



METRO

Agenda

MEETING: METRO COUNCIL
DATE: October 15, 2009
DAY: Thursday
TIME: 5:00 p.m.
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

- 5:00PM** **1. INTRODUCTIONS**
- 5:05PM** **2. CITIZEN COMMUNICATIONS UNRELATED TO PUBLIC HEARING**
- 5:10PM** **3. CONSENT AGENDA**
- 3.1 Consideration of Minutes for the October 8, 2009 Metro Council Regular Meeting.
- 3.2 **Resolution No. 09-4077**, For the Purpose of Confirming the Appointment of Andrew Longergan to the Investment Advisory Board For the 2009 to 2011 Term.
- 3.3 **Resolution No. 09-4078**, The Metro Council, Acting as the Metro Contract Review Board, For the Purposes of Increasing Approved Capital Projects, Amending the FY 2009-10 - FY 2013-14 Capital Improvement Plan and Approving Contract Amendments for Capital Projects at the Oregon Zoo.
- 5:15PM** **4. MAKING THE GREATEST PLACE PUBLIC HEARING & OPPORTUNITY FOR PUBLIC TESTIMONY**
- 5. CHIEF OPERATING OFFICER COMMUNICATION**
- 6. COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for October 15, 2009 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 NO LIVE BROADCAST</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmvtv.org – (503) 288-1515 8:30 p.m. Sunday, October 18 2 p.m. Monday, October 19</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, October 19</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, October 17 11 p.m. Sunday, October 18 6 a.m. Tuesday, October 20 4 p.m. Wednesday, October 21</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 October 8, 2009 Metro Council Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2009
Metro Council Chamber

Agenda Item Number 3.2

Resolution No. 09-4077, For the Purpose of Confirming the
Appointment of Andrew Longergan to the Investment Advisory Board
For the 2009 to 2011 Term.

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 09-4077
APPOINTMENT OF ANDREW LONERGAN TO)	
THE INVESTMENT ADVISORY BOARD FOR)	Introduced by Michael Jordan, Chief
THE 2009 TO 2011 TERM		Operating Officer, in concurrence with David
		Bragdon, Council President

WHEREAS, the Metro Code, Section 7.03.030(c), provides for the creation of an investment advisory board (IAB) composed of five members; and

WHEREAS, the Code also provides that the Metro Chief Operating Officer, acting as the Metro Investment Officer, shall recommend to the Metro Council for confirmation the names of persons for appointment to the IAB; and

WHEREAS, the Metro Charter, Chapter IV, Section 16 (4) provides generally that the Council President shall appoint all members of committees, commissions and boards except as provided otherwise by the Metro Charter; and

WHEREAS, Andrew Lonergan, having an excellent background and experience in finance to serve as an Investment Board member, is highly qualified to perform these duties; and

WHEREAS, the Metro Council President, upon recommendation of the Investment Officer, has appointed Andrew Lonergan for the term ending October 31, 2011; now therefore,

THE METRO COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. Confirms the appointment of Andrew Lonergan as a member of the Investment Advisory Board for the term ending October 31, 2011.

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

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4077, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF ANDREW LONERGAN TO THE INVESTMENT ADVISORY BOARD FOR THE 2009 TO 2011 TERM

Date: September 24, 2009

Prepared by: Calvin J. Smith
503-797-1612

BACKGROUND

Metro Code Section 7.03.030 (c) authorizes the creation of an Investment Advisory Board. Board members' duties are to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures of the investment operation. Metro Code 7.03.030 (c) (2) requires the Metro Chief Operating Officer, acting in the capacity of the Metro Investment Officer, to recommend to the Council for confirmation those persons who shall serve on the Board. The Metro Charter, Chapter IC, Section 16 (4)(b) requires appointments to be made by the Council President. Accordingly, Metro Council President David Bragdon, upon the recommendation of the Investment Officer, has appointed Andrew Lonergan to the board subject to Council confirmation.

