

REGULAR MEETING

June 29, 1998

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, at Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 29, 1998 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Director of Engineering Tom Ramisch, Police Captain Richard DeHaan, City Librarian Shirley George, City Transportation Engineer Randy Wooley, Development Services Manager Irish Bunnell, City Engineer Terry Waldele, Purchasing Agent Sharon Woodhouse, City Utilities Engineer David Winship, Emergency Manager Mike Mumaw, Redevelopment Projects Manager John Engel, Storm/Wastewater Supervisor Keith Stone, Sr. Office Associate Deborah Baidenmann, and City Recorder Darleen Cogburn.

Mayor Drake noted that the Public Hearing on Cooper Mountain had been pulled from the agenda.

CITIZEN COMMUNICATION:

There was no one present who wished to comment.

COUNCIL ITEMS:

Coun. Doyle thanked all the volunteers and merchants who worked to put on a successful Taste of Beaverton. He said he marveled at the amount of time volunteers put into a great event.

Coun. Soth noted that among the items presented to them was a draft titled "Information Technology Division for the State of Oregon," and another of the items was an accumulation by Charles Sterling, Yamhill County Clerk, of the ballot measures involving millennium taxes. He said these items were discussed at the General Government Committee meeting at the League of Oregon Cities (LOC) on the previous Friday. He noted that he thought the information would be useful for the Council,

Mayor and others to have. He also noted that on the preceding Thursday evening (6/25), they had the first meeting of the Citizen's Committee of the review of the Urban Services Boundary for Hillsboro/Beaverton. He reported that it was only an organizing meeting and with some overviews of the various things that would be involved which would eventually lead to the determination of the Urban Services Boundary. He stated that he was optimistic that it would not take 14 years as it did with another unnamed city!

Coun. Yuen thanked Coun. Stanton for her work in helping coordinate the Council's ride in the Good Neighbor Day parade. He explained that it was the custom for the Council to ride in the back of one of the City's dump trucks with a banner hanging over the side indicating that they are the City Council, but somehow the banners were misplaced this year. He reported that he and Coun. Doyle had decided to wear their City of Beaverton Maintenance Department caps, so he suspected that people were wondering who the people were riding in the dump truck in a parade. He noted that it gave them a great opportunity to interact with the citizens along the way because they had to identify themselves. He said he happened to be one of many who spent a considerable amount of time standing in line for a porta-potty, and asked if they could somehow find budget funds to double the number of porta-potties the next year. He reminded them that two weeks ago he had mentioned the furniture store whose lawn signs seemed to sprout everywhere, and they were pretty much absent in the previous week, but this week they were back even more obnoxious than ever. He stated that he did not have time to retrieve them, and did not want the City to be nice guys about it, but do whatever they had to do to make these people pay attention.

STAFF ITEMS:

Mayor Drake asked if the Council could get some information to Randy Wooley, the Transportation Engineer. He said there was no deadline established regarding reviewing the revised language on the Traffic Calming procedure, but asked if they could get that information to him so he would have the comments to Wooley by July 13. He said if Wooley could report a final decision at their monthly Traffic Commission meeting on July 16, it would be appreciated.

Coun. Yuen reminded Council that a couple of weeks prior Bill Scheiderich, Assistant City Attorney, had solicited their input on the Telecommunications Ordinance, and they need to get their comments to him.

CONSENT AGENDA:

Mayor Drake noted they would pull AB 98-175 for separate consideration.

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

Minutes of the regular meeting of April 6, 1998

- 98-171 Liquor License – New Outlet: De Gustibus Wine Imports
- 98-172 BDR 98007/VAR 98002 Pacific Kids Preschool
- 98-173 VAR 98006 Beaverton Creek V – Design Variance
- 98-174 Traffic Control Board Issues 385 through 388
- 98-175 Traffic Calming Signing Standard (Pulled for Separate Consideration)
- 98-176 Social Service Funding Recommendations

Contract Review Board:

- 98-177 Contract Award for Architectural/Design Services for the Engineering and Community Development Departments
- 98-178 Bid Award – Purchase of Street Sweeper
- 98-179 Bid Award – Video Transporter
- 98-180 Consultant Contract Award – Digital Mapping Services for Completion of Sanitary Sewer Utility Maps
- 98-181 Consultant Contract Award – Digital Mapping Services for Completion of Water and Storm Drain Utility Maps
- 98-182 Excess Property Insurance Renewal (Earthquake & Flood)
- 98-183 Property and Auto Physical Damage Insurance – Annual Renewal
- 98-184 Liability Insurance – Annual Renewal
- 98-185 Workers' Compensation Excess Insurance Renewal
- 98-186 Bid Award - Apartment Remodel and Demolition for Lombard Avenue Extension

Coun. Stanton stated that she had submitted questions on ABs 98-176 and 177 and she had not gotten answers.

Mayor Drake said the answer to her question on social service funding was on the next to the last page.

Linda Adlard, Chief of Staff, apologized that they did not have the answers to her questions on AB 98-177 on her sheet and promised to respond to it.

Coun. Stanton stated regarding the nice answer she got from Joyce Storms, Administrative Assistant, on 98-176, the answer to the question was "Yes," but there was half a sheet of paper used for that answer. She stated that she has a "bugaboo" about the answer to a question being "yes," but taking three lines to answer it.

Mayor Drake said he thought what Storms was trying to do was repeat the question back so that it was understandable.

Coun. Soth asked, regarding AB 98-176, what monitoring mechanisms they had that made sure the CDBG portions were utilized in the areas of the City to which it applied, as well as within the persons receiving service.

