

## REGULAR MEETING

February 8, 1999

### 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, February 8, 1999 at 6:42 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Administrative Chief Gary Nees, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, City Transportation Engineer Randy Wooley, Associate Planner Jeff Salvon, and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

Phil Frainey, 8095 SW Berryhill Ct. said he was there in response to a letter from Code regarding a discarded vehicle. He reported that Bruce Cleeton, Code Enforcement Officer, told him that no one had filed a complaint about the car in his driveway, but he (Cleeton) had noted it when he was investigating a complaint on Strowbridge Ct. He reported that Cleeton had noted that the plates were expired, and cited him. He said since there were no complaints on this car, he felt that Cleeton had no right to invade the privacy of his property. He reported that the Volkswagen was not disabled, in any way. He said the vehicle belonged to his son, and asked for an extension of one to six months for the son to move it, which Cleeton said he could not do. He said Cleeton extended it two weeks, so now their son wants to keep the vehicle parked in the driveway until it can be sold. He noted that he had signatures from neighbors who said the car was not offensive, and also had photos which showed the car and how it looked in the driveway. He suggested Council should review the Code regarding what really constitutes a discarded, abandoned vehicle.

Mayor Drake explained that they would review Cleeton's file and talk with him about the issue. He said Frainey made an interesting case, but he personally had held onto a car for their son, with it in the garage.

Coun. Brzezinski asked if they could give him a waiver until they get back to the Council with more information.

Mayor Drake said they would do that.

Carol Gearin, President of Tualatin Valley Fire and Rescue (TVF&R) Board thanked the Mayor, Council and staff for the great working relationship between the two agencies. She said they hoped the new fire station would be completed by the end of March, and noted the District had purchased a new ladder truck that would be in the Central Beaverton Station. She reported that they were working on the Y2K program, and there were no major problems. She said the Building Code Board had met the past week and TVF&R reported to them on the sprinkler amendment. She thanked the City for their support on that issue.

Gearin noted that Chief Gary Nees, would be retiring and invited everyone to join them on the evening of March 5, to celebrate his years with the District. She reported that Battalion Chief Jim Mooney would be the new liaison with the City.

Coun. Soth noted that regarding the Y2K issue, the 9-1-1 system had been checked out and was in compliance.

Coun. Doyle asked that she review the sprinkler issue for those who were watching.

Gearin said the idea was to require sprinkler systems for new buildings only, and those that were multi-family units, 16 units on one level, or more than one story high.

Coun. Doyle asked when the bill would be heard.

Gearin said that testimony had been given, with 91 people testifying and only two were against it.

Coun. Doyle commented that it sounded like it was a good idea, and he thought there were people in the City who would support it and even testify.

Gearin said it was driven by the District, because of the unfortunate deaths in apartment buildings.

Coun. Brzezinski asked Chief Nees to teach Mooney how to write the reports he had been giving them, since she enjoyed reading them and they were well written.

Mayor Drake noted that Boy Scout Troop 207, from Cedar Mill School were visiting that evening.

COUNCIL ITEMS:

Coun. Soth reported that he had been re-appointed to the Finance, Administration and Intergovernmental Relations (F.A.I.R.) Steering Committee for the National League of Cities (NLC). He said he liked to represent Beaverton and get local views across to others.

Coun. Soth said several had gone to Salem the past week to testify on the Red-Light-Running bill, and it was well received. He said they were there again that day and listened to what Portland said, and his view was that the Committee was responding favorably.

Coun. Brzezinski noted that they had a new franchise with TCI effective February 1, and it was a 15 year franchise. She noted TCI would become a digital network which should improve the capabilities substantially, and slightly increase the number of channels.

Coun. Stanton invited everyone to the opening of the Greenway bridge at 3:00 p.m. the next day (2/9/99), for the ribbon cutting ceremony.

Coun. Doyle pointed out that it was pedestrian bridge, and the accident that took it out was serious, but fortunately no one was injured seriously.

Coun. Brzezinski invited everyone to attend the Second Annual Dinner and Silent Auction for the Beaverton Sister Cities Foundation. She said the proceeds would be used to increase the scholarship fund that allows students to participate in exchanges with other Sister Cities. She said the event was scheduled for Saturday, February 13, at 6:00 p.m., and noted that entertainment would be provided by students who had traveled overseas.

Mayor Drake said they would take the Second Reading of the Ordinance in AB 99-35 at this time.

