



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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Thursday, July 20, 2017

2:00 PM

Metro Regional Center, Council chamber

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**1. Call to Order and Roll Call**

**2. Citizen Communication**

**3. Presentations**

3.1 Elephant Lands Visitor Education Outcomes [17-4837](#)

Presenter(s): Grant Spickelmier, Oregon Zoo  
Heidi Rahn, Oregon Zoo

Attachments: [Elephant Lands Evaluation Report Executive Summary](#)

**4. Consent Agenda**

4.1 Consideration of the Council Meeting Minutes for June 29, 2017 [17-4845](#)

4.2 Resolution No. 17-4811, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Modify and/or Add New Projects as Part of the May 2017 Formal MTIP Amendment (MY17-04-May) Involving a Total of Nine Affected Projects for ODOT, Metro, TriMet, and Ride Connection [RES 17-4811](#)

Attachments: [Resolution No. 17-4811](#)  
[Exhibit A to Resolution No. 17-4811](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)

**5. Resolutions**

- 5.1 Resolution No. 17-4821, For the Purpose of Authorizing an Exemption from Competitive Bidding and Authorizing Procurement by Request for Proposals for Food Waste Processing Services [RES 17-4821](#)

Presenter(s): Lisa Heigh, Metro

Attachments: [Resolution No. 17-4821](#)  
[Exhibit A to Resolution No. 17-4821](#)  
[Staff Report](#)

- 5.1.1 Public Hearing for Resolution No. 17-4821

- 5.2 Resolution No. 17-4815, For the Purpose of Approving the Amended and Restated Intergovernmental Agreement Among the State of Oregon, Metro, Clackamas County, and Oregon City for the Willamette Falls Legacy Project [RES 17-4815](#)

Presenter(s): Brian Moore, Metro

Attachments: [Resolution No. 17-4815](#)  
[Exhibit A to Resolution No. 17-4815](#)  
[Exhibit B to Resolution No. 17-4815](#)  
[Exhibit C to Resolution No. 17-4815](#)  
[Exhibit D to Resolution No. 17-4815](#)  
[Staff Report](#)

- 6. **Chief Operating Officer Communication**
- 7. **Councilor Communication**
- 8. **Adjourn**

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រតិបត្តិការរើសអើងសម្រាប់សេចក្តីណែនាំ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 3.1

Elephant Lands Visitor Education Outcomes

*Presentations*

Metro Council Meeting  
Thursday, July 20, 2017  
Metro Regional Center, Council Chamber

# Elephant Lands

Oregon Zoo

Summative Evaluation  
Executive Summary  
March 2017



Terry O'Connor Consulting  
*Linking conservation and education*



**Pathways Collaborative**  
Nette Pletcher  
James Danoff-Burg





## Executive Summary

Elephant Lands opened at Oregon Zoo in December, 2015, the largest exhibit project in the zoo's history. Designed by CLR Design, the six-acre, \$57 million habitat has provided the zoo's Asian elephant herd with an area four times larger than their previous home. Formations, Inc., working with Emily Routman Associates, designed the interpretive content and visitor experiences.

**Main Message:** The main message woven throughout Elephant Lands' interpretation is "...Oregon Zoo's deep commitment to the welfare and conservation of these highly intelligent, social and emotional animals."

**Evaluation Team:** With a strong commitment to evaluation, Oregon Zoo commissioned front-end audience research in 2012 to inform the development of interpretive content for Elephant Lands, and formative evaluation (2013) to test interpretive signs with zoo visitors. Both studies were conducted by Terry O'Connor Consulting LLC, who returned in 2016 along with Nette Pletcher and James Danoff-Burg of Pathways Collaborative to conduct the summative evaluation.

**Purpose and Methods:** The purposes of the summative evaluation studies were to learn how visitors spent their time at Elephant Lands and what seemed most interesting to them, and to assess the effectiveness of exhibit interpretation in order to determine if Oregon Zoo had met its education goals. Zoo staff selected three evaluation methods: a timing-and-tracking study, visitor intercept interviews and focus groups.

The evaluation team designed instruments for each study that were submitted to the Institutional Review Board (IRB) of the California State University at San Marcos by James Danoff-Burg, Ph.D.; each was granted an exemption. Evaluators conducted the timing-and-tracking studies and the focus groups, and trained Oregon Zoo VAST volunteers who conducted the visitor intercept exit interviews.

**Timing-and-tracking studies** (using both scan and focal sampling) were conducted by evaluators in September and October, 2016. These were designed to gather data, through unobtrusive observation of visitors, to learn how people utilized Elephant Lands and which experiences appeared to be most engaging.

**Visitor intercept exit interviews** were conducted by volunteers from October through December, 2016 to get direct feedback from visitors about their experience at Elephant Lands. Questions were designed to learn: (1) what visitors learned about elephant biology, behavior and conservation; (2) if respondents understood the zoo's commitment to elephant welfare; (3) how their Elephant Lands experience enhanced visitors' respect and empathy for elephants; (4) what visitors learned about the shared history of humans and elephants; and (5) if visitors' experiences influenced their support for Oregon Zoo and their intent to take conservation action.

Three **focus groups** were conducted by Nette Pletcher in January 2017 with zoo members and one each was held with staff and volunteers to explore these questions in greater depth. Focus group members discussed interaction with staff and volunteers and provided feedback on whether Elephant Lands has accomplished what voters expected when they approved the bond measure that financed this habitat.

This report presents a summary of key results and conclusions, and is a companion document to the full report that includes detailed results, analysis and recommendations.

*"For a long time I was anti-zoo, but coming up here and seeing how wonderfully the animals are treated and the open spaces, and the realization that most people are not blessed to travel globally, and how else can children learn about animals up close and personal... I think Elephant Lands solidified in my mind that this is really okay. This exhibit helped me see the value of zoos."*

- Visitor in a focus group





## Summary: Key Results and Conclusions

Results of this summative evaluation demonstrate that Oregon Zoo has effectively achieved its education goals for Elephant Lands. The following summary of key results and conclusions provides supportive evidence, organized within our six primary research questions and goals for the Elephant Lands habitat.

### Elephant Lands Goals

- A. Understand the zoo's vision for elephant welfare
- B. Develop a better understanding of elephant biology and behavior
- C. Develop a stronger positive emotional connection and respect for elephants
- D. Recognize how people have valued - even loved - elephants as part of their culture and their community
- E. Understand how human activities have created problems for elephants and what each of us can do to ensure their future
- F. Be aware of the zoo's long term commitment to elephant breeding, research and conservation
- G. Feel supportive and proud of the zoo and its efforts on behalf of elephant welfare, conservation and sustainability
- H. Support us in our work, including opportunities (donor, member, volunteer) to partner with the Zoo on citizen science, research and field conservation efforts
- I. Change personal behavior(s) as a result of interaction with this exhibit

**Visitor Intercept Survey:** A total of 121 interviews were completed by Oregon Zoo volunteers:

- 66% of respondents were female; 34% were male
- Of 105 respondents, 34% were Oregon Zoo members; 66% were nonmembers
- 19% were first-time zoo visitors; half of all respondents visit the zoo at least twice annually
- 85% percent indicated that they had a "Very Good" or "Excellent" experience

### What do Visitors to Elephant Lands Learn about Elephant Biology, Behavior and Conservation?

#### Visitor Intercept Survey

- 79% of interview respondents said Elephant Lands effectively or very effectively communicated that elephants live in family groups led by a dominant female who maintains order and provides her family with survival skills.
- Messaging about palm oil threats and human-elephant conflicts hold promise for the greatest conservation education impacts for Elephant

Lands. Almost half of all respondents had never heard that these situations threatened elephants.

- As a result of their visit, 62% were more likely or a lot more likely to buy products that they know contain only wildlife-friendly palm oil.
- In contrast, 88% had learned about the ivory trade before their visit to Elephant Lands.
- Interview respondents confirmed that Elephant Lands effectively or very effectively communicated messages about the zoo's care for, research about, and conservation of elephants:
  - Oregon Zoo maintains a healthy, diverse population of Asian elephants (83%)
  - The work of Oregon Zoo staff has led to a deeper understanding of these complex animals and has improved the lives of elephants around the world (87%).
  - Oregon Zoo supports efforts to protect wild elephants in Asia and Africa (75%).

### Focus Groups

- Focus group participants enjoyed seeing the elephants engage in natural behaviors and learning about elephant biology and adaptations. The water features in the habitat are a great source of delight, along with novel objects that provide behavioral enrichment.

## What do Visitors to Elephant Lands Learn about Oregon Zoo's Vision for Elephant Welfare as Demonstrated through Elephant Lands?

### Visitor Intercept Survey

- 93% of survey respondents said that the exhibit effectively or very effectively communicated that Elephant Lands is designed to nurture elephants' social relationships and provide an environment full of choice.
- Survey respondents agreed or strongly agreed that:
  - This exhibit shows that Oregon Zoo is committed to the welfare of elephants (98%).
  - Elephant Lands provides physical activity and mental stimulation to meet elephants' needs (93%).
  - Elephants at Oregon Zoo have a good quality of life (91%).
- The perception that elephants at Oregon Zoo have a good quality of life (91%) shows tremendous gains when compared with results of the same question asked in the Elephant Lands front-end evaluation online survey, reported in 2013, in which 64% of respondents agreed or strongly agreed, 20% disagreed and 16% did not know.

- When asked an open-ended question about the things that they noticed about the new habitat, survey respondents mostly commented on the greater space available to the animals, but also their perceived happiness, choices available to them, and their increased ability to interact with other elephants. Visitors clearly appreciated the contributions of Elephant Lands to improving the welfare of elephants at the zoo.

### **What do Visitors to Elephant Lands Learn about the Shared History of Humans and Elephants around the World and in Portland?**

#### **Visitor Intercept Survey**

- Visitor intercept interviews revealed that the main ways that visitors perceived the shared history of humans and elephants were either through messaging about conflicts, conservation and many commendations on the care of elephants by the zoo.
- Visitors greatly support the zoo's work of caring for elephants in the wild and also the care and space provided for these animals in the Elephant Lands habitat.
- Packy was the eighth most frequently mentioned in response to the open-ended question, "What were your three favorite experiences at Elephant Lands today?" All of the interview respondents who mentioned Packy were from the Portland area.

#### **Focus Groups**

- Visitors were very interested in the strong bonds between Oregon Zoo keepers and the elephants; however, this relationship between humans and elephants did not seem to translate to an appreciation for human-elephant relationships (positive or negative) in a global sense.
- Focus group participants did not generally recognize the relationship between humans and elephants as an important take-away from the exhibit. However, individual members of the herd are treasured, with visitors returning repeatedly to watch the growth and development of young Lily and sexually-maturing Samudra. The powerful connection that Portland natives have to Packy was especially apparent in comments made and stories shared during the focus group interviews.

### **What Impact does a Visit to Elephant Lands have on Visitor Empathy/Respect for Elephants and their Conservation?**

#### **Visitor Intercept Survey**

- After a visit to Elephant Lands, 83% of survey respondents agreed that they felt a stronger connection to the elephants and 84% felt their consumer choices made an impact on elephant conservation.

- Most survey respondents (62%) also stated that they felt an increased empathy/respect toward the elephants after their visit and 55% felt that they increased their understanding of what they can do to help conserve elephants.
- Visitors were strongly moved to increasingly act on behalf of elephant conservation causes advocated by the zoo. Those involving the palm oil trade had more than half of the visitors being more likely to act after their visit to Elephant Lands. When asked about a series of local sustainability actions that they could adopt that would benefit elephants, about one-third of survey respondents were more likely to engage in all five actions as a consequence of their visit.

### Focus Groups

- Among the focus group participants, Elephants Lands was characterized as impressive, both in its size and its impact on the Oregon Zoo visitor experience. After a lengthy construction period, members are pleased to have a modern habitat with features that support best practices in animal welfare. There is a definite sense of pride among locals, as well as among staff and volunteers, who recognize Elephant Lands as an important step forward in the long history that Oregon Zoo has with elephant care.

## What Impact does a Visit to Elephant Lands have on Visitor Support for the Oregon Zoo?

### Visitor Intercept Survey

- Visitors were strongly moved to increasingly support the zoo as a consequence of their visit. Two-thirds of the survey respondents either were already zoo members or were more likely to become members; two-thirds also said that they either already supported or were more likely to financially support the zoo's elephant conservation efforts.
- Notable improvements in survey respondent attitudes were seen with respect to pride in what the zoo is doing to protect elephants in the wild (80%) as a consequence of their visit to Elephant Lands.
- When asked an open-ended question about whether they have any other comments, interviewees responded with purely positive and grateful compliments about the zoo ("Appreciate having a zoo like this in our city"), the habitat and staff (87% of responses).

*"Love what the zoo has done with Elephant Lands with more interactive(s) than the previous exhibit & more inviting for elephants & visitors."*

### Focus Groups

- Focus group participants who voted to support the bond measure that funded Elephant Lands are satisfied that their taxes were well-spent. Everyone agreed that Elephant Lands met or exceeded the expectations of the public. Whether comparing it to the old Oregon Zoo elephant habitat or exhibits at other zoos, there was consensus that Elephant Lands was superior. They are willing to continue making financial contributions to support additional habitat improvements.
- For focus group participants, the visitor experience extended beyond Elephant Lands through the use of social media and other opportunities for learning through the zoo. Participants appreciate and seek out detailed information about the elephants, the habitat and the zoo's conservation efforts.

### What Features of the Elephant Land Interpretive Package are most Memorable and Engaging?

- The most engaging action for visitors to Elephant Lands was watching elephants as they moved, ate and interacted with each other, as measured by frequency of occurrence, duration, and favorable comments throughout all of our studies.

### Visitor Intercept Survey

- In response to an open-ended question about their three favorite experiences at the Elephant Lands habitat, survey respondents overwhelmingly effused about the habitat design, space for the elephants, and the ability of visitors to still be able to get close to the elephants.
- The majority of survey respondents (75%) were unaware that an Elephant Lands app existed. The zoo may wish to do some additional mentions of the app on maps and signs, as the very few people who were moved to download the app, seemed to gain additional insights into elephant behavior.

### Timing-and-Tracking Study

- The three most frequently utilized signs were elephant ID signs (17), the Elephant Lands map (13), and Feet (7).
- The three most engaging graphics, each with an average stay-time of over half a minute, were Sounds, Trunk, and Elephant ID signs.
- Although less frequent, reading and interacting with elephant-related exhibits were the next most common visitor behaviors.

## Focus Groups

- Focus group participants thought that interactions with staff and visitors provide the most memorable learning experiences: daily keeper talks showcase the strong bond between keepers and elephants while educating visitors about the importance of training; volunteers provide additional opportunities for visitors to learn more intimate details about the habitat, elephant adaptations, behaviors, and the zoo's conservation work.

*"I have more faith in this zoo and how they take care of the animals. Seeing it in action was reassuring."*

- Visitor response to a Keeper Talk

- Focus group participants recognized volunteers as knowledgeable about elephants and passionate about the zoo.
- Opportunities exist for staff and volunteers to address the zoo's role in elephant research and conservation and how visitors can take conservation action more effectively.

*"I love stumbling upon [volunteer interpreters] when no one else is around and getting their full attention. They are always really excited to talk and very helpful."*

- Visitor

Focus group participants perceived the overall design of the habitat as beneficial to elephant welfare and conducive to family fun. Elements throughout the habitat such as the feeding tower, the sand substrate, and the shift doors, intrigue visitors and impress upon them how much attention was given to detail during the construction phase. Public spaces that are designed to facilitate comfortable viewing and accommodate resting areas contribute to a positive visitor experience.



Agenda Item No. 4.1

Consideration of the Council Meeting Minutes for June 29,  
2017

*Consent Agenda*

Metro Council Meeting  
Thursday, July 20, 2017  
Metro Regional Center, Council Chamber

Agenda Item No. 4.2

**Resolution No. 17-4811**, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Modify and/or Add New Projects as Part of the May 2017 Formal MTIP Amendment (MY17-04-May) Involving a Total of Nine Affected Projects for ODOT, Metro, TriMet, and Ride Connection

*Consent Agenda*

Metro Council Meeting  
Thursday, July 20, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18 ) RESOLUTION NO. 17-4811  
METROPOLITAN TRANSPORTATION )  
IMPROVEMENT PROGRAM (MTIP) TO MODIFY ) Introduced by Chief Operating Officer  
AND/OR ADD NEW PROJECTS AS PART OF THE ) Martha Bennett in concurrence with  
MAY 2017 FORMAL MTIP AMENDMENT (MY17- ) Council President Tom Hughes  
04-MAY) INVOLVING A TOTAL OF NINE )  
AFFECTED PROJECTS FOR ODOT, METRO, )  
TRIMET, AND RIDE CONNECTION )

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the US Department of Transportation (USDOT) has issued new MTIP amendment submission rules and definitions for Formal and Administrative amendments that both Oregon Department of Transportation (ODOT) and Oregon (Metropolitan Planning Organization) MPOs must adhere to which requires the below project changes to be processed and approved as a formal MTIP amendment; and

WHEREAS, the primary reason for the May 2017 formal MTIP amendment to the nine identified projects is to ensure required changes are made and approved in time to allow federal fund obligations to occur before the end of Federal Fiscal Year 2017; and

WHEREAS, ODOT's I-5: Interstate Bridge Northbound Trunnion Shaft Replacement project in Multnomah County requires an additional \$1,170,000 that will come from the State Bridge program from the 2018-21 STIP and from the Washington Department of Transportation to be added to the Preliminary Engineering phase to complete required tasks and activities for the project; and

WHEREAS, adding to the MTIP ODOT's new Region 1 Bridge Screening Project, estimated at a total of \$2,766,794, which will include the installation of bridge protective screening and bridge rail repair/replacement elements on twelve freeway overpasses in Region, will enable the Preliminary Engineering phase to begin before the end of Federal Fiscal Year 2017 and result in improved safety for motorists; and

WHEREAS, through this formal amendment action to cancel ODOT's OR99E Kellogg Creek project, which initially provided funding for culvert replacement design activities, will enable preliminary engineering funding of \$495,000 of State Surface Transportation Program and matching funds to be

transferred to three other culvert improvement projects, two in Region 2 and one in Region 1, the US30 Corridor new culvert design project; and

