

REGULAR MEETING

June 15, 1998

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday June 15, 1998 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Captain Richard DeHaan, City Engineer Terry Waldele, City Transportation Engineer Randy Wooley, Assistant Finance Director Shirley Baron-Kelly, City Utilities Engineer David Winship, Assistant City Attorney Bill Scheiderich, Assistant City Attorney Bill Kirby, Sr. Office Associate Debbie Baidenmann and Deputy City Recorder Sue Nelson.

PROCLAMATION:

Mayor Drake presented Peggy Lynch with a proclamation entitled "Citizen Activist Peggy Lynch Day in Beaverton." He praised Lynch for her five years of excellent service to the City, even though she resided in Washington County, outside of the City's boundary. He also presented Lynch with an honorary annexation to the City.

Lynch responded by thanking the Mayor and Council for their continued hard work, not only presently but for the future growth of Beaverton.

CITIZEN COMMUNICATION:

Betty Bolz, 7305 SW Trillium Avenue; Beaverton, asked that the white paint on Hart Road be extended. She suggested that would be a safer option for pedestrians. She commented that the pedestrian walk signals should be timed so pedestrians could press the "Walk" button and the light would immediately turn red, thereby giving pedestrians the same rights as motorists.

Bolz thanked Randy Wooley, City Transportation Engineer, for giving her the Oregon Department of Transportation's (ODOT) address. She said

she would contact them about installing temporary sidewalks on Hall Blvd. She noted there was a possibly dangerous situation at 12570 SW Hart Road and asked Council to investigate the problem.

Mayor Drake thanked Bolz and said Code Enforcement could look into the violation issues at that address.

COUNCIL ITEMS:

Coun. Yuen said that Spa Country, a business in the industrial park off of Allen Blvd. and Hwy. 217, had a cherry picker machine with balloons attached to it and two signs on sawhorses on Allen Blvd. He asked the City to investigate possible code violations. He commented that the problem was a retail establishment in an industrial area and asked the Council to review that subject in the future. He also noted that he had picked up several lawn signs on the freeway approaches in the area. He commented that the lawn sign situation had recently gotten worse and he would like to see something done about it.

Mayor Drake said the City would review the issue.

Coun. Brzezinski said she would not be at the meeting on June 29, 1998.

Coun. Soth noted that he attended the Flag Day celebration sponsored by the Beaverton Elks Club. He said there were approximately 200 people in attendance, including Mayor Drake. He reported there was a presentation by the Elks to several young men who had become Eagle Scouts within the last 60 days.

STAFF ITEMS:

There were none

CONSENT AGENDA:

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

98-158 Traffic Control Board Issue 384

98-159 Traffic Calming Program Approval

Contract Review Board:

98-160 Bid Award – Street Overlay Project for Fiscal Year 1997-98

98-161 Bid Award – Joint Crack Sealing Project for Fiscal Year 1997-98

98-162 Bid Award – Service Body and Crane

98-163 Consult Contract Amendment – Hanson Road Well Groundwater Monitoring

98-164 Purchase of Four (4) Mobile Data Terminals

98-165 Waiver of Sealed Bid – Purchase of Five (5) Mobile Police Radios

Coun. Soth referred to AB 98-164 and AB 98-165 and said he was the Chair of the Washington County Consolidated Communications Agency Board and those items are in accordance with policies established by declaration. He noted that he did not have a conflict of interest in this matter.

Coun. Stanton referred to AB 98-161, and asked at what point did the City reject all bids and re-advertise. She noted that the award was 58% higher.

Steve Baker, Operations/Maintenance Director, said each time a project was bid he evaluated the contractors time availability, and the prices the contractors quoted. He noted that in the past, they had rejected bids when it was discovered contractors were too busy and were bidding high. He said the contractors bid high in hopes of making a bundle of money right away rather than waiting until they had more time to do the work. He said those were the bids they rejected. He noted that in this case it was a matter of using a contractor that they were familiar with. He explained they decided to reduce the volume of work, rather than lose the contractor and postpone the project until late next year. He said they always reviewed whether to proceed with a bid or reject it.

Coun Stanton referred to AB 98-161, and said in looking at the amount budgeted and the expenditure required, the amount budgeted was for a different amount of work being done than the expenditure required. She said it looked like the City was getting a good deal, but she understood it meant they were getting half the work done.

