

REGULAR MEETING  
May 7, 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, May 7, 2001 at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Evelyn Brzezinski, Dennis Doyle, 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 Ramsich, Library Director Ed House, Facilities Supervisor Ron Koppel, Principal Planner Hal Bergsma, City Utilities Engineer David Winship, Senior Planner John Osterberg, Redevelopment Project Manager John Engel, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Doyle extended congratulations on the decision on *The Round*.

Coun. Stanton described *The Round* as a structure between Watson and Hall Blvd. that had been standing idle for two years because of the developer's bankruptcy. She clarified that the decision on *The Round* was made by the bankruptcy judge and was in the favor of the City. She noted that in the next few months people would see work being done again on *The Round* and there would actually be completed buildings there in the near future.

Coun. Stanton commented that the City's Volunteer Recognition Event on May 4, 2001 was very successful and the Youth Advisory Board Youth Summit held on May 5, 2001 at Southridge High school was also a successful event. She said it was well attended with approximately 60 students who discussed multi cultural issues, sexual orientation and

disabilities in an effort to raise awareness among each other as peers. She noted that it was well done and she was impressed with the speakers and how well the kids facilitated the event.

STAFF ITEMS:

Linda Adlard, Chief of Staff, noted that Ed House, Library Director, had given her the award received by the City for first runner up for "Excellence in Concrete" for the concrete construction work at the library.

Adlard reported that Janet Young, Economic Development Program Manager, testified before the Legislature on behalf of the City about the Vertical Housing bill. She said the bill had been sent to the Senate floor, but had not been voted on at that time. She said the bill had some opposition, but she felt it was making progress.

Adlard said there would be a hearing on the Red Light bill during the week and she was sure they had the votes to get it out of committee. She said it would only allow them to have four Photo Red Light intersections in operation at any one time. She explained that it did not mean that more Photo Red Light cameras would not be installed, but the operation of the cameras would have to be rotated. She said the intent of the legislation had changed through the committee.

Adlard apologized that Council was not notified earlier about the results of the court action on *The Round*.

Coun. Brzezinski noted that at the Legislative Dinner, Representative Starr said he did not see data that supported Photo Red Light. She reported that she heard that a study done by the Insurance Institute for Highway Safety had shown that accidents at intersections were reduced by 70%. She said it was not just the intersections with Photo Red Light, but it sounded like it was a citywide improvement. She suggested that Adlard get a copy of the executive summary of the study and pass it along to Representative Starr as well as Council.

Coun. Soth said he understood that since Photo Red Light had been in operation, over 500 citations had been issued. He said that indicated how dangerous it was to run red lights and how much work there was still to do to get people to believe the signs that said "Red Means Stop."

Mark Pilliod, City Attorney, alerted the Council that he was informed by another city attorney that a group that had been working with Senator Max Williams, had pieced together legislation on a bill that would take the place of Ballot Measure 7. He noted that he had copies for Council (in record). He said it called for a vote on the actual repeal mechanism of Measure 7 as well as a funding mechanism to account for claims made against the State of Oregon (State). He said it was a start and they expected a rapid turnaround of comments and ideas. He asked Council to get their comments back to him as soon as possible.

Mayor Drake said that legislation was discussed at the League of Cities Board meeting the past week, and one of the more troubling elements of it was a statewide property tax to fund it. He said he assumed that information was in the draft that Pilliod handed out. He commented that what made it difficult was that there was no provision provided for either a regional or locally caused source of Measure 7 payment funding.

Pilliod said the version he had seen did not refer to a statewide property tax and only referred to a funding source in general. He said there was nothing on the local level, only at the statewide level.

Mayor Drake said he thought that was kept open until the last minute, but the collective wisdom was that it was a property tax, but it would be only for State claims. He said either Metro or cities or counties would mandate it locally if it were implemented. He said the City would have no way to fund it other than the General fund.

Coun. Stanton asked if there was any discussion that would set a certain part the funding source aside to assist other jurisdictions within the State to fund staff for litigation issues. She asked if funding would be just for suits against the State.

Pilliod said the funding mechanism in the bill was for claims made against the State, but nothing in particular that would require the State to share in the cost of defense, or share the claims made strictly against local governments that were not based on statewide or Metro mandate.

Coun. Stanton explained Ballot Measure 7 as a ballot measure that required local jurisdictions to pay property owners if they could not use their land. She said that Ballot Measure 7 had a big impact on Beaverton residents because of the quality of life and the things expected in developments.