WHEREAS, a result of cancelling ODOT's OR99E Kellogg Creek Preliminary Engineering project, ODOT's new U.S.30 Corridor project at mile post 9.08 to 17.68 new culvert design project can be added to the 2015 MTIP with \$196,000 of funds transferred from the OR99E Kellogg Creek project for Preliminary Engineering culvert design activities; and

WHEREAS, ODOT's Key 18502, Traffic Safety Grant Program 2016 project grouping bucket, has been authorized to transfer \$172,200 to the new ODOT project, OR219 at Laurel, Midway, and I-84 at Fairview Ramp as part of ODOT's new High Friction Surface Treatment (HFST) pilot program; and

WHEREAS, ODOT's Public Transit Section determined additional state allocated Surface Transportation Program (STP) funds were available to support Metro's FY 2017 Drive Less Connect Outreach Program and authorized an additional \$207,061 of STP for program activities; and

WHEREAS, the ODOT Public Transit Section provided two funding awards in support of the FTA Section 5310 Elderly and Disabled program areas to TriMet and Ride Connection for both agencies to procure required vehicles, obtain required contracted services, support mobility management needs, and for preventative maintenance requirements; and

WHEREAS, the Oregon Transportation Commission (OTC) approved the required changes to the STIP across multiple meetings between December 2016 and June 2017 enabling them now to complete the MTIP amendment process; and

WHEREAS OTC approval action provides the proof of funding verification in support of the MTIP fiscal constraint requirement; and

WHEREAS, all nine projects were evaluated against seven MTIP review factors to ensure all requested changes and additions can be accomplished legally through the MTIP amendment process; and

WHEREAS, the MTIP review factors included project eligibility/proof of funding, RTP consistency with the financially constrained element, consistency with RTP goals and strategies, determination of amendment type, air conformity review, fiscal constraint verification, and compliance with MPO MTIP management responsibilities; and

WHEREAS, the MTIP's financial constraint finding is maintained as the project changes and new funding has been verified, or reflect lateral funding to existing programmed projects; and

WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed through the May 2017 Formal MTIP Amendment; and

WHEREAS, all projects included in the May 2017 Formal MTIP Amendment successfully completed a required 30-day public notification/opportunity to comment period without any significant issues raised; and

WHEREAS, TPAC received their notification on May 26, 2017; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on June 15, 2017 to formally amend the 2015-18 MTIP to include the May 2017 Formal Amendment bundle of nine projects requiring necessary changes and updates.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2017.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

2015-2018 Metropolitan Transportation Improvement Program  
Exhibit A to Resolution 17-4811



Proposed May 2017 Formal Amendment Bundle			
Amendment Type: <b>FORMAL</b>			
Total Number of Projects: 9			
ODOT Key	Lead Agency	Project Name	Required Changes
19651	ODOT	I-5: INTERSTATE BR (NB) TRUNNION SHAFT REPLACEMENT	Increase Preliminary Engineering phase funding by \$1,170,000 to complete required PE tasks for the project. Note: Only PE is currently programmed for the project
<b>21019 NEW</b>	ODOT	REGION 1 BRIDGE SCREENING PROJECT (NEW PROJECT)	Adds the full new project to the 2015 MTIP so the PE phase can obligate the federal funds before the end of Federal Fiscal Year 2017.
19402	ODOT	OR99E: KELLOGG CREEK	De-programs a total of \$495,000 and cancels the project. The \$495,000 will be transferred and allocated among three separate culvert design projects including one in Region 1 (U.S. Route 30 Corridor also part of this amendment bundle.
<b>NEW TBD</b>	ODOT	U.S. Route 30 Corridor: (mile post 9.08 to 17.68)	A total of \$196,000 is added to the PE phase for new culvert design requirements. The funding originates from the newly cancelled project Key 19402 - OR99E Kellogg Creek
<b>20719 NEW</b>	ODOT	OR219 AT LAUREL, MIDWAY, AND I-84 AT FAIRVIEW RAMP	High Friction Surface Treatment (HFST) application pilot project to reduce the severity and frequency of wet roadway surface condition crashes
18502	ODOT	TRAFFIC SAFETY GRANT PROGRAM 2016 (SEC 164)	Split and transfer a total of \$172,200 of Section 164 (HSIP) funds to support Key 20719
19551	Metro	METRO DRIVE LESS CONNECT OUTREACH PROGRAM (2015-17)	Additional funds for FY 2017 have been authorized by Salem for this project. An additional allocation of \$207,061 of STP funds plus match are being added to the project.
<b>21064 New</b>	TriMet	TRIMET-5310 E&D TRANSIT CAPITAL (17-19)	Add new project to 2015 MTIP with funding in 2017
<b>21066 NEW</b>	Ride Connection	RIDE CONNECTION-5310 E&D TRANSIT CAPITAL (17-19)	Add new project to 2015 MTIP for Ride Connection for vehicle purchase, contracted service, mobility management, preventative maintenance and equipment



Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING									
ODOT Key	MTIP ID	Lead Agency	Project Name				Project Type	Project Cost	
19651	70832	ODOT	<b>I-5: INTERSTATE BR (NB) TRUNNION SHAFT REPLACEMENT</b>				Highway	\$ 1,389,000	
Project Description:			Replace trunnion shaft; bridge #01377A. ODOT is lead on project with WSDOT paying 50%						
Existing MTIP Project Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
NHPP-FAST	Z030	Federal	2015		\$ 640,468				\$ 640,468
State	Match	State	2015		\$ 54,032				\$ 54,032
Other	Overmatch	WSDOT	2015		\$ 694,500				\$ 694,500
<b>Total:</b>				\$ -	\$ 1,389,000	\$ -	\$ -	\$ -	\$ 1,389,000

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name				Project Type	Project Cost	
19651	70832	ODOT	<b>I-5: INTERSTATE BR (NB) TRUNNION SHAFT REPLACEMENT</b>				Highway	\$ 2,568,000	
Project Description:			Replace trunnion shaft; bridge #01377A. ODOT is lead on project with WSDOT paying 50%						
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
REDISTRIBUTION	Z030	Federal	2015		\$ 640,468				\$ 640,468
State	Match	State	2015		\$ 54,032				\$ 54,032
Other	Overmatch	WSDOT	2015		\$ 1,284,000				\$ 1,284,000
NHPP-FAST	Z001	Federal	2015		\$ 543,637				\$ 543,637
State	Match	State	2016		\$ 45,863				\$ 45,863
<b>Total:</b>				\$ -	\$ 2,568,000	\$ -	\$ -	\$ -	\$ 2,568,000
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2. NHPP-FAST = Federal National Highway Performance Program funds State = Required State matching funds to the federal funds								
	3. REDISTRIBUTION = Redistribution of certain authorized funds Other = State of Washington DOT's contribution to the project								
	4. WSDOT = State of Washington Department of Transportation and is providing a 50% contribution to the project								
This amendment increases the PE funding for required project development activities									

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

**PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
21019	TBD	ODOT	REGION 1 BRIDGE SCREENING PROJECT (NEW PROJECT)	Highway	\$ 2,890,802
Project Description:			Installation of bridge protective screening and bridge rail repair/replacement.		

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
NHPP-FAST	Z001	Federal	2017		\$ 148,959				\$ 148,959
State	Match	State	2017		\$ 17,049				\$ 17,049
NHPP-FAST	Z001	Federal	2018				\$ 2,444,958		\$ 2,444,958
State	Match	State	2018				\$ 279,836		\$ 279,836
<b>Total:</b>				\$ -	\$ 166,008	\$ -	\$ 2,724,794	\$ -	\$ 2,890,802

Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.
	2. NHPP-FAST = Federal National Highway Performance Program funds
	3. State = Required State matching funds to the federal funds

**Amendment Summary**  
 This amendment adds the project to the 2015 MTIP enabling the Federal PE funds to be obligated before the end of the Federal Fiscal Year 2017 and initiate the PE phase for the project

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING:									
ODOT Key	MTIP ID	Lead Agency	Project Name				Project Type	Project Cost	
19402	70809	ODOT	OR99E: KELLOGG CREEK				Local Road	\$ 495,000	
Project Description:			Design for culvert replacement						
Existing MTIP Project Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
STP-FLEX	M240	Federal	2017		\$ 444,164				\$ 444,164
State	Match	State	2017		\$ 50,836				\$ 50,836
<b>Total:</b>				\$ -	\$ 495,000	\$ -	\$ -	\$ -	\$ 495,000

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name				Project Type	Project Cost	
19402	70809	ODOT	OR99E: KELLOGG CREEK				Local Road	\$ -	
Project Description:			Design for culvert replacement						
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
STP-FLEX	M240	Federal	2017		\$ -				\$ -
State	Match	State	2017		\$ -				\$ -
<b>Total:</b>				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment. 2. STP-FLX = Federal Surface Transportation Program allocated to ODOT on an annual basis 3. State = Required State matching funds to the federal funds								

**Amendment Summary**

Through this amendment, Key 19402 is cancelled as the \$495,000 is de-programmed and reprogrammed to three separate culvert improvement projects for design needs, One project is in Region 1 and is listed in the next project entry.

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

**PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
<span style="color: blue;">TBD NEW</span>	TBD	ODOT	<span style="color: blue;">U.S. Route 30 Corridor: (mile post 9.08 to 17.68)</span>	Highway	\$ 196,000

Project Description: The project will replace or repair culverts in critical or poor condition by open cut/cover replacement, trenchless replacement methods, and trenchless repair methods.

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
STP-FLEX	M240	Federal	2017		<span style="color: blue;">\$ 175,871</span>				\$ 175,871
State	Match	State	2017		<span style="color: blue;">\$ 20,129</span>				\$ 20,129
<b>Total:</b>				\$ -	<span style="color: blue;">\$ 196,000</span>	\$ -	\$ -	\$ -	<span style="color: blue;">\$ 196,000</span>

- Notes:
1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.
  2. STP-FLX = Federal Surface Transportation Program allocated to ODOT on an annual basis
  3. State = Required State matching funds to the federal funds

**Amendment Summary**

This amendment adds the project to the 2015 MTIP enabling the Federal PE funds to be obligated before the end of the Federal Fiscal Year 2017 and initiate the PE phase for the project. The total of \$196k is being transferred from Key 19402.

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

**PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
<span style="color: blue;">20719</span>	TBD	ODOT	<span style="color: blue;">OR219 AT LAUREL, MIDWAY, AND I-84 AT FAIRVIEW RAMP (NEW PROJECT)</span>	Highway	\$ 172,200
Project Description:			High Friction Surface Treatment (HFST) application pilot project to reduce the severity and frequency of wet roadway surface condition crashes		

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
<span style="color: blue;">Sec 164</span>	MS32	Federal	2017		\$ 5,000				\$ 5,000
<span style="color: blue;">Sec 164</span>	MS32	Federal	2018		\$ 167,200				\$ 167,200
<b>Total:</b>				\$ -	\$ 172,200	\$ -	\$ -	\$ -	\$ 172,200

Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.
	2. Sec 164 are 100% Highway Safety Improvement Program (HSIP) funds

**Amendment Summary**

This amendment adds the project to the 2015 MTIP enabling the Federal PE funds to be obligated before the end of the Federal Fiscal Year 2017 and initiate the PE phase for the project. The total of \$172k is being transferred from Key 18502.

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING:											
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost		
18502	N/A	ODOT	TRAFFIC SAFETY GRANT PROGRAM 2016 (SEC 164)					Various	\$ 3,984,734		
Project Description:			Pooled Funds - projects to be determined								
Existing MTIP Project Fund Programming by Phase											
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total		
Sec 164	MS32	Federal	2017				\$ 3,984,734		\$ 3,984,734		
<b>Total:</b>				\$ -	\$ -	\$ -	\$ 3,984,734	\$ -	\$ 3,984,734		

PROPOSED AMENDED CHANGES											
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost		
18502	N/A	ODOT	TRAFFIC SAFETY GRANT PROGRAM 2016 (SEC 164)					Various	\$ 3,812,534		
Project Description:			Pooled Funds - projects to be determined								
Amended MTIP Fund Programming by Phase											
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total		
Sec 164	MS32	Federal	2017				\$ 3,984,734		\$ 3,984,734		
Sec 164	MS32	Federal	2017				\$ (172,200)		\$ (172,200)		
<b>Total:</b>				\$ -	\$ -	\$ -	\$ 3,812,534	\$ -	\$ 3,812,534		
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment. 2. Sec 164 are 100% Highway Safety Improvement Program (HSIP) funds										

**Amendment Summary**  
Through this amendment, \$172,200 of Sec 164 (HSIP) funds are transferred to Key



Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
19551	70823	Metro	<b>METRO DRIVE LESS CONNECT OUTREACH PROGRAM (2015-17)</b>					Transit	\$ 354,397
Project Description:		Promote & encourage the use of carpools, vanpools, transit, bicycling, walking and teleworking. Continues existing carpool matching, regional vanpool services and community.							
Existing MTIP Project Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
STP-FLEX	M240	Federal	2015					\$ 318,000	\$ 318,000
Local	Match	Local	2015					\$ 36,397	\$ 36,397
<b>Total:</b>			\$ -	\$ -	\$ -	\$ -	\$ 354,397	\$ 354,397	

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
19551	70823	Metro	<b>METRO DRIVE LESS CONNECT OUTREACH PROGRAM (2015-17)</b>					Transit	\$ 585,157
Project Description:		Promote & encourage the use of carpools, vanpools, transit, bicycling, walking and teleworking. Continues existing carpool matching, regional vanpool services and community.							
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
STP-FLEX	M240	Federal	2015					\$ 318,000	\$ 318,000
Local	Match	Local	2015					\$ 36,397	\$ 36,397
STP-FLEX	M24E	Federal	2015					\$ 47,235	\$ 47,235
Local	Match	Local	2015					\$ 5,406	\$ 5,406
STBG-FLEX	Z240	Federal	2015					\$ 159,826	\$ 159,826
Local	Match	Local	2015					\$ 18,293	\$ 18,293
<b>Total:</b>			\$ -	\$ -	\$ -	\$ -	\$ 585,157	\$ 585,157	

Notes: 1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.

STP-FLEX - State allocated Surface transportation Program funds

**Amendment Summary:**  
The purpose of this amendment adds \$207,061 of state allocated STP (and local match) to the project to support program activities.

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

**PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
21064	TBD	TriMet	TRIMET-5310 E&D TRANSIT CAPITAL (17-19)	Transit	\$ 3,568,237

Project Description: VEHICLE PURCHASE AND CONTRACTED SERVICE

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
STBG-FLEX	Z240	Federal	2017					\$ 3,201,779	\$ 3,201,779
Local	Match	Local	2017					\$ 366,458	\$ 366,458
<b>Total:</b>				\$ -	\$ -	\$ -	\$ -	\$ 3,568,237	\$ 3,568,237

Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.
	2. STBG-FLEX: Federal Surface Transportation Block Grant funds allocated to ODOT

**Amendment Summary**

This amendment adds the project to the 2015 MTIP enabling the Federal STBG to be flex transferred to FTA later enabling TriMet to expend the federal funds in support of FTA Section 5310 awarded program areas.

Exhibit A to Resolution 17-4811

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

**PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
21066	TBD	Ride Connection	RIDE CONNECTION-5310 E&D TRANSIT CAPITAL (17-19)	Transit	\$ 3,615,971

Project Description: VEHICLES PURCHASE, CONTRACTED SERVICE, MOBILITY MANAGEMENT, PREVENTIVE MAINTENANCE AND EQUIPMENT

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
STBG-FLEX	Z240	Federal	2017					\$ 3,244,611	\$ 3,244,611
Local	Match	Local	2017					\$ 371,360	\$ 371,360
<b>Total:</b>				\$ -	\$ -	\$ -	\$ -	\$ 3,615,971	\$ 3,615,971

Notes: 1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.  
 2. STBG-FLEX: Federal Surface Transportation Block Grant funds allocated to ODOT

**Amendment Summary**

This amendment adds the project to the 2015 MTIP enabling Ride Connection the ability to expend the federal funds in support of FTA Section 5310 awarded program areas.

# Memo



Date: Monday, June 26, 2017  
To: Metro Council and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: May 2017 MTIP Formal Amendment plus Approval Request of Resolution 17-4811

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## STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO MODIFY AND/OR ADD NEW PROJECTS AS PART OF THE MAY 2017 FORMAL MTIP AMENDMENT (MY17-04-MAY) INVOLVING A TOTAL OF NINE AFFECTED PROJECTS, SIX FOR ODOT, ONE FOR METRO, TRIMET, AND RIDE CONNECTION

## SUMMARY OF TPAC ACTION AND RECOMMENDATION

There were two key actions that emerged from TPAC:

- (1) TPAC did not include in their recommendation ODOT's Kellogg Creek project (Key 19402) due to concerns about the need for further discussion between ODOT and the city of Milwaukie. TPAC did not deny the Kellogg Creek be included in the amendment, but referred it to JPACT allowing extra time for ODOT and the city of Milwaukie to discuss the proposed deprogramming and project cancelling action from the MTIP and STIP. Through this action TPAC deferred the final approval recommendation to come from JPACT without consideration of TPAC's position.
  
- (2) TPAC did support the addition of two late submitted transit projects to be included in the May 2017 Formal MTIP Amendment. The two projects included:
  - **Key 21064 - TriMet: 5310 Elderly and Disabled Transit Capital (17-19):**
    - Federal funds: STBG (Surface Transportation Block Grant)
    - Federal amount: \$3,201,779
    - Total project cost estimate: \$3,568,237
    - Purpose: For vehicle purchases and contracted services.
  
  - **Key 21066 - Ride Connection: 5310 Elderly and Disables Transit Capital (17-19):**
    - Federal funds: STBG (Surface Transportation Block Grant)
    - Federal amount: \$3,244,611
    - Total project cost estimate: \$3,615,971
    - Purpose: For vehicle purchases, contracted services, mobility management, and for preventive maintenance and equipment.

The staff report and recommendation provided to JPACT included all nine projects, but with the caveat to determine if ODOT's Kellogg Creek Project should remain or be removed from the May 2017 Formal MTIP Amendment as requested by TPAC. A summary of the JPACT discussion is included on the next page.