John Engel, Redevelopment Projects Manager, said HUD had a book that was about 10 inches thick that referred to the monitoring practices necessary for Public Service projects, as well any other project that would be funded under the Block Grant. He reported that the new CDBG Coordinator's position had been filled by Tino Fabros, whose responsibility was to work with Engel to put together a monitoring plan that would deal with all of the issues that HUD sees, whether they be fiscal or program issues that are statutory. He said they were watching it very closely.

Coun. Soth said he was concerned because two of the areas comprise a number of properties outside the City proper.

Engel said they must, by statute, and in their contracts it states very clearly, that they must serve within the City of Beaverton, and that they would not honor anything outside of the City of Beaverton as far as service delivery goes.

Coun. Soth asked if they could expect that during the course of that monitoring they would be delineated geographically as well as by the numbers of people involved.

Engel said that was correct and as they had done in the past, they would have workshops with each of the sub-recipients to make very clear the issues in the contract having to do with monitoring before they sign the contracts.

Coun. Stanton had a correction to the minutes that she passed on to the City Recorder.

Coun. Doyle asked, regarding AB 98-179, if having two components that needed to use the camera meant they already had the ability.

Mayor Drake pointed out that Keith Stone of Operations was present and his section oversaw that work. He invited Stone to answer Coun. Doyle's question.

Keith Stone, Storm/Wastewater Supervisor, said the contractor bid on what was actually in the next year's budget, so he "jumped the gun" on them. He explained that the contractor knew they were going to put the whole program together to buy a separate piece for the truck and he bid on both. He said the first part was the camera and the second part would be in the next year's budget in July 1998.

Coun. Yuen noted that he was on the Board of one of the social service agencies referred to in AB 98-176 and would be abstaining from the vote on that item.

Question called on the motion. Couns. Yuen, Doyle, Soth, Stanton voting AYE, Coun. Yuen abstaining from AB 98-176, the motion CARRIED unanimously. (4-0)

Coun. Yuen said he and Coun. Stanton had questions on AB 98-175 and they may or may not want to modify the recommendation, which is why he wanted to have it pulled separately, so it could be discussed.

Coun. Yuen asked about the timing of replacing the existing traffic calming signs, and the justification for the costs for replacing those signs. He explained that he didn't see the need for the City to spend money to put up signs because those who live in those areas already know the bumps are there. He said he wondered what potential liability the City might have. He stated that the direct question was, in the discussion regarding the City's potential liability, if they adopted a new standard they had to have a clear schedule for implementation of the new standard in order to reduce the City's exposure to liability. He said he presumed that meant also replacing the existing signs, and asked if that were true. He said if it was, what kind of schedule would be put in place.

Wooley explained that when the Traffic Commission (TC) was first considering the sign change they thought some locations were more important than others for the changes, and in the locations with lesser concern, they talked about possibly letting the neighborhood decide whether to change the signs. He noted that the City Attorney advised them that was not a very good policy for the City; if they were going to adopt a new standard, they needed to have some definite schedule to change over to the new policy and make the signs consistent. He explained that otherwise, they would have some areas that didn't meet their policy, which would leave them with some additional liability if there were an accident.

Coun. Yuen asked if by "schedule" did they mean something such as in the CIP where every year they say they are going to replace signs in certain areas, or could it mean that they would replace those signs as a part of routine maintenance when they became defective.

Mark Pilliod, City Attorney, said they could schedule it in his original suggested way as a CIP, and the original recommendation from the Traffic Control Board was to allow the neighborhoods to decide for

themselves when they wanted them changed. He stated that was not a policy-makers decision. He noted that the signs weren't there for the people who regularly travel those areas, but for those who irregularly travel them, to warn them. He explained that that was one reason for going to uniform, State recognized standard signs. He said to agree on a schedule that had the signs replaced when they wear out, he thought it would be a matter of degree (of how worn out), since signs last a long time, and they could slip into an uncomfortable status of using non-uniform signs throughout the City. He said the better approach was on a fiscal consideration, which in this case was fairly nominal, or on some well-defined schedule. He explained that it would then be a Council policy level decision; it would enjoy a discretionary immunity defense to any potential claim a person might have over the use of a non-standard sign.

Coun. Yuen said what Pilliod discussed was the more compelling reason. He explained that they had a lot of reasons to spend money, and there were a lot of people present to ask them to spend money and he would rather put \$2500 toward a drainage project that was desperately needed than into signs that most people don't see. He stated that if there was a legal liability issue, then it was a compelling reason.

Coun. Stanton stated that she was comfortable with what Pilliod said although she took a different approach and said she read just about everything she passed and maybe if they had different colors in every neighborhood it might make people pay attention more. She said the liability issue was important.

Coun. Yuen asked about the new signs themselves, and said everyone had not read all the memos that had gone back and forth. He added that the signs were very hard to read so the TC and citizens were right to bring this before them, and he had not seen the ones in his own neighborhood. He wondered about the design of the ones they were replacing them with since the Council packet simply said "Bump," but in the Beaverton, traffic calming is more than just a bump. He said oftentimes it was not a bump, as in the material they had seen, and said he had suggested they change the wording. He reported that the response back was that the Manual of Uniform Traffic Control Devices (MUTCD) would allow something different so he wanted some response to that before passing this.

