

**A G E N D A**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

**MEETING:** METRO COUNCIL WORK SESSION MEETING  
**DATE:** June 24, 2003  
**DAY:** Tuesday  
**TIME:** 2:00 PM  
**PLACE:** Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

- |           |    |  |                     |
|-----------|----|--|---------------------|
| 2:00 p.m. | 1. | <b>SALEM LEGISLATIVE REPORT</b>  | Cooper              |
| 2:15 p.m. | 2. | <b>DISCUSSION OF AGENDA FOR COUNCIL<br/>REGULAR MEETING, JUNE 26, 2003</b>   |                     |
| 2:30 p.m. | 3. | <b>MCCI PUBLIC INVOLVEMENT DISCUSSION</b>                                    | Ganoe               |
| 3:00 p.m. | 4. | <b>OREGON ZOO RETAIL SERVICES CONTRACT<br/>AND EXCISE EXEMPTION BRIEFING</b> | Vecchio/<br>Dresler |
| 3:30 p.m. | 5. | <b>CITIZEN COMMUNICATION</b>   |                     |
| 3:45 p.m. | 6. | <b>COUNCILOR COMMUNICATION</b>   |                     |

**ADJOURN**

Agenda Item Number 3.0

***MCCI PUBLIC INVOLVEMENT DISCUSSION***

Metro Council Work Session  
Tuesday, June 24, 2003  
Metro Council Chamber



Agenda Item Number 4.0

***OREGON ZOO RETAIL SERVICES CONTRACT AND EXCISE EXEMPTION BRIEFING***

Metro Council Work Session  
Tuesday, June 24, 2003  
Metro Council Chamber

## **METRO COUNCIL**

### **Work Session Worksheet**

Presentation Date: June 24, 2003      Time: 2:00 PM      Length: 30 minutes

Presentation Title: Oregon Zoo Retail Services Contract and Excise Exemption Briefing

Department: Oregon Zoo

Presenters: Tony Vecchio, Teri Dresler, Sarah Chisholm

#### **ISSUE & BACKGROUND**

The Oregon Zoo has received and evaluated three responses to an RFP for contracting retail services at the zoo. The financial guarantee, capital improvement budget, and depth of related experience provided by Aramark Corporation has resulted in the most favorable proposal for the Oregon Zoo.

It is anticipated that the Zoo will realize approximately \$1,200,000 in direct cost reductions annually by contracting for retail services.

It is expected that the increased retail sales resulting from this change will generate over \$800,000 in additional revenue to the Zoo over the five years of the contract.

Current excise tax requirements provides for tax to be paid on each item sold. In a competitive environment this additional tax is a hardship. The Zoo recommends that the excise tax to be paid is based on the amount the contractor pays the Zoo.

The expected reduction in excise tax revenues paid by the Zoo on retail sales resulting from the recommended change in tax payments could be as much as \$600,000 over the five years of the contract.

#### **OPTIONS AVAILABLE**

- 1) Approve an exemption of the current tax requirement, and provide for tax to be paid on the monthly percentage of gross sales paid to the Zoo by the contractor. This exemption request is similar to the Big Town Hero exemption that provides Metro with a lease payment and is exempted from Metro excise tax on gross revenues.
- 2) Approve an exemption of the current tax requirement, and provide for tax to be paid on the monthly percentage of gross sales paid to the Zoo by the contractor. Require the Zoo to pay the budgeted excise tax, \$145,000, on retail services in FY 03/04 to maintain the approved level of services in the FY 03/04 budget.

In years 2 - 5 of the contract, the Zoo will be required to pay excise tax on the monthly percentage of gross sales paid to the Zoo by the contractor.

- 3) Approve an exemption of the current tax requirement, and provide for tax to be paid on the monthly percentage of gross sales paid to the Zoo by the contractor. Require the Zoo to pay the budgeted excise tax on retail services in FY 03/04 to maintain the approved level of services in the FY 03/04 budget.

In contract year 2, FY 04/05, require the Zoo to pay 75% of the difference between tax on the percentage of gross sales and \$145,000.

In contract year 3, FY 05/06, require the Zoo to pay 50% of the difference between tax on the percentage of gross sales and \$145,000.

In contract year 4, FY 06/07, require the Zoo to pay 25% of the difference between tax on the percentage of gross sales and \$145,000.

In contract year 5, FY 07/08, require the Zoo to pay tax on the percentage of gross sales.

