

REGULAR MEETING
May 15, 2000

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, May 15, 2000 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Fred Ruby, Forrest Soth, and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Library Director Shirley George, Landscape/Urban Forrest Supervisor Steve Brennan, Police Captain Stan Newland, City Utilities Engineer David Winship, Facilities Supervisor Ron Koppel, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

Cable Housing Boxes:

Evelyn Poulo, 9970 SW Steeplechase Circle, addressed Council concerning AT&T installing unsightly cable housing boxes in neighborhoods. She suggested a more attractive alternative cable housing that resembled garden rocks (brochure in record) and urged Council to require the telecommunications industry toward the camouflage garden rock idea for cable housing. She said other cities had encroachment permits for larger cable housing as well as other requirements.

Mayor Drake asked her which cities were involved with the alternative cable housing.

Poulo replied it was the City of Torrence and the City of Tustin in California.

Mayor Drake explained that the basic restriction on the easement was that you could not put a structure over it, such as houses, garage, etc. He said it was still her yard, and there were some restrictions. He clarified that the Design Review Standards applied to commercial and residential construction above a certain size and currently there was not an enforcement mechanism for cable housing. He said he thought they

needed to review it further to see what could be done to modify agreements with the telecommunications companies.

Poulo said there was a note in their franchise contract that they had to comply with City ordinances. She stated that \$150 (per camouflage box) would be a fair amount if the telecommunications company wanted to charge for the cable housing. She asked if there was any control over having more than one cable housing (in each yard) in the future.

Coun. Brzezinski said she was the Beaverton representative to Metropolitan Area Communications Commission (MACC) and noted that they had no control over it, but they could serve as an intermediary. She reiterated that Mayor Drake had looked into it and the City did not have anything required at this point, but they would investigate it further. She stated she would ask MACC if they could put more than one of the boxes in any yard.

Poulo said she had asked about different companies sharing the cable housing boxes, and reported that the reply had indicated that the cable companies did not trust each other so they would not share. She noted that MACC explained that they might sabotage the competitor's equipment.

Coun. Brzezinski said they would see if Beaverton could model their requirements after other jurisdictions' existing requirements.

Poulo said she had been doing that.

Coun. Brzezinski clarified that she would check to see if other jurisdictions had ordinances that allowed them to regulate what a cable company could put in an individual yard.

Coun. Doyle thanked Poulo and said he thought other citizens would be asking about this. He noted that there were other companies who had equipment to disguise things, even cell towers could look like tall trees.

Poulo said they were fighting a telecommunications company attitude, and many homeowners would be willing to pay money for more attractive cable housing.

Coun. Soth clarified that Poulo was speaking about the lawn side, and wondered if she was speaking about the easement along the sidewalk or on the back of her property.

Poulo stated that she had easements on all boundaries of her property. She said there was a six-foot easement on the front and five-foot easements on the sides. She said the company was reluctant to move it because of the cost associated with distance, and noted the camouflage housing appeared to be easy to use.

Coun. Soth stated that it was a good idea and noted that years ago in Long Beach Harbor, they camouflaged the oilrigs to look like apartment houses, so a similar treatment should be possible here.

Mayor Drake remarked that it did not make sense to him that several of the telecommunications companies could put four or five boxes on private property.

Poulo said apparently door hangers were adequate notice, and she did not even remember if she got one.

Crosswalk Issue:

Betty Bolz, 7305 SW Trillium Ave., said her issue was about crosswalks that were closed at Greenway Park, Denney and Hart Roads. She noted that there were other busy roads that had crosswalks that were open and she did not understand why some crosswalks should be closed. She explained that she did not see why a pedestrian should have to make a detour to take public transit. She also asked about the striping on Hart road, in front of the Hearthstone Building. She pointed out that it was not measured, and it went into their parking lot. She said it was not even and noted that she had pictures that she would submit to the Americans With Disabilities Act (ADA).

Mayor Drake asked which crosswalk on Greenway had the problem.

Bolz noted that it was Greenway Park, right across from the 7-11 store.

Coun. Stanton clarified that it was on Hall and the 7-11, was on the south side of Hall by the Kimberly Apartments.

Bolz said it was by the China Bay Restaurant.