Mayor Drake explained that the amount budgeted and projected to meet the work plan was \$123,000. He said the two bids they received showed only two-thirds could be accomplished of what had been projected. He explained the expenditure that was required to accommodate this agenda bill was \$122,000.

Coun. Stanton asked if it was discretionary whether something went out for re-bid.

Mayor Drake said normally if a bid was too far out of range based on a projection that was done, or if it looked odd, based on what they had seen in the market, they would reject it. He explained that in this case there were only two bidders and they were within dollars of each other. He noted that the lack of bidders and the competitiveness of the two who did bid indicated that this was a fair bid based on today's market.

Coun. Soth said they had to realize the budget was made over a year ago and, in the construction business that reflected the realities of the market.

Coun Brzezinski referred to AB 98-159, the Traffic Calming Approval Agenda Bill and said it was clear and well written. She referred to page 3, and asked if there was any indication that the NAC's were notified.

Randy Wooley, City Transportation Engineer, said there was no mention of the NAC's specifically. He noted that the hearings would be held through the major issues process and the hearing notice for that included the NACs.

Coun Brzezinski referred to page 4, phase 2, item 4, Project Request. She asked about the last sentence in the paragraph, which talked about each property owner, household and business owner in the petition area being entitled to one signature. She noted she read the explanation and understood that was a conscious decision and also suggested adding a sentence that said, "that means for example that..."

Coun. Brzezinski referred to page 5, Funding Options. She noted the paragraph included a statement about a neighborhood choosing to pay 100% of the project costs or petition to form a Local Improvement District (LID) to fund the Traffic Calming Project. She said she assumed this included staff time, not just the construction costs, but explained she was not sure that other people would know that. She asked if it was meant to include staff time.

Wooley said that would include the design time whether it was staff time or the consultant's time.

Mayor Drake said they included staff time in all projects.

Coun. Brzezinski said she was not sure that neighborhoods would understand that they were paying for staff time to monitor the speed humps, design the project, etc. She said she was concerned that people would think they were only paying for construction costs.

Mayor Drake suggested that an additional notation on "full project costs" would be appropriate. He said he wanted to be sure that citizens understood that one time isn't free or less expensive than the other, and they could not pick and choose.

Coun. Brzezinski referred to the same page, paragraph 7. She commented that the wording about the job to be done for the fewest possible dollars needed to be clarified.

Coun. Doyle explained that in the second paragraph under Funding Options, it stated, "...subject to the availability of the Cities resources for the required project."

Coun. Brzezinski said she felt it was necessary to give the neighborhoods a ballpark figure of what was being talked about as a potential cost.

Coun. Doyle noted Coun. Brzezinski's comments were well taken. He said the concerns she raised would have to be clarified when staff sat down with the neighborhoods to discuss the project and the costs involved within the project. He noted these concerns should be put into the actual implementation process.

Mayor Drake commented that the term "responsible costs" might need to be defined in a similar, more understandable way. He gave examples as "beyond reasonable costs" and "extraordinary costs." He said there might be a way to craft the language so the neighborhoods realized the City could help define cost differences between two different types of products used in a project. He noted that a lot of groundwork had already been done in previous model projects, thereby creating a quality base of knowledge for staff to operate from.

Coun. Brzezinski referred to page 7, the last paragraph, and asked if the Traffic Commission (TC) had discussed what would happen in the event of a neighborhood request to remove a traffic-calming device. She wondered if just because people in the neighborhood didn't like the device, would that be enough reason to remove it.

Wooley said he didn't recall much discussion. He noted there was a comment about not making it easy to remove a traffic-calming device once it was installed.

Coun. Doyle said there was one paragraph about doing away with something that cost a lot of money. He commented he did not remember reading any discussion in the TC minutes about that.

Mayor Drake noted that he didn't know how they could attach a fee schedule to that.

Coun. Brzezinski said they had spent big bucks on installing traffic calming devices and would spend more money removing those devices. She inquired if the TC had discussed a removal process.

Coun. Doyle commented that there should be more discussion about the removal process.

Mayor Drake noted the one of the reasons it was not discussed was that it would be highly unlikely people would want the traffic-calming device taken out.

Coun. Doyle suggested that the removal process should follow a similar detailed pattern like that of the installation process.