Second Reading and Passage:

Bill Scheiderich, Assistant City Attorney, read the following ordinance for the second time by title only:

99-35 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map, by Redesigning Property at Two Locations on the North Side of SW Beard Road: ECP 97002/ECP 97003 (Sexton Mountain Village)

Coun. Soth MOVED, SECONDED by Coun. Yuen that the ordinance embodied in AB 99-35 now pass. Roll call vote. Couns. Soth, Yuen, Doyle, Stanton and Brzezinski voting AYE, motion CARRIED unanimously. (5:0)

STAFF ITEMS:

There were none.

#### PRESENTATIONS:

##### Economic Development Update

Linda Adlard, Chief of Staff, and Debbie McCabe, Consultant with the program, were there to give the Update.

Adlard explained that Gina Cole, former Director, had a baby and moved on to a part-time position. McCabe came in during the maternity leave and discussed what should be addressed in the next year. She thought it was timely for McCabe to tell them about what the program should do for the next year.

McCabe said she sat down with Cole before she left and looked at what direction they needed to go. She said the goals were to create a Strategic Plan (see packet in the record). She explained that that a committee was being formed to work on that Plan over the next three or four months. She said they also needed to update the Community Profile. She reviewed the material in the packet further, which covered the Community Profile, and noted that it contained demographic, housing, educational, etc. information in short formats. She said they were in a pilot stage of a business and manufacturing program, which would connect contractors and businesses who had requested the connection. She said another project was looking at ways to address the reduction of the waste stream.

Coun. Soth noted the effect of Internet sales on local retail merchants, and he wondered if there was a way to look at that.

McCabe said that was a good suggestion and they would look at that in the first Strategic Plan.

Coun. Soth also expressed his interest in the waste stream reduction and mentioned some programs they might want to look at.

McCabe said they were using the programs he was talking about.

Mayor Drake thanked them for the update.

##### Metro Growth Management Update: Goal 5 & Affordable Housing

Susan McLain, Metro Councilor, and Brenda Bernard, Metro Growth Management staff, were there to present.

McLain thanked the City for being a good model on the Compliance Plan. She noted the map and calendar (in record), and explained that the red on

the map was what Metro had acquired, noting that it would be updated because there had been more acquisitions. She commented on the Metro recycling programs and noted that she and Coun. Soth had sat on the 1% recycling program committee and pointed out that the calendar (given to Council) gave environmental and recycling tips. She noted that exhibit A (in record), listed the various committees they had.

McLain commented that they had been fortunate to have Mayor Drake on MPAC (Metropolitan Policy Advisory Committee) for six years, since he did an excellent job of representing the needs of Washington County, along with Carol Gearin. She reported that they had been working hard the past year to find the relationship between the MPAC and the Councilors. She said they were having good dialog and one of the reasons for the Metro updates was to go out to councils and let them know what is going on. She pointed out that there were 10 Functional Plans at that time and there was still a list of work out there the partners said needed to be done.

McLain said on the list was affordable housing, and the Task Force was up and running, and she believed Mayor Drake was also on that Task Force. She noted there were still many issues to work out.

Mayor Drake noted that he had not reported anything to them because there was much to be discussed and nothing to report as yet.

McLain acknowledged that it was a difficult task and they realized that there were some details and specificity they had to look at. She noted they wanted to have a way for citizens to participate and give input as they went along.

Coun. Doyle asked if someone could forward information to him about school siting, since that was a difficult part of planning, and he would love to see something in place in the community so they could plan.

Mayor Drake said Chuck Meyer for Beaverton School District, was reporting on schools at MPAC, and there was a sub-committee regarding that issue.

McLain reported that a year ago, they got some of the school officials on the committee to help address school siting.

Coun. Brzezinski reiterated the same concerns. She recalled that a couple of months earlier, they discussed the Regional Town Center and it was frustrating to see that they would need school facilities and there was no good place to put them. She wanted to convey to Metro that the Council thought it was important to plan for schools.

Mayor Drake said that was an issue he had heard discussed in many forums.

Coun. Soth asked regarding Title 3, had there been anything done regarding the removal of some culverts and reopening some streams.

McLain thought he was referring to Mike Burton's comments the past week, and she said she had not seen a public study, but would look into it and get back to him.

Brenda Bernards, Metro staff, reviewed the information she had presented to them earlier (in the record) regarding Goal 5, and implementation of the Functional Plan. She reported on the various steps in the process and noted that work was occurring on the salmon/steelhead issue.

Mayor Drake said he was not sure the public had been made aware of the impacts of this on various streams and development in general, somewhat as the spotted owl did in rural areas. He said there needed to be a balance.

Bernards reviewed the material she had included in their report. She reported that the issue of affordable housing was complex, and noted that the Fair Share Committee had been working with them.

