

REGULAR MEETING

April 5, 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, April 5, 1999 at 5:38 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, Wes Yuen and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller and City Recorder Darleen Cogburn.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Yuen that Council move into executive session in accordance with ORS 192.660 (1) (h), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (1) (d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations. Couns. Yuen, Brzezinski, Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

The executive session convened at 5:39 p.m.

The executive session recessed at 6:30 p.m.

The regular meeting reconvened at 6:40 p.m.

Also present at the regular meeting were Assistant Finance Director Shirley Baron-Kelly, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Captain Richard DeHaan, and Assistant Finance Director Shirley Baron-Kelly.

CITIZEN COMMUNICATION:

Terry Moore, 3440 SW Godwin Ct. Garden Home, said she represented the Raliegh Hills/Garden Home/West Slope area. She thanked staff for

working with her group and explained they had some issues with the Transportation System Plan (TSP), which had recently been resolved.

Mayor Drake said the TSP agenda bill would be pulled for separate consideration that evening and the City Attorney had advised Council if they wanted to make changes to the TSP, it would have to go back to the Planning Commission (PC).

COUNCIL ITEMS:

Coun. Yuen reported that it had been called to his attention that the light rail crossing at 170th near Elmonica Station was potentially dangerous because the signals did not give adequate warning before the gates came down.

Mayor Drake said he would have the situation checked.

STAFF ITEMS:

Linda Adlard, Chief of Staff, reported that the Red Light Bill was stalled in the Transportation Committee in the Senate and there was little chance of getting it through there. She said they would try to "stuff" it into another bill in the Senate Judiciary Committee, and explained that process would not allow adequate time to testify on it. She noted she would keep Council informed of progress.

PROCLAMATIONS:

Christian Heritage Month

National Records and Information Management Week

CONSENT AGENDA:

Mayor Drake noted that agenda bill 99-95 was pulled for separate consideration.

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

- 99-94 Liquor License Renewal - Annual Renewals: Homewood Suites Hotel

- 99-95 CPA 98020, CPA 98021, CPA 98022, TA 980008, and Proposed Amendments to the Beaverton Code, and Engineering Design Manual and Standard Drawings to Implement the Transportation System Plan (Pulled for separate consideration.)

- 99-96 Bid Award – Storm Drain Catch Basin Cleaning

Contract Review Board:

99-97 New Library Architectural Contract – Authorization to Proceed with the Bid and Negotiation Segment, Direct Additional Work and Accept Architect's Fee Proposal, and Transfer Resolution

Coun. Brzezinski referred to AB 99-97 and asked about the construction cost estimate. She wondered if an inflation factor was applied in determining the amount of the bond.

Adlard said they applied an inflation factor of 5% per year for two years and also added in a variety of costs such as parking and soft costs not in the construction costs. She explained that the update of construction costs were because they could not go out to bid for materials that might not be available any longer, and it was a matter of cross checking the materials already chosen to see what was available.

Coun. Yuen questioned if that also meant it would require revising the plan to accommodate the changes if there were some items which were not available, or were too expensive.

Adlard replied she would not expect any of the items to be too expensive for the project. She explained it would be items such as a light fixture originally being called number 880 now being called number 881, or it was not available and they would have to chose another.

Coun. Yuen asked if larger, significant items were not anticipated to change.

Adlard stated that if something changed it would only be slightly different, for example it might have a different stock number. She explained she was not suggesting they would be changing from brick to marble, but there would be variations in the products needed because of the age of the bid.

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

Separate Consideration:

99-95 CPA 98020, CPA 98021, CPA 98022, TA 980008, and Proposed Amendments to the Beaverton Code, and Engineering Design Manual and Standard Drawings to Implement the Transportation System Plan

Coun. Stanton explained that AB 99-95 contained some changes that were not in the decision of the PC, and she found that something that came up on consent agenda that changed the decision was inappropriate.

Coun. Stanton MOVED, SECONDED by Coun. Soth that AB 99-95 be remanded back to the PC for their review and action.

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

Coun. Yuen asked if they should save the material, which had been distributed earlier.

Mayor Drake said to retain the material already distributed.