Wooley responded that the MUTCD book was full of traffic signs that could be used and it provided variations. He said "Bump" was a standard sign and there were some other signs that could be used. He said it also provided for variation, for example, if there were no standard sign, they could create a new sign. He said some other cities had already created some signs in the region so they had good guidance for those signs to try to be consistent regionally.

Coun. Stanton noted that those in the audience could not see what they were looking at, so she showed them the proposed sign, and suggested it

needed to say "Traffic Calming," and instead of saying next "X" number of feet, use blocks as a measure. She pointed out that most people don't have a good idea what a foot is so that is not as valuable as saying next "X" blocks. She said it would also allow them to think in terms of, "No point speeding up, I'm going to have to slow down for the next three blocks."

Wooley said he thought the example they had been given was too specific, and was not meant to be just "Bump," it was just an example of the type of sign. He noted that the word "blocks" was used in the manual, and he wanted to leave it open enough to fit the situation.

Coun. Stanton clarified that it was the just the size and the color they were considering.

Coun. Doyle MOVED, SECONDED by Coun. Stanton, to approve AB 98-175. Couns. Yuen, Soth, Stanton and Doyle voting AYE, the motion CARRIED unanimously. (4:0)

ACTION:

98-187 Library Bond Ballot Measure

Linda Adlard, Chief of Staff, said the agenda bill for the new bond measure suggested that it be put on the ballot for the November election. She noted that the first page was the ballot title, which had a correction on line 5 of the statement, she did not delete the 15, but it should have been 20, since it was a 20-year bond they were suggesting. She noted that it would be at 44 cents per thousand, for a total of \$21,895,000. She said the resolution that followed has incorporated all of Henry Kane's suggestions, which he believed (and they agreed) would lead a citizen through the logic and the different statements that should be included in the resolution. She said she had called Kane who wanted to review it, and thought he must be on vacation because he did not get back to her, but they incorporated all of his suggestions.

Adlard asked them to go on to the next page where the estimated cost figures were, and noted the figures were approximate and rounded-up, to give them an idea of where the money would go. She called attention to two numbers that were probably less correct in their estimate than the others, which were the figures for the permits listed at \$200,000, but they would be more than what was written down; they would be considerably more than that. She noted that the \$200,000 reflected the traffic impact fee amount. She said the soft costs at 20% (bottom of page) were low, according to what the architects said should be put in. She reported that they suggested between 35 and 50%, and some of the numbers above the soft cost numbers were usually included in soft costs, so she had broken those out. She said what this really meant was they would need to have tight project management schedule on this.

Adlard said the \$21,826,000 was different than the \$21,895,000 is that

because of the way General Obligation (GO) Bonds were sold, the \$895,000 is the next increment they could go out for. She pointed out the bond amount on the next page (in the record), with the yearly payment and interest, cost per thousand and several scenarios given different values of property. She said the one they generally used to explain educationally to citizens is the \$150,000 value, which would be \$66.72 per year, or \$5.55 per month. She noted that the last page outlined the repayment schedule.

Coun. Yuen said he would assume that they had a more accurate evaluation of the City because the monthly payment for \$150,000 was different than it was on the previous schedule.

Adlard said it was different because it was a 20-year bond, and when she had been talking earlier, it was under \$20 million and for 15 years.

Coun. Stanton noted that the recommended action said "...equip the new library..." and whomever made the motion should say "furnish." She noted it should be consistent with the title.

Mayor Drake called Bruce Nichols forward.

Bruce Nichols, 12225 SW 9th, former Mayor of Beaverton, said he was a registered voter, property taxpayer, member of the Library Funding Advisory Committee, and he was in favor of the new library, and the bond issue. He stated that he was in favor of their move to extend the length of the bond to 20 years thereby decreasing the cost per thousand by 16%. He said the library would obviously last more than 20 years. He stated that he would also be in favor of extending the term of the bond issue to 25 years, because that would decrease the cost per thousand by another 11 % and 30 years would decrease the cost per thousand by 17%. He said the issue was front loading the early years and a free ride for the later years. He explained that by selling the bonds for less than that period of time they would be front loading the cost to people who were presently here paying taxes and giving a free ride to those who came later.

Coun. Stanton said she wanted to move it up to 15 years. She noted that she would need more information before extending the length, because she felt sure they would need to expand the library in 20 years, if not sooner. She stated that her bigger concern now was that if they put it out too far, they would still be paying on this one, and would have to go out for another.

Nichols said he did not see a problem with that because they would still be using what the original bonds were issued for. He said the people who were there when those expansion needs arose could pay for the new bonds.

Coun. Soth said he was not in favor of more than 20-year bonds. He explained that one reason was that the 20 year bond was probably more

saleable at this time, than longer bonds, because of the uncertainty of bonds. He said they were looking at a time, in 20 years, that he thought the City of Beaverton would be well over 100,000 population and they would need an expansion. He said it would make more sense to get something paid off before they contracted for more debt, and his philosophy was to pay it off sooner because it would cost less.

Nichols said everyone was entitled to their opinion, but as a taxpayer he would rather have the lower cost, the use of the money for the extra period for investment, paying off debts, or whatever.

Nell Langeluttig said she was representing the Central Beaverton NAC, who very wholeheartedly supported the bond issue and the library. She reiterated that they have been very anxious to see it built and were very much in favor of it.

Coun. Yuen MOVED, SECONDED by Coun. Doyle to approve 98-187, request to finance a new City Library through a GO Bonds placed on the November 1998 ballot and to change the wording in the recommended action from "design, build and equip" to "design, build and furnish," and for 20 years.

