

FILED July 18, 1995

MINUTES OF METRO COUNCIL REGULAR MEETING

Council Chamber

December 22, 1994

Councilors Present: Judy Wyers (Presiding Officer), Ed Washington (Deputy Presiding Officer), Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terri More, Ed Washington

Councilors Absent: George Van Bergen

Presiding Officer McFarland called the December 22, 1994 Metro Council Meeting to order at 4:05 p.m.

Presiding Officer Wyers announced that Agenda Items Nos. 9.1 and 9.2 would be considered immediately after Council consideration of Agenda Items Nos. 8.2 through 8.8.

Presiding Officer Wyers announced that Agenda Item No. 8.1 would be considered at 4:15 p.m. Time Certain and Agenda Item No. 8.2 would be considered at 5:00 Time Certain.

1. INTRODUCTIONS

None.

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

Councilor McFarland presented a plaque of appreciation on behalf of Executive Officer Rena Cusma to Eleanor Fielder for her public service as a member of the Solid Waste Rate Review Committee from April 1, 1992 to October 25, 1994.

Barry Sutton, 1011 S.W. 12th Ave., Portland, OR 97205, testified in opposition to Resolution No. 94-1989 and expressed his concerns regarding spending waste with regard to light rail.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma addressed the Council regarding Metro accomplishments over the last several years including the implementation of a regional solid waste system, the building and successful operation of the Oregon Convention Center, the establishing of a tax base for the Metro Washington Park Zoo, the consolidation of regional parks, and she noted the Planning Department was staffed with one of the finest staffs in the country. Executive Officer Cusma felt pleased about how she was leaving Metro and wished all good luck in the future.

The Council thanked Executive Officer Cusma and gave her a round of applause.

The time was 4:15 p.m.

Jack Polans, King City resident, addressed the Council regarding a previously held Metro Solid Waste Committee meeting on December 20, 1994, Agenda Item No. 7, pages 95 through 110. He said he gave testimony regarding action requested for a motion to recommend Council adoption of Ordinance No. 94-581, and in response to his questions was encouraged to contact Metro Staff or his District Councilor. Mr. Polans expressed concern regarding the volume of materials being disseminated and the lack of time available for review by the public, noting he received agendas usually two days prior to the meetings and the inability to make contact with Staff or his Councilor in the given amount of time following receipt of materials in order to ask questions.

Councilor Hansen presented Executive Officer Cusma with gifts on behalf of the Council.

Presiding Officer Wyers called for the hearing of Agenda Item No. 8.1 at this time and called for the convening of the Metro Contract Review Board.

8.1. Resolution No. 94-1989, For the Purpose of Determining the South/North Light Rail Transit Alternatives to Advance into the Tier II Draft Environmental Impact Statement for Further Study

Presiding Officer Wyers noted the proposed resolution had been heard at the Planning Committee.

Motion: Councilor Monroe moved to adopt Resolution No. 94-1989. Councilor Gardner seconded the motion.

Councilor Monroe gave the Planning Committee report. This document has been made a part of the permanent meeting record.

Presiding Officer Wyers opened a public hearing.

David Rasmussen, Portland resident representing Citizens Working Group #1, referenced the group's position paper previously placed in the record, and said the group had been making recommendations for over a year on the alignment issues. He said members were transit advocates and want the McLoughlin Corridor become the multi-modal corridor it was intended to be. He said the group supported the Carruthers Bridge Crossing Option and its possibilities to link to an east side connector to make a downtown loop. He the option should be given complete equality in the DEIS study until a final decision was made. He said the group also supported the Brooklyn street alignments.

Councilor Monroe responded to the testimony, and said the language in the proposed resolution was intended to mean "equal means equal."

Irwin Mandel, Portland resident and new citizen of 19 months to the Portland area, testified before the Council and asked the Council to give equal precedence of study to both a subsurface route through Portland and a surface route through Portland.

David Zagel, representing the Downtown Rail Group / AORTA, and Portland resident, testified before the Council and said that his group had concluded that it would be premature to eliminate the subway option from the central business district at this time before more concrete information was known. A document containing written testimony from the Downtown Rail Coalition dated December 22, 1994 has been placed in the permanent meeting record. Mr. Zagel said the Willamette River Crossing and alignment choice for downtown should be given greater consideration, and said the citizens who approved the bond issue needed to be heard as represented by the members of the Metro South/North Citizen Advisory Committee as well as the Portland Planning Commission, who recommended that both the subway and the surface in downtown and both crossings for the Willamette River be given equal consideration in the DEIS.

Greg Goodman, Jr., President, City Center Parking and partner in the Downtown Development Group, gave testimony and said on behalf of his father, Doug, his brother, Mark, and Chris Kopkin he urged the Metro Council to direct Metro Staff to initially study solely the proposed 5th and 6th avenues surface alignment for the South/North Light Rail as recommended by the Steering Group giving several key reasons which he said demonstrated the advantages.

Anne De Mont, Assistant to the President, OMSI, spoke in support of the east side light rail project and urged the Council to approve the resolution giving equal consideration to the Carruthers and Ross Island crossings.

Bing Sheldon, representing Zidell, Schnitzer, and the North Macadam district, spoke in support of the proposed resolution as well as for the Ross Island Crossing. He said once the study was complete it would be time to end the uncertainty and to go forward with a single choice of crossing. Mr. Sheldon added that the Corbett-

Terwilliger-Lair Hill Neighborhood Association supported this position. Mr. Sheldon presented written testimony which has been placed in the permanent meeting record.