**SUMMARY OF JPACT RECOMMENDATION:**

Staff presented an overview of the May 2017 Formal MTIP Amendment that included a brief overview of each project. Staff advised JPACT members that while the staff recommendation included all nine projects, JPACT approval recommendation was to determine if they supported the identified amendment actions for all nine projects. Conversely, JPACT members were asked to consider if the Kellogg Creek project should remain as part of the amendment (approve the deprogramming action) or remove the project from the final amendment recommendation as part of Resolution 17-4811. Staff presented the final approval recommendation to JPACT as the following:

**The approval recommendation for JPACT is to determine if the Kellogg Creek project should continue as submitted for amendment (deprogramming and project cancellation from the MTIP and STIP), or recommend removal from Resolution 17-4811 and not be included as part for the final approval recommendation to Metro Council as part of the final May 2017 Formal MTIP Amendment bundle.**

JPACT discussion focused on ensuring they understand the approval recommendation and wanted additional background details from ODOT and the city of Milwaukie. Mayor Mark Gamba provided an overview of why the Kellogg Creek project was critically important to the city. He addressed the needed improvements and how they would benefit the city and region. He also acknowledged the associated problems in trying to implement the goals of the project. Kelly Brooks, ODOT Region 1 Policy and Development Manager addressed the reasons why ODOT needed to deprogram the \$495,000 currently programmed to the project. She explained why ODOT needed to shift the culvert design funds off Kellogg Creek and re-program them to three other projects. A summary of the reasons are stated in the project table for Kellogg Creek (Project Amendment #3). The short and simplistic answer to the deprogramming action is that other culvert projects are in worse condition and require immediate attention ahead of Kellogg Creek.

Mayor Gamba finished the discussion by stated the city of Milwaukie would not oppose ODOT's proposed deprogramming action, nor oppose JPACT's recommendation to include the Kellogg Creek deprogramming and cancellation from the MTIP if that was their recommendation. However, Mayor Gamba requested Metro provide continued support to Milwaukie in their efforts to find funding for the Kellogg Creek project. He stated the city would provide a letter of support consideration to Metro soon requesting this affirmation for the Kellogg Creek project.

As part of the final approval motion, JPACT recommended the Kellogg Creek project be included in the May 2017 Formal MTIP Amendment bundle as submitted by ODOT for deprogramming and cancellation from the MTIP and STIP with the condition that Metro will address the support consideration letter back from Milwaukie for the Kellogg Creek project.

Below is the list of the final May 2017 Formal MTIP Amendment contents as recommended by JPACT:

### MAY 2017 FORMAL AMENDMENT BUNDLE CONTENTS

<b>1. Project: I-5: INTERSTATE BR (NB) TRUNNION SHAFT REPLACEMENT</b>	
Lead Agency:	ODOT
ODOT Key Number:	19651
Project Description:	Replace trunnion shaft; bridge #01377A. ODOT is lead on project with WSDOT paying 50% of total.
Changes Needed/and Additional Details:	Add \$1,170,000 of a combination of State Bridge Program funds (50%) from the 2018-2021 STIP and the other 50% from WSDOT to the PE phase.
	The Interstate 5 Northbound Bridge over the Columbia River is a 3,538 foot long sixteen-span bridge that opened to traffic in February 1917. ODOT maintains the bridge with a joint cost-sharing agreement with the Washington State Department of Transportation (WSDOT). The northbound and southbound bridges have average daily traffic of 127,000 vehicles. The vertical lift span is 279 feet long and is raised regularly to allow ships to pass on the Columbia River. The lift uses a system of counterweights and cables that are supported by two towers at each end of the span. The cables pass over trunnion shafts located in each tower.
	The trunnions in the northbound tower are inspected at a regular interval based on their condition. The western trunnion is inspected every four years, while the eastern trunnion is inspected every two years due to cracking concerns. The most recent inspection of the eastern trunnion was completed in August 2014. This inspection showed that, when compared to the August 2012 inspection, the crack of greatest concern had grown from four inches long to six and half inches long along the circumference of the trunnion shaft. A second two inch long crack was also identified.
	This project will be very similar to the work that replaced the trunnions in the southbound towers in 1998. This will involve significant coordination and outreach between ODOT, WSDOT, the Coast Guard, and those who use the bridge.
	The original estimate for preliminary engineering was based on inflated costs from the previous project. However, while the nature of the work is similar, the traffic volumes have increased, as have the expectations for public outreach. This, coupled with the unique risks, significant specialty work, extra quality control and quality assurance on the design work, extensive traffic control plan, and alternate contracting methods, have increased the cost of the preliminary engineering phase beyond the original estimate.
Why a Formal amendment?	Cost increases above 20% for a \$1 million or greater project requires a formal MTIP amendment
Total Programmed Amount:	The PE phase will increase from \$1,398,000 to \$2,568,000
Other and Notes:	OTC approval at their April 2017 meeting

<b>2. Project: REGION 1 BRIDGE SCREENING PROJECT (NEW PROJECT)</b>	
Lead Agency:	ODOT
ODOT Key Number:	21019
Project Description:	Installation of bridge protective screening and bridge rail repair/replacement.
Changes Needed/	Add full project to the 2015 MTIP: Add \$148,959 of federal National Highway



Additional Details:	<p>Performance Program (NHPP-FAST) funds plus state match (Total PE = \$166,008) for PE in 2017 and \$2,444,957 of NHPP-FAST plus State match (Total construction = \$2,724,794 for Construction phase.</p> <p>Oregon Revised Statutes (ORS) 366.462 requires that all freeway overpasses constructed after November 4, 1993, have fences that are designed to deter persons from throwing objects from the overpasses onto the freeways. This ORS also requires that Oregon Department of Transportation (ODOT) develop a prioritization system to construct fences first on those overpasses that involve the greatest risks, and to construct at least 15 fences per year on existing freeway overpasses. Constructing fences on these 12 freeway overpasses in Region 1 and three freeway overpasses in Region 2 will improve safety for motorists and move ODOT closer to substantial completion of this program.</p>
Why a Formal amendment?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal/full MTIP amendment.
Total Programmed Amount:	Total programmed amount will be \$2,890,802.
Other and Notes:	<p>OTC approval at their December 2016 meeting. Stated locations for the 12 fences:</p> <ol style="list-style-type: none"> <li>1. I-205 at MP 20.4 to 20.6: SE Washington St</li> <li>2. I-5 at MP304.1 to 304.9: Alberta Street</li> <li>3. I-5 at MP 302.8 to 303.1</li> <li>4. OR-212 at MP 8.43 to 8.51</li> <li>5. OR-217 at MP 2.95 to 3.09: Denny Road</li> <li>6. OR-217 at MP 7.19 to 7.25</li> <li>7. OR-224 at MP 2.39 to 2.45: Harmony Road</li> <li>8. OR-43 at MP 0.03 to 0.15</li> <li>9. US-26 at MP 0.42 to 1.12</li> <li>10. US-26 at MP 1.0 to 1.02</li> <li>11. US-26 at MP 17.53 to 17.58: Boring Road</li> <li>12. US-30BY at MP 5.31 to 5.35</li> </ol>

<b>3. Project:</b>	<b>OR99E: KELLOGG CREEK</b>
Lead Agency:	ODOT
ODOT Key Number:	19402
Project Description:	Design for culvert replacement
Changes Needed/ Additional Details:	<p>Cancel project in the MTIP by de-programming all funding and transfer the \$495,000 to three new culvert design projects, one in Region 5 , one in Region 2, and one in Region 1 and part of this amendment - <b><i>US Route 30 Corridor (Mile post 9.00 to 18.10) to receive 196,000for PE design activities.</i></b></p> <p>The Kellogg Creek project was identified as a potential project for funding from the Large Culvert and Fish Passage Culvert Programs for the 2015-2018 STIP and was selected with an award of \$495,000 for Preliminary Engineering from the 2015-2018 Shelf Program. The project involved removal of the Kellogg Creek Dam, a major fish passage barrier at Oregon 99 East and Kellogg Creek, and replacement with a bridge.</p> <p>Region 1 conducted an in-house project evaluation to identify possible alternatives, refine the project scope and identify potential risks to the project schedule and budget. The results of the evaluation indicated the Kellogg Creek project would cost approximately \$8,000,000 to \$11,900,000 and identified several high risk areas. The estimates do not include the cost of likely impacts to Kellogg Lake and environmental mitigation associated with removal of the dam. The Statewide Culverts Program</p>

	<p>Manager decided not to pursue the project at this time given the high cost of the project, the limited available funding, and the high risk elements. The funds were returned to the culverts programs for re-allocation.</p> <p>Region 1's Geo-Environmental section coordinated with the Statewide Geo-Environmental group and the Statewide Culvert Leadership Team (SCLT) to evaluate culvert priorities and determine appropriate projects for the re-allocated Kellogg Creek funds. SCLT reviewed and approved the recommendations for the Statewide Culvert Program Manager to re-allocate funds from the Kellogg Creek project to the following three projects:</p> <ul style="list-style-type: none"> <li>• Add \$154,000 to U.S. 26: Little Pine Creek Culvert (mile post 164.12) for design only project, located in Region 5.</li> <li>• Add \$145,000 to U.S. 101: Lincoln City to Newport Corridor (mile post 105.09 to 140.36) for design only project located in Region 2.</li> <li>• Add \$196,000 to U.S. 30: Corridor (mile post 9.00 to 18.10), for design only project, located in Region 1. (Next project in this amendment).</li> </ul>
Why Formal?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal/full MTIP amendment.
Total Programmed Amount	The total project programming amount decreases from \$495,000 to \$0 and is cancelled.
Other and Notes:	The item was approval by the OTC at their June 2017 meeting

<b>4. Project:</b>	<b>U.S. Route 30 Corridor: (mile post 9.08 to 17.68)</b>
Lead Agency:	ODOT
ODOT Key Number:	TBD
Project Description:	The project will replace or repair culverts in critical or poor condition by open cut/cover replacement, trenchless replacement methods, and trenchless repair methods.
Changes Needed/ Additional Details:	<p>The PE phase for this new project is added to the 2015 MTIP with a total \$196,000 of funds for culvert design work as a result of the deprogramming and cancellation of Key 19042, OR99E Kellogg Creek. Two projects outside of Region 1 will receive a portion of the \$495,000 of PE funding in Key 19042.</p> <p>The culverts along the US Route 30 corridor has been identified as either in critical or poor condition by ODOT's Drainage Facility Management System (DFMS) due to issues such as extensive corrosion and deterioration, open joints, barrel damage and collapse of the structure. The projects will replace or repair culverts in critical or poor condition by open cut/cover replacement, trenchless replacement methods, and trenchless repair methods.</p> <p>The proposed new projects are design only and will need to secure funding for construction. If we do not design these projects, ODOT could lose opportunities for funding construction should additional resources become available.</p>
Why Formal?	The PE phase for this new project is added to the 2015 MTIP. Adding or cancelling a federally funded and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment.
Total Programmed Amount:	Total PE programming is \$196,000
Other and Notes:	The item was approved by the OTC at their June 2017 meeting

<b>5. Project:</b>	<b>METRO DRIVE LESS CONNECT OUTREACH PROGRAM (2015-17)</b>
Lead Agency:	Metro
ODOT Key Number:	19551
Project Description:	Promote & encourage the use of carpools, vanpools, transit, bicycling, walking and teleworking. Continues existing carpool matching, regional vanpool services and community.
Changes Needed/ Additional Details:	<p>The ODOT Public Transit Section manages multiple transit programs and funds including Enhanced Mobility/Special Needs, Intercity/Transit Network, Transportation Options, Planning and Training. Ongoing monitoring of program expenditures and planned changes to the transit programs resulted in additional unobligated Surface Transportation Program funds being available for the Transportation Options Program.</p> <p>The Transportation Options program promotes alternatives to driving such as bicycling, walking, public transit, ridesharing (carpooling and vanpooling), teleworking and compressed work-weeks. The program helps ODOT achieve national and state goals for land use, air quality, congestion management, and energy conservation. The goal is to encourage travelers to choose alternative travel modes for the purpose of reducing auto trips, congestion, and pollution they cause, and to enhance livability, physical health, and activity levels.</p> <p>The Metro Drive Less Connect Outreach Program (2015-17) promotes alternatives to driving and receives federal funds from ODOT in support of the Transportation Options objectives. Salem determined that additional federal funds are available to Metro's program and have authorized an additional allocation of \$207,061 of STP for FY 2017 needs currently programmed in Key 19551. The total STP allocation increases from \$318,000 to \$525,016.</p>
Why Formal?	Changes in Fiscal Constraint by the following criteria: Projects under \$500K – increase/decrease over 50% require a formal amendment
Total Programmed Amount:	With the required 10.27% match, the project funding increases from \$354,397 to \$538,632
Other and Notes:	The funding increase was verified by the Region 1 STIP Coordinator

<b>6. Project:</b>	<b>OR219 AT LAUREL, MIDWAY, AND I-84 AT FAIRVIEW RAMP (NEW PROJECT)</b>
Lead Agency:	ODOT
ODOT Key Number:	20719
Project Description:	High Friction Surface Treatment (HFST) application pilot project to reduce the severity and frequency of wet roadway surface condition crashes
Changes Needed/ Additional Details:	<p>Add new project to MTIP.</p> <p>Funding is part of the pilot project High Friction Surface Treatment (HFST) installations under the statewide 2014-16 Roadway Departure initiative. The 2014-16 roadway departure funds have been approved to reduce the severity and frequency of roadway departure crashes associated with wet roadway surfaces.</p> <p>The project HFST locations include:</p> <ul style="list-style-type: none"> <li>- OR219 at SW Laurel Rd MP 7.64 to 7.80</li> <li>- OR219 at SW Midway Rd, MP 8.15 to 8.29</li> <li>- I-84 at Fairview Parkway IC, westbound on-ramp MP 5C14.45 to 5C14.68</li> </ul> <p>The two countermeasures proposed in this project are high friction surface treatment for an individual curve and high friction surface treatment in a ramp. The HFST at the I-84 project location will be applied on the roadway surface from the inside of edge line to inside of edge line. The HFST at the OR219 project locations will be applied on the</p>

	roadway surface from inside of edge line to inside of double no-pass line. The primary intent of these installations is to reduce the severity and frequency of wet roadway surface conditions crashes with a secondary intent of testing the constructability of the high friction surface treatment.
Why Formal?	Adding or cancelling a federally funded and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment.
Total Programmed Amount:	The total programmed amount will be \$172,200
Other and Notes:	Approved by OTC during their April 2017 meeting.

<b>7. Project:</b>	<b>TRAFFIC SAFETY GRANT PROGRAM 2016 (SEC 164)</b>
Lead Agency:	ODOT
ODOT Key Number:	18502
Project Description:	Pooled Funds - projects to be determined
Changes Needed/Additional Details:	Transfer \$172,200 from the project grouping to Key 20719 above.
Why Formal?	The change to this project is tied to the new project above
Total Programmed Amount:	Removing \$172,200 for Key 20719 project decreases the project grouping bucket from \$3,984,734 to \$3,812,534
Other and Notes:	Funding for the project was approved by the OTC during their April 2017 meeting

<b>8. Project:</b>	<b>TRIMET-5310 E&amp;D TRANSIT CAPITAL (17-19)</b>
Lead Agency:	ODOT
ODOT Key Number:	21064
Project Description:	Vehicle purchase and contracted service
Changes Needed/Additional Details:	Add new project to the 2015 MTIP per ODOT's Public Transit Section request. The project will provide funding for elderly and disabled transit services. It needs to be added now so there is time to flex transfer the STBG to FTA before the end of the federal fiscal 2017 obligation window (August 31, 2017)
Why Formal?	Adding a new project to the MTIP per the STIP/MTIP Matrix requires a formal amendment
Total Programmed Amount:	STBG programmed is \$3,201,779 with a total project cost estimate at \$3,568,237.
Other and Notes:	

<b>9. Project:</b>	<b>RIDE CONNECTION-5310 E&amp;D TRANSIT CAPITAL (17-19)</b>
Lead Agency:	Ride Connection
ODOT Key Number:	21066
Project Description:	Vehicle purchase, contracted service, mobility management, and preventative maintenance
Changes Needed/Additional Details:	Add new project to the 2015 MTIP per ODOT's Public Transit Section request. The project will provide funding for elderly and disabled transit services. It needs to be added now so there is time to flex transfer the STBG to FTA before the end of the federal fiscal 2017 obligation window (August 31, 2017)
Why Formal?	Adding a new project to the MTIP per the STIP/MTIP Matrix requires a formal amendment
Total Programmed Amount:	STBG programmed is \$3,244,611 with a total project cost estimate at \$3,615,971.
Other and Notes:	

**METRO REQUIRED PROJECT AMENDMENT REVIEWS**

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against seven MTIP review factors. The seven factors include:

- Project eligibility/proof of funding commitment and verification
- RTP consistency review with the financially constrained element
- RTP goals and strategies consistency
- Amendment type determination; Formal or Administrative
- Air conformity review
- Fiscal constraint verification
- MPO responsibilities completion

MPO responsibilities include the completion of a required 30-day public notification period for all projects in the May 2017 Formal Amendment. All nine projects have been posted on Metro’s MTIP web page for notification and comment opportunity. The 30 day public notification period began on May 19, 2017 and is expected to conclude on June 28, 2017. Metro staff will respond to received comments as necessary.

Based on the review and evaluation of the seven projects against the seven review factors, no issues are present. As part of developing improvement MTIP and STIP amendment development and submission processes, this amendment is testing the feasibility of concurrent processing for two projects that still require OTC approval (Key 19042 and U.S. Route 30 Corridor project). Both ODOT and Metro staff do not anticipate any issues with OTC for the two projects to occur at their June 2017 meeting. If issues arise or OTC declines approval, both projects will be removed from the final MTIP amendment for Metro Council approval.

Staff believe that the projects can be amended as requested and added to the 2015-18 MTIP without issue. TPAC received their notification and presentation of the May 2017 Formal MTIP Amendment on May 26, 2017.

