

REGULAR MEETING
November 5, 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, November 05, 2001, at 6:45 p.m.

ROLL CALL:

Present were Mayor Rob 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 Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Ed House, and City Recorder Sue Nelson. Also present were Economic Development Program Manager Janet Young, Utilities Engineer David Winship, and Building Official Brad Roast.

Mayor Drake announced the agenda would be out of order with Proclamations and Presentations coming before Citizen Communication.

PROCLAMATIONS:

Recognition of Babe Ruth Baseball Team (November 5, 2001)

Mayor Drake introduced the Beaverton Babe Ruth team. He noted that the Proclamation honored the team and he introduced the players and coaches. He proclaimed November 5, 2001, as a day of recognition for the Beaverton Babe Ruth Baseball Team.

Mediation Month (November 2001)

Mayor Drake announced November 2001 as Mediation Month and said mediation was a valuable tool in resolving disputes.

PRESENTATIONS:

01327 Introductions of the Mayor's Youth Advisory Board Members

Mayor Drake asked the Youth Advisory Board to introduce themselves. He noted they represented Beaverton High School, Southridge High School, Sunset High School, Westview High School, Aloha High School, and the Arts & Communication School.

Hayes Lenhart explained the upcoming Youth Summit would be a gathering of young people to discuss important issues. He said last year the Youth Summit theme was "Acceptance," and next year the focus would be on violence related subjects. He said the proposed topics were safer schools, stopping violence and discrimination through education, and safer communities. He noted that the Youth Summit's projected date was late March to early April 2002. He noted that several members of the board would be attending meetings at the League of Oregon Cities on November 10, 2001, in Eugene, Oregon.

Coun. Soth congratulated the youth board members. He noted that the Youth Advisory Board were the youth of today and the leaders of tomorrow.

Mayor Drake explained the Board was made up of twenty-one members. He noted that board member Nick Huggler from Aloha High School had won a statewide contest for an essay he wrote entitled "If I Were Mayor for a Day." He added that Huggler was awarded a computer and a savings bond.

01325 Presentation of Shields and Swearing In of New Officers to the Beaverton Police Department

Police Chief David Bishop introduced the new police officers. He swore in Alan Julifs, Kimberly Stading, Cynthia Potter, and Jennifer Pond. He congratulated the new officers and invited everyone to attend a reception following the presentation.

01326 Update of Economic Development Strategic Plan

Janet Young, Economic Development Program Manager, presented an update on the Strategic Plan. She explained that the Council had adopted the Plan in June 2000, and congratulated Council on adopting the Plan at a time when the economy was good in Beaverton. She referred to the brochure entitled "Update On Beaverton's Economic Development Strategic Plan" (in record). She reminded Council that the vision statement in the Plan addressed the key components of having both a community that was healthy for business as well as for business owners. She said the City needed to be a place where people wanted to live as well as to own their businesses.

Young said it linked the City to opportunities for today and tomorrow and to the existing strength, which was businesses that were focused around knowledge based opportunities. She explained the six different goals in the Plan (in record). She referred to Goal One - Fostering Entrepreneurial Networks, and she identified six different business associations in the area. She said that working with existing business associations was the best leverage for time and money. She listed the associations as (1) The Chamber of Commerce, (2) The Oregon Entrepreneurs Forum, (3) The Software Association of Oregon, (4) American Electronics Association, (5) Westside Economic Alliance, and (6) The Commission of Visitors Bureau of Washington County. Young noted that funds had been budgeted for sponsorship of events in those organizations. She explained that one of the sponsorships included the Biotech section of Venture Oregon at the Oregon Entrepreneurs Forum. She noted the City would look for other sponsorship opportunities throughout the year.

Young referred to Goal Three and explained in detail the items on the selected accomplishments list, which included the Hall/Watson Beautification Project and Vertical Housing Legislation. She noted that under Goal Six the Business Roundtable series had been the most visible and that it was regarded as an ongoing educational forum. She explained the downtown redevelopment projects (in the record). She said the City's Planning Department had received a Transportation Growth Management Grant for the 114th & Canyon Road Project.

