



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, June 11, 2020

2:00 PM

<https://zoom.us/j/615079992> or
888-475-4499 (toll free)

Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public.

This meeting will be held electronically. You can join the meeting on your computer or other device by using this link: <https://zoom.us/j/615079992> or by calling 888-475-4499 (toll free).

If you wish to attend the meeting, but do not have the ability to attend by phone or computer, please contact the Legislative Coordinator at least 24 hours before the noticed meeting time by phone at 503-797-1916 or email at legislativecoordinator@oregonmetro.gov.

1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by noon on Thursday, June 11 will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Consent Agenda

- 3.1 Resolution No. 20-5102, For the Purpose of Amending Existing ADA Compliance Related Projects to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Five Projects Impacting Portland and ODOT (MA20-12-MAY) [RES 20-5102](#)
Attachments: [Resolution No. 20-5102](#)
[Exhibit A to Resolution No. 20-5102](#)
[Staff Report](#)
- 3.2 Resolution No. 20-5103, For the Purpose of Adding Canby Transfer Station & Recycling, Inc. to the List of Designated Facilities of Metro's Solid Waste System [RES 20-5103](#)
Attachments: [Resolution No. 20-5103](#)
[Exhibit A to Resolution No. 20-5103](#)
[Staff Report](#)
- 3.3 Resolution No. 20-5104, For the Purpose of Authorizing the Chief Operating Officer to Extend and Amend Non-System Licenses For Arrow Sanitary Service and Willamette Resources Inc. and Republic Services of Clackamas and Washington Counties [RES 20-5104](#)
Attachments: [Resolution No. 20-5104](#)
[Exhibit A to Resolution No. 20-5104](#)
[Exhibit B to Resolution No. 20-5104](#)
[Staff Report](#)
- 3.4 Resolution No. 20-5105, For the Purpose of Confirming Appointments to the Metro Public Engagement Review Committee [RES 20-5105](#)
Attachments: [Resolution No. 20-5105](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
- 3.5 Consideration of the Council Meeting Minutes for May 21, 2020 [20-5426](#)
Attachments: [Council Meeting Minutes for May 21, 2020](#)

4. Resolutions

- 4.1 Resolution No. 20-5111, For the Purpose of Proclaiming the Month of June as Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Pride Month in the Metro Region [RES 20-5111](#)
Attachments: [Resolution No. 20-5111](#)
[Staff Report](#)
- 4.2 Resolution No. 20-5109, For the Purpose of Authorizing an Exemption from Competitive Bidding and Procurement of Construction Manager/General Contractor Services by Competitive Request for Proposals for Construction of Metro Regional Center Childcare Facilities Upgrades [RES 20-5109](#)
Presenter(s): Julie Hoffman, Metro
Dan Hoskin, Metro
Attachments: [Resolution No. 20-5109](#)
[Exhibit A to Resolution No. 20-5109](#)
[Staff Report](#)
- 4.2.1 Public Hearing on Resolution No. 20-5109
- 4.3 Resolution No. 20-5095, For the Purpose of Adopting the Annual Budget for Fiscal Year 2020-21, Making Appropriations and Levying Ad Valorem Taxes [RES 20-5095](#)
Presenter(s): Brian Kennedy, Metro
Cinnamon Williams, Metro
Attachments: [Resolution No. 20-5095](#)
[Staff Report](#)
- 4.3.1 Public Hearing on Resolution No. 20-5095
- 5. Ordinances (First Reading and Public Hearing)**
- 5.1 Ordinance No. 20-1445, For the Purpose of Annexing to the Metro District Boundary Approximately 17.88 Acres Located at 5602 NE Starr Boulevard in Hillsboro [ORD 20-1445](#)
Presenter(s): Tim O'Brien, Metro
Attachments: [Ordinance No. 20-1445](#)
[Exhibit A to Ordinance No. 20-1445](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
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6. Ordinances (Second Reading)

6.1 Ordinance No. 20-1444, For the Purpose of Annexing to the Metro Boundary Approximately 19.9 Acres Located Along SW Taylor Lane in Tigard

[ORD 20-1444](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 20-1444](#)
[Exhibit A to Ordinance No. 20-1444](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

7. Chief Operating Officer Communication

8. Councilor Communication

9. Adjourn

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Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights. або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

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Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

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Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 www.oregonmetro.gov/civilrights. 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រព័ន្ធរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev saww ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwm ua ntej ntwam lub rooj sib tham.

Television schedule for Metro Council meetings

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.</p>	<p>Washington County and West Linn Channel 30- TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>
<p>Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Agenda Item No. 3.1

Resolution No. 20-5102, For the Purpose of Amending Existing ADA Compliance Related Projects to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Five Projects Impacting Portland and ODOT (MA20-12-MAY)

Consent Agenda

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING EXISTING) RESOLUTION NO. 20-5102
ADA COMPLIANCE RELATED PROJECTS TO)
THE 2018-21 METROPOLITAN) Introduced by: Chief Operating Officer
TRANSPORTATION IMPROVEMENT) Andrew Scott in concurrence with
PROGRAM WHICH INVOLVES CHANGES TO) Council President Lynn Peterson
FIVE PROJECTS IMPACTING PORTLAND AND)
ODOT (MA20-12-MAY))

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 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; 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 U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, MTIP amendments now must also include assessments for required performance measure compliance, expanded RTP consistency, and strive to meet annual Metro and statewide obligation targets resulting in additional MTIP amendment processing practices and procedures; and

WHEREAS, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017 that changed practices related to compliance with the Americans with Disabilities Act and established the ADA Program to meet the requirements of the settlement agreement; and

WHEREAS, the city of Portland is adding \$612,503 of local funds to their Downtown I-405 Pedestrian Safety & Operational Improvements project due to the revised costs of the included curbs and ramps and to ensure the project meets all required ADA compliance areas; and

WHEREAS, the Oregon Department of Transportation (ODOT) is adjusting their ADA curb and ramp implementation strategy and focus resulting in the de-programming of the implementation phases for their OR211/OR224/US26/OR8 Curb Ramps project resulting in the funds to be shifted to three new stand-alone child projects which will allow them to be completed and delivered more efficiently; and

WHEREAS, with the Preliminary Engineering phase now complete from their OR211/OR224/US26/OR8 Curb Ramps project, ODOT can move forward to establish the three ADA Curb and Ramp for immediate implementation; and

WHEREAS, out of the three new child projects receiving the transferred funds, two are outside of the MPO programming boundary area with the third located in the Cornelius and Forest Grove areas which is being added as a new child project with a total of \$2.5 million to complete ADA complicated curb and ramp improvements; and

WHEREAS, ODOT's further assessment of the ADA Curb and Ramp program has resulted in program savings enabling the Preliminary Engineering (PE) phase with \$4 million to be programmed for the next year's ADA compliant scoping, design, and cost estimating required improvements which total approximately 795 curb and ramp improvements; and

WHEREAS, through ODOT's review and delivery assessment of their ADA curb and ramps projects, additional savings have arisen enabling their OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St ADA curbs and ramps project in Beaverton to add \$1.1 million for Right-of Way phase activities; and

WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan (RTP) to ensure the projects remain consistent with the goals and strategies identified in the RTP with the results confirming that no RTP inconsistencies exist as a result of the project changes from the May 2020 MTIP Formal Amendment; and

WHEREAS, the RTP consistency check areas included financial/fiscal constraint verification, eligibility and proper use of committed funds, an assessment of possible air quality impacts, a deviation assessment from approved regional RTP goals and strategies, a validation that the required changes have little or no impact upon regionally significant projects, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of the May 2020 Formal Amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on May 1, 2020; and

WHEREAS, JPACT received their notification and approved Resolution 20-5102 consisting of the May 2020 Formal MTIP Amendment bundle on May 21, 2020 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on June 4, 2020 to formally amend the 2018-21 MTIP to include the required changes, advancements, or additions to the four identified projects as part of Resolution 20-5102.

ADOPTED by the Metro Council this ____ day of _____ 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

**2018-2021 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 20-5102**



<p align="center">Proposed May 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: MA20-12-MAY Total Number of Projects: 5</p>					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18818	70772	Portland	Downtown I-405 Ped Safety & Operational Improvmnts	Design and construct various operational and roadside improvements Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.	<u>COST INCREASE</u> The formal amendment adds \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project.
Project #2 Key 21488	71073	ODOT	OR211/OR224/US26 /OR8 Curb Ramps	Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)	<u>DECREASE FUNDING</u> The amendment de-programs the ROW, UR, and Construction phases leaving only PE programmed. Funds are being split off to new child projects including 22116 below and outside of the MPO area.
Project #3 Key 22116 NEW PROJECT	TBD	ODOT	OR8 Curb Ramps (Cornelius & Forest Grove)	Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB)	<u>ADD NEW PROJECT</u> The amendment adds the ROW, UR, and construction phases with funding that originates from Key 21488. Key 22116 is a child project to Key 21488 above.
Project #4 Key 22204 NEW PROJECT	TBD	ODOT	Portland Metro & Hood River Curb Ramps	Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)	<u>ADD NEW PROJECT</u> The amendment adds the PE phase to complete project development actions in support of required ADA curb ramp standards. ROW, UR, and Construction phases will be added later and to the 2021-2024 MTIP and STIP.

<p>Project #5 Key 19267 NEW PROJECT</p>	<p>TBD</p>	<p>ODOT</p>	<p>OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St</p>	<p>Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.</p>	<p><u>ADD NEW PROJECT</u> The amendment adds the ROW phase to the active FY 2020 fiscal year resulting in the entire prior obligated project (PE only programmed) to now be active again in the 2018-21 MTIP. This will allow the ROW funds to obligate before the end of FY 2020 (September 1, 2020)</p>
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Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
COST INCREASE**

Lead Agency: Portland		Project Type:	Active Trns	ODOT Key: 18818
Project Name: Downtown I-405 Ped Safety & Operational Improvmnts	1	ODOT Type	BikePed	MTIP ID: 70772
		Performance Meas:	Yes	Status: 5
		Capacity Enhancing:	No	Comp Date: 12/31/2021
		Conformity Exempt:	Yes	RTP ID: 11567
		On State Hwy Sys:	I-405	RFFA ID: N/A
		Mile Post Begin:	2.20	RFFA Cycle: N/A
		Mile Post End:	2.69	UPWP: No
		Length:	0.49	UPWP Cycle: N/A
		1st Year Program'd:	2015	Past Amend:
		Years Active:	6	OTC Approval: Yes
		STIP Amend #: 18-21-3781		MTIP ID: MA20-12-MAY
Detailed Description:				
STIP Description: Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.				

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
TIFIA	M040	2016		\$ 587,732				\$ 587,732
State STP	M240	2020					\$ 1,422,220	
ADVCON	ACPO	2020					\$ 1,422,220	\$ 1,422,220
							Federal Totals:	\$ 2,009,952
Federal Fund Obligations:				\$ 587,732	\$ -			Federal Aid ID
EA Number:				PE002696	R9250000			5900(286)
Initial Obligation Date:				8/31/2016	3/9/2018			
State Funds								\$ -
								\$ -
							State Total:	\$ -
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
Local	Match	2016		\$ 67,269				\$ 67,269
Other	OTH0	2018			\$ 30,000			\$ 30,000
Local	Match	2020					\$ 162,780	\$ 162,780
Other	OVM	2020					\$ 435,224	
Other	OVM	2020					\$ 1,047,727	\$ 1,047,727
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ 655,001	\$ 30,000	\$ -	\$ 2,020,224	\$ 2,705,225
Phase Totals After Amend:			\$ -	\$ 655,001	\$ 30,000	\$ -	\$ 2,632,727	\$ 3,317,728
							Year Of Expenditure (YOE):	\$ 3,317,728

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment adds \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project. It is anticipated that there will be significant savings in PE that will ultimately offset PBOT's present contribution. The project is due to go to PS&E (initial Construction obligation) in May, and the STIP amendment needs to be in process in order for PS&E to be accepted and the project to remain on schedule. The cost change represents a 22.6% increase to the project which is above the 20% threshold for administrative modifications. The cost change requires a formal amendment.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 11567 - Downtown I-405 Pedestrian Safety and Operational Improvements

> RTP Description: Improve pedestrian and bike access from NW Portland to Central City across I-405. Improves traffic operations for I-405 off-ramp.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Bicycle and pedestrian improvements

> UPWP amendment: Not applicable & not required

Fund Codes:

> TIFIA = Federal FY 2015 Redistribution of federal funds to ODOT. The redistribution occurs from other states which do not reach their obligation targets.

> State STP = Federal Surface Transportation Program Funds allocated to ODOT

> ADVCON = Federal Advance Construction placeholder fund type code. ODOT will cover initial phase costs until the final federal fund code is determined and a conversion completed.

> Local = General local funds provided by the lead agency as part of the required match.

> Other = General local funds provided by the lead agency above the required match amount to support phase costs above the federal and match amount programmed.



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
DECREASE FUNDING**

Lead Agency: ODOT			Project Type:	Active		ODOT Key:	21488
Project Name: OR211/OR224/US26/OR8 Curb Ramps	2	22.80	ODOT Type	ADAP		MTIP ID:	71073
		23.36	Performance Meas:	Yes		Status:	4
		0.56	Capacity Enhancing:	No		Comp Date:	TBD
		US26	Conformity Exempt:	Yes		RTP ID:	12095
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		22.70	On State Hwy Sys:	OR211		RFFA ID:	N/A
		24.94	Mile Post Begin:	11.89		RFFA Cycle:	N/A
Short Description: Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)		2.24	Mile Post End:	13.42		UPWP:	N/A
		OR8	Length:	1.53		UPWP Cycle:	N/A
		15.90	1st Year Program'd:	2019		Past Amend:	4
		17.50	Years Active:	2		OTC Approval:	Yes
		1.60	STIP Amend #: 18-21-3700			MTIP Amend #: MA20-12-MAY	
Detailed Description:							
STIP Description: Design and construct curb ramps to meet compliance with the American with Disabilities ACT (ADA) standards on state highways at various locations in Clackamas and Washington county.							

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2019		\$ 1,590,016				\$ -
ADVCON	ACPO	2019		\$ 1,610,115				\$ 1,610,115
State STP	Z240	2019		\$ 1,590,016				\$ 1,590,016
ADVCON	ACPO	2020			\$ 53,838			\$ -
ADVCON	ACPO	2020				\$ 198,752		\$ -
ADVCON	ACPO	2020					\$ 5,113,713	\$ -
								\$ -
							Federal Totals:	\$ 3,200,131
Federal Fund Obligations:				\$ 1,610,115				Federal Aid ID
EA Number:				PE003144				SA00(292)
Initial Obligation Date:				9/5/2019				
State Funds								
State	Match	2019		\$ 181,984				\$ -
State	Match	2019		\$ 184,285				\$ 184,285
State	Match	2019		\$ 181,984				\$ 181,984
State	Match	2020			\$ 6,162			\$ 6,162
State	Match	2020				\$ 22,748		\$ -
State	Match	2020					\$ 585,287	\$ -
								\$ -
							State Total:	\$ 372,431
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ 1,772,000	\$ 60,000	\$ 221,500	\$ 5,699,000	\$ 7,752,500
Phase Totals After Amend:			\$ -	\$ 3,566,400	\$ -	\$ -	\$ -	\$ 3,566,400
							Year Of Expenditure (YOE):	\$ 3,566,400

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment returns the project back to a PE programming status and shifts funds to other projects. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.

The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT's Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. K21488 is one such pilot project. Currently, there is uncertainty in the costs for constructing high volume curb ramp only projects.

Key 21488 is a pilot project and envisioned initial work based on simplified ramp delivery and was initiated without sufficient scoping. These added needs have had budget impacts in all phases. In addition to the funding need, it is necessary to create child projects for separate construction packages based on location. This approach will enable the individual construction packages to progress independently of one another, ensuring each package moves forward as quickly as possible and is not delayed by the restrictions/complexities of the other locations.

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP IDs: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that reduce or eliminate a safety issue

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
Initial Programming

Lead Agency: ODOT		Project Type: ADA	ODOT Key: 22116
Project Name: OR8 Curb Ramps (Cornelius & Forest Grove)	3	ODOT Type: Safety	MTIP ID: TBD
		Performance Meas: Yes	Status: 4
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		Capacity Enhancing: No	Comp Date: 12/31/2021
		Conformity Exempt: Yes	RTP ID: 12095
Short Description: Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB)		On State Hwy Sys: OR8	RFFA ID: N/A
		Mile Post Begin: 15.90	RFFA Cycle: N/A
		Mile Post End: 17.50	UPWP: N/A
		Length: 1.7	UPWP Cycle: N/A
		1st Year Program'd: 2020	Past Amend: 4
		Years Active: 0	OTC Approval: Yes
		STIP Amend #: 18-21-3728	MTIP Amend #: MA20-12-MAY
Detailed Description: Pilot project to construct curb ramps to meet compliance with the ADA standards at four locations on OR8: (1 & 2) Between MP 15.90 to 17.22, (3) MP 17.23 to 17.45, and (4) MP 17.23 to 17.50. Approved project grouping bucket. Child project split from Key 21488.			
STIP Description: Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards.			

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2020			\$ 459,418			\$ 459,418
ADVCON	ACPO	2020				\$ 57,427		\$ 57,427
ADVCON	ACPO	2020					\$ 1,776,798	\$ 1,776,798
								\$ -
							Federal Totals:	\$ 2,293,643
Federal Fund Obligations:								Federal Aid ID
EA Number:								
Initial Obligation Date:								
State Funds								
State	Match	2020			\$ 52,582			\$ 52,582
State	Match	2020				\$ 6,573		\$ 6,573
State	Match	2020					\$ 203,362	\$ 203,362
								\$ -
							State Total:	\$ 262,517
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ -	\$ 512,000	\$ 64,000	\$ 1,980,160	\$ 2,556,160
Year Of Expenditure (YOE):								\$ 2,556,160

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment creates a child project from Key 21488 by splitting off funding from ROW, UR, and construction and committing it to this project to better address ADA compliance requirements

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP ID: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that address and resolve a safety issue.

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
Initial Programming

Lead Agency: ODOT		Project Type:	ADA	ODOT Key:	22204
Project Name: Portland Metro & Hood River Curb Ramps	4	ODOT Type	Safety	MTIP ID:	TBD
		Performance Meas:	No	Status:	1
Project Status: 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc.).		Capacity Enhancing:	No	Comp Date:	TBD
		Conformity Exempt:	Yes	RTP ID:	12095
Short Description: Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)		On State Hwy Sys:	Various	RFFA ID:	N/A
		Mile Post Begin:	Various	RFFA Cycle:	N/A
		Mile Post End:	Various	UPWP:	N/A
		Length:	N/A	UPWP Cycle:	N/A
		1st Year Program'd:	2020	Past Amend:	0
		Years Active:	0	OTC Approval:	Yes
		STIP Amend #: 18-21-3785		MTIP Amend #: MA20-12-MAY	
Detailed Description: (None at present)					
STIP Description: Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties.					

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2020		\$ 3,589,200				\$ 3,589,200
								\$ -
							Federal Totals:	\$ 3,589,200
Federal Fund Obligations:								Federal Aid ID
EA Number:								
Initial Obligation Date:								
State Funds								
State	Match	2020		\$ 410,800				\$ 410,800
								\$ -
							State Total:	\$ 410,800
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 4,000,000	\$ -	\$ -	\$ -	\$ 4,000,000
Year Of Expenditure (YOE):								\$ 4,000,000

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment adds preliminary engineering for new project K22204. This project serves as the second year of Region 1 settlement ramp projects (the first year being K21488). Approximately 800 ramps will be scoped and a reduced amount will be delivered, using techniques and procedures in place for ramp pilot projects, including a 2-year construction delivery window. Proposed ramp locations are in Hood River, SW Portland/Beaverton/Tigard and SE Portland/Milwaukie. For the project is considered in project development with later implementation funding to be added for ROW, UR and Construction phases through the 2021-2024 STIP and MTIP..

> Will Performance Measurements Apply: Appears No

RTP References:

> RTP IDs: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Elimination of a safety hazard.

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
(Prior Obligated to Active Status)

Lead Agency: ODOT		Project Type: ADA	ODOT Key: 19267
Project Name: OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St	5	ODOT Type: Safety	MTIP ID: TBD
		Performance Meas: Yes	Status: 4
		Capacity Enhancing: No	Comp Date: 9/15/2022
		Conformity Exempt: Yes	RTP ID: 12095
		On State Hwy Sys: OR141	RFFA ID: N/A
		Mile Post Begin: 2.84	RFFA Cycle: N/A
		Mile Post End: 3.84	UPWP: N/A
		Length: 1	UPWP Cycle: N/A
		1st Year Program'd: 2015	Past Amend: 0
		Years Active: 6	OTC Approval: Yes
		STIP Amend #: 18-21-3779	MTIP Amend #: MA20-12-MAY
Detailed Description: In Beaverton on OR141 from Scholls Ferry Rd to Hemlock St (MP 2.84 to 3.84), construct and complete ADA curb and ramp improvements to include pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.			
STIP Description: Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.			

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2015		\$ 448,650				\$ 448,650
REDIST	M030	2015		\$ 278,163				\$ 278,163
Redistribution	Z030	2015		\$ 248,289				\$ 248,289
STBG 5-200k	Z231	2015		\$ 191,125				\$ 191,125
ADVCON	ACPO	2020			\$ 1,013,949			\$ 1,013,949
								\$ -
							Federal Totals:	\$ 2,180,176
Federal Fund Obligations:				\$ 1,166,227				Federal Aid ID
EA Number:				PE002488				S141(010)
Initial Obligation Date:				4/9/2015				
State Funds								
State	Match	2015		\$ 51,350				\$ 51,350
State	Match	2015		\$ 31,837				\$ 31,837
State	Match	2015		\$ 28,418				\$ 28,418
State	Match	2015		\$ 21,875				\$ 21,875
State	Match	2020			\$ 116,051			\$ 116,051
								\$ -
							State Total:	\$ 249,531
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 1,299,707	\$ 1,130,000	\$ -	\$ -	\$ 2,429,707
							Year Of Expenditure (YOE):	\$ 2,429,707

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment adds the Right-of Way (ROW) phase to the project. Because the PE phase obligated back in 2015, the project has been in a "prior obligation" status. Adding the ROW phase to obligate in 2020 "re-activates" the project in the 2018-2021 MTIP and will allow the ROW phase to obligate before the end of fee 2020. The Construction phase funding will be added into the new 2021--24 STIP and MTIP. Construction is scheduled for September 2021.

