

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

October 22, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Tanya Collier, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, Terry Moore, George Van Bergen and Ed Washington

Councilors Excused: Roger Buchanan

Councilors Absent: None

Also Present: Deputy Executive Officer Dick Engstrom

Presiding Officer Gardner called the regular meeting to order at 5:36 p.m.

Presiding Officer Gardner announced Agenda Item Nos. 8.1 and 10 had been added to this meeting's agenda and noted Agenda Item No. 8.1 would be considered immediately after Agenda Item No. 3.2. He announced also that Agenda Item Nos. 7.2 and 7.3 would not be considered at this meeting.

1. INTRODUCTIONS

None.

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

Teace Adams, Vice President, Columbia River Region Inter-League Organization of the League of Women Voters (CRILLO), invited the Council to a CRILLO reception to be held at Metro Center, Thursday, November 12, from 4:30 to 5:30 p.m to discuss the outcome of Metro ballot measures 26-1, Greenspaces, and 26-3, Metro Charter, after the General Election on November 3, 1992.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Annual Report on Metro Facilities Recycling Efforts Per Executive Order No. 47

Debbie Gorham, Waste Reduction Manager, gave the annual report on Metro facilities recycling efforts per Executive Order No. 47.

3.2 Slide Show on Greenspaces Restoration

Andy Cotugno, Director of Planning, gave a brief update on current Greenspaces activities.

Mel Huie, Senior Regional Planner, distributed a map showing the Greenspaces regional system of natural areas, open space, trails and greenways and an informational hand-out describing Greenspaces Restoration Grants.

David Ausherman, Associate Regional Planner, distributed "The Garden Festival as a Tool for Landscape Restoration" and presented a slide show on same.

8. NON-REFERRED RESOLUTIONS

8.1 Resolution No. 92-1703, For the Purpose of Expressing Metro's Appreciation to Janet Cobb for Her Volunteer Work on the Greenspaces Program and Bond Measure

Motion to Suspend the Rules: Councilor Devlin moved, seconded by Councilor Wyers, to suspend the Council's rules requiring resolutions be referred by Committee so that the Council as a whole could consider Resolution No. 92-1703.

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

Main Motion: Councilor Devlin moved, seconded by Councilor Wyers, to adopt Resolution No. 92-1703.

Councilor Devlin introduced Ms. Cobb and said Ms. Cobb had contributed a great deal of time and support to Metro's Greenspaces Program.

Councilor Devlin read the resolution for the record:

Whereas, The Metropolitan Greenspaces Program has used the East Bay Regional Park District in Alameda and Contra Costa counties in California as a model for its natural areas and open space program; and

WHEREAS, Metro officials, staff and Greenspaces cooperators have toured East Bay's regional parks and natural areas, and met with their staff including Janet Cobb, Assistant General Manager for Public Affairs to learn how a Greenspaces program could be implemented in the Portland/Vancouver region; and

WHEREAS, Metro Greenspaces planning staff have sought and received her advice from Ms. Cobb on the public information outreach program she coordinates for the East Bay Regional Park District; and

WHEREAS, Metro Councilors, and Greenspaces staff have sought and received advice from Ms. Cobb on the East Bay Regional Park District's public information program she coordinated for its open space bond measure which was approved by 67 percent of the vote; and

WHEREAS, Janet Cobb has conducted workshops for Metro staff and Greenspaces cooperators on public information strategies and techniques; and

WHEREAS, Audubon Society of Portland, Wetlands Conservancy, and Friends and Advocates of Urban Natural Areas (FAUNA) have sought and received advice on their citizen participation and education activities; and

WHEREAS, The Citizens Campaign for Metropolitan Greenspaces has sought and received her advice on developing strategies for the bond measure campaign; and

WHEREAS, Janet Cobb has provided such assistance without monetary compensation and even donated her vacation time to meet with Greenspaces staff and cooperators; now, therefore,

BE IT RESOLVED, That the Metropolitan Service District hereby expresses its appreciation and thanks to Janet Cobb for her sage advice and volunteer efforts for the Greenspaces Program and Bond Measure Campaign.

