

REGULAR MEETING
July 20, 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, July 20, 1998, at 6:33 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Wes Yuen was excused. Also present were City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Assistant Finance Director Shirley Baron-Kelly, Facilities Supervisor Ron Koppel, City Utilities Engineer David Winship, City Engineer Terry Waldele, Police Services Captain Paul Danko, Community Development Director Joe Grillo, Engineering Department Director Thomas Ramisch, Library Director Shirley George, City Engineer Terry Waldele, City Utilities Engineer David Winship, and City Recorder Darleen Cogburn.

PRESENTATION:

98-211 Oregon Children's Foundation SMART Presentation

Carol Hushman, Northwest Area Manager for Start Making A Reader Today (SMART) said the Foundation came to the City over one-year ago to ask for support. She noted that there were seven City staff who had donated over 100 hours and that SMART had served over 400 students in the Beaverton School District. She thanked Evelyn Brzezinski's company for giving a donation as a result of her facilitation. She presented Mayor Drake and the City with a plaque of appreciation.

Mayor Drake thanked Hushman and said he was proud to accept the plaque on behalf of the employees who volunteered.

Sue Nelson, Deputy City Recorder thanked the Mayor and the City for the opportunity to help children through the SMART program. She said it was very rewarding and hoped to come back next year.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Brzezinski said she had received a phone call from a citizen regarding the *Council Corner* article in a recent issue of *Your City Newsletter*. She explained that the caller had understood she was a liaison to the Senior Citizen Advisory Committee and asked about putting a mobile home on her property for elderly parents.

Coun. Brzezinski said she told the caller that at the present time it was probably not legal, based on where she lived. She explained to the caller that the Council had discussed the issue in the past. She asked staff if the accessory dwelling issue was part of the Development Code review and what the current status was.

Joe Grillo, Community Development Director, said he could not give a specific answer to the question but staff would get back to her through the Mayor's Office. He stated that accessory structures commonly referred to as "granny flats" would be part of a long list of issues presented to Council. He noted that Council might want to review the issue as part of the Development Code pertaining to meeting the population and employment projections under the Regional Framework Plan. He said it might come back to Council after January 1, 1999.

Coun. Brzezinski said it was something the Council had talked about and was interested in for a long time. She commented that she did not want this issue to fall through the cracks.

Grillo reiterated that it was on the staff's list of issues to bring to Council. He explained that the Council would be made well aware that there were pros and cons to each alternative as part of how the City would meet all the additional dwelling units anticipated to be needed in the coming years.

Mayor Drake noted that the Functional Plan required implementation in some form. He said whether it was an attached or detached accessory structure, the issue would have to be included to meet the Functional Plan requirements.

Grillo said they would submit how the City would comply with the various components to the Functional Plan.

Coun. Brzezinski said she would pass the name of the caller on to the Mayor and also asked that someone from CDD give her a call.

Coun. Stanton asked Grillo, if he was talking about the requirements of Periodic Review.

Grillo said he was taking about Code changes that might be required for Council consideration in order for the City to be able to address how it was going to provide adequate opportunity for additional dwelling units of the

Metro Functional Plan.

Coun. Stanton explained to the visitors present that this was the only area in the country that had another level of government besides the City, County, and State, and that government level was called Metro. She noted there were requirements that must be met in terms of population projections or housing projections. She explained that when Council talked about the Functional Plan they were talking about Metro's requirements on the City of Beaverton to provide "X" amount of housing stock for the future.

Coun Stanton questioned when Periodic Review had to be completed.

Grillo said he could not give an exact date, but noted that some of the issues had been completed. He noted one of the issues was updating the Annexation Policy and would respond with a date as soon as possible.

Coun. Stanton said she would like to have an update, so they could see what had been completed.

Coun. Soth said the last time he spoke with Council, they had the proposed Bond Measure for the E-9-1-1 System. He noted they had decided not to go with the bond measure for this year, because of the other big money issues on the ballot. He explained that there were too many agencies involved in their own issues to accomplish what needed to be done to get the bond measure passed.

Coun. Doyle congratulated Police Sergeant Ed Kirsch for his award from the National Association of Police Organizations for his heroic rescue of Reverend Hoffman. He noted that it was a culmination of an 18-hour search, through a terrible rain storm to find the Reverend who had been missing for some time.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake said AB 98-214 would be pulled for separate consideration.

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

Minutes of the regular meeting of May 18, 1998

98-212 Contract Award for Reconstruction and Expansion of the City Hall Parking Lot

98-213 Bid Award – CDBG Water and Sanitary Sewer Public Facilities Improvements

98-214 Contract Change Order/Exemption from Competitive Bidding for McKeever Morris, Inc. Development Code Review (Pulled for separate consideration.)