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP IDs 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that eliminate a safety hazard

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> REDIST & Redistribution = Federal funds collected by FHWA from other states that do not meet their annual obligation targets and re-allocated to other states that meet their obligation targets.

STBG 5-200K = Federal Surface Transportation Block Grant funds designated for areas with populations in the range of 5,000 to 200,000.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs

Memo

Date: May 26, 2020
 To: Metro Council and Interested Parties
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785
 Subject: May 2020 MTIP Formal Amendment & Resolution 20-5102 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING EXISTING ADA COMPLIANCE RELATED PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WHICH INVOLVES CHANGES TO FIVE PROJECTS IMPACTING PORTLAND AND ODOT (MA20-12-MAY)

BACKGROUND

What This Is:

The May 2020 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 20-5102 and being processed under MTIP Amendment MA20-12-MAY.

What is the requested action?

JPACT approved Resolution 20-5102 on May 21, 2020, and is providing their approval recommendation to Metro Council for Resolution 20-5102 consisting of five projects in the May 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

Proposed May 2020 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: MA20-12-MAY					
Total Number of Projects: 5					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18818	70772	Portland	Downtown I-405 Ped Safety & Operational Improvmnts	<p>Design and construct various operational and roadside improvements</p> <p>Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.</p>	<p>COST INCREASE</p> <p>The formal amendment adds \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project.</p>

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #2 Key 21488	71073	ODOT	OR211/OR224/U S26/OR8 Curb Ramps	Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)	DECREASE FUNDING The amendment de-programs the ROW, UR, and Construction phases leaving only PE programmed. Funds are being split off to new child projects including 22116 below and outside of the MPO area.
Project #3 Key 22116 NEW PROJECT	TBD	ODOT	OR8 Curb Ramps (Cornelius & Forest Grove)	Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB)	ADD NEW PROJECT The amendment adds the ROW, UR, and construction phases with funding that originates from Key 21488. Key 22116 is a child project to Key 21488 above.
Project #4 Key 22204 NEW PROJECT	TBD	ODOT	Portland Metro & Hood River Curb Ramps	Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)	ADD NEW PROJECT The amendment adds the PE phase to complete project development actions in support of required ADA curb ramp standards. ROW, UR, and Construction phases will be added later and to the 2021-2024 MTIP and STIP.
Project #5 Key 19267 NEW PROJECT	TBD	ODOT	OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St	Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.	ADD NEW PROJECT The amendment adds the ROW phase to the active FY 2020 fiscal year resulting in the entire prior obligated project (PE only programmed) to now be active again in the 2018-21 MTIP. This will allow the ROW funds to obligate before the end of FY 2020 (September 1, 2020)

A detailed summary of the new proposed amended project is provided below.

Project 1: Downtown I-405 Ped Safety & Operational Improvmnts	
Lead Agency:	Portland
ODOT Key Number:	18818
	MTIP ID Number: 70772
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Design and construct various operational and roadside improvements Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements. Source: Existing project. Funding: The awarded source of funding for the project is from ODOT Project Type: Active transportation, bike/pedestrian safety improvements Location: In the city of Portland and on I-405 Cross Street Limits: MP 2.20 to MP 2.69 Overall Mile Post Limits: N/A Current Status Code: 5 = (RW) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.

	<ul style="list-style-type: none"> • STIP Amendment Number: 18-21-3781 • MTIP Amendment Number: MA20-12-MAY
What is changing?	<p>AMENDMENT ACTION: COST INCREASE</p> <p>The formal amendment adds \$612,503 of local funding to the project’s construction phase to address the added costs to complete ADA standard curb improvements now required as part of the project.</p> <p>Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project. It is anticipated that there will be significant savings in PE that will ultimately offset PBOT's present contribution.</p>
Additional Details:	The amendment is considered urgent to keep the construction obligation on schedule for a summer obligation date.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, The added funding represents a 22.6% cost increase to the project which is above the 20% threshold for administrative modifications
Total Programmed Amount:	The project increases from \$2,705,225 to \$3,317,728 with the increase occurring in the Construction phase to address the ADA curb/ramp costs.
Added Notes:	<p>Approval for this cost increase was also required from the Oregon Transportation Commission (OTC). Attachments included for Key 18818:</p> <ul style="list-style-type: none"> • Key 18818 Project Location Map • Key 18818 Vicinity Map • Key 18818 OTC Staff Report

Project 2: OR211/OR224/US26/OR8 Curb Ramps	
Lead Agency:	ODOT
ODOT Key Number:	21488 MTIP ID Number: 71073
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB) • Source: Existing project. • Funding: The project grouping bucket returns the project back to a PE only funded project with obligated State STP and Advance Construction funding. • Project Type: Active transportation, ADA safety improvements • Location: Various locations on OR8, OR211, OR224, and US26 • Cross Street Limits: N/A • Overall Mile Post Limits: Multiple • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).

	<ul style="list-style-type: none"> • STIP Amendment Number: 18-21-3700 • MTIP Amendment Number: MA20-12-MAY
<p>What is changing?</p>	<p>AMENDMENT ACTION: COST DECREASE</p> <p>The formal amendment de-programs the funding from the Right-of-Way (ROW), Utility Relocation (UR), and Construction phase. Key 21488 functions as a project grouping bucket (PGB) and contains multiple improvement site locations on multiple routes. Only the Preliminary Engineering (PE) phase is left with programming.</p> <p>Key 21488 was established as ODOT’s response to the ADA suit. It was expected that management of the ADA curb/ramp improvements could occur through the PGB. However, the complexity of the improvements requires a different approach now.</p> <p>ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017. In the agreement, ODOT agreed to change practices related to compliance with the Americans with Disabilities Act. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.</p> <p>The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT’s Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. K21488 is one such pilot project.</p> <p>While ODOT is learning from other states and local agencies on costs for constructing high volume curb ramp only projects, there is uncertainty in what the true costs of these projects will be. With the goal of meeting tight deadlines set by the settlement agreement, the K21488 pilot project envisioned initial work based on simplified ramp delivery and was initiated without sufficient scoping to understand project needs. It included a number of innovative approaches that have changed from initial concept, in some cases resulting in added resource needs such as right-of-way acquisition, survey, railroads, tracking, and ca/cei. These added needs have had budget impacts in all phases.</p>

	In addition to the funding need, it is necessary to create child projects for separate construction packages based on location. This approach will enable the individual construction packages to progress independently of one another, ensuring each package moves forward as quickly as possible and is not delayed by the restrictions/complexities of the other locations.
Additional Details:	Key 21488 de-programming action results in the ROW, UR, and Construction funding being shifted over to three child projects in Keys 22116 (included in this amended bundle), 2212 and 22115. Keys 22112 and 2215 are outside of the Metro MPO boundary area. Therefore no action to the MTIP is required. ODOT will complete required updates to both projects in the STIP.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, the de-programming and fund shift from Key 21488 acts as a cost decrease to the project. The cost decrease equals \$4,186,100 and represents a 53.9% change to the project which is above the 20% threshold projects with a \$1 million or greater total cost. Additionally, since a key amount of funding is being shifted to two projects outside of the MPO boundary area, the funding change has a fiscal constraint verification requirement as part of the amendment.
Total Programmed Amount:	The total de-programming to Key 21488 decreases from \$7,752,500 to \$3,566,400 with the funding only in the PE phase.
Added Notes:	OTC approval was required as part of this amendment. Included attachments with this project are as follows: <ul style="list-style-type: none"> • Key 21488 OTC Staff Letter • Project Location Maps for child projects

Project 3:	OR8 Curb Ramps (Cornelius & Forest Grove) (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22116	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: • Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB) • Source: New project. Child project from Key 21488 • Funding: The project includes funding shifted from Key 21488 and will use the federal Advance Construction fund type code as a placeholder until the final federal funds are determined. • Project Type: ADA/Safety improvements • Location: At multiple site locations on OR8 • Cross Street Limits: Multiple • Overall 4 Mile Post Limits: <ul style="list-style-type: none"> ○ (1 & 2) Between MP 15.90 to 17.22. ○ (3) MP 17.23 to 17.45. 		

	<ul style="list-style-type: none"> ○ (4) MP 17.23 to 17.50. ● Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). ● STIP Amendment Number: 18-21-3728 ● MTIP Amendment Number: MA20-12-MAY
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the new project which is a child project to Key 21488. The PE phase was completed in Key 21488 with the implementation phases here in this project. The project now becomes a stand-alone project in the MTIP and STIP and will address ADA compliance requirements on OR8.</p>
Additional Details:	See the project location maps for Key 21488 for Key 22116.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment
Total Programmed Amount:	The total programmed amount is \$2,556,160
Added Notes:	OTC approval was required

Project 4:	Portland Metro & Hood River Curb Ramps (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22204	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> ● Proposed improvements: Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only). ● Source: New Project – PE phase only. ● Funding: The federal fund type code Advance Construction will be used until the final federal fund type code is determined. ● Project Type: ADA/Safety – curbs and ramp improvements ● Location: Multiple locations planned ● Cross Street Various ● Overall Mile Post Limits: Multiple ● Current Status Code: ● STIP Amendment Number: 18-21-3785 ● MTIP Amendment Number: MA20-12-MAY 		
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the PE phase to the “second year” project related to the ADA settlement. ODOT reached a settlement agreement with the Association of Centers for Independent Living in</p>		

March of 2017. In the agreement, ODOT agreed to change practices related to compliance with the Americans with Disabilities Act. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.

The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT’s Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.

New project K22204 serves as the second year of Region 1 settlement ramp projects (the first year being K21488). Approximately 800 ramps will be scoped and a reduced amount will be delivered, using techniques and procedures in place for ramp pilot projects, including a 2-year construction delivery window. Proposed ramp locations are in Hood River, SW Portland/Beaverton/Tigard and SE Portland/Milwaukie.

Additional Details:

Proposed Locations for the Planned Curb/Ramp Improvements

Project Name	Curb Ramps	Project	Project		PE	
		Location	Milepoint		Year	Funding
		(City)	MP Begin	MP End		
Region 1 ADA Curb Ramps 2021	29	141 Hall (Tigard)	3.84	4.97		\$4,000,000
	18	OR10 BH (Beaverton)	1.15	1.31		
	56	30BY Lombard (Portland)	4.75	5.15		
	38	OR8 TV Hwy (Portland/Beaverton)	1.43	1.88		
	148	OR8 TV Hwy (Beaverton)	1.96	3.55		
	217	99E (Milwaukie/Oak Grove/Gladstone/Oregon City)	5.71	13.7		

	59	99E (Milwaukie/Portland)	5.67	1.5		
	91	Hwy 281 (Hood River)	1.17	0		
	79	Hwy 30 (Hood River)	49.07	64.07		
	60	Hwy 10 (Beaverton)	5.88	7.38		
Total	795					
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment					
Total Programmed Amount:	Only PE is being added through this amendment. The total programmed amount is \$4,000,000.					
Added Notes:	OTC approval was required. One attachment is included: OTC Staff Report					

Project 5:	OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22116	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access. Source: New project. Funding: The project is utilizing savings from other ADA curb and ramp projects to fund the ROW phase Project Type: ADA/Safety improvements Location: In Beaverton on OR 141 (Hall Blvd) Cross Street Limits: Scholls Ferry Rd to Hemlock St Mile Post Limits: MP 2.84 to MP 3.84 (Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3779 MTIP Amendment Number: MA20-12-MAY 		
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the Right-of Way (ROW) phase to the project. This moves the project from the “prior obligated” status to an active status project in the 2018 MTIP. The Preliminary Engineering phase initially obligated its phase funding back in 2015. The project has moved forward as a shelf-ready design project.</p> <p>The programming action acts as adding a new project to the MTIP.</p>		
Additional Details:			

Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment
Total Programmed Amount:	The programming action adds \$1,130,000 to the ROW phase increasing the total programmed amount from \$1,299,707 to \$2,429,707.
Added Notes:	OTC approval was required

Note: The Amendment Matrix located on the next page is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

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 multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
 - Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP

ODOT-FTA-FHWA Amendment Matrix
Type of Change
FULL AMENDMENTS
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized
2. Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30%
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS
1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.

- If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
 - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT as well.
 - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the May 2020 Formal MTIP amendment (MA20-12-MAY) will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	April 28, 2020
● TPAC notification and approval recommendation.....	May 1, 2020
● JPACT approval and recommendation to Council.....	May 21, 2020
● Completion of public notification process.....	May 27, 2020
● Metro Council approval.....	June11, 2020

Notes:

- * If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Amendment bundle submission to ODOT for review.....	June 8, 2020
• Submission of the final amendment package to USDOT.....	June 8, 2020
• ODOT clarification and approval.....	Late June, 2020
• USDOT clarification and final amendment approval.....	Late June, 2020

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (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. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

JPACT approved Resolution 20-5102 on May 21, 2020, and is providing their approval recommendation to Metro Council for Resolution 20-5102 consisting of five projects in the May 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

- TPAC approval date: May 1, 2020
- JPACT approval date: May 21, 2020

Attachments:

1. Key 18818 Project Location Map
2. Key 18818 Project location Vicinity Map
3. Key 18818 OTC Staff Letter
4. Key 21488 OTC Staff Letter
5. Key 21488 and Child Location Maps
6. Key 19267 Project Location Maps – Location and Vicinity



Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: (add the date letter to be signed)

TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
Director

SUBJECT: **Agenda/Consent XX** – Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.

Requested Action:

Request approval to amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project by \$612,503. The additional funding is from the City of Portland.

Project to increase funding

Downtown Interstate 405 Pedestrian Safety and Operational Improvements (KN 18818)			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2016	\$655,001	\$655,001
Right of Way	2018	\$30,000	\$30,000
Utility Relocation	N/A	\$0	\$0
Construction	2020	\$2,020,224	\$2,632,727
TOTAL		\$2,705,225	\$3,317,728

Background:

The City of Portland will implement improvements in the downtown core bounded by Southwest Alder Street, Northwest Davis Street, 16th Avenue, and the Northwest Burnside Street and Couch Street ramp. The project includes Americans with Disabilities Act (ADA) ramp improvements at multiple intersections and corners, restriping 14th, 15th, and 16th Avenues, and signal upgrades at 16th Avenue & Burnside Street and 15th Avenue & Couch Street. The project will also close a short one-way on Northwest Couch Street between Northwest 15th & Northwest 16th Avenues in order to construct a pedestrian plaza. A two-way bicycle facility will be striped on Northwest/Southwest 16th Avenue and bicycle signal phases will be added as part of the signal upgrades at 15th Avenue & Couch Street and 16th Avenue & Burnside Street.

City of Portland and Oregon Department of Transportation staff have worked collaboratively to keep the project on schedule, regularly troubleshooting right-of-way ownership and ADA issues to identify

the most time-effective and cost-effective path forward. Rather than cutting additional scope, the City has decided to increase funding and deliver the full scope.

Options:

With approval, the project will move forward to Plans, Specifications, & Estimate submittal and bid let by the City of Portland in Fall 2020.

Without approval, the project will be delayed until the City of Portland can gain future approval of a revised amendment or cut scope to fit the approved budget.

Attachments:

- Attachment 1 – Location and Vicinity Maps

Copies to:

Jerri Bohard	Travis Brouwer	Tom Fuller	Bob Gebhardt
Cooper Brown	Mac Lynde	Jeff Flowers	Arlene Santana
Amanda Sandvig	Rian Windsheimer	Tova Peltz	Mandy Putney
Talena Adams	Gabriela Garcia	Sam Hunaidi	Daniel Ramirez-Cornejo

COORDINATION SHEET

(If question does not apply to your item, please put N/A)

SUBJECT: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.

PRODUCT DRAFTER: Daniel Ramirez-Cornejo

PRESENTER(S) and TITLE(S):

AGENDA PLACEMENT:

TIME REQUESTED:

RELATED RULES/STATUTES:

AGENDA MATERIALS:

- Cover letter title: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.
- Attachment 1-title: KEY_18818_Vic
- Attachment 2-title: KEY_18818_Loc

Required	Position	Name	Date
Always	Division/Deputy Administrator /Region Manager	Rian Windsheimer	4/13/20
When applicable:	Legal Counsel		
For all Highway Items	Active Transportation		

*****All materials must be approved by either a Division Administrator or Region Manager prior to submission to the OTC staff at OTCAdmin@odot.state.or.us or [ODOT Hwy OTC AgendaItems@odot.state.or.us](mailto:ODOT_Hwy_OTC_AgendaItems@odot.state.or.us) if a Highway related item.*****



Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: March 31, 2020
TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
Director

SUBJECT: **Agenda C** – Request approval of allocating federal funds to meet the immediate funding needs of the ADA Program, Bridge Program and Tolling Program.

Requested Action:

Receive an informational update on Federal Funding and request approval of additional funds to meet ADA Legal Settlement Requirements, Federal Bridge Program Requirements and continuing efforts to stand up the Tolling Program.

Background:

Developing the Statewide Transportation Improvement Program (STIP) requires ODOT to estimate federal and state resources that will be available seven years into the future. For example, the Commission approved the STIP funding allocation for 2021-2024 in 2017. This estimation exercise is particularly challenging given that the federal surface transportation authorization act (the FAST Act) expires on September 30, 2020—the day before the new STIP goes into effect. Without an authorization in place that provides some level of certainty around federal funding, ODOT is required to develop an educated guess about how much funding Congress will make available for the 2021-2024 STIP. This uncertainty is heightened by significant ongoing revenue shortfalls in the Highway Trust Fund that will force deep cuts in federal transportation funding if Congress does not transfer additional resources into the trust fund.

ODOT's best estimate of federal funds available through 2024 included a prudent risk mitigation strategy of assuming that federal funding in 2021 through 2024 would fall 10% below the final authorized funding level in 2020. This assumption, which is consistent with Commission practice for recent STIPs, is designed to avoid having to make deep cuts to projects if federal funding does not materialize; previous commissions have had to undertake these cuts and found it unpleasant. This assumption is also consistent with funding patterns seen in recent years. For example, after the expiration of a previous authorization act ODOT's federal funding peaked in 2010, fell 7.5% before reaching a low in 2015, and did not again exceed the 2010 level until 2020.

The Commission agreed to this risk mitigation assumption, with the caveat that the first \$40 million in federal funding that came in over and above the assumed level would go into a Strategic Investments program to enhance the transportation system. Given the uncertainty about whether the program would be funded, the Commission did not develop criteria or a project selection process for the program.

After funding the Strategic Investments program, any federal funding over and above the assumed level would go into Fix-It projects to preserve bridges, pavement, and other assets.

With the FAST Act about to expire and action by Congress on a new authorization by no means certain, ODOT now needs to return to the Commission to discuss how to use any unanticipated federal funds to address key priorities in a climate of deep uncertainty. In addition, the department has received some additional unanticipated federal funds in recent years that need to be allocated. ODOT anticipates working through the allocation of all of these funds over the course of the next several months in a process that will also consider revenue reductions due to the COVID-19 pandemic and other budgetary adjustments.

However, there are some time critical funding needs that require attention this month. As previously discussed with the Commission, additional investment is needed immediately to keep up with the requirements of the legal settlement to meet Americans with Disabilities Act (ADA) requirements and the Federal requirements to conduct routine bridge inspections and load rating analysis of bridges. The funding needs for these two programs are significant and require additional funds at various critical times through 2023.

ADA Legal Settlement

As the Commission is aware, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017. In the agreement ODOT agreed to change practices related to compliance with the Americans with Disabilities Act.

In response, ODOT established the ADA Program to meet the requirements of the settlement agreement. The Commission previously approved \$37M in the 2018-2021 STIP and advanced \$43M from the 2021-2024 STIP as initial funding for the program. In August 2019, the Commission also approved \$2M in the allocation of 2019 Federal Redistribution funding.

The funding allocated to date has been focused on establishing the ADA Program and working to meet the various requirements of the legal settlement. Examples of some of the efforts to date include: assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creating and maintaining a program to respond to ADA related complaints; retained a national ADA expert to serve as ODOT's Accessibility Consultant, in partnership with the plaintiffs; updated design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. Initial efforts were focused on leveraging other existing projects to construct or reconstruct curb ramps in close proximity and pilot projects to validate innovative approaches for curb ramp only projects.

The focus now is on projects that will construct a substantial number of curb ramps each year across the state – more than 3,000 curb ramps each year. These curb ramp only projects will pick up intensity this year, with nine projects scheduled to go to construction in June, and more to follow. While ODOT is learning from other states and local agencies on costs for constructing this many curb ramps, there is uncertainty in what the true costs of these projects will be.

With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.

The following table summarizes funding needs and when funds need to be made available through 2023. These estimates reflect the best available information to date on the costs for delivering curb ramps. Based on the projects that go to construction in June 2020, future estimates will be updated to reflect market conditions for this type of work in Oregon.

	Additional Funding Needed By		
	April 2020	October 2020	September 2022
2020 Projects	\$19,000,000		
2021 & 2022 Projects	\$26,200,000	\$45,900,000	
2023 Projects		\$17,500,000	\$30,600,000
Scope Pedestrian Activated Signals	\$4,000,000		
Responding to ADA Comments, Questions, Concerns, Requests		\$2,000,000	\$2,000,000
Continue Training of Contractors & Inspectors		\$2,000,000	
TOTALS	\$49,400,000	\$67,400,000	\$32,600,000

Federal Bridge Program

In early 2019, as part of the overall Project Delivery Improvement effort, ODOT initiated a complete review of the Bridge Program. The review identified several significant issues within the Bridge Program, and steps have already been taken to make the necessary changes. In the spirit of continuous improvement, the review of the Bridge Program is continuing and will likely identify additional changes.

