

## MINUTES OF THE METRO COUNCIL

April 14, 1994

Council Chamber

**Councilors Present:** Presiding Officer Judy Wyers, Deputy Presiding Officer Ed Washington, Roger Buchanan, Richard Devlin, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore and George Van Bergen

**Councilors Absent:** Jim Gardner

**Also Present:** Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:05 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

Presiding Officer Wyers announced the Council would consider Agenda Item No. 7.7 before "Executive Officer Communications."

### 7. RESOLUTIONS

#### 7.7 Resolution No. 94-1944, For the Purpose of Confirming the Appointment of Alice Norris to the Metropolitan Exposition-Recreation Commission

**Motion:** Councilor Gates moved, seconded by Councilor Moore, for adoption of Resolution No. 94-1944

Councilor Gates gave the Regional Facilities Committee's report and recommendations. He explained Ms. Norris would fill the vacancy created by Commissioner Ares and said Ms. Norris was highly qualified for the position.

**Vote:** Councilors Gates, Hansen, McFarland, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, Gardner, Kvistad and McLain were absent. The vote was 8-0 in favor and Resolution No. 94-1944 was adopted.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 3.1 Introduction to Oregon Children's Theatre

Executive Officer Cusma introduced Sondra Pearlman, director, Oregon Children's Theatre.

Ms. Pearlman distributed materials illustrating the work done by the Oregon Children's Theatre and briefed the Council on the Theatre's inception 16 years ago and its history to-date. She discussed the importance of children's theatre and of the arts in the region in general. She said the Theatre's attendance rose every year and attributed that to elementary teachers' support of the arts.

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The Council discussed the Oregon Children's Theatre with Ms. Pearlman and thanked her for her presentation.

**3.2 Briefing on Process To-Date Related to Greenspaces Public Opinion and Preliminary Direction for a Bond Measure Proposal**

Executive Officer Cusma noted also on this agenda was a resolution establishing a Metropolitan Greenspaces Blue Ribbon Committee to work on the Greenspaces bond measure. She discussed the bond measure on the November 1992 ballot and said that Resolution No. 94-1942A would assist Metro in gaining the business community's support for a future ballot measure.

Charlie Ciecko, Director of Parks and Greenspaces, said the Council adopted a resolution stating its intent last fall 1993 to pursue another ballot measure in the future. He said that resolution laid out a process and steps to achieve that goal. He said the resolution stated Metro should try to achieve a range of \$135-175 million in funding, consult local governments, groups and businesses for specific recommendations on timing and the amount, and directed staff to recommend a consultation process aimed at community, business and civic leaders. He said in October 1993, staff recommended the consultation process including a business/civic survey, a public opinion poll and the formation of a blue ribbon committee. He said to that goal, Conklin Fiske & McCormick was hired to assist Metro in implementing the process components and discussed their progress to-date. He said the survey had been completed, a list of acquisition sites had been assembled, and the GSTAC and GSPAC had made their recommendations on timing, amount and bond elements. He said four public hearings had been planned concurrent with the blue ribbon committee process.

Mr. Ciecko introduced Patty Ferrell, Conklin Fiske & McCormick, who briefed the Council on their work to date. She said they conducted a poll of 51 civic business leaders, as well as a public opinion survey of approximately 800 citizens, and summarized the results of the surveys. She said most persons stated that growth management was their most important concern. She said the ballot measure would have a better chance if the bond amount was reduced and Metro specifically identified sites for acquisition. She said citizens surveyed also would not support as high an amount as had been originally proposed, but said as the amount went down, people expressed more support. She said the public was also concerned about water quality and animal habitat. She said the blue ribbon committee would assist in assembling the best package possible for ballot consideration. Ms. Ferrell introduced Pat McCormick who would facilitate the blue ribbon committee's work and described the work to be done by the blue ribbon committee further.

Ron Klein gave a slide show on possible sites for acquisition.

The Council and Mr. Klein discussed what sites would be preserved and whether the criteria used would be provided during public hearings workshops. Mr. Klein said staff would provide the criteria used to the public.

