



METRO COUNCIL MEETING

Meeting Summary

Dec. 18, 2012

Metro, Council Chamber

Councilors Present: Council President Tom Hughes and Councilors Rex Burkholder, Kathryn Harrington, Carlotta Collette, Barbara Roberts, Carl Hosticka and Shirley Craddick

Councilors Excused: None

Council President Tom Hughes convened the regular council meeting at 2 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Council President Hughes requested that testimony on Resolution No. 12-4400 and Resolution No. 12-4398 be considered under Agenda Item Nos. 4.2 and 4.3 respectively. There were no additional citizen comment on other Metro items.

3. CONSENT AGENDA

Councilor Rex Burkholder requested that Resolution No. 12-4401 be removed from the consent agenda. Council President Hughes stated that the Council would consider the resolution following Agenda Item No. 4.3.

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| Motion: | Councilor Kathryn Harrington moved to approve the Dec. 18 consent agenda which consisted of: <ul style="list-style-type: none">• Consideration of the Minutes for Dec. 13, 2012. |
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| Vote: | Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> . |
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4. RESOLUTIONS

4.1 **Resolution No. 12-4399**, For the Purpose of Amending the Oregon Zoo Bond Implementation Plan and Oregon Zoo 20-Year Comprehensive Capital Master Plan.

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| Motion: | Councilor Shirley Craddick moved to approve Resolution No. 12-4399A. |
| Second: | Councilor Carlotta Collette seconded the motion. |

Councilor Craddick introduced Resolution No. 12-4399A. Councilor Craddick stated that last fall the Metro Council approved the Oregon Zoo's 20-year capital master plan, which included the zoo bond implementation plan and several projects. Zoo staff is now in the process of finalizing construction plans for the next phase of the Zoo Bond, which includes the onsite elephant habitat and related infrastructure. Councilor Craddick stated that complex, geotechnical and seismic related issues have increased the proposed implementation costs of the next phase of the projects and the 20-year capital master plan by \$13.1 million. She stated that the Zoo knew at that there was a strong likelihood that proposed project costs would increase given these geotechnical issues related to land in and around the zoo campus at Washington Park. As planned, staff has worked to refine and clarify initial project cost assumptions before proceeding further. She stated that the Zoo now knows the hard costs associated with bond projects involving the expansion of onsite elephant habitat, train improvements and sustainability enhancements, and that staff's due diligence allows the Zoo to more accurately pinpoint actual project costs and spend zoo bond dollars prudently. Councilor Craddick also noted, that the zoo bond program remains on budget and schedule and that the recommendations in Resolution No. 12-4399A ensure the program continues on this track. The resolution, if approved, would:

1. Reduce the proposed scope of the project by \$9.2 million for onsite elephant habitat, zoo train and sustainability improvements.
2. Utilize \$4.9 million from the unanticipated zoo bond premium.

Councilor Craddick thanked the Zoo staff for their diligence in trimming the non-essentials from the projects to achieve the \$9.2 million savings while ensuring that animal health and welfare remains the top priority. She highlighted examples of projects in the next phase that will help to achieve the goals of the zoo bond including LEED Silver certifications and an increased elephant plunge pool.

Councilor Craddick introduced Ms. Kim Smith and Mr. Craig Stroud of the Oregon Zoo for staff's presentation. Their presentation included information on the situation assessment, geotechnical conditions, the bond commitment, the zoo train, elephant habitat and infrastructure, and revised budget. Staff also outlined how the additional \$1 million – included in the Resolution No. 12-4399A – would be allocated such as increased elephant management options. Staff also welcomed Ms. Kim Overpage of the Oregon Zoo Foundation to show her support for the program and the requested budget amendment.

Discussion

Councilors expressed their support for the resolution and emphasized the importance of ensuring the best possible the visitor experience and elephant living experience. Councilors appreciated staff's work investigating options to address the budget gap while ensuring the best care and habitat for the elephants. Additional discussion included the Oregon Zoo Bond Citizen Oversight Committee report.