**APPROVAL STEPS AND TIMING**

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the May 2017 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	May 19, 2017
• TPAC notification and approval recommendation.....	May 26, 2017
• JPACT approval recommendation to Council.....	June 15, 2017
• Successful completion of Public Notification.....	June 28, 2017
• Metro Council approval.....	July, 20, 2017

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	July 21-25, 2017
• Amendment bundle submission to ODOT and USDOT.....	July 26, 2017
• ODOT clarification and approval.....	Mid August, 2017
• USDOT clarification and final amendment approval.....	Late August 2017

**ANALYSIS/INFORMATION**

1. **Known Opposition:** None known at this time. Note: As a result of the JPACT meeting and discussion, The city of Milwaukie removed their opposition to including Kellogg Creek and subsequent deprogramming/cancelation action as part of the final May 2017 Forma MTIP bundle.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

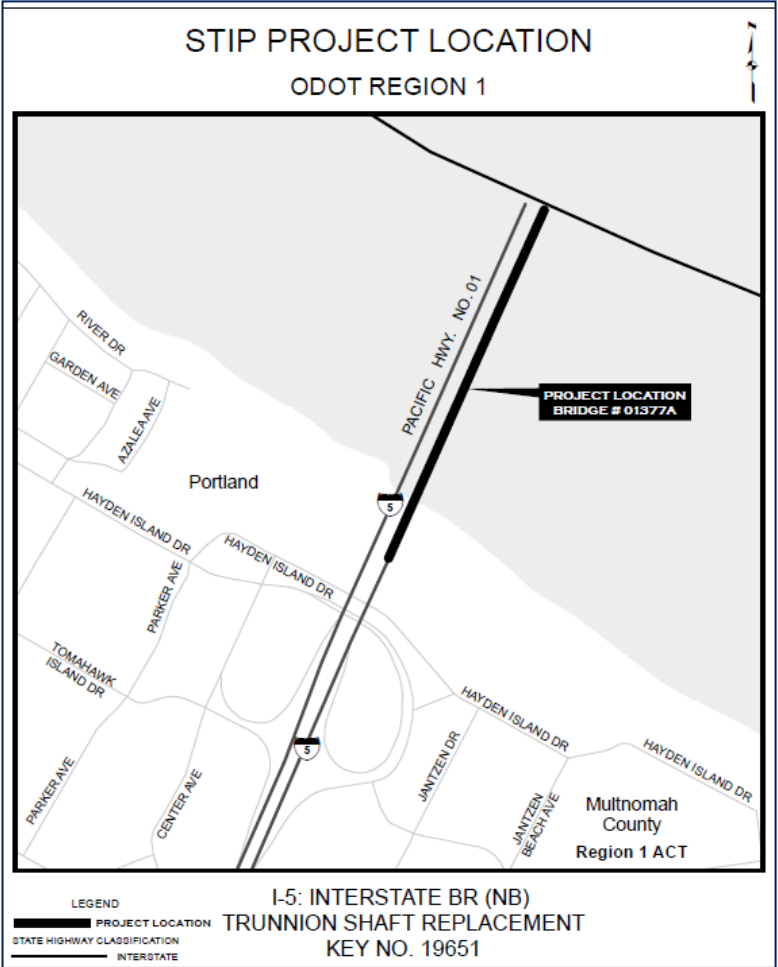
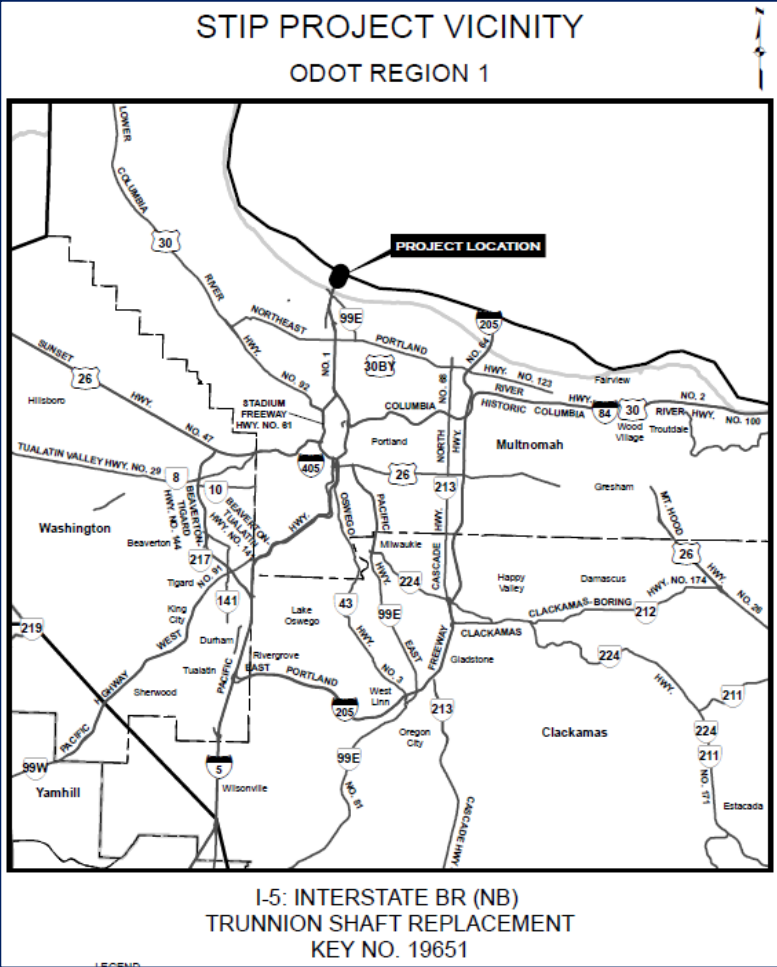
**RECOMMENDED ACTION:**

JPAC recommends the approval of Resolution 17-4811 which includes all nine projects as part of the May 2017 Formal Amendment bundle.

Attachment: Project Location Maps

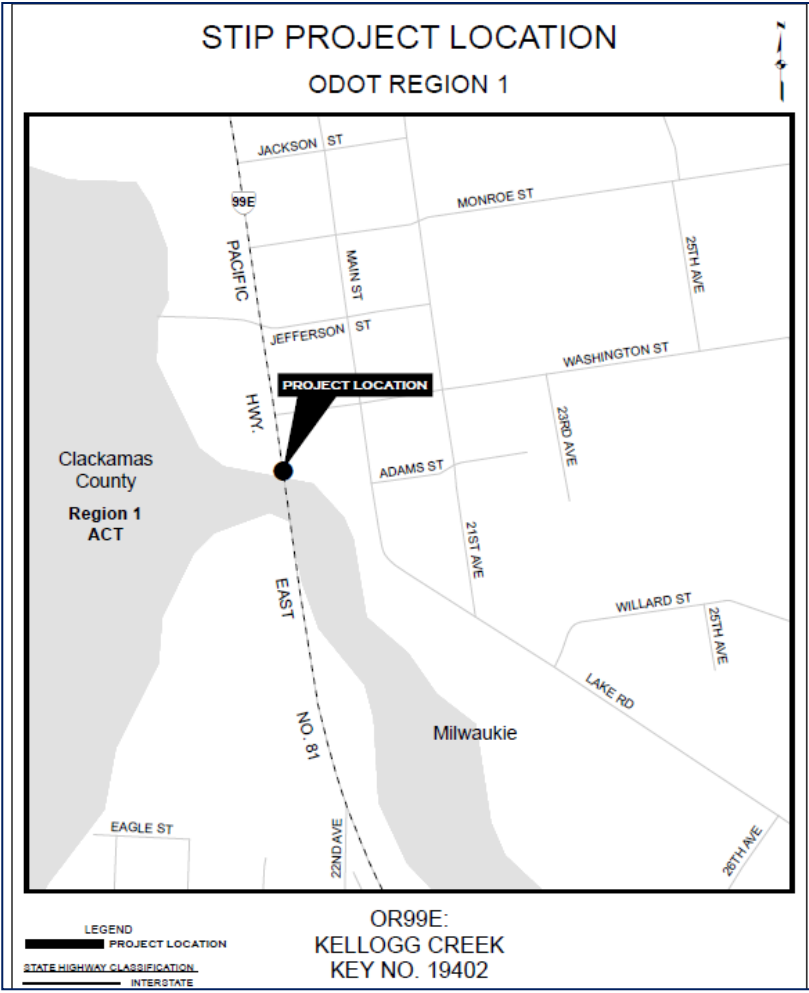
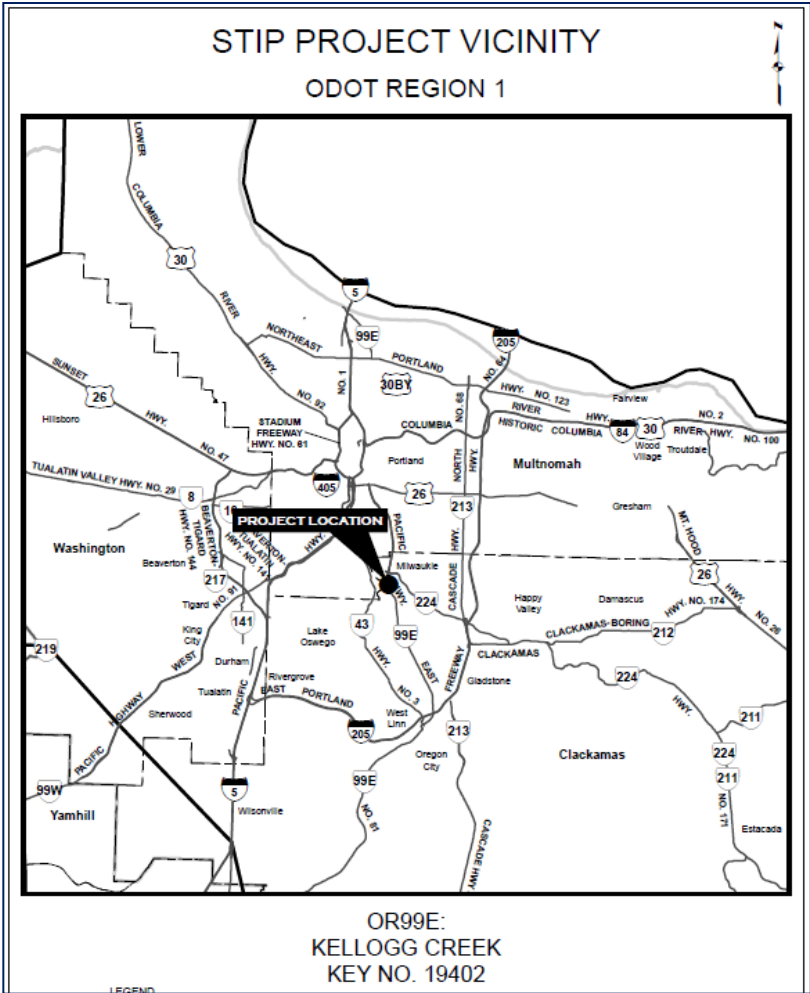
**MAY 2017 FORMAL MTIP AMENDMENT  
PROJECT LOCATION MAPS**

**Key 19651  
I-5: INTERSTATE BR (NB) TRUNNION SHAFT REPLACEMENT**



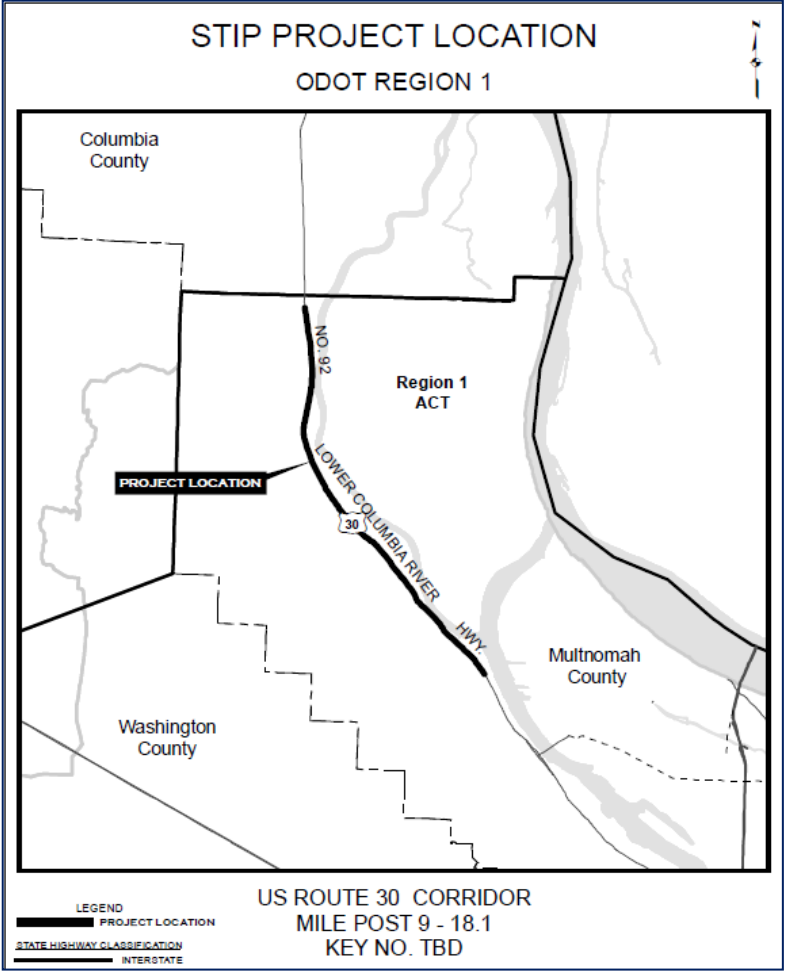
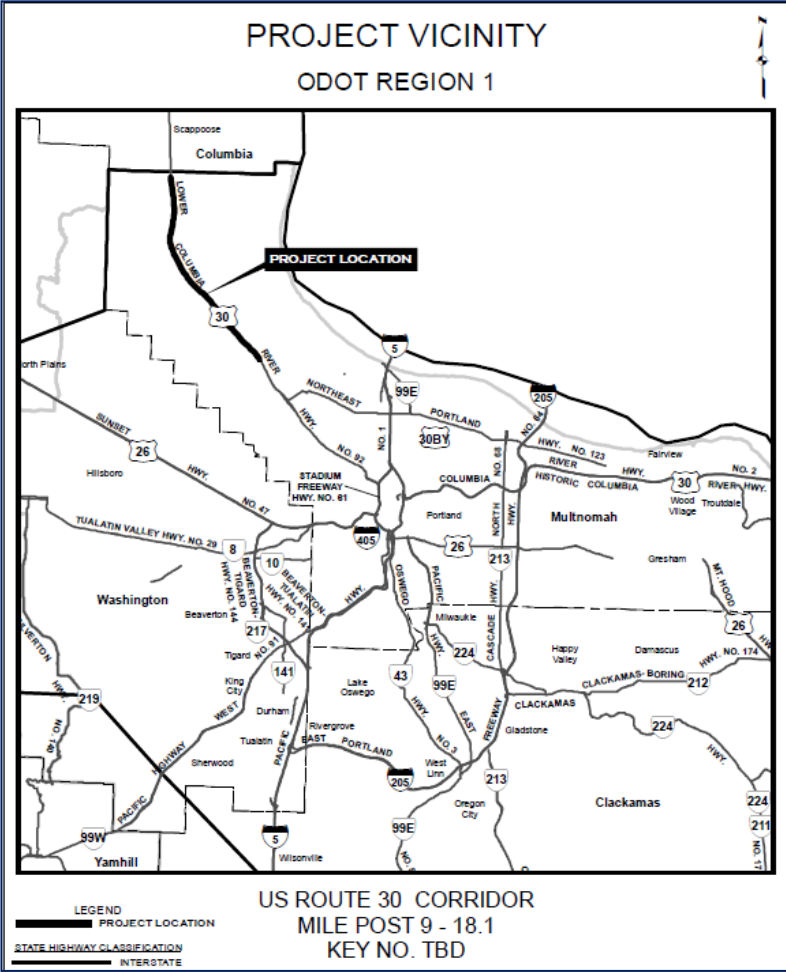


**Key 19402**  
**OR99E: Kellogg Creek**





Key TBD – NEW PROJECT  
**U.S. Route 30 Corridor: (mile post 9.08 to 17.68)**



Agenda Item No. 5.1

**Resolution No. 17-4821**, For the Purpose of Authorizing an  
Exemption to the Competitive Bidding Procedures and  
Authorizing Procurement by Request for Proposals for Food  
Processing Services

*Resolutions*

Metro Council Meeting  
Thursday, July 20, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO CONTRACT REVIEW BOARD

RESOLUTION OF THE METRO COUNCIL ) RESOLUTION NO. 17-4821  
ACTING AS THE METRO CONTRACT REVIEW )  
BOARD, FOR THE PURPOSE OF ) Introduced by Chief Operating Officer Martha  
AUTHORIZING AN EXEMPTION TO THE ) Bennett, with the concurrence of Council  
COMPETITIVE BIDDING PROCEDURES AND ) President Tom Hughes  
AUTHORIZING PROCUREMENT BY REQUEST )  
FOR PROPOSALS FOR FOOD WASTE )  
PROCESSING SERVICES )

WHEREAS Metro is responsible for solid waste planning within the region through implementation of the Regional Solid Waste Management Plan (RSWMP) and other policies, programs, and actions and pursuant to Metro’s constitutional, statutory, and charter authority; and

WHEREAS, the RSWMP identified commercial food waste as a priority area of focus reflecting the significant quantity of this material remaining in the region’s waste stream, and the potential environmental and economic benefits of recovery; and

WHEREAS, in October 2016, the Metro Council directed staff to, among other things, issue a request for proposal for commercial food waste processing services; and

WHEREAS, Metro issued a request for qualifications for food processing services and, in April 2016, issued a Notice of Qualification in which it deemed nine firms qualified to bid on a request for proposal; and

WHEREAS, Metro issued a request for proposal for food processing services in 2017 and is seeking responders that have a verifiable and demonstrated record of successful project implementation; and

WHEREAS, Metro has not decided whether the food processing facility will be publicly owned, privately owned, or a combination public and private partnership and will encourage responders to indicated the type of arrangement that will best suit the proposed facility; and

WHEREAS, Metro is seeking this exemption in the event the successful proposal includes some form of public ownership of the facility that requires a competitive bid; and

WHEREAS, ORS 279C.335 and Metro’s Local Contract Review Board “Administrative Rules” require that all Metro public improvement contracts shall be procured based on competitive bids (Administrative Rule 49-0130), unless exempted by the Metro Council, sitting as the Metro Contract Review Board (Administrative Rule 49-0620); and

WHEREAS, ORS 279C.335(2) and Administrative Rule 49-0620 authorizes the Metro Contract Review Board to exempt a public improvement contract from competitive bidding and direct the appropriate use of alternative contracting methods that take account of the public benefits, reduced risks, and efficiencies of such alternative methods, so long as they are consistent with the public policy of encouraging competition; and