As the Commission is aware, FHWA recently conducted a review of the ODOT National Bridge Inspection Program and produced a finding of non-compliance, requiring three letters of corrective action specific to the inspection program. These are in addition to several previous letters of corrective action for bridge inspections and load ratings.

ODOT takes our stewardship responsibilities seriously and is working aggressively to regain compliance with the Federal requirements. The ODOT Bridge Program provides the statewide oversight, inspection, and load ratings analysis for all bridges open for public use, except for those owned by Federal agencies. Currently, \$21.8M per biennium is allocated to the Bridge Program for

inspection and load rating purposes, which has not kept up with the requirements. Due to the backlog of bridge inspections and load rating analysis and the historic underinvestment in those areas, it is imperative that additional funding be approved to meet those needs. ODOT staff positions are being temporarily reallocated to these efforts and additional consultant resources will be needed to complete the work and regain compliance with FHWA requirements.

The following table summarizes the estimated funding needs and when funds need to be made available through 2023. Beginning in 2024, the inspection and load rating programs should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process. These estimates reflect the best available information to date on the costs for delivering this work. Based on the increasing amount of effort taken, future estimates will be updated to reflect changes in the approach for conducting this work and real-time market conditions.

	Additional Funding Needed By		
	April 2020	June 2021	June 2023
Load Rating – ODOT Bridges	\$7,138,000	\$6,376,000	\$3,725,000
Load Rating – Local Agency Bridges	\$3,526,000	\$12,384,000	\$3,841,000
Inspection – ODOT Bridges	\$1,998,000	\$11,150,000	\$11,816,000
Inspection – Local Agency Bridges	\$822,000	\$5,016,000	\$5,317,000
TOTALS	\$13,484,000	\$34,926,000	\$24,699,000

The funds identified above will support the FHWA required bridge inspection and load rating analysis needs. Based on the load rating analysis, some bridges will be required to be “posted” to restrict some loads from crossing the structure – specifically special hauling vehicles and large emergency vehicles. None of the funding identified will be available to make improvements to those bridges so they can avoid being “posted”. As the Commission considers how to allocate future funds, a suggestion might be to allocate some funds to bridge strengthening efforts on both state and local bridges, based on critical need.

Tolling Program

Efforts have been underway to stand up the Tolling Program as required by HB 2017. The Commission has allocated \$5.1 million of funding previously for the planning process. An additional \$10 million is needed to support the National Environmental Policy Act (NEPA) preliminary work for I-5 and the NEPA process for I-205, and the procurement of a General Tolling Consultant (GTC). The full funding needed to build an operational tolling program will be much larger, in the \$35 – 50M range, and will be refined in preparations for future discussions and actions with the Commission over the next few months.

ODOT Recommendation

How to allocate the unanticipated federal funds and continue to meet the needs of the ADA, Bridge and Tolling programs, as well as other priority investment areas, will be an on-going dialogue with the

Commission and with other partners over the next several months. ODOT will refine and update costs estimates over time to better inform the future needs in critical program areas.

Specific to this request, ODOT recommends the approval of the following:

- Approve \$49,400,000 for the ADA Program to continue to meet the requirements of the settlement agreement for 2020 and the development costs for projects in 2021.
- Approve \$13,484,000 for the Bridge Program to continue to meet the requirements for bridge inspection and load ratings through the current biennium.
- Approve \$10,000,000 for additional tolling work.
- Direct ODOT to develop a strategy to fund ADA, Bridge, Tolling and other critical needs such as the Interstate Bridge Replacement Program. The strategy will include the use of the remaining and projected unanticipated federal funds and potential reallocations of existing STIP funds. This strategy will be presented to the Commission over the next few months with a decision anticipated in summer 2020.

Copies to:

Jerri Bohard

Travis Brouwer

Cooper Brown

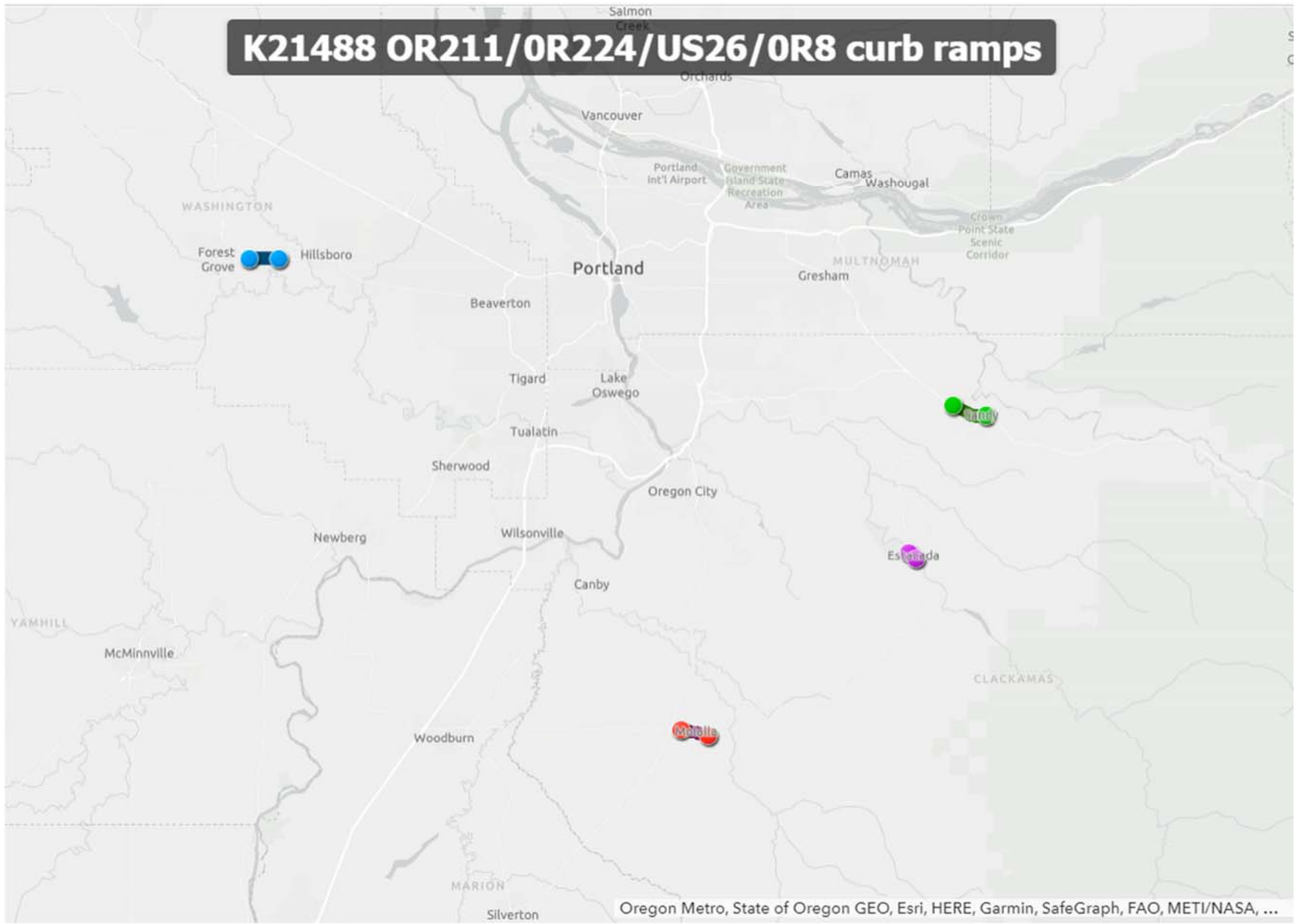
Lindsay Baker

Jess McGraw

Tom Fuller

McGregor Lynde

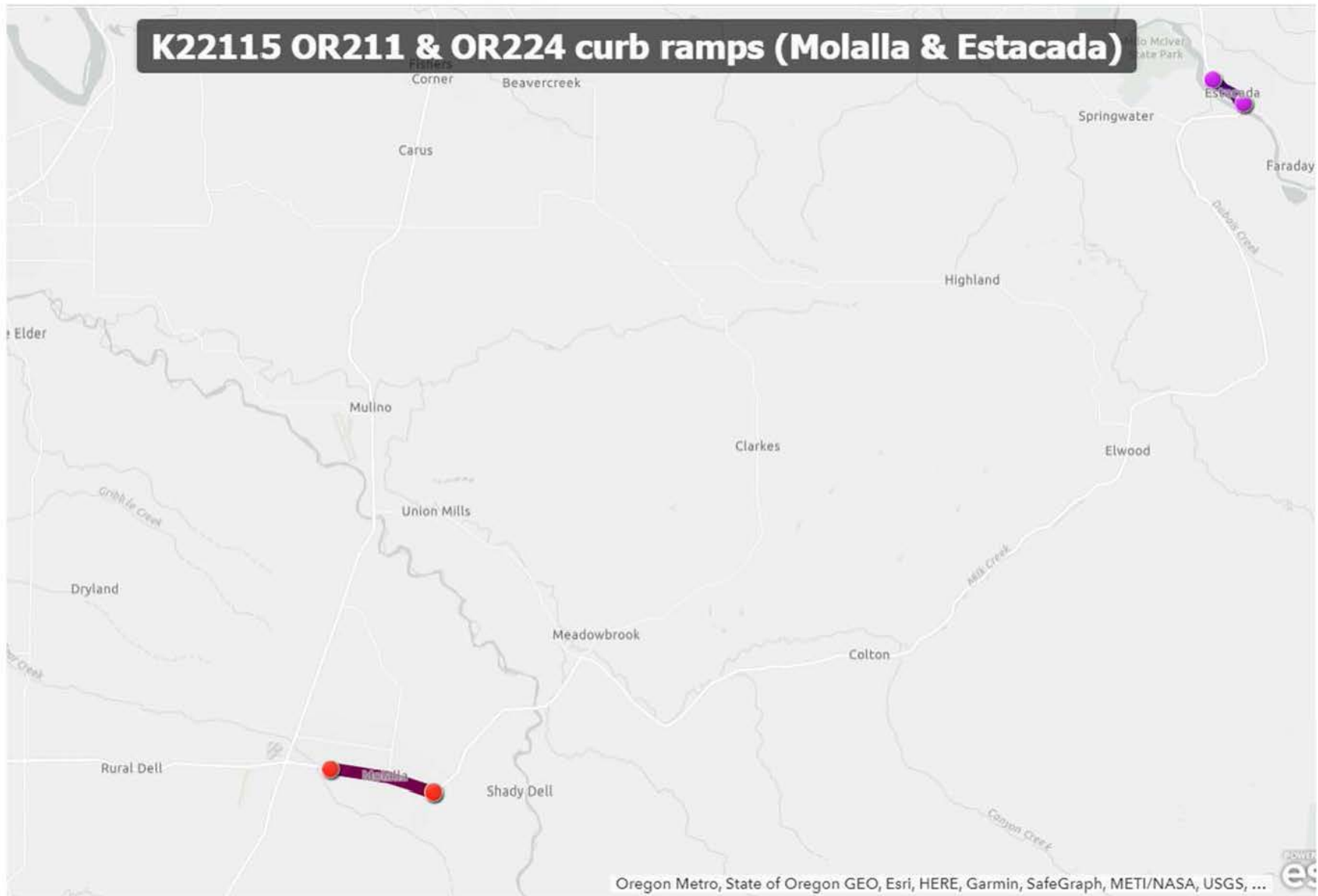
Attachment 5 – Key 21488 and Child Project Locations



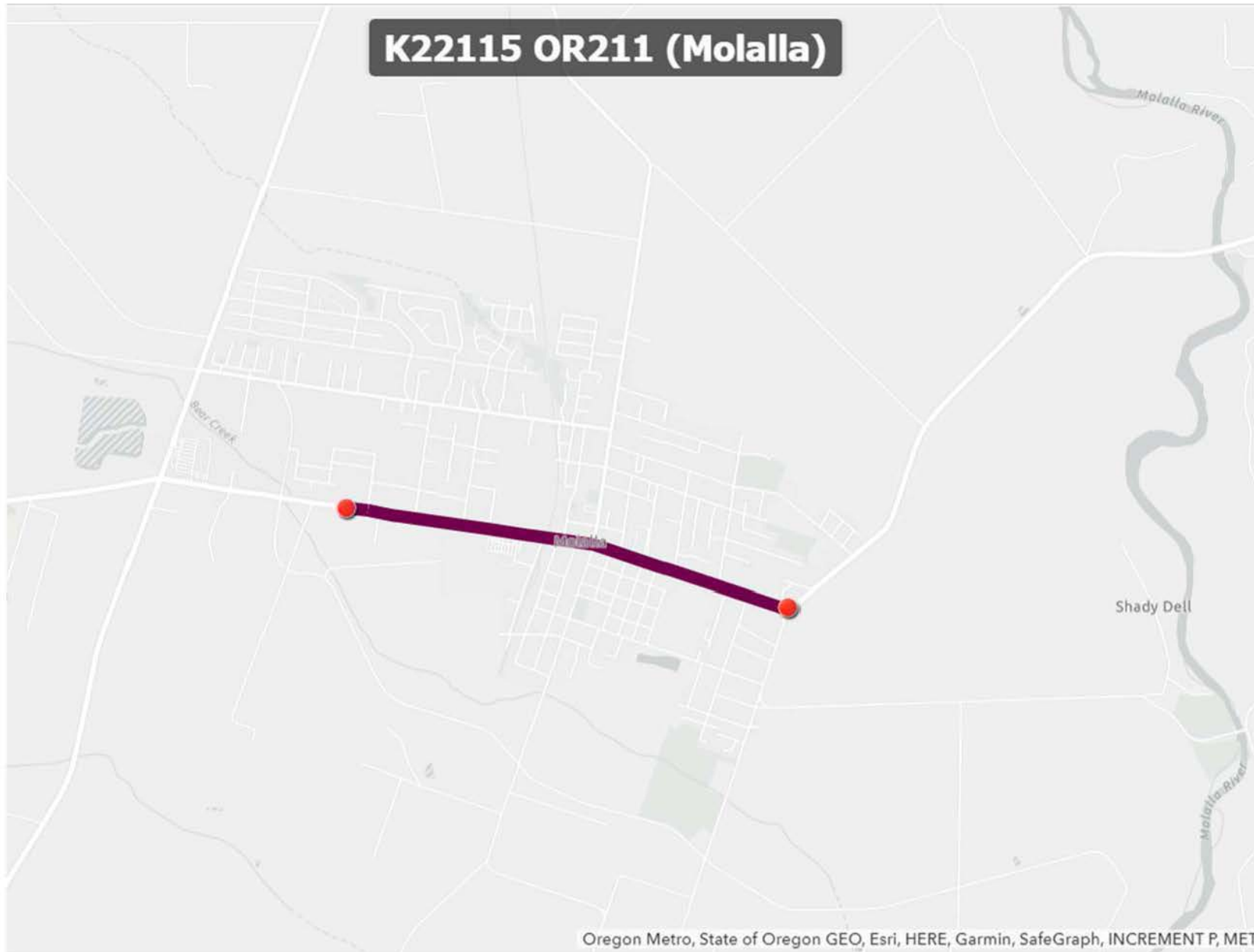
Attachment 5 – Key 21488 and Child Project Locations



Attachment 5 – Key 21488 and Child Project Locations



Attachment 5 – Key 21488 and Child Project Locations



Attachment 5 – Key 21488 and Child Project Locations

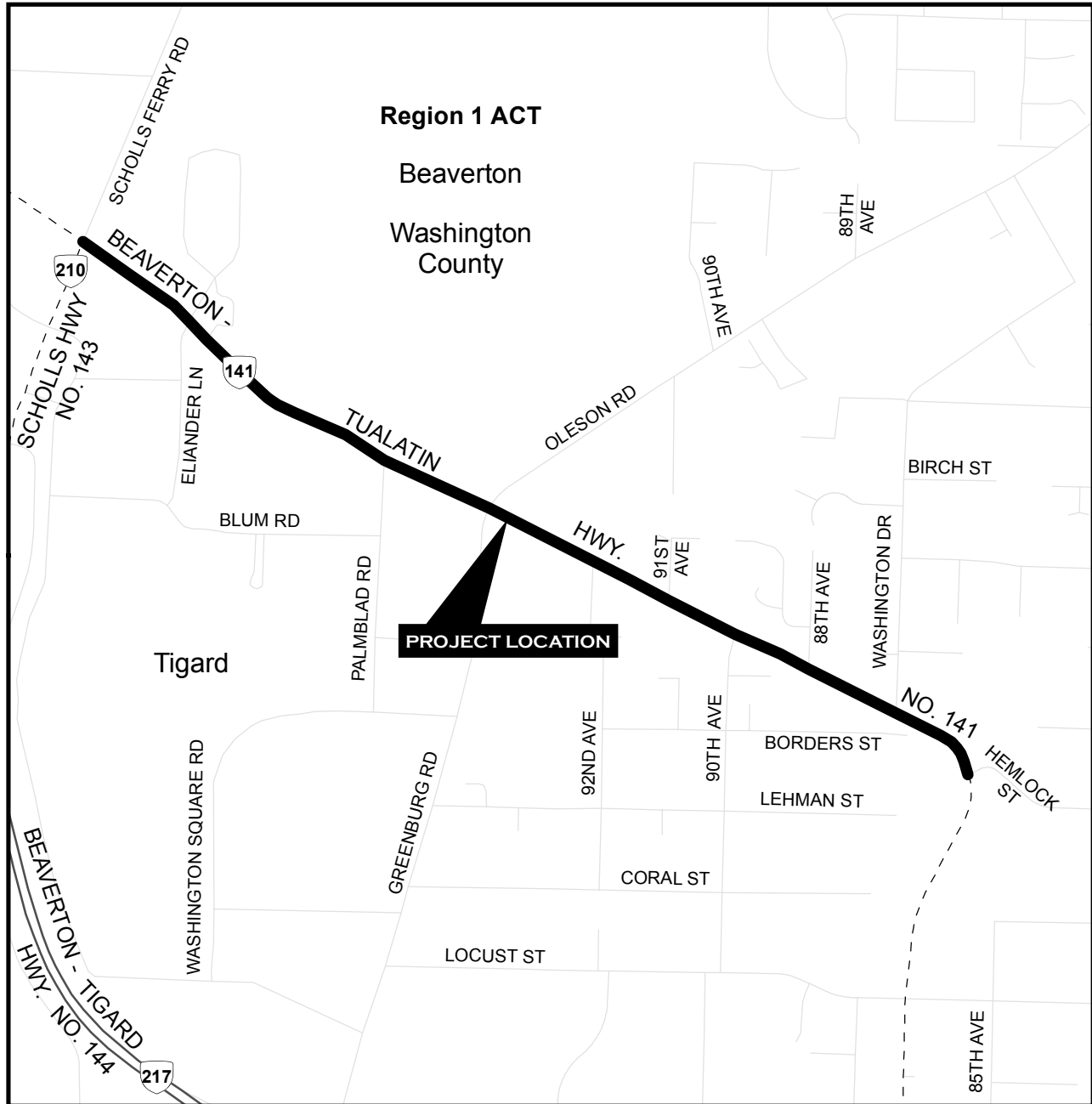


Attachment 5 – Key 21488 and Child Project Locations










STIP PROJECT LOCATION

ODOT REGION 1



OR141 (HALL BLVD): SCHOLLS FERRY RD - HEMLOCK ST KEY NO. 19267

- LEGEND**
-  PROJECT LOCATION
 - STATE HIGHWAY CLASSIFICATION**
 -  INTERSTATE
 -  STATEWIDE
 -  REGIONAL / DISTRICT
 -  REGIONAL BOUNDARY
 -  COUNTY BOUNDARY
 -  ACT BOUNDARY

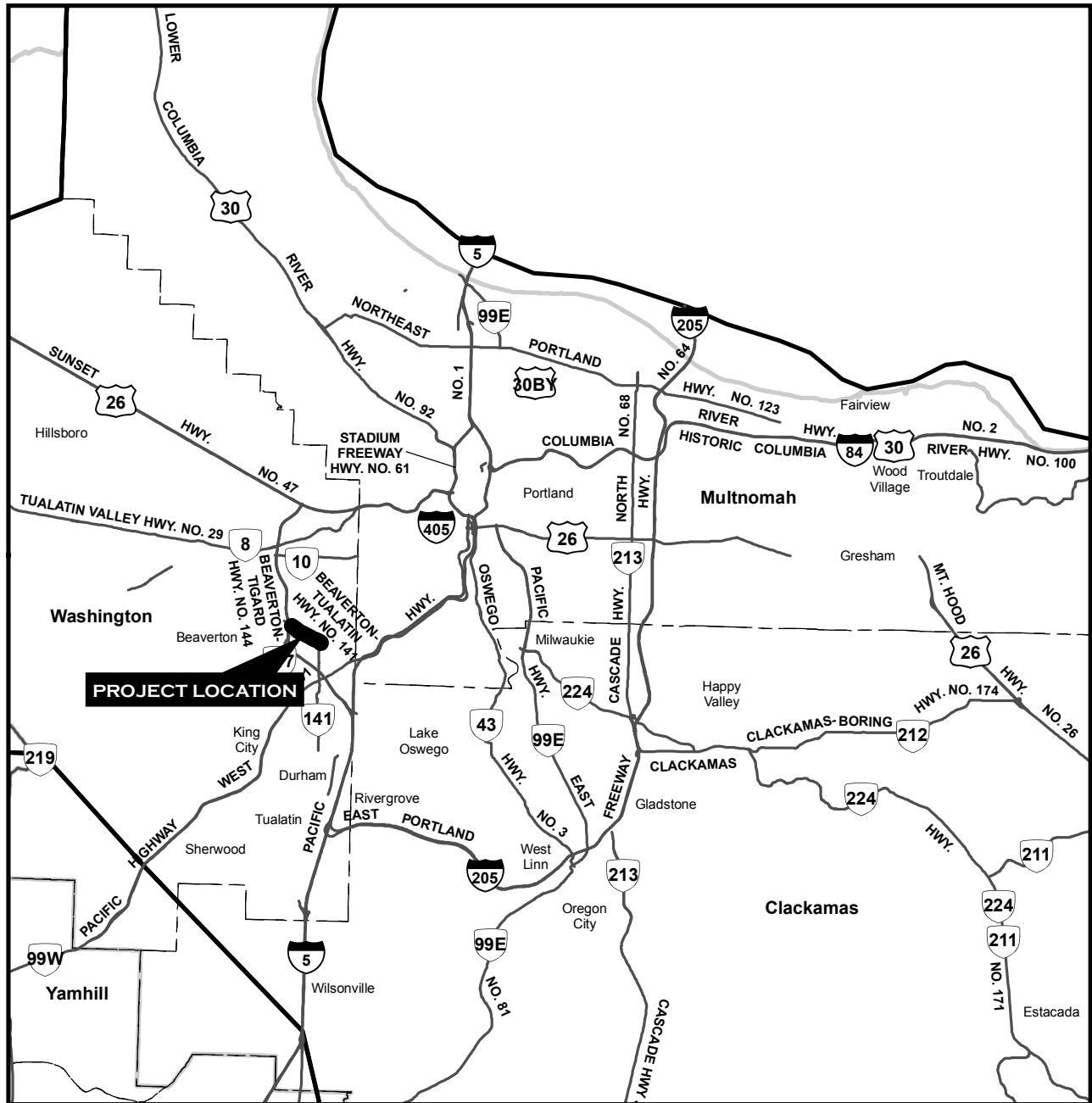
"This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user."



0 0.1 Miles
 PRODUCED BY ODOT - GIS UNIT
 (503) 986-3154 - DECEMBER 2017
 GIS No. 23-52





STIP PROJECT VICINITY

ODOT REGION 1



OR141 (HALL BLVD): SCHOLLS
 FERRY RD - HEMLOCK ST
 KEY NO. 19267

LEGEND

-  PROJECT LOCATION
-  STATE HIGHWAY
-  COUNTY BOUNDARY
-  STATE BOUNDARY

"This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user."



0 3.5 Miles

PRODUCED BY ODOT - GIS UNIT
 (503) 986-3154 - DECEMBER 2017
 GIS No. 23-52

Agenda Item No. 3.2

Resolution No. 20-5103, For the Purpose of Adding Canby Transfer Station
to the List of Designated Facilities of Metro's Solid Waste System

Consent Agenda

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING CANBY)	RESOLUTION NO. 20-5103
TRANSFER & RECYCLING, INC. TO THE LIST)	
OF DESIGNATED FACILITIES OF METRO’S)	Introduced by Chief Operating Officer
SOLID WASTE SYSTEM)	Marissa Madrigal in concurrence with
)	Council President Lynn Peterson

WHEREAS, Metro Code Chapter 5.05 states that no person may transport solid waste generated within Metro to a solid waste facility or disposal site unless it is a designated facility or the person has obtained a non-system license; and

WHEREAS, Metro regulates the solid waste generated within the region that is transported outside of its jurisdictional boundary through non-system licenses and designated facility agreements, pursuant to Metro’s statutory and charter authority as set forth in Metro Code Chapter 5.05; and

WHEREAS, Metro Council adopted Resolution No. 18-1426 to establish a framework for allocating the region’s putrescible waste tonnage to privately-owned transfer stations beginning in 2020; and

WHEREAS, in 2020, Metro allocated the region’s putrescible waste tonnage to privately-owned transfer stations in accordance with Metro’s tonnage allocation methodology; and

WHEREAS, Kahut Waste Services, Inc. received a 2020 Metro tonnage allocation to transport up to 16,053 tons of putrescible waste to Canby Transfer & Recycling, Inc. under two non-system licenses held by affiliated entities Hoodview Disposal & Recycling, Inc. and West Linn Refuse & Recycling, Inc.; and

WHEREAS, an out-of-region transfer station must be a designated facility to receive a tonnage allocation; and

WHEREAS, on January 27, 2020, Canby Transfer & Recycling, Inc. submitted a complete application seeking designated facility status from Metro; and

WHEREAS, Metro Code Section 5.05.070 authorizes the Metro Council to designate a solid waste facility located outside Metro’s boundary as part of the system by adding it to the designated facilities list; and

WHEREAS, the Chief Operating Officer may execute an agreement between Metro and a designated facility located outside the region that Council approves pursuant to Metro Code Section 5.05.070; and

WHEREAS, the Chief Operating Officer recommends amending the designated facilities list to add Canby Transfer & Recycling, Inc.; now therefore,

BE IT RESOLVED that the Metro Council:

1. Adds Canby Transfer & Recycling, Inc. to the list of designated facilities of the solid waste system.

2. Adopts the list of designated facilities attached as Exhibit A, effective July 1, 2020 pursuant to Metro Code Section 5.05.060.
3. Authorizes the Chief Operating Officer to execute an agreement between Metro and Canby Transfer & Recycling, Inc. that includes putrescible waste.

ADOPTED by the Metro Council this 11th day of June 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Exhibit A to Resolution No. 20-5103



Designated Facilities of Metro's Solid Waste System

Effective July 1, 2020

The Metro Council has found that the following disposal sites and solid waste facilities meet the criteria set forth in Metro Code Section 5.05.060 and are designated as part of Metro's solid waste system. In accordance with Metro Resolution No. 20-5103, this list of designated facilities is hereby effective on July 1, 2020.

I. Disposal sites and solid waste facilities owned or operated by Metro.

- | | |
|--|---|
| 1) <u>Metro Central Station</u>
6161 NW 61 st Avenue
Portland, Oregon 97210 | 2) <u>Metro South Station</u>
2001 Washington
Oregon City, Oregon 97045 |
|--|---|

II. Disposal sites and solid waste facilities located within Metro's boundary.

All disposal sites and solid waste facilities located within the Metro boundary that are subject to Metro regulatory authority under Chapter 5.01. All such designated facilities are required to obtain a Metro-issued license or franchise unless otherwise exempt from such requirement.

III. Disposal sites and solid waste facilities located outside of Metro's boundary.

The out-of-region designated facilities listed below are authorized to accept certain wastes generated from inside the Metro boundary as specified by and subject to an agreement between Metro and the owner of the disposal site or solid waste facility. In addition, Metro may issue non-system licenses to waste generators or persons transporting waste to these or other disposal sites or solid waste facilities.

- | | |
|---|---|
| 1) <u>Coffin Butte Landfill</u>
29175 Coffin Butte Road
Corvallis, Oregon 97330 | 6) <u>Roosevelt Regional Landfill</u>
500 Roosevelt Grade Road
Roosevelt, Washington 99356 |
| 2) <u>Columbia Ridge Landfill</u>
18177 Cedar Springs Lane
Arlington, Oregon 97812 | 7) <u>Tualatin Valley Waste Recovery</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123 |
| 3) <u>Cowlitz County Headquarters Landfill</u>
3434 Silverlake Road
Castle Rock, Washington 98611 | 8) <u>Wasco County Landfill</u>
2550 Steele Road
The Dalles, Oregon 97058 |
| 4) <u>Finley Buttes Regional Landfill</u>
73221 Bombing Range Road
Boardman, Oregon 97818 | 9) <u>Canby Transfer & Recycling, Inc.</u>
1600 SE 4 th Avenue
Canby, Oregon 97013 |
| 5) <u>Hillsboro Landfill</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123 | |

IN CONSIDERATION OF RESOLUTION NO. 20-5103, FOR THE PURPOSE OF ADDING CANBY TRANSFER & RECYCLING, INC. TO THE LIST OF DESIGNATED FACILITIES OF METRO'S SOLID WASTE SYSTEM

Date: May 28, 2020
Department: Waste Prevention and Environmental Services (WPES)
Meeting Date: June 11, 2020

Prepared by: Joanna Dyer,
joanna.dyer@oregonmetro.gov

ISSUE STATEMENT

Canby Transfer & Recycling, Inc., a solid waste transfer station located at 1600 SE 4th Ave. in Canby, Oregon, seeks to be a designated facility of Metro's solid waste system pursuant to Metro Code Chapter 5.05.

ACTION REQUESTED

Approve Resolution No. 20-5103 to add Canby Transfer & Recycling, Inc. (Canby Transfer) to the solid waste designated facilities list, adopt the list with Canby added and authorize the Chief Operating Officer to execute an agreement between Metro and Canby Transfer that includes the acceptance of putrescible waste.

IDENTIFIED POLICY OUTCOMES

Approval of this resolution will add Canby Transfer to the list of solid waste facilities and disposal sites that Council authorizes to accept certain types of waste from the region, and that act as Metro's agent to collect and remit regional system fees and excise taxes. An out-of-region facility becomes designated as part of Metro's solid waste system by Council adoption.

POLICY QUESTIONS

1. Should the Metro Council add Canby Transfer to the list of designated facilities according to the provisions of Metro Code Chapter 5.05 and as described in this resolution?
2. Should the Metro Council adopt the proposed list of designated facilities, attached as Exhibit A, to designate nine solid waste facilities and disposal sites outside of the Metro region as part of Metro's solid waste system?
3. Should the Metro Council authorize the Chief Operating Officer to execute an agreement with Canby Transfer that includes the acceptance of putrescible waste?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the resolution as proposed to add Canby Transfer to the list of designated facilities and adopt the list.
2. Do not approve Resolution No. 20-5103.

STAFF RECOMMENDATIONS

Staff recommends that Metro Council adopt Resolution No. 20-5103 to add Canby Transfer to the designated facilities list, and approve the list that will be effective July 1, 2020.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Designation of a solid waste facility or disposal site located outside of the Metro region requires Metro Council approval. If the Metro Council designates a facility, the Chief Operating Officer may execute a designated facility agreement (DFA) between Metro and the designated facility that allows the facility to accept Metro region waste and to collect Metro's regional system fees and excise taxes on Metro's behalf. The proposed designated facility list is included as Exhibit A to this staff report. As of the date of this report, eight solid waste facilities outside of the Metro region are designated. If approved, Canby Transfer would be the ninth:

1. Coffin Butte Landfill, Benton County, Oregon – Republic Services
2. Columbia Ridge Landfill, Gilliam County, Oregon – Waste Management
3. Cowlitz County Headquarters Landfill, Cowlitz County, Washington – Cowlitz County
4. Finley Buttes Regional Landfill, Morrow County, Oregon – Waste Connections
5. Hillsboro Landfill, Washington County, Oregon - Waste Management
6. Roosevelt Regional Landfill, Klickitat County, Washington – Republic Services
7. Tualatin Valley Waste Recovery, Washington County, Oregon – Waste Management
8. Wasco County Landfill, Wasco County, Oregon – Waste Connections
9. *Proposed in this resolution:* Canby Transfer & Recycling, Inc. – Kahut Waste Services, Inc.

The Applicant

Canby Transfer is owned by Kahut Waste Services, Inc. (Kahut), a locally owned solid waste company. Canby Transfer only accepts waste from Kahut-affiliated hauling companies including Hoodview Disposal & Recycling, Inc. (Hoodview) and West Linn Refuse & Recycling, Inc. (WLRR), whose service areas are located in the Metro region. Kahut also owns and operates KB Recycling, Inc. a Metro-licensed material recovery facility (No. L-007-17) located at 9602 SE Clackamas Road, in Clackamas (Metro Council District 2).

Canby Transfer has operated as a transfer station since 1996, and operates under the authority of a Solid Waste Disposal Permit issued by the Oregon Department of Environmental Quality (DEQ) (No. 443, expiration March 20, 2030) and a Conditional Use Permit issued by the City of Canby (CUP-94-05/DR 94-14/LLA 94-08). The CUP limits the companies that can transport waste to the site to those owned by Kahut and also limits the number of vehicle trips per day to 15 traditional garbage trucks.

For calendar year 2020, Kahut received a wet waste tonnage allocation from Metro of 16,053 tons. The waste is collected in the Metro region and transferred to Canby Transfer under the authority of two non-system licenses (NSLs) held by Hoodview (No. L-007-17) and WLRR (No. N-119-16D). Wet waste received at Canby Transfer is reloaded to Columbia Ridge Landfill in Arlington, Oregon. An average of five trailers of top loaded wet waste is transported to Columbia Ridge daily. In addition to wet waste, the facility reloads mixed recycling and cardboard and has a recycling depot that is open to the public.

On July 26, 2019, Metro notified Canby Transfer that it must apply to become a designated facility in order to continue to receive a putrescible waste tonnage allocation as stated in Metro Code Section 5.05.195. Canby Transfer submitted a complete designated facility application on January 27, 2020.

Legal Antecedents

The Council considers the factors described in Metro Code Section 5.05.070(b) when it adds a facility to the designated facilities list:

- (1) The degree to which Metro had knowledge of prior facility users and waste types accepted at the facility and the degree to which those wastes pose a future risk of environmental contamination;*

The applicant is a transfer station rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. Canby Transfer began operations in 1996 and services only affiliated hauling companies, including Hoodview and WLRR which provide collection service in the Metro region. Staff is not aware of any wastes collected by Hoodview or WLRR and accepted at Canby Transfer that could pose a risk of environmental contamination.

The disposal site used by Canby Transfer (Columbia Ridge) is well known to Metro. Columbia Ridge is owned and operated by Waste Management, a major, nationally-integrated solid waste company. Columbia Ridge is a permitted RCRA Subtitle D landfill since 1992 and is a designated facility of Metro's solid waste system.

- (2) The facility owner's and operator's record of regulatory compliance with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

Metro does not currently regulate Canby Transfer as it is located outside of the Metro region, though Metro does regulate companies affiliated with Kahut. Canby Transfer holds a Solid Waste Disposal Site Permit issued by DEQ, and during an unannounced inspection on December 18, 2018, a DEQ inspector observed e-waste stored outside the facility bay doors covered in water, and litter submerged in the bioswale and accumulated around the bay doors, resulting in a warning letter (No. 2019-WL-4161) issued on January 7, 2019. DEQ confirms that these issues were corrected promptly.

Both DEQ and the City of Canby staff have indicated that the facility is in compliance with health, safety and environmental regulations.

- (3) The adequacy of the facility's operational practices and management controls;*

Metro and DEQ consider the operational practices and management controls in place at Canby Transfer to be adequate and consistent with other similar facilities. DEQ renewed Canby Transfer's permit in March 2020. Metro staff reviewed Canby Transfer's Operations Plan and toured the facility as part of the DFA application process.

(4) The expected impact on the region's recycling and waste reduction efforts;

Putrescible waste from the Metro area has been transported to Canby Transfer under NSLs for consolidation and reload since 2006. Metro is changing the regulatory mechanism from NSLs to a DFA which will not have any impact on the region's recycling and waste reduction efforts.

(5) The facility designation's compatibility with Metro's existing contractual arrangements;

The facility's designation will not affect any of Metro's existing contractual arrangements.

(6) The facility's record of compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and

Staff's investigation of the applicant revealed a good record of compliance with local agencies responsible for health, safety and environmental regulations. In addition, both Hoodview and WLRR are in compliance with their NSLs.

(7) Other benefits or detriments accruing to regional residents if Council designates the facility.

Out of region facilities like Canby Transfer play an important role in Metro's solid waste system. Entering into a DFA with Canby Transfer will reduce the possibility of flow control violations, and will enhance the collection of fees and taxes due Metro as they will be required by the agreement.

Staff concludes that the applicant has demonstrated that it is fully qualified to operate the facility in a competent and efficient manner and that the environmental risk associated with the use of this transfer station is regulated by the appropriate local and state authorities.

ATTACHMENTS

A. Exhibit A: Designated Facilities of Metro's Solid Waste System

Agenda Item No. 3.3

Resolution No. 20-5104, For the Purpose of Authorizing the Chief Operating Officer to Extend and Amend Non-System Licenses For Arrow Sanitary Service and Willamette Resources Inc. and Republic Services of Clackamas and Washington Counties

Consent Agenda

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 20-5104
CHIEF OPERATING OFFICER TO EXTEND)	
AND AMEND NON-SYSTEM LICENSES FOR)	Introduced by Chief Operating Officer
ARROW SANITARY SERVICE AND)	Marissa Madrigal in concurrence with
WILLAMETTE RESOURCES INC. AND)	Council President Lynn Peterson
REPUBLIC SERVICES OF CLACKAMAS AND)	
WASHINGTON COUNTIES)	

WHEREAS, Metro Code Chapter 5.05 requires a non-system license (“NSL”) of any person that transports solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Arrow Sanitary Service (“Arrow”) holds Metro NSL No. N-029-17(3)A that expires on June, 30, 2020, and authorizes the transport of source-separated commercial food waste and residential yard debris containing food waste to West Van Material Recovery Center, in Vancouver, WA for consolidation and transport to Dirt Hugger in Dallesport, WA; and

WHEREAS, Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties (collectively “Republic”) jointly hold Metro NSL No. N-005-17(4)A and N-005-17(5)B that expire on June 30, 2020, and authorize the transport of source-separated commercial food waste and residential yard debris containing food waste to Pacific Region Compost in Monmouth, OR and Recology Organics – Aumsville, in Aumsville, OR respectively; and

WHEREAS, the NSLs issued to Arrow and Republic were originally scheduled to expire on December 31, 2019, but the Chief Operating Officer extended the terms of each NSL for an additional six months as allowed in Metro Code Chapter 5.05; and

WHEREAS, Metro Code Chapter 5.05 requires a non-system licensee to submit a completed application to renew an NSL at least 120 days before the existing license expires; and

WHEREAS, Governor Brown issued Executive Order 20-12 (“Stay Home, Save Lives”) on March 24, 2020 in response to the COVID-19 global pandemic, thus disrupting the NSL renewal process; and

WHEREAS, the Metro Council finds that the licensees are not required to submit a license renewal application in this instance due to the significant disruption caused by the COVID-19 pandemic; and

WHEREAS, the Chief Operating Officer recommends that the Metro Council extend the NSLs for Arrow and Republic for an additional 18 months to expire December 31, 2021, in order to maintain continuity in the transport of food waste to processing facilities while food waste policy development continues; now therefore

BE IT RESOLVED that the Metro Council:

1. Approves the consolidation of two separate NSLs issued to Republic (No. N-005-17(4)A and N-005-17(5)B) into a single NSL No. N-005-17(4)B.

2. Approves the amended NSLs for Arrow and Republic, subject to the terms, conditions and limitations contained in Exhibits A and B.
3. Authorizes the Chief Operating Officer to issue NSLs to Arrow and Republic substantially similar to the ones attached as Exhibits A and B.

ADOPTED by the Metro Council this 11th day of June 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney



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

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-029-17(3)B

LICENSEE:
Arrow Sanitary Service 5455 NE 109 th Ave. Portland, OR 97220
CONTACT PERSON:
Derek Ranta Phone: 503-884-9332 E-mail: derekr@wcnx.org
MAILING ADDRESS:
Arrow Sanitary Service 5455 NE 109 th Ave. Portland, OR 97220

This non-system license replaces and supersedes the provisions of Metro Solid Waste Facility Non-System License No. N-029-17(3)A.

ISSUED BY METRO:

Pamela C. Peck
Policy and Compliance Director

Date

1	NATURE OF WASTE COVERED BY LICENSE
	Source-separated, commercial food waste and residential yard debris containing food waste that is generated within the Metro region and collected by Arrow Sanitary Service.
2	CALENDAR YEAR TONNAGE LIMITATION
	The licensee is authorized to transport to the non-system facility listed in Section 3 up to 13,000 tons per calendar year of the waste described in Section 1.
3	NON-SYSTEM FACILITY
	<ol style="list-style-type: none"> 1. The licensee is authorized to transport the waste described in Section 1 to the following non-system facility: <div style="margin-left: 40px;"> West Van Material Recovery Center 6601 NW Old Lower River Road Vancouver, WA 98660 </div> 2. The waste transported to West Van Material Recovery Center under authority of this license must be transferred for the purpose of composting at Dirt Hugger located at 168 US 197 in Dallesport, WA. 3. This license is issued on condition that the non-system facilities named in this section are authorized to accept the type of waste described in Section 1. If Metro receives notice from Clark County or other appropriate regulatory authority that these non-system facilities are not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 10.
4	TERM OF LICENSE
	The term of the license originally commenced on January 1, 2018 and is extended until December 31, 2021, unless amended, suspended or revoked as provided in this license.
5	COVERED LOADS
	The licensee must suitably contain and cover, on all sides, all loads of the waste described in Section 1 that are transported under authority of this license to the non-system facilities listed in Section 3 to prevent spillage of waste while in transit.
6	REPORTING OF ACCIDENTS AND CITATIONS
	The licensee must report to Metro any significant incidents (such as fires), accidents and citations involving vehicles transporting the solid waste authorized by this license.

7	MATERIAL MANAGEMENT
	<p>The licensee is authorized to deliver the waste described in Section 1 to the non-system facilities listed in Section 3 under the following conditions:</p> <ol style="list-style-type: none"> 1. The non-system facility listed in Section 3.1 must accept all solid waste that is transported under authority of this license for the sole purpose of transporting to the non-system facility listed in Section 3.2 for processing and composting on-site. The licensee must not dispose of any source-separated recyclable material, except as provided in Section 8; and 2. The non-system facility listed in Section 3.2 must receive, manage, process and compost all solid waste that is transported under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
8	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The licensee is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Source-separated food waste that is delivered under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system compost facility listed in Section 3.2, is exempt from Metro regional system fee and excise tax in accordance with Metro Code Chapters 5.02 and 7.01. 2. If the licensee transports the waste described in Section 1 to the non-system compost facility listed in Section 3.2, but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system compost facility fails to process and compost the material as required as a condition of this license, the licensee must pay to Metro an amount equal to the: <ol style="list-style-type: none"> (a) Metro regional system fee, as provided in Metro Code Title V, for each ton or portion thereof of waste transported to the non-system compost facility that is ultimately transported to a disposal site; and (b) Metro excise tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste transported to the non-system compost facility that is ultimately delivered to a disposal site.
9	RECORD KEEPING AND REPORTING
	<ol style="list-style-type: none"> 1. The licensee must keep and maintain accurate records of the amount of all waste that the licensee transports to the non-system facilities listed in Section 3. These records include the information specified in the Metro document titled, <u><i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements</i></u>. 2. The licensee must submit to Metro the records required under Section 9.1 in an electronic format prescribed by Metro no later than fifteen days following the end of each month. 3. The licensee must make available to Metro (or Metro's designated agent) all records from which Section 9.1 is derived for its inspection or copying or both, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensee must also sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities named in Section 3.

	<ol style="list-style-type: none"> 4. Metro may require the licensee to report the information required by this section on a weekly or daily basis. 5. If the licensee fails to submit the records or payments to Metro by the timeline set forth in Section 9 of this license, each day by which the licensee exceeds the due date may constitute a separate violation subject to a penalty of up to \$500 per violation, in accordance with Metro Code Chapter 5.05.
--	--

10	ADDITIONAL LICENSE CONDITIONS
	<p>This non-system license is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The transport of solid waste to the non-system facilities listed in Section 3, authorized by this license, is subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility. 2. This license is subject to amendment, suspension, modification or termination by Metro in the event that Metro determines that: <ol style="list-style-type: none"> (a) There has been sufficient change in any circumstances under which Metro issued this license; (b) Metro’s solid waste system or the public will benefit from, and will be better served by, transporting the waste described in Section 1 of this license to a facility other than those listed in Section 3; (c) The non-system facilities listed in Section 3 fail to manage the waste subject to this license in accordance with the material management requirements described in Section 7; (d) The non-system facilities listed in Section 3 do not control and minimize odors that are detectable off-site; or (e) The Metro Council adopts legislation or other policy which affects food waste management practices in the region. 3. In addition to subsections 10.2(a) through (e), Metro may amend, suspend, revoke or terminate this license pursuant to the Metro Code. 4. The licensee cannot transfer or assign any right or interest in this license without Metro’s prior written approval. 5. This license is subject to amendment or termination by Metro upon the execution of a designated facility agreement with a facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1. 6. This license authorizes transport of solid waste only to the facilities listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro. 7. Metro may direct the licensee’s waste flow under this non-system license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by Metro is effective immediately. 8. If the licensee exceeds the calendar year authorization set forth in Section 2, each ton or portion thereof by which the licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500, in accordance with Metro Code Chapter 5.05.

11	COMPLIANCE WITH LAW
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative rules adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited in this license. All conditions imposed on the collection and hauling of the licensee’s solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth.</p>
12	INDEMNIFICATION
	<p>The licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses arising out of or related in any way to the issuance or administration of this non-system license. Expenses include, but are not limited to, all attorneys' fees, whether incurred before litigation is commenced, during litigation or on appeal.</p>



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

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-005-17(4)B

LICENSEE:
Willamette Resources, Inc. & Republic Services of Clackamas and Washington Counties 10295 SW Ridder Road Wilsonville, OR 97070
CONTACT PERSON:
Jason Jordan Phone: 503-404-4180 Email: JJordan4@republicservices.com
MAILING ADDRESS:
Willamette Resources, Inc. & Republic Services of Clackamas and Washington Counties 10295 SW Ridder Road Wilsonville, OR 97070

This non-system license replaces and supersedes the provisions of Metro Solid Waste Facility Non-System License No. N-005-17(4)A.

ISSUED BY METRO:

Pamela C. Peck
Policy and Compliance Director

Date

1	NATURE OF WASTE COVERED BY LICENSE
	<ol style="list-style-type: none"> 1. Source-separated, commercial food waste and residential yard debris containing food waste that is generated within the Metro boundary and received at Willamette Resources, Inc. in accordance with its Metro Solid Waste Facility Franchise; and 2. Source-separated, commercial food waste and residential yard debris containing food waste that is generated within the Metro region and collected by Republic Services of Clackamas and Washington Counties.

2	NON-SYSTEM FACILITY AND CALENDAR YEAR TONNAGE LIMITATION
	<ol style="list-style-type: none"> 1. The licensee is authorized to transport up to 20,000 tons per calendar year of the waste described above in Section 1 to the following non-system facility for composting: <p style="margin-left: 40px;">Pacific Region Compost Facility 29969 Camp Adair Road Monmouth, OR 97330</p> 2. The licensee is authorized to transport up to 10,000 tons per calendar year of the waste described above in Section 1 to the following non-system facility for composting: <p style="margin-left: 40px;">Recology Organics Aumsville 8712 Aumsville HWYSE Salem, OR 97317</p> 3. This license is issued on condition that each non-system facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from any state or local government agency that a non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 9.

3	TERM OF LICENSE
	The term of the license originally commenced on January 1, 2018 and is now extended to December 31, 2021, unless amended, suspended or revoked as provided in this license.

4	COVERED LOADS
	The licensee must suitably contain and cover, on all sides, all loads of the waste described in Section 1 that are transported under authority of this license to the non-system facilities listed in Section 2 to prevent spillage of waste while in transit.

5	REPORTING OF ACCIDENTS AND CITATIONS
	The licensee must report to Metro any significant incidents (such as fires), accidents and citations involving vehicles transporting the solid waste authorized by this license.

6	MATERIAL MANAGEMENT
	<p>The licensee is authorized to deliver the waste described in Section 1 to the non-system facilities listed in Section 2 under the following conditions:</p> <ol style="list-style-type: none"> 1. Each non-system facility must accept all solid waste that is transported under authority of this license for the sole purpose of processing and composting on-site. The licensee must not dispose of any source-separated recyclable material, except as provided in Section 7; and 2. Each non-system facility must receive, manage, process and compost all solid waste that is transported under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The licensee is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Source-separated food waste that is delivered under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system facilities listed in Section 2, is exempt from Metro regional system fee and excise tax in accordance with Metro Code Chapters 5.02 and 7.01. 2. If the licensee transports the waste described in Section 1 to a non-system facility listed in Section 2, but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or that non-system facility fails to process and compost the material as required as a condition of this license, the licensee must pay to Metro an amount equal to the: <ol style="list-style-type: none"> (a) Metro regional system fee, as provided in Metro Code Title V, for each ton or portion thereof of waste transported to a non-system facility that is ultimately transported to a disposal site. (b) Metro excise tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste transported to a non-system facility that is ultimately delivered to a disposal site.
8	RECORD KEEPING AND REPORTING
	<ol style="list-style-type: none"> 1. The licensee must keep and maintain accurate records of the amount of all waste that the licensee transports to each non-system facility listed in Section 2. These records include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements</u>. 2. The licensee must submit to Metro the records required under Section 8.1 in an electronic format prescribed by Metro no later than fifteen days following the end of each month. 3. The licensee must make available to Metro (or Metro's designated agent) all records from which Section 8.1 is derived for its inspection or copying or both, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensee must also sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including each non-system facility named in Section 2. 4. Metro may require the licensee to report the information required by this section on a weekly or daily basis.

	<p>5. If the licensee fails to submit the records or payments to Metro by the timeline set forth in Section 8 of this license, each day by which the licensee exceeds the due date may constitute a separate violation subject to a penalty of up to \$500 per violation, in accordance with Metro Code Chapter 5.05.</p>
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9	ADDITIONAL LICENSE CONDITIONS
	<p>This non-system license is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The transport of solid waste to the non-system facilities listed in Section 2, authorized by this license, is subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility. 2. This license is subject to amendment, suspension, modification or termination by Metro in the event that Metro determines that: <ol style="list-style-type: none"> (a) There has been sufficient change in any circumstances under which Metro issued this license ; (b) Metro’s solid waste system or the public will benefit from, and will be better served by, transporting the waste described in Section 1 of this license to a facility other than those listed in Section 2; (c) A non-system facility listed in Section 2 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6; (d) A non-system facility listed in Section 2 does not control and minimize odors that are detectable off-site; or (e) The Metro Council adopts legislation or other policy which affects food waste management practices in the region. 3. In addition to subsections 9.2(a) through (e), Metro may amend, suspend, revoke or terminate this license pursuant to the Metro Code. 4. The licensee cannot transfer or assign any right or interest in this license without Metro’s prior written approval. 5. This license is subject to amendment or termination by Metro upon the execution of a designated facility agreement with a facility listed in Section 2 that authorizes the facility to accept the waste described in Section 1. 6. This license authorizes transport of solid waste only to the facilities listed in Section 2. Transfer of waste generated from within the Metro boundary to any non-system facility other than those specified in this license is prohibited unless authorized in writing by Metro . 7. Metro may direct the licensee’s waste flow under this non-system license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by Metro is effective immediately. 8. If the licensee exceeds the calendar year authorization set forth in Section 2, each ton or portion thereof by which the licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500, in accordance with Metro Code Chapter 5.05.

10	COMPLIANCE WITH LAW
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative rules adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited in this license. All conditions imposed on the collection and hauling of the licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth.</p>
11	INDEMNIFICATION
	<p>The licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses arising out of or related in any way to the issuance or administration of this non-system license. Expenses include, but are not limited to, all attorneys' fees, whether incurred before litigation is commenced, during litigation or on appeal.</p>

IN CONSIDERATION OF RESOLUTION NO. 20-5104, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXTEND AND AMEND NON-SYSTEM LICENSES FOR ARROW SANITARY SERVICE AND WILLAMETTE RESOURCES INC. AND REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTIES

Date: May 28, 2020
Department: WPES
Meeting Date: June 11, 2020

Prepared by: Joanna Dyer,
Joanna.dyer@oregonmetro.gov

ISSUE STATEMENT

Metro seeks to extend the term of two non-system licenses (NSLs) for 18 months rather than require a renewal application during the COVID-19 pandemic. Arrow Sanitary Service (Arrow) and Willamette Resources Inc. and Republic Services of Clackamas and Washington Counties (collectively “Republic”) both hold NSLs to transport source separated food waste generated in the Metro region to compost facilities located outside of the region and are both in good standing with Metro. The current licenses expire on June 30, 2020 and this resolution will extend the terms to December 31, 2021.

ACTION REQUESTED

Approve Resolution No. 20-5104 which will authorize the Chief Operating Officer to issue amended NSLs to Arrow and Republic extending the term of each for 18 months to expire on December 31, 2021.

IDENTIFIED POLICY OUTCOMES

Approval of this resolution will extend the term of the NSLs to transport source-separated food waste to compost facilities outside of the Metro region for composting, and enable Metro to continue to track the amount and types of putrescible waste being transported out of the Metro region.

POLICY QUESTION(S)

Should the Metro Council grant the Chief Operating Officer authority to extend the term of NSLs for Arrow and Republic as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the resolution as proposed to extend the term of the NSLs to transport source-separated food waste to compost facilities outside of the Metro region for composting.
2. Amend the resolution to extend the term of the NSLs with different conditions other than those recommended by staff.
3. Do not approve Resolution No. 20-5104.

STAFF RECOMMENDATIONS

Staff recommends that Council approve Resolution No. 20-5104. If Council approves this resolution, the amended NSLs (No. N-029-17(3)A and N-005-17(4)B) will go into effect immediately and expire on December 31, 2021. The proposed NSLs would supersede and replace the previously issued NSLs.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

NSLs are the main vehicles by which Metro manages the flow of solid waste transported to facilities located outside of the Metro regional boundary because they allow Metro to closely monitor and potentially guide waste flows to authorized facilities.

Arrow and Republic separately hold NSLs that that expire on June 30, 2020. The NSLs were originally scheduled to expire on December 31, 2019, but the Chief Operating Officer extended the term of each for an additional six months as allowed per Metro Code Section 5.05.170(5)(D).

Metro Code Chapter 5.05 requires that a licensee seeking to renew an NSL must submit a complete application at least 120 days before the license expiration date. However, the standard renewal process for these NSLs was disrupted in March when on the World Health Organization declared COVID-19 a global pandemic and Governor Brown issued Executive Order 20-12¹ (“Stay Home, Save Lives”).

The region relies on haulers and facilities to continue to collect, consolidate, reload and transport solid waste during this pandemic, while the health and economic repercussions are still unknown. The Chief Operating Officer finds it is in the public’s interest to not require a NSL renewal application from these licensees in this instance to minimize barriers during such an unprecedented time. Both licensees are in good standing with Metro and there is no known opposition to extending the terms of these NSLs.

This proposed resolution aligns with Metro’s commercial food waste policy development work. In 2014, the Metro Council confirmed its desire to increase the region’s recovery of food waste and its wish to process that waste in or as close to the region as possible. In 2018, the Metro Council adopted the Business Food Waste Requirement (Resolution No. 18-1418) requiring city and county governments to ensure that food waste collection services are available to businesses. Implementation of that requirement was initially scheduled to begin on March 31, 2020. Due to the impacts of the COVID-19 pandemic on businesses targeted by the requirement, the Chief Operating Officer signed temporary Administrative Rule 5.10-4020 on March 20, 2020, delaying the Phase 1 implementation to September 30, 2020.

Metro staff is currently developing a new set of temporary administrative rules for consideration by the Chief Operating Officer. Those proposed rules would further delay the Phase 1 implementation for an additional six months. Metro Central Transfer Station is moving forward with facility improvements and will likely begin processing commercial

¹ https://www.oregon.gov/gov/Documents/executive_orders/eo_20-12.pdf

food waste into a slurry for use in an anaerobic digester by January 1, 2022. Metro staff recommends that the Metro Council require that all putrescible waste generated within the Metro region be transported only to a designated facility of the system at that date. This proposed resolution will align the terms of these NSLs for Arrow and Republic with that proposed timeframe.

Known Opposition

There is no known opposition to the proposed non-system license extensions.

Legal Antecedents

- Metro Code Section 5.05.040 prohibits any person from utilizing a non-system facility without an appropriate license from Metro.
- Metro Ordinance No. 18-1418: Business Food Waste Requirement
- Metro Resolution No. 18-4864: Commercial Food Waste Ban policy development
- Metro Resolution No. 19-1431: Adoption of Regional Waste Plan
- Metro Resolution No. 20-5067: Establishes commercial Food Waste Ban effective date

Anticipated Effects

Approval of Resolution No. 20-5104 will authorize the Chief Operating Officer to issue amended NSLs to transport source-separated food waste as follows:

- Arrow (NSL No. N-029-17(3)B): up to 13,000 tons to West Van Material Recovery Center (West Van) in Vancouver, WA for consolidation and transport to Dirt Hugger compost facility in Dallesport, WA.
- Republic (NSL No. N-005-17(4)B): up to 20,000 tons to Pacific Region Compost (PRC) in Monmouth, OR and up to 10,000 tons to Recology Organics in Aumsville, OR.

The terms of both NSLs will be extended 18 months to expire on December 31, 2021.

Financial Implications

It is Metro's policy to manage the region's waste according to the waste management hierarchy. Metro's regional system fee and excise tax rates are based on the amount of waste that is anticipated to be disposed, in conjunction with Metro's budget for the next fiscal year. Anytime waste is diverted from Metro transfer stations, and further diverted from disposal, there will be some impact in the current fiscal year to Metro's tonnage charge, enhancement fee, the solid waste fee and tax revenues.

In the case of Arrow and Republic, the source-separated food waste that will be transported under authority of these proposed NSLs will continue to be exempt from the fee and tax because it will be composted. The historical diversion authorized under these proposed NSLs has already been factored into Metro's rates and budget – which further reduces any fiscal impact of granting this license renewal.

BACKGROUND

WRI and Republic

Republic Services Inc., headquartered in Phoenix, Arizona, is the parent company of WRI, Republic and PRC. WRI and Republic have transported source separated food waste to PRC under Metro authorization since 2009. The licensee transported 14,341 tons and 14,409 tons of food waste to PRC (NSL No. N-005-17(4)A) in calendar years 2018 and 2019 respectively, and 1,392 tons through March 2020. Zero tons have been transported to Recology Organics Aumsville over the term of the NSL (No. N-005-17(5)B). These two NSLs are being combined into NSL No. N-005-17(4)B for administrative efficiency. The calendar year tonnage limits of up to 20,000 tons to PRC and up to 10,000 tons to Recology Organics Aumsville will remain the same in the amended license.

Arrow

Waste Connections, Inc., headquartered in The Woodlands, Texas, is the parent company that owns both Arrow and West Van. Arrow has transported source separated food waste to Dirt Hugger via West Van under Metro authorization since 2014. The licensee transported 1,075 tons and 713 tons of food waste to Dirt Hugger in 2018 and 2019 respectively. As of April 1, Arrow has transported 337 tons during calendar year 2020. The calendar year tonnage limit of up to 13,000 tons will remain the same in the amended license.

ATTACHMENTS

- A. Exhibit A to Resolution No. 20-5104: Draft NSL for Arrow N-029-17(3)B
- B. Exhibit B to Resolution No. 20-5104: Draft NSL for Republic N-005-17(4)B

Agenda Item No. 3.4

Resolution No. 20-5105, For the Purpose of Confirming Appointments
to the Metro Public Engagement Review Committee

Consent Agenda

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING) RESOLUTION NO. 20-5105
APPOINTMENTS TO THE METRO PUBLIC)
ENGAGEMENT REVIEW COMMITTEE.) Introduced by Chief Operating Officer
Marissa Madrigal in concurrence with
Council President Lynn Peterson

WHEREAS, in furtherance of Metro’s Principles of Citizen Involvement, set forth in Resolution No. 97-2433, adopted January 23, 1997, and Ordinance No. 12-1294 amending Metro Code Chapter 2.19.030, the Metro Council established an Advisory Committee known as the Public Engagement Review Committee (PERC) to advise the Metro Council on the development and maintenance of programs and procedures to aid communication between the public and the Metro Council; and

WHEREAS, by a fair and open process, Metro has recruited applicants for PERC and the Metro Council President has appointed selected applicants consisting of members of the public, representatives of community organizations, and public involvement staff from local jurisdictions; and

WHEREAS, Metro Code Chapter 2.19.030 requires that the Metro Council confirm appointments made by the Council President to Metro’s Advisory Committees; and now therefore

BE IT RESOLVED that:

(a) the following appointments by the Metro Council President are hereby confirmed;

At-large representatives from the region

- Rebecca Fisher – Oregon LEAD Network
- Justin Pabalate – Development officer, Oregon Community Foundation
- Lukas Soto – Executive Administrative Assistant and Researcher, Kapwa Consulting

Community organization representative

- Mahmood Jawad – Urban League of Portland

County representative

- Cameron Ruen, community relations specialist, Clackamas County

(b) each community member and community organization’s term will run for 3 years, from January 2020 through December 2022; and

(c) Staff will begin recruitment to fill PERC vacancies caused by any expiring terms starting fall 2020, working toward new appointments by December 2020.

ADOPTED by the Metro Council this 11th day of June, 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 20-5105 FOR THE PURPOSE OF CONFIRMING APPOINTMENTS TO THE METRO PUBLIC ENGAGEMENT REVIEW COMMITTEE.

Date: June 11, 2020

Prepared by: Clifford Higgins, 503-797-1932 | 503-309-7724

BACKGROUND

Metro's Public Engagement Review Committee (PERC) convenes three to four times per year and consists of at-large community members, representatives from three community organizations and public involvement staff from Clackamas, Multnomah and Washington counties.

ANALYSIS/INFORMATION

The PERC serves as a key component of Metro's ongoing efforts to develop and implement broad, inclusive, informed and effective public engagement processes. Committee members are appointed to three-year terms on a rotating schedule.

The PERC bylaws call for at least three at-large community members and at least three representatives from a community organization. Terms for two at-large community representatives and one representative from a community organization have expired.

Current membership and conversations with PERC members led staff to recommend a recruitment of three at-large community members and one representative of a community organization. This recruitment would bring the membership to nine at-large community members, four representatives of community organizations, and three county representatives through 2020. Current membership and this recruitment establishes a standard annual recruitment schedule of three at-large community members and one representative of a community organization.

Staff opened an application process and engaged community stakeholders, local agencies and jurisdictions to recruit committee applicants with public involvement experience, strong community connections, and a diverse geographic and demographic representation.

Staff received 14 applications and recommended three new at-large community members and one new member from a community organization that best meet the following criteria:

- a commitment to community engagement
- demonstrated skills, knowledge or experience that apply to principles of citizen involvement adopted by Metro
- experience working with underrepresented communities.

After consulting with councilors, the communications director and staff, the Metro Council President has appointed the following individuals to PERC for three-year terms: Rebecca Fisher (at-large), Justin Pabalate (at-large), Lukas Soto (at-large), and Mahmood Jawad (community organization). In addition, Metro Council President affirms the Clackamas County appointment of Cameron Ruen as its representative.

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Resolution No. 97-2433 establishing Metro's Principles of Citizen Involvement: Metro Code Chapter 2.19.030; and Ordinance No. 12-1294 amending Metro Code Chapter 2.19.030.
3. **Anticipated Effects** The appointments to the PERC will allow Metro to more successfully engage communities with Metro's initiatives, improve public engagement practices, and prioritize projects for public outreach.
4. **Budget Impacts** No budget impacts. Program needs are accounted for in existing staff resources and accessing Communications M&S included in the FY 2019-2020 and the Acting COO proposed budget for FY 2020-21.

RECOMMENDED ACTION

Confirm appointment of:

- two at-large community representatives to the PERC for three-year terms: Rebecca Fisher, Justin Pabalate, and Lukas Soto
- one community organization representative to the PERC for a three-year term: Mahmood Jawad, Urban League of Portland
- one county representative to the PERC: Cameron Ruen, community relations specialist, Clackamas County.



**OFFICE OF THE COUNTY ADMINISTRATOR
PUBLIC SERVICES BUILDING**

2051 KAEN ROAD | OREGON CITY, OR 97045

April 17, 2020

Lynn Peterson
Metro Council President
600 NE Grand Avenue
Portland, OR 97232

RE: Metro Public Engagement Review Committee

Council President Peterson:

On behalf of Clackamas County, I appoint Cameron Ruen, Community Relations Specialist, to serve as Clackamas County's staff representative on Metro's Public Engagement Review Committee (PERC).

Ms. Ruen has a background in communications and public engagement in Clackamas County and throughout the region, and will be a valuable resource to PERC. In addition to being involved in our county's equity development, her expertise in design, social media, web development and systems thinking will be useful.

Thank you for the opportunity to collaborate on this important endeavor. The Board of County Commissioners is committed to creating equity and social justice solutions, and desires to collaborate on policies that affect residents living within the UGB in Clackamas County. Equitable public engagement is a significant part of that strategy.

Sincerely,

A handwritten signature in blue ink that reads "Gary Schmidt".

Gary Schmidt
Clackamas County Administrator

cc: Sue Hildick, Public and Government Affairs
cc: Cameron Ruen, Public and Government Affairs
cc: Chris Lyons, Public and Government Affairs

Agenda Item No. 3.5

Consideration of the Council Meeting Minutes for May 21, 2020

Consent Agenda

Metro Council Meeting
Thursday, June 11, 2020

Metro

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



Metro

Minutes

Thursday, May 21, 2020

2:00 PM

<https://zoom.us/j/615079992> or 888-475-4499 (toll free)

Council meeting

1. Call to Order and Roll Call

Council President Lynn Peterson called the Metro Council meeting to order at 2:00 p.m.

Present: 7 - Council President Lynn Peterson, Councilor Sam Chase, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Bob Stacey, Councilor Christine Lewis, and Councilor Juan Carlos Gonzalez

2. Public Communication

There was none.

3. Presentations**3.1 Zoo Bond Oversight Committee Annual Report**

Council President Peterson called on Sarah Keane, Oregon Zoo staff, and Susan Harnett, Zoo Bond Oversight Committee Chair, to present the Zoo Bond Oversight Committee annual report. Ms. Keane introduced the presentation, noting that in 2008, regional voters approved a \$125 million bond to make much-needed renovations to the Oregon Zoo. She spoke to the effects of the COVID-19 pandemic and recognized its devastating financial impacts on the zoo's operating budget, but highlighted that the zoo bond program had been left relatively unscathed due to its dedicated funding source and ability to continue with construction. She then introduced Ms. Harnett to provide the Oversight Committee's annual report.

Ms. Harnett announced that the committee affirmed for 2019 that the bond funds continued to be spent wisely, projects advanced on schedule and within budget, and overall the bond program was on track to deliver on voter expectations. She reviewed the bond program's work throughout the year and spoke to the progress being made on the Polar Passage, Primate Forest, and Rhino Habitat projects. She thanked Metro staff and her fellow Oversight Committee members for their support.

Council Discussion

Councilor Craddick spoke to her experience sitting on the Citizen Oversight Committee as a Metro liaison and thanked the committee for all their hard work. She highlighted the significant accomplishments of the Oregon Zoo Bond and the many projects that had been completed over the years. Councilors thanked staff and the committee for the comprehensive report.

4. Consent Agenda**Approval of the Consent Agenda**

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

Aye: 7 - Council President Peterson, Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

- 4.1 Resolution No. 20-5086, For the Purpose of Adopting the Fiscal Year 2020-21 Unified Planning Work Program and Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements
- 4.2 Consideration of the Council Meeting Minutes for May 07, 2020

5. Resolutions

- 5.1 Resolution No. 20-5106, For the Purpose of Proclaiming the Month of May Asian American and Pacific Islander Heritage Month

Council President Peterson called on Raahi Reddy, Sushmita Poddar, and Chi Nguyen for a brief presentation on the resolution. Ms. Reddy introduced the resolution, noting that it would recognize May as Asian American and Pacific Islander Heritage Month. She explained that Asian Americans and Pacific Islanders had lived and thrived in Oregon for over 200 years, contributing greatly to the state's economy and culture. The presenters then shared testimony in support of the resolution and Ms. Reddy read

the proclamation into the record.

Council Discussion

Councilors expressed support for the proclamation and thanked the presenters for sharing their stories. Councilors denounced the racist rhetoric of the federal administration and the xenophobia and racism that had proliferated in the wake of COVID-19. Councilor Gonzalez thanked the presenters for their testimony and for their leadership throughout the state.

A motion was made by Councilor Chase, seconded by Councilor Gonzalez, that this item be approved. The motion passed by the following vote:

Aye: 7 - Council President Peterson, Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

6. Ordinances (First Reading and Public Hearing)

- 6.1 Ordinance No. 20-1444, For the Purpose of Annexing to the Metro Boundary Approximately 19.9 Acres Located Along SW Taylor Lane in Tigard

Council President Peterson read the requirements on holding a quasi-judicial hearing. Council President Peterson stated that the case being reviewed in the proposed ordinance was a request for annexation into the Metro district boundary for one parcel totaling 19.9 acres for the Tigard-Tualatin School District. She asked if Councilors had ex parte contact to disclose or conflicts of interests to declare and noted there was none.

Council President Peterson called on Mr. Tim O'Brien, Metro staff, to provide a brief staff report. Mr. O'Brien provided an overview of the annexation request, explained the criteria required and stated that the request met the criteria for annexation into the Metro District Boundary.

Council Discussion

There was none.

6.1.1 Public Hearing on Ordinance No. 20-1442

Council President Peterson opened up a public hearing on Ordinance No. 20-1444 and requested that those wishing to testify come forward to speak. Seeing none, Council President Peterson gavelled out of the public hearing. She noted that second read, Council consideration, and vote on Ordinance No. 20-1444 would take place on Thursday, June 11.

7. Chief Operating Officer Communication

Marissa Madrigal, Chief Operating Officer, provided an update on temporary schedule reductions and shared a timeline for implementation of the supportive housing measure.

8. Councilor Communication

Councilors provided updates on the following meetings or events: the Joint Policy Advisory Committee on Transportation (JPACT) and the Governor's Regional Solutions Team.

9. Adjourn

There being no further business, Council President Peterson adjourned the Metro Council meeting at 3:15 p.m. The Metro Council will convene the next regular council meeting on June 11 at 2:00 p.m.

Respectfully submitted,

Nellie Papsdorf

Nellie Papsdorf, Legislative and Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 21, 2020

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
5.1	Testimony	05/19/20	Testimony from APANO	052120c-01
3.1	PowerPoint	05/21/20	Oregon Zoo Bond Oversight Committee's Annual Report	052120c-02

Agenda Item No. 4.1

Resolution No. 20-5111, For the Purpose of Proclaiming
the Month of June as Lesbian Gay Bisexual Transgender

Resolutions

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROCLAIMING THE) RESOLUTION NO. 20-5111
MONTH OF JUNE AS LESBIAN GAY) Introduced by Council President Lynn
BISEXUAL TRANSGENDER AND QUEER) Peterson
(LGBTQ) PRIDE MONTH IN THE METRO
REGION

WHEREAS, every June marks national Pride Month, a celebration of our nation’s Lesbian, Gay, Bisexual, Transgender and Queer residents; each of whom must, every day, tend their families, ply their trades, and dream their futures in the face of systemic oppression and historical erasure; and

WHEREAS, although all of these groups face persecution and deserve to be uplifted, transgender (including nonbinary) people face the highest comparative rates of personal and institutional discrimination; including efforts by the current federal administration to strip them of workplace, medical and other protections; and

WHEREAS, transgender people who find themselves at the intersection of multiple marginalized identities – because of their race, age, disability, HIV/AIDS status, or income, among other factors – disproportionately experience poverty and violence; and

WHEREAS, this is most pointedly and tragically true of black transwomen, who made up over 90% of the transgender people killed in the US in the past year; and

WHEREAS, Metro recognizes that, because of the reasons just given, truly honoring greater Portland’s transgender people is impossible without first ensuring that they are safe, welcome, and fully included within its spaces; and

WHEREAS, in pursuit of its goal to create such spaces, Metro is currently assessing its policies and work culture for their impacts on transgender people, and developing new policies that establish gender-inclusive language as a workplace standard; and

WHEREAS, these examples do not represent an end goal, but the first steps towards organizational change that will ultimately benefit our agency’s entire LGBTQ community; one informed by a recognition of the differing needs of that vibrant community’s diverse members; and

WHEREAS, as it recommits itself to this work moving forward, Metro would like to acknowledge what pioneering activists like Marsha P. Johnson and Úmi Vera have always known: that every just action taken on behalf of our most oppressed populations confirms, and affirms, the possibility of justice for us all; now therefore

BE IT RESOLVED, that the Metro Council recognizes June to be LGBTQ Pride Month in greater Portland,

ADOPTED by the Metro Council this 11th day of June 2020.

Approved as to Form:

Carrie MacLaren, Metro Attorney

Lynn Peterson, Council President

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 20-5111, FOR THE PURPOSE OF
PROCLAIMING THE MONTH OF JUNE AS LESBIAN GAY BISEXUAL TRANSGENDER AND
QUEER (LGBTQ) PRIDE MONTH

Department: Council Office
Meeting Date: June 11, 2020

Prepared by: Andre Bealer, Council
Office

ISSUE STATEMENT

The Metro Council has an opportunity to stand with residents, community partners and local jurisdictions in our region by adopting Resolution No. 20-5111, in recognizing the month of June as Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Pride Month.

ACTION REQUESTED

Consideration and vote on Resolution No. 20-5111.

IDENTIFIED POLICY OUTCOMES

Advancing the Metro Council's proclamation for LGBTQ Pride Month from June 1 to June 30.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council adoption of this resolution will further Metro's commitment to the goals stated in the Strategic Plan to advance Racial Equity, Diversity and Inclusion.

STAFF RECOMMENDATIONS

Staff recommends the Metro Council adopt Resolution No. 20-5111.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

1. Known Opposition/support/community feedback

No opposition known at this time.

2. Legal Antecedents

Metro Council has adopted similar resolutions the previous 3 years.

3. Anticipated effects

None.

4. Financial implications

None.

BACKGROUND

June is recognized as LGBTQ+ Pride Month throughout the United States to commemorate the Stonewall riots of June 1969. As a result, pride events are held during this month to recognize the positive impact LGBTQ people have made in the world, and to highlight their continuing fight for equality.

The State of Oregon decriminalized same-sex sexual activity in 1972.

Since 2008, Oregon has banned discrimination in employment, housing, and public accommodations based on both sexual orientation and gender identity (Oregon SB 2 (2007)).

State law covers hate crimes based on both gender identity and sexual orientation.

In 2007, Metro instituted a discrimination and harassment policy and procedure, which prohibits discrimination based upon gender identity or sexual orientation (Personnel Policies (2007) §12.7).

Metro Council adopted the “Strategic Plan to Advance Racial Equity, Diversity and Inclusion” in 2016, which states “By addressing the barriers experienced by people of color in the Portland metropolitan area, we will effectively also identify solutions and remove barriers for other groups, like low-income residence, people with disabilities, the LGBTQ community, older adults and young people.”

In 2018, Metro started its first Employee Resource Groups for LGBTQ+ people and People of Color. The agency also participates in the annual Northwest Pride Festival and Parade, and has a series of new training programs addressing LGBTQ issues in the workplace and community. The National Coalition of Anti-Violence Programs and the Federal Bureau of Investigation have documented the rise in violent crimes against the LGBTQ community, which disproportionately affect LGBTQ+ people of color.

Metro Council has the opportunity to stand with other local, regional, state and national governments and organizations in honoring June as LGBTQ pride month to support and bring awareness to issues facing the LGBTQ community.

ATTACHMENTS

None.

Agenda Item No. 4.2

Resolution No. 20-5109, For the Purpose of Authorizing an Exemption from Competitive Bidding and Procurement of Construction Manager/General Contractor Services by Competitive Request for Proposals for Construction of Metro Regional Center Childcare Facilities Upgrades

Resolutions

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 20-5109
EXEMPTION FROM COMPETITIVE)
BIDDING AND PROCUREMENT OF)
CONSTRUCTION MANAGER/GENERAL) Introduced by Chief Operating
CONTRACTOR SERVICES BY) Officer Marissa Madrigal in
COMPETITIVE REQUEST FOR) concurrence with Council President
PROPOSALS FOR CONSTRUCTION OF) Lynn Peterson
METRO REGIONAL CENTER CHILDCARE)
FACILITIES UPGRADES)

WHEREAS, Metro intends to design and renovate the Metro Regional Center’s Childcare Facilities; and

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

WHEREAS, Metro's LCRB Rules 49-0600 to 49-0670 authorize 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 market realities and modern innovative contracting and purchasing methods, so long as they are consistent with the public policy of encouraging competition, subject to the requirements of ORS 279C.335; and

WHEREAS, ORS 279C.335(5)(a) and LCRB Rules 49-0630 through 49-0670 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 from competitive bidding is unlikely to encourage favoritism or substantially diminish competition for public improvement contracts; and that said exemption will likely result in substantial cost savings to Metro; now therefore.

BE IT RESOLVED THAT THE METRO CONTRACT REVIEW BOARD:

1. Exempts from competitive bidding the procurement and award of a Construction Manager/General Contractor (“CM/GC”) public improvement contract for renovation of the Metro Regional Center’s childcare facilities;
2. Adopts as its findings in support of such exemption the justification, information and reasoning set forth on the attached Exhibit A, which is incorporated herein by reference as if set forth in full; and
3. Authorizes the Chief Operating Officer to:

- 3.1 Prepare a form of Request for Proposals for CM/GC Contractor services that includes the evaluation criteria for contractor selection:
- Contractor’s proposed fees for pre-construction services
 - Contractor’s proposed overhead and profit for construction services
 - Project understanding and proposed project approach
 - Contractor’s record of completion of projects of similar type, scale and complexity, including demonstrated public improvement CM/GC project experience and expertise
 - Contractor’s record of coordinating multi-disciplinary approaches to value engineering challenges
 - Contractor’s record of working with owners and design professionals to identify ways to incorporate long-term operational efficiencies into projects
 - Proposed milestone dates, including but not limited to substantial completion
 - Contractor’s demonstrated quality and schedule control
 - Financial capacity
 - Contractor’s experience in incorporating sustainability construction practices and design into projects
 - Contractor’s demonstrated commitment to workforce diversity and record of use of subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity (COBID)
 - Any other criteria that ensure a successful, timely, and quality project, in the best interest of Metro and in accord with ORS 279C.335(4)(c) and LCRB Rule 49-0640(2)(a), (b) and (c);
- 3.2 Following the approval of said form of Request for Proposals and Contract by the Office of the Metro Attorney, to issue such approved form, and thereafter to receive responsive proposals for evaluation; and
- 3.3 Following evaluation of the responses to the Request for Proposals, authorizes the Chief Operating Officer to execute a CM/GC contract with the most advantageous proposer to renovate the Metro Regional Center’s childcare facility.

ADOPTED by the Metro Council this 11 day of June, 2020

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

MRC Childcare Facilities Upgrades - Exhibit A

Findings in Support of an Exemption from Competitive Bidding and Authorizing the Procurement by Request for Proposals of Construction Manager General Construction Services for the MRC Childcare Facilities Upgrades project

Pursuant to ORS 279C.335(2) and (4), and Metro Code Section LCRB 49-0620, the Metro Contract Review Board makes the following findings in support of exempting the procurement of the Metro Regional Center Childcare Facilities Upgrades project from competitive bidding, and authorizing use of an Request for Proposal (RFP) for a Construction Manager General Contractor (CM/GC) public improvement construction contract:

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

The Metro Contract Review Board finds that exempting the procurement of the construction of the Metro Regional Center Childcare Facilities Upgrades project 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 alternative contracting method and will be made available to all qualified contractors. Award of the contract will be based on the identified selection criteria and dissatisfied proposers will have an opportunity to protest the award. Full and open competition based on the objective selection criteria set forth in the Metro Contract Review Board resolution will be sought, and the contract will be awarded to the most advantageous proposer. Competition for the RFP will be encouraged by: Posting on ORPIN (Oregon Procurement Information Network), public advertisements placed in the Portland Business Tribune and other minority business publications; performing outreach to local business groups representing minorities, women, and emerging small businesses and by contacting contractors known to Metro to potentially satisfy the RFP criteria. The subcontractor selection process will be a low bid competitive method for contracts by requiring a minimum of three bids per scope, unless there is an approved exception. Competition among subcontractors will be encouraged by contacting local subcontractors, including COBID firms and notifying them of any opportunities within their area of expertise and by performing outreach to local business groups representing minorities, women, and emerging small businesses.

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

The Metro Contract Review Board finds that exempting the procurement of the construction of the Metro Regional Center Childcare Facilities Upgrades project from competitive bidding will likely result in substantial costs savings to Metro, considering the “type, cost and amount of the Contract,” the 14 factors required by ORS 279C.335(2)(b), and the “additional findings” per Metro Local Contract Review Board (LCRB) Administrative Rule 49-0630(3)(B) as follows:

Type, Cost and Amount of the Contract: (type of project, budgeted/expected overall cost (of project), budgeted/expected contract amount)

The CM/GC method is a common procurement practice. Area agencies such as City of Portland, Tri-Met, and Port of Portland utilize the CM/GC process for their large, complex projects. The General Contractor is brought on board earlier in the design process in order to provide constructability and logistics expertise to the construction documentation process. CM/GC offers a distinct advantage over traditional design-bid-build (low bid) method to enhance participation by COBID contractors. The current rough-order-of-magnitude estimate for the entire project is \$1 million.

MRC Childcare Facilities Upgrades - Exhibit A

Statutory Factors

1. **Number of entities available to bid:** Seasonal timeline are likely to discourage bidders from participating in a traditional design-bid-build process. This is in part due to large school bond construction work so we've identified a construction schedule from September 2020 thru February 2021. The opportunity to partner with the architecture and engineering team and perform investigative early work is likely to encourage more proposers.
2. **Construction budget and future operating costs:** Utilizing an RFP to select a General Contractor will allow Metro to obtain cost reductions through pre-construction services by the contractor during the design phase, including a constructability review, value engineering, and other services. Involving the contractor early in the design process fosters teamwork that results in a better design, fewer change orders, and faster progress with fewer unexpected delays, resulting in lower costs to Metro. The potential for faster progress and an earlier completion date will also help Metro avoid the risk of inflationary increase in materials and construction labor costs. Contractor constructability review also allows for an ongoing review of the long term operating costs of design options, allowing for midcourse design changes, leading to a project having lower long term operating maintenance and repair costs.
3. **Public Benefits:** The procurement of a CM/GC construction contract through the RFP process will help realize Metro's goal of obtaining COBID participation by enabling a qualitative review of proposers' approach to COBID outreach and mentoring partnerships.
4. **Value Engineering:** The process will enable the contractor to work with the project architect and Metro Regional Center staff to help reduce construction costs by providing early input and constructability review to designers, avoiding costly redesign and change orders, and providing opportunities for the architects and contractor to work together on both practical and innovative solutions to meeting the project budget. This type of contract will allow the designers to more easily explore with the contractor the feasibility of innovative design solutions and incorporate ongoing value engineering.
5. **Specialized Expertise Required:** The contractor and subcontractors must be able to demonstrate in their proposal that they have experience with Childcare facilities, exposure to and expertise in building envelope systems, demonstrated successes with compressed schedules, and have worked on public buildings projects, understand the logistics of general public and staff traffic control, access, removing demolished materials, etc. The selection of a contractor with such expertise to construct the project will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on or ahead of schedule, resulting in lower costs and increased benefit to the community. The ability to factor expertise and experience into contractor selection is inherent in the RFP process, but is not part of the traditional low bid process.
6. **Reduces risk to Metro and the public.** The risks to Metro Regional Center's ongoing operations and contracting posed by the inability of the contractor to meet the schedule deadlines will be reduced by the selection of the contractor based on the demonstrated ability to perform the work as specified and based on successful its prior experience working safely, effectively and efficiently in or near an office environment where Metro staff and the public are present, rather than awarding the project to the low bidder. Furthermore, the selection of a contractor.
7. **Exemption's effect on funding:** Does not apply.

MRC Childcare Facilities Upgrades - Exhibit A

8. **Better Control of Impact of Market Conditions on Cost and Time to Complete:** Does not apply.
9. **Technical complexity:** The exemption will allow the Contractor to select subcontractors that have demonstrated technical expertise, knowledge, and experience with the logistical challenges of demolition and construction in a public office setting, all of which can be factored into the contractor selection in the RFP process. The selection of a contractor with demonstrated experience and success in implementing similar projects will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on budget, with fewer construction delays and change orders, resulting in lower costs. The RFP process will take into account each contractor's past performance and technical knowledge.
10. **New construction, renovation or remodel:** The Childcare Facilities Upgrades is a renovation project and is tentatively slated to start end of FY21-Q1 or beginning of FY21-Q2
11. **Occupancy during construction:** The Childcare center will remain closed during the construction period, but the rest of Metro Regional Center will be open and occupied while construction proceeds..
12. **Phased Construction Work:** Does not apply.
13. **Availability of personnel, consultant and legal counsel with CM/GC expertise.** The Office of Metro Attorney, Project Manager, and Project Architect have the necessary qualifications and expertise to negotiate, administer, and enforce the terms of Metro's CM/GC public improvement contract, including prior experience governing large CM/GC projects and managing them to a successful completion.

Additional Findings:

1. **Industry practices, surveys, trends.** The industry-accepted benefits of the CM/GC method include:
 - Results in a better design that meets the owner's objectives
 - Encourages competition, especially for COBID subcontractors
 - May be completed in a faster time frame
 - When skillfully managed, costs less than a design-bid-build project that is designed and constructed in the traditional manner, due to opportunities for value engineering early in the design process.
 - Reduces the risks of delays, cost overruns, and disputes
 - Limits the number of change orders for unforeseen conditions
2. **Past experience and evaluation of Metro CM/GC projects.**

The \$40 million OCC Plaza & Renovation project was substantially complete in October 2019. The benefits to the OCC Plaza & Renovation Project achieved through the CM/GC process include:

 - Cost reductions through pre-construction services by the contractor during the design phase, including a constructability review (e.g., materials, phasing, layout and design) and value engineering.
 - Phased construction was able to start while integrated delivery planning for future phases was still being developed. This kept the project on schedule and allowed for ongoing construction activities during daily OCC business operations.

MRC Childcare Facilities Upgrades - Exhibit A

- Six percent of the Guaranteed Maximum Price in change orders. On a project of this size and complexity, one would ordinarily expect a ratio of at least ten percent or greater in change orders increasing the cost of construction.
- The project exceeded 50 percent COBID subcontractor participation. This unprecedented achievement accounts for approximately \$16 million going to the local COBID subcontractor community.
- With pre-construction time to develop community partnerships and leverage relationships with subcontractors, the project met workforce diversity goals achieving 35 percent of project work hours attributed to non-white workers.
- Partnering with the OCC through preconstruction planning and ongoing coordination the OCC was able to safely maintain normal business operations. Validated by this fact: during 14 months of Plaza & Renovation Project construction the OCC achieved record event sales and attendance.

3. Benefits and drawbacks of CM/GC to the Metro Regional Center Childcare Facilities Upgrades project. The CM/GC method provides an invaluable means of addressing the risks to Metro presented by the project's site conditions and timeline.

By involving the contractor extensively during the design process, Metro Regional Center will be able to better account for, plan around, and address the above factors prior to and during construction. This avoids project delays and expensive change orders, helps to reduce liability and revenue risks to Metro, and provides a foundation of cooperation upon which a high-quality result may be achieved, on schedule and on budget. Pre-construction services provided during the process include a constructability review, value engineering, and other service during design. Involving a contractor during the design fosters teamwork that results in a better design, faster progress with fewer delays, and less costs.

Given Metro's favorable experience with CM/GC, staff foresees no drawbacks to adopting the CM/GC method to implement the Metro Regional Center Childcare Facilities Upgrades project

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 20-5109 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND PROCUREMENT OF CONSTRUCTION MANAGER GENERAL CONTRACTOR SERVICES BY COMPETITIVE REQUEST FOR PROPOSALS FOR THE METRO REGIONAL CENTER CHILDCARE FACILITIES UPGRADES

Date: April 22, 2020

Prepared by: Dan Hoskin

BACKGROUND

The Childcare facility has not undergone any updating in several years. The center's layout is no longer supporting the operational needs of a NAEYC accredited childcare. In addition, the facility lacks adequate teacher/parent conference space, quality teacher/child lines of sight, toilets in the toddler space, and surfaces and fixtures are worn and damaged from age and use both inside the facility and in the playground area.

Merryman Barnes Architects (MBA), and their design team has made design recommendations, and is in the process of schematic design development for the project.

This project involves a remodel of select interior areas to provide a safe, functional space for children and teachers and repair portions of Metro property. In addition scope for the project will include the demolition and removal of all existing plumbing fixtures, flooring, wall treatments, casework and lighting. The value of this work is approximately seven hundred thousand dollars.

An alternate, qualifications based procurement method, a Request for Proposals, enables Metro to specifically request and qualitatively evaluate proposers' prior experience with the unique parameters of the project including experience with Childcare facilities, exposure to and expertise in building envelope systems, demonstrated successes with compressed schedules, and their approach to the COBID outreach and partnership and workforce diversity. This delivery method offers a better ability for public agencies to increase the use of COBID firms in sub-contracting opportunities.

The attached resolution and findings in Exhibit A describe the specialized nature of this project. Based on these findings, the Metro procurement manager believes that a value-based selection process is more appropriate than a traditional, competitive bid (which solely considers lowest bid price). Metro Regional Center and CPMO staff, as well as the Office of the Metro Attorney concur.

Therefore, staff seeks Council authorization to pursue the alternative procurement of General Contractor Services by a competitive Request for Proposals, for the Metro Regional Center Childcare Facilities Upgrades project. This will allow Metro to consider cost as well as experience and expertise in completing similar projects and in selecting the most advantageous contractor for this project.

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:** LCRB Rule 49-0620(1), 49-0130, and 49-0690; Oregon Revised Statutes 279C.335 and ORS 279C.337.

3. **Anticipated Effects:** Public procurement process will be open and competitive, but items other than cost will be considered in the awarding of the contract. Increased use of COVID subcontractors is anticipated.

4. **Budget Impacts:** The RFP process offers safeguards for schedule and cost control of the project, including early involvement by construction contractor in the design process, as well as limited change orders.

RECOMMENDED ACTION

Agenda Item No. 4.3

Resolution No. 20-5095, For the Purpose of Adopting the Annual Budget for
Fiscal Year 2020-21, Making Appropriations and Levying Ad Valorem Taxes
Resolutions

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ANNUAL) BUDGET FOR FISCAL YEAR 2020-21, MAKING) APPROPRIATIONS AND LEVYING AD VALOREM) TAXES))	RESOLUTION NO 20-5095 Introduced by Marissa Madrigal, Chief Operating Officer, with the concurrence of Council President Lynn Peterson
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WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Resolution) and considered; now, therefore,

BE IT RESOLVED,

1. The “Fiscal Year 2020-21 Metro Budget,” in the total amount of ONE BILLION, FOUR HUNDRED TWENTY SIX MILLION ONE HUNDRED EIGHTY SIX THOUSAND NINETY NINE (\$1,426,186,099), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Resolution, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operating rate levy; at the rate of \$0.0960 per ONE THOUSAND DOLLARS (\$1,000) of assessed values for local option rate levy and in the amount of SEVENTY FOUR MILLION EIGHT HUNDRED SIXTY NINE THOUSAND TWO HUNDRED TWENTY TWO (\$74,869,220) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2020-21. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Operating Tax Rate Levy	\$0.0966/\$1,000	
Local Option Tax Rate Levy	\$0.0960/\$1,000	
General Obligation Bond Levy		\$74,869,220

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Resolution, and hereby appropriates funds for the fiscal year beginning July 1, 2020, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. The Chief Operating Officer shall make the filings as required by ORS 294.458 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

ADOPTED by the Metro Council on this 18th day of June 2020.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

STAFF REPORT

CONSIDERATION OF PROPOSED BUDGET AMENDMENTS TO THE FISCAL YEAR 2020-21 BUDGET. APPROVED CHANGES WILL BE INCORPORATED INTO RESOLUTION 20-5095, ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2020-21 BUDGET, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES

Date: 5.26.2020

Prepared by: Robin Briggs 503.797.1754

Department:
Finance and Regulatory Services

Presenters:
Brian Kennedy, Chief Financial Officer,
503.797.1913
Brian.Kennedy@oregonmetro.gov

Cinnamon Williams, Financial Planning
Director, 503.797.1695,
Cinnamon.Williams@oregonmetro.gov

Meeting date: 6.11.2020

Length: 30 minutes

ISSUE STATEMENT

Council action, through Resolution 20-5095, will be the final step in the adoption of Metro's FY 2020-21 budget. Final action by Council must be completed by June 30, 2020.

ACTION REQUESTED

Council consideration of the proposed budget amendments to the FY 2020-21 budget.

IDENTIFIED POLICY OUTCOMES

Approved budget amendments will be incorporated into the FY 2020-21 budget prior to adoption of the budget by the Council.

POLICY QUESTION

Which proposed budget amendments to the FY 2020-21 reflect Council policies and goals?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council may approve all or some of the proposed budget amendments to the FY 2020-21 budget.

STAFF RECOMMENDATIONS

The Chief Operating Officer recommends:

- Consideration and approval of the department amendments to the FY 2020-21 budget.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

On May 7, 2020, Council adopted Resolution 20-5092 approving the FY 2020-21 budget, setting property tax levies and approving transmission of the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

After the budget was Approved by Council, departments submitted proposed budget amendments. Council will consider those proposed amendments for inclusion in the FY 2020-21 budget. Subsequent to Council approval of those amendments, Resolution 20-5095 and related exhibits will be revised to include changes requested by Departments.

Additionally, subsequent to the Multnomah County Tax Supervising Conservation Commission's June 4, 2020 public hearing, their letter certifying the FY 2020-21 Approved Budget will be attached to Resolution 20-5095 as an exhibit.

Council adoption of the FY 2020-21 budget is scheduled for June 18, 2020.

1. **Known Opposition** – None known at this time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Multnomah County Tax Supervising and Conservation Commission by May 15th, 2020. The Commission will conduct a hearing on June 4th, 2020 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.
3. **Anticipated Effects** – Approved budget amendments will be effective as of July 1, 2020.
4. **Budget Impacts** – The total appropriations of the FY 2020-21 Approved Budget is \$1,426,186,099 and 977.66 FTE. Approved budget amendments and notes will be incorporated into the FY 2020-21 budget prior to Council adoption.

BACKGROUND

Oregon Budget Law requires local governments to prepare their annual budgets in three legislatively defined stages; Proposed, Approved and Adopted. The agency's current processes and calendar allow the agency to meet this requirement.

ATTACHMENTS

Resolution #20-5095 For the Purpose of Adopting the Annual Budget for Fiscal Year 2020-21, Making Appropriations and Levying Ad Valorem Taxes

Agenda Item No. 5.1

Ordinance No. 20-1445, For the Purpose of Annexing to the Metro District Boundary
Approximately 17.88 Acres Located at 5602 NE Starr Boulevard in Hillsboro

Ordinances

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 20-1445
METRO DISTRICT BOUNDARY)
APPROXIMATELY 17.88 ACRES LOCATED) Introduced by Chief Operating Officer
AT 5062 NE STARR BOULEVARD IN) Marissa Madrigal with the Concurrence of
HILLSBORO) Council President Lynn Peterson

WHEREAS, Quality Technology Services (QTS) has submitted a complete application for annexation of 17.88 acres in the North Hillsboro Industrial Area of Hillsboro (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added this portion of the North Hillsboro Industrial Area to the UGB, including the territory, by Ordinance No. 05-1070A on November 17, 2005; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on June 11, 2020; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated May 22, 2020, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ___ day of June 2020.

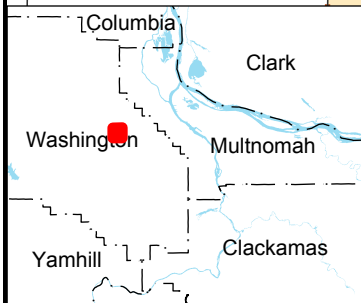
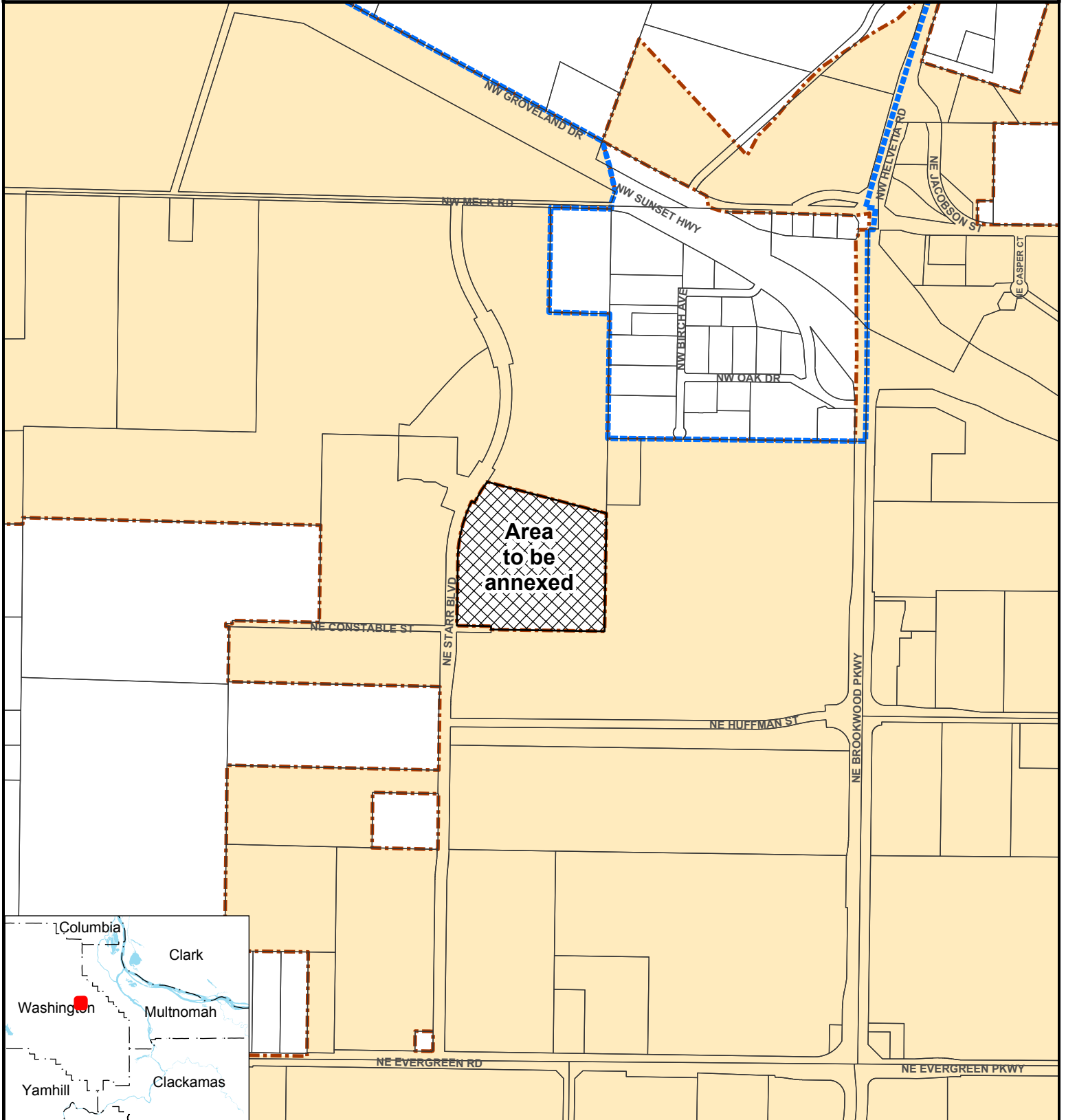
Lynn Peterson, Council President

Attest:




Approved as to form:

Jaye Cromwell, Recording Secretary

Carrie MacLaren, Metro Attorney

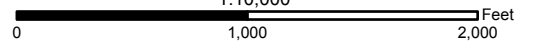


Research Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Taxlots
-  Urban growth boundary
-  Metro District Boundary



1:10,000



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 20-1445, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 17.88 ACRES LOCATED AT 5062 NE STARR BOULEVARD IN HILLSBORO

Date: May 22, 2020

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0220, Annexation to Metro District Boundary

PETITIONER: Quality Technology Services (QTS)
12851 Foster Street
Overland Park, KS 66213

PROPOSAL: The petitioner requests annexation of land in Hillsboro to the Metro District Boundary.

LOCATION: The parcel is located at 5062 NE Starr Boulevard and is approximately 17.88 acres in size and can be seen in Attachment 1.

ZONING: The property is zoned for industrial use (I-S) by Hillsboro.

The parcel was added to the urban growth boundary (UGB) in 2005 and is part of the North Hillsboro Industrial Area Plan District. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The parcel was brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A. Thus the affected territory is within the UGB.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 05-1070A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 also requires that new urban areas be

annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development-20 Acres (FD-20) designation to all the land included in Ordinance No. 05-1070A to prevent premature urbanization of the expansion area prior to the completion of the comprehensive planning of the area and annexation to the City of Hillsboro. The subject property is in the process of annexing to the City of Hillsboro and Clean Water Services. Thus the affected territory is subject to measures that prevent urbanization until the territory is annexed to the City.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The subject parcel proposed for annexation is part of Hillsboro's Evergreen Area Industrial Plan adopted by the City of Hillsboro in 2008. The Evergreen Area Industrial Plan area was incorporated into the North Hillsboro Industrial Area Plan District. The proposed annexation is consistent with these two plans and the Urban Planning Area Agreement between Washington County and the City of Hillsboro adopted in 2017. Thus the inclusion of the affected territory within the Metro District is consistent with all applicable plans and agreements.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add one parcel totaling approximately 17.88 acres to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the North Hillsboro Industrial Area Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

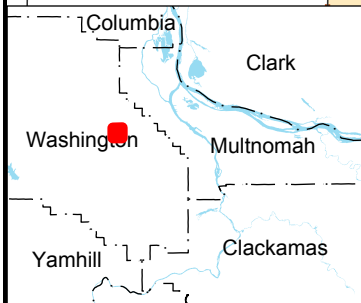
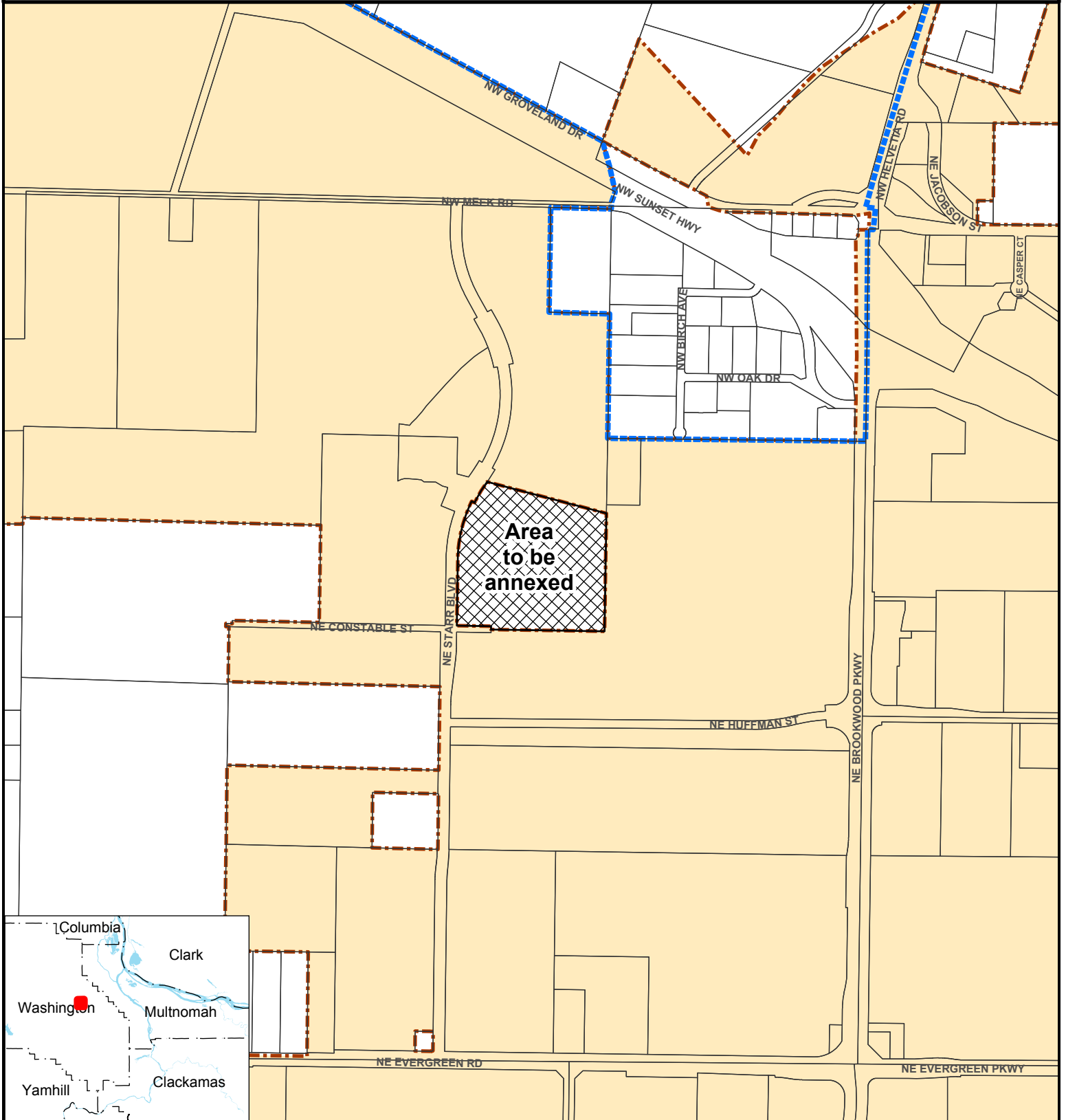
Staff recommends adoption of Ordinance No. 20-1445.

Attachment 1 Proposal No. AN 0220

1N2W21

Annexation to the Metro District Boundary

Washington County

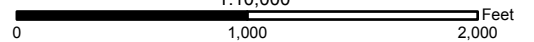


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- Taxlots
- Urban growth boundary
- Metro District Boundary



1:10,000



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Agenda Item No. 6.1

Ordinance No. 20-1444, For the Purpose of Annexing to the Metro Boundary
Approximately 19.9 Acres Located Along SW Taylor Lane in Tigard

Ordinances

Metro Council Meeting
Thursday, June 11, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 20-1444
METRO DISTRICT BOUNDARY)
APPROXIMATELY 19.9 ACRES LOCATED) Introduced by Chief Operating Officer
ALONG SW TAYLOR LANE IN TIGARD) Marissa Madrigal with the Concurrence of
) Council President Lynn Peterson

WHEREAS, the Tigard-Tualatin School District has submitted a complete application for annexation of 19.9 acres in the River Terrace area of Tigard (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the River Terrace area to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on May 21, 2020; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated May 1, 2020, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ___ day of June 2020.

