

REGULAR MEETING

September 13, 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, September 13, 1999 at 5:39 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Dennis Doyle, Forrest Soth, Wes Yuen and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were City Attorney Mark Pilliod, and City Recorder Darleen Cogburn.

EXECUTIVE SESSSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the 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.

The executive session convened at 5:40 p.m.

The executive session adjourned at 6:10 p.m.

The regular meeting reconvened at 6:34 p.m.

Also present at the regular meeting were Finance Director Patrick O'Claire, Community Development Joe Grillo, Police Chief David Bishop, Library Director Shirley George, Human Resources Director Sandra Miller, and City Utilities Engineer David Winship.

CITIZEN COMMUNICATION:

Henry Kane noted that he had filed an objection to the date of October 4, 1999 for a hearing in the event there was an appeal filed in the Magnolia Green issue. He stated that the time was too short and the issue was too complex. He declared that the appellant and or if the appellant was not the applicant the applicant must also agree. He said Magnolia Green involved wetlands issues and if the Council had approved an October 4 hearing date, they should consult with the City Attorney.

Kane said he noticed that the City had also approved \$76,000 in outside legal fees relating to *The Round*. He questioned if the project was in foreclosure and suggested that the City should not pay money to get a property with a lien. He suggested the City should first get an appraisal as to if what was paid was equal to or more than market value.

Kane commented that Council also had received his letter on the Aspen Woods mediation matter and as a party he expected to be copied and take part in mediations.

COUNCIL ITEMS:

Coun. Soth reported the League of Oregon Cities (LOC) Water Committee, on which he served, met the past week, and there were some important issues discussed. He noted that somewhere near \$90 billion was the estimate for costs to local governments for some of the new EPA requirements. He said he would be keeping a close eye on that and would keep the Council informed.

Coun. Stanton reminded everyone that on Saturday, October 16, the City would sponsor the Annual Heritage Celebration at Beaverton Mall from 11:00 a.m. to 5:00 p.m.

Coun. Doyle said the Highland Neighborhood Association (NAC) was having their picnic and everyone was invited to Fir Grove School from 5-8:00 p.m. on September 17, 1999.

STAFF ITEMS:

There were none.

PRESENTATION:

99-280 Recognition of Dorothy and Wally Fisher – 1999 Good Neighbors of the Year

Mayor Drake asked Dorothy and Wally Fisher to come forward to the testimony table. He recalled that they were chosen as Good Neighbors of the Year during the summer. He read about the Fishers and reviewed their many contributions to the community. He said they had worked with the Police Department and Tualatin Hills Park and Recreation District (THPRD) to improve Schiffler Park and make it safe and welcoming to everyone.

Mr. Fischer said it was a pleasure for them to be honored and he heartily encouraged everyone to get involved in community events. He noted that they were being honored, but many had helped make it possible to improve Schiffler Park. He said they had enjoyed working with the Police, THPRD and the City because they all cooperated so well.

Mrs. Fischer thanked them for the nice gifts and bouquets they received and said it was a wonderful surprise.

Coun. Doyle offered his congratulations to the Fishers and said he and his family appreciated all they had done.

The Fishers were given a round of applause.

99-281

Presentation on the Beaverton Police Activities League

Andrea Gattrell-Moore, Sergeant with the Beaverton Police Department addressed Council and said she was there that evening to update the Council on activities of the Police Activities League (PAL). She noted they had a very productive summer with two main fundraising highlights. She listed a breakdance competition with over 200 children and a martial arts tournament at the THPRD facility at 158th and Walker.

Francine Raften-Schmidt said she was proud to be on the board of Beaverton PAL, and very proud of the great activities that were being sponsored. She said the martial arts event had over 2000 people involved and raised a good amount of money for the PAL. She introduced Leslie Mundt, Program Coordinator with THPRD, Christy Kellehr, Shawn Keren, Sifu Al Dacascos and others associated with the martial arts event.

Shawn Keren said martial arts involved not only physical development, but also spiritual and character development. He said they decided to use the martial arts tournament to raise money to help PAL and presented a check to PAL for \$3000.

Raften-Schmidt said they would continue to work together.

Sam Wade, Beaverton Police Officer said they were currently working with several other businesses for fundraising and sponsoring programs for some kids this year. He said they would be targeting all of the middle schools in the district that year.

Raften-Schmidt said support was throughout so many different levels of the community and that included the administration of the Beaverton Police Department.

Coun. Soth asked if PAL was a tax-exempt organization.

Raften-Schmidt said it was.

Kevin O'Keefe, Lieutenant with the Beaverton Police Department, said they got support from many different areas and much of the best support came from the members of the Police Department themselves and without them it would be difficult to keep going. He reported that they received a lot of help from the line officers to help at functions.