Vote:

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| Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> . |
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4.2 **Resolution No. 12-4400**, For the Purpose of Authorizing the Chief Operating Officer to Execute an Option to Purchase and Acquire Real Property for a Remote Elephant Center.

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| Motion: | Councilor Collette moved to approve Resolution No. 12-4400. |
| Second: | Councilor Carl Hosticka seconded the motion. |

Councilor Collette introduced Resolution No. 12-4400. Councilor Collette stated that the Metro Council passed Resolution No. 11-4230, which authorized the Chief Operating Officer to enter into options to purchase property for the purpose of providing an offsite elephant reserve under the 2008 zoo bond measure. She stated that later that year, in October 2011, the COO entered into an option agreement and agreement of purchase the Roslyn Lake property – a property owned by PGE. The property, located in Clackamas County and the former site of Roslyn Lake, is over 200 acres of open space and meets the criteria zoo staff outlined for the remote elephant center. Resolution No. 12-4400, if adopted, would authorize the COO to exercise the option and acquire the Roslyn Lake property. Councilor Collette stated that approval of the resolution would:

- Allow Metro to secure the site at a set price that is set to expire at the end of the year;
- Provide time to complete the operational plans and establish a fundraising plan for the remote elephant center;
- Provide opportunities for collaboration and to establish key networks and partnerships for ongoing operations; and
- Allow the Zoo to observe and learn lessons from other accredited remote elephant centers.

Additionally, she stated that the approval of the resolution is one step closer to realizing the community's vision for an offsite center for family herds.

Councilor Collette introduced Ms. Smith for staff's presentation. Her presentation included information on the need and vision for the offsite elephant center, the Roslyn Lake property, and the Zoo's future plan for the center. The option to purchase the property is scheduled to expire in October 2013; however, the property price will increase after December 31, 2012. The Roslyn Lake property is currently priced at \$1 million.

Council President Hughes opened the meeting for citizen comment on Resolution No. 12-4400:

- Tony Deis, Trackers Earth: Mr. Deis expressed his support for the resolution. He stated that his organization was looking to purchase the adjacent property to Roslyn Lake for a children's outdoor camp. He stated that he was unaware of the Zoo's plan to purchase the property until Resolution No. 12-4400 was noticed. He recommended additional community outreach on the scope of the project, etc. be completed.

Councilors stated that the project was in the initial phase and that the property needed to be purchased prior to outreach. Councilors also stated that while they had begun to meet with local jurisdictions and surrounding landowners, additional stakeholders needed to be identified. Councilors recommended that perhaps Mr. Deis could assist with this.

- Eric Phelps, In Defense of Animals: Mr. Phelps recommended that the Metro Council delay its vote on Resolution No. 12-4400. He referenced a recent article in the Willamette Week that stated that the purpose of the offsite center was for elephant breeding and to expand the herd. He stated that this was a different plan than the voters supported as part of the

Zoo bond measure. He stated that the shift in strategy raised serious questions for him on whether the Zoo is carrying out the wishes and expectations of the voters regarding funding for animal welfare. He encouraged the Council to delay its vote until the Zoo could demonstrate a plan to address the welfare and long-term care of the zoo's existing elephant herd.

- Ninette Jones, 7638 N. Interstate, Portland: Ms. Jones requested that the Metro Council delay its vote on the resolution. She stated that there had been a shift in strategy and that the offsite reserve was sold to the public as a place to enhance the livelihood of the current elephants, not as a world class breeding facility. She recommended that the \$30 million be used to send the current herd to a warmer climate. She requested that the Council delay its vote until the Zoo is transparent on how the funding and land will be used.
- Courtney Scott, Beyond Productions: Ms. Scott stated that she had advocated for the offsite elephant preserve since 2007. However, she stated that she has discovered that the offsite elephant preserve vision and plan are shortsighted and do not align with animal welfare. She stated that the elephants are living in a constricted area and that 1.2 acres is not sufficient space. Additionally, she stated that many of the current herd would not be sent to the offsite preserve and that those elephants that were sent would be bred. She recommended that the offsite reserve's vision be changed or that the money currently allocated for the offsite reserve be used to transport the elephants to a sanctuary.

