

MINUTES OF THE METRO COUNCIL MEETING

Thursday, May 1, 2003
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Carl Hosticka, Rod Monroe, Rex Burkholder, Rod Park

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 6:00 p.m.

1. INTRODUCTIONS

Council President Bragdon introduced Michael Jordan, Metro’s new Chief Operating Officer.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the April 24, 2003 Regular Council Meeting.

Motion:

Councilor Park moved to adopt the meeting minutes of the April 24, 2003, Regular Metro Council meeting.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1003**, For the Purpose of Amending the Regional Framework Plan and the Metro Code to Implement 26-29; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 03-1003 to Council.

4.2 **Ordinance No. 03-1005**, For the Purpose of Amending Title 7 of the Urban Growth Management Functional Plan to Clarify and Revise City and County Responsibilities.

Council President Bragdon assigned Ordinance No. 03-1005 to Council.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 03-993**, For the Purpose of Amending Metro Code Chapter 2.02, Personnel Rules for Represented and Non-Represented Employees.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 03-993.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder reviewed the details of the changes to the Personnel Rules concerning the Drug and Alcohol Policy, the Sick Leave Policy Transfer and the Affirmative Action program update.

Motion:	Councilor McLain moved to separate Section 5 out of Ordinance No. 03-993.
Seconded:	Councilor Monroe seconded the motion

Vote to Separate: Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Councilor McLain spoke to the separation of Section 5 and why she had made this request. She noted that there had been concerns about sick leave abuse. She suggested voting no on Section 5, which leaves the ability to use sick leave in its present state. Councilor Park spoke to why he thought we were moving in the right direction. Councilor Hosticka said he would support Councilor McLain motion and explained why. Councilor Monroe said he would also support Councilor McLain noted the motion was to leave Section 5 as it was currently in the Code. Councilor Monroe spoke to catastrophic illnesses and why this was placed in the Code in the first place. He felt the program was working as it should. Councilor Burkholder said what had been identified as the problem was the unpredictability. He suggested bringing this back and looking at a reasonable limit and then budgeting for this limit. Council President Bragdon said he would also support Councilor McLain’s motion. Councilor Monroe supported Councilor Burkholder’s recommendation to budget for this. It was good budget law. Councilor Park asked for clarification on the motion.

Vote on the Main Motion with Section 5 removed: Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Councilor Park asked for clarification on the motion. Council President Bragdon clarified the motion. Dan Cooper, Metro Attorney, made suggestions as to what the motion should be.

Motion:	Councilor McLain moved to reconsider the vote on Ordinance No. 03-993 and to delete section 4, 5, and 6 as it relates to the sick leave policy.
Seconded:	Councilor Monroe seconded the motion.

Vote: Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Motion:	Councilor McLain moved Ordinance No. 03-993 as amended.
Seconded:	Councilor Monroe seconded the motion.

Vote: Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5.2 Ordinance No 03-1001, For the Purpose of Adopting the Annual Budget for Fiscal Year 2003-04, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1001.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon said this was the final public hearing on Ordinance No. 03-1001. Kathy Rutkowski, Budget Coordinator, said the actual ordinance wouldn't be adopted until June 2003. She reviewed the budget process and the budget as proposed and amended (a copy of this summary is included in the meeting record).

Council President Bragdon opened a public hearing.

Ray Phelps, Willamette Resources, 16 Touchstone, Lake Oswego, OR 97035, read his letter into the record concerning the credit program (a copy of which is included in the meeting record). He urged activation of the Task Force as soon as possible and explained why.

Marlon Warren, 3805 NE 11th, Portland Oregon, spoke on behalf of Metro. He had worked at Metro since 1988. He spoke about working in Creative Services. He asked that as Metro went through the 21st Century that we begin to build trust and relationships between the departments.

