

MINUTES OF THE METRO COUNCIL

Council Chamber

January 5, 1995

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Presiding Officer McFarland called the regular January 5, 1995 Metro Council meeting to order at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

No citizens appeared before the Council to testify.

3. EXECUTIVE OFFICER COMMUNICATIONS

Presiding Officer McFarland noted discussion had been underway with the Executive Officer prior to the Council meeting.

Presiding Officer McFarland asked that the agenda item no. 5.2, Executive Session held pursuant to ORS 192.660(1)(h) to consult with outside legal counsel regarding litigation related to Council authority under 1992 Metro Charter be moved forward and she called the session to order at 2:03 p.m.

EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult With Outside Legal Counsel Regarding Litigation Related to Council Authority Under 1992 Metro Charter

Councilors Present: Ruth McFarland, Rod Monroe, Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington.

Metro Staff Present: Lisa Creel, Senior Public Affairs Specialist; Don Carlson, Council Analyst; John Houser, Council Analyst; Casey Short, Council Analyst; Cathy Ross, Assistant to the Presiding Officer; Marilyn Geary-Symons, Council Assistant; and, Lindsey Ray, Council Assistant.

Also Present: Bill Gary and Jim Mountain, Special Counsel to the Metro Council; Greg Nokes, Oregonian Staff person

The Executive Session ended at 2:48 p.m.

(continued)

Motion: Councilor Kvistad moved that the Metro Council direct Council's Special Counsel to enter into negotiation with the Executive Officer's Attorney for the purpose of resolving issues related to the Council's pending litigation as outlined in the Executive Session.

Councilor Washington seconded the motion.

Motion to Amend: Councilor Monroe amended the motion to include that any agreement reached would have to come before the Council for approval.

Vote on Motion as Amended: Councilors Kvistad, McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor McFarland asked that the agenda item no. 5.3, Executive Session, held pursuant to ORS 192.660(1)(c) to conduct deliberations with persons designated by the Metro Council to negotiate real property transactions be moved forward and she called the session to order at 2:50 p.m.

EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(c) to Conduct Deliberations with Persons Designated by the Metro Council to Negotiate Real Property Transactions

Councilors Present: Ruth McFarland, Rod Monroe, Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington.

Metro Staff Present: Daniel B. Cooper, General Counsel; Lisa Creel, Senior Public Affairs Specialist; Don Carlson, Council Analyst; Casey Short, Council Analyst; Cathy Ross, Assistant to the Presiding Officer; Charlie Ciecko, Director of Parks and Greenspaces, and Nancy Chase, Senior Regional Planner, Parks and Greenspaces; Berit Stevenson, Principal Management Analyst; Marilyn Geary-Symons, Council Assistant; and Lindsey Ray, Council Assistant.

Also Present: Greg Nokes, Oregonian staff person

The Executive Session ended at: 3:03 p.m.

Presiding Officer McFarland requested that agenda items 6.1 and 6.2 be considered at this time.

- 6.1 Resolution No. 95-1982. For the Purpose of Authorizing the Executive Officer to Enter into Agreements with Portland Area Camp Fire Council to Option Properties
- 6.2 Resolution No. 95-2069. For the Purpose of Authorizing the Executive Officer to Enter Into an Agreement with J.J & Associates to Option Property

The Council agreed to consider both of these proposed resolutions together.

Ms. Stevenson presented the staff report, and said the proposed resolution requested Council approval for the Executive Officer to execute three Option Agreements with the Portland Area Council of Camp Fire (Camp Fire Council) to purchase three separate parcels of property. She explained the properties

involved Camp Tolinda, Camp Lowami and Camp Weiko, and distributed documents to the Council containing the Staff Report, the proposed resolution and copies of the Option Agreements for the three parcels. These documents have been made a part of the permanent meeting record.

Ms. Stevenson presented the staff report, and said the proposed resolution would authorize the Executive Officer to execute an Option Agreement with J. J. and Associates to purchase real property. She distributed documents to the Council containing the Staff Report, the proposed resolution and a copy of the Option Agreement with J.J. & Associates. This document has been made a part of the permanent meeting record.

The Council briefly discussed the resolutions.

Motion: Councilor Monroe moved to adopt Resolution No. 95-1982 and Resolution No. 95-2069. Councilor Washington seconded the motion.

Vote: Councilors Washington, Kvistad, McCaig, McLain, Monroe, Morissette and McFarland voted aye.

The vote was unanimous and the motion passed.

Presiding Officer McFarland requested that agenda items no. 4.1 and 4.2 be considered at this time.