Seeing no additional citizens who wished to address the Council, Council President Hughes opened the resolution for council discussion.

Discussion

Council asked clarifying questions about the site terrain and habitat, and timeline for public engagement. Councilors expressed their support for the resolution and stated that a solid business plan that ensures the Zoo has the revenue to implement the project is needed. Councilors acknowledged the citizen's concerns, but commented on the vast improvements made to date at the Oregon Zoo since it first open. Councilors emphasized the amount of funding the Zoo has allocated to help the endangered species. Additionally, councilors noted that the resolution was to purchase property for an offsite elephant habitat and that discussions on the use of the property would occur at a later date.

Vote: Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

4.3 Resolution No. 12-4398, For the Purpose of Referring to the Voters of the Metro Area a Local Option Levy for the Purpose of Preserving Water Quality, Fish and Wildlife Habitat and Maintaining Metro's Parks and Natural Areas for the Public.

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| Motion: | Councilor Barbara Roberts moved to approve Resolution No. 12-4398. |
| Second: | Councilor Harrington seconded the motion. |

Councilor Roberts introduced Resolution No. 12-4398, which if adopted, would refer to the voters a five-year local option levy at a rate of \$0.096 per 1,000. The referral would be placed on the May 2013 ballot. Councilor Roberts stated that in May 1995 the Metro area voters approved a \$135 million bond for Oregon spaces, parks, and streams and instructed Metro to purchase natural areas

for the protection of water quality, wildlife habitat, and to provide opportunities for the public to engage with nature. Then again in 2006, the voters approved a \$227 million bond to continue to acquire natural areas. Thanks to the two bond measures, and the land transferred to Metro from Multnomah County, Metro's land portfolio as grown to approximately 16,000 acres. Since legally the bond funds cannot be used to maintain the natural areas, Metro has continued to allocate other budget dollars to care for these natural areas. However, the financial model is not sustainable as Metro's responsibility continues to grow and general fund resources continue to decline. Councilor Roberts stated that at the beginning of 2012 Metro began to thoroughly discuss alternative funding opportunities to address this challenge. She briefly outlined all of the public engagement to date including Opt-In surveys, the independent advisory panel, and public polling. Additionally, Councilor Roberts acknowledged local mayors' concerns regarding tax compression, but believed that Metro must be responsible and step up and take care of the lands acquired with taxpayer money.

Councilor Roberts introduced Mr. Jim Desmond for staff's presentation. His presentation included information on how the levy funds would be allocated, conservation education programs, volunteer engagement, available community grants, and examples of how sites could be restored, receive park maintenance or improved for visitors (e.g. safety) should the measure be passed.

Council President Hughes opened the meeting for citizen comment on Resolution No. 12-4398:

- Tom Liptan, Urban Greenspaces Institute: Mr. Liptan was in support of the resolution. He stated that the levy would provide Metro a first step in addressing the lack of operation and maintenance funds for its natural areas. He stated that while some have expressed concerns with the potential impacts to local jurisdictions, the Institute did not believe the levy – at less than \$0.10 per \$1000 – would not burden local residents. He believed voters gave clear direction to Metro to manage the natural areas and emphasized that that the levy was only the first small step in solving larger funding challenges. Additional comments addressed the need to create operating and maintenance revenues for all park providers, and to work with the state legislature on compression. (Written testimony included as part of the meeting record.)
- Carol Chesarek, 13300 NW Germantown Road, Portland: Ms. Chesarek expressed her support for the resolution. She stated that she was puzzled by the mayors' concern, given that the levy would create jobs. She encouraged Metro and local jurisdictions to work together in Salem to change compression issues. She emphasized her support for the levy and its ability to address issues such as maintenance and removal of invasive species. She thanked Metro for its leadership and stated that the levy was a smart and financially responsible proposal.
- John Charles, Cascade Policy Institute: Mr. Charles presented the Council with three points. First, he questioned the budget methodology behind the levy. He referenced a recent 2011 report that stated that the net O&M costs for Metro's natural areas totaled \$630,000 not \$10 million as proposed to be generated by the levy. Secondly, he did not believe that cutting other Metro programs and reallocating funds to maintain natural areas was seriously considered. He offered that reductions to Metro staff could help to save money. Lastly, Mr. Charles stated that there has always been a clear bias against human access to natural areas. He believed that the proposed 5 to 15 percent of the levy to be allocated to signage, parking facilities, restrooms, etc. was too low.

