 **Metro | Agenda**

Meeting: Metro Council
Date: Thursday, February 10, 2011
Time: 2 p.m.
Place: Metro Council Chambers

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS**
- 2. CITIZEN COMMUNICATIONS**
- 3. CONSIDERATION OF THE MINUTES FOR JANUARY 20, 2011**
- 4. ORDINANCES – FIRST READING**
 - 4.1 **Ordinance No. 11-1254**, For the Purpose of Amending Metro Code Chapter 10.03, Regarding Conservation Easements.
- 5. RESOLUTIONS**
 - 5.1 **Resolution No. 11-4230**, For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Real Property for the Purpose of Providing an Elephant Reserve Under the 2008 Oregon Zoo Bond Measure. **Collette**
 - 5.2 **Resolution No. 11-4233**, For the Purpose of Providing Direction to Metro Concerning Bills Before the 2011 Oregon Legislature. **Hosticka**
- 6. CHIEF OPERATING OFFICER COMMUNICATION**
- 7. COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for February 10, 2011 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 11 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 2 p.m. Thursday, Feb. 10 (Live)</p>	<p>Portland Channel 11 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> 8:30 p.m. Sunday, Feb. 13 <i>Date:</i> 2 p.m. Monday, Feb. 14</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> 2 p.m. Monday, Feb. 14</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 11 p.m. Saturday, Feb. 11 <i>Date:</i> 11 p.m. Sunday, Feb. 13 <i>Date:</i> 6 a.m. Tuesday, Feb. 15 <i>Date:</i> 4 p.m. Wednesday, Feb. 16</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site 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.

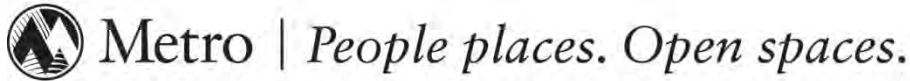
Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council 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 web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item Number 3.1

Consideration of the Minutes for January 20, 2011

Consent Agenda

Metro Council Meeting
Thursday, Feb. 10, 2011
Metro Council Chamber



METRO COUNCIL MEETING

Meeting Summary

Jan. 20, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Shirley Craddick, Kathryn Harrington and Carl Hosticka

Councilors Excused: Councilors Carlotta Collette and Rex Burkholder

Council President Tom Hughes convened the regular Council meeting at 2 p.m. Council President Hughes reorganized the printed agenda; Resolution No. 11-4229 was added as Agenda Item 4.3 for Council consideration.

1. **INTRODUCTIONS**

There were none.

2. **CITIZEN COMMUNICATIONS**

Ken Smelser, 1801 N. Marine Drive, Portland: Mr. Smelser expressed safety concerns with the current Columbia River Crossing bridge; specifically the bridge's need for seismic and structural retrofitting. He supported retrofitting the current bridge, prior to constructing a new bridge.

Art Lewellan, 3205 SE 8th Ave., Apt 9, Portland: Mr. Lewellan was in opposition to Columbia River Crossing project as currently proposed. He expressed his support for the southbound I-5 only project, *Concept #1*. He cited Hyden Island Interchange improvements as reasoning.

3. **CONSENT AGENDA**

Motion:	Councilor Carl Hosticka moved to adopt the consent agenda: <ul style="list-style-type: none">• The regular Council meeting minutes for January 13, 2011; and• Resolution No. 11-4227, For the Purpose of Declaring a Vacancy in the Office of Metro Councilor for Council District No. 6.
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Vote: Council President Hughes and Councilors Harrington, Craddick and Hosticka voted in support of the motion. The vote was 4 aye, the motion passed.

4. **RESOLUTIONS**

4.1 **Resolution No. 11-4223**, For the Purpose of Endorsing Regional Policy and Funding Priorities for 2011 State Transportation Legislation.

Motion:	Councilor Kathryn Harrington moved to adopt Resolution No. 11-4223.
Second:	Councilor Shirley Craddick seconded the motion.

Councilor Harrington introduced Resolution No. 11-4222, which if approved would adopt three high-level principles to guide the region's participation in transportation discussions in the 2011 legislature: (1) support for jobs and economic recovery, (2) preserve and expand local options, and (3) support multimodal investment. Councilor Harrington briefly highlighted a few of the specific 2011 regional transportation recommendations including the Columbia River Crossing project, mileage-based fee, and High Speed Rail. The Joint Policy Advisory Committee on Transportation (JPACT) approved this resolution on Jan. 13, 2011.

Council discussion included High Capacity Transit – specifically related to the Southwest Corridor and Lake Oswego Streetcar projects.

Vote: Council President Hughes and Councilors Harrington, Craddick and Hosticka voted in support of the motion. The vote was 4 aye, the motion passed.

4.2 **Resolution No. 11-4226**, For the Purpose of Endorsing a Regional Position on the Authorization of a Surface Transportation Act in the U.S. Congress and Approving Regional Transportation Priorities for Federal Fiscal Year 2012 Appropriations.

Motion:	Councilor Harrington moved to adopt Resolution No. 11-4226.
Second:	Councilor Carl Hosticka seconded the motion.

Councilor Harrington introduced Resolution No. 11-4226, which if adopted would endorse a regional position on the authorization of the Surface Transportation Act of 2009 and approve a set of regional transportation project priorities for the federal fiscal year 2012 appropriations. Councilor Harrington highlighted the legislation's key elements: (1) encourage Congress to adopt a new transportation authorization bill that supports livable metropolitan communities; (2) endorse a policy framework that includes a call to invest boldly in transportation investments that spur economic recovery, adopt of a six-year authorization bill, increase programs, and protect key public interests; and (4) endorse a set of authorization and FFY 2012 appropriation project requests. JPACT approved Resolution No. 11-4226 at their Jan. 13 meeting.

Vote: Council President Hughes and Councilors Harrington, Craddick and Hosticka voted in support of the motion. The vote was 4 aye, the motion passed.

4.3 **Resolution No. 11-4229**, For the Purpose of Organizing the Metro Council and Confirming Committee Members.

Council President Hughes turned the gavel over to Deputy Council President Hosticka to officiate the Agenda Item 4.3.

Motion:	Councilor President Hughes moved to adopt Resolution No. 11-4229.
Second:	Councilor Harrington seconded the motion.

Council President Hughes introduced Resolution No. 11-4229 which if adopted would confirm councilor committee and liaison appointments for 2011.

Council discussion included the current councilor vacancy for district 6 and the need to revisit the committee assignments when the position is filled.

Vote:

Council President Hughes and Councilors, Harrington, Craddick and Hosticka voted in support of the motion. The vote was 4 aye, the motion <u>passed</u> .

5. CHIEF OPERATING OFFICER COMMUNICATION

Chief Operating Officer Michael Jordan provided a brief update on the flood damage to Oxbow Park and reminded the Council that a follow-up retreat has been scheduled to continue discussions on the council liaison system, relationship of MPAC/JPACT and Metro Compass.

6. COUNCILOR COMMUNICATION

Council discussion included the City of Beaverton’s State of the City address, the City of Forest Grove’s Annual Town meeting, joint Westside Economic Alliance and Clackamas County Business Alliance forum titled “Building Tomorrow’s Jobs,” and the current Metro Council councilor vacancy for district 6.

President Hughes has been asked to serve on a panel at an upcoming Portland Business Alliance conference in Newberg, Oregon. In return for his participation, the conference has offered to cover his travel related expenses.

Motion:	Councilor Harrington moved to approve the event as an official Metro sanctioned event and President Hughes as a Metro representative.
Second:	Councilor Craddick seconded the motion.

Vote:

Council President Hughes and Councilors, Harrington, Craddick and Hosticka voted in support of the motion. The vote was 4 aye, the motion passed.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 2:37 p.m. and reconvene in an Executive Session pursuant with ORS 192.660(2)(d), deliberations with persons designated by the governing board to carry on labor negotiations.

Council will hold a retreat on Jan. 27 at 2 p.m. Council will reconvene the next regular council meeting on Thursday, Feb. 3 at 2 p.m. at the Metro Council Chambers.

**8. EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660(2)(d).
DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TP CARRY
ON LABOR NEGOTIATIONS**

Council convened the executive session.

Prepared by,



Kelsey Newell, Regional Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 20, 2011

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	1/13/2011	Council Minutes for Jan. 13, 2011.	12011c-01
3.2	Letter	1/13/2011	Resignation letter from Councilor Robert Liberty	12011c-02
4.3	Resolution	N/A	Resolution No. 11-4229 and Exhibit A	12011c-03

Agenda Item Number 3.2

Resolution No. 11-4234, For the Purpose of Approving a
Contract Amendment for the Veterinary Medical Center Project
at the Oregon Zoo.

Consent Agenda

Metro Council Meeting
Thursday, Feb. 10, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 11-4234
CONTRACT AMENDMENT FOR THE)
VETERINARY MEDICAL CENTER PROJECT) Introduced by Chief Operating Officer
AT THE OREGON ZOO) Michael Jordan with the concurrence of
) Council President Tom Hughes

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 public improvement contract amendments that exceed five percent of the initial contract value or \$25,000.00; and

WHEREAS, on August 13, 2010, Metro awarded the contract (the "Contract") to construct the Oregon Zoo Veterinary Medical Center (the "Project") to SKANSKA USA, Inc., after conducting an open competitive bid process in which SKANSKA, USA, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the original Contract amount is \$6,454,899, and three amendments increasing the Contract in the amount of \$17,603, \$11,498, and 394,278 have been approved by the Chief Operating Officer; and

WHEREAS, three utility vaults and accompanying conduits need to be lowered in order to meet the new grades of the project. This condition resulted in constructions delays and the need for additional work to be performed under the Contract. Some of this work was immediately needed to avoid substantial risk to the Project, and has already been performed on an emergency basis under the "Force Account" provisions of the Contract and in accord with Metro Code Section 2.04.058(6); and

WHEREAS, the Oregon Zoo now wishes to obtain Metro Council approval for an amendment to the Contract for additional work, in the amount of \$40,308. The additional work elements include the following: lower 1 electrical and 2 communication vaults to new grades, provide a perimeter fence enclosure at the new drainage swale, excavate and add additional rock under concrete paving, stabilize a portion of the bank above the soil nail wall, over excavate ancient landslide material at the building pad; and

WHEREAS, the additional work has been reviewed by the Deputy Chief Operating Officer, the Oregon Zoo Bond Manager, the Oregon Zoo Construction Manager and the Project architect, and has been determined to be necessary, appropriately priced, and within the contingency budget for the project; and

WHEREAS, the sum of the prior approved contract amendments and the amendment proposed herein is \$463,687, amounting to less than five percent of the Project's total budget of \$9.5million; and

WHEREAS, the Metro Procurement Officer believes that amending the existing contract with SKANSKA USA, Inc. is appropriate and that such action is in the best interests of Metro and will better ensure a timely Project delivery; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Chief Operating Officer to execute a contract amendment with SKANSKA USA, Inc. in the amount of \$40,308 for the Oregon Zoo Veterinary Medical Center Project.

ADOPTED by the Metro Council Contract Review Board this ____ day of _____ 2011.

Thomas Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4234, METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE VETERINARY MEDICAL CENTER PROJECT AT THE OREGON ZOO

Date: January 19, 2011

Prepared by:

Darin Matthews, 503 797-1626
Craig Stroud, 503 220-2451

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for the Veterinary Medical Center project in 2010. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Skanska USA Building, Inc.