Coun. Doyle referred to AB 98-213 and asked if it would tie in with the improvement project on Eleventh, Twelfth and Lombard Streets.

David Winship, City Utilities Engineer, said it was not directly associated with that project, but there were provisions on the Alger project with water and sewer tie-ins. He noted they were not making connections down the side streets.

Coun. Stanton referred to AB 98-213, page 3 and asked if the overlay was going to come from somewhere else, or was it included.

Winship said they did not show an overlay and did not intend to do a full width overlay, but they would repair the street.

Coun. Doyle asked if the upsizing of the waterline was moving from west to east. He said he would assume a larger waterline would be brought in from Allen to Ninth Street, and asked what would happen farther up Alger Street beyond Ninth Street.

Winship said it was difficult to explain the layout of the lines. He noted there was a 12-inch line that came across the freeway and through Reser's property through Lee Street. He explained they were also trying to make provisions on Allen Blvd. so it could be upsized in the future. He said the City had a CIP project on Fifth Street, to extend a 12-inch line down Fifth, under the freeway and tie into Western Ave. He described it as a link in the chain.

Coun. Stanton said she appreciated Coun. Yuen's comments from the advance questions, regarding the bidding process.

Question called on the motion. Couns. Brzezinski, Doyle, Soth, and Stanton voting AYE, motion CARRIED. (4:0) Couns. Stanton and Doyle abstained from the minutes.

WORK SESSION:

98-215 Proposed Local Improvement District for SW 155th Avenue between Nora Road and Weir Road, and Nora Rd. Along the Avalon Park Frontage

Mayor Drake asked Jerry Williams, Project Engineer, to display the drawing so visitors could view it.

Williams explained he was the manager of this project on 155th. He said they were there to discuss a possible Local Improvement District (LID) to fund a portion of the cost of improvement of 155th Ave. between Nora

Road and Weir Road and a half street improvement along the Avalon park frontage on Nora Road. He said in developing information for Council's consideration, staff considered various methods of distributing assessments within the possible LID.

Williams indicated the assessment boundary on the display, and noted that they first looked at the Lots of Record before development occurred in that area. He said after looking at a number of assessment methods, staff prepared a summary (in the record) of the various methods, the costs they were looking to distribute and the potential funding sources. He noted that included in those potential recommended funding sources was a LID to pay approximately 1/3 of the cost of the improvement. He said in Exhibit 2, staff looked at the 14 original Lots of Record and calculated assessments for those lots based on a front foot assessment, a square foot assessment and a combination half front foot, half square foot.

Williams said that after reviewing the LID boundary and different assessment methods, staff recommended a two step procedure for distributing assessments, if a LID was formed. He described step one as distributing the cost to Lots of Record on the basis of front foot. He specified that assessment on the basis of front foot of improvement correlated best the benefit to the cost. He said that once the assessments were calculated to those Lots of Record, the benefit to each individual subdivision lot in each Lot of Record was equal.

Williams pointed out that all the lots would benefit about the same from the major collector roadway. He recommended that the assessments to each subdivision lot within the Lot of Record, be distributed on a unit basis or equally. He indicated that the information was shown on Exhibit 2 (in record). He explained that Exhibit 3 showed the assessment for every lot that would be included in the LID. He stated that with Council's approval they expected to hold a public information meeting with the potential participants in the LID and share Exhibits 1, 2 and 3 with them.

Mayor Drake asked if the mailing list for the informational meeting Williams was referring to, was the same mailing list for this meeting.

Williams said it was the same list.

Mayor Drake suggested staff explain what a Waiver of Remonstrance was, and why some properties had it on their titles.

Mark Pilliod, City Attorney, said a Waiver of Remonstrance generally was a deed restriction.

Mayor Drake affirmed that when someone buys a property, a Waiver of Remonstrance would be located on the title report.

Pilliod responded by saying it should be. He explained a situation where a developer was given the option of preparing the necessary road

improvements in connection with a specific development, or where it was impractical to build a street section, only to have another builder separately build a separate section of the same street, he could be granted a Waiver of Remonstrance. He remarked that it was a promise not to oppose the formation of a LID at a later date.

Pilliod explained that those people whose properties were affected by a deed restriction indicating that they had waived their right to remonstrate or object to the formation of the LID, would be counted as "in favor" of a LID. He noted the reason that became important was because if a certain percentage of affected property owners remonstrate or object to the formation of the LID, then the City might be precluded, except in the case of an emergency, from actually forming a LID. He said he did not know the percentage of non-remonstrance agreements for the area in question.