Coun. Brzezinski referred to page 9, number 4, about preventable accidents that could have been prevented by the installation of traffic-calming devices. She said she wanted to confirm that this state-of-the-art in traffic calming would allow one to say an accident had actually been prevented because of the installation of a traffic-calming device.

Wooley commented that an example of accident reduction due to a traffic-calming device would be drivers forced to reduce their speed, thereby possibly preventing an accident.

Mayor Drake said a copy of the corrections would be modified for everyone to read and at a future point would be discussed so everyone would be comfortable with the results.

Coun. Doyle referred to page 6, number 8, the Support Survey. He asked if it was correct that if a survey was sent out and it did not have a 60% return rate, then the project would be dropped.

Wooley said that was correct and the neighborhood would go out and campaign among themselves.

Mayor Drake stressed to Council and staff the importance of this document.

Coun. Doyle thanked staff and the Commission for their work on the document.

Coun. Soth commented on page 1, Objective number 3. He said if the traffic-calming concept was encouraged, then it was important to make sure the streets were structurally capable of supporting a bus. He noted that Tri-met had the authority to put a bus route anywhere they chose and the City would not have say in the matter. He suggested the Council and staff be very careful about projecting bus service in a neighborhood, for instance, unless it was on a street that was structurally capable.

Mayor Drake noted that in the past, some neighbors had opposed a bus route and Tri-met had changed the route because of their input. He said some of the roads would not support a major bus route. He also commented that Tri-met listened to our citizens. He noted that Tri-met was representing the City on "Transit Choices for Livability" and they were a different operator today than in the past.

Coun Doyle referred to AB 98-163, and asked if staff or the consultant had a feeling there would be an end to the project.

Dave Winship, City Utilities Engineer, said he hoped there would be an end to the project. He explained that the toxic chemical trichloroethylene (TCE) contamination from industrial releases that the City of Portland went through had taken between 5 and 10 years to resolve. He said they were hoping to resolve the City's problem within a year.

Coun. Doyle said they had watched that situation and wondered what else could be discovered on that line. He commented that the agenda bill was really well written.

Mayor Drake commented that Winship was recognized in the region as an expert in this field. He noted that the Hanson Road Well was a valuable asset for the City of Beaverton.

Coun. Stanton said she appreciated Tyco's call when the presence of TCE was detected in their groundwater well.

Winship said they were taking the initiative before any problems developed.

Coun. Brzezinski complimented Winship on his writing abilities.

Coun. Soth asked if there was any source or independent engineering records in Washington County available, which would indicate whether or not the same aquifer is in both places or in separate places in the salt rock. He noted the Hanson Road well was six hundred feet deep and at a higher elevation than the Tyco well.

Winship said the elevation was about 380 feet and the well was 600-700 feet deep. He said the static level of the water was at about 170 feet below the ground. He noted that the Tyco well was just over the 200 foot range. He stated the two sources of information that CH2M would use would be USGS Geological maps and existing well logs of wells that were drilled in the area. He said they planned to use any information that the Water Master had as the wells were drilled and the well logs were taken to identify the strata where each well was drilled. He said they would use that information to put together a model. He noted that the monitoring would be very important. He explained they would contact different wells, test the Hanson Rd. well, and check the levels in the other wells to see what sort of influence the Hanson Well had on the other wells.

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

Coun. Stanton referred to AB 98-163 and asked if the new language for the recommended action for the Tualatin Valley Water District, section .2, had been changed.

Consensus was that the wording should be changed.

PUBLIC HEARINGS:

98-166 A Resolution Adopting a Supplemental Budget (S#-98-2) for the Fiscal Year Commencing July 1, 1997, and Making Appropriations Therefrom

Patrick O'Claire, Finance Director said it was the same Supplemental Budget that was reviewed by the Budget Committee on April 30, 1998, and forwarded to the City Council for adoption that night at the public hearing. He said he had distributed a memo to Council noting amendments. He commented that he would also like to alter those proposed amendments. He noted one of the amendments was for an additional appropriation for right-of-way (ROW) acquisition on 125th. He said that in discussion with the Engineering Department, it was determined the acquisition would not occur by June 30 of FY 97/98. He asked that item be deleted from the supplemental budget, and included into the fiscal budget of 98/99.

O'Claire explained he had made one numerical error in the amendment to the supplemental budget and that was on the Lombard Light Rail that was under "Construction Project." He noted that in the text he stated he needed \$126,081 but actually \$126,821 was the amount needed. He explained the \$126,821 was the amount that was approved in the agenda bill awarding the contract for the construction.