Steven Shain, representing Zidell Co. and a Portland resident, testified that the South/North discussion should remain focused and not become a battle. A letter from the Ross Island Crossing Coalition dated December 15, 1994 and signed by Mr. Shain has been placed in the permanent meeting record. Mr. Shain said it was a choice between two very different ways of using light rail and was a decision that should be made with the simple objective of making sure that the entire region obtained the greatest possible return for its potential \$3 billion investment. He said the alignments, crossing decisions and so forth should keep faith with the voters and with the region's and Metro's adopted plans and policies. Mr. Shain expressed strong interest in development the North Macadam area with the density and character the site deserved. He expressed the interests of the Zidell family in providing a legacy that all could be proud of.

Roger Neu, Vice President representing Schnitzer Investment Corp., and said he concurred with comments made by Mr. Sheldon and Mr. Shain. He discussed housing, employment, and land use issues concerned with the North Macadam area and said in as much as it was an older area the Schnitzers and the Zidells were involved in expenditures for environmental cleanup efforts as well in order to prepare for the future.

Richard H. Parker, OMSI Board member and former Past President of the Central/Eastaide Industrial Council, discussed the history of the alignment and said OMSI supported the Carruthers option. He said citizens throughout the region wanted to go to OMSI via lightrail. He described OMSI as a regional facility which was the largest regional attraction after the Metro Washington Park Zoo. He urged the Council to give equal consideration to both options and appreciated clarification of the language.

Peter Fry, Portland resident, expressed appreciation to Metro as a government and its staff for providing an objective regional perspective. He urged Metro to consider both options equally, that no special barriers such as study or engineering costs would prevent the Carruthers from going forward into the DEIS, saying he supported the DEIS process as the appropriate place to study and compare the alternatives. He noted that many jurisdictions and agencies were seeing transit as a system not necessarily just including light rail but also other means of transport as well such as street cars, etc. He said a regional framework for a systems approach would enable the making of strategic decisions that could be useful in the future should funding capabilities change.

Kerry Chipman, member of Landing Condominium Home Owners Association, the City of Portland Community Working Group #2, and the Corbett-Terwilliger-Lair Hill Neighborhood Land Use Committee, said these three groups had divergent views as to which of the crossing would be the best. He said, because of the conflict in the groups, he wished to speak as a private citizen and as such urged the Council to adopt the resolution to study both alternatives, the Carruthers and the Ross Island. Mr. Chipman felt it was necessary to obtain as much as information as possible in order to make an informed decision.

Bob Hennessey, representing C-TRAN and the four other jurisdictions in Washington State participating in the South/North study. He said on December 13, 1994 the Joint Regional Policy Committee and the C-TRAN Board both voted unanimously to support the approval of the proposed resolution. He said that action was preceded by similar action by the SW Washington Regional Transportation Council in addition to the Clark County Board of Commissioners and the Vancouver City Council. He said the participating jurisdictions in Washington supported the final Tier I recommendations, although, he added, not without pressure to build out to the 134th Street terminus during Phase I. He said the key to determining whether a project was ready to be undertaken versus a study was cost effectiveness. He said there was also acceptance among those jurisdictions of the "phased approach" had the highest likelihood of being competitive at the federal level.

Richard A. Cantlin, Attorney with Perkins Cooney, and said he represented Ross Island Sand & Gravel Co. in this matter and stated for the record their interest in this process, and he indicated that although they might have been somewhat slow to awaken to what was going on, they were not fully apprised and very interested. He

asked, that to the extent that it was possible, that they be consulted as much as possible. He said the company's position would be guided by what was best for the region.

Jillian Detweiler, representing the Brooklyn Action Corps Neighborhood Association, referenced her letter of December 15, 1994. This document has been made a part of the permanent meeting record. She said the NA was an enthusiastic supporter of the light rail, and discussed the NA's position as stated in their neighborhood plan, adopted by the Portland City Council, March 1991, Objective 7A.4: "Support an assisted light rail line, with a station easily accessible from Brooklyn, which does not harm the quality of life, and does not further restrict Brooklyn's access to the Willamette River."

Fred Nussbaum, representing the Association of Oregon Rail and Transit Advocates (AORTA), and said his organization was pleased with the potential for the study of the Carruthers option and said they hoped the same would be done for the downtown alignment alternatives. Mr. Nussbaum discussed ridership issues, and he urged the Council to adopt the proposed resolution.

Leonard Bergstein, representing Northwest Strategies, OMSI, and a Portland resident, distributed a letter from Dan Moriarty, President, Portland Community College, dated December 21, 1994 with attached written testimony on the South/North Light Rail which supported the Carruthers river crossing urging the Council to support the recommendation to study both options equally. This document has been made a part of the permanent meeting record. Mr. Bergstein commended Metro for crafting the regional consensus emerging at this time.

Mr. Bergstein noted testimony from Mr. Sheldon in which he indicated "choices to be made in March or April", and he asked for clarification regarding comments at a JPACT meeting he attended. Mr. Bergstein said he thought Commissioner Blumenauer commented about this notion of choices, and that if the two alternatives came forward in a roughly equivalent fashion, that he, Blumenauer, would feel most comfortable moving both alternatives forward to the DEIS.

Councilor Monroe clarified that statement was made by Commission Blumenauer, that is, if in studying these two alternatives, once specific alternatives were identified, if the data was close between the two then both options should go forward into the next step, the environmental impact statement. Councilor Monroe indicated that was his intent and that it was the intent of JPACT, and said with approval of the proposed resolution, it was the intent of the Metro Council.

Presiding Officer Wyers closed the public hearing.

Councilor Monroe clarified the downtown tunnel versus surface. He said the tunnel/subway option would cost approximately \$.25 million more than surface, presenting a major factor. He said other things being equal, the cost effectiveness, i.e. dollars per new riders, would be reduced, thus reducing the likelihood of ISTEA approving the project. Councilor Monroe said however the tunnel/subway option door was not closed noting the problems of moving even greater numbers of people on streets already congested with cars and busses, etc. as well as the problems connected with disruption during construction on the mall. Councilor Monroe noted there would be however even greater disruption at each station designated during construction of a downtown subway/tunnel light rail.