Coun. Soth expanded on what Pilliod mentioned, and said the problem in the past was when the developer had a large piece of property to develop, he was the signatory to the Waiver of Remonstrance. He explained when each piece of property was developed within that larger area, then each property carried the Waiver. He noted the problem was when several years had passed, new people moved in and had not read their deeds, and were surprised to learn they had a Waiver of Remonstrance. He used the Sierra Park Development as an example, and asked Williams about the original piece of property. He asked if the entire parcel was assessed on a certain amount of front feet, then would the individual lots within the entire parcel share a proportionate share of that front foot based upon their own.

Williams said that was correct.

Coun. Brzezinski asked to see the other side of the exhibit, and if the drawing was proportionate.

Williams said it was drawn to scale.

Coun. Brzezinski said it looked like Avalon Park and Camden Crossing had the same front footage. She noted that was not shown on the charts.

Williams said Avalon Park also fronted on Nora Road, so the City also looked at the improvement of Nora Road.

Coun. Brzezinski asked if Ann Melissa Park was able to be reduced because of money put in earlier.

Williams said that was correct.

Coun. Doyle said by granting or not collecting money from the builder for the road, that allowed the builder to avoid the road expense, and not include it in the other fees assessed to buyers. He asked if the cost was deferred when the system worked.

Williams said the builders were able to sell their lots cheaper and the buyers were able to buy their homes cheaper. He affirmed that was what happened when the system worked, it deferred the cost.

Coun. Doyle asked how many other similar situations did they have in the City.

Williams replied that he did not know.

Mayor Drake used Davis Road as an example of a difficult building project because of existing Waivers. He said what made Waivers of Remonstrance difficult was unless you made it fairly close to the time when the development was put together, there could be some cases when they actually expired. He said in defense of those who knew the roadway, it had a great topographical difference. He noted it would be almost impossible to have individual developments try and piece the road together because of engineering considerations and where it ended up. He explained that the City became the "bad guy" when the Waiver was called in an attempt to build the road.

Coun. Doyle explained his objection, that the City should have an idea of how a road should be engineered in the planning stages as well as costs and collection mechanisms. He said he found it frustrating to have surprises after the fact.

Coun. Stanton said she had the same objection as Coun. Doyle, on the 125th Street project.

Coun. Soth said the other difficulty in trying to apportion the cost in advance was they would have no knowledge about the engineering, or what standards were to be employed in building any given street as well as the changing requirements. He noted an example was the changing standards on arterials which had to be made much wider than in the past to accommodate bike trails and paths. He said trying to follow something at the time of development was impossible unless the engineering was done. He noted Brockman St. was the only street he could remember being built before it was needed or used.

Coun. Doyle stated that the philosophy did not address the situation. He commented that the issue was a debate the Council should have at some point.

Mayor Drake said in terms of the funding, they recognized that the people in the District were not the only ones who used the roadway. He noted the staff was recommending the City pay two-thirds and the people in the impacted area pay one third.

Coun. Stanton noted that some were remonstrated and some were not, and assumed that everyone in the area was notified.

Williams replied that they had notified everyone within the possible boundary of the LID. He said they worked with the list from the County based on tax records, and commented that staff did their very best to let people know.

Coun. Stanton asked if the letters that were sent to property owners were personalized enough to let them know if they were bound by a prior Waiver of Remonstrance.

Williams said Ann Melissa Park II did not have Waivers on the property.

Coun. Stanton said when she looked at the map she saw seven pieces of undeveloped property, but the information supplied said there were eight pieces of undeveloped property.

Williams said there was a 7.73-foot wide strip of land shown between tax lot 700 and 800 which was under the ownership of tax lot 900.

Coun. Soth asked, given the difficulty in the past with returned mailings, where owners had sold or the records were not up to date, and bearing in mind they generally sent them to the owners of the property rather than the present residents, how many had been returned.

Williams said he had not checked his mail that day, but he had not received any thus far.

Coun. Brzezinski noted from her own experience, that she had sold her property in the City in early January and had received a forwarded development notice in July.

Mayor Drake said he thought they learned from the Miller Sanitary experience, that the old owner was required by law to forward notices to the new owner. He said knowing that Avalon Park was still under construction there might be people who had moved in the last few months that may not have gotten the notice.

Williams said that could be correct if their names were not on the tax record. He stated the same developer was developing Avalon Park and Molly Park, and since this developer was very much aware of the need for improvement on 155th, he would like to assume that he was notifying the buyers.

Mayor Drake said he would rather not assume that. He suggested staff contact Mr. Mull to see if an updated list could be obtained of whom he might have sold to.