Coun. Soth asked if any inventory had been done in the Metro region as to the present existence of affordable housing. He said he thought the inventory should be done to determine if any area had met the goals.

McLain noted that Mayor Drake had also been listening to the reports and there had been a lot of the western Washington County towns who had done a good job. She reported that 30% of middle-class group seemed to be the group whose needs were most difficult to meet.

Mayor Drake explained that they might be talking about two issues: low-income and affordable housing, such as a starter home. He said they had two targets they were shooting for; trying to define the two and see their needs. He said as for housing stock, the last census was done in 1990, and the City knew what they had built since 1990, and some other cities did not. He said maybe it should be divided subregionally, such as divide Washington County in half. He wondered why they should not give the credit to the area that would be providing the housing.

Coun. Soth remarked that was what he was thinking, because in a rapidly growing area such as Hillsboro, they would be increasing housing, and it needed to be carefully balanced to take the various situations into consideration.

Mayor Drake said if the committee could achieve what it set out to do, it might win the Nobel Prize.

Coun. Stanton noted that at the "Building Affordable Communities" conference, it was reported that the median income was \$49,600 per

household in Washington County. She pointed out that 40% of the population was below that income and noted that limited what price of house they could afford. She said since the median was in the middle, that meant 40% would never get the starter home.

Coun. Yuen reported that he was a board member on a community development organization that advocated for affordable housing, and he thought that when government got involved it often became more difficult to reach the goals. He noted that he heard Bernards talking about Fair Share, and he was a little concerned about the problems with coming up with a set of numbers that said, "this is your fair share." He said that did not put something on the ground, and he would rather see it as a set of tools by which they could accomplish the goals. He stated that one of the impediments was government itself.

McLain said his points were well taken, and said they had worked with the committee Mayor Drake sat on, and had a "tool box," that worked on ways to take away regulation. She agreed that the housing needs should be looked at in sub-regional groups, and noted they could not look at affordable housing in a void.

Coun. Yuen said he appreciated that, and said he hoped they were able to do that, but at the micro level, they were not as concerned about where the property was, as they were to just find the property for affordable housing in the first place.

McLain agreed that was another issue, the cost of land, and trying to buy down the ground costs. She said they were making an effort to find ways to do it without regulation and use creative funding and financing.

Mayor Drake noted that as they worked toward the implementation there was concern by some citizens about trying to get to the densities, and other dictates of Metro. He said it had not been an easy task but he knew the community had been very involved and Council had received the needed feedback. He commented that they were blessed with citizens who communicated with them. He said the City was often accused of not planning ahead, but in this case they were planning way ahead.

Coun. Doyle remarked that one of the beauties of regional planning was that they could cross boundaries, and fix things locally when they needed to. He said he hoped this planning would help them focus on some issues that were very real for some people. He noted that in other areas, they are surprised about the regional planning in the Metro region.

McLain noted that representatives from Brazil and other countries had been to visit and they were interested to see the way it is done here.

Mayor Drake noted that it was not always a “love fest” at Metro but everyone got their say, and that made the regional dialog work. He noted they were not as jurisdictional as some might think.

Coun. Yuen said he assumed that with a more intense survey of buildable lands, and some of the work on the steelhead and other issues, the result would be a reduction of buildable lands in the region. He asked if Metro would make some allowances if that happened.

McLain noted that they had allowed for a 200 foot buffer along all streams already in their planing, and there were some other allowances. She agreed that there would be some cases where the buildable lands would be decreased and was not sure how that would be addressed, but they would take that into consideration. .

Coun. Yuen asked if the Metro Council would consider reducing some of the target densities.

McLain said she thought they had done that already.

RECESS:

Mayor Drake called for a recess at 8:07 p.m.

RECONVENED:

The meeting reconvened at 8:13 p.m.

CONSENT AGENDA:

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

Minutes of the regular meetings of October 12, and October 26, 1998

99-36 Liquor License Renewals (Annual Renewals)

99-37 Transfer of Road Jurisdiction from Washington County to the City of Beaverton

99-38 Authorization to Issue a Request for Proposals for a Municipal Utility Billing System

Coun. Brzezinski said she would abstain from the minutes of October 12, 1998, since she was not at that meeting.

Coun. Yuen thanked staff for the responses to his questions. He remarked that on AB 99-38, he had not noted that he thought the RFP was well done, and did not want anyone to think because he had made some suggestions, that diminished the excellent work that was done.



Mayor Drake thanked Coun. Yuen for his questions, and remarked that he thought those questions added to the depth and quality of kind of system they would get back as a result of the RFP. He also thanked Couns. Doyle and Stanton for their questions.