Councilor Moore noted the language in the resolution stated that other alternatives would be developed for further study, and said that did not limit itself to sub-surface, but that there were other streets that could potentially be studied for either light rail in the downtown area. She said she hoped that all of the downtown organizations, business owners and citizens would be looking at the whole of the downtown area the whole of the downtown area for options. Councilor Moore said, regarding Phase II portions of the line going to Oregon City and up to the WSU campus, for the record, and referenced page 6 of the report which was appended to the proposed resolution, that at the time it came to doing the Phase II that particular extension of the South/North line was not being

established as a priority over other light rail segments that were crucial to the system being built in the region, specifically, a line that would go to the airport and a line that would go to Tigard from Beaverton.

Councilor Gardner said he was happy there was language included in the proposed resolution that made it clear that both options would be included and addressed and supported that both be moved forward and on equal footing. Councilor Gardner indicated he was not pleased with the elimination of the potential sub-surface route through downtown, and said he understood that in the short term it would be more expensive and in the short term would pose more problems. He said however in the long term he believed downtown Portland would have sub-surface light rail, and said whether it was this line or the one that followed this line was the choice. He felt it could done with amendment language, but said he did not intend to do so at this time, but rather would support the proposed resolution to take the next step toward putting together a regional rail system.

Councilor Kvistad said that throughout the process he had advocated throughout the process a fallback option, such as the eastside option, should be retained. He said it should be included as a viable option to study because of financial constraints that could arise down the road.

Councilor McLain said the Council understood the important of the issues for the downtown portion. She said it was necessary to keep the short-term funding dollars in mind to keep the whole rail systems process going.

Councilor Monroe closed recognizing the Metro planners and staff who had made the project workable, spent hours on holding public meetings and on the work itself. He recognized Andy Cotugno, Planning Director; Richard Brandman, Assistant Director, Transportation Planning; Leon Skiles, Transportation Planning Manager; Gina Whitehill-Baziuk, Public Involvement Planning Supervisor; John Cullerton, Transportation Planning Supervisor; Sharon Kelly Meyer, Transportation Planning Supervisor; Dave Unsworth, Senior Transportation Planner; Ted Leybold, Associate Transportation Planner; Marilyn Matteson, Associate Public Affairs Specialist; Randy Parker, Associate Transportation Planner; Jeanna Cernazanu, Associate Public Involvement Planner; Susan Shepherd, Associate Public Involvement Planner; Jan Faraca, Secretary; Berthe' Carroll, Administration Secretary; Jenny Kirk, Associate Management Analyst; and, Don Riordon, Assistant Transportation Planner.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent.

The vote was 12 to 0 in favor and the motion passed.

8.2. Resolution No. 94-2052, For the Purpose of Providing Salary Increases For All Non-Represented Employees

Motion To Table: Councilor Kvistad moved to table Resolution No. 94-2052, Resolution No. 94-2055, Resolution No. 94-2056, Resolution No. 94-2057, Resolution No. 94-2066 and Resolution No. 94-2067.

Presiding Officer Wyers clarified Councilor Kvistad's motion to table included Agenda Items No. 8.2 through 8.7.

Presiding Officer Wyers asked for a second, and announced that the motion to table failed due to lack of a second.

Motion: Councilor McLain moved to adopt Resolution No. 94-2052, 94-2055 and 94-2057. Councilor Gates seconded the motion.

Councilor McLain indicated her report from Committee would include Resolutions No. 94-2052, 94-2055, and 94-2057. She noted the proposed resolutions had been forwarded to the Council from the Finance Committee without recommendation. Councilor McLain said the proposed resolutions were part of the collective bargaining

process authorizing a 5 1/2% salary increase for non-represented and represented employees effective December 16, 1994, noting approval of the resolutions would not require a budget amendment, and she outlined other issues provided by the proposed resolutions. Councilor McLain indicated 14 people had testified during the public hearing including Executive Officer Cusma, who addressed the Committee in support of all three resolutions. Councilor McLain urged passage of the proposed resolutions under consideration.

Presiding Officer Wyers opened a public hearing.

Leland E. Michels, a Portland resident, testified before the Council and said it was his understanding that the balloting in November on Measure 8 was, in his opinion, over PERS, which he felt should be replaced by something more reasonable. Mr. Michels said all he heard from government had nothing to do with PERS, but rather that government was making end runs around Measure 8 in order to give the employees a raise in pay. He recommended Metro get together with other governmental agencies to study PERS long and hard and overhaul the system.

Councilor Gates said PERS could only be discussed and debated during the legislative session, and that action could be taken only by the legislature and not subject to school districts, city councils or Metro government.

Bob Martin, Solid Waste Director, said he would be leaving Metro soon noting he had been in public service since 1963, and said he had not been in it for the perks. Mr. Martin said he was in it to provide good public service, and he urged the Council approve the proposed resolutions. He did not agree with what he felt was bashing public employees. Mr. Martin compared running government to running a business, and said if he were to give his report to a business board of directors in the private sector about \$1.8 million in decreased costs this year, increased revenue of \$3 million and no newly hired FTE's, there would be discussion about bonuses about now, now reductions in pay. Mr. Martin said that Metro should continue to hire the best, but said it would be difficult to keep them and keep them productive with this type of cut.

Andy Cotugno, Planning Director, said the Council should pat itself on the back for the accomplishment of such big projects such as South/North. He said a dedicated, committed Staff were responsible for bringing that kind of quality work forward. He said they were doing the best work in the country and could go anywhere in the country as a result of that. Mr. Cotugno said in conferences around the country he's recently heard they're tired of hearing about the Portland story. He said non-represented employees had already taken three hits: no COLA as of July this year, no merit prior year, and reclassifications the year before that without an increase that reflected those reclassifications. He said that amounted to 13% and without passage of the proposed resolutions, 6% more would be added, for a total of 19% reduction in a 19 month period, or 1% per month over a 19 month period. He urged the Council to support the proposed resolutions.