Eileen O'Connell, AFSCME. 123 NE 3rd. Portland, OR 97232 said she represented about 300 Metro employees. She spoke to their commitment to Metro. She read her letter into the record (a copy of which is found in the meeting record). She expressed concern about workload issues. She talked about a letter of understanding with Metro (a copy of which is included in the meeting record at Councilor McLain's request).

Denise Hays, Metro Employee and Vice President of AFSCME 3580, 27917 NE 389th Yacolt, WA, 98675 said she worked at the Metro South Hazardous Waste facility. She spoke to her history at Metro. She talked about the changes at Metro. She felt we had gotten better but we were still not there. She spoke to the need for trust. She talked about the awards Metro had won. Metro was unique. Metro was not a leader in the problem solving area. She urged better efforts at problem solving.

Deborah Hargin, Recycling Center, supported Mr. Warren and his position in Creative Services. His 14 years of experience made him invaluable. She noted his attributes and the need for institutional memory. She urged keeping the position in-house.

Joli Pfaller, Metro Recycling Center, 12122 SE 11th Place, Portland, OR 97263 commented about the budget cuts. She said we needed to take care of our neighborhoods. She supported the neighborhood recycle programs and drop-offs.

Alexis Dow, Metro Auditor, said soon the Council would vote on the budget and forwarded it to the Tax Supervising and Conservation Commission (TSCC). She was highly disappointed with the cuts in her budget. None-the-less this was the budget she had to live with. She noted her contributions to Metro by the audits she had completed. She shared two concerns, the difficulty she will have in fulfilling her mission as the budget was proposed. Second, she expressed concern about the long-term effects. She has looked at the past cuts to her budget and gave a history of those cuts. She spoke to the amount of money she was losing this year. She questioned, what did

this trend mean, what did it bode for the future? She felt the citizens of the region should be concerned. There was an effort to discredit the auditor. She shared some of that history. She noted some of the misperceptions. She compared audits at Metro, to the City of Portland and Multnomah County and how many audits each entity issued per auditor. She talked about misinformation. She felt there had been a lack of good faith and gave examples. Her concern was in where we were heading. She hoped for Metro citizens and for Metro that there would be a Metro Auditor. She proposed Council consider bringing her budget directly to the Council. This would allow her to bring the budget to the Council directly as a body. She asked for consideration of this proposal. Council President Bragdon had asked her about her audit plan. She would be issuing her audit plan by the end of the year. She felt there was not a clear understanding of what was the role of the auditor. She proposed meeting with Council at an Informal. She asked for respect as an elected official. She encouraged opening a line of communication.

Council President Bragdon closed the public hearing. He asked for clarification on when they voted on the Ordinance. Ms. Rutkowski said June 12, 2003 the Ordinance was scheduled for final consideration.

5.3 Ordinance No. 03-1004, For the Purpose of Amending the Regional Solid Waste Management Plan (RSWMP) Regarding Recovery Goals and Recommended Waste Reduction Strategies for the Management of Business, Building Industries and Commercially Generated Organic Wastes.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1004.
Seconded:	Councilor Monroe seconded the motion

Councilor Park spoke to the ordinance and the four components of the plan (a copy of the RSWMP amendment is included in the meeting record). Janet Matthews, Solid Waste and Recycling Program and Policy Manager, added that the amendment to the RSWMP before Council did three things and explained those items. Councilor McLain said she supported this legislation. She made some suggestions for updating the Council before they got to a final product. She spoke to the citizen involvement goals and the need to expand the involvement. Councilor Newman also supported the ordinance. He asked Ms. Matthews about the scope of the Task Force and the need for communication between these two groups. Ms. Matthews talked about the cross over between the two groups and clarified the Task Force goals and the contingency work group. They thought the missions of the group were unique.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Councilor Park said this helped to get to a better system in the long run. He felt these conditions created a background as to how those systems worked. He suggested re-looking at all of our systems. He urged an aye vote.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

5.4 Ordinance No. 03-1006, For the Purpose of Authorizing Revenue Bonds to Refund Metro's Waste Disposal System Refunding Revenue Bonds, Series 1993; and Declaring an Emergency.