### **IMPLICATIONS AND SUGGESTIONS**

Approval of the selected contractor, Aramark is requested. Additionally, approval of an exemption from the current tax requirement is requested. The Zoo recommends that excise tax is to be paid on the monthly percentage of gross revenues paid to the Zoo by the contractor.

The Oregon Zoo is dependent on enterprise income for over 60% of its operating budget and retail sales are a critical component of the Zoo's revenue base. Currently retail sales at Oregon Zoo is well below the median of similar zoos. The prospective contractor will provide Metro with a guaranteed monthly percentage rent payment (a percentage of the gross sales). An operating contract with a retail expert will increase operating revenue for the Zoo by at least \$800,000 over the five-year contract period.

If approval of this request is granted, there will be a reduction in the amount of excise tax on retail sales.

If approval of this request is not granted, the Zoo's budget will fall short of the required operating revenue.

### **QUESTION(S) PRESENTED FOR CONSIDERATION**

- 1) Approval of the selected contractor, Aramark.
- 2) Approval of an exemption the current tax requirement that requires tax to be paid on each item sold, and provision for tax to be paid on the monthly percentage of gross sales paid to the Zoo by the contractor.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION  Yes  No**  
**DRAFT IS ATTACHED  Yes  No**

**SCHEDULE FOR WORK SESSION**

Department Director/Head Approval

*[Handwritten Signature]*

Chief Operating Officer Approval

\_\_\_\_\_

062403c - 01

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: June 26, 2003  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

- 1. **INTRODUCTIONS**
- 2. **CITIZEN COMMUNICATIONS**
- 3. **INDIVIDUALIZED MARKETING TO CHANGE TRAVEL BEHAVIOR: THE HILLSDALE PROJECT** Brog
- 4. **AUDITOR COMMUNICATION**
  - Accounts Payable ACL Audit
- 5. **CONSENT AGENDA**
  - 5.1 Consideration of Minutes for the June 19, 2003 Metro Council Regular Meeting.
- 6. **ORDINANCES - FIRST READING**
  - 6.1 **Ordinance No. 03-1013**, Amending the FY 2003-04 Budget and Appropriations Schedule for the Purpose of Transferring \$47,000 from the Support Services Contingency to the Office of the Auditor Materials and Services.
- 7. **ORDINANCES - SECOND READING**
  - 7.1 **Ordinance No. 03-1005A**, For the Purpose of Amending Title 7 of the Urban Growth Management Functional Plan to Clarify and Revise City and County Responsibilities. Burkholder
  - 7.2 **Ordinance No. 03-1011**, For the Purpose of Annexing Territory in the Vicinity of the City of Hillsboro to the Metro Jurisdictional Boundary. McLain



**8. RESOLUTIONS**

8.1 **Resolution No. 03-3278**, For the Purpose of Directing the Chief Operating Officer to Submit a Regional Economic Impact Analysis for all Metro Council Policies with Significant Economic Impact. Newman

8.2 **Resolution No. 03-3345**, For the Purpose of Providing a Cost of Living Adjustment for Metro's Non-represented employees effective July 1, 2003. McLain

**9. CONTRACT REVIEW BOARD**

9.1 **Resolution No. 03-3344**, For the Purpose of Authorizing the Chief Operating Officer to Execute Amendment No. 1 to Metro Contract Agreement No. 924538, a designated facility agreement between Metro and Valley Landfills, Inc. McLain

**10. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for Week of June 26, 2003 (PCA)**

	Sunday (6/29)	Monday (6/30)	Tuesday (7/1)	Wednesday (7/2)	Thursday (6/26)	Friday (6/27)	Saturday (6/28)
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)						2:00 PM (previous meeting)	
<b>CHANNEL 30</b> (TVTV) (Washington County, Lake Oswego)	12:00 PM (previous meeting)			11:00 PM (previous meeting)		6:30 AM 7:00 PM 11:00 PM (previous meeting)	3:30 PM (previous meeting)
<b>CHANNEL 30</b> (CityNet 30) (most of City of Portland)		2:00 PM					
<b>CHANNEL 30</b> Willamette Falls Television (West Linn, Rivergrove, Lake Oswego)	5:30 AM 2:30 PM	12:30 AM 3:30 PM 10:31 PM		12:30 AM 3:00 PM 10:30 PM		12:30 AM 3:30 PM 10:31 PM	5:30 AM 2:30 PM
<b>CHANNEL 23/18</b> Willamette Falls Television (23- Oregon City, West Linn, Gladstone; 18- Clear Creek)							
<b>CHANNEL 23</b> Milwaukie Public Television (Milwaukie)			10:00 AM 9:00 PM				

**PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.**

<b>Portland Cable Access</b>	<a href="http://www.pcatv.org">www.pcatv.org</a>	<b>(503) 288-1515</b>
<b>Tualatin Valley Television</b>	<a href="http://www.yourtv.org">www.yourtv.org</a>	<b>(503) 629-8534</b>
<b>Willamette Falls Television</b>	<a href="http://www.wftvaccess.com">www.wftvaccess.com</a>	<b>(503) 650-0275</b>
<b>Milwaukie Public Television</b>		<b>(503) 652-4408</b>

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. 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 considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

062403c-02



METRO

M E M O R A N D U M

DATE: June 20, 2003

TO: Council President David Bragdon and Members of Council

FROM: Metro Councilor Rex Burkholder *[Signature]*  
Metro Councilor Brian Newman *[Signature]*

RE: **Submission of a Grant Application to the Environmental Protection Agency's Smart Growth in Brownfield Communities Program**

The Environmental Protection Agency (EPA) has a number of grant opportunities available including one which would allow us to focus on regulatory barriers to infill and redevelopment ("refill") in the region's Centers and to develop remedies for dealing with these barriers. These grants are limited to designated EPA Brownfield's Showcase Communities. The City of Portland has this designation and we were approached by City staff to partner with them on this application.

The grant process includes an initial proposal due on July 8, 2003. If Metro and Portland's proposal is chosen, a more detailed work plan will be required. As you know, there are regulations that stand in the way of infill and redevelopment, or make it more costly and difficult. We would like to take advantage of this opportunity to encourage infill and redevelopment in the Centers.

The funding available is \$50,000 a year for a three-year period. The proposal to EPA will include a phased approach for a program that will:

- Develop a methodology for a barrier analysis;
- Apply the analysis in a Center;
- Refine the analysis based on the pilot case; and
- Apply the analysis as widely as possible.

Brenda Bernards of the Planning Department and Dick Benner of the Office of the Metro Attorney will by work with the staff of the Portland Brownfield Showcase Program to develop the initial proposal for this grant.

cc Michael Jordan  
Andy Cotugno  
Chris Billington  
Council Staff

<b>Metro Regional Services</b> <b>72nd Legislative Assembly</b>
--

**Legislative Status Update**  
*June 24, 2003*

**Metro Bills**

- HB 2036** Establishes Waste Tire Recycling Board.  
*1/14 - Referred to Environment and Land Use with subsequent referral to Ways and Means*
- HB 2037** Establishes statewide recycling and recovery goal for waste tires.  
*4/8 - Public Hearing held*
- HB 2038** Directs Department of Environmental Quality to use moneys in Waste Tire Recycling Account for waste tire market development and education and outreach.  
*2/11 - Referred to Ways and Means by prior reference*
- HB 3326** Directs metropolitan service district that amends urban growth boundary to include more than 100 acres or that designates urban reserve area to submit amendment or designation to Land Conservation and Development Commission for review.  
*4/1 - Public Hearing held*
- HB 3346** Authorizes Metro to record final order assessing civil penalty with county clerk.  
*4/28 - Passed House Committee on Judiciary 8 – 0 with a Do Pass Recommendation*  
*5/5 - Passed the House. Ayes, 52; Nays, 2 (Rep. Close, Rep. T. Smith)*  
*6/20 - Passed Senate Committee on Judiciary 5 – 0 with a Do Pass Recommendation*
- HB 3383** Modifies schedule for metropolitan service district to conduct inventory and analysis of housing capacity on buildable lands within urban growth boundary.  
*3/18 - Referred to Environment and Land Use.*  
*Included in HB 2909*  
*5/12 - (HB 2909) passed the House. Ayes, 52; Nays, 8 (Rep. Barnhart, Rep. Dingfelder, Rep. Hass, Rep. Kafoury, Rep. Macpherson, Rep. Nolan, Rep. Prozanski, and Rep. Wirth)*

- HB 3576** Allows metropolitan service district to adopt rules or ordinances regulating disposal of calcium hypochlorite.  
*3/18 - Referred to Environment and Land Use*
- SB 626** Creates Revenue Sharing Task Force to study revenue sharing by jurisdictions that share urban growth boundary  
*3/31 - Public Hearing held (Senate) – Letter sent by Sen. Ryan Deckert*
- SB 803** Reduces number of covered employees and retirees required for self-insurance of health insurance by individual public body other than school district, community college district or community college service district.  
*3/27 - Passed Senate. Ayes, 26; Nays, 1 (Sen. Hannon)*  
*5/19 - Passed House. Ayes, 54; Nays, 1 (Rep. Greenlick)*  
*6/19 - (Chapter 342, 2003 Laws) Effective date, January 1, 2004.*

