

Metro | Agenda

MEETING: METRO COUNCIL – Agenda revised August 16th, 2010
DATE: August 19, 2010
DAY: Thursday
TIME: 2:00 PM
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 August 12, 2010 Metro Council Regular Meeting.

4. RESOLUTIONS

4.1 **Resolution No. 10-4166**, For the Purpose of the Metro Council Formally Endorsing The Oregon Children’s Outdoor Bill of Rights Burkholder

4.2 **Resolution No. 10-4176**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Change the Scope of Work on the Southeast Harmony Road: Highway 224 to 82nd Avenue Project Collette

4.3 **Resolution No. 10-4182**, For the Purpose of Confirming the Reappointment of Pre-Existing Members and the Appointment of New Members to the Natural Areas Program Performance Oversight Committee Harrington

5. CONTRACT REVIEW BOARD

5.1 **Resolution No. 10-4183**, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Contract Amendment for the Irving Street Garage Project TBA

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

THE METRO COUNCIL IS ON RECESS UNTIL SEPTEMBER 7th, 2010.

Television schedule for August 19, 2010 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, August 19 (Live)</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmv.org – (503) 288-1515 8:30 p.m. Sunday, August 22 2 p.m. Monday, August 23</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, August 23</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, August 21 11 p.m. Sunday, August 22 6 a.m. Tuesday, August 24 4 p.m. Wednesday, August 25</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. For questions about the agenda, call the Metro Council Office @ (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 Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 3.1

Consideration of Minutes of the August 12, 2010 Metro Council Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, August 19, 2010
Metro Council Chamber

Agenda Item Number 4.1

Resolution No. 10-4166, For the Purpose of the Metro Council Formally
Endorsing The Oregon Children's Outdoor Bill of Rights

RESOLUTIONS
COUNCILOR BURKHOLDER

Metro Council Meeting
Thursday, August 19, 2010
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF THE METRO COUNCIL) RESOLUTION NO. 10-4166
FORMALLY ENDORSING THE OREGON)
CHILDREN'S OUTDOOR BILL OF RIGHTS) Introduced by Councilor Burkholder with the
concurrence of Council President Bragdon

WHEREAS, the Oregon Children's Outdoor Bill of Rights (attached as Exhibit A), sponsored by the Oregon Recreation & Park Association, specifically enumerates the desired outcomes of Oregon children's involvement in the natural world through outdoor education and recreation; and

WHEREAS, outdoor activity is an important and integral part of the health and wellness of members of our community; and

WHEREAS, all children deserve equal access to diverse natural wonders; and

WHEREAS, it is vital to supply outdoor recreation providers with a set of principles to guide access to these resources; and

WHEREAS, fostering collaboration between involved outdoor recreation agencies and organizations improves the quality and opportunity of access; and

WHEREAS, Metro is a major provider of outdoor recreation opportunities through its operation of regional parks and natural areas, boat ramps and the Oregon Zoo; and

WHEREAS, as a member of the No Oregon Child Left Inside coalition, Metro continues to support national investments in environmental education; and

WHEREAS, Metro actively collaborates with the Intertwine Alliance, an extensive and diverse partnership of organizations working to grow and protect the region's network of parks, trails and natural areas; and

WHEREAS, it is the continued mission of Metro and the Metro Council to increase the quality of life for all of Oregon's children and families; and

WHEREAS, the Oregon Children's Outdoor Bill of Rights specifically aims to ensure the realization of these enumerated principles; now therefore

BE IT RESOLVED that the Metro Council formally endorses the Oregon Children's Outdoor Bill of Rights in pursuance of a healthier and more active community.

ADOPTED by the Metro Council this nineteenth day of August, 2010.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4166, FOR THE PURPOSE OF THE METRO COUNCIL FORMALLY ENDORSING THE OREGON CHILDREN'S OUTDOOR BILL OF RIGHTS

Date: August 11, 2010

Prepared by: Colin Deverell

BACKGROUND

The Oregon Children's Outdoor Bill of Rights is a document prepared by the Oregon Recreation & Park Foundation enumerating the expected outcomes of children's education of the natural world. While natural sciences taught in the classroom comprise an important component of children's ongoing learning, the Bill of Rights seeks to specify the experiential tenets of a well-rounded exposure to the outdoors. Examples of activity opportunities guaranteed under the Bill include learning to swim, outdoor camping and tree climbing. Each of the experiences listed are linked to integral parts of Oregon's natural wonders and consequently its identity as a whole. Additionally, the Bill of Rights works in conjunction with the Nature's Passport program, an "activity punch card" that children and their families can complete as they participate in outdoor activities. A website dedicated to the program provides a portal to local opportunities to complete the card and fulfill the promises of the Bill.

These experiences are important in forming our children's perception of nature as they grow into adults. Children who value their time outdoors are more likely to be good stewards of the environment in addition to being more likely to pursue continued outdoor activity throughout their lifetime. Providing young people with greater avenues for activity and wellness only enhance our community and help create a sustainable and thriving future.

