

## REGULAR MEETING

June 25, 2001

### CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake at the Beaverton City Library, 12375 SW Fifth, Beaverton, Oregon, on Monday, June 25, 2001, at 6:45 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Dennis Doyle, Forrest Soth. Couns. Evelyn Brzezinski and Cathy Stanton were excused. Also present were City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Ed House, Traffic Engineer Randy Wooley, City Engineer Terry Waldele, Engineer Mark Boguslawski, Project Engineer Joel Howie, Project Engineer Jim Brink, and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

Henry Kane, Beaverton, referred to his letter regarding materials that related to the Home Depot Appeal (in the record). He read from his letter where he quoted a section from the agenda bill regarding the Home Depot Appeal (in record) and said that the statement indicated that Council had received materials that were not submitted to the Planning Commission (PC). He stated that the Council was limited to only the information distributed at the Planning Commission meeting.

Kane declared that the Council had no jurisdiction to hear the appeal. He said the Council should remand the new information back to the Planning Commission.

### COUNCIL ITEMS:

There were none.

### STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Doyle said Mayor Drake asked for a motion to table AB 01221 so action could be taken at a later date.

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

01218 Final Order Denying an Appeal of The Planning Commission Approval of The Murray Hills Christian Church Expansion; CUP 2000-0031; APP 2001-0005

01219 Final Order Denying an Appeal and Affirming a Decision of the Planning Commission Approving A Modification of a Conditional Use Permit (Sexton Mountain Village PUD, CUP 2001-0008); APP 2001-0007

01220 Classification and Salary Range Changes for FY 2001-2002

01221 Bid Award – Purchase of One (1) Multi-Media Projector for City Council Chambers (To be tabled for action at a later time.)

01222 Bid Award – Operations Center Pallet Racking and Shelving

01223 CPA 2000-0001 Williams Property Comprehensive Plan Amendment at 11030 SW Center Street

01224 RZ 2000-0004 Williams Property Rezone at 11030 SW Center Street

01225 Bid Award – One New Automatic Desktop Folding and Inserting Machine

01226 Bid Award – Street Striping Project for FY 2000-2001

Contract Review Board:

01227 Consultant Contract Award – Phase 2 of Photogrammetric and Mapping Services for Aerial Photography and Planimetric Mapping

01228 Bid Award – South Central Beaverton Utility Improvements, Phase 3 (Storm Drainage and Sanitary Sewer)

01229 Bid Award – Water Main Replacement and Upgrade on Allen Boulevard from King Boulevard to Lombard Avenue

01230 Bid Award – South Central Beaverton Utility Improvements, Phase 3, Waterline Improvements (including Addendum No. 1 – Pressure Reducing Valve Modifications)

01231 Bid Award – Purchase of One (1) Aluminum Plated Insert for a 2001 Dodge Extended Cargo Prisoner Transport Van

01232 Rejection of Bid for (1) New Sign Truck Body

01233 Contract Award – Annual Audit Services

Coun. Doyle thanked staff and noted that he could only imagine how difficult it was to complete projects as a result of the fire at City Hall and the subsequent relocation of personnel. He said their work was appreciated.

Question called on the motion. Couns. Doyle, Soth, and Ruby voting AYE, motion CARRIED unanimously. (3:0)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that AB 01221 be tabled. Couns. Soth, Doyle, and Ruby voting AYE, motion CARRIED unanimously. (3:0)

PUBLIC HEARING:

01158 Appeal of Home Depot (continued from 5/14/01)

Coun. Soth MOVED, SECONDED by Coun. Doyle, to continue the public hearing to July 23, 2001.

Mark Pilliod, City Attorney, suggested that it should be part of the motion that it would be convened in the Library.

Coun. Doyle asked for confirmation that this would be a de novo hearing.

Pilliod said that if materials that were contained in the record from the PC were desired by the applicant or the appellant, the parties could make that offer and they would become part of the Council's consideration at that time.

Coun. Doyle confirmed that was normal for de novo hearings.

Pilliod noted that it was not automatic; the person who was submitting the materials in the interim after the PC hearing needed to understand that they had to make the same effort to submit the materials to the City Council.

Coun. Ruby noted that there had to be the opportunity for the opposing party to review any additional materials.

