

REGULAR MEETING
April 16, 2001

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, April 16, 2001, at 6:32 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Evelyn Brzezinski arrived prior to the beginning of the executive session. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Captain Stan Newland, Library Director Ed House, Project Engineer Jim Brink, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

Mayor Drake noted that there was a group of Boy Scouts in attendance and asked one to come forward and tell what troop and what school they were from.

Kevin Francis came forward and said they were part of Troop 597, from Stoller Middle School.

Mayor Drake welcomed them and thanked them for coming.

COUNCIL ITEMS:

There were none.

STAFF ITEMS:

Linda Adlard, Chief of Staff, gave an update on the Red Light bill currently at the Legislature and said it was looking pretty good in the Judiciary Committee. She noted that she had talked to the Legislative Committee

about a Vertical Housing bill that would relate to Transit Oriented Districts. She said the Vertical Housing bill had been amended to allow cities and counties to purchase property and then resell to private entities such as developers. She noted that the bill had received a hearing and it had moved into the Revenue Committee and was moving along quite well.

Coun. Soth asked if that would require the City to proceed through a property transaction process to declare a surplus and then auction it off.

Adlard said she was sure they did not have to do that. She explained that it actually allowed cities or counties that did not have a housing authority or urban renewal district to have more leeway only in Transit Districts, for example in the City of Beaverton it would be along the Light rail.

Coun. Soth commented that it could be a negotiated sale.

PROCLAMATION:

Crime Victims' Rights Week (April 22-28)

CONSENT AGENDA:

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

- 01131 A Resolution of Intent to Condemn Property for the Henry Street Extension Project
- 01132 Authorize an Intergovernmental Agreement with ODOT for the Henry Street Extension Project
- 01133 City Council Findings And Order Denying Appeal and Affirming The Board of Design Review Decision; BDR Order No. 2000-0048/APP 2001-0002; The Hoop

Mark Pilliod, City Attorney, noted that he had received, and asked the City Recorder to distribute to Council, a letter from the attorney for The Hoop. He said it contained an agreement (for parking), but he had not had a chance to discuss it with the City's Community Development Director. He said that some of the items contained in the letter would require some analysis by his office in order to determine if it was an approach the City could use to enable The Hoop to operate as a recreational facility. He said he had talked to the attorney (for The Hoop) and noted that he would deliver it to Council that evening. He said he had also advised The Hoop attorney that it was not likely that the Council would take the matter up by way of a Motion to Reconsider.

Coun. Stanton asked how many weeks Council could think about reconsidering something.

Pilliod said based on the 120-day rule, Council would have to make a decision that evening or approve a Motion to Reconsider.

Coun. Stanton asked if the 120-day clock would not expire until the end of May, could they be asked each week until then.

Pilliod said it was important to remember what was being reconsidered. He said it was a prior announced oral decision and that decision was about The Hoop. He said until Council adopted the Final Order, (assuming the Council was willing to waive its ordinary rules of taking up a matter immediately at the next regular meeting for a proper Motion to Reconsider) they could take up a Motion to Reconsider.

Coun. Stanton asked how many times could Council take up the Motion to Reconsider.

Pilliod commented that so far, there had not been a Motion to Reconsider. He said that the Mr. Schell, The Hoop's attorney, believed that The Hoop could actually request such reconsideration as many times or as frequently as they wished. He pointed out that the Beaverton Code did not say one way or the other; it simply said the Council might reconsider.

Coun. Soth recalled that ever since he had been on the Council, and according to the Council Rules, any Motion to Reconsider had to be brought up at the next regularly scheduled meeting after the oral decision. He said since they did not choose to address it the previous week, and as far as Council Rules were concerned, the door was closed. He noted that if The Hoop wanted to come back in with something they would have to go through further application processes rather than Council reconsideration. He reiterated that the door was closed for any reconsideration.

Pilliod said he would treat Coun. Soth's statement as a question and stated that he totally agreed. He said he had explained that to The Hoop attorney. He noted that there was some disagreement between Schell and the City concerning how raising the issue (whether by the applicant or an appellant) should occur. He said he also told The Hoop's attorney that the Council could (by appropriate motion) suspend their rules and take it up if they wanted to do so. He said he also agreed that according to his understanding and the current issue of *Roberts Rules*, the indication was that such a motion was proper only if it was brought up at the next regular meeting, which would have been the past week's Council meeting.

Coun. Doyle said he would abstain on AB 01033 due to the conflict that he had stated at the hearing.

Question called on the motion. Couns. Stanton, Soth, Ruby and Doyle voting Aye, the motion CARRIED unanimously (4:0), with Coun. Doyle abstaining on AB 01033.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Stanton that the 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 (1) (f) to discuss exempt public records. Couns. Doyle, Soth, Ruby, and Stanton voting AYE, the motion CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 6:43 p.m.

Coun. Brzezinski arrived at this time.

The executive session convened at 6:46 p.m.

The executive session adjourned at 7:27 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:28 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 13th day of August, 2001

Rob Drake, Mayor

