

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, Jan. 9, 2014
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of the Council Minutes for
Dec. 19, 2013

3.2 **Resolution No. 14-4497**, For the Purpose of **Heidi Rahn, Oregon Zoo**
Confirming the Appointment of Members to the
Oregon Zoo Bond Citizens' Oversight
Committee.

4. RESOLUTIONS

4.1 **Resolution No. 14-4494**, For the Purpose of **Tom Hughes, Metro Council**
Organizing the Metro Council and the Deputy
Council President and Confirming Committee
Members.

4.2 **Resolution No. 14-4495**, For the Purpose of **Tom Hughes, Metro Council**
Appointing the Following Members to the
Metro Policy Advisory Committee (MPAC):
Wilda Parks as Clackamas County Citizen
Member and Maxine Fitzpatrick as Multnomah
County Citizen Member.

4.3 **Resolution No. 14-4499**, For the Purpose of **Tim Collier, Metro**
Authorizing an Exemption From Competitive
Bidding and Authorizing Procurement by
Request for Proposals for the Construction of
the New Education Center at the Oregon Zoo
and Associated Infrastructure.

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

ADJOURN

Continued on back...

Television schedule for Jan. 9, 2014 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Jan. 9</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Jan. 12, 7:30 p.m. <i>Date:</i> Monday, Jan. 13. 28, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Jan. 13, 2 p.m.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Jan. 11, 11 p.m. <i>Date:</i> Sunday, Jan. 12, 11 p.m. <i>Date:</i> Tuesday, Jan. 14, 6 a.m. <i>Date:</i> Wednesday, Jan. 15, 4 p.m.</p>
<p>Oregon City and 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>	

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. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. 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.

Metro’s nondiscrimination notice

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro’s civil rights program, or to obtain a Title VI complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet’s website at www.trimet.org.

Agenda Item No. 3.1

Consideration of the Council Minutes for Dec. 19, 2013

Consent Agenda

Metro Council Meeting
Thursday, Jan. 9, 2013
Metro, Council Chamber

Agenda Item No. 3.2

Resolution No. 14-4497, For the Purpose of Confirming the
Appointment of Members to the Oregon Zoo Bond Citizens'
Oversight Committee.

Consent Agenda

Metro Council Meeting
Thursday, Jan. 9, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 14-4497
APPOINTMENT OF MEMBERS TO THE)
OREGON ZOO BOND CITIZENS' OVERSIGHT) Introduced by Council President Tom Hughes
COMMITTEE)

WHEREAS, Metro Code Chapter 2.19 establishes the Oregon Zoo Bond Citizens' Oversight Committee whose members are to be appointed by the Metro Council President subject to confirmation by the Metro Council;

WHEREAS, the Metro Council President has appointed two members as set forth in Exhibit "A" attached hereto;

WHEREAS, the Metro Council desires to confirm the appointments; now therefore

BE IT RESOLVED that the Metro Council confirms the appointments to the Oregon Zoo Bond Citizens' Oversight Committee as set forth in Exhibit "A" attached hereto.

ADOPTED by the Metro Council this ninth day of January 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Biographies of Oregon Zoo Bond Citizens' Oversight Committee Members

Exhibit A to Resolution No. 14-4497

Oregon Zoo Bond Citizens' Oversight Committee

Committee Member Appointments

The following persons served an initial term of two years from Jan. 1, 2012 to Dec. 31, 2013, and shall serve a second two-year term from January 1, 2014 to Dec. 31, 2015:

Sharon Harmon	Executive Director, Oregon Humane Society
Bill Kabeiseman	Attorney, Garvey Schubert Barer

Member Biographies (in alphabetical last name order)

Sharon Harmon

Sharon Harmon is the executive director of the Oregon Humane Society and has been a professional in the field of animal care and welfare for more than 30 years. She has helped lead the Oregon Humane Society, the state's largest and oldest animal protection organization, for 24 years and has served as its Executive Director since 1998. She holds a Bachelor of Science, Zoology (Pre-Vet Med), from Oregon State University and a Certificate in Nonprofit Business Administration and Management from Johns Hopkins University, and is a Certified Animal Welfare Administrator. She serves on advisory boards for Banfield Pet Hospital and Merck Pharmaceuticals. Recipient of the American Veterinary Medical Association's Humane Award for 2008, she currently serves on the board and is past Chairman of the National Federation of Humane Societies.

Bill Kabeiseman

Bill Kabeiseman is an attorney at Garvey Schubert Barer specializing in land use and municipal law. He graduated from the University of Oregon School of Law and later served as an adjunct professor teaching land use law at the school. Bill chaired the Oregon State Bar Task Force on Sustainability and is on the Multnomah County Planning Commission.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4497, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF MEMBERS TO THE OREGON ZOO BOND CITIZENS' OVERSIGHT COMMITTEE

Date: Dec. 20, 2013

Prepared by: Heidi Rahn (503) 220-5709

BACKGROUND

Metro Code Chapter 2.19 establishes the Oregon Zoo Bond Citizens' Oversight Committee ("Oversight Committee"). The Oversight Committee shall be composed of no fewer than 13 and no more than 19 members, to be appointed by the Metro Council President subject to Metro Council confirmation. The Committee currently has 14 members, with the term of two members expiring Dec. 31, 2013. To maintain Oversight Committee membership, Resolution No. 14-4497 reappoints two members.

The purpose and authority of the Oversight Committee is to convene periodically to review progress on the Oregon Zoo Bond Measure 26-96 project improvements, monitor spending ("Program Progress"), and consider and recommend project modifications if inflationary increases in construction costs exceed current budget estimates. The Oversight Committee shall report annually to the Metro Council regarding such Program Progress, which report shall set forth the Oversight Committee's recommendations for project modifications, if any.

The Oversight Committee's members shall primarily be professionals with experience in construction, sustainability, finance, auditing, public budgeting, banking and general business.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known
2. **Legal Antecedents:** Metro Code Chapter 2.19
3. **Anticipated Effects:** Reappoints two members.
4. **Budget Impacts:** None

RECOMMENDED ACTION

Adoption of Resolution No. 14-4497.

Agenda Item No. 4.1

Resolution No. 14-4494, For the Purpose of Organizing the
Metro Council and the Deputy Council President and
Confirming Committee Members.

Resolutions

Metro Council Meeting
Thursday, Jan. 9, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ORGANIZING THE) RESOLUTION NO. 14-4494
METRO COUNCIL AND THE DEPUTY)
COUNCIL PRESIDENT AND CONFIRMING) Introduced by Council President
COMMITTEE MEMBERS) Tom Hughes

WHEREAS, the Metro Charter, Chapter IV, Section 16 (5) and the Metro Code, Chapter 2.01 direct the Council to adopt an annual organizing resolution for the orderly conduct of Council business; and

WHEREAS, the Metro Charter, Chapter IV, Section 16(5) and Section 2.01.010 of the Metro Code directs the Metro Council at its first meeting of the year to elect a Deputy Council President for the ensuing year; allows the Metro Council to establish such committees as the Council deems necessary for the orderly conduct of Council business; and provides that the Council President shall appoint committee members and committee chairs subject to confirmation by the Council by resolution; and

WHEREAS, the Council President has nominated Councilor Sam Chase to serve as the Deputy Council President for 2014; and

WHEREAS, the Council President has appointed Councilor Craig Dirksen as Chair of the Joint Policy Advisory Committee on Transportation (JPACT), and has appointed Councilors Shirley Craddick and Carlotta Collette as the three (3) voting members of JPACT, and Councilor Kathryn Harrington as an alternate member of JPACT; and

WHEREAS, the Council President has appointed Councilors Sam Chase, Kathryn Harrington, and Bob Stacey as the three (3) non-voting liaison delegates members the Metropolitan Policy Advisory Committee (MPAC); now therefore

BE IT RESOLVED:

- 1. That the Metro Council elects Councilor Sam Chase as Deputy Council President for 2014; and
- 2. That the Metro Council confirms the appointments of the Councilors nominated above to JPACT and MPAC.

ADOPTED by the Metro Council this ____ day of January 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

Agenda Item No. 4.2

Resolution No. 14-4495, For the Purpose of Appointing the Following Members to the Metro Policy Advisory Committee (MPAC): Wilda Parks as Clackamas County Citizen Member and Maxine Fitzpatrick as Multnomah County Citizen Member.

Resolutions

Metro Council Meeting
Thursday, Jan. 9, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING THE) RESOLUTION NO. 14-4495
FOLLOWING MEMBERS TO THE METRO)
POLICY ADVISORY COMMITTEE (MPAC):) Introduced by Council President
WILDA PARKS AS CLACKAMAS COUNTY) Tom Hughes
CITIZEN MEMBER AND MAXINE
FITZPATRICK AS MULTNOMAH COUNTY
CITIZEN MEMBER.

WHEREAS, the Metro Charter, Chapter V, Section 26 (1) (m), provides that three citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Council President and confirmed by the Metro Council: and

WHEREAS, the Council President has appointed Maxine Fitzpatrick as citizen member for Multnomah County and Wilda Parks as citizen member for Clackamas County, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED that the Metro Council confirms the appointment of Maxine Fitzpatrick and Wilda Parks as members of the Metro Policy Advisory Committee (MPAC).

ADOPTED by the Metro Council this ____ day of January 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4495, FOR THE PURPOSE OF APPOINTING THE FOLLOWING MEMBERS TO THE METRO POLICY ADVISORY COMMITTEE (MPAC); WILDA PARKS AS CLACKAMAS COUNTY CITIZEN MEMBER AND MAXINE FITZPATRICK AS MULTNOMAH COUNTY CITIZEN MEMBER.

Date: December 26, 2013

Prepared by: Colin Deverell

BACKGROUND

Pursuant to the Metro Charter, Chapter V Section 26 (1) (m), the Metro Council President is tasked with the appointment of citizen representatives on the Metro Policy Advisory Committee (MPAC). Council President Tom Hughes has appointed two citizen representatives to serve on the committee: Ms. Maxine Fitzpatrick and Ms. Wilda Parks. This resolution confirms these appointments.

Ms. Maxine Fitzpatrick is the executive director of Portland Community Reinvestment Initiatives, Inc., a community development organization that manages a broad housing portfolio in the Portland area. She is also a member of the N/NE Economic Development Alliance, North Macadam Urban Renewal Area Advisory Council and the TriMet Citizens' Advisory Council. Previously, she worked in a variety of roles in Milwaukee, Wisconsin, supporting urban rehabilitation and housing development.