- 4.1 Ordinance No. 95-584, An Ordinance Amending the FY 1994-95 Budget by Reinstating Two Positions (1.0 FTE) and Deleting One Administrator Position (0.5 FTE) from Executive Management in the General Fund; and Declaring an Emergency
- 4.2 Ordinance No. 95-585, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Adding Funding to the General Fund Executive Office Personal Services to Fund Unemployment Compensation for Terminating Employees; and Declaring an Emergency

Mike Burton, Executive Officer, addressed the Council and explained the proposed ordinances were concerned with the budget for Executive Management. He noted four long term employees in the Executive Office that were terminated effective with the change in administration had an impact on the FY 1994-95 budget; e.g. unbudgeted vacation time, retroactive salary increases and unfunded unemployment compensation needs. He said also three temporary positions would be created in the Executive Office for the remainder of the current fiscal year, noting fringe costs were not involved in these temporary positions. He noted also he would not be hiring a Deputy Executive Officer, which he felt would be a benefit while empowering him to learn the workings of the agency in an expeditious manner.

Executive Officer Burton said the ordinances would accomplish funding the staffing within the existing amount budgeted, but noted \$29,000 would need to be funded from Contingency for the unemployment compensation.

Presiding Officer McFarland opened a public hearing.

Jack Polans, King City resident, asked if the ordinance was a reorganization and involved the laying off employees and/or job changes.

Presiding Officer McFarland suggested Mr. Polans contact the Department Staff with questions prior to the Council meetings.

Executive Officer Burton explained the employees involved were at will employees of the Executive Officer and were non-represented positions. He said staff people to the Executive Officer were personal staff people, and with the transition in the Executive Office the previous personal staff to the previous Executive Officer left their tenure at the agency as well. He added he would also gain some time to consider what the needs of the Executive Officer would be in terms of personal staff for the coming fiscal year in order to present those requests to the Council for approval.

Mr. Polans was interested to know if the proposed ordinances would circumvent the outcome of Measure 8. Mr. Cooper said the proposed action had no relationship to Measure 8.

Executive Officer Burton the temporary nature of the employees excluded them from PERS membership.

Presiding Officer McFarland closed the public hearing.

Motion: Councilor McLain moved to adopt Ordinance No. 95-584. Councilor Kvistad seconded the motion.

Vote: Councilor Monroe, Morissette, Washington, Kvistad, McCaig, McLain and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor Monroe personally commended the Executive Officer's actions in not hiring a Deputy Presiding Officer from both a financial and a strategic point of view.

In response to Councilor Kvistad, Jennifer Sims, Director of the Finance and Management Information Department, said the Executive Office was budgeted in the General Fund, and added the additional funds requested would come from Contingency. Councilor Kvistad asked if a process could be established for funding for such an event involving unemployment compensation in the future. Ms. Sims said procedures in place would cover a normal situation, but an expense such as this, i.e. a large number of employees in a small department, required other means.

Motion: Councilor Kvistad moved to adopt Ordinance No. 95-585. Councilor McLain seconded the motion.

Presiding Officer McFarland opened a public hearing.

Mr. Polans addressed the Council, and repeated the question he posed regarding Ordinance No. 95-484. Mr. Cooper reiterated that the answer was the same as for 95-484.

Presiding Officer McFarland closed the public hearing.

Executive Officer Burton said if the monies budgeted from Contingency were uncollected by the concerned individuals, the funds would be replaced in the next fiscal years ending fund balance.

Motion: Councilor Kvistad moved to adopt Ordinance No. 95-585. Councilor McLain seconded the motion.

Vote: Councilors McLain, Monroe, Morissette, Washington, Kvistad, McCaig and McFarland voted aye.

The vote was unanimous and the motion passed.

Presiding Officer McFarland requested that agenda item no. 5.1 be considered at this time.

5.1 Consideration of Letter from Tri-Met Regarding Metro Washington Park Zoo Parking Lot Agreement

Councilor Washington asked about the difference between the letters dated December 22, 1994 as printed in the agenda packet for this meeting and the letter dated December 29, 1994 received in the Council Office subsequent to the printing of the packet. The Recorder explained the letter dated December 29, 1994 had been hand delivered to the Council Office two days prior to the meeting. Both letters have been placed in the permanent meeting record.

Executive Officer Burton said the letter before the Council was a letter of intent to move toward an intergovernmental agreement (IGA) with Tri-Met to provide mitigation for the loss of 44 parking spaces at the Zoo while construction activities occurred as a reduction in gate receipts was anticipated.

Ms. Shung explained the relationship between the two letters.

Executive Officer Burton said the IGA would be developed over the next couple of weeks, and said it would then be brought before the Council for consideration.

Councilor McLain requested further information from staff regarding the meaning of the term, enhanced transit service, and for additional information regarding the dollar amounts involved. Executive Officer Burton indicated he would provide that information and noted some of it would be contained in the IGA.

Councilor Washington asked for further information to be included in the revenue loss estimates, and asked if there was a possibility the Zoo station might be eliminated.