Vote on Main Motion: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner vote aye. Councilor Buchanan was excused. The vote was unanimous and Resolution No. 92-1703 was adopted.

Presiding Officer Gardner presented Ms. Cobb with a framed copy of Resolution No. 92-1703. Ms. Cobb thanked the Council and said she had greatly enjoyed participating in the Greenspaces Program in Oregon. She noted Councilors Devlin and McFarland visited the East Bay area to observe the program there and said Rich Carson, Michael Taylor and Brian Cosgrove had performed admirable work on behalf of the program. She said the Greenspaces campaign staff had worked extremely hard on Ballot Measure No. 26-1.

4. CONSENT AGENDA

4.1 Minutes of September 24, 1992

REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE

4.2 Resolution No. 92-1679, For the Purpose of Approving in Concept the City of Portland's Master Plan for the Springwater Corridor

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

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-473, For the Purpose of Amending Metro Code Sections 5.02.015 and 5.02.065, Relating to Disposal Charges at Metro Facilities, and Declaring an Emergency

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

Presiding Officer Gardner announced that Ordinance No. 92-473 had been referred to the Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-472, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-4: PCC Rock Creek

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

Presiding Officer Gardner announced the Council would consider Ordinance No. 92-472 in its capacity as a quasi-judicial decision-maker. He announced Ordinance No. 92-472 was first read on October 10, 1992, and a public hearing was held at which no persons appeared to testify. He said consideration of the ordinance was continued to this meeting for final consideration and vote.

Motion: Councilor Collier moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-472.

Councilor Van Bergen noted he asked at the October 10 meeting for a written answer on whether Case No. 91-4 was consistent with the action the Council took on the Benj Fran case in Beaverton and noted the October 19 memorandum by Mark Turpel, Senior Regional Planner, "PCC Rock Creek - Ordinance #92-472." He said that memo compared the Benj Fran and PCC cases. He noted staff said for the Hearings Officer to do a more thorough analysis of the two cases, it would cost approximately \$1,300. Councilor Van Bergen noted the October 16 memo also attached from Stuart Todd, Assistant Regional Planner, which noted the Benj Fran application involved a 472 acre site. He said this case requested 160 acres be included within the UGB. He said the memo also noted the PCC Rock Creek site was completely outside the UGB and that Benj Fran was surrounded on three sides by the UGB, had full access to facilities, and was rejected by the Council because Benj Fran could not demonstrate there were no other available sites within a 20 minute drive. He said the Council rejected the Benj Fran application at that time. He said before, the Council had been amenable to smaller adjustments. He said Mr. Todd's memo stated there were "unique elements influencing each case described. Benj Fran was unable to establish need for a major amendment to the UGB based on its premise and methodology, while PCC Rock Creek with an existent urban condition and an evidenced need was convincing. Metro Council, by Resolution No. 92-1630, expressed its intent to amend the urban growth boundary as petitioned for by PCC Rock Creek."

Councilor Van Bergen noted also attached to the memos from Mr. Turpel and Mr. Todd was a letter dated October 16 from Hearings Officer Larry Epstein. He objected to evaluating each case on its own merits and said that was contrary to how he had been taught to evaluate UGB cases. He referred the Council to the matrix on previous UGB cases as provided by Mr. Epstein.

Councilor Devlin noted Ordinance No. 92-450A adopted at the October 10 Council would tighten and clarify UGB criteria when it took effect in the Metro Code 90 days from the date of adoption. He said UGB cases would be evaluated on a consistent basis from that time.

Councilor Wyers asked if Ordinance No. 92-472 was consistent with previous Metro cases. Councilor Devlin said it was consistent with Metro action taken in the past.

Presiding Officer Gardner said Councilor Van Bergen had raised valid issues especially with regard to the Hearings Officer's current contract. He said when that contract was re-evaluated, the Council could request more than one appearance per case if necessary.

