

REGULAR MEETING

November 1, 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, November 1, 1999 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Yuen was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Traffic Engineer Randy Wooley, and Deputy City Recorder Sue Nelson.

CITIZEN COMMUNICATION:

There was no present that wished to speak.

COUNCIL ITEMS:

Coun. Doyle reminded everyone of the Beaverton Arts Commission Showcase, a gala event on Saturday, November 6, 1999.

Coun. Soth reminded the Council of the League of Oregon Cities (LOC) Annual Conference and Business Meeting on November 12; and City clean-up day, Saturday, November 6. He said the clean-up would not include wet garbage, tires, or hazardous waste.

Coun. Stanton said that porcelain could be recycled and she could take toilets to be recycled, in her car. She asked that they be properly wrapped and secured.

STAFF ITEMS:

There were no staff items.

PROCLAMATION:

November 1999 - Mediation Month

CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Doyle, to remand AB 99-341 to the Traffic Commission for reconsideration and to review additional information (that she had provided) and reconsider the posting of 30 and look at 25 mph. Couns. Stanton, Doyle, Brzezinski and Soth voting AYE, the motion CARRIED unanimously. (4:0)

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

- 99-337 Liquor License – New Outlet: Pepita Express
- 99-338 Authorize the Mayor to Enter into an Intergovernmental Agreement with Washington County for the MSTIP 2 Bikeway Project
- 99-339 Bid Award Relamping City Hall
- 99-340 Bid Award – Pedestrian Signal Conversion on 155th Avenue
- 99-341 Traffic Control Board Issue 418 (continued from 10/18/99) (Pulled and remanded to Traffic Commission.)
- 99-342 Traffic Control Board Issues 420 and 421

Contract Review Board:

- 99-343 Waiver of Sealed Bid Purchase of Ergonomic Equipment From an Existing Bid Award Through the City of Portland
- 99-344 Waiver of Sealed Bidding – Lease of Storage Space for Police Property and Evidence
- 99-345 Contract Award – Environmental Engineering Services for the MSTIP 2 Bikeway Project
- 99-350 Exemption from Competitive Bidding, Approval of Contract with Enron Microclimates for Emergency Maintenance of The Round, Authorize Inclusion of Appropriation in Supplemental Budget

Question called on the motion. Couns. Soth, Doyle, Brzezinski, and Stanton voting AYE, motion CARRIED unanimously. (4-0)

PUBLIC HEARING:

Appeal Hearing on Traffic Control Board Issue 411 Regarding the Striping of Bike Lanes on SW 5th Street Between Maple Avenue and Lombard Avenue and Associated Parking Restrictions (continued from 9/27/99)

Mayor Drake noted that the hearing had been continued, so he closed the public hearing at that time.

Coun. Doyle MOVED, SECONDED by Coun. Soth, to remand AB 99-301 back to the Traffic Commission.

Mark Pilliod, City Attorney, suggested that if the Councilors had directions to the Traffic Commission (TC), that night would be an appropriate time.

Coun. Doyle said he would like staff to consider pulling back one or two spaces from the corner and retaining the turn lane. He noted that would keep the parking for the neighborhood. He said that would be a compromise, but he would like to have the TC look at it again.

Coun. Soth said he would like the Traffic Control Board look at the proposals that came forward, and also wondered how many bicycles they saw in the traffic counts.

Coun. Stanton explained for those present (that were) not familiar with the issue, they were looking at installing bike lanes on Fifth Street and there was an issue on the northeast corner of Lombard and Fifth where there were apartments. She stated that they had been grappling with the issue of parking for the residents and the need for bike lanes. She said they wanted to send the issue back to the Traffic Commission to look at other ideas to see if both needs could be accommodated.

Coun. Brzezinski said there were four options from Traffic Engineer Randy Wooley; one was recommended from the Traffic Commission, and she wondered if the other three options were ones the Traffic Commission did not consider.

Wooley clarified that deletion of the left-turn lane was a new option, and the others were before the Traffic Commission previously.

Coun. Doyle asked if what he had just proposed was a new approach.

Wooley said that was correct.

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

Work Session:

99-346

Work Session with Beaverton Arts Commission Executive Board

Mayor Drake introduced Sue Wendel, President of the Beaverton Arts Commission (BAC), Jim McCreight, Past President, Lori Leyba Kramer, President-elect, and Susan Toler, Secretary.

Sue Wendel explained that the purpose of the work session was to reaffirm their service to the community through their important joint partnership with the City, and to present the revision to the Arts Commission Ordinance. She said the ordinance should best reflect past, current, and future practice. She noted that for the past sixteen years, BAC had served a common goal with the City to preserve and enhance their sense of community. She said BAC presented a variety of events, administers the City's art programs, partners with other organizations to address community issues and serves as an arts and cultural resource to citizens, organizations and artists. She distributed BAC's new brochure to the Councilors (in record).

Wendel said the program built a sense of community through the arts, and pointed out that the second annual Beaverton Visual Chronicles Collection was hanging in the Council Chamber. She noted that they were pleased to have Connie Soth, (Coun. Soth's wife), serve on the Visual Chronicles selection committee. She reported that through the 1% for Art process a beautiful granite bench would be dedicated at the newly expanded Community Center. She said they were pleased to work with Chief of Staff Linda Adlard, on the 1% for Art project for the new library. She said the formation of the Beaverton Arts Foundation would allow BAC Arts Commission to raise funds through a 501C-3 designation.

