

## MINUTES OF THE METRO COUNCIL

April 22, 1993

Council Chamber

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

**Councilors Absent:** None

Presiding Officer Wyers called the regular meeting to order at 5:02 p.m.

Presiding Officer Wyers announced that Agenda Item No. 7.1, Resolution No. 93-1800, was incorrectly listed as Resolution No. 93-1880 on the original agenda. Presiding Officer Wyers announced that Agenda Item No. 8.2, Resolution No. 93-1746, was incorrectly listed as an "A" resolution on the original agenda. Presiding Officer Wyers announced the Council would recess at 6:00 p.m. to meet with the Metro Committee for Citizen Involvement (Metro CCI) and that the Council would reconvene at 6:30 p.m.

### 1. INTRODUCTIONS

Councilor Kvistad introduced J.B. Langston, Metro CCI member, representing Council District No. 2.

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

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. CONSENT AGENDA

#### 4.1 Minutes of March 25, April 8, and April 12, 1993

**Motion:** Councilor Moore moved, seconded by Councilor Gardner, for adoption of the minutes.

Councilor Moore noted she had not had time to read the minutes printed in the agenda packet and reserved the right to correct them in the future if necessary.

Councilor Gardner corrected page 13 of the March 25, 1993, minutes. He noted the reference to "Barbara Wiggin," as an appointment to the Metropolitan Policy Advisory Committee (MPAC), should have been listed as "Lisa Barton-Mullins, Gresham City Councilor."

**Vote:** Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen Washington and Wyers voted aye. The vote was unanimous and the Consent Agenda was adopted with the minutes of March 25, 1993, corrected.

### 5. ORDINANCES, FIRST READINGS

#### 5.1 Ordinance No. 93-497, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Zoo Operating Fund and Adding 0.05 FTE Assistant Catering Coordinator

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

Presiding Officer Wyers referred Ordinance No. 93-497 to the Finance Committee for consideration.

5.2 Ordinance No. 93-498, For the Purpose of Amending the Metro Code to Impose Metro User Fees on Facilities that Clean Petroleum Contaminated Soil

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

Presiding Officer Wyers referred Ordinance No. 93-498 to the Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 93-486A, An Ordinance Amending the Metro Code, Section 2, and Establishing Procedures to Create a Tax Study Committee, and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-486 was first read on March 11, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on March 24 and April 14 and recommended Ordinance No. 93-486A to the full Council for adoption.

Motion: Councilor Monroe moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-486A.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the ordinance would establish a procedure to implement provisions of the Charter for approving taxes without voter authorization. He explained amendments to the ordinance clarified that ad hoc tax study committees could be established from time to time; require that each committee at the time of creation have a charge, scope of work and termination date; provide for Executive Officer nomination of committee members subject to Council confirmation; require the committee to submit a final report to the Council and enable the Council to extend the life of a committee for up to six months; and provide a mechanism for a committee to conclude its work even if it could not reach consensus on a recommendation.

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

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-486A was adopted.

Councilor Devlin noted he had to leave this meeting early in order to attend another meeting.

6.2 Ordinance No. 93-490, An Ordinance Amending Ordinance No. 93-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Project Increases in the Zoo Capital Fund and Declaring an Emergency

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

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Presiding Officer Wyers announced Ordinance No. 93-490 was first read on March 25, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 14 and recommended Ordinance No. 93-490 to the full Council for adoption.

**Motion:** Councilor Van Bergen moved, seconded by Councilor Buchanan, for adoption of Ordinance No. 93-490.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$150,000 from Capital Fund Contingency to various project line items in the Capital Fund budget. Those items included: 1) The African Rain Forest Project; 2) Replacement of a snow shed used for railroad operations; 3) The Elephant Barn remodel to add an additional room for animals plus a room for animal keepers and storage space; and 4) Installation of an outdoor structure for the African Savannah exhibit to allow animals to be kept outside during inclement weather.

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

**Vote:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 93-490 was adopted.

**6.3 Ordinance No. 93-491. An Ordinance Amending Ordinance NO. 93-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Personal Services Increases in the Public Affairs Department and Declaring an Emergency**

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

Presiding Officer Wyers announced Ordinance No. 93-491 was first read on March 25, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 14 and recommended Ordinance No. 93-491 to the full Council for adoption.

**Motion:** Councilor Van Bergen moved, seconded by Councilor Hansen, for adoption of Ordinance No. 93-491.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$5,274 from the Support Service Fund Contingency to Public Affairs Personal Services to cover personnel expenses incurred from an employee's maternity leave. Councilor Gardner clarified that Metro had unpaid maternity leave, but noted the employee in this instance had utilized sick leave also.

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

**Vote:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 93-491 was adopted.

**6.4 Ordinance No. 93-492. An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Contractors License Program and Declaring an Emergency**

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

Presiding Officer Wyers announced that Ordinance No. 93-492 was first read on March 25, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 14 and recommended Ordinance No. 93-492 to the full Council for adoption.

**Motion:** Councilor Van Bergen moved, seconded by Councilor Hansen, for adoption of Ordinance No. 93-492.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would authorize the transfer of \$8,388 from Support Service Fund Contingency to the "Payments to Other Agencies" line item in the Contractors' License program budget because more licenses were sold than originally projected.

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

**Vote:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 93-492 was adopted.

**6.5 Ordinance No. 93-493, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Funding Related Expenditures in the Planning Fund, Authorizing 1.25 FTE in the Growth Management Division, and Declaring an Emergency**

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

Presiding Officer Wyers announced Ordinance No. 93-493 was first read on March 25, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 14 and recommended Ordinance No. 93-493 to the full Council for adoption.

**Motion:** Councilor Buchanan moved, seconded by Councilor Kvistad, for adoption of Ordinance No. 93-493.

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

**Vote:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 93-493 was adopted.

**6.6 Ordinance No. 93-495, An Ordinance Adding a New Title to the Metro Code to Implement and Make Provision for the Exercise of Metro's Charter Authority to Issue Revenue Bonds, General and Special Obligation Bonds, Certificates of Participation and Other Obligations, Amending Certain Prior Metro Ordinances in Order to Conform to the New Metro Code Provisions Added by This Ordinance, and Declaring an Emergency**

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

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Presiding Officer Wyers announced that Ordinance No. 93-495 was first read on March 25, 1993, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 14 and recommended Ordinance No. 93-493 to the full Council for adoption.

**Motion:** Councilor Monroe moved, seconded by Councilor Kvistad, for adoption of Ordinance No. 93-495.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the ordinance would implement Metro's home rule powers under the Metro Charter adopted November 2, 1992, to establish bond issuance authority. He said the ordinance would create a new section of the Metro Code which, along with the Oregon Constitution, would govern the issuance of debt by Metro. He explained the ordinance specified the types of bonds or other debt instruments which could be issued; created procedures for the issuance of debt; provided for authorization for specific bond issues by Council resolution including bond terms and conditions, the manner of sale, and provision for the investment of funds. He noted this ordinance also amended Master Bond Ordinance Nos. 89-319 and 89-320 to bring them into conformity with new Metro Code language.

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

**Vote:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 93-495 was adopted.

**7. NON-REFERRED RESOLUTIONS**

**7.1 Resolution No. 93-1800, In Memory of Gladys McCoy and In Appreciation for Her Contributions to the Greater Portland Metropolitan Area**

**Motion to Suspend the Rules:** Councilor McFarland moved, seconded by Councilor Gates, to suspend the Council's rules requiring resolutions be referred to the Council by committee so that the Council as a whole could consider Resolution No. 93-1800.

**Vote on Motion to Suspend the Rules:** Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and the motion passed.

**Motion to Adopt:** Councilor Hansen moved, seconded by Councilor Monroe, for adoption of Resolution No. 93-1800.

Councilor Hansen said her personal knowledge of Commissioner McCoy inspired her to enter politics. Councilor Hansen read Resolution No. 93-1800 for the record:

**WHEREAS, Gladys McCoy, Chair of the Multnomah County Board of Commissioners served the greater Portland Metropolitan area and Multnomah County with distinction and dedication; and**

**WHEREAS, A cornerstone to Gladys McCoy's work for the region was her skilled efforts in bringing groups and individuals from diverse backgrounds and communities to work together to develop solutions for the common good; and**

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WHEREAS, Gladys McCoy was a leader in the region advocating for policies and actions which embraced and supported the inclusion of many individuals drawn from the diverse range of peoples in the region; and

WHEREAS, In Gladys McCoy's capacity as Chair of the Multnomah County Board of Commissioners, she served on the Bi-State Policy Advisory Committee, a cooperative, consultive body which provides policy advice to affected jurisdictions on issues outside the purview of other standing committees; and

WHEREAS, Gladys McCoy was an advocate for the efficient and effective provision of urban services in Multnomah County and as such, demonstrated leadership in exploring the reorganization of functions between Multnomah County and cities in the County and between Multnomah County and Metro; and

WHEREAS, In all of her endeavors, Gladys McCoy demonstrated outstanding qualities of human spirit and compassion, professional commitment and a dedication to helping people; now therefore,

**BE IT RESOLVED,**

1. That Metro hereby expresses its profound sorrow at the loss of Gladys McCoy and its great appreciation for the many contributions she made to the region during her long period of service to the region as a community leader and public servant.
2. That a copy of this resolution be sent to Senator William McCoy and family, and the Multnomah County Board of Commissioners.

Paul McCoy, Commissioner McCoy's son, thanked the Councilors for their tribute to his mother.

Presiding Officer Wyers thanked Councilor Hansen for sponsoring the resolution. Councilor Washington said he had known Commissioner McCoy for many years and noted she fully supported him when he ran for the State Senate. He said she was the first public official to support him and was one of the reasons he served on the Metro Council now. He said Commissioner McCoy had been truly committed to furthering the cause of African-Americans.

Vote: Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Resolution No. 93-1800 was adopted.

**8. RESOLUTIONS**

**8.1 Resolution No. 93-1788A, For the Purpose of Approving a Fiscal Year 1992-93 Supplemental Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission**

Motion: Councilor Kvistad moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1788A.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the resolution would approve the proposed FY 1992-93 Supplemental Budget and transmit it to the Tax Supervising and Conservation Commission (TSCC) for public hearing and review. He said when the TSCC returned the

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Supplemental Budget, it would be considered by the Council for adoption via Ordinance No. 93-494, currently in the Finance Committee. He explained the Supplemental Budget would: 1) Amend the Solid Waste Revenue Fund to receive \$23,995,783 of revenue from Credit Suisse and expend the funds to pay off the Reidel Compost Facility Revenue Bond Series A Issue; 2) Amend the Oregon Convention Center Operating Fund to recognize \$4,274,672 in additional revenue including recognition of a higher fund balance and additional enterprise revenue from a variety of sources and provide for additional Materials & Services expenditures totalling \$720,054 and an increase in the Unappropriated Balance of \$3,489,658; 3) Amending the Coliseum Operating Fund to recognize increased enterprise revenues of \$1,915,000 and provide for increased Personal Services expenditures of \$196,981, various Materials & Services expenditures totalling \$1,352,459 with the balance of \$365,560 to be placed in Unappropriated Balance; and 4) Reinstate the Portland Center for the Performing Arts Capital Fund to enable the expenditure of \$17,785 for capital purposes during the current fiscal year.

Councilor Kvistad said the amendment offered at committee by Metropolitan Exposition-Recreation Commission (MERC) staff was to recognize additional revenue and expenditures resulting from The Phantom of the Opera production to recognize \$70,000 of revenue from that production's promoter and provide for a Capital Outlay expenditure in the PCPA program budget.

Vote: Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers. Councilor Devlin was absent. The vote was unanimous and Resolution No. 93-1788A was adopted.

**8.2 Resolution No. 93-1746. For the Purpose of Revising Guidelines for Council Per Diem, Councilor Expense and General Council Materials and Services Accounts**

Main Motion: Councilor Moore moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1746.

Councilor Moore gave the Governmental Affairs Committee's report and recommendations and detailed the Council task force discussion and work on Councilor expenses and related items. The Council discussed the resolution further.

First Motion to Amend: Councilor Kvistad moved, seconded by Councilor Monroe, to raise Councilor annual expense account allowances to \$2,500 from the \$1,800 listed in the resolution.

Councilor Kvistad explained the amendment would make Resolution No. 93-1746 consistent with Budget Committee action taken this date and said the amendment would be in effect until July 1, 1993.

Councilor Monroe noted the Council Task Force on Expenses recommended \$78,000, or \$6,000 per Councilor, be put in the appropriate line item to publish and distribute a Council-related newsletter to be distributed to each household in each Councilor district. He said the Budget Committee did not approve that recommendation and said \$700 per Councilor was small compared to the former sum.

Councilor Moore noted most Councilors historically had spent approximately \$1,000 per year of the historical expenditures the Council Task Force surveyed.

The Council further discussed the motion to amend. After discussion, Councilor Kvistad withdrew his motion.

Withdrawal of First Motion to Amend: Councilor Kvistad, with Councilor Monroe's consent, withdrew the motion to amend Resolution No. 93-1746.

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**Second Motion to Amend:** Councilor Gates moved, seconded by Councilor Gardner, to amend the resolution to make the effective date of the resolution July 1, 1993.

The Council discussed the second motion to amend.

**Vote on Second Motion to Amend:** Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan voted nay. Councilor Devlin was absent. The vote was 11/1 in favor and the motion to amend passed.

**Vote on Main Motion as Amended:** Councilors Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilors Buchanan, Kvistad and Van Bergen voted nay. Councilor Devlin was absent. The vote was 9/3 in favor and Resolution No. 93-1746 was adopted as amended.

Presiding Officer Wyers recessed the meeting at 6:01 p.m. to meet with the Metro Committee for Citizen Involvement (MCCI) meeting upstairs in Room 335.

Presiding Officer Wyers reconvened the meeting at 7:32 p.m.

**8.3 Resolution No. 93-1784, Recommending Priority High Capacity Transit Corridors to the North and South and an Action Plan for Phase 2 of the North/South Preliminary Alternatives Analysis**

**Motion:** Councilor Gates moved, seconded by Councilor Gardner, for adoption of Resolution No. 93-1784.

Councilor Gates gave the Planning Committee's report and recommendations. He explained Resolution No. 93-1784 recommended the high capacity corridors in the South and North Corridors as part of the Preliminary Analysis (Pre-AA) by unifying them as a single corridor from Clackamas County, Oregon, to Vancouver, Washington. He said this effort had been ongoing over the past 18 months and the Planning Committee reviewed the issues several times.

Councilor Gates noted since the last Planning Committee update, a public hearing was held by the Joint Policy Advisory Committee on Transportation (JPACT) on March 30 to discuss the I-5 Corridor to the North and the Milwaukie Corridor to the South and said there was considerable support at that public hearing for those choices. He said State Representative Frank Shields was the only person to speak in opposition because he preferred the I-205 Corridor as an option. Councilor Gates said the project management group and the Citizens Advisory Committee both unanimously recommended the selection as well as the Transportation Policy Alternatives Committee (TPAC) and JPACT. Councilor Gates noted the name of the project had been changed officially to "South/North Corridor."

The Council discussed the resolution.

Presiding Officer Wyers opened a public hearing.

**Craig Lominicki**, Mayor of Milwaukie, read from a prepared statement and urged the Council to adopt the Milwaukie Corridor instead.



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Stuart Owen, City of Portland Office of Transportation planner, read from a prepared statement, gave a history of public hearings as held by the Planning Commission and their methodology, and gave the City of Portland's recommendations.

Bob Elliot, South/North Transit Corridor Study Committee member, reported on that committee's deliberations and methodology used.

The Council discussed the resolution further.

Presiding Officer Wyers asked for a roll call vote on the resolution.

Vote: Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Resolution No. 93-1784 was adopted.

**8.4 Resolution No. 93-1785, Endorsing the Region's Surface Transportation Program Projects and Amending the FY 93 TIP for Inclusion of These Projects**

Motion: Councilor Moore moved, seconded by Councilor McLain, for adoption of Resolution No. 93-1785.

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

Vote: Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Resolution No. 93-1785 was adopted.

**8.5 Resolution No. 93-1786, Approval of an MOU on STP Funds and STP Replacement Funds**

Motion: Councilor Monroe moved, seconded by Councilor Moore, for adoption of Resolution No. 93-1786.

Councilor Monroe gave the Planning Committee's report and recommendations. He explained the resolution endorsed a Memorandum of Understanding between Metro and other agencies to: 1) Express their intent to implement a program making STP Funds available to alternate transportation projects, chiefly transit; 2) Express their intent regarding how increased State Highway Trust Fund revenues would be allocated to the state, cities, counties and regions; and 3) Agree to cooperate to prepare and execute the IGAs and administrative procedures needed to implement such programs.

Vote: Councilors Buchanan, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Devlin was absent. The vote was unanimous and Resolution No. 93-1786 was adopted.

**8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

Councilor Monroe announced the April 28 Finance Committee meeting would begin at 7:00 p.m. rather than 4:00 p.m.

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Councilor Moore noted April 22 was Earth Day and discussed SOLV-IT Clean-Up Day activities as they related to same.

Councilor McLain announced the Water Resources Policy Advisory Committee would meet at Metro Regional Center, Monday, April 26, at 9:00 a.m.

**2. EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult with Legal Counsel On Pending Litigation (Tri-Met Condemnation of Zoo Parking Lot)**

Presiding Officer Wyers announced the Council would hold an Executive Session pursuant to ORS 192.660(1)(h) to discuss possible pending litigation related to possible Tri-Met condemnation of the Metro Washington Park Zoo's parking lot.

The Executive Session began at 7:05 p.m.

Those in attendance were: Councilors Monroe, Kvistad, Washington, Gardner, Buchanan, Wyers, Hansen, Moore, McLain and Van Bergen; Metro staff Richard Brandman, Dan Cooper, Don Carlson, Lisa Creel; and from The Oregonian, Gordon Oliver.

Presiding Officer Wyers adjourned the Executive Session at 7:20 p.m.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:20 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council

MCMIN93.112