The Council discussed the issues further. Councilor McFarland said the Council should support at least the \$139 million amount and said putting the bond measure on the November ballot would be difficult because of the large amount of items expected to be on that ballot. Councilor Devlin said concerns expressed by Councilors Buchanan and McFarland probably expressed the concerns of the Council as a whole. Councilor Devlin said staff should be prepared for resistance to various sites as listed and that staff should be prepared to adjust or alter the sites listed. Mr. Ciecko said staff was prepared to adjust the list as the process continued. He said it would be difficult to prepare a ballot measure that would please all parties involved and to prepare a ballot measure that fulfilled the true biological purposes of the Greenspaces Master Plan. He said by the time Phase II occurred, sites would likely have already been omitted. The Council thanked staff and Ms. Ferrell for their presentations.

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7. RESOLUTIONS (Continued)

7.5 Resolution No. 94-1942A, For the Purpose of Establishing a Metropolitan Greenspaces Blue Ribbon Committee to Advise Metro Council on the Characteristics of Greenspaces General Obligation Bond Measure

Motion: Councilor Gates moved, seconded by Councilor Kvistad, for adoption of Resolution No. 94-1942A with the new Exhibit A, final Blue Ribbon Committee membership list.

Councilor Gates gave the Regional Facilities Committee's report and recommendations. Councilor Van Bergen asked if the \$150,000 expenditure called for was included in the Proposed FY 94-95 Budget. Councilor Monroe said the Budget Committee would work on that issue at its April 18 Budget Committee meeting.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was 12:0 in favor and Resolution No. 94-1942A was adopted.

3. EXECUTIVE OFFICER COMMUNICATIONS (Continued)

3.3 Briefing on Metro Washington Park Zoo Parking Lot Issues

Don Rocks, Executive Assistant, briefed the Council on Metro Washington Park Zoo Parking Lot Issues (hand-out on same filed with the record of this meeting).

The Council and Mr. Rocks briefly discussed the issues. Councilor Van Bergen asked if outstanding issues would be resolved in court. Mr. Rocks said the Parking Lot Committee would arbitrate claims and the Council would make final decisions. He said the committee's purpose was to equitably distribute parking lot revenues among the interested parties. Councilor Van Bergen said the issues should go through the Council committee process since they were financial in nature. The Council briefly discussed the issues further.

4. CONSENT AGENDA

4.1 Minutes of March 24, 1994

REFERRED FROM THE FINANCE COMMITTEE

4.2 Resolution No. 94-1928, For the Purpose of Confirming the Appointment of David Smith to the Investment Advisory Board

4.3 Resolution No. 94-1924, For the Purpose of Confirming the Appointment of Peggy J. Miller and Virginia V. Benware to the Investment Advisory Board

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

4.4 Resolution No. 94-1931, For the Purpose of Authorizing the Metro Washington Park Zoo to Establish a Multi-Year Contract for Catering Sales Services

4.5 Resolution No. 94-1934, For the Purpose of Authorizing Parks and Greenspaces to Solicit Proposals and Establish a Multi-Year Contract for Video Documentation of Smith & Bybee Lakes

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4.6 Resolution No. 94-1935, For the Purpose of Authorizing Parks and Greenspaces to Solicit Proposals and Establish a Multi-Year Contract for Paleolimnological Investigation of Smith and Bybee Lakes

Motion: Councilor Gates moved, seconded by Councilor Moore, for adoption of the Consent Agenda.

Councilor McFarland corrected the minutes. She noted that the March 24 minutes, page 7, Agenda Item No. 6.5, "Vote on Main Motion as Amended," listed the four Councilors who voted in opposition as voting "aye" as well as the seven Councilors who voted in favor, and said the record should be corrected to indicate that the four Councilors voted "nay."

Councilor Buchanan corrected the March 24 minutes also. He noted he was not listed as present in the meeting record, but said record clearly indicated he was present and in attendance via votes on Council agenda items.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilors Gardner and Van Bergen were absent. The vote was 11/0 in favor and the Consent Agenda was adopted with the minutes of March 24, 1994, corrected.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 94-539, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Replacing the South Corridor Alternatives Analysis Draft Environmental Impact Statement (AA DEIS) with the South/North AA DEIS, Authorizing 1.0 New FTE, Recognizing New Planning Grants and Related Expenditures and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-539 had been referred to the Planning and the Finance Committees for consideration.