Williams said notices would be sent by registered mail, for a public hearing, then they would have a very clear record of who received notice and who didn't, hopefully in time to react. He noted if it was a small

enough number, they could hand deliver letters to everyone.

Mayor Drake said they could correct that if the Council decided to form the LID.

Mayor Drake asked staff to explain the recommended action in the agenda bill.

Williams reported there were three staff recommendations. He said the first recommendation was that Council approve the District boundary as shown in Exhibit 1. He noted the second recommendation was Council approve the assessment distribution schedule for the possible LID, shown as Exhibit 3. He said recommendation three was for Council to direct staff to hold an informational meeting with the potential LID participants and have staff return to Council with a resolution calling for a public hearing. He noted the public hearing would be to consider formation of a LID to absorb one third of the cost to improve SW 155th Ave. between Nora Road and Weir Road, and the half-street improvement of Nora Road fronting Avalon Park.

Mayor Drake suggested an informational meeting be scheduled for sometime in September so people could be given enough advance notice.

Coun. Soth said he understood the amounts in terms of individual assessment were not firm, and could only be levied after the project was completed and the costs were actually known. He specified that after the project was completed and information was known they would come back with another public hearing on the actual assessments. He noted that in the past it sometimes took two years after the project was completed before the assessments were really known.

Mayor Drake suggested they not have the informational meeting on a night that would conflict with any back to school open houses.

Coun. Doyle said he had just gone through a similar process with the Lombard area, and noted that a group of 50 neighbors decided the best solution for their problem and situation. He said that process took approximately one year to get through. He explained that the neighborhood had expected the City to pay for everything and it was an expensive project, close to the size of the one being currently discussed. He said through the process, they held a series of meetings and the neighborhood worked together and decided to do the project. He noted timing was important from a cost standpoint and by using common sense, one could see something needed to be done in the area for safety reasons. He said he would like to make sure the process was done as amicably as possible.

Coun. Stanton asked if the signs regarding a potential LID were still where they had been posted.

Williams said they were.

Mayor Drake said they would notify the residents by direct mail, not by putting up new signs.

Coun. Doyle said involvement in the neighborhoods was critical. He pointed out that they went door-to-door and made sure everyone knew about the project. He noted that the group grew especially when dollar amounts were discussed. He said the educational process seemed to work there and urged the NAC and the neighbors to get involved.

Coun. Brzezinski noted that the experience they had with the Lombard Gardens LID, was the result of the Work Session and then a Public Hearing. She explained that there were options for the level at which it would be funded, and there had been public meetings, which led to a decision on how to proceed. She said this process was not exactly outlined in the recommended action in the agenda bill.

Coun. Brzezinski asked why Council should approve the recommended action in No. 2. She wondered if that could change depending on what was heard in the Public Hearing and if so, why would Council approve it now.

Mayor Drake explained that recommendation was based on the available funds, and minimizing the impact to the neighborhood.

Coun. Brzezinski said she was not debating the funding of No. 3, but they might hear things during the public hearing that could change how the funding was apportioned.

Mayor Drake said staff had tried to set it up so everyone was dealt with fairly. He noted the rationale was that the original lots were roughly the same size and staff tried to find some sort of proportionality. He explained that Avalon Park was denser than Camden Crossing so you would have a different assessment for properties in Avalon Park than you would for Camden Crossing.

Coun. Brzezinski said she was just asking a process question. She asked why the Council had to approve a recommended action then as opposed to a decision after the public hearing.

Coun. Soth said the reason for No. 2, was so people would get a good idea of the expense range in the public meetings. He reiterated that the final distribution of costs could not be done until after the project was completed and said the intent was to give people an idea of what they could expect.

Coun. Brzezinski said when they went to the Lombard Gardens residents, they gave them three scenarios. She explained they had dollar figures and had said ahead of time that they were going to choose one of those

scenarios. She said she thought that would be shared at the informational meeting. She said if they had to approve No. 2 now, they would be forced to accept or reject the whole idea based on what they heard at the public hearing. She suggested someone might have some "out of the box" way for the citizens to pay for the project.

Coun. Soth explained that one of the reasons for the informational meeting was to allow those things to be voiced. He said Lombard Gardens was an exceptional situation to begin with, since it was a response to an emergency and there were four different ways it could have been addressed. He noted it was after the informational meeting that people had the opportunity to look at the alternatives. He pointed out that in this project they were not talking about three or four different alternatives, but were talking about a street improvement that was required to adhere to certain engineering and construction standards.

