

REGULAR MEETING

April 12, 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 12, 1999, at 6:35 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, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Chief David Bishop, City Engineer Terry Waldele, City Utilities Engineer David Winship, Senior Planner Barbara Fryer, Assistant City Attorney Bill Scheiderich, Principal Planner Ali Turiel, Associate Planner Veronica Smith, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Soth reminded Council to turn in their ethics statements. He also expressed his appreciation to Fire Captain Jim Mooney for allowing him to participate in the planned burn of a house on Washington Street. He noted that there were three companies of new recruits, which made it an invaluable training experience for them. He said he was sorry for the house to go, but the training was worth far more to the citizens of Beaverton than what they would have gotten out of salvaging the house. He noted there were many firefighters that were also trained as paramedics in attendance.

Coun. Stanton reminded attendees that on April 24, from 7:00 a.m. to 1:00 p.m. there would be the Spring Clean up with two locations at Whitford Middle School and the site of the old Mill End Fabric Store on Broadway and Lombard Ave.

STAFF ITEMS:

Linda Adlard, Chief of Staff corrected that the old Mill Ends site was not the site of the cleanup and she would get the correct information to Council.

PROCLAMATIONS:

National Library Week

Volunteer Recognition Week

Days of Remembrance

Coun. Doyle noted that the title "Days of Remembrance" did not clearly explain what it was to commemorate the systematic persecution and annihilation of the European Jews by Nazi Germany from 1933 to 1945. He congratulated the Mayor for recognizing the "Days of Remembrance."

PRESENTATIONS:

Citizens' Academy

Teresa Lewers, 15380 SW Emerald St., asked Chief Bishop and Officer Burke to come forward. She explained she was a recent graduate of the Academy and was impressed with the Academy and the officer's enthusiasm and passion for their work. She noted she learned a great deal about the community and also about what police officers actually did. She said she appreciated the community oriented policing and problem solving. She presented a hand made quilt to the department and received a round of applause.

Michael Shattuck, 14230 SW Sexton Mt. Dr., said he also was a recent graduate of the Academy and wanted to praise them as well. He commented that he had traveled extensively and was not very familiar with the City, but found a quality of leadership when he attended the Academy. He said he saw a phenomenal amount of knowledge handed down from the officers and to the citizens and he would work to help them reach more people. He remarked he thought it would be good to incorporate it into high schools, because it joined them with the police department and it would help the young people understand that the police were working with them and for them. He complemented Officer Burke and said he did a great job.

David Bishop, Chief of Police, thanked Lewers and Shattuck and encouraged Academy attendance.

Coun. Stanton commended the Academy, which she attended and reported that it was an interesting and fascinating way to learn about their

community and the police. She suggested interested citizens call the City to find out more about the Academy.

99-99 Presentation of Retirement Shields to Newly Retired Captains.
Presentation of Shields and Swearing in of Newly Appointed Captains,
Lieutenant, and Sergeants to the Beaverton Police Department

Chief Bishop welcomed those who had come to share the important, historical night, which he referred to as the "Changing of the Guard."

Bishop called Captain Paul Danko, and Captain Richard DeHaan, forward. He explained that Danko had been with the Beaverton Police Department for 33 years, and DeHaan started in 1966, and gave the progression of their ranks.

Mayor Drake noted he had requested to make the presentations, and said he had been a young college student in 1969, and was working on a degree in Criminal Justice when he first met both Captains. He presented their retirement shields.

Coun. Soth said he wanted to express his appreciation to both of the officers for their assistance with the technical advisory committee of the 9-1-1 Board. He especially thanked Danko who had helped him and was one of the first people he met when he was first elected to Council. He noted Danko had made a real effort to introduce him to other people and to answer his many questions over the years. He thanked both officers.

Bishop also thanked the officers for their extremely dedicated service to the department.

Bishop introduced Captain Stan Newland, and explained he had worked for the Newberg Police Department. He introduced Lieutenant Wes Ervin and gave a brief history of Ervin's career with the Beaverton Police. He said Ervin would be sworn in as Captain that night and he issued oaths to Newland and Ervin.

Bishop swore in Sergeant Chris Gibson who had been with the Beaverton Police Department for 11 years and was promoted to Lieutenant that evening.

Bishop then issued oaths as Sergeants to Tim Moran who had been a Beaverton Police Officer for 13 years, and Robert Davis, who had been an officer since 1990.

Bishop invited those present to a ceremony where the new shields would be pinned, and thanked those who attended the meeting.

