

REGULAR MEETING

June 14, 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 June 14, 1999 at 5:36 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, and City Recorder Darleen Cogburn.

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. Pursuant to ORS 192.660 (3), it is Council's wish that the items to be discussed not be disclosed by media representatives or others. Couns. Soth, Yuen, Stanton, Brzezinski and Doyle voting AYE, the motion CARRIED, unanimously. (5:0)

The executive session convened at 5:37 p.m.

The executive session adjourned at 6:05 p.m.

RECESS: Mayor Drake called for a brief recess at 6:05 p.m.

RECONVENED:

The regular meeting reconvened at 6:37 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, Police Chief David Bishop, Human Resources Director Sandra Miller, Development Services Manager Irish Bunnell, City Utilities Engineer David

Winship, Project Engineer Jerry Williams, Landscape Supervisor Steve Brennan, and Redevelopment Project Manager John Engel.

PRESENTATIONS:

99-172 Beaverton Arts Commission Annual Awards

Sue Wendel, President of Beaverton Arts Commission (BAC) introduced the award recipients for outstanding contributions to the arts in the community. She noted that both individuals and organizations would be recognized for their support, time and talents.

Wendel announced that the Corporate Members of the Year were Sweet Tomatoes and Mervyn's of California. She said they were pleased and honored that Sweet Tomatoes selected BAC to be one of their VIP organizations. She reported that Sweet Tomatoes awarded BAC with \$500 to support arts programming for children and also provided BAC with thousands of coupons for free meals to share with members and friends. She pointed out that Sweet Tomatoes also gave BAC another \$500 for BAC's efforts in distributing the coupons and then even hosted the BAC lunch at their annual retreat. She called Sweet Tomatoes' Assistant Manager Donya Demarco to come forward and receive the award from Mayor Drake and Coun. President Soth.

Wendel said the second Corporate Award recipient was Mervyn's of California. She noted that Mervyn's was a major sponsor of the BAC Fall Children's Theatre series. She reported that through Mervyn's support, BAC was able to present four sold out performances by the region's best children's theatre organizations in October 1998. She said Mervyn's District Team Leader Mike Miller was not able to attend the meeting but would receive the plaque.

Wendel noted that selection of the Volunteer of the Year was a decision that took very little time for BAC to decide. She said that Loree Krieves was a very familiar face to Mayor Drake and other staff on the third floor. She said Loree had worked with the Executive Director Jayne Scott for nearly eight years, works in the office every Tuesday and works at many of the events such as Showcase. She said Loree was a tremendous benefit to the organization, and does any task that is ever asked. She stated that BAC could not thank her enough for her work and dedication.

Wendel announced that the Commission's Art Education Award was given to the Beaverton Music Literacy program and its creator Beth Self. She explained that this was a pilot project at Hazel Dell Elementary this year and hoped it would expand to all the other elementary schools. She reported that the program utilized parent volunteers to teach music education in elementary school classrooms, with the emphasis to expose children to the classics and their composers in fun and interactive way. She noted that the Commission applauded the leadership, commitment,

and dedication that Beth Self exhibited in launching such an important and exciting program in the schools.

Wendel presented the President's Award to the Assistance League of Portland Gift Shop Committee for their generosity in allowing the BAC to showcase artwork by local artists in their gift shop. She reported that proceeds from gift shop sales supported worthwhile community and social service organizations including the Children's Dental Center, Pettygrove House, Operation School Bell and others. She thanked all members of the Assistance League for their work and especially their support of the arts in Beaverton. Committee Vice Chair Jean Geiger was there to accept the award.

Wendel said that the Art in the Community Awards recognized and spotlighted the distinguished Visual and Performing Arts programs in the community. She said in the area of Visual Arts, the award was presented to the Washington County Historical Society. She explained that the organization did much to foster the appreciation of the community's heritage and history and initiated a new art project--a series of exhibitions to promote the Washington County Historical Society. She said the project showcased the talents of local and professional student artists, with the purpose of promoting the Washington County Historical Society's new book, *This Far Off Sunset Land*. She presented the award to Museum Curator Barbara Doyle, who commented that they could not have done it without the support of Jayne Scott and the BAC.