The project specifications and design drawings were prepared by Peck Smiley Ettlin Architects representing the scope of the project. The bond program team sought review of the drawings and specifications from multiple engineers and architects for constructability and completeness as a risk mitigating procedure. Those reviews concluded that the excavation and soil nail wall installation were the most inherently risky aspects of the entire project. Due to these risks, the project is carrying a substantial contingency.

- A. Three vaults located on the project site need to be adjusted to finish grade. The plans infer a simple adjustment, however the vaults need to be lowered approximately 3 feet which involves lowering conduits feeding the vaults and encasing the them in concrete for protection. There is one electrical vault and two communication vaults.
- B. The new drainage swale from Kingston road is approximately six feet wide and 3 feet deep. The swale passes under the zoo's perimeter fence creating a security breach. The closure is made of a galvanized steel frame with flat steel bars 4" on center.
- C. The architectural plans call for an 8" rock section under the concrete driveway, the civil and geo tech recommend a 12" section of rock. The area is approximately 6,150 sq. ft.
- D. The recent heavy rainfall, 2" in a 24hr period, caused a minor landslide at the top of the east side of the soil nail wall. The slide was approximately 15 ft. long. Water from the drainage swale and a very steep grade in the bank above the wall were the primary cause of the slide. The temporary solution was to pipe the water from the culvert at Kingston to a storm outlet at the bottom of the swale. The permanent solution is to relocate a portion of the swale and re-grade the bank above the wall which will take place next summer.
- E. The geo tech has confirmed certain soft areas within the building footprint which do not meet compaction requirements. The areas were excavated and rock was added.

Change Item	Brief Description	Amount
A	Lower Electrical and Communication Vaults	\$18,478
B	Perimeter Fence Closure at Drainage Swale	1,011
C	Additional Sub-grade rock at Concrete Driveway	5,490
D	Stabilize Small Slide area	5,446
E	Over Excavate Ancient Slide Material at Building Slab	9,883
Change Order 4 Total		\$40,308

The Zoo Bond Program Director and Construction Manager reviewed these additional items and agreed the work is necessary and can be paid within the adopted project budget. The consulting architect for the projects also reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced, which the Metro Procurement Officer concurs with.

The Metro Deputy Chief Operating Officer and Office of Metro Attorney have approved previous change orders 1, 2 and 3, in the amount of \$17,603, \$11,498, and \$394,278 respectively. This represented a contract clarification on letter of credit versus performance/payment bond, relocating an existing gas line which would have been situated under the new building had it not been relocated and discovery of an ancient landslide at the soil nail wall, sub slab drainage and city required permit changes.

The total for change order 4 is \$40,308. The total amount for change orders 1, 2 and 3 is \$423,379, for a grand total of \$463,687 of project change orders to date. This amount represents less than five percent of the project's total budget of \$9.5 million. Due to the risky nature of the soil nail wall and zoo site conditions, the project includes an adequate contingency to cover these change orders. As previously stated, the excavation and soil nail wall represent what is believed to be the riskiest aspect of the project. Remaining project contingency is believed adequate to complete the project within budget.

Item "E", Over Excavate Ancient Slide Material at Building Slab," includes the entire slab area but not the building footings. There will be additional over excavation when the footings are dug however the geo tech believes the amount to be minimal.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000 or five percent of the original contract value. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, and that the amendment is in Metro's best interest. Further, the Procurement Officer believes the amendments to date fall within public industry standards and represent sound project oversight.

The Zoo will continue to manage and administer this contract to ensure this project is constructed in accordance with the contract, including all plans and specifications. The Veterinary Medical Center Project is scheduled to be completed in fall 2011.

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 new Veterinary Medical Center under the direction of the Zoo Construction Manager and in accordance with contract documents and schedules. The project schedule will be extended an additional 3 days for a total extension of 36 days.
4. **Budget Impacts:** These four change orders fall within budgeted contingency amounts. The total contract amount for Skanska USA Building, Inc will increase to \$6,918,586.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment representing change orders 1, 2, 3 and 4 with Skanska USA Building, Inc.

Agenda Item Number 4.1

Ordinance No. 11-1254, For the Purpose of Amending Metro
Code Chapter 10.03, Regarding Conservation Easements.

Ordinances – First Reading

Metro Council Meeting
Thursday, Feb. 20, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 11-1254
METRO CODE CHAPTER 10.03,) Introduced by Michael Jordan, Chief
REGARDING CONSERVATION) Operating Officer, with the concurrence
EASEMENTS) of Tom Hughes, Council President

WHEREAS, Oregon Revised Statutes 271.715 through 271.795 (the “State Conservation Easement Law”) authorizes public entities to acquire conservation easements when such entities determine that it will be in the public interest;

WHEREAS, when the state legislature initially adopted the State Conservation Easement Law in 1983, it did not include metropolitan service districts in the list of public bodies authorized to acquire and enforce conservation easements;

WHEREAS, due to the state legislature’s omission, in 1997, the Metro Council adopted Metro Code Chapter 10.03, “Conservation Easements,” which essentially restated the State Conservation Easement Law and gave Metro the rights and benefits found in the State Conservation Easement Law;

WHEREAS, the state legislature amended the State Conservation Easement Law in 1999 making it expressly applicable to metropolitan service districts;

WHEREAS, additional amendments to the State Conservation Easement Law over the last decade have resulted in discrepancies between the Metro Code and the State Conservation Easement Law;

WHEREAS, the Metro Council finds that Metro Code Chapter 10.03 is no longer necessary given that the State Conservation Easement Law now expressly governs Metro’s acquisition of conservation easements;

WHEREAS, the Metro Council finds that it is inefficient to maintain the substantive provisions of Metro Code Chapter 10.03, which duplicate the State Conservation Easement Law, effectively requiring that the Metro Code be amended each time state law changes; and

WHEREAS, the Metro Council finds that it is nevertheless beneficial to retain a statement of purpose in Chapter 10.03 that confirms Metro’s commitment to acquiring conservation easements in accordance with law, in order to encourage preservation of natural spaces; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 10.03 is repealed and replaced with the following:

“10.03.01 Purpose and Authority

The purpose of this chapter is to encourage the voluntary retention and protection of the natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or

water quality, and preserving the historical, architectural, archeological, or cultural aspects of real property by private property owners through sale, donation, or dedication of conservation easements to Metro. Metro may acquire conservation easements in accordance with law.”

ADOPTED by the Metro Council this _____ day of _____, 2011.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 11-1254, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 10.03, REGARDING CONSERVATION EASEMENTS

Date: February 10, 2011

Prepared by: Hope S. Whitney
503-797-1661

BACKGROUND

Oregon Revised Statutes 271.715 through 271.795 (the “State Conservation Easement Law”) governs the acquisition of conservation easements by public entities. ORS 271.715(1) defines a “conservation easement” as a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

When the state legislature initially adopted the State Conservation Easement Law, it did not apply to Metro. Specifically, Metro did not receive the benefits of the state statute, which authorized the acquisition and enforcement of conservation easements by only certain public bodies. Accordingly, in 1997, the Metro Council adopted Metro Code Chapter 10.03, “Conservation Easements” (“Chapter 10.03”), which was substantially identical to the State Conservation Easement Law. The purpose of Chapter 10.03 was to make it clear that Metro was authorized to acquire conservation easements, that such acquisitions would comply with state law requirements, and that the conservation easements Metro acquired would be enforceable.

In 1999, the state legislature amended the State Conservation Easement Law, making it applicable to Metro. In addition, revisions to the State Conservation Easement Law over the past decade have resulted in discrepancies between state law and Chapter 10.03. For example, the public hearing requirements set forth in Chapter 10.03.060 are no longer required by state law, if the conservation easement being acquired is “pursuant to a metropolitan service district bond measure authorizing the acquisition of open spaces within specific areas.” It is inefficient for the Metro Code to duplicate state law, as it effectively requires a code amendment each time state law changes. The Office of Metro Attorney therefore recommends that the Metro Council adopt Ordinance No. 11-1254 to repeal the substantive provisions of Metro Code Chapter 10.03, but to retain the statement of purpose in Chapter 10.03 to confirm Metro’s commitment to acquiring conservation easements in accordance with law, in order to encourage preservation of natural spaces.

If the Metro Council adopts this Ordinance, a public hearing will no longer be required each time Metro acquires a conservation easement pursuant to the 2006 Natural Areas Bond Measure. Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” adopted by the Metro Council on March 1, 2007, identifies a pre-approved set of criteria and conditions under which the Chief Operating Officer and his designees are authorized to negotiate and complete land acquisition transactions related to the 2006 Natural Areas Bond Measure, which land acquisition transactions include conservation easements. The elimination of the public hearing requirement from Chapter 10.03 will allow the acquisition of conservation easements in the target areas identified in the 2006 Natural Areas Bond

Measure without further Metro Council approval in each instance, so long as such acquisitions are within the parameters set forth in the Work Plan and the Refinement Plans.

ANALYSIS/INFORMATION

1. **Known Opposition.** None.
2. **Legal Antecedents.** ORS 271.715 *et seq.* Metro Code Chapter 10.03.
3. **Anticipated Effects.** More efficient implementation of the State Conservation Easement Law and the Metro Code.
4. **Budget Impacts.** None.

RECOMMENDED ACTION

Adoption of Ordinance 11-1254

Agenda Item Number 5.1

Resolution No. 11-4230, For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Real Property for the Purpose of Providing an Elephant Reserve Under the 2008 Oregon Zoo Bond Measure.

Metro Council Meeting
Thursday, Feb. 10, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE REAL PROPERTY FOR THE PURPOSE OF PROVIDING AN ELEPHANT RESERVE UNDER THE 2008 OREGON ZOO BOND MEASURE

RESOLUTION NO. 11-4230

Introduced by Chief Operating Officer
Michael J. Jordan, with the concurrence of
Council President Tom Hughes

WHEREAS, on May 8, 2008, the Metro Council adopted Resolution No. 08-3945, “For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness In the Amount of \$125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health and Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance,” approving, certifying and referring to the Metro Area voters at the General Election held on November 4, 2008 Ballot Measure 26-96 (the “Oregon Zoo Bond Measure 26-96”); and

WHEREAS, at the General Election held on November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96; and

WHEREAS, as provided in Exhibit A to Resolution No. 08-3945, generally setting forth the details of Oregon Zoo Bond Measure 26-96, Metro has explored the feasibility of providing an off-site area for elephants, and funds are set aside from Oregon Zoo Bond Measure 26-96 for the potential capital needs of off-site space; and

WHEREAS, in 2009, Zoo staff convened a panel of elephant experts in a two-day workshop to consider the needs of the Zoo’s elephant herd for off-site space, and develop criteria for site selection (“Selection Criteria”) and said panel’s findings are contained in a report entitled “Oregon Zoo Off-Site Elephant Facility Workshop – November 9 and 10, 2009,” submitted by CLR Design Inc. and Schultz & Williams (the “Workshop Report”); and

WHEREAS, Zoo staff prepared a business plan for the potential off-site elephant area, determining construction and infrastructure costs required to establish the off-site elephant area, and including long term transportation, operation and maintenance costs; and

WHEREAS, Metro has been evaluating sites of at least 200 acres within the three county area that satisfies the Selection Criteria and is ideally located within an hour’s travel distance, and has found there are a limited number of sites available that satisfy the Selection Criteria; and

WHEREAS, the Zoo wishes to obtain the Metro Council’s authorization to enter into multi-year options to purchase real property meeting the Selection Criteria for purposes of the off-site elephant area (the “Options”), so that the Zoo may secure site-control, continue financial feasibility planning and initiate a fundraising campaign for capital costs and operating expenses with the help of the Oregon Zoo Foundation; and

WHEREAS, said Options would provide for the future purchase of property from willing sellers, at a price not to exceed appraised fair market value, subject to the approval of the Metro Council, in accord with Metro’s usual and customary acquisition parameters and due-diligence

preconditions. Any Option fee required by Owners will be applied to the purchase price if Metro exercises the Option and buys the property, but may be forfeited if the Metro Council elects not to acquire the property for an off-site elephant area; now, therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to secure multi-year Options from willing sellers for Metro to purchase real property for an off-site elephant area, at no more than the appraised fair market value, in accord with Metro's usual and customary acquisition parameters and due diligence preconditions, and subject to the approval of the Metro Council prior to closing.