Councilor Van Bergen said again consistency with previous cases had not been followed. He believed Case No. 91-4 was similar to the Benj Fran case. Presiding Officer Gardner said this case did justify a UGB amendment because the facility, which represented urban use, was already there before the UGB was established and that the Benj Fran application asked for the ability to develop farm land. Councilor Van Bergen said that was not the criteria used in the past to alter the UGB.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore and Gardner voted aye. Councilors Van Bergen and Wyers voted nay. Councilor Washington abstained from the vote. Councilor Buchanan was excused. The vote was 8 to 2 in favor and Ordinance No. 92-472 was adopted.

Councilor Washington noted he would be teaching a class at the Rock Creek PCC campus and therefore had abstained from the vote.

7. RESOLUTIONS

7.1 Resolution No. 92-1699, For the Purpose of Approving the One Percent for Recycling Program Criteria, Application and Project List for FY 1992-93

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1699.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. Councilor Wyers explained the One Percent for Recycling Advisory Committee chaired by Councilor Buchanan had held several meetings and conducted a workshop for persons interested in submitting proposals. She said the work, the criteria, application and project list had been developed as a result of that work. She said the only significant changes this year involved adding two evaluation criteria on whether the proposal could serve as a model and be duplicated elsewhere, and whether a proposal would generate positive publicity. She said also that "precycling" would be emphasized.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and Resolution No. 92-1699 was adopted.

7.2 Resolution No. 92-1686, For the Purpose of Entering Into a Multi-Year Contract with the Most Qualified Proposer by Authorizing Issuance of a Request for Proposals for a Comprehensive Waste Stream Study

Presiding Officer Gardner announced the Solid Waste Committee did not forward Resolution No. 92-1686 to the Council for consideration and had been removed from this agenda.

7.3 Resolution No. 92-1683A, For the Purpose of Authorizing an Exemption from the Competitive Procurement Procedures of Metro Code Section 2.04.053 to Permit the Executive Officer to Execute Contract Amendment No. 16 with SCS Engineers

Presiding Officer Gardner announced the Solid Waste Committee had recommended Resolution No. 92-1683A to the full Council for adoption, but that in the interim, Solid Waste Committee staff had requested the resolution be returned to Committee for additional work. Presiding Officer Gardner asked for a motion to refer the resolution back to Committee.

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin, to refer Resolution No. 92-1683A back to the Solid Waste Committee for further work.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and the motion passed.

7.4 Resolution No. 92-1693, For the Purpose of Authorizing the Executive Officer to Execute the Acquisition of Land in the Smith and Bybee Lakes Management Area

Motion: Councilor Washington moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1693.

Councilor Washington gave the Transportation and Planning Committee's report and recommendations. He said the resolution would authorize the Executive Officer to execute the acquisition of land in the Smith and Bybee Lakes management area. He said Metro acted as the trust fund manager and discussed real estate acquisition and negotiations. He said Metro's policy was to deal with willing sellers whenever possible and not practice its power of eminent domain.

Councilor Van Bergen asked about Metro's use of eminent domain in different subject areas, referring to issues related to the

Peterkort property related the acquisition of natural areas for the Greenspaces Program.

Councilor Washington clarified the Committee merely discussed eminent domain issues. Presiding Officer Gardner said Metro had always had the right of eminent domain and it was clearly stated in the Greenspaces Master Plan that Metro would use it as a last resort.

Pat Lee, Regional Planning Supervisor, briefly discussed the issues raised on eminent domain.

Councilor Devlin noted very little of the area proposed for the Smith and Bybee Lakes management area was considered developable.

Councilor McLain said other alternatives would be considered including trails and easements through property that owners did not wish to sell.

Councilor Van Bergen said he did not wish different Committees to weigh the same issues based on different criteria.

Vote: Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and Resolution No. 92-1693 was adopted.

7.5 Resolution No. 92-1668A, For the Purpose of Deferring Pursuit of a Local Option Vehicle Registration Fee for Arterial-Related Improvements

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1668A.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He said two years ago the Council expressed its intent to pursue a vehicle registration fee for transportation improvements in the region and received permission from the State Legislature to do so. He said that resolution had a self-imposed deadline of November, 1992. He said the public had been surprisingly receptive to the fee, but said there issues related to state funding, the Regional Transportation Plan (RTP) and funding issues that needed to be discussed during the 1993 State Legislature. He said Resolution No. 92-1668A set a new deadline of November 1993 and also called for a work plan funded by Surface Transportation Act (STA) funds to assure that deadline was kept, or in reality, an earlier deadline, since a measure would need to appear on the General Election ballot at that time.