Wendel announced that the second Community Award went to a performing organization, The Filipino-American Friendship Club Youth Dance Troop, and played a videotape of one of their performances. She introduced the dancers and invited them and their teacher to come forward to receive the award.

Wendel presented the next awards to sisters, Andrea and Jacqueline Metz for the Outstanding Student Artists for 1999. A portion of a videotape of Andrea's performance was played. She was not able to attend as she was participating in another music competition. She introduced Jacqueline Metz, reviewed her many accomplishments, and a video of one of her performances was shown.

Wendel announced that the recipient of Individual Member of Year award was Geneva Manaton who served on the BAC Visual Arts Committee.

Wendel said the Outstanding Art Educator Award and fond remembrances went to Carol Coburn who had been the Drama teacher at Aloha High School, for 22 years. She said Coburn would be deeply missed.

Wendel expressed the Commission's appreciation to the Mayor and Council members for the opportunity to recognize the outstanding community members for their achievements and contribution to the arts.

99-173 Tree City USA Award

Steve Brennan, Urban Forestry Supervisor, and Chuck Anderson with State of Oregon Department of Forestry, introduced themselves.

Brennan said he was pleased to be there and told the Council that it was the fifth year that Beaverton had received the designation of "Tree City USA". He noted that through the City's community efforts, they would also be receiving an award for education and public relations, which was a Growth Award.

Anderson said he was present to recognize the City of Beaverton for its fifth year of being a "Tree City USA," and presented a replacement flag and five-year plaque. He explained that the award recognized the efforts and commitments by the City of Beaverton. He reported that this was an achievement that only 33 Oregon communities and 2200 cities nationwide shared. He said he was presenting the award to the City for its accomplishments in 1998, on behalf of the National Audubon Society and the Oregon Department of Forestry.

Anderson noted that the second award was the Growth Award, for cities that went beyond the basic Tree City requirements and reported that there were only eight other cities in Oregon that had achieved the honor. He said he recognized that education and public relations were key components in managing City government and recognized the City of Beaverton's accomplishments in promoting tree growth through such areas as continuing education, literature and publication distribution, tree care workshops, engineering and forestry coordination within the City. He expressed his personal appreciation for the commitment and support the City had given to trees, which enhance the overall livability, environmental, and economic benefits of the community.

Mayor Drake received the plaque and new flag as well as the certificate. He thanked Anderson for taking the time to come to the meeting and thanked Brennan for his and his staff's work on trees in the community.

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

COUNCIL ITEMS:

Coun. Soth noted that it was Flag Day, and reported that he and Mayor Drake had participated in the Flag Day celebration the previous day at Griffith Park. He said there were a host of citizens present and noted that there were nine flags presented to Scouts who had earned the Eagle Rank in Scouting. He noted that these were our future leaders and not too

far in the future. He expressed his appreciation to the adults who supported the activities of these young people.

Coun. Yuen noted that there was a fatality along the MAX Light Rail line, a pedestrian, and he wanted to remind people to take extra care and watch for the trains.

Coun. Stanton noted that the Five Oaks/Triple Creek NAC Mayor's Walk was scheduled for that Wednesday. She reported that the dedication for the new Fire Station was the past week and it was a wonderful event.

STAFF ITEMS:

Linda Adlard, Chief of Staff, noted that the Red Light Enforcement Bill and the Photo Radar bill would be before the Senate Transportation Committee within the next week and the Transportation Committee had requested that they be "city specific," so there was still work to be accomplished. She noted that there would be a target enforcement program for red light running, and said there would be officers issuing citations at a dozen different intersections. She noted that 50% of accidents at intersections were from red light running. She reported the first meeting of the Red Light Running Coalition was held and citizens were enthusiastic.