RECESS:

Mayor Drake called a recess at 7:00 p.m.

RECONVENED:

The meeting reconvened at 7:07 p.m.

ONSENT AGENDA:

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

Minutes of the regular meeting of November 16, 1998

- 99-100 Liquor License Renewal - Annual Renewal: Rite Aid #5322
- 99-101 Social Services Funding
- 99-102 CUP 98009 Walker Road Auto Center – Phase 2
- 99-103 TA 980010 New R-4 Zoning District Text Amendment
- 99-104 TA 980011 Accessory Dwelling Unit Zoning Regulations
- 99-105 Lombard Avenue Extension - Approval of Intergovernmental Agreement with Washington County for Traffic Calming
- 99-112 Boards and Commissions Appointment

Contract Review Board:

- 99-106 Consultant Contract Awards – Design and Construction Engineering Services for the Central Interceptor Storm Drainage Improvements
- 99-107 Contract Award – Selection of Library Project Manager (Carried to 4/19/99)

Coun. Brzezinski gave her corrections to the minutes to Darleen Cogburn, City Recorder.

Mayor Drake said AB 99-107 would be carried to the next Council Meeting due to the interviewing process.

Question called on the motion. Couns. Doyle, Brzezinski, Yuen and Soth voting AYE, the motion CARRIED. (4:0) Coun. Stanton was out of the room.

PUBLIC HEARINGS:

- 99-108 Traffic Control Board Issue 403

Randy Wooley, Traffic Engineer, explained that the agenda bill referred to whether a crosswalk should be marked across Broadway at East Avenue. He noted that the crosswalk had existed at one time but was removed in 1991, and staff had recommended to not put it back, because they felt it was unsafe. (Details in record) He reported that Jim Barnhard and others (who gave their testimony at the Traffic Commission (TC) meeting in February) used the area and requested that it be reinstalled to improve safety. He pointed out that this hearing was required to be *on the record* and noted that they had included sample ordinances in the packet. He also noted there was a packet of information from Barnhard.

Coun. Soth inquired if this was *on the record* could there be new information.

Mayor Drake clarified that new information was not allowed, but speakers could repeat their earlier testimony. He asked the City Attorney if that was correct.

Mark Pilliod City Attorney said other than it being repetitious, it could be allowed.

Mayor Drake determined they would delete the photos from the packet since they were considered new information.

Mayor Drake opened the hearing.

No one stepped forward to speak.

Mayor Drake closed the public hearing.

Coun. Soth MOVED SECONDED by Coun. Stanton that Council approve the request for a crosswalk on Broadway and East Ave. as outlined in AB 99-103 and including exhibit No. 6, the draft of Final Order for Approval.

Coun. Stanton asked about Exhibit 6, and clarified that it was approving the intersection crosswalk; overturning the Traffic Commission recommendation and approving the appropriate final order to put in the crosswalk.

Mayor Drake said that was correct.

Coun. Soth explained that it overturned the TC decision because that was a denial.

Mayor Drake noted this was not the usual format.

Coun. Yuen said he would not support the motion, because the position the staff had considered was there was a strong sense that putting in a crosswalk would generate a false sense of security. He said he crossed the street in that area and did not see what benefit the crosswalk provided.

Coun. Brzezinski said she would also oppose the motion, because the information in the staff report to TC, gave strong enough evidence that it was not something that was necessary. She noted that she liked the idea of putting the two drafts of the final orders in the packet, except the findings were confusing in Exhibit 6. She asked if it was a problem from a legal point of view if the motion passed.

Pilliod responded that it was not a problem.

Coun. Stanton said she shopped in the area and parked at Holland Feed and she thought the crosswalk should be there. She commented that when they took out crosswalks, it created a situation where people crossed everywhere. She said a crosswalk gave people a sense of security, but agreed it might be a false sense of security. She stated that she believed that they should do this for the citizens in that area who wanted a sense of doing what was right in the right place.

Coun. Soth said that there was no doubt that some of the issues tended to point towards a crosswalk not being there. He commented that in his view, it was not a true intersection anyway, and traffic went from one corner across the street into a parking lot, and did not meet the same standard that a four cornered intersection would. He said another concern was that there was a slight incline at the intersection at Lombard, and cars accelerated, so if the crosswalk was marked it would allow drivers to see it, and act accordingly. He commented that he agreed with Coun. Yuen that people crossed everywhere, especially in the morning when the donuts were fresh at the bakery.

