

 **Metro** | *Agenda*

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

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### **CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSENT AGENDA**

3.1 Consideration of the Council Minutes for March 3, 2011

3.2 **Resolution No. 11-4244**, 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.

**4. RESOLUTIONS**

4.1 **Resolution No. 11-4239**, For the Purpose of Supporting Development of a Regional Active Transportation Action Plan.

**Burkholder**

**5. CHIEF OPERATING OFFICER COMMUNICATION**

**6. COUNCILOR COMMUNICATION**

### **ADJOURN**

**Television schedule for March 10, 2011 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 11 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 2 p.m. Thursday, March 10 (Live)</p>	<p><b>Portland</b>  Channel 11 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> 8:30 p.m. Sunday, March 13  <i>Date:</i> 2 p.m. Monday, March 14</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> 2 p.m. Monday, March 14</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 11 p.m. Saturday, March 12  <i>Date:</i> 11 p.m. Sunday, March 13  <i>Date:</i> 6 a.m. Tuesday, March 15  <i>Date:</i> 4 p.m. Wednesday, March 16</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <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](http://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 Council Minutes for March 3, 2011**

*Consent Agenda*

Metro Council Meeting  
Thursday, March 10, 2011  
Metro Council Chamber

Agenda Item Number 3.2

**Resolution No. 11-4244**, 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.

*Consent Agenda*

Metro Council Meeting  
Thursday, March 10, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A ) RESOLUTION NO. 11-4244  
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 four amendments increasing the Contract in the amount of \$17,603, \$11,498, and \$394,278, and \$40,308 have been approved by the Metro Council; and

WHEREAS, the service road accessing the Project site has been heavily impacted by the exceedingly wet weather and continued heavy construction activity, causing significant slumping of the road and road sub grade, which must be corrected by shoring immediately to prevent continued deterioration and the potential failure of the road when a 300-ton crane, scheduled to arrive in early April to raise the walls on the Veterinary Medical Center, uses the road; and

WHEREAS, the construction of a soldier pile wall to shore up the service road needs to begin immediately to avoid substantial risk of loss and threat to property and safety, and required prompt execution by the Chief Operating Officer of contract Amendment 5 to remedy the condition in the amount of \$70,079, under the emergency provisions of Metro Code Sections 2.04.058(a)(6) and 2.04.010(f); and

WHEREAS, the Oregon Zoo now wishes to obtain Metro Council approval for amendments five and six to the Contract for additional work, in the amount of \$70,079 and \$72,673. The additional work elements of Amendment 6 include the following: performing additional work to resolve site utility conflicts, adding required secondary containment fencing, remedying utility conflicts with road grade, incorporating project permit required changes in the contract scope, adding gas line valves, remedying site utility conflicts due to erroneous pre-existing as built drawings, relocating a drain due to conflicts with other building elements, and recognizing a financial credit for prior change order approved work costing less than originally estimated; 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 \$606,439, amounting to six 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 contract amendments five and six with SKANSKA USA, Inc. in the amount of \$70,079 and \$72,673, respectively, for the Oregon Zoo Veterinary Medical Center Project.

ADOPTED by the Metro Council Contract Review Board this \_\_\_\_ day of \_\_\_\_\_ 2011.

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Thomas Hughes, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO 11-4244, 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

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Date: February 25, 2011

Prepared by: Darin Matthews, 503 797-1626  
Craig Stroud, 503 220-2451

### BACKGROUND

An open, competitive Request for Bid was issued for the Veterinary Medical Center (VMC) 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.