Executive Officer Burton noted the cost of building the tunnel was exceeding original expectations. He said the federal government had made a \$944 million commitment to that light rail line, and he said everything was currently on the table and changes might be forthcoming.

Presiding Officer McFarland opened a public hearing.

Phil Selinger, representative from Tri-Met's Project Control Department group, addressed the Council and said he was available to answer questions.

Councilor Washington expressed concern regarding Metro's \$2 million commitment.

Mr. Selinger said ongoing weekly discussions were underway with the group.

Councilor Monroe asked if Tri-Met decided to eliminate the Zoo station, what would be the process they would have to go through, and at what points would the Metro Council and the Metro Executive be involved in that process.

Mr. Selinger said he was not in a position to answer such questions and said if there were discussion, it would normally occur within the Project Control group.

Councilor Monroe noted the Project Control group was in a position to recommend to the Joint Policy Advisory Committee on Transportation (JPACT) which then made recommendation to the Metro Council.

Councilor Monroe said he could not foresee any circumstances in which he would support eliminating the Zoo station. Ms. Shung said based on the fact that Tri-Met intended to cover the cost for valet parking and said the Zoo intended to provide valet parking for free.

In response to Councilor Monroe, Ms. Shung said the preference was to handle the valet parking by in house staff.

Councilor Monroe commented on the article in the newspaper with regard to the method by which the tunnel would be dug. Mr. Selinger explained the process further, and agreed that delays could occur depending on the method used.

Councilor Morissette asked about the \$2 million commitment. Executive Officer Burton said the commitment was obligated in accordance with revenue bond authority and noted the agency was currently paying interest against that until such time as collections occurred.

In response to Councilor Morissette, Ms. Shung said Risk Management had been asked to do an analysis regarding incidents that had been reported in the Zoo parking lot, and she said the estimated cost was approximately \$17 to \$20 thousand average per year. She said the intent was to seek reimbursement for those monies.

In response to Councilor Morissette, Ms. Shung said the service provided in-house would be cost effective.

Presiding Officer McFarland continued the matter pending receipt of the IGA.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Motion: Councilor Kvistad moved to bring Ordinance No. 95-574, the repeal of the Construction Excise Tax, before the Council as an action item on the January 12, 1995 agenda. Councilor Washington seconded the motion.

Councilor McLain asked to consideration to allow time to have conversation with partners to bring their comments to the table.

Councilor Monroe indicated that conversation with Executive Officer Burton this date demonstrated that he favored the repeal of the Construction Excise Tax. He said he was willing to support the motion with allowance for additional time for a briefing at the next JPACT and Metro Policy Advisory Committee (MPAC).

Councilor Kvistad agreed postponing the matter for a time to be heard two weeks for today. He amended his motion to that date certain; i.e. January 19, 1995.

The Council discussed the matter.

Vote: Councilors McCaig, McLain, Monroe, Morissette, Washington, Kvistad and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor Kvistad voiced his concerns regarding the process used in the membership selection to the Metro Committee for Citizen Involvement (MCCI). He explained his participation in that selection process noting he had reviewed applications from citizens in his district while carrying out his role in the decision making process as Councilor for his district. He said he subsequently submitted his three

recommendations, and he said the individuals he had recommended were all rejected in a manner he found unacceptable. He indicated on that basis he intended to reject the other three selections from his district and to reappoint new individuals to those MCCI positions.

Presiding Officer McFarland noted the membership selection would be confirmed by the Council in the near future.

Councilor McLain commented that the portion of the process she sat in on appeared appropriate, and was concerned regarding the message given to the citizens of the region concerning the manner in which the matter was to be handled. She asked that Councilor Kvistad draft a memorandum to the parties involved reviewing what he felt were reasons for reconsideration.

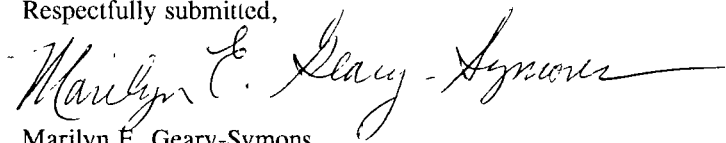
Councilor McCaig asked regarding the process for appointment to the MCCI. Presiding Officer McFarland said Councilors could recommend citizens from their district for appointment to the MCCI.

In response to Councilor McCaig, Mr. Short indicated he would review the MCCI by-laws and provide further information regarding the process for appointment of citizens to membership in the MCCI.

Councilor Kvistad indicated he had sent a memorandum to the MCCI at the beginning of the process as well as following the process. He indicated he had reviewed the MCCI by-laws and had discussion with Council Analyst, Judy Shioishi, and that it was his intent to proceed in an open handed manner regarding the matter.

There being no further business, the meeting adjourned at 4:23.m.

Respectfully submitted,



Marilyn E. Geary-Symons
Council Assistant