ADOPTED by the Metro Council this _____ day of January 2011.

Tom Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4230 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE REAL PROPERTY FOR THE PURPOSE OF PROVIDING AN ELEPHANT RESERVE UNDER THE 2008 OREGON ZOO BOND MEASURE

Date: February 3, 2011

Prepared by: Kim Smith, 503 220-2450
Mike Keele, 503 220-2445

BACKGROUND

In May of 2008, voters approved Ballot Measure 26-96 (the “Oregon Zoo Bond Measure 26-96”) to effect several improvements to the physical environment and operation of the Oregon Zoo. The measure specifically listed projects that Metro would pursue. The project titled “More Humane Conditions for Elephants” explicitly set forth the needs of the zoo herd at the Zoo and the concept of an off-site facility to further improve the health and well-being of the animals and to expand the elephant program.

In 2009, a panel of elephant experts took part in a workshop to identify the requirements for an off-site breeding, training and management facility and develop criteria for the selection of an appropriate site. The workshop facilitators, CLR Design Inc. and Shultz & Williams, created a report to guide site assessment titled, “Oregon Zoo Off-Site Elephant Facility Workshop –November 9 and 10, 2009”. Subsequently, Zoo staff prepared a business plan for the potential off-site facility that included infrastructure needs, staffing and other related services. Collectively, these studies have guided Metro in looking for a location that would fit certain selection criteria identified in the studies.

Staff has been evaluating sites of at least 200 acres within the three county area that satisfies the selection criteria and is ideally located within an hour’s travel distance to meet animal care needs. Once a property meets those guidelines, additional considerations include, but are not limited to, availability of the property, real estate value, zoning and land use restrictions, adequate roadways to the site, the character of adjacent properties, topography, soil classifications needed for optimal elephant foot health, and availability of needed infrastructure.

Staff concludes that there are very few properties that may meet the site requirements and that it is desirable to secure the rights to acquire such property when found. An option to acquire real property would secure the necessary rights for Metro, and allow adequate time to conduct studies and create plans to successfully implement the off-site elephant facility concept, including site capital needs. Because the process to determine the suitability of the site for the stated purpose and the subsequent financial and planning work will most likely be a multi-year process, it is necessary to have assurance that the property will be available to Metro if the Council ultimately directs staff to purchase the property.

The current Comprehensive Capital Master Planning project to develop schematic designs for the specific bond projects, infrastructure improvements, and sustainability initiatives includes development of a comprehensive program-level budget for the remaining bond funds. The process to finalize project scopes and associated budgets, including the off-site elephant capital needs, will be included in that work. This work is intended to refine and/or validate target budgets used for bond measure planning. Staff will return to Council for direction on overall bond fund budget allocation as part of the Comprehensive Capital Master Plan development and adoption.

Staff is requesting Metro Council authorization to enter into real estate options to purchase real property satisfying the selection criteria. This will allow Metro to secure site-control and thereafter research conformance to secondary site requirements, continue financial feasibility planning and initiate a fundraising campaign for capital costs and operating expenses with the assistance of The Oregon Zoo Foundation. More than one option contract may be necessary if an assemblage of properties from separate landowners is necessary to create a sufficient acreage for the facility. The options would provide for the future acquisition of property from willing sellers only and said acquisition would be subject to the approval of the Metro Council prior to closing. Any option fee required by owners will be applied to the purchase price if Metro exercises the option and acquires the property, but will be forfeited if Metro elects not to acquire the property.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this resolution.

2. Legal Antecedents

On May 8, 2008, the Metro Council adopted Resolution No. 08-3945, "For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness In the Amount of \$125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health and Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance," approving, certifying and referring to the Metro Area voters at the General Election held on November 4, 2008 Ballot Measure 26-96 (the "Oregon Zoo Bond Measure 26-96"). On November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96.

Exhibit A to Resolution No. 08-3945 generally set forth the details of Oregon Zoo Bond Measure 26-96, stating that "the zoo is exploring the feasibility of providing an off-site area for elephants, and "funds are set aside for potential capital needs of off-site space."

State statutory authority: Under Oregon Revised Statute 268.310, Metro may acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

Metro Code section 2.04.026(a)(2) requires that the Chief Operating Officer obtain the authorization of the Metro Council to acquire real property for Metro.

3. Anticipated Effects

Metro will identify eligible properties for an off-site elephant facility using the selection criteria and enter into negotiations with willing landowners to acquire an option or options on a selected property(ies). After procuring the rights to acquire the site, Metro and The Oregon Zoo Foundation will undertake the research and planning necessary before moving forward to exercise Metro's option or options and close on the selected property(ies). The acquired property will be used for the Oregon Zoo's off-site elephant facility.

4. Budget Impacts

The Zoo anticipates funding an option or options using existing Oregon Zoo operating funds.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 11-4230.

Agenda Item Number 5.2

Resolution No. 11-4233, For the Purpose of Providing
Direction to Metro Concerning Bills Before the 2011
Oregon Legislature.

Metro Council Meeting
Thursday, Feb. 10, 2011
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING) RESOLUTION NO. 11-4233
DIRECTION TO METRO CONCERNING BILLS)
BEFORE THE 2011 OREGON LEGISLATURE) Introduced by Chief Operating Officer
) Michael Jordan with the concurrence of
) Council President Tom Hughes

WHEREAS, Metro has an interest in bills before the 2011 Oregon Legislature; and

WHEREAS, the Metro Council and Metro staff will represent Metro’s interest during the upcoming legislative session; and

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the attached Exhibit “A” of this resolution lists specific issues that are of concern to Metro and the metropolitan region and gives guidance to staff on the Metro Council’s position on these issues; and

WHEREAS, on January 13, 2011, the Joint Policy Advisory Committee on Transportation unanimously endorsed legislative priorities for transportation policy and funding that are reflected in the attached Exhibit “B”; and

WHEREAS, the Metro Council adopted these transportation priorities by unanimously passing Resolution 11-4223 on January 20, 2011; and

WHEREAS, the attached Exhibit “C” states the Metro Council’s principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; now therefore

BE IT RESOLVED that the Metro Council hereby directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to make the agency’s position on a variety of legislative proposals clear with the 2011 Oregon Legislature consistent with Exhibits “A,” “B” and “C” attached hereto.

ADOPTED by the Metro Council this _____ day of February 2011.

Tom Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

**METRO COUNCIL LEGISLATIVE PRIORITIES
2011 Legislative Session**



➤ **FOR THE PURPOSE OF PROVIDING DIRECTION TO METRO CONCERNING BILLS
BEFORE THE 2011 OREGON LEGISLATURE**

TOP PRIORITY ITEMS

- **Investing in our communities:** Seek authorization necessary for the region to fund targeted investments in infrastructure to create jobs, accommodate our growing population, build livable communities, and protect environmental quality.

OTHER ITEMS, BY ISSUE AREA

Transportation Finance and Policy

- **Funding for non-motorized transportation:** Provide a second round of state funding for Urban Trail Fund to support bicycle and pedestrian facilities outside the road right-of-way (trails, paths, bicycle highways, etc.).
- **Regional transportation agenda:** Support the transportation policy and funding agenda unanimously adopted by the Portland region's Joint Policy Advisory Committee on Transportation. That agenda is focused on three over-arching principles:
 - Support jobs and economic recovery through the creation and efficient operation of a robust transportation system.
 - Preserve and expand local options so local governments have the flexibility to build, operate and fund transportation systems that support prosperity, livability and sustainability.
 - Support multimodal investment by continuing the state's lottery-backed program of investment in multimodal projects that support freight mobility and transit; identifying new, ongoing state funding to support transit, pedestrian, and bicycle facilities; and making a financial commitment to high speed rail project development.

Land Use/Community Development

- **Jobs and economic recovery:** Support efforts to make land inside the urban growth boundary available for development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means.
- **Multiple unit housing tax exemption:** Support legislation to extend sunset on authorization for local governments to use this tax exemption.

Resource Conservation and Recycling:

- **Product stewardship for mercury-containing fluorescent lights:** Support creation of system for collection and recycling of fluorescent bulbs based on producer responsibility.
- **Plastic bags:** Support legislation banning single-use plastic checkout bags.

- **Bottle bill:** Support modernization of bottle bill to cover beverage containers not currently covered and other changes to achieve objectives of increasing recycling and reducing litter.
- **Toxics:** Support legislation establishing a state toxics reduction strategy; expanding the use of integrated pest management by state agencies; and banning the use of Bisphenol-A in food and beverage containers intended for children.
- **Energy efficiency:** Support policy and financing solutions for clean energy and energy efficiency.

Smart Government

- **Boundary changes:** Eliminate requirement that Metro regulate boundary changes of service districts whose functions are unrelated to Metro's responsibilities.
- **Efficient government:** Maintain or enhance local control related to public retirement and benefit costs.
- **Confidentiality of draft audits:** Support legislation to clarify public records law to specify that while "final audit reports" are public, "draft audit reports" (still subject to change) are not releasable until the final audit report is issued.

**2011 Regional Transportation Agenda
(Unanimously adopted by JPACT and the Metro Council in Resolution 11-4223)**

Principles

Jobs and Economic Recovery: The local governments of the Portland metropolitan area are committed to partnering with others to support economic recovery through the creation and efficient operation of a robust transportation system.

Preserve and Expand Local Options: The transportation challenge will require innovative policy and new funding commitments at all levels of government. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority; avoid enacting new limitations or pre-emptions; and explore new structures and authorities that give local governments the flexibility to build, operate and fund transportation systems that support prosperity, livability and sustainability.

Support Multimodal Investment: Oregon should continue its lottery-backed program of investment in multimodal projects that support freight mobility and transit; identify new, ongoing state funding to support transit, pedestrian, and bicycle facilities; and make a financial commitment to high speed rail project development.