Ms. Wilda Parks is the vice-president of External Affairs for the North Clackamas County Chamber of Commerce, having previously served as President/CEO for thirteen years. She served as vice chair of the region's Comprehensive Economic Development Strategy (CEDS) advisory board, a member of the City of Milwaukie's Economic Development Advisory Group and Main Street team. Ms. Parks is also a member of the Clackamas County Cultural Commission.

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:**

The Metro Charter V Section 26 (1) (m), provides that MPAC shall include three citizens appointed by the Council President and confirmed by the Council.

MPAC by-laws specify that citizen appointments are to be for a term of not less than two years. Taking this into account, staff recommends that these appointments to MPAC be for a two-year term, commencing upon confirmation.

3. **Anticipated Effects:** New citizen members will be appointed to MPAC.

4. **Budget Impacts:** None.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 14-4495.

Agenda Item No. 4.3

Resolution No. 14-4499, For the Purpose of Authorizing an Exemption From Competitive Bidding and Authorizing Procurement by Request for Proposals for the Construction of the New Education Center at the Oregon Zoo and Associated Infrastructure.

Resolutions

Metro Council Meeting
Thursday, Jan. 9, 2013
Metro, Council Chamber

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 14-4499
EXEMPTION FROM COMPETITIVE BIDDING)
AND AUTHORIZING PROCUREMENT BY) Introduced by Chief Operating Officer Martha
REQUEST FOR PROPOSALS FOR THE) Bennett, with the concurrence of Council
CONSTRUCTION OF THE NEW EDUCATION) President Thomas Hughes
CENTER AT THE OREGON ZOO AND)
ASSOCIATED INFRASTRUCTURE)

WHEREAS, at the General Election held on November 4, 2008, the Metro Area voters approved Oregon Zoo Bond Measure 26-96, entitled “Bonds to Protect Animal Health And Safety; Conserve and Recycle Water,” a major component of which is the construction of a new regional conservation education center, which includes associated infrastructure work such as a public plaza with guest amenities, a storm water detention planter, visitor path upgrades, a separate education program participant entrance and utility upgrades (the “New Education Center”); and

WHEREAS, construction of the New Education Center is planned for Metro fiscal years 2015 through 2016; and

WHEREAS, ORS 279C.335 and Metro Code 2.04.054 require that all Metro public improvement contracts shall be procured based on competitive bids, unless exempted by the Metro Council, sitting as the Metro Contract Review Board; and

WHEREAS, the Oregon Zoo wishes to obtain an exemption from competitive bidding, and instead procure the construction of the New Education Center by an alternative contracting method known as Construction Manager/General Contractor (CM/GC); and

WHEREAS Metro Code Section 2.04.054(c) authorizes the exemption of a public improvement contract from competitive bidding and the appropriate use of alternative contracting methods that take account of market realities and modern innovating contracting and purchasing methods, so long as they are consistent with the public policy of encouraging competition, subject to the requirements of ORS 279C.335; and

WHEREAS, ORS 279C.335(4) requires that the Metro Contract Review Board hold a public hearing and adopt written findings showing that: the exemption of a public improvement contract from competitive bidding is unlikely to encourage favoritism in the awarding of public improvement contracts; said exemption is unlikely to substantially diminish competition for public improvement contracts; and that said exemption will likely result in substantial cost savings to Metro; now therefore

BE IT RESOLVED THAT THE METRO CONTRACT REVIEW BOARD:

1. Exempts from competitive bidding the procurement and award of a public improvement contract for the construction of the New Education Center; and
2. Adopts as its findings in support of such exemption the justifications, information and reasoning set forth on the attached Exhibits A and B, which are incorporated by this reference as if set forth in full; and
3. Authorizes the Chief Operating Officer to prepare a form of Request for Proposals for Construction Management/General Contractor that includes as criteria for contractor selection the

contractor's proposed contract management costs for pre-construction services, contractor's proposed overhead and profit costs for construction services, contractor's demonstrated public improvement project experience and expertise, the contractor's demonstrated Construction Manager/General Contractor project experience, the contractor's completion of projects of similar scale and complexity, the contractor's demonstrated quality and schedule control, the contractor's experience in incorporating sustainability construction practices and design into projects, and the contractor's record of and commitment to the use of minority, women and emerging small businesses (MWESB) and any other criteria that ensures a successful, timely, and quality project, in the best interest of Metro; and

4. Following the approval of said form of Request of Proposals by the Office of the Metro Attorney, to issue such approved form, and thereafter to receive responsive proposals for evaluation; and
5. Following evaluation of the responses to the Request for Proposals, authorizes the Chief Operating Officer to execute a contract with the most advantageous proposer to construct the New Education Center.

ADOPTED by the Metro Council this _____ day of January 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

EXHIBIT A

Findings in Support of an Exemption from Competitive Bidding

Pursuant to ORS 279C.335(2) and (4), and Metro Code Section 2.04.054(c), the Metro Contract Review Board makes the following findings in support of exempting the procurement of the Education Center at the Oregon Zoo from competitive bidding, in favor of an RFP solicitation for a Construction Manager/General Contractor public improvement construction contract:

1. The exemption is unlikely to encourage favoritism or substantially diminish competition.

The Metro Contract Review Board finds that exempting the procurement of the construction of the Education Center from competitive bidding is “unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts” as follows: The RFP will be formally advertised with public notice and disclosure of the planned CM/GC alternative contracting method and made available to all qualified contractors. Award of the contract will be based on the identified selection criteria and dissatisfied proposers will have an opportunity to protest the award. Full and open competition based on the criteria set forth in the Metro Contract Review Board resolution will be sought, with the contract award going to the most advantageous proposer. Competition will be encouraged by: contacting local sub-contractors, including MWESB firms and notifying them of any opportunities within their area of expertise; utilizing the Oregon Daily Journal of Commerce and a minority business publication for the public advertisement; performing outreach to local business groups representing minorities, women and emerging small businesses; and by contacting contractors known to Metro to potentially satisfy the RFP criteria. Given the size of the project and the present market conditions, it is likely that the same general contractors that would have bid on the project will also submit a proposal in response to the RFP.

2. The exemption will likely result in substantial cost savings to Metro.

The Metro Contract Review Board finds that exempting the procurement of the construction of the Education Center from competitive bidding will likely result in substantial costs savings to Metro, considering the following factors:

- a. **Operational, budget and financial data:** Utilizing an RFP process to select a CM/GC will allow Metro to obtain guaranteed maximum price project costs from the construction contractor(s), and also allow for cost reductions through pre-construction services by the contractor during the design phase, including a constructability review, value engineering, and other services. Given the high degree of complexity of the project improvements, the need to integrate with pre-existing infrastructure, and challenging environmental and topographical site constraints, involving the contractor early during the design process fosters teamwork that results in a better design, fewer change orders, and faster progress with fewer unexpected delays, resulting in lower costs to Metro. Faster progress and an earlier completion date will also help Metro avoid the risk of inflationary increase in materials and construction labor costs.
- b. **Public Benefits:** The expeditious completion of the project by using the CM/GC process will help ensure that the new Education Center is available for regional conservation education partners, zoo education program participants and the public as

soon as possible, thus more quickly bringing economic benefits to the Zoo and to the Metro Area. In addition to the public benefits from the cost savings noted above, the procurement of a CM/GC construction contract through RFP process will help realize Metro's aspirational goal of obtaining 15 percent MWESB participation by enabling a qualitative review of proposers' approach to MWESB outreach and mentoring partnerships.

- c. **Value engineering:** The CM/GC process will enable the contractor to work with the project architect and the Zoo bond staff to help reduce construction costs by providing early input and constructability review to designers, avoiding costly redesigns and change orders, and providing opportunities for the architects and contractor to work together on both practical and innovative solutions to complex design issues. This type of contract will allow the designers to more easily explore with the contractor the feasibility of innovative design solutions and incorporate ongoing value engineering. Such solutions are expected to result in a more innovative project, at a lower cost, with shortened project completion time.
- d. **Specialized expertise required.** Unique projects require special qualifications. The Education Center project includes work that can only be performed by a few specialists and which will require a design team and contractor with depth of experience, including but not limited to: green building; specific animal husbandry and laboratory requirements; integration of large artworks; large-scale utility work through identified landslide areas, and full-time traffic control and guest safety. The selection of a contractor with such specialized expertise to construct the project will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on or ahead of schedule, resulting in lower costs and increased benefit to the community. The ability to factor expertise and experience into contractor selection is inherent in the RFP process, but is not normally part of the traditional competitive bid process.
- e. **Public safety:** The Education Center is a complex project subject to a tight construction schedule. Construction will occur across a large swath from the western entrance to Washington Park to the center of the zoo while the rest of the Zoo continues to be safely open to the public. The CM/GC contracting process will enable the contractor to work with the project architect and the Zoo construction and design staff to plan for minimizing safety hazards and conflict between the project and ongoing Zoo operations, by providing early input into issues of project phasing, construction staging areas, construction access corridors, and scheduling. Such integrated early planning efforts are expected to limit delay causing conflicts and decrease risks to public safety, thus reducing the risk of delays and costly injury claims.
- f. **Technical complexity:** The design and construction of zoo exhibits requires technical expertise, knowledge, and experience, all of which can be factored into the contractor selection in the RFP process. The selection of a contractor with demonstrated experience and success in implementing such projects will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on budget, with fewer construction delays and change orders, resulting in lower costs and increased benefit to the community. The RFP process will take into account each contractor's past performance and technical knowledge. Based on the necessary quality of the finished project, and the technical complexity

of the undertaking, the Procurement Manager believes an alternative contracting process to be necessary and in the best interest of the agency.

EXHIBIT B

Findings in Support of Use of Alternative Contracting Method

In February 2011, Pinnell/Busch, Inc., an experienced construction management firm in Portland, Oregon, worked with the Zoo's bond project team and a number of industry experts in alternative contracting methods (primarily members of the Oregon Public Contracting Coalition) to survey industry practices and results. The team's final report, recommended Construction Management by General Contractor (CM/GC) as a beneficial contracting process for zoo bond projects.

Utilizing an RFP process will not diminish competition, as it will allow for open competition among contractors experienced in CM/GC projects. The RFP will be formally advertised in local publications and posted on Metro's web site, as well as mailed to known experienced contractors. CM/GC is now the most widely used contracting method for large, mission-critical, public building projects in Oregon.