CONSENT AGENDA:

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

- 99-174 Construction Contract Award for the Lombard Gardens CDBG/LID Street Utility Improvement
- 99-175 CDD Fee Schedule Amendment – New Permit Fee
- 99-176 Town Center Text and Map Amendments
- 99-177 Deer Creek Subdivision Water System Development Charge (SDC) Reimbursement

Contract Review Board:

- 99-178 Consultant Contract Award for the Lombard Gardens CDBG/LID Street and Utility Improvement
- 99-179 Contract Change Order – Additional Architectural Services for the Beaverton Community Center Addition Project

Coun. Stanton asked about the resolution she had received, regarding the Murray Hill Town Center, since there was not anything in an agenda bill referring to it.

Mayor Drake explained that there would be a separate motion.

Coun. Brezezinski noted a typographical error on Agenda Bill 99-177, the figure was incorrect in the Recommended action, it was \$37 million when it should have been \$37 thousand.

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

Resolution Related to Beaverton School District

Coun. Soth MOVED, SECONDED by Coun. Doyle, to pass the resolution which was included as an attachment to a memorandum from the City Recorder dated June 10, 1999, regarding Beaverton School District and their efforts to identify and procure locations for additional schools in the City of Beaverton.

Coun. Soth stated that during his time on the Council, they had always tried to cooperate with the School and Park Districts and other entities. He said the City worked very closely with them toward a common purpose and that was what was considered a high-class city, one in which the citizens were aware that those people who represented them were cognizant and conscious of all of their needs. He noted that this was one of those situations and the School District had had difficulty finding locations for schools in the appropriate portions of the District, particularly in those that were more urbanized than others. He said this reaffirmed historical activities of cooperation with the School District.

Coun. Doyle stated that he would support the motion and said he wished there were more the Council could do. He clarified that he knew they could not take care of such things as specific as where a school would be built. He said it was a failure of state law because the City could site the rest of the things in the City, but not schools.

Coun. Yuen said he was supportive of the School District efforts but he wondered what it would commit the City to do. He read from the document page 2, point 4, (in record) and said it seemed to support the School District's desire to obtain property, but on the other hand the word *implement* seemed to imply that the City was going to do more than just agree with the School District that it needed to be done. He explained that it seemed to imply that the City was actually going to go out and identify some property for them, and wondered if that meant that the City would then be committed to a process of acquisition.

Joe Grillo, Community Development Director clarified that it did not commit the City to finding property. He explained that at the staff level they had been working very closely with the School District staff to make suggestions, but the ultimate responsibility of finding an additional site for an elementary school rested with the School District. He noted they were

in the process of looking at other properties in and around the Murray Scholls Town Center area that might work better within their site planning criteria along with their financial constraints.

Coun. Stanton stated that when she read it, she understood it to mean that if a developer came into the area of the Murray Scholls Town Center, and did not include a school, the developer would not get far in the approval process, unless they found some land to sell to the School District.

Grillo reported that after a lot of public process and debate at the Planning Commission, the likelihood of finding a viable building school site was limited. He explained that what the School District was looking for from this resolution was that if they found a site, the City would be there in support, especially if they found a site outside the Urban Growth Boundary (UGB). He commented that the City would have to be there in a partnership to bring a viable elementary school site inside the UGB. He explained that from the staff's standpoint, that was the commitment through the resolution they were looking for; the School District would find the site. He said the School District was looking for the City's assistance where it was needed, particularly if they have to go in front of another government body in order to make that site viable.

Mayor Drake noted that Metro had a process whereby boundary adjustments could be made and specifically for something like a school site. He said this is what the resolution really is and pointed out that there was property that was either too expensive or no one voluntarily wanted to sell property to a School District, so their only option was to condemn property. He clarified that this was another option, Metro had supported it, the Director of Development Services for Metro was the City's former Director of Community Development and she understood the uniqueness of the Town Center area and the issues around providing a school site. He said this was an effort to support, on a formal level, the District's efforts to find a school site.

Coun. Stanton thanked Grillo but went back to point #4, which was the language that Coun. Yuen referenced. She noted that it stated "it's planning document shall be *implemented* on the basis of at least an elementary school site capable of serving.... She said that what Grillo had referred was covered in point #2, in terms of having to go to another jurisdiction. She stated that she was concerned with the "it's planning documents shall be *implemented* on the basis of at least one elementary school." She asked if that meant that Murray Scholls Town Center would not go forward in terms of any kind of development until a site had been secured. She declared she did not understand the "shall be implemented" terminology.