Coun. Ruby commented that he enjoyed the Business Roundtable and he asked for clarification on the Vertical Housing Legislation.

Young replied that the Vertical Housing Bill did two significant things. She detailed that it acted as a tax abatement program that looked at abating a certain percentage of taxes in an increasing scale; more floors of housing meant a larger abatement. She noted it would be abatement for mixed-use housing. She further explained the Vertical Housing Bill would allow the City, as a public agency, to potentially acquire properties for mixed-use development or to assist in that kind of development. She said that there was an inability to do that through an urban renewal agency or a housing authority.

Coun. Ruby noted that the label *vertical housing* was just more of a reference to the type of housing that it facilitated. He asked if it allowed the City to build higher buildings than what was specified in the Development Code.

Young responded that the current zoning requirements would still have to be met. She pointed out that it referred to the fact that the building would have to be built vertically higher to qualify for the incentive.

Coun. Brzezinski referred to page six and asked if the City was a member of the Business Education Compact.

Young replied that the City was not a member of the Business Education Compact. She added that she had not been active in that organization and did not know if others within the City had been involved.

Mayor Drake commented that as an ex-officio member of the Chamber Board, and on behalf of the City he had been very supportive of the Chamber's education efforts. He said the City was not directly linked as a member.

Coun. Brzezinski said that the Business Education Compact was not related to the Chamber. She said it was a separate entity with membership from school districts and businesses. She added there was no reason that cities could not be members.

Mayor Drake explained that the Chamber had been a key player in developing it; and commented that he saw it only from the Chamber membership perspective.

Coun. Brzezinski said the Business Education Compact office was in the office complex by the Stuart Anderson Restaurant.

Young said she had several conversations with the organization, but had not actively participated.

Coun. Brzezinski referred to page 11 and asked about the survey of current business issues. She inquired if the business was randomly selected or if a specific business was selected for certain reasons.

Young replied that it was not yet decided what businesses would be chosen. She explained that she envisioned looking at businesses with 25 or more employees and she was trying to get a representative sample of different types of businesses in the area.

Coun. Brzezinski said she enjoyed the Business Round Table dinners and noted that they were all potentially useful; she had learned from each of them. She concluded that it was very useful for Council to expand their thought processes as to what Economic Development involved and how different facets contributed to Economic Development in Beaverton.

Young stated she welcomed Council comments and suggestions

Coun. Doyle asked where requests for more specific information should be directed.

Young replied that specific requests should be sent to Linda Adlard's office.

Coun. Doyle thanked Young for the Business Roundtable meetings and noted that they were excellent and exciting. He said he wished the rest of the community could somehow participate through newsletters or some other mechanism.

Coun. Stanton said she appreciated the over all goal and the thrust of the Plan in Beaverton, which was to attract and retain medium to large size employers. She noted that in the past there had been a WalMart application before the City with a goal of rezoning industrial land to commercial. She commented that if the WalMart application would have been approved family wage jobs would have been given up for part time minimum wage jobs. She said as much as small businesses were the backbone of the country, she appreciated the effort put forth by the City to attract larger businesses. She said good quality jobs would take the City through economic highs and lows. She emphasized that was critical for survival and quality of life.

Young added that service businesses followed primary businesses.

Coun. Soth said he encouraged Young to survey the downtown area from 5th street north through to The Round. He said it was his impression that non-residents of Beaverton owned properties in that area. He said that opened the door for someone with money to put together those properties for a significant development of some kind. He commented that he was concerned about what effect a plan like that would have on the historic designations in the area. He said he appreciated the Business Roundtable because in some of the discussions it had been noted that the educational level some of the businesses required was more than a high school education. He stated that the focus had been on the high tech industry and the qualifications for engineers. He stated that sometimes they lost sight of the fact that along with those highly educated engineers; service people were also needed. He said that was one way the City could retain the diverse economy and the work force everyone depended upon. He asked Young if that issue had been explored.