Properly implemented CM/GC contracting provides a process that ensures a successful project. Frequently cited benefits of the method include:

1. Results in a better design that meets the owner's objectives
2. Encourages competition, especially for Minority, Women, and Emerging Small Business (MWESB) subcontractors
3. Can be completed in a faster time frame
4. Costs less than a design-bid build project that is designed and constructed in the traditional manner
5. Reduces the risks of delays, cost overruns, and disputes
6. Limits the number of change orders for unforeseen conditions

These benefits would likely be particularly present for projects constructed in the Zoo's working environment which is complicated by the following factors:

1. Continual operations (24/7 basis)
2. Widespread public access and need for a quality visitor experience to maintain current revenues
3. Extremely sensitive and dangerous occupants
4. Very difficult site layout, work site access, and geotechnical conditions
5. Highly specialized exhibit construction means and methods
6. Extensive program goals with somewhat limited budget for the anticipated scope and quality

A key benefit of CM/GC is involving a contractor during the design process. Pre-construction services offered during this process include a constructability review, value engineering, and other services during design. Involving a contractor during the design fosters teamwork that results in a better design, faster progress with fewer delays, and less costs.

In addition, the use of an alternative contracting process will also satisfy the requirement set forth in ORS 279B.085(6) that the contract will be awarded to the entity that is "the most advantageous to the contracting agency."

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4499 FOR THE PURPOSE OF
AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND AUTHORIZING
PROCUREMENT BY REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF THE
NEW EDUCATION CENTER AT THE OREGON ZOO AND ASSOCIATED
INFRASTRUCTURE

Date: January 9, 2014

Prepared by: Tim Collier, 503-797-1913
Brent Shelby, 503-525-4240

BACKGROUND

The Oregon Zoo plans to construct a regional conservation education center as part of executing the 2008 capital improvements bond, including associated infrastructure work; a public plaza with guest amenities, a storm water detention planter, visitor path upgrades, a separate education program participant entrance and upgrading utilities.

Recognizing the complexity of this project, Metro referred to analysis performed under contract by Pinnell Busch, a project management consulting firm, on recommended procurement and construction delivery methods for zoo bond program projects. Pinnell Busch collaborated with the Oregon Public Contracting Coalition whose findings concluded a Construction Management by General Contractor (CM/GC) would be the best contracting method for projects constructed in the zoo's working environment. The CM/GC recommendation is supported by the Oregon Zoo Bond Citizens' Oversight Committee and is a common procurement practice used by public agencies in the region.

Findings in Exhibits A and B describe the specialized nature of this project. Based on these findings, the Metro Procurement Manager believes that a value-based selection process is more appropriate than a traditional, competitive bid (which solely considers lowest bid price). Zoo Bond Program management staff and the Office of Metro Attorney concur the CM/GC method is the most beneficial to Metro.

Therefore, it is recommended to Council that the CM/GC alternative procurement process be authorized. This will allow Metro to consider cost as well as experience and expertise in completing similar projects and in selecting the most advantageous contractor for this project

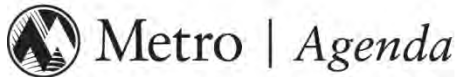
ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.054, 2.04.054c; Oregon Revised Statutes 279C.335(4).
3. **Anticipated Effects** Public procurement process will be open and competitive, but items other than cost will be considered in the awarding of the contract. Increased use of MWESB subcontractors is anticipated.
4. **Budget Impacts** The CM/GC process offers safeguards for cost control of the project, including early involvement by construction contractor in the design process, as well as a limited change orders.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the use of a Construction Manager General Contractor process and exempts this project from traditional competitive bidding. Further, Council authorizes the execution of the resulting contract by the Chief Operating Officer in a form to be approved by the Office of the Metro Attorney.

Materials following this page were distributed at the meeting.



REVISED, 1/9/14

Meeting: Metro Council
Date: Thursday, Jan. 9, 2014
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of the Council Minutes for Dec. 19, 2013

3.2 **Resolution No. 14-4497**, For the Purpose of Confirming the Appointment of Members to the Oregon Zoo Bond Citizens' Oversight Committee.

4. RESOLUTIONS

4.1 **Resolution No. 14-4494**, For the Purpose of Organizing the Metro Council and the Deputy Council President and Confirming Committee Members. **Tom Hughes, Metro Council**

4.2 **Resolution No. 14-4495**, For the Purpose of Appointing the Following Members to the Metro Policy Advisory Committee (MPAC): Wilda Parks as Clackamas County Citizen Member and Maxine Fitzpatrick as Multnomah County Citizen Member. **Tom Hughes, Metro Council**

5. CONTRACT REVIEW BOARD

5.1 **Resolution No. 14-4499**, For the Purpose of Authorizing an Exemption From Competitive Bidding and Authorizing Procurement by Request for Proposals for the Construction of the New Education Center at the Oregon Zoo and Associated Infrastructure. **Tim Collier, Metro**

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Continued on back...

Television schedule for Jan. 9, 2014 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Jan. 9</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Jan. 12, 7:30 p.m. <i>Date:</i> Monday, Jan. 13, 28, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Jan. 13, 2 p.m.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Jan. 11, 11 p.m. <i>Date:</i> Sunday, Jan. 12, 11 p.m. <i>Date:</i> Tuesday, Jan. 14, 6 a.m. <i>Date:</i> Wednesday, Jan. 15, 4 p.m.</p>
<p>Oregon City and 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>	

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. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. 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.

Metro’s nondiscrimination notice

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro’s civil rights program, or to obtain a Title VI complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet’s website at www.trimet.org.

Metro Council President and Metro Councilors. It's a new year and today, as we sit in this comfortable spacious room, the 8 elephants at the Oregon Zoo are still spending their days in a cramped yard or indoor barn. They are walking on hard, compacted surfaces, that contribute to foot and joint disease, pacing and bobbing their heads or in Chendra's case, walking around in circles. According to medical records from a few years ago, Pet suffered from severe foot disease and was euthanized in 2006. Chendra has chronic foot problems; she was diagnosed with classical nail abscess and suffered skin trauma related to ankus use. Rose-Tu has foot problems, including bone fractures. Shine has severe foot problems and has several mentions in her records of copious bleeding after a debriding foot ulcer. She also suffered from numerous ankus wounds. Packy has chronic problems with cracked nails, lesions and abscess on his right front foot. Rama has reoccurring chronic ulcers on both front feet, his left front leg is fused at the elbow, and he is intermittently lame. And now he is quarantine from TB.

Zoo vets have admitted they cannot cure foot diseases in elephants, diseases that are unknown to them in the wild. So to continue keeping them and breeding them in the zoo under these conditions amounts to animal cruelty. The new six acre onsite exhibit will really in the end be much less for the elephants, and won't be nearly enough space for doing anything resembling roaming, as elephants are built to do. The \$53 million dollars spent on this exhibit is not going to do much to improve the lives of these long suffering elephants. I suggest it be used instead for the lions who could use the extra space. And release all the elephants to sanctuary, starting with Packy.

The preserve, or as it is now known, remote elephant center, has a timeline of 10 years and the zoo director says the elephants may not even be sent there. I don't know how many tectonic plates would have to shift before the zoo director would be willing to let Packy be released to a sanctuary. But as our elected representatives, who have power over the zoo director, you can make that humane decision, just as the Toronto City Council recently did, in the process overriding the Toronto Zoo's objections. The Toronto's three elephants are now happily thriving at PAWS sanctuary in California.

Packy, at 51, doesn't have much time left. Make this a banner year for Packy, a year that could find him in a new home, one that is in a warm climate with acres and acres of rolling hills and 24/7 around the clock care. I urge you to override the zoo director's resistance to giving Packy a better life and free him to sanctuary now.

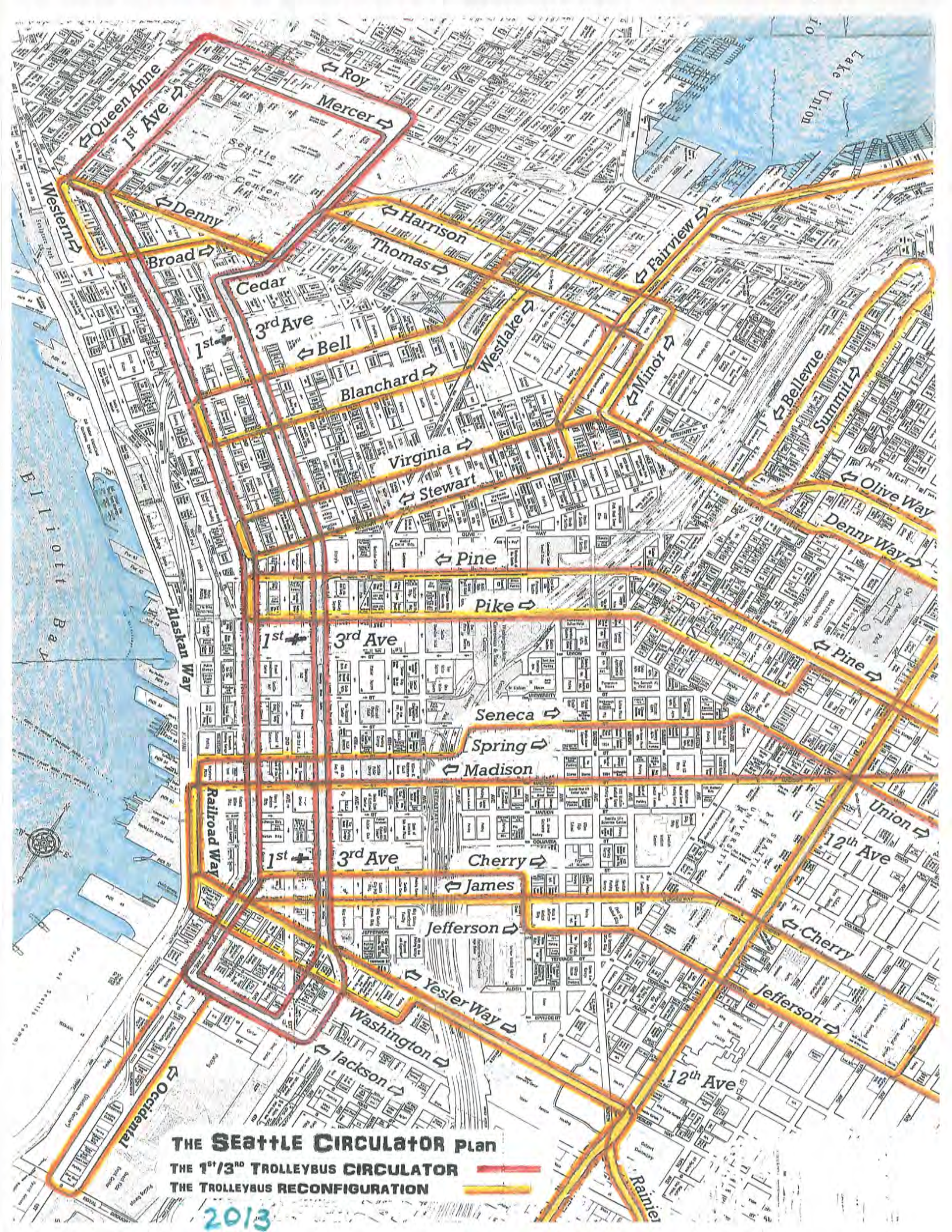
Dear Metro,

Keeping Packy enclosed in a zoo exhibit for all of his life just isn't right. Elephants in the wild roam many miles a day, while Packy and his family are forced to walk around in the same small area. Please free the elephants in the Oregon Zoo back into the wild or into a wildlife reserve where they can be happy.