5.2 Ordinance No. 94-540, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring \$28,798 from the Finance and Management Information Capital Outlay Account to Fund the Purchase of Canon Copiers and Network Equipment and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 94-540 had been referred to the Finance Committee for consideration.

5.3 Ordinance No. 94-541, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Reflecting Funding Increases Due to Delivered Solid Waste Tonnage in Excess of Budget Expectations, Restoring Funding for the Neighborhood Annual Cleanup Program, Recognizing New Grant Funds and Related Expenditures, Funding Unanticipated Personal Services Requirements, and Transferring Appropriations Within the Solid Waste Revenue Fund and the Rehabilitation and Enhancement Fund, and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-541 had been referred to the Solid Waste and the Finance Committees for consideration.

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5.4 Ordinance No. 94-542, For the Purpose of Repealing Ordinance No. 94-531 Due to Metro Waste Disposal Services Contract Amendment No. 4, Which Will Allow Reduction of Metro's Solid Waste Disposal Rate by Separate Ordinance, and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-542 had been referred to the Solid Waste and the Finance Committees for consideration.

5.5 Ordinance No. 94-543, For the Purpose of Amending Metro Code Chapter 5.02 to Reduce and Otherwise Adjust Disposal Fees Charged at Metro Solid Waste Facilities, Provide for Special Exemptions from Fees and Establish Covered Load Rebates, Effective September 1, 1994

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-543 had been referred to the Solid Waste and the Finance Committees for consideration.

5.6 Ordinance No. 94-544, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Reflect Operational Needs at MERC Facilities, Complete Work on the MERC Business Plan, and Declare an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-544 had been referred to the Regional Facilities and the Finance Committees for consideration.

5.7 Ordinance No. 94-545, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Reflect Operational Needs at the Metro Washington Park Zoo, and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-545 had been referred to the Finance Committee for consideration.

5.8 Ordinance No. 94-546, For the Purpose of Amending Franchise No. 12 for Pemco, Inc. to Authorize an Additional Temporary Location for Treatment of Petroleum Contaminated Soil and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-546 had been referred to the Solid Waste Committee for consideration.

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6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 94-536, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Funding a Request from the North Portland Enhancement Committee to Provide Grants from the Rehabilitation and Enhancement Fund, North Portland Enhancement Account, for New Construction to Fund an Improvement Project at Delauney Family of Services and for Project Start-Up of the Multnomah Community Development Corporation, and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-536 was first read on March 10, 1994, and referred to the Solid Waste and Finance Committees for consideration. The Solid Waste Committee considered the ordinance on March 15 and the Finance Committee considered it on March 23 and that both committees recommended the ordinance to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 94-536.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer \$85,000 from Rehabilitation and Enhancement Fund Contingency to Miscellaneous Professional Services under Materials & Services for the North Portland Enhancement Committee Account. She said the purpose of the transfer was to enable funding for two projects recommended by the North Portland Enhancement Committee. She said one grant in the amount of \$50,000 would go to the Delauney Family of Services for assistance in constructing a new facility in North Portland and the other grant in the amount of \$35,000 would go to the Multnomah Community Development Corporation for the start-up of a community commercial center benefitting the Portsmouth community in North Portland. She said the grants were not anticipated earlier in the fiscal year thus necessitating the need for an emergency clause at this time.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was 12-0 in favor and Ordinance No. 94-536 was adopted.

6.2 Ordinance No. 94-533, For the Purpose of Amending Metro Code Sections 5.02.055 and 7.01.080 Relating to the Collection of User Fees and Excise Taxes from Franchised and Other Designated Solid Waste Facilities, and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-533 was first read on March 10, 1994, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on March 23 and recommended it to the full Council for adoption.

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-533.