Coun. Doyle commented that it had all been said, and he would support the motion, and if they were going to make an error, they should make it in an area that was more visible. He noted that improvements in the curb cuts for the handicapped were a good idea. He said they would watch and see if the prediction was true that marked crosswalks were unsafe.

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

99-109

Public Hearing on Reallocation of Greenspaces Funds/Greenspaces IGA Amendment

Barbara Fryer, Senior Planner, gave the presentation and displayed maps etc., on the overhead projector. She noted that the agenda bill contained information that explained the allocation of the funds and noted that the location of the property on the map displayed on the wall from Tualatin Hills Park and Recreation District (THPRD). She clarified that it did not require the use of the City's \$119,000, and she was there to request that Council decide where those funds should be allocated. She reported that THPRD had made some recommendations and staff suggested the City

partner their money with THPRD to purchase the property. She noted the area was a wetland and would be good to add to the City's property.

Coun. Soth asked what was on the property owned by the City directly to the east.

Fryer said she was not sure except she thought it was vacant and was an open space.

Mayor Drake said he thought some of that information would come out during public testimony.

Fryer explained the second site was Johnson Creek Corridor Acquisition No. Two and she pointed it out on the map. She said it had wetland mosaics and a good location for a trailhead for Lowami Hart Woods. She noted that the intersection of 155th and Hart Rd. might be improved at some point in the future and a crosswalk across Hart Rd. would be installed that would serve quite well as a connection to Lowami Hart Woods.

Mayor Drake noted that the Hart Rd. improvement was part of the MSTIP III (Major Streets Transportation Improvement Program) and would happen within the next two and a half years.

Tom Ramisch, Engineering Director, noted the MSTIP funds would start in the next year.

Mayor Drake pointed out that Hart would be improved between Murray and 170th.

Fryer indicated the location of the third parcel on an overhead and said it was adjacent to Lilly K. Johnson Park.

Fryer said there were several parcels considered and reviewed the materials in the packet in the portion marked NX1, (in record), and described the other parcels. She explained that staff did not recommend it be purchased due to the cost and to the fact that much of the tree growth was required to be maintained in any development. She noted that NX 3 was the next site, which consisted of Fanno Creek through the recently annexed area called Hemstreet Heights. She reported that staff recommended acquisition of NX3A at some time in the future and noted that the amount of funds available would not be adequate to acquire the property and they also did not know if there was a willing seller. She said NX5 along with NX9 comprised a grove of trees, and noted that NX9 was already designated as a significant tree grove. She reported that both of those parcels were out of the price range and had homes located on them. She noted that NX8 was in the Canyon Lane area, and valued in the price range of what the City had, but they did not know if there was a willing seller. She said that NX9 consisted of a remnant parcel that was part of the greater parcel currently designated on the significant grove list

and was currently valued at over \$600,000, so they did not recommend acquisition of it.

Coun. Stanton asked if the significant grove of trees was privately owned.

Fryer responded that it was privately owned and would be subject to development regulations.

Fryer commented that all of the recommendations the local wetland inventory/tree inventory committee recommended for acquisition were not currently on the significant grove list. She said it was currently going through the public process and would come before Council sometime that year.

Coun. Stanton asked which of the projects were on the previous Greenspaces list.

Fryer said none of them.

Coun. Stanton asked what projects had they decided not to pursue that were previously thought valuable options.

Fryer replied that one was the station-to-station trail, that was proposed between Beaverton Central and Beaverton Transit Station. She said they were trying to find funds for that, and were currently looking at using Transportation Growth Management (TGM) grant funds. She noted that the other was the Fanno Creek Bikepath project and currently there was \$76,300 available for that. She said she had given Council a memo explaining that they wanted to use some of those funds for the Capital Improvement Plan (CIP) and some for acquisition. She said they needed to discuss (in a public forum) moving the funding so it was no longer just acquisition but capital improvement, also in the Greenspaces funding allocation. She said it wouldn't be considered a budget change but would be a budget paper change for Metro.

Mayor Drake explained that it would keep funds in the same project. He noted that some of the funds would be swapped to do a different task than was originally approved by Council, but would be for the same north/south project for Fanno Creek.

Fryer said it was to allow the City to use some of the money for preliminary engineering, and anything that was left over after acquiring the right-of-way.

Coun. Stanton asked what other projects had been previously considered.

Fryer said the Lilly K. Johnson Park project was on the list three amendments ago. She said THPRD was anticipating buying the parcel next to the Lilly K Johnson Park and partnership with the City would help them do that by helping them on the other two Johnson Creek projects.