Coun. Doyle asked Pilliod if this would go out in the November ballot for statewide approval.

Pilliod said the bill itself was not intended to be placed on the ballot. He said there would be two distinct issues; the funding source and vote by the voters as to whether or not to repeal Measure 7.

Coun. Doyle asked if the proposed property tax would be before the legislators for approval.

Pilliod said technically that was true and they would have to approve a bill to place a measure before the voters. He noted there would have to be a better explanation as to what was meant by a funding source statewide.

Coun. Doyle clarified that eventually the funding source would have to be approved by a vote of the people.

Coun. Soth asked about the status of Measure 7 at the present time. He wondered what the prospects were for Measure 7 to be termed constitutional at the Supreme Court level. He asked if it had been accepted at the Supreme Court level for review.

Pilliod explained that it was currently being argued before the Oregon Court of Appeals and they had not done oral arguments yet. He said the prospects of having the Circuit Court decision overturned was about 50% because the Court's decision was well grounded in previous court rulings.

Coun. Soth noted that it appeared there were parallel tracks, one going through the court process (Court of Appeals then possibly the Supreme Court) and the other was the legislative role in referring it back to the voters at some time. He said conceivably the two could coincide this fall.

**PROCLAMATION:**

Police Memorial Week and Police Week

**CONSENT AGENDA:**

Mayor Drake noted that the minutes from February 26, 2001 had been inadvertently removed from the revised agenda although they had been included in the Council packet and Council would not vote on them that evening. He also noted that AB 01148 Boards and Commissions Appointments had been pulled.

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

- 01137 Approval of the City of Beaverton 2001 Action Plan Submission to Washington County
- 01138 CUP 2001-0003 Sorrento Water Works Storage Building
- 01139 LP 2001-0001 Miss Tracy Estates Land Partition
- 01140 FS 2001-0002 Miss Tracy Estates Flexible Setback
- 01148 Boards and Commissions Appointments

**Contract Review Board:**

- 01141 Authorization for Mayor to Award the Bid - Sorrento Water Works Expansion and the Murrayhill Pumping Station Upgrade

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

ORDINANCES:

Suspend Rules:

**Coun. Soth MOVED, SECONDED by Coun. Doyle, that the rules be suspended and the ordinances embodied in ABs 01142, 01143, 01144, 01145, 01146, and 01147 be read for the first time by title only at this meeting and for the second time by title only at the next regularly scheduled meeting. Couns. Brzezinski, Doyle, Ruby, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (5:0)**

Pilliod read the following ordinances for the first time by title only:

First Reading:

- 01142 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, for Property at 16880 SW Baseline Road; CPA 2001-0003 and RZ 2001-0003
- 01143 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, for Property at 820 SW 173<sup>rd</sup> Avenue; CPA 2000-0015 and RZ 2000-0013
- 01144 An Ordinance Annexing Approximately 0.12 Acres Of Land and Associated Rights-of-Way Lying Generally Outside of the Existing City Limits to the City of Beaverton Consisting of One Parcel And Associated Rights-of-Way (Camelot Court); ANX 2001-0006
- 01145 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance 2050, the Zoning Map For Property at Camelot Court And Canyon Road; CPA 2001-0006/RZ 2001-0006
- 01146 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance 2050, the Zoning Map For 23 Parcels Annexed into the City as part of the "Consent" Annexation; CPA 2001-0007/RZ 2001-0007
- 01147 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance 2050, the Zoning Map For Parcels Annexed into the City as part of the "Peterkort Village" Annexation; CPA 2001-0005/RZ 2001-0005

EXECUTIVE SESSION:

**Coun. Soth MOVED, SECONDED by Coun. Doyle that 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. Brzezinski, Doyle,**

**Soth, Ruby and Stanton voting AYE, the motion CARRIED  
unanimously. (5:0)**

RECESS:

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

RECONVENED:

Mayor Drake reconvened the regular meeting at 6:59 p.m.

The executive session convened at 6:59 p.m.

The executive session adjourned at 7:25 p.m.

OTHER BUSINESS:

Coun. Stanton reminded Council that she was securing a Tualatin Valley Fire and Rescue fire truck for the Festival Parade on Broadway on July 21, 2001 to be used for Council transportation during the parade.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:26 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 13<sup>th</sup> day of August, 2001

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Rob Drake, Mayor