Coun. Stanton asked for O'Claire's verbal assurance that there was nothing in the Supplemental Budget now that was not discussed at the Budget Committee and that everything there was seen prior to this Council Meeting.

O'Claire said that was correct.

Mayor Drake opened the public hearing.

There was no one who wished to testify.

Mayor Drake closed the public hearing.

Coun. Soth MOVED , SECONDED by Coun. Brzezinski to approve AB 98-166, the Supplemental Budget including the recommended amendments.

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

98-167

A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 1998

O'Claire said the materials presented before Council are the same that were presented at the Budget Committee and deliberated by the Budget Committee on April 27 and 30, 1998. He explained he had two amendments to the proposed budget that was distributed to Council on June 10, 1998. He noted that in addition he would indulge Council's authority to include the \$15,000 appropriation for the ROW acquisition on 125th in the FY 98/99 budget as also presented on the June 10 memo.

Mayor Drake opened the public hearing.

There was no one who wished to speak.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle to approve AB 98-167, A Resolution Adopting a Supplemental Budget (S#98-2) for the Fiscal Year Commencing July 1, 1997 and including the two (2) amendments the Finance Director included in the memo dated June 10, 1998.

Coun. Brzezinski offered an amendment to move approximately \$7,000 from the State Revenue Sharing Contingency Fund to result in the total Social Services Funding amount to an even \$200,000.

Mayor Drake asked if the Social Services Funding Committee recommended allocations included the \$7000+ adjustment.

Coun. Doyle said he was in support of the motion.

Coun. Soth said he would not support the amendment due to the increase in dollars to agencies and the number of agencies coming to the City for support. He commented that his perception was that the City of Beaverton was a contributor of first resort. He suggested the situation was getting out of hand and the City was going to have to call it quits or set a limit.

Coun Brzezinski commented that she respected Coun. Soth's position. She explained that until recently the CDBG money had not been put into the Social Services funding pool because the City did not have CDBG entitlement. She noted that those dollars had been held and distributed by Washington County. She explained that when the City took over the responsibility for the CDBG money, they also took over some responsibility for the Social Services Funding. She said the combination of increased population, awareness of need, and the reduction of Federal dollars combined with the City's ability to add some CDBG money, were the contributing factors to the increases. She stated she did not think this was an unreasonable amount of money as a percentage of the total City Budget.

Coun. Stanton said she would support the motion as long as other City services did not suffer.

O'Claire reported that in the Block Grant Fund there was \$70,950 budgeted for public assistance. He said that in the State Revenue Sharing Fund there was \$110,000 for a total of \$189,950. To get the \$200,000 appropriation it would mean an additional amount of \$19,050.

Coun. Brzezinski reported that approximately \$12,000 was left over from one of the agencies to whom the City contributed money this past year, so it was going back into the Social Services Budget under the CDBG Program.

O'Claire said that was true.

Mayor Drake explained that what Coun. Brzezinski wanted was that allocation of money from the agency that did not use the money. He agreed that money should be moved to the 98/99 Budget.

O'Claire said it would be an appropriation from the State Revenue Sharing Fund Contingency of \$7050.

Coun. Yuen said he would also support the amendment. He noted he understood what Coun. Soth was saying, but as a board member of one of those Social Service Agencies, he also understood the enormous need in the community. He agreed with the comments about as the City grew larger, the City's responsibilities and profile became larger. He said the City may become a lead agency and he understood that one of the goals was to become a regional leader. He commented that part of civic leadership was to take responsibility.

Question called on the amendment to add \$7050 to the Social Service Funding Committee expenditure. Couns. Brzezinski, Stanton, Yuen and Doyle voting AYE, Coun. Soth voting NAY, motion CARRIED. (4:1)

Question called on the motion as amended with the additional expenditures and or changes recommended by the Finance Director in his June 10 memo. Couns. Brzezinski, Stanton, Yuen, Soth and Doyle voting AYE, motion CARRIED. (5:0)

RECESS: Mayor Drake called a brief recess at 7:56 p.m.

RECONVENE:

The regular meeting was reconvened at 8:00 p.m.