Andrew Lonergan is an Investment Analyst for Reed College. Working closely with the Investment Committee for the Reed College endowment, he is responsible for all day-to-day activities within the endowment. Before joining Reed College in 2005, Mr. Lonergan was a Research Associate for Windermere Investment Associates, assisting that firm's CEO with advising high net-worth clients on asset allocation, investment manager selection and investment policy.

Metro is fortunate he is willing to devote his time and energy serving on the Metro Investment Advisory Board. His experience and knowledge will provide a valuable resource for the Investment Advisory Board.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro Charter Chapter IV, Section 16 (4) (b); Metro Code Sections 2.19.150 and 7.03.030.
3. **Anticipated Effects** Confirmation of the appointment of Andrew Lonergan will provide directly related experience in investments to the Investment Advisory Board.
4. **Budget Impacts** There is no out-of-pocket expense created by the appointment of Mr. Lonergan to the volunteer position.

RECOMMENDED ACTION

Michael Jordan, Chief Operating Officer, in concurrence with Council President David Bragdon, recommends the confirmation of Andrew Lonergan for the term expiring October 31, 2011.

Agenda Item Number 3.3

Resolution No. 09-4078, The Metro Council, Acting as the Metro Contract Review Board, For the Purposes of Increasing Approved Capital Projects, Amending the FY 2009-10 - FY 2013-14 Capital Improvement Plan and Approving Contract Amendments for Capital Projects at the Oregon Zoo.

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

FOR THE PURPOSES OF INCREASING)	RESOLUTION NO. 09-4078.
APPROVED CAPITAL PROJECTS,)	
AMENDING THE FY 2009-10 – FY 2013-14)	Introduced by Chief Operating Officer
CAPITAL IMPROVEMENT PLAN and		Michael Jordan with the concurrence of
APPROVING CONTRACT AMENDMENTS		Council President David Bragdon.
FOR CAPITAL PROJECTS AT THE		
OREGON ZOO		

WHEREAS, the Metro Council had, after conducting a required public hearing , authorized the FY 2009-10 through FY 2013-14 Capital Improvement Plan; and

WHEREAS, the Capital Improvement Plan priorities have altered and certain changes are necessary; and

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; and

WHEREAS, Metro Code 2.04.058 requires Council approval for contract amendments that exceed five percent of the initial contract value or \$25,000; and

WHEREAS, as the result of an open competitive process, 2KG Contractors, Inc. is engaged to construct the major portion of the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with the project specifications and schedule; and

WHEREAS, the proposed 2KG contract amendments for Change Orders 4 though 8 totaling \$299,958 are necessary due to unforeseen or changed circumstances and now represent a combined increase over the original contract of 8.9 percent; and

WHEREAS, as the result of open competitive processes, Portland Fence Company, Inc. has been engaged to provide materials and install fencing, roof paneling and gate systems for the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with the project specifications and schedule and to ensure animal health and exhibit safety; and

WHEREAS two proposed contract amendments totaling \$129,503, are necessary due to unforeseen or changed circumstances and now represent a combined increase over the original contracts of over five percent; and

WHEREAS, the Metro Procurement Officer believes that amending the existing contracts with 2KG Contractors, Inc. and Portland Fence Company, Inc. is appropriate and that such action is in the best interests of Metro and will better ensure a timely project delivery for these exhibits;

THEREFORE, BE IT RESOLVED that

1. The Metro Council hereby authorizes the following capital projects to be increased as follows; that the FY 2009-10 – FY 2013-14 Capital Improvement Plan be amended to reflect these changes; and ,where necessary, budget amendments be prepared to implement these changes:
 - M James Gleason Boat Ramp, Phase III project is increased to \$1,600,000 and accelerated into FY 2009-10 from FY 2010-11.
 - Predators of the Serengeti Project is increased to \$6.97 million.
 - Red Ape Reserve Project is increased to \$3.55 million.
 - Lone Fir Cemetery Project is increased by \$91,600.
 - Metro Central – Scalehouse A Inbound Scale project is increased to \$110,000.
 - Regional Parks and Metro Regional Center “point of sale” system is added to renewal and replacement projects at a cost of \$31,000.
 - Metro Regional Center Phone System project is increased by \$49,000.
2. The Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute contract amendments with 2KG Contractors, Inc. in the amount of \$33,814 for Change Order #4, \$27,226 for Change Order #5, \$98,918 for Change Order #6 and an amount not to exceed \$120,000 for Change Order #7 and an amount not to exceed \$20,000 for Change Order 8 for the Predators of the Serengeti and Red Ape Reserve projects.
3. The Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute two contract amendments with Portland Fence Company Inc. for the Predators of the Serengeti and Red Ape Reserve projects, \$81,992 for materials and \$47,581 for installation.

