

## REGULAR MEETING

June 7, 1999

### Joint Meeting with the Beaverton Chamber of Commerce Board

A joint meeting of the Beaverton City Council and Beaverton Area Chamber of Commerce was called to order by Mayor Rob Drake, at 5:30 p.m., in the First Floor Conference Room, Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR 97005.

Present were Mayor Drake, City Councilors Forrest Soth, Dennis Doyle, Wes Yuen and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were Chamber Board President Susan Cadell, Executive Director Elaine Spaulding, and Chamber members Carol Kersler, Leroy Bentley, Stephen Weiss, Douglas Mull, George Kyler, Tim Estes, Ron Willoughby, Jim McCreight, Bill Christopher, Patty Frahler. Also present was Sam Wade, Beaverton Police Officer.

Introductions were given around the table.

Elaine Spaulding, Executive Director of the Chamber, gave a report regarding the 1999 Taste of Beaverton and plans for years 2000 and beyond. She also reviewed the Leadership Beaverton Program, which was a joint partnership between the Chamber and the City. She noted they were graduating a second class.

Susan Cadell, Chamber President, noted the Leadership Class was putting together a Habitat for Humanity House on Hall Blvd., which would be a duplex.

Mayor Drake noted there was one problem with the lot, since the density had already been used up for that piece of property. He reported that staff was working very hard regarding the issue.

Pres. Cadell noted the class was moving forward regarding donation requests and the timeline was being designed to take advantage of the current building season.

Jim McCreight noted that the Chamber needed to find out about the process for citizen involvement and opportunities on City Boards and Commissions.

Mayor Drake noted there was a Citizens for Community Involvement member position, and a Board of Design Review backup position vacant. He added that these opportunities are usually considered in fall and winter, but vacancies were filled throughout the year. He explained that often it was not a problem regarding the number of applicants but rather that of having them apply for the right positions.

Coun. Stanton noted that there were plans at the upcoming Council meeting to approve an appointment and suggested that if anyone was interested, information should be obtained early.

McCreight asked for an update on code changes in the downtown area.

Mayor Drake reviewed the process from last fall when he suggested they develop alternatives. He noted that the property owners hired a land use consultant which was a great idea, and recommended changes which was helpful as it gave staff and the Council an idea of what the business owners thought. He pointed out that the real key was the evolution of the property owners starting out in one position, realizing that the region was changing and being positive to redevelop around Light Rail and in downtown.

Mayor Drake stated that in dealing with major issues, the City was now inviting people in early to make suggestions and to talk about issues to get a better product before it emerges so late in the process that peoples' positions are hardened. He noted that the code changes would probably come during the summer in ordinance form for first and second reading by the Council.

Elaine Spaulding noted that Dominick and Steve Biggi were pleased with the results, which resulted from the negotiated compromise.

Jim McCreight requested an update on *The Round*.

Mayor Drake reported that some lien holders were in an aggressive position and want to be paid for the work they had done, and the BCB group and the lien holders were still talking. He said the City felt it was a good project, and noted that the initial plan had been enhanced, with increased density, and much more of it was a transit-friendly mixed-use development, even more so than the City had envisioned. He explained that the developer, Selwyn Bingham of BCB Group, had experienced difficulty getting long-term financing. He reported that twice the Council had offered the lien holders two different dollar amounts for consideration for getting the property back and taking the initiative on the project. He stated that the City did not wish to be developers, but thought *The Round* was a viable project, with several significant developers interested. He

added that this was a major project of \$100 million, which could still be built. He explained that anyone who expressed an interest was informed

that the City had an adopted plan that had gone through the public hearing process and that plan was still in place. He said it would take a major hearing process to undo it, and the City would strongly encourage people to build it as it was approved. He expressed his belief that people were still positive about completing the project.

Coun. Doyle stated that he also felt people were still hopeful. He reported that recently while riding on Light Rail he talked with people who had not been on the train before and they commented that Beaverton Creek station was great.

Spaulding asked if there was anything the Chamber could do to help put a positive spin on it.

Mayor Drake suggested that their responses be positive and express a belief that there would be success in that location.

Doug Mull noted that much of it was timing as well as market issues.

Mayor Drake reported that he had been heard there was about an 18-month oversupply of office property in the area, so they must remain positive to any interested investor. He said some people saw an opportunity in its current state.

Mull noted that employment drove demand for the project and employment was going at twice the rate so surplus hiring was quickly being absorbed.

Mayor Drake suggested that if inquiries were made, they should be referred to the City for information as well as to know that the City was there to work with investors through the process.

Coun. Soth noted that by doing as the Mayor suggested it would provide a single voice.

Mull noted that was important since any semblance of dissention could fuel problems.

Mayor Drake noted that it was made clear to the lien holders that it was not a contract between the City and the lien holders, the deal was between BCB and the lien holders. He stated that the Council stuck its neck out twice with the idea of helping the project by advancing up to fifty-percent of what was the lien amount to help get consideration for the property and help save the project. He explained that it was critical that

people realized the City had made a commitment and the lien holders broke off the discussion, not the City. He pointed out that at some point, as reasonable business representatives of the City, they must state what the stopping point was. He noted that point was reached and the City was not going to be available for additional funds for the lien holders.

