

REGULAR MEETING
June 12, 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 June 12, 2000, at 6:30 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, Police Chief David Bishop, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Facilities Supervisor Ron Koppel, Senior Planner John Osterberg, Purchasing Agent Sharon Woodhouse and City Recorder Darleen Cogburn.

COUNCIL ITEMS:

Mayor Drake announced the agenda would be slightly out of order that evening with Council Items first.

Coun. Doyle congratulated the Dragon Boat Racers and announced that his wife, Ann Doyle, had participated and her team won!

Coun. Soth reported that he had given the Flag Day proclamation at an event sponsored by the City of Beaverton and the Elks Club in celebration of Flag Day, on Sunday, June 11, 2000. He noted it was a heartwarming celebration that was well attended. He congratulated the Elks Club for being sponsors and for their willingness to use their facilities due to inclement weather.

Coun. Brzezinski noted that the Army's 225th Birthday and Flag Day were on the same day and wondered if Flag Day had been planned to coincide with establishing the Army.

Coun. Soth clarified that the United States had not celebrated Flag Day on a regular basis until Congress recognized it in 1949.

Coun. Brzezinski pointed out that the proclamation noted that Congress actually adopted the flag on June 14, 1777.

Coun. Soth explained that the adopted flag was not the same as the modern flag used today. He said the original flag had 13 red stripes, 13 white stripes and the combination of the British flags of St. Andrew and St. George, whereas the current flag in use had a field of stars. He said the design was changed throughout the years (particularly during the Revolutionary War and immediately thereafter) so the modern flag came into being some years later as the states became part of the United States.

Coun. Stanton reminded those present that on June 22, 2000, there would be an open house regarding the Strategic Plan for Economic Development (Plan). She explained there would be discussion on the proposed Plan including information explaining how it was developed. She commented that it was important that citizens attend the event because it could impact their way of life in Beaverton.

Coun. Ruby said he was at the Rose Parade to support the Beaverton Float and noted that it was a great float that had won a community award.

Coun. Doyle asked how many years they had put together an award-winning float.

Marcy Speer, 6475 SW Elm Ave., responded that they had done it for eight years and won awards seven times.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

STAFF ITEMS:

There were none.

PROCLAMATIONS:

United States Army's 225th Birthday
June 12-18, 2000, as: United States Army Week

Flag Day (June 14, 2000)

PRESENTATIONS:

00-217 Beaverton Arts Commission's Annual Awards Presentation

Lori Leyba Kramer, President of the Beaverton Arts Commission (BAC) introduced each recipient of the BAC Awards and presented them with their award. She noted that Kris Haines, a student at the Arts and Communication Magnet High School, won an award for Outstanding Achievement in Art by a Student for his work in Claymation.

Kramer noted that Sue Wendel, the immediate past president of BAC, had always worked hard on the arts and had expanded her work to a newly expanded Washington County Arts and Culture Steering Committee. She announced the Wendel was the recipient of the Member of the Year Award.

Kramer noted the next award presented was the Outstanding Achievement in Education, which went to Paula Kinney. She said Kinney was the Principal at Beaverton Arts and Communication Magnet High School and had been selected for her tremendous commitment to students, her school and the arts in the community.

Kramer announced the Volunteer of the Year award went to Therese Gamache-Perkins and noted that Gamache-Perkins had served as Volunteer Coordinator of the Taste of Beaverton Arts and Crafts Marketplace.

Kramer named Smith and Bevill Jewelers as Business Member of the Year, and said they were always willing to support the Arts in Beaverton. She said business donors were very valuable to BAC and noted that William Bevel could not attend the presentation that evening to receive the award.

Kramer announced that the other Business Member of the Year award went to Borders Books Music and Café in Beaverton. She said they provided funds as well as an opportunity to have fund raising events. She noted that Borders Books also supported the arts nationwide and she described a used instrument donation program. She explained that used instruments could be dropped off at any Borders during the week, to be refurbished and distributed to schools. She presented the award to Sherry Cranford, Borders Community Relations Coordinator and past vice-president of BAC.

Kramer stated that the BAC President's Award went to Linda Hathaway Bunza, who had given many public lectures on the arts at the Bethany Center located in the St. Mary of the Valley Convent. She noted it was wonderful to have an arts lecture series right in Beaverton.