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Councilor McLain gave the Solid Waste Committee's report and recommendations. She explained the ordinance would regulate charge policy time lines and allow for consistent interest charges on users of Metro solid waste facilities. She said the Committee concluded that a 45-day time line was best, although staff would attempt to institute a 30-day time line later.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

The Council discussed the ordinance. Councilor Devlin stated Metro should evaluate the change from 45 to 30 days and its impact on customers carefully. Councilor Monroe said the change would achieve uniformity in charges and said he had asked staff to work on an ordinance asking for a 30-day time line. Councilor Van Bergen said the use of the 30-day time line was an industry standard, and that Metro should try to achieve it, and said he would vote nay on the ordinance for those reasons. Councilor Hansen noted haulers billed their customers bi-monthly and said the new time frame would place an additional burden on them. She said haulers should testify when the Council reviewed these issues again. Councilor McFarland agreed with the 30-day time line. Councilor Buchanan concurred with Councilor Van Bergen and said he would vote nay also. Councilor Devlin said many haulers billed in arrears now and stated for the record that the issues were not as simple as they appeared.

Vote: Councilors Devlin, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilors Buchanan, Gates and Van Bergen voted nay. Councilor Gardner was absent. The vote was 9/3 in favor and Ordinance No. 94-533 was adopted.

6.3 Ordinance No. 94-538, An Ordinance Amending Metro Code 2.06.030(b) and 2.06.030(b)(1); and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-538 was first read on March 10, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on March 23 and recommended it to the full Council for adoption.

Main Motion: Councilor Devlin moved, seconded by Councilor Gates, for adoption of Ordinance No. 94-538.

Councilor Devlin gave the Finance Committee's report and recommendations. He said the ordinance requested an increase in the size of the Investment Advisory Board (IAB) from three members to five to address quorum problems.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Hansen, to amend the ordinance by adding the language: "Relating to Membership on the Investment Advisory Board" to the ordinance title.

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Vote on Motion to Amend: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was 12/0 in favor and the motion to amend passed.

Councilor Van Bergen said Metro now had expert financial staff and said the need for the IAB as it existed when created was no longer necessary.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was 12/0 in favor and Ordinance No. 94-538 was adopted as amended.

7. RESOLUTIONS (Continued)

7.1 Resolution No. 94-1947, For the Purpose of Authorizing a Contract with Spangle Associates for the Development of Model Land Use and Development of Regulation for Mitigating Seismic Risks in the Portland Metropolitan Area

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1947.

Councilor Gates gave the Planning Committee's report and recommendations. He explained the resolution would authorize a contract for development of effective ways to share or transfer innovative risks to use earthquake hazards information to those entities responsible for mitigating seismic risks. He noted the grant amount requested had been \$119,862, but was received at \$58,800.

Vote: Councilors Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilors Buchanan and Gardner were absent. The vote was 10-1 and Resolution No. 94-1947 was adopted.

7.2 Resolution No. 94-1950, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee

Motion: Councilor Moore moved, seconded by Councilor Gates, for adoption of Resolution No. 94-1950.

Councilor Moore gave the Planning Committee's report and recommendations. She explained the resolution would appoint three citizen members to the Transportation Policy Alternatives Committee: Molly O'Reilly, Rex Burkholder and David Bragdon. She said all of the nominees were committed persons and would bring a citizens' perspective to TPAC. Councilor McLain said she was very impressed with the nominees and all of the applicants. Councilor Van Bergen said because of their other affiliations, he did not believe the nominees would be unbiased.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilor Kvistad abstained. Councilor Gardner was absent. The vote was 10-1 in favor with one abstention and Resolution No. 94-1950 was adopted.



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7.3 Resolution No. 94-1940, For the Purpose of Expressing Metro Council Support for the "Bottoms Up, Three's Down" Campaign to Boycott and Eliminate PVC(#3) Containers

Councilor McFarland noted she had been asked by three Councilors to return Resolution No. 94-1940 back to the Solid Waste Committee for additional Committee review and work.

Presiding Officer Wyers announced Resolution No. 94-1940 had been referred back to the Solid Waste Committee.