Specific Recommendations

<u>HB 2001</u> – Defend against any efforts to modify in ways that reverse policy direction or reduce funding or authority for the Portland region or its local governments.
<u>Columbia River Crossing</u> – Support state funding approach that recognizes statewide importance of this project.
<u>ConnectOregon 4</u> – Support a fourth round of <i>ConnectOregon</i> funding.
<u>Mileage-based fee</u> – Support a mileage-based fee on electric and plug-in hybrid electric vehicles to account for impacts from vehicles that generate little or no gas tax.
<u>High-speed rail</u> – Support continued development of high-speed rail. Establish a transparent and accountable decision making process that includes regional representation.
<u>Transportation Planning Rule</u> – Support rulemaking to remove barriers to implementation of the 2040 Growth Concept.
<u>Access management</u> – Support an approach to access management that (a) better balances traffic operations with community and economic development by developing standards that work in an urban environment; (b) improves safety for all modes, including biking and walking, on urban arterials; and (c) embraces the participation of key stakeholders.
<u>High-capacity transit</u> – Support state funding to match regional contributions to Southwest Corridor and Lake Oswego Streetcar projects.
<u>Dedicated transit funding</u> – Support efforts to identify dedicated funding for public transit.
<u>Active transportation</u> – Continue investment of state transportation funds to bicycle and pedestrian facilities outside the road right-of-way by allocating \$2 million to Urban Trail Fund to be distributed through a competitive process.
<u>Recreational immunity</u> – Extend legal immunity to property owners who allow the use of trails on their land for transportation purposes.

<p><u>Low-speed greenways</u> – Authorize local governments to facilitate safer walking and cycling by reducing speed limits on low-volume, low-speed neighborhood streets.</p>
<p><u>Climate</u> – Monitor, and support as appropriate, legislation related to the Oregon Sustainable Transportation Initiative, proposals of the Oregon Global Warming Commission related to transportation, and other statewide efforts.</p>
<p><u>Business Energy Tax Credit</u> – Oppose efforts to reduce or curtail use of the BETC for transportation-related conservation measures.</p>

METRO COUNCIL 2011 LEGISLATIVE PRINCIPLES¹

LOCAL AUTHORITY

1. **Pre-emption:** The Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions. Within the context of Oregon's land use system, Metro's authority should not be pre-empted.

LAND USE:

2. **Efficiency:** Land within UGBs should be used efficiently before UGBs are expanded.²
3. **Need:** The UGB should not be expanded in the absence of demonstrated need.³
4. **Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the transportation system and transportation investments do not lead to inappropriate land uses.⁴
5. **Annexation:** As cities are the preferred governing structure for providing public services to urban areas, Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
6. **Rules/Statutes:** Administrative rules should not be adopted into statute.
7. **Great Communities:** Metro supports legislation that facilitates development of great communities, including employment opportunities, choices of housing types affordable to people of all income levels, transportation choices, and parks and natural areas accessible to all.⁵
8. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.⁶
9. **Funding:** State mandates to expand UGBs should be accompanied by funding for planning.
10. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

SOLID WASTE:

11. **Toxicity and waste reduction:** Metro supports efforts to minimize the impact of the waste stream on the environment.

TRANSPORTATION:

12. **Transportation Funding:** Metro supports an increase in overall transportation funding, investments in a balanced multimodal transportation system, and flexibility in the system to provide for local solutions to transportation problems.

PARKS AND NATURAL AREAS:

13. **Parks and Natural Areas:** Metro supports measures to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

SUSTAINABILITY:

14. **Climate Change:** Metro supports efforts to combat climate change and to meet the state's goals for reducing greenhouse gas emissions.

¹ Footnotes refer to applicable policy statements in Metro’s Regional Framework Plan (RFP), Chapter 1 (June 2010), Chapter 2, 3 (December 2005).

² RFP Policy 1.1 (Urban Form).

³ RFP Policy 1.9 (Urban Growth Boundary).

⁴ RFP Policy 1.2 (Built Environment).

⁵ RFP Outcomes. See policy 1.2, Built Environment; policy 1.3, Housing and Affordable Housing; policy 1.4, Economic Opportunity; policy 1.5, Economic Vitality;; Chapter 2, Transportation, on transportation choices generally; Chapter 3, Nature in Neighborhoods, recognizing “the desire of citizens to have high-quality natural areas, trails and parks close to home.”

⁶ Policy 1.1 (Urban Form); Policy 1.2 (Built Environment).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4233, FOR THE PURPOSE OF PROVIDING DIRECTION TO METRO CONCERNING BILLS BEFORE THE 2011 OREGON LEGISLATURE

Date: January 31, 2011

Prepared by: Randy Tucker
503-797-1512

BACKGROUND

The Metro Council has taken formal positions on legislation since its inception. The first such action taken by the Council was in Resolution No. 79-23 in which it took a position on SB 66, which dealt with economic development. Since that time, Metro has taken formal and informal positions on legislation (state and federal) that it feels impacts the agency and the region.

The agenda and principles described in Exhibits A and C were developed by Randy Tucker (Legislative Affairs Manager) in consultation with the Metro Council. Most of the specific legislative issues described in Exhibit A resulted from consultation with legislative liaisons in Metro departments; others emerged from Council and staff discussions related to the Community Investment Strategy. These issues were discussed with the Metro Council in work sessions that occurred on September 14, October 5 and November 9.

Where applicable, the principles in Exhibit C also reflect existing Metro policy as embodied in the Regional Framework Plan.

Exhibit B includes the substance of the transportation-related agenda unanimously approved by the Joint Policy Advisory Committee on Transportation on January 13 and unanimously ratified by the Metro Council in Resolution 11-4223 on January 20. This agenda is also referenced in Exhibit A.

As issues arise and develop during the 2011 legislative session, the Council will have the opportunity to take positions on specific pieces of legislation and to modify its agenda as it sees fit.

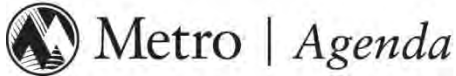
ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** none applicable
3. **Anticipated Effects:** Provide direction to Metro staff with respect to issues before the 2011 Oregon Legislature
4. **Budget Impacts:** None

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 11-4233.

Materials following this page were distributed at the meeting.



REVISED

Meeting: Metro Council
Date: Thursday, February 10, 2011
Time: 2 p.m.
Place: Metro Council Chambers

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of the Minutes for January 20, 2011

3.2 **Resolution No. 11-4234**, For the Purpose of Approving a Contract Amendment for the Veterinary Medical Center Project at the Oregon Zoo.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 11-1254**, For the Purpose of Amending Metro Code Chapter 10.03, Regarding Conservation Easements.

5. RESOLUTIONS

5.1 **Resolution No. 11-4230**, For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Real Property for the Purpose of Providing an Elephant Reserve Under the 2008 Oregon Zoo Bond Measure. **Collette**

5.2 **Resolution No. 11-4233**, For the Purpose of Providing Direction to Metro Concerning Bills Before the 2011 Oregon Legislature. **Hosticka**

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

METRO COUNCIL WILL CONVENE A SPECIAL WORK SESSION IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING.

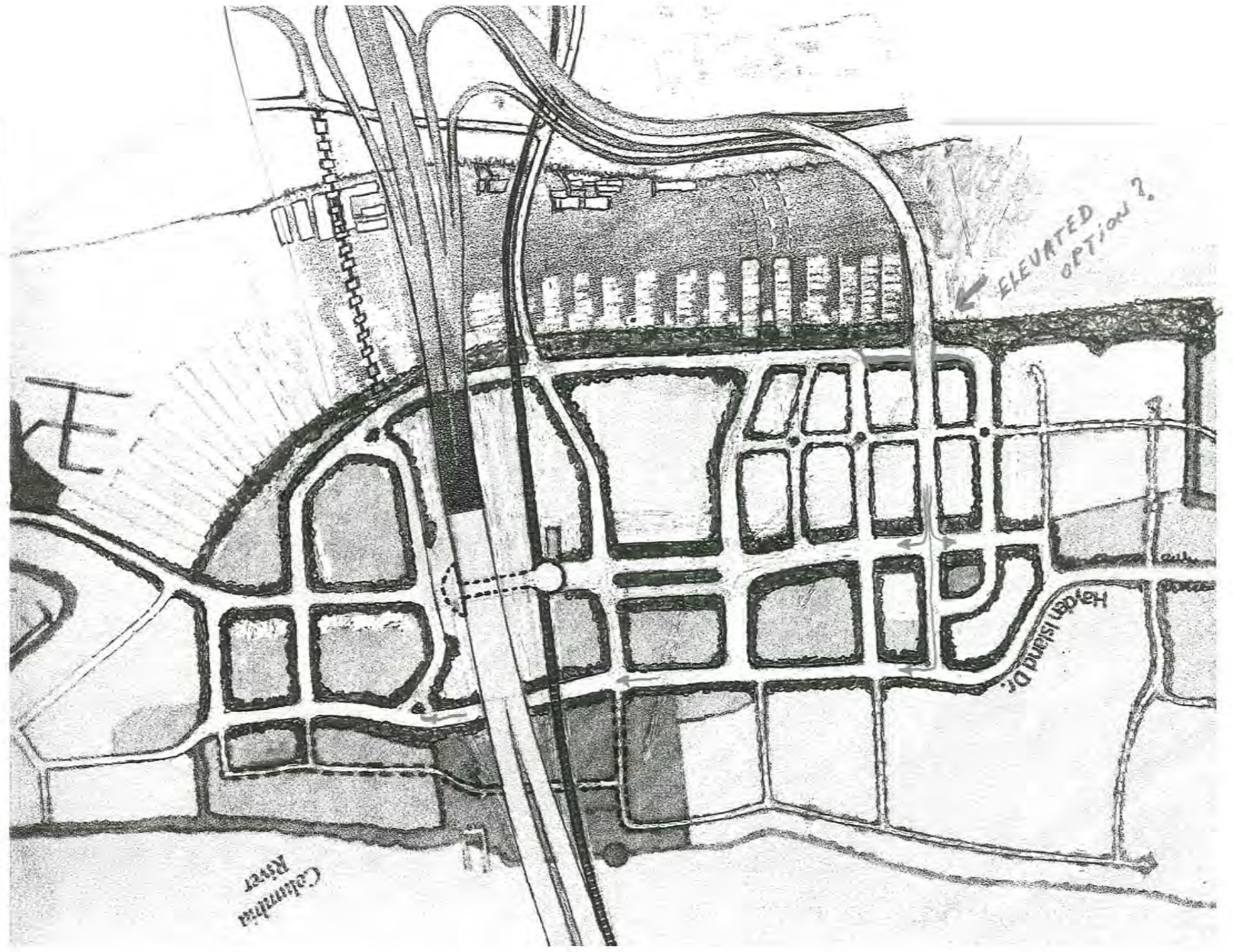
1. OVERVIEW AND DISCUSSION OF DISTRICT 6 APPLICATION PROCESS **Cooper Ray**

Television schedule for February 10, 2011 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 11 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 2 p.m. Thursday, Feb. 10 (Live)</p>	<p>Portland Channel 11 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> 8:30 p.m. Sunday, Feb. 13 <i>Date:</i> 2 p.m. Monday, Feb. 14</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> 2 p.m. Monday, Feb. 14</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> 11 p.m. Saturday, Feb. 11 <i>Date:</i> 11 p.m. Sunday, Feb. 13 <i>Date:</i> 6 a.m. Tuesday, Feb. 15 <i>Date:</i> 4 p.m. Wednesday, Feb. 16</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site 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 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 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 web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).



Columbia River

ELEVATED OPTION?

Island Dr.