ADOPTED by the Metro Council acting as the Public Contract Review Board this ____ day of October, 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4078 OF THE METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSES OF INCREASING APPROVED CAPITAL PROJECTS, AMENDING THE FY 2009-10 – FY 2013-14 CAPITAL IMPROVEMENT PLAN AND APPROVING CONTRACT AMENDMENTS FOR CAPITAL PROJECTS AT THE OREGON ZOO

Date: September 28, 2009

Prepared by:
Karen Feher, CIP Coordinator
Darrin Matthews, Procurement Officer

BACKGROUND

This resolution amends several projects in the FY 2009-10 – FY 2013-14 Capital Improvement Plan (the CIP); describes subsequent budget amendments Council will consider to implement those amendments; and approves contract changes related to specific projects.

CIP AMENDMENTS

1. **M James Gleason Boat Ramp, Phase III:** Metro Parks and Environmental Services applied for and received a \$512,500 Oregon State Marine Board Facility Grant and a \$500,000 Oregon Department of Fish and Wildlife Federal Sportfish Restoration Grant for water related facility improvements at the M. James Gleason Boat Ramp. The grants are contingent on Metro providing a \$337,500 Metro match for the estimated \$1,350,000 project. The project is listed in Metro's Capital Improvement Plan in Fiscal Year 2011 in the amount of \$1,300,000 and is Phase III of a multi-phase improvement plan for the facility. Metro's match would come from the Renewal and Replacement Fund. The grant funding relieves the Renewal and Replacement Fund of funding the entire project. All Corps of Engineers and Department of State Land regulatory and City of Portland land use permits are in place with bids for the project already in hand. The project consists of the following:
 - a. Demolition and removal of existing debris deflection system (trash rack and debris boom,) boarding floats, gangway and corresponding pile system.
 - b. Demolition and removal of existing concrete and asphalt boat ramp.
 - c. Construction and installation of a new concrete replacement boat ramp.
 - d. Construction and installation of a new boarding floats and corresponding support piles replacement.
 - e. Construction and installation of the last six (6) sections of the wave attenuator wall and corresponding support piles as part of the new debris deflection replacement system.

Bids are in hand and the actual expect cost of all of the above is \$250,000 higher than originally expected, increasing the project to \$1,600,000. The Oregon State Marine Board has agreed to fund an additional \$200,000; the additional \$50,000 match will come from the Renewal and Replacement Fund. In November a budget amendment will be brought forward to recognize the \$1,212,500 in grants and move \$387,500 from contingency in Renewal and Replacement to fund this project. This action increases the overall project in the CIP to \$1,600,000 from \$1,300,000 and moves it to FY 2009-10 CIP.

Predators of the Serengeti: The zoo's newest exhibit converted the Alaska Tundra exhibit into African themed exhibits with lions, wild dogs, cheetahs, and caracals. To the extent possible, exhibit construction reused existing building and infrastructure to reduce construction debris and to maximize construction sustainability. In addition, all concrete rubble removed from the previous exhibit was crushed at the zoo campus and reused as fill for the new exhibit. The Oregon Zoo Foundation managed an extremely successful capital campaign for the project and raised more than \$6.4 million for exhibit construction and operation. The exhibit opened early September 2009 and has proven extremely popular and enjoyable to guests. The Roar is back at the Oregon Zoo.