During the course of construction, existing site conditions and necessary changes to the VMC construction documents have required contract change orders. The program team is requesting amendment to the contract to address the following conditions:

#### Change Order Five

- A. A portion of the Gate J service road near the existing Living Collections Administration Building has been deteriorating over the years from normal use, storm water erosion and construction traffic. The VMC project geotechnical engineer has been monitoring the road's condition and recently concluded that the road is becoming unstable for large vehicles. The road is the only access to the VMC site and will serve future bond program construction projects, as well as normal zoo operations. To repair the road, the bond program directed VMC project consultants to assess the condition, develop a design, and requested Skanska USA Building prepare a change order for the repair. The design includes installation of a 40 foot soldier pile retaining wall, installation of storm water drainage, and installation of new asphalt.

#### Change Order Six

- A. Existing as built drawings did not accurately show the location of an existing sanitary sewer line that conflicts with a new storm line manhole. The storm line and manhole require relocation.
- B. Zoo regulations require a secondary animal containment fence in the event an animal escapes from its primary containment. The VMC project includes two gates that are part of this secondary containment fence, but were not adequately designed to criteria. This change order covers the necessary changes and associated costs.
- C. A portion of the service road within the project's disturbance area was lowered to accommodate the new building elevation. Additional work was required to reroute gas, water, and fire lines and other utilities to accommodate the service roads lower grade.

- D. The City of Portland required changes to the electrical drawings during the permit process. Changes included adding a disconnect, installing a new enclosure for the generator switch gear, and revising wire sizes and circuits layouts.
- E. Two new valves were installed on a new gas line serving the VMC and existing buildings to the north. The valves provide flexibility in shutting off gas to the buildings without shutting down the entire line.
- F. Existing as built drawings did not accurately show the location of electrical and telecommunication conduits that conflict with a new storm line. The solution required hand digging and placing sand and gravel to route the storm line under the conduits.
- G. A drain located in the VMC loading area conflicted with a building column. The drain location was moved.
- H. This credit is a result of prior approved change order work costing less than originally estimated. The work was related to lowering electrical and communication vaults and was included in contract change order four.

<b>Change Order Five</b>		
<b>Item</b>	<b>Brief Description</b>	<b>Amount</b>
A	Upper Service Road Shoring – Soldier Pile Wall	\$70,079
Change Order Five Total		\$70,079

<b>Change Order Six</b>		
<b>Item</b>	<b>Brief Description</b>	<b>Amount</b>
<b>A</b>	Site Utility Conflicts	9,373
<b>B</b>	Secondary Containment Gates and Fencing	14,150
<b>C</b>	Utility Conflicts with Lower Road Grade	27,859
<b>D</b>	Electrical Permit Scope Changes	14,189
<b>E</b>	Gas Line Valves	1,419
<b>F</b>	Site Utility Conflicts	7,593
<b>G</b>	Drain Relocation	2,200
<b>H</b>	Credit for previous change order work	(4,110)
Change Order Six Total		\$72,673

The project’s design consultants 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 Zoo Bond Construction Manager, Program Director, and the Metro Deputy Chief Operating Officer reviewed these change orders and agreed the work is necessary and can be paid within the adopted project budget.

Information about prior contract amendments in change orders one through four totaling \$463,687 has been presented to the Metro Council in prior resolutions. The total for change order five is \$70,079 and change order six is \$72,673. With approval of these change orders, the total change orders to date total \$606,439, or six percent of the project’s 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.



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, believes the amendment is in Metro's best interest to approve.

The bond program 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 Bond Program Construction Manager and in accordance with contract documents and schedules. The project schedule will be extended an additional 12 days for a total extension of 52 days.
4. **Budget Impacts:** These change orders total within the project's budgeted contingency. The total contract for Skanska USA Building, Inc will increase to \$7,061,338.