PUBLIC HEARING:

99-98 Appeal of Corridor Court Rezone Modify APP99005

Colin Cooper, Associate Planner, said the staff report explained that the investors had asked the PC to modify an earlier zoning change, condition of approval, which restricted uses on a community service zoning which was approved. He said the PC denied it based on traffic issues. He reported that since the denial, the applicant and staff had been in discussion and the applicant proposed to add a right-hand turn lane on east bound Cornell Rd. at the intersection of 173rd, and noted that area drew the most concern from the PC. He explained that with the addition of the right-hand turn lane the traffic count at the intersection would be improved and therefore the staff felt that the issues of concern by the PC had been mitigated and recommended approval of the appeal with conditions.

Coun. Soth asked if these uses would have been allowed outright under the conditions that restricted uses, in the original approval for that development.

Cooper replied they would have been allowed.

Coun. Yuen asked if there was a left-hand turn refuge going east.

Cooper said there was, and asked the applicant for confirmation.

The applicant indicated there was a left-hand turn refuge.

Coun. Stanton inquired if it was originally rezoned from Office Commercial to Community Service with restrictions placed on it by the PC to restrict the type of uses.

Cooper replied that the restriction was a proposal by the applicant based on the initial staff concerns regarding traffic congestion.

Coun. Stanton pointed out that at that time the restrictions were for home furnishings or household consumption.

Cooper said that was correct, because those uses tended to not have the same traffic generation.

Coun. Stanton asked if the current application was to remove those restrictions. She said she did not see anything addressing why the original conditions should be disregarded, but only saw a case made for adding a turn lane.

Cooper replied that the new staff report only discussed the change in the proposal by the applicant. He said it was the addition of the turn lane, which improved the function of that intersection and mitigated the removal of the condition.

Coun. Stanton pointed out that the PC did not have the addition of the dedicated right-hand turn lane when they heard the second rezone.

Cooper said that was correct.

John Junken, 888 SW 5th Ave., Portland, said he was an attorney representing the applicant.

Frank Angelo, 84055 SW Nimbus, said he was a Planner with W and H Pacific. He explained that they agreed with the staff report dated April 5, 1999 and noted that three years earlier when they came in for the original request it was a request to limit it to home furnishing and retail uses. He reported that the applicant had made a strong effort to market it to such uses, but had found that the market had changed and they wanted flexibility to develop businesses that would compliment other uses on the site. He agreed that Cooper was correct that the applicant had not proposed a right-hand turn lane when he applied. He said they believed they had addressed both the issues related to traffic that were problems at the PC. He said the first one was the right-hand turn lane and it would occur before any future building occupancy on the site. He noted that the second point was a letter from Washington County, regarding the ultimate five-lane improvement of Cornell Rd. between 185th and 158th Ave. He said at that time of the original application, there was nothing in the record regarding the County's commitment to actually construct the outer two lanes of the five-lane section of Cornell Rd. He said there was currently a February 22, 1999 letter in the record from the County noting their commitment to improve Cornell Rd. to five lanes. He reported that was an additional piece of information that had come forward since the PC meeting in January.

Coun. Stanton asked where the commitment from the County was funded in their Capital Improvement Plan (CIP).

Angelo responded that it was not funded currently, but the County had recognized their commitment to property owners, and when the Local Improvement District (LID) was formed the County took on the obligation to provide the outer two lanes on Cornell Rd. He noted it was indicated in

the County's February 22, 1999 letter, that their intent was for traffic impact fees from development that occurred along Cornell Rd., to be a potential funding source for that improvement.

Coun. Stanton said she understood that it could be a potential funding source and she also understood the CIP process. She described her experiences with the CIP process and surmised that the Cornell Rd. project might not happen within the next ten years.

Angelo reiterated it was not in an adopted CIP, but the construction of the right-turn lane would add capacity back to the intersection and would raise the Level Of Service (LOS) to a point where the County and City staffs had indicated was acceptable.

Coun. Stanton inquired if it raised the LOS from an F minus to an F plus.

