

## REGULAR MEETING

March 16, 1998

### CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, March 16, 1998, at 6:37 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, and Forrest Soth. Coun. Cathy Stanton was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Operations/Maintenance Director Steve Baker, Police Captain Richard DeHaan, Administrative Chief Gary Nees, Principal Planner Alwin Turiel, City Engineer Terry Waldele, Development Services Manager Irish Bunnell, Senior Engineer David Winship, Associate Planner Barbara Fryer, Emergency Services Manager Mike Mumaw, and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

Kathy Sayles, 16985 SW Kemmer, Beaverton, said she had distributed a copy of a letter (in record) concerning a NAC meeting held on February 26. She explained that the meeting involved the four agencies concerned in the Cooper Mtn. acquisition, and she had learned from Larry Eisenberg at the County that the \$50,000 could be reallocated to something else. She said that concerned her because in a phone call subsequent to the meeting, Mayor Drake said that money was a certainty. She said also in the letter, the four agencies asked that the neighbors raise \$.5 million in order to continue negotiating for the site, and indicated that the neighbors intended to go ahead and raise the money. She noted that in other communications, there were assurances that the acquisition was secure, but considering the complications in acquiring just the southern portion, the neighbors did not feel that was the case and felt it would be much safer to purchase the entire site.

Mayor Drake asked what her question was.

Sayles said Mayor Drake had indicated that the \$50,000 was a certainty and now the County was saying it could be spent elsewhere.

Mayor Drake stated that he didn't believe he had used the word "certainty." He explained that at the meeting, Charlie Cameron, Washington County Administrator, had said if there was a viable option to buy the whole property, he thought the County would do so. He said there appeared to be no interest on Mr. Lodato's part to sell the northern portion unless he got what he was asking for it.

Mayor Drake further explained that he had no control over Lodato or the County's \$50,000, and he understood from Ron Willoughby's (General Manager of Tualatin Hills Park and Recreation) letter, that they were about a half million dollars short. He noted that the \$50,000 was only about 10% of that shortage. He said he couldn't say what was happening at the County, but he knew from talking to Cameron that they had other places they could put that money if they so desired.

Sayles asked the Mayor if he was aware of a meeting in January in which they allocated the money to the Cooper Mtn. site.

Mayor Drake reiterated that he had no control over County money. He indicated that the City had talked with them and it appeared they weren't even close to being able to purchase the property.

Sayles declared that the Mayor's signature on the March 6 letter intimated that all the parties had an understanding that the entire site was a viable option. She said the neighbors were doing their best to raise the money, and all they were asking was that the City help make it work.

Mayor Drake said he had been trying to make it work, but in all candor, her lawsuit against the development had a lot to do with holding it up. He said he had no part of the lawsuit, the \$50,000 belonged to the County, and the fact remained that they were a half million dollars short. He clarified that the letter indicated the money would be available through June 30, and beyond that, Metro would have something to say about the remaining City money that was sitting on the table, in addition to that of Metro and THPRD.

Sayles said regarding the LUBA appeal, the neighbors, working through their attorney, never had any information on the basic deal. She noted that they were being asked to drop their appeal without that information. She said they were willing to work with what was offered, that if they raised the half million, the City would continue to negotiate for the entire site. She added that the deal was not over.

Mayor Drake noted that Sayles had a copy of the letter which was sent to Council, and it stated that the deal was on the table, at least through June. He stated that the City was held accountable to Metro beyond that for the money that was part of the Greenspaces program. He said no one was saying the deal wasn't done, but the best information was that they were a half million dollars short, and if the money couldn't be raised, the land couldn't be condemned.

Sayles repeated that they were trying to raise the money.

Mayor Drake recalled that two years past, Sayles and others were going to form a foundation to help raise money, and as far as he knew, none had been raised.

Sayles stated that she had never made any statements to that effect.

Mayor Drake said she was venting in the wrong place. He noted that she should go to the Metro Council and ask them to allocate more money to purchase the property. He said the City was trying to help, but this was the wrong venue for her anger.

Sayles commented that she hated to speak in public, and what appeared to be anger, was not. She thanked Council for their support, and said they had tried to talk with Metro and THPRD, but did not know how to facilitate communications. She said now that they had been asked to participate by contributing to the huge amount of money, they were taking it as an indication that they would now be included in the communications.

Mayor Drake commented that there had been a great deal of communication ever since the program started, and again referred to the discussions two years ago of putting money towards it, and/or matching land with some that might be purchased.