“Hayden Island Interchange design shortcomings”

- 1) The worst freeway exit is downhill to a ‘T’ , ask any trucker.
- 2) The worst freeway entrance is uphill.
The exit & entrance ramps to Hayden Island are more hazard prone.
They are also high-impact and poor land-use.
- 3) The number of ramps and the amount of traffic heading to and from these ramps directly at I-5 will be detrimental to Hayden Island development value and access between east and west halves of the community.

“Concept#1 Off-Island Access advantages”

- 1) The freeway entrance ramps at the Marine Dr interchange are downhill.
Downhill entrance ramps bring motorists up to freeway speed more safely.
- 2) The freeway exit ramps to Marine Drive are uphill.
Uphill exit ramps assist deceleration, another safety factor.
- 3) The single entrance/exit ramp to Hayden Island is much longer and offers motorists and truckers a safer gradient to navigate.
- 4) The entrance also offers a ‘straight-through’ rather than a “T” intersection.
- 5) Truck access to the industrial west side is shortest and most direct.
- 6) The single ramp design effectively separates first the industrial area traffic, then separates eastside traffic from westside traffic.
- 7) Concept#1 eliminates the need for a 3rd ‘central roadway’ under I-5.
- 8) The 2 floating home piers which must be relocated to accommodate the main entry bridge, oddly enough, are out of character with their neighbors. They protrude into the channel further, the homes are taller and modern cookie cutter. Relocating them would open up views for their neighbors.
- 9) Pushing the main entry ramp southward off the waterfront, enables eventual restoration work there.
- 10) The main entry ramp would incorporate architectural amenities.

"Evidence Suggests CRC Concept #1 Rigged for Rejection"

Statements from CRC Communications and Public Outreach which are questionable:

"Concept 1 also was NOT a low-cost solution. It was MORE expensive than the 'on-island' interchange options for a variety of reasons:

- Increased new piers in North Portland Harbor (10 more than LPA option).
- Increased structures over North Portland Harbor (1 more than LPA option),
- Longer construction period, primarily because of additional in-water work."
- Increased property impacts to the floating home community and business interests along the south side of the harbor."

.....

Contrary to these statements, Concept #1 was NOT "equitably tailored" to reduce cost and impacts as was the LPA option and Concept D. Concept #1 is potentially LESS expensive and have LESS impact.

The impact of Concept #1 on the North Portland Harbor can be further reduced by building the off-island ramp through the Expo Center parking lot rather than directly on the water's edge where it displaces businesses.

The impact of Concept #1 'off-island' interchange is infinitely less alongside I-5 where ZERO ramps are built. Concept D spaghetti ramps will be ruinous to Hayden Island community and commercial redevelopment potential.

It appears that CRC stakeholders and public agencies have rigged their studies to favor trucking and commercial interests at the expense of Hayden Island livability, sensitive environments, and public safety on the highways.

Innovations in Rail & Land-use planning

The LOTI Project

THE SEATTLE CIRCULATOR PLAN

Art Lewellan

503-227-2845

PORTLAND

Lotilivo@peoplepc.com

Dear Mr. Lewellan:

Thank you for contacting the Columbia River Crossing project with your comments and questions regarding design of the Hayden Island interchange.

The Project Sponsors Council (PSC) charged the Integrated Project Sponsors Council Staff (IPS) with developing concepts for a re-designed interchange on Hayden Island, including both a refined on-island interchange, as well as a design that would remove the interchange and provide alternative off-island access. The IPS asked a group of island stakeholders, including representatives from HiNooN, the Hayden Island Livability Project, the Portland Working Group and island businesses, to partner with staff from the City of Portland, Metro and CRC to evaluate the interchange concepts for Hayden Island. The stakeholder group met twice a week for several months to study design options. The options were evaluated using a wide range of criteria including:

- Mobility and Connectivity - Community and Design Benefits
- Land Use and Development - Schedule - Environmental Challenges - Cost

There was extensive public involvement and review in the access evaluation process. In addition to bi-weekly meetings with the community, the design options were presented at three open houses. Island residents and business interests expressed significant concern with Concept 1. They strongly felt that removing the interchange from the island did not support the vision of the Hayden Island plan and would greatly hinder redevelopment of the SuperCenter site and other island businesses.

Concept 1 also was not a low-cost solution. It was more expensive than the on-island interchange options for a variety of reasons:

- Increased property impacts to the floating home community and business interests along the south side of the harbor
- Increased new piers in North Portland Harbor (10 more than the LPA option)
- Increased structures over North Portland Harbor (1 more than the LPA option)
- A longer construction period, primarily because of additional in-water work.

After months of design and public process, there was clear support for Option D from the IPS, project sponsors, and the Hayden Island and north Portland community. The Project Sponsors Council unanimously supported moving forward with this option at their August 9 meeting.

You also asked why the project is not considering building a supplemental bridge to carry south bound I-5 traffic and transit over the Columbia River. This alternative was studied in the Draft Environmental Impact Statement and was dropped from consideration for several reasons.

Though a supplemental bridge could be built tall enough to eliminate the need for a bridge lift, northbound traffic on the existing bridges would still be subject to lifts. Bridge lifts contribute to a high collision rate on I-5. Crashes occur three to four times more often during a bridge lift as I-5 traffic unexpectedly comes to a stop. This is one of the problems the CRC is working to address, so building a bridge that only eliminates lifts for one direction of traffic would not help address the project's purpose and need.

This area of the Columbia River is already difficult for barges to navigate especially during periods of high water flow. Another bridge similar to the existing bridges would add more piers in the water, which increases the navigation complexity. In addition, the existing bridges need to be upgraded to meet current seismic standards if they remain in use. The upgrades would require the piers to be reinforced with a concrete encasement. Pier encasements would increase the diameter of each pier by 10 to 40 feet, which would reduce the space between piers for marine traffic. When traveling downstream, barge captains attempt to avoid calling for a bridge lift by traveling under the high portion of the Interstate Bridge and then turning to the right to access the lift span on the railroad bridge. An additional bridge combined with the seismic upgrades on the existing bridges would make this maneuver more difficult and, as a result, would lead to more bridge lifts.

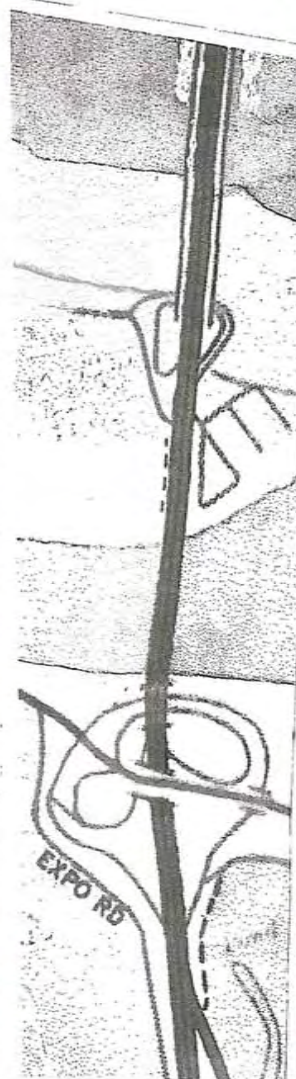
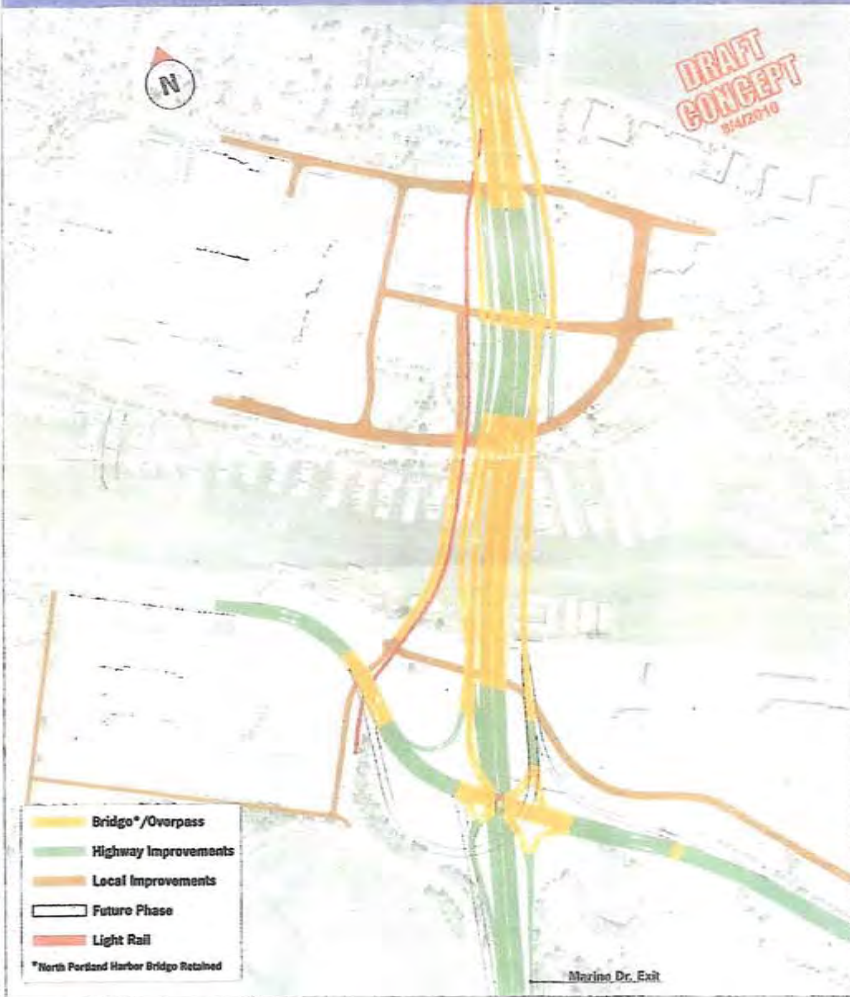
Thank you for your continuing interest in the Columbia River Crossing project.