Mayor Drake noted that it had been moved by Coun. Yuen, and seconded by the rest of the Council, and restated the motion as follows: to recommend that the placement of a GO Bond be placed on the November 1998 ballot, in the amount of \$21,895,000, to design, build and furnish a new library, provide parking, and acquire any additional real property needed near Fifth, Hall and Tucker. He said it was further recommended that the length of the bond be 20 years.

Coun. Doyle said he would second and support the motion, and said the facility the City currently had was taxed beyond belief and needed to be changed. He noted that one of the nice things about living in Beaverton was that he was very confident this would pass by a significant margin. He said it was a challenge to the community to step up and support it, and was an example of how the City and its facilities were changing to grow with the City. He said the design of the building was done, and if they were interested in seeing the model they should stop in and see it at City Hall. He reported that part of the problem had been the parking issue because there wasn't enough land to accommodate the need. He said he hoped the community would step up in November and say it's good for the City.

Coun. Soth noted that from a City standpoint it was a good time to sell these type of bonds because the interest rates from the various underwriting agencies were lower. He said they were less than 5% in the last few months, with some at 4.65%. He stated that when they looked at the increasing population of Beaverton in the next 15-20 years, this institution would be badly needed and he suspected that in 10 years it would be overused, so now was the time to do this. He said they needed to get out and educate people for the desirability of this. He reported that

construction of the new fire station was underway and it would be ready the first of next year.

Coun. Stanton said if the current population was 68,000, and currently there were 1.5 million books that circulated through the library, then that meant every man, woman and child in the City checked out 22 books last year. She reported that she used the library at least once a week, a lot of other people besides City residents used the library, and it was the City's job to provide a library that every one of our citizen's could use. She stated that she would support the motion.

Coun. Yuen noted that he had been working toward a new library for quite a long time and this whole process was a dream come true for many. He said it was getting close, and what they were doing that evening, when they passed this, was the start of the process, not the end of the process, and they needed to get it passed in November. He asked those who were library supporters to help get the ballot passed.

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

RECESS: Mayor Drake called for a recess at 7:23 p.m.

RECONVENED:

The regular meeting was reconvened at 7:29 p.m.

PUBLIC HEARINGS:

98-188 Public Hearing for the Lombard Gardens Drainage Study

Mayor Drake thanked people for attending, and said staff would explain the new modified suggestions that Council had requested last time. He noted they would look at the design and Council would recommend either Option #3 (in the record) or #4 (in the record). He reported that a revised standard had been introduced which was a normal street design but smaller. He explained that if Option #4 was chosen, it would mean the formation of a LID and they would be required by law to go through a formal public hearing on that so they would have one more chance to look at it. He said, although State law says it takes 60% of voters to say "no," traditionally this Council had felt they'd like 51% to say "yes" or they probably wouldn't form it. He said the fall-back position would be Option #3 if that's the general direction from Council tonight. He reported that they could get money from HUD, but there was a high interest rate on it and a handling fee. He suggested they do that over a 3-year period, borrowing the money and trying to complete it all in one year because those costs would be tacked onto an LID. He explained that a new fiscal year was beginning that week and they could hold that money for the next fiscal year and the new fiscal year, one year from now, would provide a total of \$500,000 because they would be into a second year of

disbursement of CDBG monies. He said that would enable them to do the first two streets the first year and go to the other street the third year. He explained that they would start up hill on 13th Street and then 12th, and then could begin on July 1 next year with 11th Street. He said that may be the most practical way to do it and they wouldn't incur the interest rate or the handling fee. He said by the time they went through the required LID process this fall and winter, he wouldn't expect work to begin until next summer anyway. He added that, this way, everyone would get the chance to have their say. He stated that it made sense to him to have the streets all done the same way but it was their neighborhood and they could do different things on each street if they wanted. He noted that they were trying to respond to their concerns about flooding, and pointed out that even this last week, some homes got water, and there was not that much water.

Mayor Drake noted the letters from Decostas, and also a petition submitted by Eric Graham. He clarified that it wasn't legally binding but did represent sentiment from what could be half of the neighborhood on 12th Street.

Jerry Williams, Project Engineer and Tony Righellis, a professional consultant providing technical services for the Lombard Gardens project with the firm Harper, Hoff, Righellis, came forward to address Council.

Williams reported that on May 4, Council had a Public Hearing and asked staff to look at some design changes to the City standards to see if they could come up with a design to meet functional needs of the standard and also satisfy the neighborhood concerns about lack of front yard setback and loss of property in front of their houses. He noted the map/drawing on the wall. He said about 22 people came to a June 17 meeting where they discussed modified design and cost estimates. He recalled that also on May 4, the Council asked them to estimate the costs of completely rebuilding the roadways in the interim street section. He said on June 17, they provided information to the neighborhood, about the costs and modifications.

Williams said the modified design was 37 feet wide vs. 46 for the RL2 standard. He explained it fit within the 40 feet of existing right-of-way, had curb-tight sidewalks and accomplished a buffer between the pedestrians and vehicles with landscape or utility islands. He said they created islands about 5 feet wide and 25 feet long, to allow room for some landscaping, for utility poles, fire hydrants, and other needs in the street ROW. He said he had cost information available, also.

Mayor Drake said he thought Council and neighbors had that information.

Coun. Soth asked if all three streets were represented at the June 17 meeting.

Williams said they all were represented.

Coun. Soth asked if, regardless of which option was selected, the water and sewer line replacements would be done, so they would not tear up the streets again.

Williams said that was what they recommended.