Coun. Doyle thanked staff for taking to heart his suggestion which he had discussed with the Budget Committee, regarding using the credit card for payment.

Question called on the motion. Couns. Soth, Stanton, Yuen, Doyle and Brzezinski voting AYE, motion CARRIED unanimously. (5:0) (Coun. Brzezinski abstained from voting on the minutes of 10/12/98.)

#### ORDINANCES:

##### Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Yuen that the rules be suspended, and that the ordinances embodied in 99-39, 99-40 and 99-41 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Soth, Stanton, Yuen, Doyle and Brzezinski voting AYE, motion CARRIED unanimously. (5:0)

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

##### First Reading:

- 99-39      An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance No. 2050, The Zoning Map, to Designate the Property Known as R. Storer/158<sup>th</sup> Avenue; CPA 98017 and RZ 980017 (R. Storer/158<sup>th</sup> Ave.)
- 99-40      An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance No. 2050, The Zoning Map, to Designate the Property Commonly Known as Cornell Oaks Corporate Center Annexation; CPA 98018 and RZ 980018 (Cornell Oaks Corporate Center.)
- 99-41      An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map and Ordinance No. 2050, The Zoning Map, to Designate the Property Known as P. Williams/Center Street Annexation; CPA 98019 and RZ 980019 (P. Williams/Center St.)

Coun. Doyle presented a cartoon to the Mayor, which had been drawn by the scouts.

#### PRESENTATION

- 99-1      Update on Photo Radar (carried from 1/11/99)

Linda Adlard, Chief of Staff, and David Bishop, Police Chief were present to give the update.

Adlard noted that she would give them a quick update on the Photo Red Light legislation and reminded them that the state elected officials would be joining them for dinner the following evening. She said she would lead them through the explanation of how, due to the 1997 law, they could expand Photo Radar. She said it was the Council's prerogative to do that if they wanted and noted that she had attached a resolution to their packets, by which that could be done.

Adlard said on the Photo Red Light Enforcement bill, they had mixed reaction at the legislature, and she did not think anyone but the Council and she were excited about the bill. She noted that 50% of the accidents were attributed to someone running a red light, and of the red light running accidents 88% of those had injuries. She said Portland and Grants Pass had asked to be part of the bill, and were also working on it at the Legislature. She noted that the complaints were that it was "big brother," that the law was not applied equally, (because initially they only gave warnings to businesses whose employees were driving when the citation was issued), etc. She said under the 1997 law, it allowed them to re-cite the driver when the vehicle was owned by a business and they could identify the driver. She said another issue was that the burden was on the registered owner to prove they were not the driver, when someone else was driving. She reported that there was not a problem with that; people seemed to not have a problem with telling who was responsible. She said they did not advocate for this to be statewide, but were interested in hearing from Beaverton citizens, and asked them to call her at 526-2482, to comment.

Adlard then updated them on Photo Radar as far as speed enforcement. She reported that since January 1996, they had issued 56,723 traffic cites, 19166 Photo Radar cites only in neighborhoods, and noted that 60% of the Photo Radar cites were not Beaverton residents. She pointed out that was an indication that many people cut through neighborhoods to avoid traffic. She said from the 1996 analysis they found that Photo Radar reduced speed and reduced the number of vehicles going over 30 MPH by 28%. She noted that in April of 1996, they noted that streets with Photo Radar had a 46% decrease in average speed, a 39% decrease in volume of vehicles exceeding 30 MPH.

Adlard said the 1997 bill allowed them to expand Photo Radar to other areas if Council wanted to. She said it could be used on streets in residential areas or school zones, and may be used in other areas if the governing body of the City made the finding that speeding had a negative impact on traffic safety in those areas. She reviewed the changed language in the bill in 1997, and the questions that Council asked that brought the update forward.

Adlard reviewed maps on display, which showed the locations of Photo Radar inside the City, and explained that where they have locations now, there were also pilot projects earlier. She noted Council had asked if the staff had moved it to arterials without the Council's permission, and by looking at the map, they could clearly see that staff had not expanded it. She noted the arterials where they had Photo Radar had a school location nearby, or was part of the pilot project. She stated she did not believe they had expanded onto arterials without there being a school zone nearby.

Adlard noted regarding their questions regarding Hall and Allen and their 'residential' status, those streets had both been locations since the pilot project. She reported that on Allen they had worked a total of 226 hours, with a traffic volume in that time frame being 129,674, and 1900 cites from Photo Radar. She pointed out that was 2.4% of all traffic on Allen Blvd., had been cited with Photo Radar. She reported that on Hall they had worked 440 hours total with a total traffic volume of 172,254 vehicles and about 2600 Photo Radar cites, or about 1.5% of the total traffic receiving cites. She noted that they probably had more complaints about Photo Radar on Allen and Hall than any other locations, which was about 50% of the complaints.