WORK SESSION:

98-168 Draft of Chronic Nuisance Ordinance

Bill Kirby, Assistant City Attorney, discussed the highlights of the changes made between the first and third drafts of the Chronic Nuisance Ordinance. He noted the first change to the current draft was the inclusion of some Legislative findings. He explained that some specific guidance would be available if the ordinance needed to be interpreted in the future.

Kirby said the second point included in this draft was a suggestion that three (3) offenses within thirty days, four (4) offenses within ninety days, or six (6) offenses within a year would be the basis for finding a violation of the ordinance.

Kirby explained the third point related to the list of chronic nuisance activities. He said the nuisance activity list had been expanded to include twenty-three items. He noted those items had been taken largely from the City of Portland with two exceptions, theft and trespass.

Kirby said the fourth point related to the penalty section. He explained the concept that the fine be extended to the highest number that everyone felt comfortable with from a legal standpoint, realizing that they did not want jury trials. He noted that there could be a mandatory minimum of \$250 for any violation, and recommended \$1,250 as being an amount that could be imposed and not require a jury trial.

Kirby explained that the fifth concept was the exemption this new draft provided to state and local governments. He specified that the exemption was in two locations; section 918.040 and 918.035b.

Kirby talked about the burden of proof. He said they had discussed before whether the evidence should be "clear and convincing evidence" or whether it should be "a preponderance of evidence." He noted that traditionally in actions to abate a nuisance, the requirement was that they prove by clear and convincing evidence that they were entitled to that remedy of an injunction. He said that when it came to imposing fines, often times the only requirement would be to prove that more likely than not they were entitled to the penalty. He reported that he had drafted the ordinance to reflect that if they were seeking to enjoin a use or a condition that the City would have to prove that by "clear and convincing evidence," but in other proceedings the proof is only by "preponderance of evidence."

Kirby summarized by saying that was all of the changes in the ordinance and everything else that had been changed was only changed for the intention of clarifying concepts, not to affect the substance of the ordinance.

Coun. Soth asked about the presence of any nuisance regardless of ownership or changes in ownership.

Kirby said if it was a condition that existed on the premises and that condition continued from one owner to another, then the City could seek abatement of the nuisance condition. He explained that if they were only seeking to impose a penalty, that would be personal to the individual that created the nuisance.

Coun. Soth asked if a new owner had recourse to a plea of not guilty

because he had no connection to what happened previous to his ownership.

Kirby stated it would depend on exact facts. He said a warning letter would have gone out before someone was considered a chronic nuisance. He explained that letter could be sent to the prior property owner, and if the sale occurred at that time, the second warning letter would go to the next person in charge of the premises, or the new owner.

Coun. Soth asked how could you tell if the ownership was actually transferred.

Kirby said you would have to look at the exact facts that were before you at the time.

Coun. Stanton asked in section 9.18 020, if theft and arson were taken out.

Kirby said it was theft and trespassing.

Coun. Stanton questioned section 918.040 and asked Kirby to clarify it.

Kirby said the section in question could be interpreted as more of a direction to a judge who had been presented the facts of a case. He explained that the judge could think about what were the appropriate means to adjoin or abate the chronic nuisance that he had been shown to exist (clear and convincing evidence). He explained that what this section attempted to do was to guide the judge into consideration of important facts. He stated that this section of the ordinance probably would not impact the outcome the court would impose upon the business.

Coun. Stanton said she assumed the City Attorney's office would use these criteria to judge if a case against a certain company was justified. She questioned if a case would be worthwhile if the accused company chose to fight it without regard to financial considerations. She explained that it was not about what the judge was going to do, but about what would happen in the future. She concluded by saying that adding this criteria without any discussion was what concerned her.

Kirby said whether you had the #6 criteria included or not in the ordinance, costs of litigation were going to be a factor to consider in terms of whether or not to proceed in a given case. He said he did not think it bound you to a necessary outcome but it was a factor to be considered.

Mayor Drake noted that cases might be settled financially.

Coun. Stanton said she did not want a judge to consider if a case might be a financial burden to the City.

Pilliod said that when enforcement was established, the judge was given

a range and there were six listed elements. He explained that among them being how would a case play out practically for the City to either keep a lock on the door intact or to have someone report periodically to the court the status of the ownership. He stated that the judge had to fashion the enjoining of this operation in an effective way that would not cost a lot of City resources. He said it was more or less a reminder of common sense to the judge to keep the enforceability of the order in mind and how this was going to operate on a practical level. He said it was not a matter of the judge having control of the expenditure of City resources.