Coun. Soth said if they tried to do one or two streets, and put off the third for another year, they would be doubling the mobilization costs, because the contractor would have to bring the equipment in again.

Righellis explained that the odds were that it would not be the same contractor, because it would be enough time to have a new bid, so there would actually be more costs because they wouldn't want to hold a contractor for more than one year.

Coun. Soth said it appeared in the cost estimates, that the majority of the costs of the full street had to do with excavation and preparing the base.

Righellis said those costs were assuming that all three streets would be done at once. He reported that they had discussed this with the citizens when they met on June 17. He explained that mobilization, as was pointed out earlier, would be a higher cost, but the excavation was a number at order of magnitude that was intended for all three, which would be regardless of one year, three years, or whatever. He said there was a healthy contingency fund at the bottom to smooth through the process.

Coun. Soth asked for the numbers on the increase of engineering costs over the last couple years.

Righellis explained that the construction cost index had been unique in that they were experiencing a relatively flat year, but last year the cost of crushed rock had a big increase. He said they had seen an increase of 10% per year, for construction, and added that that didn't mean it would hold because traditionally that increase had been less.

Mayor Drake said the County attributed a lot of the cost to rock prices and ROW purchase. He pointed out that there would be no ROW purchase on this project because the street design was such that they would stay within the existing ROW and not interfere with people's homes.

Righellis said the other thing was the cost of asphalt had not gone up, so the lowering cost of oil had far exceeded the cost of the rock within it.

Coun. Soth said as a former oil industry person he was aware how oil costs and asphalt were related.

Mayor Drake said their rough estimate was that it could be within 25% either way. He explained that if the LID was chosen, if it went the higher side rather than the lower, they would still have the option for an additional assessment as part of the LID cost, or an additional cost to the property owners.

Righellis said that was correct, and said they were trying to be as accurate as possible.

Mayor Drake reiterated that it was their best rough estimate was in the agenda bill, and it was an estimate they would like to stay within it, but they wanted to make it clear it was an estimate.

Williams said that was discussed at the June 17 meeting, and as they moved further into the design they would have better figures because they would have better quantities to work with.

Coun. Stanton said in looking at the numbers in Exhibit 2, if they took out the shallow swale pave in the interim street improvement, it was cheaper to do the full street improvement until they get to quality of life issues such as the curb, sidewalk gutter, and street trees. She said that was the biggest difference because those items were almost \$162 thousand.

Righellis said with some items there were some tradeoffs. He explained that Coun. Stanton was correct about the quality of life issues but the interim improvements were narrower improvements in many respects. He noted there was also a trade off in look and feel.

Coun. Stanton said she was expecting to hear testimony that night as to whether it was the nickel or the feel that was more important to the residents who lived along those streets.

Coun. Doyle asked if there were any other comments they wanted to recap from the open house on June 17th.

Williams said other than the notes they provided from the June 17 meeting, he wanted to report that the folks at the meeting were pleased with the attention the City and Council had given the problem. He said, unanimously, they expressed their appreciation that the City was focused on the issue and wanted to give them something they could live with.

Righellis said the citizens seemed to really like the modified RL2, Option #4, and said the estimate aspect of the costs was a real concern to them.

Coun. Doyle asked about the last sentence on the first page of the agenda bill. He asked if there was a strong sense that it would be approved by the BDR.

Righellis explained that since they had not gone through the BDR process they couldn't forecast 100% accuracy, but they felt they could demonstrate that the design they had come up with and recommended, met all the functional needs of the RL2 standard. He said they believed that is adequate criteria for approval.

Williams said there were virtually no elements that had not met the functional intent, and considering that it was a retrofit, there was every

reason to believe they would receive a positive approval.

Mayor Drake expressed his appreciation for the fact that when they looked closely at the agenda bill it was clear where the tax money went, and that they went to great lengths to explain it. He said they were talking well over \$1 million, regardless of whose money it was and the bulk of it would be the fee money and the tax money that came to the City through the citizens. He said this was a clear example of why projects cost so much.

Coun. Stanton noted that only one person from 11th street attended the June 17 meeting, and wondered why.

Righellis responded that they did not know why, but they all received mailings.

Mayor Drake noted that 11th Street has had less attendance at the public meetings, which might be due to the fact that the problems are not as difficult on 11th Street as they are on the other two.

Coun. Yuen expressed his appreciation for the re-work they had done on this cross section. He said he had looked at it and suggested they re-work it because he thought there were some things they could do to save more of peoples' yards. He said he was pleased that they had incorporated some ideas that he hadn't even thought of. He said he was very impressed that they had done these things, and thought they had done a great job.

Righellis said Williams should get the credit.

Mayor Drake open the public hearing.

Eric Graham, stated that he was there to say he felt he had been down a long road, one that had sometimes been flooded, and said he felt good about things he did not feel good about before. He said from the time when Karen Kemper had the Fire Department pump out her house, and when he had to operate pumps to keep his house from flooding, he thought without her assistance they couldn't complete the process. He noted that he had given the Council copies of a petition, and noted that he walked the street the day before and every person who had been home, signed it. He reported that there were 17 signatures, and noted that he and others had walked all three streets and talked to residents. He stated that he could tell them without a doubt that 12th Street stood behind them and was for getting the street improvements done. He reported that the sentiment at the June 17 meeting was a unanimous vote in favor of a modified RL2 standard, assuming there was funding. He said they could not separate the beauty or the cost, it was a compromise.

