

Special Meeting
January 16, 1998

CALL TO ORDER:

A special meeting was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Friday, January 16, 1998, at 4:07 p.m. (The meeting of 1/12/98 was canceled.)

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were Assistant City Attorney Bill Scheiderich, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Operations/Maintenance Director Steve Baker, City Engineer Terry Waldele, Sr. Engineer David Winship, Principal Planner Alwin Turiel, and City Recorder Darleen Cogburn.

ELECTION OF COUNCIL PRESIDENT:

Coun. Doyle MOVED, SECONDED by Coun. Brzezinski to nominate Wes Yuen for Council President.

Coun. Stanton asked Coun. Yuen if he was elected, would he serve.

Coun. Yuen said he would.

Mayor Drake said since there were no more nominations he would call for the vote. Couns. Doyle, Brzezinski, Soth, and Stanton voting AYE, the motion CARRIED. (4:0:1) Coun. Yuen abstained.

CITIZEN COMMUNICATION:

Henry Kane, 12077 SW Camden Lane, called Council's attention to his handouts (in record), which he said spoke for themselves, regarding the Miller Sanitary issue. He noted that the materials included a copy of the *Oregonian* article and an incomplete draft of a letter to the City Attorney. He asked the Council to have the Traffic Engineer do a traffic impact study on traffic in the area of Miller Sanitary. He also asked that the City Engineer prepare a report detailing if the effluence from the facility would impact the adjacent groundwater and Fanno Creek. He asked to what extent the Miller Sanitary location was flooded in the 1996-97 floods. He said the City used to have a Commission of Environmental Quality, but he could not find it listed. He said prior to the date of the 1/28/98 meeting, there would be a display ad in both local papers.

COUNCIL ITEMS:

Coun. Soth announced that the top had been put on Barney Dam Reservoir. He noted that the contractor was able to find some dry impervious material which they were able to use to complete the last 900 feet. He said it would partially fill this winter, but not completely, which would give them an opportunity to test and observe before it was full. He noted they would be able to work on wetlands, planting vegetation, etc. as well as cleaning out the reservoir from this year. He reported that the contractor had removed most of the large equipment from the site. He said one thing left to do was the early warning telemetry devices, which would protect Tillamook County, but they did not anticipate any problems.

Coun. Soth reported that he was elected Chair of WCCCA's (Washington County Consolidated Communications Agency), Budget Committee again this year, and noted he did not expect any large increases in that budget. He said they would be proceeding with some new technology which would reduce the demands on some of the dispatchers.

Coun. Yuen thanked the other Councilors for electing him Council President, and said he would attempt to follow in the footsteps of those who went before him.

Coun. Yuen reported that on the way to the meeting, at 117th and Canyon, a Tri-Met maintenance van had stopped in front of the bus stop, put out two cones and proceeded to clean the windows of the bus stop. He said he was concerned they were doing that during rush hour and said it was a dangerous situation. He asked that someone contact Tri-Met and suggest that they not do that during rush hour.

Coun. Yuen noted that it was almost impossible to open a computer publication and not have someone talk about Y2K: Year 2000. He said it would be good to get an update on where the City was, and explained it was not only what you were doing, it was what your suppliers and all the people you interface with, were doing.

Coun. Yuen said the past week's issue of the *Valley Times* had a letter to the editor from a woman who was concerned about Walker at 158th, where it went to two lanes. He explained that at the intersection the right-hand lane was a right-turn-only. He said since he also drove there he understood her concern, and also wondered why that was.

Mayor Drake said that was a County road but they would look into it, and ask about the feasibility of a lane continuance.

Coun. Doyle said to follow up on the question about the Year 2000 issue, it was very common to be asked by other computer users, suppliers, and vendors, what was being done about the issue.

Coun. Yuen remarked that the Year 2000 issue may be compared to driving on ice: you were pretty sure you knew what you were doing, but you were not sure the other guy could stop in time to not hit you. He explained that it was important to know that what the other businesses

were not doing could hurt us.

Coun. Yuen said every time there was bad weather, he remembered that the Operations staff had to be out there working. He asked that his appreciation for their work, be passed on to the crews who worked during the snow and ice.

STAFF ITEMS:

There were none.

PRESENTATIONS:

- 98-10 Presentation of Shields and Swearing in of New Officers to the Beaverton Police Department (carried to 2/9/98)
- 98-11 Presentation of the Community Policing Award, Received From the National League of Cities, to the Beaverton Police Department (carried to 2/9/98)

CONSENT AGENDA:

Coun. Yuen MOVED, SECONDED by Coun. Brzezinski that the consent agenda be approved as follows:

Minutes of the regular meeting of November 17, 1997

- 98-12 Liquor License: Uwajimaya (New Outlet)
- 98-13 Bid Award – Allen/Arctic Storm Drain Improvement Project
- 98-14 Emergency Authorization to Award Bid – 155th Avenue at Nightingale Court (Williamsburg Subdivision) Sanitary Sewer Service Lateral Replacement

Contract Review Board:

- 98-15 Waiver of Sealed Bidding – Purchase of Herman Miller Furniture for Police Records
- 98-16 Contract Change Order and Transfer Resolution for Consultant Work to Assist With *The Round* at Beaverton Central
- 98-17 Waiver of RFP Process to Select Consultant to Complete Employee Classification and Compensation Study

Coun. Stanton asked, regarding AB 98-17, where the new company, (Mercer) was located, and why did Walsh-Moncada terminate the contract.

Sandra Miller, Human Resources Director, reported that they were an

international company. She said the Walsh-Moncada contract would be discussed in executive session.

Coun. Stanton asked if the City had purchased the software from Walsh-Moncada.

Miller said the software had not been purchased.

Coun. Brzezinski asked if the only change in the memo for AB 98-16 was the change in the name of the office it would be going to.

Patrick O'Claire, Finance Director, said the name of the office and the account number had been changed to reflect the 0662 program number vs. the original program number of 0652.

Coun. Brzezinski clarified that when the agenda bill was approved it would be with the new resolution.

Coun. Yuen said, regarding AB 98-15, he wondered what would happen to the old office furniture when they got the new work stations for the police.

Steve Baker, Operations/Maintenance Director, said it would be taken to the state auction, since it was not the standard Herman Miller material which the City currently used.

Question called on the motion. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

PUBLIC HEARING:

97-311 APP 97008 Appeal of the Planing Commission Decision to Deny a Conditional Use Permit (CUP 97014) to Allow Construction of a Cellular Communication Tower in the R-2 Zone (from 11/17/97) (to be continued to 2/23/98)

Mayor Drake said there was a request to continue this item.

Coun. Soth MOVED, SECONDED by Coun. Doyle, to continue the public hearing to 2/23/98.

Question called on the motion. Couns. Soth, Doyle, Yuen, Brzezinski, and Stanton voting AYE, motion CARRIED unanimous. (5:0)

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Yuen that Council move into executive session in accordance with ORS 192.660 (1) (h), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

The executive session convened at 4:30 p.m.

The regular session reconvened at 5:00 p.m.

OTHER BUSINESS:

Coun. Stanton said that Mayor Drake had attended the Central Beaverton NAC meeting on January 15, regarding the railroad whistles. She asked how that went.

Mayor Drake explained that he was the speaker at the December NAC meeting and found out that the NAC had been doing some background work on the train whistle issues. He said he thought they should go to the source so he called Bob Melbo, who just bought the short-line railroad, and Claudia Howels, who is with ODOT (who oversees the railroads in the State). He asked them to both attend the 1/15/98 meeting, and noted that Pat Johnson from the *Valley Times* was in attendance. He described it as an intense meeting, and the bottom line was there was a "code of conduct" the Federal Railroad Administration required railroads to adopt. He explained that most adopt what Willamette-Pacific had adopted, which included requirements on when they must blow the whistle. He reported that neither the State or Federal Government had any room to budge at this point, until congress did. He explained that the requirement was that within one-quarter mile of an intersection, they must blow two longs, one short and one long whistle. He noted that since there were so many short stops in the City, so many roads crossing, they had to do one after another, and neighbors in the area feel the railroad just "puts the whistle on and goes through town."

Mayor Drake said Melbo was not able to offer any relief, and Howels explained the history behind this. He said she reported that in 1968, Oregon had about 60 deaths from people crossing railroads, and the past year there were only three. He said both the State and the railroad felt those crossings were beneficial. He noted that Melbo's point was they were going to blow the whistle because of the liability, unless the City wanted to accept that responsibility, which they didn't.

Mayor Drake said he did not think the citizens heard the answers they wanted, but the general direction was to lobby Congress to try and get them to change the rules. He reported that in the past there had been several communities which had adopted whistle bans (and the State allowed it), and the traffic deaths and accidents went up 30%, so the whistles did help. He said while they were an inconvenience, he would be hard pressed if someone died in a City crossing if they had eliminated the whistles. He noted that Melbo reminded them that the trains had been going through town for 120 years.

Coun. Brzezinski said she thought the issue was that it happened at night.

Mayor Drake said that was one of the issues, but there was no relief for it.

Coun. Brzezinski said she also assumed they could not change their time schedule though Beaverton.

Mayor Drake reported that there was some switching that also occurred on some side tracks, because customers wanted "fresh" (empty) cars in the morning. He noted that the neighbors even asked the railroad if they would consider not letting their business grow, and ask the businesses to use trucks. He said Melbo's point was he had an investment, and Howel's perspective was they wanted to get trucks off Hwy 217.

Couns. Stanton and Doyle related their experiences with trains during the night.

Coun. Stanton said the only time they could go through and not wake people was during the daytime, but then there were traffic back-ups.

Coun. Brzezinski said she understood that it could not be changed to daytime, but wondered if the switching could be done at 10:00 p.m. rather than 3:00 a.m.

Mayor Drake reported that Melbo said he grossed \$18 million per year, and said short-line railroads have increased their share of the business from about 5% a few years ago to about 50%. He noted that Melbo had a significant share of that. He said Howel said about 10 to 15 years ago, the Governor's office found out that Southern Pacific wanted to abandon all the lines in the cities, and they would not allow that. He said they then encouraged the railroads to find owners and operators for the short-lines, which moved most of the freight in the State.

Mayor Drake said the bottom line was that without federal help, there was little that could be done.

Coun. Yuen asked if those same whistle rules applied to the Light Rail.

Mayor Drake said they were required to do some kind of whistle but he thought it was different.

Coun. Brzezinski said she did not think Light Rail would operate 24 hours a day.

Mayor Drake said he thought they ran from 6:00 a.m. until midnight.

Coun. Soth noted that there was a decibel difference, with the freight trains using a higher decibel.

Coun. Doyle complimented Darleen Cogburn, City Recorder, on her article in the *Oregonian* for her Court Appointed Special Advocate (CASA) representation, and to keep up the good work.

ADJOURNMENT:

There being no further business to come before the Council at this time,
the meeting was adjourned at 5:13 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 26th day of January, 1998

Rob Drake, Mayor