

REGULAR MEETING
March 29, 1999

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, March 29, 1999 at 5:40 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, Assistant City Attorney Bill Kirby, Human Resources Director Sandy Miller, and City Recorder Darleen Cogburn.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle 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 and in accordance with ORS 192.660 (1) (d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations. Couns. Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously (3:0)

The executive session convened at 5:41 p.m.

Coun. Yuen arrived shortly after the executive session convened, and Coun. Brzezinski arrived at 6:00 p.m.

RECESS: Mayor Drake called for a recess at 6:13 p.m.

The regular meeting reconvened at 6:36 p.m.

Also present at the regular meeting were Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Chief David Bishop, Building Official Brad Roast, City Utilities Engineer David Winship, Senior Policy

Planner Steven Sparks, City Transportation Engineer Randy Wooley, and Development Services Manager Irish Bunnell.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Soth reminded the other Councilors that their Ethics Commission statements had to be submitted by April 15.

Coun. Yuen stated that he would step down during the public hearing about the Appeal of the Regional Center Text Amendment.

Coun. Yuen asked about the media release regarding a prostitution sting and wondered if it was near D.K. Wildes.

Chief David Bishop said that it was in directly in front of D.K. Wildes.

Coun. Yuen asked if this could be considered "strike one," pertaining to the chronic nuisance ordinance.

Chief Bishop replied he thought that would be the case and further similar stings would be done.

Coun. Stanton commented about how much she appreciated the new City Hall parking lot and the fact that the sidewalk went all the way around the building. She thanked Engineering Department Manager Tom Ramisch for his engineering expertise.

STAFF ITEMS:

There were none

CONSENT AGENDA:

Mayor Drake pulled AB 99-84 for separate consideration.

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

Minutes of the regular meeting of November 2, 1998

- 99-81 Liquor License Renewals - Annual Renewals: Walker Road Chevron
 Trianon Restaurant
 Studio 11
 Hyundai Oriental Food

Liquor Licenses – Change of Ownership: Dingo’s Taco Bar
Greater Privilege: McGuffy’s Pub

A Resolution Consenting to Application of USA Waste of Oregon, Inc. to Operate Under Miller’s Sanitary Service Franchise

TCB Issues 402 & 403 (Pulled for separate consideration.)

TCB Issue 404

Bid Award – Floor Coverings for City Hall Council Chambers, First Floor Conference Room and Community Development Department

Transfer of Road Jurisdiction from Washington County to the City of Beaverton

CDD Fee Schedule Amendment

Central Interceptor Storm Drainage Improvements – Design and Funding Plan Concept Approval

Contract Review Board:

Contract Change Orders for Building Code Plan Review Services

Contract Change Orders – Consultant Work to Assist With The Round At Beaverton Central and Transfer Resolution

Bid Award – Purchase a Twelve Cubic Yard Catch Basin and Sewer Cleaner

Coun. Yuen gave minutes corrections to the City Recorder.

Coun. Doyle abstained from the minutes of 11/2/98.

Question called on the motion, excluding AB 99-84. Couns. Brzezinski, Doyle, Soth, Stanton, and Yuen voting AYE. Motion CARRIED unanimously. (5:0) Coun. Doyle abstained from the minutes of 11/2/98.

Separate Consideration:

TCB Issues 402 & 403

TCB Issue 403

Coun. Stanton explained she asked for AB 99-84 to be pulled because of Traffic Control Board (TCB) issue 403. She noted that she wanted it to be held as a public hearing because it had been a 3 to 3 vote at the Traffic Commission (TC), and having been on TC before, she felt comfortable asking for the public hearing.

Coun. Stanton MOVED, SECONDED by Coun. Soth, to call up TCB Issue 403 for a public hearing. She said that would be for April 12.

Mayor Drake noted that notice had already been give for that date in case the Council decided to call it up for a public hearing. He clarified that TCB Issue 403 was regarding the crosswalk between Shirley's Café and the Holland Feed store, on Broadway.

Coun. Yuen said he read through the agenda bill and said he was satisfied with the recommendation from TC and would not support the motion.

Coun. Soth said he was familiar with the area and it seemed that people crossed that street wherever and whenever and since it had been noticed as a possible public hearing, it seemed appropriate for Council to hear it.

Coun. Brzezinski said she thought the decision should stand, but she had no objection to the public hearing.

Coun. Doyle said considering the past track record, he would go along with the motion.

Question called on the motion. Coun. Brzezinski, Doyle, Stanton and Soth voting AYE. Coun. Yuen voting NAY, motion CARRIED. (4:1)

TCB Issue 402

Coun. Doyle MOVED, SECONDED by Coun. Stanton to approve TCB Issue 402.

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

Public Hearing:

99-76 Appeal of the Regional Center Text Amendment (Continued from 3/15/99)

Mayor Drake reviewed a list of letters, which had been received. He said that Fred Meyers had requested that it be continued for at least two weeks, and he suggested that it be continued to May 3, after any testimony that evening.

