



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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Thursday, July 18, 2024

10:30 AM

<https://zoom.us/j/615079992> Webinar ID:

615 079 992 or 888-475-4499 (toll free)

[https://www.youtube.com/watch?](https://www.youtube.com/watch?v=MbyqaO1VpNM&list=PLbB2faWWqJxGAOgOHIX1Wdw4NNSBfpYH-&index=7)

[v=MbyqaO1VpNM&list=PLbB2faWWqJxGAO](https://www.youtube.com/watch?v=MbyqaO1VpNM&list=PLbB2faWWqJxGAOgOHIX1Wdw4NNSBfpYH-&index=7)

[gOHIX1Wdw4NNSBfpYH-&index=7](https://www.youtube.com/watch?v=MbyqaO1VpNM&list=PLbB2faWWqJxGAOgOHIX1Wdw4NNSBfpYH-&index=7)

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### 1. Call to Order and Roll Call

### 2. Public Communication

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### 3. Consent Agenda

- 3.1 Consideration of the June 6, 2024 Council Meeting Minutes

**24-6110**

Attachments: 060624c Minutes



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## Metro 的不歧視公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

## Ogeysiiska takooris la'aanta ee Metro

Metro waxay xirtaaamtaa xuquuqda madaniga. Si aad u heshiid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshiid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullaan dadweynye, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalamo shaqo ka hoo kullanka si loo tixgaliso codsashadaada.

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**សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro**

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro  
ឬដើម្បីទទួលពាក្យបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ  
[www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។

បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គ

ប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច  
ថ្ងៃធ្វើការ) ជ្រាបពីវិធី  
ថ្ងៃធ្វើការ មន្ត្រីប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

اشعار بعدم التمييز من Metro

تحتترم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً بالهاتف (503-797-1700 من الساعة 8 صباحاً حتى الساعة 5 مساءً، الأثنين إلى الجمعة) على خمسة (5) أيدٍ عمل من موعِد الاجتماع.

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Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahalilingan.

### Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

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**Metro txoj kev ntxub ntxaug daim ntawv ceeb toom**

Metro tributes caí. 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](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntui weekdays). 5 hnub ua hauj lwm ua ntei ntawm lub rooi sib txam.

**Consideration of the June 6, 2024 Council Meeting Minutes**  
*Consent*

Metro Council Meeting  
Thursday July 18th, 2024

# Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)



Metro

## Minutes

Thursday, June 6, 2024

10:30 AM

Metro Regional Center, Council Chamber,  
<https://zoom.us/j/615079992> Webinar ID: 615 079 992 or  
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H-&index=7  
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**1. Call to Order and Roll Call**

**Present:** 6 - Council President Lynn Peterson, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, Councilor Gerritt Rosenthal, and Councilor Duncan Hwang

**Excused:** 1 - Councilor Ashton Simpson

**2. Public Communication**

Council President Peterson opened the meeting to members of the public wanting to testify on a non-agenda items.

There were none.

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting. Testimony on non-agenda items will be taken at the beginning of the meeting. Testimony on agenda items generally will take place during that item, after staff presents, but also may be taken at the beginning of the meeting.

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### **3. Presentations**

#### **3.1 Presentation of Financial Policies with emphasis on renewal and replacement**

Attachments: [Renewal-replacement-audit-highlights-may-2024 Staff Report](#)

Council President Peterson introduced Auditor Brian Evans (he/him), Metro, and Angela Owens (she/her), Metro, to present Financial Policies with emphasis on renewal and replacement.

Presenters outlined financial policies with a focus on renewal and replacement, emphasizing transparency and accountability. Presenters discussed scenarios to assess future resource adequacy, highlighting the importance of prioritizing renewal and replacement. They identified inconsistencies in current practices and recommended improvements, such as finalizing asset management strategies, aligning financial policies, and enhancing reporting and data standards. The audit included ten recommendations to strengthen decision-making and ensure adequate funding for long-term asset requirements. Council President Peterson introduced Andrew Scott (he/him), Deputy COO, Metro, to give the management response to the financial policy recommendations. He expressed support for their recommendation and provided additional context for the asset management strategy.

#### *Council Discussion*

Councilor Hwang inquired about venue reserves policies, and presenters described the reserve policies that each venue must balance their financial needs.

Councilor Rosenthal asked how the MERC commission will be included in these discussions, and presenters offered to make a presentation of their findings to MERC as well if they are interested in it.

Councilor Lewis pointed out the lack of collaborative skill building and training mentioned in the report, and presenters described some of the ways the asset management team's programs that cover this area.

Seeing no further discussion, Council President Peterson moved on to the next agenda item.



**4. Resolutions**

- 4.1 **Resolution No. 24-5412** For the Purpose of Adding Two new ODOT Managed Projects to the 2024-27 MTIP to Meet Federal Transportation Project Delivery Requirements

Attachments: [Resolution No. 24-5412](#)  
[Exhibit A](#)  
[Staff Report](#)

Council President Peterson called on Chris Ford, ODOT, and Dwight Brashear, SMART, to present to Council.

Staff pulled up the Resolution No. 24-5412 For the Purpose of Adding Two new ODOT Managed Projects to the 2024-27 MTIP to Meet Federal Transportation Project Delivery Requirements PowerPoint to present to Council.