Young answered that they needed to make sure that educational and workforce opportunities expanded to more than just the engineers and professionals, with a goal which included all levels. She believed that goal was being met. She explained that the region contained a good system of community colleges and different sorts of avenues. She continued that often there were problems connected to those resources that were available, and that was one of the places where the City could make a difference in making those connections. She said they were looking at districts being analyzed in the downtown area. She concluded the analysis would include service needs and ownership patterns and how they might impact re-development.

Coun. Soth said it would be important to determine whether any of the business owners were contemplating re-development or expansion.

CITIZEN COMMUNICATION:

Arvy Wong, Beaverton, addressed Council and explained the practice of Falun Dafa. He said it was a meditation program that consisted of slow moving exercises and meditation. He explained that the Chinese government was doing everything it could to discredit and persecute Falun Dafa followers. He noted that there were cases of Chinese officials pressuring local city governments in America to rescind proclamations recognizing the merits of Falun Dafa. He said that he could be persecuted in China for practicing the Falun Dafa exercises and asked Council to support the practice of Falun Dafa.

Coun. Soth asked if the reason for the animosity from the Chinese government toward the Falun Dafa movement was because of a perception of Falun Dafa as a religious movement. He asked if it was perceived as somehow contrary to the aims and practices of the Chinese government.

Wong replied that he thought the Chinese government saw Falun Dafa as contrary to their government practices. He said they regarded it as a threat.

Coun. Stanton asked where more information could be obtained.

Wong replied the Web site address was www.faluninfo.net and/or www.falundafa.org.

CONSENT AGENDA:

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

Minutes of the Regular Meetings of June 18, 2001, July 16, 2001, August 13, 2001, and the special meeting of October 29, 2001

- 01328 A Resolution Consenting to Application to Transfer the Operating License of Garbarino Garbage and Recycling, Inc. to Jeff Garbarino
- 01329 Establish Waste Reduction Program Coordinator Classification and Transfer Resolution
- 01330 Liquor Licenses – Greater and Additional Privileges: McMenamins New Outlets: Issa's Pizza & Pub, Inc., YoshiZone Sushi House.

- 01331 Final Order Granting an Appeal of The Board of Design Review's Denial of a Design Variance For The Hall Blvd. Bike Lane and Street Lighting Improvements; City of Beaverton, Applicant; Order No. VAR 2001-0010/APP 2001-0014
- 01332 Authorization for City to Enter into an Intergovernmental Agreement Relating to the Enforcement of Laws Concerning Controlled Substances
- 01333 Bid Award – Street Sweeping of City Streets
Contract Review Board:
- 01334 Authorization to Enter Into Contract for Legal Services
- 01335 Bid Award – Purchase Two (2) New 2002 Kawasaki Police Motorcycles
- 01336 Contract Award for Temporary Inspection Services
- 01337 Contract Award for Temporary Plan Review Services
- 01338 Water Intertie Pipeline and Master Meter Intergovernmental Agreement Between the City of Beaverton and the City of Tigard
- 01339 Consultant Contract Award – Engineering Services for 2001 Water Works Infrastructure Improvements

Patrick O'Claire said AB 01335 should have been on the Consent Agenda as a Consent item and not as a Contract Review Board item.

Coun. Brzezinski submitted corrections to the June 18, 2001, and August 13, 2001 minutes.

Mayor Drake pulled the minutes of June 18, 2001 for additions and corrections.

Coun. Brzezinski referred to AB 01329 and asked about the staff recommendation of the City making up the future-funding shortfall from solid waste franchise fees. She said that statement was not in the recommended action portion of the agenda bill. She said she assumed that was because Council could not talk about what would happen in two years. She said she wanted to make sure it was right to mention a recommendation in the historical perspective, but not mention it in recommended action.

Mayor Drake explained each year every position and every dollar spent was up for renewal and Council could make a decision on the future funding of the solid waste position in two years.

Linda Adlard, Chief of Staff, said within two years the City could better evaluate the recommendation and the value to the City's commercial businesses and the recycling program. She said the grant funding was available for two years, but it was important for Council to have the opportunity to review the program in anticipation of subsidizing the grant funds in the future.