Mayor Drake opened the public hearing.

There was no one who wished to testify.

Coun. Soth MOVED, SECONDED by Coun. Doyle that the public hearing on AB 99-76, be continued until May 3, 1999.

Coun. Doyle said he would not be there the Monday following May 3, and hoped it would be finished that evening.

Mayor Drake said he anticipated it would be ready for adoption on May 3.

Question called on the motion. Couns. Doyle, Brzezinski, Stanton and Soth voting AYE, Coun. Yuen abstained, motion CARRIED. (4:0:1)

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 99-93 be read for the first time in its entirety at this meeting, and for second time by title only, at this same meeting. Couns. Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

Mark Pilliod, City Attorney, reported that the City had been in close contact with the State Department of Revenue (DOR) and they had expressed some questions, and identified in general terms some issues relative to the legal description. He explained that with the Council's permission he would like the authority to correct those discrepancies in the legal description administratively. He pointed out that Council normally granted that authority to the City Attorney, but he wanted it in the record. He clarified that the attached map was accurate and not in question. He explained that some of the details contained in the meets and bounds legal description needed to be reconciled with DOR so they were all speaking about precisely the same pieces of property. He said it would not materially affect the action that was being taken.

Coun. Soth said that could be encompassed in the motion for adoption.

Pilliod pointed out that the vote must be unanimous, and the ordinance had to be read in its entirety.

Coun. Yuen asked for the reason for it to be concluded that evening.

Pilliod explained that the action of the Council had to be concluded by the end of this month for the Department of Revenue to be assured that the property would be legally annexed to the City by the close of the fiscal year. He said this would enable the City to include it for purposes of taxation in the immediate next fiscal year. He said it was strictly a timing matter that was dictated by the statutes.

Coun. Yuen noted that the agenda bill did not provide that information.

First and Second Reading:

Pilliod read the ordinance:

99-93 Home Depot/Public Annexation ANX 99001

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 99-93 now pass with the understanding that the City Attorney would correct the legal description before final insertion into the record.

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

Second Reading:

Pilliod read the following ordinances for the second time by title only:

99-77 An Ordinance Annexing a Parcel of Land Lying Generally West of the Existing City Limits to the City of Beaverton; ANX 98009 (Williams/173rd Annexation)

99-78 An Ordinance Annexing a Parcel of Land Lying generally South and West of the Existing City Limits to the City of Beaverton; ANX 98008 (Murray Ridge Annexation)

99-79 An Ordinance Annexing a Parcel of Land Lying Generally West of the Existing City Limits to the City of Beaverton; ANX 98006 (Lodato Annexation)

Coun. Soth MOVED, SECONDED by Coun. Yuen that the ordinances embodied in ABs 99-77, 99-78 and 99-79 now pass. Roll call vote: Couns. Brzezinski, Doyle, Soth and Stanton voted AYE, Coun. Yuen abstained, the motion CARRIED. (4:0:1)

OTHER BUSINESS:

House Joint Resolution 52:

Mayor Drake presented House Joint Resolution 52 (HJR 52) and asked if Council would be interested in supporting the bill in concept as it was presented. He explained that passage would send it to the voters likely in November.

Coun. Stanton explained to the audience that HJR 52 proposed an amendment to the Oregon Constitution to allow political subdivisions, i.e., local jurisdictions, to zone sexually orientated businesses which was something they were not allowed to do in the State of Oregon. She said she would like to see this moved into action on the ballot in the fall.

Mayor Drake commented that if Council gave him that support and authority that evening, he would immediately convey that to Representative Rob Patridge's office.

Couns. Doyle, Soth and Brzezinski agreed.

Coun Yuen asked that the City Attorney give some thought to the consequence of the bill, and said he was in support of the general premise of the bill. He pointed out that they would have to set up a place to zone.

Mayor Drake established that there was a positive consensus from Council.

House Bill 2982:

Mayor Drake said Rep. Strobeck gave the City an opportunity to join in supporting House Bill 2982, supporting funding for capital expenditures for schools. He said this was an opportunity to take some growth dollars to use for capital improvements and it would net the district about \$10 million over the next five years.

Coun. Doyle asked if he wanted approval to support it. He said he thought it would be strongly supported by Council.

Coun. Stanton said it would apply to any new construction in the City for the first nine years it was on the ground. She explained that that tax assessment would not go into a general fund for schools but would go into a separate fund only for capital construction to buy property for new schools and for school facilities improvements.

Mayor Drake noted that the building industry was in support of it.

Greenway Bridge:

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council approve the settlement regarding the Greenway Bridge.

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

BCB Group:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski to authorize the Mayor and Staff to proceed with negotiations and actions as outlined in executive session regarding the BCB Group.

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

ADJOURNMENT:

There being no further business to come before the Council at this time,
the meeting was adjourned at 7:05 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 12th day of July, 1999

Rob Drake, Mayor