Mayor Drake said he talked to the General Manager of THPRD and they were supportive of the staff recommendation.

Coun. Soth asked about the supplemental memo, and said since it was a part of the Greenspaces, would it require a separate motion in order to do anything.

Mayor Drake explained that Coun. Soth's reference was clarification that Council was acting separately and deliberately.

Coun. Stanton said near and dear to her heart was the Fanno Creek Trail, and asked if the advisory committee looked at moving money into the Fanno Creek Trail project.

Mayor Drake asked if Coun. Stanton meant the east/west path.

Coun. Stanton replied it was the east/west path.

Fryer acknowledged they were only looking at what they could add, and to identify some sites that were significant. She said they identified that there were some sites so significant that they should be acquired as soon as possible. She explained staff felt those should be brought forward for consideration although they had not been currently adopted. She clarified that staff primarily looked at which sites were significant for their Goal 5 resource value.

Coun. Stanton pointed out that the money was Greenspaces money and while the Goal 5 sites were fine to fall under Greenspaces money, they had branched away from the initial focus of the committee, which was looking for those places in the City that had benefit to the City, i.e.; the Fanno Creek Corridor. She stated that Fanno Creek was not a significant grove but a wetland area.

Fryer clarified that the committee was not asked a specific question as to which sites should be used for Greenspaces funding. She explained that the question was what sites were significant and the Fanno Creek Bikepath and trail was not a topic of the committee's discussion.

Coun. Stanton clarified that Council was not limited to that vision.

Fryer commented that the committee was set up specifically for Goal 5.

Coun. Stanton said she would like to see the Greenspaces money go to parks, and saving groves of trees might or might not meet the needs. She did not understand why they would save groves of trees instead of adding on to those projects for which that property had already been purchased.

Fryer pointed out that for the Fanno Creek Bikepath project, the money had to be spent by December of 1999, and Metro indicated that they would not give any more extensions.

Coun. Stanton said that Fryer's statement about spending the money by a certain date was very compelling and she understood the reasoning behind it.

Coun. Yuen said unless he did not remember correctly, they did authorize a certain amount of money for Cooper Mountain, which was not to build a park, but to preserve a substantial regional resource. He said the Council had acted to preserve other things than just parks.

Mayor Drake noted that at the Joint Policy Advisory Committee on Traffic (JPACT) meeting THPRD requested 150% of the projects available, but there was only 100% of the funding. He said he supported the recommendation with the understanding that the Council had voted on a split decision to not put the Bikepath in directly adjacent to the Creek on the north side. He said he thought the Council would support, at least, acquisition of the greenbelt through there, and noted that the City was exploring options for the path being directly on the Creek at that point. He pointed out that Council understood what the dilemma was and no one was opposed to acquiring greenspaces for the sake of retention and just having it in the public trust. He said at least at this point, the east/west purchase was in there, and his guess was it might have problems getting through the land use process because the Council did not want the path adjacent to the Creek. He commented he did not think the Council would be opposed to acquiring the land to keep it in public ownership.

Mayor Drake opened the public hearing.

Stephen Bosak, 15707 SW Walker Rd. said he was the Superintendent of Planning and Development for THPRD. He noted he was there to answer questions and reported that Ron Willoughby, THPRD General Manager, had asked the City if they would be interested in partnering with THPRD to help spend the balances from both of their local shares of the Greenspace Program funds.

Bosak reported that THPRD had solicited public input for nomination of sites and 11 sites were nominated. He said they assessed the sites according to willing sellers, which sites were affordable, the quality of the sites, and how they fit into the park system. He explained they wanted to acquire as many as six sites which the THPRD Board approved as priority listing and Metro concurred to redistribute funds to acquire as many of the six sites as affordable. He noted if the City would partner with them and pool remaining funds they would be able to purchase two of the sites with the City. He reported that both sites suggested were those referred to in Fryer's presentation as "N" and both sites would contribute to some linear linkage along Johnson Creek. He specified the first priority was the site at 155th and Satterburg Road that was across the street from the elementary

school. He explained that on the other side of the property was the Trail Corridor and the 155th and Satterburg Road site would contribute greatly in the Master Planing Process.

Coun. Soth noted that the staff recommendation included the two sites Bosak had mentioned, and said he assumed THPRD would be prepared to move ahead rapidly with the site purchases.

Bosak said THPRD had enough money to get the first two sites acquired, but with the pooling of City money they could acquire the third and possibly the fourth site on the list of six.