Kramer explained that the Arts Leadership Award went to two extremely dedicated individuals who had made personal commitments to building support for the arts. She announced that Jim McCreight was one recipient of the award, and noted that his numerous civic and volunteer activities had allowed him to raise the level of awareness about BAC in

the community. She noted his latest accomplishment was the establishment of Beaverton Arts Foundation.

Kramer announced that Pam Baker was the other recipient of the Arts Leadership Award. She explained that Baker had chaired the Washington County Sculpture Garden Committee that had provided five sculptures at the end of the Light Rail line. She pointed out that Baker did a great job of strengthening the arts in the County.

Kramer listed the outstanding educators who went above and beyond the call of duty to elevate the arts in the community. She named Janet Sonniksen, Art Instructor at Westview Highschool, who had been the Coordinator of the Annual Beaverton School District Student Art Exhibition. She also named Kay Danley, Coordinator of the First Annual Beaverton School District Art Instructors Art Exhibition. She presented the Visual Arts in the Community Awards to both educators.

Kramer noted that the Performing Arts in the Community Award went to the Beaverton Christian Church, for their Concert Series. She noted the Church hosted a public concert series that many people enjoyed. She asked Pastor Clark Tanner and Music Director Jim Lacy to accept the award on behalf of the Church.

00-218 Beaverton Visual Chronicles Presentation

Kramer presented the latest addition to the Beaverton Visual Chronicles. She said the paintings had been commissioned by the Beaverton Arts Commission through a grant from the Regional Arts and Culture Council with matching funds from BAC. She gave the titles and artists of the art works as *Carr Chevrolet* by Sunny Allen Smith; *St. Mary's* by L. Wendy Dunder, *Staking his Claim* by Cathy Fields, and *Nature Park* by Jonnel Covault.

She asked the artists to stand and thanked those present for their wonderful work.

Kramer listed the members of the committee who selected the artists: Eileen Miller, Connie Soth, Marcy Speer, Pippa Ramsdale, Phyllis Meyer and Michelle Mandel. She thanked them for their time and effort in making the selection. She announced that the Visual Chronicles would be on display in the Third Floor hallway of City Hall.

Kramer emphasized that BAC had a very busy season planned for the summer and fall. She suggested those interested in the arts in Beaverton could call the BAC office at 526-2288 or visit the BAC page on the City's website at www.ci.beaverton.or.us.

Mayor Drake thanked Kramer for the presentations.

RECESS:

Mayor Drake called for a brief recess at 6:55 p.m.

RECONVENED:

The regular meeting reconvened at 7:02 p.m.

CONSENT AGENDA:

Coun. Brzezinski noted that AB 00-206 was pulled from the agenda because it contained an error in the title.

Coun. Brzeinski also noted that AB 00-209 had a revised dollar amount that was provided in a memo dated June 12, 2000 (in record).

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

Minutes of the regular meetings of March 6, April 3, and April 10, 2000

- 00-206 Liquor License – Pepita Express: Greater Privilege (Pulled)
- 00-207 A Resolution Consenting to Application to Transfer the Operating License of Don's Garbage & Recycling Service, Inc. to USA Waste of Oregon
- 00-208 A Resolution Consenting to Application to Transfer of Eager Beaver & Public Sanitary Service, Inc. dba Lou & Chuck's and Pacific Garbage Service Inc. Franchises to USA Waste of Oregon
- 00-209 Construction Contract Amendment – Ratify Work Performed and Authorize Additional Work to Emery & Sons Construction, Inc. for the South Central Beaverton Utility Improvements, Phase 2, and Related Projects (Memo Attached)
- 00-210 Bid Award - Global Positioning System (GPS) Base Station Equipment
- 00-211 Bid Award – Library Sign Program for the New City Library Building
- 00-212 Bid Award – Purchase Hopper Sander
- 00-213 Review and Acceptance of Revocable Permit for Farmers Market

Contract Review Board:

- 00-214 Waiver of Sealed Bid – Purchase of Herman Miller Furniture From an Existing Bid Award Through the State of Oregon
- 00-215 Bid Award – Janitorial Services for City Buildings

Coun. Brzezinski noted that in the minutes of March 6, 2000, page three, a sentence about Photo Radar going through a system did not make sense to her. She suggested that Linda Adlard, Chief of Staff could suggest better wording that would make more sense. She referred to page four, where Adlard said "that very little of the new equipment could be moved to the new Library..." and she wondered if the City would use the Internet auction website called eBay to sell the left over old equipment.