I understand that the elephant exhibit must bring you money, but tons and tons of people just like me value an elephant's life more than a few bucks. The elephant's behavior clearly shows distress, sadness, and anxiety. No one comes to the zoo to see *depressed animals in enclosures that do not fit the animals' needs*.

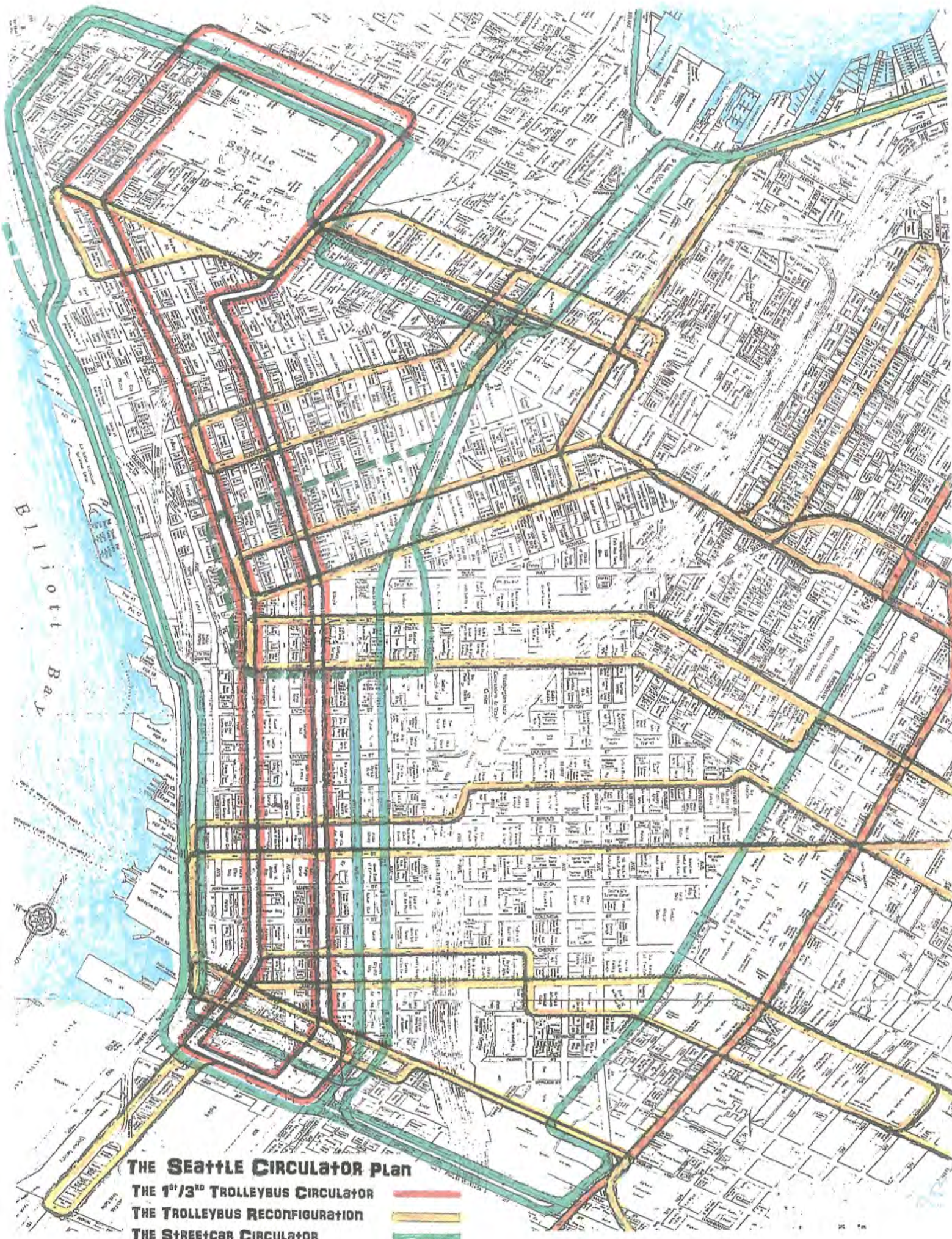
If you want people to be truly happy with the decisions you make, then do what's right for Packy and his herd. Free them. Free the elephants in the Oregon Zoo from their unacceptable living conditions. But most importantly, free them to a place where they can live their lives happy, healthy and in the wild.

