

## MINUTES OF THE METRO COUNCIL

October 13, 1994

Council Chamber

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

Councilors Absent: Roger Buchanan

Also Present: Metro Auditor-Elect Alexis Dow

Presiding Officer Wyers called the regular meeting to order at 4:04 p.m.

### 1. INTRODUCTIONS

None

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

Jack Polans, 16000 SW Queen Victory Place, King City, said he had received his Council agenda on Tuesday, October 11, via special delivery. He questioned why he received the agenda so late and not via regular mail. He said he needed time to research the issues contained in the agenda and said two days was not enough time in which to do so. He also stated that it was difficult to find and/or re-locate documents printed in the agenda because no page numbers were provided.

The Council and Mr. Polans discussed the issues. Presiding Officer Wyers asked Councilor Gates, Governmental Affairs Committee chair, to review the agenda logistical issues raised at this meeting at a future Committee meeting.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None

### 4. OTHER BUSINESS

#### 4.1 Review of MERC Resolution No. 94-48

Casey Short, Council Analyst, briefed the Council on the issues. He explained the FY 94-95 Budget for the Convention Center Project Capital Fund contained an appropriation for \$759,000, of which \$425,000 had been identified for a project to upgrade and retrofit concessions at the Oregon Convention Center (OCC). He said that project was now estimated to cost not more than \$500,000. He said the Metropolitan Exposition-Recreation Commission (MERC) at its September 14 meeting, approved Resolution No. 94-48 to authorize the general manager to call for bids on and enter into contracts for upgrading and renovating OCC concessions. He said Metro Code Section 6.01 provided for governance of MERC and included provisions that final action of the Commission shall be by resolution, that MERC would provide all copies of final resolutions within five days of their adoption to the Clerk of the Council and that within 10 days of the Clerk of the Council's receipt of said resolutions, either three Councilors filing jointly, the Executive Officer acting alone, or any person who were adversely affected or aggrieved, could request that the Council review a resolution at the next regularly scheduled Council meeting. He explained that Alan Peters requested the Council review Resolution No. 94-48

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and said that request fit Metro Code criteria. He said the Council's options at this time were to approve or modify the resolution or return it to MERC for further work

Steve Moskowitz, Moskowitz & Thomas, legal counsel, Holland Corporation, owner of Burgerville, 111 SW Columbia, Suite 1080, Portland, explained that the persons present at this meeting were aggrieved because they attempted to work in good faith with the OCC and felt betrayed by MERC's actions. He said the notice for the September 14 MERC meeting was issued in violation of Oregon Public Meetings Law because it did not reference Resolution No. 94-48. He said the OCC advisory committee had not been properly consulted and/or informed about the proposed project. He said agendas for that advisory committee had almost been non-existent and were also in violation of public meetings law. He asked the Council to return the resolution to MERC and make it hold public hearings on what the consequences to the community would be if the food court was built. He said the OCC was funded from three sources: 1) \$15 million from the Oregon State Legislature; 2) \$65 million in bond funding, and 3) \$5 million from the local improvement district (LID). He said the legal basis for a LID was that the properties being assessed would reap special benefits from the special project. He cited a report issued in 1987 stating that restaurants in the target area would get a 70 percent increase in direct sales because of the OCC. He said because of that report, area businesses petitioned the Portland City Council to create the LID. He said businesses had invested or planned to invest \$1 million because they believed they would receive benefits from the OCC. He said if the OCC built a new concessions complex, that project would adversely impact their business. He said businesses in the surrounding area had supported the OCC and made capital investments with the expectation that they would receive business because of OCC operations

To Councilor Van Bergen's question, Mr. Moskowitz explained that the parties he represented wanted Resolution No. 94-48 referred back to MERC for further public hearing and study.