Coun. Stanton thanked staff for answering her questions.

Question called on the motion. Couns. Brzezinski, Doyle, Soth, Stanton, and Ruby voting AYE, the motion CARRIED (5:0) unanimously with the minutes of June 18, 2001, pulled.

COUNCIL ITEMS:

Coun. Stanton noted that the Beaverton Library had a future Planning Survey available for citizens to complete. She noted the library staff was always looking for ways to improve and she urged everyone to participate in the survey.

Coun. Doyle announced the City Holiday Open House would be held December 11, 2001, from 5:00 p.m. to 7:00 p.m. He invited all Beaverton citizens to stop by for refreshments and a visit with Santa Claus.

Coun. Brzezinski reported that the new library building had won several awards from the American Institute of Architects, including the People's Choice Award.

Adlard explained that the Library had received two awards from a list of eight possible awards. She stated that a vote was taken and the Library won the People's Choice Award over eighty other nominations. She commented that it was quite an honor.

Coun. Soth said that the League of Oregon Cities (LOC) Annual Conference would be held in Eugene, Oregon, on November 10, 2001. He also reminded Council that the National League of Cities would be in Atlanta, Georgia, beginning on December 4, 2001.

STAFF ITEMS:

Adlard said the City had begun a sign-sweep each Saturday to remove illegal signs that people posted in the right-of-way and on utility poles. She said it included A-frame signs as well as other kinds of illegal signs. She noted that the sign sweep was to keep the City beautiful and to maintain a high quality of life. She added that if a citizen was going to have a garage sale it was appropriate to ask the neighbors on the corners of the street if the sign could be posted on private property. She explained that signs were deemed legal if they were on private property and that any illegal signs would be removed.

Adlard said many people simply did not know they were breaking the law and the City wanted to remind people that signs were only legal on private property and only for a temporary time. She said signs for home employment, weight loss, etc. would be removed every Saturday until the City was cleaned up.

Coun. Stanton suggested that citizens participating in neighborhood association (NAC) walks could remove illegal signs from their neighborhoods.

Adlard said the City had removed 35 illegal signs on the previous Saturday. She noted the City would be patrolled NAC by NAC and the entire City would be covered in a very short time.

Mark Pilliod, City Attorney, said the City had been engaged in an oral argument before the United States Court of Appeals for the Ninth Circuit. He explained that it was a case that had been appealed by the City and Washington County and a consortium of garbage haulers from a case decided in Federal District Court against AGG Enterprises. He said the attorney for the appellants did an excellent job responding off the cuff to the questions from the three-judge panel. He said it looked like it went in favor of the City, but he did not know when a decision would be reached.

Patrick O'Claire, Finance Director announced that the Supplemental Budget Meeting would be held in the Third Floor Conference Room, on Thursday, November 15, 2001, at 6:00 p.m.

Mayor Drake said that Coun. Ruby would not be attending that meeting.

Mayor Drake reported that a request had been submitted from Jim Cape, Portland, regarding Annexation 2001-0006. He read Mr. Cape's letter into the record. He noted the letter requested a public hearing before Council. He noted that Annexation 2001-0006 referred to AB 01340. He asked for comment from staff.

Pilliod said the annexation was based on the petition and consents obtained by the owners of the properties involved, namely the School District, Tualatin Hills Park and Recreation District and the County. He said none of the properties had residents on them and therefore there was not a "majority of residents." He said under ORS 222.125, the statute on which it was based, no public hearing was required, but was instead an option. He said it was his understanding based on what was in the staff report, that Council could go forward and approve the annexation that evening.

Mayor Drake said Mr. Cape was not currently present at the Council meeting nor had he been at the meeting that evening. He added Mr. Cape was not a resident of the City of Beaverton.

Coun. Brzezinski said she would like clarification about the request for a hearing submitted by Mr. Cape.

Mayor Drake verified that Mr. Cape had requested a public hearing. He said it was his understanding that no hearing was required on the subject.