Presenters described the addition of two new ODOT-managed projects to the 2023-2026 MTIP to meet Federal transportation requirements, focusing on a complete street upgrade and a new bus-on-shoulder lane on I-5. Presenters emphasized the projects' alignment with climate and safety initiatives. They explained the bus-on-shoulder concept, its benefits, and successful pilot programs, highlighting improved transit reliability and on-time performance. They also discussed the funding and partnership details, aiming to enhance transit efficiency and reduce congestion in the Metro Portland area.

*Council Discussion:*

Councilor Rosenthal asked about potential changes to certain bus routes in Tualatin, and presenters described the various requests they are juggling to produce the most ideal routes.

Councilor Hwang inquired about funding and presenters gave additional context on the funding for this project.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

**A motion was made by Councilor Rosenthal, seconded by Councilor Lewis, that this item be adopted. The motion passed by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

## **5. Ordinances (First Reading and Public Hearing)**

5.1 **Ordinance No. 24-1514** For the Purpose of Amending Metro Code Chapter 7.05 (Income Tax Administration) Regarding Income Tax Confidentiality Provisions

Attachments: [Ordinance No. 24-1514](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Staff Report](#)

Council President Peterson called on Justin Laubscher (he/him), Tax Compliance Program Manager, Metro, to present to Council.

Staff pulled up the Ordinance No. 24-1514 For the Purpose of Amending Metro Code Chapter 7.05 (Income Tax Administration) Regarding Income Tax Confidentiality Provisions PowerPoint to present to Council.

The presenter detailed updates to two code sections regarding tax return confidentiality and disclosure provisions to fund the Supportive Housing Services Program. He explained that a recent district attorney ruling and subsequent state legislation prompted these updates.

The new bill exempts local income tax information from public records requests, aligning local confidentiality requirements with state standards. Metro staff proposed updating its income tax code to mirror state statutory language, ensuring consistency and clarity in handling taxpayer information. This alignment aims to minimize public records disputes and reassure taxpayers of confidentiality standards similar to those of the state Department of Revenue.

*Council Discussion:*

Councilor Hwang asked if there have ever been public records requests about specific tax information, and presenters explained they do not divulge individual tax records.

**5.1.1 Public Hearing for Ordinance No. 24-1514**

Council President Peterson opened the meeting to members of the public wanting to testify on Ordinance No. 24-1514.

There were none.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

**6. Other Business**

**6.1 FY 2024-25 Budget - Vote on Budget Amendments and Notes**

Attachments: [Staff Report](#)  
[Attachment 1](#)

**6.1.1 Public Hearing for FY 2024-25 Budget Vote**

Council President Peterson opened the meeting to members of the public wanting to testify on FY 2024-25 Budget - Vote on Budget Amendments and Notes.

There were none.

Seeing no further discussion, Council President Peterson

moved on to the next topic.

6.2 Vote to Include Departmental Budget Amendments in the FY 2024-25 Budget

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

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.3 Vote to Include Budget Note #1 in the FY 2024-25 Budget

**A motion was made by Councilor Lewis, seconded by Councilor Gonzalez, that this was adopted.. The motion carried by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.4 Vote to Include Budget Amendment #637 in the FY 2024-25 Budget

**A motion was made by Councilor Hwang, seconded by Councilor Gonzalez, that this was adopted.. The motion carried by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.5 Vote to Include Budget Amendment #638 in the FY 2024-25 Budget

**A motion was made by Councilor Gonzalez, seconded by Councilor Rosenthal, that this was adopted.. The motion carried by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.6 Vote to Include Budget Amendment #639 in the FY 2024-25 Budget

**A motion was made by Councilor Lewis, seconded by Councilor Gonzalez, that this was adopted.. The motion carried by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.7 Vote to Include Budget Amendment #640 in the FY 2024-25 Budget

**A motion was made by Councilor Hwang, seconded by Councilor Lewis, that this was adopted.. The motion carried by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

6.8 Vote to Include Budget Amendment #642 in the FY 2024-25 Budget

Councilor Gonzalez and Councilor Lewis detailed the changes made to this budget amendment.

Councilor Nolan asked if organizations applying for these funds must meet every qualification to apply, or just that they must meet one of them to be eligible. Councilor Lewis confirmed that it is an inclusive list, so anyone who meets one qualification is eligible.

Councilor Hwang requested clarification on the language of the amendment, whether for-profit businesses qualify or if it is for non-profit only, and Councilor Lewis explained that they can be technically included but that emphasis will be on

community-based and non-profit applicants.

Councilor Rosenthal expressed concern over the details of this amendment, like where the money is going and how it is going to them. Councilor Lewis clarified the process for establishing those details, and that this amendment is for an earlier portion of the process.

Councilor Nolan asked if the numbers discussed were from the total operating fund reserve or the Regional System Fee Fund, and presenters explained the way the finances are separated and allocated from the WPES budget.

Councilor Gonzalez clarified further the purpose of this amendment and thanked collaborators and staff for their work on it.

Councilor Hwang asked why funding is coming from reserves rather than other areas, and presenters described the reasoning behind the funding mechanisms and decisions.

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

**Aye:** 5 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Hwang

**Nay:** 1 - Councilor Rosenthal

**Excused:** 1 - Councilor Simpson

## **7. Chief Operating Officer Communication**

Marissa Madrigal provided an update on the following events or items:

- Promoted the Zoo Brew event this weekend

## **8. Councilor Communication**

Councilors provided updates on the following meetings and events:

- Councilor Gonzalez reported on the roundtable of the Joint Committee on Transportation that happened on

Tuesday with a variety of leaders to discuss things like revenue reform and investment priorities.

- Councilor Lewis thanked Metro senior staff who came to the Gladstone mixer and put the event together. She also reported on the Sunrise Corridor Steer Committee meeting.
- Councilor Rosenthal reported on the MERC commission meeting, noting that revenue numbers have been positive.

## 9. Adjourn

There being no further business, Council President Peterson adjourned the Metro Council Meeting at 12:26 p.m.

Respectfully submitted,

*Sam Hart*

Sam Hart, Legislative Assistant

**Consideration of the June 20, 2024 Council  
Meeting Minutes**  
*Consent*

Metro Council Meeting  
Thursday, July 18, 2024



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**Excused:** 1 - Councilor Ashton Simpson

**2. Public Communication**

Council President Peterson opened the meeting to members of the public wanting to testify on a non-agenda items.

There were none.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting. Testimony on non-agenda items will be taken at the beginning of the meeting. Testimony on agenda items generally will take place during that item, after staff presents, but also may be taken at the beginning of the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 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](mailto:legislativecoordinator@oregonmetro.gov). Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber.

Those requesting to comment virtually during the meeting can do so by joining the meeting using this link: <https://zoom.us/j/615079992> (Webinar ID: 615079992) or 888-475-4499 (toll free) and using the “Raise Hand” feature in Zoom or emailing the legislative coordinator at [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Individuals will have three minutes to testify unless otherwise stated at the meeting.

### 3. Consent Agenda

**A motion was made by Councilor Lewis, seconded by Councilor Gonzalez, to adopt items on the consent agenda. A motion was made that these files be failed by a consent vote.**

**Excused:** 1 - Councilor Simpson

#### 3.1 Consideration of the May 2, 2024 Council Meeting Minutes

Attachments: [050224c Minutes](#)

#### 3.2 Consideration of the May 9, 2024 Council Meeting Minutes

Attachments: [050924c Minutes](#)

3.3 Consideration of the May 23, 2024 Council Meeting Minutes

Attachments: [052324c Minutes](#)

**4. Resolutions**

- 4.1 **Resolution No. 24-5407** For the Purpose of Amending the FY 2023-24 Budget and Appropriations Schedule and FY 2023-24 Through FY 2027-28 Capital Improvement Plan to Provide Changes in Operations by Supplemental Budget

Attachments: [Resolution No. 24-5407](#)  
[Exhibit A](#)  
[Staff Report](#)  
[Attachment 1-4](#)  
[Attachment 5](#)

Council President Peterson called Robin Briggs, Finance Manager, Metro and Rachael Lembo, Finance Manager, Metro to present to Council.

Staff pulled up the Resolution No. 24-5407 For the Purpose of Amending the FY 2023-24 Budget and Appropriations Schedule and FY 2023-24 Through FY 2027-28 Capital Improvement Plan to Provide Changes in Operations PowerPoint to present to Council.

Presenters outlined the final supplemental budget amendment of FY 2024. This amendment includes fund-level appropriation changes and capital improvement plan amendments. Key points discussed were the Parks and Nature operating fund's increase due to grant funding and higher-than-expected golf course revenues, and adjustments for County SHS expenditures to align with updated county budgets and revenue forecasts. The amendment also addressed capital fund changes, including increased funding for the MRC plaza waterproofing project and adjustments in

waste prevention and environmental services projects to address health and safety needs. Additionally, there were changes to the Portland's capital projects' timing and a correction to a previous amendment regarding the Oregon Convention Center.

*Council Discussion:*

President Peterson inquired for more detail on why the Plaza project budget is being increased, and presenters explained some planter box leaking issues and the consequences.

Councilor Lewis asked for more detail on the Push Wall repair project costs, and presenters provided it.

Councilor Rosenthal was curious about the SHS estimates, and presenters explained that they estimated high for this budget amendment.

Councilor Nolan asked if the P5 projects costs will be reimbursed by the City, and presenters explained that Metro manages the City's funds for this project so reimbursement is not necessary.

Councilor Hwang inquired about the SHS revenue estimate and forecast, and what could be done to make the estimate more reliable. Presenters described the timeline of this process and how they are improving their forecasts so this will not be as much of an issue in the future. They also clarified that income taxes are a volatile revenue source, so there will always be a higher range for those estimates.

Councilor Gonzalez requested clarification on where responsibility lies for the Plaza project issues. Presenters offered to send a detailed memo to Councilors outlining this.

**A motion was made by Councilor Rosenthal, seconded by**

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**Councilor Gonzalez, that this item be adopted. The motion passed by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

4.1.1 Public Hearing on Resolution No. 24-5407

Council President Peterson opened the meeting to members of the public wanting to testify on Resolution No. 24-5407.

There were none.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

**5. Ordinances (Second Reading and Vote)**

- 5.1 Ordinance No. 24-1512 For the Purpose of Annexing to the Metro District Approximately 27.85 Acres in Hillsboro North of NE Evergreen Rd Between NW 273rd and NE Sewell Ave

Attachments: [Ordinance No. 24-1512](#)  
[Staff Report to Ordinance No. 24-1512](#)

Council President Peterson stated that the first reading and public hearing for Ordinance No. 24-1512 took place on Thursday, June 13th, 2024.

Council President Peterson called on Glen Hamburg (he/him), Associate Regional Planner, Metro, to answer questions from Council.

There were none.

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

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**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

- 5.2 Ordinance No. 24-1513 For the Purpose of Annexing to the Metro District Approximately 20.66 Acres in Sherwood North and West of SW Brookman Rd

Attachments: [Ordinance No. 24-1513](#)  
[Staff Report to Ordinance No. 24-1513](#)

Council President Peterson stated that the first reading and public hearing for Ordinance No. 24-1513 took place on Thursday, June 13th, 2024.

Council President Peterson called on Glen Hamburg (he/him), Associate Regional Planner, Metro, to answer questions from Council.

There were none.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

**A motion was made by Councilor Rosenthal, seconded by Councilor Lewis, that this item be adopted. The motion passed by the following vote:**

**Aye:** 6 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

**Excused:** 1 - Councilor Simpson

## 6. Chief Operating Officer Communication

Deputy COO Andrew Scott provided an update on the following events or items:

- He reported on the Executive Advisory Committee

meeting for Expo Futures.

**7. Councilor Communication**

Councilors provided updates on the following meetings and events:

- Councilor Lewis reported that last weekend was a Clackamas County retreat to discuss visions for transportation and housing. She also noted that Oregon City Community Enhancement Grants were awarded last week.
- Councilor Gonzalez outlined the topics and outcomes from the JPACT meeting that happened that morning.

**8. Adjourn**

There being no further business, Council President Peterson adjourned the Metro Council Meeting at 11:11 p.m.

Respectfully submitted,

*Sam Hart*

Sam Hart, Legislative Assistant



**Resolution No. 24-5425 For the Purpose of Authorizing an  
Exemption to the Competitive Bidding Procedures and  
Authorizing Procurement of Construction Manager/  
General Contractor Services by Competitive Request for  
Proposals for the Oregon Zoo Entry Plaza and Polar Plaza  
Project**  
*Resolutions*

Metro Council Meeting  
Thursday, July 18, 2024

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 24-5425
EXEMPTION FROM COMPETITIVE BIDDING	)	
AND PROCUREMENT OF CONSTRUCTION	)	Introduced by Chief Operating Officer
MANAGER/GENERAL CONTRACTOR	)	Marissa Madrigal in concurrence with
SERVICES BY COMPETITIVE REQUEST FOR	)	Council President Lynn Peterson
PROPOSALS FOR OREGON ZOO ENTRY	)	
PLAZA AND POLAR PLAZA PROJECT	)	

WHEREAS, Metro intends to upgrade the Oregon Zoo Entry Plaza and Polar Plaza; and

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

WHEREAS, Metro's LCRB Rule 49-0620 authorizes the Metro Contract Review Board to exempt a public improvement contract from competitive bidding and direct the appropriate use of alternative contracting methods that take account of 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(2) and (5)(a), and LCRB Rules 49-0630 through 49-0690 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 the construction of the Oregon Zoo Entry Plaza and Polar Plaza Shelter; and
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 prepare a form of Request for Proposals for CM/GC Contractor services that includes the following evaluation criteria for contractor selection:
  - a. Contractor's proposed fees for pre-construction services; and
  - b. Contractor's proposed overhead and profit for construction services; and
  - c. Contractor's Project understanding and proposed project approach; and

- d. Contractor's record of completion of projects of similar type, scale and complexity, including demonstrated public improvement CM/GC project experience and expertise; and
- e. Contractor's record of coordinating multi-disciplinary approaches to value engineering challenges; and
- f. Contractor's experience with occupied, operational sites, limited staging space and phased construction; and
- g. Contractor's Proposed milestone dates, including but not limited to substantial completion; and
- h. Contractor's demonstrated quality and success with compressed schedules; and
- i. Contractor's Financial capacity; and
- j. Contractor's experience in incorporating sustainability construction practices and design into projects; and
- k. Contractor's demonstrated commitment to workforce diversity and record of use of subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity; and
- l. 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) and (b).

4. Authorizes the Chief Operating Officer to issue said form of Request for Proposals and Contract by the Office of the Metro Attorney following its approval, and thereafter to receive responsive proposals for evaluation; and

5. Authorizes the Chief Operating Officer to execute a CM/GC contract with the most advantageous proposer to construct the Oregon Zoo Entry Plaza and Polar Plaza Shelter following evaluation of the responses to the Request for Proposals.

ADOPTED by the Metro Council acting as the Metro Contract Review Board this 18 day of July 2024.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney

## EXHIBIT A

### **Findings in Support of an Exemption from Competitive Bidding and Authorizing the Procurement by RFP of General Construction Services for Oregon Zoo Entry Plaza and Polar Plaza Shelter Project**

Pursuant to ORS 279C.335(2) and (4), and Metro Code Section 2.04.054(c), the Metro Contract Review Board makes the following findings in support of exempting the procurement of the Oregon Zoo Entry Plaza and Polar Plaza Shelter from competitive bidding, and authorizing use of an RFP solicitation 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 Oregon Zoo Entry Plaza and Polar Plaza Shelter 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 Bid Locker, 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 sub-contractors, 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 Oregon Zoo Entry Plaza and Polar Plaza Shelter 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:** Contracting for the work using the CM/GC “type of contract” resulting substantial cost savings to Metro as set forth in findings 2, 4, 7, 9 and 12. The current rough-order-of-magnitude estimate for the entire project is \$19 million.

## **14 Statutory Factors**

- 1. Number of Entities Available to Bid:** The complex site logistics and uncertainties involved in mobilizing work at the zoo and in Washington Park and work scheduling requirements related to the imperative to continue business on site during construction are likely to discourage bidders from participating in a traditional design-bid-build process. Additionally, these same complex site logistics present elevated risks that further discourage potential bidders. The opportunity to partner with the architecture and engineering team and perform investigative early work prior to agreement on cost is likely to encourage more participation by contractors and subcontractors.
- 2. Construction Budget and Future Operating Costs:** Utilizing an RFP process to select a General Contractor will allow Metro and contractor to work together during pre-construction to control costs 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 ability to have the Contractor do early work prior to completion of design shortens the overall duration of construction, resulting in less disruption and risk to revenue generation for the Oregon Zoo. 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 choices leading to a project having lower long-term operating maintenance and repair costs.

- 3. Public Benefits:** The execution of the project by using the CMGC process, including the ability to perform early work, will allow the schedule to be compressed sufficiently to address current supply chain issues and labor challenges being addressed by the construction industry. In addition to the public benefits from the cost savings noted above, 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. The CMGC process also facilitates the effective implementation of the Regional Workforce Equity Agreement by establishing early and frequent collaboration among the general contractor, subcontractors and Metro. This leads to more seamless, efficient, and successful compliance by contractors and subcontractors with the workforce diversity, apprenticeship, recruitment and retention, anti-harassment, high road and equity contracting requirements of the RWEA, and results in projects being appropriately scoped and budgeted to include the production of these crucial public benefits.
- 4. Value Engineering:** The process will enable the contractor to work with the project engineer and zoo 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 engineers and contractor to work together on both practical and innovative solutions to complex design issues. This type of contract will allow the engineers to more easily explore with the contractor the feasibility of innovative design solutions and incorporate ongoing value engineering.

- 5. Specialized Expertise Required:** In addition to prior experience with complex sites and phased projects, contractor and subcontractors must be able to demonstrate in their proposal that they have worked on complex sites and understand the logistics of traffic control, access, removing demolished materials, and maintaining visitor access to the Zoo during construction. The selection of a contractor with such specialized expertise to construct the project will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on or ahead of schedule, resulting in lower costs and increased benefit to the community. The ability to factor expertise and experience into contractor selection is inherent in the RFP process, but is not part of the traditional low bid process.
- 6. Public Safety:** The work being done at both the zoo entry and polar plaza could impact public safety if not performed with a level of expertise that can be ensured with a qualifications-based selection.
- 7. Reduces Risk to Metro and the Public:** The risks to the zoo'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, rather than awarding the project to the low bidder.
- 8. Exemption's Effect on Funding:** Does not apply.
- 9. Better Control of Impact of Market Conditions on Cost and Time to Complete:** Engaging the contractor during the design and specification process will allow more nimble reaction to the current supply chain and labor shortage issues being experienced by the construction industry. Products under consideration can be evaluated based on availability and lead times. Subcontractors are more likely to bid and commit workforce to General Contractors who can demonstrate that they are already under contract for projects.
- 10. Technical Complexity:** The exemption will allow the Contractor to pre-qualify/select subcontractors that have demonstrated technical expertise, knowledge, and experience with the logistical challenges of demolition and construction on the campus of an operating Zoo, 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 and increased benefit to the community. The RFP process will take into account each contractor's past performance and technical knowledge. Based on the necessary quality of the finished project, and the technical complexity of the undertaking, the Procurement Manager believes an alternative contracting process to be necessary and in the best interest of the agency.
- 11. New Construction, Renovation or Remodel:** The scope of work has the potential to impact the comfort, health and safety of guests, animals and zoo staff. Some of the design limitations and conditions are likely to be unknown until uncovered by exploratory demolition work performed under an early work amendment, which can be performed during design development to inform the design process.

- 12. Occupancy During Construction:** The areas of the zoo surrounding the construction will remain open and in use during the construction period. Improper execution of the work could cause animal, visitor and staff health and safety issues, and/or temporary closure of the zoo.
- 13. Phased Construction Work:** The work must be done while the zoo stays open and must be complete by August of 2026. Contractor integration with Metro and the architecture and engineering team during the preconstruction period to plan the phased work in light of the results of investigative early work is more likely to produce a project that avoids the risk project delays.
- 14. Availability of Personnel, Consultant and Legal Counsel with CM/GC Expertise:** The Office of Metro Attorney and Project Manager 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.
- Can be completed in a faster time frame.
- Costs less than a design-bid-build project that is designed and constructed in the traditional manner.
- 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 benefits to the 2008 Oregon Zoo Bond projects achieved through the CM/GC process include:

- Zoo obtained 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.
- Close cooperation between the architect and contractor allowed for rapid and successful solutions to challenges proposed by prior unknown conditions.
- The bond program provided opportunities for minority-owned enterprises, women-owned enterprises, emerging small businesses and service-disabled veteran-owned own enterprises ("COBID firms"). Overall the bond program spent \$105.5 million on COBID-eligible construction contracts, and \$15.4 million, or 14.7 percent of that went to COBID firms.
- Of these COBID contracts, \$4.1 million (3.9%) went to minority-owned business enterprises, \$4.3 million (4.10%) went to women-owned business enterprises, and \$6.9 million (6.6%) went to emerging small businesses.

**3. Benefits and Drawbacks of CM/GC to the Oregon Zoo Entry Plaza and Polar Plaza Shelter.**

Benefits - The CM/GC method provides an invaluable means of addressing the risks to Metro presented by the project's site conditions and timeline.

- Zoo must remain open and operational, and the activity will take place in the major entry area of the zoo.
- Widespread public access and need to preserve a quality experience to maintain current revenues.
- Need to complete phases of the work in order to meet deadline of August 2026.
- Potentially unknown site conditions under the entry plaza and polar plaza can be discovered and addressed in the pre-construction period, avoiding schedule delays and costly change orders.

By involving the contractor extensively during the design process, the Oregon Zoo 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 the zoo, 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.

Drawbacks - Given Metro's favorable experience with CM/GC, staff foresees no drawbacks to adopting the CM/GC method to implement the Oregon Zoo Entry Plaza and Polar Plaza Shelter.



IN CONSIDERATION OF RESOLUTION NO. 24-5425, 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 OREGON ZOO ENTRY PLAZA AND POLAR PLAZA PROJECT.

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Date: June 28 2024

Department: Oregon Zoo, Capital Asset  
Management

Meeting Date: July 18 2024

Presenters:

Julie Hoffman (she/her), Finance and  
Regulatory Services

Prepared by: Kristin Solomon,  
[Kristin.solomon@oregonmetro.gov](mailto:Kristin.solomon@oregonmetro.gov);

Length: 5 minutes

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## ISSUE STATEMENT

Metro Council is asked to consider approving the resolution to authorize an exemption to the competitive bidding procedures and authorizing procurement of a construction manager and general contractor.

In 2024, the Oregon Zoo Campus Plan was developed to evaluate and propose upgrades to the 60% of the zoo that was not modernized in the 2008 bond measure. This May, voters in the region passed the \$380 million Oregon Zoo Bond Measure 26-244 that will fund the next 10-15 years of development. The Oregon Zoo Entry Plaza and Polar Plaza Shelter project is the first project to be implemented from the new campus plan and funded by the 2024 bond.

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). CPMO staff and the Office of the Metro Attorney concur.

## ACTIONS REQUESTED

Adopt Resolution no. 24-5425 to pursue the alternative procurement of Construction Manager General Contractor Services by a competitive Request for Proposals, for the Oregon Zoo Entry Plaza Polar Plaza Shelter 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.

## **IDENTIFIED POLICY OUTCOMES**

A value-based selection process will enable the zoo to meet its goals of advancing its mission of *connecting our community to the wonder of wildlife to create a better future for all*. It will ensure a higher quality project that will support animal well-being and care, visitor experience and accessibility, and climate resilience at the zoo. Metro's Sustainable Buildings and Sites Policy will be implemented as well as the Strategic Plan to Advance Equity, Diversity and Inclusion, Clean Air Construction policy, Construction Careers Pathways policy and Contracting Equity Policy.

## **POLICY QUESTIONS**

How well does the resolution advance the zoo's goals and needs by reducing liability and revenue risks and providing a foundation of cooperation in which a high quality result may be achieved on schedule and on budget?

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

- Adopt the Resolution approving the exemption from competitive bidding in favor of CM/GC project delivery method.
- Procure contractor using the traditional ITB procurement process.

## **STAFF RECOMMENDATION**

Staff recommends that Council, acting as the Local Contract Review Board, approves an exemption from competitive bidding for the Oregon Zoo Entry Plaza and Polar Plaza project, authorization of procurement of a Construction Manager/General Contractor by request for competitive proposals, and authorizes the execution of the resulting CM/GC contract by the Chief Operating Officer in a form to be approved by the Office of Metro Attorney.

**Ordinance No. 24-1516 For the Purpose of Annexing to  
the Metro District Approximately 1.15 Acres of NE Sewell  
Ave Right-of-Way in Hillsboro Between NE Evergreen Rd  
and NW Meek Rd**

*Ordinances (Second Reading and Vote)*

Metro Council Meeting  
Thursday, July 18, 2024

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE	)	ORDINANCE NO. 24-1516
METRO DISTRICT BOUNDARY	)	
APPROXIMATELY 1.15 ACRES OF NE	)	Introduced by Chief Operating Officer
SEWELL AVE RIGHT-OF-WAY IN	)	Marissa Madrigal with the Concurrence of
HILLSBORO BETWEEN NE EVERGREEN RD	)	Council President Lynn Peterson
AND NE MEEK RD	)	

WHEREAS, the City of Hillsboro has submitted a complete application for annexation of 1.15 acres of Hillsboro (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the territory to the urban growth boundary (UGB) by Ordinance No. 05-1070A adopted 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 July 11, 2024; 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 June 20, 2024, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_ day of July 2024.

\_\_\_\_\_  
Lynn Peterson, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Connor Ayers, Recording Secretary

\_\_\_\_\_  
Carrie MacLaren, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 24-1516, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 1.15 ACRES LOCATED NORTH OF NE EVERGREEN RD AND SOUTH OF NE MEEK RD

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Date: June 20, 2024  
Department: Planning, Development & Research

Prepared by: Glen Hamburg  
Associate Regional Planner

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## BACKGROUND

CASE: AN-0424, Annexation to Metro District Boundary

PETITIONER: City of Hillsboro  
150 E Main St  
Hillsboro, OR 97123

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

LOCATION: The subject territory, totaling approximately 1.15 acres in area, is an approximately 1,053-foot-long section of NE Sewell Avenue right-of-way. The subject territory can be seen in Attachment 1.

ZONING: The territory is zoned Industrial Sanctuary (I-S) by the City of Hillsboro.

The territory was added to the urban growth boundary (UGB) in 2005. The territory 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 (MC) 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 territory was brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A. Therefore, the affected territory is within the UGB and the application meets the criteria of MC Subsection 3.09.070(E)(1).

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 subject territory has already been annexed to the City of Hillsboro under local file number AN-003-24. Therefore, the application meets the criteria in MC Subsection 3.09.070(E)(2).

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 territory has a City of Hillsboro comprehensive plan land use type designation of “Industrial” (IN) and has been zoned by the City of Hillsboro as “Industrial Sanctuary” (I-S). The proposed boundary change would, following a transfer of jurisdiction from Washington County to the City of Hillsboro, allow the right-of-way to be improved to the City’s urban design standards. The subject territory is already within the UGB, is not in an urban reserve with a concept plan, and has been annexed to the Clean Water Services (CWS) service district. Urban services will be provided by the City of Hillsboro and CWS. The application meets the criteria in MC Subsection 3.09.070(E)(3).

## **ANALYSIS/INFORMATION**

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

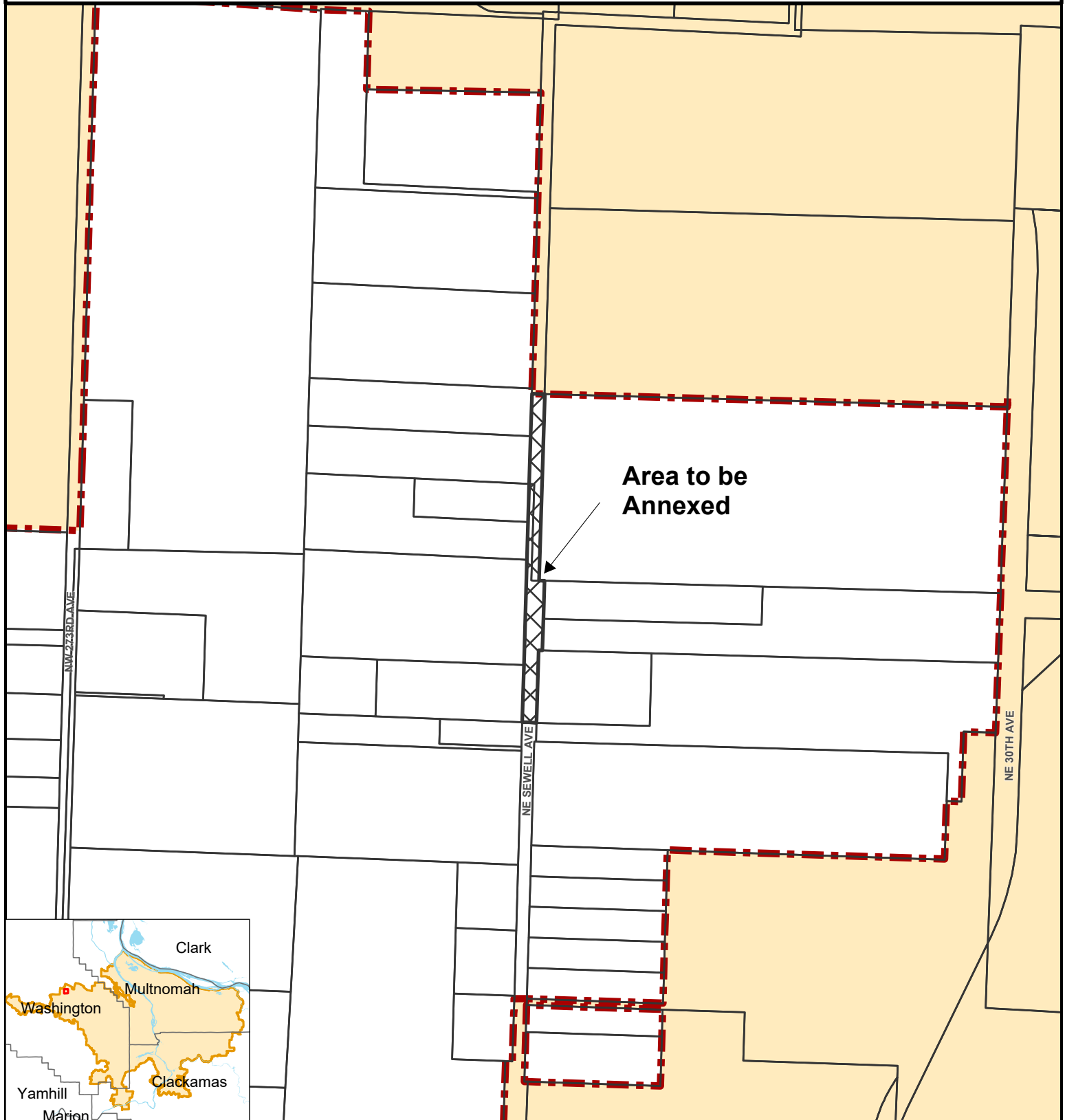
**Legal Antecedents:** Metro Code 3.09.070 allows for annexation to the Metro District boundary.

**Anticipated Effects:** This amendment will add approximately 1.15 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 City of Hillsboro Comprehensive Plan.




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

## **RECOMMENDED ACTION**

Staff recommends adoption of Ordinance No. 24-1516.



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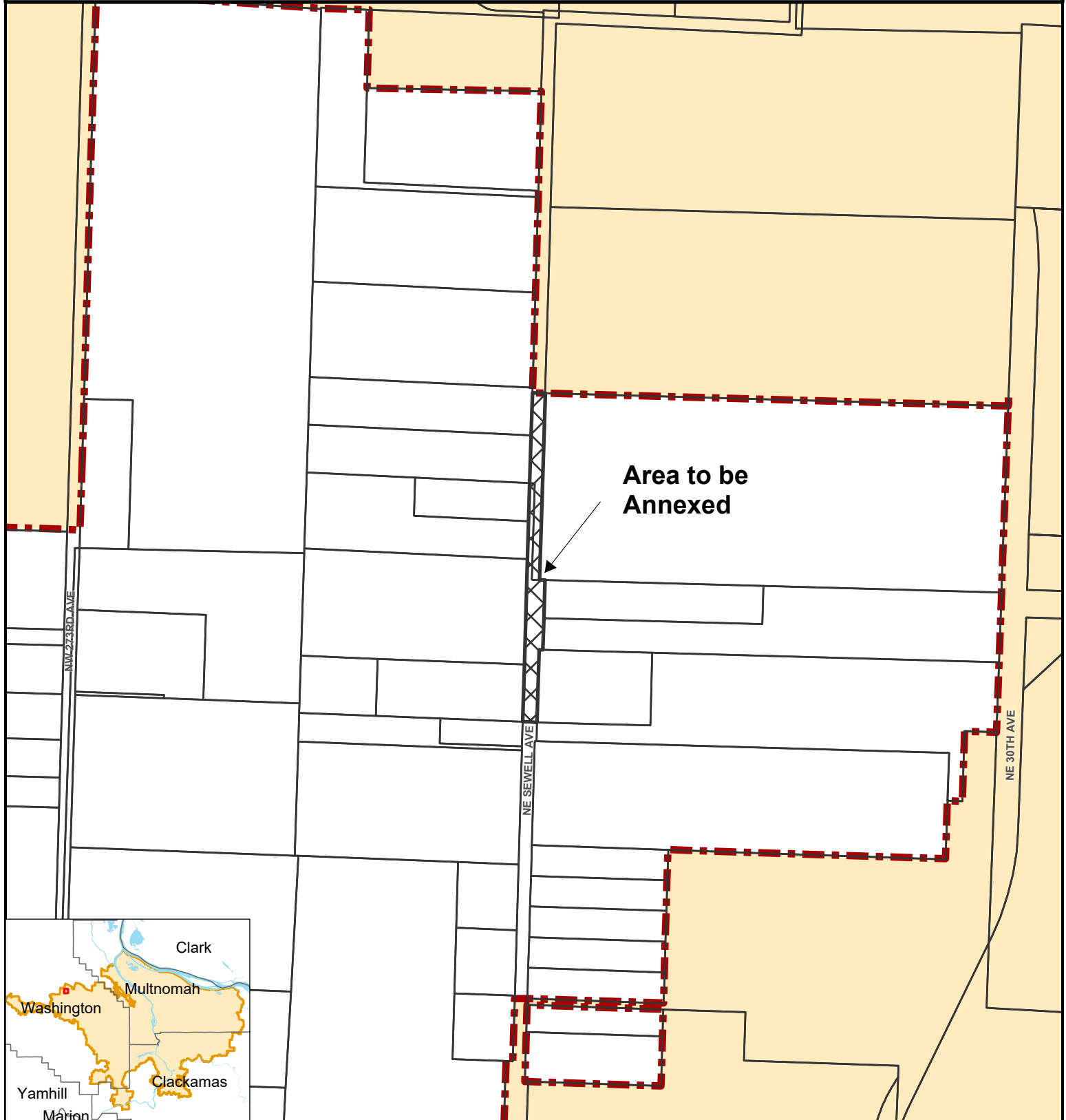
-  Taxlots
-  Urban growth boundary
-  Metro district boundary

Proposal No. AN0424






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