Mayor Drake suggested that Bolz talk to Ron Koppel, Facilities Supervisor about it and he would check into it for her, as well as the striping and the crosswalks.

Bolz said two crosswalks on Murray and Allen and Beaverton Transit on Canyon had been closed and had been re-opened.

PROCLAMATIONS:

Emergency Medical Services Week (May 14-20, 2000)

Erin Boyle, Public Relations and Marketing Director for Metro West, thanked Council for allowing Metro West to be there for the presentation.

Chad Johnson, Emergency Medical Technician with Metro West Ambulance said their proclamation was very important to the members of their profession. He noted that Washington County had one of the finest health care systems in the state. He pointed out it was their goal to meet the emergency medical needs of the community in the best manner possible, and invited them to come to a barbecue on Wednesday, May 17, 2000, at 3:00 p.m. at Metro West's Dawson Creek Office. He presented the plaque to Council President Evelyn Brzezinski.

Coun. Stanton noted that the proclamation said that two-thirds of the emergency medical services providers were volunteers and asked about that figure.

Boyle said that was in the rural areas, but in this area most everyone was paid.

Coun. Soth congratulated them and said since working with them over the years he knew of the cooperation between the first responders and those on the private side.

Mayor Drake proclaimed:

National Public Works Week (May 21-27, 2000), and

Salvation Army Week (May 15 – 21, 2000)

COUNCIL ITEMS:

Coun. Doyle thanked Steve Baker and the Operations Department for their response to a call from him. He explained that a family with a father who had a terminal illness called because the cross street sign was missing, and health care people and others had difficulty finding the home. He said that Baker responded in a very timely manner to reinstall the street sign.

Coun. Stanton reminded them of the Mayor's Walk that week in the Greenway Neighborhood at 6:00 p.m. on Thursday, May 18, 2000.

STAFF ITEMS:

Linda Adlard, Chief of Staff, asked that AB 00-186 (Permit for Farmers Market) be pulled for separate consideration for comments.

Adlard reported that the roof was on and the windows were going in the new library and it was really taking shape. She commented that the workmanship was wonderful.

Patrick O'Claire, Finance Director, said he would be distributing some pages that were replacements in the proposed budget document and noted that some of the budget summary titles of the columns were incorrect.

CONSENT AGENDA:

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

- 00-168 Liquor License – Big KMart: New Outlet
- 00-169 Liquor License – Latino Imports: New Outlet
- 00-170 Liquor License – Texaco Star Mart: Change of Ownership
- 00-171 A Resolution Certifying that the City of Beaverton Provides Certain Services necessary to be Eligible to Receive State-Shared Revenues Under ORS 221.760
- 00-172 Boards and Commissions Appointment
- 00-173 A Resolution Granting a Franchise for Telecommunications Service to Level 3 Communications, LLC
- 00-174 Approval of the Washington County/City of Beaverton 2000-2004 Consolidated Plan
- 00-175 Intergovernmental Agreement with the Beaverton School District and Tualatin Hills park and Recreation District for the Willow Creek Pedestrian Bridge Project
- 00-176 Intergovernmental Agreements with the Oregon National Guard for Construction of the Willow Creek Pedestrian Bridge
- 00-177 Bid Award – Helicopter Rental to Conduct Training for Police Tactical Observation
- 00-185 Bid Award – Cable and Information Technology Wiring Infrastructure at the New Library Building
- 00-186 Permit for Farmers Market (Pulled for separate consideration)

Contract Review Board:

- 00-178 Consultant Contract Amendment – Ratify Work Performed and Authorize Additional Work for Engineering Services on the South Central Beaverton Utility Improvements, Phase 2, and Related Projects

00-179 Contract Award – Public Involvement Services for the MSTIP 2 Bikeway Project

00-180 Bid Award – Demolition of Four-Unit Apartment Complex

00-181 Bid Award – Global Positioning System (GPS) Surveying Equipment

Coun. Soth referred to AB 00-177 and asked Police Captain Newland if Officer Clark would pilot the helicopter.

Captain Newland replied that Officer Mark Clark would be the pilot.