Glen Feuerborn, LIUNA 483, addressed the Council regarding other jurisdictions in which he represented employees; i.e., the City of Portland, the Port of Portland. He said they had all lessened the impact of Measure 8 or mitigated the impact of Measure 8 on those employees. He urged the Council to approve the proposed resolutions.

Tim Collins, Associate Transportation Planner and President, AFSCME Local 3580 and 3580-1, addressed the Council and said Resolutions No. 94-2055, 94-2057 had been agreed to by both unions and Executive Officer Cusma. He said these agreements required employees to pay the 6% of wages into the PERS retirement plan and provide a 5 1/2% pay increase to represented employees. He said the overall effect would still be a 1/2% decrease in their pay, agreed upon in order to make the resolutions cost neutral to Metro, that is, no budget impact. Mr. Collins said the proposed resolutions provided a fair way to employees to allow for payment of the required 6% of wages into PERS, and named other jurisdictions who had passed similar agreements, including the cities of Albany, Salem, Corvallis, along with Multnomah, Washington, Lane and Marion counties.

Mr. Collins noted that in 1981 Metro employees received improvements to their pension plans in lieu of their COLAS at the time.

Joanna Karl, Senior Engineer, Solid Waste Department, testified giving a history of pension plans in Oregon for state workers. This information was printed the agenda packet for this meeting and has been made part of the permanent meeting record.

Lois Kaplan, addressed the Council in support of the proposed resolution. A hard copy of Ms. Kaplan's remarks are contained in the permanent meeting record.

Bill Jemison, Solid Waste Department Hazardous Waste Technician, urged the Council to approve the proposed resolutions. He believed the Council's mission was to improve the quality of life for all citizens in the region, and asked if a 6% pay reduction a reward for employees living up to the demands of public commitment. Mr. Jemison said the will of the people was not a substitute for calm, rational action. He urged the Council to provide pay raises for all Metro employees, union and management alike.

Rex Ettlin, Metro Washington Park Zoo employee, urged the Council to approve the proposed resolutions. He asked the Council to consider the impact on all Metro employees and in particular where couples both worked as public employees. He said for he and his wife, Lauren Ettlin, Associate Solid Waste Planner, the loss in their monthly income would be nearly \$250.

Phil Prewett, Metro Washington Park Zoo employee and N.E. Portland resident, addressed the Council noting he had been a zookeeper for 20 years and would like to be one for 20 years more. He said the work force at the Zoo was down due to budget cuts with no decrease in responsibilities, that employees are being told to work harder, better, more safely, and if an employee makes a mistake it will stay in their file for two years instead of one, and oh, yeah, we're going to cut your pay, too. Mr. Prewett said the keeper force and the Zoo was one of the best in the nation. He urged the Council to vote in favor of Resolution No. 94-2067 and to vote against Resolution No. 94-2057.

Sue Gemmel, Associate Public Affairs Specialist, asked the Council to support Resolution 94-2055 to fairly compensate Metro employees for the impending reduction in pay. Ms. Gemmel's remarks are contained in the agenda packet for this meeting and have been made a permanent part of the meeting record.

Tom Kloster, Senior Transportation Planner, urged the Council to support the proposed resolutions and said Metro needed to have a competitive edge to be able to recruit for positions. Mr. Kloster had given written testimony previously which was contained in the agenda packet for this meeting and is part of the permanent meeting record.

Jack Polans, King City resident, opposed adoption of the proposed resolutions if they circumvented Measure 8.

Presiding Officer Wyers closed the public hearing.

Councilor Hansen said Measure 8 was not yet the law, but, she said the union agreements were. She said when Measure 8 became law in January 1995 the matter would be before the courts if union agreements which were signed contracts were violated. She said she was not willing to violate those agreements prior to that.

Councilor Gardner said Measure 8 simply said public employees in both state and local government should contribute to their pensions like other citizens do. He said a fact that had been obscured was the public employees already did pay for their pension, and said that in 1979 for state employees and 1981 for Metro employees agreed to take less pay in order for the employer to pick up the pension contribution. He said the term back then was "in lieu" of pay increase, which meant that all of those employees took a 6% pay cut at that time. Councilor Gardner said Metro would be following the law by enacting these proposed resolutions prior to January 1, 1995 and urged support of these resolutions.

Councilor Gates said Metro employees were setting the standard for service and that their standard had been exemplary. He said it was not his choice to punish successful people, and said he intended to support the proposed resolutions.

Councilor Moore thought it possible the outcome of Measure 8 might have been different if the citizenry had been given an historical perspective rather than the media advertising seen, noting it had passed by few votes. She said the tone of the debate, that public employees were overpaid, also distressed her, and she expressed concerns about the possibility of breaking a contract that was already in place with Metro employees.

Councilor Kvistad said that although he did not support Measure 8, he felt Metro should accede to the will of the voters and could not support the resolutions, which he said were not revenue neutral. He said Metro was faced with the possibility of program losses and job cuts next year. Councilor Kvistad urged the Council to vote not and to use the \$3 million in saving to save jobs and programs, and felt to do so would help protect Metro from further damage from bad publicity and public perception. Councilor Kvistad said he supported its repeal and would support a court challenge by Metro.

Councilor Devlin said he could not support the Agenda Items Nos. 8.2, 8.3, and 8.4. He said he could support Agenda Items Nos. 8.6, 8.7 and 8.8. Councilor Devlin said he opposed Measure 8, but felt to support the proposed resolutions did not reconcile with his oath of office. He noted other jurisdictions had found ways to circumvent #8, but felt it was Metro's role to keep faith with public, the initiative process and with public employees. Councilor Devlin indicated he intended proposed alternatives to the matters under consideration should the proposed resolutions not pass.