Sayles declared that she did not have any affiliation with Friends of Cooper Mountain. She noted that the appeal was filed by the Cooper Mtn. Neighbors, and although she had been a leading figure throughout the process, she had never made the statements the Mayor was referring to and was sorry if she was being blamed for that.

Mayor Drake said no one was blaming her. He commented that early on, the Friends of Cooper Mtn. indicated there would be an active effort to help purchase, donate or match the land, none of which ever happened.

Coun. Brzezinski noted that Sayles was concerned about the \$50,000 from the County. She clarified that since Cameron signed the March 6 letter which stated they would keep the funds available until June 30, that should override the statement that the County was considering reallocating the money now that the Lodato acquisition had been secured. She said she thought the letter constituted a commitment by the County.

Mayor Drake said \$500,000 was a substantial shortage and \$50,000 wouldn't fill the gap.

Sayles said she was concerned that if they pulled the \$50,000, then they would have to find that, plus the \$500,000.

Mayor Drake again suggested contacting the County and said they had tried to facilitate any arrangement of money they could, and barring Lodato changing his mind, there was an agreement to purchase the land for \$531,000.

Sayles said that was on the condition they dropped the appeal and they were being asked to do that without knowing any of the details. She commented that she had been told by Barbara Fryer, Associate Planner,

that Lodato was reconfiguring the northern portion, and that was the type of thing Metro could share with them. She said she thought it was in the Mayor's power to talk to Metro and ask that they be allowed to participate in the negotiations.

Mayor Drake said he could not make Metro do any more or make Lodato close the deal. He said Lodato could not develop the northern portion as long as the LUBA suit was in place.

Sayles stated that they would continue to try for the entire site. She said she appreciated the length of time the Mayor and Council had allowed her and thanked them for their help.

#### COUNCIL ITEMS:

Coun. Soth said he and Coun. Doyle had attended the National League of Cities (NLC) Congressional Conference the past week, and a number of issues arose affecting cities in general, some of which were quite serious. He noted that one was a bill which passed the House and was currently in the Senate stating that after an initial hearing on any land use issue, it could be appealed to the District Federal Court, bypassing all local appeal processes including Council, LUBA and the Court of Appeals. He said a coalition had been formed to try and defeat the bill, but the prospects in the Senate were uncertain. He commented that it would have a devastating effect on all land use procedures in Oregon.

Coun. Soth said another issue concerned the FCC and their allocation of 24 more channels, called Spectrum, to be used for local law enforcement and public safety agencies. He noted that it was very important to all 9-1-1 agencies throughout the United States because, as the system expanded, the extra channels would be important for everyone to use. He said a third issue related to the Federal preemption of sales taxes on sales made through the Internet. He noted that it would have an effect in Oregon, because if a person could purchase merchandise cheaper through the Internet without a sales tax, the local merchant would suffer. He added that they had good contact with the Oregon Congressional delegation, and overall, it was a very informative conference.

Coun. Brzezinski reported that the Sister Cities auction had been very successful and raised over \$5,000. She said that was seed money for a scholarship fund to assist Beaverton students who wanted to participate in the exchange program. She said she was pleased they had done so well in the first auction, and were already planning for next year. She thanked all those who had contributed in any way, to making the event a success.

Coun. Brzezinski said, as the City's representative to the Metropolitan Area communications Council (MACC), she had received a draft proposal for TCI's franchise renewal. She noted that the cover memo indicated a copy had also been sent to the City's legal counsel with an opportunity to respond directly to MACC. She said if there was any specific issue that

needed attention, she would be glad to take comments to the upcoming meeting. She explained that MACC supervised the franchise agreement between TCI and 16 jurisdictions, and the franchise that had been providing the provision of cable would expire in February 1999. She said they were updating the new franchise, and the draft included some of the things they were going to propose to TCI. She mentioned that Coun. Doyle was the MACC alternate and said she would send him a copy of the document.

Coun. Brzezinski asked if they could find out how things were proceeding on Canyon Road, and if it was still expected to be completed by the opening of the Westside Light Rail line.

Mayor Drake said all indications were that it was on schedule.

Coun. Doyle commented that the Beaverton High School Boys' Basketball team had won the state championship, and both teams demonstrated good sportsmanship.

Coun. Doyle referred to the legislation regarding the land use processes previously mentioned by Coun. Soth, and noted that it was put into the Senate by Sen. Gordon Smith, and also that the Internet tax issue had been sponsored by Sen. Ron Wyden.