Coun. Stanton asked if the van was in exactly the same location each time, on those streets.

Adlard said it was not always in the same location, but it was within the same location area. She explained that if they had three locations in the pilot program, they would still be working those locations.

Bishop remarked that most of the Hall area is from Fifth to Tenth.

Coun. Yuen noted that what the statistic said was that on Allen or Hall, when the Photo Radar van was out there, it was only citing 1.4% of the traffic that went past. He wondered if that was a typical number.

Adlard said she thought that was a very low number, but it may be they had fewer hours there or the times of days were not rush hour. She said she gave them the numbers to show them that the numbers there were a very tiny proportion of the traffic population. She reported there were a very few people on Hall or Allen who have experienced a Photo Radar citation.

Coun. Yuen remarked that what that told him was the current experience they were having was that it was either very beneficial because everyone was slowing down, or not very beneficial because they were not in the correct location, or time of day when people were speeding. He said if they were going to leave it on the arterials, they would need to change the time or locations.

Adlard said even though his comments were interesting, she would not conclude the same thing. She stated that the only thing she could

conclude was that the complaints represented a very small number of the trips they know were on Hall or Allen. She expressed her concern that they would pull that statistic too far.

Bishop explained that Allen was a key location, and at Allen and Menlo it was during school hours, and the times were less, because it was only for school crossing times, and only when the children were there.

Mayor Drake said that road (Allen) had the highest number of accidents of any street in the City, and thought the new turn lane would help a lot. He said he traveled that street often and was surprised that there were not more tickets. He said people drive like maniacs on Allen and he preferred going down other streets because of the way people drive there. He suggested they could cite more people if they deployed it more often.

Adlard said they had a lot of experience with Photo Radar enforcement, and they could do other studies that would give them good evidence. She explained that she had to take information and make conclusions that she could not really prove without further study. She said she knew the traffic engineering studies were complicated and expensive, and noted that the study cost \$10,000 that told them that speeds were reduced after Photo Radar had been deployed in an area for one week.

Adlard said there had been concerns about what "residential" meant as it related to speed violations, and was it different than the language they use in land use. She clarified that the language in the bill stated streets in residential areas, and noted that there was no definition in the vehicle code for residential areas. She said she believed the definition of residential district meant: territory, not comprising a business district, that is contiguous to a highway that: 1) has access to property occupied by multi-family dwellings, or 2) has an average of 150 feet or less between access or approaches to dwellings, churches, public parks within cities, or other residential service facilities, or dwellings and buildings used for businesses. She said it was not part of a business district. She noted that was difficult when they looked at that as part of the vehicle code, which was what upheld in court. She explained that they had to use what applied under the vehicle code.

Adlard explained that what they needed to do if they wanted to fix it appropriately, was to either have residential districts, or the legislature needed to define "streets in residential areas." She said to her "streets in residential areas," when they developed the bill in 1995, meant neighborhoods, anywhere anyone is living. She said pointed out that could mean a heavier traveled street such as a connector, but they basically said for Beaveton's Photo Radar enforcement, they would limit it to the school zones and pretty deep into the residential areas.

Coun. Stanton said they got the 25 MPH residential speed limit passed 1993 (she worked on it), there was a residential definition in it, and she thought maybe that was the definition to use.

Adlard said they had discovered they needed one or another of the following things: need a residential district, or the legislature needed to define residential areas, or the City could adopt criteria to use photo radar where speed had a negative impact on traffic safety. She stated that for two years they had not expanded it in their minds at all. She explained that in the very beginning they used the same locations they were still using and had only added some deep in neighborhoods, but they had kept with the policy the Council had set.

Coun. Soth recalled somewhere that they were talking about the number of driveways accessing the street related to this, and thought they should look back at that to see if it would work to identify residential areas.

Adlard said she did not recall that, and asked for more information.

Coun. Soth said he thought it was both with the 25 MPH and the Photo Radar issues.

Adlard stated they would have to do some research on that. She said she thought they needed to focus on the different understanding of residential, and how that had been applied. She stated the question was very clear: Has staff taken this program farther than Council authorized, but she did not believe that had happened based on the research they had done. She added that she did not believe staff had taken Photo Radar further than Council authorized. She said, secondly, under the Vehicle Code they needed some consistency about language because if it was unclear to the Council then it was unclear to the citizens, so clarification was necessary.