WHEREAS, recognizing the unusual and complex qualities of the commercial food waste processing procurement, Metro seeks to obtain an exemption from competitive bidding for the project in the event the resulting contract could be considered a public improvement; and

WHEREAS, ORS 279C.335(2) and (4), and Administrative Rule 49-0620, require that the Metro Contract Review Board hold a public hearing and adopt written findings establishing, among other things, that the exemption of a public improvement contract is unlikely to encourage favoritism in the awarding of public improvement contracts, the exemption is unlikely to substantially diminish competition for the public improvement contracts; and that the exemption will likely result in substantial cost savings to Metro; and

WHEREAS, in accordance with Administrative Rule 49-0630(7), notice of this hearing was published in at least one trade newspaper of general statewide circulation a minimum of fourteen (14) days before this hearing, which notice stated that the purpose of this hearing is to take comments on Metro's findings regarding an exemption from the competitive bidding requirements, and the draft findings were available to the public at the time of the published notice; now therefore:

**BE IT RESOLVED THAT THE METRO CONTRACT REVIEW BOARD:**

1. Exempts from competitive bidding the procurement and award of a public contract for commercial food waste processing; and
2. Adopts as its findings in support of such exemption the justifications, information, and reasoning set forth in the attached Exhibit A, which is incorporated by reference as if set forth in full; and
3. Authorizes the Chief Operating Officer to proceed with the form of Request for Proposals that the Office of Metro Attorney has approved and Metro has issued for food waste processing services that includes as evaluation criteria for contractor selection: Contractor's proposed contract management costs for pre-construction services, contractor's proposed overhead and profit costs for construction services, contractor's demonstrated project experience, contractor's record of completion of projects of similar type, scale and complexity, contractor's demonstrated quality and schedule control, contractor's experience in incorporating sustainability construction practices and design into projects, and contractor's demonstrated commitment to workforce diversity and record of use of businesses Certified by the Office of Business Inclusion and Diversity (COBID) and any other criteria that ensures a successful, timely, and quality project, in the best interest of Metro and in accord with ORS 279C.335(4)(c) and Administrative Rule 49-0620; and
4. Authorizes the Chief Operating officer to receive responsive proposals for evaluation in accordance with Administrative Rule 49-0690; and

5. Following evaluation of the responses to the Request for Proposals authorizes the Chief Operating Officer to execute a contract that is most advantageous to Metro, regardless of whether the contract is a public improvement contract.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

Approved as to form:

\_\_\_\_\_  
Alison R. Kean, Metro Attorney

## **EXHIBIT A**

### **Findings in Support of an Exemption from Competitive Bidding Process (Request for Bid) for Metro Council Resolution 17-4821**

Pursuant to ORS 279C.335(2) and (4), and Administrative Rule 49-0630, the Metro Contract Review Board makes the following findings in support of exempting the procurement Commercial food waste processing from competitive bidding through a Request for Bid (RFB), in favor of a Request for Proposals (RFP) solicitation for a possible public improvement construction contract.

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

The Metro Contract Review Board finds that exempting the procurement of a facility for processing food waste collected at Metro Central Transfer Station 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 alternative contracting method and made available to all 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 contractor that is the most advantageous to Metro. Competition will be encouraged by: posting on ORPIN (Oregon Procurement Information Network), contacting local sub-contractors, including COBID certified business, 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, disabled-veterans, and emerging small businesses; and by contacting contractors known to Metro to potentially satisfy the RFP criteria. Given the type of project, 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.

The Metro Contract Review Board finds that the use of an alternative competitive process (RFP) in the procurement of commercial food waste processing services is “unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts” as follows:

#### **The exemption may result in cost savings and other benefits to Metro.**

The Metro Contract Review Board finds that the use of an alternative competitive process (RFP) in the procurement of commercial food waste processing services for food waste collected in the region from a competitive bidding process (RFB) will likely result in costs savings and other benefits to Metro, considering the following factors:

##### **a. Limited number of persons available to bid.**

This factor is not applicable. As the response to the Request for Qualifications indicated, staff anticipate that numerous firms are interested in participating in the procurement.

##### **b. Construction budget and project operational costs for the completed project.**

Utilizing an RFP process to select a food waste processing services will allow Metro to obtain the best option for these services. As set forth in the staff report, Metro seeks proposals across a spectrum of ownership, financing and technology options. Given the unusual nature of the project, it is in the

interest of Metro and the region to move forward with an RFP process that identifies several priority factors used for proposal evaluation.

Given the high degree of complexity of the project and the need to integrate with pre-existing infrastructure (such as cooperation with existing solid waste haulers and private transfer stations); Metro anticipates that the RFP will ensure all public benefits are achieved, including lower overall project costs.

**c. Public benefits in granting exemption.**

Using the alternative RFP process will promote the efficient and effective completion of the project, thereby providing processing services for use by the public as soon as possible. Through this process Metro will ensure that commercial food processing services will be implemented within a timeframe that is consistent with the overall Food Scraps Program goals and timelines. Public benefits associated with this project include, but are not limited to: protect people's health, protect the environment, get good value for the public's money, keep Metro's commitment to the highest and best use of materials and ensure services are accessible to all types of customers.

**d. Value engineering techniques.**

Value added engineering techniques are generally responsible for adding value to food waste processing services in a number of ways, including but not limited to: increased processing efficiencies, the strengthening of environmental controls and increased end product value. Because this is an alternative procurement process, technology choice is important to the proposal and is an important evaluation criterion.

**e. Reduced risks to Metro or the Public.**

The selection of a proposer with demonstrated experience, success and expertise in food waste processing services will result in a lower risk to Metro. The RFP process will take into account each proposer's past performance with similar technology, technical knowledge, and sub-consultant experience.

**f. Impact on source of funding.**

The alternative contracting process allows greater flexibility in the use of public and private funding mechanisms.

**g. Impact on agency's ability to control costs and time necessary for completion.**

The alternative contracting process will allow the agency to more effectively and efficiently control the project and ensure its timely completion. The project will not involve off-the-shelf installations. Rather, it will require a high level of coordination both within Metro and with Metro's stakeholders, including local governments, private entities, and individuals. This procurement alternative gives Metro more flexibility as well a more informed decision making process.

**h. Technical complexity of project.**

This procurement is a technically complex project in a variety of ways. For example, proposers have many food waste processing technologies to choose from; a variety of facility site location options; funding mechanism options; end product options and their benefits; and differences in cost-to-build scenarios depending on technology choice and end product. The selection of a proposer with demonstrated experience and success in implementing food waste processing services projects will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on budget, with fewer delays, resulting in lower costs and increased benefit to Metro and the region. The RFP process will take into account each contractor's past performance and technical

knowledge. Based on the necessary quality and quantity of the process products, and the uniqueness of the undertaking, the Procurement Officer believes an alternative contracting process to be necessary and in the best interest of the agency.

**i. New construction.**

The project may result in new construction. The need to ensure that this project is properly, safely, efficiently, and successfully implemented is of importance. Some of the design limitations and conditions are likely to be unknown until uncovered by work performed under an early work assignment; a proposer with experience in food waste processing services, facility design, technology expertise, construction development and facility operation will be more likely to limit and plan for foreseen and unforeseen problems in facility development. An RFP process allows for these factors to be integrated into the decision making process.

**j. Experienced agency staff.**

Metro staff, including project managers, the Finance and Regulatory Services Department, and Office of Metro Attorney, has the expertise and substantial experience in the RFP contracting method and have worked together to develop the alternative contracting method to be used in awarding and executing on this public improvement contract. Agency staff will also help negotiate, administer and enforce the terms of the public improvement contract.



## **STAFF REPORT**

**IN CONSIDERATION OF RESOLUTION NO. 17-4821, METRO COUNCIL, ACTING  
AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF  
AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND  
AUTHORIZING PROCUREMENT BY REQUEST FOR PROPOSALS FOR FOOD  
WASTE PROCESSING SERVICES**

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Date: July 20, 2017

Prepared by: Lisa Heigh, Ext. 1611

### **BACKGROUND**

Metro is responsible for solid waste planning within the region through implementation of the Regional Solid Waste Management Plan (RSWMP) and other policies, programs, and actions. City and county governments are primarily responsible for development and implementation of local collection programs, with collection services provided by franchised, permitted or otherwise regulated privately-owned haulers.

The RSWMP identified commercial food waste as a priority area of focus reflecting the significant quantity of this material remaining in the region's waste stream, and the potential environmental and economic benefits of recovery. Over 206,000 tons of food waste was sent to landfills from the region in 2010, which represents 18 percent of the disposed waste stream. Metro estimates that 55 percent of disposed food waste is generated by the commercial sector and 45 percent by the residential sector. The goal of collecting food waste is to capture the environmental and economic benefits of turning that material into useful products, returning nutrients to the soil, creating energy, supporting agriculture and reducing the negative environmental impacts associated with disposal. Annually 28,000 tons of commercially-derived source separated food waste is currently delivered to private and public transfer stations. Metro seeks processing capacity to recover 50,000 tons per year of food waste from the commercial sector with a preference for a facility located in or closely proximate to the Portland Metro area.

Metro wishes to ensure that the region manages food waste in a manner that protects human health and the environment while providing good value for the public's money. Increasing the recovery of food waste reflects Metro's commitment to the highest and best use of materials by getting both nutrient and energy value from food waste while remaining adaptive and responsive in managing materials now and in the future and making services available to all types of customers.

On January 22, 2016 Metro issued a Request for Qualifications (RFQu) in order to pre-qualify firms to provide food waste processing services to the region. Thirteen firms responded and on April 7, 2016, Metro pre-qualified nine (9) of those firms.

On May 25, 2017 Metro issued a Request for Proposals (RFP) for food waste processing services to secure capacity to process 50,000 tons per year of source-separated commercial food waste in an economically and environmentally sound manner to produce energy and/or agricultural supplements. Recognizing the unique aspects of this project, staff determined that the public would benefit if respondents could propose the type of financing arrangement that they felt would best meet Metro's project objectives including a public-private partnership, private-only financing, or public-only financing. Because of the opportunity for financing flexibility in this RFP, the procurement may result in the award of a contract that includes a publically-financed construction project. In order to be prepared for this possible outcome, staff is requesting an alternative to the Request for Bid requirement for publically-financed construction projects.

The resolution and attached findings describe the specialized nature of this technical and unique project. Based on these findings, staff believes that a value- and experience-based selection process (RFP) is more appropriate than a traditional, RFB competitive bid (which looks solely at lowest bid price) and

will result in a more beneficial result for Metro and the region.

#### **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Oregon Revised Statutes 279C.335; Metro Local Contract Review Board Rule 49-0600 through 49-0630.
3. **Anticipated Effects:** Procurement process will be open and competitive, but items other than cost will be considered in the awarding of the contract. Increased use of COBID certified subcontractors is anticipated.
4. **Budget Impacts:** The alternative procurement process offers safeguards for cost control of the project, including involvement by the construction contractor from the design phase through construction documents and construction cost development process, as well as limiting change orders.

#### **RECOMMENDED ACTION**

Approve an exemption from competitive bidding, authorizing Metro to procure the Food Waste Processing Services Contract through an RFP.

Agenda Item No. 5.2

**Resolution No. 17-4815**, For the Purpose of Approving the  
Amended and Restated Intergovernmental Agreement  
Among the State of Oregon, Metro, Clackamas County, and  
Oregon City for the Willamette Falls Legacy Project

*Resolutions*

Metro Council Meeting  
Thursday, July 20, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE ) RESOLUTION NO. 17-4815  
AMENDED AND RESTATED )  
INTERGOVERNMENTAL AGREEMENT ) Introduced by Chief Operating Officer Martha  
AMONG THE STATE OF OREGON, METRO, Bennett in concurrence with Council  
CLACKAMAS COUNTY, AND OREGON CITY President Tom Hughes  
FOR THE WILLAMETTE FALLS LEGACY  
PROJECT

WHEREAS, Metro, the State of Oregon, Clackamas County and the City of Oregon City (the public partners) have been working together since the bankruptcy liquidation of the Blue Heron Paper Company in 2011, in order to investigate the former paper mill site’s potential and future;

WHEREAS, the public partners recognized four core values for the property early in the investigations and have carried these four core values of public access, economic redevelopment, healthy habitat, and historic and cultural interpretation through to today;

WHEREAS, in fall 2014, following on the success of Oregon City’s 2014 land use framework plan and rezone process, which established a broad vision for the property, with the consent and cooperation of the property’s private owner, Falls Legacy LLC, the public partners entered into a Memorandum of Understanding to start work creating public access to Willamette Falls (the riverwalk);

WHEREAS, in June 2015, following extensive outreach, Metro awarded a contract for design of the riverwalk;

WHEREAS, in June 2015, Oregon City, Clackamas County, and Falls Legacy LLC were awarded a Community Planning and Development Grant from Metro to complete a development opportunity study for the property, to examine the potential of the whole site to achieve the four core values;

WHEREAS, the State of Oregon awarded \$7.5 million and \$5 million to Metro to support capital construction of the riverwalk;

WHEREAS, in December 2016, the nonprofit “friends” group, known as Rediscover the Falls obtained formal Section 501c(3) tax status from the Internal Revenue Service and has begun forming a \$15 million fundraising campaign to support the riverwalk;

WHEREAS, in May 2017, the public partners approved the overall design for the riverwalk and selected a Phase 1 riverwalk project;

WHEREAS, there is now a need to continue and update the decision-making and organizational structure among the public entities so that the public partners can continue working in a unified direction on the riverwalk and the overall redevelopment of the property (the “Legacy Project”), and the public partners can effectively deliver the first phase of the riverwalk;

WHEREAS, the proposed amended and restated intergovernmental agreement (IGA) attached as Exhibit A to this Resolution 17-4815, provides the governance structure needed for the Legacy Project

over the next six (6) years, continuing the “Partners Group,” established in Metro Council Resolution No. 16-4676;

WHEREAS, the proposed IGA gives Metro overall project management responsibilities for the first phase of the riverwalk, commits Metro to leading the project management and construction management effort for this phase, and commits funds and staff to the Legacy Project as set forth in the project budget and staffing commitments attached to the proposed IGA;

WHEREAS, the proposed IGA memorializes responsibilities and funding and staffing commitments of the other public partners to the first phase of the riverwalk and the Legacy Project;

WHEREAS, the public partners, including the Partners Group, have approved the IGA, in the form attached to this Resolution; now therefore,

BE IT RESOLVED that the Metro Council hereby approves the proposed Amended and Restated Intergovernmental Agreement regarding the Willamette Falls Legacy Project, substantially in the form attached as Exhibit A to this Resolution 17-4815, with such changes as may be approved by the Office of Metro Attorney, and commits to the decision-making structure, budget and staffing requirements, and the terms and conditions set forth in the proposed IGA.

ADOPTED by the Metro Council this 20th day of July 2017.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

**Amended and Restated  
INTERGOVERNMENTAL AGREEMENT  
Willamette Falls Legacy Project**

This AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into by and among the State of Oregon, through its Portland Metro Regional Solutions Office and its Parks and Recreation Department (the “State”), Clackamas County (the “County”), the City of Oregon City (the “City”) and Metro (“Metro”) (each a “party” and collectively, the “parties”), effective as of the last date of signature below (the “Effective Date”).

**RECITALS**

A. In February 2011, the former Blue Heron Paper Company located at 419/427 Main Street, Oregon City, Oregon (the “Property”) entered Chapter 7 bankruptcy, resulting in the loss of skilled jobs and leaving the mill property vacant, under the control of a bankruptcy trustee.

B. The parties began investigating the Property due to its proximity to Willamette Falls, a natural, cultural and historic wonder, and conducted environmental, structural, and historical analyses to better understand the Property, including the potential for public access to Willamette Falls and future redevelopment.

C. With the cooperation and contributions of the bankruptcy trustee, the parties commenced a land use master plan and rezoning effort, guided by four core values endorsed by the parties: public access, historic and cultural interpretation, economic redevelopment, and healthy habitat (the “Four Core Values”).

D. On July 29, 2013, the governor signed Senate Bill 5506 (“SB 5506”), and on August 14, 2013, signed Senate Bill 5533, together authorizing the sale of lottery-backed bonds to provide \$5 million for a public access project to Willamette Falls, so long as certain conditions set forth in SB 5506 were met (the “\$5M of State Funds”).

E. In May 2014, Falls Legacy, LLC, a Washington limited liability company (the “Owner”) purchased the Property from the bankruptcy trustee, and submitted the land use master plan and rezone application developed by the parties to the City, which was adopted in September 2014 as Master Plan CP 14-02, Zone Change and Text Amendment ZC 14-03, and Comprehensive Plan Amendment PZ 14-01.

F. On September 26, 2014, the parties entered into a Memorandum of Understanding (the “MOU”) regarding the former Blue Heron Paper Company property, documenting the parties’ shared commitment to the Four Core Values and to design and construction of public open space(s) and parkway on the Property with unobstructed views of the Willamette River and Willamette Falls (the “Riverwalk”).

G. On December 11, 2014, Portland General Electric Company (“PGE”) donated an option to Metro allowing Metro to acquire an easement over PGE property adjacent to Willamette Falls (the “PGE Option”), which PGE Option and future easement will allow design and construction of the Riverwalk, which may include a viewpoint of Willamette Falls on property owned by PGE.

H. On December 15, 2014, the Owner donated an easement to Metro, recorded in the Clackamas County Official Records as Document No. 2014-064826, to facilitate the design and construction of the Riverwalk on the Property (the “Easement”).

I. On December 29, 2014, the governor determined that the conditions of SB 5506 had been met, and the State of Oregon Parks and Recreation Department provided the \$5M of State Funds to Metro in accordance with an Intergovernmental Agreement between Metro and the State (Agreement No. 7554), dated June 1, 2015, which was amended by a First Amendment to Intergovernmental Agreement, dated May 26, 2017.

J. On May 29, 2015, Metro issued a Notice of Intent to Award for RFP 2903 selecting the design team of Mayer/Reed, Snøhetta, and DIALOG for design of the Willamette Falls Riverwalk, and has subsequently entered into two Professional Services Contracts with Snøhetta, the first dated February 11, 2016 and a second dated January 30, 2017, for the design of the Riverwalk.

K. On August 12, 2015, the governor signed House Bill 5030 and Senate Bill 5507 approving an additional \$7.5 million of State funding for the Riverwalk, and the State of Oregon Parks and Recreation Department is currently negotiating an agreement to transfer the \$7.5 million of State funds to Metro.