Councilor Van Bergen recommended the Regional Facilities Committee hold a public hearing to try to resolve the issues

General Counsel Dan Cooper said the Council had several options at this time, but that it could appropriately refer the issue to whatever Council committee it chose for further review

Motion: Councilor Hansen moved, seconded by Councilor Gardner, to refer Resolution No. 94-48 to the Regional Facilities Committee for further review

Councilor McLain asked if the persons present at this meeting expected to testify at this meeting. Presiding Officer Wyers asked if those persons present wished to testify at this time, or if they wished to testify at the public hearing at the Regional Facilities Committee

Alan Peters, Portland Conference Center, 300 NE Multnomah, Portland, said a public hearing at the Regional Facilities Committee would be acceptable in lieu of a public hearing at this time.

The persons who submitted cards to testify cards against 94-48 (no persons submitted cards in favor) were

Dan Brown, Sizzler, 834 NE Martin Luther King, Jr. Blvd. Portland  
Easton Cross, White Wykoff & Cross, 222 NW Davis, #317, Portland  
Jack C. Graves, Holland Inc. - Burgerville, 109 W. 17th St., Vancouver, WA  
Becky Kearny, Carousel Photography, 300 NE Multnomah, Portland  
Kathy Matrisciano, Carousel Catering & Photography, 300 NE Multnomah, Portland  
Michael Mong, Lyon's Restaurant, 1215 NE Martin Luther King, Jr. Blvd., Portland,  
Lamar Newkirk, Calaroga Residents Assn., 1400 NE 2nd, #1611, Portland

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Virgil Orvall, Lloyd District Community Assn., 950 Lloyd Center, Suite 29, Portland  
Terry Ryther, Community Ear Newspaper, 300 NE Multnomah, #2, Portland  
Chuck Vendard, Holland Inc - Burgerville, 1135 NE Martin Luther King, Jr. Blvd., Portland

The Council discussed the issues further.

Presiding Officer Wyers asked MERC representatives if delay on the project would cause undue hardship.

Pat LaCrosse, MERC General Manager, said delay would be problematic but believed that further review of the issues would be useful

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

5. CONSENT AGENDA

5.1. Minutes of September 8, 1994

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5.2. Resolution No. 94-2037, For the Purpose of Authorizing a Competitive Bid Exemption and the Execution of a Sole-Source Contract with Western Attitudes for Continuation of "Citi-Speak" Public Opinion Surveys

5.3. Resolution No. 94-2038, For the Purpose of Authorizing a Competitive Bid Exemption and the Execution of a Sole-Source Contract with Portland Cable Access Television

Motion Councilor Washington moved, seconded by Councilor Gates, for adoption of the Consent Agenda

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

6. ORDINANCES, FIRST READINGS

6.1. Ordinance No. 94-579, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$35,000 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department and Recognizing a \$2,000 Grant from the USDA Soil Conservation Service For the Purpose of Matching Federal Funding to Support the Columbia Envirocorps Project, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-579 had been referred to the Regional Facilities and Finance Committees for consideration.

6.2 Ordinance No. 94-580, For the Purpose of Adding a New Title to the Metro Creating an Administration Code, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-580 had been referred to the Governmental Affairs Committee for consideration.

Councilor Washington introduced Metro Auditor-Elect Alexis Dow in attendance at this meeting to those present.

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 94-568, For the Purpose of Approving the Revision of Metro Code Section 4.01.050 Revising Admission Fees and Policies at Metro Washington Park Zoo

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

Presiding Officer Wyers announced that Ordinance No. 94-568 was first read on September 8, 1994 and referred to the Regional Facilities Committee for consideration. The Regional Facilities Committee considered it on September 21 and recommended it to the full Council for adoption.

Motion. Councilor McFarland moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-568.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the small rate change related to chaperons for groups only and that the ordinance would require chaperons be at least 18 years of age and preserve the Zoo's revenue-raising potential.

Presiding Officer Wyers opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11-0 in favor and Ordinance No. 94-568 was adopted.

7.2 Ordinance No. 94-571, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$110,000 from the Spectator Facilities Fund Contingency to Fund Restroom Remodel at the Civic Auditorium; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-571 was first read on September 22, 1994 and referred to the Regional Facilities and the Finance Committees for consideration. The Finance Committee considered it on September 28 and the Regional Facilities Committee considered it on October 5 and both committees recommended the ordinance to the full Council for adoption.