Coun. Soth asked if there were willing sellers on the first two sites.

Bosak responded that there were willing sellers.

Coun. Doyle referred to the Lilly K. Johnson Park acquisition, and asked if it would open up the entries to the park a little and help it be utilized better.

Bosak said it could, and one of the issues they had was the Steven's home that was on the property, and they needed to figure out what they would do with the house. He commented it would make a wonderful entry to the park from the Steven's property.

Floyd Harrington, 15607 SW Hearth Ct, said he was Sexton Mountain NAC Chair, and the NAC was in support of the partnership. He noted the property next to the school would be the top priority, and the property at 155th and Hart was next. He remarked that the NAC felt it was good to add this to the greenspaces in the City and maybe this would help people not lose touch with the land and also it helped the wildlife in the area. He reiterated their support for the issue.

Coun. Doyle said he appreciated the information from the NAC.

Harrington said he did not know what the City had planned for that area, but it was a wooded area with a lot of growth.

Jan Karius, 15385 SW Division, said she lived a little outside the City limits, and represented West Beaverton NAC. She commented that the NAC endorsed the staff recommendations and would appreciate the Council's support and partnering with THPRD. She said the areas were connected to open spaces and they supported the acquisitions.

Steve Hamlin, 9505 SW 160th, said he was in the Sexton Mountain NAC and supported the staff recommendations. He commented he was a member of the Goal 5 Committee and they were currently working on how to improve protections and he strongly encouraged Council to adopt them. He remarked that it was not a point of civic pride the way the City protected greenspaces and other cities were doing a much better job (such as Vancouver and Lake Oswego), providing they had willing sellers.

He said it was time to give consideration to how they would do the next round of funding and there were other properties that needed to be bought.

Mayor Drake noted that funding was always the key and the last Greenspaces Program funding effort was very successful and wasn't as mysterious about what would be acquired as previous funding efforts. He said when citizens were given an opportunity to specifically buy something instead of feeling like they were handing government a blank check, then they would willingly buy greenspaces.

Hamlin noted that people wanted the quality of life that greenspaces would provide.

Mayor Drake said he would like to see it go back to a regional basis, because it was easy to move throughout the region and the region was linked well. He suggested looking at the acquisition process and going after it.

Coun. Stanton thanked Hamlin for his time and work on the committee.

Sandra Camley, PO Box 1953, said she was a member of the Goal 5 Advisory Committee and had talked since January with the Trust for Public Land (Trust). She explained they were an organization, which helped municipalities find funding for open spaces, natural areas, and park spaces. She said the committee had gotten information about what significant tree areas could be purchased and what areas already had conservation easements on them. She noted the City's consultants for significant area purchases were the Advisory Committee, the Trust, the neighbors, landowners and homeowners and the City's own hired consultants, who recommended the full protection of the significant tree growths. She explained that they would like the elected officials to give the go ahead to the Trust to contact the landowners and see if they would be willing to sell or provide a conservation easement. She continued that if they would, then the Trust could get funding from other external sources to help Beaverton and THPRD acquire the sites.

Mayor Drake said the City would need a formal request directly from the Trust to see what it would entail.

Camley responded that she was not suggesting using the money to buy the sites from the inventory as opposed to the sites THPRD was supporting. She explained that they could get additional funding to purchase sites from the inventory, and clarified that Trust wanted initial contact from the City.

Mayor Drake said Camley would need to work with staff on that issue.

Camley asked if there was an agreement in principle.

Mayor Drake clarified that there was no agreement. He said the City was very supportive of the concept, but Camley was suggesting the staff embark on a program and explained Council would need to approve it as a policy direction. He said the City needed a formal process to proceed.

Joe Grillo, Community Development Director said he would be happy to contact the individual Camley had talked with and they would report back to the Council what the options were and get a clear explanation of what the Trust offered.

Mayor Drake noted that the Trust had worked with THPRD to buy the Archdiocese property south of the Nature Park, and the Council would need more information.

Coun. Soth said they needed to know the pros and cons, and have it lined out so their decision would be based upon facts.

Coun. Doyle thanked Camley for her work.

Mayor Drake complemented Camley on a job well done.