Pilliod said he understood that what he was hearing was they were establishing the assessment method, and all the particulars about this improvement in advance of the hearing. He explained that a notice would be given regarding the resolution of intent to form a LID, and the hearing itself would be set on a particular set of assumptions, i.e.: the road details, the engineering details, and the assessment. He said the notice itself the City gave to the affected property owners, could include alternative methods, rather than the staff proposed combination of front-foot and unit method. He explained that the details of the actual road improvement, the engineering portion, the work staff had done with citizen groups and affected neighbors, had arrived at a preferred design unlike the Lombard Garden situation, where there was considerable diversity of opinion. He noted that was perhaps the difference in what the response from the neighborhood was, and the options available to the Council at that point.

Coun. Stanton said Lombard Gardens became a project because the citizens in that area came to the City for help and that was not reflected in AB 98-215. She noted they were committed to some kind of solution. She pointed out there were three estimates: the front-footage, square footage and the half-front. She said if you took the estimated front footage in Avalon and Molly Park, just two of the 14 properties involved end up paying over 25 percent of the whole LID. She noted that under the square footage they paid around 17 percent and with the half-and-half they paid approximately 20 percent. She said she thought this made sense because if she were one of the smaller undeveloped pieces of property on the street, she would choose the front footage option because the bigger properties would pay most of the costs. She explained that the formula made it as equal as it could be across the board for both the undeveloped and developed properties.

Mayor Drake said this style of doing LID's was a common standard method and secondly they had to give people an idea of their potential assessment before they went into an informational meeting and a hearing.

Coun. Stanton said comparison to the Lombard Gardens project was irrelevant because it did not have anything to do with square footage. She noted that the houses on the street needed to be assessed with the same formula.

Coun Doyle said his thoughts were similar to those of Coun. Brzezinski's. He noted he thought No. 2 was a sensible starting point and as discussions ensued, Council could certainly change.

Coun. Stanton said while she accepted what Coun. Doyle said, she was willing to say it was a starting point, and not the bottom line.

Coun. Brzezinski said they did not usually have votes at a work session. She said she thought Council was directing staff to identify the boundary, make the presentation presented to Council into an informational meeting and return with a public hearing.

Mayor Drake said it was not cast in stone, and he thought that was what others thought as well.

Coun. Doyle said could they change the word from approved to suggest.

Coun. Brzezinski she was willing to drop it since it was not the final vote.

Coun. Soth commented that past experience had shown that occasionally staff would come back (with a change) as a result of something they found in reexamining the issues. He said it was only a concept at that point and there was nothing final until the informational meetings were held and until the City held a public hearing to address the formation of the LID.

Coun. Stanton asked if Council could do the recommended action, review, recommend and have staff bring forward the assessment distribution schedule, etc. She suggested that Council not say they approve it but recommend staff bring forward that particular plan to the public.

Mayor Drake said he thought they clearly understood that it was a starting point for an informational meeting. He said staff would come back from the informational meeting with information to discuss to go to a formal public hearing, if Council decided to form a LID.

Coun. Stanton clarified that staff would not go to the informational meeting and say this was the way it was going to be done.

RECESS: Mayor Drake called for a recess at 7:45 p.m.

RECONVENED:

The regular meeting was reconvened at 8:01 p.m.

98-214 Contract Change Order/Exemption from Competitive Bidding for

McKeever Morris, Inc. Development Code Review (Pulled from Consent for separate consideration.)

Mayor Drake noted they had pulled AB 98-214, Contract Change Order/Exemption from Competitive Bidding for McKeever Morris, Inc. Development Code Review, from the Consent Agenda for separate consideration, at the request of Council and as a courtesy to Jack Young, Chairman of the Traffic Commission.

Jack Young, noted that Coun. Yuen had encouraged him to testify on the issue. He said the Consolidation Task Force, the Economic Profile Task Force and Code Review Task Force had been formed, and explained that these were citizen involvement committees that were integral to the goals, directions and outcomes of their respective committees.

Young noted that they had recently formed advisory committees where initiation and substantive work were done "off camera," and the committee was reduced to a spectator role of commentary on already produced materials. He reported that the Economic Profile Task Force was more consultant supported with reliance on background and statistics and there were no consultants at all for the Consolidation Task Force. He noted that the original Code Review Task Force (Task Force) was composed of four representatives each from the following committees: Committee for Citizen Involvement (CCI), Neighborhood Association Committee (NAC) representatives, Chamber of Commerce business members, and the Development Liaison Committee (DLC). He noted that the Task Force in coordination with staff, crafted the product, which then went to CCI, the NACs, and DLC before coming to the Planning Commission and the City Council. He explained that none of the tasks of the timelines originated within the committee or the immediate support staff.