This resolution amends the *Predators of the Serengeti* CIP to \$6.97 million, with project cost increases funded from:

- a) A generous donation from The Oregon Zoo Foundation of \$750,000;
- b) Certain project elements from Metro renewal and replacement program funds, \$425,000; and
- c) Undesignated zoo capital account funds, \$400,000.

Specialized project elements, such as rockwork, caging and hydraulics proved significantly more expensive than originally forecast. A budget amendment is not needed for the project as adequate appropriation exists in the FY 2009-10 capital budget; however, this resolution amends contracts with 2KG Contractors Inc. and Portland Fence Company Inc. as described in the final section below.

2. **Red Ape Reserve Project:** The *Red Ape Reserve* project constructs a new orangutan exhibit as part of the primates building. The primates building, constructed in 1959, has undergone significant renovations in the past five years. Following the theme "Forests of the World," the zoo has been transforming the building, in phases, from a mid-century relic to a state-of-the-art, naturalistic experience for visitors and animals. The *Red Ape Reserve* continues the transformation, becoming the cornerstone exhibit for the Asian forest wing of the building and housing the zoo's orangutans and gibbons. The exhibit is scheduled to open to the public during spring of 2010.

This resolution increases the *Red Ape Reserve* Capital Improvement Plan (CIP) amount to \$3.55 million, with project increases funded by

- a. Undesignated zoo capital account funds, \$500,000;
- b. Certain project elements from Metro renewal and replacement program funds, \$485,000; and
- c. A generous donation from The Oregon Zoo Foundation of \$250,000.

Specialized project elements, such as exhibit meshing, rockwork, caging and hydraulics are proving significantly more expensive than originally forecast. A capital budget amendment is not needed for the project as adequate appropriation exists in the FY 2009-10 capital budget; however, this resolution amends contracts with 2KG Contractors Inc. and Portland Fence Company Inc. as described in the final section below.

3. **Lone Fir Cemetery:** Multnomah County demolished the Morrison Building, adjacent to Lone Fir Cemetery, in 2006 and transferred the property to Metro in 2007. The acquisition of this

property required us to develop a Master Plan for Lone Fir, including this new property. At the same time as part of the planning process, Metro began conceptual work to design a memorial to honor the Chinese immigrants buried on this property. Metro's contribution is the master planning and design development of the site, with private fundraising intended to pay for the building of the memorial and surrounding landscaping. Multnomah County provided \$150,000 for this effort, of which \$11,600 remains. Metro appropriated \$80,000 as its contribution to the project in FY 2007-08. The final stages of the project including consulting assistance to support the fundraising effort was placed on hold and inadvertently dropped rather than carried forward. The November budget amendment will be requesting that \$91,600 be transferred from General Fund contingency to rectify this oversight. An additional \$40,000 was provided in the FY 2009-10 budget specifically to provide for Lone Fir maintenance/improvements. Projects include:

- a. \$10,000 to remove asphalt in driveway off Morrison St.;
- b. \$20,000 to stabilize mausoleum;
- c. \$10,000 to install safety lighting.

Because this activity relates to improvements at Lone Fir, Metro needs to designate a capital project. The \$91,600 will be in the Parks and Environmental Services operating budget and the \$40,000 resides in the Capital Fund.

4. **Metro Central – Scalehouse A Inbound Scale:** Last year Metro postponed the replacement of the inbound scale at Metro Central to combine it with the replacement of the outbound scale. This strategy will allow us to assure that the two scales are made by the same manufacturer and simplify future maintenance costs. This project is already in the adopted Capital Improvement Plan at \$90,000 and this action increases it by \$20,000 to \$110,000. The Solid Waste Fund has adequate appropriation to fund this increased project so there will be no corresponding budget amendment.
5. **Other Smaller Renewal and Replacement Projects:**
 - a. Regional Parks and Metro Regional Center's point of sale system consists of some old cash registers and need replacement. This project will replace six registers, two at Blue Lake Park, one at Oxbow Park, one at Chinook Landing boat ramp and one in the Metro Store. The cost of this project is \$31,000 and will be funded by a November 2009 budget amendment moving the funds from Renewal and Replacement contingency. The contract to purchase the machines, competitively bid, is with MICROS. An additional register will be purchased on this contract for the Latex Paint Store funded by existing renewal and replacement money in the Solid Waste Renewal and Replacement Fund.
 - b. Last fiscal year Metro began replacing the telephone handsets at Metro Regional Center; \$19,000 was expended on a project originally scoped at \$30,000. The balance of the funding was inadvertently not carried forward into this fiscal year's spending authority. In addition it is estimated that an additional \$38,000 is needed to replace all of the telephone handsets. The November budget amendment will request a move of \$49,000 from Renewal and Replacement contingency to finish this project.