### **RECOMMENDED ACTION**

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

Agenda Item Number 4.1

**Resolution No. 11-4239**, For the Purpose of Supporting  
Development of a Regional Active Transportation Action Plan.

Metro Council Meeting  
Thursday, March 10, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUPPORTING ) RESOLUTION NO. 11-4239  
DEVELOPMENT OF A REGIONAL ACTIVE )  
TRANSPORTATION ACTION PLAN ) Introduced by Chief Operating Officer  
Michael Jordan with concurrence by Council  
President Tom Hughes

WHEREAS, the Metro Council, through numerous policy and planning documents and actions including adoption of new policies in the 2035 Regional Transportation Plan, creation of the Blue Ribbon Committee for Trails and support of the Active Transportation Partnership, supports the planning and construction of a fully developed regional active transportation network;

WHEREAS, effectively planning for and implementing a regional active transportation network is an important component of the Metro Council’s work on climate change and green house gas reduction;

WHEREAS, the development of a Regional Active Transportation Action Plan was identified as one of the implementation activities to be completed upon adoption of the 2035 Regional Transportation Plan, adopted in June 2010 and was identified as a key element of Metro’s Blue Ribbon Committee for Trails recommended strategy to develop the regional active transportation network;

WHEREAS, the development of a Regional Active Transportation Action Plan is needed to provide a regional framework and implementation strategy to guide regional investments and funding solutions for building the regional active transportation network;

WHEREAS, Metro staff has prepared and application for an Oregon Department of Transportation (ODOT) 2011 Transportation Growth Management (TGM) grant to fund development of a Regional Active Transportation Action Plan, now therefore;

BE IT RESOLVED that the Metro Council supports the development of a Regional Active Transportation Action Plan and directs the Metro Chief Operating Officer to submit a Transportation Growth Management grant application to the Oregon Department of Transportation to help fund the Regional Active Transportation Action Plan.

ADOPTED by the Metro Council this 10<sup>th</sup> day of March, 2011.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 11-4239, FOR THE PURPOSE OF SUPPORTING DEVELOPMENT OF A REGIONAL ACTIVE TRANSPORTATION ACTION PLAN

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Date: February 22, 2011

Prepared by: Lake McTighe  
503-797-1660

#### BACKGROUND

Metro is applying for a \$270,000 Oregon Department of Transportation (ODOT) Transportation Growth Management (TGM) grant for a Regional Active Transportation Action Plan that will identify the principle active transportation network for the region. Active transportation is the non-motorized element of the transportation system, and includes the bicycle and pedestrian networks with connections to public transportation. A national emphasis on active transportation has emerged in recent years, focusing on the fiscal, environmental and public health benefits of non-motorized travel.

The federal focus on active transportation is rapidly expanding and there may be more funding opportunities for biking and walking projects once the federal surface transportation bill is reauthorized. The Regional Active Transportation Action Plan will provide a regional framework for investing in active transportation projects. The Action Plan would identify the principle network of regional level biking and walking routes, connecting housing, jobs, and essential services and destinations. The plan would prioritize these routes for development. The Action Plan would determine the location and ideal spacing of the routes and would develop the “regional bike parkway” concept that was introduced in the 2035 RTP; the plan would propose a similar concept for pedestrians.

The development of an Action Plan was identified as one of the implementation activities to be completed upon adoption of the 2035 adopted in June 2010. It is also a key element of Metro’s Blue Ribbon Committee for Trails recommended strategy to develop the regional active transportation system.

The timing for completion of the Action Plan will allow it to be adopted as an ancillary part of the Regional Transportation Plan in the next update, scheduled for 2014. The Action Plan will guide local Transportation System Plans and the development of projects.

The region has a foundation of regional biking and walking plans, including the 1992 Regional Trails Plan, the 1974 Bikeway Plan for the Columbia-Willamette Valley, the 1983 Regional Bicycle Plan, and the bicycle and pedestrian system maps in the 2035 RTP. The Action Plan would update, synthesize and coordinate these plans, integrating biking walking and connections to transit into one *active transportation* plan. Local planning efforts and priorities would be acknowledged. Regional and local funding would be coordinated.