Sincerely,

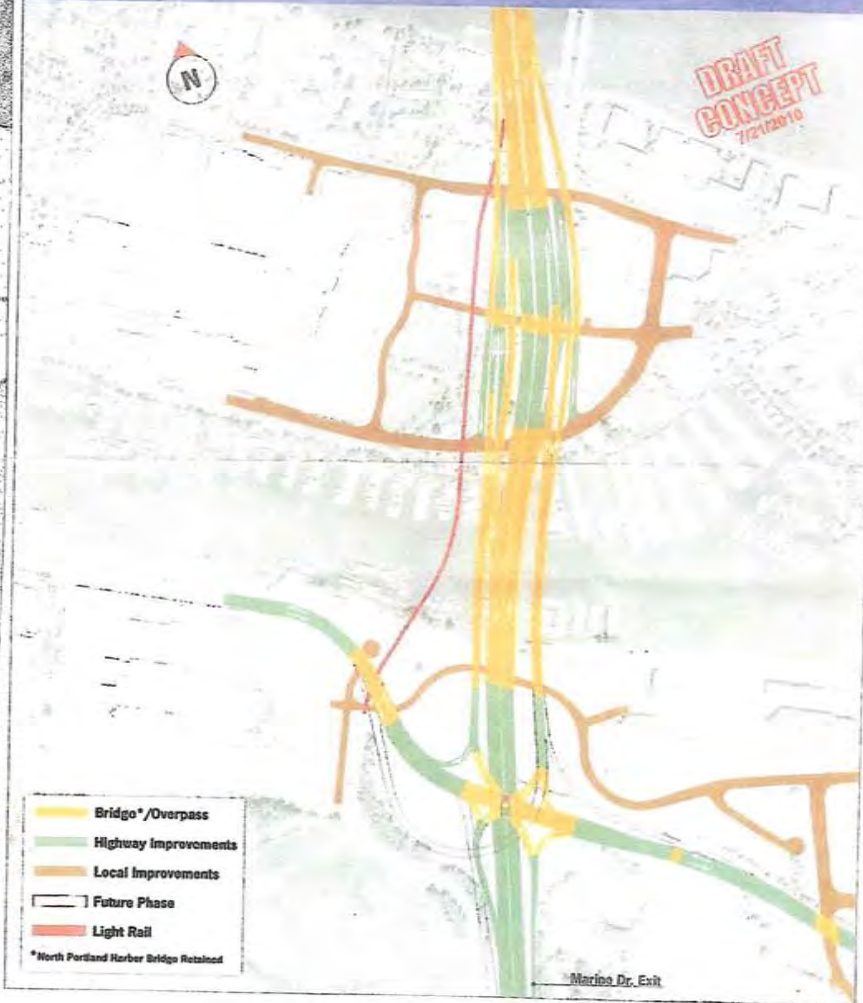
Maurice Hines

Columbia River Crossing

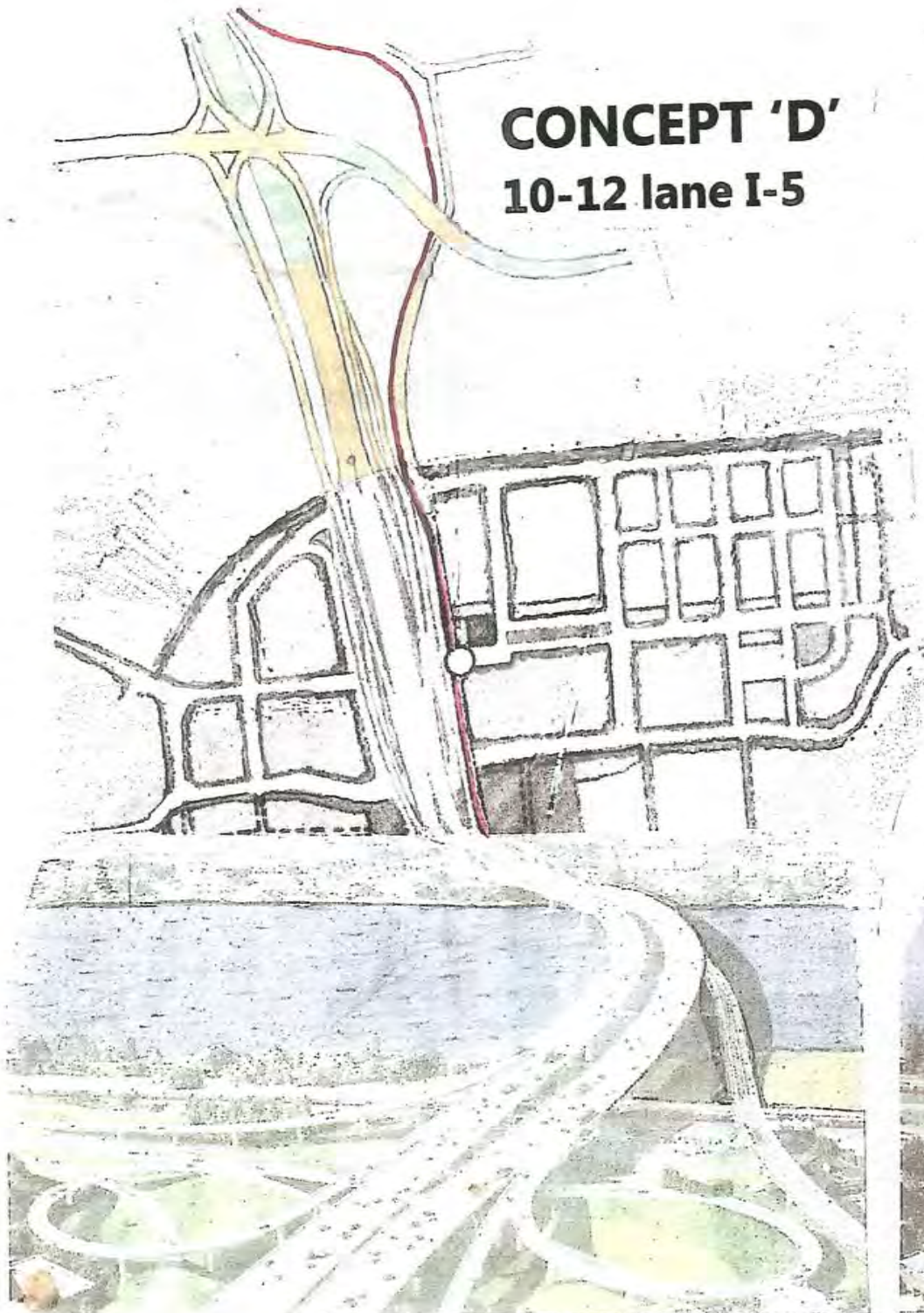
CONCEPT D



REFINED LPA

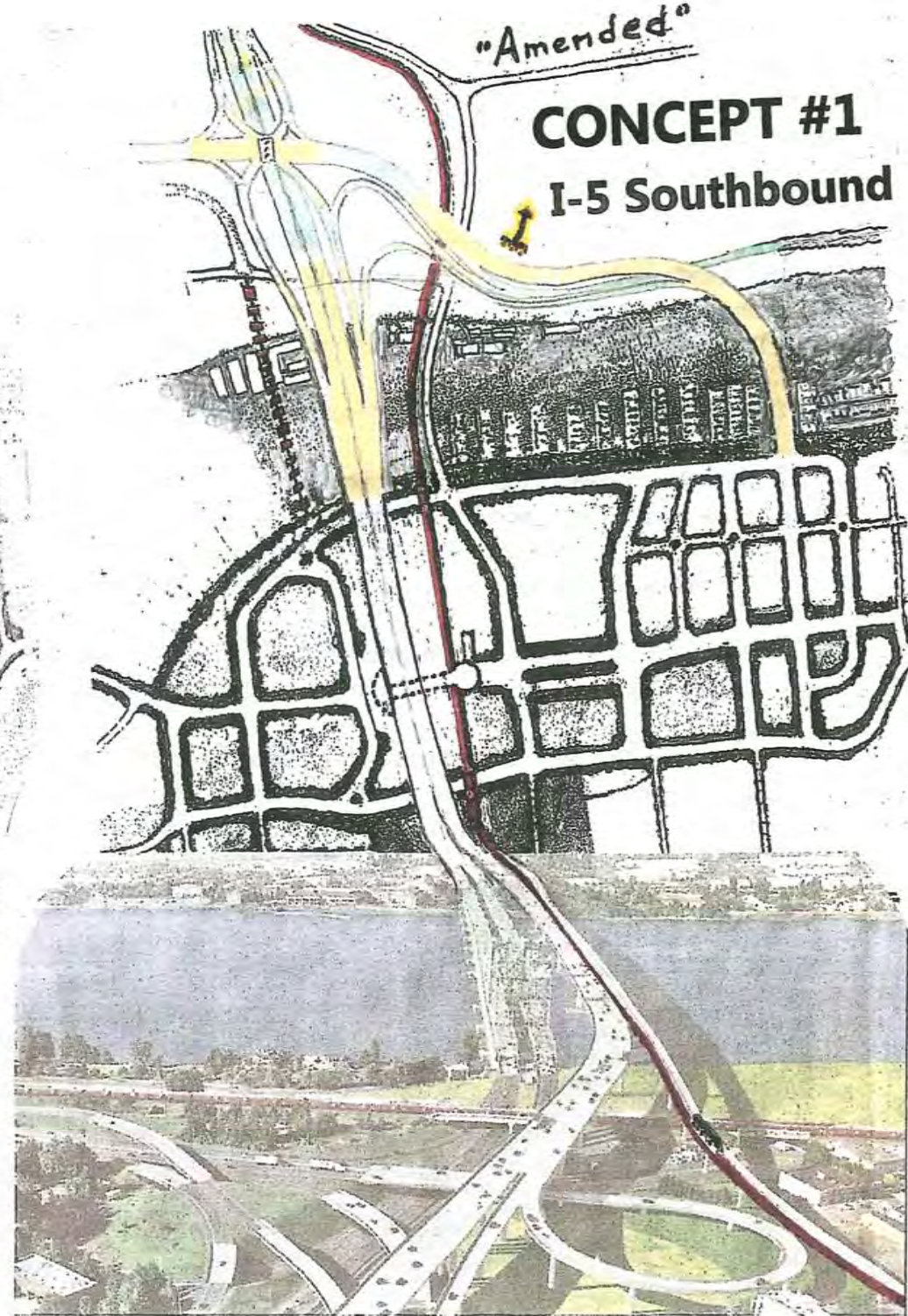


CONCEPT 'D'
10-12 lane I-5



"Amended"

CONCEPT #1
I-5 Southbound



The public is wholly disappointed with the design, cost and environmental impact of the CRC project. Consensus surrounding Concept 'D' should not represent DOT, port authority, trucking and business interests more than the Hayden Island community and the general public. Thus, a wider and independent review of low cost, low impact options such as Concept #1 and the Southbound I-5 ONLY proposals is necessary to address public concerns.

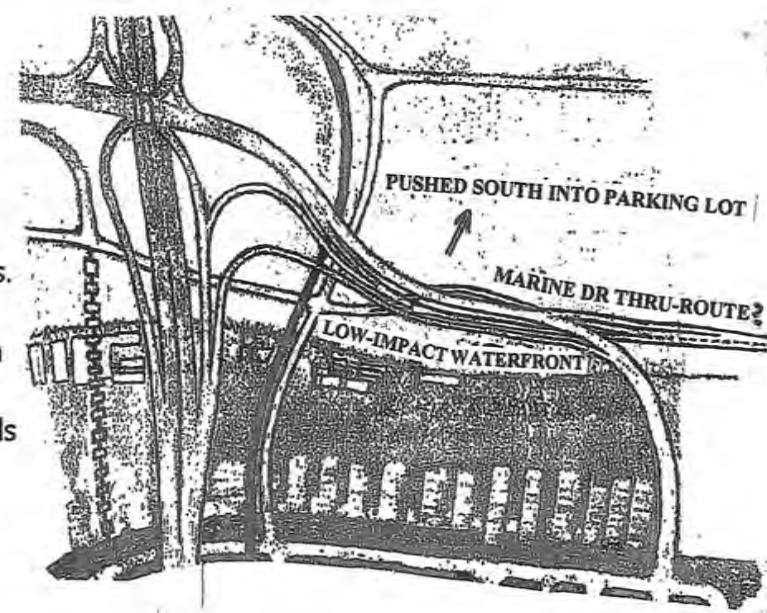
Concept#1 was evaluated using criteria of Mobility and Connectivity, Community and Design Benefits, Land use and Development, Schedule, Environmental Challenges, and Cost. According to a stakeholder group of business interests and planning bureaus, Concept#1 fails every test. Any reasonable person will find this nearly impossible to believe.