Clara McAllister
Jackson middle school
SW Portland
6th grade, age 11
1/7/14



THE SEATTLE CIRCULATOR Plan
THE 1ST/3RD TROLLEYBUS CIRCULATOR ————
THE TROLLEYBUS RECONFIGURATION ————

2013



THE SEATTLE CIRCULATOR Plan

THE 1ST/3RD TROLLEYBUS CIRCULATOR

THE TROLLEYBUS RECONFIGURATION

THE STREETCAR CIRCULATOR



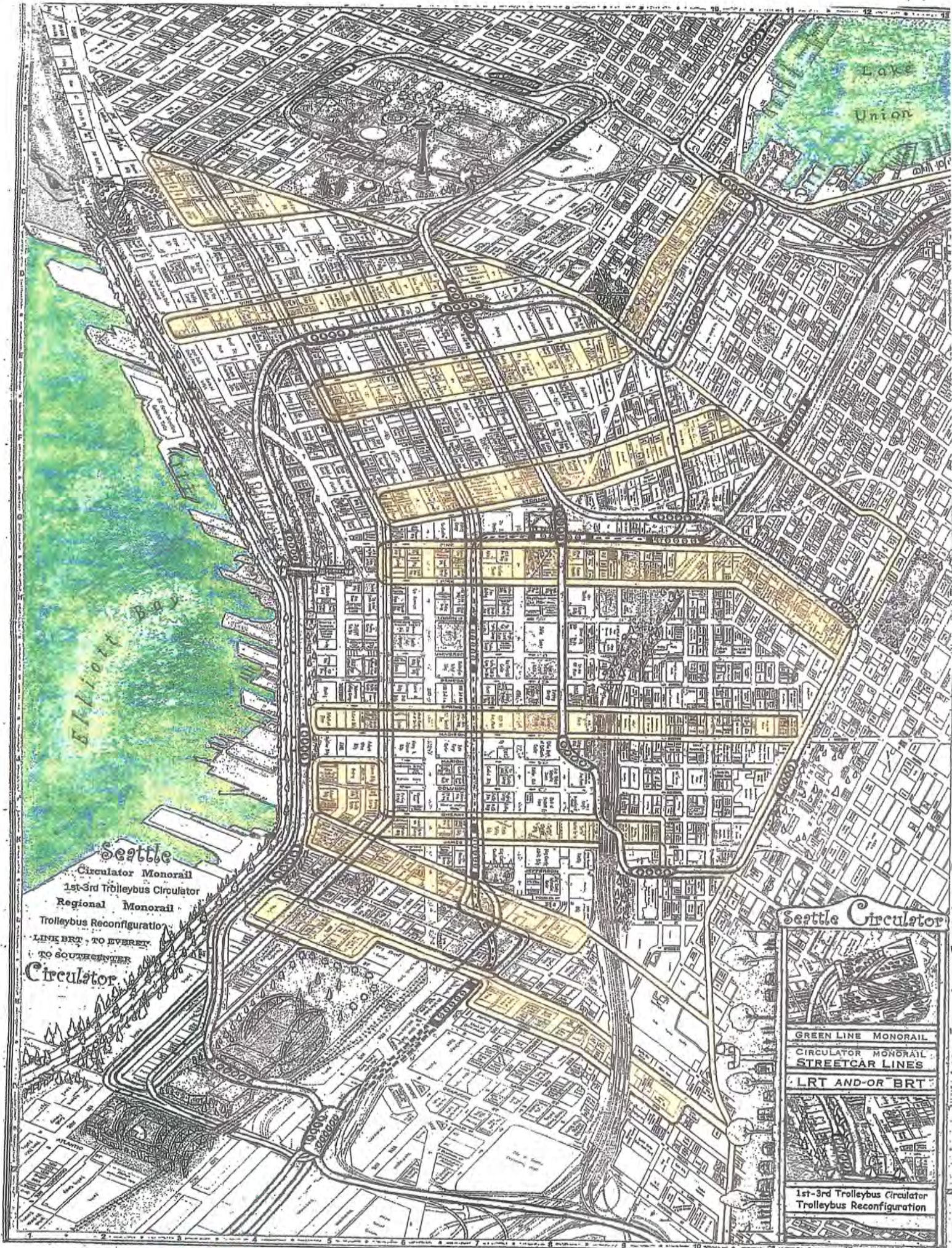


THE SEATTLE CIRCULATOR Plan

THE MONORAIL CIRCULATOR

THE STREETCAR CIRCULATOR





Lake
Union

Elliott Bay

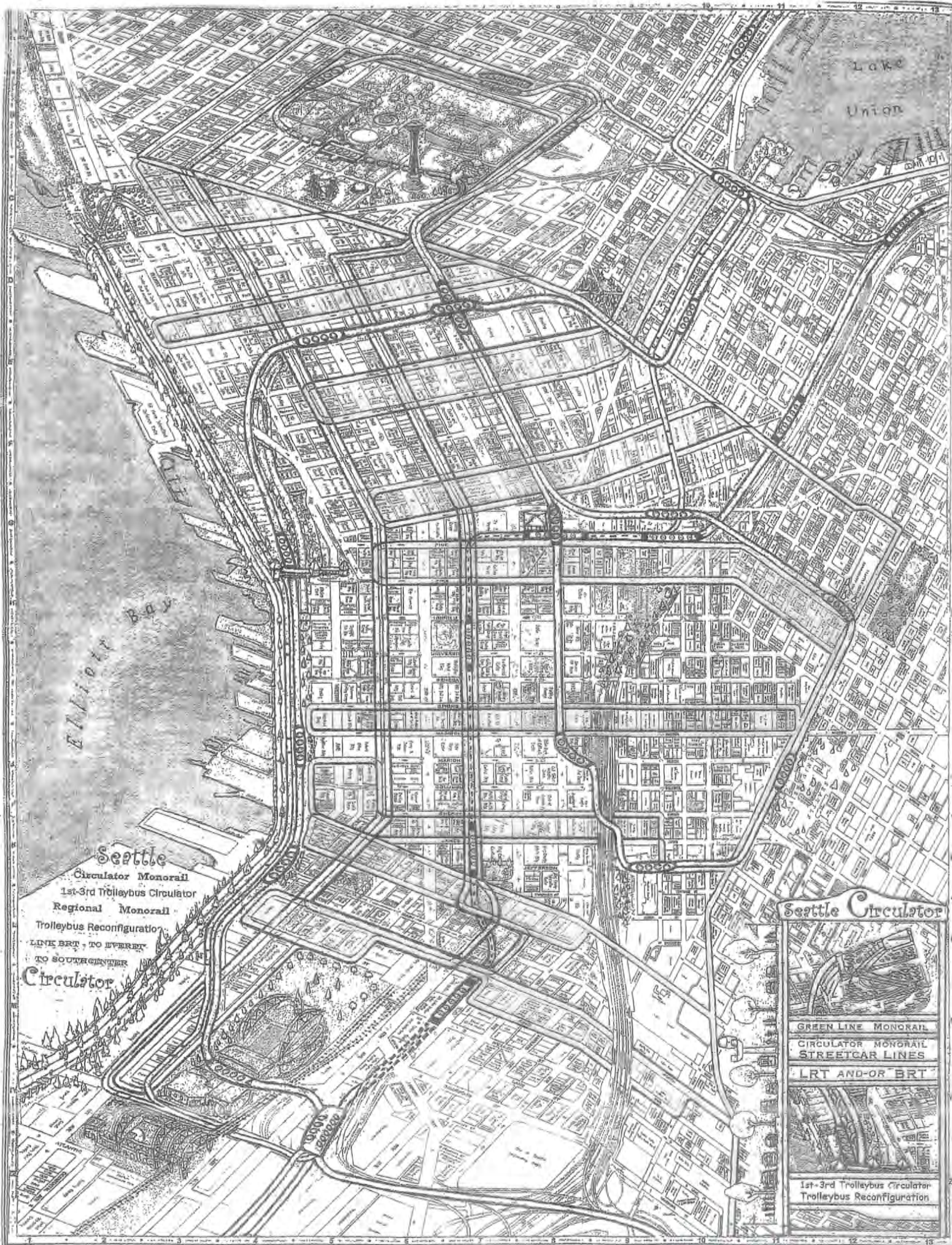
Seattle

- Circulator Monorail
- 1st-3rd Trolleybus Circulator
- Regional Monorail
- Trolleybus Reconfiguration
- LINK BRT TO EVERETT
- TO SOUTHCENTRE
- Circulator

Seattle Circulator

GREEN LINE MONORAIL
CIRCULATOR MONORAIL
STREETCAR LINES
LRT AND/OR BRT
1st-3rd Trolleybus Circulator
Trolleybus Reconfiguration

2003



Lake Union

Elliot Bay

Seattle
 Circulator Monorail
 1st-3rd Trolleybus Circulator
 Regional Monorail
 Trolleybus Reconfiguration
 LINK BRT - TO EVERETT
 TO SOUTHWESTERN
 Circulator

Seattle Circulator


GREEN LINE MONORAIL

CIRCULATOR MONORAIL

STREETCAR LINES

LRT AND/OR BRT

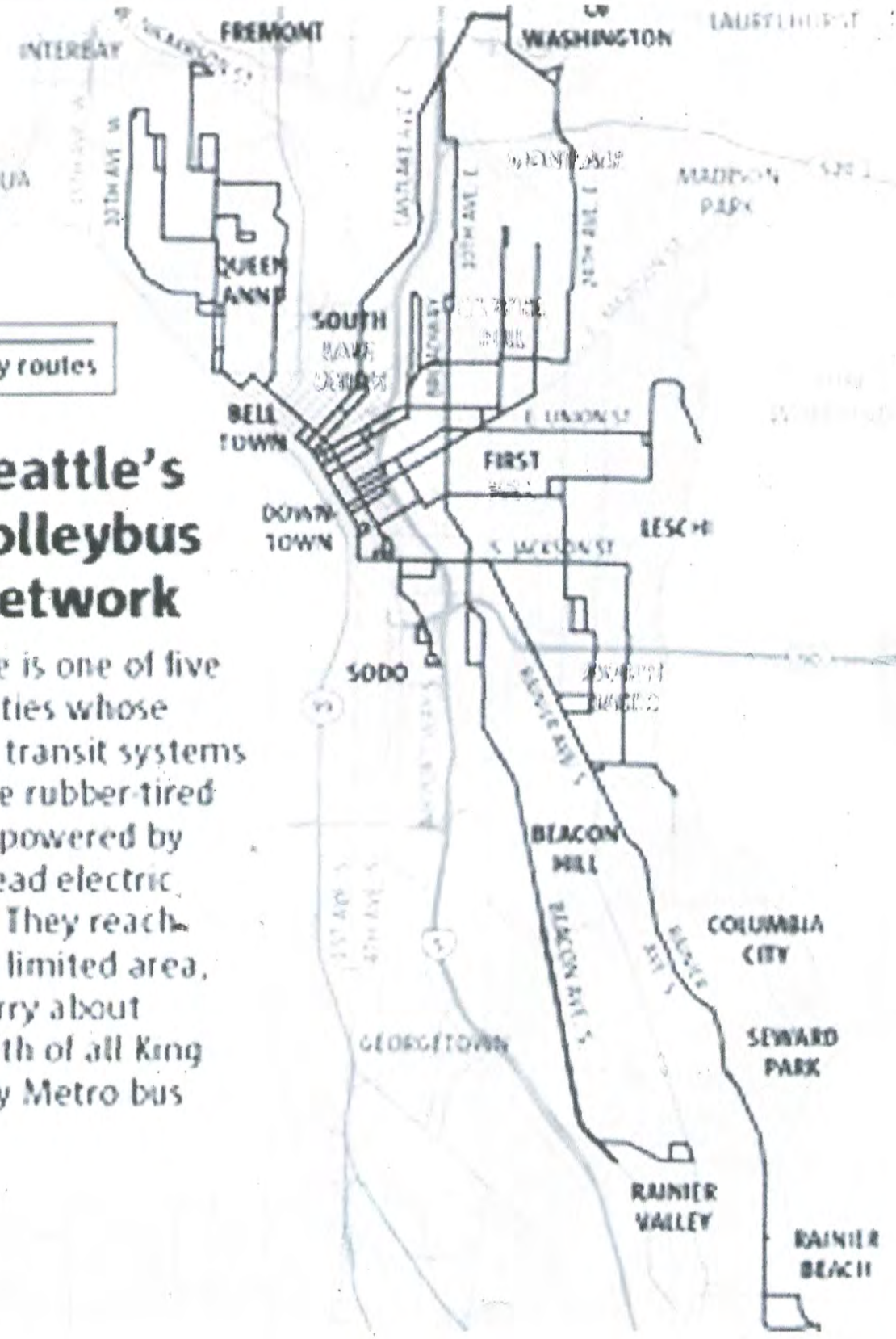
1st-3rd Trolleybus Circulator
Trolleybus Reconfiguration

5003

Trolley routes

Seattle's trolleybus network

Seattle is one of five U.S. cities whose public transit systems include rubber-tired buses powered by overhead electric wires. They reach only a limited area, yet carry about one-fifth of all King County Metro bus trips.



Vancouver, Wash.

Portland

Malwankie

Oregon City

Wilsonville

Donald

Aurora

Woodburn

Brooks

Keizer

Salem

Albany

Milkesburg

Corvallis

Tangent

Halsey

Harrisburg

Monroe

Junction City

Eugene

Springfield

• **Blue** - The blue alternative generally follows the existing Amtrak Cascades route. The blue alternative could use existing stations. One option would include adding new track south of Salem to shorten the route. A second option would provide a new station near Portland's Rose Quarter, and then continue on new track east of through northeast and north Portland to Vancouver, Wash.

• **Purple** - The purple alternative uses portions of the existing Oregon Electric line. It also includes portions of the blue alignment from the Eugene station to the Eugene rail yard; from south of Albany to Keizer; and from Aurora to Vancouver, Wash. Two new connections to the blue alternative would be built: one connection south of Albany and one connection from just south of Donald to south of Aurora. This alternative could use existing stations.