Councilor Buchanan commented that two separate issues were under discussion, one being the administration of PERS and the other, the relationship between the entity, Metro, and its employees. He advocated for equity and fairness for employees and urged Council support of the proposed resolutions.

Presiding Officer Wyers said she took her oath of public office seriously as well, but she added it was not possible to satisfy each and every member of the voting public when representing them. She said it was necessary to use your best judgment, noting she opposed Measure 8 and that she intended to support the proposed resolutions. Presiding Officer Wyers said she believed adopting the proposed resolutions would follow the letter of the law, which was to go into effect in January, 1995. She said the employees of the union had always given her support, and felt she wanted to do so in return, and urged the Council to adopt the proposed resolutions.

Councilor McLain referenced the remarks contained in the agenda packet as given by Executive Officer Cusma to the Committee and were supportive of the proposed resolutions. Councilor McLain said the cost would be at neutral due to the .5% difference from 6% employee pay into PERS and the 5.5% increase in pay. She noted Metro employees had sacrificed COLA's in the past. Councilor McLain admonished the Council that by adopting the proposed resolutions both the spirit and letter of the law would be met and asked the Council to do so.

Daniel B. Cooper, Legal Counsel, responded to an inquiry from Councilor McFarland regarding whether the Council could vote on all three resolutions at the same time, and he indicated that with a ruling from the Chair without objection, they indeed could do so.

Vote: Councilors Gardner, Gates, Hansen, McFarland, McLain, Moore, Washington, Buchanan and Wyers voted aye. Councilors Devlin, Kvistad, Monroe voted no. Councilor Van Bergen was absent.

The vote was 9 to 3 in favor and the motion passed.

Presiding Officer Wyers recessed the Council at 6:35 p.m.

Presiding Officer Wyers reconvened the Council at 6:46 p.m.

8.5. Resolution No. 94-2056. For the Purpose of Providing for the Deduction of Contributions to Retirement Plans from Wages and Salaries

Motion: Councilor Monroe moved to adopt Resolution No. 94-2056. Councilor Gates seconded the motion.

Councilor Monroe gave the Finance Committee report, and said the proposed resolution would enable Metro to treat the PERS contribution be treated as non-taxable income and that it would not show on the employee's W-2 form. He urged Councilor adoption of Resolution No. 94-2056.

Councilor Hansen noted that although Metro employees would receive 5.5% increase of salary, the Metro Councilors would not receive such.

Mr. Cooper responded to a question by Councilor Gates, noting Councilor salaries were set by Metro Charter and state statute which set salaries for district court judges. He said Measure 8 affected the Councilors as they were included in the class of people who were required to pay the 6% contribution from their salary, not from fringe benefits.

Vote: Councilors Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin and Wyers voted aye. Councilor Kvistad vote no. Councilor Van Bergen was absent.

The vote was 11 to 1 in favor and the motion passed.

Presiding Officer Wyers indicated the Agenda Items 8.6, 8.7, 8.8, 9.1 and 9.2 would be heard in order next as Time Certain Items.

8.6. Resolution No. 94-2067. For the Purpose of Authorizing an Extension to the Laborers Union

8.7. Resolution No. 94-2066. For the Purpose of Authorizing an Extension to the AFSCME Local 3580 Agreement

8.8. Resolution No. 94-2065. For the Purpose of Providing Salary Increases for All Non-Represented Employees

Motion to Table: Councilor Devlin moved to table Resolution No. 94-2067, Resolution No. 94-2066, and Resolution No. 94-2065. Councilor Monroe seconded the motion.

Vote on Motion to Table: Councilors Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner and Wyers voted aye. Councilor Van Bergen was absent.

The vote was 12 to 0 in favor and the motion passed.

9. OTHER BUSINESS: REVIEW OF MERC RESOLUTIONS LISTED

9.1. 94-75, 94-76 and 94-77 Per Executive Officer Rena Cusma's Request

Motion on Agenda Item No. 9.1: Councilor McFarland moved to adopt MERC Resolutions No. 94-75, 94-76, and 94-77. Councilor Gates seconded the motion.

Councilor McFarland indicated these proposed resolutions would accomplish the same thing as resolutions in Agenda Item 8.2, Resolution No. 94-2052; Agenda Item No. 8.3, Resolution No. 94-2055; and Agenda Item No. 8.4, Resolution No. 94-2057 and urged Council adoption.

Presiding Officer Wyers requested Agenda Item No. 9.2 be included in the vote as well, which mirrored Agenda Item No. 8.5, Resolution No. 94-2056.

Councilor Devlin asked the 9.2 be separated from the rest of the proposed resolutions. Presiding Officer Wyers agreed.

Councilor Devlin said for the record that for the reasons given for the previous resolutions of a similar nature he would oppose the MERC resolutions. Councilor Kvistad said he concurred.

Vote on Agenda Item No. 9.1: Councilors Hansen, McFarland, McLain, Moore, Washington, Buchanan and Gates voted aye. Councilor Kvistad, Monroe and Devlin voted no. Councilor Van Bergen was absent.

The vote was 9 to 3 in favor and the motion passed.

9.2. 94-80 Per the Request of Councilors McFarland, Moore and Washington

Motion on Agenda Item No. 9.2: Councilor McFarland moved to adopt MERC Resolution No. 94-80. Councilor Gates seconded the motion.

Councilor McFarland said the MERC wished to recognize they were contractually bound by the terms of those existing collective bargaining agreements which provide for the payment by MERC of the employee contribution to retirement plans and to continue to make such payments as are require by those collective bargaining agreements until such time as those agreements are amended or expire, and all purposes of Oregon Law including but not limited to the gross wages and salary shall include the amount the employees are required to contributed for retirement benefits. Councilor McFarland urged the Council support the matter before them.