Greg Hjelmeland, 18075 SW Augusta Lane, said he was in support of the proposal, but wanted to add a justification for being in favor of it. He noted that Coun. Yuen mentioned that it was important to protect the open spaces, and Coun. Stanton said she wanted parks. He referred to a comment earlier in the meeting about the open spaces going away and said greenspaces were important for the community's health and by protecting them they could head off problems that would cost money in the long run. He noted that cities, counties and Tri-Met were having to install artificial flood control ponds to take the place of what beavers once did to slow down the rush of water. He noted that urban streams cut deeper because of the increased water flow from the impervious paved areas and went on to describe other water-related issues due to urban growth. He concluded by saying the more greenspaces they could preserve the better the health of the community would be.

Coun. Soth noted that Unified Sewerage Agency (USA) had just completed a plan and report on Beaverton Creek, which took into account much of what Hjelmeland had talked about.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council approve AB 99-109, to approve funding as recommended by staff report for SW 155th and Johnson Creek acquisitions, in the order of priority noted in the agenda bill, up to a total of \$119, 796, and direct staff to prepare a resolution authorizing an amendment to the Greenspaces Intergovernmental Agreement.

Coun. Doyle said he was glad that once again the City would be able to join with THPRD to spend their collective money wisely.

Coun. Stanton said she would support the motion even if it were not for Fanno Creek Trail.

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

Coun. Soth MOVED, SECONDED by Coun. Stanton, that Council authorize staff to follow the recommendation in the staff report dated April 12, 1999, regarding the supplemental information regarding the Fanno Creek North/South path and keep the spending the same but allocate the dollars differently, (as recommended in the staff report).

Coun. Yuen requested that in the future he would appreciate it if staff would provide some sort of recommended action to help formulate the motion.

Coun. Stanton clarified that they were reallocating the funds for capital improvements and acquisition, instead of for acquisition only.

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

RECESS:

Mayor Drake called for a recess at 8:25 p.m.

RECONVENED:

The regular meeting was reconvened at 8:38 p.m.

WORK SESSION:

99-110 Historic Resources Program Concept Work Session

Barbara Fryer gave the presentation and overview of the materials in the packet (in record). She explained that the Historic Review Committee gave five suggestions as outlined in the material. She noted the suggestions as follows: signs for historic areas or buildings; assistance with design; etc., a fee waiver for work that needed to be done to keep the property in a historic manner; and direct payment to owners for keeping their property on the list and maintained as a historic resource; and a design district. She said the amount of the suggested payment was \$1,000. She explained that the final program was a design district, and noted it was intended to help maintain the historic character of the downtown area. She reviewed the map included (in the record) and reviewed the design standards, which would be required, and those that would be recommended.

Coun. Stanton referred to page four of the staff report pertaining to redevelopment and asked if a house burned down, would they have to rebuild it in a certain manner. She said they would develop the policy language later and suggested that they put it in their own ideas.

Coun. Stanton asked how many of the houses had porches and pillars.

Fryer said the majority of them had posts or pillars and it was typically a bungalow style.

Coun. Stanton asked if she meant the majority of homes in the district had posts and pillars.

Fryer replied the majority of the historic homes did have posts and pillars, but she did not know about the other homes.

Fryer explained that Goal 5 did not mandate some of these suggestions, but the City could as part of a design district. She said it would apply to all structures in the district and they wanted to regulate not only the historic structures but to allow properties to redevelop in a manner that would not compromise the design of the historic homes.

Coun. Stanton said if the State did not mandate it, how could they mandate homeowners.

Mayor Drake explained that there was a heritage that belonged specifically to Beaverton. He noted that Beaverton did not have a historic downtown as most other cities did and this was a way to maintain the character of the area, even though the State did not require it.

Fryer noted that said within the design district, there were not only the older homes, but homes that had been built throughout the years and even new homes.

Coun. Soth said he was not in favor of any direct payment to homeowners. He noted that part of this district would be in the Regional Center that required higher densities, and wondered how Fryer would reconcile those issues.

Fryer responded that they expected development in the district would probably be row houses, and most of those incorporated the design requirements. She noted they had several architects on the committee and they thought the design elements could be easily included in those buildings.

Coun. Soth explained he was not as concerned about the architectural details as he was with the Metro 2040 requirements for density. He said with the Regional Center zoning, it would not be all single family. He noted that with the new library there would also be the impetus for development,

and he wondered how many of the properties were in absentee ownership.

Fryer said the redevelopment of the area was the exact reason they wanted the design district, and noted that both Commissions felt it was important to maintain the integrity regardless of the mandate from Metro. She said regardless if they have the design district overlay, it would not preclude consolidation, and the Regional Center property only covered about 15 blocks north/south and one half mile east/west. She said the idea was to help preserve the few resources in the overlap area.

