

REGULAR MEETING

August 28, 2000

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Councilor Forrest Soth in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, August 28, 2000, at 5:40 p.m.

ROLL CALL:

Present were Couns. Forrest Soth, Dennis Doyle, Fred Ruby, and Cathy Stanton. Mayor Rob Drake and Coun. Evelyn Brzezinski were excused. Also present were Chief of Staff Linda Adlard, Library Director Shirley George, Finance Director Patrick O'Claire, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

James Parsons, Beaverton, said he was there to talk about the public right-of-way (ROW) and get some clarification put into the City Code. He said he was a pedestrian and a bicyclist that did not have a car and as a bicyclist he had problems with display balloons that a business on the corner of Dawson and Cedar Hills Blvd. was putting in the ROW. He said he would like a minimum height clearance for non-vegetation in the ROW to be added to City Code. He presented pictures of the display balloons blown by the wind into the ROW (in record).

Coun. Doyle arrived at this time.

Parsons said he shopped all over town and the balloons were in his way, and obstructed the public ROW. He read from the Code about ROW obstruction and mentioned that the police said he should not pop the balloons and that he should ride on the other side of the street.

Coun. Soth said that he thought Code included specifications on height.

Parsons said the operators of the business had stated they could not control the way the wind blew (their balloons) so they were not responsible to tether their balloons in such a manner that they did not become a nuisance.

Coun. Soth said he would refer the matter to the Code Enforcement Officer.

Linda Adlard, Chief of Staff, said it was not actually legal to have balloons or flags, etc. in the ROW. She noted that generally they let it happen if it was not harmful, but she would have the business remove the balloons and follow up to see that it happened. She said the company used them to draw attention to their business, and if they could put them back up in a manner that would not interfere with the ROW the City would allow them to be replaced unless that was not the Council's wish.

Coun. Stanton thanked Parsons for addressing Council. She noted that as Metro's density requirements were met, issues like balloons in the ROW would be a problem for more people. She suggested that they put the balloons on a line at a higher elevation.

Parsons said he regularly connected with the balloons trying to keep them from hitting him in the face (as he rode his bicycle).

Coun. Soth said he did not think the City could give a business permission to put the balloons in the ROW. He reiterated that this situation would be corrected per Adlard's directive.

COUNCIL ITEMS:

Coun. Stanton reported that the Raleigh Park picnic was a tremendous success and was very well attended.

Coun. Stanton invited the public to a celebration at the Tualatin Hills Park and Recreation District Nature Park on Saturday, Sept 9, 2000, at 11:00 a.m. She said the event was a celebration of some additional work that that had been completed in the Nature Park.

Coun. Stanton reminded everyone that the Library grand opening would be held on Sunday, September 10, 2000, at 4:00 p.m.

STAFF ITEMS:

Linda Adlard, said October 2, 2000 had been selected for the Fall Yard Cleanup and would be located at City Hall. She recalled that the Council had asked to have a discussion on how the fee money collected from the Yard Cleanup should be distributed. She said she would add a work session to the September 11, 2000, Council meeting agenda to discuss the issue.

Adlard reported that the furniture for the new library had not been produced as of the past week, but the president of the company had his factory working 24-hours a day to complete it. She noted the majority of furniture was expected to be shipped out on time, but there might be some furniture that was not ready at the grand opening. She noted more

of the furniture would arrive by September 16, 2000. She reported the art tile wall was being installed and said it was beautiful and would take the rest of the week to finish. She pointed out that they had paved Tucker Ave. that day and had put down sod in some areas surrounding the new library.

CONSENT AGENDA:

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

Minutes of the regular meeting of July 24, 2000

00-306 CUP 2000-0018 City Library Modification

Coun. Stanton abstained from voting on the minutes since she was not present at the meeting.

Question called on the motion. Couns. Stanton, Doyle, Ruby and Soth voting AYE, motion CARRIED Unanimously. (4:0) (Coun. Stanton abstained from voting on the minutes.)

ORDINANCE:

Suspend Rules:

Coun. Stanton MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 00-307 be read for the first time in full and second time by title only at this meeting. Couns. Soth, Doyle, Stanton, and Ruby voting AYE, the motion CARRIED unanimously (4:0)

Coun. Stanton noted that she wanted to discuss the ordinance.

Coun. Soth said the ordinance needed to be read in full first and then it would be discussed.