Councilor Devlin said the Committee amended Exhibit A, (B)(1), to add that consideration would be given to benefit vehicular modes in addition to already stated bike, pedestrian and transit modes.

Councilor Devlin clarified Metro did not have the authority to impose this fee on its own, but that it required a positive vote by the electorate.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and Resolution No. 92-1668A was adopted.

7.6 Resolution No. 92-1696. For the Purpose of Authorizing the Acceptance of a Transferred Position from the Oregon Office of Emergency Management to Metro and Directing Preparation of a Budget Amendment

Motion: Councilor McLain moved, seconded by Councilor Washington, for adoption of Resolution No. 92-1696.

Councilor McLain gave the Transportation and Planning Committee's report and recommendations. Councilor McLain referenced the resolution's Be it Resolved clauses to explain the resolution represented an intergovernmental agreement (IGA) between Metro and the Oregon Office of Emergency Management (OEM) and would require a Metro budget amendment reflecting the line item transfer. She said the OEM position was being cut, but that it was federally funded. She said Metro's earthquake planning FTE had been reduced earlier this year and that Metro would benefit from the FTE transfer.

Andy Cotugno, Director of Planning, said the salary and fringe costs would be fully covered, but that Metro would cover the indirect cost of providing support services in the amount of \$18,000. He noted the FTE budgeted for earthquake costs had not been hired so that were additional funds in the budget for that purpose.

To Councilor Wyers' question, Don Rocks, Executive Assistant, explained OEM needed to demonstrate to the State of Oregon that it had cut this position in their department. He said the IGA contained a cancellation clause with 30 days notice required.

Councilor Wyers said she was amenable to the position, but noted the Council originally cut that FTE. She expressed concern about

creating policy even though the funds would not involve Metro money.

Councilor Van Bergen asked if it was permissible to hire an FTE under such circumstances. Mr. Rocks said the FTE was an intergovernmental transfer, not a Metro hire, and that the Federal Emergency Management Administration (FEMA) had been fully informed of the circumstances involved.

Dan Cooper, General Counsel, said under such circumstances, employees followed their jobs, and that Metro was required to take that employee under federal guidelines.

Councilor Devlin said the Committee believed the FTE transfer would benefit the agency, the region and the state. He said the Committee believed it was better to take the position than have its benefit for the state cut entirely. He said this situation required further analysis of whether cuts should be made across the board or if the revenue sources should be considered on their own.

Councilor Collier expressed concern based on policy. She said it was difficult to convince taxpayers government was making necessary cuts when in reality it was transferring employees.

Councilor McLain concurred with Councilor Collier about public perception of such transfers, but said the opportunity to utilize existing federal funds would be good for Metro and that there was extra money in Metro's budget for support service costs.

Councilor Wyers said Mr. Rocks' staff report stated if FEMA funding disappeared, the FTE would no longer exist. She asked if the Council was creating policy by taking this FTE without thorough discussion of all regional needs and other issues that might better benefit the public such as analysis of housing issues.

Mr. Rocks said the transfer would enhance FEMA's work on earthquake planning in the State of Oregon. He said Metro's acceptance of the FTE was discretionary and did not obligate Metro to fund earthquake planning for the federal government in the future with Metro funds.

Councilor Moore said Metro would receive benefit for a cost of \$18,000. She said staff should clarify what services the public would receive in lieu of the FTE being eliminated.

Mr. Cotugno said the acceptance of the FTE was conditioned also on receiving an \$800,000 grant for two other positions to do

comprehensive earthquake planning. He said those positions were in the budget and one would be paid for by Metro and explained a Department of Geology and Mineral Industries (DOGAMI) project Metro had committed to perform in the region as a pilot project. He said there were preexisting funds for that project also. To Councilor Moore's question, he said there would be a clear job description of what services to the public the FTE would provide.