Pilliod explained that there would be, in as much as the City staff files were public record for review. He said there was no requirement that the applicant distribute the materials in any other fashion.

Coun. Ruby reiterated that opposing parties could see the information at the same time the Council saw it.

Question called on the motion. Couns. Soth, Doyle and Ruby voting AYE, motion CARRIED unanimously. (3:0)

01234 A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2001

Patrick O'Claire, Finance Director, said this was the public hearing on the adoption of the Budget for the fiscal year commencing July 1, 2001, including the use of State Revenue Sharing Funds. He noted it had been approved by the Budget Committee and the amendments were also included in the adopted budget.

Coun. Soth asked if there was anything there that differed significantly from what was presented and approved at the Budget Committee.

O'Claire said there were no changes from the Budget Committee.

Coun. Soth noted that the tax rate was not included in the materials, and asked if that was because the County had not completed their process.

O'Claire said what determined the tax rate was their permanent rate for their taxing authority, and the City had not reached its permanent rate levy, so they were certifying the dollar amount. He explained that when the County Assessor went through the tax rolls and made the adjustments based on the assessed values, annexations, infrastructure, etc., they would then present the City with a rate. He noted that he expected it to be about \$3.39 per thousand of value. He clarified that they would not know the exact amount until November 2001.

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. Soth, that Council approve AB 01234, a Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2001. (Res. No. 3631)

The vote was called on the motion. Couns. Doyle, Soth and Ruby voting AYE, motion CARRIED unanimously. (3:0)

01235 FY 2001/02 through 2004/05 Capital Improvement Plan for Transportation, Water, Sewer, and Storm Drain Projects

Mayor Drake noted that City Engineer Terry Waldele and Project Engineer Jim Brink were present and could answer questions.

Coun. Soth commented that it was pretty well known that the 125<sup>th</sup> Street extension was his pet project since 1976. He said it applied to the Brockman/ Greenway intersection and he asked if Phase II would be completed in the next fiscal year.

Mayor Drake commented that the remaining funding need was \$10 million and without a substantial influx of either regional or State funds, or a levy, the answer would be the City did not have funds to finish the project.

Joel Howie, Project Engineer, clarified that Phase II was the wetland mitigation drainage improvements for 125<sup>th</sup> Street to Hall Blvd. He said the Blakeny drainage study was in progress and when that was completed they would be making recommendations on other projects.

Coun. Soth commented on how costs had increased. He noted that the original estimated cost was \$3.5 million.

Coun. Doyle asked if the changes concerning 125<sup>th</sup> Street would help improve the traffic problem area at Sorrento and Brockman.

Howie said a public hearing was held earlier and the recommendation from the committee stated that Sorrento and Brockman were out of the jurisdiction of the project, so it would not include a traffic signal there. He noted that there would be a work session in the future to discuss that area.

Coun. Ruby noted that the funds currently allocated were part of the engineering process for the redesign of the intersection and he asked if that would precede any extension of 125<sup>th</sup> Street. He commented that until money was obtained to fund the 125<sup>th</sup> Street extension as an overall project, there would not be any funding available for various other projects.

Howie said if they went on strictly the engineering standards to fix the Brockman/Greenway intersection, they would have to take out some of the homes. He noted that there were several alternatives and the preliminary alternative impacted a few properties without entire takings at that time.

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. Soth to approve AB 01235, FY 2001/02 through 2004/05 Capital Improvement Plan for Transportation, Water, Sewer, and Storm Drain Projects

Question called on the motion. Couns. Soth, Doyle and Ruby voting AYE, the motion CARRIED unanimously. (3:0)

01236

Proposed Storm Drain Monthly Increase for System Operations

O'Claire said the proposed increase was \$.25 and it would increase revenues annually in the storm drain fund and allow the City to increase street sweeping. He explained the City swept the streets once every two months, but Clean Water Services now required street sweeping every month. He said an additional equipment operator was needed and the money would also fund the replacement program for the street sweepers. He said there were currently two older sweepers that should be replaced and

an additional purchase of one sweeper was needed. He noted that the monthly increase would begin in August 2001.

Coun. Soth noted the agreement the City had with Washington County to sweep county roads and wondered if that was still in effect.