CONTRACT AMENDMENTS

As a result in the changes in the Predators and Red Apes construction, several contract changes requiring the Council approval are needed.

2K G Contractors Inc.

Change Order #4 and Change Order #5 are for additional work on Predators and Red Apes that was unforeseen and not part of the original contract. The additional work elements include heat shields at all radiant heaters, adding hot rocks where existing were not located, catch basins to improve drainage in animal yards, other mechanical and electrical revisions, UV water purifiers, tree tunnel footing and an alcove bunker concrete roof to prevent animal visitor contact. The amount of Change order #4 is \$33,814 and Change order #5 is \$27,226.

Change Order #6 in the amount of \$98,918 is for a scope of work which changed due to existing conditions. The main access to the *Predators of the Serengeti* was designed to be an epoxy slurry coat over existing asphalt. The access serves as a public crossing and service road. The asphalt was failing due to structural failure of the sub grade. The existing road surface and sub grade were removed and replaced with an 8" compacted gravel base and 8" thick stamped colored concrete which delineates the plaza area and provides a suitable substrate for heavy vehicular traffic.

These three change orders have been reviewed, approved and recommended by the project architect as necessary and appropriately priced.

Change Order #7 in the amount of \$120,000 and Change Order #8 estimated at \$20,000 cover work related to revising grades at existing lion building, concrete path work, repairing a welding feeder, artificial pond plumbing, adding catch basins, and finishing many other small elements, including some elements in the Red Ape Reserve. Change order #7 has been submitted by 2KG Contractors Inc. and is now being reviewed by the project architects and internal team for response. We expect the review to be complete prior to the Council taking action on this resolution. In the unlikely event that the amount of the change order increases, we will present an amended version of the resolution to reflect the final cost; otherwise the resolution reflects a not-to-exceed price for Change Order #7 as submitted. Change Order #8 is being proposed and is expected to total no more than \$20,000. In the event that the amount of the change order increases during architect and internal team review, we will seek approval of the increased amendment amount from Council; otherwise the resolution reflects a not-to-exceed price for Change Order #8 as submitted.

Council approval is required for contract amendments that exceed five percent of the initial contract value or \$25,000. The original contract price of \$5,659,300 had been previously amended by Council to \$5,861,299. The proposed change orders increase the contract an additional \$299,958. The combined increase over the original contract of 8.9 percent is within the acceptable industry range for complex construction projects.

Portland Fence Company Inc.

The Predators and Red Ape projects include two contracts with Portland Fence Co. Inc. The contracts are for caging/fencing metal and fabrication totaling \$447,855 and installation totaling \$251,028. The caging/fencing metal contract has a change order of \$81,992, and the installation contract has a change order of \$47,581 for a total of \$129,503 (18.5 percent) for the two contracts. The Predators project required additional materials and installation related to enhanced exhibit yard, animal holding, and roof panel fencing to ensure animal health and exhibit safety.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** The Capital Improvement Plan is adopted by Resolution; therefore amendments must be adopted by Resolution.

ORS 279A and Metro Code 2.04.058 prescribe the amendment requirements for public improvement projects.

3. **Anticipated Effects:** Provides resources for various projects with Council approval.
4. **Budget Impacts:** Identified in the body of the staff report for each project.

RECOMMENDED ACTION

Chief operating Officer Michael Jordan recommends approval of this Resolution.