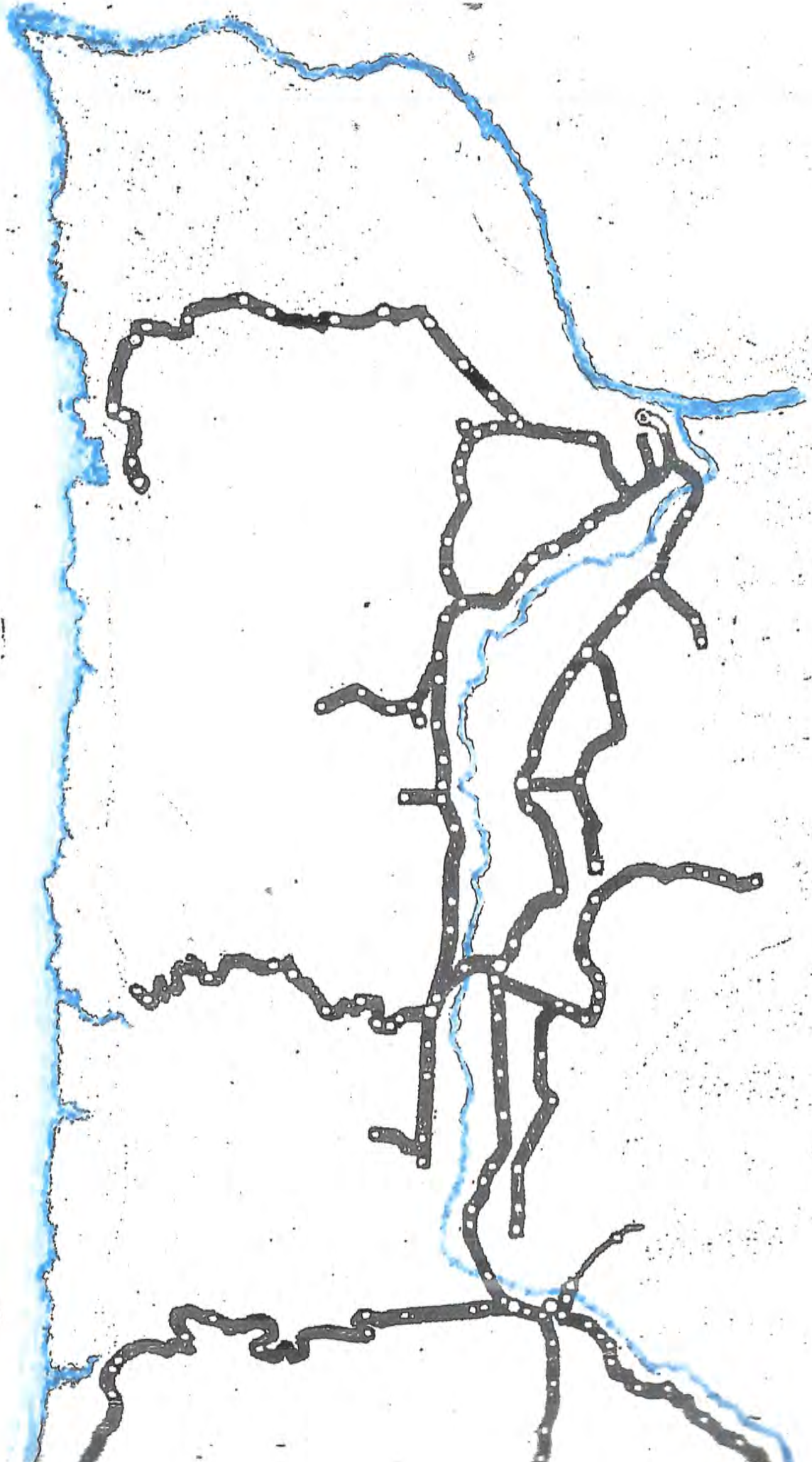
One option is to go to Wilsonville and then connect to the red alternative. A second option would bypass Aurora before connecting to the blue alternative south of Canby.

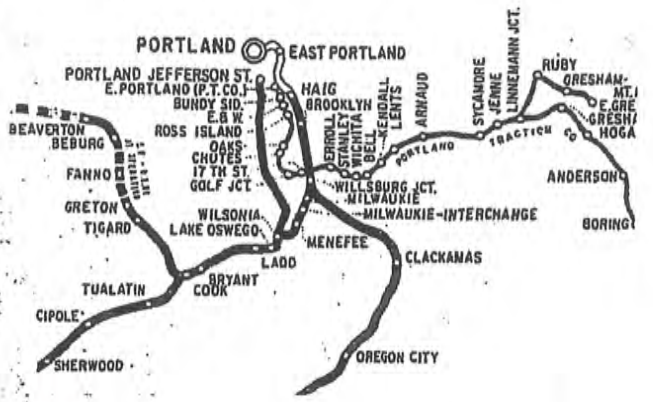
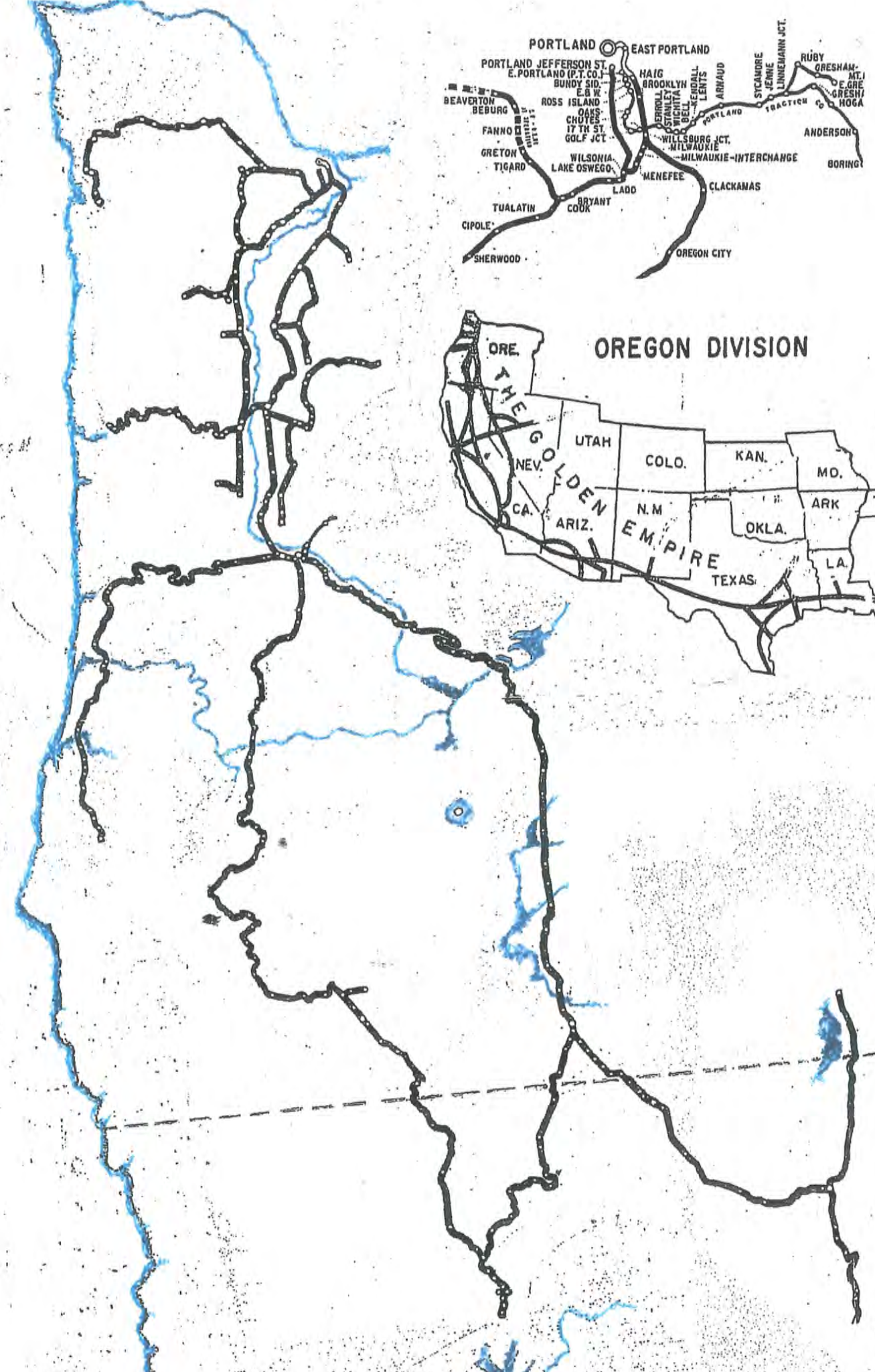
• **Red** - The red alternative runs along Interstate 5, either just inside of or near the current highway right of way. South of Portland, it follows Interstate 205 north and Interstate 84 west into central Portland. The alignment along I-5 and I-205 would be on all new track dedicated to intercity passenger rail service. It would use existing rail lines west of the I-205/I-84 interchange to Vancouver, Wash. The red alternative could use Portland's Union Station but would bypass existing stations in Eugene, Albany and Salem. It could include new stations in Springfield, Albany, Salem/Keizer and the southern Portland metro area.

One option would leave the I-5 corridor south of Albany and use existing track to the existing Albany station and then return to I-5. Another option would provide a new station in Portland's Rose Quarter and bypass Portland's Union Station.

• **Yellow** - The yellow alternative would use the purple alternative from Eugene station to Junction City. New track would be built from Junction City to Monroe, and then would connect to the existing rail line through Corvallis to Albany, where it would join the blue alternative. This alternative would bypass the Albany station and include a new station in Corvallis.

An option is to leave the existing rail line in south Corvallis and build new track along Highway 34 that would connect to the blue alternative south of Albany. This option could use the existing Albany station.