Coun. Yuen said in the CPO 7 newsletter, he noticed an item which stated that the Metro Council was currently meeting on a trial basis in the evenings. He said the newsletter encouraged attendance in order to demonstrate that holding evening meetings was a good idea. He said he thought it was an obvious choice which would enable citizens to attend, and asked Mayor Drake for his comments.

Mayor Drake said he would send a letter supporting that concept.

Coun. Yuen reported that he had received a booklet from the City of Portland, Office of Neighborhood Involvement, entitled NUSA '98. He said it was a seminar promoting the 23<sup>rd</sup> Annual Neighborhoods' USA Conference, and asked if Beaverton was aware of it.

Mayor Drake noted that Mike Matteucci, Neighborhood Coordinator, was involved with it.

Linda Adlard, Chief of Staff, commented that there was money in the budget to send some of the neighbors to that conference.

Coun. Yuen said on a recent trip to Hawaii, although he resolutely tried to put all thoughts of City business out of his mind and just enjoy his vacation, he came across something he couldn't resist purchasing. He presented Coun. Soth with a license plate with the inscription "Run Forrest, Run," and said even though it was not necessarily appropriate at the present time, he was sure it would come in handy for the future.

STAFF ITEMS:

There were none.

PROCLAMATION: Iranian New Year Celebration Day

CONSENT AGENDA:

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

Minutes of the regular meeting of January 26, 1998

- 98-61 Liquor Licenses – Annual Renewals
- 98-62 Liquor License Renewal – Stuart Anderson’s Cattle Company
- 98-63 Resolution of Intent to Condemn Real and Personal Property Located on Center Street, Washington County, Oregon, for Public Right of Way
- 98-70 Additional Funding for Beaverton Float Committee

Contract Review Board:

- 98-64 Resolution Initiating Amendment to the Open Spaces Bond Measure Intergovernmental Agreement with Metro
- 98-65 Bid Award - Sexton Mountain Pump Upgrade and Meter Installation
- 98-66 Sorrento Pump Station Underground Storage Tank (UST) Remediation Approval
- 98-67 Contract Award - Westside Interceptor Storm Drainage Project No. 2, Final Design, Bidding, and Construction Engineering Services
- 98-68 Waiver of Sealed Bid – Purchase of Police Canine
- 98-71 SW Henry/Esplanade Road Sanitary Sewer Trunk Line Relocation - Change Order Approval and Exemption From Formal Bidding Requirements

Coun. Brzezinski gave her corrections on the minutes of January 26, to Darleen Cogburn, City Recorder. She reminded staff that she had requested they get some feedback from Tigard about how their methods were working in processing development applications for the County. She said she wanted to be sure that was being followed up.

Coun. Brzezinski referred to AB 98-70, Additional Funding for the Float Committee, and asked how much was currently available for the project.

Adlard replied that the current amount was \$5,000.

Coun. Yuen submitted corrections on the minutes to Cogburn.

Coun. Doyle referred to AB 98-66 regarding the UST (underground storage tank), and asked if that was likely to be the last expenditure.

Adlard explained that when something was spilled, there was no way to make a determination of costs until they came to the end of the spill. She said she hoped this was the last of it, but could not offer any assurances. She noted that they had no choice but to clean it up, and said this was an example of the importance of keeping track of those incidents.

Coun. Yuen commented that he was very impressed by the K-9 program (AB 98-68) and thought it would greatly benefit the City plus save a great deal of money.

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

RECESS: Mayor Drake called for a recess at 7:10 p.m.

RECONVENE:

The meeting was reconvened at 7:25 p.m.

WORK SESSION:

98-69 General Progress Update on *The Round* At Beaverton Central

John Engel, Redevelopment Projects Manager, introduced Terry Waldele, Traffic Engineer, Greg Kurahashi, Consulting Engineer with Kurahashi and Associates, Oliver Norville, Legal Consultant, Sylvia Cleaver with the BCB Group, Lonnie Dicus, Managing Director of Micro Climates, Dennis Brun of Stastny Architects, and Selwyn Bingham, also with the BCB Group. He said Irish Bunnell, Development Services Manager, would also participate in the discussion.

Adlard said they wanted to give Council an update on *The Round*, and remarked that the participants were highly dedicated professionals committed to the project. She said the project was going extremely well, was virtually on time, and meeting all the criteria required by the City. She explained that each person would present some background and brief comments, followed by any questions from the Council. She briefly summarized the historical perspective, and added that the non-profit group who would be managing the public spaces, was currently advertising for an Executive Director. She said the Board would be interviewing in the upcoming weeks and hopefully have someone on board by May 1.