Motion:	Councilor McLain moved Ordinance No. 03-1006.
Seconded:	Councilor Monroe seconded the motion

Motion:	Councilor McLain moved to substitute Ordinance No. 03-1006A for 03-1006.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain spoke to the Solid Waste Bond Refunding (a copy of which is found in the meeting record). We were looking to do a better job of making our bond covenant. Councilor Monroe explained the main reason for the amendment and detailed the savings.

Vote to Substitute:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

Doug Anderson, Finance Manager of Solid Waste and Recycling, briefed the Council on the ordinance as amended. He gave specifics of the amendment and the tight window of time to act. He noted the requirement for a unanimous vote.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing. Councilor McLain urged support.

Vote on the Main Motion as Amended:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

6. RESOLUTIONS

6.1 **Resolution No. 03-3317**, For the Purpose of Approving the FY 2003-04 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission.

Motion:	Councilor Park moved to adopt Resolution No. 03-3317.
Seconded:	Councilor Burkholder seconded the motion

Councilor Park said this allowed Metro to send the budget off the Tax Supervising and Conservation Commission. State budget law required this action. Councilor Monroe supported moving this budget on to TSCC. He explained future process about amendments. Councilor McLain said they had tried the very best to save money. She hoped that the new Chief Operating Officer (COO) would take a look at the Communications area and its needs. Council President Bragdon urged an aye vote, no budget was perfect but we had made some significant achievements. He detailed those achievements including the specific savings. He spoke to the challenges. He felt it was a positive direction. He acknowledged the budget staff and their efforts. He also noted Mark Williams' involvement. He thanked the other six councilors for the time that they had put into this budget. Councilor Park added his thanks. He urged support.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

Motion:	Councilor Park moved to suspend the rules.
Seconded:	Councilor Newman seconded the motion.

Vote to suspend the rules:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

6.2 **Resolution No. 03-3329**, For the Purpose of Showing Appreciation to Mark B. Williams in his capacity as Interim Chief Operating Officer.

Motion:	Councilor Park moved to adopt Resolution No. 03-3329.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park read the resolution into the record. Councilor Newman said he was inclined to support the resolution. He spoke to Mr. Williams' attributes. Councilor Monroe said he had enjoyed working with Mr. Williams for almost 10 years. Councilor McLain said she felt Mr. Williams had heart. She appreciated his energy and efforts. Councilor Park said he felt Mr. Williams had done a good job. It had been a difficult transition but he felt Mr. Williams had handled it well. Council President Bragdon added his personal thanks. Mr. Williams had worked very hard, very diligently. He felt the organization was healthier in the long term because of Mr. Williams. Mr. Williams thanked the Council. It was a labor of love. He was glad he had done it and enjoyed working with the Council.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

7. CONTRACT REVIEW BOARD

7.1 **Resolution No. 03-3318**, For the Purpose of Authorizing the Release of Request For Proposals No. 03-1066-SWR for a Remedial Investigation and Feasibility Study of St. Johns Landfill.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3318.
Seconded:	Councilor Newman seconded the motion

Councilor McLain spoke to the resolution, the Department of Environmental Quality order and the work that was necessary. She urged support.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--

7.2 **Resolution No. 03-3319**, For the Purpose of Authorizing Release of Request For Proposals No. 03-1065-ZOO for Retail Operations at the Oregon Zoo and Exempting the Selected Contractor from Excise Tax.

