holding amounts in reserve for expenditures anticipated in future fiscal years.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Resolution No. 09-4045.

Agenda Item Number 5.1

Resolution No. 09-4059, Resolution of the Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Contract Amendment for the Cooper Mountain Nature Park.

Contract Review Board

Metro Council Meeting
Thursday, May 21, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)	RESOLUTION NO. 09- 4059
AS THE METRO CONTRACT REVIEW BOARD,)	Introduced by COO Michael Jordan, with the
FOR THE PURPOSE OF APPROVING A)	concurrence of Council President David
CONTRACT AMENDMENT FOR THE COOPER)	Bragdon
MOUNTAIN NATURE PARK)	

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.058 the Metro Council is designated as the Public Contract Review Board for the agency;

WHEREAS, Metro Code 2.04.058 requires Council approval for contract amendments that exceed \$25,000 and over 5% of the initial contract value for public improvements;

WHEREAS, The Sustainability Center has determined that the additional work in this change order is necessary and appropriate, and is within the contingency budget for the project;

WHEREAS, under the direction of the Cooper Mountain Construction Manager, Paul Brothers, Inc. is constructing the Cooper Mountain Nature Park improvements in accordance with the project specifications and schedule;

WHEREAS, the original contract was awarded as a result of an open competitive bid process with Paul Brothers, Inc. being deemed the lowest responsive and responsible bidder;

WHEREAS, the original contract amount was \$1,684,700 and the proposed contract amendments are projected to increase the total contract amount to \$1,910,082. The additional work has been reviewed by the Cooper Mountain Construction Manager and the project architect and engineer and has been approved as appropriately priced;

WHEREAS, the Metro Procurement Officer believes that the amending the existing contract with Paul Brothers, Inc. is appropriate and that such action is in the best interests of Metro and competing the additional work would be impractical; and

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute contract amendments up to the amount of \$1,910,082 with Paul Brothers, Inc. for the Cooper Mountain Nature Park project.

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

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4059, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE COOPER MOUNTAIN NATURE PARK

Date: May 12, 2009

Prepared by: Darin Matthews, 503 797-1626
Lydia Neill, 503 797-1830

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for the Cooper Mountain Nature Park project in 2009. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Paul Brothers, Inc.

This contract was awarded on August 6, 2009 in the amount of \$1,684,700 and work began in September 2009. The Construction Manager, Lydia Neill reports that this project has progressed as planned and that Paul Brothers, Inc. has provided construction services in accordance with the contract and has performed additional work as directed by the owner. Overall the quality of work and the partnership with the prime contractor has been acceptable.

During the course of construction, the following additional services have been approved:

Change Order #1- Additional trail construction	\$37,504
Change Order #2- Excavation and installation of maintenance road	21,200
Change Order #3- Bridge footing revisions	2,347
Change Order #4- Minor additions to the nature house	1,087
Change Order #5- Solar system upgrade and additional engineering	4,232
Change Order #6- Additions to the nature house, roof bracing	3,941
Change Order #7- Cistern demolition, right of way improvements, fire hydrant relocation	21,785
Change Order #8- Trail system improvements, septic system addition, plant installation	36,724
Change Order #9- PENDING, excavation, drainage, sign installation, wall/fence (deduction)	25,789
Change Order #10- PENDING, solar monitoring system, lighting and material upgrades	<u>22,141</u>
Total	\$1,870,082

It is anticipated that additional work will be required to complete improvements in the nature based play area, install additional irrigation and address erosion issues on the trail system. This work is likely to cost between \$25,000 and \$40,000. Staff is requesting authority to amend the contract not to exceed \$1,910,082.

The Construction Manger and the Planning and Development Manager reviewed the additional services and agree the work is necessary and can be paid within the existing project budget. The consulting architect for the projects also reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced. The proposed changes are partially due to changes required by Washington County after the bid was awarded and the permit was issued. Extensive work is required on the trail system to address unknown ground water issues.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000 and over 5% of the total value of the contract. While a portion of the work exceeds the 5% change order limit, there are a number of reasons for these increases. The reasons include a number of unforeseen conditions such as groundwater issues, erosion that requires immediate attention, compliance with permitting requirements of Clean Water Services, and the need to maintain safe working conditions on the site by closing an open water containment system. Additionally, some of the change order work had pricing established through the original bid process (excavation, culvert installation and trail construction). The cost for these items would not be included within the change order limits. Therefore, this additional work was outside of the control of the contractor and the Sustainability Center feels it is reasonably priced and necessary for the successful completion of the project. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, believes the amendment is in Metro's best interest to approve.

The Construction Manager will continue to manage and administer this contract to ensure construction is in accordance with the contract, including all plans and specifications. Staff continues to look for value engineering opportunities. The Cooper Mountain Nature Park is scheduled to open in summer 2009.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Metro Code 2.04.058, ORS Chapter 279C.
3. **Anticipated Effects:** Construction will continue on the Cooper Mountain Nature Park in accordance with the contract document and project schedule.
4. **Budget Impacts:** The Metro Council previously approved an amended Cooper Mountain Nature Park project for a total capital budget of \$3,028,917 million. This change order request falls well within budgeted contingency amounts. It is expected that the total project costs will fall below the total capital budget.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment with Paul Brothers, Inc.