Adlard noted that they had currently and historically used the traditional traffic controls in the City: traffic enforcement, regular radar, reader board, decoy cars, engineered traffic enhancements, public information programs, and public education. She stated that the City had used every opportunity allow them to affect speeding drivers, and now they needed to look at the legislation and see if they wanted to do use some criteria and see what they wanted to do.

Mayor Drake noted that residential might be different today than it was 10 or 15 years ago, and pointed out that there were apartments and a considerable number of children in those areas. He pointed out that half the citizens live in some type of multi-family housing. He noted that along those streets (Hall and Allen) they had the library, convenience stores and numerous day cares. He stated that he did not want to leave out a large segment of the citizens and knew that was not the intent of the Council either.

Adlard said she went back to the citizen surveys regarding Photo Radar in September 1995 and about a year later. She reminded them that they asked if it should be used in business districts and 63% approved the first time, 70% approved the second time, She said they asked about using it

on freeways (where it is prohibited) and 60% approved the first time and 59% a year later; on any City street 70% approved the first time and 72% the second time. She said they then added construction zones, and 81% thought Photo Radar should be used there. She concluded that this meant that the citizens wanted the tool used to enforce speed in any area where it was needed.

Adlard gave them suggested criteria she wanted them to consider for setting where Photo Radar may be used in the City. She said any one or a combination of them could be used by the police, because they could not come back and talk about each street with Council, each time there was an incident. She pointed out that the Council already gave the police the responsibility for safety. She said they could pick and choose from the following list of suggested locations: emergency vehicle routes; streets with a high history of accidents; streets with injury accidents; streets with fatal accidents; streets with a history of citizens complaints; construction/work zones including repair and maintenance; streets with a high mix and/or volume of vehicles, bikers, pedestrians, trucks, etc., and areas where engineering solutions were not effective.

Coun. Brzezinski asked if the list were in addition to the original wording.

Adlard said this criteria would take the place of the other criteria.

Coun. Brzezinski said she did not mean to be facetious, but wondered if there any streets in town that would not meet those criteria at some time.

Adlard said she was probably right, but there were many limitations because of the way they had to locate the van, which had to be parallel to the curb, not blocking traffic.

Mayor Drake said he thought they could come back with a final definition later after they had thought about it.

Adlard suggested they not come up with a definition; that was not what she was asking for. She said the Council's definition might not allow them to uphold the law. She explained that under the legislation they were allowed to expand this if they chose to. She pointed out that if they wanted to tell the Police Chief that they never wanted it on a street where they went over 30 MPH, they could do that. She explained that they were suggesting this criteria because it was what Portland used, and it would allow them to be in a industrial zone, construction zone, or outside a school zone when the ball game let out, and it would allow it at some sort of function where they might want to have extra security.

Coun. Brzezinski asked that they go back to the legislative language on page two.

Coun. Brzezinski said her problem was that bullet #2 it said it may be used in other areas where there was a finding that speeding had a negative impact on traffic. She explained that she thought the criteria went beyond that. She stated that certainly accidents and injuries, and possibly citizen complaints would qualify as negative impacts, but she was not sure that they could claim the other ones did.

Adlard pointed out that the premise of the tool was speed reduction, and any of those criteria would include speeding, so they needed to keep focused on what the law was about. She said they were speed issues, it was about slowing people down. She said the combination of emergency vehicle routes and no reduction in speeding could be very dangerous.

Mayor Drake stated that it appeared that Adlard was trying to set some criteria to define some streets. He said what the criteria did for him was start identifying, based on citizen complaints and police knowledge of the streets, and they would have "x" number of streets that really cried out. He said from there they would set up a number of streets that met some or all of the criteria, and have a list. He said he would assume that Council would give them some authority in broad sense, on construction zones. He suggested they would come back to Council on any streets that had grown to meet the criteria. He said it sounded like Council was concerned that you could apply that to any street in the City and he thought they wanted to narrow that a bit.

Adlard said she did not care what the criteria was, but she wanted the Chief to have the prerogative to apply it evenly when he saw dangerous situations which included speed. She said they could adopt whatever criteria they thought was appropriate; she was trying to give them something to think about. She noted that she did not think it could be used on any street in the City, because not every street had speeding issues, and they would never deploy it where that was not the issue. She stated that to believe this was being broadened was not their intention at all, it was to give people an honest idea of how the City will use it. She said all of the criteria would be related to speeding; if there were injury accidents not related to speed then it would not be appropriate.