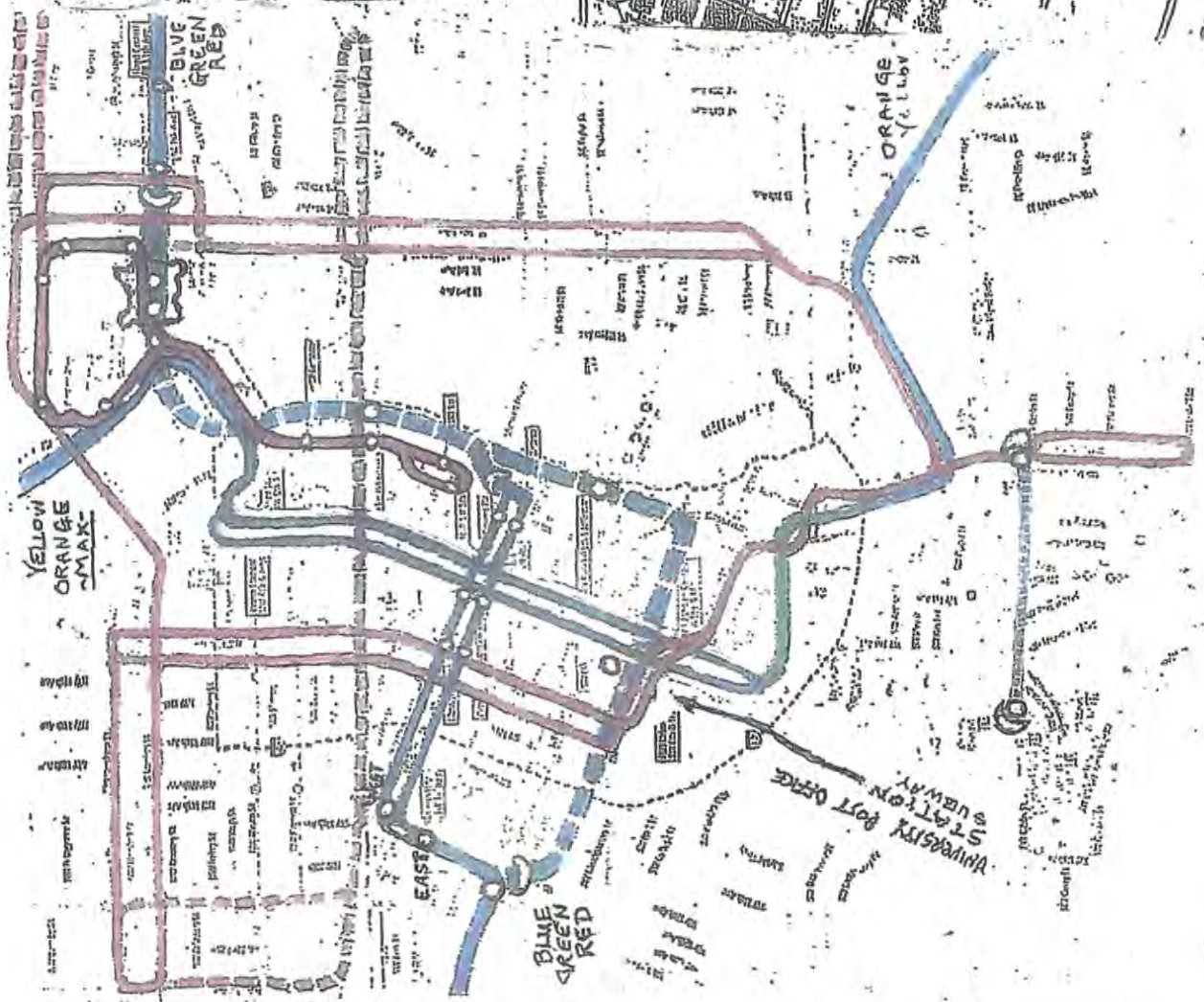
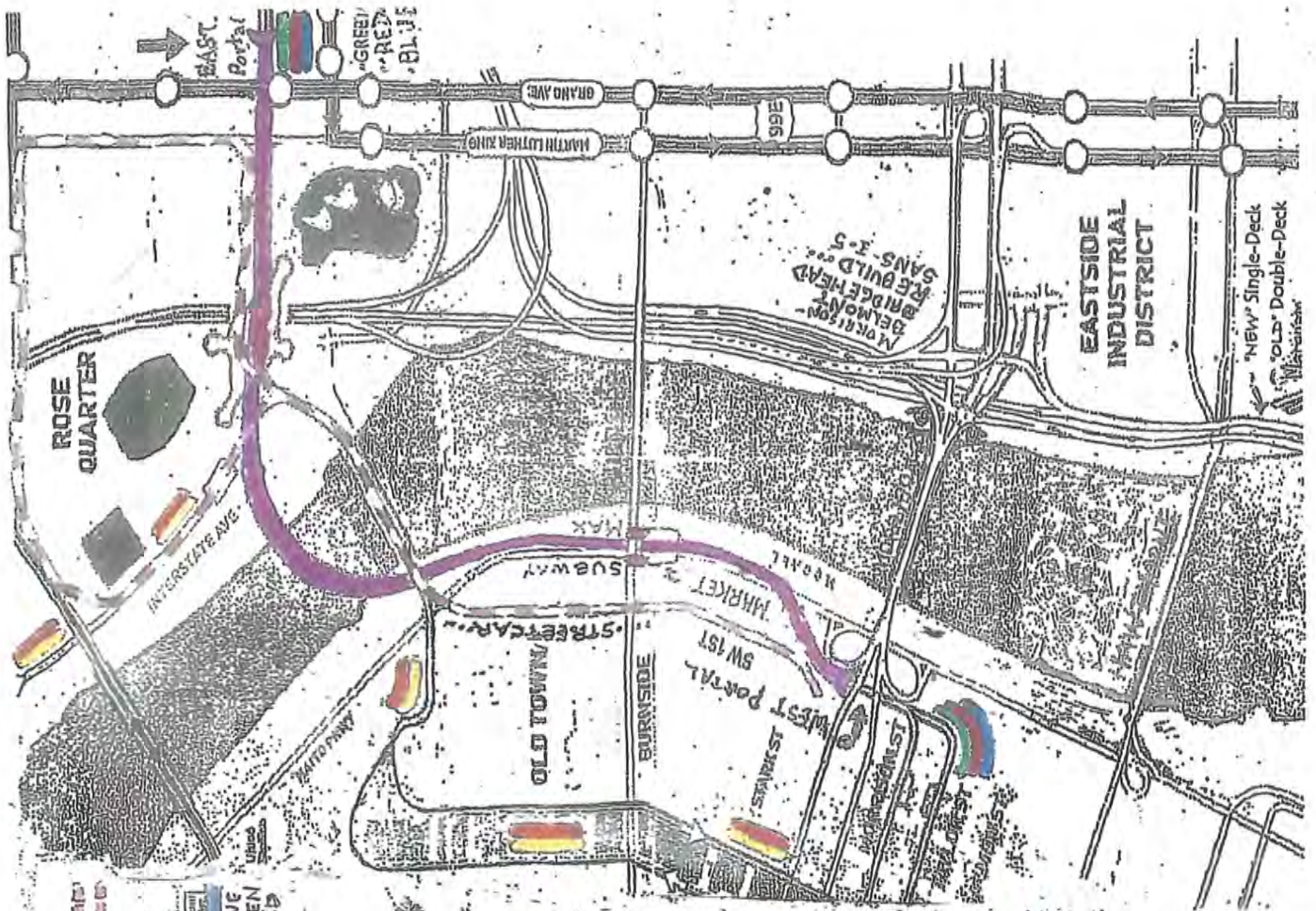


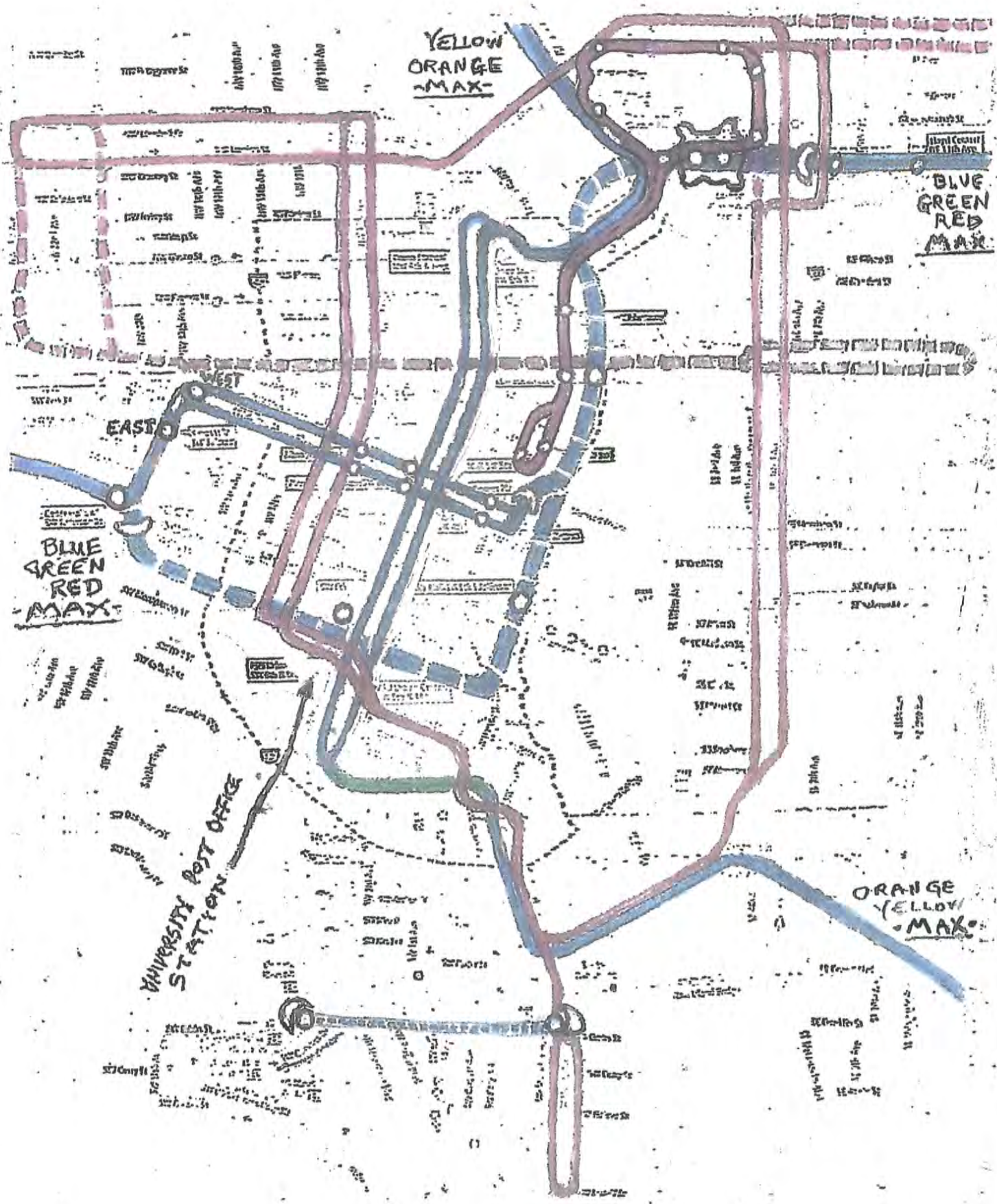


OREGON DIVISION









YELLOW
ORANGE
MAX

BLUE
GREEN
RED
MAX

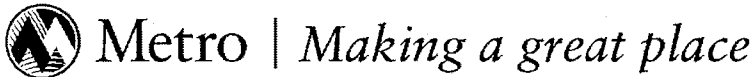
BLUE
GREEN
RED
MAX

ORANGE
YELLOW
MAX

UNIVERSITY POST OFFICE
STATION

EAST

WEST



METRO COUNCIL MEETING

Meeting Summary

Dec. 19, 2013

Metro, Council Chamber

Councilors Present: Council President Tom Hughes, and Councilors Shirley Craddick, Sam Chase, Kathryn Harrington, Bob Stacey, Carlotta Collette and Craig Dirksen

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

Motion:	Councilor Craig Dirksen moved to approve Dec. 19 consent agenda, which consisted of: <ul style="list-style-type: none">• Consideration of the Council minutes for Dec. 12, 2013;• Resolution No. 13-4485, For the Purpose of Confirming the Appointment of Members of the Nature in Neighborhoods Capital Grants Review Committee;• Resolution No. 13-4487, For the Purpose of Metro Council's Acceptance of the Results of the Independent Audit for Financial Activity During Fiscal Year 2012-13; and• Resolution No. 13-4491, For the Purpose of Confirming the Council President's Appointment of Carol Gossett, Mychal Tetteh, and Steve White as Citizen Representatives to the Transportation Policy Alternatives Committee.
Second:	Councilor Bob Stacey seconded the motion.