Young reported that recommendations were arrived at through cooperative dialogue with members feeding off one another's perspectives to create a product whose direction was initiated by staff questions, drawing the committee's attention to the most crucial concerns of the Code. He noted those concerns were where it was, what needed to be changed, and the most critical points to be addressed in the change.

Young noted that some of that work resulted in a product, which Council had subsequently passed as new text and re-organized Development Code. He explained that consultants hired because of their expertise in code writing would initiate the new format, and the initial text would be generated in consultation with staff. He noted there would be six meetings by a group with an entirely different configuration, who would make comments on the staff consultant text. He said that whereas the task force met twice monthly, the entire project was to involve the advisory committee in a total of three to six meetings.

Young explained that change was necessary because when the last Community Development Director left, it was discovered that the Code

needed to have been in a different place than it was then found to be. He noted that decisions and choices, which had been made and given to the committee, brought it to a place that was undesirable. He said that when the decision on the new direction was being made, the committee members who had dedicated and invested over a year of time, energy and cooperative insight were relegated to the sidelines. He stated they were told that 'time' came to be decided as the crucial factor in the enterprise and that the old method was too slow.

Young stated that citizen involvement, dialogue, and Democracy takes time. He said experts were far more expeditious and efficient and pre-decided test was much faster than dialogue. He summarized that other forms of government are more direct and to the point than Democracy and that caring about one another and arriving at outcomes that citizens take ownership in came at a cost. He noted that participation in the decision making process was more cumbersome than hiring those with a background of information and expertise. He clarified that they would get a new Code, get it fast and it might be sanitized and clearly defined, but it would not be the Code that the citizens, including developers and business would have created through dialogue and common understanding.

Coun. Stanton thanked Young and asked what he would like to see happen, regarding the Code Review Advisory Committee (CRAC).

Young clarified that while he was confident of his position, he was not a protester; the object was to craft the best possible Development Code. He suggested reconstituting the original committee with new members where appropriate and work with them to discuss a new format. He said he was certain that consultants would be integral to the process. He explained that it would be the consultants who would be on the sidelines doing work which only they could do, in which the committee and any configuration of volunteer citizens was not equipped to do.

Coun. Soth said he was not quite certain of what he was hearing. He said within the context of the consultants, it specifically stated that they would work directly with the staff and the CRAC. He asked what was wrong with that.

Young replied he was not sure what Coun. Soth's question was and he needed to direct his attention to Young's letter. (in record)

Coun. Soth asked what Young was driving at, did he feel that the process up to that point, had not been sufficiently driven by lay citizen input.

Young said up to that point it was satisfactory, but the problem came when the reassessment occurred.

Coun. Brzezinski stated that she thought Young was recommending that the prior process be followed, rather than the current plan. She clarified

that originally the CRAC was talking about what ought to happen, with direction from staff. She said staff would point out what they needed to look at, but the ideas were coming from the CRAC. She explained that staff and consultants would work on those things separately and then come back. She said now the process that was recommended was that the consultant and staff would decide the issues that needed to be addressed, the CRAC would respond to what they proposed, but it would not be generated by that committee. She surmised that Young recommended it go back to the original process.

Mayor Drake commented that he disagreed with Young on the issue, but he valued his input and his tireless contributions to the City. He said prior to Development Services Management Analyst Steven Topp's leaving the City, he questioned him, as to how far the CRAC had gotten. He described that the genesis for the CRAC was that the City had a Code, which was outdated and caused problems for businesses, developers, and citizens. He noted they had an original estimate of two years to complete the project and the development community willingly agreed to a surcharge on the planning fees to fund it. He said two years had passed and according to Topp's own admissions before he left, that they were 20% done. He said Topp estimated two and a half to three years to completion.

Mayor Drake stated he did not feel three to four years was an acceptable length of time to rewrite the Code. He said they would have six meetings. He explained that staff and the consultant would produce a draft based on complaints that the City had received from the development and business community and citizens. He noted complaints were catalogued and staff was certainly aware of them. He said that McKeever Morris also worked on other Codes. He said they would put it on the wall and the CRAC could take shots at it as they would and he expected a fine product would result from that. He added that if they got down the road and six meetings were not enough, then they could add more.

Mayor Drake remarked that the City had a process that had no end to it and at some point there would have to be a finished product. He said he believed it was like putting a Band-Aid on a bleeding arm; you couldn't hand knit the Band-Aid while the arm was bleeding, that was what they were doing. He declared that he would resent anyone implying that this administration did not support citizen's helping to craft code, solutions or address problems. He said City staff worked with the Code everyday and they also recommended a well-respected consultant. He noted the committee did good work but he thought anyone could do good work in that length of time. He reported there were segments of the community that were asking if the City was to clean up of the Code and where the results were. He concluded those were the reasons why he disagreed with Young, even though he appreciated and valued Young's input and view of his citizen involvement world.