Motion:	Councilor Park moved to adopt Resolution No. 03-3319.
Seconded:	Councilor McLain seconded the motion

Councilor Park reviewed the Release For Proposal (RFP) to contract out the retail operations at the Oregon Zoo. Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Councilor Hosticka asked about the RFP and the contract, particularly the exemption from the excise tax. Ms. Teri Dresler, Oregon Zoo Guest Services Manager, said they were working with Legal to finalize the language of the contract. Mr. Cooper responded to Councilor Hosticka's question about excise tax. Councilor Hosticka asked about fiscal impact. Ms. Dresler responded that based on the projections and a conservative projection of attendance, the decrease in excise taxes would be about \$580,000. She spoke to projected revenues. Councilor Hosticka noted that those revenues would not become part of our general fund. Ms. Dresler said that was correct. Councilor Hosticka asked if we passed this resolution, did Council have another opportunity to review the contract? Mr. Cooper explained the authorization of the COO. Councilor Hosticka said he was reluctant to support this resolution and explained why. He would hope Council would have another opportunity to look at the contract before it was finalized.

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 03-3319 to delete authorization of the Chief Operating Officer and excise tax exemption and release the RFP as revised.
Seconded:	Councilor McLain seconded the motion

Councilor Newman asked Ms. Dresler about impact of the amendment. Ms. Dresler said she did not think there would be a negative impact. Councilor McLain said she would support this amendment as well and explained why. Tony Vecchio, Oregon Zoo Director, said these were the kind of things that were negotiating points. Council would be able to see those points. Council President Bragdon spoke to the amendment. He intended to support this amendment. He spoke to the contracting authority review currently underway.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
----------------	--

Councilor Park spoke to the RFP as amended. Councilor McLain said she thought there was a letter of understanding that was signed by our union and Metro management. She talked about the points in the letter of understanding and suggested this letter be placed in the record. Councilor Monroe said he may ask Ms. Dow to look at comparing in-house and contracted operations at the Zoo. Council President Bragdon supported the resolution as amended. Councilor Park echoed others comments. Councilor Hosticka urged support.

Vote on the Main Motion as amended:	Councilors Park, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. Councilor Hosticka abstained from the vote The vote was 6aye/ 0 nay/ 1 abstention, the motion passed.
-------------------------------------	---

8. POSSIBLE RECONSIDERATION OF LEGISLATION

8.1 **Ordinance No. 03-994**, For the Purpose of Amending Provisions of Metro Code Chapter 2.04, Chapter 7.01 and Chapter 2.16 Relating to Sponsorship and Naming Rights Contracts.

Motion to reconsider	Councilor Hosticka moved to reconsider the vote on Ordinance No. 03-994.
----------------------	--

the vote:	
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka explained the reasons for reconsideration.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
-------	--

Motion to Amend:	Councilor Hosticka moved to strike subsection E from Ordinance No. 03-994.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka explained his amendment. Councilor Newman said he would not be supporting this amendment because of the Expo Center. He didn't want to close the door where we could develop a partnership to pay for the new buildings. He felt the amendment went to far. Councilor Monroe asked Mr. Williams about the proposed amendment. Would it be harmful to raise money for the operation of Metro facilities? Mr. Williams said they had been advised that they needed a change in the Code before they could discuss this with potential companies. They understood that this was subject to approval by the Council. Councilor Monroe asked Dan Cooper about the language in Subsection E about the definition of a facility. Dan Cooper, Metro Attorney, clarified the definition of facility. Councilor Monroe said he would not be supporting this amendment. Councilor McLain spoke to the amendment and the naming of the facilities. Councilors discussed further the naming of facilities and expressed specific concern about naming the Convention Center and the Zoo.

Motion to Amend the amendment:	Councilor McLain moved to amend subsection E of Ordinance No. 03-994 to add language which said any facility except the Oregon Convention Center and Oregon Zoo.
Seconded:	Councilor Monroe seconded the motion.