Coun. Soth said he understood that, and with the option to opt-out, particularly those in the absent situation, they would say to forget it. He said that needed to be looked at and they needed to make accommodations for the property owners so they would not opt-out.

Fryer said the majority of historic homes, were being used as homes, but she did not know which homes were rentals.

Coun. Soth said he would need more information before he could make a justifiable decision. He commented that a 2x4 balcony was not a front porch and it needed to be at least 40 feet wide and several feet deep to accommodate rocking chairs.

Coun. Doyle said he did not have a problem with proposal one, the design process, or fee waivers, but agreed with Coun. Soth regarding direct payments to property owners. He asked how many historic properties there were in that area.

Fryer said the City had about 49 resources on the list and were looking at adding about 41 more. She noted that many owners might not choose to stay on the list or join the list.

Coun. Doyle referred to No. 5 in the staff report (Design District), and asked if there was a similar district in any city near Beaverton. He asked if there was someplace where it could be seen in action.

Fryer said there were other design districts but not historic design districts, in this area. She explained that the historic resources were scattered around the City because it was a farming area and not bunched together such as in Oregon City.

Coun. Doyle asked if they chose to move ahead, would there be public hearings.

Fryer stated that they would hold a preliminary Open House.

Coun. Doyle stated that given the novelty, he thought they would have to make extra effort to contact people to make sure they were notified. He

said if they did not go with something like this, with the overlap with the Regional Center District, then he suggested they eliminate the overlap.

Coun. Yuen commented that he supported numbers 1, 2, and 3; and 4 had some merit. He noted he was opposed to the City telling people they had to do something without paying them to do it. He referred to number 5 and said it was interesting to him. He pointed out that there were other cities in the region that seemed to have design districts. He mentioned a town in Washington (where his wife grew up) that had developed a real jewel of an area that was much smaller, but had a sense of community pride.

Coun. Yuen said what the City suffered from was a lack of ambition, and if they were going to do a design district it should include the businesses as well as residential and if they didn't include businesses they would not know they were in a design district. He suggested the Regional Center should be included as well and they should go beyond the open house concept and form a vision committee (such as the Vision 2000 committee) and go within the district and ask them to form one. He commented that if there was interest they would have a committee and if there was no interest they would know they had a dead issue.

Coun. Doyle recalled that in the Metro 2040 process they had a slide show, and they should have learned from those slides that good design was the key, and they needed to see how the elements that were there came together. He said he was concerned about not having attached garages, and explained that they needed to accommodate 2040, but they could not say people had to have small lots and not have attached garages. He suggested they could form a local design review board.

Coun. Brzezinski stated that she supported numbers 1 and 2 in the staff report. She referred to number 3, Fee Waivers, and suggested they should put something in the budget so people could draw from it, rather than a waiver of fees. She noted that she was thinking in the same terms as Coun. Yuen, which was that on the surface she was not really enthusiastic, but she might be swayed. She said she was impressed with Coun. Yuen's comments on number 5. She said she heard others talk about not having the Regional Center overlap, but thought there should not be too much demarcation between commercial and residential. She commented that she was not as opposed to having them overlap as others were.

Coun. Stanton asked about Fanno House and about the library. She noted that numbers 1, 2 and 3 were related to the historic district, and number 5 went beyond that to the design district and felt it should be separated out. She noted that she was comfortable with the first three items and had mixed feelings on number 4, and wondered what they would be giving up to use the funds for that. She said as for the design district, they had encompassed a lot of buildings, and she was not comfortable with telling people that their houses had to be built in a certain style.

Coun. Yuen said for clarification and because of the disbursement of the different housing styles he would be concerned about having new homes built as pseudo-historic homes. He noted he was concerned that people might confuse which were really historic and which were new, built to look like they were historic.

Mayor Drake said he agreed that the Regional Center line was irregular, and needed to be clarified. He commented that he strongly supported numbers 1 through 3, and also agreed with Coun. Yuen's point about false designs that created an illusion that something was historic that was really new construction. He noted that the area was in transition, and there was a lot of pressure being applied that there were some rundown buildings that needed to be addressed. He said he would not want to restrict, what their options were. He suggested there needed to be a way to encourage appropriate redevelopment.

Coun. Soth commented that if they checked into the ages of the housing stock in the proposed design district, they would find those homes east of Washington or Watson from Fifth Street south were built immediately after World War II. He said the earlier portion was on the west side of Watson from Seventh Street.