L. On September 24, 2015, the Metro Council awarded the City and the County a Community Planning and Development Grant (the “CPDG”) to conduct development opportunity studies on the Property.

M. With the award of the CPDG, the parties’ efforts now include more than the Riverwalk, working to address, among other things, potential future open space and connections to the Property and infrastructure and economic development needs for the Property (the “Willamette Falls Legacy Project” or simply, the “Legacy Project”).

N. On May 20, 2016, the federal Environmental Protection Agency awarded Metro, the County, and the City a \$600,000 Coalition Assessment Grant for the McLoughlin Corridor, which funds are to be used, in part, to further assess the environmental condition of the Property.

O. On October 27, 2016, Metro and the City entered into an interim agreement with Rediscover the Falls to assist the nonprofit “friends” group in building capacity to create enduring public interest in the Riverwalk, and since this time, Rediscover the Falls has been actively and successfully fundraising on behalf of the Riverwalk.

P. On April 11, 2017, Metro submitted a request to the U.S. Army Corps of Engineers to initiate review under Section 106 of the National Historic Preservation Act of the Riverwalk.

Q. On May 17, 2017, the Partners approved the Riverwalk design and a phase one Riverwalk project that provides a prominent view of the falls from the southwest portion of the site as well as demolition and site preparation within portions of the Riverwalk (“Phase 1 Project”); and as depicted in the Riverwalk design presentation.

R. The parties recognize the need to create a decision-making and organizational structure among the public entities so that (a) the parties can deliver unified direction and messages to outside parties, (b) the Legacy Project is a model of fiscal discipline, efficiency and accountability, (c) the parties have clarity on scope, schedule and budget for all aspects of the Legacy Project, and (d) the parties can effectively collaborate with the Owner, PGE, and other third parties, and to this end, the parties entered into the first Intergovernmental Agreement on July 7, 2016 (the “Original Governance IGA”).

S. Under the authority of ORS 190.010 and ORS 190.110, the parties now desire to enter into this Agreement for the purpose of amending and restating the Original Governance IGA, in order to, among other things, update the governance structure needed for the Legacy Project during design and construction of the Phase 1 Project, on the terms and conditions set forth below.

NOW, THEREFORE, for and in consideration of the foregoing and the mutual covenants and agreements herein contained, the parties agree as follows:

## **AGREEMENTS**

**1. Restatement; Term.** The Original Governance IGA is amended and restated in its entirety as set forth in this Agreement. The term of this Agreement shall commence on the Effective Date and expire on June 30, 2023, unless amended and extended by written agreement of the parties.

**2. Definitions.** In addition to the definitions set forth in the Recitals, above, capitalized terms used in this Agreement shall have the definitions set forth in this Section 2, below.

2.1 Legacy Project. The Willamette Falls Legacy Project as defined in Recital M, above, which as of the Effective Date, includes the following sub-components or sub-projects: the Riverwalk, Phase 1 Project, and economic development.

2.2 Legacy Project Budget. The budget for the Legacy Project compiled by the Legacy Project Manager and approved by the Partners Group showing sources and uses of all Legacy Project funds, to be updated from time to time. The Legacy Project Budget approved and authorized by the parties as of the Effective Date is attached as Exhibit A.



2.3 Legacy Project Milestones. Key decision points for the Legacy Project, as determined by the TAC, including design milestones for the Riverwalk.

2.4 Legacy Project Manager. Staff person employed by Metro to be the project manager for the Legacy Project.

2.5 Partners Group. The advisory governing body for the Legacy Project, comprised of two (2) elected officials and the chief administrator from each of Metro, the County and the City, and two (2) elected officials and high-level staff from the State, as set forth on the attached Exhibit B.

2.6 TAC. The Technical Advisory Committee for the Legacy Project, comprised of non-elected staff from each of the parties and that reports to the Partners Group, as described further in Section 4, below.

### **3. Authority**

3.1 ***Reservation of Regulatory and Legislative Authority***. Each party expressly reserves its regulatory and legislative authority with respect to the Legacy Project and the Property, including, for example, the City's regulatory authority over land use approvals, the State's authority over submerged lands, and each party's legislative authority to appropriate funds.

3.2 ***Legacy Project Budget; Appropriation of Funds***. As of the Effective Date, each party represents that it has appropriated or received the funds set forth on the Legacy Project Budget for such party, for the fiscal year(s) covered by such party's appropriation. Each party represents that it has authorized use during such fiscal year(s) of the appropriated funds in accordance with the Legacy Project Budget and this Agreement. The Legacy Project Budget may be revised from time to time by the Partners Group, within the amounts appropriated by the parties in their individual capacities. Spending in future fiscal years is subject to appropriation by each party's governing body, in such body's sole legislative discretion, and this Agreement may be amended by the parties to reflect such future budget approvals. All spending under this Agreement is subject to audit.

3.3 ***Delegation of Administrative Authority***. The work of the Legacy Project and its participants is advisory, structured such that the Partners Group can make unified recommendations to each of the governing bodies of the parties. In addition, upon approval of this Agreement by a party, that party's staff and elected representatives that participate in the Legacy Project, including the Partners Group or the TAC shall have the authority to fully participate in the Legacy Project and to make non-legislative or administrative decisions on behalf of such party in accordance with this Agreement.

3.4 ***Staff Participation***. The parties intend that staff participating in the Legacy Project and the various project groups will work on behalf of the best interests of the Legacy Project, representing not only the best interests of their employer but also of the Legacy Project itself. In that manner, staff will freely communicate and share information with other agency staff and generally support each other with respect to the Legacy Project.

Notwithstanding the foregoing, finance and legal staff participating in the Legacy Project and in the various project groups represent solely their employers, as they owe a professional duty of loyalty and a fiduciary duty solely to their respective agencies.

#### **4. TAC**

4.1 **Membership.** Each party shall designate two (2) representatives of such party to attend the TAC meetings and shall send alternate(s) if one or both designated representatives are unable to attend or participate by telephone.

4.2 **Meetings.** The TAC meets biweekly, or as otherwise agreed upon by the TAC, and shall keep minutes documenting its consideration and approval of any items. Items requiring TAC approval shall be emailed to the TAC at least two (2) business days in advance of the TAC meeting so that any party can be sure to send a representative or call into the meeting when that party desires to weigh in on a Legacy Project decision. Any member of the TAC can call an emergency meeting of the TAC by notification to the Legacy Project Manager, who will use best efforts to schedule a meeting as soon as practical. Parties shall use best efforts to participate in emergency meetings of the TAC.

4.3 **Work.** Except with regard to the Phase 1 Project, as set forth in Section 10, below, the TAC shall consider for approval individual contracts, scopes of work, requests for proposals or bids, budgets, contract modifications, Legacy Project Milestones, responses to significant external opportunities or threats, and decisions whether to recommend future intergovernmental agreements among the parties to the Partners Group or to pursue grant or funding opportunities. The TAC shall prepare the agenda of the Partners Group. The specific work of the TAC and the party responsible for such work is set forth on Exhibit C. The TAC may create subcommittees to complete the work of the TAC, as the TAC deems necessary.

4.4 **Decisions.** Decisions of the TAC will be noted in the minutes for the TAC meeting. Should a TAC member disagree with a TAC decision, he or she may express such disagreement at the TAC meeting. If the TAC is unable to resolve the issue, the TAC member may elect to put it on the agenda for consideration at the next Partners Group meeting (as further described in Section 5.2 and Section 7.2, below).

4.5 **Communication.** Members of the TAC shall have the responsibility to communicate with their representatives on the Partners Group in between Partners Group meetings and with regard to agendas of the TAC and the Partners Group, to ensure each party is internally apprised of Legacy Project direction, as each party deems necessary.

4.6 **Finance Oversight Subcommittee.** The TAC shall create a Finance Oversight Subcommittee made up of at least one member from each party. The Finance Oversight Subcommittee shall provide advice and direction on the Legacy Project Budget and expenditures of the Legacy Project. The subcommittee will design a financial reporting format and meet with the Legacy Project Manager quarterly to review reports.

## **5. Partners Group**

5.1 The Partners Group meets quarterly, or as otherwise agreed upon by the Partners Group or the TAC, and shall keep minutes. Without objection from any member of the Partners Group at a Partners Group meeting, matters considered by the Partners Group for approval will be deemed approved and so noted in the minutes. The Partners Group is considered a public body in accordance with Oregon Public Meeting Law, providing recommendations and advice to each of the parties' governing bodies. The Partners Group may adopt procedures, as deemed necessary by the Partners Group, for orderly conduct of its meetings.

5.2 Except with regard to the Phase 1 Project, as set forth in Section 10, below, the Partners Group sets policy direction for the Legacy Project, approves Legacy Project Milestones and the Legacy Project Budget on a quarterly basis, sets direction in response to significant threats or opportunities (as determined by the TAC), recommends future intergovernmental agreements among the parties (to be approved by each party's governing body, if required), and makes recommendations that involve any material trade-offs among the Four Core Values. In addition, the Partners Group shall consider decisions that lack consensus at the TAC if added to the Partners Group agenda by a member of the TAC (as described in Section 4.4, above).

5.3 Members of the Partners Group shall communicate with their respective agency or government to ensure each party is apprised of Legacy Project direction and to ensure any decisions of the Legacy Project that require approval of such party's governing body are brought to the party's governing body for consideration.

## **6. Legacy Project Manager**

6.1 The Legacy Project Manager will manage the Legacy Project by, among other things, coordinating the work of the TAC, and collaborating with PGE, the Owner, Rediscover the Falls, and other third parties. The Legacy Project Manager shall track the Legacy Project Budget and provide reporting on the Legacy Project Budget to the TAC and the Partners Group. The Legacy Project Manager may request that a party lead a portion of the work of the TAC, with the approval of such party.

6.2 The Legacy Project Manager has day-to-day management authority of the Legacy Project in order to lead the Legacy Project forward consistent with the approvals provided by the Partners Group and the TAC, and consistent with the Legacy Project Budget. The Legacy Project Manager shall have the authority to approve *de minimus* changes to scopes of work or spending within the Legacy Project Budget (including contingencies), without the need for further consideration at the TAC or by the Partners Group; provided that the Legacy Project Manager shall keep the TAC apprised if multiple *de minimus* changes may have a cumulative impact on the Legacy Project.

## **7. Project Decision-making**

7.1 **Consensus.** Decision-making for the Legacy Project at the TAC and Partners Group shall be by consensus. Consensus is defined as the point where all parties agree on an option with which they are willing to move forward, and includes the opportunity for a party to express reservations or dissent while nevertheless agreeing to allow the Legacy Project to move forward. Each party, by signing onto this Agreement, commits its confidences to the Legacy Project's decision-making structure, recognizing this project structure and the collaboration it represents among the parties as the Legacy Project's best chance for success.

### **7.2 Protocols for Disagreement.**

7.2.1. If there is no consensus at the TAC level, the majority decision of the TAC shall be deemed the decision of the TAC, unless a member of the TAC elects within three (3) days of the TAC meeting at which the decision was made, to place the decision on the next Partners Group meeting agenda. This will ensure that decisions made at the TAC level can be relied upon to move the Legacy Project forward.

7.2.2. If there is no consensus on a decision at the Partners Group (whether or not such decision is brought to the Partners Group by a member of the TAC, in accordance with Section 7.2.1, above), the Partners Group will provide direction and recommendations to the TAC for discussion and consideration of the issue.

7.2.3. After discussion of the issue at the TAC, taking into account the direction and recommendations of the Partners Group, the decision will be considered at the next Partners Group meeting. The members of the Partners Group shall strive to make a decision to keep the Legacy Project moving forward. At this stage of disagreement, on matters that are critical to long-term operations and maintenance of the Riverwalk, any parties that are identified as a future owner in accordance with Section 9, below, shall be given deference. Any resolution or conclusion in this circumstance that lacks consensus at the Partners Group will not bind the dissenting party.

7.2.4. If the need for a decision is urgent, the Legacy Project Manager may set emergency meetings of both the TAC and the Partners Group. The parties shall use best efforts to attend any emergency meetings.

## **8. General Obligations the Parties Regarding the Legacy Project Work**

8.1 **Reporting Expenditures.** Parties shall report all expenditures to the Legacy Project Manager, including copies of invoices and any reasonable supporting documentation. The Legacy Project Manager shall provide a quarterly report on the Legacy Project Budget and expenditures to the TAC and the Partners Group to ensure that the Project is remaining coordinated and on budget.

8.2 **Contracts.** Parties shall notify the Legacy Project Manager of all draft contracts that such party is considering entering into with third parties and that are related to the Legacy Project. If requested by the Legacy Project Manager, a party shall provide copies of the

draft contract and scope of work to the Legacy Project Manager, with reasonable opportunity for comment and review. If requested by the Legacy Project Manager, prior to executing a contract related to the Legacy Project, a party shall have obtained approval from the TAC of the contract's scope, schedule, budget, workplan, and deliverables.

8.3 **Participation.** The parties shall participate meaningfully in all Legacy Project groups, and respect the roles and responsibilities assigned to each Partner in such participation.

8.4 **Staff Contributions; Tracking of Staff Expenditures.** The parties shall provide key contributions of staff to lead and/or participate in the work of the TAC, as set forth in the attached Exhibit D. Each party shall track staff expenditures for match, and report staff expenditures on the Legacy Project to the Legacy Project Manager, as requested by the Legacy Project Manager; provided, however, that it is understood and agreed that, unless otherwise specifically agreed to by the Partners Group, that staff resources, time and contributions shall be deemed "in-kind" contributions to the Project, and no party shall charge time or seek to recover expenses from the Project.

8.5 **Communication Protocols.** All publicity and strategic communications for the Legacy Project will be coordinated through the TAC, so that the parties can deliver unified direction and messages to outside parties. Each party commits to working within Legacy Project channels and the structure set forth in this Agreement, especially with respect to any potential conflicts, disagreements, external events, or pressures. The parties shall consult with each other first, prior to outreach to third parties, at emergency TAC or Partners Group meetings, as necessary. The parties commit to attendance at emergency meetings.

9. **Future Riverwalk Owner.** The parties understand and agree that it is highly unusual to advance a project through construction without identifying the entity or entities that will own or operate the Riverwalk. The parties commit to developing and participating in a process to identify a future owner and shall strive to identify the owner(s) and operator(s) of the Riverwalk prior to submittal of application(s) for demolition or building permits, whichever is sooner. If the entity or entities that will own or operate the Riverwalk are not a party to this Agreement or if the future owner(s) desire additional decisionmaking rights regarding the Phase 1 Project, the parties will amend this Agreement appropriately and enter into a separate agreement with the owner or operator, as necessary. The prospective owner(s) will be considered "identified" when they have committed to the Partners Group to take responsibility for future operations, maintenance and security of the Riverwalk. An entity's commitment to ownership and/or operation to the Partners Group should be in the form of a resolution adopted by the entity's governing body.

10. **The Phase 1 Project.** The parties acknowledge that Metro has voluntarily assumed the risk associated with constructing the Phase 1 Project. In acknowledgment of the financial, staffing, and scheduling complexity and risk that Metro is assuming, the parties agree that following the Partners Group's approval of the Riverwalk design and the Phase 1 Project, Metro shall have sole authority and is granted discretion to implement the design and construct the Phase 1 Project, including project permitting, planning, construction contracting, and construction. In implementing the design, Metro is authorized to make all project related

decisions, including those associated with value engineering, contracting, scheduling, budgeting, project feasibility, staffing, collaboration with third parties (including the Owner and PGE), permitting, conditions of approval, and other decisions that may affect the design or construction of the Phase 1 Project. Metro's decisions regarding implementation of the design and construction of the Phase 1 Project are not subject to review under the terms of this Agreement, expressly reserving each parties' regulatory authority as set forth in Section 3.1, above. Metro agrees to use reasonable efforts to construct the Phase 1 Project, but Metro shall not be required to defend nor prosecute any appeals and shall use its sole discretion to determine whether construction of the Phase 1 Project is worth pursuing in the event of any appeals, permit denials, or the discovery of currently unknown conditions. Metro shall use its best efforts to inform the other parties of significant construction decisions, to obtain input from the TAC, the Partners Group, and any potential future owner on such matters, and to keep the parties updated and engaged on the Phase 1 Project. Future phases of the Riverwalk shall be subject to the terms and conditions of this Agreement and not this Section 10.

## **11. Miscellaneous**

11.1 ***Waiver of Liability.*** Each party assumes all risks arising out of such party's participation in the Legacy Project, including with respect to the condition of the Property, and no party shall be liable to another for such risks, except to the extent caused by a party's gross negligence or willful misconduct.

11.2 ***Indemnity.*** Each party shall hold harmless and indemnify the other parties, and their agents and employees, against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim arising out of the indemnifying party's work and actions under this Agreement within the maximum liability limits set forth under the Oregon Tort Claims Act and Oregon Constitution.

11.3 ***Termination.*** A party may terminate this Agreement at any time as to such party with thirty (30) days prior written notice to the other parties, if the terminating party believes, or has reason to believe, that funding sufficient to comply with this Agreement will not be made available to the terminating party by the terminating party's governing body. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

11.4 ***Laws of Oregon; Compliance with Laws.*** The laws of the State of Oregon shall govern this Agreement, and the parties agree to submit to the jurisdiction of the courts of the State of Oregon. All activities of a party under this Agreement shall be in compliance with all applicable laws, statutes, ordinances, rules, regulations, and requirements of any governmental authority, including all applicable provisions of ORS chapters 279A, 279B, and 279C.

11.5 ***Maintenance of Records.*** The parties shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, the parties shall maintain any other records pertinent to this Agreement in such a manner as to clearly document their performance. Each party acknowledges and agrees that it shall retain such documents for a period of three (3) years after termination of this Agreement, or

such longer period as may be required by applicable law. In the event of any audit, controversy, or litigation arising out of or related to this Agreement, the parties shall retain such documents until the conclusion thereof.

11.6 ***Relationship of Parties.*** Each of the parties hereto is deemed an independent contractor for purposes of this Agreement. No representative, agent, employee, or contractor of one party shall be deemed to be an employee, agent or contractor of any other party for any purpose. Nothing herein is intended, nor may it be construed, to create among the parties any relationship of principal and agent, partnership, joint venture, or any similar relationship, and each party hereby disclaims any such relationship.

11.7 ***Preservation of Privileges; Public Records.*** The parties acknowledge and agree that a primary purpose of this Agreement is to encourage frank communication and close collaboration among the parties for the maximum benefit of the Legacy Project, preliminary to any final action by the parties' governing bodies. The parties will disclose and transmit information to one another regarding possible direction for the Legacy Project and possible real estate transaction(s) with the Owner or third parties. The parties intend to preserve all rights under Oregon Public Records law, including, without limitation, exemptions related to internal advisory communications under ORS 192.502(1) and related to sharing of information regarding a potential real property negotiation under ORS 192.502(9)(a), the disclosure of which is restricted under ORS 192.660(2)(e). The parties intend by this section to protect from disclosure all Legacy Project information exchanged between any parties, or between any party and a consultant hired by a party for the Legacy Project, to the greatest extent permitted by law, regarding less whether the exchange occurred before execution of this Agreement and regardless of whether the writing or the document is marked "Confidential."

11.8 ***No Third-Party Beneficiary.*** This Agreement is between the parties and creates no third-party beneficiaries. Nothing in this Agreement gives or will be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

11.9 ***Assignment.*** No party may assign this Agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the other parties.

11.10 ***Entire Agreement; Prior Agreements.*** This Agreement constitutes the entire agreement among the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations, or communications of every kind. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. To the extent this Agreement contradicts the MOU, this Agreement governs.

11.11 ***Modification; Waiver.*** No course of dealing between the parties and no usage of trade will be relevant to supplement any term used in this Agreement. No waiver, consent, modification, or change of terms of this Agreement will bind any party unless in writing and signed by the parties. The failure of a party to enforce any provision of this Agreement will not constitute a waiver by a party of that or any other provision.

11.12 **Authority.** The representatives signing on behalf of the parties certify they are duly authorized by the party for whom they sign to make this Agreement.

11.13 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will be an original, but all of which will constitute one and the same instrument.



IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY OF OREGON CITY

METRO

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

CLACKAMAS COUNTY

STATE OF OREGON, through its Parks and Recreation Department

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF OREGON, through its Portland Metro Regional Solutions Office

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

- Exhibit A: Legacy Project Budget
- Exhibit B: Partners Group
- Exhibit C: TAC Work
- Exhibit D: Staffing Commitments

USES  Contracts or Work Scopes	FY 17/18 - 18/19 Budget	SOURCES																											
		State		Metro				Clackamas County		Oregon City								RTF		Falls Legacy LLC									
		Lottery Bonds		NA Bond		General Fund		EPA Grant	Ec Dev Budget		CPDG Grant		NA Local Share		NIN Grant	Urban Renewal/ED		General Fund		Public Works		Park SDCs		Fundraising		CPDG Grant Match		Easement	
		FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19	FY 17/18	FY 18/19
<b>WFLP TAC</b>																													
Friends Group	\$200,000					\$50,000			\$50,000									\$50,000	\$50,000										
Federal and State Lobbying	\$0																												
Communications	\$210,000			\$100,000	\$100,000													\$5,000	\$5,000										
Unallocated	\$15,000																		\$15,000										
<b>Subtotal</b>	<b>\$425,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$55,000</b>	<b>\$70,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>RIVERWALK</b>																													
Construction Drawings	\$2,148,514	\$250,000		\$412,536									\$200,000					\$27,500		\$65,000		\$85,804	\$64,196	\$1,043,478					
Site Survey	\$100,000			\$100,000																									
Archeological Support	\$160,000			\$100,000	\$50,000													\$10,000											
Cost Estimating	\$55,000			\$55,000																									
Bidding	\$72,000			\$36,000	\$36,000																								
Construction Contingency	\$1,113,750	\$150,000	\$963,750																										
Technical Studies	\$142,823			\$120,323														\$22,500											
Operations and Maintenance Plan																						\$100,000							
Pre-Const. Habitat Restoration	\$17,500			\$17,500																									
Brownfield Remediation Plan	\$300,000			\$100,000				\$200,000																					
Materials and Supplies	\$32,000			\$12,000														\$20,000											
Permitting	\$225,000	\$200,000		\$25,000																									
Construction	\$9,082,772	\$400,000	\$5,461,250															\$35,000		\$30,000				\$2,956,522	\$100,000	\$100,000			
Staffing: PM	\$600,000			\$300,000	\$300,000																								
Staffing: Communications	\$208,000			\$104,000	\$104,000																								
Staffing: Oregon City	\$0																												
Owner Contingency	\$704,740			\$364,196	\$340,544																								
<b>Subtotal</b>	<b>\$14,962,099</b>	<b>\$1,000,000</b>	<b>\$6,425,000</b>	<b>\$1,746,555</b>	<b>\$830,544</b>	<b>\$0</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$60,000</b>	<b>\$55,000</b>	<b>\$65,000</b>	<b>\$30,000</b>	<b>\$185,804</b>	<b>\$64,196</b>	<b>\$1,043,478</b>	<b>\$2,956,522</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>
<b>INFRASTRUCTURE</b>																													
99E Tunnel Improvements	\$250,000																		\$125,000	\$125,000									
Railroad Ave ROW Acquisition	\$41,300																		\$41,300										
Development Strategy	\$611,300											\$215,000													\$396,300				
McLoughlin-Canemah Trail Plan	\$30,000													\$25,000			\$5,000												
Staff: Development Strategy Lead	\$80,000											\$80,000																	
Unallocated Funds/Contingency	\$85,000								\$50,000						\$25,000		\$10,000												
<b>Subtotal</b>	<b>\$1,097,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$295,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$15,000</b>	<b>\$0</b>	<b>\$166,300</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$396,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>ECONOMIC DEVELOPMENT</b>																													
Ec Dev Staff Contract	\$50,000								\$50,000																				
<b>Subtotal</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>Grand Total</b>	<b>\$16,534,699</b>	<b>\$1,000,000</b>	<b>\$6,425,000</b>	<b>\$1,846,555</b>	<b>\$930,544</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$295,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$130,000</b>	<b>\$125,000</b>	<b>\$231,300</b>	<b>\$155,000</b>	<b>\$185,804</b>	<b>\$64,196</b>	<b>\$1,043,478</b>	<b>\$2,956,522</b>	<b>\$396,300</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>	
		<b>\$7,425,000</b>		<b>\$3,027,099</b>				<b>\$150,000</b>		<b>\$1,411,300</b>								<b>\$4,000,000</b>		<b>\$596,300</b>									

NOTES: Budget reflects carryover from the previous budget period as well as new allocation. New sources such as grants and unanticipated fundraising will be reflected in future budget updates.

**WILLAMETTE FALLS RIVERWALK UPDATED PROJECT FUNDING  
CONCEPT DESIGN & PHASE I PROJECT**

<b>Project Sources</b>	<b>Metro NA Bond</b>	<b>Metro Gen. Fnd.</b>	<b>State Bond</b>	<b>State Bond</b>	<b>Falls Legacy</b>	<b>Tourism Grant</b>	<b>Oregon City</b>	<b>Fundraising</b>	<b>Total</b>
Total Funds	\$ 5,000,000	\$ 100,000	\$ 5,000,000	\$ 7,500,000	\$ 400,000	\$ 53,622	\$ 1,245,581	\$ 5,912,939	\$ <b>25,212,142</b>
Spent to Date	\$ 1,173,148	\$ 50,000	\$ 0	\$ 0	\$ 200,000	\$ 53,622	\$ 643,081	\$ 0	\$ <b>2,119,851</b>
Available	\$ 3,826,852	\$ 50,000	\$ 5,000,000	\$ 7,500,000	\$ 200,000	\$ 0	\$ 602,500	\$ 5,912,939	\$ <b>23,092,291</b>
<b>Unallocated</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

<b>Project Budget</b>	<b>Metro NA Bond</b>	<b>Metro Gen. Fnd.</b>	<b>State Bond</b>	<b>State Bond</b>	<b>Falls Legacy</b>	<b>Tourism Grant</b>	<b>Oregon City</b>	<b>Fundraising</b>	<b>Total</b>
Pre-Concept	\$ 126,754	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 75,000	\$ 0	\$ <b>201,754</b>
Concept Design	\$ 1,655,447	\$ 50,000	\$ 0	\$ 0	\$ 200,000	\$ 53,622	\$ 568,081	\$ 0	\$ <b>2,527,150</b>
Construction Documents*	\$ 1,869,065	\$ 0	\$ 250,000	\$ 0	\$ 200,000	\$ 0	\$ 452,500	\$ 709,553	\$ <b>3,481,118</b>
Permitting and Construction	\$ 0	\$ 0	\$ 4,750,000	\$ 6,578,574	\$ 0	\$ 0	\$ 150,000	\$ 4,316,445	\$ <b>15,795,019</b>
Owner Contingency	\$ 1,348,734	\$ 50,000	\$ 0	\$ 921,426	\$ 0	\$ 0	\$ 0	\$ 886,941	\$ <b>3,207,101</b>
<b>Total</b>	\$ <b>5,000,000</b>	\$ <b>100,000</b>	\$ <b>5,000,000</b>	\$ <b>7,500,000</b>	\$ <b>400,000</b>	\$ <b>53,622</b>	\$ <b>1,245,581</b>	\$ <b>5,912,939</b>	\$ <b>25,212,142</b>

\*Construction Documentation includes additional technical investigation to support Phase I

Exhibit B

**Partners Group**

State

State Senator  
State Representative  
Regional Solutions  
Oregon State Parks

Metro

Metro Council President  
Metro Councilor  
Metro Chief Operating Officer

Clackamas County

County Commissioner  
County Commissioner  
County Administrator

Oregon City

Mayor  
City Commissioner  
City Manager

## Exhibit C

### **Work of the TAC**

1. **General.** The following subsections set forth roles and responsibilities regarding the work of the TAC, as of the Effective Date of this Agreement and may change from time to time upon approval of the TAC.

1.1 **Project Administration.** Metro will lead and manage the overall administration of the TAC. It will create TAC agendas and meeting notes, and coordinate the Partners Group meetings. Metro's work will also include tracking the Legacy Project scope, schedule, Legacy Project Budget, and expenditures.

1.2 **Strategic Communications.** Except as related to tribal involvement in Section 1.6, below, Metro will lead the social media strategy, manage newsletters, provide coordination of public engagement, and create materials needed for funding requests, among other things. Metro will closely coordinate this work with the TAC and with communications staff of each party.

1.3 **Public Engagement.** Metro will lead the public engagement efforts in close coordination with the City. Metro will update the Legacy Project website.

1.4 **Funding Strategy.** The parties, through the TAC, will collaborate on fundraising and financing of the Legacy Project and future phases of the Riverwalk. This work will coordinate opportunities with Rediscover the Falls and is supported by funding from Oregon City, Clackamas County, and Metro.

1.5 **Private Parties.** In coordination with and with input from the TAC, Metro will lead negotiations with the Owner, PGE, and other third parties with respect to issues that have the potential to significantly impact all aspects of the Legacy Project, including real property issues. The parties shall refrain from communicating directly with the Owner, PGE, or other third parties on these issues without Metro's coordination and input in advance.

1.6 **Tribal Involvement.** The State will take the lead in government to government tribal consultation about involvement in the Willamette Falls Legacy Project and interpretation of the Riverwalk. Metro will create a process for additional tribal involvement, as necessary.

1.7 **Coordination with State Agencies.** The State, through the Regional Solutions office, will lead communication, coordination, and involvement of State Parks and all other state agencies in the Legacy Project, especially with regard to required state permits for the Riverwalk and state funding.

1.8 **Site Access and Tours.** Metro will coordinate scheduling of site access and site tours with the Owner and PGE, and will update the TAC regarding tours on a weekly basis. All parties shall help lead and facilitate the tours.

1.9 ***Implementation Strategies.*** Metro will lead efforts to deliver key decisions and workplans associated with the work of the TAC for future phases of the Legacy Project, taking into account such things as governance, Riverwalk ownership, fundraising, and financing. Metro awarded Oregon City a Community Planning and Development Grant (“CPDG”) for the purposes of reducing and removing barriers to private development. The TAC will continue to coordinate the scope of work for the CPDG as it relates to the Legacy Project.

1.10 ***Riverwalk Project Manager.*** Metro will provide a staff person to manage and coordinate all of the scopes of work and consultant contracts related to the Riverwalk. The Riverwalk Project Manager will create a project management plan for all the Riverwalk work.

1.11 ***Economic Development Project Manager.*** The City will take the lead on the creation and implementation of an economic development strategy for the Legacy Project.

**WILLAMETTE FALLS LEGACY PROJECT**

**EXHIBIT D**

**PROPOSED IN KIND STAFFING COMMITMENTS FOR FY 17-18 & FY 18-19**

<b>Oregon City Key Staff</b>	<b>Primary Responsibility</b>
Community Dev. Director	TAC
Community Services Director	TAC
Public Works Director	Infrastructure Planning Lead
Economic Development Mgr.	Economic Redevelopment Lead
Senior Planner	Economic Redevelopment Planning
Assistant Planner	Deputy Project Manager
Capital Projects Engineer	Infrastructure Planning

<b>Clackamas County Key Staff</b>	<b>Primary Responsibility</b>
BCS Director	TAC
Economic Development Coordinator	TAC & Economic Development Support

<b>Metro Key Staff</b>	<b>Primary Responsibility</b>
Parks & Ops. Prgm. Dir.	TAC
Conservation Program Director	TAC
Principal Parks Planner	WFLP Project Coordinator
Principal Parks Planner	Riverwalk Project Manager
Construction Project Manager	Riverwalk Construction Manager
Attorney	Project Attorney
Natural Resource Scientist	Habitat Design Expert
Communications Manager	Communications Lead
Program Assistant	Project Administrator

<b>State of Oregon Key Staff</b>	<b>Primary Responsibility</b>
Parks and Recreation Dep. Dir.	TAC
Metro Region Coordinator	TAC
Salmonberry Project Manager	TAC
Metro-area Regional Rep.	TAC

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 17-4815, FOR THE PURPOSE OF APPROVING THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT AMONG THE STATE OF OREGON, METRO, CLACKAMAS COUNTY, AND OREGON CITY FOR THE WILLAMETTE FALLS LEGACY PROJECT**

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Date: July 20, 2017

Prepared by: Brian Moore, (x1764)  
Don Robertson (x1111)

## **BACKGROUND**

In 2011, Oregon City, Clackamas County, Metro, and the State of Oregon (the “Partners”) recognized the importance of the Blue Heron Paper Mill site for the region and acknowledged the public interest in four core values: public access, historic and cultural interpretation, healthy habitat, and economic redevelopment. In March 2016, the Partners entered into an intergovernmental agreement, establishing the Partners Group of representatives from each government entity and a consensus based decision making process, and directing the staff team to develop a design concept for the project.

The work included issuing a request for proposals for a design team, soliciting extensive community input on design aspects, and developing the preferred design for the riverwalk. The most significant portion of the effort was the community engagement process.

Four major public events were hosted, each with attendance between 400 and 800 members of the public. Three online surveys were conducted with thousands of responses, numerous small community conversations and stakeholder groups were engaged, and a Tribal Advisory Board was formed to engage with various tribal interests at the site in a more meaningful way than through the permit process alone.

With input from the community, the design team developed a preferred design for the riverwalk and vetted the design with the property owner according to the terms of Metro’s easement on the site. On May 17, 2017 the Partners Group recommended the design for approval by each Partner, a Phase I riverwalk project, and an Amended and Restated Intergovernmental Agreement to be approved by the four Partners. The design was presented to the community on June 3, 2017 at OMSI and was received with high praises from community members and the media.

This Amended and Restated Intergovernmental Agreement continues the partnership established in March 2016 while updating it to provide direction for delivery of the first phase of construction for the riverwalk. The new agreement extends the term until 2023 to allow for the completion of Phase I and to leave space for additional fundraising for the project. A two year budget is established for 2017 through fiscal year 2018/19. Metro will continue to lead the project management and has greater decision making authority for Phase I. The agreement requires that operations and maintenance be addressed prior to the start of construction.

It is expected that the non-profit friends group of the project, Rediscover the Falls (“RTF”), will raise as much as \$15 million to expand the first phase or establish a second phase for the riverwalk. The duration of the new IGA allows RTF time to bring additional funds to the project when they are successful. The



project budget will continue to follow a two year cycle, allowing each agency to appropriate funds according to their process and procedures.

Metro remains on point to deliver on commitments for the State funding and for the Natural Areas Bond funding, and is the holder of the easement. As a result, Metro is given authority around project management and decision making regarding feasibility and constructability of Phase I. The Partners will still be involved in decision making in the event that Phase I becomes substantially different from the concept that was approved by the Partners Group on May 17.

Operations and maintenance of the completed riverwalk will also be addressed under this agreement. An overall plan that identifies the lead agency or agencies for operations and maintenance must be in place prior to beginning construction of the riverwalk. It is anticipated that the agencies will identify a collaborative approach to operations and maintenance that allows each agency to manage those aspects of the riverwalk where their expertise and interest exceeds that of the others.

Under the authority of ORS 190.010 and ORS 190.110, the public partners desire to enter into an intergovernmental agreement to provide the governance structure needed for the Legacy Project during the next phase of work, or over approximately the next six (6) years. The term of this agreement begins on the date that all parties have approved it and will expire on June 30, 2023.

The proposed intergovernmental agreement will formally continue the “Partners Group,” as the advisory body for the Legacy Project and retain the representation from each partner agency. It will focus on delivery the first phase of the riverwalk and set the stage for future phases of continued cooperation.

## **ANALYSIS/INFORMATION**

1. **Known Opposition** None known.

2. **Legal Antecedents**

Metro Council Resolution 14-4556, approved August 14, 2014, for the purpose of approving the Willamette Falls Riverwalk Memorandum of Understanding with City of Oregon City, Clackamas County, and Oregon State Parks

Metro Council Resolution 16-4676, approved March 31, 2016, for the purpose of approving the Willamette Falls Legacy Project governance intergovernmental agreement among the State of Oregon, Clackamas County, Metro and Oregon City.

3. **Anticipated Effects** The IGA establishes a decision-making process, organizational structure for the project, a budget through June 30, 2019, and authorizes Metro to continue work managing the Willamette Falls Legacy Project, the riverwalk design, and Phase I construction of the riverwalk.

4. **Budget Impacts** The IGA includes a budget and staffing commitment for the current and next fiscal years for each of the four project partners. Metro’s total investment is \$3,027,099.

## **RECOMMENDED ACTION**

Staff recommends Council approve Resolution No. 17-4815

Materials following this page were distributed at the meeting.

Metro Council  
July 20, 2017

Donna L Cohen  
Portland, Oregon  
[citizen@civictinker.net](mailto:citizen@civictinker.net)

Re: Changes to St Johns Truck Strategy, Phase II, transportation plan

In 2013, the Portland Bureau of Transportation applied through Metro and won a transportation grant that would be funded under ODOT STIP. The plan includes significant pedestrian crossing improvements along the Fessenden/St Louis corridor in St Johns.

The corridor has a high volume of traffic and is unusually wide, bisecting the community of St. Johns [currently 15,000] and splitting important destinations - library, pool, community center, park, downtown to either side. A lack of safe crossings and a blind curve adds to the barrier, literally, keeping people from crossing, or crossing only with great inconvenience. The area north of the corridor, away from downtown, has a lower income population and a higher percentage of seniors, children and people with disabilities than St Johns as a whole [as well as the Metro area]. It is also ethnically and racially diverse so neglecting it may raise questions of equity and may be illegal under state and federal laws on environmental justice.

The safety features were agreed upon during a **17-month public planning process** from 2011 to 2012 which included Stakeholder Committee meetings with St. Johns residents [including myself], freight industry and PBOT representatives. The Phase II plan was well received by the community and the improvements have been eagerly awaited.

Last month, PBOT, unilaterally and with no community input whatsoever, decided to **eliminate** most of the pedestrian safety features in the plan.

**My question to Metro concerns whether PBOT has bypassed an Amendment process necessary for making such changes. If an Amendment process was necessary, a public involvement process would have occurred.**

I have been in contact with a person at a Metro Councilor's office and with ODOT person and have received contradictory messages about the Amendment process. The person from the Metro office said that the requirement for an Amendment process by Metro is new and since our project was approved in 2013 doesn't apply. ODOT indicated that the rule would encompass this project, regardless of funding source. I assume because the project is funded from 2015-2018.

**Reference:**

2015 – 2018 Metropolitan Transportation Improvement Program [document]  
December, 2014

Chapter 6 Pages 156-159 covers the Amendment Process

Indicates that pedestrian and bicycle projects funded at over \$1 million require an Amendment and that fits us. [The bicycle / ped features were over \$1M in the plan]



# Elephant Lands

Evaluation of Interpretive Elements  
July 2017

# Guiding Questions



- What do visitors learn about **elephant biology, behavior and conservation**?
- What do visitors learn about Oregon Zoo's **vision for elephant welfare** as demonstrated through the Elephant Lands exhibit?
- What do visitors learn about the **shared history** of humans and elephants around the world and in Portland?
- What impact does a visit have on visitor **empathy/respect** for elephants ?
- What impact does a visit to Elephant Lands have on **visitor support** for the zoo?
- What features of the interpretive package are most **memorable/engaging** for visitors?



# Evaluation Methods

**Visitor Intercept Survey**

**Timing and Tracking Study**

**Focus Groups**

- Staff
- Visitors
- Volunteers



# Timing and Tracking

- Average stay-time = > 8 minutes\*
- Upper South Habitat and Forest Hall had longest residency times
- Lower South Habitat and Encounter Habitat had shortest residency times
- Elephant Pool was the only zone with more non-elephant-related than elephant-related actions

# Engagement

Average stay-time exceeding half a minute:

1. Sounds
2. Trunk
3. Elephant IDs

Most frequently-utilized:

1. Elephant IDs
2. Map
3. Feet

*“Some things everyone does, like reading who the elephants are and their ages. But then everyone picks out different things to talk about.”*  
– Oregon Zoo volunteer







Elephant hearing range 12 to 12,000 hertz

12 12 12 12 12 12

Hearing range  
(cycles per second or hertz)

Human hearing range 20 to 20,000 hertz

# Sounds and calls

Elephants communicate with a wide range of sounds.

Study the sounds to learn the meaning of each.

Roar

Roar



# Heavy-duty feet

A six-ton elephant is sure-footed on land and in water.

## Cushions soften steps

With each step, cushions of fat and air in the foot support tons of weight and act as shock absorbers.



## Fit for traction

The ridges and pits on the foot provide traction by locking up mud, through mudstone and other matter. An elephant's skin is tough for the reason of the mud.

Packey's front foot

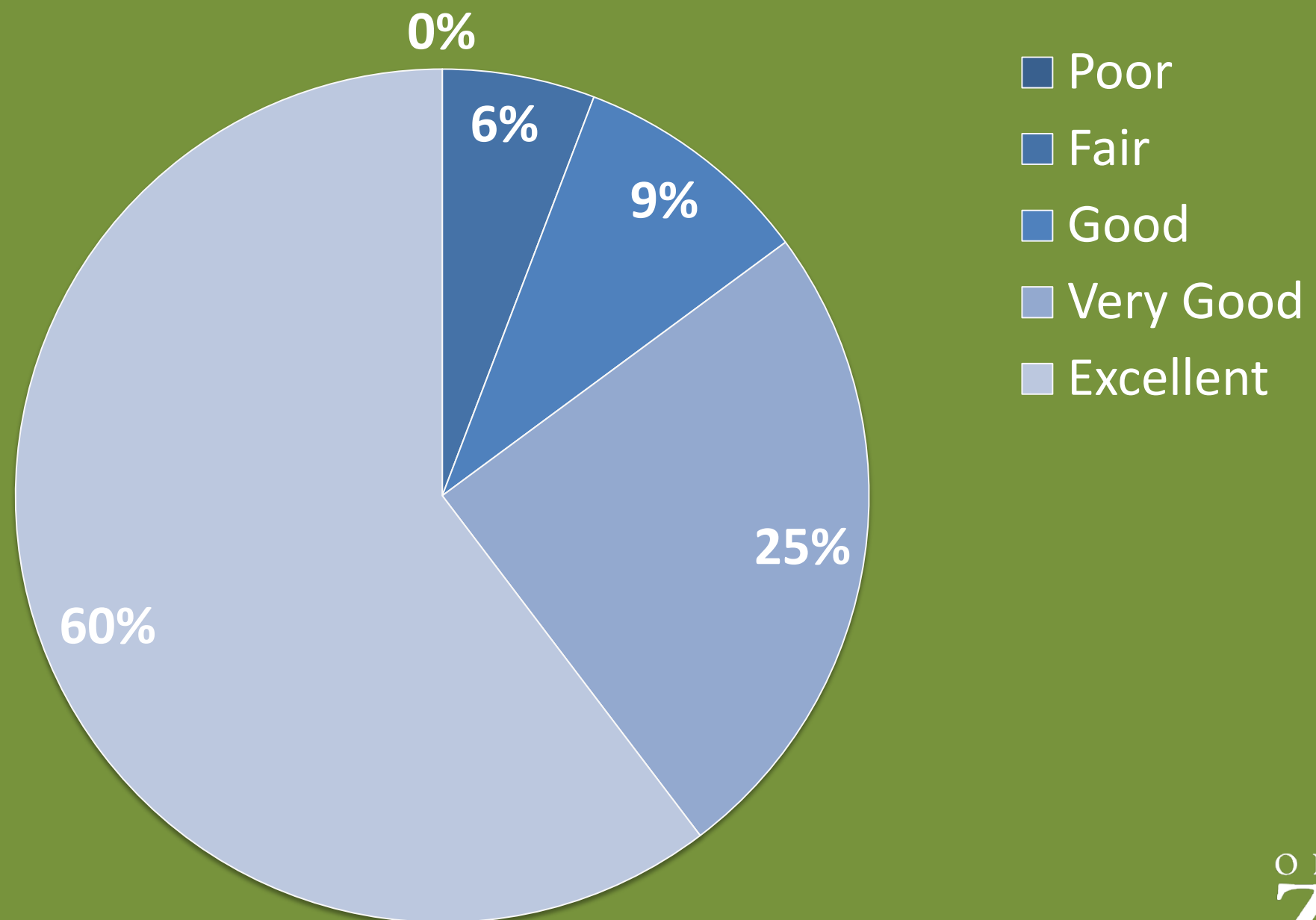
## Walking on tiptoes

Stand on tiptoes and take a step. As dirt is dug down, elephants walk on tips of hidden or padded feet.



# Overall Experience

Experience Rating at Elephant Lands





# “Oregon Zoo elephants have a good quality of life.”

## *Front-End Evaluation*

Before Elephants Lands was completed, **64%** of respondents agreed or strongly agreed with this statement



## *Summative Evaluation*

After Elephant Lands opened, **91%** of respondents agreed or strongly agreed with this statement

# Appreciation for Habitat

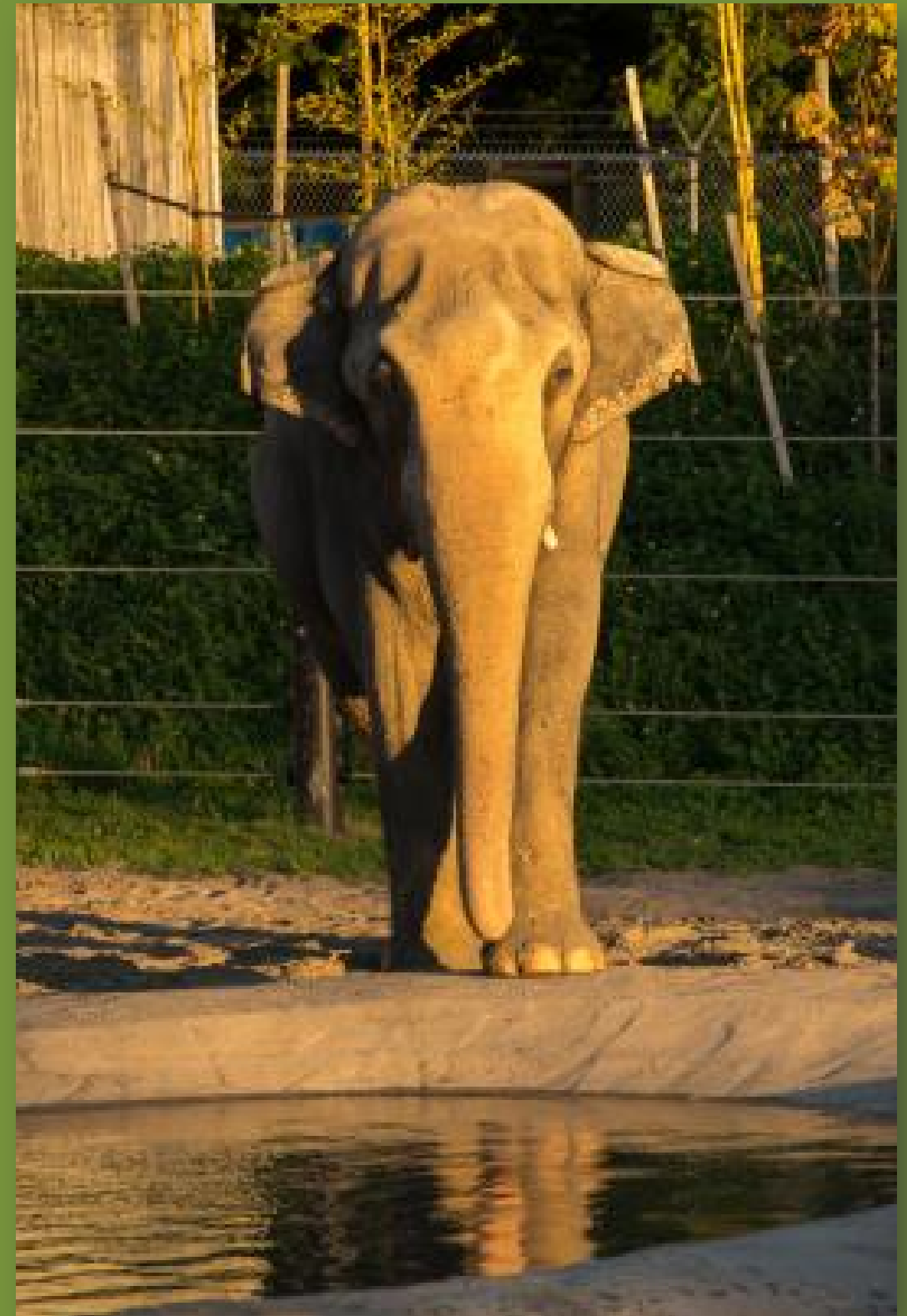
93% of survey respondents said the exhibit design “effectively or very effectively” nurtured natural social behaviors and choices

- Greater space
- Perceived happiness of elephants
- Choices
- Increased ability for elephants to interact with each other



# Empathy/Respect

- Individual herd members are treasured. (Lily #4, Packy #8)
- 83% of survey respondents agreed that they felt a stronger connection to the elephants after their visit.
- 62% of survey respondents stated they felt increased empathy/respect towards the elephants after their visit.





# Pride in Oregon Zoo

- 80% of Elephant Lands visitors feel proud of what the zoo is doing to protect elephants in the wild.
- Felt tax money was well-spent to develop Elephant Lands.
- Focus group participants reported willingness to continue making financial contributions to support additional exhibit improvements.

*98% agreed or strongly agreed that this exhibit shows that Oregon Zoo is committed to the welfare of elephants*



# Awareness of Threats

- Most visitors were familiar with the threat of elephants poached for the ivory trade.
- 54% of visitors surveyed were not aware of the palm oil conservation crisis.



*“Chendra’s story is a big one. They can see how an animal was directly affected by deforestation. That’s powerful for people to see.”*

– Oregon Zoo staff



# How to help

- 66% more likely to urge companies to switch to wildlife-friendly palm oil
- 62% more likely to buy products that they know contain only wildlife-friendly palm oil
- 45% more likely to donate money to support Oregon Zoo's efforts to protect elephants
- 25% more likely to become an Oregon Zoo member

*84% of survey respondents felt their consumer choices made an impact on elephant conservation*



*“For a long time I was anti-zoo, but coming up here and seeing how wonderfully the animals are treated and the open spaces, and the realization that most people are not blessed to travel globally, and how else can children learn about animals up close and personal...I think Elephant Lands solidified in my mind that this is really okay. This exhibit helped me see the value of zoos.”*

– Oregon Zoo visitor



**Thank you!**

OREGON  
**ZOO**

# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov*



**Metro**

## **Minutes**

**Thursday, June 29, 2017**

**2:00 PM**

**PACKET REVISED 06/27/17**

**Metro Regional Center, Council chamber**

**Council meeting**

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**1. Call to Order and Roll Call**

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

**Present:** 7 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**2. Citizen Communication**

There was none.

**3. Consent Agenda**

**Approval of the Consent Agenda**

**A motion was made by Councilor Collette, seconded by Councilor Harrington, to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

3.1 Consideration of the Council Meeting Minutes for June 22, 2017

**4. Resolutions**

4.1 Resolution No. 17-4810, For the Purpose of Amending the Development and Finance Agreement for the Convention Center Hotel Project

Council President Hughes called on Mr. Scott Cruickshank, Metro’s General Manager of Visitor Venues, and Ms. Hilary Wilton and Ms. Ashley McCarron, Metro staff, for a brief presentation on the resolution. Mr. Cruickshank explained that the resolution would authorize Metro’s Chief Operating Officer to enter into the seventh amendment of the development and finance agreement for the Oregon Convention Center hotel project. He noted that the agreement still reflected all of the goals initially set in the statement of principles and the memorandum of

understanding with the City of Portland and Metro.

Mr. Cruickshank stated that the amendments would allow the hotel to reach its original goals, including a hotel design that would enable the convention center to attract larger and more lucrative conventions leading to a significant regional economic impact surpassing an additional \$100 million per year in visitor spending and that strongly supported the needs of the Oregon Convention Center and the greater Portland region. Mr. Cruickshank provided an overview of the amendments, noting that they updated the project funding agreement between Metro, the developer, and lender, by finalizing rights and responsibilities which govern disbursement of public and private funds during construction. He explained that the agreement also provided each party with certain rights and responsibilities in case of a default by any party and added a direct access agreement which granted certain rights to Metro from the developer and design builder. Mr. Cruickshank stated that the agreement also included a prevailing wage compliance agreement and acknowledgement of Metro's receipt and satisfaction of certain closing conditions.

Mr. Cruickshank informed the Council that Phase 1 of closing was anticipated to be July 19 and a groundbreaking celebration would be held shortly.

#### *Council Discussion*

Councilors thanked Metro staff for all of their hard work developing the hotel agreement. Councilor Chase acknowledged Metro staff for maximizing community benefit and minimizing risk. Councilor Harrington congratulated the team on all of their work and noted that

she looked forward to the jobs and other economic opportunities that would come to the region as part of the project. Councilor Collette commented on the immense benefits the project would bring to local residents. Councilor Craddick remarked that it was a significant milestone. Councilor Dirksen highlighted the incredibly complex process and commended staff for their achievements. Councilor Stacey appreciated that the project agreement would bring significant public benefits and protect public interest. Council President Hughes agreed with the Council's comments and emphasized the great return on investment the project would bring.

**A motion was made by Councilor Chase that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

#### **5. Chief Operating Officer Communication**

Ms. Martha Bennett provided an update on the following events or items: the signing ceremony for the intergovernmental agreement between Metro, Clackamas County, and the Cities of West Linn, Tualatin, and Lake Oswego regarding the Stafford urban reserves; the end of the 2016-2017 fiscal year; and the July 4 holiday. Ms. Bennett noted that the Metro Regional Center was the only facility that would be closed on July 4 and thanked staff who worked that day at Metro's other facilities, many of which were particularly busy on July 4.

#### **6. Councilor Communication**

Councilors provided updates on the following meetings or events: Community Place-making grants, the grand opening of the Farmington Paddle Launch, the Metro Policy Advisory



Committee (MPAC), the Audit Committee, the Transit-Oriented Development (TOD) Steering Committee, Levee Ready Columbia, the Gateway Green grand opening, and a recent boat tour of the Columbia Slough. Councilor Harrington thanked Council President Hughes for all his work supporting the Oregon Convention Center hotel project.

## 7. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 2:53 p.m. The Metro Council will convene the next regular council meeting on July 20 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 29, 2017**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>3.1</b>	Minutes	06/29/17	Minutes from the June 22, 2017 Council Meeting	062917c-01