- Bob Sallinger, Audubon Society: Mr. Sallinger expressed the Audubon's strong support for the levy. He stated that the emphasis has been rightly placed on protecting lands at risk of development or being lost, but also emphasized that the region is faced with a large backload of maintenance and restoration. He cautioned that waiting to address these issues would only be more expensive and difficult to accomplish. He also addressed the need to increase access for the public and stated that every person should have access to nature. Additional comments addressed the importance of protecting urban species, and recommendations focus on equity issues (e.g. employment) and to allocate 15 percent of the levy funds to community grant programs such as Nature in Neighborhoods.
- David Pollock, 12237 NW Tualatin, Portland: Mr. Pollock served on the Oversight Committee for the bond and the special panel referenced by Councilor Roberts. He emphasized the need for funding for maintenance and operations for Metro's natural areas. Additionally, he stated that Metro staff has the capacity and capability to implement this program. He expressed his full support for the resolution.

Councilors asked clarifying questions about the group's recommendation to list the allocation of the levy as percentages – such as 5 to 15 percent for community project grants. Mr. Pollock believed that the range approach was very practical. He emphasized that the allocations were not a wish list, but that it was a practical list of the costs and the investments needed to fulfill voters' requests.

- Kendra Smith, 10565 NW Skyline Boulevard, Portland: Ms. Smith expressed her support for the levy. As an ecologist, she stated that she has rarely visited a natural area not in need of maintenance or long-term stewardship for ecological decline. She stated that the average riparian project takes seven to ten years to establish and costs approximately \$15,000 per acre. She stated that Washington County alone is spending \$100,000 per year on these efforts. Ms. Smith believed the levy was the first step in addressing these issues, but encouraged the Council to develop a strategy for ongoing stewardship (in partnership with other park providers) for all natural area assets in the region. Lastly, she requested that Forest Park also be considered to receive levy funding.
- Catherine McDonald, The Nature Conservancy: Ms. McDonald expressed the Conservancy's support for the resolution. She stated that the Metro region serves and supports critical fish and wildlife habitat in Oregon as well as provides significant benefits to the region's people through greenspace infrastructure, and education and recreation opportunities. She stated that it was critical that Metro begin to provide funding for management of its natural areas. She stated that the Conservancy has a standard operating procedure that sets funds aside for every endowment received to ensure the investments are cared for for future generations.

Seeing no additional citizens who wished to address the Council, Council President Hughes opened the resolution for council discussion.

Discussion

Councilors thanked testifiers for their comments and encouraged them to reach out to their constituencies to support the levy. Councilors emphasized that the previous bond measures were not just about acquiring land, but about values – values that support clean air, preserve fish and wildlife habitat, and provide open space close to urban areas. Councilors clarified that approval of the resolution would refer the issue to the voters, and emphasized that Metro should give voters

the opportunity to support these values and choose if maintenance of natural areas is important to them.

Councilors expressed their support for the resolution citing multiple reasons including jobs, funding to maintain current parks and natural areas, conservation education and public access to nature, parks and trails relationship to economic development, and community grants such as the Nature in Neighborhood grants. Additionally, Councilors emphasized that access to nature is one of the most distinctive elements of the Metro area and is absolutely essential to residents' and future generations' wellbeing. Councilors also addressed concerns related to compression, stating that it is hard to discuss compression as it really depends on a property per property basis. That said, councilors did say there were 4 things about compression that were absolute: (1) the bond measure would not affect any bond measure that had been passed by any jurisdictions in the region – specially general obligation bonds; (2) the measure would not affect any levy passed for school districts; (3) the measure would not impact any permanent levies (e.g. Multnomah County's levy for libraries); and (4) the levy constitutes 1 percent of the total capacity that can be taxed on the general government's side of the measure. Councilors stated that the impact of the measure would be miniscule and that the above 4 things would be true for 2013, 2014, and 2015.