Coun. Doyle proposed reevaluating the idea of what was considered historic. He said Coun. Yuen made a good point in suggesting they include the businesses. He reminded Council this was a recommendation to be flexible, and not be inconsistent and he suggested using the word "recommends" rather than "requires."

Mayor Drake said there were some great ideas and staff would come back in the future.

Coun. Soth agreed with Coun. Yuen that a committee should be formed.

ORDINANCES:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in ABs 99-80 and 99-111 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. Yuen Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

First Reading:

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

99-80 An Ordinance Amending the Beaverton Code By Adding New Provisions to Chapter Four Relating to Telecommunications Service Providers

Pilliod noted that they had received some minor changes to the ordinance in AB 99-80, and reviewed the changes as noted in the referenced material (in the record), and read the changes and noted their locations in the ordinance. He stated they provided a revised ordinance consistent with the changes and would also confirm those changes with GTE who had originally submitted them.

Coun. Soth clarified the correct motion for this situation, would be to, at the next reading they should adopt the amendments and then it would passed as amended.

Coun. Yuen said he was very uncomfortable with all the changes, and asked why the ordinance could not have been completed and then gone through. He wondered if it should be set apart and done later.

Mayor Drake asked if it had to be dealt with on first reading that night, and if there was a deadline. He said he thought that those who were most concerned had given their input and noted that US West was present that evening. He said he recognized Coun. Yuen's concerns and perhaps a little more time was needed to make sure all concerned parties were satisfied or at least not to proceed that night so Council had more opportunity to look at the changes.

Pilliod responded that there was no particular deadline they were trying to meet. He said it was his understanding that after the March 31 meeting there were concerns expressed by GTE and following that there was discussion of the ordinance that the City had prepared at that time as well as a letter from GTE expressing particular details. He said GTE went so far as to produce language that staff incorporated into the ordinance. He noted that the City then shared the ordinance as amended by GTE's suggestions with them. He said they did not get a call back from GTE and if they had connected back up with the City there would have been a negative or positive response with finality. He went on to say there was no reason not to go forward, it was legal to proceed with amendments, if that should become necessary, but it was not expected. He specified that this was the final ordinance.

Bill Scheiderich, Assistant City Attorney said he had received calls from providers that requested negotiating a franchise.

Mayor Drake said that if they delayed a week it would just delay those who wished to negotiate a franchise by a week.

Coun. Yuen said he did not want to delay the ordinance, he just did not like negotiating it up to the time they read it. He said it should be like a contract and have a deadline. He stated he did not want to see another one like this.

Mayor Drake responded that it seemed like a fair criticism.

Pilliod read the following ordinance for the first time.

- 99-111 An Ordinance Amending Ordinances Nos. 3974 and 3988, Modifying Rezone 960008 and 970001 Decisions by Removing the Condition that Restricts Retail Trade; RZ980023 (Corridor Court Modify Rezone); APP99005

OTHER BUSINESS:

Coun. Brzezinski referred to information included with the telecommunications ordinance materials (in a memo dated April 2, 1999) about House Bill 3345, which if enacted would revoke franchise fees. She wondered if as a City they were doing anything about that, and said she assumed the City was opposed to it.

Mayor Drake said he had called Rep. Strobeck and had not heard back. He said he asked why the League of Oregon Cities (LOC) had not had an opportunity to comment on something as major as the change the representative was proposing.

Coun. Stanton asked if HB 3345, would revoke all franchise fees.

Coun. Brzezinski said franchise fees would be replaced by a one-time license.

Mayor Drake said he thought Rep. Strobeck might be involved and he would wait for his reply. He commented it would have serious consequences for the City.

Coun. Stanton said she assumed that Sarah Hackett with the Metropolitan Area Communications Commission had contacted the LOC.

Mayor Drake said he thought LOC was aware of the situation.

Mayor Drake said regarding the meeting with the Chamber of Commerce, and noted that June 7 or 14 would be available.

Consensus was that June 7 would be best.

Coun. Brzezinski noted that it would probably be impossible to find a date where everyone would be available.

Mayor Drake reminded the Council that May 14, was the third annual Washington County "Say No to Drugs" march, which started at 10:00 a.m. on the Tektronix Campus.

Mayor Drake announced a dance in support of Special Olympics on May 15, at 8:00 p.m.

Pilliod said he had a memo from Bill Kirby, Assistant City Attorney, to the Council relative to some information or request that was made by a citizen. He passed the memo and the request to the Council.

EXECUTIVE SESSION:

The executive session was canceled.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:45 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 30th day of August, 1999

Rob Drake, Mayor