McCreight noted that the Chamber had received a notice regarding the Intel request. He asked if the Council would have representatives present.

Mayor Drake noted he would be asking the Council later in the Council meeting for their support of the Intel request and stated he would be present.

McCreight stated the Chamber had been spending some time at the Legislature and wondered how the City was dealing with current issues.

There was a general discussion regarding state legislative action that might impact cities, government, and taxation, including Senate Bills 587 and 512 dealing with inspections; intangibles, taxing and exemptions for nursing and foster homes.

Coun Stanton expressed concern regarding SB 557 or 559 regarding system development charges going into the State fund.

Mayor Drake said he would update Council as soon as information was available.

McCreight asked who was handling Economic Development issues for the City. He noted that there had been some changes and people wanted to know who to contact.

Mayor Drake reported that the Economic Development vacancy had not been filled but the hiring process had begun. He also noted that Chief of Staff Linda Adlard was not present and she was the person who could provide additional information.

Sam Wade, Community Policing Officer, thanked them for the opportunity to sit in on the meeting. He noted that he was interested in Chamber sponsorship of business safety.

Coun. Soth provided an update regarding the Washington Square Regional Center Plan, which overlapped (to some degree) the area around the Embassy Suites and the Nimbus Business Center. He noted that they were in the last stages of putting it together and trying to outguess what would happen in the future. He stated that it was a major

task and would require a great deal of change in that entire area. He reported that one of the talking points was the possibility of Washington Square not having acres of parking lots but replacing them with a parking structure and building multi-family housing in the current parking area because of the required densities from Metro. He said the recommendation should be finalized in the middle of July, and would then go to the Tigard Planning Commission and ultimately to the Tigard City Council. He noted there would be some impact in the Beaverton area. He

commented there had been a great deal of interest in commuter rail with a station in that area because of the employment generated there.

Mayor Drake and Chamber President Susan Cadell both thanked everyone for attending the meeting.

The joint meeting adjourned at 6:30 p.m.

#### 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 7, 1999 at 6:40 p.m.

#### ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were City Attorney Mark Pilliod, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Operations/ Maintenance Director Steve Baker, Engineering Department Director Thomas Ramisch, Principal Planner Ali Turiel, Traffic Engineer Randy Wooley, Building Official Brad Roast, and City Recorder Darleen Cogburn.

#### CITIZEN COMMUNICATION:

There was no one present who wished to speak.

#### COUNCIL ITEMS:

Coun. Soth reported that he had returned from the National League of Cities (NLC) Steering Committee meeting and there were many issues discussed. He noted that one in particular would affect land use nationally, and was particularly applicable to Oregon State laws. He reported that it was regarding the Monterey Decision, which was a case where the developer had sued the City of Monterey, California, on a land

use issue. He reported that the gist of the decision was that if the applicant exhausted the administrative (such as Planning Commission, City Council, etc.) remedies within a jurisdiction and was unable to get satisfaction, then they were entitled to bring suit in Federal court under section 1983, with a jury trial. He noted that he asked specifically about Oregon's case, and one of the NLC attorneys explained that since LUBA was not a court, so following an appeal to LUBA, if an aggrieved party wished, they could go directly to Federal court without going to the Oregon Court of Appeals or the Oregon Supreme Court. He urged City Attorney Mark Pilliod to get an update on this matter when appropriate.

Coun. Soth noted that the new fire station would be dedicated on June 8, 1999 and invited everyone to attend.

Coun. Stanton also invited anyone to the open house at the new fire station the following weekend.

Coun. Doyle thanked the staff and Council members for the notes of sympathy he received upon the death in his family.

#### STAFF ITEMS:

Patrick O'Claire, Finance Director, reported he had distributed a memo providing an update on the library bond sale. He reported that the winning bid was made by Solomon, Smith Barney at a true interest cost of just over 4.97%. He said there were details in the memo that were informational for the Council and pointed out that the credit rating was increased from Standard and Poors, from AA- to AA. He explained that the increased rating was impacted by the community support of tax measures. He reported that a press release would include this information.

Coun. Stanton noted that the City Council worked hard to maintain and improve the City, and pointed out that the City had not taxed itself at the full 100 percent of what it was allowed.

Coun. Soth complimented O'Claire on the interest rates the City received.

O'Claire reported that it would be difficult to predict the impact of the increased rating to AA, however he estimated that it might be about a tenth of a percent.

Pilliod responded to Coun. Soth's comments noting that the City had received a copy of the Supreme Court opinion in the Monterey Dunes case. He stated that while it could be a potential problem, the circumstances of that particular case were so egregious that the City would hope they would not find themselves in a similar situation. He noted copies could be made available for the Council.

