

Minutes of the Metro Council
February 23, 1995
Council Chamber

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

Councilors Excused: Susan McLain

Presiding Officer McFarland called the meeting to order at 7:05 p.m.

1. Introductions

None.

**3. Executive Session Held Pursuant to ORS 192.660 (1) (h) To Consult with Council
Concerning the Legal Rights and Duties of a Public Body with Regard to Current Litigation**

The Council held an Executive Session Pursuant to ORS 192.660 (1) (h)

Staff Present: Cathy Ross, Assistant to the Presiding Officer; Casey Short, Senior Counsel Analyst;
John Houser, Senior Council Analyst; Timothy Sercombe, Preston, Gates & Ellis Attorneys at Law

Press Present: Kathy Stimick, Portland Cable Access

**2. Executive Session Held Pursuant to ORS 192.660 (1) (e) To Conduct Deliberations with
Persons Designated by the Governing Body to Negotiate Real Property**

The Council held an Executive Session Pursuant to ORS 192.660 (1) (e)

Staff Present: Cathy Ross, Assistant to the Presiding Officer; Casey Short, Senior Counsel Analyst;
John Houser, Senior Council Analyst; Nancy Chase, Senior Regional Planner

Press Present: Kathy Stimick, Portland Cable Access

**UNSCHEDULED ITEM - Resolution No. 95-2107, For the Purpose of Entering into an Agreement to
Option Property in the Tryon Creek Watershed**

Motion: Councilor Washington moved, McCaig, seconded by Councilor to suspend the rules to consider
Resolution No. 95-2107.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

Motion: Councilor McCaig moved, Washington seconded by Councilor to adopt Resolution No. 95-2107.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

4. Citizen Communications

None.

5. Executive Officer Communications

None.

6. Consent Agenda

6.1 Consideration of Minutes for the February 16, 1995 Metro Council Regular Meeting

Motion: Councilor Monroe moved, seconded by Councilor Washington to approved the February 16, 1995 Metro Council Regular Meeting.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

7. Ordinances First Readings

7.1 Ordinance No. 95-593, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule for Emergency Repairs to Oxbow Park's Electrical Line; and Declaring an Emergency

The Clerk read the Ordinance for the first time by title only.

Dan Kromer, Operations and Maintenance Manager, presented the staff report, a copy of which is included in the record of this meeting. In response to Councilor Morissette, Kathy Rutkowski, Principal Administrative Services Analyst, stated contingency funds for the project were available. Casey Short, Senior Council Analyst, asked staff to research if alternative funds such as deferment of other capital expenditures were available without having to use contingency funds.

Presiding Officer McFarland opened the public hearing. No citizens appeared to testify. Presiding Officer McFarland closed the public hearing.

8. Ordinances Second Readings

8.2 Ordinance No. 95-590, An Ordinance Relating to the Metro Excise Tax and Amending Section 7.01.050, Exemptions of the Metro Code

Councilor McCaig requested the item be deferred for later discussion and consideration with the budget ordinance.

9. Resolutions

9.1 Resolution No. 95-2090, For The Purpose Of Establishing a Financing Plan for the South/North Light Rail Project

Motion: Councilor Monroe moved, seconded by Councilor Kvistad to adopt Resolution No. 95-2090.

Councilor Monroe presented the resolution and overviewed the history of the legislation, a copy of which is included in the staff report contained in the record of this meeting. In response to Presiding Officer McFarland, Councilor Monroe noted no Metro funds were included in the proposal.

Councilor Morissette called for redress of the defeat of the Vancouver, WA. He also asked if Oregon lottery funds could be used for 20 or 30 years. Dick Feeney, Tri-Met, noted a plan was being developed to address the Vancouver, WA defeat by the Joint Policy Advisory Committee on Transportation (JPACT). Mr. Feeney stated the prospectus proposed the least burdensome commitment of lottery funds stating the treasury would support 20 years and Tri-Met would respond appropriately. He discussed methods of cost containment associated with use of lottery funds. Councilor Morissette called for continuing the project.

In response to Councilor Kvistad, Mr. Feeney stated the Oregon bond approval for the South/North light rail could not be used on any other project.

In response to Councilor Washington, Mr. Feeney stated Vancouver's portion of the project would go forward until such time as Vancouver amends their plan to remove the light rail project.

Councilor McCaig expressed concerns about the timing of and need for the legislation. Mr. Feeney stated the resolution would place on record the funding proposal by the agency. He noted accommodations could

be made to the proposal and additional actions by other jurisdictions would need to be taken to proceed further. Councilor McCaig stated she had concerns about the Washington portion of the proposal and lack of funding alternatives. Mr. Feeney explained without Washington's participation, the project could still proceed by re-segmenting the project to build those portions in the State of Oregon until such time as Washington is able to obtain funding.

Councilor Monroe encouraged adoption of the resolution, reiterating the importance of the resolution in regard to funding of the project.

Councilors Morissette and Kvistad expressed their support of the project.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

9.2 Resolution No. 95-2094, For the Purpose of Amending the Transportation Improvement Program for the Sunnyside Village Project

Motion: Councilor Monroe moved, seconded by Councilor Kvistad to adopt Resolution No. 95-2094.

Councilor Monroe noted grants became available and Clackamas County had an appropriate.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

10. Councilor Communications

Councilor Kvistad announced the kick-off the Regional Arts and Cultural Committee (RACC). He noted the TPAC Bylaws amendment discussions were proceeding positively. He requested the 7:00 p.m. Council meeting time be reconsidered.

Councilor Washington noted the Friends of Forest Park had solicited funds for Ballot Measure 26-26.

11. Legislative Items

Presiding Officer McFarland discussed her participation at the Oregon Legislature on the day of this meeting.

With no further business before the Council, Presiding Officer adjourned the meeting at 9:10 p.m.

Prepared by,



Susan Lee, CMC
Council Assistant