Mr. Cotugno and Mr. Rocks further clarified the new FTE would continue Metro's existing work program in addition to the federal and state-driven work plan.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Washington, Wyers and Gardner voted aye. Councilor Van Bergen voted nay. Councilor Buchanan was excused. The vote was 10 to 1 in favor and Resolution No. 92-1696 was adopted.

7.7 Resolution No. 92-1652A, For the Purpose of Authorizing a Development Effort and Stating Metro's Intent to Provide Financing Via General Obligation Bonds for the End of the Oregon Trail Project

Motion: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1652A.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the Committee reviewed the resolution on three different occasions. She said the resolution was amended due to changes mutually agreed upon by the Committee, the Clackamas County Board of Commissioners, and the End of the Oregon Trail (EOT) Foundation. She said the Committee agreed to the final resolution which would establish Metro's intent to issue general obligation bonds for the End of the Oregon Trail Project and establish seven criteria for a Memorandum of Understanding, including management responsibilities, the bond amount and other issues. She supported the project because she said it was likely to be a national as well as an international facility in scope. The Council briefly discussed the issues further, including membership and size of the negotiating team.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Buchanan was excused. The vote was unanimous and Resolution No. 92-1652A was adopted.

Councilor Devlin left the meeting to attend another meeting and was duly excused.

7.8 Resolution No. 92-1694A, For the Purpose of Authorizing the Issuance of the Request for Proposals for the Operator of Metro's On-Site Childcare Facility to be Located in the Headquarters Building

Main Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1694.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the Committee amended the fourth paragraph on page 9 of the RFP to read (additional language underline and deleted language bracketed): "Metro will determine [~~if continued operation is feasible~~] whether to continue the operation." He said the Committee discussed whether Metro would be held harmless in possible litigation, said the RFP contained language to that effect, and discussed toy and equipment safety. He said all of those issues were discussed to the satisfaction of the committee.

Councilor Hansen asked who would provide equipment initially. Councilor McLain said Metro would. Councilor McFarland said it was the Committee's understanding that Metro would fully equip the facility and when the operator left and another one stepped in, the original operator would leave it fully equipped.

Berit Stevenson, Project Manager, said in the case of other agency day care centers, other agencies such as the Corps of Engineers and Bonneville Power Administration provided a fully equipped facility with a replacement clause. Councilor Hansen said there were different day care programs such as the Montessori program and until Metro knew who the contractor and the program would be, it was not possible to select equipment.

Ms. Stevenson said Metro staff would finalize the list of equipment with the operator. Councilor Hansen asked who that contact person would be. Ms. Stevenson said a child care specialist would be utilized. Councilor Hansen asked if local programs would be emphasized over national programs and if local residents would be hired as day care employees. Ms. Stevenson said the evaluation criteria did not give an advantage to either a local or a national chain. She said staff tried not to do that to get a variety of proposals. She believed Metro would hear from local, non-profit providers. Councilor Hansen said two national companies had already solicited for a day care center via the auspices of Metro Central Station and said that RFP had

not even been issued yet. Ms. Stevenson said she believed a variety of proposals would be received because a non-profit agency would receive federal funding for food grants.

Councilor McLain said the Committee asked questions similar to Councilor Hansen's and referred to Attachment B, a preliminary list of equipment, toys and furniture. Councilor McLain said an advisory committee of specialists would be set up to advise Metro. Councilor McLain said the advisory group would inform parents, but not have parents as members.

Councilor Hansen said non-profit organizations were legally obligated to have a certain membership on their board of directors. She asked if the day care center would have a board of directors and an advisory group. Ms. Stevenson said there could be shared membership, but that staff did not believe they could dictate to an operator who their board of directors would be.

Councilor Gronke said he expressed concern at Committee that Metro should not manage a day care center.

Councilor Hansen agreed with Councilor Gronke. She said if Metro wanted to give an operator space to provide a day care center, that should be the extent of Metro's obligation. She said for Metro to have an advisory program in addition to a board of directors was unwieldy. She said if that were to be the case, Metro should not have a day care center and provide employees with day care allowances instead. She asked who would have the final word on child care issues.

Presiding Gardner noted Resolution No. 92-1694A did not include language on the board of directors and/or an advisory board.