Coun. Brzezinski referred to the July 15 letter from McKeever Morris, and

asked if the timeline would extend into 1999.

Joe Grillo, Community Development Director, said when they originally looked at how they could break down the Code, he recommend they look at Chapters 300 and 400. He suggested it would take up to six months to revise and they would start in August. He noted those two chapters were the thickest and dealt with two key sections of the Code. He said he felt they would probably be more controversial in terms of resolving issues. He pointed out that they had to get through the CRAC, and at that point they would have something to present to the Planning Commission and then through the next public cycle.

Coun. Brzezinski stated that six months was not critical to her but certainly a year and a half would be. She said if the purpose of doing it that way was to speed up the process, then they needed to make sure that the consultant understood that as well. She asked if staff had given any thought to how those additional three committee meetings would be used.

Grillo said in the memo he submitted (in record) in response to the questions from Coun. Yuen, he indicated the three additional meetings with the CRAC would allow staff to look at both chapters. He noted that perhaps staff could bring smaller decision packages to the CRAC to consider and digest and either agree or disagree, or offer an alternative solution. He concluded that those additional meetings would allow staff to take those two chapters and break them up into smaller chunks.

Coun Stanton asked if it was a written response to Coun. Brzezinski's question.

Mayor Drake explained it was in response to Coun. Yuen's questions.

Coun. Stanton asked what plan had the committee been working on before, other than chapters 300 and 400.

Young said as of April 1998, he thought they were talking about chapters 40 and 50.

Grillo said that was correct.

Coun. Stanton asked if staff had started a renaming process.

Young stated that he had several disagreements. He noted that the response from the committee to Coun. Stanton's question was they felt they got directive from leadership. He explained that the CRAC did not have an internal timeline nor did they initiate anything they worked on. He said if there was criticism about the timing, it should lie outside of the CRAC or support staff. He reported that after addressing the concern for timing, they reassessed where they were and found they were in fact addressing both chapters 40 and 50 at that time. He said they went

through a long dialogue with Coun. Brzezinski in terms of exactly what they were doing. He specified that at two meetings a month, staff and the CRAC assessed they would be finished by June of 1999. He commented that they also assessed consultants would do not only adjacent work to what they were doing, but would do a number of things that the committee had neither the expertise nor the concern to do. He noted there were certain things about Code that were strictly defining and consultant directed.

Coun. Stanton asked if they were looking to McKeever Morris to act as staff.

Mayor Drake explained it would be a combination effort and nothing would preclude staff meeting with the CRAC in the interim to send ideas back and forth. He said Topp was being funneled off to other projects, and they were only at 20% completion. He commented he did not think McKeever Morris would be in charge of their "breathing" through the process, but would be in charge of the "heavy lifting." He noted that because McKeever/Morris worked with other codes, they could give the City a framework plan. He added that the staff had its hands full between the Functional and Framework plans and finishing the Periodic Review. He stated that was the point of asking for some reliance from outside help. In conclusion he said this was an unusual project that had taken longer than planned.

Coun. Stanton referred to her comment regarding the response from Grillo on her question, i.e.: "why will the Code Review Advisory Committee not be involved in reviewing the third or fourth amendments of Chapters 300 and 400 of the Development Code?" She said the answer was "if the third draft of any proposed Code amendment is brought back to the CRAC on a routine basis, the City will need to amend the proposal and acknowledge a longer timetable." She commented that was a fine answer, but what it told her was that whatever the additional meetings were going to be, they would all be prior to the second draft.

Mayor Drake said he did not think so.

Coun. Stanton said she understood it to mean that all of the money and time would have been used up with McKeever Morris and they would have to amend the proposal for the additional time.

Grillo said his expectation would be the additional meetings would best help the staff with the CRAC. He noted that the staff would carry the CRAC's recommendation or alternative recommendation to the Planning Commission and the Council and staff would do the "heavy lifting." He specified that the additional meetings would be with the CRAC.

Grillo commented he would be happy to meet with the CRAC, before the consultant even spent a dime, and talk about Chapters 40 and 50. He said they would then have staff and CRAC comments on the board and

the City could then take the comments back to the consultant and mesh those ideas with the consultant's. He noted that the consultant could come back with proposed revisions so there would be no misunderstanding that staff certainly had some good ideas and the consultant had some good ideas.

Coun. Stanton said that sounded wonderful but her biggest concern was that the draft would go to the Planning Commission and would not have a recommendation from the CRAC. She noted that she wasn't accusing staff of not accepting input from the CRAC but she thought staff might use their own recommendations over anyone else's.

