

# MINUTES OF METRO COUNCIL REGULAR MEETING

Council Chamber

March 30, 1995

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

Councilors Absent: Jon Kvistad  
[Recorders Note: Councilor Kvistad placed his vote electronically via the telephone for Agenda Item No. 5.1, Ordinance No. 95-590.]

Presiding Officer McFarland called the March 30, 1995 Metro Council Regular Meeting to order at 2:03 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATIONS

None.

Councilor Kvistad placed a call to the meeting from the country of Italy requesting he be able to give comment and to vote on proposed Ordinance No. 95-590, Agenda Item No. 5.1.

Presiding Officer McFarland requested that Ordinance No. 95-590 be considered at this time.

## 5. ORDINANCES SECOND READINGS

### 5.1 Ordinance No. 95-590. An Ordinance Relating To The Metro Excise Tax and Amending Section 7.01.050. Exemptions, of The Metro Code

Motion: Councilor McCaig moved to adopt Ordinance No. 95-590. Councilor Monroe seconded the motion.

Councilor McCaig introduced the proposed ordinance noting the matter had come before the Council and was referred to the Budget Committee. She said the proposed would eliminate the current exemption from the excise tax for the catering and concessions at the Oregon Convention Center. She noted the matter had been recommended to the Council for adoption with a vote of 6 to 1 in favor.

Councilor Kvistad was placed on the record using the telephone, and said he opposed excise tax funding of Metro's general government functions. He added that while he understood the excise tax was applicable at other Metro facilities, he recommended the proposed ordinance be rejected. Councilor Kvistad advocated for budget cuts rather than looking for more money, and indicated he would vote no on the proposed ordinance.

Vote: Councilors McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye. Councilor Kvistad voted no.

The vote was 6 to 1 in favor, and the motion passed.

Councilor Kvistad commented that, although he had voted no on the resolution to permit electronic telephone voting, he felt it important to give his vote on this matter. He thanked the Council for letting him participate in this manner.

Presiding Officer McFarland requested that Agenda Item No. 3 be considered at this time.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

Presiding Officer McFarland requested that Agenda Item No. 6.1 be considered at this time.

**6. RESOLUTIONS**

**6.1 Resolution No. 95-2121, For The Purpose of Confirming A Citizen Member Appointee To The Metro Policy Advisory Committee (MPAC)**

**Motion:** Councilor McLain moved to adopt Resolution No. 95-2121. Councilor Washington seconded the motion.

Councilor McLain introduced the proposed resolution and offered her endorsement of Peggy Lynch as a citizen member appointee to the MPAC.

**Vote:** Councilors McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye. Councilor Kvistad was absent.

The vote was unanimous and the motion passed.

Presiding Officer McFarland requested that Agenda Item No. 4, the Consent Agenda, be considered at this time.

**4. CONSENT AGENDA**

**4.1 Consideration of Minutes for the March 23, 1995 Metro Council Regular Meeting and the Minutes for the March 21, 1995 Council Work Session.**

**Motion:** Councilor Monroe moved to adopt the Consent Agenda. Councilor Morissette seconded the motion.

**Vote:** Councilors McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye. Councilor Kvistad was absent.

The vote was unanimous and the motion passed.

**6.2 Resolution No. 95-2117, For The Purpose of Authorizing The Executive Officer To Execute Agreements With Devin Oil Co., Inc. and Stein Oil Co., Inc. For Purchasing Diesel Fuel.**

**Motion:** Councilor McLain moved to adopt Resolution No. 95-2117. Councilor Washington seconded the motion.

Councilor McLain noted the proposed resolution would result in a cost savings in the amount of \$50,000 per month, and she referenced the staff report and exhibits to the resolution contained in the agenda packet for this meeting. These documents have been included in the permanent meeting record.

**Vote:** Councilors McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye. Councilor Kvistad was absent.

The vote was unanimous and the motion passed.

6.3 Resolution No. 95-2113, For The Purpose of Approving the Content of Public Information Material For the 1995 Greenspaces Bond Measure

Motion: Councilor McCaig moved to adopt Resolution No. 95-2113. Councilor Washington seconded the motion.

Councilor McCaig reported the proposed resolution would approve the content of Fact Sheet No. 4, which she noted was to be the last of the Fact Sheets produced on the Open Spaces Ballot Measure 26-26 for the May 16, 1995 election.

In response to Presiding Officer McFarland, Councilor McCaig confirmed Fact Sheet No. 4 was included as an insert in a recent This Week magazine, published by the Oregonian.

Councilor Morissette said for the record that he had requested that Daniel B. Cooper, General Counsel, offer a legal opinion regarding the information in the Fact Sheets. Councilor Morissette said he wanted assurance from Mr. Cooper that the information was accurate and that no individual Councilor could be subject to any personal individual liability by the Council's endorsement of the information contained in the Fact Sheets and the dissemination of that information.

Todd Sadlo, Senior Assistant Counsel, said the Office of Legal Counsel, after reviewing the materials in question, held the opinion that these materials were to be considered neutral in nature and did not actively endorse the measure. He said it was their understanding as well that the Council was protected from any claim of personal liability based on the fact that advice of legal counsel was sought and obtained before allowing the matter to be passed.

Councilor Morissette thanked Ms. Sadlo for answering that question. Mr. Sadlo offered to prepare an opinion in writing as well. Councilor Morissette requested that be done.

Presiding Officer McFarland noted that when the Council or an individual Councilor sought for and followed the advice of legal counsel, they were at that point absolved from personal liability.

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

Presiding Officer McFarland declared the Contract Review Board to be in session.