Graham stated that he wanted to give a major vote of respect and gratitude to Tony (Righellis) and Jerry (Williams). He declared that he had never seen a street design like this, and this could represent what could

be done to bring other streets up to Code. He concluded that his message was that they could do this and he wanted to make it happen.

Coun. Doyle asked if the LID issue entered the discussion with his neighbors.

Graham said they held a meeting the past Monday at one person's house on 12th street, and 17 people were present. He reported that they discussed in detail what an LID was, how it would work, and what the costs involved were. He noted that there were people who probably still had questions, but they did discuss the LID.

Coun. Doyle said it was important to him to know that.

Coun. Stanton asked why Graham's name was not on the petition.

Graham said he just realized he hadn't signed, so now the total was 18 signatures!

Coun. Stanton asked his opinion of if it was the look or the feel, the quality of life or the nickel. She explained that she wanted to figure out how to get both in these situations.

Graham noted that one of the issues had been that there was a natural distrust of any governmental agency. He said this had been an educational process for all of them and he felt good about the plan and hoped they could pull it together. (His comments were followed by applause.)

Lisa Harper, 11720 SW 13th Street, said she was a regular citizen and an active voter on 13th Street, and expressed her appreciation that Council had cared enough to send the planners back to redesign Option #4. She said many of the modifications were the same solutions that the residents of 13th street proposed at the neighborhood meeting at the DeCosta's. She thanked Jerry and Tony for being so open to their suggestions. She said she thought the modified plan would be good and she wholeheartedly supported it, especially if she would no longer have a river running through her garage! She noted that she hoped to live and raise her family in Beaverton for many years to come and would like to know that her vote made Lombard Gardens, a neighborhood so accessible to downtown Beaverton and the new library, a better, safer and more livable neighborhood.

Lynell Mekediak, 11625 SW 12th Street, commented that she was not sure where to start. She asked if the sidewalks had to be four feet wide, or could they be narrower. She said she had not measured the sidewalks on Alger and Lombard, which were the adjacent streets, but they seemed to be narrower.

Righellis said the standard was four feet wide when they were separated from the curb and five feet wide when it was adjacent. He explained that

this was one of those things where the utility islands would hopefully be adequate reason to illustrate there would not be moving cars near the curb, thus they can go to four feet. He stated that it was about as narrow as it could be.

Mayor Drake noted that with two-way traffic on a sidewalk or for someone in a wheelchair, anything narrower than 3 feet would be impossible to get two-way traffic through.

Mekediak explained that her question came up when she was using a stroller, and it was hard to pass, on Alger/Lombard, for example. She noted that she grew up in Palo Alto, California, and in the neighborhood she grew up in, the curbs were swaled. She asked about the possibility of that feature here.

Williams explained that there were various curb designs they could look at, and said what Mekediak was speaking of sounded like a "mountable curb." He recommended a regular curb with curb cuts, because then you can tell where cars were supposed to be coming out. He added that if mountable curbs were used, then there would be no definition of driveways.

Righellis said another problem with mountable curbs was that people tended to park with two wheels up on the curb, which often meant they would lose an entire width of a sidewalk. He said that was why the experiment with mountable curbs in the early 1980s died quickly here.

Mekediak said she lived on the corner of 12th and Alger, and noticed that a majority of people run the stop sign on Alger. She wondered if there was a traffic-calming device they could have while they were working in the neighborhood.

Mayor Drake suggested that she take that request through her neighborhood association and/or put it to Traffic Engineer Randy Wooley.

Coun. Soth stated that he shared her concern about people running stop signs, which was an enforcement type of issue, and said he blamed it on automatic transmissions, because you do not have to shift. He noted that it was particularly easy driving north on Alger, and thought the police were aware of it and trying to enforce it. He reported that this was another reason they were going back to the legislature in their next session to request photo radar at red lights.

Coun. Doyle reported that he stopped that evening, if she had been watching!

Coun. Stanton asked Williams what he had said about extendible curbs.

Righellis explained that what Williams had said was that with a mountable curb you don't have any definition of where the driveways were, through the sidewalks.

Coun. Stanton said she understood that but thought earlier on Williams said something about curb extensions.

Williams said he did not recall anything about that.

Mekediak responded to Coun. Soth's comments about the stop sign. She reported that she had spoken to police officers in the neighborhood and did not feel that she had gotten a satisfactory answer, and had even seen police cars do a rolling stop through the location. She appreciated Coun. Doyle stopping because she knows that people often don't because of time issues.

Mekediak said she believed it was in the neighborhood and the City's best interest to make the full street improvement and make the funding available. She explained that she was part of a single income family in a low to middle income neighborhood so cost was a very big concern, but the esthetics and the financial benefits of the street improvements in the long term for increasing the property value definitely had a strong appeal. She said she had a small child and planned to be in the neighborhood for a number of years, and looked forward to having the library and the improved streets that would be safer for her child to grow up near. She said during the meeting the past week with the 12th Street residents, she had some questions about her personal financial obligations and liens on her home. She explained that those were financial concerns, and she had not been able to stay for the full meeting, so she did not get all the info on the LID. She thought the LID was with the City buying the ROW property.

Mayor Drake explained that the LID had to do with the costs to put in the full improvements and to improve the roadway. He said the City would do some underground improvements and would be taking some things out of sequence and bump other project to do the underground improvements before the above ground. He added that the Cost of the project was more than the three years of CDBG money that would be available. He said if they had the Option #3 that had swales it would take care of the drainage but not the amenities that the first Option #4 did. He said it was the difference between a Chevy and a Cadillac, but clarified that this was certainly not a Cadillac street but in comparison from swale to an improved street, it was nicer.