Linda Adlard, Chief of Staff, said she would check on her statement in the minutes of 3/6/00. She said she did not know about selling it on eBay, and thought that might be more profitable for the City, because the State Auction was pretty low cost. She noted the Finance staff could investigate eBay.

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

PUBLIC HEARING:

00-216 SV 2000-0001 SW 166TH Ave. Street Vacation

Mayor Drake read the prepared announcement of the procedures for the hearing on the street vacation (in the record).

There were no Councilors who wished to abstain, there was no ex parte contact, and no one who challenged the jurisdiction of the Council.

Coun. Brzezinski asked, if there was no one in the audience concerned with the 166th Ave. Street Vacation Public Hearing, if they still had to go through the reading of the entire statement of the procedure.

Mark Pilliod, City Attorney, said even though there was no one present, there might have been testimony either in writing or at the Planning Commission. He noted that it was for the benefit of everyone that the announcement was read. He said they went through a discussion with staff earlier as to whether or not, in a case such as this where the Planning Commission and the City made a decision to approve the Public Utility District (PUD) which contained a condition calling for the vacation of this right-of-way, whether the later vacation proceeding were a land use decision, and probably it was not. He said it was probably not required for that reason, but that did not make it unlikely or impossible that someone could not claim that it was and reading the statement would cover that.

Coun. Brzezinski asked if they would have to read the statement that Mayor Drake read at the beginning of every hearing.

Pilliod said it might be even more extensive due to other regulations.

John Osterberg, Senior Planner, said they had given the staff reports to Council, and the Planning Commission approved it and all three criteria had been met.

Coun. Stanton referred to pages 27 and 29 of the Staff Report, and said she noticed that Delta Drive from left to right towards the lower portion of the page, (on the map) and was part of tax lot 100, which was the area of the street vacation. She noted that on page 29, she assumed that Delta Drive on that page was the same as on page 27. She wondered if Delta Drive would continue north to connect with Walker Road.

Osterberg said it was Delta Drive and would connect with Walker Road.

Mayor Drake opened the Public Hearing.

There was no one who wished to testify.

Mayor Drake closed the Public Hearing.

Coun. Doyle MOVED, SECONDED by Coun. Brzezinski, to approve AB 00-216, SV 2000-0001, SW 166th Avenue Street Vacation, recommending approval of the request for the street vacation, thereby supporting the recommendation of the Planning Commission, and directing staff to prepare the final order for Council's decision.

Coun. Soth said he assumed that the motion also included the paragraph from the Planning Commission in their order concerning the material presented to the Planning Commission as to the findings in the land use order.

Coun. Doyle signified that was correct.

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

ORDINANCES:

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

00-204 An Ordinance Amending Ordinance No. 2050, The Development Code, to Correct Grammatical and Syntax Errors and to Correct Internal Inconsistencies Established as a Result of Recently Adopted Text Amendments, TA 2000-002, 2000 Omnibus TA #1

00-205 An Ordinance Amending Ordinance No. 2050, The Development Code, to Eliminate Certain Minimum District Sizes, Reduce Certain Parcel Widths, Revise Open Space Requirements, Modify the Threshold of Type 1 Board of Design Review Decisions, and Further Modify Other Minor Changes to Text to Ensure Internal Consistency; TA 99-00011, 1999 Omnibus TA #3

Coun. Soth MOVED, SECONDED by Coun. Doyle the ordinances embodied in AB 00-204 and AB 00-205 now pass. Roll call vote. Couns. Brzezinski, Doyle, Ruby, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council move into executive session in accordance with ORS 192.660 (1) (g), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Soth, Doyle, Ruby, Stanton and Brzezinski voting AYE, motion CARRIED unanimous. (5:0)

RECESS:

Mayor Drake called a brief recess at 7:18 p.m.

The Executive Session convened at 7:21 p.m.

The Executive Session adjourned at 7:28 p.m.

OTHER BUSINESS:

Coun. Doyle MOVED, SECONDED by Coun. Soth to approve AB 00-217 regarding legal services in an amount up to \$10,000 as discussed in executive session.

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

Pilliod noted that the Land Use Board of Appeals (LUBA) was conducting oral arguments at 10:00 a.m. on Thursday, June 15, 2000, on the Fantasy Video Appeal.

ADJOURNMENT:

There being no further business to come before the Council at this time,
the meeting was adjourned at 7:30 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 24th day of July, 2000

Rob Drake, Mayor