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

Separate Consideration:

00-186 Permit for Farmers Market (Pulled for separate consideration)

Linda Adlard, Chief of Staff, said that Mark Pilliod, City Attorney, had put together a contract for the Farmers Market, which included all the elements needed to insure that the Farmers Market could operate. She said there were some issues that needed to be resolved regarding the use of Washington Street. She noted that the Church indicated they did not want the Farmers Market on Washington Street and Council's direction had been for the Church and the Farmers Market to work out the details. She said the Farmers Market had discussed the issue with the Church and the Church had indicated the Farmers Market could use the west side of Washington Street. She noted that in her conversations with the Pastor of the Church it did not sound like that was what they wanted. She reported that they asked the Farmers Market to get a letter from the Church saying that was OK, but the letter had not yet been received. She said they allowed the Farmers Market to use Washington Street on the previous Saturday, but it was important to get written confirmation from both groups.

Coun. Soth asked if the language would be an addendum to the permit, since it was between two private parties.

Adlard noted that she had given Council a map of the area being discussed, and the area authorized for use by the Farmers Market would be noted, and the map would be attached to the agreement.

Coun. Stanton noted the map did not designate the area as yet.

Adlard said that was correct and noted that the area was the west parking lot and the only part in discussion was if Washington Street would be part of the designated area between Third and Fourth Streets. She noted that part of Third Street was closed off in order to protect pedestrians. She

said she could not tell them if Washington Street should or should not be included at that time.

Coun. Stanton clarified that the agreement would receive the approval of both parties involved.

Adlard said that was correct.

Coun. Doyle said if the Church did not want the Farmers Market to use it, what impact did that have on the Market.

Adlard explained that would mean fewer stalls, fewer vendors, but it seemed like it was the Council's desire to satisfy the Church's need for weddings and funerals during that time. She said they would like to be sure that the Church and the Market would be satisfied with the agreement. She noted that with the park under construction, Washington Street would be under construction for the entire summer and it would be difficult to use it very well.

Mark Pilliod, City Attorney, said that Paul vonBergen was a representative of the Farmers Market and had indicated they also had a restriction of traffic on Fourth Street between Washington and Watson, with someone posted at Watson to allow only church patrons to enter and park there. He noted they found it was ample parking and it seemed to work fine. He said he told vonBergen that the City would like to have something from the Church to indicate that it was acceptable from their point of view and he said they were trying to get that. He reported that it went well the past weekend.

Coun. Brzezinski MOVED, SECONDED by Coun. Doyle that Council approve AB 00-186, with the notion of continuing to work with the Church and Farmers Market to get a cooperative agreement on the use of Washington Street.

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

Coun. Stanton referred to AB 00-175 and AB 99-176 and commented that it was very exciting to have agreements with the School District Tualatin Hills Park and Recreation District and the Oregon National Guard for construction of Willow Creek Pedestrian Bridge. She said it was a wonderful partnership.

Mayor Drake said it was Pilliod and the City Engineers that put this together and it was a cooperative effort that would not have happened without that work by City staff.

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Stanton that the rules be suspended, and that the ordinances embodied in AB 00-00-183 and 00-184 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. Brzezinski, Doyle, Ruby, Soth and Stanton voting AYE, the motion CARRIED unanimously (5:0)

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

First Reading:

00-182 An Ordinance Amending Chapter Six of the Beaverton Code to Enlarge the Parking Permit Area in Central Beaverton

00-181 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign Washington County's Planning Designations to City comprehensive Plan and Zoning for Property at 17005 NW Cornell Road; CPA 99-00029 and RZ 99-00019

RECESS:

Mayor Drake called for a brief recess at 7:15 p.m.

RECONVENED:

The meeting reconvened at 7:25 p.m.

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 and in accordance with ORS 192.660 (1) (d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

The executive session convened at 7:26 p.m.

RECESS:

Mayor Drake called for a brief recess of the executive session at 8:10 p.m.

RECONVENED:

The executive session reconvened at 8:15 p.m.

The executive session adjourned at 9:42 p.m.

OTHER BUSINESS:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, to instruct Mr. Martin as discussed in executive session. Couns. Brzezinski, Doyle, Ruby, Soth and Stanton voting AYE, the motion CARRIED unanimously (5:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:43 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 24th day of July, 2000

Rob Drake, Mayor