7. CONTRACT REVIEW BOARD

7.1 Resolution No. 95-2120, For The Purpose of Authorizing An Exemption To Competitive Bidding Procedures Pursuant To Metro Code Chapter 2.04.041 (c), and Authorizing The Executive Officer To Execute A Multi-Year Contract With The Oregon Historical Society

Motion: Councilor Washington moved that the Contract Review Board approve Resolution No. 95-2120. Councilor Monroe seconded the motion.

Councilor Washington introduced the proposed resolution and said its passage would authorize the execution of a contract with the Oregon Historical Society.

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

The vote was unanimous and the motion passed.

7.2 Resolution No. 95-2115. For The Purpose of Amending Contract No. 902670 With Steven M. Siegel and Associates To Add A South/North Transit Corridor Major Investment Study and Authorizing Execution of the Amendment Subject To Conditions

Motion: Councilor Monroe moved that the Contract Review Board approve Resolution No. 95-2115. Councilor Washington seconded the motion.

Councilor Monroe said Steven M. Siegel and Associates were currently under contract to Metro to provide Tier I services for the South/North study in order to access \$12.3 million in federal funds from the Intermodal Surface Transportation Efficiency Act (ISTEA), which he said would fund the environmental impact statement and preliminary engineering for South/North light rail. He urged Council passage of the proposed resolution.

In response to Councilor Morissette, Councilor Monroe said this contract did not represent additional money being involved and was an anticipated part of the plan.

In response to Councilor Washington, Councilor Monroe explained these monies were not Mt. Hood Freeway funds, but rather were ISTEA funds.

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

The vote was unanimous and the motion passed.

7.3 Resolution No. 95-2116. For The Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041 (c) To Enter Into A Sole Source Contract With John R. Fraser To Provide Expertise on Collecting, analyzing, And Interpreting Acoustical Data Germane To The Washington Park Light Rail Station Construction Research Project

Motion: Councilor Washington moved that the Contract Review Board approve Resolution No. 95-2116. Councilor McCaig seconded the motion.

In response to Councilor Washington, Sherry Sheng, Director of the Washington Park Zoo, indicated the funds involved in the proposed contract were from Tri-Met to be administered by Metro.

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

The vote was unanimous and the motion passed.

## **8. INFORMATIONAL ITEMS**

### 8.1 Briefing on Vision and Proposed Processes of the Office of the Auditor

Alexis Dow, Auditor, distributed a document to the Council dated March 30, 1995 in which she detailed her vision for the Auditor's Office, and the relationship with the Council, the Executive Officer and the Departments.

The Council discussed whether a committee might be established to develop the charge to the Office of the Auditor.

Ms. Dow commented she could make recommendations, and understood that it the work of the Council to set policy. She indicated she would hope that the recommendations she made would be beneficial and valuable and that the Council would see them as such.

Councilor McLain acknowledged the material provided by the Auditor was helpful and expressed interest in developing a method for formalized input from the Council.

Ms. Dow described the steps she intended to take to obtain input from both the Council and the Executive in order to prepare an audit list. She said following the preparation of such a list she would submit that list to the Council and the Executive Officer for comment.

Councilor McLain emphasized her desire for a formalized process for Council and Executive input.

The Council discussed the matter further.

Councilor McCaig advocated for a partnership relationship with the Office of the Auditor. Presiding Officer McFarland indicated she wished to review and consider the document provided to the Council further, and said she appreciated the information given to the Council at this time.

Ms. Dow indicated her desire to foster an appropriate and effective working relationship with the Council.

8.2 Review of MERC Resolution No. 95-12 Authorizing Supplemental Amendments to the FY 1994-95 Adopted Budget for the Spectator Facilities - PCPA Fund

Heather Teed, MERC Accountant, presented the staff report, and referenced the document distributed to the Council containing MERC Resolution No. 95-12, the Staff Report and accompanying documents. This document has been made part of the permanent meeting record. Kathy Rutkowski, addressed the Council, and explained the process for MERC resolutions.

**9. COUNCILOR COMMUNICATIONS**

- Council Office Remodel

Councilor Morissette commented he opposed the expenditure that might be incurred to remodel the offices and felt he understood there would be no expenditure until there was consensus amongst the Council as a whole.

- Update on Midland Library expansion

Councilor Washington asked for a briefing from Casey Short, Council Analyst, regarding the Midland Branch Library situation previously heard at the Metro Council meeting on March 23, 1995.

Mr. Short presented a report to the Council regarding expansion plans for the library, which included expansion plans for parking. He noted there were different plans; one for 99 parking spaces, and one for 117 parking spaces, and distributed a document mapping out the separate plans as well as a zoning map of the area.

Mr. Short indicated a letter had been drafted to be sent to Virginia L. Gustafson, Hearings Officer, Portland Planning Bureau, regarding the expansion plans. This document has been made part of the permanent meeting record.

In response to Councilor Morissette, Mr. Short indicated that the matter was not a Greenspaces issue and that Metro did not have jurisdiction in the matter. The Council discussed whether the Council should respond to the matter as a body.

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Councilor Monroe indicated his request to have staff work on the matter was in the nature of a response as a citizen to his constituents, and he did not intend the Council respond as a body.

The Council discussed the matter further.

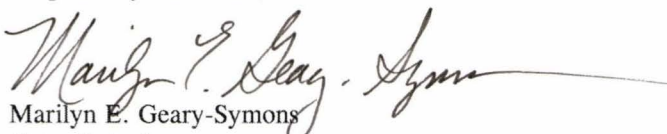
Presiding Officer McFarland felt the letter warranted further review prior to further action.

Councilor McCaig suggested the letter be sent on an individual basis rather than from both Councilors Monroe and McFarland.

Councilor Monroe requested the letter be sent under his name only.

There being no further business, the meeting adjourned at 3:44 p.m.

Respectfully submitted,

  
Marilyn E. Geary-Symons  
Council Assistant

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**APPROVED**

**Date** 04/06/1995