Brun displayed some drawings of the project and said it was very interesting to see its evolution. He noted that the project had changed partially due to a smaller, more constricted site, but all and all, the content of the project was much the same. He explained that much of the current thinking of what was being developed concerned the buildings at *The Round*, and some of those had not yet gone through the approval process. He said this was sort of a "pre-preview," and some of the materials the Council would see were things that were either currently under construction or in the approval process. He reminded them that the concept of *The Round* was to reflect on the historical nature of what a city center was. He said they wanted to recreate and establish a new, stronger identity for the City as a whole. He noted that a major part of the development historically was the railroad, or in this case, the Light Rail, and a major urban center at a point of departure.

Brun reviewed the drawings and described the locations of the various buildings and properties. He noted that one of the greatest assets of the site was the tremendous views it afforded. He said they wanted to create an opportunity for the City to have dynamic public events, with an outdoor theater and a place for a variety of activities. He said by doing the plaza in the center, they had reduced the amount of grade change within the area, yet provided for a number of uses. He described the theme they were using as a reflection of the Northwest. He noted that Micro Climates had participated in the project, and to show the link with their efforts, he asked Lonnie Dicus to continue with the presentation.

Dicus gave a brief background of his company and credentials, and thanked the City for their continuing cooperation. He explained that their intent for *The Round* was to develop an energy center which would provide heating and cooling for all of the buildings. He said one of the unique things that could be done with an urban center where there were a lot of dynamics and density, was the opportunity to come up with special energy solutions. He explained that it allowed them to develop things like a central plant to locate all the heating and cooling in one place, and then pipe it out to the entire project. He noted that allowed them to create more efficiencies, which would then be passed on to the customers. He expressed his gratitude to the architects and developers who permitted his company to locate the plant in the south office building, instead of underground as was first planned. He said they wanted to make it an example of how to do a central plant and incorporate it into a large, mixed-use project.

Bingham reported that he had met with the Central Beaverton NAC with an update on the project, and also discussed some other issues. He said one of the issues was the LRT (Light Rail Transit) and its high speed through Beaverton and the noise at crossings, which he felt could be dealt with in a satisfactory manner. He commented that he had also met with the Executive Committee of the Chamber of Commerce, and recognized some of the great opportunities in working with the City. He distributed



and reviewed some aerial photos showing the progress to date. He urged the Councilors to stop by the project, and said if they let him know in advance, he would take them up on the platform for an overview.

Adlard reminded Council that Mayor Drake had negotiated with Tri-Met for a 25 mph limit through the City, and stated it would be enforced. She said the PUC and the crossing issue was more complicated, but the intent was to get the project built and allow people to drive through it. She noted that developers had worked hard to get the ground to support all of the structures, gone through extensive engineering and put in geo-piers. She reported that they had economized the best they could to make the project work and it had been a team effort.

Coun. Soth said he was interested in the geo-piers, and asked if they had run into any major situation where the ground was too soft to do much with it.

Kurahashi replied that they did not run into a situation where they had to use anything more than geo-piers. He reported that they had encountered some conditions in the front of the project that were significantly worse than anticipated. He explained that the excavation of the old storm sewer in that area kept caving in because of the soil conditions and organic material that was in the fill. He said they ended up with a lot of big holes, and it had been quite an experience, but in the end they were successful.

Coun. Soth asked with regard to the energy issue, if there was a provision for either active or passive solar application when it became economically feasible.

Dicus said not at this point. He said the central plant would use gas-fired boilers and electric chillers because of their high efficiency. He explained that they were doing the comprehensive design from the plant, but the systems went all the way into the buildings, so they could fine-tune and control it to a high degree. He noted that they also would be providing state-of-the-art telecommunications and security systems.

Coun. Brzezinski referred to one of the photos which contained an outline of the new wetlands, which she said obviously impacted the original design. She said she thought there was going to be a mirror image of the crescent building behind the crescent building with more housing, but now it did not look like that was possible. She asked about the housing behind the crescent building and the promenade.

Brun said the impact of wetlands was greater than anticipated, and they originally proposed to relocate it, but that was not possible. He said they intended to propose about 30 units for the north housing, with the total for the site being around 90 units. He noted that the housing on the north side would be on the perimeter of Crescent Drive and on the future extension of Rose Biggi Avenue. He said they were proposing an office condition, where they would have a retail or commercial use on the ground floor and

residential above, all owned by the same person.