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Motion Councilor Kvistad moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-571

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$110,000 from Spectator Facilities Fund Contingency to the Performing Arts Center Capital Outlay Category. He said the transfer would construct six new unisex rest rooms in the Civic Auditorium to alleviate a shortage of rest rooms when capacity crowds were in attendance for various events.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations and explained the new rest rooms would also comply with the Americans with Disabilities Act (ADA).

Presiding Officer Wyers opened the public hearing.

Jack Polans, 16000 SW Queen Victory Place, King City, asked why almost all of Metro's ordinances cited emergency clauses.

Mr. Cooper explained the 1992 Metro Charter and how it affected Metro ordinances beginning January 1993

Mr. Polans asked criteria was used to justify the use of the emergency clause.

Presiding Officer Wyers said there were several reasons for emergency clauses, but said she had told staff in the past that use of the emergency clause did seem excessive.

Councilor Van Bergen explained that if the ordinance was deemed to be in the public's best interest, the emergency clause was used to make the ordinance effective before the 90-day period elapsed.

Councilor Gardner said it was a matter for Council Committees and then the full Council to decide if an emergency clause was justified. He said the clauses were usually justified because they facilitated the public's business. He said Metro operations would move very slowly if staff had to wait 90 days for every ordinance to be effective. He noted that no ordinance involving a tax could have an emergency clause, however.

Councilor Moore said emergency clauses were not allowed when the Urban Growth Boundary (UGB) was amended or when Metro assumed a new function. She said Councilors were allowed to use their discretion on what was good for the region. She noted also that an ordinance with an emergency clause required two thirds, or nine, Councilors voting aye to adopt an ordinance with an emergency clause.

Mr. Polans said an ordinance with an emergency clause did not allow enough time for public input, especially if a citizen only had two to three days to review agenda items.

Councilor Moore said the issue appeared to be one of prior notice rather than subsequent notice.

Presiding Officer Wyers asked if any other persons present wished to testify. No other persons appeared to testify and the public hearing was closed.

Vote Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11-0 in favor and Ordinance No. 94-571 was adopted.

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7.3 Ordinance No. 94-569, An Ordinance Amending the FY 1994-95 Budget and Appropriations schedule by Transferring \$5,000 from the General Fund Contingency to the Office of the Auditor Materials and Services, Misc. Professional Services For the Purpose of Transition Services for the New Office of the Auditor; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-569 was first read on September 8, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended it to the full Council for adoption.

Motion. Councilor Washington moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-569.

Councilor Washington gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$5,000 from General Fund Contingency to the Office of the Auditor Materials & Services Miscellaneous Professional Services Account to acquire staff assistance to assist Ms. Dow in setting up the new Metro Auditor offices

Presiding Officer Wyers opened the public hearing

No persons appeared to testify and the public hearing was closed.

There was no Councilor discussion or questions

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-569 was adopted.

7.4 Ordinance No. 94-572A, An Ordinance Amending the FY 1994-95 Budget and Appropriations schedule by Transferring \$45,850 from the Regional Parks and Expo Fund Contingency to Materials & Services in the Regional Parks and Greenspaces Department For the Purpose of Updating and Reprinting Public Information Materials for the Metropolitan Greenspaces Program

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

Presiding Officer Wyers announced that Ordinance No. 94-572 was first read on September 22, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended the ordinance to the full Council for adoption.

Motion Councilor Hansen moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-572

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer \$48,850 from General Fund Contingency to the Regional Parks and Greenspaces Department Planning and Capital Development Division Materials and Services budget to pay for the update and reprinting of various public information materials regarding the Greenspaces Master Plan and Greenspaces Program; and also transferred \$10,600 from the Regional Parks and Expo Fund Contingency to the Planning and Capital

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Development Division Personal Services budget to pay for the costs of new, temporary Program Assistance 1.5 FTEs to assist in the production and dissemination of public information materials.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Councilor Moore noted Ordinance No. 94-572A was for reprinting existing Greenspaces materials and that Agenda Item No. 7.5 was for informational items.

Vote Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-572A was adopted.

7.5 Ordinance No. 94-573, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$12,900 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department For the Purpose of Producing Public Information Materials for the 1995 Greenspaces Acquisition Bond Measure; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-573 was first read on September 22, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended the ordinance to the full Council for adoption.

Motion Councilor Hansen moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-573.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer \$12,900 from General Fund Contingency to the Regional Parks and Greenspaces Department budget to provide various public information materials to explain the future Greenspaces ballot measure to the public.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Councilor Gardner said Ordinance Nos. 94-572A and 94-573 were closely related, but explained the first ordinance would pay for additional copies of already existing materials on Greenspaces because staff expected the bond measure would create additional need for those materials. He said the second ordinance would pay for materials on new information to provide to the public on the bond measure.

Councilor Van Bergen said he had always supported Greenspaces issues. He said such materials were generic in nature and would not endorse the ballot measure so that Metro would not be in any danger of using public funds for a ballot measure.

Councilor Monroe said staff promised the Finance Committee that the Council would have the opportunity to review the materials before they were printed to ensure that Metro complied with state election and funding laws.

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Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94 573 was adopted.

**8. RESOLUTIONS**

**8.1 Resolution No. 94-2036, Confirming a Citizen Member, Betsy Bergstein, to the Metro Policy Advisory Committee (MPAC)**

Motion: Councilor Gates moved, seconded by Councilor Gardner, for adoption of Resolution No. 94-2036

Councilor Gates gave the Planning Committee's report and recommendations.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2036 was adopted.

**8.2 Resolution No. 94-2034, For the Purpose of Authorizing a Design and Construction Agreement with Tri-Met for the Washington Park Parking Lot**

Motion: Councilor Gates moved, seconded by Councilor Moore, for adoption of Resolution No. 94-2034

Councilor Gates gave the Regional Facilities Committee's report and recommendations. He explained that some of the issues contained in the agreement had not been formally decided upon by the Council, such as the establishment of a paid parking lot and the issuance of bonds to pay for parking lot construction and relocation of Knights Boulevard, as well as the Council's earlier commitment to pay \$2 million to Tri-Met for Metro's share of the Zoo Station

The Council discussed the resolution. Councilor Van Bergen asked if the outstanding parking issues had been settled with the City of Portland

Don Rocks, Executive Assistant, said all of the entities involved met as partners and did not wish to give the City a specific percentage of revenues because there were only unproven projections on same at this time. He said it was considered premature at this time to deal with those issues.

Councilor McLain said the resolution was acceptable at this time, but wished to revisit the project in the future. Councilor Monroe said additional revenues would be used to pay off bond debt. He said the various issues raised should not halt the project and that surveys could be done on the project and the revenues it would generate to ensure equitable distribution of whatever profits there might be. Councilor Van Bergen concurred with Councilor Monroe, but said the issues should be settled as soon as possible.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2034 was adopted.



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**8.3 Resolution No. 94-2035, For the Purpose of Authorizing an Amendment to the Parking Lot Agreement for the Washington Park Parking Lot Between OMSI, World Forestry Center, and Metro**

**Motion:** Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2035

Councilor Gates gave the Regional Facilities Committee's report and recommendations.

**Vote:** Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2035 was adopted

**8.4 Resolution No. 94-2031A, For the Purpose of Exempting the Long Distance Carrier for the Metro Washington Park Zoo from Competitive Bidding, and Authorizing a Sole Source Contract with Sprint**

**Motion:** Councilor Washington moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2031A.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the background of the contract and why it had to be sole source.

Councilor Hansen noted Zoo staff researched the issues thoroughly.

**Vote:** Councilors Gardner, Gates, Hansen, Kvistad, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, McFarland, McLain and Monroe were absent. The vote was 8/0 in favor and Resolution No. 94-2031A was adopted

**8.5 Resolution No. 94-2046A, For the Purpose of Authorizing Issuance of a Request for Proposals and Authorizing the Executive Officer to Enter into a Multi-Year Contract with the Most Qualified Proposer to Manage the Lake House at Blue Lake Regional Park**

**Motion:** Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2046A.

Councilor Gates gave the Regional Facilities Committee's report and recommendations.

**Vote:** Councilors Gardner, Gates, Hansen, Kvistad, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, McFarland and McLain were absent. The vote was 9/0 in favor and Resolution No. 94-2046A was adopted

**8.6 Resolution No. 94-2026A, Establishing an Advisory Committee to Assist the Metro Council in Coordinating the Regional Parks and Greenspaces Program**

**Motion:** Councilor Moore moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2026A.

Councilor Moore gave the Regional Facilities Committee's report and recommendations. She explained what the new committee would do.

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Councilor Van Bergen asked what fiscal impact the committee represented. Councilor Moore said there would be virtually no budget impact and that the committee would only meet four times per year. Presiding Officer Wyers asked when the committee would begin work. Councilor Moore said pertinent dates were contained in staff's report, but that after a 30-day period for advertisement for membership, the Council would confirm beginning members and the committee would begin work in December 1994.

Vote Councilors Gardner, Gates, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin and McFarland were absent. The vote was 10/0 in favor and Resolution No. 94-2026A was adopted.

8.7 Resolution No. 94-2043A, For the Purpose of Endorsing a Change in State Statute Regarding the Membership of the Portland Metropolitan Area Local Government Boundary Commission

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2043A.

Councilor Gates gave the Governmental Affairs Committee's report and recommendations and noted the Metro Policy Advisory Committee (MPAC) voted unanimously to approve the same measure.

Councilor Kvistad said he would vote against the resolution because the Commission should reduce in size to match the seven member 1995 Metro Council.

The Council discussed the resolution. Councilor Moore asked if a transition process was in place. Councilor Gates said there was not. Councilor Moore said her appointee to the Boundary Commission was concerned about input during the interim period and suggested an alternate system be developed to handle that. Councilor Gardner said he would vote nay also. He said he did not approve of the Metro Council being reduced from 13 to 7 and did not approve the reduction in Boundary Commission membership either. The Council briefly discussed the issues further.

Vote Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Kvistad voted nay. Councilors Buchanan and Devlin were absent. The vote was 9/2 in favor and Resolution No. 94-2043A was adopted.

8.9 Resolution No. 94-2033, For the Purpose of Expressing the Intent of Metro to Acquire an Automated Management Information System in Fiscal Year 1995-96 Using, In Part, the Fiscal Year 1994-95 Support Services Unappropriated Balance

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2033.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the differences between the old system and the proposed system. He said with the new system, staff would be able to access current financial data instantly.

Presiding Officer Wyers expressed concern about appropriating funds from one fiscal year into another fiscal year. Councilor Kvistad said Metro employed 1,500 FTEs and had a budget of \$200 million. He said the new system would make Metro's operations more efficient. Councilor Van Bergen discussed when the Council authorized the purchase of the current Unisys system. Councilor McFarland asked why it was necessary to circumvent the normal budgeting cycle. She said the project was being considered outside of Metro's normal

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budgeting process when Metro's needs as a whole were considered. She asked why the project could not be proposed for the FY 1995-96 budget cycle. Councilor Kvistad said staff had planned ahead and had put funds into Contingency over the last two budget cycles for this project. He said the Council should hold the funds for the project anyway if the Council did not approve the resolution at this time.

Councilor Gates said it would cost Metro money also if it did not upgrade its system. Councilor Van Bergen asked what would happen if staff delayed acquisition for one year.

Jennifer Sims, Director of Finance and Management Information, said in one year the service agreement would expire and Metro could not count on having access to well-trained technicians. She said there was increasing risk in continuing to maintain an old system. She said Metro had received good value from the old system considering that it had been in place for eight years and how much Metro had grown and expanded.

Councilor Kvistad said advocating this kind of expenditure was not easy, but said the new system was necessary to respond to the next budget cycle and Metro's future needs.

Vote Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11-0 in favor and Resolution No. 94-2033 was adopted.

8-8 Resolution No. 94-2045, For the Purpose of Submitting to the Voters for Their Approval an Ordinance Relating to Taxation, Establishing a Construction Excise Tax Reducing Solid Waste Rates and Refunding Planning Service Fees to Local Governments

Motion Councilor Monroe moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2045.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the resolution had been drafted per Legal Counsel's advice. He said it was necessary to adopt it in a timely manner, especially in view of the Planning Department's budgetary needs.

Councilor Moore asked why the Council could not wait to adopt it till after the General Election on November 8, 1994. Councilor Monroe said some Councilors did anticipate repealing Ordinance No. 94-556C. He said General Counsel advised the time to do that would be November 23, the ordinance's effective date. He said there were several reasons to adopt Resolution No. 94-2045 now, including the risk of the Homebuilders Association (HBA) gathering enough signatures to partially refer it themselves. He said that various parties were interested in what action the Council took and said it would be better for everyone to reveal Metro's intent now.

Councilor Gates said HBA actions would not necessarily effect Metro right now if Metro chose to take no action either way, but said a combination of circumstances was forcing Metro to take action at this time. He said issues to be considered were the changes in Council size and membership effective January 1995. He said the resolution meant that the Council knew citizens knew there was a need for such a measure. He said he hoped the Council would not take action in response to a perceived threat by another organization. He said there were three specific groups with an interest in the issues, in addition to the citizens. He said Resolution No. 94-2045 merely confirmed a process already begun by Metro.

Councilor Gardner agreed it would be prudent to refer the full package to the voters for consideration, but said it did not need to be referred now. He said the Council should wait and see if Ballot Measure 5 passed on

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November 8. He said it was not clear what would happen if the HBA did gather enough signatures and turn them in.

Councilor McLain asked Legal Counsel why action on the resolution was necessary at this time.

Mr. Cooper said if the resolution were adopted now, it would preclude a second ballot measure being filed by a party other than Metro. Councilor McLain said the citizens should have the opportunity to vote on the full package and that she would vote aye on the resolution.

Councilor Washington said he had some concerns about the resolution, but said when other factors were considered, adopting the resolution at this time was Metro's best option.

Per Councilor Moore's question, Mr. Cooper explained ballot measure timing details. He said if Ordinance No. 94-556C were referred now, that action would have the same effect as if it had been referred by the Council on August 25, 1994. He said if another entity referred the ordinance before Metro did, he said there would be uncertainty about what action the Oregon courts would take because they had never dealt with this issue before.

Councilor Van Bergen said he supported referral because if the Council did not do so, another party would do it for them. Presiding Officer Wyers said per Councilor Kvistad's request of Legal Counsel at the October 12 Finance Committee meeting, a repeal was pending. Councilor Van Bergen said he preferred repeal, but said that option was not before the Council at this time.

Councilor Devlin said the Council had acted hastily when it adopted Ordinance No. 94-556C, but said if it adopted Resolution No. 94-2045 now, the Council would be acting hastily again. He said the Council still had time to refer the issue up until May 1995.

Councilor Monroe said the Greenspaces bond measure was set for the March 1995 election. He said if Ballot Measure 5 passed, that date would change and was why referral had been set for May at this time.

The Council discussed the issues further.

Vote Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin and Gardner voted nay. Councilors Buchanan and Kvistad were absent. The vote was 9-2 in favor and Resolution No. 94-2045 was adopted.

## 9 COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers discussed meeting scheduling during the holiday season. She said November Council meetings would be held November 10, Thursday, the regular date; and November 22, Tuesday, a special date to replace November 24, Thanksgiving Day. She said December Council meeting dates were December 8 and 22 and said there was no reason to change those dates, although December 22 could be canceled if there was not enough legislation to justify a full Council meeting. She noted also the Council would hold a public hearing on Monday, December 1 to consider Resolution No. 94-2040.

Councilor Devlin said the Council had just sunsetted the Greenspaces Policy Advisory Committee. He said he would introduce resolutions thanking retiring GSPAC members at a future Council meeting and that a reception would be held for them also.

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**Councilor Moore noted local jurisdictions were currently holding Regional Transportation Plan updates.**

**All business having been attended to, Presiding Officer Wyers adjourned the regular Council meeting at 6:58 p.m.**

**Respectfully submitted.**

A handwritten signature in cursive script, appearing to read "Paulette Allen".

**Paulette Allen  
Clerk of the Council  
MCMIN94.286**