

REGULAR MEETING
May 24, 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 May 24, 1999, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Forrest Soth, Wes Yuen and Cathy Stanton. Coun. Dennis Doyle was excused. Also present were City Attorney Mark Pilliod, 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, Development Services Manager Irish Bunnell, Building Official Brad Roast, Utilities Engineer David Winship, Deputy City Recorder Sue Nelson and Staff Assistant Debbie Baidenmann.

Mayor Drake noted that they were going to take some things out of order from the agenda that evening and would be hearing the issue of the Regional Center Text Amendment prior to the Consent items.

PUBLIC HEARING:

99-76 Regional Center Text Amendment and Rezoning (continued from 5/3/99)

Mayor Drake noted that this item had been continued from May 3, 1999. He said he would not ask for a staff report, but would go directly to Council questions. He stated that since the last meeting he had met with attorneys representing the citizen groups, Mark Whitlow and Frank Hammond, and the past Wednesday he and the City Attorney Mark Pilliod had also met with them. He reported that they now had a final draft that he was recommending for approval by the City Council.

Coun. Yuen said he would not participate since he was on vacation when the issue first came before the Council.

Coun. Brzezinski said she would like a few minutes to read the answers to her questions.

Coun. Stanton thanked staff for the responses to her questions. She referred to A3, B and C, and asked if "none" meant zero, no minimum, no maximum, you could have whatever you wanted. She wondered if there was a standard, or if there was a preference.

Joe Grillo, Community Development Director, said a preference was stated throughout the Code, and it was essentially to create the most intensive environment the City and the property owners could achieve over time, in order for the City to maximize the opportunities for housing and employment. He noted that they had sent a report to Metro, indicating the City would attempt to maximize housing and employment opportunities principally in the downtown and South Tek area.

Coun. Stanton clarified that meant it would be zero, except in those areas that referred to the yards abutting existing single family. She noted that anything else in the Development Code and Comprehensive Plan that gave other requirements would supersede the zero.

Grillo said that was correct and explained that you had to have a single-family residential zone, to have a 20 foot setback.

Mayor Drake opened the public hearing.

Mayor Drake noted that they had the revised text and it was available for the citizens.

Testimony:

Steve Biggi, 3842 SW Hall Blvd., said he was there to urge the Council to adopt Mayor Drake's version of the Regional Center Text Amendment. He noted that there had been considerable evolution with the document, since he read the first draft nearly a year ago. He recalled that at that time he had asked for a pedestrian count in front of his property, and said the peak hours were 4-6 p.m. with 16 pedestrians for that two-hour period. He noted that was the intersection of Hall and Center. He stated that he then realized they could not accept a Regional Center Text Amendment that did not allow for a transition from the way they currently did business which was auto related, to one that was immediately pedestrian oriented, but lacked the pedestrians in any significant number.

Biggi explained that he knew they needed to get people involved and sent letters to property owners and reported that many of them came and spoke at meetings. He reported that some people from the BCBD, Retail Task Force and the Beaverton Chamber hired a consultant to meet with

the Mayor and staff. He said he thought all of that effort produced a flexible code that would allow existing businesses to grow and expand their current locations, and at the same time provided for a more pedestrian friendly environment. He thanked Mayor Drake and the staff for meeting

with the property owners in the neighborhood to help develop a Code that would work for everyone. He expressed special thanks to the staff for the enormous amount of work they had done to the revisions to get them back to various attorneys and group leaders in a timely fashion.

Mayor Drake thanked him and the downtown owners and recalled that they had a conversation early in the fall, when he said he (Mayor Drake) was not sure what the downtown property owners wanted, and asked them to suggest revisions. He said he appreciated that they hired a quality land use planner and a good law firm. He noted that the City brought in John Spencer who understood the City's position. He noted this was a good model to use when there were major issues coming forward.

Mark Pilliod, City Attorney, stated that he was working from the text that had a date of May 20, 1999, at the bottom. He noted that in going over the draft that afternoon, he had noticed a couple of typos that he would correct for the final order.