Coun. Brzezinski asked if all 30 of the units would be like that.

Brun said that was the present plan, but there might be modifications.

Coun. Brzezinski asked what the current time line was for those units.

Bingham said they would be phased, with what was currently under construction, followed by the south office building, and then the parking structure on the north which would start simultaneously with the entertainment center and the hotel. He said they would then go back to the housing, but they had to sell the units that were now under construction before they started the next group.

Coun. Brzezinski commented that it would be a different type of buyer who would want the home-office unit.

Cleaver said the change in the north housing occurred not just because of the wetlands, but also because of the cost issue. She explained they would have been in the \$200-\$250 per square foot range which was out of the market, so they had to change the design standard. She said to do that, they had to take the housing off the parking garage and put it on the ground.

Coun. Brzezinski recalled that throughout the discussion, the Councilors had expressed their desire that the theater would have some space available for community arts activities. She said it was an important issue with them, and they would be glad to personally become involved, and offer any encouragement necessary.

Coun. Brzezinski mentioned Larimer Square where there was a brew pub located under one of the commercial/residential buildings, and it was not popular with the residents because of the noise. She said that was something that needed to be considered.

Coun. Doyle asked if there was currently a price for the living units and were they for sale.

Cleaver replied that they were all for sale at \$180 per square foot, and they hoped to put a sales trailer out on the site within the next month.

Bingham said there would be some features in the units that would lend to the price tag such as stone detail, large kitchens, and fireplaces. He noted that the units they were doing on Sixth and Murray were unique and being offered at a lesser price, but they were one-story in a simple building. He said the ones in this project would have views and terraces, and their value would be visible.

Coun. Doyle asked when there would be information available on the retail

spaces. He said he had received many phone calls asking about that.

Cleaver said anyone could call her directly for information, but Gray and Associates was the real estate firm doing the leasing. She said they were rapidly filling up, and noted that of the 50,000 sq. ft. available, they were in serious negotiation for over 30,000 sq. ft., so it was imperative to act immediately.

Coun. Doyle asked if there were any prospective tenants for the hotel and theater.

Bingham replied that they were close to a deal on that portion.

Coun. Doyle said he was excited to hear who that was when they had an answer. He stated that he agreed with Coun. Brzezinski, and was very enthusiastic about having the live theater. He gave an example of another city he had heard about where their theater could hold between 500 –700 people, and was sold-out four nights of the week. He reported that it had an enormous, positive effect on the entire community, and felt that was something that needed to be done on this side of the tunnel.

Adlard commented that those types of negotiations were very sensitive, and as they were confirmed, Council would be the first to know. She said it was overwhelming to put everything together and they would share any information as soon as possible.

Coun. Doyle expressed his gratitude for all their efforts and said they were doing a great thing for the City.

Coun. Brzezinski said she thought everything was looking great and she was glad the developers were enjoying the project, and hoped that continued.

Coun. Yuen said he was very excited about the progress being made and was looking forward to opening day. He commented on the excellence of the drawings that were used in the presentation, and asked if they were hand-drawn or computer generated.

Brun said they were a little of both. He explained that they had a three-dimensional model in the computer and as the designs developed, they were inputted into the computer, and when they found the view they wanted, they hand-drew over the top.

Coun. Brzezinski commented that the new Mayor of Beaverton's Sister City in Taiwan would be visiting in the spring, and was very interested in LRT. She said they were planning to give him a tour of *The Round* and show him the Sister Cities garden.

Adlard said Light Rail would make its first official run through Beaverton in September, and Tri-Met would handle the publicity for that. She noted that

because of all the construction time frames, and the schedule for the developers, some of the fencing would still be up, and people could not wander through a construction site. She said that was a safety issue and she wanted Council to be aware of that. She noted that the developer was planning a grand opening, probably sometime in November, and that was when they could all really celebrate. She thanked the participants for their enthusiasm, and said everyone was proud to be a part of the project.

Coun. Soth complimented all parties involved on the job they were doing. He said it was particularly gratifying to see the progression coincide with the September 12 date so people could see what this type of partnership was capable of accomplishing. He offered his congratulations and said it was a significant landmark in the City of Beaverton.

Adlard acknowledged Mark Pilliod, City Attorney, for his contributions and participation.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:12 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 4<sup>th</sup> day of May, 1998

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Rob Drake, Mayor