Coun. Doyle said Mayor Drake mentioned the water and sanitary lines would be done at the same time but as a point of clarification, that money was coming from funds that had already been collected so they were not being asked to pay for that. He explained that those were funds that had already been collected which they all pay into monthly. He said that was part of the project, and they were not being asked to pay for anything twice.

Coun. Soth noted that Mekediak had referred to "buying the street," and he thought what she was referring to was the original Option #4 called for

46-foot ROW, where the present ROW was 40 feet. He added that the property purchases that were mentioned then were for the additional six feet. He said since they were not doing that under this proposal, it would be restricted to the ROW that already existed; there would be no requirement for acquiring additional right of way unless some survey came up that showed a glitch somewhere in that situation.

Mekediak said what she was hearing was that the LID was to help fund the esthetic properties, and the underground utilities would be the CDBG funds.

Mayor Drake explained that additional costs to the City would be for water line replacement and the sanitary sewer line replacement and lighting improvements for the street, and not a cost to the residents.

Williams noted that the streetlights would not be part of the costs.

Mayor Drake said \$250,000 would be CDBG money, which would help, but not cover all the costs.

Mekediak stated that without totally understanding the financial end, she thought it would be more appealing to her to do all three streets over one year.

Carol Hendricks, 11650 SW 13th Street, stated that she supported the plan on the wall. She said she would really like to see that work done because it was a wonderful solution to all the problems they had been having.

Michael Egan, 11825 SW 11th Street, stated that a member of his family had been to virtually every meeting, and said they were anxious to get drainage because basically their home was built on a swamp. He reported that it had only been in the last two weeks that he had been able to mow his back lawn because it was such a puddle the lawnmower sank! He explained that maybe there wasn't as much participation from the residents on 11th Street because the water problem was not as dramatic as it was on 12th and 13th. He said there had been water in his crawl space every winter and it was mid-June before he could mow. He noted that it had been asked if it was the feel or the nickel, and added that it should be both. He said the better question was, was it the nickel now, the dime tomorrow, or the quarter later. He said the only option should be a street that met the City code.

Philip Mekediak, 11625 SW 12th Street, stated that he hoped the project started soon, noted that they had a fire hydrant on their corner and asked if it would be accessible the whole time. He also asked if the sidewalk would be cemented on that corner. He explained that when he mowed there he had to turn his mower on its side, and wondered if that would be taken care of.

Mayor Drake said that without specifically looking it would be hard to

commit to anything. He suggested Mekediak speak with Williams, but they were required by Code, and logic told him fire hydrants had to be available.

Mekediak said he was concerned about the ability of the fire trucks to get down the street in an emergency.

Mayor Drake stated that the fire trucks would get there if they had a fire; no doubt about that!

James Crutcher, 11870 SW 13th Street, stated that he had been to all the meetings since he had known about the issue, and wanted to make a point that referred to Coun. Stanton's question about nickel or esthetics. He said originally they were given four options, #1 and #2 were almost immediately dismissed, #3 was seen as not enough by some people, and #4 was seen as too much cost by some, but what Jerry and Tony had come up with was the best of all. He said if they could get support from Council for the CDBG money, he thought they would see a lot of support from the residents on those three streets.

Ken Condit, 11625 SW 11th Street, said he was not remembering the details and asked what the total width of swales would be under option #3.

Williams responded that they were looking at an 18-foot roadway, and 6-foot wide paved swales on either side for a total width of 30 feet. He added that with the modified standard it would be 28 feet from face-of-curb to face-of-curb, with 4-foot sidewalks behind the curb for a total width of 37 feet.

Condit stated that he thought there also would be a public safety problem with the swales, because he could see people driving into them one way or the other. He said he also wondered about the streets in the area that had about two feet between the curb and the sidewalk, which he said worked fine and wondered if that option had been considered.

Williams clarified that with the modified street standard that they were proposing, there would be curb-tight sidewalks with no space between the curb and sidewalk. He added that the utility islands would move the traffic away from the sidewalks.

Coun. Soth explained that to provide any space between the curb and sidewalk, it would require additional ROW, which would not allow sufficient distance for street trees.

Condit said he did not have all the costs in front of him, but he would be in favor of the staggered construction and the modified option #4.

Mayor Drake closed the hearing.

Coun. Doyle MOVED, SECONDED by Coun. Soth, to approve the

concept plan for the full street improvement, and direct staff to return with the resolution calling for a public hearing for the purpose of forming a LID to fund full street improvement on 13th, 12th and 11th Streets between Lombard Avenue and Alger Avenue, over a two to three year period exhuming \$750,000 contribution from the CDBG fund and also as items 3 & 4 in the recommended action indicate.

Coun. Yuen clarified that the motion included the modified RL2.

Coun. Doyle said that was correct.

Mayor Drake said it mentioned the three-year period, but he would recommend, in order to save those loan costs and handling fees from HUD, that construction begin on streets 13th and 12th Streets in July of 1999, and then, the next fiscal year, 11th Street project be done in July of 2000.

Coun. Soth thanked those who were there for their courtesy and willingness to work with staff to come up with a reasonable solution they could all live with. He said he knew the area very well, and some years ago a pocket of people chose to not have a project done in the area. He stated that he thought this project would allow them to make a neighborhood they would all be proud of, and improve their property and investment. He said it would also increase the attractiveness to others coming into the area. He added that he appreciated their comments.