Councilor Moore indicated it was at her request that this item was brought forward in order that everything would be on the table and for the record the same for MERC employees as for non-MERC employees for the sake of comparability.

Vote on Agenda Item No. 9.2: Councilors McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Gates, Hansen and Wyers voted aye. Councilor Kvistad voted no. Councilor Van Bergen was absent.

The vote was 11 to 1 in favor and the motion passed.

Presiding Officer Wyers noted the Council would now consider the Consent Agenda.

4. CONSENT AGENDA

Presiding Officer Wyers announced that the Council agenda had been printed prior to the hearing on Tuesday, December 20, 1994 of the Solid Waste Committee to consider Resolution No. 94-1980. She noted the item appeared at Agenda Item No. 8.9, and said the Solid Waste Committee requested the item be placed on this meeting's Consent Agenda.

8.9. Resolution No. 94-1980, For the Purpose of Appointment Laurel Butman, Marsha Everett and Jana Ripley to Fill Three Expiring Terms on the North Portland Rehabilitation and Enhancement Committee

4.1. Consideration of Minutes of November 10, 1994 and November 22, 1994 Council Meetings

Motion: Councilor Gates moved to adopt the Consent Agenda. Councilor McFarland seconded the motion.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent.

The vote was 12 to 0 in favor and the motion passed.

5. ORDINANCES, FIRST READINGS

5.1. Ordinance No. 94-584, An Ordinance Amending the FY 1994-95 Budget By Reinstating Two Positions (1.0 FTE) and Deleting One Administrator Position (0.5) FTE From Executive Management In the General Fund; and Declaring an Emergency

Presiding Officer Wyers referred Ordinance No. 94-584 to the FY 1995 Metro Council for consideration.

5.2. Ordinance No. 94-585, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule By Adding Funding to the General Fund Executive Officer Personal Services to Fund Unemployment Compensation for Terminating Employees; and Declaring an Emergency

Presiding Officer Wyers referred Ordinance No. 94-585 to the FY 1995 Metro Council for consideration.

6. ORDINANCES, SECOND READINGS

6.1. Ordinance No. 94-580A, For the Purpose of Adding New Title 10 to the Metro Code, Creating An Administration Code; and Declaring an Emergency

Presiding Officer Wyers noted the proposed ordinance had been moved by Councilor Gates at its December 8, 1994 Council meeting and was before the Council at this time with an amendment from Councilor Kvistad for consideration. She recalled Councilor Kvistad's motion to amend deleted most of the proposed language with the exception of Section 10.17.010, Council Administrator (a) which would read: "The department shall be under the supervision and control of the Council Presiding Officer with the assistance of a Council Administrator who shall be responsible for the day-to-day functions of the department."

[Recorder's Note: The following is a restatement of the motion to amend made by Councilor Kvistad at the December 8, 1994 Council meeting.]

Motion to Amend: Councilor Kvistad moved to amend Ordinance No. 94-580A, to strike all language in the proposed ordinance other than Section 10.17.010, that is, the Council section for adoption at this time.

Councilor Kvistad said his intent was to craft the remainder of the proposed ordinance into a different ordinance, based on information given by the Presiding Officer-elect, to be sent to the first regularly scheduled full Council meeting to be held in 1995 for review. Councilor Kvistad said the Executive Officer-elect had requested that he be given an opportunity to review the proposed Administrative Code prior to adoption.

Councilor Kvistad amended Section 10.17.010 Council Administrator (a) to read: "The department shall be under the supervision and control of the Council Presiding Officer with the assistance of a Council Administrator who shall be responsible for the day-to-day functions of the department."

Councilor McFarland seconded the motion.

Councilor McFarland admonished the Council regarding the proposed ordinance to consider that the matters contained therein were important to be resolved, but that they were chiefly concerned with the relationship between the new Council and the Executive Officer-elect.

Motion to Table: Councilor McFarland moved to table Ordinance No. 94-580A. Councilor Monroe seconded the motion.

Vote on Motion to Table: Councilors McFarland, Monroe, Washington, Buchanan, Devlin, Gardner, Hansen and Wyers voted aye. Councilor McLain, Moore, Gates and Kvistad voted no. Councilor Van Bergen was absent.

The vote was 8 to 4 in favor and the motion passed.

6.2. Ordinance No. 94-575, Amending the FY 1994-95 Budget by Transferring \$3,884 From the General Fund Contingency and \$8,000 From the Planning Fund Contingency To Materials and Services in the Planning Department For the Purpose of Providing Membership in the Cascadia Task Force and Declaring an Emergency

Presiding Officer Wyers announced that Ordinance No. 94-575 was first read on November 22, 1994 and was referred to the Finance Committee for consideration. She said the Committee considered the proposed ordinance on December 13, 1994 and recommended it to the full Council for adoption.

Motion: Councilor Gardner moved to adopt Ordinance No. 94-575. Councilor Washington seconded the motion.

Councilor Gardner gave the Committee report indicating approval of the proposed ordinance would approve a budget transfer from General Fund and Planning Fund contingencies to pay for the region's share of dues in the amount of \$11,884 for membership in the Cascadia Task Force. He noted that the amount would be split into roughly equal portions shared by Metro, Tri-Met and the City of Portland and that their shares would come to Metro in the form of reimbursement from them, making the final cost to Metro approximately \$4,000.

Councilor Gardner noted the project had been existence since 1984 to investigate areas of mutual interest throughout the Cascadia Corridor, defined as extending from north of Vancouver, British Columbia to south of Eugene, Oregon including higher speed rail transportation along that corridor as well as sustainable community development. Councilor Gardner identified other matters of mutual interest as described in further detail in the Committee report contained in the agenda packet for this meeting and placed in the permanent meeting record.