Angelo responded that the LOS was raised to a D in the morning. He noted the right-turn lane did provide for capacity at that intersection and they believed that along with the letter from the County addressed the PC's concerns.

Junken said the PC used the Transportation Planning Rule (TPR) to interpretation and applied it to the issue to determine if it was a significant effect, and if so, how it was addressed. He noted the applicant did not agree with that interpretation, but what they were proposing that evening would address the concerns of the PC. He said the new proposal included the eastbound turn lane and would improve the traffic issues. He commented that he had been with the County in 1983, and recalled that the LID for road infrastructure was the first in the Sunset Corridor area. He reiterated that the County made a commitment and there were issues as to when that commitment would be fulfilled, but the County had renewed the commitment with their letter dated February 22, 1999.

Coun. Stanton explained to the audience that a CIP was a Capital Improvement Plan, which the government entities used to plan when things would be built and the LOS was the Level Of Service regarding how fast traffic could move through an area. She noted that it went from LOS A through LOS F and LOS F basically meant gridlock.

Angelo said their presentation had concluded and they believed they had addressed the issues from the PC.

Mayor Drake opened the public hearing.

No one came forward to speak.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, to grant the appeal with the addition of condition No. 1 within the staff recommendation on page four, and dated April 5, 1999.

Coun. Yuen said he wished the developer and future tenants a lot of luck, it was a tough place and it did not have good visibility from the street. He noted his surprise with the relief that was offered and said the relief would take some pressure off the intersection, but did not provide relief going into the development. He remarked he was concerned, and thought the Council would approve it, but he was inclined to vote "No." He explained that aside from increasing Cornell Rd. to five lanes, there was probably no solution, and it wasn't fair to the developer to hold it up while they waited for the County to put in the long promised improvement. He explained he was sympathetic to their plight and was struggling with the decision.

Coun. Soth noted that the PC minutes referred to the issue of public transportation, and he was concerned about dependency on public transportation. He commented that any business that relied on public transportation had a right to allow for traffic in order to accommodate their customers.

Coun. Stanton said she would not support the motion, because the PC's initial decision was right. She noted the original plan created one thing that had not worked out for the developer and the rezone now could create a whole different set of problems. She expressed her concern that a fast food or convenience market could go in there and that would add to the traffic generation and change the whole scope of what the Corridor Court development was supposed to be. She said they must take into account what was already in the neighborhood, and especially the traffic which was a primary issue in Beaverton. She stated that she believed to approve this appeal would be to create another center of discord, and an area that would be fraught with peril and problems. She reiterated that she believed the findings of the PC were correct and accurate.

Coun. Brzezinski said she would support the motion because traffic had been the rationale that was used to deny it, and if the applicant had come up with a solution they needed to play by the rules.

Coun. Doyle said he would also agree because the applicant had addressed the concerns of the PC.

Question called on the motion. Couns. Doyle, Soth and Brzezinski voting AYE, Couns. Yuen and Stanton voting NAY. Motion CARRIED. (3:2)

RECESS: Mayor Drake called for a recess at 7:17 p.m.

RECONVENE:

Mayor Drake reconvened the regular meeting at 7:25 p.m.

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, to direct the Human Resources Director to negotiate as discussed in executive session.

Question called on the motion. Couns. Soth, Brzezinski, and Doyle voting AYE; Couns. Yuen and Stanton voting NAY, motion CARRIED. (3:2)

RECESS: Mayor Drake recessed the Council meeting at 7:27 p.m.

RECONVENED EXECUTIVE SESSION:

Mayor Drake reconvened the executive session 7:27 p.m.

The executive session was adjourned at 8:10 p.m.

RECONVENED:

The regular meeting reconvened at 8:10 p.m.

Mayor Drake reported that the Chamber of Commerce had scheduled representatives from the City to attend one of their meetings. He reported to the Chamber that he and some of the Councilors were already scheduled for the day they had chosen. He asked Council if they would like to schedule a dinner meeting with the Chamber immediately preceding a Council meeting.

Council consensus was they would like to meet at 5:30 p.m. preceding a regularly scheduled Council Meeting evening.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:14 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 21st day of June, 1999

Rob Drake, Mayor