Coun. Stanton referred to page 17, of the May 20, draft, referring to governed by 5, (F) and (G), and she wondered if they should be numbered 4, (F) and (G), or 5. She noted that 5 was Design Features and was reserved.

Mark Pilliod, City Attorney, said it was not too much trouble and clarified that the two reserved sections, Design Features and Landscaping, should be numbers 6 and 7. He noted that under paragraph one (page 17) there were two references to section 4 (E) and 4 (H) and they should be 5 (E) and 5 (H). He said this was number 1.

Mayor Drake noted that Coun. Stanton was not working off a clean copy.

Pilliod went to the copy she was using and told her where to find the items he was noting.

Coun. Stanton referred to number 6 on page 17, in (H), where it said ratio; it should be 5 (H). She then said she could not find 5 (A)(B) and(C).

Pilliod pointed out that it would be easier if she was working off the same version as the rest. He said on page 14, sub paragraph 5 was there.

Grillo suggested they back to page 12, and clarified for Coun. Stanton how she could better follow from that point.

Pilliod said Building Height would be section 4.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Stanton, to approve AB 99-76, The Regional Center Text Amendment and Rezoning, the amended May 20, 1999 version.

Coun. Soth stated that Mayor Drake deserved an accolade for putting it together and recognizing the diverse interests. He noted that this was a prime example of the idea of people talking *with* each other rather than *to* each other. He thanked all of the citizens who were involved, as well as Steve Biggi and the other property owners.

Coun. Brzezinski joked that even though Steve Biggi had spearheaded this, he was not anti-light rail because she saw him riding the MAX to the Blazers game.

Coun. Stanton thanked everyone involved.

Mayor Drake noted that Coun. Doyle had a death in the family and was not able to be there that evening, but had asked that it be conveyed that prior to this last version, he was in full support of the proposed text. He stated that he could not speak for Coun. Doyle, but the changes were insignificant enough that he thought he would have supported this also.

Question called on the motion. Couns. Soth, Stanton, Brzezinski, voting AYE, Coun. Yuen abstaining, the motion CARRIED. (3:0:1)

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

COUNCIL ITEMS:

Coun. Soth reported that the past week there had been two meetings on the Urban Services Boundary, which were well attended. He said the citizens were asked their preferences for the boundaries, but he did not have the outcome. He noted that most of those who attended were there to ask about the park service and the schools.

Coun. Soth gave an update on the Barnes Road on-ramp (west bound) that was eliminated when the Sunset Transit Station was built a few years ago, and in 1996 when the County's hearing officer held a hearing on Tri-Met, Tri-Met and ODOT made a commitment that the ramp would be

restored. He noted that since that time there had been many happenings, including challenges to LUBA as a result of that land use order. He reported that earlier that day, he and the Mayor had gone to Salem and met with Senator Hartung. He explained that Sen. Hartung had brought together the Director of ODOT, the Regional Director of ODOT, the County Department of Land Use and Transportation head, attorneys from the Petercourts, and from both Tri-Met, St. Vincent's and other interested

parties, for the meeting. He said together they had a very good discussion regarding the on-ramp.

Coun. Soth reported that Sen. Hartung had introduced a bill that would have given a solution to the problem. He explained that the upshot of the meeting was the bill was being tabled, and a Memorandum of Understanding (MOU) was being written that would memorialize the commitment of Tri-Met and ODOT to restore the on-ramp by 2005. He reiterated that this was a situation where people of good will saw a problem and were able to work together internally and come to a common understanding.

Coun. Brzezinski reported that she attended a meeting the previous week with the Metro Area Communications Commission (MACC). She noted that the major topic was what MACC should recommend to the member jurisdictions as the level of support for Tualatin Valley Community Access (TVCA), the public education and government access provider. She explained that the past fiscal year, all of the jurisdictions had been contributing 15% of the franchise fees they received to support TVCA. She noted that for the two fiscal years prior to that the contribution level was 17.5%. She stated that the recommendation that would be coming in the next six weeks would be 17%, which sounded like more than this year. She explained that MACC was reducing the amount of the jurisdiction's fees they took, and in effect, donating it to TVCA. She pointed out that the net effect was that in the coming year, the City would get back 1% more of the franchise fees, than it did the past year.