To date, the region’s investment approach has been piecemeal and opportunistic. The Action Plan would coordinate efforts across the region, proposing a “High Capacity Transit (HCT)” style plan for an active transportation network of the principle regional bicycle and pedestrian parkways. This approach would require and result in a regional framework and strategy for developing the network that partners across the region can effectively promote. This approach will help the region effectively compete for funding opportunities and address the challenges of climate change, obesity and other health issues, environmental pollution, and community building.

It is anticipated that development of the Action Plan will take approximately 18-months to complete depending on the level of funding awarded (the work can be phased to be flexible) and the majority of the work would be accomplished in-house by Metro staff. A regional work group of local jurisdictions, agencies and other stakeholders will provide technical and policy guidance to create a framework for a regionally agreed upon funding and implementation strategies. The *Executive Council for Active Transportation* will provide leadership to develop a business case for active transportation and identify new funding opportunities to complete the principle network.

The TGM grant awards are announced in June 2011. Funds are available upon completion of an Intergovernmental Agreements (IGA) between Metro and ODOT. The IGA must be finalized by Dec. 2011. Projects must be completed no later than June 30, 2013.

The TGM grant would fund core Metro activities for active transportation and would build on, support and be incorporated into four out of the five collaborative initiatives being advanced by Metro:

- **Community Investment Strategy:** Active transportation is an investment area in CIS. Prioritized active transportation projects, refined costs, funding options and implementation strategies from the Action Plan will serve CIS.
- **Integrated Corridor Planning:** Bicycle and pedestrian travel are key elements of multi-modal mobility corridors. Prioritized corridors, a refined Regional Bicycle Parkway concept with access to transit, and a proposed strategy to align active transportation investments along HCT corridors would be some of the elements of the plan serving this initiative.
- **Climate Smart Communities:** Identifying a regional “spine” for the scenarios, refining active transportation policy tools, funding and implementation strategies to accomplish build out of the network are elements that will serve this initiative.
- **Solid Waste Road Map:** Active transportation does not play a role in this initiative.
- **The Intertwine System Development Initiative:** Trails link The Intertwine system; prioritization of build out of trails, refined costs, funding options and implementation strategies will serve this initiative.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known
2. **Legal Antecedents** Resolutions 08-3936 “For the Purpose of Establishing the Blue Ribbon Committee For Trails”; Ordinance 09-1209 “Amending the FY 2008-09 Budget and Appropriations Schedule Transferring for the Integrated Mobility Strategy, adding 1.0 ft”; Resolution 09-4099 “For the Purpose of Accepting the Draft 2035 Regional Transportation Plan”; “Ordinance No. 10-1241B “For the Purpose of Amending the 2035 Regional Transportation Plan (Federal Component) and the 2004 Regional Transportation Plan to Comply with Federal and State Law; to Add the Regional transportation Systems Management and Operations Action Plan, the Regional Freight Plan and the High Capacity Transit System Plan; To Amend the Regional Transportation Functional Plan and Add it to the Metro Code; To Amend the Regional Framework Plan; And to Amend the Urban Growth Management Functional Plan”
3. **Anticipated Effects** This legislation demonstrates the support of the Metro Council to develop a Regional Active Transportation Action Plan and directs the Metro Chief Operating Officer to submit a grant application to the Oregon Department of Transportation (ODOT) for a 2011 Transportation Growth Management (TGM) grant. Anticipated effects of the legislation include the development of a

Regional Active Transportation Action Plan that will provide a regionally agreed upon framework for strategically investing in active transportation.

4. **Budget Impacts** The approximate cost of the Regional Active Transportation Action Plan project is \$300,000. If awarded a TGM grant by ODOT in the full amount of \$270,000 Metro will fund the remaining amount of the project, as required, with the minimum match of 11%, or \$33,000. These funds are already in the FY 2011-12 base budget for the Active Transportation Program. If the TGM grant amount is awarded at less than \$270,000, the project can be scaled to meet a lower grant award.

#### **RECOMMENDED ACTION**

Staff recommends the Metro Council support this resolution.