Coun. Stanton read the following ordinance for the first time in full at this time:

First and Second Reading and Passage:

00-307 An Ordinance Amending Ordinance 4032 Remand Decision for Sexton Mountain Expedited Comprehensive Plan Amendment

Coun. Stanton asked a question on Section 1, c, and read from it (in record) and said she would like to add, in the middle sentence "the previous Urban Standard Density Residential" inserted in subsection c. She said that was the Council's intent in their actions that what happened at 155th and Beard was a Standard designation and not a Medium or High-density designation.

Coun. Doyle asked if anyone had an objection.

There was no objection.

Jack Orchard, Portland, said he was the attorney representing the applicant. He said he thought that if the reason was to preserve and carry forward the Council's earlier intention (as Coun. Soth did at the last meeting) then it was a helpful clarification and if what they did in 1998 was being carried forward then that was good.

Coun. Stanton noted the others agreed.

Coun. Soth specified that they needed a motion.

Coun. Stanton MOVED, SECONDED by Coun. Ruby to amend the ordinance embodied in AB 00-307 to include "Urban Standard Density" between the words "previous" and "residential" in Section 1, c.

Question called on the motion. Couns. Ruby, Stanton, Soth, and Doyle voting AYE, the motion CARRIED. (4:0)

Coun. Soth asked Adlard to notify the attorney that the ordinance had been amended.

Coun. Stanton read the ordinance by title only as amended.

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinance now pass. Roll call vote. Couns. Soth, Stanton, Doyle, and Ruby voting AYE, the motion CARRIED. 4:0

Coun. Stanton read the following ordinances by title only.

Second Reading and Passage:

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| 00-300 | An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan by Amending the Comprehensive Plan Text to Establish A South Tektronix Station Community District Multiple Use Comprehensive Plan Designation; CPA 98013 (APP 9900009) |
| 00-301 | An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, by Redesignating Selected Parcels to A Station Community Multiple-Use Plan Designation; CPA 98014 (APP 9900010) |

00-302 An Ordinance Amending Ordinance No. 2050, the Development Code, To Implement the South Tektronix Station Community District by Amending Section 20.20.60, Special District Development Approvals and Section 20.20.90, Natural Resource Protection and Enhancements, in Addition to other Related Modifications; TA 980002 (APP 9900007)

00-303 An Ordinance Amending Ordinance No. 2050, The Zoning Map to Rezone Selected Parcels in the South Tektronix Station Community to Station Community Multiple-Use (SC-MU) and Station Community High-Density Residential (SC-HDR) Zoning Districts; RZ 980013 (APP 9900008)

00-304 An Ordinance Vacating a Public Right-of-Way Within the Waterhouse South #6 Subdivision; SV 2000-0001

Couns. Ruby MOVED, SECONDED by Coun. Stanton that the ordinances embodied in AB 00-300, 00-301, 00-302, 00-303, and 00-304 now pass. Roll call vote. Couns. Ruby, Stanton, Doyle, and Soth voting AYE, the motion CARRIED unanimously (4:0)

EXECUTIVE SESSION:

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Council move into executive session in accordance with ORS 192.660 (1)(e), to deliberate with persons designated by the governing body to negotiate real property transactions. Couns. Doyle, Ruby, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (4:0)

Coun. Soth called the executive session to order at 6:10 p.m.

The executive session was adjourned at 6:29 p.m.

OTHER BUSINESS:

Coun. Doyle MOVED, SECONDED by Coun. Stanton to direct staff to proceed with property acquisition attempts as discussed in the executive session.

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

Coun. Stanton MOVED, SECOND by Coun. Doyle that the City appoint Leslie Like as Realtor and negotiator for the City in these transactions.

Coun. Soth asked if Like's personal service contract would be no cost.

Bill Scheiderich, Assistant City Attorney, said he had not seen a buyer's agent commission in the documents that had been given to him.

Shirley George, Library Director, said there was a document in which staff agreed to have Like serve as the City's representative contingent upon Council approval. She noted there was no contract.

Scheiderich said the question was whether it had been agreed to split the commission that Like might earn on the sale of the property, given that it was an in-house sale, where she represented the seller as well.

George said neither party would pay anything in cash or commission. She clarified that Like was serving as the agent to both the seller and the buyer at no cost to either party.

Scheiderich said the documents he read were written in such way as to seek the permission of the seller, or to act as the seller's agent. He said that did not mean that permission was granted, but that it was an optional permission.

George said she would modify the document in conjunction with Like to make clear that no payments would be made.

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

ADJOURNMENT:

There being no further business to come before Council at this time, the meeting was adjourned at 6:33 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 9th day of October, 2000

Rob Drake, Mayor