Grillo clarified that it was not the staff's interpretation that if a development came in, the development would not be able to go forward if the School District had not found a site. He explained that the School District had a

number of options, one of which might be to participate at this level or to elevate this issue in front of the Council on an appeal, which was their right to do, but they had chosen not go down that path. He said there was nothing in state law that allowed the City to deny a development application solely on the basis of school capacity. He said the burden rested with the School District to find a site. He reported that they had told the School District that the largest property owner was actively looking at development plans in and around the old Progress quarry. He said it was a question of timing and how fast the School District was going to procure another site. He reported that the School District was working diligently to find a site, and the major property owner had in fact offered 5-10 acre site at his cost. He noted that at cost, in terms of acreage, was extremely expensive within the UGB.

Coun. Stanton said that she did not understand how the Town Center plan would be implemented.

Coun. Yuen asked if they could remove the sentence with which he and Coun. Stanton had concerns. He explained that from what he had heard about the intent of the document, he did not see that the sentence did anything to add to the document and it might be better if it was simply eliminated. He suggested deleting the last sentence that began with "Accordingly..."

Coun. Stanton said she was not against it, but wanted to understand it.

Mayor Drake clarified that there was nothing there that required it, the resolution was a statement of cooperation acknowledging, one, that Beaverton citizens and the City, and certainly those in the School District outside the City, were supportive of locating school sites and providing those sites ahead of time. He said secondly, this was the City joining hands with the School District saying seriously to find a school site ahead of time, and work together to locate the site. He stated that he did not feel the last sentence was necessary but felt it didn't hurt anything, it just reinforced what was already there.

Coun. Doyle stated that the verb that was critical was *should be identified*, which simply implied that it should happen but was not mandatory. He felt that it conveyed the intent of the Council, the planning staff and the School District, to make sure that when they do the development, they do not lose sight of the fact they need space for a school.

Coun. Stanton said she was concerned because you could not have a *shall* and a *should* in the same sentence. She stated that she did not support language that was open to interpretation down the road.

Mayor Drake asked Mark Pilliod, City Attorney, if he saw any difficulty or could he reduce Coun. Yuen's concerns on that last sentence, or suggest a word change that might achieve the same goal.

Pilliod did not think he could.

Coun. Brzezinski asked if they could substitute the word *considered* instead of *implemented: shall be considered on the basis....* She said she needed to make sure it didn't do something to Community Development that they didn't want to happen.

Mayor Drake noted that it was critical and they had pushed it up on the agenda because the School District had said they had a tight timeline. He stated that the proposed change would not significantly change the intent.

Coun. Soth said he did not think it was a substantive change and he was willing to accept the change as a friendly amendment.

Coun. Yuen stated that whatever they did with the last sentence, might make it worse than better. He expressed his concern that someone would make an issue of this later on. He said the Council wanted to work with the School District and agreed that there is a need for an elementary school, but anything that distracted from that was not helpful.

Mayor Drake pointed out that the second sentence reinforced the first, and what needed to be considered was did it reinforce the first sentence. He said *implement* was a strong action and if this wasn't done then the document couldn't be implemented. He stated that the word *considered* meant that the planning document should contain an element considering an elementary school site. He said he did not think there was any change of substance; if anything it really toned it down in terms of mandate and reinforced the first sentence.

Coun. Yuen said maybe what they wanted to say was to eliminate the second clause of the sentence after "accordingly" and change it to say something like, "accordingly the City Council recommends that at least an elementary school capable...". He said this would have the Council going on the record as supporting, but eliminating the word *implement*.

Mayor Drake asked Coun Yuen if he did not want the plan to include schools and to formally recognize schools as a placeholder of concern.

Coun. Yuen stated that he thought that was what he said, that the City Council recommended that "at least an elementary school site capable," would fairly clearly say that the Council recommended that it be done but that the Council was not obligating themselves or implying that they might hold up a process until a school site was found. He said the Council was simply recommending that the School District find one.