#### CONSENT AGENDA:

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

99-163      Liquor License – Change of Ownership: Pepita Express

99-164      A Resolution Declaring the 1999 Fire Prevention Code of the Tualatin Valley Fire and Rescue District Effective Within the City of Beaverton and Repealing City of Beaverton Resolution 3380

99-165 A Resolution Declaring a Nuisance of Rubbish Accumulation and Noxious Vegetation on Property at 4925 SW Lombard Avenue, Beaverton, OR 97005 (Tax Lot # 1S1 15 BC 4690) and Ordering its Abatement

99-166 Boards and Commissions Appointments

99-169 CUP 99007 Southridge High School 125<sup>th</sup> Avenue Modification

Contract Review Board:

99-167 Contract Award – Citywide Housing Survey

99-170 Authorize Letter of Intent with Washington County For Beaverton's Portion of the Purchase of the Range 2000 Firearms Simulator

99-171 Waiver of Sealed Bidding – Approve Contract for Removal of Underground Fuel Storage Tank Near the Intersection of SW Hall Blvd. And SW Cresmoor

Coun. Stanton thanked staff who answered her questions regarding various agenda bills. She stated she would contact Pilliod's office with some questions on 99-171, that would have no bearing on her vote, but were for curiosity reasons.

Question called on the motion. Couns. Doyle, Soth, Stanton, Yuen voting AYE, the motion CARRIED unanimously (4:0)

PUBLIC HEARING:

99-168 Pechan Annexation (ANX 99002)

Mayor Drake outlined the procedures for the public hearing. He noted that the Staff Report had been available for public inspection prior to the meeting. He clarified that only issues raised at this hearing could be appealed at a later date to the Oregon Land Use Board of Appeals.

Mayor Drake asked if there were any Councilors who wanted to abstain from hearing this matter, or objections to the City's jurisdiction to hear this matter. There were no abstentions and no objections.

Principal Planner Ali Turiel said she would answer any questions regarding this fairly simple, single property annexation petition. She noted that 100 percent of the property owners had petitioned for the annexation and they already own an adjacent parcel that was already in the City.

There were no questions.

Jeff Pechan, 12615 SW 157<sup>th</sup> Avenue, Beaverton, came forward and said he was just there in support of his application.

There were no questions.

Coun. Stanton thanked Pechan for being present.

Mayor Drake opened the public hearing.

There was no one present to testify for or against the proposed annexation.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Stanton, that the Council direct the City Attorney to prepare an ordinance annexing into the City the 1.65 acre site described in the attachment to Agenda Bill 99-168.

Question was called on the motion. Couns. Doyle, Soth, Stanton, Yuen voting AYE, the motion CARRIED unanimously (4:0).

#### ORDINANCE:

##### Second Reading and Passage:

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

99-161 An Ordinance Amending Ordinance No. 2050, the Development Code, To Add New Zoning Regulations Allowing Accessory Dwelling Units as Permitted Uses in Residential (Single Family) Zoning Districts; TA 980011 (Accessory Dwelling Units)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in AB 99-161 now pass. Roll call vote. Couns. Soth, Doyle, Yuen, and Stanton voting AYE, the motion CARRIED unanimously (4:0).

#### OTHER BUSINESS:

Mayor Drake distributed a copy of the letter sent by the Chair of the Washington County Commission. He requested that the Council support the County and Intel's efforts for the Strategic Investment Program.

Coun. Stanton noted she had attended the first information hearing regarding this matter a few weeks earlier. She encouraged the Council to make a statement in support of this since many Intel employees are from Beaverton. She pointed out that she felt it was an acceptable alternative especially because this is not about new growth. She explained that Intel



wished to refurbish what they had so they could stay competitive in business to retain the jobs. She urged the Council to support good business partners, and Intel has been a good community neighbor.

Coun. Doyle concurred with Coun. Stanton, and stated he thought it was smart business on behalf of the County to keep the dollars and jobs here. He stated he felt it was a fair deal.

Coun. Yuen stated he was supportive of it, but was surprised about the restrictions on growth although he understood the request and if Intel was willing to agree to that condition.

Coun. Soth stated his support of the Intel proposal for some of the reasons already stated as well as fact that the main issue of this proposal dealt with equipment, not buildings.

Mayor Drake stated he would take this input as a consensus of "Yes" and would report it at the next Joint County Commission and Hillsboro City Council meeting. He noted he would testify and welcomed any other Council members that wished to join him.

Coun. Stanton reminded the Council that the Taste of Beaverton was coming up asked them to join her and participate in the parade.

There was discussion of what mode of transportation they would have and decided that they would explore some options.

Mayor Drake provided a written update on the Community Center for Council members.

Coun. Yuen noted that in reading through the Five Oaks NAC minutes they had on their agenda a discussion of the upcoming walking tour and had a list of issues. He asked if those will be discussed or addressed in the process.

Mayor Drake noted the list had been disbursed to staff who would answer those questions. He said the answers would be available for the walk.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:10 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 18<sup>th</sup> day of October, 1999

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Rob Drake, Mayor