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

4. RESOLUTIONS

4.1 Resolution No. 13-4486, For the Purpose of Confirming Eligibility of Projects on Metro Lands for the Nature in Neighborhoods Capital Grants Program.

Motion:	Councilor Kathryn Harrington moved to approve Resolution No. 13-4486.
Second:	Councilor Carlotta Collette seconded the motion.

Ms. Kathleen Brennan-Hunter provided a brief staff report for Resolution No. 13-4486. The 2006 natural areas bond measure provided \$15 million in grant funding for community-driven projects that enhance natural areas and increase residents' access to nature. The bond resolution, approved by the Metro Council in 2006, is silent on whether projects on Metro-owned property are eligible to receive grant funds. However, staff stated the resolution's clear intent is for projects to be identified in advance by local communities and in areas where Metro owns land but the land is managed via an intergovernmental agreement with local partners.

Ms. Brennan-Hunter stated that thanks to the two successful bond measures, Metro now holds nearly 30 percent of all natural areas and park lands in the region. As such, staff has begun to receive an increasing amount of requests to allow the use of these grant funds on Metro land for community-driven projects. Highlighted examples included projects in Forest Grove and the Cully Neighborhood in Portland. Per staff's recommendation, the resolution, if approved, would allow projects on Metro-owned property if the property is managed through an IGA or clearly initiated by the local community and where the community partner will assume full responsibility for implementation, construction and maintaining the project over time.

Council discussion

Councilors asked clarifying questions about property ownership and eligible grant applicants. Staff confirmed that in order to be eligible to grant funding, projects must be on publically-owned land or possess an agreement regarding public access. In all cases, the property owner must be a project partner. In addition, staff clarified that local governments, non-profits, school districts, etc. are all examples of eligible grant applicants. Metro and Metro-driven projects, however, are not eligible.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
-------	--

4.2 Resolution No. 13-4489, For the Purpose of Endorsing a Regional Position on Federal Transportation Policy.

Motion:	Councilor Collette moved to approve Resolution No. 13-4489.
Second:	Councilor Shirley Craddick seconded the motion.

Councilor Collette introduced Resolution No. 13-4489 which calls for a significant increase in transportation user fees to support reauthorization of MAP-21, the current federal transportation authorization bill scheduled to expire in September 2014. Councilor Collette stated that the

resolution emphasizes the need to increase the level of federal investment in transportation, and to reduce the government's dependence on the Highway Trust Fund. In addition, the resolution offers a series of policy positions for the region with regards to transit funding, bridge repair, active transportation, etc. Pending the Metro Council's approval, the resolution would be used to communicate the region's federal transportation priorities to the Washington, DC delegation in March 2014. Councilor Collette confirmed that the Joint Policy Advisory Committee on Transportation approved Resolution No. 13-4489 at its December 12 meeting.

Additional comments addressed Congressman Blumenauer's recent bill, the UPDATE Act. JPACT will discuss the UPDATE Act at its January 2014 meeting.

Council discussion

Councilor Stacey addressed the resolution's policy position #3, as outlined in Exhibit A, which calls for continuing to advocate for appropriations for programs, such as Projects of National and Regional Significance, to help fund the Columbia River Crossing project and other nationally significant projects. In order to support the resolution as proposed, Councilor Stacey interpreted the verbiage regarding the CRC more generally; stating that resources should be identified to improve access – for freight, bicycle, pedestrian, transit and commuters – across the Columbia River and I-5 Interstate corridor. Similarly, Councilor Dirksen stated that he also believed that policy position #8 regarding ensuring eligibility for electric vehicles charging stations, and so on, should be expanded in scope to include support of purchase and use of alternative fuel vehicles.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
--

4.3 Resolution No. 13-4490, For the Purpose of Adopting the Substitute Transit Transportation Control Measure (TCM) as Part of the State Air Quality Strategy and Regional Air Quality Conformity Determination.

Motion:	Councilor Collette moved to approve Resolution No. 13-4490.
Second:	Councilor Craddick seconded the motion.

Mr. Tom Kloster and Ms. Grace Cho of Metro introduced Resolution No. 13-4490. In previous decades the Portland metro region failed to meet national air quality standards for carbon monoxide pollution. As a result, the region is required to develop and implement strategies to reduce carbon monoxide emissions in order to conform to the Clean Air Act. The region's air quality plan includes a budget of transportation-related emissions and a services of ongoing transportation control measures (TCMs) to help address the carbon monoxide emissions. The Portland region's TCMs require the following:

- A cumulative average of 5 miles of new bikeways every two years;
- A cumulative average of 1.5 miles of new sidewalks every two years; and
- One percent increase in transit service annually.

Unfortunately, due to transit service reductions or cuts caused by the Great Recession, staff anticipates that the region is likely to not meet the current transit TCM. Failure to meet the TCM requirements could cause the region to not comply with air quality conformity standards and disrupt federal funding.

Resolution No. 13-4490, if approved, would substitute the transit TCM to account for the region's transit investment over the life of the air quality maintenance plan and look at the region's long-term commitment to transit. The proposed substitution would allow the region to continue to meet the one percent annual increase requirement. Staff confirmed that after formal review and public comment, the Environmental Quality Commission approved the proposed TCM substitution on December 11. JPACT approved the TCM substitution on December 12. Pending the Metro Council's approval of the resolution, staff will transmit a letter, signed by Council President Hughes on behalf of the Metro Council and Councilor Collette on behalf of JPACT, confirming both bodies' approvals.

Council discussion

Councilors thanked Ms. Cho for her leadership on the project. Councilors asked clarifying questions regarding the TCM and if the one percent increase reflected riders using the system or service provided. Staff clarified that measure is based on total service hours. Councilors asked staff for their perspective on what needs to occur in order to ensure the region continues to meet the requirement of a one percent increase in transit annually. Staff addressed the challenges of a transit system funded by payroll tax and specifically challenges presented during the Great Recession. Staff highlighted the current Climate Smart Communities project as one opportunity to discuss possible ways to fund transit in the future. Councilors also inquired about what would happen if the region was not to maintain the one percent increase. Metro staff stated that TriMet strongly believes, based on the transit agency's projections, the region will meet the new TCM. Additionally, staff noted that the air quality plan is scheduled to expire in 2017.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
--

4.4 Resolution No. 13-4492, For the Purpose of Allowing the Beaverton School District to File an Application for a Major Amendment to the Urban Growth Boundary.

Motion:	Councilor Harrington moved to approve Resolution No. 13-4492.
Second:	Councilor Collette seconded the motion.

Councilors Harrington and Dirksen, with staff support from Mr. Tim O'Brien, introduced Resolution No. 13-4492. The Beaverton School District has determined a need for a new high school in the southwesterly area of the district with an opening date of no later than 2017. The Metro Council has approved to expand the current Urban Growth Boundary to include the area requested by the School District. However, due to the outstanding appeals on the UGB decision, Councilors stated that the school's plans are in jeopardy. As such, the District has requested an independent major UGB amendment outside the usual application timeframe.

Metro accepts applications for major amendments to the UGB between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its Urban Growth

Report. The Council is scheduled to consider and vote on the UGR in December 2014; therefore Metro will not accept major amendment applications during the normal application window in 2014. However, Metro Code includes a provision that allows the Council to accept major amendments during other times by a vote of five or more members of the Council, upon a request of a Councilor and a finding of good cause. Resolution No. 134492, if approved, would allow the District to file an application for a major UGB amendment. Approval of the resolution would not make a determination on the potential application and/or grant the UGB amendment. Councilors clarified that pending the resolution's approval the District's petition would complete the regular application process which includes a staff review and hearings officer review and recommendation. Councilors emphasized that the issue before the District highlighted the challenges the region can face when decisions made at the regional and state level have local implications. While the UGB and urban reserves decisions are held up in court discussions, life proceeds and local communities continue to grow.

Council discussion

Councilors asked clarifying questions on the potential impacts to the District's request should the Court of Appeals remand the current UGB decision package. Legal counsel stated that Resolution No. 13-4492 addressed the District's request to submit an application and whether the request was a good cause. Analysis and/or discussion on potential impacts should a remand occur would be performed at a later date as needed. Additionally, counsel noted that the Metro Council would likely be briefed in an executive session format due to litigation rules. Additional councilor comments addressed the appeals process and capacity challenges the state faces.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
--

5. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett provided updates on the following items:

- Regarding the Oregon Convention Center Hotel project, the code amendments to implement the IGA between Metro, Multnomah County and the City of Portland were approved unanimously by Multnomah County. Separately, Ms. Bennett noted that opponents to the project intend to file paperwork to refer the action to the voters. Details to follow when available.
- She thanked Metro employees for participating in the 2013 annual charitable giving campaign. She stated that 37 percent of Metro employees participated in the 2013 campaign and pledged over \$98,500 for local non-profit partners.
- The Metro GreenScene brochure has been updated and has transitioned into the new *Our Backyard* publication.
- The Metro Council will be on recess Dec. 20, 2013 to Jan. 5, 2014.

6. COUNCILOR COMMUNICATION

Councilor Dirksen recommended councilors may be interested in reading an article in the Dec. 19 *Oregonian* newspaper regarding results from a recent Tigard citizens' survey on transit.

7. **ADIURN**

There being no further business, Council President Hughes adjourned the regular meeting at 2:52 p.m. The Metro Council will convene the next regular council meeting on Thursday, Jan. 9, 2014 at 2 p.m. at Metro's Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DEC. 19, 2013

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	12/12/13	Council minutes for Dec. 12, 2013	121913c-01
4.3	PowerPoint	N/A	Proposed change to the Transit TCM: Better reflecting the region's commitment to improved air quality through transit investment	121213c-03

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING THE) RESOLUTION NO. 14-4495
FOLLOWING MEMBERS TO THE METRO)
POLICY ADVISORY COMMITTEE (MPAC):) Introduced by Council President
WILDA PARKS AS CLACKAMAS COUNTY) Tom Hughes
CITIZEN MEMBER AND MAXINE
FITZPATRICK AS MULTNOMAH COUNTY
CITIZEN MEMBER.

WHEREAS, the Metro Charter, Chapter V, Section 26 (1) (m), provides that ~~three~~ citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Council President and confirmed by the Metro Council: and

WHEREAS, the Council President has appointed Maxine Fitzpatrick as citizen member for Multnomah County and Wilda Parks as citizen member for Clackamas County, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED that the Metro Council confirms the appointment of Maxine Fitzpatrick and Wilda Parks as members of the Metro Policy Advisory Committee (MPAC).

ADOPTED by the Metro Council this ____ day of January 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney