

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, May 19, 1999

Metro Council Chamber

Members Present: Ed Washington (Chair), Bill Atherton (Vice Chair)
Members Absent: Jon Kvistad

Chair Washington called the meeting to order at 3:40 PM.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. CONSIDERATION OF THE MINUTES OF MAY 5, 1999, METRO OPERATIONS COMMITTEE MEETINGS

Motion:

Councilor Atherton moved to recommend adoption of the minutes from May 5, 1999, meetings of the Metro Operations Committee.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

4. ORDINANCE NO. 99-804, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.050, AND REVISING ADMISSIONS FEES AND POLICIES AT THE OREGON ZOO

Kathy Kiaunus, Deputy Zoo Administrator, Oregon Zoo, said the last fee increase was in January of 1994. The current proposal would increase adult admissions by \$1.00 and children's by \$0.50, effective October of 1999. Even with the increases, the zoo's admissions would remain the lowest among comparable zoos on the West Coast.

Ms. Kiaunus said that along with fee increases, the ordinance proposes revisions to the code. Key effects would simplify the code that covers administering fees and would provide the zoo's director with more flexibility in granting special discounts. An example of a special discount that would be allowed under the revision is providing for graduate students to do research at the zoo. Currently, special discounts apply only to students in grades K-12. It also would provide more flexibility in designating free days.

Councilor Atherton asked if the 1994 increase in zoo admission affected attendance. Ms. Kiaunus said no: 1994-95 attendance after the increase was among the highest ever.

Councilor Atherton asked why Metro employees and councilors received free admission to the zoo. He thought this had negative elements to it. He asked if the zoo had considered charging councilors and employees.

Ms. Kiaunus said that has been in the code for many years. She also noted that Metro employees receive free admission to Metro parks. She said that this had been such a long-standing policy and represented such a small perk, no one had not thought to change the policy.

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 2

Chair Washington asked what the net fiscal impact would be of raising the admission fee, in light of Measures 47 and 50 and in light of increases in operating costs.

Ms. Kiaunus said the zoo anticipated an additional \$400 thousand in revenues. Chair Washington asked where that additional revenue would go. Ms. Kiaunus said it would go into the zoo operating funds, where admissions fees already go.

Chair Washington asked who currently has the discretion to provide free admission for students. Ms. Kiaunus said no one. The current code does not give the director the flexibility to, for example, waive fees for college students doing research.

Chair Washington asked if the discretionary waivers would be reviewed by Council before they were granted or if the director would simply be given that power. Ms. Kiaunus said the idea was to relieve the Council of the responsibility of dealing with relatively trivial matters. She said that the original code was set at a time when the Council did little more than manage the zoo and the solid waste system. Now, with its much broader responsibilities, the thinking was to not bother the Council with each decision.

Chair Washington said he was wary of setting a precedents with no provision for regular review. He suggested an annual review of the policy. Ms. Kiaunus said the zoo would be happy to do that.

Chair Washington asked for a couple of examples of how Oregon Zoo's admission fees compared with other zoos. Ms. Kiaunus said comparable zoos would be those with more than 1 million in attendance. Those include the Seattle Zoo, which charges \$8.00 for non-residents and \$7.00 for residents; the San Francisco Zoo, which also charges \$8.00 and \$7.00; and the San Diego Zoo, which charges \$18. Locally, the Oregon Coast Aquarium and Wildlife Safari have higher admissions fees.

Councilor Washington asked if the zoo had received calls on this proposed increase. Ms. Kiaunus said no.

Councilor Atherton asked what percentage of the maintenance was covered by admissions. Ms. Kiaunus said all the earnings together cover a little over 60% of the operations. Admissions constitute about one-third of earned revenue. The remaining 40% comes from taxes.

Councilor Atherton asked how that ratio compared with other zoos. Ms. Kiaunus said many zoos rely on taxes for 50% of their operating funds, although some are totally private and receive no public support.

Councilor Atherton asked about charging for parking at the zoo. Ms. Kiaunus said most zoos do not charge for parking, as the public does not like to pay twice for an outing. Councilor Atherton noted that Metro had recently invested a great deal of money providing public access by way of the new transit station. Ms. Kiaunus said that was true, and Metro's yearly contribution to service the debt on those improvements is about \$400 thousand.

Councilor Atherton addressed the issue of using the zoo parking lot as a park and ride. Ms. Kiaunus explained that it would be difficult to guarantee enough spaces on a regular basis to make it worthwhile for either the commuters to count on or the zoo to administer.

Chair Washington asked that the discussion of this issue be taken later, when it comes before the committee under a separate resolution.

Councilor Atherton said he felt obligated to investigate alternatives to raising fees before agreeing to it.

Chair Washington opened a public hearing at 4:05 PM. No one came forward to testify, so he closed the public hearing.

Motion:

Councilor Atherton moved to recommend Council adoption of Ordinance No.

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 3

99-804.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

Chair Washington will carry the motion to a meeting of the full Council.

5. RESOLUTION NO. 99-2788, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO COMPETITIVE BIDDING PROCEDURES PURSUANT TO METRO CODE CHAPTER 2.04.054(C), AND AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A MULTI-YEAR CONTRACT WITH THE OREGON HISTORICAL SOCIETY

Charlie Ciecko, Director, Metro Greenspaces, explained that Metro has had a working relationship with the Oregon Historical Society at Howell Territorial Park for a number of years. The Society has furnished the James Bybee House with period furniture and artifacts and operated a museum on-site. This measure would simply continue that relationship. Mr. Ciecko asked Dan Kromer to provide more details.

Dan Kromer, Operations and Maintenance Manager, Regional Parks and Greenspaces, said the contract with the Oregon Historical Society has been helpful in the past, and the help would continue to be needed as the facility expands.

Councilor Atherton asked how much acreage was involved in the service. Mr. Kromer said the Society's role was confined to providing interpretive services and the artifacts. He said Multnomah County provides half the money requested--\$10,300--as part of an intergovernmental agreement drawn up when Metro assumed responsibility for the property.

Motion:

Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2788.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

Councilor Atherton will carry the motion to a meeting of the full Council.

6. RESOLUTION NO. 99-2777, FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND NORTHWEST ECOLOGICAL RESEARCH INSTITUTE (CONTRACT NO. 920892) FOR WESTERN PAINTED TURTLE MONITORING AT SMITH AND BYBEE LAKES WILDLIFE AREA

Mr. Ciecko said this requests a four-year extension of the contract to study the Western Painted Turtle. The contract would also increase the funding by \$115,000. (More details associated with this resolution can be found in the staff report in the meeting record.) Mr. Ciecko asked Mr. Morgan to explain further the need for this extension and the benefits that would come of it.

Jim Morgan, Regional Planner with Metro Open Spaces, explained that the study needed to go for a full five years in order to study the life cycle of the turtle, which lay eggs only every two years. He said the turtle's environment is fragile and development is rapidly encroaching upon it.

Mr. Morgan said the species is listed as "sensitive." With development along Marine Drive and in the Rivergate area, the species and its needs must be studied now, to evaluate the impact of these developments. The Port of Portland owns industrial land in the area. That is one of the reasons the Port of Portland offered to contribute \$30,000 toward this study.

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 4

He said the contract was solicited last year, and Northwest Ecological Research was selected for its experience and cost-effectiveness. The group has trained 100 volunteers to help with monitoring over the next four years, which would save money and ensure a pool of trained and interested individuals for the long term. Also, volunteers tend to become advocates for the resource.

The initial contract would have ended on July 31. He said the reason a five-year contract had not been signed at the outset was to allow for a trial period for this contractor before committing for a longer period of time. This contractor's performance had exceeded expectations.

Councilor Atherton noted that one of the assets of the group listed in the staff report is its extensive knowledge of the Western Painted Turtle. He asked why the survey was needed if they already had the knowledge.

Mr. Morgan said this organization's researchers are herpetologists by education. However, no one knows much about this species. Little is known for certain about its reproductive habits, feeding habits, or nesting habits. He said over the past four years, graduate students who have done thesis research at the lakes have contributed a great deal to the literature. He said the turtle population at the lakes is significant for the region and the state. A great deal more knowledge must be scientifically gathered in order to design programs to protect this population.

Councilor Atherton asked how closely the turtles are related to the Western Pond turtle. Mr. Morgan said they are a different genus but the same family. Their feeding behavior is similar, but their nesting differs significantly. The lakes do not support a population of Pond turtles, probably because they do not offer good nesting sites.

Councilor Atherton noted that buffers needed by Pond Turtles are several hundred feet. He asked if the developments being proposed in the area could encroach on Painted Turtle nesting areas. Mr. Morgan said that was an excellent question and one reason the study was being conducted. The best data comes from studies conducted on site. He said he was concerned that the zoning in that area would not provide sufficient protection. Unfortunately, some of the turtles like to nest in the fill area that will be used for development.

Councilor Atherton asked what good the study would be if the development went forward. He asked why Metro was spending the money. Mr. Morgan said it would be a matter of timing on some developments. The area is not fully developed, although it could happen fairly rapidly. He said one of the reasons Metro had asked for a 200-foot setback for the jail was to try to protect the nesting area.

Councilor Atherton asked if the 200 feet had been a "guestimate." Mr. Morgan said it was based on limited data, but no definitive date exists for this site. He said that each year the study should provide more information useful to protecting habitat. He said the data might not be enough to stop development, but without gathering it, the issue could not be addressed scientifically.

Councilor Atherton also asked about potential damage at the site from poorly supervised volunteers. Mr. Morgan said that would be a concern on some projects; however, on this project, all volunteers would be carefully trained and always supervised in the field. The sampling strategy has minimal impact. It uses a boat and no intrusive methods. He said no researchers want to destroy their subjects.

Councilor Atherton asked if the research by this group had been peer-reviewed by other scientists. Mr. Morgan said it had been reviewed by non-game biologists from the Oregon Fish and Wildlife; Marc Hayes, a local herpetologist; and by a specialist from the Bonneville Power Association, who monitors turtles for that agency.

Councilor Atherton asked where the funds came from to pay for the study. Mr. Morgan said of the \$148 thousand to cover the next four years, \$118 thousand would come from the Smith and Bybee Lakes Trust

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 5

Fund and \$30,000 from the Port of Portland. Councilor Atherton asked if that represented four years' interest from the trust fund. Mr. Morgan said yes.

Mr. Cieccko added that the funding would be subject to the annual appropriations procedure, also. Councilor Atherton questioned whether the money could be withheld once the contract is signed. Mr. Cieccko said that an "out" had been included in the contract, in the event the agency suffers from some large financial setback.

Chair Washington asked about the original range of the painted turtle. Mr. Morgan said at one time it was found throughout the Columbia River bottom lands, including the slough and what used to be Vanport.

Motion:

Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2777.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

Councilor Kvistad will carry the motion to a meeting of the full Council.

7. RESOLUTION NO. 99-2787, FOR THE PURPOSE OF CREATING A PROCESS FOR ENCOURAGING USE OF VOLUNTEERS TO CONSTRUCT CAPITAL IMPROVEMENTS ON METRO PARKS AND GREENSPACES AND APPLICATION OF SAVINGS TO LAND ACQUISITIONS

Councilor Atherton said he would be recommending that action on this resolution be postponed until several complications that had been identified were addressed. The staff would in the meantime test the concept of using volunteers and research the issues that would be involved.