Wendel invited everyone to the 18th annual Showcase Gala November 6 at Beaverton Mall. She said Tom Grant would entertain, and over 100 artist would be exhibiting their art. She noted that this year they would have Family Art Sunday, part of the revamped Showcase schedule. She reported that the BAC partnership with the City linked an Americorp worker from Beaverton High School, the Beaverton Police department, and artist Sarah Fein to produce a mural on the wall by TJ MAXX that can be seen when riding the MAX train. She reported that twenty students were involved in creating the mural, where once unsightly graffiti ruled.

Wendel announced that BAC would be participating in the first Washington County Arts and Cultural Summit, Monday November 8, and invited the Council to attend. She said she and Coun. Doyle had served on the steering committee that planned the summit.

Wendel explained that they were there that evening, because the Mayor had recommended that they have this discussion outside the budget process. She stated that over the past 16 years the City had continuously contributed financially to BAC. She clarified that the Commission felt that revising the ordinance would better reflect current practice and also help to clarify the City's past and future funding of BAC. She said that over the past 16 years, their partnership with the City had been appreciated, vital and mutually beneficial. She said they would answer questions.

Coun. Stanton said she would be attending Showcase, after the Clean-up event.

Coun. Soth asked about the proposed ordinance and wondered if it had been worked on with the City Attorney's office.

Wendel said that was the process they followed.

Coun. Doyle noted that the ordinance had been drafted by staff, because he did not think BAC used the word "whereas" very much!

Mayor Drake pointed out that it had been a while since it was updated.

Coun Brzezinski MOVED, SECONDED by Coun. Doyle, that AB 99-346 be approved as recommended.

Coun. Brzezinski said they appreciated the work of the Commission and the fact that BAC had been funded every year, even though the ordinance did not say that, showed the importance the Council placed on the activities of the Commission.

Coun. Doyle said he would support the motion since it would end the annual questions at the Budget Committee meeting. He reiterated his feelings that BAC was dynamic and important to the City.

Coun. Stanton complimented them on their terrific Director Jayne Scott, and the dynamic board.

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

Jim McCreight explained that they had formed the Beaverton Arts Foundation and noted that the City Arts Commission 501C-6 tax designation, was not eligible to receive funds from some foundations because their bylaws only allow them to give to 501C-3 entities, which is an IRS designation for a charitable organization. He reported that he and Jayne Scott as individuals had incorporated a non-profit corporation with the State and called it the Beaverton Arts Foundation. He stated that he had filed the appropriate papers with the IRS and they did receive their 501C-3 designation. He announced that the first board of the Beaverton Arts Foundation would meet in about two weeks to adopt the bylaws. He reported that he, Coun. Doyle, Pat Reser, Mike Herzog, Paula Kinney, and Lori Leyba Kramer, would be on the board, with Jayne Scott would be an ex-officio member as the liaison with BAC. He pointed out that their purpose was to generate funds for BAC and all funds would be channeled back to BAC.

ORDINANCES:
Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the rules be suspended, and that the ordinances embodied in AB 99-347, 99-348, 99-349, 99-320 and 99-321 be read 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 Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED, unanimously (4:0)

First Reading:

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

- 99-347 An Ordinance Annexing 1.98 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX99-00007, (Hendrickson)
- 99-348 An Ordinance Amending Chapter 9 of the Beaverton City Code Relating to Community Development (1999 Omnibus #2)
- 99-349 An Ordinance Amending Ordinance No. 2050, the Development Code, to Bring the City of Beaverton into Compliance with Metro Code Chapter 3.07, Titles 2, 4, and 8 Requirements, and Modify Other Sections of the Development Code for Clarity (1999 Omnibus #2)
- 99-320 An Ordinance Amending Ordinance No. 2050, the Development Code, by Adding New Provisions for Regional Center Zoning Districts and Modifying the Existing Town Center Commercial Zoning Text to Assure Internal Consistency throughout the Code; TA 980005 (Appeal)(carried from 10/18/99)
- 99-321 An Ordinance Amending Ordinance No. 2050, the Zoning Map, from Town Center (TC) to Regional Center – Transit Oriented (RC-TO), Regional Center – East (RC-E) and Regional Center – Old Town (RC-OT), RZ 980015 (carried from 10/18/99)

Second Reading and Passage:

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

- 99-335 An Ordinance Annexing 8.9 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00008, (CE John)
- 99-336 An Ordinance Annexing 0.02 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-0006, (Edgewood Downs)

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that the Ordinances embodied in ABs 99-335 and 336, now pass. Roll call vote. Coun. Brzezinski, Doyle, Soth, Stanton voting AYE, motion CARRIED unanimously. (4:0)

Couns. Stanton, Soth and Doyle explained for the audience the way the ordinance process works.

OTHER BUSINESS:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council direct the City Attorney and the Human Resources Director to prepare and negotiate an "at will" contract for the New Economic Development Manager as an employment agreement.

Coun. Stanton said she would support the motion but felt it would have better to have had a plan in place before hiring the person.

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

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski 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. All Councilors present voting AYE, motion CARRIED unanimously. (4:0)

Executive session convened at 7:15 p.m.

Executive session adjourned at 7:39 p.m.

The regular meeting reconvened at 7:39 p.m.

OTHER BUSINESS:

Coun. Soth MOVED, SECONDED by Coun. Doyle, to approve the settlement agreement with Allen Reel, and bring it back for signatures.

Question called on the motion. Couns. Brzezinski, Soth, and Doyle voting AYE, Coun. Stanton voting NAY, motion CARRIED. (3:1)

Coun. Soth MOVED, SECONDED by Coun. Stanton, to authorize the City Attorney to employ outside counsel not to exceed \$5,000, for a Worker's Comp claim.

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

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:40 p.m.

Sue Nelson, Deputy City Recorder

APPROVAL:

Approved this 13th day of December, 1999

Rob Drake, Mayor