7.4 Resolution No. 94-1941, For the Purpose of Revising Chapter 5 of the Regional Solid Waste Management Plan and Adjusting Tonnages at Metro Facilities

Main Motion: Councilor Monroe moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-1941.

Councilor Monroe gave the Solid Waste Committee's report and recommendations. He explained the resolution would adjust tonnage between Metro South and Metro Central Stations to reduce tonnage at MSS by a minimum of 60,000 tons. He said that would also increase tonnage at MCS which would eliminate the "put or pay" clause which had cost Metro \$500,000 this year.

Motion to Amend: Councilor Monroe moved, seconded by Councilor Gates, to correct a typographical error in the resolution Be it Resolved Section No. 3, to change "July 1, 1994" to "July 1, 1995."

Councilor McLain noted Estle Harlan, Tri-County Council, had submitted a memorandum for consideration at this meeting and stated there should be opportunity for testimony and analysis of the issues before the Council instituted flow control. Councilor Devlin said before the resolution became effective, there should be data on impacts to the haulers. Councilor McFarland said the changed time line made the resolution more feasible.

Vote on the Motion to Amend: Councilors Buchanan, Gates, Hansen, McFarland, McLain, Monroe, Moore, and Washington voted aye. Councilors Devlin, Kvistad, Van Bergen and Wyers voted nay. Councilor Gardner was absent. The vote was 8/4 in favor and the motion to amend passed.

Councilor Hansen if staff would assess voluntary shifts by the haulers.

Bob Martin, Director of Solid Waste, said staff had already done some research and that the haulers would probably implement voluntary shifts.

Councilor Van Bergen said when MCS was built, the Council was told that haulers would voluntarily go to the new station. He said Metro should stop subsidy of MCS.

The Council discussed the issues further. John Houser, Senior Council Analyst, said action could be implemented on or before the new date. Councilor Devlin said the additional time was needed to resolve the issues. Councilor McFarland said other outstanding issues as related to the Forest Grove Transfer Station should be resolved, but said to implement before the effective date in the resolution would put undue pressure on the haulers. Councilor Van Bergen asked if the Council or the Executive Officer had the ultimate authority to exercise flow control.

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Dan Cooper, General Counsel, said Legal Counsel was in the process of preparing a written opinion that four Councilors had already requested related to Forest Grove Transfer Station issues. He said it was already clear that the issuance of a required use order, which was how Metro would direct flow control and require a specific hauler/generator to use a specific facility under the present provisions of the Metro Code, lay with the Solid Waste Director. He said questions on the separation of powers or how to amend them represented another set of issues.

Motion to Lay on the Table: Councilor Van Bergen moved, seconded by Councilor Buchanan, to lay Resolution No. 94-1941 on the table.

Motion on Motion to Table: Councilors Buchanan, Devlin, Kvistad, Van Bergen and Washington voted aye. Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore and Wyers voted nay. Councilor Gardner was absent. The vote was 7-5 opposed and the motion to table failed.

Presiding Officer Wyers said the issues required more work. Councilor Monroe said the resolution would assist staff to begin to facilitate flow control.

Vote on Main Motion as Amended: Councilors Buchanan, Gates, Hansen, McFarland, McLain, Monroe, Moore and Washington voted aye. Councilors Devlin, Kvistad, Van Bergen and Wyers voted nay. Councilor Gardner was absent. The vote was 8-4 in favor and Resolution No. 94-1841 was adopted as amended.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item No. 7.6.

7.6 Resolution No. 94-1946A, For the Purpose of Authorizing the Release of Request for Proposal for the Metro Washington Park Zoo's Oregon Project and Authorizing a Multi-Year Design Contract with the Selected Design Team

Motion: Councilor McFarland moved, seconded by Councilor Gates, for adoption of Resolution No. 94-1946A.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the resolution would authorize a contract with a selected design team for the full scope of design services related to the Oregon Project and new entrance, but said the contract would progress in phases, with only \$150,000 authorized for expenditure at this time. She said the Committee amended the resolution to further assure Council oversight on all phases of the project.