### Other Key Bills

- HB 2041** Relating to transportation; appropriating money; providing for revenue raising that requires approval by a three-fifths majority.  
*6/23 - Passed House. Ayes, 48; Nays, 11*
- HB 2667** Relating to regulation of taxi services by metropolitan service district.  
*3/4 - Public Hearing held. (Offered to be stuffed into HB 2378)*
- HB 2689** Relating to rural planning for economic development.  
*6/11 - Work Session cancelled*
- HB 2905** Designates Forest Park and area of influence around Forest Park, including wildlife corridors connecting Forest Park to other areas of wildlife habitat, as area of critical state concern.  
*4/28 - Motion to rerefer to Environment and Land Use carried. Rereferred*
- HB 2909** Changes population thresholds for cities and counties that are required to conduct periodic review.  
*5/12 – Passed House. Ayes, 52; Nays, 8 (Rep. Barnhart, Rep. Dingfelder, Rep. Hass, Rep. Kafoury, Rep. Macpherson, Rep. Nolan, Rep. Prozanski, and Rep. Wirth)*

- HB 2912** Relating to Oregon Commission on Land Use Reform; declaring an emergency.  
 3/11 - Referred to Environment and Land Use with subsequent referral to Ways and Means.  
 4/24 - *Passed Ways and Means Committee with a do pass recommendation with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.*
- HB 3616** Relating to land conservation.  
 5/27 - Passed House. Ayes, 48; Nays, 7 (Rep. Close, Rep. Garrard, Rep. Kruse, Rep. Morgan, Rep. Nelson, Rep. T. Smith, Rep. Zauner)  
 6/18 - *Passed Senate. Ayes, 23.*
- SB 467** Directs Economic and Community Development Department to work with local governments and affected agencies to identify and prioritize up to 25 sites for industrial development or other traded sector uses.  
 4/23 - *Passed Senate Committee on Transportation and Economic Development with a Do pass recommendation and a referral to Ways and Means (Printed A-Eng). Referred to Ways and Means by order of the President in agreement with President Pro Tempore.*
- SB 516** Modifies notice requirements relating to changes in land use planning requirements.  
 4/18 - Passed Senate. Ayes, 23.  
 5/30 - Passed House. Ayes, 42; Nays, 10 (Rep. Avakian, Rep. Barker, Rep. Barnhart, Rep. Dingfelder, Rep. Hansen, Rep. Macpherson, Rep. Merkley, Rep. Monnes, Rep. Anderson, Rep. Tomei, Rep. Wirth)  
 6/4 - Senate refused to concur in House amendments. Ayes, 12; Nays, 14--Brown, Burdick, Corcoran, Deckert, Devlin, Dukes, Ferrioli, Metsger, Minnis, Ringo, Schrader, Shields, Walker, President Courtney; Excused, 1--Morrisette; Attending Legislative Business, 3--Carter, Gordly, Winters.  
 Ferrioli, Minnis, changed from aye to nay and served notice of possible reconsideration.  
 Taken from 06-05 Calendar and placed on 06-09 Calendar by unanimous consent.  
 6/9 - *Senate refused to concur in House amendments. Ayes, 15; Nays, 12--Brown, Burdick, Carter, Deckert, Devlin, Gordly, Metsger, Morrisette, Ringo, Schrader, Walker, President Courtney; Excused, 1--Shields; Attending Legislative Business, 2--Corcoran, Dukes*

- SB 539** Increases maximum payroll tax rate that mass transit district may impose in payroll tax reporting periods beginning on or after January 1, 2004.  
 3/20 - Passed the Senate with 20 Ayes and 7 Nays (Sen. Atkinson, Sen. Beyer, Sen. Fisher, Sen. George, Sen. Harper, Sen. Minnis, and Sen. Morrisette)  
*5/23 - Passed the House Committee on Transportation with a do pass recommendation. Subsequent referral to Revenue be rescinded, and be referred to Rules and Public Affairs.*  
*Subsequent referral to Revenue rescinded by order of Speaker.*  
*Referred to Rules and Public Affairs by order of Speaker.*
- SB 763** Requires metropolitan service district to conduct analysis of subregional housing needs.  
 6/11 - Public Hearing and Work Session held.  
 Passed on voice vote.  
*Pending floor action.*
- SB 772** Authorizes Department of Transportation to enter into public-private partnerships for transportation projects.  
*4/18 - Passed Transportation and Economic Development with a do pass recommendation and a subsequent referral to Ways and Means by prior reference*