Coun. Yuen noted that all of this happened after the City already went through a process by which it was determined that a chronic nuisance was established. He said they were asking the court to provide a suitable response. He noted that section C-6 pertained to a fine and section H-6 pertained to abatement. He said those were subsequent actions with the intent to ask the court to respond appropriately to the City's investment in pursuing the matter.

Kirby said that was correct; the court would be asked to consider how much time, energy, and effort the City had to put into the process.

Coun. Yuen said the presentation was well done.

Pilliod said he thought section 9.18.040, H-6 looked retroactively at the cost to the City of bringing the case forward to the point where the judge had a choice about the appropriate penalty or remedy. He noted that H-6 could also look forward in terms of monitoring the closure or injunction against a property owner.

Consensus was to bring the ordinance back for first reading.

98-169

Issues Relating to Telecommunications Franchise Ordinance

Bill Scheiderich, Assistant City Attorney spoke on AB 98-169 Issues Relating to Telecommunications Franchise Ordinance. He informed Council of policy choices.

Mayor Drake suggested that Council read AB 98-169 and then respond with comments back to Scheiderich. He directed Scheiderich to incorporate those comments in a memo back to Council. He also asked Scheiderich to draft a first reading of the ordinance two weeks prior to another work session.

Scheiderich said Council could call or email him as well.

Coun. Soth asked Coun. Brzezinski if MACC had done anything on a model ordinance.

Coun. Brzezinski responded that the model ordinance came from MACC.

Scheiderich said MACC's General Council just completed the final draft for MACC's purposes.

Coun. Brzezinski reported that through the process the General Council had several meetings with attorneys around the region and had gotten input and responses to that model. She said that the League of Oregon Cities was now seeing if they could recommend the model to other cities in the State.

Coun. Soth said he was concerned about federal preemption. He said this was particularly true in the case of electricity deregulation as well as the efforts on the telecommunicators to have the federal regulations prevail over State or local laws. He asked if there was something in Scheiderich's presentations that addressed the issue.

Scheiderich said if the Mayor and Council wished, he could give a presentation in work session on electricity deregulation, but with different issues.

Mayor Drake asked Council to send their comments to Scheiderich.

OTHER BUSINESS:

Scheiderich noted that a confidential memo had been sent to Council asking them to give consensus to authorize a settlement of a Land Use Board of Appeals appeal of Metro's Regional Framework plan adoption of December, 1997 and tentatively settled in Mediation.

Coun. Yuen MOVED , SECONDED by Coun. Stanton that the City Council authorize the settlement agreement as outlined in Scheiderich's January 11, 1998, memo to Council regarding Metro's Regional Framework Plan, specifically affordable housing element. Couns. Stanton, Soth, Doyle, Brzezinski and Yuen voting AYE, the motion CARRIED unanimously. (5:0)

Scheiderich said that Employment Relations Board had affirmed the hearing officers recommended order and had ruled unanimously that City of Beaverton Operations temporary employees are not entitled to the Oregon Public Employees Union (OPEU).

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 98-170 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

First Reading:

- 98-170 An Ordinance Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for the Fiscal Year 1998-99, Pursuant to ORS 221.770

Second Reading and Passage:

Mark Pilliod, City Attorney, read the following ordinances for the second time by title only:

- 98-156 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, From Urban Standard Density Residential To Urban Medium Density Residential And Concurrently Amending Ordinance No. 2050, The Zoning Map, From Residential Agricultural (RA) To Urban Medium Density Residential (R-2) For The Property Known As Osprey Park; CPA 97007 and RZ 970007
- 98-157 An Ordinance Adding and Amending Provisions Contained in Chapters Five and Six of the Beaverton Code and Declaring an Emergency

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinances embodied in AB 98-156 and AB 98-157 now pass. Roll call vote. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

Pilliod reported on the City's case involving former Judge Reel, which had its first appearance in Federal Court. He noted that the plaintiff was seeking to obtain the City's tape recordings of the executive session materials when the Council discussed the situation in 1996. He said the parties argued their respective positions and the judge did not make a ruling.

ADJOURNMENT:

There being no further business to come before the Council a this time, the meeting was adjourned at 8:45 p.m.

Sue Nelson, Deputy City Recorder

APPROVAL:

Approved this 21st day of September, 1998

Rob Drake, Mayor