Councilor Van Bergen said the Council should discuss whether or not funds should be spent on design work at this time in expectation of funds to be donated. Councilor Moore said staff's response had been to perform the schematics of the new entrance and to comply with the Zoo Master Plan already adopted by the Council to determine what costs would be. She said design work done now would lay the foundation for design work done later. Councilor Devlin said when the Council discussed the level of funding last year, it realized the work would have to be done in conjunction coordination with Westside Light Rail construction. He said the Council should recognize there would have to be a public investment because donations could not possibly equal the \$20 million required. Presiding Officer Wyers asked if final decisions had been made on who would own and

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operate the proposed restaurant. Councilor McFarland said that decision had not been made. She said the design work had to accommodate light rail.

Casey Short, Senior Council Analyst, said the Council would make the final decisions on items like the restaurant. He said Phase I was merely meant to do preliminary designs to show all the options and to get a realistic estimate of costs. He said the restaurant would not be built if it was too expensive. The Council discussed the issues further.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was 12/0 and Resolution No. 94-1946A was adopted.

Presiding Officer Wyers recessed the Metro Contract Review Board and reconvened the Metro Council.

**7.8 Resolution No. 94-1948, For the Purpose of Recommending to Multnomah County a Reallocation of \$600,000 of Transient Lodging Tax Proceeds for Three Years, to Provide Operating Support to the Portland Center for the Performing Art**

Main Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 94-1948.

Councilor Hansen gave the Regional Facilities Committee's report and recommendations. She said MERC had asked that Multnomah County amend its code to allow \$600,000 per year of the Multnomah County hotel/motel tax to help cover PCPA's operating expenses for three years. She said there would still be a shortfall, but said it would become more manageable with the assistance of other MERC facilities, and discussed fiscal issues further.

The Council discussed the issues. Councilor Monroe said he supported the resolution, but said it was unusual for one government to control a revenue source funded by another government activity. Councilor Buchanan said it was important to support the PCPA, but asked how Metro could get funds back if they were needed. Mr. Cooper said the language was non-binding. He said the agreement did not require funds to be spent on the PCPA, but authorized funds to be spent on the PCPA. Mr. Cooper noted he was uncomfortable with the use of the word "condition" in the resolution. Councilor Buchanan asked if the Council could decide how the funds would be spent. Mr. Cooper said it would.

Motion to Amend: Councilor Buchanan moved, seconded by Councilor Van Bergen, to delete Be It Resolved Section No. 2 and replace deleted language with: "That the Council adopts the provisions of Exhibit A to this resolution as a policy statement of the Council."

The Council discussed the motion to amend.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Gates were absent. The vote was 11/0 in favor and the motion to amend passed.

In response to Councilor Buchanan's question, Mr. Cooper said via the resolution, Metro would commit not to impose a hotel/motel tax over the next three years. Councilor Buchanan asked if that commitment was legally

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binding. Mr. Cooper said the commitment contained in the resolution was not legally binding. The Council as a whole discussed the issues further.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Monroe were absent. The vote was 11/0 and Resolution No. 94-1848 was adopted.

Presiding Officer Wyers recessed the Metro Council and reconvened the Metro Contract Review Board to consider Agenda Item No. 7.9.

**7.9 Resolution No. 94-1929A, For the Purpose of Authorizing Issuance of a Request for Proposals and Execution of a Multi-Year Consultant Contract for a Metro Information Systems Strategic Plan**

Motion: Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 94-1929A.

Councilor Kvistad gave the Finance Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Monroe were absent. The vote was 11/0 and Resolution No. 94-1929A was adopted.

Presiding Officer Wyers adjourned the Metro Contract Review Board and reconvened the Metro Council.

**8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

Councilor Hansen reminded Councilors and those present of the four Greenspaces public hearings. She said she hoped at least four or five Councilors would attend each of the hearings.

Presiding Officer Wyers noted she had just attended the Zoo's annual Zoo volunteer banquet. She said the Zoo had over 800 volunteers.

Don Carlson, Council Administrator, said the Budget Committee would hold its Phase III meeting for General Fund and Support Service fund review on Monday, April 18 and said that a final Budget Committee meeting would be held Wednesday, April 20.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:10 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council  
MCMIN94.104