Motion to End Debate: Councilor Collier moved to call the question.

Vote on Motion to End Debate: Councilors Collier and McLain voted aye. Councilors Gronke, Hansen, McFarland, Moore, Van Bergen, Washington, Wyers and Gardner voted nay. Councilors Buchanan and Devlin were excused. The motion to end debate failed and the debate continued.

Councilor Van Bergen said this resolution was the first time anything had been discussed at Council about the Sears Headquarters Building except for the police station. He asked Councilor McLain how much rent would be charged for the day care facility.

METRO COUNCIL
October 22, 1992
Page 14

Councilor Wyers asked when and how information was disseminated to the full Council on the Sears Building other than at the Regional Facilities Committee.

Councilor McLain said the Regional Facilities Committee agendas were distributed to all 12 Councilors and contained reports on the building as well as reports on any questions asked by the Committee. She said Regional Facilities Department staff had been very cooperative. She said those reports could be scheduled for the November 12 Council for a briefing. She said she had received no questions from Councilors on the issues.

Councilor Wyers asked about costs. Councilor McLain said the project to-date was under cost.

Councilor McLain said the Regional Facilities Committee debated the day care question and said Resolution No. 92-1694 simply asked staff to continue the process as per instructions by the Committee. She said that both Councilor Hansen and herself had educational backgrounds and could discuss such issues in the future. She said the definition of what an advisory committee for the day care center would be was not germane to the resolution before the Council itself.

Councilor Wyers asked how much the contract cost was for the day care specialist. Ms. Stevenson said the contract amount was for \$2,000 of which \$1,800 to-date had been spent.

Councilor Hansen said discussion of the advisory committee might be germane to the proposer. Ms. Stevenson said the RFP requested the proposer work cooperatively with the advisory committee.

Councilor Hansen said unless the Scope of Work was amended, she could not vote for the resolution.

Councilor Gronke said he objected to micro-management of the facility by Metro. Presiding Officer Gardner asked Councilor Gronke if he objected to Metro operating a day care center. Councilor Gronke said he did not object to employer-provided day care, only to the method in which Metro was proposing to manage it. The Council briefly discussed the issues further.

Motion to Amend: Councilor Wyers moved, seconded by Councilor Van Bergen, to amend the Scope of Work, page 12, Section 3.3: "Contractor shall participate and cooperate with Metro's Childcare Advisory Committee if such a committee is established."

Vote on Motion to Amend: Councilors Collier, Hansen, McFarland, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Gronke voted nay. Councilor McLain abstained from the vote. Councilors

Buchanan and Devlin were excused. The vote was 8 to 1 in favor and Resolution No. 92-1694A was amended.

Vote on Main Motion as Amended: Councilors Collier, Hansen, McFarland, McLain, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Gronke voted nay. Councilors Buchanan and Devlin were excused. The vote was 9 to 1 in favor and Resolution No. 92-1694B was adopted.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen served notice he would submit a proposal to the Finance Committee to re-evaluate the Hearings Officer's contract when it was renewed. He said there should be more than one appearance before the Council on UGB cases and that attorneys outside the City of Portland should be considered also.

Councilor McLain thanked all of the Council who came to the Regional Student Congress at the Oregon Convention Center October 17, 1992.

Councilor Washington noted and thanked other elected officials who attended including Multnomah County Commissioner Gary Hansen.


10. EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(h) to Consult with Legal Counsel with Regard to Oregon Laborers-Employers Health & Welfare Trust Fund v. Metropolitan Service District

Presiding Officer Gardner announced the Council would hold an Executive Session under the authority of ORS 192.660(1)(h) to consult with Legal Counsel on matters related to the Oregon Laborers-Employers Health & Welfare Trust Fund v. the Metropolitan Service District.

The Executive Session began at 8:29 p.m. Those present were: Councilors Gronke, Washington, McFarland, Hansen, Wyers, Gardner, Collier, Moore, McLain and Van Bergen. Also present: Legal Counsel Mark Williams, Mr. Cooper and Deputy Executive Officer Dick Engstrom. The Executive Session ended at 9:00 p.m.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 9:00 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council