Travis Neliton, Beaverton Police Officer with the DARE Program, said it was great to be able to work with kids from various areas and with PAL. He explained there were many different things to do, and they could pair kids with officers who had similar interests. He said the fishing trip they had during the summer was a great success. He noted that there were three officers teaching Kung Fu who have been teaching it on their own time several times a week. He reported the PAL center on Farmington and Watson would be open after school so kids could drop in, where kids would have a chance to be with police officers and another adults as role models. He noted they were looking forward to other activities where tickets had been donated through the PAL program contacts. He reported that the Police Association at the City had donated their weight and workout equipment to the PAL center.

John White said he was a new member on the PAL Board, and was working on enhancing the computer program. He noted that several members were working to get eight complete systems for kids to use. He reported that in August they hired a full-time executive director, and in the last year the Board raised \$16,000 for PAL from the business community in Beaverton. He noted PAL would be open from 2:30 to 7:00 p.m. daily.

Mayor Drake said he had been at the facility and asked for clarification on the address for the benefit of the audience.

White said it was at the corner of Farmington and Watson.

Raften-Schmidt noted that on September 30, the Board would be participating in a goal setting and strategy session and invited those present to attend.

Mayor Drake pointed out that the officers donated their own free time to PAL and at one time 33% of the officers were involved.

Coun. Doyle asked how kids could get involved.

Raften-Schmidt said they could just drop in or call 526-2459.

Officer Neliton stated the PAL address was 12602 SW Farmington and the actual PAL Center Phone Number was 469-9137.

Coun. Doyle encouraged people to get involved and donate funds.

CONSENT AGENDA:

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

99-282 Liquor License: Change of Ownership-Scholl's & Allen Market and Deli

99-283 A Resolution of the City of Beaverton Approving the Request by the City of Wilsonville to Withdraw from Membership in the Metropolitan Area Communications Commission

99-284 CUP 99003 Gramor Murray Scholls

99-285 Bid Award – Construction of Beaverton Central Combined Wetland Mitigation

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

PUBLIC HEARING:

99-286 Edgewood Downs 0.02 Acre Annexation (ANX 99-00006)

Coun. Stanton referred to the site plan that was submitted and approved the past year, she said she assumed staff just missed that it was not part of the City.

Barbara Fryer, Senior Planner, reported that the proposal, which came before the Board of Design Review was incorrect and staff had assumed it was correct.

Mayor Drake opened the Public Hearing and asked for any possible testimony for or against the proposal.

There was no one who wished to testify.

Mayor Drake closed the Public Hearing.

Mayor Drake stated that Coun. Brzezinski was not there that evening but had commented that the Police Chief had expressed his concern about the City leaving a piece of property as an island. He explained the Chief's concern involved the mutual aid agreement with the Sheriff's Office so some service would be provided to the location. He noted that Coun. Brzezinski's concern was whether or not that issue been addressed. He commented the Council had traditionally not annexed people who did not wish to be annexed in spite of the property being an island. He said he had talked with the Chief and he explained that it would be easier to address emergencies if the property was in the City. He said the Chief had clarified that with the mutual aide agreements, whichever jurisdiction with the closest would respond.

Coun. Soth MOVED, SECONDED by Coun. Yuen, for approval of AB 99-286, Edgewood Downs 0.02 Acre Annexation (ANX 99-00006).

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

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinances embodied in ABs 99-287, 99-288, 99-289, 99-290, and 99-291 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, Doyle, Yuen, and Stanton voting AYE, the motion CARRIED unanimously (4:0)

First Reading:

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

- 99-287 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan, by Adopting the Updated Significant Tree Inventory Map and Supporting Documentation; CPA 99007 and CPA 99008
- 99-288 An Ordinance Amending Ordinance No. 4031 to Correct the Corporate Name of the Franchisee
- 99-289 An Ordinance Annexing a Parcel of Land Lying Generally Outside the Existing City Limits to the City of Beaverton; ANX 99-00005, (Tuffli "Expedited" Annexation)
- 99-290 An Ordinance Annexing A Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00003, (Gilbert "Expedited" Annexation)
- 99-291 An Ordinance Annexing four Parcels of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00004, (Cornell Oaks Corporate Center "Expedited" Annexation)

Second Reading and Passage:

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

- 99-274 An Ordinance Amending Chapter 6 and Chapter 9 of the Beaverton City Code Relating to Streets and Other Traffic Matters as a Result of the Implementation of the Transportation System Plan, TA 980008
- 99-275 An Ordinance Establishing Standard Engineering Designs and Drawings; Providing Related Requirements; TA 980008
- 99-276 An Ordinance Amending the Development Code, Ordinance No. 2050, (as Amended through Ordinance No 4047), by Repealing, Amending and Adding Provisions Relating to Transportation Facilities in Order to Implement the Transportation System Plan, TA 980008