Exact Text of the Oregon Children's Outdoor Bill of Rights:

Oregon Children's Outdoor Bill of Rights

As they grow, every Oregon child should have the opportunity to:

- 1. Follow a trail*
- 2. Go boating*
- 3. Camp out under the stars*
- 4. Learn to swim*
- 5. Walk barefoot on the beach*
- 6. Climb a tree*
- 7. Observe animals in their habitat*
- 8. Catch a fish*
- 9. Play in a nearby park*
- 10. Explore Oregon's culture & history*

ANALYSIS/INFORMATION

1. **Known Opposition**

This resolution has no known opposition.

2. **Legal Antecedents**

This resolution has no known legal antecedents or potential conflicts.

3. **Anticipated Effects**

This resolution merely formally declares Metro Council endorsement of the Oregon Children's Outdoor Bill of Rights.

4. **Budget Impacts**

This resolution has no measureable budgetary impact.

RECOMMENDED ACTION

Adopt Resolution 10-4166, For the Purpose of the Metro Council Formally Endorsing the Oregon Children's Outdoor Bill of Rights.

Oregon Children's Outdoor Bill of Rights

Oregon is a land rich in natural beauty and diverse landscapes from the seashore, to the deserts, mountains, rivers and lakes. Oregonians have long taken pride in our natural environment taking steps to ensure that Oregon remains a thriving community.

It's human nature to care for what we connect to and value. Unfortunately, we have discovered that our families and children are spending less and less time out of doors. This disconnection from nature has serious long-term implications for the health and well-being of our state and to the future stewardship of our public lands.

In an effort to foster a newly inspired connection with nature, outdoor and environmental professionals are recommending that every Oregon child and family adopt the Children's Outdoor Bill of Rights. The outcomes of such experiences will lead to healthier bodies, more creative minds, a clearer understanding of our relationship to our natural world, and the desire to sustain it in the future.

As they grow, every Oregon child should have the opportunity to:

- 1. Follow a trail**
- 2. Go boating**
- 3. Camp out under the stars**
- 4. Learn to swim**
- 5. Walk barefoot on the beach**
- 6. Climb a tree**
- 7. Observe animals in their habitat**
- 8. Catch a fish**
- 9. Play in a nearby park**
- 10. Celebrate Oregon's Culture & History**

A photograph of a beach at sunset. The sun is low on the horizon, creating a bright reflection on the wet sand. In the foreground, two children are walking on the beach. In the distance, a few more people can be seen walking along the shore. The sky is a mix of orange, yellow, and blue.

The Oregon Outdoors – it's our children's destination, let's show them the way.



Oregon Children's Outdoor Bill of Rights



The creation of the Oregon Children's Outdoor Bill of Rights and program support structure will:

- Result in more Oregon youth and families benefiting from outdoor recreation experiences.
- Create a unifying message for federal, state, county, municipal, non-profit, and for profit agencies and organizations that provide outdoor recreation opportunities.
- Create a united publicity and marketing strategy to the public for all involved agencies and organizations.
- Result in more informal collaborations and formal partnerships between all involved agencies and organizations.
- Compliment the No Oregon Child Left Inside legislation; by creating more opportunities for environmental education and outdoor recreation.
- Promote an increase in family health and wellness.
- Increase future stewardship of outdoor resources.
- Increase the overall quality of life for Oregon's youth and families.
- Highlight the abundant natural resources and recreation opportunities available in Oregon, and stimulate economic development from those resources.

Program Elements

The Oregon Children's Outdoor Bill of Rights will unify outdoor recreation providers in the state of Oregon and provide program elements that will result in a unified structure in attracting youth and families to the outdoors. Program elements will include:

- Nature's Passport – an outdoor activity punch card that youth and their families complete as they pursue outdoor activities provided by partner agencies. Nature's Passport is consistent as a promotional tool, but flexible to the variety of activities that individual agencies and organizations provide.
- The Oregon Children's Outdoor Bill of Rights resource website, initially housed on the Oregon Recreation & Park Association website, will create a statewide recreation program database (including information from all endorsing agencies/organizations) so that youth and parents can access current Nature's Passport opportunities available in their part of the state.

Agenda Item Number 4.2

Resolution No. 10-4176, For the Purpose of Amending the 2008-11
Metropolitan Transportation Improvement Program (MTIP) to Change the
Scope of Work on the Southeast Harmony Road: Highway 224 to 82nd
Avenue Project

RESOLUTIONS
COUNCILOR COLLETTE

Metro Council Meeting
Thursday, August 19, 2010
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2008-)	RESOLUTION NO. 10-4176
11 METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO)	Introduced by Councilor Carlotta Collette
CHANGE THE SCOPE OF WORK ON THE)	
SOUTHEAST HARMONY ROAD: HIGHWAY)	
224 TO 82 ND AVENUE PROJECT)	

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 new projects to or significantly change the scope to existing projects in the MTIP; and

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

WHEREAS, the JPACT and Metro Council awarded \$1.5 million of funding authority to Clackamas County to perform preliminary engineering for the widening and modernization of SE Harmony Road between Highway 224 and 82nd Avenue to five vehicle lanes and to separate the at-grade road crossing of the Union Pacific railroad; and

WHEREAS, the awarding of these funds is adopted in the 2008-11 MTIP as Programming Table 4.1.2; and

WHEREAS, the total cost of the originally proposed project scope is more than is forecasted to be available to the project through local sources or the Regional Flexible Fund allocation process;

WHEREAS, Clackamas County has proposed that system management and sidewalk improvements would better serve the land use context, meet the priority capacity needs of SE Harmony Road, and reflect the best use of limited transportation funding than spending on preliminary engineering for the original project; and

WHEREAS, Section 1.7 of the 2008-2011 MTIP states that the MTIP shall be amended by Metro/JPACT Resolution where an adjustment will significantly change the project scope, whose definition includes “the deletion of a modal element described in the original project”; and

WHEREAS, the proposed change in the Harmony Road project meets the definition of a significant change in project scope as it eliminates funding the engineering of a modal element (new motor vehicle lanes) in favor of construction of Intelligent Transportation Systems (ITS) and other elements that improve capacity; now, therefore,

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to modify the Programming Table, Section 4.1.2, of the 2008-11 Metropolitan Transportation Improvement Program to change the scope of work of the SE Harmony Road project as provided in Exhibit A to this resolution.

ADOPTED by the Metro Council this ____ day of August 2010.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 10-4167

2008-11 Metropolitan Transportation Improvement Plan Table 4.1.1 amendment

Existing Programming

Sponsor	ODOT Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012
Clackamas County	15599	Harmony Road: 82 nd Ave to Highway 224	Engineering for widening roadway to 5 lanes, overcrossing of freight/Amtrak rail line.	STP	PE		\$1,500,000	

Amended Programming

Sponsor	ODOT Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012
Clackamas County		Harmony Road: Linwood Avenue to 82 nd Avenue	Intelligent signal work, sidewalks and illumination.	STP	PE	\$222,530		
					ROW/Utilities		\$90,627	
					Construction			\$1,186,842

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4176, FOR THE PURPOSE OF AMENDING THE 2008-11 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO CHANGE THE SCOPE OF WORK ON THE SOUTHEAST HARMONY ROAD: HIGHWAY 224 TO 82ND AVENUE PROJECT

Date: August 19, 2010

Prepared by: Ted Leybold

BACKGROUND

Clackamas County was awarded regional flexible funding authority in 2007 for the purpose of conducting preliminary engineering of a potential project to widen and modernize SE Harmony Road between Highway 224 and 82nd Avenue, including a potential grade separation of the road from the Union Pacific railroad.

During the initial Environmental Impact Statement analysis, several alternatives were reviewed. Retaining Harmony Road as a three lane facility was strongly supported by the neighborhood, supported the context of the existing land uses and also met the needs of the surrounding area. The total cost of engineering, right of way acquisition, utilities and construction of this original project scope is more than is forecasted to be available to the project through local sources or the Regional Flexible Fund allocation process. The County proposes that system management and sidewalk improvements would better serve the land use context, meet the priority capacity needs of SE Harmony Road, and reflect the best use of limited transportation funding than spending the funds on preliminary engineering for the original project. Redefining the project scope would result in actual construction of improvements and relieve the County of potentially having to repay federal funds spent on engineering if the subsequent construction could not occur due to funding constraints.

Rather than engineer additional general capacity lanes on Harmony Road, the revised project would construct Intelligent Transportation System improvements at Harmony Road's intersections with Fuller, the North Clackamas Park District driveway and Linwood Avenue and will include fiber optic communication that will connect to the existing Clackamas County/ODOT fiber optics communication ring at 82nd Avenue/Harmony Road/Sunnyside Road to reduce vehicle delay. It would also construct sidewalk on the north side of Sunnyside Road from the Clackamas Town Center to 82nd Avenue, on the south side of Harmony Road from Clackamas Community College to 82nd Avenue, on the west side of 82nd Avenue from the Toys 'R' Us property to the intersection with Sunnybrook Boulevard and a completed multiuse path connection from the Clackamas Town Center to 82nd Avenue. The project would also construct continuous illumination along Harmony Road from 82nd Avenue to Linwood Avenue.

Clackamas County seeks JPACT and Metro Council approval to revise the scope of this project as described. The proposed change in the mix of modal elements included in the project warrants a resolution per section 1.7 in the 2008-11 MTIP.

ANALYSIS/INFORMATION

1. Known Opposition None known at this time.

- 2. Legal Antecedents** Section 1.7 of the 2008-2011 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) (“2008-11 MTIP”). MTIP provides that it may be amended by Metro/JPACT Resolution where an adjustment will significantly change a project scope, defined as “the deletion of a modal element described in the original project scope . . . or if . . .the proposed change in scope would have significantly altered the technical evaluation of a project during the project prioritization process;” Proposed resolution will amend the Programming Table 4.1.2 of the 2008-11 MTIP. Changes scope of project originally awarded funding authority by Resolution 07-3773 on March 15, 2007 (For the purpose of allocating \$64 Million of Transportation Priorities funding for the years 2010 and 2011, pending air quality conformity determination).
- 3. Anticipated Effects** Adoption of this resolution will allow Clackamas County to proceed with adding system management and pedestrian improvements on SE Harmony Road between Highway 224 and 82nd Avenue.
- 4. Budget Impacts** No Metro funds are obligated by this agreement.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 10-4176.

Agenda Item Number 4.3

Resolution No. 10-4182, For the Purpose of Confirming the
Reappointment of Pre-Existing Members and
the Appointment of New Members to the Natural
Areas Program Performance Oversight Committee

RESOLUTIONS
COUNCILOR HARRINGTON

Metro Council Meeting
Thursday, August 19, 2010
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 10-4182
REAPPOINTMENT OF PRE-EXISTING MEMBERS)	
AND THE APPOINTMENT OF NEW MEMBERS TO)	Introduced by Council President Bragdon
THE NATURAL AREAS PROGRAM)	
PERFORMANCE OVERSIGHT COMMITTEE)	

WHEREAS, the Metro Code Chapter 2.19 establishes the Natural Areas Program Performance Oversight Committee (the "Committee"); and

WHEREAS, the terms of several committee members expired June 30, 2010; and

WHEREAS, Linda Craig has expressed her willingness to serve as chair of the Committee; and

WHEREAS, the Council President has reappointed David Pollock for an additional two-year term and appointed several new members to full two-year terms as set forth in Exhibit "A" attached hereto; and

WHEREAS, the Council desires to confirm these reappointments and appointments; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the reappointments and appointments to the Natural Areas Program Performance Oversight Committee as set forth in Exhibit "A" attached hereto.

ADOPTED by the Metro Council this 19th day of August, 2010.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 10-4182

**Natural Areas Program
Performance Oversight Committee**

Member Reappointments

The following person shall serve as Committee chair:

Linda Craig

The following person is reappointed to serve a two-year term from July 1, 2010 until June 30, 2012, their final term of eligibility for consecutive service on this Committee:

David Pollock

New Member Appointments

The following persons each are appointed to serve a two-year term from July 1, 2010 until June 30, 2012, and shall be eligible thereafter to serve one additional two-year term:

Drake Butsch	Shawn Narancich
Michelle Cairo	Andrew Nordby
Brad Fletcher	Cam Turner
Walt McMonies	Autumn Rudisel
Rick Mishaga	Kendra Smith

New Member Biographies

Drake Butsch

Drake is currently the Vice President of First American Title of Oregon and has been in Builder and Developer Services there for more than 14 years. He is an expert in land acquisition and development in the Portland metropolitan area. As an active member of the regions development community he has recently served as an appointee to Metro's Urban Reserves steering committee. He is a Past President of the Oregon Home Builders Association and has served on the Board of directors there and at the Home Builders Association of Metro Portland (HBAMP) and National Association of Home Builders in Washington DC. Before joining First American Title's Builder Services team, Drake was the Director of Governmental Affairs for the HBAMP for many years. While there he specialized in the leading issues of the day, including moving the urban growth boundary (UGB), the passage of the first green spaces initiative and creating a development approval process that worked in local governments. Drake also served on the Unified Sewerage Agency (currently Clean Water Services) advisory board for many years.

Michelle Cairo

Michelle is the Chief Financial Officer of Opus Solutions, and brings a wealth of knowledge surrounding planning, investing, accounting, and operating efficiently and profitably. Prior to joining Opus, she was the Director of Finance for Pacific Power, where she oversaw the investment for the transmission and distribution of power over six states. In 2010, she was selected Portland's Best CFO for medium-sized companies by the Portland Business Journal. Michelle holds a BS in Finance from University of Utah and a Master's of Business Administration from Utah State University. Michelle grew up in a large Greek family that was passionate about great food, this lead her to co-found Olympic Provisions, Oregon's first USDA cured meat plant and tapas style restaurant.

Brad Fletcher

Brad has more than 30 years of experience in commercial real estate, development, advertising/public relations and government. He specializes in the marketing, leasing and sale of industrial, high technology, office, mixed use, investment properties and land for corporate, public, institutional and individual clients worldwide. Brad is the leading producer in Portland and in the Top 100 in the nation for Grubb & Ellis and has leased and sold over seven million square feet of property and 3,000 acres of land. This transaction volume of more than \$1,000,000,000 has established Brad as a national industry leader representing many of the most significant clients and properties in Portland, including Intel, Nike, IBM, Honda, Subaru, Epson, Toshiba, Georgia Pacific, FedEx, Opus and Panattoni.

Walt McMonies

Walt is a real estate transactions attorney with Roberts Kaplan LLP. He grew up in Lake Oswego, and graduated from Catlin Gabel School, Yale University and Yale Law School. He has been active in conservation and historic preservation organizations, having been Chair or Vice Chair of the Trust for Public Land (Oregon Advisory Council), the Oregon Environmental Council, and the Historic Preservation League of Oregon. He is currently involved with his in-laws' 200 acre family farm/vineyard in Newberg and with advocacy of seismic upgrades to unreinforced masonry apartment buildings.

Rick Mishaga

Rick is a retired environmental scientist/consultant. He has a Master's degree in wildlife ecology and a Ph. D. with a specialty in ecosystems ecology. His professional career spanned 29 years including 23 years with the environmental engineering firm of CH2M Hill where he served in various capacities including Corporate Technical Group Director for Wetlands and Terrestrial Ecology. He also worked for the Portland of Portland as a natural resources program manager. Primary areas of consulting expertise included ecosystem management, habitat assessment, large-scale natural resource planning, and endangered species negotiations. He served on the Wetlands Technical Advisory Committee for the State of Oregon's Triennial Water Quality Standards Review and was appointed to Oregon's Invasive Species Council. In retirement, he remains active in professional organizations and recently has worked with the Audubon Society of Portland on the Backyard Habitat Certification Program. He volunteers with the OSU Extension Service's Master Gardeners Program and with the Oregon Zoo's Zoo Ambassador Program.

Shawn Narancich

Shawn Narancich, CFA, is a member of the equity team at Ferguson Wellman Capital Management. Previously, he was an investment analyst at Chittenden Corporation in Burlington, Vermont, a senior corporate financial analyst at Stancorp Financial Group in Portland, Oregon, a portfolio manager with Wells Fargo in Portland, and an equity analyst with D.A. Davidson in Great Falls, Montana. Shawn holds Bachelor of Science degrees in accounting and business administration from College of Great Falls and is a member of the CFA Institute Society of Portland. He also serves on the board and the financial development committee for the American Red Cross Oregon Trail Chapter. Shawn, his wife, and two children reside in Tualatin, Oregon

Andrew Nordby

Andrew is a native Oregonian. After 25 years of kitchen management in the Portland Metro area, he turned his organizational skills towards Real Estate and is a Principal Broker with Prudential North West Properties, specializing in Senior Real Estate. Deeply involved in his community, he serves as an ambassador for the North Clackamas Chamber of Commerce, is an active member of the Oregon City Chamber of Commerce and enjoys driving for the Milwaukie Center "Meals on Wheels" program. In his spare time, he mentors for the Oregon chapter of Team-In-Training, benefitting the Leukemia & Lymphoma Society and has been a Pacific Crest Triathlon participant since 2007.

Autumn Rudisel

Autumn Rudisel, Senior Vice President and Manager for Umpqua Bank's Northwest Investment Real Estate Group, has 26 years of in banking specializing in commercial real estate, both construction and term financing. Autumn has extensive experience in all income producing property types along with builder products such as acquisition and development, single-family development to include high and low rise condominiums. Autumn has experience working for community, super-regional and national banks. In addition to her experience in commercial real estate she has depth in credit and loan administration, special assets, and commercial and industrial lending to include Small Business Administration financing. Autumn earned her bachelor's degree in Real Estate Studies and Finance at Marylhurst University. She is a graduate of Pacific Coast Banking School. Autumn is an active member of the community and serves on the Clackamas Community College Foundation Development Strategy and Oversight Committee, Oregon Seismic Safety Policy Advisory Commission, board of director for Clackamas Community Land Trust, Past President of CREW Portland and currently serves as Co-Chair of the Silent and Live Auction Committee for CREW Network. Autumn is a native Oregonian and enjoys spending time with her husband, two children and yellow lab camping, waterskiing, and enjoys running and reading.

Kendra Smith

Kendra is an ecologist and certified floodplain manager specializing in restoration of streams and wetlands. Over the last 17 years, she has facilitated numerous watershed plans, restoration projects, and public policies to protect water resources in Oregon. Kendra managed restoration programming in the Tualatin River Basin for over 12 years and served on numerous committees including Oregon Association of Clean Water Agencies, Metro's Water Resources Policy Advisory, and Natural Areas Grant committees. Kendra is currently the Director of the Willamette Model Watershed Program for the Bonneville Environmental Foundation. She serves on Oregon's Watershed Enhancement Board Willamette regional grant review committee and is a member of the Urban Forestry Commission for the City of Portland.

Cam Turner

Cam is a founding member of United Fund Advisors, LLC and co-heads all management and investment activities of UFA and its affiliates. UFA is a financial services company that provides tax-advantaged investment capital and advisory services for community development and renewable energy projects. Cam has 14 years experience in real estate and corporate transactions, including private equity, structured finance, tax credit syndication, and business formation. Prior to joining UFA, he was an attorney with Schwabe, Williamson & Wyatt, P.C., focusing on securities and mergers and acquisitions. Cam's current and past board service includes the Council of Development Finance Agencies, Friends of the Portland Children's Museum, New Markets Tax Credit Coalition, Pedagogy Institute, Portland Family of Funds, Portland State University Business Outreach Program and Portland Plan Advisory Committee.



Metro | *People places. Open spaces.*

COUNCIL PRESIDENT DAVID BRAGDON

June 8, 2010

Linda Craig
Chair-designate
Natural Area Bond Oversight Committee
1201 SW 12th Ave., Ste. 222
Portland, Oregon 97205
503-808-9252

Dear Linda,

Thank you again for agreeing to chair the oversight committee, whose attention is crucial to assuring that the business practices and acquisition methods being used by our staff meet the highest standards. The Metro Council welcomes your fresh set of eyes and your professional discipline as we seek to fulfill our fiduciary responsibility with this important land conservation measure.

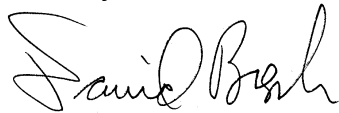
As always, the committee is authorized to ask any question or analyze any issue which the committee determine warrants investigation. More specifically, I respectfully suggest that the following areas are particularly ripe for examination prior to your next official report in March 2011:

- **Staffing and program overhead.** Two years ago the committee assessed our staff's workload in terms of number of transactions, landowner contacts made, grants administration and other activity levels, and concluded that the job descriptions and Full Time Equivalent (FTE) count of our staff was appropriate to the task, and that the proportion of expenditure on overhead relative to the expenditure on real estate was within anticipated range. Given the unusual conditions in the real estate market over the past two years, as well as the rampu-up in Nature in Neighborhood grants, it would be worthwhile to re-visit those findings. Question: given existing workload, do we have the appropriate level of staffing in terms of negotiators, legal support, grants administrators, etc., and are our payments for outsider appraisers, due diligence, environmental audits, etc. in line with what should be expected? Are our administrative expenditures an appropriate percentage of overall expense relative to land purchases and grants disbursed?
- **Progress by target area.** In 2006 the geographic target areas for this program were identified, with very rough qualitative and quantitative goals. In 2007 these goals were further honed in the "refinement" process and staff was given authorization to solicit transactions in very specific areas identified by parcel. Now, three years into the program, how is progress toward those goals, area by area? Are some lagging, and if so why? Are the goals still realistic? Are any mid-course corrections needed to place more or less emphasis on different geographic areas?

- Use of the “unusual circumstances” clause. As you know our staff is delegated authority to conclude transactions within certain parameters without case-by-case authorization by the Council. Outside those parameters they are required to declare “unusual circumstances” and bring the transaction to the Metro Council for discussion in executive session and authorization in a public televised meeting. Retrospectively looking at cases in which that procedure has been invoked, has the appropriate information been well-presented and weighed by the Council and has the Council deliberation taken the proper factors into consideration? Does this procedure make for better transactions? Does the frequency that we’re using this method seem appropriate?
- Bond sale sequence and cash management: as you know, Metro issued \$126 million in bonds in April 2007 and is using those funds to acquire land, disburse funds to local governments, and make grants under the Nature in Neighborhoods program, while paying debt service and principal through general obligation property tax revenues. We anticipate that we will still have \$50.6 million of those proceeds on hand at the end of this fiscal year, June 30, 2010, which is temporarily invested in a variety of instruments. The ballot measure authorized us to issue a total of \$227.4 million in bonds. Your committee at its discretion might want to look at our rate of expenditure, liquidity requirements, cash flow needs, tax rate, investment practices and other factors which determine how these funds are handled and when the next tranche of bonds should be issued. While we have professional bond counsel advice us on these matters, your advice would also be helpful.

The above issues are intended to give you some indication of the Metro Council’s curiosity, but not to restrict you from looking at other issues which a majority of your committee may, at its discretion, choose to examine. I look forward to your next meeting and the development of a committee work plan, which will lead to an illuminating report on your next intended timeframe in the spring of 2011. Thank you again for your service and thank you again for the attention to detail which should keep our agency ever improving its performance.

Sincerely,



David Bragdon

CC: Metro Council
Metro Auditor Suzanne Flynn
Mike Jordan
Dan Cooper
Jim Desmond

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4182, FOR THE PURPOSE OF CONFIRMING THE REAPPOINTMENT OF PRE-EXISTING MEMBERS AND THE APPOINTMENT OF NEW MEMBERS TO THE NATURAL AREAS PROGRAM PERFORMANCE OVERSIGHT COMMITTEE

Date: August 19, 2010

Prepared by: Hillary Wilton
503-797-1845

BACKGROUND

The 2006 Natural Areas Bond Measure included a provision for the establishment of a citizen oversight committee in order to review and suggest improvements to the administration and implementation of the Natural Areas Program. Members of the committee have two year terms, some of which expire at the end of June in odd numbered years and some of which expire at the end of June in even-numbered years. This resolution confirms the reappointment of one member who served on the Committee during the previous years and is willing to serve a new term, confirms the appointment of a new committee chair, and confirms the appointments of several new members who would begin new terms.

The purpose of the Committee is to provide the Metro Council and the citizens of the region outside third party review that will help the region achieve the best results for clean water, fish and wildlife, and future generations. Specifically, the Committee will review program performance and report to the Metro Council regarding the program's progress in implementing the strategies, goals and objectives approved by the Metro Council for property acquisition and protection in each of the 27 target areas, as described in Council-approved refinement plans, local share projects and the Nature in Neighborhoods Capital Grants Program. In addition, the Committee may make recommendations regarding the Natural Areas Implementation Work Plan to improve program efficiency, administration and performance.