Vote to Amend the Amendment:	Councilors Park, Burkholder, McLain, Monroe, voted in support of the motion, Councilors Newman, Hosticka and Council President Bragdon voted against the motion. The vote was 4 aye/ 3 nay, the motion passed.
------------------------------	--

Vote on the Amendment as amended:	Councilors Park, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. Councilor Hosticka voted against the amended amendment. The vote was 6 aye/ 1 nay, the motion passed.
-----------------------------------	---

Vote on the Main Motion:	Councilors Park, Hosticka, Burkholder, McLain, Monroe voted in support of the Ordinance as amended. Councilor Newman and Council President Bragdon voted against the motion. The vote was 5 aye/2 nay, the motion passed.
--------------------------	---

8.2 **Resolution No. 03-3315**, For the Purpose of Authorizing Metro to Issue a Call for Grants and Award Grant Funding for Construction And Demolition Debris Post-Collection Recovery and Used Building Material Salvage Infrastructure.

Motion to reconsider the vote:	Councilor Monroe moved to adopt Resolution No. 03-3315.
Seconded:	Councilor McLain seconded the motion

Vote to reconsider:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---------------------	--

Motion to substitute:	Councilor Monroe moved to substitute Resolution No. 03-3315A for Resolution No. 03-3315.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe explained the changes to the resolution. Councilor McLain said they were interested in Construction and Demolition recovery. We wanted coordination of all the programs. Councilor Park asked about the use of the fund, what would the material be labeled? Mr. Lee Barrett, Solid Waste and Recycling, said it would be considered source-separated material. Councilor Park explained the impact of that label. Mr. Barrett explained further the recovery of the material. Councilor Park asked about the specifics of the exemption. Mr. Barrett explained the exemption. Councilor Park shared his concerns. Councilor Monroe explained what the resolution did and the future processes.

Vote on the Motion to Substitute:	Councilors Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. Councilor Hosticka voted against the motion and Councilor Park abstained from the vote. The vote was 5 aye/1 nay/1 abstain, the motion passed.
-----------------------------------	--

Vote on the Main Motion:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
--------------------------	--

9. COUNCILOR COMMUNICATION

Council President Bragdon said the next regular Metro Council meeting would be May 15th at 2:00 p.m. in Metro Chamber.

Councilor Park said Department of Land Conservation and Development would be meeting in the Metro Council Chamber on May 8th and 9th to discuss the Council's decision on the Urban Growth Bounty that was made last year.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 8:40 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 1, 2003

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	4/24/03	Metro Council Minutes of April 24, 2003 Submitted for Approval	050103c-01
5.4	Ordinance	5/1/03	Ordinance No. 03-1006A, For the Purpose of Authorizing Revenue Bonds to Refund Metro's Waste Disposal System Refunding Revenue Bonds, 1993 Series A, and Declaring an Emergency	050103c-02
8.2	Resolution	5/1/03	Resolution No. 03-3315A, For the Purpose of Authorizing Metro to Issue a Call for Grants and Award Grant Funding for Construction and Demolition Debris Post-Collection Recovery and Used Building Materials Salvage Infrastructure	050103c-03
5.2	Letter	5/1/03	To: Metro Council From: Ray Phelps Re: System User Fee Credit Program	050103c-04
5.4	Talking points	5/1/03	To: Metro Council From: Doug Anderson, Solid Waste and Recycling Re: Solid Waste Bond Refunding	050103c-05
5.3	Draft RSWMP Contingency Plan Workgroup	5/1/03	To: Metro Council From: Janet Matthews, Solid Waste and Recycling Re: RSWMP Contingency Plan Workgroup	050103c-06
5.2	Memo	5/1/03	To: Council President Bragdon From: Kathy Rutkowski Re: Resolution No. 03-3317	050103c-07
5.2	Letter	5/1/03	To: Metro Council From: Sue Gemmill Re: Creative Service position cut	050103c-08
5.2	Letter of Understanding	4/22/03	To: Metro Council From: Lilly Aguilar, Human Resource Director Re: Letter of Understanding Metro and AFSCME Local 3580 concerning retail operations at the Zoo	050103c-09
5.2	Letter	5/1/03	To: Metro Council From: Eileen O'Connell, AFCSME Re: Budget Cuts	050103c-10