The following alterations to Concept#1 should improve its status as a viable option.

- Eliminate the "flyover" ramp from Portland harbor to I-5 northbound.
- Select the local access bridge option from North Portland adjacent to MAX bridge.
- Push Concept#1 main access ramp along Marine Drive south into Expo Center parking lot.
- Design main access bridge and landing onto Hayden Island with architectural amenities.

While the main access bridge of Concept#1 will impact Hayden Island floating home community, the impacts of Concept 'D' ramps alongside I-5 are undeniably much greater.

The I-5 Southbound ONLY proposal also deserves another look for its capacity to reduce cost. We should consider how in the near future a matching bridge can be constructed (in place of the old west span removed) while leaving the old east span in place to handle traffic.



Request to Identify Projects and Initiatives wrt Birdshill CPO / NA Locale

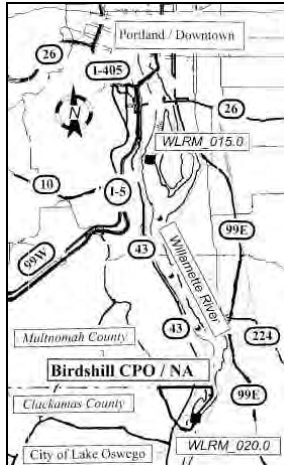
2011 Feb 02 Wednesday 13:00 U [1:00 PM PT]



Initiated By:
Acting Chair of the
Birdshill CPO / NA

Birdshill CPO / NA
of Clackamas County (CPO –
Community Planning Organization)
and City of Lake Oswego Oregon
(NA – Neighborhood Association)

2009 – 2010 Officers
Acting Chair: Charles Ormsby
Sec / Treas: John Hedlund



Location:
The Birdshill CPO / NA (area)
is a joint county and city
community located on the west
bank of the Willamette River
between river miles 019.4
south to 020.2. This is about
seven miles south of central
Portland Oregon and
immediately north of the City
of Lake Oswego Oregon in
Clackamas County.

Google Earth Coordinates
Intersect: Underhill / Midvale Rds
045° 25' 46.65" N,
122° 39' 39.90" W

Contact Information Birdshill CPO/NA Acting Chair:

Phone: 503.636.4483 Residence
Mail: Clackamas County – Birdshill Area
170 SW Birdshill Road
Portland OR 97219-8052

Internet Presence – Birdshill CPO / NA

Email: sentinelskip@gmail.com (Please Use)
Email: birdshillcpona@gmail.com
Website: <http://sites.google.com/site/birdshillcpona>
Group: <http://group.google.com/group/birdshillcpona>
YouTube: <http://www.youtube.com/birdshillcpona>

Attached Files / Cross Referenced Files:

05 – World of Documents Referred to & Hyperlinked
Detail levels, pages, document files and disk space:

Detail Level	No Pages	No Files	Cum Disk Spc [kb-kilobytes]
L1 – Abstract:	2	1	300 kb
L2– Summary:	0	0	0 kb
L3 – Key Docs:	14	2	700 kb
L4 – Total Outline:	0	0	0 kb
L6 – World of Docs:	16	3	1,000 kb

Notes on referenced documents:

- Files referenced have been posted to above website for download.
- Downloaded files require name change to enable hyperlinks.**
- Files available for at least 30 days from date at top of column.
- Files also available upon request by email to above address(es).

GLOSSARY & Terms – See spreadsheet: Edition Access
Website: <https://sites.google.com/site/or43data01/home/bhdocsalt>

Edition: L1 – Abstract (Only Edition)

Edition Access: L1 – Abstract, L2 – Summary,
L3 – Key Documents, and L4 – Total Outline

Website for editions: <https://sites.google.com/site/or43data01/home/bhdocsalt>

Note: Navigate between most headers by Ctr + mouse click, to follow most links.

Note: CR = Cross Reference – Linked jump to Outline Section & then to endnotes.

Affected Parties(s):

Government Levels wrt Birdshill CPO / NA Locale

- Lev 100 = Federal – Army Core of Engineers and undetermined entities.
- Lev 080 = State of Oregon – ODOT, TriMet and undetermined entities.
- Lev 070 = Regional – Metro (Oregon Metro)
- Lev 060 = County – County of Clackamas and County of Multnomah.
- Lev 050 = Municipal – City of Lake Oswego and City of Portland.
- Lev nnn = Service Providers – PGE, NW Natural, Quest, Service Districts.

01 – Abstract of Request

Birdshill CPO / NA Bylaws require the annual compilation of a list of projects and initiatives that affect the locale of our community. This request initiates this compilation and process of annual review along with requests of government entities with jurisdiction in and around the area of the Birdshill CPO / NA. That the government entities identify, label, delineate, and describe ALL projects and initiatives that may affect the area of the Birdshill CPO / NA and immediate locale along with residents. Two items in this process are most important: First is a contact, with phone, and email services that have both current and historical knowledge of the project or initiative. Second are methods to trace the project or initiative to source documents that can be monitored over time. The attached maps on the next page identify the locale and regional context.

02 – Summary of Documents & Impact

Birdshill CPO / NA Bylaws Ver 6.09,
Ratified by Membership: 2009 Mar 18 Wednesday
Approved by Clackamas County: 2009 Jun 16 Tuesday
Approved by City of Lake Oswego: 2009 Jul 21 Tuesday
“Article II – Principles of Operation
Section 4 – Issues and Consultation With Members

In order to assure early and continued public involvement. With adequate time for citizen notification, study, and formulation of actions in all aspects of participation in governance that may affect both the area and residents of the Birdshill CPO / NA. The Board shall:

- Communicate with leaders at multiple levels of governance, community groups, and area service providers and ascertain what issues that may consist of projects, programs, and initiatives that will affect the area of the Birdshill CPO / NA and members within the coming year.
- Develop an Annual Report itemizing, identifying, labeling, delineating, and describing in summary form items ascertained in item 1 above.
- Deliver or make available the Annual Report developed in item 2 above to the membership of the Birdshill CPO / NA, no later than the Monday following Labor Day each year.
- Consult with the membership before making recommendations about neighborhood improvements.”

03 – Key Documents

- 03.01 Birdshill CPO / NA Bylaws
Site: <http://www.ci.oswego.or.us/plan/Neighborhoods/default.htm>
File: [BYLW_BHCN_RTFD_0609_2009_04Apr_30Th_0900U.pdf](http://www.ci.oswego.or.us/plan/Neighborhoods/default.htm)
- 03.02 Birdshill CPO / NA Schema of Government Levels
Site: <https://sites.google.com/site/or43data01/home/bhdocsalt>
File: [LIST_BHCN_Schema_Gov_Lev_2011_02Feb_01Tu_1500U.pdf](https://sites.google.com/site/or43data01/home/bhdocsalt)

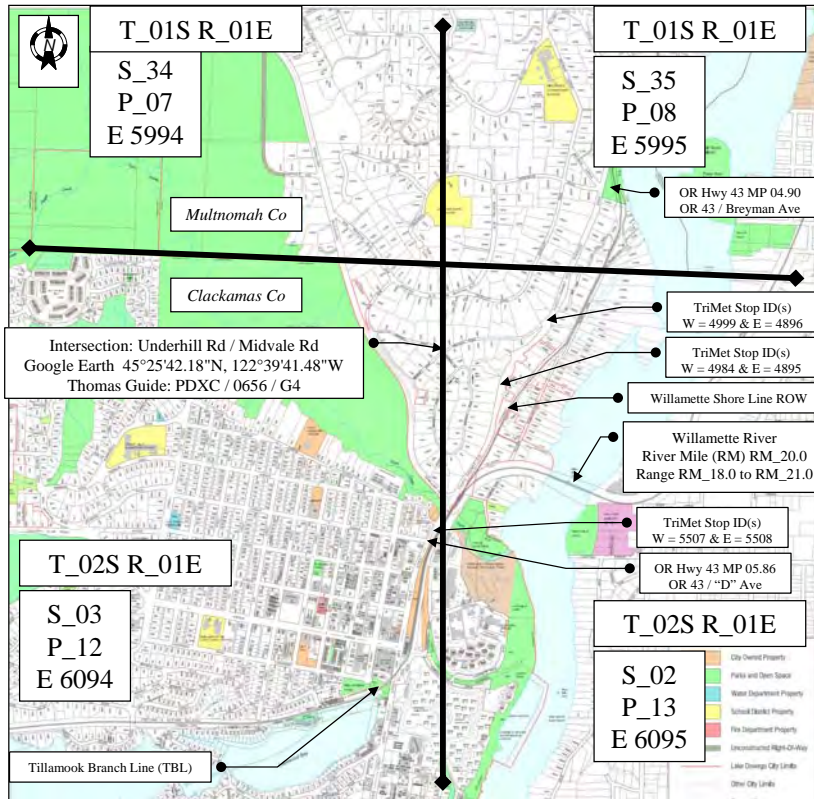
04 - Total Outline of Documents

No documents outlined.

05 – World of Documents Referred to & Hyperlinked

See Section 03 – Key Documents above.

Birdshill CPO / NA Locale



Area of Project / Initiatives wrt Birdshill CPO / NA

Date: 2011 Feb 02 Wednesday 13:00 U (1:00 PM PT)

Author: Charles Ormsby (Skip)

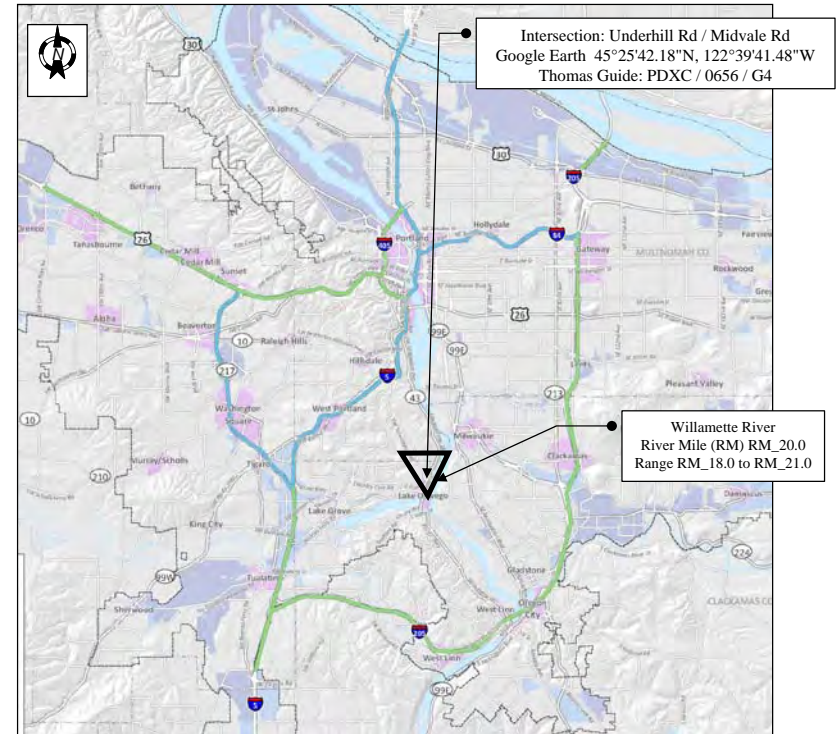
Email: birdshillcpona@gmail.com or sentinelkip@gmail.com