Members of the Committee are drawn from all areas of the region and from a variety of technical and professional disciplines, including finance, auditing, accounting, real estate, banking and law. Committee members share their technical and professional expertise to ensure that expenditure of the bond measure satisfies the requirements of the program.

Metro staff assist the Committee as necessary. Staff performs such duties as making technical presentations and preparing reports to the committee, coordinating and staffing meetings and drafting an annual report for the Committee's consideration and adoption.

In accordance with Metro Code 2.19.220, the Natural Areas Program Performance Oversight Committee has met consistently over the past four years and has produced two annual reports; the first in the fall of 2008 and the second in spring 2010. They have divided the program into elements so that members may immerse in specific program areas to develop meaningful recommendations. Thus far they have led staff in development of a new regional acquisition performance measurement system and advised on the Capital Grants Program.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Metro Resolution No. 06-3672B, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection, approved March 9, 2006

Metro Code Chapter 2.19, "Metro Advisory Committees," providing generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees

Ordinance No. 07-1155A, Amending Metro Code Chapter 2.19 to establish the Natural Areas Program Performance Oversight Committee, and declaring an emergency, approved May 31, 2007

Resolution No. 07-3817, Confirming the Appointment of Members to the Natural Areas Program Performance Oversight Committee, approved May 31, 2007

Resolution No. 08-3953, Confirming the Reappointment of Members to the Natural Areas Program Performance Oversight Committee, approved June 26, 2008

Resolution No. 09-4046, Confirming the Reappointment of Pre-Existing Members and the Appointment of New Members to the Natural Areas Program Performance Oversight Committee

3. Anticipated Effects

By approving Resolution No. 10-4182, the Metro Council will reappoint some members and appoint new members to a committee as directed by the region's voters in November 2006. The expertise of the Committee will help ensure that the funds voters have authorized provide the greatest possible benefit to the region.

4. Budget Impacts

Staff time to staff the committee meetings and prepare reports.

RECOMMENDED ACTION

The Council President recommends adoption of Resolution No. 10-4182.

Agenda Item Number 5.1

Resolution No. 10-4183, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Contract Amendment for the Irving Street Garage Project

CONTRACT REVIEW BOARD
COUNCIL CARRIER TO BE ANNOUNCED (TBA)

Metro Council Meeting
Thursday, August 19, 2010
Metro Council Chamber

BEFORE THE METRO COUNCIL
CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)	RESOLUTION NO. 10-4183
AS THE METRO CONTRACT REVIEW BOARD,)	
FOR THE PURPOSE OF APPROVING A)	Introduced by Chief Operating Officer
CONTRACT AMENDMENT FOR THE IRVING)	Michael Jordan, with the concurrence of
STREET GARAGE PROJECT)	Council President David Bragdon

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, on December 17, 2009, via Resolution No. 09-4102, (“For the Purpose of Authorizing an Exemption from Competitive Bidding Requirements and Adopting Findings Authorizing Use of Alternative Procurement Methods for Repair and Renovation of the Metro Regional Center Irving Street Parking Garage”), the Metro Contract Review Board authorized an alternative procurement process for the Irving Street Garage Project, and after performing and intermediate procurement process, Metro awarded the contract to repair and renovate Metro’s Irving Street Parking Garage (the “Garage”) to D&R Masonry, Inc; and

WHEREAS, on June 17, 2010, via Resolution No. 10-4158 (“For the Purpose of Approving a Contract Amendment for the Irving Street Garage Project”), the Metro Contract Review Board authorized amendments to the Contract for additional work, revising the original \$574,850 Contract amount to \$813,800; and

WHEREAS, under the direction of the Metro’s Construction Manager, D&R Masonry, Inc. is completing the repair and renovation work in accordance with the Irving Street Garage Project specifications and schedule; and

WHEREAS, Parks and Environmental Services has determined that additional work is necessary and appropriate due to the discovery of further damage to the structure of the garage, and that such work is within the contingency budget for the Irving Street Garage Project; and

WHEREAS, amendments to the Contract for additional work are now proposed that would increase the total Contract amount by a projected \$343,836, to \$1,160,000. The additional work has been reviewed by the Metro Construction Manager and the project engineer, and has been approved as appropriately priced; and

WHEREAS, Metro Code 2.04.058 requires Contract Review Board approval for amendments to public improvement contracts that exceed \$25,000 and are over 5% of the initial contract value; and

WHEREAS, the Metro Procurement Officer believes that amending the existing contract with D&R Masonry, Inc. is appropriate, that such action is in the best interests of Metro, and that competitively procuring the additional work would be impractical; now therefore

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 \$1,160,000 with D&R Masonry, Inc. for the Irving Street Garage Project.