Lynn Peterson, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

Carrie MacLaren, Metro Attorney

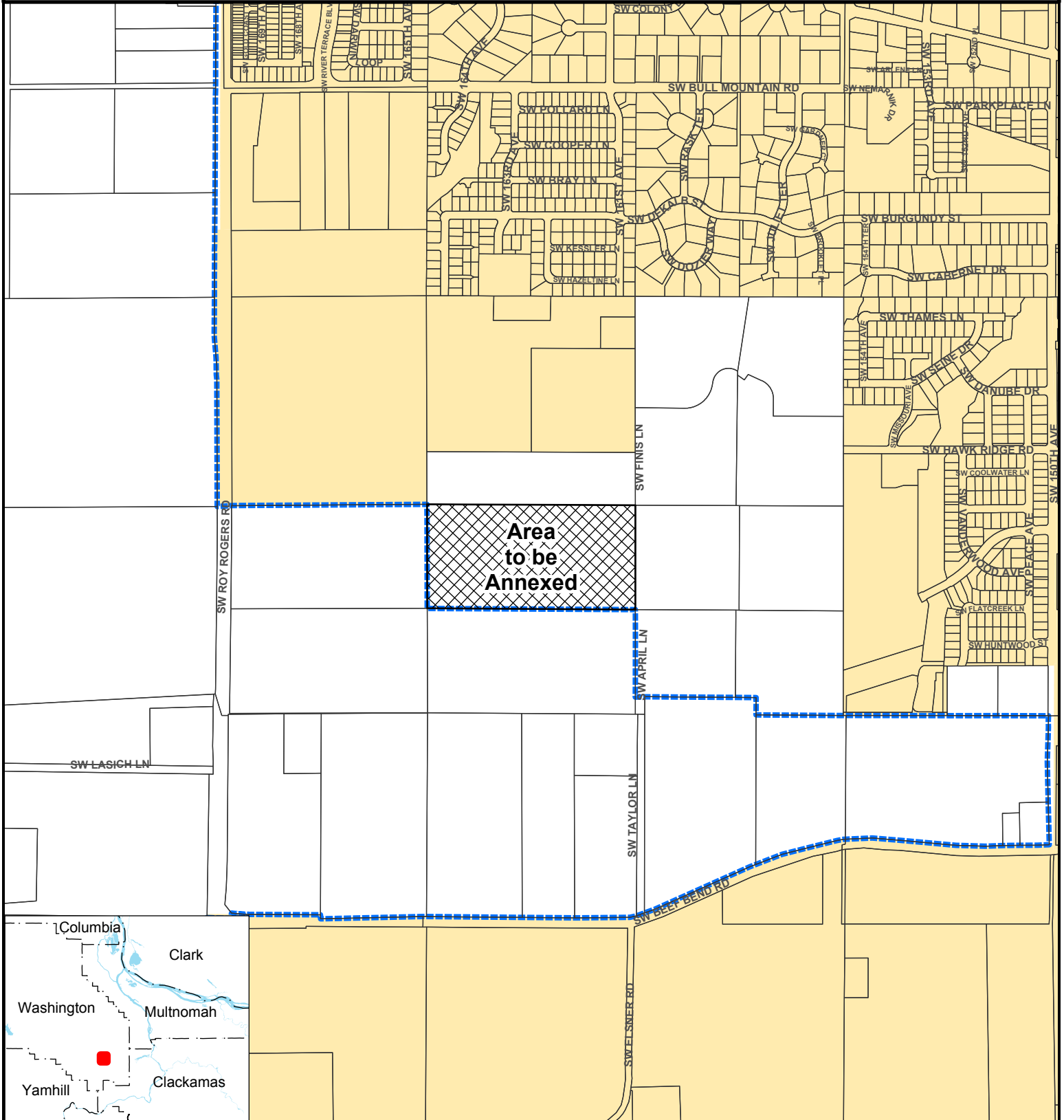
Exhibit A

Proposal No. AN 0120

2S1W08

Annexation to the Metro District Boundary

Washington County



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- Taxlots
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1:10,000

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 20-1444, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 19.9 ACRES LOCATED ALONG SW TAYLOR LANE IN TIGARD

Date: May 1, 2020

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0120, Annexation to Metro District Boundary

PETITIONER: Tigard-Tualatin School District
6960 SW Sandburg Street
Tigard, OR 97223

PROPOSAL: The petitioner requests annexation of land in Tigard to the Metro District Boundary.

LOCATION: The parcel is located along SW Taylor Lane and is approximately 19.9 acres in size and can be seen in Attachment 1.

ZONING: The properties are zoned for residential use (R-7) by Tigard. A conditional use permit has been approved by the City of Tigard to allow for an institutional use.

The parcel was added to the urban growth boundary (UGB) in 2002 and is part of the River Terrace Community Plan area of Tigard. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B. Thus the affected territory is within the UGB.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to the expansion area. The subject property was annexed to Tigard in January 2013 and the River Terrace Community Plan was adopted in 2014. The property was annexed to Clean Water Services in 2019. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The parcel proposed for annexation is part of Tigard's River Terrace Community Plan Area, adopted by the City of Tigard in 2014. The proposed annexation is consistent with the community plan and is required by Tigard as part of a land use application. The inclusion of the property within the Metro District is consistent with applicable cooperative urban service agreements.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add one parcel totaling approximately 19.9 acres to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the River Terrace Community Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

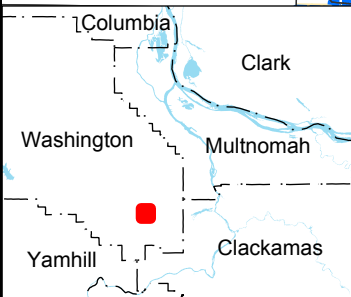
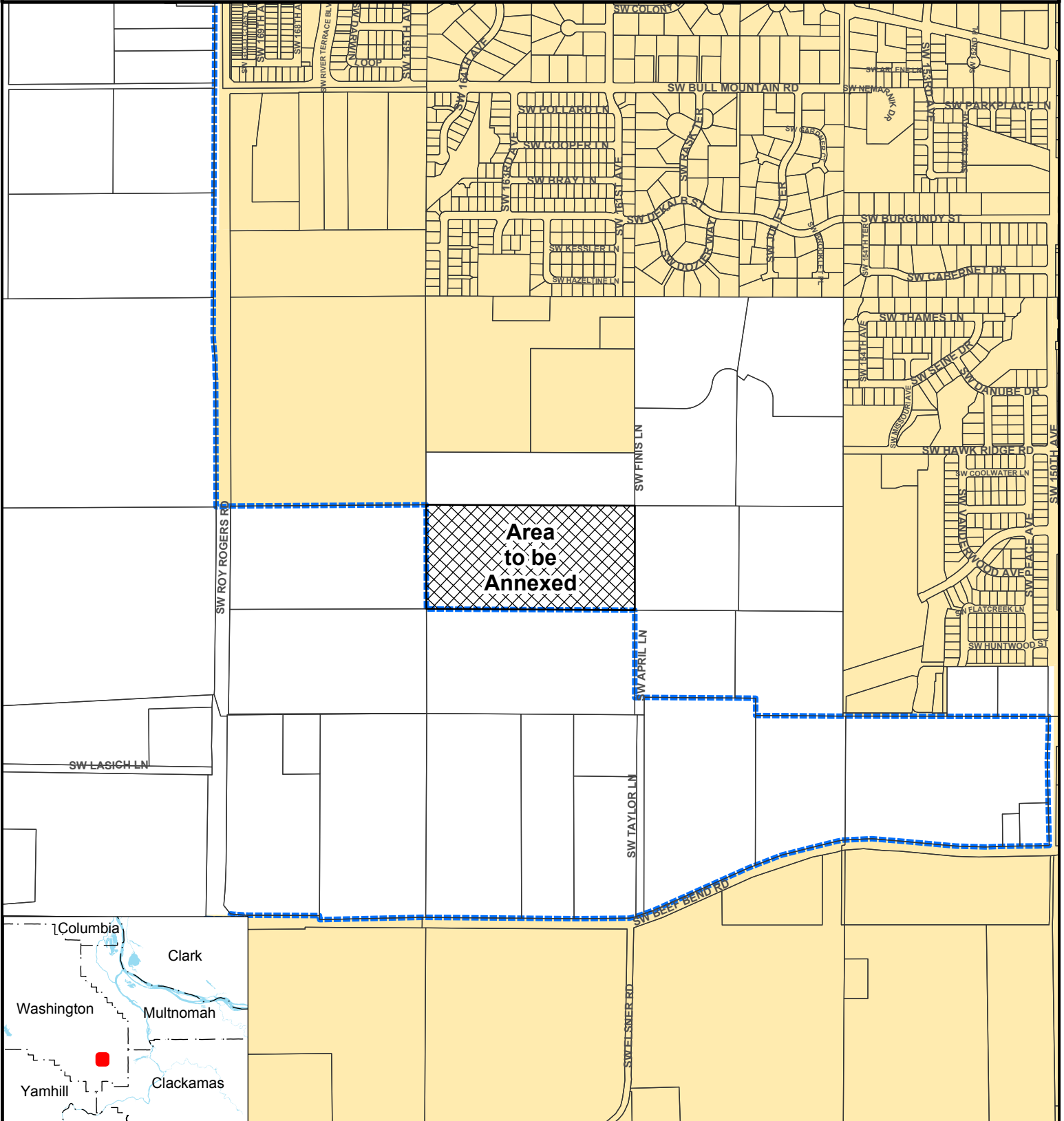
Staff recommends adoption of Ordinance No. 20-1444.

Attachment 1 Proposal No. AN 0120




2S1W08

Annexation to the Metro District Boundary

Washington County

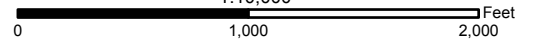


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Materials following this page were distributed at the meeting.

3, June 2020

Dear Legislators, Decision Makers, and Fellow Change Makers who I have included as witnesses of this testimony,

My name is Marielle Eaton and I have been a resident of Portland for 17 years. I have done many forms of activism and community care; I have been a childcare provider for over 6 years, a direct service advocate with Portland State University for survivors of sexual and relationship violence, a prevention advocate for Illuminate PSU, an advocate for Call to Safety both on the crisis line and as a direct hospital response advocate, a volunteer advocate for Raphael House, and a residential advocate for Transitions Projects in shelter. I have been involved in numerous other efforts and actions over the years, and I have been on the streets of Portland at protests for many efforts for the last 15 years. All of the efforts I have been involved in have addressed conditions that have disproportionately effected People of Color, notably people who are indigenous and people who have immigrated here, people who hold queer identities, people with disabilities, people with cognitive and physical differences, people who are unhoused, and women in our communities.

Many communities are already well versed in handling situations without cop involvement. Most advocates from organizations across Portland avoid police entirely. Police officers usually only cause more disruption, trauma, and violence in our experiences. At the shelter I work at, most of my coworkers won't even talk to cops if they show up. They have had loved ones killed by cops. Our participants don't want to see cops because they've been arrested and profiled simply for living as a person who is unhoused. They have been violated and mistreated and abused by cops.

At Call to Safety and at Portland State University, when I was a hospital response advocate and would arrive to support survivors, one of the biggest jobs I had was to shield survivors from abusive questioning by cops and their continual lack of trauma informed care.

In one example, I arrived at the court house to support a survivor of color who was about to give testimony against her rapist. It was one of the most stressful events she had ever faced. Two cops who had responded to the scene were also there to give testimony. These were two white police officer men. The four of us sat in close quarters. The survivor was quiet and mentally preparing for what was about to occur. The two men began chatting with each other loudly. They were discussing a dog one of them had just gotten and they began laughing about how you had to "break" the dog to make it obey. They continued about how you would go about "breaking" they dog and forcing it to obey. I was put in a very uncomfortable position because I knew that if I confronted them directly it could cause more

tension for the survivor to have to deal with. Having three white people having an argument in front of a survivor of color was not my goal. I waited to a short pause in their conversation to look at the survivor and say “are you enjoying the silence that is going on right now and would you like it to continue?” She said “yes, absolutely” with enthusiasm. I looked into the eyes of both police officers who remained quiet for the duration of the event. My unpaid volunteer job should not have included redirecting the behavior of these officers.

I have acted as a citizen advocate in unofficial capacities in Portland on numerous occasions. As someone who rides the bus exclusively, I have come across many situations by chance where sweeps are occurring against people who are unhoused or situations where people who are dealing with mental health emergencies are facing stringent treatment by police officers. I will intentionally ignore the officers and speak with the person being treated poorly by them, because I have found more often than not officers intend to speak over and not with the people they are working with. At best they act like parents and at worst they act like authoritarian and violent overlords. I have diffused many situations with this tactic.

Now, I will admit I didn't start off on the right foot with police officers. I remember being strip-searched by a cop at my junior high in Arvada Colorado because I had gone out of the lunch-time boundaries on the side of the school and she thought one of just may have had drugs (we didn't). She quietly said to me “you are never going to amount to anything.” I was a wily fourteen year old child who was battling PTSD from being sexually assaulted on multiple occasions. Trauma informed care wasn't something that was discussed back then. Having been raised in the county that the Columbine shootings happened, I directly experienced what happens when authoritarian policing is directed at youth who don't fit in and who are acting out their trauma in ways that are seen as justification for harsh and punitive treatment.

I am as white as it gets. I am white, blonde, and blue eyed. The stakes are incredibly low for me. I began to see this when my friends were being followed around stores and I wasn't. I saw the way that my black and brown friends were treated by security guards. I saw the way that microaggressions manifested and I saw what it did to family members of theirs who were incarcerated for marijuana at rates I wasn't seeing with my white friends.

And I've seen the incredibly disturbing community gestures. After the 2017 murder of Ricky John Best and Taliesin Myrddin Namkai-Meche, and the near fatal stabbing of Micah David-Cole Fletcher at the hands of Jeremy Christian on the max, I attended the vigil. The city was shaken. We mourned together. We wrote in chalk on the walls leading up the Hollywood Max Station. I wrote “Remember Mulugeta Seraw” because I was afraid much of Portland forgot or wasn't aware of our

city's racist and vile history. We reacted, additionally, to the fact that it took so long for police to arrest Christian, as he paced around with a knife. We reacted to how long they spent on de-escalation tactics that communities of color have been calling for; for decades upon decades upon decades. Portland Police, that day, truly showed us that they are capable of de-escalation but also they showed us that they clearly choose not to in cases where they have murdered unarmed black men and boys in our very streets.

The next day after the vigil, I headed to go nanny for a family I've worked with for six years. I thought about what I would say to them about the event, what words I could put together, especially for the older child who was around eight at the time. While I contemplated this, I headed towards the station to see the work of commemoration from my community.

To my utter shock and horror I arrived to a table set up by the Portland Police with two officers present. They were handing out donuts to passersby with large smiles on their faces. I felt like I may have walked up asleep to this scene, that perhaps I was dreaming. I wasn't. The Portland Police Department honestly thought that handing out donuts in front of a memorial was the correct response to one of the largest tragedies Portland had seen in recent history. I voiced my complaint to the officers and voiced my complaint by phone to the department. Apparently I wasn't the only one appalled by this empty and careless gesture and they quickly packed up and left.

I've seen the billboards that have tokenized cops of color around our city, trying to convince us that cops are just like us and that we should trust them because they said we should. This trust has not been earned.

On another occasion, when I was working at my friend's store in the SE Industrial district, a woman stole a garment from the store and ran on our opening day. Someone else called the cops in the time that I had followed her to attempt to speak with her directly. I felt a police presence was unnecessary. In my own engagement with residents in the neighborhood, who lived in the houseless camp by the store, I learned that this was a person who had been 86ed from the neighborhood. I found her attempting to defecate and light the building on fire, it was clear she was struggling with mental health needs that weren't being met. I talked to her and she returned the garment to me. An officer showed up who began trying to get a hold of the situation that I felt was already being well handled through the community. He began to physically advance on her, suddenly I watched him notice that someone had begun filming the situation and he backed off and let her walk away. He stared for a bit and said that if she came back we should call him. I remember the pain in my gut that I felt when he quietly said to me, clearly misunderstanding who I was and what I stand for, "yeah, I would've done more but someone was filming me."

You see, the cameras in our pockets are the only defense we seem to have had against instances of police violence up until now. But not anymore. As we have seen between 10-15 thousand people are willing to leave their house during a pandemic, even previously silent white residents of this town are done. Far more are unable to leave their houses, like myself, because of autoimmune disorders, but they are engaged nonetheless. We hope their momentum continues, but that is a different issue altogether. The Black Resilience Fund has raised an unbelievable amount of money for our black community because we know that it's time that Portland takes care of the people it has disenfranchised and traumatized for far too long.

We. Are. Done.

The Portland Police Department released a statement this spring that budget hearings concluded that they didn't have enough funding for body cameras for their officers. How much money, Police Commissioner Ted Wheeler, do your violent riot munitions cost? How much did the flash grenade that stuck my hip and left a permanent scar cost? A group of us calmly confronted police officers in front of the Nines Hotel on January 20th 2017 after we watched them allow a Trump supporter who had brandished his weapon at a group of protesters hide behind them. We watched multiple officers pat him on the back and smile. I have a lot of de-escalation training. I am cool as a cucumber.

The marches that night were entirely peaceful, I was witness to it all. But Police Commissioner slash Mayor Wheeler fully intended to cease the protests so that the streets could be clear and polite for the Women's March the following day where they were to take photos of themselves wearing pussy hats, a perfect publicity campaign. A group of us attempted to tell the officers what happened and tell them that he had a gun and had brandished that gun in front of the group of us. We had walked the man back calmly until he hid behind the officers, we had been telling him to leave the area. After talking to the man they concluded that since the man was Navy and had a gun license they wouldn't do anything. We challenged this and I began calling the officers by name, they began entirely ignoring us. They chose to believe a man who brought and brandished a gun to a protest, a man who brought Trump sign and an American flag to a protest, a man who admitted to taking out his gun, over us. They began pushing us back roughly with their batons. They beat at least two to the ground, events that I directly witnessed. After about forty feet of being pushed back, I continued to call each officer by name "Officer ____ is that man gone? Officer ____ is anything going to happen to that man who waved a gun at us?" Repeatedly I asked each officer and was ignored. They pushed and pushed and ignored. Eventually an officer nodded yes that the man was gone and no that nothing would happen with him. I stood there, tears streaming down my face, in disbelief. While I had known what PPD was capable of and how they treated bodies of color, people who were unhoused, and protesters, this was the first time

I had seen them aid and abet a man who threatened a crowd with a gun. I had seen them rip protest signs out of the hands of protesters, claiming it was a weapon, but they allowed a man who brandished a deadly weapon go home free of charge and even pat his back with a smile.

Suddenly there were the loud pops of flash grenades and one stuck my hip directly. I was so full of sadness, anger and adrenaline that I didn't fully feel it for a few seconds. I was in shock and despair. I hobbled back out of the line of fire and began talking to a man who had recently moved to Portland from Atlanta. He said that as a black man even he was shocked about what he was witnessing. We both cried and hugged, an entire stranger just wanted to hug and mourn about what this new presidency would bring and what this police force would do to anyone who meant to dissent. This isn't the first time I have been told how alienated people of color feel in this city. I've heard it hundreds of people who grew up here or moved here. People who have constantly had violence perpetrated against them, lost loved ones at the hands of police, have had cops called on them from racist neighbors, have been followed, harassed, pulled over, abused, arrested, and have faced the daily microaggressions and macroaggressions from the supposedly liberal inhabitants of this city.

After realizing that the cops would inflict violence until everyone left, I decided to make my way home. Only to find that we were boxed in at all sides, clearly it wasn't only their goal to make us leave- but it was also their goal to harm us. I hobbled down the street searing with pain and was again shot at with rubber bullets from a line of cops that approached down another street. Eventually I made it past and walked all the way home. I barely remember that hour of walking because I was so deeply in shock.

I still carry the small scar on my hip from the flash grenade, it limited my mobility for around a year as it healed. I have had rubber bullet welts take that long to heal as well, they bruise to the bone. I have a trauma based response to even seeing flash grenades go off, smelling the smell of rubber bullets being deployed, and tasting tear gas. You are causing trauma on your community again and again. While rubber is in the name, they mostly consist of metal. Flash grenades are explosive devices. Tear gas is poison. These are not harmless weapons. I have had friends like Nate Cohen testify, from the perspective of someone familiar with EMT work and military grade weapons, that these are weapons that are not appropriate to be deployed on anybody. As we have seen this week, nothing has changed since 2017. We are still seeing the police react in this militarized fashion today.

You can find Nate Cohen's 2018 collection of testimonies on the effects of these munitions here <https://s3.amazonaws.com/arc-wordpress-client-uploads/wweek/wp-content/uploads/2018/08/30130553/Defense-Tech-Brief-6.pdf> . My testimony is on page 17 of this brief.

You can also watch his testimony at this link

<https://www.youtube.com/watch?v=HrzyCcKXB7E&feature=youtu.be&t=23m57s> .

I have more stories to tell about large and small interactions with police officers, but I hope that a novel isn't required for my testimony. We have watched police from all angles in this city and we have only concluded that we need major reform now. We are no longer asking that you listen to the demands that are being made against you by our leaders of color, we demand that you respond immediately with your plans, and we demand to see major moves towards change. We demand that you make your police accountability meetings far more accessible, we know that you make these intentionally inconvenient to testify at. We demand that you make your public comment form on your website far more accessible as well, this is also clearly intentionally hard to access.

I'll conclude with this. We have seen from studies conducted through research bodies like Pew, that most white police officers believe that racism is an issue that has already been solved. A staggering 92% of them; as compared with 29% of black officers, 57% of white non-officers, and 12% of black non-officers. The truth is that police officers do not represent the people. We do not carry the same values or beliefs and we do not carry the same methods towards safe and healthy communities. Until the proper reforms are in place, we will continue to fight for the defunding of your weapons and the avoidance of your services in our communities.

Thank you,

Marielle "Ellie" Eaton

Ps. please share this testimony with others not represented in this email. I could only email those who provided their email in an accessible location and many officials only have contact forms with severely limited character restrictions. I would especially like this sent to Earl Blumenauer, Jeff Merkley, and police chief Jami Resch. Thank you.

Thank you, Council President, and members of the Council,

For the record, my name is Iden Campbell.

On Memorial Day our country erupted into civil unrest after the murder of George Floyd and 401 years of systemic racism and oppression. What most people don't know is that a few days later a Black trans man by the name of Tony McDade was murdered in Tallahassee on May 27th.

Tony McDade isn't just another name on a long list of Black Lives lost to police violence and unfortunately, he may not be the last until our society becomes willing to look into the eyes of racism and systemic oppression. Black trans lives haven't mattered within the larger framework of #BlackLivesMatter especially during the last decade of civil unrest around the murders of Black people.

What can we do to change that? We must be willing to invest in all Black lives from the cradle to the grave. Including, but not limited to parenting education, early childhood education, trauma-informed care from early childhood, safe housing, dismantling the capitalist system that creates food deserts in communities of color, and investing in trade schools and disbanding the current system of higher education loans.

But, most importantly investing in our young trans kids by promoting HOPE, COMPASSION, and safe and equitable communities.

Thank you for your time today.

Iden Campbell

Program Director

Basic Rights Oregon | Basic Rights Education Fund

(Pronouns: He/Him/They/Them)

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C: 360.591.3278

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