Source: [MPUE_LOCG_CityAdrs_2006_06Jun_01Th_1700U.PDF](#)

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Birdshill CPO / NA and Regional Context



Regional Context of Project / Initiatives wrt Birdshill CPO / NA

Township 01S, Range: 01E, Sections 34 and 35

Township 02S, Range: 01E, Sections 02 and 03

Date: 2011 Feb 02 Wednesday 13:00 U (1:00 PM PT)

Author: Charles Ormsby (Skip)

Email: birdshillcpona@gmail.com or sentinelkip@gmail.com

Source: [03_22_10tsmo_refinement_plan_final.pdf](#), Metro 2035 RTP (Regional Transportation Plan)

page 41 of 141, Figure 5: Map of the Portland region and TSM (Transportation System Management) investments in 2000

Cut: 200%, h = 19.35 in w = 19.97 in

Paste: 22% h = 6.04 in w = 6.23 in

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 11-4234
CONTRACT AMENDMENT FOR THE)
VETERINARY MEDICAL CENTER PROJECT) Introduced by Chief Operating Officer
AT THE OREGON ZOO) Michael Jordan with the concurrence of
) Council President Tom Hughes

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 public improvement contract amendments that exceed five percent of the initial contract value or \$25,000.00; and

WHEREAS, on August 13, 2010, Metro awarded the contract (the "Contract") to construct the Oregon Zoo Veterinary Medical Center (the "Project") to SKANSKA USA, Inc., after conducting an open competitive bid process in which SKANSKA, USA, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the original Contract amount is \$6,454,899, and three amendments increasing the Contract in the amount of \$17,603, \$11,498, and 394,278 have been approved by the Chief Operating Officer; and

WHEREAS, three utility vaults and accompanying conduits need to be lowered in order to meet the new grades of the project. This condition resulted in constructions delays and the need for additional work to be performed under the Contract. Some of this work was immediately needed to avoid substantial risk to the Project, and has already been performed on an emergency basis under the "Force Account" provisions of the Contract and in accord with Metro Code Section 2.04.058(6); and

WHEREAS, the Oregon Zoo now wishes to obtain Metro Council approval for an amendment to the Contract for additional work, in the amount of \$40,308. The additional work elements include the following: lower 1 electrical and 2 communication vaults to new grades, provide a perimeter fence enclosure at the new drainage swale, excavate and add additional rock under concrete paving, stabilize a portion of the bank above the soil nail wall, over excavate ancient landslide material at the building pad; and

WHEREAS, the additional work has been reviewed by the Deputy Chief Operating Officer, the Oregon Zoo Bond Manager, the Oregon Zoo Construction Manager and the Project architect, and has been determined to be necessary, appropriately priced, and within the contingency budget for the project; and

WHEREAS, the sum of the prior approved contract amendments and the amendment proposed herein is \$463,687, amounting to less than five percent of the Project's total budget of \$9.5million; and

WHEREAS, the Metro Procurement Officer believes that amending the existing contract with SKANSKA USA, Inc. is appropriate and that such action is in the best interests of Metro and will better ensure a timely Project delivery; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Chief Operating Officer to execute a contract amendment with SKANSKA USA, Inc. in the amount of \$40,308 for the Oregon Zoo Veterinary Medical Center Project.

ADOPTED by the Metro Council Contract Review Board this ____ day of _____ 2011.

Thomas Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4234, METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE VETERINARY MEDICAL CENTER PROJECT AT THE OREGON ZOO

Date: January 19, 2011

Prepared by:

Darin Matthews, 503 797-1626
Craig Stroud, 503 220-2451

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for the Veterinary Medical Center project in 2010. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Skanska USA Building, Inc.

The project specifications and design drawings were prepared by Peck Smiley Ettlin Architects representing the scope of the project. The bond program team sought review of the drawings and specifications from multiple engineers and architects for constructability and completeness as a risk mitigating procedure. Those reviews concluded that the excavation and soil nail wall installation were the most inherently risky aspects of the entire project. Due to these risks, the project is carrying a substantial contingency.

- A. Three vaults located on the project site need to be adjusted to finish grade. The plans infer a simple adjustment, however the vaults need to be lowered approximately 3 feet which involves lowering conduits feeding the vaults and encasing the them in concrete for protection. There is one electrical vault and two communication vaults.
- B. The new drainage swale from Kingston road is approximately six feet wide and 3 feet deep. The swale passes under the zoo's perimeter fence creating a security breach. The closure is made of a galvanized steel frame with flat steel bars 4" on center.
- C. The architectural plans call for an 8" rock section under the concrete driveway, the civil and geo tech recommend a 12" section of rock. The area is approximately 6,150 sq. ft.
- D. The recent heavy rainfall, 2" in a 24hr period, caused a minor landslide at the top of the east side of the soil nail wall. The slide was approximately 15 ft. long. Water from the drainage swale and a very steep grade in the bank above the wall were the primary cause of the slide. The temporary solution was to pipe the water from the culvert at Kingston to a storm outlet at the bottom of the swale. The permanent solution is to relocate a portion of the swale and re-grade the bank above the wall which will take place next summer.
- E. The geo tech has confirmed certain soft areas within the building footprint which do not meet compaction requirements. The areas were excavated and rock was added.

Change Item	Brief Description	Amount
A	Lower Electrical and Communication Vaults	\$18,478
B	Perimeter Fence Closure at Drainage Swale	1,011
C	Additional Sub-grade rock at Concrete Driveway	5,490
D	Stabilize Small Slide area	5,446
E	Over Excavate Ancient Slide Material at Building Slab	9,883
Change Order 4 Total		\$40,308

The Zoo Bond Program Director and Construction Manager reviewed these additional items and agreed the work is necessary and can be paid within the adopted project budget. The consulting architect for the projects also reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced, which the Metro Procurement Officer concurs with.

The Metro Deputy Chief Operating Officer and Office of Metro Attorney have approved previous change orders 1, 2 and 3, in the amount of \$17,603, \$11,498, and \$394,278 respectively. This represented a contract clarification on letter of credit versus performance/payment bond, relocating an existing gas line which would have been situated under the new building had it not been relocated and discovery of an ancient landslide at the soil nail wall, sub slab drainage and city required permit changes.

The total for change order 4 is \$40,308. The total amount for change orders 1, 2 and 3 is \$423,379, for a grand total of \$463,687 of project change orders to date. This amount represents less than five percent of the project's total budget of \$9.5 million. Due to the risky nature of the soil nail wall and zoo site conditions, the project includes an adequate contingency to cover these change orders. As previously stated, the excavation and soil nail wall represent what is believed to be the riskiest aspect of the project. Remaining project contingency is believed adequate to complete the project within budget.

Item "E", Over Excavate Ancient Slide Material at Building Slab," includes the entire slab area but not the building footings. There will be additional over excavation when the footings are dug however the geo tech believes the amount to be minimal.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000 or five percent of the original contract value. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, and that the amendment is in Metro's best interest. Further, the Procurement Officer believes the amendments to date fall within public industry standards and represent sound project oversight.

The Zoo will continue to manage and administer this contract to ensure this project is constructed in accordance with the contract, including all plans and specifications. The Veterinary Medical Center Project is scheduled to be completed in fall 2011.

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 new Veterinary Medical Center under the direction of the Zoo Construction Manager and in accordance with contract documents and schedules. The project schedule will be extended an additional 3 days for a total extension of 36 days.
4. **Budget Impacts:** These four change orders fall within budgeted contingency amounts. The total contract amount for Skanska USA Building, Inc will increase to \$6,918,586.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment representing change orders 1, 2, 3 and 4 with Skanska USA Building, Inc.

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE REAL PROPERTY FOR THE PURPOSE OF PROVIDING AN ELEPHANT RESERVE UNDER THE 2008 OREGON ZOO BOND MEASURE

RESOLUTION NO. 11-4230

Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President Tom Hughes

WHEREAS, on May 8, 2008, the Metro Council adopted Resolution No. 08-3945, "For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness In the Amount of \$125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health and Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance," approving, certifying and referring to the Metro Area voters at the General Election held on November 4, 2008 Ballot Measure 26-96 (the "Oregon Zoo Bond Measure 26-96"); and

WHEREAS, at the General Election held on November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96; and

WHEREAS, Exhibit A to Resolution No. 08-3945 generally set forth the details of Oregon Zoo Bond Measure 26-96, stating that "the zoo is exploring the feasibility of providing an off-site area for elephants, and "funds are set aside for potential capital needs of off-site space"; and

WHEREAS, ~~as provided in Exhibit A to Resolution No. 08-3945, generally setting forth the details of Oregon Zoo Bond Measure 26-96,~~ Metro has explored the feasibility of providing an off-site area for elephants, and funds are set aside from Oregon Zoo Bond Measure 26-96 for the potential capital needs of off-site space; and

WHEREAS, in 2009, Zoo staff convened a panel of elephant experts in a two-day workshop to consider the needs of the Zoo's elephant herd for off-site space, and develop criteria for site selection ("Selection Criteria") and said panel's findings are contained in a report entitled "Oregon Zoo Off-Site Elephant Facility Workshop – November 9 and 10, 2009," submitted by CLR Design Inc. and Schultz & Williams (the "Workshop Report"); and

WHEREAS, Zoo staff prepared a business plan for the potential off-site elephant area, determining construction and infrastructure costs required to establish the off-site elephant area, and including long term transportation, operation and maintenance costs; and

WHEREAS, Metro has been evaluating sites of at least 200 acres within the three county area that satisfies the Selection Criteria and is ideally located within an hour's travel distance, and has found there are a limited number of sites available that satisfy the Selection Criteria; and

WHEREAS, the Zoo wishes to obtain the Metro Council's authorization to enter into multi-year options to purchase real property meeting the Selection Criteria for purposes of the off-site elephant area (the "Options"), so that the Zoo may secure site-control, continue financial feasibility planning and initiate a fundraising campaign for capital costs and operating expenses with the help of the Oregon Zoo Foundation; and

WHEREAS, said Options would provide for the future purchase of property from willing sellers, at a price not to exceed appraised fair market value, subject to the approval of the Metro Council, in accord with Metro's usual and customary acquisition parameters and due-diligence preconditions. Any Option fee required by Owners will be applied to the purchase price if Metro exercises the Option and buys the property, but may be forfeited if the Metro Council elects not to acquire the property for an off-site elephant area; now, therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to secure multi-year Options from willing sellers for Metro to purchase real property for an off-site elephant area, at no more than the appraised fair market value, in accord with Metro's usual and customary acquisition parameters and due diligence preconditions, and subject to the approval of the Metro Council prior to closing.

ADOPTED by the Metro Council this _____ day of ~~January~~February 2011.

Tom Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE REAL PROPERTY FOR THE PURPOSE OF PROVIDING AN ELEPHANT RESERVE UNDER THE 2008 OREGON ZOO BOND MEASURE

RESOLUTION NO. 11-4230

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WHEREAS, at the General Election held on November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96; and

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WHEREAS, Metro has explored the feasibility of providing an off-site area for elephants, and funds are set aside from Oregon Zoo Bond Measure 26-96 for the potential capital needs of off-site space; and

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ADOPTED by the Metro Council this _____ day of February 2011.

Tom Hughes, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney