

**MINUTES OF THE METRO COUNCIL**

**December 23, 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, Ed Washington

**Councilors Absent:** None

**Also Present:** Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 3:46 p.m.

**EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(c) to Consult with Representatives Regarding Real Estate Transactions**

Presiding Officer Wyers announced the Council would hold an Executive Session prior to the regular Council meeting. She announced the Council would hold an Executive Session pursuant to ORS 192.660(1)(c) to consult with representatives regarding real estate transactions.

Present at the Executive Session: Councilors Van Bergen, McLain, Hansen, Gardner, Devlin, Buchanan, Wyers, McFarland, Washington, Kvistad, Monroe, Gates and Moore; Executive Officer Cusma; Deputy Executive Officer Dick Engstrom; General Counsel Dan Cooper; Council Administrator Don Carlson; Bob Ricks, Senior Administrative Services Analyst; Craig Prosser, Financial Planning Manager; Jennifer Sims, Director of Management & Information Department; Don Rocks, Executive Assistant; Brad Pihas, CB Commercial; Vickie Rucker Director of Public Affairs; Larry Shaw, Legal Counsel; Merrie Waylett, Senior Management Analyst; Council Analyst Casey Short; and Kathie Stimac, Public Cable Access (PCA).

The Executive Session ended at 4:15 p.m.

Presiding Officer Wyers announced that Agenda Item Nos. 6.1 and 7.6, Ordinance No. 93-521<sup>A</sup> and Resolution No. 93-1860<sup>A</sup> respectively, had been removed from the agenda and would be considered at the January 13, 1994, Council meeting.

Councilor Moore explained the agenda items were removed at her request to allow time for a letter to be sent to local jurisdictions inviting them to participate in the predicate study. The Council briefly discussed the letter and the legislation. Councilor Devlin noted the legislation had already undergone the committee process and asked that the legislation go straight to Council and not back to the Governmental Affairs Committee.

Presiding Officer Wyers announced the next Council meeting would be held Tuesday, January 4, 1994, at 5:30 p.m.

Presiding Officer Wyers announced the Council would now consider Agenda Item No. 4.2, related to the Executive Session just held by the Council.

**4.2 Continuation of Presentation of December 17, 1993, Council Discussion on Presentation of Options for Dealing with the Metro Center Building**

General Counsel Dan Cooper distributed Resolution No. 93-1888, For the Purpose of Authorizing an Amendment to the Master Lease for Metro Center and the Execution of Leases for Occupants of the Metro Center.

Executive Officer Cusma explained the resolution would authorize a five year lease with AMCO and authorize leases with the pending tenants. She said the prospective tenants needed to know immediately what their options were.

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Motion: Councilor McLain moved, seconded by Councilor Gates, to suspend the Council's rules requiring resolutions be referred by committee so that the Council as a whole could consider Resolution No. 93-1888.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. The vote was 12/1 and the motion to suspend the Council's rules passed.

Main Motion: Councilor McLain moved, seconded by Councilor Hansen, to adopt Resolution No. 93-1888.

Executive Officer Cusma referred to and discussed her December 22, 1993, memorandum, "AMCO Building Decision." She said Metro decided to buy Metro Regional Center for very good reasons two years ago and said those reasons were still valid. She discussed the needs of the prospective tenants and said it was necessary to take swift action. She said she considered Option 1 to be Metro's least-cost option. She said if the Council did not choose the options she had offered, the Council should give Administration direction on what action to take next.

Ms. Sims distributed three financial options for the Metro Center building and explained the same (all documents referred to in these minutes filed with the meeting record).

Councilor Moore asked why it was impossible to rent for less than three years. Executive Officer Cusma said it was unusual for commercial tenants to sign a lease for any less than a term of three years. Councilor Moore and Mr. Pihas briefly discussed leasing considerations.

Presiding Officer Wyers opened the public hearing.

Gary Withers, Metropolitan Family Services (MFS) executive director, said that MFS had clients with extreme needs and said it would be very difficult to serve them until MFS knew where it would be housed as of January 17, 1994. He said their financial officer was negotiating with the new owners of their old building to try and stay there until the end of January. He said at the December 17, 1993, special Council meeting, some Councilors had stated they had not been informed about the lease difficulties Metro was facing. He said that lack of knowledge was irrelevant. He said Metro had the advantage, not the prospective tenants.

Kirk Taylor, CB Commercial, 1300 SW Fifth, #2600, Portland, said he had worked with Mr. Pihas to obtain good tenants for the building and said a few things should be entered for the record that had not really been addressed. He said in October 1991, the Council made a courageous decision to acquire the Sears Building. He said to reproduce the same building in today's dollars would cost \$32 million. He said Metro had made a good deal. He said Metro also realized a \$1.4 million savings in debt service due to lower interest rates. He said the projected minimum loss at this time was \$800,000 and said that represented 3 percent of the actual cost Metro paid to acquire, reconstruct and move into Metro Regional Center and said the Council should congratulate itself for making a hard decision at the right time and saving taxpayers money in the long run.

Councilor McFarland said CB Commercial had had approximately two years to obtain tenants to sublease Metro Center and asked why that goal had not been achieved in a timely manner. Mr. Taylor said the real estate/leasing market was volatile. He said originally, CB Commercial had attempted to get one tenant to fill the whole building, but when it found the market to be "thin," it attempted to get tenants to occupy whole floors. He said CB Commercial was now offering multiple leases for Metro to sign with good tenants. Councilor McFarland said CB Commercial obviously had the best of intentions, but did not know why they could not do better with the expertise they had at their disposal. She said Metro was being castigated because it made decisions based on advice from experts who claimed to know what they were doing. She said when Metro decided to vacate Metro Center, it had acted in good faith. Mr. Taylor said again the Council had made good decisions and noted again the \$1.4 million savings achieved. He said Metro had acquired an expensive building at a much cheaper cost.

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Councilor Gates said there was no actual windfall of \$1.4 million. He said that amount was just savings in interest over the life of the bond.

Dan Swift, Cushman & Wakefield, said he was a commercial real estate broker for Parametrix, Inc., a potential Metro Center tenant. He discussed Parametrix's needs and said they negotiated in good faith and signed a lease to rent space in the Metro Center Building. He said they had asked their current landlord if they could renew their lease and said that landlord was unsure of whether the lease could be renewed or not. He said they could be given 30 days notice and could end up without an office because of this situation. He said Metro had three options. He said those options included 83 percent occupancy and/or 95 percent occupancy and urged the Council to adopt Resolution No. 93-1888. He said if Metro continued with the leases, there would be renewed interest in the building and it would be easier to market the rest of the space. He said if Metro moth balled the building, no revenue would come in and said that also did not take into account any damage to the building and/or other unforeseen circumstances. He said that action would result in a no-win situation for all parties involved. He said adopting the resolution would result in a win-win situation for all parties involved.

Mr. Pihas discussed the issues further and said in response to Councilor McFarland's questions about CB Commercial's efforts to lease the building, that at the beginning of the leasing process, CB Commercial attempted to negotiate with the Public Employees Retirement System (PERS) who had expressed interest in Metro Regional Center. He said PERS started to negotiate in July 1992 with Neil Saling, former Director of Regional Facilities, to lease the building. He said CB Commercial was not involved in the process at that time, nor was it under contract with Metro at that time. He said February 1993, Mr. Saling approached him and said the lease with PERS would not occur and asked for CB Commercial's assistance in marketing the building. Mr. Pihas said he had told Mr. Saling in July that efforts to continue marketing the building should continue because it was very difficult to acquire one large tenant.

Councilor Gates said the best solution would be to dissolve the lease with AMCO because the current Council should not commit a future Council. He said MFS was a wonderful organization, but that it was not another governmental agency. He said if Metro were dealing with a governmental agency dependent on tax payers, it would be a different matter. He said the Council should not adopt Resolution No. 93-1888 and do everything in its power to assist MFS.

Councilor Kvistad said he had served on the board of a non-profit mental health agency himself and said he did not know what to do. He said there was the risk of Metro's financial exposure, but said Metro had made commitments and put the agency's credibility on the line. He said Metro should make the best decision possible for all parties involved.

Councilor Hansen cited her experience as a teacher dealing with students who belonged to family clients of MFS and similar agencies and said she would vote for families in need.

Councilor Moore said it was important to act in good faith with the prospective tenants, but said she believed the owner of Metro Regional Center was holding Metro hostage. She did not believe Metro should pay for Americans with Disabilities Act (ADA) or other improvements. She said Metro could offer MFS six months of free rent and/or make other arrangements to accommodate their needs. She said Metro could offer the owner the tenants acquired at this time. She said she could not commit Metro to a five-year lease at this time.

Executive Officer Cusma said in difficult times, the best thing to do was to make a timely decision and to do the right thing. She said she was troubled about the suggestion to exercise the \$25,000 escape clause in the lease. She said the clause was there because the then-Council did not want to bind a future Council and also because the City Club had just recommended Metro be abolished. She said Metro did not even know if it would be in existence in the next year. She said if Metro tried to break the lease, people would no longer trust Metro and said the escape clause was not intended for the purposes mentioned tonight. She said Metro should keep its word and show it could do what needed to be done. She said she recognized the Council's unhappiness with the circumstances of the situation, but that in her view, Resolution No. 93-1888 was the best possible option with the least costs at this time which still gave Metro the option to get out the lease earlier.

Councilor Gates asked what liability Metro would incur if it did exercise the escape clause.

Mr. Cooper said Metro could not exercise that option at this time. He said at the end of the term of the lease, June 1994, there would be an additional \$25,000 owed. Councilor Gates clarified that meant costs related to the three options presented, ADA and other improvements, and maintenance costs would not be incurred. Mr. Cooper said that was correct, but said issues discussed in Executive Session should not be discussed in regular session. Councilor Gates agreed, but said he wished to point out that the Council had seen options presented to the public and the media that presented only a \$30,000 differentiation in costs, but said the actual costs incurred were much higher. He said that did not take into account costs incurred through potential litigation.

Councilor Gardner said Executive Officer Cusma did not serve as Executive Officer when the original lease was signed, but said he and Councilor Van Bergen did serve on the Council at that time. He said he had reviewed the minutes of that meeting and said the Council's intent when putting in the escape clause was because, at the time, moving into Metro Regional center was a big step for Metro. He said Metro was very cramped in its old quarters (527 SW Hall) when it chose to move, but said the Council realized it was a big expenditure for a young agency to make. He said the then-Council was concerned because it realized Metro might be down-sized or dissolved, but, could also could grow more than could be foreseen at that time. He said the passage of time showed that the latter awareness was true because Metro did have to move into a larger building in 1993. He said it was reassuring to have the non-appropriation clause included and said it was negotiated in good faith by both parties and that it was a viable option. He said Metro could not exercise the option at this point, but said that clause gave Metro a greater comfort level. He said it was appropriate to offer whatever assistance it could to MFS and/or other tenants in a manner that would be cost-effective to Metro as Councilor Moore had suggested. He said he could not support locking Metro into a further period of time on a building it no longer needed. He said exercising the escape clause would probably be Metro's least-cost option.

Councilor McFarland said she also reviewed the minutes and said it was put there exactly for the reasons as given by Councilor Gardner, as protection for Metro to get out of the lease if necessary without extra cost to the public. She said if there had been other legislative intent, she would like to hear from those who were there.

Councilor McLain said she was not ready to vote on the three options as presented or the escape clause. She said it was obvious the Council and Executive Officer Cusma wanted to do the right thing. She said regardless of whether or not the Council adopted the resolution, it had to come up with some kind of solution at this meeting. She said it would involve an ongoing process via the budget and the other procedures. She said Executive Officer Cusma had asked for direction from the Council and said timely action at this time was important.

Councilor Devlin said the resolution presented viable options, but that he was not comfortable with adopting the resolution. He said the escape clause appeared to be the best utilization of public funds, but did not know if the fourth option would be completely successful from a financial standpoint either per Mr. Cooper's comments. He said Metro was not in the real estate business, and did not care to commit a future Council to this type of situation either.

Councilor Monroe said he did not like being in this position and said the building owner should share part of the blame. He said if the owner planned to abide by contract language only and not negotiate, then Metro could do so also by taking advantage of the escape clause. He said the owner could take advantage of the tenants offered and/or a buy-out on the contract. He said the Council had also been put in this position by the Executive Officer and staff by authorizing leases without Council approval. He said the prospective tenants should also have known that any agreement would not have been effective until the Council approved them. He objected to Executive Officer Cusma's use of the collective "we" because he said the Council did not contribute to this situation.

Councilor Hansen said blaming other parties was not helpful. She said she said she served on the Regional Facilities Committee and asked questions but was not given the right answers. She said to backtrack and ask why things happened was not productive.

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She said the Council should develop procedures on how to handle leases in the future. She said Metro would have leases in Metro Regional Center as well as in the Parks Division and at the Zoo.

Councilor McFarland said if the issues were not resolved at this meeting, the Regional Facilities Committee could hold a special meeting in the next week to work on solutions if necessary.

Councilor Van Bergen said such situations happened in government. He said reactions ranged from finding blame somewhere else to reacting definitively. He said blame was not an issue for him, but that the Council should give a quick and clean response so that all parties knew where they stood.

Vote on Main Motion: Councilors Hansen and McLain voted aye. Councilors Buchanan, Devlin, Gardner, Gates, Kvistad, McFarland, Monroe, Moore, Van Bergen, Washington and Wyers voted nay. The vote was 11/2 opposed and Resolution No. 93-1888 was not adopted.

Councilor Gardner said the Council had clearly stated it was not in the public's best interest to extend the lease on the Metro Regional Center building, but said this did not solve problems for MFS.

Motion: Councilor Gardner moved, seconded by Councilor Devlin, to direct the Executive Officer to discuss with Metropolitan Family Services ways in which Metro could assist them in their transition; ways which could include offering use of space on a temporary basis in the old Metro Center Building (to include Parametrix, Inc., also per discussion below).

Councilor Gardner said he did not believe the motion presented an easy option for MFS or solve their problems, but said it would at least help.

Councilor McFarland asked Councilor Gardner if his intent was to include the other tenant present or if he meant it to include MFS only. Councilor Gardner said he did not mean to discriminate against Parametrix, Inc., but said that he understood Metro's agreement with Parametrix, Inc., was of a very different nature and was less of a commitment on Metro's part. He said the question of what kind of legal obligation Metro owed to either tenant was not known or was unclear. He said both tenants could be included in the motion.

Executive Officer Cusma said staff would try to assist the tenants as much as possible. She said she did not know what it would be possible to offer, but said staff would do everything in their power.

The Council discussed the motion. Councilor Moore said she wanted to be fair to prospective tenants who negotiated in good faith. She said she had asked for, and received, a report on what services MFS provided to other agencies and governments and submitted it for the record. She said she was willing to give tenants free rent for six months and was willing to negotiate with the building owner for a better deal for Metro for the last 2.5 years of the lease, but said she was not willing to embark on the real estate business.

Councilor Gates requested Executive Officer to include a request for funds for the escape clause in the FY 1994-95 Budget. Councilor McLain said Executive Officer Cusma could not do that. Councilor McFarland served notice that the Council would consider that option during the Budget process. Councilor Devlin said, with regard to the motion before the Council, the motion was meant to establish clear communication between the Council and the Executive Officer. Councilor McLain said the motion was a signal to MFS, that even though the previous vote was not what they wanted, that the Council was willing to assist them as much as possible during their transition. Councilor Monroe said he appreciated Executive Officer Cusma's offer to assist the tenants. He said it was too premature to discuss the escape clause. He said the Council was simply saying at this time it did not wish to extend the lease beyond 30 months and said he was willing to look any option to solve these problems with the prudent use of public funds.

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Councilor Van Bergen asked if the motion before the Council was proper. Mr. Cooper said it was. He said the Council's rules did not speak to motions not related to ordinances/resolutions, but specified intent only. He said the Council could take action only via resolution or ordinance. He said the Council could make motions expressing intent. Councilor Van Bergen said discussion at this meeting and the motion created evidence which could be used against Metro in the future.

Councilor Kvistad concurred with Councilor Van Bergen and said the motion and discussion at this meeting could put Metro at legal risk.

Mr. Withers spoke again. He said MFS needed definitive answers now. He said MFS had to scramble for another space. He said the offer of six months free rent could be helpful to them, but said right now, he did not know.

Motion as Restated: Councilor Gardner restated his and Councilor Devlin's motion: "That the Council direct the Executive Officer to discuss with Metropolitan Family Services how Metro could assist in their transition including an offer of temporary space in the previous Metro Center Building.

Councilor Gardner said the motion was not related to the non-appropriation clause in the lease and was not meant to prejudge what Metro's legal obligations might be to MFS or any other prospective clients, but was meant to assist MFS as much as possible.

Executive Officer Cusma asked what the status of Metro Center Building was now. She asked if Metro should continue to look for tenants, leave it empty, or what other options the Council would like to exercise.

Councilor Washington asked if the Council could direct or ask the Executive Officer to negotiate with the two prospective tenants for a six month lease.

Mr. Cooper said to do so, the Council would have direct that action via resolution.

Mr. Withers said Councilor Van Bergen's concerns were valid and said the resolution could be adopted with the stipulation that the resolution could be passed without prejudice to MFS' or Metro's legal position. He said such a resolution could be acceptable and achieve a compromise at this time.

Councilor Van Bergen stated again the motion was inadvisable, inappropriate and wrong. He said it was fine if MFS had something to propose, but said Metro would not sign a five-year lease.

Councilor Moore said she would support the motion merely as an attempt to solve the problem at hand.

Vote on Motion: Councilors Devlin, Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilors Buchanan and Kvistad were absent. The vote was 10/1 in favor and Councilor Gardner's motion passed.

Mr. Withers asked if the motion meant MFS would have six months of free rent at Metro Center Building as mentioned by Councilor Moore. Councilor Gardner said the motion did include offering temporary use of space, but did not specify a term of time. Mr. Swift asked if that motion included all the prospective tenants including Parametrix, Inc. Councilor Gardner said it did.

Presiding Officer Wyers recessed the Council at 6:05 p.m.

The Council reconvened at 6:22 p.m.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. OTHER BUSINESS

4.1 Requesting Approval of Revised George Crandall Letter (Architectural Foundation of Oregon) Regarding the Regional Alternatives Planning Process (RAPP)

Main Motion: Councilor McLain moved, seconded by Councilor Devlin, for approval of the revised George Crandall letter.

Councilor McLain explained the letter, staff's report and materials printed in the agenda packet.

The Council discussed the letter.

Motion to Amend: Councilor McLain moved, seconded by Councilor devlin, to replace the word "endorse" in the letter with "we are interested in your proposal."

After further discussion, the Council and executive Officer Cusma agreed the letter should be signed by both the Executive Officer and Presiding Officer Wyers.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Hansen voted nay. The vote was 12/1 to amend and the motion passed

Vote on Main Motion: Councilors Buchanan, Devlin, Gardner, McLain, Monroe, Moore, Van Bergen and Washington voted aye. Councilors Gates, Hansen, Kvistad, McFarland and Wyers voted nay. The vote was 8/5 and the letter was approved as amended.

Presiding Officer Wyers moved Agenda Item No. 7.1 up to facilitate staff in attendance at this meeting

7.1 Resolution No. 93-1873A, For the Purpose of Adopting and Implementing the FY 1994-99 Water Resources Work Plan

Motion: Councilor McLain moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1873A.

Councilor McLain gave the Planning Committee's report and recommendations. She explained that the resolution would adopt and implement the FY 1994-99 Water Resources Work Plan and reviewed Committee discussion on same. She reviewed and explained minor language changes, making the resolution an "A" version.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 and Resolution No. 93-1873A was adopted.

Presiding Officer Wyers moved Agenda Item No. 7.4 up to facilitate staff in attendance at this meeting.

Presiding Officer Wyers recessed the Metro Council and convened the Contract Review Board to consider Agenda Item No. 7.4.

7.4 Resolution No. 93-1875, For the Purpose of Exempting the Acquisition of a Visitor Transport Vehicle from the Competitive Bidding Process

Motion: Councilor Hansen moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1875.

Councilor Hansen gave the Regional Facilities Committee's report and recommendations. She explained the resolution would enable the Zoo to obtain a vehicle to transport seniors and children. The Council discussed the resolution.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1875 was adopted.

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

5. CONSENT AGENDA

5.1 Minutes of November 23 and December 9, 1993

REFERRED FROM THE PLANNING COMMITTEE

5.2 Resolution No. 93-1872, For the Purpose of Amending the Greenspaces Master Plan and Map of Natural Areas, Trails and Greenways of Regional Significance by Adding the Peninsula Crossing Trail in North Portland

5.3 Resolution No. 93-1866, For the Purpose of Entering into an Intergovernmental Agreement with Oregon Parks and Recreation Department to Begin the Burlington Northern Rails to Trails Feasibility Study

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of the Consent Agenda.

Councilor Moore corrected the minutes and asked that the word "comfortable" be replaced with "safe" under "Citizen Communications to the Council on Non-Agenda Items" in the first paragraph, page 1, of the December 9, 1993, minutes.

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 December 9, 1993, as corrected.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 93-521A, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding an Intergovernmental Agreement with the City of Portland for a Predicate Study; and Declaring an Emergency

Removed from the agenda.



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6.2 Ordinance No. 93-525, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring Contingency to Fund Remaining Metro Regional Center Project Commitments, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 93-525 was read for a first time on November 23, 1993, and referred to the Regional Facilities Committee and the Finance Committee for consideration. She announced the Regional Facilities Committee considered the ordinance on December 1 and that the Finance Committee considered it on December 8 and recommended it to the full Council for adoption on December 22, 1993.

Motion: Councilor Devlin moved, seconded by Councilor Van Bergen, for adoption of Ordinance No. 93-525.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance would authorize payment for final work being done to finish Metro Regional Center, including space for the new Parks Division.

Councilor Moore noted curb cuts on the west side of the building had still not been completed although they were called for in blue prints and that bicycle parking on-site was still not up to code. The Council briefly discussed the issues. Councilor Gardner said he would like to see a roof put over bicycle parking if possible.

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 13/0 and Ordinance No. 93-525 was adopted.

6.3 Ordinance No. 93-524A, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule to Continue Work on the MERC Business Plan, and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-524 was first read on December 9, 1993, and recommended to the Regional Facilities Committee and the Finance Committee. She announced the Regional Facilities Committee considered the ordinance on December 15 and the Finance Committee considered it on December 22, 1993, and recommended Ordinance No. 93-524A to the full Council for adoption.

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-524A.

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

Presiding Officer Wyers opened a 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 13/0 and Ordinance No. 93-524A was adopted.

7. RESOLUTIONS

7.2 Resolution No. 93-1874, For the Purpose of Amending the Transportation Improvement Program so that Tri-Met Can Apply for Section 3 Funds in the Redirected Project Break-Even Account

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**Motion:** Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1874.

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

**Vote:** Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 and Resolution No. 93-1874 was adopted.

Presiding Officer Wyers recessed the Metro Council and reconvened the Metro Contract Review Board to consider Agenda Item No. 7.3.

**7.3 Resolution No. 93-1871, For the Purpose of Declaring a Sole-Source Contract with B&B Leasing Company, Inc. for Refuse Hauling from the Metro South Household Hazardous Waste Facility and Authorizing a Competitive Bidding Exemption Pursuant to Chapter 2.04.041(c)**

**Motion:** Councilor McFarland moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1871.

Councilor McFarland gave the Solid Waste Committee's report and recommendations.

**Vote:** Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. The vote was 12/1 and Ordinance No. 93-1871 was adopted.

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

**7.5 Resolution No. 93-1882, For the Purpose of Accepting a Fifth Group of Nominees to the Metro Committee for Citizen Involvement (Metro CCI)**

**Motion:** Councilor Moore moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1882.

Councilor Moore gave the Governmental Affairs Committee's report and recommendations.

Councilor Devlin noted Washington County had delayed its nominations because there was only one applicant. He said the next time a round of applications came up, the vacancy(s) should be filled regardless of the number of applicants. He noted that another applicant had created concern because that person was a governmental employee. He said the type of employment an applicant had should not be a concern.

Councilor Van Bergen said the program should be reviewed.

**Vote:** Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 and Resolution No. 93-1882 was adopted.

**7.6 Resolution No. 93-1860A, For the Purpose of Authorizing the Executive Officer to Execute an IGA with the City of Portland for a Predicate Study**

Removed from the agenda.

**7.7 Resolution No. 93-1881A, For the Purpose of Creating a Pioneer Cemeteries Study Committee**

**Motion:** Councilor Hansen moved, seconded by Councilor Moore, for adoption of Resolution No. 93-1881A.

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Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She said the committee would try to determine if pioneer cemeteries could be self-supporting and not require Parks revenue. She said staff from the Oregon Historical Society would serve on the committee also.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 and Resolution No. 93-1881A was adopted.

**2. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

Executive Officer Cusma wished the Council a happy holiday season.

Councilor Gates said the Governmental Affairs Committee would work on FOCUS dues after the committee system was restructured in January 1994 and wished the Council a happy holiday season also.

Councilor Washington also wished the Council a happy holiday season.

Councilor McLain asked if the Council could schedule a discussion item on the selection process for Presiding Officer for 1994 as well as the selection of committee chairs. Councilor Gardner suggested giving Councilors the committee assignments they wanted and letting committees select their own chairs. Councilor Gates said he preferred committees of the whole, but felt it was appropriate for the Presiding Officer to make committee chair assignments because this was the Council's last year as a group of 13. Councilor Moore concurred with Councilor Gardner on his comments for committee appointments and chair selection. The Council as a whole discussed the process further. Councilor Hansen said the assignment of chairs could be presented first and then Councilors could sign up for committees. Councilor Gardner suggested a straw vote to determine how people felt about the committee structure as proposed. Councilor Gates said if the Council was going to discuss such issues, it might as well start with committees of the whole. The Council as a whole discussed the legislative system versus the committee of the whole. Councilor McFarland said she preferred the legislative system. Councilor Hansen said the committee system lightened the work load for all 13 Councilors. She said when the Council went to seven members, they might want to reevaluate the structure.

Motion to Have Straw Ballot: Councilor Gardner moved, seconded by Councilor Devlin, for a straw ballot on whether or not committees should vote for their own chairs.

Presiding Officer Wyers said she had encouraged open discussion on the selection of committee chairs

Vote: The straw ballot in a 6/5 vote opposed to committee's selecting their own committee chairs.

Councilor Moore expressed concern about losing the Civic Stadium because it no longer had a baseball franchise.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 8:14 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council  
MCMIN93.357