- 99-277 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan, By Adopting the Updated 1997 Transportation System Plan as Part of the Public Facilities Plan, CPA 98022
- 99-278 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan, By Repealing Chapter Six – Transportation Element – In its Entirety and Adopting a New Chapter Six – Transportation Element – Including Maps, Figures and Drawings; CPA 98021
- 99-279 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan, By Repealing Certain Maps, Redesignating the Remaining Maps With New Numbers and By Amending All Textual References to the Repealed Maps; CPA 98020

Coun. Soth MOVED, SECONDED, by Coun. Yuen, that the ordinances embodied in ABs 99-274, 99-275, 99-276, 99-277, 99-278 and 99-279 now pass. Roll call vote. Couns. Doyle, Stanton, Soth and Yuen voting AYE, motion CARRIED unanimously (4:0)

OTHER BUSINESS:

Mayor Drake noted that he had given the Council a copy of a letter from Washington County Commission Chair Tom Brian, regarding House Bill 2082, which addressed Transportation Finance (copy in record). He explained that Brian was asking for their comments about whether the Board should vote to impose a \$10.00 County vehicle registration fee increase and if they had specific ideas or proposals on the distribution of the money, if the board decided to exercise its authority.

Coun. Stanton stated that she was comfortable with increasing the vehicle registration fee in Washington County by \$10. She said she would like a sizable portion of the funds paid by City residents to return to the City for road improvements. She clarified that she was not concerned about how they figured out how the funds were distributed as long as some of the money was used for road improvements and maintenance.

Coun. Soth agreed with Coun. Stanton that \$10 was not that much money. He said he preferred that the three counties to impose the same fee simultaneously, so it would not be fragmented. He suggested that it would be fair to make the distribution based on the same ratio as the gasoline tax.

Coun. Doyle expressed his agreement with the other comments and asked who would determine the distribution formula.

Mayor Drake said he believed the counties would do that.

Coun. Yuen stated that he would generally support the County proceeding on the issue. He said he was not sure that, unlike a gasoline tax where a

fee was implemented, that one county would be at a competitive disadvantage if it imposed the tax versus the other counties who hadn't imposed the tax yet. He said this was a vehicle registration fee and other members of the Council might have more information than he did. He said he did not see the necessity of having the other counties concur, and did not know if that was necessary. He said if others were less anxious to go forward, Washington County should not be reluctant to go forward.

Coun. Yuen stated that he thought they should have some opportunity to consider what their options were rather than decide that night. He noted it might be better to pool the funds and do some major project that would benefit the entire region rather than just portion it out. He said he would like to see what the amounts were and would prefer a work session where staff could present some ideas of what the options were.

Mayor Drake explained that the letter outlined that there were only certain things that could be done with the money (in record). He said it appeared the cities and the County would decide how the money would be allocated.

Coun. Soth said in regard to the tri-county approach, they had some experience with a County gasoline tax, and people went on the other side of the County line to avoid paying tax causing the County to lose revenue. He said people could register their vehicle at their business address in another County and avoid it.

Mayor Drake reported that in Multnomah County the money would be used on Willamette River bridges.

Coun. Stanton asked about the letter's reference to a potential referendum and wondered if the referendum would be for the entire House Bill or just for that portion that related to gas tax.

Mayor Drake said he understood that AAA intended to refer the entire House Bill to the voters. He explained it would be either "Yes" on House Bill 2082 and all its provisions or "No" on House Bill 2082. He said the intention at that point was not to impose any of the increases on gas or the registration pending on whether this would be put on the ballot.

Coun. Stanton explained that AAA of Oregon and Utah was seeking to put a referendum on the ballot to have a voter approval of this gas tax and vehicle registration. She said the public would be hearing more about it. (Coun. Stanton corrected her statement from Utah to Idaho.)

Mayor Drake noted that there was a collective opinion that it would appear on the ballot. He said there seemed to be a groundswell of support from industry to defeat the repeal of HB 2086.

Coun. Doyle noted that the memo stated that DMV needed a few months to get their program set up to implement the changes.

Mayor Drake concluded that he thought that Coun. Yuen's concerns could be addressed on an annual basis whether the Council would want to allocate money to a regional project or keep it all within the City. He asked Coun. Yuen if he would prefer to leave it open at that point.

Coun. Yuen pointed out that this memo showed up late in the day and it was short notice, and he agreed that it should be an annual basis. He said, depending on the amount of funds available, he wanted them to be circumspect with how they might use the money.

Coun. Doyle stated that he concurred with Coun. Yuen and said he thought they should discuss it.

Coun. Stanton referred to point three and said the phrasing was new Oregon Department of Transportation (ODOT) phrasing for state funds, and noted that it covered everything.

Mayor Drake said the funds were dedicated to what was normally done with gasoline tax dollars.

Mayor Drake concluded that there was consensus.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:25 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 13th day of December, 1999

Rob Drake, Mayor