**PERS Bills**

- HB 2343** Allows person who made contributions to Judges' Retirement Fund but who is not eligible to become retired member of Public Employees Retirement System to withdraw amounts in employee account at any time after effective date of Act.  
*5/24 - Governor signed*
- HB 2401** Allows Public Employees Retirement Board to deduct costs incurred in locating former member of Public Employees Retirement System from amounts in account of former member.  
*5/27 - Governor signed*
- HB 2407** Decreases rate for determining retirement allowance for members of Legislative Assembly appointed or elected on or after effective date of Act.  
*6/13 - Senators Corcoran, Minnis appointed Senate conferees*

- HB 2409** Provides that Supreme Court has exclusive jurisdiction to decide appeal of certain actions filed before January 1, 2003, in which one or more cities or counties are plaintiffs, State of Oregon is defendant and appeal relates to decision of trial court on one or more claims challenging manner in which Public Employees Retirement System is administered.  
5/23 - Passed House. Ayes, 52; (Absent, 1--Hass; Excused, 6--Butler, Close, Farr, Garrard, Westlund, Wirth; Excused for business of the House, 1--Speaker Minnis)  
6/18 - *Third Reading. Carried by Minnis. Passed. Ayes, 25; Excused, 1--Devlin; Attending Legislative Business, 4--Carter, Clarno, George, Winters*
- HB 2978** Reduces time from 150 days to 75 days for bargaining over terms of public employee collective bargaining agreement.  
6/2 - *Referred to Rules and Public Affairs by order of Speaker*
- HB 2979** Prohibits public employer from providing merit step and longevity step pay increases after collective bargaining agreement has expired and before agreement on successor contract.  
6/2 - *Referred to Rules and Public Affairs by order of Speaker*
- HB 2980** Requires parties to public collective bargaining agreement to reopen negotiations on economic provisions of agreement when public employer experiences unexpected revenue shortfall affecting employer's ability to fund economic provisions of agreement.  
6/2 - *Referred to Rules and Public Affairs by order of Speaker*
- HB 2981** Prohibits certification or recognition of coalition of local labor organizations as exclusive representative of public employees.  
6/2 - *Referred to Rules and Public Affairs by order of Speaker*
- HB 3169** Establishes Public Employee Successor Retirement Plan for persons hired on or after January 1, 2004, who have not established membership in Public Employees Retirement System before January 1, 2004.  
5/23 - *Referred to Rules and Public Affairs by order of Speaker*
- SB 258** Allows certain vested, inactive members of Public Employees Retirement System to receive 150 percent of member account balance if member withdraws account on or after July 1, 2004, and before June 30, 2006.  
5-1 - Passed Senate. Ayes, 27 (Attending Legislative Business, 3—Sen. Carter, Sen. Gordly, and Sen. Messerle.)  
5-19 - Passed House. Ayes, 52; Nay, 1 (Rep. Hansen)  
6/16 - *(Chapter 276, 2003 Laws) Effective date, January 1, 2004.*

**METRO**

## COMMITTEE FOR CITIZEN INVOLVEMENT

*Mission:* TO ASSIST IN DEVELOPMENT, IMPLEMENTATION AND EVALUATION OF CITIZEN INVOLVEMENT ACTIVITIES AT METRO

June 19, 2003

David Bragdon, President  
Metro Council  
600 NE Grand Ave.  
Portland, OR 97232

Dear President Bragdon:

As you know, the International Association of Public Participation recently presented Metro with a special recognition award for innovative public participation within a government organization. This award recognizes the creative efforts that Metro put forth in the "Let's Talk" program. The Metro Committee for Citizen Involvement was chartered to improve communication between citizens and our regional governments and we were pleased to participate during the development of, and as participants in, Metro's "Let's Talk" program.

We are delighted to send our congratulations to the Metro staff for creating a new environment for conversation about our region, to the citizens who participated, to the sponsors who helped fund the conversation, and to you, the Metro Council, for making this bold initiative possible and for taking our citizens' hopes, dreams and concerns to heart.

This award shows that "Let's Talk" was truly innovative internationally, and that Metro is a good leader in public involvement. We believe that groundbreaking processes like "Let's Talk" will involve more people and result in a more robust and thoughtful conversation about our collective future. Strong communities are built through respectful and thoughtful conversation, and that helps keep the Metro region the best place to live and work in the world.

Sincerely,

Dennis Ganoë  
Chair