Mayor Drake asked if the word *plan* needed to be there, or was Coun. Yuen's suggestion sufficient.

Grillo replied that it could go either way and this was a wishy-washy statement. He explained that the School District wanted to be sure the

Council understood that within the Town Center Planning effort and the Planning documents, they had a place at the table as part of the planning effort throughout the Town Center Plan and the planning documents. He noted that the District wanted the City to agree that within these statements, these documents and in the projected population and employment, there is a need for another elementary school. He agreed they wanted to maintain that tie with the planning documents and the plan itself. He noted that they were also cognizant that they could not go forward, and then also say that in addition to that, for any development application that came in, it could not go forward unless there was an elementary school site. He stated this sentence was crafted to recognize the District's position within the planning process and that the Council recognized that and that there had to be another elementary school out there somewhere, in order to really make this plan happen in its totality.

Coun. Brzezinski stated that point #1 said the City would cooperate; point #2 said the City recognized the need for an elementary school; and point #3 said the School District had a place at the table in the joint planning process. She clarified that those were the three things that point #4 was designed to do, but she was not sure what it added. She wanted to know what the unique contribution was in point #4 that had not been hit in points #1, 2, and 3.

Grillo said he did not see anything new that wasn't already addressed.

Coun. Yuen offered that, as friendly amendment, they delete point #4.

Coun. Soth, who made the motion, accepted the amendment.

Mayor Drake repeated the motion as: To support the June 10 memo from the City Recorder resolution, basically in support of the School District's efforts to obtain a school site in the Murray Scholls planning area, deleting #4.

Coun. Doyle said the seconded would go along with the friendly amendment to delete point #4.

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

OTHER BUSINESS:

Coun. Doyle MOVED, SECONDED by Coun. Yuen that the City Attorney proceed on a matter of litigation as directed by the Council during the Executive Session. Coun. Brzezinski, Soth, Doyle, Yuen voting AYE, Coun. Stanton abstaining, the motion CARRIED. (4:0:1)

PUBLIC HEARING:

99-180 A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 1999

Coun. Stanton asked Patrick O'Claire, Finance Director, to just answer her usual question on this matter. (Were there any changes the Council was not aware of?)

O'Claire said the resolution embodied the exact discussion that was deliberated on by the budget committee on May 10 and 12, 1999, and formerly recommended for passage to the City Council with no additions, deletion, and changes.

Mayor Drake opened the public hearing.

There was no one present who wished to speak.

The public hearing was closed.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the Council approve the resolution to adopt the budget for fiscal year, commencing July 1, 1999 as outlined in Agenda Bill 99-180, which included making and declaring ad valorem tax levy.

Coun. Stanton pointed out that on the table in front of O'Claire there was a binder that contained the City Budget. She reported that it had been reviewed by the Budget Committee at previous meetings.

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

Coun. Yuen expressed his appreciation to Randy Wooley, Traffic Engineer, for passing along his concerns about the LRT crossing gates at Elmonica Station. He noted that two or three weeks earlier there had been a road rage incident in Hillsboro and on into Beaverton where they were apprehended. He noted that the newscaster said that Beaverton did not have a Road Rage Law, and he wondered if anyone had explored that issue.

Mayor Drake said it had been discussed in-depth at a department head meeting. He explained that that kind of issue was covered by existing laws in Beaverton.

Coun. Yuen stated that relieved some of his concerns, and said people needed to be discouraged from such behavior.

Mayor Drake noted that there was a basketball shootout recently and Chief Dave Bishop beat Tualatin Valley Fire Chief Jeff Johnson who was 20 years younger.

Coun. Stanton noted that the past week they talked about finding another vehicle or going in different cars rather than the truck for the Good Neighbor Days Parade.

Coun. Yuen said he did not want to ride in a separate car, but just not the dump truck.

Mayor Drake reported that they had considered having two convertibles.

Coun. Stanton said they were elected individually, but they were a body and should be seen together.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this day 18th of October, 1999

Rob Drake, Mayor