///

ADOPTED by the Metro Council Contract Review Board this ____ day of _____, 2010.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

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 Estimat:
Source:
Start Date:
Date:
Cost Type:

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

Project Estimates	Actual	Budget/Est	Prior							
Capital Cost:	Expend	2010-2011	Years	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016		Total
Construction	\$533,130	\$627,000	\$1,160,130	\$0	\$0	\$0	\$0	\$0	\$0	\$1,160,130
Total:	\$533,130	\$627,000	\$1,160,130	\$0	\$0	\$0	\$0	\$0	\$0	\$1,160,130

Funding Source:

Fund Balance - Renewal and Replacement	\$533,130	\$627,000	\$1,160,130	\$0	\$0	\$0	\$0	\$0	\$0	\$1,160,130
Total:	\$533,130	\$627,000	\$1,160,130	\$0	\$0	\$0	\$0	\$0	\$0	\$1,160,130

Annual Operating Budget Impact

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

Parks and Environmental Services (PES) had to increase the scope of the parking garage project due to the necessity to upgrade it to meet health and safety requirements. The project was originally budgeted for \$125,000 in the current year; with a new budget in Fiscal Year 2009-10 of \$600,000 with construction to begin immediately. In order to meet the increased appropriations need, PES will be using \$112,979 that was carried forward for various projects from prior years, \$49,000 for phones and \$48,010 for copy machines that will not be purchased in the current year. The remaining \$265,011 will need to come from the Renewal and Replacement Fund contingency. There are two more items that will be completed in 2010-11 and 2011-12 that will bring the total project cost over three years to \$900,000. Additional damage found on the fourth floor requires increasing the slab depth for an additional cost to the project of \$260,000, bring the entire three year project to \$1,160,000. The parking garage currently brings in over \$320,000 a year in net revenue and is an integral part of the value of the building making it essential to expend the money to maintain the asset and meet health and safety requirements.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4183, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE IRVING STREET GARAGE REPAIR PROJECT AND AMENDING THE FY 2010-11-FY 2014-15 CAPITAL IMPROVEMENT PLAN

Date: August 10, 2010

Prepared by: Lydia Neill

BACKGROUND

The Irving Street garage was placed into service in the early 1960's. Very little maintenance or improvements have been made until the recent repair project. The renewal and replacement budget has allocated a total of \$425,000 for repairs to the garage over the 2008/09 through 2011/12. The Metro Council had authorized an expenditure of an additional \$388,000 prior to the start of the project for a total project budget of \$813,000. The current project budget is set at \$900,000 between 2009-10 and 2010-11.

An open, competitive Request for Bid (RFB) was issued for the Irving Street Garage Repair project in 2009. An Intermediate Procurement Process was used to facilitate addressing the safety issues in a timely manner. The bid process consisted of a solicitation of five firms and encouraging these firms to conduct outreach to MWESB subcontractors. As a result of this process Metro received three sealed bids which ranged from \$574,850 to \$991,680. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was D&R Masonry, Inc.

This contract was awarded on January 8, 2010 in the amount of \$574,850 and work began shortly after. The Construction Manager, Lydia Neill reports that this project has progressed as planned and that D&R Masonry, Inc. has provided construction services in accordance with the contract and has performed additional work as directed by the owner. During the demolition of the damaged areas of the fourth floor parking deck and the removal of the existing traffic coating, additional damage has been uncovered. Repair of the deck is necessary before this floor can be re-coated with a urethane material to prevent moisture from entering the structure. This work is essential to insure the safety and the longevity of the structure and is best completed within the sequencing of the work currently being performed. The work including the change orders are consistently priced with the original bid, is based on unit pricing and a schedule of values provided.

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

Change Order #1- Engineered shoring design	\$13,114
Change Order #2- Full depth repairs, carbon fiber joist wrap and shoring	2,200
Change Order #3- Additional full depth repairs	226,000
Change Order #4- Additional, topping slab, spall and joist repair (proposed)	343,836
	Total \$1,160,000

The value of the proposed change order is based on a damage assessment resulting from extensive tracking of repairs that have been completed to date. This additional work is likely to cost no more than \$343,836. This estimate is based on unit pricing for the underslab and joist repair, pricing for installation of the topping slab and additional engineering services. Billing will occur as work is completed. Staff is requesting authority to amend the contract not to exceed \$1,160,000.

The Construction Manger and the consulting engineer for the project have reviewed each of the change order requests and verified that the work is outside of the existing contract scope, is necessary and reasonably priced.

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. With change order four the total value of the work exceeds the 5% change order limit although this amount is based on unit pricing. The poor condition of the concrete and inferior construction techniques have contributed to an increase in the scope of the damage that must be addressed. Due to the staging and disruption of business services during the construction process it is most cost effective to complete these repairs within the scope of the current work rather than rebidding this work and competing the remainder of the work at a later date. Therefore, this additional work was outside of the control of the contractor and the Parks and Environmental Services Department 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 Irving Street Garage Project is scheduled to be completed by late September 2010.

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 Irving Street Garage project in accordance with the contract document and project schedule.
4. **Budget Impacts:** Approval of this resolution amends the Capital Improvement Plan see attachment A. There will be sufficient appropriations in the Renewal and Replacement fund to meet this resolution if we follow historical patterns of not all projects being complete. However if all of the projects in the Renewal and Replacement Fund are completed in the current year a budget amendment may be required at a later time. This project will require an increase to the Renewal and Replacement allocation in future years.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment with D&R Masonry, Inc.