Coun. Doyle commented that he had enjoyed the cooperation, and hoped they gained a sense that Beaverton was still a small town, which was one of the reasons he liked to be on the Council. He said this was probably the best way to solve problems in a community today, and noted that it was a fast paced and impressive process to watch. He noted that their willingness to share in the cost of all of it was terrific, and added that they would have pride as it developed because they helped with the process.

Coun. Stanton agreed with the others.

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

There was a round of applause from those present after the vote.

Coun. Doyle noted that Coun. Brzezinski liked the modified approach also and she really regretted she couldn't be there this night.

98-189 Resolution Requesting Annexation of the City of Beaverton's Cooper Mountain Water Service Area (**Pulled from agenda. A Work Session will be scheduled later.**)

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended and that the ordinances embodied in AB 98-190, AB 98-191, AB 98-192, AB 98-193, AB 98-194, AB- 98-195 and AB 98-196 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. Question was called on the motion. Couns. Yuen, Doyle, Soth and Stanton voting AYE, motion CARRIED unanimously. (4:0)

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

First Reading

- 98-190 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Reassign The County Central Business District Designation To City Central Business District Comprehensive Plan Map Designation And City Town Center Zoning District For 1.36 Acres Of Property; CPA 98006 And RZ 980007 (Klein)
- 98-191 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Designate The Property Commonly Know As Cornell Oaks; CPA 98004 And RZ 980005 (Cornell Oaks)
- 98-192 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Reassign The County R-6 Designation To City Urban Standard Residential Comprehensive Plan Map Designation And City R-5 Zoning District For .42 Acres Of Property; CPA 98005 And RZ 980006 (Blumton)
- 98-193 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Designate The Property Commonly Known As Tracy Meadows; CPA 98008 And RZ 980009 (Tracy Meadows)
- 98-194 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Designate The Property Commonly Known As Meridian Gardens; CPA 98002 And RZ 980003 (Meridian Gardens)
- 98-195 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Designate The Property Commonly Known As Progress Quarry; CPA 98012 And RZ 980012 (Progress Quarry)
- 98-196 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Designate The Property Commonly Known As Hemstreet Heights; CPA 98001 And RZ 980002 (Hemstreet Heights)

Coun. Stanton asked what the rationale was for taking things out that they

had as MUST and moving them to SHALL.

Mike Mumaw, Emergency Services Manager, said he had just done what the State requirements were, delineating between the issues they were putting a stronger emphasis on needing, and those where some options were provided.

Coun. Stanton said someone before them thought it should have a stronger emphasis, so she wondered why the City was, by ordinance, easing it up. She said a SHALL, to her, means it may never happen.

Mumaw explained that in many instances, it would be hard to be very specific in addressing those, so putting it as SHOULD provides them the flexibility where they can address it in general terms.

Coun. Stanton said in sections D and E, regarding the two week increments, she questioned the feasibility of the ability to add on by Council action, assuming that there was enough Council present. She explained that she was thinking of a real geographic disaster. She expressed her concern that there could not be an extension if it was impossible to have a Council action in the event of an emergency.

Mumaw said they could always fall back and declare an emergency.

Coun. Stanton mentioned that she liked the idea of having the Operations Department being the fourth person, and she was thinking that someone from there could be in line.

Mumaw clarified that there was someone in line already.

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Yuen that rules be suspended, and that the ordinance embodied in AB 98-197 be read in full for the first time at this meeting, and by title only for the second time also at this meeting.

Coun. Yuen said he was assuming that the motion was the amending motion that they had received that evening.

Coun. Soth said it was.

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

First and Second Reading and Passage:

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

98-197 An Ordinance Relating To The Emergency Management Code,

Amending Beaverton Code Sections 2.01.012, 2.01.030, 2.01.040, And 2.01.050 And Declaring an Emergency

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 98-197 now pass.

Roll call vote. Couns. Soth, Doyle, Stanton and Yuen, voting AYE, motion CARRIED unanimously. (4:0)

Second Reading and Passage:

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

98-170 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 1998-1999, Pursuant to ORS 221. 770

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 98-170 now pass.

Roll call vote. Couns. Soth, Doyle, Stanton and Yuen, voting AYE, motion CARRIED unanimously. (4:0)

OTHER BUSINESS

Coun. Doyle MOVED, Coun. SOTH SECONDED to approve the fee waiver request in the amount of \$53, sidewalk fee, requested by Ms. Hazard. (Letter in record.)

Coun. Yuen said this subject of sidewalk maintenance and street trees mandated by the City, touched on an area of concern for him. He noted that he was glad Ms. Hazard came to them because he would gladly waive those fees. He stated that it was crazy for the City to mandate things, and then tell people after they are mandated, that the City was walking away from being responsible for them.

Mayor Drake said they would have to put in a tax to cover such costs.

Coun. Yuen suggested they could offer to maintain the street trees so they don't bang up the sidewalks.

Coun. Soth said one of the things they had trouble with in the area where the lady lived was that the trees were planted before they had a list of trees that were civilization compatible. He said if he had all the money, he would replace those trees.

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

Mayor Drake said he had a handout regarding the Sexton Mountain Village Comprehensive Plan Amendment and a request for a public

hearing that would come to them in late July. He pointed out that it would go on Council's consent agenda unless it was called up. He clarified that he was just passing it out and wasn't planning on any discussion this night. He said he wanted to give them plenty of time to review the documents.

Mayor Drake introduced Tom Ramisch, Director of Engineering.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:54 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 21st day of September, 1998

Rob Drake, Mayor