

SPECIAL MEETING

March 8, 2000

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Council President Evelyn Brzezinski in the Mayor's Conference Room, Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Wednesday, March 8, 2000 at 6:12 p.m.

ROLL CALL:

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

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

COUNCIL ITEMS:

There were none.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

00-91 A Final Order Granting A Variance for Construction in the East Side Yard Setback of the McCormick & Schmick's Property; APP 20000-0003, VAR 99-00024

00-92 A Final Order Granting A Conditional Use Permit Approving Expansion of a City Park and Denying Appeal; APP 2000-0002, CUP 99-00030

Coun. Soth remarked that he assumed there were no further actions on these items.

Mark Pilliod, City Attorney, explained that he was prepared to make any changes the Council wished. He noted that he had received comments

from some of the Councilors regarding the draft he had distributed earlier, and had incorporated the changes.

Coun. Doyle noted that the correction he had requested had been made.

Coun. Brzezinski noted, regarding AB 00-91, that on page four, "the actions of the applicant," she knew the applicant was not the original owner and that was in the record, but wondered if it was clear in this order.

Pilliod said that information was elsewhere in the order, but could not locate it just then.

Coun. Brzezinski suggested that if he could not find it, he could add it for clarification if he thought that was appropriate.

Coun. Stanton said she agreed that it should be clarified that it was the property owner not the applicant.

Pilliod said he could clarify in parenthesis that it was not the applicant, but the owner.

Couns. Soth and Doyle agreed that change to the motion was acceptable.

Coun. Brzezinski noted that on page two, the last paragraph, the second line from the top, there was a word missing; she thought it should be "building design *in* 1972."

Pilliod located the statement and said he would insert the word "in."

Coun. Brzezinski said, regarding AB 00-92, on page six, fourth full paragraph, the ending phrase, "...provided it does not interfere with other public use of the streets..." she wondered if someone could not argue that parking during Saturday Market was another public use of the street.

Pilliod explained that the idea was that the City, in its approval of signage with the time or the location, would have to make a determination of this. He noted that if the street was to remain open, they could not block the street.

Coun. Brzezinski explained that she just did not want to tie the hands of the City. She noted that if someone other than the current administration wanted to say "No," to everything, this could allow that to happen.

Pilliod said the wording could allow it to be totally prevented, (he clarified that they were talking about temporary exclusive use of that parking); they could say "No," and that could be a problem. He explained that he was a little bit concerned about giving away some vested right in the

street for exclusive use of parking. He pointed out that Council could change its mind.

Coun. Brzezinski clarified that she wanted to assure that this would not tie the City's hands and say, "Yes, you can have exclusive use." She expressed her concern that someone could come in and say the only way the Council could allow it to have exclusive use was if it did not interfere with other public use of the street.

Pilliod stated that he thought Coun. Brzezinski had made a good point. He suggested that it should be reworded as follows, "...provided it does not interfere with other public uses of the street as determined by the City."

Coun. Brzezinski said that would be good, and others agreed.

Coun. Doyle noted that it did say it was temporary.

Pilliod responded that would be part of the approval that would go through. He said he would make the change and forward a corrected copy to Darleen Cogburn, City Recorder, for signing.

Couns. Soth and Doyle agreed to that change to the motion, also.

Coun. Brzezinski called for the question.

Couns. Soth, Doyle, Brzezinski, and Stanton voting AYE, motion CARRIED, unanimously. (4:0).

ADJOURNMENT:

There being no further business to come before the Council at this time, the special meeting was adjourned at 6:20 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 1st day of May, 2000

Rob Drake, Mayor