Mr. Cieccko said his department agreed with the concept of using volunteers whenever possible in the parks and greenspaces system. Regarding using volunteers on capital projects, the staff encountered conflicts with existing policy in the Regional Framework Plan, which spoke specifically to providing for public involvement in stewardship. That prompted hiring the volunteer manager and designing an aggressive policy around this existing policy. Adoption of this resolution could require that the department set aside a process that is already underway. Also, staff anticipated difficulties documenting cost savings or additional costs associated with using volunteers. Also, there could be problems dedicating saved funds to acquisitions when funds come from grants or foundations that specify how the funds must be used. He noted that Scott Moss, Metro's contracts manager, had further investigated the issue and written a memo on his findings. (A copy of the memo has been attached to the meeting record).

Mr. Cieccko said that the idea of using volunteers for construction projects might be tested in a small way at Howell Territorial Park, by putting up a picnic shelter in the old "barn-raising" style. The staff would investigate the feasibility of doing that and report back to Councilor Atherton and/or the committee. Staff would prepare an annual report about the use of volunteers, and present it to the Council.

Councilor Atherton related his own experience as a volunteer building a complicated playground at a Lake Oswego school. The volunteers worked with a licensed contractor. He said he would be gathering more information about the way that project was conducted, and he would report back.

Chair Washington asked that the withdrawal of the resolution be so noted. He asked Michael Morrissey, Council Analyst, to keep the resolution for revision and possible reintroduction.

8. RESOLUTION NO. 99-2790, FOR THE PURPOSE OF PROVIDING AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENT FOR A REQUEST FOR PROPOSALS FOR THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE EXPO HALL "D" CONSTRUCTION PROJECT

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 6

Mark Williams, MERC General Manager, explained that because of the circumstances under which this building would need to be constructed, a low-bid process would not work. Construction would need to take place between two operating facilities that must be able to continue normal operations. Also, timing would be important. It is difficult to work in that area during the rainy part of the year. The building would need to be completed soon, to allow clients to be moved out there from the Oregon Convention Center (OCC).

The CMGC process would be competitive, with a number of firms expected to apply. The MERC commission, which met earlier that day, recommended that the Council, acting as the Contract Review Board, approve this resolution. . The construction manager/general contractor (CMGC) approach would be the most efficient, most cost-effective, and quickest way to proceed.

Councilor Atherton asked how using this method would save money. Mr. Williams said savings would come from the closer relationship with the contractor possible with this arrangement. That allows flexibility in decision-making as construction proceeds. Low-bid processes do not allow schedules to be maximized to keep the gates open and customers coming through.

Scott Moss, Administrative Services, said that in order for Metro to recommend a CMGC process, it would need to produce cost savings and not diminish competition. The project would also need to be technically and otherwise complex. That would allow issuance of an RFP.

Chair Washington asked how soon construction would start.

David Biedermann, MERC Director of Operations, said there would be a ceremonial groundbreaking at the same time as a formal dedication of Hall "E" in the fall; construction of Hall "D" would begin the following April. He said they anticipated about a year and a half from the beginning to the end, with a year of that being actual construction time.

Mr. Williams added that MERC was aware of the Council's desire to move quickly on this, and the MERC Commission had awarded the architectural contract a their meeting earlier that day. Work on the financing plan was well underway.

Mr. Moss said staff anticipated savings using the CMGC process rather than bid of about \$150,000 from the accelerated schedule; \$240,000 from fewer change-orders; \$350,000 through value engineering; \$50,000 from increased revenue as a result of an earlier completion date.

Motion:

Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2790.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

Councilor Kvistad will carry the motion to a meeting of the full Council.

9. COUNCILOR COMMUNICATIONS

There being no more business to come before the committee, Chair Washington adjourned the meeting at 4:52 PM.

Prepared by,

Minutes of the Metro Operations Committee Meeting

Wednesday, May 19, 1999

Page 7

Pat Emmerson
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 19, 1999

The following have been included as part of the official public record.

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
Resolution No. 99-2787	May 1999	Memo from Scott Moss on technical issues related to the resolution	051999mop-1