Mayor Drake asked when the City had ever done that.

Coun. Stanton said it was different staff who had worked on the 121st/125th connection. She commented that she was talking about a perception and validation of what goes forward.

Mayor Drake said he would make sure that the CRAC would see the final report. He remarked that they (Council) heard Grillo say that staff would meet in advance with the CRAC and he expected staff would do some of the "heavy lifting" at the end, instead of McKeever Morris. He said the Committee would have recommendations, but there may be issues, whether brought forth by members of the DLC or Young as a member of the County CCI. He commented that if it was something that Young just didn't like, he would be entitled to either submit a minority report or go to the Planning Commission and Council to say he wasn't satisfied with certain parts of the plan.

Coun. Stanton referred to the second paragraph of CDD's responses, and commented that anything after the third draft would involve additional time to go back to the Code Review Committee.

Mayor Drake said staff had said they would come back if they needed to if they were not done and they would take action. He reminded Coun. Stanton that it gave them a timeline and put them back on track so they could "stop the bleeding" of the Code.

Coun. Stanton said she agreed with Mayor Drake, but did not want to see it happen at the expense of the process.

Mayor Drake said he did not think anything would be hurt up until then and nothing would be thrown out.

Coun. Doyle said he read the same letter from McKeever Morris. He referred to the third bullet on the first page and the second page where they talked about a Code review process by the consultants. He said the second draft, would get reviewed and if they still needed more, the Council would certainly appropriate funds to do it right.

Coun. Stanton said that advisory committees usually sign off on the final report. She commented that she would like to see that what goes to the Planning Commission would be something the CRAC saw.

Mayor Drake affirmed that was not the City's intent and never would be.

Coun. Soth said what he was hearing was that at least two different groups were crossing each other rather than meeting jointly to talk about issues. He noted they heard about the consultant meeting with staff, and meeting with CRAC. He asked where did he hear all three entities joining in a discussion at a meeting to get it resolved.

Mayor Drake said that was the purpose of the six meetings.

Coun. Soth said they needed to have joint meetings so they could hear all of the comments at the same time and all respond at the same time.

Coun. Brzezinski said the agenda bill was for \$16,500. She asked about the July 15 letter, which added three additional meetings and wondered if the meetings had been factored into that dollar amount.

Mayor Drake said after consultation with Young and talking with Coun. Stanton, he thought it was critical that the three meetings had been added as a nucleus of how the City would handle the process.

Coun. Stanton said that additional costs might be necessary to cover non-programmed advisory committee and public hearing meetings. She explained these were programmed advisory committee meetings.

Young said he liked staff's suggestion about meeting a couple of times before they got started, and suggested they use the old format of mailing text in questions so they could consider them before the meetings. He said the committee they were on did not engage in controversy; they had learned to work together and had crafted rapport. He noted his biggest concern was the need for meetings in the interim, and the CRAC being on call. He said they had set up two meetings a month, on specific Tuesdays, for a period of one year. He noted that it was difficult to get the committee together even though they were pre-scheduled on the calendar. He commented that it would be difficult to get members to attend meetings that were not scheduled in advance.

Young noted the six meetings would take place before either the Planning Commission or the City Council. He commented that did not bother him and wanted to get the people concerned about it off the hook. He said they were out of the picture at the point where it went to the CCI, NACs and DLC. He said while staff was cooperative enough to give them text after that, they weren't really in it to tweak it after the last thing and before everyone else got to comment on it. He said his concern was how the text was generated, whether it was in dialog or in the consultant defining process. He said they were all in it together to make the best possible

Code. He thanked the Mayor and Council for allowing him to clarify the issue.

Coun. Soth MOVED, SECONDED, by Coun. Doyle for approval of AB 98-214, with Council acting as Contract Review Board, allowing the exemption from competitive bidding requirement authorized contract change order for McKeever Morris, Inc. for the proposed scope in the amount of \$16,500.

Coun. Doyle said he would support the motion and thanked Young for helping the Council to think it through more thoroughly so they could clearly understand the ground rules.

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

ORDINANCE:

Second Reading and Passage:

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

98-209 An Ordinance Adding Provisions to Chapter Five of the Beaverton Code and Relating to Chronic Nuisance Premises

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 98-209 now pass. Roll call vote. Couns. Brzezinski, Doyle, Stanton and Soth voting AYE, motion CARRIED unanimously. (4:0)

Pilliod distributed his office's quarterly report and announced Bill Kirby's plans for running for elective office.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:38 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 26th day of October, 1998

Rob Drake, Mayor