Coun. Stanton said if the Council adopted the criteria, they only had one van, were they going to buy eight vans, one for each of those categories. She explained that she was concerned that if they expanded the criteria they would never get them in front of schools, and in neighborhoods, they would be in all the other locations. She said she thought those were all very valuable and important, but they were getting too far away from the fight they had at the legislature to get this for the neighborhoods, and the schools.

Mayor Drake explained that it had been expanded to other streets where the jurisdiction could make a finding for.

Adlard called their attention to the proposed ordinance she had handed out (in record), and reviewed it. She said the law would allow them to address those areas with Photo Radar if they chose to.

Mayor Drake asked Adlard to turn the suggested criteria into something they could review and that the Council give her input.

Several Councilors thought the criteria presented by Adlard was clear as it was.

Coun. Soth suggested that they needed the definition on how it would apply under the vehicle code, to Hall or Allen which were not subject to the limit, but were posted, and that applied to the Basic Rule type of thing. He said he would like to see a copy of what they had and other types of applicable things, as well as the original ordinance.

Adlard noted that the original legislation had been changed, and they had to apply the 1997 legislation.

Coun. Soth said that was what he meant.

Mayor Drake said it would be helpful if they could get questions and comments to Adlard.

Coun. Doyle suggested that it would help them focus on this, if the Chief and his staff could come back with a list of a dozen or so streets that would fall under this criteria. He said he thought Bishop could do that better than they could. He noted that the speeds had gone up on Sorrento.

Bishop explained that those streets change from day to day, and said Farmington would become a concern when the new fire station opened.

Mayor Drake said if they could have a list of the top 10 or 12 that met the criteria and add construction zones, that would help.

Coun. Doyle said he could understand what Bishop was saying, but he would like to know the thinking behind it so he could understand how they were defining the streets. He noted that of course they could understand streets where there were injury accidents, etc.

Adlard stated that she wanted to be clear that she and the Chief did not care about expanding Photo Radar; they would expand it if the Council wanted. She clarified that they were perfectly happy to go back into the neighborhoods and continue with the current criteria. She reported that the legislature was quite amazed that Beaverton had not used this tool in other areas and wondered whether or not that meant Beaverton did not have other issues. She said the City did have other issues, but they had plenty to do in the neighborhoods. She said it could not be too general, the expansion and criteria had to be very clear.



Coun. Yuen explained that he thought one of the key elements was not so much what the legislation allowed, but what they City wanted to do. He noted that they currently only had one van so they could not do two or three things concurrently, and they needed to be mindful of that. He pointed out it was a tool, not a panacea for all the problems. He said it seemed to him that they first should figure out if the first problems around school zones and in neighborhoods had been solved. He explained that if it had not been solved, they needed to continue there, in the neighborhoods and schools, and stated his reluctance to expand it elsewhere.

Mayor Drake noted that he did not think they would ever solve (whatever that meant to each person) the problem, but they were trying to reduce reckless behavior in these areas. He said that did not mean they could not take the van out to other areas, where they know there are problems. He said they might have a short-term solution to the problem, but they would still have the problem. He noted that Portland had two vans and they certainly had a much larger area than Beaverton did. He said they could spread the van over an area and said he did not think they could ever take the van out of a neighborhood permanently.

Coun. Yuen stated that he found Mayor Drake's comments interesting, because the other side if it was that if it was not a long-term solution, it had an effect but the effect eventually went away. He said then one could argue about the efficacy of the program in its entirety. He wondered how Photo Radar compared with the effectiveness of the speed trailer, since he noted how much effect it had on people on Cornelius Pass Road. He said he thought both Photo Radar and the SMART Trailers were a small resource for a fairly large area, and they needed to be careful of expanding it beyond the original intent. He stated that if it was not an effective tool in the first place then he was not sure they should do it at all, and if it was effective, then it should be deep in the neighborhood and in the school zones.

Mayor Drake reported that he had complaints about the trailer at about Eighth and Hall, which was about as deep into a neighborhood as you could get, yet people somehow did not think it was a neighborhood. He noted that he offered to meet a complainant in that area and knock on some doors and asked the neighbors if they feel their residential area was a neighborhood, and his guess was they would feel it was, even though it was a great mixed-use area. He agreed that when they first started the program, he thought differently of where deep in the neighborhoods was, but when they examine the City, there was an interesting mix of homes and lifestyles in the City, and they needed to recognize that.

Coun. Yuen agreed with those comments, and said the challenge was in coming up with a definition and the criteria that would allow them to place

it in the areas where they wanted to. He also agreed that there were sections of the City such as on Hall where there was an arterial, but it still functioned as deep in a neighborhood. He said the challenge was not to change the definition so they could put it on an arterial, but to create a definition by which it would work in neighborhood where an arterial goes deep into a neighborhood.