Joe Grillo, Community Development Director, commented that the City had been utilizing the same format in the annexation notices that had been sent out on numerous occasions. He said the notices indicated that a party may request on or before a certain date (November 5, 2001, in the current instance) for Council to hold a public hearing. He explained that this procedure had yet to be edited out, because it was no longer required under an expedited ordinance. He said since all of the parties had consented there was no requirement to have a public hearing. He said that might be where some of the confusion had come from; in the future, the City would edit the notice that was sent out to people on expedited annexation hearings. He said the notice would be edited to read *actions only*. He said he submitted into the record all copies of the letters in question, which dealt with all of the land parcels involved in this particular action as well as a generic overall map. He asked Coun. Brzezinski if he had clarified the situation.

Coun. Brzezinski replied that Grillo had explained Mr. Cape's request for a hearing.

Grillo verbally amended all related documents to read Cedar Hills Park in place of Cedar Mills Park.

Mayor Drake commented that the Council had a long tradition of hearing people speak on their issues, even if they were not citizens of Beaverton or if they were not issues directly related to the Council's work on a daily basis. He noted that the Council did provide that public forum.

Coun. Stanton said in the recent past Council had a public hearing on an annexation on property north of Hwy. 26, because some residents had asked for a public hearing. She asked what made Mr. Cape's hearing request different from the hearings previously granted.

Grillo explained the previous case cited by Coun. Stanton was a hearing but not a public hearing. He said the Council had a right to choose if they wished testimony. He said that up until a certain date in the past year the annexation actions that the Council had taken were tied back into the City's adopted Comprehensive Plan. He noted that since that time the Council had removed annexation as a part of its Comprehensive Plan document.

Grillo said as long as it was part of the Comprehensive Plan, the staff and the City Attorney's office attempted to err on the side of being conservative so that it might still be viewed as a land use action, therefore the need to conduct a hearing, if one so requested, was the subtle difference between the case mentioned by Coun. Stanton and the current case before Council that evening.

Coun. Stanton clarified that the City was erring on the letter side of the law as opposed to the spirit that the City had toward the neighbors outside of the City boundaries. She noted that in this particular case it was not about residential areas at all.

Mayor Drake referred to a map (in record) and indicated where Mr. Cape lived. He pointed out that Mr. Cape did not live near Annexation 2001-0006 and was not directly impacted.

Coun. Stanton said she understood that, but she was trying to understand how the City would react the next time the public requested a public hearing. She said she wondered if the City would deny a hearing because of a precedent or would the City look at each case separately. She said she hoped the City would look at each issue case by case.

Mayor Drake noted there was no one present to comment and asked for first reading of the ordinances.

ORDINANCES:
Suspend Rules:

Coun. Soth **MOVED, SECONDED**, by Coun. Stanton that the rules be suspended, and that the ordinances embodied in AB 01340 and 01341 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. 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:

01340 An Ordinance Annexing Five Parcels of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2001-0006 (SW Cedar Hills Blvd./Sunset Highway)

01341 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance 2050, the Zoning Map for Five Parcels; CPA 2001-0014/RZ 2001-0015

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

Second Reading and Passage:

01323 An Ordinance Relating to Privacy, Amending the Beaverton Code to Restore the Crime of Violating Privacy of Another.

Coun. Soth MOVED, SECONDED by Coun. Ruby that the ordinance embodied in AB 01323 now pass. Roll call vote. Couns. Brzezinski, Ruby, Soth, Stanton and Doyle voting AYE, the motion CARRIED unanimously. (5:0)

OTHER BUSINESS:

Mayor Drake noted that the Council had received a memo from the Executive Assistant to the Mayor regarding the Social Services Funding Committee. He said the staff was gearing up to get the process in motion and the memo had been a friendly reminder. He noted the memo stated that Council needed to enact some renewals including checking with last year's appointments. He pointed out that Coun. Stanton had a vacancy. He asked Council to communicate directly with his Executive Assistant, Joyce Storms.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this 7th day of January, 2002

Rob Drake, Mayor