Presiding Officer Wyers opened a public hearing. No citizens appeared before the Committee to testify.
Presiding Officer Wyers closed the public hearing.

Vote: Councilors McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland and Wyers voted aye. Councilors Van Bergen and Gates were absent.

The vote was 11 to 0 in favor and the motion passed.

6.3. Ordinance No. 94-582A. An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule By Transferring \$32,402 From the General Fund Contingency To the General Fund Office Of the Auditor For the Purpose of Adding One Senior Auditor 4/1/95 and Department Office Set-Up Requirements; and Declaring An Emergency

Presiding Officer Wyers announced that Ordinance No. 94-582 was first read on November 22, 1994 and was referred to the Finance Committee for consideration. She said the Committee considered the proposed ordinance on December 13, 1994 and recommended Ordinance No. 94-582A to the full Council for adoption.

Motion: Councilor Buchanan moved to adopt Ordinance No. 94-582A. Councilor Hansen seconded the motion.

Councilor Buchanan gave the Committee report as detailed in the agenda packet for this meeting and contained in the permanent meeting record. He noted he had argued successfully during Charter Committee deliberations for the Office of the Auditor to be established within Metro government, and he urged the Council to adopt the proposed ordinance.

Presiding Officer Wyers opened a public hearing. No citizens appeared before the Committee to testify.
Presiding Officer Wyers closed the public hearing.

Alexis Dow, Auditor, addressed the Council and requested the transfer be authorized in order that she might hire professional staff to start the Office of the Auditor.

Councilor Monroe acknowledged Ms. Dow for her willingness to trim her request by two months time which he noted would amount to a savings of over \$13,000 in the current budget. He noted the Finance Committee felt the delay in start up would allow Ms. Dow more time to prepare a Work Plan to be shared with the Council.

Vote: Councilors Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

6.4. Ordinance No. 94-581. For the Purpose of Amending Metro Code Chapter 5.09, Relating to Illegal Dumping of Solid Waste, To Make Procedural Improvements and Corrections, and Declaring an Emergency

Presiding Officer Wyers announced that Ordinance No. 94-581 was first read on December 8, 1994 and was referred to the Solid Waste Committee for consideration. She said the Committee considered the proposed ordinance on December 20, 1994 and recommended Ordinance No. 94-581 to the full Council for adoption.

Motion: Councilor Monroe moved to adopt Ordinance No. 94-581. Councilor Hansen seconded the motion.

Councilor Monroe presented the Committee report from the Solid Waste Committee, noting the vote was unanimous. This document has been made a part of the permanent meeting record. Councilor Monroe said the proposed ordinance would authorize technical changes to strengthen the language in the Metro Code.

Presiding Officer Wyers opened a public hearing.

Jack Polans, King City resident, testified before the Council and asked adoption be delayed. He said questions had not been answered that he posed at the Solid Waste Committee on December 20, 1994. Mr. Polans said Metro ran the risk of a liability if this ordinance were to be adopted, and expressed his concerns regarding inmates handling potentially hazardous materials. Mr. Polans indicated he intended to send a letter to the Council detailing his concerns.

Presiding Officer Wyers closed the public hearing.

In response to Councilor Moore, Councilor Hansen said that at the Solid Waste Committee, Sam Chandler, Solid Waste Facilities Manager, testified that Metro, by law, did not deal with hazardous waste, and said there were other jurisdictions that did so. Councilor Hansen said Metro dealt rather with Household Hazardous Waste, which would include materials purchased at the grocery store, for example, aerosol cans, glue containers, and the like.

Vote: Councilors Moore, Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

2. NON-REFERRED RESOLUTIONS

Motion to Suspend the Rules: Councilor McFarland moved to suspend the rules. Councilor Monroe seconded the motion.

Vote to Suspend the Rules: Councilors Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore and Wyers voted aye. Councilors Gates and Van Bergen was absent.

The vote was 11 to 0 in favor and the motion passed.

2.1. Resolution No. 94-2060, For the Purpose of Accepting the November 8 General Election Abstract Of Votes for Metro

Motion: Councilor Moore moved to adopt Resolution No. 94-2060. Councilor Devlin seconded the motion.

Councilor Moore explained passage of Resolution No. 94-2060 would accept the outcome of the November 8, 1994 election.

Vote: Councilors Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

2.2. Resolution No. 94-2068, For the Purpose of Confirming the Appointment of Baruti L. Artharee To the Metropolitan Exposition-Recreation Commission

Motion: Councilor Hansen moved to adopt Resolution No. 94-2068. Councilor McFarland seconded the motion.

Councilor Hansen acknowledged Mr. Artharee's presence at the meeting, noting he was the Director of the Oregon Housing Community Services Department, and gave a brief profile. Mr. Artharee said he was pleased to connect with and be able to participate on MERC.

Councilor Washington asked if Agenda Item No. 8.14, Resolution No. 94-2054 might be included at this time.

8.14. Resolution No. 94-2054. For the Purpose of Confirming the Appointment of Alice Norria to the Metropolitan Exposition-Recreation Commission

Motion: Councilor Hansen moved to adopt Resolution No. 94-2054. Councilor McFarland seconded the motion.

Councilor Washington welcomed both new MERC Commissioners on board.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

Presiding Officer Wyers recessed the Metro Council.

Presiding Officer Wyers convened the Metro Contract Review Board.

8.10. Resolution No. 94-1988. For the Purpose of Authorizing An Exemption to the Competitive Procurement Procedures of Metro Code Chapter 2.04.053, and Authorizing A Change Order to the Design Services Agreement with Parametrix, Inc.

Motion: Councilor Buchanan moved to adopt Resolution No. 94-1988. Councilor Devlin seconded the motion.

Councilor Buchanan gave the Committee report, and said Mr. Chandler, the Solid Waste Operations Manager, explained the role of Parametrix in the overall design services for the St. Johns Landfill Closure Plan noting this matter dealt with the gas collection system. Councilor Buchanan asked the Council to support the proposed resolution.

Vote: Councilors Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan and Wyers voted aye. Councilor Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

8.11. Resolution No. 94-1993. For the Purpose of Authorizing Exemption Of the Requirement For Competitive Bidding in Metro Code Chapter 2.04.060 and Promoting Building Industry Recycling Projects To Its Membership

Motion: Councilor McLain moved to adopt Resolution No. 94-1993. Councilor Gardner seconded the motion.

Councilor McLain gave the Committee report, and said at the December 20, 1994 Solid Waste Committee meeting, the Committee voted unanimously to recommend adoption of this resolution. She said passage of this resolution would authorize a \$15,000 sole source contract with the AGC to hire a temporary employee to work with its membership to promote on site recycling on commercial construction sites. Councilor McLain indicated the goal fit in with Metro's recycling goals to be met by the year 2000 and urged passage of this resolution.

Vote: Councilors Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

8.12. Resolution No. 94-2061. For the Purpose of Authorizing the Issuance Of a Solicitation for Applications For Recycling Business Development Grants, An Exemption From Competitive Bidding, and Authorizing the Executive Officer to Enter Into Multi-Year Contracts

Motion: Councilor Hansen moved to adopt Resolution No. 94-2061. Councilor Devlin seconded the motion.

Councilor Hansen gave the report, and said this was a new program that would emphasize financial and business credentials of the businesses applying for grants. She presented further details as contained in the Committee report which was placed in the permanent meeting record.

Vote: Councilors Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

Presiding Officer Wyers adjourned the Metro Contract Review Board.

Presiding Officer Wyers reconvened the Metro Council.

8.13. Resolution No. 94-2062. For the Purpose of Approving Change Order No. 8 to Sub-Area 2 and 3 St. Johns Landfill Closure Contract

Motion: Councilor Monroe moved to adopt Resolution No. 94-2062. Councilor Hansen seconded the motion.

In response to Councilor Moore, Councilor McFarland said three flaggers were needed for an area of construction and heavy equipment operation at an intersection for safety purposes at a cost of \$33,000.

Vote: Councilor Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

8.15. Resolution No. 94-2051A. For the Purpose of Expressing Metro's Appreciation to the Greenspaces Policy Advisory Committee Members

Motion: Councilor Devlin moved to adopt Resolution No. 94-2051A. Councilor Hansen seconded the motion.

Councilor Devlin gave the Committee report, noting that on October 13, 1994 a resolution was passed that would sunset that committee and created a citizen's advisory committee for Regional Parks and Greenspaces Department. He asked the Council to support the resolution recognizing the over 40 people who had served.

Vote: Councilors Kvistad, McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Hansen and Wyers voted aye. Councilor Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

8.16. Resolution No. 94-2050. For the Purpose of Approving the Content of Public Information Materials for the 1995 Greenspaces Bond Measure

Motion to Table: Councilor Hansen moved to table Resolution No. 94-2050. Councilor Gardner seconded the motion.

Councilor Hansen asked that the future Council consider Resolution No. 94-2050.

Vote: Councilors McFarland, McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

Presiding Officer Wyers called an Executive Session to order at 7:50 p.m. to be held pursuant to ORS 192.660(1)(e), To Conduct Deliberations with Persons Designated by the Metro Council to Negotiate Real Property Transactions.

Councilors Present: Councilor Buchanan, Hansen, Gardner, Devlin, Washington, Wyers, McFarland, McLain, Kvistad, Monroe and Moore.

Staff Present: Dan Cooper, Legal Counsel; Berit Stevenson, Principal Management Analyst; Don Carlson, Council Administrator; Lisa Creel, Senior Public Affairs Specialist; Casey Short, Council Analyst.

Media Present: Kathie Stimac, Public Cable Access (PCA)

Presiding Officer Wyers adjourned the Executive Session at 8:06 p.m.

8.17. Resolution No. 94-2053. For the Purpose of Authorizing the Executive Officer to Enter Into An Agreement With James A. and Beatrice Botger to Option Property

8.18. Resolution No. 94-2059. For the Purpose of Authorizing the Executive Officer to Enter Into An Agreement With Stuart L. and Kelley Stickler to Option Property

Motion: Councilor Hansen moved to adopt Resolutions No. 94-2053 and 94-2059. Councilor Devlin seconded the motion.

Vote: Councilors McLain, Monroe, Moore, Washington, Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland and Wyers voted aye. Councilors Gates and Van Bergen were absent.

The vote was 11 to 0 in favor and the motion passed.

8.19. Resolution No. 94-2063, For the Purpose of Authorizing the Executive Officer to Enter Into An Agreement With Howard A. Winters

Presiding Officer Wyers announced the Council would not consider Resolution No. 94-2063 at this time.

10. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Hansen distributed the final report for the Pioneer Cemetery Study Committee, dated December 22, 1994. This document has been made a part of the permanent meeting record.

Councilor Moore presented mementos to Councilors McLain and Councilor Kvistad.

Councilor Monroe gave personal thanks to the Presiding Officer for her work on the Metro Council.

Presiding Officer Wyers gave personal thanks to several people including Kathie Stimac, Public Cable Access, who was responsible for video taping the meetings for cable access. She thanked all the Metro employees and gave special thanks to Council Staff. She also thanked both Mr. Cooper and Mr. Carlson for their services.

Councilor McFarland thanked all of the Council members and gave special thanks to those who would not be returning.

Councilor Gardner bade a fond farewell to his colleagues and said his 10 years of service on the Metro Council had been the most rewarding 10 years of his life.

Councilor Washington said he would miss colleagues who were leaving, and he thanked Presiding Officer Wyers for appointing him Deputy.

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Marilyn E. Geary-Symons
Council Assistant

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