Adlard said the speed trailers are effective and they know people adjust their behavior because of that. She said they also know that for whatever reason, our society believes behaviors are changed when there are sanctions attached to it, so supposedly when a person has to pay a fine, it changes behaviors. She said they did know that the speeds were reduced when they had Photo Radar in the location. She explained that they could do a study for between \$30,000- \$50,000 or more, and find out very generally the day and time period they would have to have the unit back in the neighborhood to continue to modify behavior. She noted that if they could change behaviors by having speed trailers out there, they would love to do that.

Coun. Yuen said six years ago, when speed trailers first came out, it seemed like there was a lot of enthusiasm for them, and his recollection was that it was about what they have seen with Photo Radar, in terms of reduction of speed.

Bishop said speed trailers had been very effective, and he felt they and Photo Radar went well together and fed off each other.

Coun. Brzezinski asked Bishop if he had a sense of the proportion of the Photo Radar locations that were due to citizen complaints, such as if they had 100 Photo Radar locations, what percent were from citizen complaints.

Bishop said most come from citizen complaints or requests.

Coun. Brzezinski reiterated what Coun. Yuen said that the current legislation said they "could" expand it, but not that they must.

Mayor Drake said that was correct, but there was a recognition that there were more problems than in school zones and neighborhoods.

Coun. Brzezinski remarked that she thought it would be very difficult to site the van in construction zones, since it was already difficult for people to travel there.

Coun. Brzezinski explained that when she wore her public policy hat, she believed the citizen surveys that they wanted it, but when she took off that hat, she was less gung-ho about it than the rest of the Council. She expressed her concern that it would be arbitrary, and with Bishop's statement that the locations where it was needed changed from day to

day. She said she recalled that they used to get monthly reports showing where the accidents were, and that would help clarify the needs.

Coun. Soth reminded them that when they were talking about neighborhoods, they were not necessarily talking about a group of cul-de-sacs, they were talking about half of Beaverton. He commented that they were talking about Hall and Allen, and all types of minor and major collectors that are part of the neighborhoods. He said those are the places that on any given day or at any given time, could be problem areas. He said he thought they would have problems having Photo Radar in construction zones. He commented that he thought the criteria needed to allow flexibility. He stated that he was firmly in favor of Photo Radar as it was being used because it did exactly what they said, behavior modification.

Adlard said she needed to go back and try to reassess what she thought what neighborhoods were. She explained that those might be streets that one might have to cross to lead to a walking path or bikepath, streets children had to cross, and those that might pose some safety issues, the quality of life and the safety of citizens, in some basic home-type of arenas. She said she would see what they could come up

with to allow them to put Photo Radar on a street that connects to a school, etc. She said if they could not do that, then they probably needed to adopt some language which under the Vehicle Code, would allow them to do this. She said there needed to be a good definition.

Coun. Soth commented that an area of concern was pedestrian safety in some non-arterial situations, and noted that his wife walks a lot and gave him some updates on situations. He stated that when a person crossed at an intersection they needed adequate time to cross, and in a residential zone with a 25 MPH, a lot of times cars coming faster, do not allow time for safe crossing. He said that also applied to some of the younger bicycle riders.

Coun. Stanton asked if Randy Wooley, Traffic Engineer, had specific accident data, according to intersections, for Beaverton.

Wooley said that was accident data from the County, and they only had that data for some intersections, (which was done by the County), not for all of them.

Coun. Stanton said she assumed those would be for the higher volumes of traffic and higher rates of accidents.

Wooley said the higher volume streets would usually have more of the accidents.

Coun. Doyle thanked Adlard for getting Council to address the issue, and appreciated that she was asking for comments. He expressed his

concern that if they move into other areas they should not forget what they started with and if necessary they should get more equipment. He said some of the funds from fines could fund the study.

Adlard said she did not want to leave them with any idea that it was not an effective tool. She believed it was effective, it encouraged people to slow down, but it would not solve all problems; it would not solve all speeding problems. She reiterated that the citizens loved this tool and it was very well accepted. She said it was cost effective, and the paperless court processed the citations quickly.

OTHER BUSINESS:

Coun. Doyle MOVED, SECONDED by Coun. Soth, that Council approve the recommendation in the memo from Mayor Drake (in record) to waive the fee for a Design Review permit for the new owners of the Sunshine Creek Apartments, to replace trees.

Question called on the motion. Couns. Doyle, Soth, Stanton, Brzezinski and Yuen voting AYE, motion CARRIED unanimously. (5:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:55 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 16<sup>th</sup> day of August, 1999

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Rob Drake, Mayor