Additional discussion included public outreach completed to date, and the support of the Citizen Oversight Committee. Councilors noted the Oversight Committee's interest in helping with work plans and implementation should the levy pass. Councilors also encouraged attendees to review Metro's *Natural Areas portfolio* document available at www.oregonmetro.gov and the *Regional Conservation Strategy* available at www.theintertwine.org.

Vote:

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| Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> . |
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4.4 **Resolution No. 12-4401**, For the Purpose of Amending the Resolution No. 12-4383 Setting Policy Direction on the Regional Flexible Funding Allocation (RFFA) Process for Federal Fiscal Years 2016-18.

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| Motion: | Councilor Burkholder moved to approve Resolution No. 12-4401. |
| Second: | Councilor Collette seconded the motion. |

Councilor Burkholder introduced Resolution No. 12-4401. Councilor Burkholder stated that Metro, as the Metropolitan Planning Organization (MPO), is responsible for programing several transportation dollars allocated by Congress. Over the year, in collaboration with Metro's regional partners, the agency has developed a rigorous process for project development and review. The funds, used to support projects and programs such as light rail or *Drive Less Save More*, are critical for the region. Councilor Burkholder stated that as part of the 2016-18 cycle, the region received an additional \$33.8 million from Congress thanks to the adoption of MAP-21. The resolution, if adopted, would acknowledge five potential projects for the additional funds. Councilor Burkholder stated that the five projects would still be required to undergo the rigorous review and public comment in 2013. He highlighted Exhibit A to the resolution, which outlines 8 criteria to be used in reviewing the projects. The Joint Policy Advisory Committee on Transportation approved the resolution at the December committee meeting.

Councilor Collette reiterated that the proposals would be available for public comment, but did compliment Metro's regional partners for their collaboration, and selection and endorsement of

regionally significant projects. Councilors stated that the list of projects is, essentially, the 100 percent list for this funding. That said, councilors reminded viewers that the \$33.8 million was only one of the three pieces of the Regional Flexible Funds.

Vote:

Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

5. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett's thanked the outgoing councilors for their service and stated that she admired how the current council could work together and work through problems.

6. COUNCILOR COMMUNICATION

Ms. Bennett, Ms. Alison Kean Campbell, and Councilors Hughes, Harrington, Craddick and Collette read a resolution recognizing the outgoing councilors for their service and contributions to Metro. Councilor Burkholder thanked fellow councilors, Metro staff and the public and stated that he was proud to have served on the Metro Council for the past 12 years.

Councilor Harrington stated that the Land Conversation and Development Commission is expected to release its written order on the Portland metropolitan area's urban growth boundary decision by Friday, Dec. 21.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:15 p.m. The Metro Council will be on recess Dec. 19, 2012 to Jan. 7, 2012. The Metro Council will convene the next regular council meeting on Thursday, Jan. 10 at 2 p.m. at the Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DEC. 18, 2012

| Item | Topic | Doc. Date | Document Description | Doc. Number |
|-------------|--------------|------------------|---|--------------------|
| 3.1 | Minutes | 12/13/12 | Council minutes for Dec. 13, 2012 | 121812c-01 |
| 4.1 | Legislation | N/A | Resolution No. 12-4399A | 121812c-02 |
| 4.1 | PowerPoint | 12/11/12 | Oregon Zoo Elephant Habitat & Related Infrastructure | 121812c-03 |
| 4.2 | PowerPoint | 12/18/12 | Oregon Zoo Remote Elephant Center Property Acquisition and Timeline | 121812c-04 |
| 4.3 | PowerPoint | 12/18/12 | Natural Areas Local Option Levy - Challenges and Opportunities | 121812c-05 |
| 4.3 | Testimony | N/A | Collated Comments Received on Resolution No. 12-4398 | 121812c-06 |