Steve Baker, Operations Director, said it would not have an impact on services provided by the county. He explained the county would continue to sweep some county roads within Beaverton through a cooperative agreement.

Mayor Drake opened the Public Hearing.

There was no one who wished to testify.

Mayor Drake closed the Public Hearing.

Coun. Ruby MOVED, SECONDED by Coun. Soth to approve AB 01236, Proposed Storm Drain Monthly Increase for System Operations.

Question called on the motion. Couns. Soth, Ruby, and Doyle voting AYE, the motion CARRIED. (3:0)

ORDINANCES:  
Suspend Rules:

Coun. Soth MOVED, SECONDED, by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 01237 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. Doyle, Soth, and Ruby voting AYE, the motion CARRIED unanimously. (3:0)

Pilliod read the ordinance for the first time by title only:

First Reading:

01237 An Ordinance Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for Fiscal year 2001-2002, Pursuant to ORS 221.760

First and Second Reading and Passage:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and the ordinance embodied in AB 01238 be read for the first time in full at this meeting and for the second time by title only at this same meeting. Couns. Doyle, Soth, and Ruby voting AYE, the motion CARRIED unanimously. (3:0)

Pilliod read the following ordinance in full for the first time and by title only the second time at this meeting:

01238 An Ordinance Amending Ordinance No. 4134 to Remove Condition #4 (Sexton Place Rezone, RZ 2001-0009); APP 2001-0008, And Declaring an Emergency (Ord. No. 4173)

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 01238 now pass. Roll call vote. Couns. Ruby, Soth, and Doyle voting AYE, the motion CARRIED unanimously. (3:0)

Pilliod read the following ordinance for the second time by title only:

Second Reading and Passage:

01216 An Ordinance Amending Ordinance No. 4133 Which Amends the Zoning Map for Four Parcels Located at the Northeast Corner of SW 155<sup>th</sup> and SW Beard Road (Beard Court Rezone Modification); RZ 2000-0001 (Ord. No. 4171)

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 01216 now pass. Roll call vote. Couns. Doyle, Ruby, and Soth voting AYE, the motion CARRIED unanimously. (3:0)

RECESS:

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

RECONVENED

The meeting reconvened at 7:21 p.m.

01228 Bid Award – South Central Beaverton Utility Improvements, Phase 3 (Storm Drainage and Sanitary Sewer)

Mayor Drake noted that a memo regarding Staff recommendation of Bid Award for AB 01228 had just been delivered to the meeting. He asked O’Claire to explain the addendum.

O’Claire noted that the addendum explained that staff had evaluated the bids and the apparent low bid was found to be without irregularities and prices submitted were sufficiently balanced over the many different bid items. He noted that Excel Excavation, Incorporated had been low bidder and staff recommended awarding them the contract.

Coun. Soth MOVED, SECONDED by Coun. Doyle that the approval of the consent agenda be modified on AB 01228 to add the bid award to Excel Inc. of Tualatin, Oregon, in the amount of \$1, 279,518.

Mayor Drake noted the bid prices were different

O'Claire explained that the street re-surfacing and traffic loop replacement work contained in Schedule C (in record) would be re-bid in the next annual overlay project by the Operations Department. He noted that provision of Addendum No. 2 of the bid reserved the City's right to delete any individual bid schedule that exceeded the funds available. He said that the remaining total of the apparent low bid for Schedules A, B, and D was \$1,279,518.

Mayor Drake noted that the motion was to revise the motion on the Consent agenda to include a modification to AB 01228 to award the bid to EXCEL, INC, in the amount of \$1,279,518.

Coun. Doyle referred to the traffic loop replacement work and asked where the work would have been done on Watson.

Mark Boguslawski, Project Engineer, said the work would be at Fifth and Watson and Third and Watson.

Coun. Doyle suggested using newer loop technology when it came time to re-bid for the traffic loop replacement on Watson.

Boguslawski said they were looking at the new technology closely and would strongly consider using it.

Question called on the motion. Couns. Doyle, Soth, and Ruby voting AYE, the motion CARRIED. (3:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7: 25 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 4<sup>th</sup> day of March, 2002

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Rob Drake, Mayor