Coun. Brzezinski explained that the recommendation from MACC was for three options. She reported that the recommended option was for the jurisdictions to put in 17%, and the second option was to put in more if they wanted to. She said the third option was to stick with the 15%, and noted that was done because they thought there were some jurisdictions that would have voted against the 17%. She reminded them that the intergovernmental agreement with MACC was that if one voted against something, it would be defeated. She reported that with the options they did not think they would have trouble passing it. She noted that they thought some jurisdictions would go to 15%, and suggested that in the future, the City might want to consider if they wanted to put in more than 17%. She said she had urged TVCA to consider what incentives they

could offer to jurisdictions for putting in more than 17%. She noted that Paula Manly, MACC Executive Director for the past 11 years, was leaving and they had hired a replacement. She commented that Ms. Manly would be missed.

Mayor Drake noted that he had received a complaint call that day about a show that aired the night before, and it involved nudity of two women. He said the caller had thought it was on Community Access, but he learned that it had actually been on OPB, and a religious program was on TVCA at

that same time. He wanted to alert the Councilors, in case they got a similar call.

Coun. Stanton reminded them that on June 8 the new fire station 267, at Farmington and 138th, would be dedicated, and on June 12, there would be a community Open House there.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the regular meetings of January 11 and March 1, 1999

- 99-154 A Resolution Accepting the City of Banks Membership into the Washington County Consolidated Communications Agency and Authorizing a Letter of Understanding and an Amendment to the Intergovernmental Agreement
- 99-155 CPA 99001/RZ 990001 Yamamoto, 167th Place Comprehensive Plan Map Amendment and Rezone
- 99-156 CPA 99003/RZ 990003 Valley Community Church Comprehensive Plan Map Amendment and Rezone
- 99-157 Authorizing Issuance of Request for Proposal for Temporary Plan Review Services
- 99-158 Authorizing Issuance of Request for Proposal for Temporary Inspection Services
- 99-162 TA 980011 Accessory Dwelling Unit Zoning Regulations

Contract Review Board:

- 99-159 Consultant Contract Award – Engineering Services for Repair and Maintenance of the Sexton Mountain Reservoirs
- 99-160 Bid Award – Demolition of Eleven City Owned Buildings (Correction by Stanton)

Coun Yuen noted that he would abstain from the minutes of March 1, 1999.

Coun. Stanton said she would abstain from both sets of minutes. She also noted that a correction needed to be made in AB 99-160, where it said "east side" it should have been "west side."

Mayor Drake pointed out that the contract was based on the exact buildings.

Coun. Soth asked if they would have some souvenirs from the old Fire Station 267 and City Hall buildings.

Mayor Drake said he was sure blocks would be available.

Question called on the motion. Couns. Soth, Yuen, Brzezinski and Stanton voting AYE, motion CARRIED. (4-0) Coun. Yuen abstained from the minutes of March 1, 1999, and Coun. Stanton abstained from January 11, and March 1, 1999 minutes.

Coun. Soth noted a point of order on AB 99-160, and explained that since the low bidder was not named in the agenda bill, he assumed that would be awarded to Dan Obrist Excavating, as outlined by the staff, in the amount of \$89,000.

Pilliod stated that was the intention.

ORDINANCE:

Suspend the Rules:

Coun. Soth MOVED, SECONDED by Coun. Stanton that the rules be suspended, and that the ordinance embodied in AB 99-161 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. Soth, Stanton, Yuen, and Brzezinski, voting AYE, motion CARRIED, unanimously. (4:0)

First Reading:

Pilliod read the following ordinance by title only:

99-161 TA980011 Accessory Dwelling Unit Zoning Regulation Ordinance

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting adjourned at 7:15 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 30th day of August, 1999

Rob Drake, Mayor